

EMPLOYER STATUS DETERMINATION

Atlanta & St. Andrews Bay Railway Company

This is the determination of the Railroad Retirement Board concerning the continued status of Atlanta & St. Andrews Bay Railway Company (ASAB), B.A. No. 1532, 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).

Information regarding ASAB was provided by Harry L. DeLung, Jr. counsel for ASAB. He stated that ASAB ceased railroad operations on December 31, 1993, the date of the closing of the sale of its assets to the Bay Line Railroad, L.L.C., a covered employer under the Acts (B.A. No. 5553). In Interstate Commerce Commission (ICC) Finance Docket No. 32435, decided on December 23, 1993, Bay Line Railroad filed a notice of exemption to acquire and operate 88 miles of main line rail trackage running from Panama City, Florida to Dothan, Alabama, which was owned by ASAB, and all of the other railroad operation assets of ASAB. As of April 1, 1994, ASAB had no employees. Mr. DeLung stated that ASAB has not been formally dissolved.

Section 202.11 (30 CFR §202.11) of the Board's regulations states:

The employer status of any company or person shall terminate whenever such company or person loses any of the characteristics essential to the existence of an employer status.

According to the information Mr. DeLung provided, in December 1993, all of ASAB assets were acquired by Bay Line, a covered employer. Since ASAB no longer possess the characteristics of an operating railroad company covered by the Acts, ASAB is no longer a covered employer under the RRA and RUIA.

The Board therefore finds that effective with the close of business December 31, 1993, the closing date of sale of ASAB rail assets to The Bay Line Railroad, L.L.C., Atlanta & St. Andrews Bay Railway Company was no longer a covered employer under the RRA and the RUIA.

Glen L. Bower

V. M. Speakman, Jr.

Jerome F. Kever
