

PUBLIC LAW BOARD NO. 5943

PARTIES) BROTHERHOOD OF LOCOMOTIVE ENGINEERS
TO)
DISPUTE) UNION PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM

Claim of Engineer C. J. Wade for removal of Level 1 Letter of Reprimand as a result of an investigation on March 8, 1995 for delaying an assignment by consuming approximately one hour and thirty minutes (1'30") while transversing between T&NO Jct. and C.P. 208 (SP Rabbit) in operating BLHO-12 across the HB&T on January 13, 1995.

OPINION OF BOARD

Claimant received a letter of reprimand for delaying an assignment.

The Carrier's statement of facts is as follows (Carrier Submission at 2-3):

On January 13, 1995, Engineer Wade was operating the BLHO-12 across the HB&T transversing between T&NO Jct. and C. P. 208 (SP Rabbit). Engineer Wade, the Claimant in this case, used 1 hour and 30 minutes making this move.

In approaching the T&NO Jct., Claimant had three red blocks and made a stop. At this time the Brakeman got off, lined the switch, unlocked it, lined it for movement, the Claimant then proceeded one engine length across stopped, re-

aligned, and restored it to power. The Conductor, on the second switch, went out the front door and started to walk up to inspect the second switch and Claimant was flagged on.

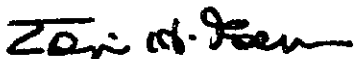
After proceeding from the second signal, Claimant received permission from RTC to pass the next two signals displaying stop and take the first switch off of hand power, lining it by hand for movement, restoring it to power and then proceeding on. Claimant then stopped at Lyons and had a red block at the SP Rabbit (an intersection with SP trackage) where Claimant waited for approximately 15-20 minutes. Once Claimant received the signal at the Rabbit, Claimant flagged Lyons Avenue and proceeded through the interlocker, proceeded past another interlocker and stopped at the Rabbit intersection. Claimant then approached Belt Jct., and notified the Conductor to call RTC and remind them of the time. Claimant got on the radio, called RTC but received no response. Claimant then came around the wye and called RTC to inquire if Claimant and the crew were getting short on time. RTC had Claimant lined in through the rabbit, across Hirsch Jct. and into Pierce yard where Claimant was to yard the train at Pierce 9. Claimant called RTC to see if he should proceed into the yard and was not given any instructions from RTC. Claimant then secured the train and called Settegast Yard. A limo was sent and Claimant and crew proceeded on to the depot by limo.

When asked if he ever paid any attention to the speed recorder on the engine, claimant stated that there is a 10 mph curve coming around through North GH&H and the start of a speed restriction. At that point in time Claimant recalls going approximately 5 mph.

Substantial evidence does not support the Carrier's position that Claimant's operation on January 13, 1995 between T&NO Jct. and C.P. 208 (SP Rabbit) from 5:30 a.m. to 7:00 a.m. was "excessive". Instead, the record shows consistent with the Organization's position that Claimant was operating at a restricted speed over territory which included stops for red signals and lining switches. The discipline shall be rescinded.

AWARD

Claim sustained.



Edwin H. Benn
Neutral Member



Carrier Member



Organization Member

Dated: 11/16/95