

**PUBLIC LAW BOARD 7239**

PARTIES      BROTHERHOOD OF LOCOMOTIVE  
                 ENGINEERS AND TRAINMEN  
                 TO  
  
DISPUTE      KANSAS CITY SOUTHERN RAILWAY COMPANY

AWARD NO. 103  
CASE NO. 103  
FILE: 2019-0088

STATEMENT OF CLAIM: Claim of KCS Engineer Jerry Griffin for the unwarranted discipline of 30 days suspension of which 5 will be actual suspension from service (April 8, 2019 through April 12, 2019) and Twenty five (25) days record Suspension assessed to Engineer Griffin. This claim is for all compensation lost during suspension and removal of all notations from his personal work record of discipline assessed, and an additional day's pay for attending the hearing for alleged violation restoring him as an active Locomotive Engineer for The Kansas City Southern Railway Company. He is charged with violating the General Code of Operating Rules 6.31 - Maximum Authorized Speed.

FINDINGS AND OPINION: This Board finds the parties herein are the Carrier and Employee, respectively, within the meaning of the Railway Labor Act, as amended: this Board has jurisdiction over this dispute; and the parties were given due notice of the hearing.

Claimant was employed on September 27, 1993, and subsequently promoted to engineer. On February 19, 2019, Claimant was engineer on the MSHAR-18 operating from Jackson, Mississippi to Artesia, Mississippi. An alert indicated the train exceeded the maximum authorized speed of twenty miles per hour between milepost 135.0 and milepost 137.1 near North Meridian. A review of the downloads confirmed the crew violated the speed restrictions. As a result, a hearing was held and based on the evidence, Claimant was assessed a sixty day suspension, of which thirty days were served.

There is substantial evidence to support the charges. The Organization states that the Trip Optimizer function was not upgraded by Information Technology to reflect the changed speed limit at this location and argues this caused the infraction. This has since been corrected. When permitted, Claimant engaged the Trip Optimizer which resulted in taking the train up to track speed. Claimant's train had a speed restriction of twenty miles per hour between milepost 136.8 to milepost 137.1 which was not programmed into the Trip Optimizer. As a result, the crew exceeded the maximum authorized speed by eight miles per hour while the rear of their train was still located in the speed restriction. The crew is ultimately responsible for maintaining the correct speed even when the on board technology gives incorrect information. The record indicates Claimant was encouraged to use the Trip Organizer and complemented for his continued use of this fuel saving tool. Based on the particular facts, the Board will reduce the discipline to a letter of reprimand.

AWARD: Claim sustained, in part, in accordance with Findings.

  
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David N. Ray, Chairman

  
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Jacob McCahill, Carrier Member

  
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J. Alan Holdcraft, Employee Member