

B.C.D. 13-34

October 2, 2013

EMPLOYER STATUS DETERMINATION

RailAmerica Intermodal Services (RIS)

This is a determination of the Railroad Retirement Board concerning the continuing status of RailAmerica Intermodal Services (RIA) (BA No. 9356) 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 B.C.D. 02-35, RIS was determined to be an employer under the Railroad Retirement Act and Railroad Unemployment Insurance Act effective September 1, 2000, the date operations began.

In a letter dated July 3, 2013, Mr. Christopher F. Liucci, President of Genessee & Wyoming Railroad Services, Inc. (GWI) (B.A. No. 2639), stated that the RIS has not had any employees since February 8, 2008 and does not own any real estate or fixed assets. Mr. Liucci stated that GWI intended to merge RIS out of existence no later than August 15, 2013. According to Mr. Liucci, RIS has never conducted railroad operations since February 2008 when its two employees were transferred to Toledo, Peoria & Western Railway Corporation (TP&W) (BA No. 2390). Mr. Liucci stated that RIS was never a carrier by rail and never required Surface Transportation Board authority to operate. Mr. Liucci stated that RIS was previously an employer as a result of affiliated railroads.

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 RIS no longer possesses the characteristics of an operating railroad company. The Board therefore finds

that effective February 8, 2008, the date employees were transferred to TP&W, RailAmerica Intermodal Services ceased being a covered employer under the Railroad Retirement and Railroad Unemployment Insurance Acts.

Original signed by:

FOR THE BOARD
Martha P. Rico
Secretary to the Board