

AWARD NO. 4  
Case No. 4

Organization File No.  
Carrier File No. IC-111-107-48

**PUBLIC LAW BOARD NO. 7154**

PARTIES ) BROTHEROOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN  
          )  
TO )  
          )  
DISPUTE ) CANADIAN NATIONAL (ILLINOIS CENTRAL RAILROAD)

STATEMENT OF CLAIM:

Claim of CN/IC Engineer S. T. Wakefield for the removal of sixty (60) days suspension – assessed on March 27, 2007 – consisting of thirty (30) days suspension for the alleged violation of Canadian National/Illinois Central U. S. Operating Department Rules 816 and 850 and thirty (30) days suspension in accordance with FRA 49 CFR Part 250 as a result of 240.117(e)[1] in connection with allegedly passing red stop signal indication that requires complete stop before passing it and allegedly running through the power switch at South Gwin, MS and alleged damages sustained on same at approximately 0750 hours on Monday, March 5, 2007 while working as Engineer on G 88671-03, with all notations of discipline assessed expunged from his personal work record and compensation for all time lost, including the loss of earnings due to attending the investigation.

FINDINGS:

The Board, upon consideration of the entire record and all of the evidence, finds that the parties are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated October 15, 2007, this Board has jurisdiction over the dispute involved herein, and that the parties were given due notice of the hearing held.

The essential facts in this case are not in dispute. On March 5, 2007 Claimant was the engineer on Train G 88691-03, a loaded 108 car grain train. At the approach to Gwin, Claimant had

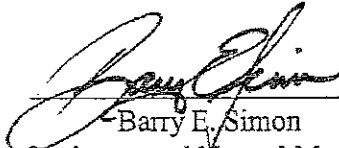
a clear signal, and he had an approach signal at North Gwin. Claimant and his conductor both called this signal and Claimant began to make a brake reduction. The signal at South Gwin was red, but Claimant could tell that he would be unable to stop his train in advance of the signal. Consequently, he made an emergency brake application. Still, the train passed the signal and ran through the power switch at South Gwin by the distance of two locomotives and eight cars.

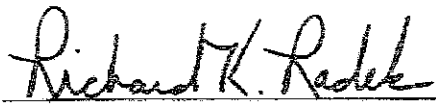
As a result of this incident, Claimant was directed to attend a formal investigation at which he was charged with failing to control his train. Following the investigation, Claimant's engineer certification was revoked for a period of thirty days and he was suspended for an additional period of thirty days.

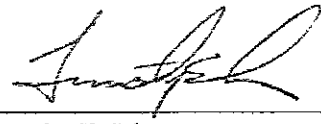
Our review of the record of the investigation establishes that there was substantial evidence to support the Carrier's charge against Claimant. We do not find it unreasonable for the Carrier to have concluded that this incident was the result of Claimant's failure to properly gauge the stopping distance of his train. According to the event recorder download, Claimant's train was running at 52 miles per hour as it passed North Gwin, although Claimant testified he was going 40 mph. Given the speed of his train, he apparently failed to make sufficient brake applications to prevent the train from passing the red signal. Thus, we find he was properly disciplined for failing to control his train.

Under the circumstances, we do not find the discipline assessed to be excessive. In reaching this conclusion, we have considered the various objections raised by the Organization and find them to be without merit.

AWARD: Claim denied.

  
Barry E. Simon  
Chairman and Neutral Member

  
Richard K. Radek  
Employee Member

  
Timothy E. Rice  
Carrier Member

Dated: October 27, 2008  
Arlington Heights, Illinois