

C O P Y

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 366

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees	}	Case No. 16
and		Award No. 16
Southern Pacific Lines in Texas and Louisiana (Texas and New Orleans Railroad Company)		

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the effective Agreement by failing to assign B&B forces to the work of installing two concrete culvert pipes under the Carrier's tracks on the F&A Branch line on July 14 and 16, 1959.

(2) That B&B Mechanics and Helpers in Gang No. 4 on the Lafayette Division, namely:

Paul Theriot	- B&B Mechanic	John Bertrand	- B&B Mechanic
J. J. Lasserre	- B&B Mechanic	M. Larmond	- B&B Mechanic
C. J. Larmond	- B&B Mechanic	Henry LaGrange	- B&B Mechanic
Paul Domingue	- B&B Mechanic	Joseph Patin	- B&B Mechanic
Horace Patin	- B&B Mechanic		

be allowed 8 hours each at their respective pro rata rates of pay on each of these dates July 14 and 16, 1959, account of this referred to violation of the Agreement.

FINDINGS:

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

From the record in this case, the Board finds that the Carrier granted the State of Louisiana an easement for public road purposes to a tract of land 80 feet in width across 100 feet of railroad right of way. In return, the State agreed to install at its own expense the necessary and adequate drainage structures as a part of the highway improvement program. The Carrier had its Station Section Gang remove and replace the rails. For this work, they were reimbursed by the State of Louisiana. The work complained of in this docket was not work belonging to the employees of the Maintenance of Way.

AWARD: Claim denied.

(s) Thomas C. Begley
Thomas C. Begley, Chairman

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

(s) L. C. Albert
L. C. Albert, Carrier Member

Dated at Houston, Texas
December 17, 1962.