

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 43437  
Docket No. SG-44306  
19-3-NRAB-00003-170387**

**The Third Division consisted of the regular members and in addition Referee Paul Betts when award was rendered.**

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

**STATEMENT OF CLAIM:**

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

**Claim on behalf of C.F. Antonio, K. Boatright, D.L. Matheson, J.J. Perez, W.V. Warner, Jr., and A.J. Watson, for 1,824 hours at the Signalman’s time and one- half rate of pay to be divided equally among the Claimants, account Carrier violated the current Signalmen’s Agreement, particularly Rules 1, 65, and the Scope, when during the months of December 2015, and January and February 2016, Carrier permitted contractors to install cable trunking used exclusively for signal cable at Colton Hump Yard in Colton, California, thereby causing the Claimants a loss of work opportunity. Carrier’s File No. 1650652. General Chairman’s File No. UPGCW-Scope Rule, Rule 1-65-0303. BRS File Case No. 15683-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.**

**In the instant claim, the Organization alleges that during the months of December 2015 – February 2016, the Carrier violated the Agreement when it permitted an outside contractor to install cable trunking used to house and protect signal cable, causing the Claimants a loss of work opportunity.**

**The Organization argues a) the claimed work is scope-covered, as the installed cable was to be used exclusively to house and protect signal cable, b) the Carrier failed to provide any support that the work was for a mixed-use project to house both signal department and telecommunication department lines, and c) although the Carrier asserts the disputed work is not scope-covered and maintains others have performed the work, they failed to provide any documentation to support their position.**

**The Carrier argues a) the work was a mixed-use project which was performed to house and benefit both signal department and telecommunications department cables/fiber optic lines, b) the contractor did not handle and/or connect the signal cables, or otherwise impact the signal system, c) the trunking channel project is no different than the “boring” projects which the Third Division has unanimously held is not scope-covered work, d) the Carrier has an established mixed practice of using its own forces and/or contract forces for trunking channel projects, and e) the claim is excessive and creates a windfall for the Claimants.**

**The record reveals that the contracted trunking work here was a mixed-use project to house both signal and telecommunication department cables/fiber optic lines. The Carrier provided the Board with a number of decisions from the Third Division supporting its right to have an outside contractor perform trunking work designed to house different types of cables/lines that will benefit several Carrier departments (see Third Division Awards 43152, 43177, 43178, 43179, 43180, 43185, 42566, and 42568). Such is the case here. The Board is not inclined to deviate from these reasoned decisions. Based upon a thorough review of the record, the Board finds the Organization failed to meet its burden, and the claim must be denied.**

Although the Board may not have repeated every item of documentary evidence, nor all the arguments presented, we have considered all the relevant evidence and arguments presented in rendering this Award.

**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 1st day of March 2019.**