

B.C.D. 15-06
EMPLOYER STATUS DETERMINATION
CCET, LLC

March 27, 2015

This is the determination of the Railroad Retirement Board concerning the status of CCET, LLC (CCET), 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.).

Information regarding CCET was supplied by James H. M. Savage, attorney for CCET. The Chief Executive Officer and owner is Paul Didelius and CCET does business under the trade name Cincinnati East Terminal Railway. Operations began on April 27, 2014. CCET operates a 23.83 mile portion of the CT Line of Norfolk Southern Railroad, a covered employer (Norfolk Southern). The CT Line operated by CCET extends between milepost CT 9.0 at Clare, Ohio and milepost CT 32.83, west of Williamsburg, Ohio. CCET interchanges freight cars with Norfolk Southern at Clare Yard and holds itself out as capable of providing common carrier service to local freight customers on the line. Estimated initial annual freight volume will be 700 cars. CCET has two employees who began to be compensated on May 2, 2014.

In Surface Transportation Board Finance Docket No. 35810, CCET filed a notice of exemption to lease from Norfolk Southern Railway Company, and to operate, pursuant to a lease agreement dated March 14, 2014, an approximately 24-mile portion of Norfolk Southern's CT Line, extending between milepost CT 9.0 at Clare, Ohio, east of Clare Yard, and milepost CT 32.83, west of Williamsburg, Ohio, and passing through Hamilton County and Clermont Country, Ohio. According to CCET, the lease does not contain any provisions that prohibits, restricts, or would otherwise limit future interchange of traffic with any third-party carrier. CCET states that it will hold itself out to provide all common carrier rail freight service over the line, with Norfolk Southern retaining limited overhead trackage rights. CCET certified that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier.

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;

Sections 1(a) and 1(b) of the Railroad Unemployment Insurance Act (45 U.S.C. §§ 351(a) and (b)) contain substantially similar definitions, as does section 3231 of the Railroad Retirement Tax Act (26 U.S.C. § 3231).

The evidence of record establishes that CCET is a carrier operating in interstate commerce subject to STB jurisdiction. Accordingly, it is determined that CCET is 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 as of April 27, 2014, the date it began operations.

Original signed by:

FOR THE BOARD
Martha P. Rico
Secretary to the Board