B.C.D. 02-91

DEC 06 2002

EMPLOYER STATUS DETERMINATION
Cuyahoga Valley Railway Company
River Terminal Railway Company

This is the decision of the Railroad Retirement Board regarding the continued status of Cuyahoga Valley Railway Company and River Terminal Railway Company, as employers 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).

Cuyahoga Valley was held to be an employer under the Acts effective May 18, 1905, (B.A. Number 4207). River Terminal was held to be an employer under the Acts effective December 8, 1909, (B.A. Number 4346).

On May 17, 2002, the assets of these two companies were sold and are now part of a new railroad company, ISG Cleveland Works Railway Company, which was held by the Board to be an employer effective May 5, 2002 (B.C.D. No. 02-72.1; B.A. No. 4276). 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 rail assets and cessation of operations, Cuyahoga Valley and River Terminal have lost the characteristics essential to the existence of an employer status. Accordingly, the Board holds that these companies ceased to be employers under the Railroad Retirement and Railroad Unemployment Insurance Acts effective with the close of business on May 17, 2002. Cf. Rev

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Ruling 82-99, 1982-2 C.B. 154, wherein the Internal Revenue Service ruled that a railroad ceases to be an employer subject to taxes under the Railroad Retirement Tax Act when the railroad's employees stop performing services in connection with the railroad's carrier activities.

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