

AWARD NO. 12
ITEM: 185

SPECIAL BOARD OF ADJUSTMENT NO. 541
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
AND
ERIE-LACKAWANNA RAILROAD COMPANY

STATEMENT OF CLAIM:

"1. The Carrier violates the effective Agreement by continuing to allow the operation of the Division Inspection Cars, so-called High-Rail Cars, by using the Assistant Division Engineer or other staff people as the operator. This violation began on August 6, 1963, and is continuing.

"2. A Class 4 Operator under the Scope of the Maintenance of Way Agreement be promptly assigned to this referred to work."

FINDINGS:

Track motor cars have been operated by Group 4 employees for a number of years as Division Inspection Cars which are covered by the applicable Agreement. Petitioner contends that hi-rail station wagons put into use by Carrier in the latter part of 1962 and in 1963 accomplished inspection purposes and are also within the Agreement's coverage.

Carrier has been using hi-rail jeeps for inspection and other purposes since June 13, 1961, with written consent of the Organization. Little difference is perceived between the operation and use of the hi-rail station wagons and hi-rail jeeps, so far as this case is concerned. Both are much lighter and more mobile than track motor cars and, unlike the latter may be operated readily on highway as well as rail.

In the light of these circumstances, we will deny the claim.

AWARD:

Claim denied.

Dated at New York, N. Y., this 27th day of August, 1964.

/s/ Harold M. Weston
HAROLD M. WESTON, REFEREE

/s/ Arthur J. Cunningham
ORGANIZATION MEMBER

/s/ R. A. Carroll
CARRIER MEMBER