

Award No. 8
Case No. 8
ORT Case No. 1833 (TE-8413)

SPECIAL BOARD OF ADJUSTMENT NO. 310

The Order of Railroad Telegraphers
and
The Pennsylvania Railroad Company

STATEMENT OF CLAIM: "Claims of William Shoop and various other Telegraph Department and employes, account of using a Yard Conductor at Fernwood, January 14, 15, 16 and 17, 1953."
(Philadelphia Terminal Division - System Docket No. 201)

FINDINGS:

We are here concerned with operation of shuttle trains, during an emergency caused by a strike of local Philadelphia transit facilities, over the main tracks between Suburban Station and Fernwood. Outward trains were required to use the crossover west of Fernwood from the Southbound main track to the Northbound main track.

The Agreed Upon Facts also states:

"A Yardmaster was assigned to station himself at the crossover switches at Fernwood to take charge of the operation at that point. Also a Maryland Division conductor was also assigned to handle the crossover under the direction of the Yardmaster.

"This conductor, by the use of a telephone, secured permission from Wawa Block Station to cross these trains over from the Southbound to the Northbound, and after they had crossed over, he cleared these trains with the Operator at Arsenal Block Station."

Organization argues:

"The Carrier freely admits that an employee, not a telegrapher but rather a Trainmen (which the Carrier prefers to call a 'Special Duty Conductor') did perform the described duties at Fernwood, report when the crossover was made, and report the track clear after the moves had been completed. We reiterate that this so-called 'Special Duty Conductor' was not a crewman of any of the trains involved. It is obvious, therefore, that he did act as a 'Signalman' and did perform duties which a 'Signalman' operator would have performed at Fernwood x x x."

2. "The trains involved were operated as passenger Extras from Fernwood. Rule D-97 provides that trains shall be notified by the Signalman unless specified on time table. Who, then, notified the trains at Fernwood to operate as Passenger Extras? The answer is - the Yardmaster and/or the 'Special Duty Conductor'".

AWARD

Claim sustained.
Signed this 10th day of April, 1961.

/s/ E. A. Lynch
E. A. Lynch, Chairman

/s/ C. E. Alexander
C. E. Alexander, Carrier Member

/s/ R. J. Woodman
R. J. Woodman, Employee Member