

**EMPLOYER STATUS DETERMINATION
NEW HAMPSHIRE CENTRAL RAILROAD, INC.**

This is the determination of the Railroad Retirement Board regarding the status of New Hampshire Central Railroad, Inc. (NHCR) as an employer under the Railroad Retirement Act (45 U.S.C. §231 et seq.) (RRA) and Railroad Unemployment Insurance Act (45 U.S.C. §351 et seq.) (RUIA). NHCR has not previously been determined to be an employer under the RRA and the RUIA.

Information about NHCR was furnished by Walter A. Stapleton, General Agent of NHCR. NHCR was authorized to operate 22.96 miles of rail line from North Stratford, New Hampshire, to Beecher Falls, Vermont, in Interstate Commerce Commission (ICC) Finance Docket No. 32309, served July 15, 1993. According to ICC Finance Docket No. 32309, the line of rail is owned by the state of New Hampshire, and NHCR entered into a five-year agreement with the state to commence operations over a 9.25 mile portion of the line in question. Should traffic warrant, a supplemental agreement will be entered into by the parties for operations by NHCR over the remaining portion of the line. The ICC noted that the line had been operated by the North Stratford Railroad Corporation (NSRC) pursuant to a certificate and decision in Finance Docket No. 28553, served October 17, 1978. NSRC apparently ceased operations in early 1989; however, the ICC noted that their records show that NSRC has never sought Commission approval to discontinue operations.¹ According to Mr. Stapleton, NHCR began operations for rail freight service on June 2, 1993, and has one operations/maintenance employee who was compensated from that date. NHCR interchanges with the St. Lawrence & Atlantic Railroad Company.

Section 1(a)(1) of the RRA defines the term "employer" to include:

(i) any express company, sleeping car company, and carrier by railroad, subject to [the Interstate Commerce Act];

(ii) any company which is directly or indirectly owned or controlled by, or under common control with one or more employers as

¹In Notice No. 91-36, dated May 30, 1991, North Stratford Railroad Corporation was terminated as a rail carrier employer under the Acts, effective May 31, 1989, the date employees were last compensated for service.

defined in paragraph (i) of this subdivision,
and which operates any equipment or facility
or performs any service (except trucking
service, casual service, and the casual
operation of equipment or facilities) in

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connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad * * *. [45 U.S.C. §231(a)(1)(i) and (ii)].

Section 1(a) of the RUIA (45 U.S.C. § 351(a)) contains essentially the same definition.

The evidence establishes that NHCR is a carrier by rail and is engaged in interstate commerce. Based upon the information summarized above, it is determined that New Hampshire Central Railroad, Inc. became a rail carrier employer under the Railroad Retirement and Railroad Unemployment Insurance Acts effective June 2, 1993, the date on which it began operations.

Glen L. Bower

V. M. Speakman, Jr.

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