

EMPLOYER STATUS DETERMINATION
Central Oregon & Pacific Railroad, Inc.

This is the determination of the Railroad Retirement Board concerning the status of Central Oregon & Pacific Railroad, Inc. (CORP) 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).

In Interstate Commerce Commission (ICC) Finance Docket No. 32567, decided January 13, 1995, CORP filed a notice to lease, acquire and operate 446.05 miles of rail line owned by Southern Pacific Transportation Company (SPTC), B.A. No. 1713. The rail line is located between specified points in Coos, Douglas, Jackson, Josephine, and Lane counties, Oregon and Siskiyou County, California.

Information regarding CORP was provided by Terry Haslett, Coordinator of Acquisitions for Railtex, CORP's parent company. Mr. Bruce M. Flohr is Chief Executive Officer of CORP. According to Ms. Haslett, CORP began operations December 31, 1994, but first compensated its 72 employees on December 1, 1994. CORP interchanges with several railroad carriers which include SPTC, White City Terminal Railroad, Longview, Portland & Northern Railway, and Yreka Western, all covered employers under the Act.

The evidence of record establishes that CORP is a carrier operating in interstate commerce. Accordingly, it is determined that Central Oregon & Pacific Railroad, Inc. is an employer within the meaning of section 1(a)(1)(i) of the Railroad Retirement Act (45 U.S.C §231 et seq.) and the corresponding provision of the Railroad Unemployment Insurance Act effective December 1, 1994, the date as of which it first compensated employees. (CF. Rev. Rul. 82-100 1982-1 C.B. 155).

Glen L. Bower

V. M. Speakman, Jr.

Jerome F. Kever

CCCook:SABartholow:KDJohnson:kdj
CORP615.cov