

EMPLOYER STATUS DETERMINATION

Duluth , Missabe and Iron Range Railway (DMIR) (B.A. No. 1617)

Duluth, Winnipeg & Pacific Railway Company (DWPR) (B.A. No. 1607)

This is a determination of the Railroad Retirement Board concerning the status of Duluth, Missabe and Iron Range Railway (DMIR) (B.A. No. 1617) and Duluth, Winnipeg & Pacific Railway Company (DWPR) (B.A. No. 1607) as employers 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.).

Both DMIR and DWPR were previously determined to be employers under the Railroad Retirement Act and Railroad Unemployment Insurance Act effective March 23, 2001 and January 1, 1981, respectively.

On May 15, 2012, Mr. Tom Healey, Counsel –Regulatory for Canadian National (CN), provided information that effective December 31, 2011 both DMIR and DWPR were merged into Wisconsin Central, Ltd (B.A. No. 2633). A Certificate of Merger concerning DMIR and DWPR was provided by Mr. Healey. The Certificate of Merger dated January 13, 2012 and signed by the Secretary of State of Delaware shows that effective December 31, 2011 both DMIR and DWPR merged into Wisconsin Central, Ltd.

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.

The evidence of record establishes that both DMIR and DWPR no longer possess the characteristics of an operating railroad company. The Board therefore finds that effective December 31, 2011, the effective date of the Certificate of Merger filed with the State of Delaware, the Duluth, Missabe and Iron Range Railway and the Duluth, Winnipeg & Pacific Railway Company ceased being covered employers under the Railroad Retirement and Railroad Unemployment Insurance Acts.

Original signed by:

FOR THE BOARD
Martha P. Rico
Secretary to the Board