

SPECIAL BOARD OF ADJUDTMENT NO. 285

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

vs.

READING COMPANY

Award No. 8

Case No. 8

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood:

(1) That the Carrier violated the effective Agreement when on March 17, 1958, and continuing, it assigned the work of protecting the grade crossing at Swatara St., Tamaqua, to others than crossing watchmen.

2. That crossing watchmen on the Shamokin Division be paid the equivalent number of hours spent by the members of the train and engine crews in protecting this crossing with a minimum of one "call" for each day this violation occurred until this practice complained of is discontinued.

OPINION OF BOARD:

Carrier's grade crossing at Swatara Street, Tamaqua, Pa. had been protected by automatic flashers for a number of years. In addition, a crossing watchmen covered by the subject Agreement was assigned to protect this crossing at specified hours when the public schools were in session. Early in 1958 the Carrier made application to the Pennsylvania Public Utility Commission for discontinuance of this protection by watchmen. The Commission approved this discontinuance, provided a member of the train crew would precede and flag every movement of locomotive, car or train across this point to warn the public of rail traffic. Pursuant to this Commission action, Carrier abolished the crossing watchman position in question. Claim then was filed that Carrier violated the Agreement by removing work from the scope thereof.

"Crossing and other Watchmen" are specified in Rule 1(Scope) of the subject Agreement. It is established, however, that for many years Carrier has provided protection at numerous crossings by other means than by use of watchmen. Automatic signals are used exclusively at some crossings, while train crews are utilized at other points, as is now the case at the disputed crossing. Moreover, the record shows that in the past, the Carrier has replaced crossing watchman assignments with the use of train crews, in flagging for their own trains, as in the subject instance. A denial award is required.

AWARD:

Claim denied.

(s) Lloyd H. Bailer

Lloyd H. Bailer, Chairman

(s) A. J. Cunningham

A. J. Cunningham, Employee Member

(s) H. F. Wyatt, Jr.

H. F. Wyatt, Jr., Carrier Member

Philadelphia, Pa.
June 26, 1959