

Digest

FEB 20 1945

The Director of Retirement Claims

1-45-86 ✓

The General Counsel

United Railways Company ✓

I herewith submit my opinion on the following:

QUESTION

Has the United Railways Company ceased to be an "employer" under the Railroad Retirement Act and the Railroad Unemployment Insurance Act?

OPINION

It is my opinion that on December 1, 1944, the United Railways Company ceased to be an "employer" under the Railroad Retirement Act and Railroad Unemployment Insurance Act.

DISCUSSION

The United Railways Company by virtue of being a carrier by railroad subject to part I of the Interstate Commerce Act has been an "employer" under the Railroad Retirement Act and the Railroad Unemployment Insurance Act. See Item No. 6996 in the Status Book.

In a certificate dated November 28, 1944, the Interstate Commerce Commission authorized the merger of the properties of the United Railways Company into the Spokane, Portland and Seattle Railway Company "for ownership, management and operation." See Spokane, Portland and Seattle Railway Company et al Merger, Finance Docket 14730. Information furnished by Mr. Robert Crosbie, Comptroller, Spokane, Portland and Seattle Railway Company, in letters dated January 16, 1945, and January 26, 1945, is that the merger of the United Railways Company into the Spokane, Portland and Seattle Railway Company was effective December 1, 1944; that the United Railways Company was dissolved on December 28, 1944, but that the adoption by the Spokane, Portland and Seattle Railway Company of the tariffs, concurrences and powers of attorney of the United Railways Company, on file with the Interstate Commerce Commission, was not effective until January 1, 1945.

Memorandum to
The Director of Retirement Claims

On the basis of the foregoing facts, it is my opinion that on December 1, 1944, the effective date of the merger of the properties of the two companies referred to, the United Railways Company ceased to be a carrier by railroad subject to part I of the Interstate Commerce Act and consequently on that date ceased to be an "employer" under the Railroad Retirement Act and the Railroad Unemployment Insurance Act.

Myles F. Gibbons
General Counsel

HFC:lr