

**EMPLOYER STATUS DETERMINATION**  
**Oregon Pacific & Eastern Railway**

This is the determination of the Railroad Retirement Board concerning the continued status of Oregon Pacific & Eastern Railway (OPE), B.A. 3730, 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).

Information regarding OPE was provided by Ms. Catherine A. Shaw, attorney for OPE. In Interstate Commerce Commission Finance Docket Numbers AB-401 (Sub-No. 1) and AB-401X, OPE abandoned a 3.35 mile segment of rail line between milepost 0.0 at Cottage Grove and milepost 3.35 at Mosby Creek, in Lane County, Oregon and a 14.5 mile segment of rail line between milepost 3.35 at Mosby Creek and milepost 17.5 at Culp Creek, Oregon. According to Ms. Shaw, OPE ceased rail operations on April 29, 1994 and its employees last performed compensated service on August 15, 1994. On August 24, 1994, OPE donated approximately 14 miles of right-of-way to the United States Department of Interior, Bureau of Land Management, and on November 30, 1994, OPE sold an additional 3.35 miles of right-of-way, car repair shop, and other real estate to the City of Cottage Grove, Oregon. Ms. Shaw also advised that OPE's machinery and equipment were sold at an auction conducted on August 15, 1994. OPE was dissolved as a corporation on December 19, 1994.

Section 202.11 (20 CFR § 202.11) of the Board's regulations states:

The employer status of any company or person shall terminate whenever such company or person loses any of the characteristics essential to the existence of an employer status.

The evidence establishes that OPE ceased operations on April 29, 1994 and last compensated its employees on August 15, 1994. OPE was dissolved as a corporation on December 19, 1994. OPE no longer possesses the characteristics of an operating railroad covered under the Acts; accordingly, under section 202.11 of the Board's regulations, OPE is no longer a covered employer under the RRA and the RUIA.

In accordance with the above, the Board finds that effective with the close of business August 15, 1994, the last day on which it paid compensation reportable to this agency, OPE ceased to be an employer under the RRA and the RUIA.

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Glen L. Bower

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V. M. Speakman, Jr.

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Jerome F. Keever

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**TO:** The Board

**FROM:** Catherine C. Cook  
General Counsel

**SUBJECT:** Coverage Determination  
Oregon Pacific & Eastern Railway

Attached is a proposed coverage ruling for Board approval.

Attachment