

**YANKEETOWN DOCK CORPORATION
EMPLOYER STATUS DETERMINATION**

This is the determination of the Railroad Retirement Board regarding the status of Yankeetown Dock Corporation (YDC) as an employer under the Railroad Retirement Act (45 U.S.C. §231 et seq.) (RRA) and Railroad Unemployment Insurance Act (45 U.S.C. §351 et seq.) (RUIA). YDC has not previously been determined to be an employer under the RRA and the RUIA.

Information about YDC was furnished by Morris W. Kegley, General Counsel for Amax Coal Company, one of the two shareholders of YDC (Peabody Coal Company is the other shareholder). YDC was incorporated and began operations on April 29, 1953. According to Mr. Kegley YDC consists primarily of 16 miles of private rail track and a rail-to-barge loading facility. YDC services Amax Coal Company's Ayrshire Mine and Peabody Coal Company's Lynnville Mine, both located in Warrick County, Indiana. YDC also has granted certain trackage rights to Squaw Creek Coal Company (a joint venture of Peabody Coal Company and Alcoa) which allows coal haulage from the Squaw Creek Mine in Warrick County, Indiana to Alcoa's Warrick Generating Station also located in Warrick County, Indiana.

YDC has no employees; all services are provided by Amax Coal Company pursuant to a Management Services Agreement dated June 23, 1983. YDC's services are described by Mr. Kegley as "private rail transportation and barge loading services to its sole shareholders, Amax Coal Company and Peabody Coal Company."

It is clear from the information contained in the file that YDC is not holding itself out to the public as engaging in the business of transportation of people or property from place to place for compensation. As no shipper other than the shareholders of YDC could demand service of YDC, it stands in relation to the world as a private carrier rather than a common carrier. The Board accordingly finds that Yankeetown Dock Corporation is not an employer under the Railroad Retirement and Railroad Unemployment Insurance Acts.

Glen L. Bower

V. M. Speakman, Jr.

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