

SPECIAL BOARD OF ADJUSTMENT NO. 498

PARTIES: BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

GREAT NORTHERN RAILWAY COMPANY

AWARD IN DOCKET NO. 15

STATEMENT

OF CLAIM: The claim in dispute has been identified by the Organization as follows:

"Claim of the System Committee of the Brotherhood that:

1. The Carrier violated the agreement when it assigned the work of dismantling Carrier-owned facilities at Pier 89, Seattle, Washington, to outside parties.

2. Each employe on Seniority District No. 8 who holds seniority either as a B&B Foreman, B&B Service Foreman, Assistant B&B Foreman, First Class Carpenter, Second Class Carpenter, Helper, B&B Pipefitter or B&B Truck Driver be allowed pay at their respective straight-time rates for an equal proportionate share of the total number of man-hours consumed by outside forces in performing the work referred to in Part (1) of this claim."

FINDINGS: It appears to be established by awards of the Third Division, N.R.A.B., that the construction, maintenance or demolition of premises owned by the Carrier but used by or leased to others for purposes other than the operation or maintenance of its railroad, is work not comprehended by the M of W Agreement.

That rule is obviously applicable to the property involved in this claim, which had never been used for the purpose of operating or maintaining the railroad, but had been constructed for and used by a lessee for its own separate purposes. Hence the claim is not sustainable.

AWARD: Claim denied.

Dated at St. Paul, Minn., this 26th day of November, 1963.

(s) Dudley E. Whiting
Dudley E. Whiting, Referee

(s) A. J. Cunningham
Organization Member

(d) T. C. DeButts
Carrier Member