

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 45527  
Docket No. SG-48067  
26-3-NRAB-00003-230634

The Third Division consisted of the regular members and in addition Referee Daniel F. Brent when award was rendered.

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

**STATEMENT OF CLAIM:**

“Claim on behalf of B.T. Cantrell, W.D. Holloway, J.J. Meyer, Z.L. Milligan, D. Parker, and J.G. Weltsch, for 40 hours each at their respective straight-time rates of pay; account Carrier violated the current Signalmen's Agreement, particularly the Scope Rule, when, beginning on December 12, 2022, Carrier permitted contractors from Gries Construction to distribute rock around signal equipment at multiple crossings on the Little Rock Subdivision, thereby causing the Claimants a loss of work opportunity.

Carrier's File No. 1781694, General Chairman's File No. S72-SR-375, BRS File Case No. 6211, NMB Code No. 312 - Contract Rules: Scope.”

**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 instant dispute involves the Organization's claim that the Carrier improperly used a contractor to distribute rock around signal equipment at multiple crossings on the Little Rock Subdivision beginning on December 12, 2022. According to the Organization, the rock was distributed as part of the installation of new crossing signal equipment. The Carrier contends the Organization does not enjoy exclusive jurisdiction over the disputed work. However, the issue of exclusivity is relevant in disputes between two or more bargaining units of Union Pacific employees, not when outside contractors are engaged to preform work otherwise preserved to Carrier employees.

If the distribution of rock was part of the initial installation of a crossing signal, the BRS represented Signalman classification would be entitled to perform all signal-related operations. Conversely, if the distribution of rock was part of a landscaping or soil erosion control project not limited to signal equipment and appurtenances to such equipment, then contractors may be assigned to such landscaping duties. The Organization's grievance as submitted to this Board has not addressed the building of berms or foundations as alleged in the Carrier's response to the grievance. Photographs in evidence show contractor employees and equipment distributing and grading rock immediately adjacent to the signal equipment depicted. The Organization has demonstrated that the rock was distributed in connection with installation or maintenance of crossing flashers and gates, signal housing, and signal apparatus as listed in Scope Rule 5. The Carrier has not met its burden to demonstrate that the disputed work falls within the Scope Rule exception for "erection and maintenance of buildings or precast foundations purchased from manufacturers". Thus, the disputed work falls within the ambit of worked preserved by the Scope Rule for the BRS-represented bargaining unit, mandating that the Organization's claim be granted.

Claim sustained. The Carrier shall pay Claimants B.T. Cantrell, W.D. Holloway, J.J. Meyer, Z.L. Milligan, D. Parker, and J.G. Weltsch, for 40 hours each at their respective straight-time rates of pay.

**AWARD**

Claim sustained.

**ORDER**

**This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.**

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

**Dated at Chicago, Illinois, this 27th day of January 2026.**