

BEFORE

PUBLIC LAW BOARD NO. 4292

\* \* \* \* \*

UNITED TRANSPORTATION UNION

vs.

THE CHESAPEAKE & OHIO RAILWAY CO.  
(FORMER BALTIMORE & OHIO)

Docket No. 2  
Award No. 2

Case No. T-41768  
UTU 49862/302

\* \* \* \* \*

Statement of Claim:

"Claim of Conductor L. L. Smith and crew for 100 miles at Washington, Indiana, on October 17, 1984 and all subsequent claims of a similar nature made a matter of record account required to stay on duty and inspect rear car of outbound train for Indiana sub-division crew and advise outbound crew if FRA light operating when leaving Washington, Indiana."

DISCUSSION AND OPINION

The issue presented by this claim is whether the Carrier was entitled to require a road crew at the end of its run to inspect the end-of-train device on the train it had just left as the replacement road crew operated the train out from the crew change point.

The incident occurred at the Washington, Indiana crew change point on October 17, 1984 when the Claimants, member of a road crew of an incoming freight train, were directed to delay their check-out time until the crew had made certain that the end-of-train device on its train was operating properly as it left the crew change point with a replacement crew.

The change of crews at Washington, Indiana was essentially step-off, step-on. The incoming crew had brought the train from East St. Louis, Illinois; the replacement crew would take the train to Cincinnati, Ohio. No switching changes were made at Washington. The train was of extended duration and did not carry a caboose.

No rule appears directly applicable to the situation presented. Inspection of an end-of-train device of another train is not specifically listed as prohibited and similarly not listed as

permissible activity by a road crew.

Nor does it appear that the issue has been dealt with by previous Awards. The Union cites two property Awards (Award 37 of Public Law Board 1457 and Award 110 of Public Law Board 3290) in which a claim was upheld relating to switching work by a road crew not related to their own train. No mention is made of the end-of-train device in those awards. Moreover, in both instances, the claim was upheld only as applying to a single claimant, not the entire crew.

The awards cited by the Carrier similarly make no mention of any end-of-train device. They refer to various ancillary duties required of road crew members normally at the completion of the run and deny claims for additional pay for such assignments.

In this case, the Board is guided by two salient facts:

1) The work required is related to the crew's own train; the end-of-train device of the train leaving Washington is the same end-of-train device that should have been operating properly on the claimant's train as it approached Washington.

2) The work involved little time and effort for but a single member of the crew.

Under these circumstances, the Board concludes the work involved was minimal and could properly be required of the claimants.

AWARD

The claim is denied.



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Peter Henle, Neutral Member

  
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L.F. Kell, Jr., Carrier Member

  
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R.W. Earley, Employee Member

7/27/87  
Date