B.C.D. 02-41

JUN 04 2002

EMPLOYER STATUS DETERMINATION
Railroad Ventures, Inc.

This is the decision of the Railroad Retirement Board regarding the continued status of Railroad Ventures, Inc., 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).

Railroad Ventures was held to be an employer under the Acts effective November 6, 1996 (B.A. Number 9354). Railroad Ventures was formed to acquire the assets of the Youngstown & Southern Railroad Company, which assets were then operated by the Ohio & Pennsylvania Railroad Company, a rail carrier employer under the Acts (B.A. No. 2264). Counsel for Railroad Ventures advises that the rail line so acquired was embargoed as of January 1997 and continued in that status thereafter. In a decision with a service date of October 4, 2000, the Surface Transportation Board ordered Railroad Ventures to transfer the line to Columbiana County Port Authority within 45 days of the date of service of the decision (STB Docket No. AB-556 (Sub-No. 2X). The rail line was acquired by the Columbiana County Port Authority in January 2001[1]. Railroad Ventures has had no compensated employees between 1996 and 2000.

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.

Through its transfer of the rail line, Railroad Ventures has lost the characteristics essential to the existence of an employer status. Accordingly, the Board holds that Railroad Ventures ceased to be an

[1] The employer status of Columbiana County Port Authority will be considered in a separate decision.

Railroad Ventures, Inc.

employer under the Railroad Retirement and Railroad Unemployment Insurance Acts effective with the close of business on December 31, 2000.

Original signed by:

Cherryl T. Thomas

V. M. Speakman, Jr.

Jerome F. Kever