

EMPLOYER STATUS DETERMINATION

R. J. Corman Railroad Company/Cleveland Line

This is the determination of the Railroad Retirement Board regarding the status of R. J. Corman Railroad Company/Cleveland Line, (RJCC) 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). RJCC has not previously been determined to be an employer under the RRA and the RUIA.

In Interstate Commerce Commission (ICC) Finance Docket 326643, RJCC filed notice of exemption to acquire and operate approximately 48.9 miles of rail line extending between Warwich and Uhrichsville, Ohio. Information about RJCC was furnished by Mr. Kenneth D. Adams, a certified public accountant for RJCC. Mr. Adams reports that RJCC began operations on January 2, 1995, and has three employees. It handles approximately 230 cars per month and interchanges with the CSXT, Conrail and the Ohio Central.

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 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 (except trucking service, casual service, and the casual operation of equipment or facilities) in 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.

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The evidence of record establishes that RJCC is a carrier in interstate commerce. Accordingly, it is determined that RJCC became a rail carrier employer under the Railroad Retirement and Railroad Unemployment Insurance Acts effective January 2, 1995, the date on which it first began operations.

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rjcc960.cov
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TO : The Board

FROM : Catherine C. Cook
General Counsel

SUBJECT: Coverage Determination

Attached is a proposed coverage ruling for Board approval.

Attachment