

**EMPLOYER STATUS DETERMINATION  
North Central Texas Railway, Inc.**

This is a determination of the Railroad Retirement Board concerning the continuing status of North Central Texas Railway, Inc. (NCTR) 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.). NCTR (B.A. No. 2855) has been an employer under the Railroad Retirement Act and Railroad Unemployment Insurance Act since January 1, 1982.

Information in the file indicates that NCTR received Interstate Commerce Commission (ICC) authority to operate as a railroad in Order No. 1473, decided December 30, 1981. In Legal Opinion L-82-67, NCTR was found to be an employer covered by the Acts as of January 1, 1982, the date it began operations and first hired employees.

In a letter dated April 27, 1983, Ms. Esther S. Bergman, Treasurer of NCTR, advised the agency that "all operations of North Central Texas Railway ceased as of midnight on October 31, 1982, and North Central Texas Railway last had employees on December 31, 1982". In a letter dated January 10, 1984, Ms. Bergman, responding to a letter from the then-Director of Compensation and Certification, stated that NCTR did not own any equipment or track, and "although this corporation has not yet been formally dissolved, it is not now and will never actively engage in any business in the future".

In a letter dated October 27, 1986, Mr. David E. Wasserstrom, Chief Executive Officer of NCTR, advised the agency that NCTR, along with several other entities, was "out of existence, or in bankruptcy". The file indicates that no action (*e.g.*, an investigation into the continuing status of NCTR) was ever taken following either Ms. Bergman's letter of January 10, 1984, or Mr. Wasserstrom's letter of October 27, 1986. No information was ever sent informing the Board of a date when NCTR was dissolved.

Recent research of the Pennsylvania bankruptcy courts by the Office of General Counsel did not reveal any records for NCTR. The agency librarian researched the Texas Secretary of State's records and found no records for a corporate entity called North Central Texas Railway, Inc.

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.

As indicated above, information available indicates that NCTR became an employer under the Acts effective January 1, 1982. The research by the Division of Audit and Compliance, Office of General Counsel, and the agency librarian, as well as information contained in NCTR's file, indicates that NCTR ceased to be an operational railroad in December 1982. The evidence of record establishes that NCTR no longer possesses the characteristics of a railroad carrier employer. The Board therefore finds that effective December 31, 1982, the date it last had employees, North Central Texas Railway, Inc. ceased being a covered employer under the Railroad Retirement and Railroad Unemployment Insurance Acts.

Original signed by:

FOR THE BOARD  
Beatrice Ezerski  
Secretary to the Board