B.C.D. 03-58

EMPLOYER STATUS DETERMINATION
RailTex Service Company, Inc.

JUN 25 2003

This is the determination of the Railroad Retirement Board concerning the continuing status of the RailTex Service Company, Inc. (RSCI) (B.A. No. 6805) 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). RSCI has been an employer under the RRA and RUIA with service creditable from January 1, 1991.

Mr. Gary Laakso, Vice President and Regulatory Counsel for RailAmerica, Inc., a non-carrier holding company, advised that on December 31, 2000, RSCI was merged into Rail Operating Support Group, Inc. (ROSG) (B.A. No. 9533). RSCI had no assets and last compensated employees on December 31, 2000. All RSCI employees were transferred to ROSG. As a result of this merger, ROSG became the surviving corporation and RSCI ceased to exist as a legal entity effective December 31, 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. 20 CFR 202.11.

Based on the information summarized above, the Board finds that RailTex Service Company, Inc. has lost the characteristics essential to the existence of an employer status. It is thus determined that RailTex Service Company, Inc. ceased being an employer covered under the Railroad Retirement Act and the Railroad Unemployment Insurance Act on December 31, 2000, the date on which it last compensated employees and merged into another corporation.

Original signed by:

V. M. Speakman, Jr.

Jerome F. Kever