

SPECIAL BOARD OF ADJUSTMENT NO. 306

THE ORDER OF RAILROAD TELEGRAPHERS

VS.

THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY

STATEMENT  
OF CLAIM:

"1. Carrier violated the prevailing Agreement, and continues to violate same each day at Whipple, R.I. when it permits or requires operators of motor track cars and/or conductors of trains to obtain from the train dispatcher, by telephone, permission to move train or motor car past a fixed signal indicating "Stop" and obtain permission to enter the main track under manual block rules by communication with train dispatcher between the hours of 5:15 a.m. and 1:15 p.m.

2. On each occasion commencing April 1, 1959, that employes outside the coverage and scope of the Telegraphers' Agreement, by telephone, perform service covered by the Agreement, the regularly assigned operator at Whipples, R.I., G. W. Smith, R. Monast, or such other employes under the Agreement, who may be assigned to the position of operator, Whipple, R. I. shall be compensated in accordance with the terms of Article 7 of the Agreement."

FINDINGS:

Carriers line between Boston Switch and South Worcester is double track North from Boston Switch to Whipple and single track from there to South Worcester. It is automatic block signal territory and at Whipple there is a spring switch and a stop signal for northbound traffic.

Until January 20, 1959 operators were assigned at Whipple 5:15 A. M. to 1:15 P.M. and 1:15 P.M. to 9:15 P.M. Thereafter the first shift position was abolished. There is one freight train regularly operated northward during the hours of the abolished trick. It operates on train order issued at Valley Falls, stops for signal at Whipple where the conductor calls the dispatcher from a pole box, as required by Operating Rule 509, reports signal against him and, if advised there is no opposing train in the block, proceeds at restricted speed.

It appears that regardless of the terminology used, there is here a signal controlling entry into a block not actuated automatically which requires approval of the dispatcher to enter the block, or having train preceded by flagman. When the procedure of contacting the dispatcher is utilized, the result simply is the establishment of a manual block within automatic block territory. This contact with the dispatcher

and clearance to proceed was and is handled by the operator when on duty and is work reserved to telegraphers under the circumstances shown.

AWARD: Claim sustained.

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/s/ Dudley E. Whiting  
DUDLEY, E. WHITING, REFEREE

/s/ Russell J. Woodman  
RUSSELL J. WOODMAN, Employee Member

/s/ J. J. Duffy  
J. J. DUFFY, Carrier Member

DATED: June 13, 1961

