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Award No. 10
Co. File 1239413
Org. File 28447

PUBLIC LAW BOARD NO. 6567

Parties:

Brotherhood of Locomotive Engineers
And
Union Pacific Railroad Co.

Statement of claim:

Claim of Engineer G.E. Bridgman (hereinafter claimant) for compensation for all time lost, including time lost attending investigation in connection with assessment of Level 4 Upgrade and 30 day suspension.. Further, claimant's annual vacation rights should be restored. Claimants personal record to be expunged of any notation pertaining to this case.

Background:

Claimant entered carriers service 1972, transferred to train service in 1973, and became an engineer in 1979. On the date of this incident (January 29, 2001) claimant was operating train identified as MRORV-29 between Elko, NV and Sparks, NV.

While performing switching at Elko, the crew, consisting of claimant and Conductor Nelson, were required to double over track 12 to track 17. To complete this move the conductor remained at the switch leading to track 17, a distance of some 40 car lengths from the claimant. When the conductor signaled claimant to reverse directions, the reverse was commenced however, the movement stopped after approximately five (5) car lengths. It was subsequently discovered that the engines had operated through a spring switch and had derailed upon reverse movement. It became evident that claimant

overlooked the spring switch due to his being on the north side of train and the switch and switch stand were on the south side of the train.

Carriers position

Claimant was responsible for operating the spring switch, which his engine had passed through. Making a reverse move after operating through the spring switch caused the derailment of two (2) engines and three (3) cars..

Organizations position

This operation was being handled with a two (2) man crew. The crew consisted of claimant and his conductor. The move was to double over track 12 to track 17. This move required that the conductor remain at track 17, some four thousand feet away from claimant engine. In pulling track 12, the claimant's engines passed over a spring switch. When the conductor signaled for a reverse into track 17, the reverse move caused a derailment at the spring switch. Admittedly, claimant overlooked the spring switch, as the switch stand and target were on the south side of train while claimant was on the north side.

Prior to the hearing of February 21, 2001 claimant was contacted by Mr. Gauthier and was informed that he would be offered a Level 3 Upgrade. Subsequent to this claimant was charged with a Level 4 Upgrade with a 30-day suspension.

Findings:

This unfortunate incident can only be attributed to operating with a reduced crew.

Claimant admitted his degree of culpability. However, the offer advanced by the Carrier is considered bonafide by this Board. The carrier is directed to reduce the discipline to a Level 3 Upgrade.

Award:

Claim disposed of in accordance with the findings above.

Leonard Foster

Leonard Foster Neutral Member of the Board

1-28-03

Date