

EMPLOYER STATUS DETERMINATION

BCD 2023-14

Port Manatee Railroad, LLC (PMR)

BA No. 2685

November 2, 2022

This is a decision of the Railroad Retirement Board concerning Port Manatee Railroad, LLC's (PMR) 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.*

Information regarding PMR was provided in a letter dated May 17, 2022 by PMR's President/CEO, Alfred Sauer, as well as in a letter received on May 24, 2022 from Regional Rail's Director of Administration, Diane Klein. The following information was provided. PMR is owned by 3i RR Holdings GP LLC, which is not a covered employer under the Acts. PMR entered into an agreement to replace the Manatee County Port Authority/Port Manatee Railroad (the Port)¹ (B.A. No. 2562) as the operator of approximately 7 miles of track within the Port of Manatee, in Manatee County, Florida. PMR began operations on December 1, 2021. PMR will interchange and do business exclusively with CSX Transportation, Inc. (CSXT) (B.A. No. 1524). As of the date of the letter, there were no compensated employees as all employees were employed by PMR's sister company, Florida Central Railroad Company, LLC (B.A. No. 2586).

In Surface Transportation Board (STB) Finance Docket No. 36552, PMR filed a verified notice of exemption to operate on behalf of the Port approximately 7 miles of rail line. *Port Manatee Railroad LLC – Operation Exemption – Manatee County Port Authority*, 2021 STB Fin. Dkt. 36552. The Port owned and operated the property as a Class III railroad and PMR entered into an agreement with the Port to replace the Port as the operator of the line on December 1, 2021. *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 PMR is a rail carrier operating in interstate commerce because it interchanges with a Class I railroad, CSXT. Accordingly, it is determined that PMR became an employer within the meaning of the Acts effective December 1, 2021, the date it first began operations.

FOR THE BOARD
Stephanie Hillyard
Secretary to the Board

¹ The Board is conducting an inquiry into the continued coverage status of Manatee County Port Authority.