

EMPLOYER STATUS DETERMINATION

BCD 2023-03

R. J. Corman Railroad Company/Owego & Harford Line, Inc. (RJOH)

BA No. 3129

October 12, 2022

This is a decision of the Railroad Retirement Board concerning R. J. Corman Railroad Company/Owego & Harford Line, Inc.'s (RJOH) 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.*

On December 7, 2020, Catherine Wright, counsel for R. J. Corman Railroad Company provided information about RJOH. RJOH is a wholly owned subsidiary of R. J. Corman Railroad Company LLC, a non-carrier holding company. The president of RJOH is Ray Goss. RJOH acquired material assets from prior operator Owego & Harford Railway, LLC. (B.A. No. 2253).¹ RJOH operates a rail line located between milepost 0.0 at Owego, NY and milepost 27.6 at North Harford, NY and interchanges with Norfolk Southern Railway Co. (B.A. No. 1525). RJOH's beginning date of operations and the first date of compensation for its five employees was December 5, 2020.

In Surface Transportation Board (STB) Finance Docket No. 36430, RJOH filed a notice for a modified certificate of public convenience and necessity to operate approximately 27.6 miles of rail line located between milepost 0.0 at Owego, NY and milepost 27.6 at North Harford, NY. *R. J. Corman Railroad Company/Owego & Harford Line, Inc.—Modified Certificate of Public Convenience and Necessity*, 2020 STB Fin. Dkt. 36430. RJOH will provide rail service pursuant to an Operating Agreement between Owego & Harford and Tioga County Industrial Development Agency (TCIDA), the owner of the line, dated February 13, 2013, which was assigned to and assumed by RJOH as part of its purchase of the material assets of Owego & Harford. *Id.*

Under section 1(a)(1)(i) of the RRA, insofar as relevant here, a covered employer is defined as "any carrier by railroad subject to the jurisdiction of the Surface Transportation Board under Part A of subtitle IV of title 49, United States Code." RRA § 1(a)(1)(i), 45 U.S.C. § 231(a)(1)(i). Section 1 of the RUIA and section 3231(a) of the Railroad Retirement Tax Act (RRTA) contain substantially similar definitions. RUIA § 1, 45 U.S.C. § 351; RRTA, 26 U.S.C. § 3231.

Here, the record establishes that R. J. Corman Railroad Company/Owego & Harford Line, Inc. is a rail carrier operating in interstate commerce, because it interchanges with a Class I railroad, Norfolk Southern Railway Co. Accordingly, it is determined that

¹ The Board is considering the continued coverage status of Owego & Harford Railway, LLC in a separate coverage decision.

R. J. Corman Railroad Company/Owego & Harford Line, Inc. became an employer within the meaning of the Acts effective December 5, 2020, the date it began operations and the date it first compensated its employees.

FOR THE BOARD
Stephanie Hillyard
Secretary to the Board