

**EMPLOYER STATUS DETERMINATION
MINNESOTA CENTRAL RAILROAD CO.**

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

Information about MNCR was furnished by Daniel A. LaKemper, General Counsel of MNCR. Although MNCR began as a non-carrier, upon its acquisition and operation of 146 miles of rail line from MNVA Railroad, Inc.,¹ it became a class III carrier. See Interstate Commerce Commission (ICC) Finance Docket No. 32628, decided December 15, 1994. According to information provided by Mr. LaKemper, MNCR began operations on December 16, 1994. Mr. LaKemper stated that the line in question interchanges with the BN, Twin Cities & Western, CP/Soo, and C&NW, and via Minnesota Commercial, with BN and Wisconsin Central. MNCR provides common carrier freight service to customers between Norwood and Hanley Falls, Minnesota, and its annual volume of traffic is estimated to be approximately 3,000 carloads. It presently operates as an interline carrier.

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 104 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 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

¹ MNVA has been found to be an employer covered by the Acts. B.A. No. 3644.

the same definition.

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The evidence establishes that MNCR is a class III rail carrier. Accordingly, it is determined that Minnesota Central Railroad Co. became a rail carrier employer under the Railroad Retirement and Railroad Unemployment Insurance Acts effective December 16, 1994, the date on which it first compensated employees.

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