

EMPLOYER STATUS DETERMINATION
Roscoe, Snyder and Pacific Railway Company

This is the determination of the Railroad Retirement Board concerning the continued status of Roscoe, Snyder and Pacific Railway Company (RSPR), B.A. No. 3659, 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. 30421, decided on April 27, 1984, the ICC exempted RSPR from the abandonment regulations with respect to RSPR's rail line. RSPR's line included 27.4 miles of rail line in Scurry, Mitchell and Nolan Counties, Texas.

Information regarding RSPR was provided by Mr. Robert V. Hardwick, attorney for RSPR. According to Mr. Hardwick, RSPR's employees ceased all railroad operations effective May 28, 1984, except for employees who were needed to perform administrative operations. RSPR's remaining employees last performed compensated service on August 15, 1986. Mr. Hardwick stated that RSPR has not been dissolved as a corporation and still owns most of its assets.

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 RSPR ceased rail operations and abandoned its rail line on May 28, 1984. RSPR's remaining employees last performed compensated service on August 15, 1986. RSPR no longer possesses the characteristics of an operating railroad company covered under the Acts; accordingly, under section 202.11 of the Board's regulations, RSPR is no longer a covered employer under the RRA and the RUIA.

The Board finds that effective with the close of business August 15, 1986, Roscoe, Snyder and Pacific Railway Company was no longer a covered employer under the RRA and the RUIA.

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