

EMPLOYER STATUS DETERMINATION
Carey Short Line Corporation

This is the determination of the Railroad Retirement Board concerning the status of Carey Short Line Corporation (CSLC) as an employer under the Railroad Retirement Act (45 U.S.C. §231 et seq.) (RRA) and the Railroad Unemployment Insurance Act (45 U.S.C. §351 et seq.) (RUIA).

Information about CSLC was furnished by Clark Evans Downs, CSLC's attorney. Mr. Downs stated that CSLC was formed by National Lime and Stone Company (National Lime) and Wyandot Dolomite, Inc. (Wyandot) to own and operate the Carey Industrial Track. National Lime and Wyandot are each engaged in the business of mining and processing stone for sale in highway, construction, railroad and steel industry markets. The Carey Industrial Track is surrounded by land owned by National Lime and Wyandot on which they separately conduct quarry operations and National Lime and Wyandot are the only shippers that now use the Carey Industrial Track and are the only shippers that are expected to use the track in the future. Actual operations on the Carey Industrial Track are conducted by other railroads under trackage agreements with CSLC. CSLC has entered into trackage agreements with Consolidated Rail Corporation (BA No.), The Wheeling and Lake Erie Railroad Company (BA No.) and CSX Transportation, Inc. (BA No.).

In Interstate Commerce Commission Finance Docket No. 32236, decided February 4, 1993, CSLC filed a notice of exemption to acquire and operate approximately 1 mile of rail line owned by Conrail. The ICC decision stated that the line, known as the Carey Industrial Track, extends from milepost ± 49.50 to milepost ± 48.50 in Crawford and Carey Townships, Wyandot County, Ohio.

In ICC Finance Docket No. 32235, decided February 4, 1993, CSLC agreed to grant local trackage rights to Conrail over the Carey Industrial Track, effective January 29, 1993.

Although it obtained ICC authority to acquire and operate the Carey Industrial Track, CSLC does not and has not ever operated a railroad. Rather, CSLC has entered into trackage agreements with three covered rail carrier employers to operate rail service over that line. It is therefore determined that Carey Short Line Corporation is not an employer under the RRA and the RUIA.

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