

**FT AERC 8000-A
(Cancels FT AERC 8000)**

ALBANY & EASTERN RAILROAD COMPANY



FREIGHT TARIFF AERC 8000-A (Cancels Freight Tariff AERC 8000)

NAMING

DEMURRAGE, SWITCHING & ASSESSORIAL

RULES AND CHARGES

APPLYING AT AND BETWEEN

STATIONS OF THE

ALBANY & EASTERN RAILROAD COMPANY

IN THE STATE OF OREGON

GENERAL DEMURRAGE, SWITCHING & ASSESSORIAL TARIFF

This tariff applies on intrastate and interstate traffic, except where expressly provided to contrary in connection with particular rates and provisions contained herein

ISSUED: June 9, 2009

EFFECTIVE: July 1, 2009

ISSUED BY

**Mark Russell
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<p align="center">RULES AND OTHER GOVERNING PROVISIONS GENERAL RULES AND REGULATIONS</p>	<p align="center">RULES AND OTHER GOVERNING PROVISIONS MISCELLANEOUS RULES AND REGULATIONS</p>
<p>ITEM 10</p> <p align="center">STATION LISTS AND CONDITIONS</p> <p>This tariff is governed by the Official Railroad Station List Tariff Railinc. OPSL - 6000 series as follows:</p> <p>PREPAY REQUIREMENTS AND STATION CONDITIONS</p> <p>For additions and abandonments of stations, restrictions as to acceptance of delivery of freight, and changes in station facilities. When a station is abandoned as a date specified in the above named tariff, the rates to and from such station as published in this tariff are inapplicable on and after such date.</p>	<p>ITEM 25 (Cont'd)</p> <p align="center">GLOSSARY OF TERMS</p> <p>CONSIGNOR – The party in whose name cars are ordered for loading, or the party who furnishes forwarding instructions.</p> <p>CONSTRUCTIVE PLACEMENT – Placement at other than destination track when a car cannot be actually placed due to any condition attributable to consignor or consignee.</p> <p>DEMURRAGE DAY – A twenty four period commencing the first 0700 hours after tender.</p> <p>INTRA-PLANT SWITCHING – A switching movement from one track to another track within the same plant or industry, or from one location to another location on the same track within the same plant or industry.</p>
<p align="center">RULES AND OTHER GOVERNING PROVISIONS MISCELLANEOUS RULES AND REGULATIONS</p>	
<p>ITEM 20</p> <p align="center">STATIONS COVERED BY TARIFF</p> <p align="center"> Albany, OR Bauman, OR Foster, OR Fry, OR Irvingville, OR Lebanon, OR Lyons, OR Mill City, OR Page, OR Shelburn, OR Sweet Home, OR Weldwood, OR West Scio, OR </p>	<p>INTRA-TERMINAL SWITCHING – A switching movement (other than intra-plant) from one track to another track of the same railroad, or between the track(s) of an industry and the track of the railroad or between the tracks of two separate industries served by the same railroad.</p> <p>LEASE TRACK – Any trackage assigned to a user through written agreement.</p> <p>LOADING – The complete or partial loading of a car in conformity with AAR loading and clearance rules and furnishing of forwarding instructions to Railroad.</p> <p>PRIVATE CAR – Any car not bearing railroad reporting marks and not controlled by a railroad.</p> <p>PRIVATE TRACK – Any track not owned or leased by Railroad.</p> <p>RAILROAD – AERC or any other carrier.</p>
<p align="center">RULES AND OTHER GOVERNING PROVISIONS MISCELLANEOUS RULES AND REGULATIONS</p>	<p>RAILROAD CONTROLLED CAR – Any car bearing railroad reporting marks assigned for use by Railroad as it sees fit.</p>
<p>ITEM 25</p> <p align="center">GLOSSARY OF TERMS</p> <p>ACTUAL PLACEMENT – When car is delivered to location where car can be loaded or unloaded or placed at to location at the direction of consignee or consignor.</p> <p>CARS HELD – When cars are stopped en-route or at point of delivery because of any condition attributable to consignor or consignee.</p> <p>CONSIGNEE – The party to whom the shipment is consigned to or the party entitled to receive the shipment.</p> <p align="center">(Continued in next column)</p>	<p>RELOAD – Process that occurs when a shipment must be transferred from one rail car to another. [A]</p> <p>TIME – Local time.</p> <p>TRANSLOAD – Process that occurs when a shipment must be transferred from one mode of transportation to another (i.e. from a truck to rail car). [A]</p> <p>UNLOADING – The complete unloading and advise received from consignee that the car is empty, suitable for reloading, and available to Railroad.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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<p align="center">RULES AND OTHER GOVERNING PROVISIONS MISCELLANEOUS RULES AND REGULATIONS</p>	<p align="center">RULES AND OTHER GOVERNING PROVISIONS MISCELLANEOUS RULES AND REGULATIONS</p>
<p>ITEM 30</p> <p align="center">CREDIT TERMS</p> <p>Customers granted credit by Railroad shall pay applicable charges to Railroad upon invoice thereof. Invoices are due and payable fifteen (15) days following the date of the invoice. In the event that invoice has not been paid in full by customer within (15) days after such payment is due and payable, a finance charge of one and one half percent (1 ½%) per month (eighteen percent 18%) per annum shall be assessed on the outstanding balance owed including previous finance charges. Payments shall first be applied to finance charges and then to the outstanding balance.</p>	<p>ITEM 45</p> <p align="center">SWITCH MAINTENANCE FEE</p> <p>All industry tracks, owned or leased, accessed by any main track switch are subject to annual switch maintenance fees assessed based on actual car loadings at each track for previous twelve month period January through December. Assessments will be made each January for the previous year and incurred charges will be invoiced at that time. Charges are assessed as follows:</p> <p align="center"> 0-4 cars annually.....\$6000.00 5 cars annually..... \$3200.00 6 cars annually.....\$2600.00 7 cars annually.....\$2000.00 8 cars annually.....\$1500.00 9 cars annually.....\$1100.00 10 cars annually.....\$ 700.00 11 cars annually.....\$ 350.00 12 or more cars annually.....no charge </p>
<p>ITEM 35</p> <p align="center">OVERLOADED CARS</p> <p>Cars found to exceed marked weight capacities are subject to overload fee of \$400.00 per car.</p> <p>Cars found to exceed marked weight capacities by greater than 4000 pounds will be set out at nearest operationally convenient location. Overloaded cars set out will be subject to Item 115 "Demurrage Charges". Overloaded cars set out will be moved to customer track for legalization in special train service at Railroad convenience subject to Item 300 "Special Train Service".</p>	<p>ITEM 50</p> <p align="center">EMPTY CARS ORDERED NOT LOADED</p> <p>When empty car ordered by customer is placed at Industry or constructively placed outside of industry for any reason and car is refused or released by customer without loading and used in subsequent freight service by that Industry, each car will be subject to \$350.00 "Cars Ordered Not Loaded" charge. In addition cars placed or constructively placed are subject to Item 115 "Cars Held for Loading or Unloading".</p> <p>EXCEPTION: When car is rejected by customer as unfit for loading charges will not apply.</p>
<p>ITEM 40</p> <p align="center">LOADED CARS RELEASED WITHOUT BILLING</p> <p>Loaded cars released from customer without proper billing (Bill of Lading/waybill) are subject to "no bill" charges of \$150.00 per car for each consecutive twenty four (24) hour period or part thereof after car is released without billing until such information is provided to satisfaction of Railroad.</p>	<p>ITEM 55</p> <p align="center">HAZARDOUS MATERIALS SHIPMENTS (STCC 49)</p> <p>Customers receiving hazardous materials shipments of STCC 49 series are required to meet DOT standards for storage of cars outside industry tracks. Storage on Railroad tracks requires Track Lease Agreement to be in place between Railroad and Industry. Industry not in compliance with DOT regulations will be subject to immediate embargo by Railroad.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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<p align="center">RULES AND OTHER GOVERNING PROVISIONS MISCELLANEOUS RULES AND REGULATIONS</p>	<p align="center">RULES AND OTHER GOVERNING PROVISIONS MISCELLANEOUS RULES AND REGULATIONS</p>
<p>ITEM 60</p> <p align="center">CARS OF EXCESSIVE DIMENSION OR WEIGHT</p> <p>Cars requiring clearance desk approval to move on Railroad will only be handled in Special Train Service subject to charges in Item 300 "Special Train Service" unless otherwise agreed upon prior to shipment.</p> <p>Cars requiring clearance desk approval exceed one or more of the following:</p> <ul style="list-style-type: none"> 286,000 pounds gross weight on rail 10'6" wide 15'10" above top of rail Overhangs one or both ends of railcar 	<p>ITEM 75</p> <p align="center">CHARGES FOR SPECIAL TYPE HEAVY CAPACITY FLATCARS</p> <p>Heavy duty flatcars with a mechanical designation of "FD" "FM" or "FW" are subject to an additional charge of \$3,000.00 per car whenever such car is moved loaded within or between stations named in this tariff. In addition to all other freight and applicable assessorial charges, Payer of freight is subject to actual car hire costs incurred by Railroad for entire time car is in the account of Railroad for car hire settlement purposes.</p>
<p>ITEM 65</p> <p align="center">CARS OF EXCEPTIONAL DIMENSION OR WEIGHT</p> <p>Traffic of exceptional dimension which can only be handled subject to restrictions when accompanied by contractors or representatives of the Signal, Track or Bridge & Building departments to remove and replace switch stands, signals or other objects, reinforcing of bridges or tracks or any additional work required to move car not required of handling regular and normal traffic will be subject to additional charges over and above freight charges based on actual costs incurred by Railroad plus fifteen percent (15%).</p>	
<p>ITEM 70</p> <p align="center">CARS WITH LADING OF EXCEPTIONAL VALUE</p> <p>Cars with a lading valued in excess of one million dollars (\$1,000,000) shall only move in Special Train Service subject to Item 300 "Special Train Service". In addition to all other applicable freight and assessorial charges a handling fee of one percent (1%) of the declared lading value will be assessed and payable by the payer of freight prior to car being accepted by Railroad.</p>	
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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SECTION 1 DEMURRAGE RULES AND CHARGES	SECTION 1 DEMURRAGE RULES AND CHARGES
<p>ITEM 100</p> <p align="center">GENERAL APPLICATION OF DEMURRAGE</p> <p>The rules and charges published herein apply at all points on the AERC on international, interstate and intrastate traffic. The charges apply on Railroad owned, leased or controlled equipment only.</p>	<p>ITEM 115</p> <p align="center">DEMURRAGE CHARGES</p> <p><u>Cars held for loading or unloading, upon expiration of forty-eight (48) hours free time, will be subject to a demurrage charge of \$50.00 per car per day, or fraction thereof, until car is released.</u></p> <p>When it becomes necessary for operations to place cars at industry regardless of constructive placement date, e.g. due to bunching congestion, storage track space, customer request, Railroad will assess the aforementioned demurrage charge of \$50.00 per car per day. [A]</p> <p>Note 1: All days are subject to charges upon expiration of free time.</p> <p>Note 2: Reference herein to "charges per day" will also apply to any fraction thereof.</p> <p>Note 3: Demurrage charges will be billed to industry ordering car for placement, loaded or empty, regardless of consignee or consignor.</p>
<p>ITEM 105</p> <p align="center">NOTIFICATION</p> <p>Notification between AERC and Industry of arrival or release of cars shall be:</p> <p align="center">In writing by fax. Via electronic mail.</p> <p>Release of loaded cars by industry to AERC must be made by fax, electronic mail/EDI including Bill of Lading (waybill) entry or receipt by BNSF/UP. Loaded cars released without Waybill will be subject to Item 40 of this tariff.</p>	
<p>ITEM 110</p> <p align="center">FREE TIME</p> <p>Free time for each car shall be:</p> <p align="center">LOADING - <u>FORTY-EIGHT (48) HOURS</u> UNLOADING - <u>FORTY-EIGHT (48) HOURS</u></p> <p>Note 1: Free time begins first 0700 following notification of actual placement or constructive placement.</p> <p>Note 2: If free time encompasses Saturday or Sunday, or both Saturday and Sunday <u>an additional Twenty-four (24) hours free time</u> will be granted.</p> <p>Note 3: Applicable charges will accrue on all Saturdays, Sundays and Holidays following the day the first charges begin to accrue.</p>	
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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SECTION 2 SWITCHING	SECTION 3 SPECIAL TRAIN SERVICE
<p>ITEM 200</p> <p align="center">SPECIAL SWITCHING SERVICE CONDITIONS INTRA-PLANT, INTRA-TERMINAL, AND SPECIAL TRAIN SERVICE</p> <p>The Railroad will, at its discretion, provide special train and switching service subject to the conditions contained herein.</p> <p>Requests for special train or switching service must be made in writing 24 hours in advance of requested service time.</p> <p>Cancellations of service requests less than 24 prior to requested service time shall be subject to minimum charge for "Special Train Service" in Item 300 of this tariff.</p> <p>Service is subject to availability of engine and train crew. Railroad will make reasonable effort to accommodate all requests.</p> <p>Special train charges include use of locomotive and train crew and do not include freight or car rental charges. Freight and car rental charges will be billed to customer by agreement made prior to initiation of special train service in addition to special train service charges.</p>	<p>ITEM 300</p> <p align="center"><u>SPECIAL TRAIN SERVICE EXTRAORDINARY TO REGULAR TRAIN SERVICE</u></p> <p>The act of providing one locomotive and train crew consisting of engineer and conductor, made available to provide service to customer at the direction of that customer will be subject to a charge of \$1800.00 for first eight hours of service provided.</p> <p>Each additional hour or part thereof, until locomotive and train crew are returned to their initial terminal will be charged at \$335.00 per hour.</p> <p>Additional crew members necessary to complete job will be charged at \$45.00 per hour.</p> <p>Additional locomotives needed to adequately power train based on tonnage ratings per unit for any given line segment will be charged at \$750.00 per day or part thereof.</p> <p>If caboose is necessary to provide train crew members safe platform for protecting shoving movements use of AERC caboose will be charged at \$150.00 per day or part thereof.</p>
<p>ITEM 210</p> <p align="center">INTRA-PLANT SWITCH FEE</p> <p>The act of switching cars after initial placement for loading, unloading, repairs, storage or constructive placement will be subject to a charge of \$125.00. <u>Intra-plant switch fees apply to cars transported from initial loading location to transload/reload facility located in Lebanon, Oregon (See Item 500).</u></p>	<p>ITEM 350 [A]</p> <p align="center">SPECIAL TRAIN SERVICE EXTRAORDINARY TO REGULAR TRAIN SERVICE FOR EXCLUSIVE USE OF FILM INDUSTRY</p> <p>Provisions herein apply on service requested by customers for the purpose of furnishing locomotive(s) and crew to perform special train movements for the purpose of making a movie, commercial or documentary.</p> <p>Charges will be assessed at a rate of \$5,000.00 per occurrence up to ten (10) hours. After ten (10) hours charges will be assessed at an hourly rate of \$450.00 per hour or fraction thereof.</p> <p>Stated rates include one (1) locomotive, two (2) crewmembers and one (1) facilitator.</p> <p>If requested, freight cars may be provided at a rate of \$150.00 per rail car (flat fee per car per day/occurrence).</p> <p>Additional locomotives provided at a rate of \$800.00 per day.</p>
<p>ITEM 220</p> <p align="center">INTRA-TERMINAL SWITCH FEE</p> <p>The act of switching cars after initial placement for loading, unloading, repairs, storage or constructive placement will be subject to a charge of \$225.00.</p>	
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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SECTION 4 STORAGE	SECTION 5 TRANSLOAD / RELOAD SERVICE
<p>ITEM 400</p> <p align="center">CONDITIONS OF STORAGE OF PRIVATE CARS ON RAILROAD TRACK</p> <p>Storage of private railcars on Railroad track will be offered at the Railroad's sole discretion. Railroad reserves right to refuse private railcar storage on Railroad track at any time without notice if deemed in the best interest of Railroad.</p>	<p>ITEM 500 [A]</p> <p align="center">RAIL TO RAIL, TRUCK TO RAIL, RAIL TO TRUCK TRANSLOAD/RELOAD SERVICES</p> <p>Railroad will provide rail to rail, truck to rail and/or rail to truck transload/reload services at reload facility in Lebanon, Oregon. Services include loading or unloading of rail cars and/or trucks.</p> <p>Delivery of loaded cars via rail will be assessed as outlined in Item 210 of this tariff. Customers must make prior arrangement with railroad for loading/unloading services.</p> <p align="center">CHARGES:</p> <p>Loading or unloading of railcars..... \$100.00 per car</p> <p>Loading or unloading of trucks..... \$50.00 per truck</p> <p>Loading or unloading of maxi trailer combination..... \$75.00 per trailer combination</p>
<p>ITEM 410</p> <p align="center">STORAGE OF EMPTY PRIVATE CARS ON RAILROAD TRACK (NON-HAZARDOUS)</p> <p>Empty private cars stored on Railroad track because industry cannot accommodate, or stored at the request of industry or entity controlling equipment, will be charged \$10.00 per car per day or part thereof.</p>	
<p>ITEM 420</p> <p align="center">STORAGE OF LOADED PRIVATE CARS ON RAILROAD TRACK (NON-HAZARDOUS)</p> <p>Loaded private cars stored on Railroad track because industry cannot accommodate, or stored at the request of industry or entity controlling equipment, will be charged \$10.00 per car per day or part thereof.</p>	
<p>ITEM 430</p> <p align="center">STORAGE OF EMPTY OR LOADED PRIVATE CARS ON RAILROAD TRACK (HAZARDOUS MATERIALS STCC 49)</p> <p>Storage of empty or loaded private cars on Railroad track is not permitted. If industry cannot store all hazardous materials cars inside the boundaries of its facility, a track lease agreement in accordance with DOT regulations is required to accommodate storage of said cars on Railroad track.</p>	
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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EXPLANATION OF ABBREVIATIONS AND REFERENCE ARKS	
ABBREVIATIONS	EXPLANATION
AERC BOE DOT OPSL STCC	Albany & Eastern Railroad Company Bureau of Explosives Department of Transportation Official Railroad Station List Standard Transportation Commodity Code
REFERENCE MARK	EXPLANATION
[A] [C] [I] [R]	Addition Change which results in neither an increase or decrease in charges Increase Reduction/Decrease
(Underscored portion denotes change/addition.)	