

EMPLOYER STATUS DETERMINATION
Tishomingo Railroad Company, Inc.

This is a determination of the Railroad Retirement Board concerning the continued status of Tishomingo Railroad Company, Inc. (TSH), B.A. 4573, 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).

TSH began doing business May 15, 2000. It started with two employees. TSH was a start up Class III shortline that acted as a switching and terminal rail carrier in Luka, Mississippi. The Surface Transportation Board (STB) approved the acquisition of the railroad by TSH in Finance Docket No. 33806, decided October 21, 1999. TSH operated a rail line of approximately 12.00 miles in the Tri State Commerce Park in Luka, Mississippi. The rail line interchanged with the Norfolk Southern Railway Corporation, a covered employer (BA Number 1525).

According to STB Docket No. 35258, Mississippi Central Railroad Co. (MSCI), a Class III rail carrier, filed a verified notice of exemption under 49 CFR 1150.41 to change operators from TSH to MSCI on a line of railroad at Luka, MS. MSCI will lease and operate the same rail line that TSH had operated between the Tri State Commerce Park in Luka, MS and the Norfolk Southern interchange.

Former president of TSH, R. Powell Felix, informed the Board that TSH operations ceased on July 31, 2009. The last payroll was December 2009. Though TSH was not dissolved, it is inactive and all physical assets were sold to MSCI. It has no relations with the railroad industry and does not provide any rail service. It did not merge with another company.

Section 202.11 (20 CFR §202.11) of the Board's regulations states, "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." The evidence of record establishes that TSH no longer possesses the characteristics of an operating railroad company covered under the RRA and the RUIA.

The Board finds that effective with the close of business December 31, 2009, the last day of the last month in which TSH had a payroll, Tishomingo Railroad Company, inc. ceased being a covered employer under the RRA and the RUIA. Cf. Rev. Ruling 82-99, 1982.1 C.B. 154.

Original signed by:

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