THE ALTON AND SOUTHERN RAILWAY COMPANY

FREIGHT TARIFF ALS 6004

NAMING

GENERAL CAR DEMURRAGE RULES AND CHARGES

as provided in Part 1 herein

STORAGE RULES AND CHARGES

as provided in Part 2 herein

APPLYING AT

ALL POINTS ON THE ALTON AND SOUTHERN RAILWAY COMPANY

(Except as otherwise provided herein)

ISSUED: July 01, 2003

EFFECTIVE: August 01, 2003

ISSUED BY

ALTON & SOUTHERN RAILWAY

1000 South 22nd Street

East St. Louis, IL 62207-1943
ITEM 10  SUPPLEMENTS AND REISSUES

Where reference is made in this publication to other publications for rates or other information, it includes "revisions, supplements thereto or successive issues thereof".

ITEM 25  GENERAL APPLICATION

The rules and charges published in this tariff apply on international, interstate and intrastate traffic at all points on the ALS, except as otherwise provided herein. The disposition of a car at its point of detention determines the purpose of which the car is held and the rules applicable thereto, except where there are specific tariff provisions to the contrary.
ITEM  25.95 DEMURRAGE RULES AND CHARGES INDEX

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**ISSUED:** July 01, 2003
**EFFECTIVE:** August 01, 2003
(Unless otherwise indicated herein.)
TARIFF ALS 6004

PART 1 – GENERAL CAR DEMURRAGE RULES AND CHARGES

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ITEM 26  CARS SUBJECT TO DEMURRAGE RULES AND CHARGES
IN THIS PART

Railroad and privately owned cars held for or by consignors and consignees for any purpose are subject to
demurrage rules and charges in this part, except as otherwise provided in this part.
ITEM 500  GLOSSARY OF TERMS

For the purpose of applying rules in Part 1 of this tariff, the following are defined and shall govern.

ITEM 505  PUBLIC DELIVERY TRACK

Any accessible track open to the general public for loading or unloading.

ITEM 510  OTHER THAN PUBLIC DELIVERY TRACK

Any railroad track or portion of a track assigned for individual use or for joint use, including privately owned or leased tracks.

ITEM 515  PRIVATE TRACK

A track outside of this railroad’s right-of-way, yard and terminals, and of which this railroad does not own, either rails, ties, roadbed or right-of-way. When a track or portion thereof owned or operated by this railroad is assigned to the purpose of its user through a written agreement, such lease or agreement will be considered as equivalent to ownership and the track or portion thereof will be considered the private track of each of two or more parties when written consent has first been obtained from this railroad for such joint use of its track which has been assigned through a written lease or written agreement or when written notice of such joint use has been furnished this railroad by the owner of a private track prior to actual placement of a car for account of any joint user of the track.

ITEM 520  PRIVATE CAR

A private car is a car bearing other than railroad reporting marks and which is not a railroad-controlled car.

ITEM 521  RAILROAD-CONTROLLED CARS

A railroad-controlled car is a car provided to a railroad directly, by car companies or others, for indiscriminate use by the railroad serving any of its customers.

ITEM 525  HOLIDAYS

Whenever reference is made to “holidays”, it shall mean only the days listed below:

1. New Year’s Day – January 1 (see Note 1)
2. Presidents Day
3. Good Friday – Friday before Easter Sunday
4. Memorial Day – Last Monday of May
5. Independence Day – July 4 (see Note 1)
6. Labor Day – First Monday of September
7. Thanksgiving Day – Fourth Thursday of November
8. Friday after Thanksgiving – Fourth Friday of November
9. Christmas Eve – December 24 (see Note 1)
10. Christmas Day – December 25 (see Note 1)
11. New Year’s Eve – December 31 (see Note 1)

NOTE 1. When this date occurs on a Sunday, the following Monday will be observed as the holiday.
ITEM 530 CONSIGNOR

The party in whose name cars are ordered and/or the party who furnishes this railroad forwarding directions.

ITEM 535 CONSIGNEE

The party to whom a shipment is consigned and/or the party entitled to receive the shipment.

ITEM 540 ACTUAL PLACEMENT

Actual Placement is made when a car is placed in an accessible position for loading or loading or at a point previously designated by the consignor or consignee.

ITEM 545 CONSTRUCTIVE PLACEMENT

When a car consigned or ordered to a private track, an industrial interchange track, or an other-than-public-delivery track cannot be actually placed because of a condition attributable to the consignor or consignee, such car will be held at destination, or if it cannot reasonably be accommodated there, at an available hold point and notice shall be sent or given the consignor or consignee that the car is held (naming the hold point if not held at destination) and that this railroad is unable to effect placement; however, if car is placed on the private track, industrial interchange track or other-than-public-delivery track serving the consignor or consignee, the car shall be considered constructively laced without notice.

ITEM 550 CARS ACTUALLY OR CONSTRUCTIVELY PLACED AT EXACTLY 7:00 A.M.

When cars are actually or constructively placed at 7:00 a.m., the time shall be computed from the same 7:00 a.m. and placement shall be determined by the precise time the engine cuts loose.

ITEM 555 TIME TO BE OBSERVED

In the application of these rules, the time to be properly applied is the time, daylight saving time or standard time, lawfully in effect in the community where the car is held.
ITEM 600 FREE TIME

This section contains provisions for free time, or describes the circumstances under which no free time will be allowed, as applicable to each car.

ITEM 610 FREE TIME

Free time as designated will be allowed for each car: (Except as otherwise provided herein.)

FORTY-EIGHT (48) HOURS

1. Complete unloading as defined in Section 1100.

TWENTY-FOUR (24) HOURS

1. Partial or complete loading as defined in Section 1000.
2. Partial unloading as defined in 1100.
3. Partial unloading and reloading.
4. Loading or unloading all commodities handled in intra-plant switching service as defined in the switching or other tariffs of this railroad and will include “set-back service” as defined in tariffs of this railroad.
5. Diversions, Re-consignments of Reshipment.
6. Held in transit:
   a. On order of consignor, consignee or owner of the freight
   b. For surrender of order notify bill of lading or payment of lawful charges.
   c. Grain inspection – Exception: See Item 1220

Free time will be computed from the first 7:00 a.m. after placement, or after proper notification has been sent or given where required. For the purpose of computing free time, Saturdays, Sundays and holidays will be excluded.

ITEM 615 EMPTY CARS ORDERED OR APPROPRIATED FOR LOADING BUT NOT USED

When empty cars are ordered or appropriated but not used in transportation service, demurrage will be charged for all detention, including Saturdays, Sundays, and holidays, from the date and time of actual or constructive placement or appropriation until released, with no free time allowance.
ITEM 620 CARS RECEIVED UNDER LOAD AND HELD FOR FORWARDING DIRECTIONS

On loaded cars received from another railroad, or loaded private cars received from private tracks, and held by this railroad for forwarding directions or other disposition, time will be computed from the first 7:00 a.m. after they are received until proper forwarding direction or other disposition is furnished, except that cars received between 5:00 p.m. and 7:00 a.m. will not be subject to demurrage if disposition or forwarding directions are received prior to the following 12:00 p.m. noon, exclusive of Saturdays, Sundays, and holidays.

On loaded cars received from another railroad and held by this railroad for forwarding directions, or other disposition, demurrage will be assessed from the first 7:00 a.m. after receipt until proper forwarding directions or other disposition is furnished, except that cars received between 5:00 p.m. and 7:00 a.m. will not be subject to demurrage if disposition or forwarding directions are received prior to the following 12:00 noon, inclusive of Saturdays, Sundays, and holidays (see Note 1).

NOTE 1 When forwarding directions or other disposition cannot be furnished because of authorized personnel of this railroad not being on duty to accept the directions or other disposition, the consignor will have until 12:00 noon of the next day, on which this railroad has such personnel on duty to accept forwarding directions or other disposition and the forwarding directions or other disposition will be considered to have been furnished at the time during the railroad's off-duty hours that the consignor was ready, willing and able to furnish the forwarding directions or other disposition.

ITEM 625 ONE CAR – TWO CARLOAD SHIPMENTS, AND MORE THAN ONE CONSIGNOR OR CONSIGNEE

When a car is held for loading or unloading two or more carload shipments by more than one consignor or consignee at the same station, each consignor or consignee shall be allowed a total of twenty-four (24) hours free time to load or forty-eight (48) hours free time to unload, completely free of any interference by the other consignor or consignee.

ITEM 630 CARS MOVING FROM INITIAL POINT OF LOADING OR UNLOADING (SEE NOTE 1)

When a car placed for loading or unloading (other than for intra-plant service), whether or not partly loaded or partly unloaded at initial point, is moved by railroad or private power to another point within the confines of the same industry, or to another point in the same public delivery, yard, or to a track of this railroad for subsequent return to the same industry or public delivery yard for completion of loading or unloading; twenty-four (24) hours free time for completion of loading or forty-eight (48) hours for completion of unloading shall be allowed for the entire transaction: except that, when this railroad makes a charge for such movement, the time incident thereto shall not be computed against the car.

ITEM 635 CARS UNLOADED AND RELOADED WHERE CARRIER PERFORMS SWITCHING SERVICE

When the same car is both unloaded and reloaded, each transaction will be treated as independent of the other and the free time for reloading shall not begin until the first 7:00 a.m. after unloading is complete and advice given in accordance with paragraph (5) of Item 1100. When empty release information if not furnished, car will be released from the unloading transaction at 7:00 a.m. of the date forwarding directions are received.
ITEM 637  CARS UNLOADED AND RELOADED WHERE INDUSTRY PERFORMS SWITCHING SERVICE

When the same car is both unloaded and reloaded, each transaction will be treated as independent of the other and the free time for reloading shall not begin until the first 7:00 a.m. after unloading is complete, in which case the industry must notify this railroad date and time car was unloaded and this advice must be given within two (2) days, exclusive of Saturdays, Sundays and holidays, after completion of unloading. If this information is not furnished with the two (2) day period, car will be released from the inbound demurrage transaction on the date and time empty release information is received or, in the event the unloading information is not furnished before 7:00 a.m. of the date loaded car is returned to the interchange track, 7:00 a.m. of the date loaded car is returned to the interchange track will be the time and date to be observed on the inbound demurrage transaction.

ITEM 645  CARS FOUND TO BE OVERLOADED OR IMPROPERLY LOADED

When cars are found to be overloaded or improperly loaded and not in conformity with railroad loading and clearance rules, the following will apply unless otherwise provided in individual railroad tariffs lawfully on file:

1. If found while still on industry or railroad tracks where loaded, car will be considered to be under continuous loading transaction until adjustment of the load has been made, if necessary, and final clearance is received for further movement (see Note 1)
2. If found at origin after having been removed from industry or railroad tracks where loaded, car will not be considered released until load has been adjusted, if necessary and final clearance is received for further movement. The time between furnishing of forwarding directions and making a car available to consignor for adjustment will not be computed against car (see Note 1).
3. If, after having left origin station, a car found to be overloaded is held in transit, twenty-four (24) hours will be allowed to adjust the load. Time will be computed from the first 7:00 a.m. following notice that car is being held (see Note 1).

NOTE 1 Adjustment of load must include advice to authorized personnel of this railroad that shipment now conforms to railroad loading and/or clearance rules, and is now ready for inspection and/or measurements to permit final clearance for further movement.
ITEM 700  CARS NOT SUBJECT TO DEMURRAGE RULES AND CHARGES IN THIS PART

Except as provided in Items 760 and 765, cars specified in this section are not subject to the provisions of Part 1 of this tariff.

ITEM 725  CARS USED FOR TEST PURPOSES

Cars used for the purpose of testing loading and unloading procedures, new types of dunnage and new type of equipment as authorized by this railroad are not subject to demurrage.

ITEM 730  CARS USED IN TRANSPORTING CIRCUS OR SHOW OUTFITS

Cars used in the transporting of Circus or Show Outfits are not subject to demurrage when other rules and charges applicable to the detention of such cars are provided in the tariffs or contracts covering the movement.

ITEM 740  CARS UNDER LOAD WITH COMPANY MATERIAL AND EMPTY CARS FOR LOADING COMPANY MATERIAL FOR THIS RAILROAD

Cars under load with company material and empty cars held for loading company material for this railroad are not subject to demurrage when on its tracks or private sidings connected therewith including cars loaded or empty cars to be loaded with company material delivered to an industry for processing or other handling for this railroad.

ITEM 745  CARS MOVING UNDER FREIGHT RATES REQUIRING APPLICATION OF SPECIAL DEMURRAGE RULES

Cars will not be subject to the demurrage provisions and/or charges as published in this section when other demurrage provisions and/or charges are specifically provided for in this publication or applicable pricing documents.

ITEM 750  CARS UNDER LOAD WITH LIVESTOCK

Cars under load with livestock will not be subject to demurrage. This exception does not include cars held for or by shippers for loading of livestock. Live poultry will not be considered as livestock.

ITEM 755  CARS CONTAINING FREIGHT REFUSED OR UNCLAIMED AND SUBSEQUENTLY SOLD BY THIS RAILROAD FOR CHARGES

Cars containing freight refused or unclaimed and subsequently sold by this railroad for charges will not be subject to demurrage when and for the time held for convenience of this railroad beyond legal requirements.

ITEM 758  CARS ASSIGNED TO SHIUPPERS RETURNED TO POINT OF ASSIGNMENT UNDER LOAD

Cars assigned to shippers returned to point of assignment under load will not be subject to demurrage when containing:
(1) Less-than-carload freight
(2) Material authorized to be returned without freight charges under provisions of freight tariffs.
ITEM 759  RAILROAD AND PRIVATELY-OWNED CARS AND OTHER RAILROAD AND PRIVATELY-OWNED EQUIPMENT MOVING ON OWN WHEELS AS FREIGHT AT TARIFF RATES

Railroad and privately owned cars and other railroad and privately-owned equipment moving on own wheels as freight at tariff rates are not subject to demurrage while held:
(1) On tracks of this railroad.
(2) On private tracks unless subsequently loaded outbound subject to applicable carload rates, in which case provisions in this tariff governing cars held for loading are applicable

ITEM 760  CARS LEASED FOR STORAGE OF COMMODITIES

Cars of railroad ownership and cars of private ownership leased when empty, for the storage of commodities, or for intra-plant or intra-terminal switching service, while held on private tracks of the lessee of the car, provided the use thereof is in no way connected with any transportation service for which a tariff charge is assessed, except switching charges, are not subject to demurrage. Cars loaded while under lease and subsequently shipped outbound, except in intra-plant or intra-terminal switching service, will be subject to these demurrage rules and charges for all detention from date such outbound loading began. Cars loaded while under lease and ordered out to the railroad to hold for disposition, but subsequently ordered returned to tracks of lessee, are subject to demurrage charges from the first 7:00 a.m. they are received by the railroad until disposition is furnished with no free time allowance and without notice.
ITEM 765  PRIVATE CARS HELD OR STORED ON PRIVATE OR RAILROAD TRACKS

1. Loaded private cars held on private tracks at destination will be subject to demurrage rules and charges of this tariff only when such cars are railroad controlled cars, or before the car leaves point of shipment or re-consignment, the bill of lading, shipping order, re-consigning order or other shipping document used to direct movement to the point at which held indicates car is subject to Paragraph 1 Item 765 (see Note 1).

2. Loaded private cars consigned or ordered for delivery to private tracks, which are exempt from demurrage rules and charges of this tariff, after delivery to private tracks but which first must be held on railroad tracks under constructive placement are subject to demurrage charges as provided in this tariff, after expiration of:
   A. Twenty-four (24) hours free time when diverted, re-consigned or reshipped before delivery to private tracks;
   B. Forty-eight (48) hours free time when delivered to private tracks

   Such cars will be considered released from the applicable demurrage transaction of (A) or (B) above at the time the diversion, re-consignment or reshipment order is received, or at the time placement is made on the private tracks to which consigned or ordered.

3. Loaded or partially loaded cars removed from private tracks on orders are subject to demurrage charges as provided in this tariff, without free time allowance and without notice, from the first 7:00 a.m. after such cars are received until forwarding directions are furnished or until the cars are placed on or returned to private tracks on orders. In the event these cars are received between 5:00 p.m. and 7:00 a.m. they will not be subject to demurrage if forwarding directions are received prior to the following 12:00 noon, inclusive of Saturdays, Sundays, and holidays (see Note 2).

4. Empty private cars on railroad or private tracks, including such cars sent by the owner to a shipper for loading, will not be subject to these demurrage rules.

5. Loaded or partially loaded private cars removed from private tracks on orders are subject to demurrage charges as provided in Part 1, this tariff, without free time allowance and without notice, from the first 7:00 a.m. after such cars are received until forwarding directions are furnished or until the cars are placed on or returned to private tracks on order.

6. The average agreement provisions of Section 800 of this tariff apply to private cars only to the extent provided below:
   A. Credits cannot be earned on private cars except those subject to Paragraph (1) above or cars loaded or unloaded on other than private tracks
   B. Debits cannot accrue on private cars except cars loaded or unloaded on other than private tracks and those subject to Paragraphs (1) and (2)(B) above, but debits accruing on such cars may be offset by credits earned on other cars.

NOTE 1. If due to clerical error said notation is not placed on bill of lading, shipping order, re-consigning order or other shipping document, originating carrier will accept request from consignor in writing, or confirmed in writing, to add same to the original bill of lading, shipping order, re-consigning order or other shipping document. However, said request must be made prior to date of arrival of car at the billed destination.

For the purpose of applying items in this tariff, private cars on private tracks will be exempted from the rules and charges (see Notes 1, 2, and 3).
NOTE 1. For the purpose of applying this paragraph: A private car is a car bearing other than railroad reporting marks and which is not a railroad-controlled car. A railroad-controlled car is a car provided to a railroad directly by car companies or others; for the indiscriminate use by the railroad in serving any of its customers; the control of the use and further use of such cars is in the hands of the railroad.

NOTE 2. Loaded private cars while held on railroad tracks will be subject to the applicable rules and charges of this tariff.

NOTE 3. Empty private cars stored on railroad tracks, including such cars sent by the owner to a shipper for loading, are not subject to these demurrage rules.
ITEM 800   AVERAGE AGREEMENT PLAN

The provisions of this section will apply when the subscriber has entered into the written agreement provided in Item 850. The charges for the detention of all cars consigned to or ordered for loading by the subscriber within the jurisdiction of the same station will be computed on the basis of the average detention of all such cars released during each calendar month.

ITEM 803   CARS NOT SUBJECT TO AVERAGE AGREEMENT

The following cars consigned to or ordered for loading by the subscriber are not subject to the average agreement provisions of this section:

A. Cars loaded or unloaded in intra-plant switching service, including “set back service”, as defined in switching or other tariffs of this railroad (see Item 610).
B. Cars loaded while under lease and ordered out to the railroad to hold for disposition but, subsequently, ordered returned to tracks of lessee (see Item 760).
C. Private cars, except as authorized by Paragraph 4 of Item 765, this tariff.
D. Cars which are re-consigned, diverted or reshipped at point of detention (see Item 1210).
E. Cars held in transit on orders of consignor or consignee; and, cars destined for delivery to a connecting line which are:
   1. Held for payment of lawful charges;
   2. Surrender of written order, advice, “order bill of lading or other lawful substitute as required under Rule 7, Uniform Freight Classification Tariff UFC 6000 Series (see Item 1215).
F. Cars of grain subject to official inspection or grading, held in transit and placed for inspection of grading (see Item 1220).
G. Empty cars ordered or appropriated for loading but not used (see Item 1225).
H. Loaded cars received from another railroad and held for forwarding directions (see Item 1230).

ITEM 805   DEBIT

A debit is a unit of liability against a car for each day or fraction of a day held beyond free time and includes Saturdays, Sundays, and holidays occurring subsequent to the first chargeable day, including a Saturday, Sunday or holiday immediately following the day on which the first debit day begins to run. Charges for such debits shall accrue as follows:

1. $30.00 for each of the first four chargeable days; which may be offset by credits earned on other cars on a one-for-one basis.
2. $40.00 for each of the next two days
3. $60.00 for each subsequent day

The $40.00 debits and $60.00 debits may not be offset by credits and must be paid except for allowances in Section 1400.

ITEM 810   CREDIT

A credit is a unit of value for each car released prior to the expiration of the first twenty-four (24) hours of free time. Only one credit may be earned on any one car on another car released during the same month. Credits earned on cars held for loading shall not be used to offset debits accruing on cars for unloading, nor shall credits earned on cars held for unloading be used to offset debits accruing on cars for loading.
ITEM 815  DEMURRAGE CHARGES ON CARS SUBJECT TO AVERAGE AGREEMENT

On cars subject to the average agreement, Section 800, after expiration of free time, or the adjusted free time in Section 1400 (see Note 1), the following charges per car per day, or fraction of a day, will be made until car is released.

- $30.00 for each of the first four debit days
- $40.00 for each of the next two days
- $60.00 for each subsequent day

The applicable charge will accrue on all Saturdays, Sundays, or holiday subsequent to the first debit day, including a Saturday, Sundays, and holidays immediately following the day on which the first debit begins to accrue. Charges which accrue after the fourth debit day may not be offset by credits.

NOTE 1  Cars subject to the average agreement will not be allowed adjustments provided for In Item 1410 and Paragraphs 1 and 2 of Item 1420, except when bunching has been caused by floods, earthquakes, hurricanes or tornadoes and conditions in the devastated area resulting there from, or strikes of railroad employees, and cars are subsequently delivered to consignee in accumulated numbers.

ITEM 820  MONTHLY COMPUTATION OF DEMURRAGE CHARGES

Subject to Items 805 and 810 at the end of each calendar month, the total number of applicable credits will be deducted from total number of $30.00 debits and $30.00 per debit will be charged for the remainder. In no case shall more than one credit be allowed on any one car and in no case shall more than four credits be applied in cancellation of debits accruing on any one car. If the credits equal or exceed the debits, no charge will be made for the detention of the cars, except as provided in Item 805 for detention beyond the fourth debit day and no payment will be made by this railroad on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

For the purpose of this item, the end of the calendar month shall be considered as closing at the first 7:00 a.m. of the following month.

ITEM 825  SECURITY

A party who enters into this average agreement may be required to give sufficient security to this railroad for payment to give sufficient security to this railroad for payment of balance against him at the end of each month.

ITEM 830  COMBINING PLANTS AND STATIONS

Subject to the requirement of Item 820, debits and credits applying to cars released by one consignor or consignee within the jurisdiction of the same station, and serviced by one and the railroad, must be combined provided that in no case shall debits and credits be combined among two or more customers or are released under the jurisdiction of two or more stations; not can debits and credits be combined when released on different railroad, either at the same or at different stations, except where separate average agreement is requested in writing for each plant of the consignor or consignee, in which event each plant will be considered as one consignee or consignor for the purpose of applying this section. Each station as listed in The Official list of Open and Prepay Stations, OPSL 6000 Series, shall be considered a separate station in the application of this section.
ITEM 833 CARS NOT CONSIDED TO OR ORDERED BY SUBSCRIBER

When this railroad is notified in writing at or prior to time of delivery that a subscriber in whose care a shipment is consigned, or to whom it is ordered for delivery, is the absolute or qualified owner thereof and responsible for all charges collectible at destination, the car containing such shipment must be included in the average agreement of such subscriber. Empty cars ordered in the name of other parties may not be included in such subscriber’s average agreement.

ITEM 835 CARS CONSIDERED TO PUBLIC FIRMS

Cars consigned, re-consigned, or ordered to a public elevator, public warehouse, cotton compress, processing or fabricating plant, serving various parties, shall be combined in one average agreement; and the party signing the agreement as principal shall assume responsibility for all demurrage as assessable thereunder.

ITEM 840 CARS CONSIDERED TO GOVERNMENT AGENCIES

Cars consigned to the United States, state or municipal governments, may be included in the account of the construction contractor, the operation of a government agency, or any industrial plant to whom the cars are ordered delivered for unloading.
ITEM 850  DEMURRAGE AVERAGE AGREEMENT

A demurrage average agreement will be made effective on the first day of the month following receipt of patron’s application; except, when the credit status of the applicant is not satisfactory to this railroad at that time, the agreement shall be made effective on the first of the month following approval by this railroad of credit arrangement for the applicant to operate under an average agreement. When the applicant desires to have an agreement made effective prior to the first of the following month, it may be made effective on the date of receipt of the application provided his credit status is then satisfactory; otherwise, on the date this railroad approved credit arrangement; provided, however, that no cars have been released the same month prior to the date of agreement is made effective. The following agreement shall be required for all applicants to operate under the average agreement.

<table>
<thead>
<tr>
<th>Railroad.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Being fully acquainted with the terms, conditions and effect of the average basis for settling for detention of cars, as set forth in being the car demurrage rules governing at all stations and sidings on the lines of said railroad, except as shown in said tariff, and being desirous of availing (myself or ourselves) of this alternate method of settlement (I or We) do expressly agree to and with the (Station) (I or We) will fully observe and comply with all terms and conditions of said rules as they are now published, or may hereafter be lawfully modified by duly published tariffs and will make prompt payment of all demurrage charges accruing thereunder in accordance with the average basis as therein established or as hereafter lawfully modified by duly published tariffs</td>
</tr>
<tr>
<td>This agreement to be effective on and after day of, and to continue until termination, by written notice from either party to the other which shall become effective on the first day of the month succeeding that in which it is given, except that for any failure or refusal to pay charges terminated as of the date of written notice of termination</td>
</tr>
<tr>
<td>Approved and accepted, by and on behalf of the above named railroad by</td>
</tr>
</tbody>
</table>

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**ISSUED:** July 01, 2003

**EFFECTIVE:** August 01, 2003

(Unless otherwise indicated herein.)
ITEM 900  DEMURRAGE CHARGES ON CARS NOT SUBJECT TO AVERAGE AGREEMENT

On cars not subject to average agreement Section 800 and for detention not subject to Item 1405 (Strike Interference), after expiration of free time allowed or without free time allowance, when none is provided, the following charges per car per day, or fraction of a day, will be made until car is released,

$30.00 for each of the first four chargeable days,
$40.00 for each of the next two days,
$60.00 for each subsequent day.

The applicable charge will accrue on all Saturday, Sundays and holidays subsequent to the first chargeable day, including a Saturday, Sunday or holiday immediately following the day on which the first chargeable day begins to run, except as otherwise provided in Items 1225 and 1230 or Section 1400.
ITEM 1000 RULE GOVERNING CARS HELD FOR LOADING

Loading is the complete or partial loading of a car within the confines of the same industry or public delivery yard and must be completed in conformity with railroad loading and clearance rules. Loading includes the following: (1) advice that the car is ready for forwarding; (2) furnishing of forwarding directions; (3) advice that car is ready for forwarding after being held to finish loading; and (4) advice that car is ready for railroad inspection and/or measurement to obtain final clearance for movement via route shown on forwarding directions, (open top equipment) (see Note 1).

NOTE 1. When this railroad utilizes electronic or mechanical devices, which accept communication, either written, or oral, the recorded date and time forwarding directions are received from the consignor will govern the release of cars.

ITEM 1005 FORWARDING DIRECTIONS

The term “forwarding directions” means a bill of lading or other suitable order, given to this railroad and containing all of the necessary information to transport the shipment, which authorizes:

(1) The immediate delivery of a car to a connecting line for further movement (only when car has been loaded in terminal switching service), or
(2) The immediate forwarding of a car to a consignee at another location at the same station or to a consignee at another destination.

An order to move a car from a shipper’s loading or storage track to this railroad's yard or hold track to be held for “forwarding directions”, whether furnished by the party loading the car or another party, or a bill of lading or an order consigning the car to the agent of this railroad which has no beneficial interest in the lading, does not constitute “forwarding directions” under this section.

A bill of lading or other suitable order covering car(s) requiring clearance from all carriers in the routing will not constitute “forwarding directions” under this Section until clearance is received from all carriers in the routing.

When “forwarding directions”, are furnished covering line haul movement, this information must include the consignee, the destination, the commodity description, whether prepaid or collect, and full instructions relative to stop-offs.

ITEM 1010 FORWARDING DIRECTIONS RECEIVED BY U. S. MAIL

When this railroad receives forwarding directions by U. S. Mail or by wire, such instructions shall be considered as having been received after 7:00 a.m. on the date received.

ITEM 1015 OTHER THAN PUBLIC DELIVERY TRACKS

On cars for loading on other than public delivery tracks, time shall be computed from the first 7:00 a.m. after actual or constructive placement, or after proper notification where required.
ITEM 1020  PUBLIC DELIVERY TRACKS

On cars for loading on public delivery tracks, time shall be computed from the first 7:00 a.m. after actual placement and without notice. However, notification shall be sent or given on cars not placed within twenty-four (24) hours after 7:00 a.m. on the date for which cars were ordered to be placed; and, in such case, time shall be computed from the first 7:00 a.m. after notification is sent or given to the consignor, or party ordering the car that the cars have been placed.

ITEM 1025  APPROPRIATED CARS

When an empty car is appropriated, without being ordered, it shall be considered as having been ordered and actually placed at the time so appropriated. When an empty car placed on an order of one party is appropriated by another party without permission of this railroad, it shall be considered as having been initially ordered and placed on the order of the party appropriating the car.

ITEM 1030  EMPTY CARS PLACED PRIOR TO DATE FOR WHICH ORDERED

On empty cars placed prior to date for which ordered, time shall be computed from 7:00 a.m. of the date for which ordered except when loading commences prior to date for which ordered, time shall be computed from the 7:00 a.m. there after.

ITEM 1035  INTERCHANGE TRACKS OF INDUSTRIAL PLANTS

On empty cars for delivery on interchange tracks of industrial plants performing switching service for themselves or for other parties, time shall be computed from the first 7:00 a.m. after actual or constructive placement on such interchange tracks and continue until the cars are returned to the same or another interchange track and forwarding directions, when required, furnished in accordance with Item 1000. Where two or more parties, each with its own power, take delivery from the same interchange track, or where this railroad uses the interchange track for other cars; or where the interchange track is not adjacent to the plant and the industry uses the railroad track to reach the interchange track, a notice of placement shall be sent or given to the consignor and time shall be computed from the first 7:00 a.m. thereafter.
ITEM 1100  RULES GOVERNING CARS HELD FOR UNLOADING

Unloading or partial unloading shall include:

The surrender of bill of lading on shipments billed “to order” or surrender of written order or advice, or surrender of other lawful substitute. (See NOTE 1).

Payment of lawful charges when required prior to delivery of the car (see NOTE 1.)

Furnishing of a “turnover” order (an order for delivery to another party) after car has been placed for delivery and no additional movement of the car is made to a point beyond the confines of the same industry or same public delivery yard.

Advice that the car is ready for forwarding, accompanied by forwarding directions when necessary, after being held to partly unload and partly reload.

Advice by consignee given to authorized personnel of this railroad, either by telephone or in writing, that car is unloaded and available to this railroad (see NOTE 2). Information given must include identity of consignee, party furnishing data and car initial and number, with record of such information being maintained by this railroad, including date and time of receipt and identity of party receiving the information.

NOTE 1.  On cars requiring surrender of bill of lading, written order, advice, or other lawful substitute, or on cars requiring payment of lawful charges, whether such cars have been placed in position to unload or not, time will be computed from the first 7:00 a.m. after notice of arrival is sent or given to the consignee or party entitled to receive same. When the bill of lading, order, advice, other lawful substitute, or payment of lawful charges is received by this railroad via U. S. Mail, it shall be considered as received after 7:00 a.m. of the date received.

NOTE 2.  Except as otherwise provided in Items 635 and 637, a car will be considered released at the date and time advice is received from consignee.

ITEM 1105  CARS HELD IN BREAKUP OR HOLD YARDS FOR ORDERS

When a consignee has not notified this railroad of the track upon which he wishes his car placed either by general or specific orders as to incoming freight at or prior to arrival of shipment, the car will be held at an available breakup or hold yard and time computed from the first 7:00 a.m. after notice of arrival is sent or given to consignee or party entitled to receive same, until released as provided in applicable provisions of this tariff.

ITEM 1110  OTHER THAN PUBLIC DELIVERY TRACKS

On cars for unloading on other than public delivery tracks, time shall be computed from the first 7:00 a.m. after actual or constructive placement, or after proper notification where required.
ITEM 1115  PUBLIC DELIVERY TRACKS

Except as provided in Items 1100, 1105, and 1120, on cars for unloading on public tracks, time will be computed from the 7:00 a.m. after actual placement (see NOTE 1) and after required notice has been sent or given.

NOTE 1.  When delivery of cars on public delivery track cannot be made on account of more cars on hand than such tracks will accommodate such cars will be held at an available hold point and time computed from the first 7:00 a.m. after notice of arrival at the hold point is sent or given consignee, provided one or more of such consignee’s cars are placed or offered for placement each time the facility is switch.  The provisions of this note are not applicable if prior to the first 7:00 a.m. exclusive of Saturdays, Sundays, and holidays, after arrival notice is sent or given, consignee requests delivery at another public delivery track at destination where space is available.  In such case the alternative delivery shall be made.

ITEM 1120  SPECIAL FACILITIES REQUIRED FOR UNLOADING

Except as provided in Items 1100 and 1105, on cars for unloading at cranes, public delivery trestle tracks and other special facilities (see Note 1) furnished by this railroad because of the nature of the commodity, time will be computed from the first 7:00 a.m. after actual placement (see Note 2) and after required notice has been sent given consignee.

NOTE 1.  In the application of this item, docks or platforms and unloading pits provided by this railroad in public delivery yards for the convenience of consignees are not special facilities within the meaning of this item.

NOTE 1.  When delivery of cars to the special facilities named in this item cannot be made on account of more cars on hand than the facilities will accommodate, cars will be held at an available hold point and time computed from the first 7:00 a.m. after notice of arrival at the hold point is sent or given consignee, provided one or more of such consignee’s cars are placed or offered for placement each time the facility is switched.

ITEM 1125  INTERCHANGE TRACKS OF INDUSTRIAL PLANTS

On loaded cars for delivery on interchange tracks of industrial plants performing the switching service for themselves of for other parties, time shall be computed from the first 7:00 a.m. after actual or constructive placement on such tracks and continue until the cars are returned to the same or another interchange track, and advice given in accordance with paragraph (5) of Item 1100.  Where two or more parties, each with its own power, take delivery from the same interchange track, or where this railroad uses the interchange track for other cars, or where the interchange track is not adjacent to the plant and the industry uses this railroad track to reach the interchange track, a notice of placement shall be sent or given to the consignee and time shall be computed from the first 7:00 a.m. thereafter.

ITEM 1135  TIME OF RELEASE FOR CARS UNLOADED BY THIS RAILROAD

When cars subject to these rules are unloaded by this railroad, such cars shall be released at the time request to unload is received from the consignor or consignee, provided this railroad is obligated by tariff provisions to unload.  In the absence of such tariff obligation, release shall be effected at the time the unloading is completed at convenience of this railroad.
ITEM 1200  RULES GOVERNING CARS HELD FOR PURPOSES OTHER THAN LOADING OR UNLOADING

Items 1200 – 1235 will apply when cars are held for purposes other than loading or unloading, including cars which have been tendered for loading or unloading under the provisions of Sections 1000 and 1100 and which are later re-consigned, diverted, reshipped, or released empty after having been ordered or appropriated, in which event tender of a car under such items will govern in computing time under these provisions. Cars held subject to the provisions of this section will not be subject to the Average Agreement Section 800.

ITEM 1210  CARS HELD FOR RECONSIGNMENT, DIVERSION OR RESHIPPING

On cars held for re-consignment, diversion or reshipment, time will be computed from the first 7:00 a.m. following the sending or giving of notice. The term “diversion” or “re-consignment” will be applied as defined in the re-consignment tariffs of this railroad, except that under this provision, a “turnover” (an order for delivery to another party) which does not involve an additional movement of the car to a point beyond the confines of the same industry or same public delivery yard is not a re-consignment for the purposes of applying this provision. A “reshipment” is a making of a new contract by which, under a new rate, the entire original lading, without being unloaded, is forwarded in the same car to another destination, or another place of delivery at the same destination, which requires a movement beyond the confines of the industry or the public delivery yard where the car has been originally delivered. When diversion or re-consignment is consummated on an order mailed, wired, or otherwise transmitted by the consignor to an agent of this railroad, or an agent of any railroad which has participated in the transportation transaction, such order will be considered as having been received after 7:00 a.m. on the date received. When an order is received for ‘reshipment’ it shall contain all the necessary information to transport the shipment to its new destination; and, if the order for ‘reshipment’ is transmitted by U.S. Mail, it shall be considered as having been received after 7:00 a.m. of the date received.

ITEM 1215  CARS HELD IN TRANSIT

When cars are held in transit due to, or on orders of the consignor, consignee, or owner, time will be computed from the first 7:00 a.m. following the sending or giving of notice of arrival. Included are cars destined for delivery to a connecting line, cars found to be overloaded or improperly loaded, and cars held for surrender of order-notify bills of lading or payment of lawful charges, or for any purpose not otherwise specifically provided for in these rules. Cars will be released at the time the order bills of lading, or lawful charges are received by an agent of this railroad or an agent of any railroad which has participated in the transportation transaction or an order sufficient to move the cars to a consignee at another station; however, if such order, bill of lading, or payment of lawful charges is received by U.S. Mail, it will be considered as having been received after 7:00 a.m. midnight of the date received.
ITEM 1220 CARS OF GRAIN HELD IN TRANSIT FOR INSPECTION

When cars of grain, seeds (field or grass), grain screenings, soybeans, hay straw, corn husks or corn shucks, or pummies, unground, subject to official inspection or grading are held in transit and placed on inspection track(s) of this carrier at designated stations for inspection or grading, including re-consignment or other disposition, the free time will begin at the first 7:00 a.m. after the notice of arrival is sent or given to the consignee or party entitled to receive same or after bulletin has been posted where such practice is in vogue and will expire at the following 6:00 p.m. A demurrage day under this item consists of a twenty-four (24) period computed from 6:00 p.m.

When the consignee has agreed with this railroad in writing to accept the bulletining of cars as due and adequate notice or arrival, the bulletins must be posted by 9:00 a.m. of each day showing receipt since the last previous bulletin. Any bulletin posted on a Saturday, Sunday, or holiday shall for the purpose of calculating free time, be treated as posted as of 9:00 a.m. the first day thereafter which is not a Saturday, Sunday, or holiday.

In the application of this item, the term “held in transit” means after the cars have left the last loading station and before delivery at point of unloading. This item will not apply to cars held for inspection at the station where loaded, nor to cars billed direct to public team tracks, or to elevators, mills or other industries within the switching limits of the billed destination, and there inspected and delivery taken.

The term official inspection referred to in this item is taking of representative sample or samples and establishing the official grade of the contents of the car by competent and impartial authorities independent of the vendor or vendee and only in accordance with National, State, Board of Trade or Grain Exchange authorization or requirements except that on hay, straw, cornhusks or corn shucks, or pummies, unground, the inspection may be as necessary or desired.
ITEM 1225 EMPTY CARS ORDERED OR APPROPRIATED FOR LOADING BUT NOT USED

When empty cars are placed on orders or appropriated but not used in transportation service, demurrage will be charged for all detention, including Saturdays, Sundays, and holidays, from actual or constructive placement or appropriation until date and time advice is given to authorized personnel of this railroad, either by telephone or in writing, that such cars will not be used and are available to this railroad (see Note 1).

In the application of this item a demurrage day consists of a twenty-four (24) hour period or fraction thereof computed from the hour of actual or constructive placement of the car or appropriation, except that on cars placed in advance of the date for which ordered for loading, time will be computed from 7:00 a.m. of the day for which so ordered.

When a car so ordered and placed on a public track is not used, and no advice from the party who ordered the car has been received within forty-eight (48) hours, exclusive of Saturdays, Sundays, and holidays, from the first 7:00 a.m. after demurrage charges begin, the car may be removed and treated as released at the time of removal.

In the event a car is rejected account not suitable for loading, this item will not apply if the party ordering the car advises this railroad of rejection and condition that caused car to be rejected within twenty-four (24) hours, exclusive of Saturdays, Sundays, and holidays, after actual placement (see note 1). These provisions will also apply in connection with cars that are held on constructive placement on shipper-owned or leased tracks.

If rejection has not been made within time specified in the previous paragraph, demurrage will be charged for detention, computed as set for in this item.

NOTE 1. Industries performing switching service for themselves or other parties must, in addition to advising this railroad that cars will not be used in transportation service for loading, return such cars to the industrial interchange track.

ITEM 1230 CARS RECEIVED UNDER LOAD AND HELD FOR FORWARDING DIRECTIONS

On loaded cars received from another railroad, or loaded private cars received from private tracks, and held by this railroad for forwarding directions or other disposition, time will be computed from the first 7:00 a.m. after receipt until proper forwarding direction or other disposition is furnished, except that car received between 5:00 p.m. and 7:00 a.m. will not be subject to demurrage if disposition or forwarding directions are received prior to the following 7:00 a.m., exclusive of Saturdays, Sundays, and holidays.

On loaded cars received from another railroad and held by this railroad for forwarding directions, or other disposition, demurrage will be assessed from the first 7:00 a.m. after receipt until proper forwarding directions or other disposition is furnished, except that cars received between 5:00 p.m. and 7:00 a.m. will not be subject to demurrage if disposition or forwarding directions are received prior to the following 7:00 a.m., inclusive of Saturdays, Sundays, and holidays (Note 1).

NOTE 1. When forwarding directions or other disposition cannot be furnished because of authorized personnel of this railroad not being on duty to accept the directions or other disposition, the consignor will have until 12:00 Noon of the next day, on which this railroad has such personnel on duty to accept forwarding directions or other disposition and the forwarding directions or other disposition will be considered to have been furnished at the time during the railroad’s off-duty hours that the consignor was ready, willing and able to furnish the forwarding directions or other disposition.
ITEM 1300  NOTIFICATION REQUIREMENTS

In all cases where the consignee, or other party is entitled to receive notification as provided in Items 1305 through 1380 of this section, such notification shall be sent or given by this railroad within twenty-four (24) hours, exclusive of Saturdays, Sundays, and holidays, of arrival of car at destination or hold point. However, no notice is required to be sent or given where the movement or transportation rate of a car initially tendered under demurrage or detention provision of other parts of this tariff or other tariffs are changed so as to bring the detention of such cars under the provisions of this tariff. In such case the tender required under other tariffs will constitute the required notice of this tariff.

Nothing in this section will preclude this railroad from sending or giving notification on Saturdays, Sundays, or holidays when it is in a position to do so.

ITEM 1305  CARS CONSTRUCTIVELY PLACED

Notification of constructive placement shall be sent or given for all cars (loads and empties) which are held on tracks of this railroad at available hold points or at billed destination because of any condition attributable to the consignee or consignor which prevents this railroad from making actual placement. Such cars which have been placed by this railroad on private or other than public delivery tracks, including lead tracks serving the consignee or consignor shall be considered constructively placed without notice.

ITEM 1310  CARS FOR UNLOADING ON PUBLIC DELIVERY TRACKS

Notice of arrival shall be sent or given within twenty-four (24) hours of arrival of car at destination or hold point. In case car is not placed within twenty-four (24) hours from the first 7:00 a.m. after notice of arrival has been sent or given, notice of placement shall be sent or given (see Note 1).

NOTE 1. Where car is held for special purpose of consignee as provided in Items 1100, 1105, 1115, 1120, placement notice shall be sent or given only in case car is not placed within twenty-four (24) hours from the first 7:00 a.m. after order for placement is received.

ITEM 1315  CARS FOR LOADING ON PUBLIC DELIVERY TRACKS

Notice of placement shall be sent or given only when car is placed twenty-four (24) hours or more after 7:00 a.m. of the date for which ordered.

ITEM 1320  CARS HELD FOR SPECIAL PURPOSES

Notice of arrival shall be sent or given within twenty-four (24) hours of arrival of car at destination or hold point under the following conditions:

(1) When the consignee has not notified this railroad of the track upon which he wishes his car placed, either by general or specific orders as to incoming freight at or prior to arrival of shipment.
(2) When surrender of bill of lading on shipment billed “to order”, surrender of written order or advice, or surrender of written order or advice, or surrender of other lawful substitute.
(3) Payment of lawful charges when required prior to delivery of the car.
ITEM 1325   CARS STOPPED IN TRANSIT

When cars are held in transit because of any condition solely attributable to the consignor, consignee, or owner, a notice shall be sent or given to the party ordering the car stopped upon arrival of cars at the point of stoppage. This will not apply to cars stopped in transit for milling or other in-transit privilege, but notice as otherwise required shall be sent or given to the party designated to perform the milling or other in-transit service.

ITEM 1330   REFUSED CARLOAD FREIGHT

When carload freight is refused at destination, this railroad shall within twenty-four (24) hours after being advised of refusal to the consignor or owner when known.

ITEM 1335   UNCLAIMED CARLOAD FREIGHT

When carload freight cannot be delivered by this railroad and remains on hand undelivered and unclaimed at the expiration of three (3) days (perishable), or five (5) days (non-perishable), a notice to that effect shall be sent to the consignor or owner when known.

ITEM 1340   EXCEPTIONS TO/notification REQUIREMENTS IN ITEM 1335

Notification of unclaimed carload freight shall not be sent under the following circumstances:

1. When actually placed, or constructively placed, for delivery or other than public delivery tracks or industrial interchange tracks serving the consignee.
2. When the consignee has paid the freight charges at the destination, or has ordered in writing that the car be placed for unloading.
3. When the consignor has advised either the destination or originating railroad in writing that such notice is not required.
4. When the consignor and consignee are the same and a notice of arrival has previously been sent or given.
5. When the bill of lading has been surrendered or an indemnity bond furnished for shipment covered by "to order" bills of lading.
6. When consignor or owner has been previously sent or given a notice by wire that the car is being held for disposition instructions.

ITEM 1345   METHODS AND PROCEDURES FOR NOTIFICATION

Notification may be sent or given:
1. Notification may be sent or given by electronic transmission.
2. By personal or telephone communication (see Note 1).
3. By action of the consignee (see Item 1360).
4. By delivery of cars upon other than public delivery tracks or industrial interchange tracks serving consignee or consignor.

NOTE 1. When a consignor or consignee utilizes an electronic or mechanical device to accept messages (either in written or oral form), notification left on such device will be considered as having been given to consignor or consignee, as the case may be.
ITEM 1355  NOTIFICATION BY PERSONAL OR TELEPHONE COMMUNICATION

Written confirmation of personal or telephone notification will be furnished to consignor or consignee when consignor or consignee has filed a written request with this railroad. A written record of personal telephone notification, including requested confirmation, shall be maintained by this railroad’s agent (see Note 1).

NOTE 1.  When consignor or consignee utilizes an electronic or mechanical device to accept messages (either in written or oral form), notification left on such device will be considered as having been given to consignor or consignee, as the case may be.

ITEM 1360  NOTIFICATION BY ACTION OF CONSIGNEE

In all cases where any part of the contents of the car has been inspected or removed by the consignee prior to the sending or giving of notice, such inspection or removal shall constitute the required notification.

ITEM 1365  NOTIFICATION BY DELIVERY OF CARS UPON OTHER-THAN-PUBLIC-DELIVERY TRACKS OR INDUSTRIAL INTERCHANGE TRACKS

Delivery of cars upon other-than-public-delivery tracks or upon industrial interchange tracks, including lead tracks of the consignee or party entitled to same, will constitute notification to consignee.

ITEM 1370  INFORMATION REQUIRED FOR NOTIFICATION

Notification information shall include:

(1)  Car initial and number – all notifications.  If contents transferred en route, must include original car initial and number
(2)  Contents – all notifications.
(3)  Point of shipment – unless the consignor and/or broker has advised otherwise – for arrival notification only.
(4)  Hold point – for constructive placement notification when cars are held short of billed destination.

ITEM 1375  RAILROAD FAILURE TO SEND OR GIVE REQUIRED NOTICE

When this railroad fails to send or give the consignee or consignor the required notice of arrival or placement, or the required notice of refused or unclaimed carload freight, the consignee or consignor shall not be charged demurrage from the first 7:00 a.m. after the notice should have been sent or given to the first 7:00 a.m. following the date it was actually sent or given, provided, that if through error, notice of refused or unclaimed freight is transmitted by mail instead of by wire, this waiver of liability for demurrage charges shall be terminated on the date such mailed notice is received by the consignor.

ITEM 1380  INSUFFICIENT INFORMATION IN ARRIVAL NOTIFICATION

When notice of arrival does not contain all of the information specified in Item 1370, the consignee or party entitled to receive notification shall not have the right to question the sufficiency of such notice unless within forty-eight (48) hours from the first 7:00 a.m. after notice of arrival has been sent or given to the consignee or party entitled to receive same, shall furnish this railroad’s agent a written statement of the omitted information required, in which event the time between receipt of such statement and the furnishing of the omitted information will not be computed against the consignee.  When this railroad handles the car in switching service only, he will transmit the request to the inbound line-haul railroad’s agent, who will promptly furnish the information direct to the consignee and advise this railroad’s agent the date and time furnished.
ITEM 1400  ALLOWANCE PERMISSIBLE FOR RELIEF OF DEMURRAGE CHARGES

Demurrage charges assessed or collected for detention of cars through causes named in Items 1305 through 1380 will, subject to conditions set forth herein, be promptly cancelled or refunded.

ITEM 1405  STRIKE INTERFERENCE

When it is impossible to load or unload or receive cars from or make cars available to this railroad because of strike interference at the point where the loading or unloading is to be accomplished, the detention to each car due to this cause from the first 7:00 a.m. after such interference begins until the first 7:00 a.m. after such interference ceased will be excluded in computing time and charges, provided a claim in writing is presented to this railroad within (30) days, exclusive of Saturdays, Sundays, and holidays, after the date on which the strike interferences ceases, or the date on which demurrage bill is rendered, whichever is latest, stating the date and time strike interference began and ended. Such detention will be charged for at the rate of $11.00 per car per day or fraction of a day, including Saturdays, Sundays, and holidays and without free time allowance. Cars otherwise subject to average agreement shall not earn credits nor accrue debits during the period of interference, nor will it be permissible to offset any part of the detention by credits earned on the same or other cars. The detention both before and after the period of interference will be consolidated into one period of detention subject to the provisions of Sections 600 and 800.

(1) Inbound cars when forwarding directions are furnished at point of loading of the freight subsequent to free days, exclusive of Saturdays, Sundays, and holidays, starting with the first 7:00 a.m. after the beginning of strike interference.
(2) Inbound cars when reshipped, re-consigned or diverted to a strike bound point of unloading subsequent to two days, exclusive of Saturdays, Sundays, and holidays, starting with the first 7:00 a.m. after the beginning and prior to the termination of strike interference.
(3) Cars held on orders of the consignee, consignor, or owner of the freight when the strike bound point of unloading is not served by this railroad
(4) Cars held short of destination station on orders of the consignee, consignor, or owner.
(5) Cars held because of a strike at another plant than that where the cars are to be loaded or unloaded
(6) Cars for loading when ordered or appropriated after the beginning and prior to the termination interference.
ITEM 1410  BUNCHING

Relief of demurrage charges caused by reason of bunching shall be granted under conditions outlined below:

CARS TENDERED FOR LOADING – When by reasons of delay or irregularity in filling orders, cars are bunched and placed for loading in accumulated numbers in excess of daily placing, as ordered, the shipper shall be allowed such free time for loading as he would have been entitled to had the cars been placed for loading as ordered, provided claim is filed with this railroad, in writing, within thirty days exclusive of Saturdays, Sundays and holidays from the date on which the bill for demurrage is rendered.

CARS TENDERED FOR UNLOADING – When as the result of the act or neglect of any railroad, or because of floods, earthquakes, hurricanes or tornadoes, and conditions in the devastated area resulting therefrom cars originating at the same point, moving via the same route and consigned to one consignee at one point, are bunched; or when cars originating at different points and transported via the same route from an intermediate common point to destination, are bunched after arriving at the common point (in which event the date of arrival of the cars at the common point will govern in determining the bunching instead of the date of shipment) and are tendered for delivery by this railroad in accumulated numbers in excess of daily shipments, the consignee shall be allowed such free time as he would have entitled to had the cars not been bunched, but when any car is released before the expiration of the prescribed free time or the adjusted free time, the next cars bunched therewith will be treated as tendered the next 7:00 a.m. following such release. For the purpose of applying this item, cars moving from different points or via different routes to destination and arriving on different dates will be considered bunched if tendered for delivery on the same day and such free time shall be allowed as the consignee would have been entitled to had the cars been placed or tendered for placement in the order of their arrival; except that cars which arrive on Saturdays, Sundays and holidays, will not be considered bunched when tendered for delivery on the first day thereafter which is not a Saturday, Sunday or holiday. In no case will allowance be granted from bunching unless this railroad receives a claim in writing within thirty days (30), exclusive of Saturdays, Sundays and holidays, from the date on which the bill for demurrage is rendered, supported by a statement certifying car initial and number and either the date and point of shipment, or the date of arrival at the common point, for each car involved in the bunching claim. The date of shipment shall be the date forwarding or re-forwarding directions are furnished the railroad for movement of the car to the point of unloading, and the point of shipment is where the forwarding or re-forwarding directions are effected for movement of the car to the point of unloading.
ITEM 1415  CARS RUN AROUND THROUGH NO FAULT OF CONSIGNOR OR CONSIGNEE

When this railroad for any cause not attributable to the consignor or consignee actually placed cars recently tendered ahead of cars previously tendered, demurrage will be charged on the basis of the amount that would have accrued but for such error, except that on cars subject to average agreement, Section 800, allowance will be made only on those cars held beyond the debit days which it is permissible to offset by credits earned on other cars, However, when demurrage charges have been assessed and billed, no relief will be provided under this item unless claim is presented in writing within ninety (90) calendar days after bill has been rendered, identifying cars which have been run around. When the delay in loading or unloading one commodity has no relationship to the delay in loading or unloading a different commodity, separate computations must be made for each of such commodities in order to determine the allowance that should be made. The following formula will be used to determine the amount of demurrage that would have accrued but for such error.

(1) List in date order of constructive placement all cars that are involved in the run around; however, when no constructive placement has been made on a car, use its actual placement date as the constructive date (see Note 1).

(2) Show opposite each car listed, the date and time of its actual placement and the date and time of its release, together with the charges assessed. When two or more cars are placed on the same date, enter first the record of the car released first.

(3) Opposite the first car constructively placed, enter the date and time of actual placement of the first car actually placed, and the time of its release. Continue this procedure with the second car and all subsequent cars until all the original actual dates of placement and release have been used.

(4) Compute the time from the first 7:00 a.m. after the original tender (actual or constructive placement) date to and including the date of substituted release of each car.

(5) Allow the difference, if any, between the amount thus ascertained and the amount of demurrage assessed on the basis of the original records.

(6) With respect to cars subject to average agreement, list the cars held beyond the debit days which it is permissible to offset by credits earned on other cars as the result of being run around for causes not attributable to the consignor or consignee together with cars tendered later, that ran around them, regardless of whether the latter cars accrued charges for detention beyond four debits. Then proceed as described in paragraphs (1), (2), (3), (4) and (5) and compute debits and credits and excess charges on the basis of the substituted dates, i.e. from the first 7:00 a.m. after the original tender (actual or constructive placement) date to and including the date of substituted release of each car; provided that no allowance shall be made in excess of charges originally accrued for detention beyond debit days on the car or cars involved in the run around.

Note 1  Cars actually or constructively placed for account of this railroad may not be commingled with cars actually or constructively placed for account of other railroads in computing run-around allowances.
ITEM 1420 WEATHER INTERFERENCE

Relief shall be granted under the following conditions:

(1) On cars subject to Item 1225, when the condition of the weather during any part of the first forty-eight (48) hours after actual placement is such as to make it impossible to place freight in cars without serious injury to the freight, no demurrage shall be charged for the period of weather interference during such forty-eight (48) hours, provided claim stating fully the condition which prevented loading is presented in writing to this railroad within thirty (30) days, exclusive of Saturdays, Sundays, and holidays, after date on which demurrage bill is rendered.

(2) When because of floods, earthquakes, hurricanes or tornadoes and conditions in the devastated area resulting therefrom, it is impossible for a consignor or consignee to get to a car or to load or to unload, the detention directly chargeable thereto shall be eliminated from demurrage charges assessed and billed, providing a claim is presented in writing to this railroad within ninety (90) calendar days after date on which demurrage bill is rendered, stating fully the conditions which prevented the loading and unloading.

(3) When, at the time of actual placement, lading is frozen or congealed so as to require heating, thawing or loosening to unload, a consignee desired additional free time for unloading shall, prior to the expiration of the (10) days exclusive of Saturdays, Sundays, and holidays, after the date on which the car was released, send a written statement certifying by car initial and number; (a) the day or days (7:00 a.m. to 7:00 a.m.) on which car was actual placement and during which any time was expended in heating, thawing or loosening to unload the car; (b) the day (7:00 a.m. to 7:00 a.m.) on which car was actually unloaded. If the written statement is mailed, the date of mailing shall be determined by the postmark. This carrier will relieve charges accrued or assessed while car was on actual placement for the day or days so certified in part (a) of the statement with a maximum of two (2) days; except, the carrier not relieve the day on which a car was actually unloaded as certified in part (b) of the consignee’s statement.

ITEM 1425 ORDERS OR FORWARDING DIRECTIONS DELAYED IN U.S. MAIL

When an order to move, forward or release a car is sent to this railroad by U.S. Mail, whether it is received late or not at all, it shall be considered to have been received after 7:00 a.m. on the date it should have been received, provided claim in writing is filed within ten (10) days from date on which demurrage bill is rendered, supported with proof that the order was deposited in the U.S. Mail, properly stamped and addressed on date claims. In the absence of such proof, the car shall be released after 7:00 a.m. on the date the order or subsequent instructions were received. When an order is received by U.S. Mail, the date of mailing shall be determined by the postmark.

ITEM 1430 MOVEMENT FROM HOLD POINT TO DESTINATION

When cars are held at an available hold point short of destination and constructive placement notice is sent or given, the time of movement between hold point and destination and any other time for which the railroad is responsible, will not be computed against the consignor or consignee.

No allowance will be made for time of movement when:
ITEM 1435    RAILROAD ERROR

In event of error by railroad named in the bill of lading contract or participating in the transportation transaction which prevents acceptance, proper tender or delivery including the demand of payment of transportation charges in excess of tariff authority, demurrage will be charged on basis of the amount that would have accrued but for such error. When cars are inaccessible for loading or unloading, allowance will be made for detention directly chargeable thereto, subject to conditions set forth below:

(1) On other-than-public-delivery tracks when there is disability to this railroad.
(2) On public delivery tracks only when an obstruction is on the premises of this railroad.

No allowance will be made for delay in placing nor for interruption in loading or unloading cars consigned or ordered to a track, other than a public delivery track, used by two or more shippers or consignees, when such delay or interruption is attributable to such joint use of such track, except that due allowance will be made if a car displaced in switching is not replaced when the switching is completed.

Demurrage charges assessed and billed will not be relieved under this item unless claim is presented in writing to this railroad within ninety (90) days after date on which demurrage bill is rendered, stating the conditions for which relief is claims.
### Definitions:

**Claimed Time and Charges:**
- Claimed or allowance for relief from charges
- Charges
- Application
- Subject
- Item

#### Definitions:
- Actual placement
- Assigned cars
- Assigned cars not subject to rules
- Assignment of cars
- Cars subject to rules
- Cars containing shipments of explosives and other hazardous materials
- Cars moving on own wheels as freight at tariff rates
- Cars received at point of manufacture or repair and held for forwarding directions
- Definition
- Disposition at point of detention determines purpose for which car is held
- Holidays
- Release of cars from assignment
- Rules apply on interstate and intrastate traffic
- Rules are separately established for each participating carrier

#### Charges:
- Assigned car
- Cars or other units of equipment moving on own wheels as freight
- Cars moving on own wheels
- Cars received at point of manufacture or repair held for forwarding directions
- Explosives, hazardous materials, substances or wastes
- Charges on shipments held in cars are in addition to demurrage
- Reference to explosives tariff

#### Claims or allowances for relief from charges:
- Assigned cars are found to have mechanical defects
- Assignees operation cease
- Assignee partially shut down
- Railroad error

#### Computing time and charges:
- Assigned car storage charges
- Explosives, hazardous materials, substances or wastes
- Fraction of day will be counted as one day
- Holidays—Saturdays, Sundays, and holidays will be excluded

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**ISSUED:** July 01, 2003  
**EFFECTIVE:** August 01, 2003  
(Unless otherwise indicated herein.)
Hazardous materials, substances or wastes------------------------------------------2100
Holidays, list of---------------------------------------------------------------1735
Other than public delivery track -----------------------------------------------1715
Private car---------------------------------------------------------------1725
Private track---------------------------------------------------------------1720
Public delivery track---------------------------------------------------------1710
Railroad controlled car-------------------------------------------------------1726
Railroad premises-------------------------------------------------------------1730
Time to be observed-----------------------------------------------------------1765

FREE TIME:
  Assigned cars --------------------------------------------------------------1925
  Cars loaded with explosives and hazardous materials-------------------------2105
  Cars moving on own wheels received at point of manufacture or
    repair held for forwarding directions--------------------------------------2010
  Equipment moving on own wheels as freight----------------------------------2005
  Removal of explosives from railroad premises-------------------------------2105

NOTIFICATION:
  Assigned cars --------------------------------------------------------------1920
  By actual tender of freight -------------------------------------------------1755
  Not required on explosives, hazardous materials, substances or wastes received
    on railroad premises and held for shipping instructions-------------------2105
  To consignor of refused or unclaimed hazardous materials, substances or wastes---2105
  When equipment moving on own wheels as freight cannot be placed,
    because of conditions attributable to consignee--------------------------2005
ITEM 1500 GENERAL APPLICATION

This part contains rules governing the allowance of free time and the assessment of storage charges when cars subject to this part, are held beyond free time or when no free time is provided. Unless otherwise provided herein, such charges will not be subject to ex-parte increases, fuel cost surcharges, or rail carrier cost recovery tariffs.
ITEM 1600  EXCEPTION TO ITEMS 1905 AND 1915

All empty private cars as described in Item 1725 (except railroad controlled cars as described in Item 1726) are exempted from the provisions of these rules.

ITEM 1610  DEFINITION OF A CAR DAY

For the purpose of this tariff a car day is defined as any period of 24 hours or fraction thereof commencing from the first 7:00 a.m. after actual or constructive placement until the car is released.

ITEM 1620  FREE TIME

For the purpose of computing free time, Saturdays, Sundays, and holidays will be exempt.

ITEM 1630  CARS RECEIVED AT POINT OF MANUFACTURE OR REPAIR AND HELD FOR FORWARDING DIRECTIONS

Except as otherwise provided by railroad tariffs lawfully on file, cars received at point of manufacture or repair from another railroad or from private tracks and held by this railroad for forwarding directions which require movement on own wheels as freight at tariff rates will be subject to a storage charge of $30.00 per day or fraction of a day, such charge to be computed from the first 7:00 a.m. following receipt of the cars without notice of receipt and without free time.

The term “forwarding directions” means a bill of lading or other suitable order given to this railroad at the point of receipt in writing or confirmed in writing containing all the necessary information to transport a car and which authorizes the immediate delivery to a connecting line for further movement (only when car has been received in terminal switching service), or the immediate forwarding to a consignee at another location at the same station or to a consignee at another destination.

ITEM 1640  FREE TIME

No free time will be allowed on cars subject to this section, but they will be subject to a storage of $25.00 per car per day or fraction of a day to be computed from the second 7:00 a.m., exclusive of Saturdays, Sundays, and holidays, following the sending or giving of Notice in Item 1920. These charges may be billed monthly.

Once storage charges commence to run, all Saturdays, Sundays, and holidays are chargeable days with charges continuing until actual or constructive placement on orders of, or appropriation of cars for loading by the assignee.

Cars released from storage charges under these conditions will be subject to applicable demurrage or detention tariffs.
ITEM 1705  GLOSSARY OF TERMS

For the purpose of applying items in Part 2 of this tariff, the following are defined and shall govern.

ITEM 1710  PUBLIC DELIVERY TRACKS

Any accessible track open to the general public for loading or unloading.

ITEM 1715  OTHER THAN PUBLIC DELIVERY TRACK

Any railroad track or portion of a track assigned for individual use or for joint use, including privately owned or leased tracks.

ITEM 1720  PRIVATE TRACK

A track outside of this railroad’s right-of-way, yard and terminals, and of which this railroad does not own either rails, ties, roadbed or right-of-way. When a track or portion thereof owned or operated by this railroad is assigned to the purpose of its user through a written lease or written agreement, such lease or agreement will be considered as equivalent to ownership and the track or portion thereof treated as private track.

A track or portion thereof will be considered the private track of each of two or more parties when written consent has first been obtained from this railroad for such joint use of its track, which has been assigned through a written lease or written agreement, or when written notice of such joint use has been furnished this railroad by the owner of a private track prior to actual placement of a car for account of any joint user of the track.

ITEM 1725  PRIVATE CAR

A private car is a car bearing other than railroad reporting marks and which is not a railroad-controlled car.

ITEM 1726  RAILROAD-CONTROLLED CAR

A railroad-controlled car is a car provided to a railroad directly, by car, companies or others, for the indiscriminate use by this railroad in serving any of its customers.

ITEM 1730  RAILROAD PREMISES

The term “Railroad Premises” as used in Section 2100, when applicable to shipments held in cars, shall embrace all tracks which this railroad provides for its own uses and purposes or for general public use, any other tracks located inside of its right-of-way or yards and terminals, except tracks located on or within the confines of property owned or leased by an industry.
ITEM 1735  HOLIDAYS

Whenever reference is made to “holidays”, it shall mean only the days listed below:

1. New Year’s Day – January 1 (see Note 1)
2. Presidents Day
3. Good Friday – Friday before Easter Sunday
4. Memorial Day – Last Monday of May
5. Independence Day – July 4 (see Note 1)
6. Labor Day – First Monday of September
7. Thanksgiving Day – Fourth Thursday of November
8. Friday after Thanksgiving – Fourth Friday of November
9. Christmas Eve – December 24 (see Note 1)
10. Christmas Day – December 25 (see Note 1)
11. New Year’s Eve – December 31 (see Note 1)

NOTE 1. When this date occurs on a Sunday, the following Monday will be observed as the holiday.

ITEM 1740  CONSIGNOR

The party in whose name cars are ordered or the party who furnishes this railroad forwarding directions.

ITEM 1745  CONSIGNEE

The party to whom a shipment is consigned or the party entitled to receive the shipment.

ITEM 1750  ACTUAL PLACEMENT

Actual placement is made when a car is placed in an accessible position for loading or unloading or at a point previously designated by the consignor or consignee.

ITEM 1755  CONSTRUCTIVE PLACEMENT

When a car consigned or ordered to a private track, an industrial interchange track, or an other-than-public-delivery track cannot be actually placed because of a condition attributable to the consignor or consignee, such car will be held at destination, or if it cannot reasonably be accommodated there, at an available hold point and notice shall be sent or given the consignor or consignee that the car is held (naming the hold point if not held at destination) and that this railroad is unable to effect placement; however, if car is placed on the private track, industrial interchange track or other-than-public-delivery track serving the consignor or consignee, the car shall be considered constructively laced without notice.

ITEM 1760  CARS ACTUALLY OR CONSTRUCTIVELY PLACED AT EXACTLY 7:00 A.M.

When cars are actually or constructively placed at 7:00 a.m., time shall be computed from the same 7:00 a.m.; and placement shall be determined by the precise time the engine cuts loose.

ITEM 1765  TIME TO BE OBSERVED

In the application of these rules, the time to be properly applied is the time, daylight saving or standard time, lawfully in effect in the community where the car is held.
ITEM 1770     ASSIGNEE

A shipper who has requested and has been assigned specific cars.

ITEM 1775     ASSIGNED CAR

A car of any ownership specifically requested and assigned to a shipper by a railroad.

ITEM 1780     BUREAU OF EXPLOSIVES TARIFF

The Bureau of Explosives Tariff No. BOE 6000-Series covers regulations prescribed by the U.S. Department of Transportation for the handling of hazardous materials.
ITEM 1905 ASSIGNED CARS

Except as provided in Item 1915, the provisions of this section apply to cars of any ownership specifically requested and assigned to shippers by railroads (see Note 1) where this railroad serves the assignee at the designated point of assignment (see Note 2) as the originating road-haul carrier or the originating switching line and is required to hold such cars on its tracks or private sidings connected therewith while awaiting:

1. Actual or constructive placement on orders of, or appropriation of the cars for loading by the assignee: or
2. Delivery of such cars to a connecting switching line performing the actual placement service where such switching line has not concurred in the assignment and holding of cars on its line while subject to Part 2 of this tariff.

NOTE 1. When an assigned car is returned with a revenue load, subject to applicable carload rates, the car is subject to Part 1 of this tariff.

NOTE 2. For the purpose of applying this section, the designated point of assignment shall mean the original station at which this railroad has assigned or concurs with another railroad to assign specific cars for use by a specific shipper.

ITEM 1910 ASSIGNMENT OF CARS

Before specific cars are assigned to a shipper, the shipper must request in writing or originating road-haul carrier(s) assignment at least ten (10) days before their intended use of a specific number of cars.

ITEM 1915 ASSIGNED CARS NOT SUBJECT TO THIS SECTION

Empty cars of private ownership, which are not railroad controlled.
ITEM 1920  NOTIFICATION

When cars subject to this section arrive at designated point of assignment, notice containing car initials and number shall be sent or given assignee. In event such cars cannot be reasonably accommodated at designated point of assignment, cars will be held at any available hold point and notice will be sent or given containing advice of such holding. An additional notice will not be required when car reaches designated point of assignment.

Notification required under this item shall be sent or given by this railroad within twenty-four (24) hours (see Note 1), exclusive of Saturdays, Sundays, and holidays of arrival of car at destination or hold points.

Written confirmation of personal or telephone notification will be furnished to assignee when assignee has filed a written request with this railroad. A written record of person or telephone notification, including required confirmation, shall be maintained by this railroad’s agent.

Nothing in this section will preclude this railroad from sending or giving notification on Saturdays, Sundays, and holidays when it is in a position to do so.

NOTE 1.  When the required notice is not sent or given within the prescribed twenty-four (24) hours after arrival, charges will be computed from the second 7:00 a.m., exclusive of Saturdays, Sundays, and holidays, following the sending or giving of such notice.

NOTE 2.  When assignee utilizes an electronic or mechanical device to accept messages (either in written or oral form), notification left on such device will be considered as having been given to assignee.

ITEM 1925  STORAGE CHARGE

No free time will be allowed on cars subject to this section, but they will be subject to a storage charge of $25.00 per car per day or fraction of a day to be computed from the second 7:00 a.m., exclusive of Saturdays, Sundays, and holidays, following the sending or giving of notice in Item 1920. These charges may be billed monthly where the assignee is an average agreement customer at point of assignment.

(a)  Once storage charges commence to run, all Saturdays, Sundays, and holidays are chargeable days with charges continuing until actual or constructive placement on orders of, or appropriation of cars for loading by the assignee (see Note 1).

(b)  Cars released from storage charges under these conditions will be subject to applicable demurrage or detention tariffs.

NOTE 1.  Where actual or constructive placement is made by a switching line that has not concurred in the assignment and holding of cars on its line while subject to Part 2 of this tariff, storage charges will cease at the time cars are delivered to the switching line on orders of the switching line or assignee, as the case may be.
ITEM 1930  RELEASE OF CARS FROM ASSIGNMENT

At such time as the assignee wishes to reduce the number of an assignment by one or more cars, assignee must notify the originating road-haul carrier and originating switching line, in writing or confirmed in writing, and specify the effective date of release of such car or cars which must be at least one (1) or more days after date of such notice. The originating road-haul carrier will have the prerogative of selecting the car or cars to be removed from the assignment. Storage charges prescribed by these rules will accrue on cars so selected until the effective date of release unless such cars are previously removed by the originating carrier in which case storage charges will terminate on the date of such removal. However, no assignee will be permitted to release a car or cars from an assignment by oral or written notice until all shipper-owned appurtenances have been removed by assignee.

ITEM 1935  CONDITIONS FOR RELIEF WHEN ASSIGNEE’S OPERATIONS CEASE

When it is impossible to load or to receive for loading empty cars assigned under the provisions of these rules because of cessation of operations for a period of five (5) consecutive days or more resulting from a strike, work stoppage, flood, high water or other interference at the plant of the assignee for which the empty assigned cars are held, the charges herein shall be suspended for the period of such interference with operations and an additional ninety-six (96) hours immediately following resumption of operations, provided that the assignee furnishes a written notice to the carrier at point of assignment within five (5) days, exclusive of Saturdays, Sundays, and holidays after the date on which interference ceased, stating date and time interference began and ceased and the cause of such interference. The period of suspension under this item will be from the first 7:00 a.m. following the date on which interference began until the first 7:00 a.m. following expiration of the ninety-six (96) hour period immediately following resumption of operations (see Notes 1 and 2).

NOTE 1. Relief will be restricted to a maximum of two (2) such cessation’s in any calendar year, with the storage allowance not to exceed a total of thirty (30) days per calendar year. For the purpose of applying this note, a cessation of operations beginning in one year and continuing uninterrupted into the following year will be considered one (1) cessation occurring in the year in which the interference began, and the number of days in such cessation plus the ninety-six (96) hour period immediately following resumption of operations will also be considered as occurring in the year in which interference began. The days allowed in the cessation’s claimed must be consecutive from the beginning of such cessation’s.

NOTE 2. The cars which are placed on notice prior to and during any claimed shutdown period will be the only cars allowed the ninety-six (96) hours immediately following the resumption of operations.
ITEM 1940 CONDITIONS FOR RELIEF WHEN ASSIGNEE’S OPERATIONS PARTIALLY SHUTDOWN

When a partial shutdown lasts five (5) or more consecutive days and results in a thirty (30) percent or more reduction in normal loading of assigned cars, storage charges as provided in Item 1925 will be adjusted for the period beginning with the first 7:00 a.m. following date and time the partial shutdown begins until the first 7:00 a.m. following resumption of operations (see Note 1) by reducing the amount of such charges by the percentage factor produced by the ratio of assigned cars loaded during the partial shutdown (projected to a thirty (30) day basis) to the total number of assigned cars loaded in the calendar month immediately prior to the month in which the partial shutdown begins; the total number of cars in assignment and number of assigned cars anticipated to be loaded during the partial shutdown is furnished the carrier at point of assignment at least five (5) days, exclusive of Saturdays, Sundays, and holidays prior to the partial shutdown (see Note 2). If assignee fails to send or give such notice within such five-day period, but presents it at a later date the time allowed for the partial shutdown shall begin five (5) days exclusive of Saturdays, Sundays, and holidays following receipt of the notice (see Note 2). However, no adjustment will be made unless assignee also presents a subsequent written notice within five (5) days exclusive of Saturdays, Sundays, and holidays (see Note 2), following cessation of such partial shutdown which shows the date and time the partial shutdown actually began and ceased and the shutdown period.

NOTE 1. Relief will be restricted to a maximum of two (2) partial shutdown periods in any calendar year, with the storage allowance not to exceed thirty (30) days per calendar year. For the purpose of applying this note, a partial shutdown beginning in one year and continuing uninterrupted into the following year will be considered one (1) partial shutdown occurring in the year in which it began, and the number of days in such partial shutdown will also be considered as occurring in the year in which the partial shutdown began. The days allowed in the shutdown periods claimed must be consecutive from the beginning of such shutdowns.

NOTE 2. If the notices referred to in this item are mailed via U. S. Mail, they shall be considered as having been received after 7:00 a.m. of the date received.

ITEM 1945 CONDITIONS FOR RELIEF WHEN ASSIGNED CARS ARE FOUND TO HAVE MECHANICAL DEFECTS

Relief will be granted from storage charges on an assigned car while held for repair of Federal Railroad Administration safety defects or other mechanical defects which make the car unsuitable for loading, from the time of actual discovery of the defect until car is again made available. If storage charges have been incurred on such car prior to the discovery of the mechanical defect, storage charges will resume from the first 7:00 a.m. following the sending or giving of notice to the assignee of the availability of the car for loading.
ITEM 1950 RAILROAD ERROR WHICH PREVENTS ACCEPTANCE, PROPER TENDER OR DELIVERY

Under this item, storage charges will be assessed on the basis of the amount that would have accrued but for such error. Also, when for any cause but attributable to the assignee this railroad actually or constructively places assigned cars recently tendered ahead of assigned cars previously tendered, storage charges will be assessed on the basis of the amount that would have accrued had such cars been actually or constructively placed in the sequence they were ordered placed for loading (see Note 1).

No allowance will be made for the delay in placing assigned cars ordered to a track, other than a public delivery track, used by two or more shippers, when such delay or interruption is attributable to such joint use of such track.

NOTE 1. Cars actually or constructively placed for account of this railroad may not be commingled with cars actually or constructively placed for account of other railroads in computing run-around allowance.
ITEM 2000  The provisions of this section apply to cars or other units of equipment moving on own wheels as freight at tariff rates.

ITEM 2005  CARS MOVING ON OWN WHEELS - SEE NOTE 1

After the expiration of forty-eight (48) hours free time computed from the first 7:00 a.m. after notice has been sent or given, inclusive of Saturdays, Sundays, and holidays, railroad and privately owned cars and other railroad and privately owned equipment, moving on own wheels as freight at tariff rates, will be subject to a charge of $30.00 per car or other unit of equipment per day or fraction of a days, inclusive of Saturdays, Sundays, and holidays, while held on tracks of this railroad.

NOTE 1.  Cars subject to the storage charges specified in this item shall include cars moving under per car or other unit of equipment switching charges as published in tariffs lawfully on file, except as otherwise provided in RPS 6007-Series (PHJ Series) Mileage Tariff.

ITEM 2010  CARS RECEIVED AT POINT OF MANUFACTURE OR REPAIR AND HELD FOR FORWARDING DIRECTIONS

Except as otherwise provided by railroad tariffs lawfully on file, cars received at point of manufacture or repair from another railroad or from private tracks and held by this railroad for forwarding directions which require movement on own wheels as freight at tariff rates will be subject to a storage charge of $30.00 per day or fraction of a day, such charge to be computed from the first 7:00 a.m. following receipt of the cars without notice of receipt and without free time, except that cars received between 5:00 p.m. and 7:00 a.m., will not be subject to storage if forwarding directions are received prior to the following 12:00 Noon, inclusive of Saturdays, Sundays, and holidays (see Notes 1 and 2).

NOTE 1.  When forwarding directions or other disposition cannot be furnished because of authorized personnel of this railroad not being on duty to accept the directions or other disposition, the consignor will have until 12:00 Noon of the next day, on which this railroad has such personnel on duty to furnish forwarding directions or other disposition and the forwarding directions or other disposition will be considered to have been furnished at the time during the railroad’s off-duty hours that the consignor was ready, willing and able to furnish the forwarding directions or other disposition.

NOTE 2.  When this railroad utilizes electronic or mechanical devices which accept communication, either written or oral, the recorded date and time forwarding directions are received from the consignor will govern the release of cars.

ITEM 2015  RAILROAD ERROR

In event of error by this railroad named in the bill of lading contract or participating in the transportation transaction which prevents acceptance, proper tender or delivery, including the demand of payment of transportation charges in excess of tariff authority, storage will be charged on basis of the amount that would have accrued but for such error.

No allowances will be made for delay in placing cars consigned or ordered to a track, other than a public delivery track, used by two or more shippers or consignees, when such delay or interruption is attributable to such joint use of such track, except that due allowance will be made if a car displaced in switching is not replaced when the switching is completed.
ITEM 2100 FREIGHT SUBJECT TO STORAGE RULES AND CHARGES IN THIS SECTION

The provisions of this section apply to shipments of classes A, B, or C explosives, as named in Part 172 Commodity List of Tariff BOE 6000-Series, and hazardous materials, substances or wastes requiring the use of a 4-digit identification number on shipping papers, placards or panels, as named in Part 11, Section 172.101 of Tariff BOE 6000-Series, while held in cars on railroad premises.
ITEM 2105  STORAGE RULES AND CHARGES ON EXPLOSIVES, HAZARDOUS MATERIALS, SUBSTANCES OR WASTES (SEE NOTE 1)

The storage charges provided in this item are in addition to applicable demurrage charges, and except as provided below, the applicable provisions of this tariff will govern in determining these storage charges:

1. The provisions of Item 765, except Part A, Paragraph 3, will not apply.
2. The provisions of Item 1405 will not apply.
3. The provisions of Section 800 will not apply.
4. On cars held for loading on railroad premises, time will be computed from the first 7:00 a.m. after loading begins.
5. Free time will be as follows (see Note 2):
   (a) Forty-eight (48) hours free time will be allowed on shipments of Classes B and C explosives and other hazardous materials, substances or wastes when held in cars, for removal from railroad premises (see Exception 1).
   (b) Twenty-four (24) hours free time will be allowed on shipments of Class A explosives, when held in cars, for removal from railroad premises (see Exception 1).
6. After the expiration of free time allowed, or without free time allowance when none is provided, the following charges will apply per day of twenty-four (24) hours, or fraction thereof, until removal from railroad premises:
7. A. CLASS A – EXPLOSIVES:
   1. $50.00 per car per day, will apply on shipments held in cars on railroad premises.
B. CLASS B AND C – EXPLOSIVES:
   1. $25.00 per car per day, will apply on carload shipments of Classes B and C explosives held in cars on railroad premises.
C. HAZARDOUS MATERIALS, SUBSTANCES OR WASTES, OTHER THAN EXPLOSIVES.
   1. $25.00 per car per day, will apply on carload shipments while held on railroad premises.

NOTE 1.  When carload freight is refused at destination, this railroad shall within twenty-four (24) hours, exclusive of Saturdays, Sundays, and holidays, after being advised of refusal, give notice of such refusal by telephone or wire to the consignor or owner when known, or when not known, to the agent at point of shipment, who shall promptly notify the consignor, if known.  The term “wire” as used in this note, shall be construed to mean such forms of electronic communications as telegram, teletype, telex or mailgram.  When notice is transmitted by telephone (see Note 3), a written record shall be maintained by this railroad.

NOTE 2.  Free time will be computed from the first 7:00 a.m. after placement, or after proper notification has been sent or given where required.  For the purpose of computing free time, Saturdays, Sundays, and holidays will be excluded.

NOTE 3.  When consignee or consignor is an average agreement customer at point of detention, charges may be billed monthly.

NOTE 4.  When consignor or consignee utilizes an electronic or mechanical device to accept messages, notification left on such a device will be considered as having been given consignor or consignee, as the case may be.

EXCEPTION 1.  Freight, held in cars, received from another railroad or from other than railroad premises and held on this railroad’s premises for forwarding directions or other disposition, shall be subject to the provisions of Item 765, Part A, Paragraph 3, and Items 620 and 1230, for the purpose of computing time.