

PUBLIC LAW BOARD NO. 3023

PARTIES) UNITED TRANSPORTATION UNION
TO)
DISPUTE) SACRAMENTO NORTHERN RAILWAY

STATEMENT OF CLAIM:

"Claim of Conductor G.L. Dudley and Brakeman L.D. Meredith and T.P. Thearle for 100 miles at yard rate account picking up and switching caboose UP 25662 into their train at Stockton Yard on April 21, 1980."

FINDINGS:

The Board, after hearing upon the whole record and all the evidence, finds that the parties herein are Carrier and Employee respectively within the meaning of the Railway Labor Act, as amended; this Board has jurisdiction over the dispute involved herein; and, the parties were given due notice of hearing thereon.

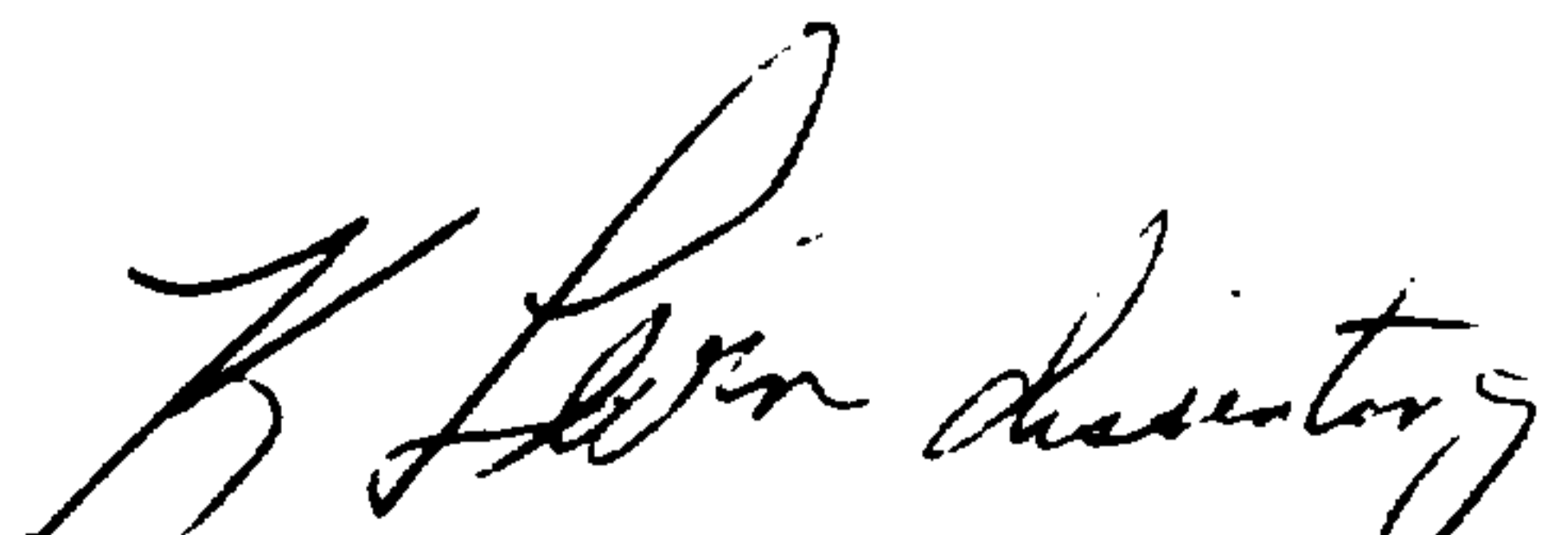
Contrary to contentions of the Claimants, it is this Board's findings that under the terms of a local agreement the Carrier could properly direct the Claimants to pick up a caboose for their own train at Stockton Yard. This Agreement, dated November 8, 1955, had been made in pursuance of certain trackage rights which the Carrier had acquired for the movement of its road trains over trackage of both the Western Pacific and the Santa Fe Railways. Under Section (3) it is stipulated that Carrier employees "will have no rights to the performance of work at points where yard crews are on duty on Western Pacific, other than work incidental to the movement, operation and yarding of road trains and the handling of their locomotive." Thus, notwithstanding a Western Pacific yard crew was on duty at Stockton Yard, the pickup complained of did not come within prescribed restrictions since the Agreement permitted Carrier to have such work performed as incidental to the movement and/or operation of its road train from Sacramento to Pittsburg, California, and return. It was not additional service. They were not required to do something beyond what the Agreement permitted.

AWARD:

Claim denied.



Robert E. Peterson, Chairman
and Neutral Member



K. Levin, Organization Member


M.A. Hartman, Carrier Member
San Francisco, California
January 19 1982