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Award No. 2
Co. File 1164346
Org. File E-27942

PUBLIC LAW BOARD NO. 6567

Parties:

Brotherhood of Locomotive Engineers
And
Union Pacific Railroad Co.

Statement of claim:

Claim of Engineer J.J. Fender (hereinafter claimant) for compensation for all time lost, including time lost while attending investigation, in connection with claimant's assessment of Level 2 Upgrade on November 11, 1998. Further, claimant's personal record should be expunged of any notation relative to this case.

Background:

Claimant entered the Carrier employment on October 1994. Claimant, on the day in question was working assignment LKK10-22 on duty at 17:30 September 22, 1998 at Phoenix, AZ. Claimants crew members were Conductor G. Rowell and Brakeman V. Martinez. This assignment was performing switching operations at Pipeola, AZ at which location the grade runs uphill and downhill. The exact point where an accident occurred is on a slight crest. The crew was switching with approximately fifteen loaded cars. Cars were being kicked to the main track and others to the siding with signals being given by radio between claimant and one brakemen. During one of the moves claimant received and acted on a signal to kick-em but did not hear a subsequent stop sign. Claimant initiated a stop on his own accord due to the speed attained. The car which was cut off

coupled into other cars on the siding at a speed higher than desirable. This over speed coupling caused considerable damage.

Carrier's position

The switching at Pipeola was not done in a careful manner. The entire crew was guilty of performing the switching in a careless manner.

Organizations position

The organization asserts the carrier fails to maintain their radios in proper operating condition.

Findings:

This assignment had a reduced crew. There were only two (2) ground personnel, therefore switching moves relied on radio communication. Radio communication is less reliable than hand signals. The safety factor would have been greatly enhanced by having both trainmen working on the claimant's side of the train. When the Board considers the entire record, it finds no persuasive reason to vacate or modify the discipline assessed.

Award:

Claim denied.



Leonard Foster, Neutral Member of Board

1-20-03
Date