

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

Award No. 35041  
Docket No. SG-35443  
00-3-99-3-346

The Third Division consisted of the regular members and in addition Referee Robert Richter when award was rendered.

(Brotherhood of Railroad Signalmen

**PARTIES TO DISPUTE:** (

(CSX Transportation, Inc. (former Chesapeake and Ohio  
( Railway Company)

**STATEMENT OF CLAIM:**

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the CSX Transportation Company (C&O):

Claim on behalf of J.G. Coates, assigned to the position of Independent Maintainer, for 35 hours at his straight time rate, R.M. Smith, Jr. and C.A. Simpson, Jr., signal employees assigned to the maintenance force, for payment of 37 hours each at their respective straight time rates, and T.L. Crisp, assigned to the position of Independent Maintainer, for 15 hours at his straight time rate, account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule, when it used outside forces to install warning signs with phone numbers and DOT crossing numbers at highway crossing locations on their respective maintenance territories, starting in December, 1997 and continuing through January 1998. Carrier’s File No. 15(98-248, 223, 224, 249, 264). General Chairman’s File No.98-59-CD. BRS File Case No. 11003-C&O.”

**FINDINGS:**

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The claim in this case is similar to the claim in Third Division Award 35039. The parties are the same and the arguments similar. For the reasons set forth therein this claim is denied.

**AWARD**

Claim denied.

**ORDER**

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**By Order of Third Division**

Dated at Chicago, Illinois, this 25th day of October, 2000.