

**EMPLOYER STATUS DETERMINATION
A&R Terminal Railroad, LLC (ARTR)**

This is a determination of the Railroad Retirement Board concerning the status of A & R Terminal Railroad (ARTR) 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. 35329, decided December 7, 2009, ARTR filed a verified notice of exemption for ARTR's acquisition by operating agreement from A& R Logistics, Inc.'s (A&R) and operations pursuant to operating agreement with A&R of approximately 6.25 miles of existing railroad right-of-way and trackage and transloading facilities owned by A&R in Morris, Illinois.

Information regarding ARTR was furnished by Mr. Brian Reichert, Chief Financial Officer for ARTR. In a facsimile letter dated January 27, 2010, Mr. Reichert stated that ARTR is owned by A&R Logistics, Inc., a privately held Illinois corporation. According to Mr. Reichert, ARTR commenced operations on January 1, 2010. Mr. Reichert reported that the Chief Executive Officer of ARTR is Mr. Jeffrey J. O'Connor. Mr. Reichert reported that ARTR has fifteen employees who were first compensated on January 8, 2010. According to Mr. Reichert, 100 percent of those employees work in positions related to business connected with rail carriers performing rail yard operations, including rail car switching, railcar to truck transloading, truck to rail transloading, and processing rail shipped freight through the freight house. Mr. Reichert stated that ARTR interchanges inbound and outbound cars with Canadian National Railway (B.A. No. 1103).

Section 1(a)(1) of the Railroad Retirement Act (45 U.S.C. §231(a)(1)), insofar as relevant here, defines a covered employer as:

- (i) any carrier by railroad subject to the jurisdiction of the Surface Transportation Board under part A of subtitle IV of Title 49, United States Code.

Section 1 of the RUIA contains essentially the same definition. (45 U.S.C. § 351.

The evidence of record establishes that ARTR is a rail carrier operating in interstate commerce. Accordingly, it is determined that the A&R Terminal

Railroad, LLC (ARTR) became 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 effective January 1, 2010, the date as of which it commenced operations.

Original signed by:

FOR THE BOARD
Beatrice Ezerski
Secretary to the Board