

**EMPLOYER STATUS DETERMINATION
Ohio Terminal Railway Company (OTRC)**

This is a determination of the Railroad Retirement Board concerning the status of Ohio Terminal Railway Company (OTRC) 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 No. 35703, decided January 8, 2013, OTRC filed a verified notice of exemption to operate a 12.2 mile line, known as the Omal Secondary Track, from milepost 60.5 at or near Powhattan Point, Ohio, to milepost 72.7 at or near Hannibal, in Monroe County, Ohio, pursuant to an operating agreement with Hannibal Real Estate, LLC (Hannibal).

Information regarding OTRC was furnished by Mr. Richard R. Wilson, attorney for OTRC. In a letter dated March 7, 2013, Mr. Wilson stated that the Chief Executive Officer of OTRC is Mr. Russell A Peterson and that the owner of OTRC is Carload Express, Inc. (CEI) (BA 9244), a covered railroad employer. According to Mr. Wilson, OTRC began railroad operations on or after January 27, 2013. OTRC has approximately 12.2 miles of track, interchanging with Norfolk Southern Corporation (NSC)(BA No. 9408) at or near Powhatan Point, Ohio. Mr. Wilson stated that OTRC has two full time employees who were not compensated before April 12, 2013. Mr. Wilson stated that OTRC will provide rail freight origination and termination services to shipper locations on its line. OTRC will not provide any passenger service and its annual anticipated freight volume is 520 carloads. Mr. Wilson indicated that OTRC has entered into an Operating Agreement with Hannibal, which owns a rail service easement over the 12.2 mile line of railroad. Mr. Wilson stated that OTRC is a wholly owned subsidiary of CEI which also owns Allegheny Valley Railroad Company (AVRC) (BA. No. 2266), Southwest Pennsylvania Railroad Company (SPRC) (BA No. 2364) and Camp Chase Industrial Railroad Corporation (CCIR) (BA. No. 3387), all covered railroad employers.

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.

Section 1 of the RUIA contains essentially the same definition. (45 U.S.C. § 351).

The evidence of record establishes that OTRC is a rail carrier operating in interstate commerce. Accordingly, it is determined that Ohio Terminal Railway Company (OTRC) 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 January 27, 2013, the date as of which it commenced railroad operations.

Original signed by:

FOR THE BOARD
Martha P. Rico
Secretary to the Board