SPECIAL BOARD OF ADJUSTMENT NO. 355

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

AWARD IN DOCKET NO. 256

STATEMENT   1. Carrier violates the Agreement between the
OF CLAIM: parties when, on January 7, 8, 15, 19, 22, 27,
               February 1, 3, 4, 9, 1960 and subsequent dates,
               it requires or permits others not covered by
               said Agreement to use the telephone in con-
               nection with movements over the B&O-NYC crossing
               at AK Tower, Ohio.

             2. Carrier shall compensate Operators in the amount
               of a day's pay (8 hours):

               J. L. Ramey   1/ 7/60
               H. B. Drees   1/ 8/60
               T. G. Vannoy   1/15/60
               R. M. Vannoy   1/19/60
               G. R. Parry   1/22/60 and 2/4/60
               J. A. McDaniel   1/27/60
               L. E. Price   2/ 1/60 and 2/9/60
               J. R. Bradley   2/ 3/60

               and compensate an idle operator in the amount
               of a day's pay (8 hours) on each subsequent
               date each violation occurs.

FINDINGS: A New York Central train, on NYC tracks, crossing
          over B&O tracks has no relation to a B&O train
operating on B&O tracks within CTC territory, insofar as Award
No. 59 of SBA No. 152 is concerned. In our Award in Docket
192 we said:

   "In the course of their movement, these NYC trains
   cross the B&O tracks at Troy. And these claims arise
   because these NYC crews telephone the B&O dispatcher
   for permission to cross the B&O tracks at that point.

   "Thus, we do not have here the same situation upon
   which our prior Awards relating to use of the telephone
   within CTC territory were predicated, and a sustaining
   Award is required where such violations are shown to
   have been committed by a New York Central crew."

We sustained the Organization under identical circumstances
in Docket No. 192. We will do likewise here.

A W A R D

Claim sustained. Subsequent dates to be handled in the manner
established under prior Awards of this Board.

Edward A. Lynch
Chairman

C. R. Pressly
Employee Member

E. E. Plitt
Carrier Member

Dissenting

Dated at Baltimore, Maryland
this 16th day of September, 1964.