

**EMPLOYER STATUS DETERMINATION  
THE CINCINNATI TERMINAL RAILWAY COMPANY**

This is the determination of the Railroad Retirement Board regarding the status of the Cincinnati terminal railway Company (CTR) as an employer under the Railroad Retirement Act (45 U.S.C. §231 et seq.)(RUIA). CTR has not previously been determined to be an employer under the R.A. and the RUIA.

Information about CTR was furnished by Robert L. Calhoun, Attorney for CTR. Although CTR began as a non-carrier, upon its acquisition and operation of 16.25 miles of rail line from Conrail, it became a class III carrier. See Interstate Commerce Commission (ICC) Finance Docket No. 32416. According to information provided by Mr. Calhoun, CTR began operations and employees were first compensated on June 24, 1994. Mr. Calhoun stated that the line in question interchanges with Conrail, the Norfolk & Western, and the Indiana & Ohio Railway Company. CTR is "a connecting carrier with whom freight will be interchanged".

Section 1(a)(1) of the R.A. defines the term "employer" to include:

(i) any express company, sleeping car company, and carrier by railroad, subject to subchapter I of chapter 105 of Title 49;

(ii) any company which is directly or indirectly owned or controlled by, or under common control with, one or more employers as defined in paragraph (i) of this subdivision, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad. [45 U.S.C. §231(a)(i) and (ii)].

Section 1(a) of the RUIA (45 U.S.C. § 351(a)) contains essentially the same definition.

The evidence establishes that CTR is a carrier by rail engaged in the transportation of persons or property in interstate commerce.

Accordingly, it is determined that the Cincinnati Terminal Railway Co., became a rail carrier employer under the Railroad Retirement and Railroad Unemployment Insurance Acts effective June 24, 1994, the date on which it first compensated employees.

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Glen L. Bower

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V. M. Speakman, Jr.

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