

B.C.D. 14-29

December 11, 2014

**EMPLOYER STATUS DETERMINATION
Robinson Nevada Railroad Company (RNRC)**

This is a determination of the Railroad Retirement Board concerning the continuing status of Robinson Nevada Railroad Company (RNRC), formerly known as BHP Nevada Railroad Company (BHPNR), (BA No. 2779) 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. 96-100, RNRC was determined to be an employer under the Railroad Retirement Act and Railroad Unemployment Insurance Act effective June 7, 1996, the date on which employees were first compensated and on which railroad operations began.

In a letter dated May 21, 2014, Ms. Amanda Hilton, CPA, Manager- Finance and Supply Chain for KGHM International, Ltd., Robinson Mine, and Robinson Nevada Mining Company, on behalf of RNRC, stated that RNRC was acquired by Robinson Holdings (USA) Ltd. (RHUSA). According to Ms. Hilton, RNRC was not acquired by Wendover Bulk Transshipment Company (WBTC) but rather was dissolved in the State of Nevada in 2013. Ms. Hilton provided a copy of the Certificate of Dissolution filed on December 10, 2013 which stated the dissolution was effective December 31, 2013. Ms. Hilton stated that prior to the dissolution, RNRC was a wholly-owned subsidiary of RHUSA, of which WBTC is also a wholly-owned subsidiary. Aside from having a common shareholder, WBTC and RNRC are completely different companies, according to Ms. Hilton. Ms. Hilton added that WBTC operates the Wendover Bulk Transshipment facility in Wendover, Utah, where it loads copper ore concentrates onto railcars owned and operated by Union Pacific Railroad Company (UP) (BA No. 1713). Ms. Hilton stated that prior to RNRC's dissolution, RNRC had no employees, owned no track, and conducted no operations during the entire time of its ownership of RHUSA (since April 2004). Historically, prior to its being owned by RHUSA, the predecessor of RNRC appears to have been, during an unknown time period most probably in the 1990's, an exempt Class II carrier that operated in the vicinity of Ruth, Nevada, according to Ms. Hilton. Ms. Hilton stated that the track formerly operated by RNRC is unrelated to the Wendover, Utah facility operated by WBTC. Ms. Hilton added that the copper ore concentrates that are ultimately loaded onto rail cars in the Wendover facility are transported by truck, not rail.

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 RNRC no longer possesses the characteristics of an operating railroad company. The Board therefore finds that effective December 31, 2013, the date of its dissolution, Robinson Nevada Railroad 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