

**EMPLOYER STATUS DETERMINATION
CLINTON TERMINAL RAILROAD COMPANY**

This is the decision of the Railroad Retirement Board regarding the status of the Clinton Terminal Railroad Company (CTRC), as an employer under the Railroad Retirement and Railroad Unemployment Insurance Acts.

Information about CTRC was supplied by Mr. L. Gray Tuttle, President-General Manager of CTRC. CTRC is a switching railway that provides services to several customers. CTRC operates over approximately 3.5 miles between Moltonville, North Carolina and Clinton, North Carolina. It interchanges freight with CSXT, an employer under the Acts. CTRC is paid a per car switching fee by CSXT. CTRC does not share tariffs with the CSXT. CSXT contacts CTRC with new customer requests or leads. If a potential customer contacts CTRC it refers them to CSXT. CTRC operation was approved by the Interstate Commerce Commission and it is a class III rail carrier.

Section 1(a)(1) of the Railroad Retirement Act defines the term "employer," in pertinent part, as follows:

The term "employer" shall include--

(i) any carrier by railroad subject to the jurisdiction of the Surface Transportation Board under Part A of subtitle IV of title 49, United States Code; . . .

Section 1(a) of the RUIA (45 U.S.C. § 351(a)) contains essentially the same definition.

The evidence establishes that CTRC is a class III carrier. Accordingly, it is determined that Clinton Industrial Switching District d/b/a Clinton Terminal Railroad Company became a rail carrier employer under the Railroad Retirement and Railroad Unemployment Insurance Acts effective November 10, 1995, the date on which it first began operations.

Original signed by:

Glen L. Bower

V. M. Speakman, Jr.

Jerome F. Kever