

PUBLIC LAW BOARD NO. 2980

AWARD NO. 6

UNITED TRANSPORTATION UNION

VS.

MINNESOTA, DAKOTA & WESTERN RAILWAY CO.

STATEMENT OF CLAIM: Request that foreman P. Ballan and helpers L. Nelson and W. Bernath, each be paid an additional days pay, account of being assigned other than the regular duties when required to perform service for a foreign carrier on the 8:00AM switch assignment of April 28, 1981.


FINDINGS: On the date of the claim, two BN road locomotives went dead at International Falls. These were the only BN locomotives in International Falls, and were assigned to depart this BN away-from-home terminal in a few hours with the one and only daily southbound train. BN had no mechanical facilities at International Falls, nor any devices capable of jump-starting locomotives.


To alleviate this unforeseen emergency, BN asked the MD&W Railway to help start the dead locomotives, using one MD&W locomotive's battery power and electrical system to jump-start the locomotives. To accomplish this task, it was necessary for claimants' assignment to move one car out of the way so as to place the MD&W locomotive in a position so that the jumper cables would reach between the locomotives. This process consumed approximately 20 minutes.

The work in dispute was properly assignable to claimants. Under the emergency conditions, assisting the BN in starting their locomotives avoided a substantial delay to the BN outbound road train and was the only possible way the units could under the circumstances be started. Numerous decisions have held that performance of work as that complained of herein

violates no agreement and can properly be assigned to crews of a foreign railroad, which in this case was the MD&W.

AWARD: Claim denied.


DAVID H. BROWN, Neutral Member


JOHN W. GOHMANN, Carrier Member


J.R. WELLS, Organization Member

JAN 17 1983