

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

Award No. 37063  
Docket No. SG-36826  
04-3-01-3-355

The Third Division consisted of the regular members and in addition Referee James E. Mason when award was rendered.

**PARTIES TO DISPUTE:** (Brotherhood of Railroad Signalmen  
(Union Pacific Railroad Company)

**STATEMENT OF CLAIM:**

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad Company:

Claim on behalf of R. R. Siders, J. W. Braden, B. J. Ward, D. H. Richey, M. J. McNace, J. G. Jensma, and J. J. Lizotte, for payment of 32 hours each at the straight time rate. Account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule, when it allowed outside forces to install ‘Automated Horn Systems’ and strobe lights to work in conjunction with the Highway Crossing Warning Systems at two locations in Ames, Iowa on April 4 and 5, 2000. This action deprived the Claimants of the opportunity to perform this work. Carrier’s File No. 1234313. General Chairman’s File No. Nscope-077. BRS File Case No. 11631-UP.”

**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.

This is not a case of first impression. A similar claim involving the same parties and the same basic issues as are found in this case was decided by Third Division Award 36339.

The reasoning, conclusions and citations of authority as set forth in Award 36339 are, by reference, incorporated herein and are dispositive of this claim.

**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 22nd day of June 2004.