PUBLIC LAW BOARD 7239

PARTIES TO BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND TRAINMEN

DISPUTE KANSAS CITY SOUTHERN RAILWAY COMPANY

AWARD NO. 54
CASE NO. 54
FILE: M0114-0956

STATEMENT OF CLAIM: Appealing the letter of reprimand assessed to MidSouth Rail Engineer Tony Murray for the alleged violation of Kansas City Southern Railway Company's Air Brake Systems and Train Handling Rules 104.12 - Train Handling Scenarios in connection with an incident that occurred on February 10, 2014. While serving as a crew member on MARSH-08, it is alleged that Engineer Murray failed to properly perform his duties in a safe and proper manner by improper train handling on the Vicksburg Subdivision.

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 November 11, 2002, and was subsequently promoted to engineer. On February 10, 2014, Claimant was the engineer on the MARSH-08 out of Shreveport, Louisiana. The carrier was notified that there was an emergency at milepost 159. A check of the locomotive downloads showed an exception to Claimant coming out of throttle position #5 when the brakes had not released on the rear end of the train. As a result, a hearing was held and based on the evidence, Claimant was assessed a reprimand.

There was a train separation at milepost 159. When the Carrier investigated the train separation, a car was found torn in half rather than the normal broken draw bar or knuckle. Claimant was stopped on an ascending grade with a train 7900 feet long and 11,290 tons. Claimant's head end was on a descending grade, but the majority of the train was on an ascending grade. Claimant believed his brakes were releasing and he was following the proper procedures to start the train. Because of a defective car, the move was stopped. Substantial evidence was not presented to show Claimant's actions caused the separation. In view of the facts and Claimant's clear record, the Board will also give Claimant the benefit of the doubt and find there was not sufficient evidence to confirm a train handling violation.

AWARD: Claim sustained.

David N. Ray
David N. Ray, Chairman

Glen Henson, Jr., Carrier Member

Cole W. Davis, Employee Member

Signed at Estero, Florida on January 29, 2016.