B.C.D. 00-12

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EMPLOYER STATUS DETERMINATION
Bristol Industrial Terminal Railway, Inc. (BITR)

This is the determination of the Railroad Retirement Board concerning the continued status of Bristol Industrial Terminal Railway, Inc., B.A. No. 2255, 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).

In Surface Transportation Board (STB) Finance Docket Number 33512, decided November 21, 1997, Penn Eastern Rail Lines, Inc. (PERL) (B.A. No. 2378), filed a verified notice of exemption to acquire (by purchase of certain rail lines and assignment of certain leases on other rail lines) and operate 45.24 miles of rail lines of Lancaster Northern Railway, Inc. (LANO), Chester Valley Railway, Inc. (CVR), East Penn Railways, Inc. (EPRY), and Bristol Industrial Terminal Railway, Inc. (BITR). Included in this transaction was the acquisition by PERL of BITR's leased 1 mile of rail line extending between a connection at Grundy and a point within the Bristol Industrial Park, in Bristol Township, Bucks County, Pennsylvania. PERL is a wholly owned subsidiary of the Emons Railroad Group, Inc. (B. A. No. 9346), an employer under the Acts, with service creditable from January 1, 1990. See Legal Opinion L-90-57.

According to information provided by Mr. John C. Nolan, President of BITR, BITR ceased operations on December 30, 1997. Additional information was provided by Mr. Scott F. Ziegler, Vice President - Finance, Controller and Secretary of PERL. Mr. Ziegler stated that PERL purchased all assets and hired the employees who had operated BITR.

BITR filed a Certificate of Dissolution with the Secretary of State for the State of Delaware on December 29, 1999 indicating that the dissolution of BITR was authorized by action taken by the stockholders on December 3, 1999.

From the information obtained regarding BITR, it appears that BITR last operated a railroad on December 31, 1997 and that all of its railroad assets have been purchased by PERL . Additionally, BITR has been dissolved as a corporation.

Section 202.11 (20 CFR 202.11) of the Board's regulations states 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.

Bristol Industrial Terminal Railway, Inc. (BITR)

The information summarized above indicates that BITR no longer possesses the characteristics of an operating railroad company. The Board therefore finds that effective with the close of business on December 31, 1997, the day that BITR ceased operations, the Bristol Industrial Terminal Railway, Inc. ceased being a covered employer under the Railroad Retirement Act and the Railroad Unemployment Insurance Act.

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