

**EMPLOYER STATUS DETERMINATION**

**The Elk River Railroad, Inc.**

This is the determination of the Railroad Retirement Board concerning the status of The Elk River Railroad, Inc. (Elk River) 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).

In Interstate Commerce Commission (ICC) Finance Docket No. 31497, decided July 21, 1989, Elk River filed a notice of exemption for the lease, operation, and possible future acquisition of 61 miles of CSX Transportation, Inc.'s (CSXT) (BA No.1524) Elk River Subdivision between milepost 6.2, at or near Gilmer, and milepost 67.2, at or near Hartland, in Gilmer, Braxton, and Clay Counties, West Virginia.

According to its President, Richard B. Detty, Elk River began operations on October 28, 1991.

In ICC Finance Docket No. 31989, decided May 21, 1992, Elk River filed a request for an exemption from prior approval requirements to construct and operate a 30-mile line of railroad from Hartland to Falling Rock, in Clay and Kanawha Counties, West Virginia. The ICC conditionally granted Elk River's exemption request subject to ICC review of the anticipated environmental impacts of constructing and operating the proposed line.

Based upon the information summarized above, it is determined that The Elk River Railroad, Inc. became a rail carrier employer under the RRA and the RUIA effective October 28, 1991, the date on which it began operations.

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Glen L. Bower

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V.M. Speakman, Jr.

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