

**Office of Chief Counsel
Internal Revenue Service
Memorandum**

Number: **200518078**

Release Date: 5/6/2005

CC:TEGE:EOEG:ET1

POSTN-164274-04

UILC: 3231.01-00

date: January 6, 2004

to: Director, Submission Processing
Cincinnati, OH
Attn: Entity Unit

from: Office of Division Counsel/Associate Chief Counsel
(Tax Exempt & Government Entities)

subject: Railroad Retirement Tax Act Status

In accordance with the coordination procedure established between the Service and the Railroad Retirement Board (RRB), the RRB has provided us with its opinion that the following business ceased to be an employer under the Railroad Retirement Act and the Railroad Unemployment Insurance Act effective _____ :

We have reviewed the opinion of the RRB, which states that

_____ has terminated its operation of _____. Based upon the information submitted to us by the RRB, we also conclude that _____ ceased to be an employer (as a "carrier") under the Railroad Retirement Tax Act (RRTA) effective _____, since it no longer operates a shortline railroad.¹ Please take the appropriate action regarding this business or contact me at (202) 622-6040 if you have any questions.

Joseph W. Spires

cc:

¹ The Board's opinion suggests that _____ may continue to perform rail car repair services. Since the RRB's opinion does not discuss whether _____ is directly or indirectly owned or controlled by carriers, we cannot conclude whether _____ may be an employer for purposes of the RRTA under the alternate definition of "employer" under § 3231(a) of the Code.