B.C.D. 01-56

JUL 05 2001

EMPLOYER STATUS DETERMINATION
Gettysburg & Northern Railroad Co.

This is a determination of the Railroad Retirement Board concerning the status of Gettysburg & Northern Railroad Co. (GNR) 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 Surface Transportation Board Finance Docket No. 34011 (STB), decided February 20, 2001, GNR filed a verified notice of exemption to acquire from Gettysburg Railway Company, Inc., Delaware Transportation Group, Inc., and Delaware Valley Railway Company, Inc. and operate approximately 23.36 miles of rail line. The rail line is approximately between milepost 31.20 at Gettysburg, and milepost 7.84, at Mount Holly Springs, in Adams and Cumberland Counties, Pennsylvania.

Information regarding GNR was provided by Mr. Daniel A. LaKemper, General Counsel for GNR. According to the "Purchase Agreement" dated February 9, 2001, GNR acquired title and rights to operate the railroad line between Gettysburg and Mt. Holly Springs, Pennsylvania. According to Mr. LeKemper, GNR is a subsidiary of Pioneer Railcorp. Mr. LeKemper stated that Mr. Guy L. Brenkman is the Chief Executive Officer for GNR. He stated that GNR began rail operations on February 20, 2001 and first compensated its five employees on February 28, 2001. Mr. LeKemper further stated that GNR provides common carrier freight service to customers in Gettysburg, and several other stations in Adams and Cumberland Counties, Pennsylvania. He expects GNR to handle approximately 2,000 carloads of freight annually. Mr. LeKemper further stated that GNR is affiliated with several railroad employers covered under the RRA and the RUIA. Mr. LeKemper also stated that GNR interchanges with CSX Transportation at Gettysburg and Norfolk Southern Railway at Mt. Holly Springs.

Section 1(a)(1) of the Railroad Retirement Act (45 U.S.C. § 231(a)(1)), insofar as relevant here, defines a covered employer as:

> (i) any carrier by railroad subject to the jurisdiction of the Surface Transportation Board under Part A of subtitle IV of title 49, United States Code; 45 U.S.C. § 231(a)(1)(i).

Section 1 of the RUIA contains essentially the same definition, as does section 3231 of the Railroad Retirement Tax Act.

The evidence of record establishes that Gettysburg & Northern Railroad Co. is a rail carrier operating in interstate commerce. Accordingly, it is determined that

Gettysburg & Northern Railroad 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 effective February 20, 2001, the date on which it began railroad operations.

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