

**EMPLOYER STATUS DETERMINATION  
Port Jersey Railroad Company (PJR)**

This is a determination of the Railroad Retirement Board concerning the continuing status of Port Jersey Railroad Company (PJR) 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.) (collectively, the “Acts”).

PJR (B.A. # 4386) has been an employer under the Railroad Retirement Act and Railroad Unemployment Insurance Act since February 17, 1973, the date from which PJR began railroad operations as found in Board Notice 73-32 dated February 8, 1973.

The latest coverage information in the file for PJR was provided by Albert Freund, the Treasurer for PJR. He served a letter dated December 26, 2012 on the Board’s Audit and Compliance Division which provided details and documentation of PJR’s sale of all assets to New York New Jersey Rail, L.L.C. (NYNJ - BA No. 4285), a wholly-owned subsidiary of the Port Authority of New York and New Jersey. Mr. Freund enclosed documents indicating the sale of all PJR’s assets to NYNJ, including STB Finance Docket Number 35444. The STB decision, decided November 26, 2010, determined that NYNJ filed a verified notice of exemption to acquire from PJR and operate an approximately 2.4 mile rail line located in the Greenville section in Jersey City, Hudson County, New Jersey. The rail line has no milepost numbers. According to information from Mr. Freund, December 29, 2010 was the date PJR operations ceased. Mr. Freund also indicates that PJR employees were last compensated on December 29, 2010.

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.

Information in our coverage files indicates that PJR was formed to operate the section of rail line described above. PJR employees were first compensated after February 17, 1973 which was also the beginning date of operations. The evidence of record establishes that PJR has not operated as

a railroad carrier and does not retain the ability to do so since the acquisition of all PJR's assets by NYNJ on December 29, 2010. PJR has not functioned as a rail carrier since that date and no longer possesses the characteristics of a railroad carrier employer.

The Board therefore finds that effective December 29, 2010, the date that NYNJ acquired all of PJR's assets, Port Jersey Railroad Company ceased being a covered employer under the Railroad Retirement and Railroad Unemployment Insurance Acts.

Original signed by:

FOR THE BOARD  
Martha P. Rico  
Secretary to the Board