

**EMPLOYER STATUS DETERMINATION**  
**The Chicago Car Interchange Bureau**

This is the decision of the Railroad Retirement Board regarding the status of the Chicago Car Interchange Bureau (CCIB) as an employer under the Railroad Retirement and Railroad Unemployment Insurance Acts.

Mr. Helmus describes CCIB's nature and purpose as follows:

to promote the development, establishment, or expansion of the railroad industry by supervising the interchange inspection of cars, trailers and other detail assigned to it, within the districts of Chicago and vicinity \* \*

There are currently ten members on the Board of Directors of CCIB; more than half of them are from covered employers. These ten directors also comprise the T.O.F.C./C.O.F.C. Interchange Committee<sup>1</sup>. According to the Constitution of the CCIB, the T.O.F.C./C.O.F.C. Interchange Committee has general supervision over matters pertaining to the operation of the CCIB.

Section 1(a)(1) of the Railroad Retirement Act (45 U.S.C. § 231(1)(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;

(ii) any company which is directly or indirectly owned or controlled by, or under common control with one or more employers as defined in paragraph (i) of this subdivision and which operates any equipment or facility or performs any service (other than trucking service, casual service, and the casual operation of equipment and facilities) in connection with the transportation of passengers or property by railroad \* \*

(iv) any railroad association, traffic association, tariff bureau, demurrage bureau, weighing and inspecting bureau, collection agency, and any other association, bureau, agency, or organization which is

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<sup>1</sup> T.O.F.C. means "Trailer on Flat Car"; C.O.F.C. means "Container on Flat Car."

controlled and maintained wholly or principally by two or more employers as defined in paragraph (i), (ii), or (iii) of this subdivision and which is engaged in the performance of services in connection with or incidental to railroad transportation \* \* \*.

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 here, consisting of the Constitution and Rules of the CCIB, indicates that six of the ten members of the Board of Directors and T.O.F.C./C.O.F.C. Interchange Committee represent participating railroads. Accordingly, the evidence establishes that the CCIB is "controlled and maintained wholly or principally by two or more railroads" within the meaning of section 1(a)(i)(iv) of the RRA. Moreover, in the opinion of the Board, supervising the interchange inspections of cars and trailers is a service in connection with or incidental to railroad transportation.

Accordingly, it is the determination of the Board that the Chicago Car Interchange Bureau is an employer under the Acts, effective August 1, 1995.

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Glen L. Bower

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V. M. Speakman, Jr.

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