

**B.C.D. 14-14**

**April 3, 2014**

**EMPLOYER STATUS DETERMINATION  
American Surface Lines, LLC (ASL)**

This is a determination of the Railroad Retirement Board concerning the status of American Surface Lines, LLC (ASL) 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). The status of ASL under the Acts has not previously been considered.

ASL is owned by Richard and LaVonne Mikrut. Mr. Richard Mikrut, the Chief Executive Officer for ASL, provided information on ASL's operations and corporate structure. Mr. Mikrut provided information in a response dated July 16, 2013 to an Audit and Compliance questionnaire and provided a copy of the Surface Transportation Board (STB) decision regarding ASL's operations as an enclosure. In follow-up correspondence, Mr. Mikrut represented that ASL commenced operations on December 2, 2013. ASL's corporate office and address is in Minnesota City, Minnesota. Mr. Mikrut advised that ASL will provide trans load operations from truck to rail and vice versa.

The Surface Transportation Board (STB) in Finance Docket 35741 decided June 17, 2013 in favor of ASL's verified notice of exemption to acquire by assignment from Mikrut Properties approximately 1.56 miles of rail line. The acquired rail line consists of 1.37 miles of rail line, comprised of seven tracks, extending from a point of connection with the main line of Soo Line Railroad Company, d/b/a Canadian Pacific Railroad Company at or near Pelzer Street to a transloading facility owned and operated by Mikrut properties. Also, ASL will acquire 0.19 miles of rail line comprised of two tracks extending from a point of connection with the main line of Union Pacific Railroad Company at or near 3<sup>rd</sup> Street to a transloading facility also owned by Mikrut Properties. The projected revenues of ASL will not exceed those that would qualify it as a Class III rail carrier. ASL operates the lines of track as common carrier tracks. ASL has 1 employee who began to be compensated December 2, 2013.

Section 1(a)(1)(i) of the Railroad Retirement Act (45 U.S.C. § 231(a)(1)(i)), 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 (45 U.S.C. § 351) contains essentially the same definition, as does section 3231 of the Railroad Retirement Tax Act (26 U.S.C. § 3231).

The evidence of record establishes that ASL is a rail carrier operating in interstate commerce. Accordingly, it is determined that American Surface Lines, LLC 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 December 2, 2013, the date ASL first began operations.

Original signed by:

FOR THE BOARD  
Martha P. Rico  
Secretary to the Board