

B.C.D. 15-18

August 10, 2015

EMPLOYER STATUS DETERMINATION

Missouri Central Railroad Company (MCRC)

This is a determination of the Railroad Retirement Board concerning the continuing status of Missouri Central Railroad Company (MCRC) (BA No. 2881) 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. 00-64, MCRC was determined to be an employer under the Railroad Retirement Act and Railroad Unemployment Insurance Act effective October 8, 1999, the date it acquired its line of railroad and began operations.

In a letter dated March 18, 2015, Ms. Sandra L. Brown, Attorney at Law, of Thompson Hine, LLP, counsel for MCRC, on behalf of MCRC, stated that MCRC has never been an active employer, provided rail switching, terminal services, or rail operations of any kind. According to Ms. Brown, MCRC has divested itself of the entirety of its rail line, either through sale or the abandonment process. Ms. Brown stated that MCRC is wholly owned by Ameren Development Company (ADC), a subsidiary of Ameren Corporation, an electric utility holding company. Ms. Brown stated that MCRC has no current or former employees, owns no equipment or facilities, and does not interchange with any rail carriers. According to Ms. Brown, rail operations on the subject line are currently provided by Central Midland Railway Company (CMRC) (B.A. No. 4869). Ms. Brown stated that MCRC has received abandonment authority from the Surface Transportation Board (STB) for approximately 192 miles of its rail line. See STB Docket No. AB-1068X, Missouri Central Railroad Company – Abandonment Exemption – in Cass County, Missouri (abandonment exemption effective December 28, 2010); STB Docket No. AB-1068 (Sub-No. 1X), Missouri Central Railroad Company – Abandonment Exemption – in Cass, Henry, Johnson, and Pettis Counties, Missouri (abandonment exemption effective July 9, 2013) and STB Docket No. AB-1068 (Sub-No. 3X) Missouri Central Railroad Company – Abandonment Exemption – in Cass, Pettis, Benton, Morgan, Miller, Cole, Osage, Maries, Gasconade, and Franklin Counties, Missouri (abandonment exemption effective January 7, 2015). MCRC has transferred the line in STB Docket No. AB-1068X and STB Docket No. AB-1068 (sub-No. 1X) to the Missouri Department of Natural Resources (MDNR) under

the National Trails Act, according to Ms. Brown. Ms. Brown stated that the final section of rail line, in Docket AB-1068 (Sub-3X) is expected to be transferred to MDNR after the environmental conditions have been fulfilled and salvage has been completed. According to Ms. Brown, the remaining portion of the MCRC rail line, approximately 53 miles, was sold to V&S Railway, LLC (B.A. No. 2796) in a transaction that fully closed on February 27, 2015.

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 MCRC no longer possesses the characteristics of an operating railroad company. The Board, therefore, finds that effective February 27, 2015, the date the last portion of rail line was sold, Missouri Central 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