

**EMPLOYER STATUS DETERMINATION**

**Gulf Coast Rail Service, Inc.  
d/b/a Orange Port Terminal Railway**

This is the determination of the Railroad Retirement Board concerning the status of Gulf Coast Rail Service, Inc. d/b/a Orange Port Terminal Railway (OPTR), 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 regarding OPTR was provided by Larry Locke, President of OPTR. According to Mr. Locke OPTR began doing business October 11, 1995. OPTR is a switching railroad which claims to have no employees. Its three owners perform the services involved in transporting "100- 150 revenue loads per year." OPTR interchanges with the Southern Pacific.

In Interstate Commerce Commission Finance Docket 32781, OPTR filed a notice of exemption to acquire and operate approximately 1.83 miles of rail line formerly owned by Southern Pacific Transportation Company.

The evidence of record establishes that OPTR is a carrier operating in interstate commerce. Accordingly, it is determined that OPTR is an employer within the meaning of section 1(a)(1)(i) of the Railroad Retirement Act (45 U.S.C. § 231a(1)(i)) and the corresponding provision of the Railroad Unemployment Insurance Act effective October 11, 1995, the date as of which it commenced operations.

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Glen L. Bower

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V. M. Speakman, Jr.

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