

SPECIAL BOARD OF ADJUSTMENT NO. 355

CASE NO. 6
AWARD NO. 5
ORT FILE: 2406

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

AWARD IN DOCKET NO. 5

STATEMENT
OF CLAIM:

1. Carrier violated the agreement between the parties hereto when on December 5, 6, 8 and 9, 1956, it caused, permitted and required train service employees not covered by the Telegraphers' Agreement to secure over the telephone from "MO" Tower, Clarksburg, permission from the operator at "MD" Tower, Clarksburg, West Virginia to enter the main track from yard tracks, permission to cross from one main track to another, figures on trains, and permission to enter the main track and proceed east to Grafton.

2. Carrier shall compensate an idle telegrapher (extra in preference) for pay for one day (8 hours) on each date hereinbefore listed.

FINDINGS:

Here we have a situation with two towers, J and MO flanking MD tower by .5 and 1.4 miles, respectively, at Clarksburg. J and MO towers were closed July 6, 1954 and the interlocking of these towers was remotely controlled from the remaining MD tower.

Organization asked for and received a rate increase for the operators at MD tower. In its letter approving such increase, Carrier noted that "the operators at MD tower now control all movements on the main tracks in Clarksburg Terminal between the former locations of MO and J towers, a distance of approximately two miles."

Organization charges the violation occurred at MO tower when train service employees used the telephone there to secure permission from the operator at MD tower.

As we held in our Findings in Docket No. 1, we must hold here that a denial Award is in order because (1) no operator position has existed at MO tower since September 24, 1955, and it, therefore, is not a "station" within the meaning and intent of revised Article 35. It can be properly considered as being within the the "station limits" of MD tower.

AWARD

Claim denied.

/s/ EDWARD A. LYNCH
Edward A. Lynch,
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 31st day of August, 1961