

EMPLOYER STATUS DETERMINATION Texas Rock Crusher Railway Company

This is the determination of the Railroad Retirement Board regarding the status of Texas Rock Crusher Railway Company (TXR) 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). TXR has not previously been determined to be an employer under the RRA and the RUIA.

Information about TXR was furnished by Michael A. Willborn, Controller of TXR. TXR, a private corporation, is a wholly-owned subsidiary of TNW Corporation, which also owns Texas North Western Railway Co. (TXNW), Texas, Gonzales & Northern Railway Co. (TXGN), and Nebraska Northeastern Railway Company (NENE).¹ TXR is a newly created class III rail carrier which acquired from the Burlington Northern and Santa Fe Railway Company (BNSF) and operates two disconnected lines of railroad. See Surface Transportation Board (STB) Finance Docket No. 33563. According to information provided by Mr. Willborn, TXR began operations on March 7, 1998, and has four employees who were compensated from March 7, 1998. Mr. Willborn stated that the line in question interchanges with BNSF. TXR is described by Mr. Willborn as "a short-line railroad which hauls crushed rock for a customer in Brownwood, TX from the quarry to an interchange with BNSF. We also serve an industrial park in Brownwood hauling plastic pipe, clay, and other products to the interchange."

Section 1(a)(1) of the RRA defines the term "employer" to 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 of the RUIA (45 U.S.C. § 351 contains essentially the same definition.

The evidence establishes that TXR is a class III carrier. Accordingly, it is determined that Texas Rock Crusher Railway Company became a rail carrier employer under the Railroad Retirement and Railroad Unemployment Insurance Acts effective March 7, 1998, the date on which it first began operations and compensated employees.

Cherryl T. Thomas

V. M. Speakman, Jr.

¹ All three of these are employers covered under the Acts.

Jerome F. Kever

