

EMPLOYER STATUS DETERMINATION
Blue Mountain Railroad, Inc.

This is the determination of the Railroad Retirement Board concerning the status of Blue Mountain Railroad, Inc. (BMR) 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).

Information about BMR was provided by its President, Charles R. Webb. BMR began railroad operations on November 20, 1992, and first paid its 4 employees on November 27, 1992. BMR interchanges with Union Pacific (BA 1715) and Burlington Northern (BA 1621).

Authority for BMR to lease, acquire and operate approximately 207.1 miles of rail line from the Union Pacific Railroad Company (UP) was granted in Interstate Commerce Commission (ICC) Finance Docket No. 32193, decided November 20, 1992. The ICC decision stated that the 112.8 miles of rail line being acquired included: (1) UP's Tekoa Branch from milepost 25.6 at Hooper Junction, Washington, to milepost 78.1 at Colfax, Washington; (2) UP's Pleasant Valley Branch from milepost 0.0 at Winona, Washington to milepost 31.8 at Thornton, Washington; and (3) UP's Moscow Branch from milepost 0.0 at Colfax, Washington to milepost 28.51 at Moscow, Idaho. The ICC decision stated that the 94.3 miles of rail line being leased included: (1) from milepost 3.76 at Zangar Junction, Washington to milepost 30.77 at Walla Walla, Washington; (2) from milepost 14.06 at Dayton, Washington to milepost 0.0 at Bolles, Washington including the Waitsburg Spur; and (3) from milepost 71.30 at Bolles, Washington to milepost 20.48 at Weston, Oregon. The ICC decision stated that BMR also sought incidental trackage rights over the 3.76-mile segment of track from milepost 0.0 at Wallula, Washington to milepost 3.76 at Zangar Junction, Washington.

Based upon the information summarized above, it is determined that Blue Mountain Railroad, Inc. became a rail carrier employer under the RRA and the RUIA effective November 20, 1992, the date on which it began railroad operations.

Glen L. Bower

V.M. Speakman, Jr.

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