

EMPLOYER STATUS DETERMINATION

The New York & Ogdensburg Railway Company, Inc.

This is the determination of the Railroad Retirement Board concerning the status of The New York & Ogdensburg Railway Company, Inc. (NY&O), 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&O was provided by Douglas Golden of Main Line Management Services, Inc. According to Mr. Golden, NY&O began doing business September 15, 1998. Eyal Shapira is the chief executive officer and owner of NY&O. NY&O states that currently it has 2 employees.

In Surface Transportation Board Finance Docket No. 33658, NY&O filed a notice of exemption to lease from the Ogdensburg Bridge & Port Authority and operate approximately 32 miles of rail line in the state of New York. It serves five shippers, interchanging about 250 to 300 cars per year with Conrail at Norwood, New York.

The evidence of record establishes that NY&O is a carrier operating in interstate commerce. Accordingly, it is determined that NY&O is 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 September 15, 1998, the date as of which it commenced operations.

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