

**B.C.D. 14-18**

**July 30, 2014**

**EMPLOYER STATUS DETERMINATION  
Plainview Terminal Company (PTC)**

This is a determination of the Railroad Retirement Board concerning the continuing status of Plainview Terminal Company (PTC) 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.) (collectively, the “Acts”).

PTC (B.A. # 4863) has been an employer under the Railroad Retirement Act and Railroad Unemployment Insurance Act since November 1, 1995, the date from which PTC began switching operations as found in Board Coverage Decision B.C.D. 96-26.1 dated March 8, 1996.

The latest coverage information in the file for PTC was provided by Allison Fergus, the Secretary for PTC. She served a response dated November 5, 2013 on the Board’s Audit and Compliance Division which provided details and documentation of PTC’s cessation of operations. Ms. Fergus enclosed documents and information, including STB Finance Docket Numbers 32795, 32796 and 32797. The STB decisions, decided December 19, 1995, determined that RailAmerica (BA#9409) would continue in control of the West Texas and Lubbock Railroad Company (BA# 2871) and PTC. Further, PTC acquired operating rights (from the Floyada and Plainview Railroad Company, BA# 3874) to provide switching service over an approximately 4.6 mile line of railroad at Plainview, Texas, owned by the Atchison, Topeka, and Santa Fe Railway Company. The line runs between the Plainview Subdivision milepost 627 at Plainview, Texas and the Floyada Subdivision milepost 4 at Plainview, Texas. According to information from Ms. Fergus, switching operations ceased mid-year in 1996.

Further research found that in a letter dated July 9, 1998, Gary Laakso, the General Counsel for RailAmerica, requested that PTC be terminated as a covered railroad employer under the Acts. Mr. Laakso reported at that time PTC never had any employees, paid no compensation to employees, and that its limited switching operation ceased in May 1996 when the Atchison, Topeka, and Santa Fe Railway Company resumed switching operations over the line of track. Further, PTC was not required to file a discontinuance of service with the STB since PTC was merely a corporate shell with no

activities and no employees. PTC's reports to the Railroad Retirement Board have reflected the absence of any compensated employees.

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.

Information in our coverage files indicates that PTC was formed to provide local switching service on approximately 4.6 miles of track in Plainview, Texas. PTC never hired or compensated any employees and ceased all rail switching operations in May of 1996. The evidence of record establishes that PTC has not operated as a railroad carrier and does not retain the ability to do so since the cessation of switching activity in May of 1996. PTC has not functioned as a rail carrier since that date and no longer possesses the characteristics of a railroad carrier employer.

The Board therefore finds that effective May 31, 1996, the last day of the last month in which PTC provided rail switching operations, Plainview Terminal Company 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