

PUBLIC LAW BOARD NO. 1977

AWARD NO. 75

CASE NO. 75

(T-PY-97)

PARTIES TO DISPUTE:

Richmond, Fredericksburg and Potomac Railroad Co.

and

United Transportation Union

STATEMENT OF CLAIM

"'Claim of Conductor R. H. Young and Brakeman E. R. Simpson for one (1) day's pay each, July 12, 1980, account required to work on foreign line.'"

OPINION OF BOARD

On claim date, the Yard Crew coupled to a Southern derailed train and pulled thirty-five (35) cars, in asserted violation of Rule 29.

Southern services various industries by utilizing this Carrier's tracks and on the day in question, the Carrier contends that the Claimant crew merely coupled to the west end of the derailed train and cleared a busy highway for vehicular traffic. Thus, Carrier urges, it did not perform service on a "foreign line." It is conceded however that the east end of the draft of cars was on Southern Trackage.

This dispute presents an interesting question due to the arrangement for use (by one Carrier) of another's tracks. We can readily understand the contentions of both parties as they deal with the concept of "foreign line," and here we cannot dismiss the Employees' assertion that under these isolated circumstances they performed service on a foreign line.

The claim shows that a small amount of time was actually consumed. We will allow a claim for one (1) hour per Claimant

rather than one (1) day.

FINDINGS

The Board, upon consideration of the entire record and all of the evidence finds:

The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

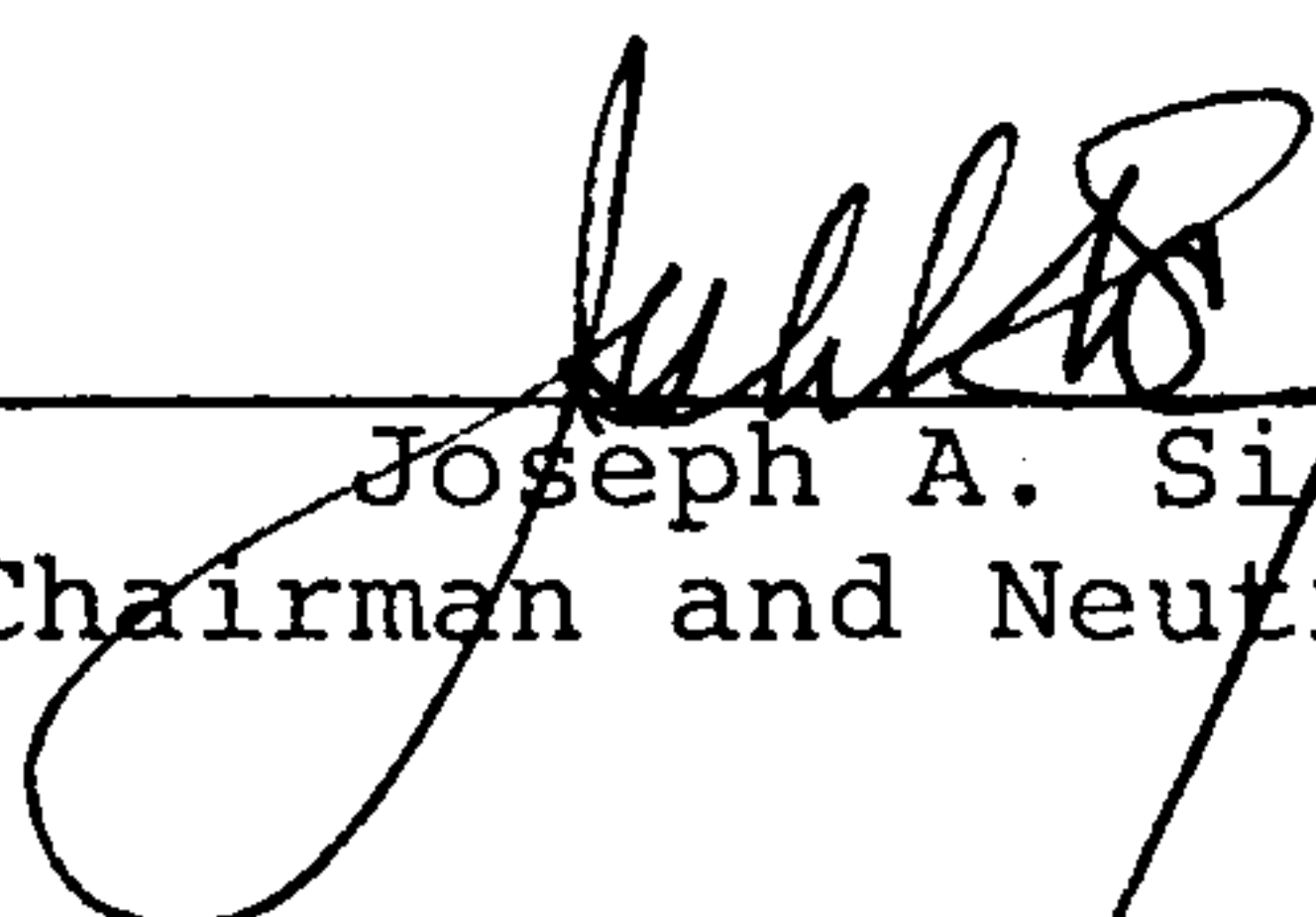
This Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due and proper notice of hearing thereon.


AWARD

1. Claim sustained for one (1) hour per Employee as stated in the Opinion of the Board, above.


2. Carrier shall comply with this Award within thirty (30) days of the effective date hereof.



Joseph A. Sickles
Chairman and Neutral Member



T. B. Choate
Carrier Member



C. E. Wible
Organization Member

4/5/83

DATE