EMPLOYER STATUS DETERMINATION
Belvidere & Delaware River Railway Company, Inc.

This is the determination of the Railroad Retirement Board regarding the status of Belvidere & Delaware River Railway Company, Inc. (B&DR) 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). B&DR has not previously been determined to be an employer under the RRA and the RUIA.

Information about B&DR was furnished by Kean Burenga, President and sole stockholder of B&DR. Although B&DR began as a non-carrier, upon its acquisition and operation of 16.2 miles of rail line from Consolidated Rail Corporation, it became a class III carrier. See Interstate Commerce Commission (ICC) Finance Docket No. 32803. According to information provided by Mr. Burenga, B&DR began operations on November 11, 1995, has two officers[1] and no other employees. Mr. Burenga stated that the line in question interchanges with Conrail at Phillipsburg, New Jersey. B&DR is described as "an interline carrier" which serves three customers. According to Mr. Burenga, the principal commodities carried are paper and other forest products; trains run three times a week; and 1996 carloads are estimated at 1,000.

Section 1(a)(1) of the RRA defines the term "employer" to include:

> (i) any carrier by railroad subject to the jurisdiction of the Surface Transportation Board under Part A of subtitle IV of title 49, United Stated Code;

Section 1(a) of the RUIA (45 U.S.C. § 351(a)) contains essentially the same definition.

The evidence establishes that B&DR is a class III carrier. Accordingly, it is determined that Belvidere & Delaware River RAilway Company, Inc. became a rail carrier employer under the Railroad Retirement and Railroad Unemployment Insurance Acts effective November 11, 1995, the date it began operations.

Glen L. Bower

V. M. Speakman, Jr.

---

[1] Mr. Burenga is the President and Craig J. Hoffman is the Secretary. According to Mr. Burenga, the officers are uncompensated.

_____
Jerome F. Kever