

Special Board of Adjustment No. 928

Case No. 59

Award No. 59

System Docket No. NEC-BLE-SD-217D

Parties to the Dispute:

Brotherhood of Locomotive Engineers, AFL-CIO
and
National Railroad Passenger Corporation (AMTRAK)

Statement of the Claim:

"Claim of Amtrak Passenger Engineer Thomas J. DeAngelis for the removal of the forty-five (45) day suspension imposed including full compensation for all time held out of work."

Opinion of the Board:

Claimant entered engine service on the New York, New Haven and Hartford Railroad as a Fireman on the Shore Line Division on August 26, 1955. He was promoted to Locomotive Engineer in July of 1968. He continued service with the Penn Central Transportation Company; and later with its successor, the Consolidated Rail Corporation, due to mergers. On January 1, 1983, Claimant became an AMTRAK employee.

On May 21, 1988, the Long Island Railroad transferred the location of Signal 6L in the Harold Interlocking (New York City) from a dwarf position (approximately 2' to 3' off the ground) and mounted it above on an overhead signal bridge (approximately 12' high). Signal 6L was placed into service by the Long Island Railroad on June 6, 1988. This change, however, was not reported to AMTRAK.

On Wednesday, September 7, 1988, Claimant was assigned as the Passenger Engineer operating AMTRAK Train No. 174. As a part of that particular assignment, Claimant was required to operate in an eastward direction at the Harold Interlocking. The specific details of Claimant's assignment that day (i. e. - on-duty time; reporting location; identity of the other members of Claimant's crew; and size of passenger complement) have not been included in the hearing record which has been presented. This particular section of track (i. e. - Harold Interlocking) is actually a section of the Long Island Railroad, which is operated over by AMTRAK trains on an irregular basis. As a matter of fact, Claimant had not operated over this particular section of track for approximately four (4) or five (5) years prior to September 7, 1988.

At approximately 2:16 PM on the aforementioned date, while Claimant was operating AMTRAK Train No. 174 in the area of the Harold Interlocking, he approached the switching area, running his Train at a very slow speed (which Claimant maintains was approximately eight (8) miles per hour),¹ while simultaneously searching for Signal 6L, which he understood to be a dwarf signal or pot signal; and which was supposedly located on the ground next to the track on the engineer's side of the engine. The weather was clear and sunny. Meanwhile, Claimant maintains that he was also watching the switches ahead of him to insure that they were aligned properly in order to enable him to properly traverse that particular section of track.

As noted previously, as of September 7, 1988, Carrier had not been notified by the Long Island Railroad of their having moved Signal 6L, and Carrier, in turn, did not issue a change of location bulletin to Carrier's train

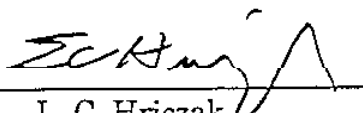
¹ The engine's event recorder speed tapes were later checked by Carrier but were found to be unusable because of an apparent malfunction of the recorder apparatus itself.


crews. Consequently, on the day in question, Claimant assumed that Signal 6L was still a dwarf signal, as it had been in the previous years when he operated over that particular area of track. While searching for Signal 6L on September 7, 1988, however, Claimant noticed that the forward switches were not aligned properly in order to grant his Train access to the Main Line; and, as a result, Claimant stopped his Train. Unfortunately, however, at that point, Claimant, by his own admission, had run past the red Signal 6L -- which was now located on the bridge above the track -- by approximately three (3) car lengths. Carrier contends that Claimant's Train ran past Signal 6L by approximately one thousand feet (1000').

As a result of his running through the red stop signal, Claimant was subjected to a drug/alcohol test (which he apparently successfully completed) in accordance with FRA regulations; and on that same day, he was immediately removed from service pending the conducting of a formal investigation in this matter.

On Friday, September 9, 1988, Carrier sent Claimant a certified letter directing him to attend a formal investigation on Tuesday, September 13, 1988, which was to be held in order to investigate the following charges:

- "1. Alleged violation of Rule 27 AMT-1, Amtrak Operating Rules and Instructions which states in part 'The absence of a fixed signal at a place where it is usually shown must be regarded as the most restrictive indication that can be given by that signal,' in that you allegedly operated your train #174, engine 935 past signal #6L displaying Stop, Line #2, Harold Interlocking at approximately 2:16 p.m. September 7, 1988.
2. Alleged violation of Rule 629 AMT-1, Amtrak Operating Rules and Instructions which states in part 'Trains must not pass an interlocking signal indicating Stop, except when authorized by a Clearance Permit Form C, in that you allegedly passed signal #6L, Line #2 Harold Interlocking, displaying Stop without authority, while operating train


L. C. Hriczak
Carrier Member


J. A. Cassidy, Jr.
Organization Member

Issued in Columbia, Missouri on October 15, 1994.