

B.C.D. 09-31

OCT 01 2009

**EMPLOYER STATUS DETERMINATION**  
**Warren & Ouachita Valley Railway Co.**  
**(Warren Ouachita)**

This is a determination of the Railroad Retirement Board concerning the continuing status of Warren & Ouachita Valley Railway Company (Warren Ouachita) 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.).

Warren Ouachita (B.A. # 3848) has been an employer under the Railroad Retirement Act and Railroad Unemployment Insurance Act since the inception of the Acts. Warren Ouachita began operations in 1899.

The coverage information in the file for White Sulphur indicates that Warren Ouachita was originally formed to haul lumber along approximately 16 miles of track in Arkansas between Warren, Arkansas and Banks, Arkansas. In a decision (Finance Docket No. 16120) dated October 29, 1948, the Interstate Commerce Commission approved the acquisition of Warren Ouachita by the Chicago, Rock Island & Pacific Railroad Company. In Finance Docket No. 28267, the Interstate Commerce Commission approved the abandonment of the entire line of railroad by Warren Ouachita in April of 1977 and the acquisition of a two mile segment of that line by Warren & Saline River Railroad. Further, in Docket No. AB-133, the Interstate Commerce Commission approved the abandonment, as of October 30, 1978, of the entire 16 mile line of track operated by Warren Ouachita except for the Easternmost two mile section which was being operated by Warren & Saline.

Additionally, research performed by the agency librarian confirmed this timeline of abandonment by Warren Ouachita in the Texas Transportation Archives and the American Shortline Railway Guide. That research indicated that the final abandonment of the Warren Ouachita rail lines occurred in April of 1980 when the Chicago, Rock Island & Pacific Railroad Company went bankrupt. Further research of active business entities did not produce any active records for Warren Ouachita as a functional corporate entity.

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.

As indicated above, information in our coverage files indicates that Warren Ouachita was formed to operate a railroad in 1899. The trackage on which it conducted operations was finally abandoned in April of 1980. The evidence of record establishes that Warren Ouachita no longer possesses the characteristics of a railroad carrier employer. The Board therefore finds that effective April 30, 1980, the last day of the month in which Warren Ouachita had completely abandoned its trackage rights, Warren & Ouachita Valley Railway Company ceased being a covered employer under the Railroad Retirement and Railroad Unemployment Insurance Acts.

Original signed by:

FOR THE BOARD  
Beatrice Ezerski  
Secretary to the Board