

EMPLOYER STATUS DETERMINATION
BCD 2025-31
New Orleans Public Belt Railroad (NOPB)
(B.A. No. 4525)

June 16, 2025

This is a decision of the Railroad Retirement Board concerning New Orleans Public Belt Railroad's (NOPB) (B.A. No. 4525) continued status as an employer under the Railroad Retirement Act (RRA) and the Railroad Unemployment Insurance Act (RUIA) (collectively, "the Acts"). RRA, 45 U.S.C. § 231 *et seq.*; RUIA, 45 U.S.C. § 351 *et seq.*

NOPB is a covered employer under the Acts.¹ The rail line is approximately 29.3 miles plus 3.95 miles of assigned trackage rights. NOPB was owned and operated by the State of Louisiana. *See* Legal Opinion L-41-226.

NOPB's Manager of Accounting, Claudia Simmons, and Chief Executive Officer, Brandy D. Christian, provided information regarding NOPB's change in operating status. On September 30, 2020, operations for NOPB ceased. On October 1, 2020, all assets, liabilities, contracts, and employees of NOPB were legislatively transferred to another state entity, New Orleans Public Belt Railroad Commission for the Port of New Orleans (Railroad Commission) (B.A. No. 4586). *See also* B.C.D. 2021-15. This occurred because in 2020, Louisiana enacted a statute whereby NOPB's operations ceased, and all assets as well as employees were transferred to Railroad Commission. *City of New Orleans – Public Belt Railroad*, 33 La. Rev. Stat. §4530.

In Surface Transportation Board (STB) Finance Docket No. 36419, Railroad Commission filed a verified notice of exemption to acquire and operate approximately 29.3 miles of rail line and approximately 3.95 miles of assigned trackage rights from NOPB. *New Orleans Public Belt Railroad Commission for the Port of New Orleans – Acquisition and Operation Exemption – New Orleans Public Belt Railroad Corporation*, 2020 STB Fin. Dkt. 36419. The STB approved the exemption, effective September 10, 2020. *Id.*

Under section 202.11 of the agency's regulations, "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." 20 C.F.R. § 202.11. Evidence of such termination includes stoppage of business or operations; the sale, transfer, or lease of property, equipment or machinery essential to the continuance of an employer function; and discharge of last employee. 20 C.F.R. § 202.12(b).

The evidence in this case supports a finding that NOPB no longer possesses the characteristics of a covered employer or operating railroad company. To this end, the record reflects that NOPB no longer operates a rail line or has any employees engaged in railroad transportation.

¹ In 2018, the company changed its name from Public Belt Railroad Commission for the City of New Orleans d/b/a New Orleans Public Belt Railroad to New Orleans Public Belt Railroad Corporation. *See*, B.C.D. 2018-10.

Therefore, effective September 30, 2020, the day before Railroad Commission assumed all NOPB's operations and employees, the Board finds NOPB ceased being a covered employer under the Acts.

FOR THE BOARD
Stephanie Hillyard
Secretary to the Board