B.C.D. 01-77

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EMPLOYER DETERMINATION
Fore River Transportation Corporation

This is a determination of the Railroad Retirement Board concerning the status of Fore River Transportation Corporation (FRT)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).

In Surface Transportation Board (STB) Finance Docket No. 34056, decided June 19, 2001, FRT filed a notice of exemption to acquire operating rights on a rail line extending approximately 3.76 miles between a point in the City of Quincy, Massachusetts and an interchange with CSX Transportation, Inc. (CSXT) (B.A. No. 1524) in the Town of Braintree, Massachusetts (the "Subject Line"). According to the STB decision, Massachusetts Water Resources Authority (MWRA), a governmental body, owns the Subject Line. Quincy Bay Terminal Co. (Quincy Bay), was the operator of the Subject Line. However, MWRA's wholly-owned subsidiary, Fore River Railroad Corporation (FRRC), had the residual common carrier obligation on the Subject Line. The STB decision further noted that FRT entered into a License and Operating Agreement with FRRC to provide rail freight service. The STB decision stated that once FRT begins rail operations on the Subject Line, Quincy Bay would no longer provide service on that line and noted futher that this change in operators is exempt under 49 CFR 1150.31(a)(3).

Information regarding FRT was provided by Mr. Paul Angelico.
Mr. Angelico stated that Mr. James Ricci is the president of FRT.
Mr. Angelico stated that FRT began rail operations over the 3.7 miles (Fore River Staging Area) of rail line on July 1, 2001. FRT hired one employee and four of Quincy Bay's former employees. Mr. Angelico stated that FRT's five employees were first compensated on July 1, 2001.
Mr. Angelico further stated that FRT provides freight switching and handles 2500 carloads of freight each year. Mr. Angelico also stated that FRT interchanges with CSXT.

Section 1(a)(1) of the Railroad Retirement Act (45 U.S.C. § 231(a)(1)), insofar as relevant here, defines a covered employer as:

Fore River Transportation Corporation

(i) any carrier by railroad subject to the jurisdiction of the Surface Transpiration Board under Part A of subtitle IV of title 49, United States Code;

Section 1 of the RUIA contains essentiallythe same definition, as does section 3231 of the Railroad Retirement Tax Act.

The evidence of record establishes that FRT is a rail carrier operating in interstate commerce. Accordingly, it is determined that Fore River Transportation Corporation became an employer within the meaning of section 1(a)(1)(i) of the Railroad Retirement Act and the corresponding provision of the Railroad Unemployment Insurance Act effective July 1, 2001, the date it began rail operations.

Original signed by:

Cherryl T. Thomas

V. M. Speakman, Jr.

Jerome F. Kever