

MEMORANDUM

L-44-424
M-247

August 23, 1944

TO The Director of Retirement Claims

FROM The General Counsel

SUBJECT Cincinnati & Miami Valley Traction Company

[REDACTED]
Service claimed as section laborer between Hamilton
and Dayton, Ohio, from March to August 1898

In response to your request, I herewith submit my opinion on the following:

QUESTION

Is service rendered to the Cincinnati & Miami Valley Traction Company creditable under the Railroad Retirement Act?

OPINION

It is my opinion that service rendered to the Cincinnati & Miami Valley Traction Company from July 1896 to April 24, 1900, is creditable under the Railroad Retirement Act.

DISCUSSION

Information contained in various editions of Poor's and Moody's manuals is that the Cincinnati & Miami Valley Traction Company was chartered in July 1896 under the laws of Ohio; that it owned and operated a standard gauge electric railway extending from Hamilton to Dayton, Ohio, approximately 38 miles, of which 11-1/2 miles between Miamisburg and Dayton were leased from the Dayton Traction Company; that the properties of the Cincinnati & Miami Valley Traction Company were acquired on April 24, 1900, by the Southern Ohio Traction Company; that on June 1, 1902, the Southern Ohio Traction Company was consolidated with the Cincinnati Northwestern Railway Company, the Miamisburg & Germantown Traction Company and the Hamilton & Lindenwald Electric Transit Company to form the Cincinnati, Dayton & Toledo Traction Company;

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that on April 26, 1918, the Cincinnati & Dayton Traction Company was incorporated as the successor to the Cincinnati, Dayton & Toledo Traction Company; that the Cincinnati, Hamilton & Dayton Railway Company was incorporated on March 24, 1926, under the laws of Ohio and shortly thereafter acquired the properties of the Cincinnati & Dayton Traction Company which had been sold at foreclosure sale on March 18, 1926, and finally that the name of the Cincinnati, Hamilton & Dayton Railway Company was changed to Cincinnati & Lake Erie Railroad Company on January 1, 1930.

The Cincinnati & Lake Erie Railroad Company has been held to have been a "carrier employer" on August 29, 1935. See Item 1481 in the Status Book. Therefore, the Cincinnati & Miami Valley Traction Company was a predecessor both in ownership and operation of a company which was a "carrier employer" on August 29, 1935. Since the Cincinnati & Miami Valley Traction Company operated an interurban railway some 38 miles in length, it is clear that it was a carrier by railroad within the meaning of Sections 1(f) and 202 of the Railroad Retirement Act of 1937. Consequently, it is my opinion that service rendered to the Cincinnati & Miami Valley Traction Company from the date of its incorporation, July 1896, to April 24, 1900, is creditable under the Railroad Retirement Act.

Joseph H. Freehill
General Counsel