B.C.D. 04-6

FEB 1 1 2004

EMPLOYER STATUS DETERMINATION
I & M Rail Link, LLC (IMRL)

This is a determination of the Railroad Retirement Board concerning the status of I & M Rail Link, LLC (IMRL) 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). IMRL (B.A. No. 5623) has been an employer under the Acts, with service creditable from January 30, 1997.

In Surface Transportation Board (STB) Finance Docket 34177, decided June 11, 2002, Iowa, Chicago & Eastern Railroad Corporation (ICE) filed a notice of exemption to acquire and operate the following rail lines and assets owned by IMRL, a Class II carrier: (1) IMRL's existing rail lines, which extend approximately 1,125 miles between Chicago, Illinois, Kansas City, Missouri, and Minneapolis/St. Paul, Minnesota, and across Northern Iowa and Southern Minnesota; (2) approximately 275 miles of IMRL's incidental trackage rights over lines of other carriers; (3) IMRL's ownership and operational interests in the Kansas City Terminal Railway Company; (4) IMRL's ownership and operational interests in the so-called "Joint Agency" in Kansas City (jointly owned with The Kansas City Southern Railway Company); and (5) IMRL's interests in jointly owned and/or operated industry trackage in various locations, including South Beloit, Illinois, Janesville, Wisconsin, and Clinton, Iowa.

Information regarding IMRL was furnished by Mr. David R. Koerner, Controller for IMRL. According to Mr. Koerner, IMRL sold all of its assets to ICE on July 29, 2002. Mr. Koerner stated that on the date of the transaction, most of IMRL's employees took positions with the ICE. Mr. Koerner stated that union employees that were not offered positions with the new railroad were terminated at the close of business on July 29, 2002. According to Mr. Koerner, management employees that were not offered positions in the new company were phased out between the sale date and November 1, 2002. Mr. Koerner indicated the last two employees of IMRL would be terminated by October 31, 2002.

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Section 202.11 of the Board's regulations provides that:

> 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. (20 CFR 202.11.)

The record in this case indicates that I & M Rail Link, LLC lost the characteristics essential to the existence of its employer status and ceased being a covered rail carrier employer effective October 31, 2002, the last day of the last month in which IMRL had employees.

Michael S. Schwartz

V. M. Speakman, Jr.

Jerome F. Kever