

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT
OF CLAIM:

Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the effective Agreement by allowing the erection of a warehouse on the Carrier's property by the S. R. Brumm Construction Company at its old Broadway Yards, Kansas City, Missouri, on or about November 1, 1958.
- (2) Certain identified employees from the Bridge and Building Department in this Kansas City area be now compensated at their respective pro-rata rates for an equal proportionate share of the number of man hours spent by the contractor's forces in the construction of the building referred to in Part 1 of this claim.

FINDINGS: In this case there was no construction by the Carrier. All it did was to lease land to a separate corporation known as the Missouri Pacific Freight Transport Company, which conducts a motor freight operation. That corporation contracted for the erection of a building upon the land which it so leased and this Carrier has no responsibility for either the construction or maintenance of such building.

It seems obvious that the agreement of this Carrier with this Organization does not extend to the operations of such other corporation and hence cannot govern who should perform construction work for it.

AWARD: Claim denied.

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(s) Dudley E. Whiting
Dudley E. Whiting - Chairman

(s) A. J. Cunningham
A. J. Cunningham, Employee Member

(s) G. W. Johnson
G. W. Johnson, Carrier Member

St. Louis, Missouri
November 4, 1959