

EMPLOYER STATUS DETERMINATION

BCD 2025-02

Port Manatee Railroad (Port Manatee)

B.A. No. 2562

October 9, 2024

This is a determination of the Railroad Retirement Board (RRB) concerning the continued status of Port Manatee Railroad (Port Manatee) (B.A. No. 2562) 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.*

In Board Coverage Decision 1989-74, dated October 3, 1989, the Board determined that Port Manatee was a rail carrier operating in interstate commerce under the RRA and the RUIA, with an effective coverage date of January 1, 1972, the date it began operations. Furthermore, the Board Coverage Decision acknowledged the name change from the Manatee County Port Authority to Port Manatee Railroad effective October 1, 1989.

On October 4, 2022, Denise C. Stufflebeam, Manatee County Port Authority’s Senior Director of Business Administration & Finance, provided the following information for Port Manatee. On December 1, 2021, Manatee County Port Authority and Port Manatee Railroad, LLC (PMR) (B.A. No. 2685) entered into an Operating Agreement whereby Port Manatee Railroad, LLC, replaced Port Manatee as the operator of approximately seven miles of rail line within the Port of Manatee. During the transition period, a single Port Manatee employee remained employed to oversee track maintenance. On December 31, 2022, the employee retired.

On November 12, 2021, the Surface Transportation Board (STB) approved the acquisition mentioned above. *See Port Manatee Railroad, LLC – Operation Exemption – Manatee County Port Authority*, 2021 STB Fin. Dkt. 36552. The assets in the purchase agreement included approximately seven miles of rail line within the Port of Manatee, in Manatee County, Florida. *Id.*

Under the agency’s regulations, “[t]he 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 Port Manatee no longer operates a rail line or has any employees engaged in railroad transportation. To this end, the record reflects that Port Manatee currently has no employees, renders no services, does not interchange with other rail carriers, and does not own any facilities or equipment. Further, RRB annual reports of compensation records reflect that for tax year 2023 Port Manatee

did not report any service months. The evidence of record establishes that Port Manatee no longer possess the characteristics of an operating railroad company. Therefore, the Board finds that Port Manatee ceased being a covered employer under the Acts effective January 1, 2023, the date that it terminated operations and no longer compensated employees.

FOR THE BOARD

Stephanie Hillyard
Secretary to the Board