

EMPLOYER STATUS DETERMINATION
New York & Atlantic Railway Company

This is the determination of the Railroad Retirement Board concerning the status of New York & Atlantic Railway Company (NY&AR) as an employer under the Railroad Retirement Act (45 U.S.C. § 231 et seq.) and the Railroad Unemployment Insurance Act (45 U.S.C. §351 et seq.).

Information regarding NY&AR was provided by Emily M. Thall of Anacostia & Pacific Company, Inc. According to Ms. Thall, NY&AR began hiring employees effective March 31, 1997, and began operations May 11, 1997. Mr. George L. Stern is the president of NY&AR.

In Surface Transportation Board Finance Docket 33300, NY&AR filed a notice of exemption to acquire the freight operations of the Long Island Railroad Company (BA Number 1311). These operations involve operating approximately 268 miles of rail line and interchanging with Conrail (BA Number 1321), New York Cross Harbor Railroad Terminal Corporation (BA Number 4392), and, possibly, Providence and Worcester Company (BA Number 8093).

The evidence of record establishes that NY&AR is a carrier operating in interstate commerce. Accordingly, it is determined that NY&AR became an employer within the meaning of section 1(a)(1)(i) of the Railroad Retirement Act (45 U.S.C. § 231(a)(1)(i)) and the corresponding provision of the Railroad Unemployment Insurance Act as of March 31, 1997, the date as of which it first hired employees.

Glen L. Bower

V. M. Speakman, Jr.

Jerome F. Kever