

SPECIAL BOARD OF ADJUSTMENT 1110

Award No. 64
Case No. 64

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees
and

CSX Transportation, Inc. (former Seaboard Coastline
Railroad Company)

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

1. The Agreement was violated when the Carrier assigned outside contractors (Midway Construction and Dillard Construction) to grade and level the right of way, unload and distribute switches, rail crossties, tie plates and other material between Mile Posts SG 537.9 and SG542.0 on the Abbeville Subdivision from June 16 through August 12, 1997 and continuing [System File 22(5)(97)/12(97-2689) SSY].

2. As a consequence of the violation referred to in Part (1) above, General Subdepartment, Group A Operators H. J. Walls, M. D. Moore, J. W. Sumner and W. A. Busby shall each be allowed an equal proportionate share of the one thousand three hundred sixty (1,360) straight time man-hours expended by the outside contractors and an equal proportionate share of the nine hundred sixty (960) overtime man hours expended by the outside contractors.

FINDINGS:

This Board, upon the whole record and all of the evidence, finds and holds as follows:

1. That the Carrier and the Employees involved in this dispute are, respectively, Carrier and Employees within the meaning of the Railway Labor Act, as amended,; and

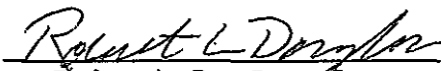
2. That the Board has jurisdiction over this dispute.

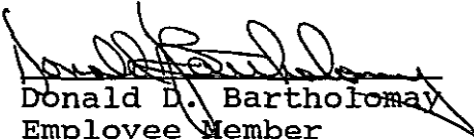
OPINION OF THE BOARD:

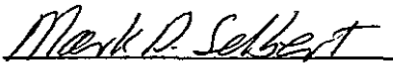
The submissions in the present dispute reflect an ongoing factual dispute between the parties concerning the adequacy and availability of properly skilled employees and the adequacy and availability of the appropriate equipment to perform the disputed work. As a result of the unusual and continuing significant factual dispute in the record involving this matter, no basis exists to resolve the disagreement between the parties.

AWARD:

The Claim is dismissed in accordance with the Opinion of the Board.


Robert L. Douglas
Chairman and Neutral Member


Donald D. Bartholomay
Employee Member


Mark D. Selbert
Carrier Member

Dated: Nov. 2, 2000