

EMPLOYER STATUS DETERMINATION
Southwest Pennsylvania Railroad Company

This is the determination of the Railroad Retirement Board concerning the status of Southwest Pennsylvania Railroad Company (SPRC), 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. 32692, decided July 13, 1995, SPRC filed a notice of exemption to acquire and operate approximately 28.35 miles of rail line known as the Greensburg Cluster owned by Consolidated Rail Corporation (Conrail), B.A. No. 1321. The Greensburg Cluster, located in Westmoreland and Fayette Counties in Pennsylvania include: (1) the Greensburg Industrial Track between milepost 0.05+/- and milepost 2.50+/-; (2) the Southwest Secondary Track between milepost 2.50+/- and milepost 17.54+/-, together with portions of Sewickly Branch and the Tarr Branch; (3) the Southwest Branch/Southwest Secondary Track between milepost 17.54+/- and milepost 23.80+/-; (4) the Long Siding between milepost 0.1+/- and milepost 1.04+/-; (5) the Southwest (Radebaugh) Secondary Track and the Long Siding between milepost 1.04+/- and milepost 2.50+/-; and (6) the Yukon Industrial Track between milepost 0.00+/- and milepost 3.00+/-.

Information regarding SPRC was provided by Dennis E. Larson, Vice President Administration & Law for SPRC. According to Mr. Larson, SPRC began operations and first compensated its employees on June 29, 1995. SPRC has a staff that varies between two and seven employees. Mr. Larson stated that SPRC expects to be switching approximately 750 car loads each year. SPRC interchanges with CSXT, B.A. No. 1524, and Conrail, both covered employers under the Acts.

The evidence establishes that SPRC transports property by railroad in interstate commerce in the United States. Accordingly, the Board holds that Southwest Pennsylvania Railroad Company is a rail carrier employer under the Railroad Retirement and Railroad Unemployment Insurance Acts effective June 29, 1995, the date on which it first commenced operations and compensated employees.

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