

B.C.D. 14-19

October 30, 2014

EMPLOYER STATUS DETERMINATION

Turtle Creek Industrial Railroad, Inc. (TCIR)

This is a determination of the Railroad Retirement Board concerning the continuing status of Turtle Creek Industrial Railroad, Inc. (TCIR) (BA No. 4390) as an employer under the Railroad Retirement Act (45 U.S.C. §231 et seq.) and the Railroad Unemployment Insurance Act (45 U.S.C. §351 et seq.).

In L-82-272, TCIR was determined to be an employer under the Railroad Retirement Act and Railroad Unemployment Insurance Act effective June 8, 1982.

In Surface Transportation Board (STB) Finance Docket No. AB 825X, decided October 21, 2013, TCIR filed a verified notice of exemption to discontinue service over approximately 9.8 miles of rail line from milepost 0.9 near Trafford, Pennsylvania to milepost 10.7 in Export, Pennsylvania. In support of the discontinuance of service TCIR certified that: (1) no local traffic has moved over the rail line, (2) no overhead traffic has moved over the rail line, and (3) no formal complaints have been filed by any users of the rail line regarding cessation of rail service for at least two years.

In a letter dated October 24, 2013, Ms. Sandi Moses, Human Resources Administrator for TCIR, stated that TCIR ceased railroad operations and employees were last compensated on December 31, 2012. Ms. Moses stated that since the floods devastated the railroad in 2009 and 2010, there has been no rail service on the line and that the only customer on the line made arrangements with another carrier to receive rail cars via truck to their facility. Ms. Moses reiterated that there is currently no rail service on the line and that no other railroad has purchased the rail line.

Section 202.11 (20 CFR 202.11) of the Board's regulations states that:

The employer status of any company or person shall terminate whenever such company or person loses any of the characteristics essential to the existence of an employer status.

The evidence of record establishes that TCIR no longer possesses the characteristics of an operating railroad company. The Board therefore finds

that effective December 31, 2012, the date rail operations ceased and employees were last compensated, Turtle Creek Industrial Railroad, Inc. ceased being a covered employer under the Railroad Retirement and Railroad Unemployment Insurance Acts.

Original signed by:

FOR THE BOARD

Martha P. Rico

Secretary to the Board