

SPECIAL BOARD OF ADJUSTMENT NO. 132

PARTIES: THE ORDER OF RAILROAD TELEGRAPHERS
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 58

STATEMENT
OF CLAIM:

1. Carrier violated the agreement between the parties hereto when on September 8, 1953, it caused, required and permitted train service employes not covered by the Telegraphers' Agreement to handle (receive, copy and deliver) Forms A, obtain train line-ups, and clear trains over the telephone at Gray or Ellicott City, Maryland.
2. Carrier be required to permit a joint check of its records to determine the number of violations occurring subsequent to September 8, 1953.
3. Carrier be required to compensate the senior idle telegrapher (extra in preference) for one day's pay (8 hours) on September 8, 1953, and all subsequent dates on which a joint check of records shows agreement to have been violated.

FINDINGS:

Gray and Ellicott City, Maryland are two points within one mile of each other on the Carrier's Baltimore Division. Gray, the more easterly of these two points, is located approximately 6.9 miles west of HX Tower. There has been no operator stationed at either Gray or Ellicott City since early 1920, with the exception of an 11 month period in 1942-1943 when a 3 trick office was established at Gray to handle increased traffic resulting from the war. A local doing industrial work in the area secured permission (apparently from the operator at HX Tower) to use cross overs, obtained information with respect to trains operating in the area and secured clearance to leave the industrial tracks.

For reasons indicated in our Findings in Docket No. 1 we find that the spur track exception in Article 35 applies here. Accordingly, the claim must be denied.

A W A R D

Claim denied.

/s/ Francis J. Robertson
Francis J. Robertson,
Chairman

/s/ B. N. Kinkead
B. N. Kinkead
Employee Member, Dissenting

/s/ T. S. Woods
T. S. Woods
Carrier Member

Dated at Baltimore, Maryland this 24th day of
April, 1957.