B.C.D. 05-30

EMPLOYER STATUS DETERMINATION JUN 27 2005
SF & L Railway, Inc.

This is the determination of the Railroad Retirement Board concerning the continuing status of SF & L Railway, Inc. (SF & L) (B.A. No. 3791) 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). SF & L has been an employer under the RRA and RUIA with service creditable from December 10, 2001.

Mr. Steven Van Wagenen, Assistant Vice President, SF & L, advised that SF & L ceased operations on October 31, 2002 and its employees were last compensated in October 2002. Pursuant to a Surface Transportation Board (STB) decision dated January 31, 2003, in STB Finance Docket No. 33995, SF & L was ordered to reconvey its line to the Toledo, Peoria & Western Railway (TPWR) (B. A. No. 2346), which it did in February 2003. All SF & L assets were sold back to TPWR in that transaction. Although SF & L has not dissolved as a corporation, SF & L does not currently own or operate any active railroad properties.

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.

Based on the information set forth above, it is the determination of the Railroad Retirement Board that SF & L Railway, Inc. ceased being an employer under the RRA and RUIA on October 31, 2002, the date on which it ceased operations.

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