

EMPLOYER STATUS DETERMINATION**Tecumseh Branch Connecting Railroad Company**

This is the determination of the Railroad Retirement Board concerning the status of Tecumseh Branch Connecting Railroad Company (TBCR), 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.).

Information regarding TBCR was provided by Mark W. Dobronski, President of TBCR. According to Mr. Dobronski, TBCR began operations on November 1, 2001. No employees have been compensated by TBCR. TBCR is a wholly-owned subsidiary of Adrian & Blissfield Rail Road Company (ADBF), an employer under the Acts (B.A. No. 3288). According to Mr. Dobronski, all services provided by TBCR were performed by ADBF employees.

In Surface Transportation Board (STB) Finance Docket No. 34115, service date November 19, 2001, TBCR filed a notice of exemption to lease and operate a 2.1 mile portion of rail line of the former Detroit, Toledo & Ironton Railroad¹. TBCR interchanges with Norfolk Southern Railway Company (BA No. 1525) at Adrian, Michigan and ADBF at Adrian, Michigan. TBCR serves as an interchange bridge between BNSF and ADBF with an annual carload volume of approximately 1,000 cars per year.

Mr. Dobronski further explained that operations of the TBCR ceased on October 9, 2009, as a result of the line being acquired by TBCR's parent company, ADBF. In STB Finance Docket No. 35035, service date October 23, 2009, ADBF filed a notice of exemption to acquire and operate 1.3 miles of rail line. In a letter dated September 6, 2011, Mr. Dobronski stated that TBCR has not yet been dissolved, explaining that it:

is an inactive corporation. It has no bank accounts. It owns no real property. It owns no personal property. It has no accounts receivable. It has no accounts payable. It is conducting no business at this time. * * * TBCR has not yet been dissolved as the corporation is waiting an appropriate period of time to honor any outstanding claims which may exist against it, if any, and to conduct an orderly winding down of the business and, ultimately, dissolution of the corporation.

Section 1(a)(1) of the Railroad Retirement Act (45 U.S.C. § 231(a)(1)), insofar as relevant here, defines a covered employer as:

(i) any carrier by railroad subject to the jurisdiction of the Surface Transportation Board under Part A of subtitle IV of title 49, United States Code;

¹ The Detroit, Toledo and Ironton Railroad was an employer under the Acts (B.A. No. 1308), until December 27, 1983, when it merged into the Grand Trunk Western Railroad (B.A. No. 1208).

Sections 1(a) and 1(b) of the Railroad Unemployment Insurance Act (45 U.S.C. §§351(a) and (b)) contain substantially similar definitions, as does section 3231 of the Railroad Retirement Tax Act (26 U.S.C. § 3231).

The evidence of record establishes that TBCR was a carrier operating in interstate commerce. Accordingly, it is determined that TBCR was an employer within the meaning of section 1(a)(1)(i) of the Railroad Retirement Act (45 U.S.C. § 231(a)(1)(i)) and the corresponding provision of the Railroad Unemployment Insurance Act as of November 1, 2001, the date as of which it first began operations, until October 9, 2009, when its rail line was acquired by ADBF. It is further determined that during the period it was operating, TBCR never had any employees, with all services provided by employees of ADBF.

Original signed by:

FOR THE BOARD
Martha P. Rico
Secretary to the Board