

**EMPLOYER STATUS DETERMINATION**  
**Effingham Railroad Company**

This is a determination of the Railroad Retirement Board concerning the status of the Effingham Railroad Company (ERRC) 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.).

In Surface Transportation Board (STB) Finance Docket No.33468, decided October 14, 1997, ERRC filed a notice of exemption to operate over approximately 206.05 feet of railroad line owned by Agracel Corporation (Agracel), located in a new industrial park in Effingham, Illinois. ERRC stated that it is a substitute operator for Consolidated Rail Corporation (BA No. 1321) (Conrail), the previous operator of the line, and that it will operate the line under lease or operating agreement with Agracel, which has not been held to be an employer under the Acts.

Information furnished by Charles W. Barenfanger, Jr., President of ERRC, stated that ERRC has no employees and began operations on October 31, 1997. ERRC interchanges with Conrail.

The evidence of record establishes that ERRC is a carrier operating in interstate commerce. Accordingly, it is determined that the Effingham Railroad Company is an employer within the meaning of section 1(a)(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 October 31, 1997, the date operations began.

---

V. M. Speakman, Jr.

---

Jerome F. Kever