B.C.D. 02-55

Employer Status Determination
Durham Transport, Inc.

AUG 01 2002

This is the determination of the Railroad Retirement Board concerning the continuing status of Durham Transport Inc. (DTI) (B. A. No. 2362) as a covered 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). DTI was ruled to be an employer under the Acts effective August 1, 1994.

Mr. G. David Crane, President of DTI, advised the Board in his letter dated May 28, 2002, that DTI ceased operations on August 15, 2001 and that employees were last compensated on September 7, 2001. Pursuant to Surface Transportation Board Finance Docket No. 34071, decided July 24, 2001, DRI operations were taken over effective August 15, 2001 by Raritan Central Railway, LLC (RCR) (B.A. No. 2393). Former DTI employees were hired by RCR and DTI's corporate status is now designated as inactive.

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.

DTI has lost the characteristics essential to its employer status, as evidenced by its cessation of operations, the take-over of those operations by RCR and the hiring by RCR of former DTI employees.

Based on the above information, it is the determination of the Railroad Retirement Board that Durham Transport, Inc. ceased being an employer covered under the RRA and RUIA on September 7, 2001, the day it last compensated its employees subsequent to cessation of its operations.

Original signed by:

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