B.C.D. 01-52

EMPLOYER STATUS DETERMINATION JUN 04 2001

Central Columbiana & Pennsylvania Railway, Inc. (CCPR)

This is a determination of the Railroad Retirement Board concerning the status of the Central Columbiana & Pennsylvania Railway, Inc. (CCPR) 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.).

In Surface Transportation Board (STB) Finance Docket 33818, decided December 16, 1999, CCPR filed a verified notice of exemption to lease and operate 35.7 miles of rail line from Columbiana County Port Authority (CCPA) extending from milepost 0.0 at or near Youngstown, Ohio, to milepost 35.7 at or near Darlington, Pennsylvania.[1] According to the STB decision, CCPR stated that a tentative agreement has been reached with the Ohio & Pennsylvania Railroad Company (OHPA) (B.A. No. 2264) that will allow CCPR to operate over the 35.7 mile line and the portion of the connecting 3-mile segment that is owned by OHPA. CCPR stated that it hopes to take advantage of the existing easements whereby OHPA is operating over the portions of the line that it does not own. If unable to do so, CCPR stated that it will seek to negotiate agreements with other property owners so that it will be able to perform railroad operations over the entire line of railroad.

Information regarding CCPR was furnished by Mr. A. William K. Robbins, Jr., Chief Executive Officer of CCPR. Mr. Robbins reported that CCPR is a wholly owned subsidiary of Arkansas Shortline Railroads, Inc. (ASRR). CCPR began operations on March 1, 2001 and has four employees. Mr. Robbins stated that CCPR is a line haul railroad. CCPR interchanges with Norfolk Southern Railway Company (B.A. No. 1525) and CSX Transportation, Inc. (B.A. No. 1524), according to Mr. Robbins.

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 Board's Audit and Compliance Section is currently investigating Columbiana County Port Anthority.

Central Columbiana & Pennsylvania Railway, Inc. (CCPR)

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

The evidence of record establishes that CCPR is a rail carrier operating in interstate commerce. Accordingly, it is determined that the Central Columbiana & Pennsylvania Railway, Inc. (CCPR) became 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 effective March 1, 2001, the date as of which it commenced operations.

Original signed by:

Cherryl T. Thomas

V. M. Speakman, Jr.

Jerome F. Kever