

EMPLOYER STATUS DETERMINATION
East Penn Railways, Inc.

This is the determination of the Railroad Retirement Board concerning the status of East Penn Railways, Inc. (EPRI) 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. 32732, decided July 10, 1995, EPRI filed a notice for a modified certificate of public convenience and necessity to operate three rail lines as follows: (1) the Perkiomen Branch, USRA Line No. 906, between milepost 22.38 at Pennsburg, PA and milepost 38.23 at Emmaus Junction, Emmaus, PA, a distance of 15.85 miles, in Berks, Lehigh, and Montgomery Counties, PA; (2) the Colebrookdale Industrial Track (Boyertown Branch), USRA Line No. 909, between milepost 0.00 at Colebrookdale Junction (Pottstown, PA), and milepost 8.60 at Boyertown, PA, a distance of 8.60 miles, in Berks and Montgomery Counties, PA; and (3) the Kutztown Branch, USRA Line No. 910, between milepost 0.17 at Topton, PA, and milepost 4.29 at Kutztown, PA, a distance of 4.12 miles, in Berks County, PA. The lines were acquired by the Commonwealth of Pennsylvania (Pennsylvania) in 1982. EPRI has entered into a five year contract agreement with Pennsylvania to operate these rail lines.

Effective July 1, 1995, EPRI began rail operations. Information regarding EPRI was provided by John C. Nolan, President of EPRI.

EPRI first compensated its four employees on October 2, 1995. According to Mr. Nolan, EPRI provides freight operations. EPRI interchanges with Conrail at terminal points in Emmaus, Pottstown, and Topton, Pennsylvania.

The evidence establishes that EPRI transports property by railroad in interstate commerce in the United States. Accordingly, the Board holds that East Penn Railways, Inc. is a rail carrier employer under the Railroad Retirement Act and the Railroad Unemployment Insurance Act effective July 1, 1995, the date it began operations.

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Glen L. Bower

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V. M. Speakman, Jr.

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EPRI2976.cov

TO : The Board

FROM : Catherine C. Cook
General Counsel

SUBJECT: Coverage Determination
East Penn Railways, Inc.

Attached is a proposed coverage ruling for Board approval.

Attachment