B.C.D. 02-53

AUG 01 2002

EMPLOYER STATUS DETERMINATION
Trinidad Railway, Inc.

This is the decision of the Railroad Retirement Board regarding the continued status of Trinidad Railway, Inc. (TRI), 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).

TRI was held to be an employer under the Acts effective December 30, 1992, (B.A. Number 5731). TRI ceased operations in March 1996 and was sold by Entech, Inc., to Trinidad Railway Holding, LLC, on June 1, 1997. Its assets were sold to Kern Valley Railroad Company[1] on October 31, 2000.

Section 202.11 of the Board's regulations provides that:

> 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.

Through the sale of its assets and its cessation of operations, TRI has lost the characteristics essential to the existence of an employer status. Accordingly, the Board holds that TRI ceased to be an employer under the Railroad Retirement and Railroad Unemployment Insurance Acts effective with the close of business on October 31, 2000.

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1 The status of which under the Acts is currently being reviewed by the Audit and Compliance Section, as is the status of the Colorado Central Railroad Company, which has contracted with the Kern Valley Railroad Company.