B.C.D. 04-25

EMPLOYER STATUS DETERMINATION
Colorado Central Railroad Company

MAY 04 2004

This is the determination of the Railroad Retirement Board concerning the continuing status of Colorado Central Railroad Company (CCR) (B.A. No. 3793) as an employer under the Railroad Retirement Act (45 U.S.C. § 231 et seq.) (RRA) and the Railroad Unemployment Insurance Act (45 U.S.C. § 351, et seq.) (RUIA). CCR has been an employer under the RRA and RUIA with service creditable from October 28, 2001.

Mr. Court R. Hammond, President, CCR, , has advised that CCR ceased operations on October 1, 2002, the date on which its operating contract was cancelled and last compensated employees on May 2, 2002. Although CCR has not yet dissolved as a business organization, it is clear that its character as a railroad no longer exists inasmuch as its interim operation as a contract operator, with only leased railroad equipment and no permanent assets of its own, has now ceased.

Section 202.11 of the Board's regulations provides 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.

Based on the information set forth above, it is the determination of the Railroad Retirement Board that Colorado Central Railroad Company ceased being an employer under the RRA and RUIA on October 1, 2002, the date on which it ceased operations.

Michael S. Schwartz

V. M. Speakman, Jr.

Jerome F. Kever