

SPECIAL BOARD OF ADJUSTMENT 1063

Case No. 259
Award No. 259

PARTIES TO DISPUTE:

Brotherhood of Locomotive Engineers

and

Norfolk Southern Railway Company
Norfolk and Western Railway Company, et al.

STATEMENT OF CLAIM:

Claim of Chicago Engineer T. W. Rooks for the removal of thirty days actual suspension and pay for all lost time, assessed for his failure to ensure that Train Crew L99's shove movement on RI Lead, Pullman Junction, was properly protected, resulting in signal No. 512.2 being passed while displaying stop indication on October 2, 1995.

OPINION OF BOARD:

The origin of the problem for the claim before this Board was an operational move handled by Crew L99, an emergency yard crew, composed of a Fort Wayne Road crew needed in the Chicago Terminal because of a Yard Crew shortage. The movement required Train L99 to relieve another Relief Crew, cut off under the Hours of Service Law, in order to pull the BRC transfer cut back to Calumet. After securing the bulk of the train on H2 Main track, Pullman Junction, Crew L99 was instructed to take the head fourteen car cut to the Rock Island Lead. In carrying out these instructions, the Conductor of Crew L99 contacted the Conductor of Yard Assignment LC24 and made arrangements to shove the fourteen cars as agreed. Unfortunately, Crew L99, an emergency yard crew, was not familiar with the physical characteristics of the area, so in moving around the Rock Island Lead blind, Crew L99 went by a Stop signal, which is the reason for the discipline administered in this case.

The intriguing part of this operation was the Operator at Cummings Drawbridge had given the switches to Crew L99, but not the signal, because the Operator had not yet contacted the L24 crew, which, sad to say, was the crew acting as the seeing eyes for Crew L99 while the shove was made.

It is clear there was a break down in Rules compliance as stated by the Organization's representative. However, we believe it is necessary, in deciding the severity of the penalty, to factor in the unusual circumstances, principally the crew's

unfamiliarity with the physical characteristics of the territory over which they were called to operate. With that as our sextant, we believe the thirty days discipline should be reduced to fifteen days and Claimant compensated accordingly.

FINDINGS:

The Agreement was violated.

AWARD:

Claim sustained in accordance with the Opinion.

ORDER:

The Carrier will place the Award into effect within thirty (30) days of the effective date.

Dated at Norfolk, Virginia, this 30th day of April, 1998.

W. F. Euker
W. F. Euker, Neutral Member

S. R. Weaver
S. R. Weaver, Carrier Member

P. T. Sorrow
P. T. Sorrow, Organization Member