

## EMPLOYER STATUS DETERMINATION

### Chillicothe-Brunswick Rail Maintenance Authority, Inc.

This is the determination of the Railroad Retirement Board concerning the status of Chillicothe-Brunswick Rail Maintenance Authority, Inc. (CBRMA) as an employer under the Railroad Retirement Act (45 U.S.C. §231 et seq.) (RRA) and the Railroad Unemployment Insurance Act (45 U.S.C. §351 et seq.) (RUIA).

The full name of the company in question is Green Hills Rural Development, doing business as Chillicothe-Brunswick Rail Maintenance Authority, Inc. For clarity, just CBRMA will be referred to in this decision. CBRMA had been found to be an employer under the Acts effective the date it began operations, January 31, 1987<sup>1</sup>. See Legal Opinion L-90-7, dated January 11, 1990. Based on information provided by letter dated June 11, 1990, from Mr. Michael R. Johns, Assistant Vice President of Green Hills, a coverage ruling was issued on August 22, 1990, finding that CBRMA was terminated as a rail carrier under the Acts effective March 31, 1990, the date on which CBRMA ceased operations.

On March 23, 1994, Mr. Johns again contacted the Board, this time to advise that CBRMA was going to start up operations again. The operations would consist of "switching railroad interconnecting with Burlington Northern RR at Sumner, Mo. and proposed interchange with Soo Line at Chillicothe, Mo. Primary traffic is grain and steel products, with lesser amounts of fertilizer and building materials." CBMRA owns the equipment it will use. Operations were expected to start up May 1, 1994; however, actual operation began October 21, 1994.

Section 1(a)(1) of the Railroad Retirement Act (RRA) (45 U.S.C. § 231(a)(1)), insofar as relevant here, defines a covered employer as:

- (i) any express company, sleeping-car company, and carrier by railroad, subject to subchapter I of chapter 105 of Title 49;
- (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 \* \* \*.

Sections 1(a) and 1(b) of the Railroad Unemployment Insurance Act

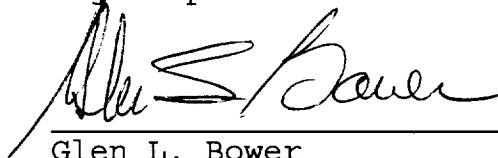
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<sup>1</sup> Green Hills Rural Development, Inc. (Green Hills) is a not-for-profit corporation, which is a political subdivision of the state of Missouri. It is financed through local government service contracts and per capita assessments, state appropriations, and federal grants.

**Chillicothe-Brunswick Rail Maintenance Authority, Inc.**

Sections 1(a) and 1(b) of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. §§ 351(a) and (b)) contain substantially similar definitions.

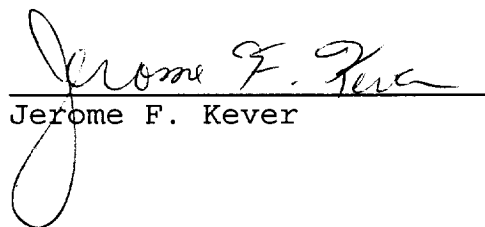
The evidence establishes that CBMRA is a carrier by rail engaged in the transportation of persons or property in interstate commerce. Accordingly, it is determined that the Chillicothe-Brunswick Rail Maintenance Authority, Inc. again became a rail carrier under the Railroad Retirement and Railroad Unemployment Insurance Acts effective October 24, 1994, the date it began operations.



Glen L. Bower



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