

B.C.D. 11-68

July 25, 2011

**EMPLOYER STATUS DETERMINATION
Columbia & Cowlitz Railway Company**

This is the determination of the Railroad Retirement Board concerning the continuing status of Columbia & Cowlitz Railway Company (CCR) (B.A. No. 3602) 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).

Information about CCR was provided by Mr. Wayne Pratt, Payroll Tax Accountant for Weyerhaeuser NR Company, and Mr. Louis E. Gitomer, Attorney for Columbia & Cowlitz Railway, LLC. In Surface Transportation Board Finance Docket No. FD 35426, Columbia & Cowlitz Railway, LLC (CLC) filed a verified notice of exemption to acquire and operate approximately 8.5 miles of rail line from CCR. This transaction was related to a transaction in which Patriot Rail, LLC (a non-covered entity) and its subsidiaries entered into an asset purchase agreement on July 21, 2010, to acquire from Weyerhaeuser NR Company certain rail assets and the rail assets of five of its subsidiaries. According to Mr. Pratt, CCR ceased operations on December 30, 2010, and employees were last compensated on January 14, 2011 for hours worked through December 30, 2010. All employees of CCR were offered and accepted employment with CLC. Articles of Dissolution for CCR were submitted, indicating that CCR was dissolved as of December 31, 2010.

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.

Based on the information set forth above, it is clear that the character of CCR as a railroad no longer exists inasmuch as all of its railroad assets have been sold and the corporation dissolved. Therefore, it is the determination of the Railroad Retirement Board that Columbia & Cowlitz Railway Company ceased being an employer under the RRA and RUIA on December 31, 2010, the date on which the corporation was dissolved.

Original signed by:

FOR THE BOARD
Martha P. Rico
Secretary to the Board

