

ARIZONA EASTERN RAILWAY COMPANY

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

NAMING
MISCELLANEOUS RULES AND CHARGES
ALSO
SWITCHING AND DEMURRAGE RULES AND CHARGES
APPLYING
ON THE
ARIZONA EASTERN RAILWAY COMPANY

LOCAL TARIFF

This tariff is also applicable on intrastate traffic, except where expressly provided to the contrary in connection with particular rates and provisions contained herein.

ISSUED: March 12, 2008

EFFECTIVE: April 1, 2008

ISSUED BY

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<p>For explanation of abbreviations and reference marks not explained herein, see Item 99999, this tariff.</p>		

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<p align="center">RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS-UNLIMITED</p>	<p align="center">SECTION 1 MISCELLANEOUS RULES AND CHARGES</p>
<p>ITEM 50</p> <p align="center">ARIZONA TRANSACTION TAX</p> <p>Rates and charges applying on Arizona intrastate traffic are subject to the Arizona Transaction Tax. Invoices and Freight Bills issued by the AZER will include this tax when applicable.</p>	<p>ITEM 110</p> <p align="center">CARS INTERCHANGED IN ERROR</p> <p>A charge of \$150.00 per car will be assessed delivering carriers on all cars interchanged to the AZER in error.</p>
<p>ITEM 60</p> <p align="center">COLLECTION OF CHARGES</p> <p>All charges are due in US currency within 15 days of invoice date. All invoices are subject to a 1.5% per month finance charge if unpaid within 30 days from the date of invoice. In the event of a dispute, shippers shall provide written notice within 30 days from the date of the bill, specifying the bill number and the basis for the dispute. Customers responsible for original charges shall also be responsible for all additional collection costs, including attorney fees and court costs, if AZER is required to collect in this manner. AZER may at its sole discretion require prepayment of services.</p> <p>Customers may remit charges to AZER via electronic methods; however customer shall bear all related charges assessed by customer's financial institutions. Electronic remittances will be made in conformance with instructions provided by AZER.</p> <p>Customers will be assessed a \$30.00 service charge or the maximum allowed by law on all checks returned unpaid by customer's financial institution for non-sufficient or uncollected funds. Additionally interest charges, as described in this item, will be assessed if returned check results in charges collected by AZER outside of credit terms.</p> <p>AZER shall not accept responsibility for failure by customer to provide purchase order numbers or similar customer internal documentation authorizing AZER to provide services. AZER shall attempt to provide customer with information used in customer's internal accounting processes but inability to provide requested information or the inability to comply with customer's internal documentation procedures will in no way remove customer's obligation to pay charges within credit terms assessed pursuant to applicable tariffs or contracts.</p>	<p>ITEM 120</p> <p align="center">EMPTY CARS ORDERED BUT NOT LOADED</p> <p>On empty cars that are ordered for loading and order is canceled and car is in route, or the service of switching or placing of car has been performed and the car is not loaded but returned to this railroad empty, a charge of \$350.00 per car will be assessed and collected from the person, firm or corporation ordering such cars. Charge will not apply on cars unfit for loading.</p>
<p>ITEM 70</p> <p align="center">HEAVY-CAPACITY FLATCAR CHARGES</p> <p>Heavy-capacity flatcar use charges are published in RIC 6740-series, RAILINC, Agent.</p>	<p>ITEM 130</p> <p align="center">TURNING OF CARS TO PERMIT LOADING OR UNLOADING, ETC.</p> <p>If cars are turned at request of customer to facilitate loading or unloading, or for any other purpose, a charge of \$300.00 per car per occurrence will be assessed and will be in addition to all other applicable charges. (See Note, this item.)</p> <p>Note - Charge will not apply to properly placarded boxcars.</p>
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SECTION 1 MISCELLANEOUS RULES AND CHARGES	SECTION 1 MISCELLANEOUS RULES AND CHARGES
<p>ITEM 140</p> <p align="center">OVERLOADED CARS</p> <p>Cars found to be loaded in excess of 268,000 lbs. will be subject to the following additional charges:</p> <p>(1) \$400.00 per car - When a car is discovered to be overloaded at loading point or within the confines of the industry. Charge to be assessed consignor.</p> <p>(2) \$500.00 per car - When a car is discovered to be overloaded beyond loading point or confines of the industry. Charge to be assessed consignor.</p> <p>(It will be the responsibility of the consignor to adjust the lading at their own expense sufficient to eliminate the overload condition.)</p>	<p>ITEM 170</p> <p align="center">IDLER OR TRAILER CARS</p> <p>Idler or trailer cars may be required by the engineering and/or operating departments of AZER, if in their judgment an idler or trailer car is required for safe operation.</p> <p>Idler or trailer cars will be subject to the same charges, rules, and regulations as are applied to loaded cars</p>
<p>ITEM 150</p> <p align="center">TEAM TRACK USAGE</p> <p>Existing team track service, including loading/unloading platforms and other non-exclusive AZER facilities, are available for use by shippers for non-hazardous commodities only on a shared usage basis at the sole cost, risk, and expense of customers using such facilities. By using such facilities, customers agree to indemnify, defend and hold harmless AZER from all claims, costs, and expenses and to assume all risk, responsibility liability for death, personal injury, or property damage arising from, related to, or caused by, in whole or in part, the use of such facilities.</p>	<p>ITEM 180</p> <p align="center">ARTICULATED CARS</p> <p>Each unit of articulated cars, loaded or empty, will be subject to all rules, regulations, and charges as applied to a single railcar.</p>
	<p>ITEM 190</p> <p align="center">SPECIAL TRAIN SERVICE</p> <p>Cars loaded to excessive height, underhang, width, length, weight, center of gravity, or any combination of these that in the judgment of the engineering and/or operating departments of AZER require excessive special handling for safe movement will be handled in special train service. Special trains are at the sole discretion and operational convenience of AZER. Other cars not requiring special service may, for carrier convenience, be handled by AZER in special trains. Said cars will not accrue additional charges.</p> <p>Special train charges are \$90.00 per mile with a minimum charge of \$5,500.00 in addition to freight and other applicable charges and will be charged to the customer requesting the special train. Special train charges must be prepaid unless agreed otherwise by previous agreement.</p>
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SECTION 2 LOCAL RATES			SECTION 3 SWITCHING RULES AND CHARGES
ITEM 200			ITEM 300
COMMODITY: Freight, all kinds			DEFINITION OF INTRA-PLANT SWITCHING
(Rates in dollars and cents per car)			A switching movement from one track to another within the same plant or industry, or from one location to another location on the same track within the same plant or industry.
BETWEEN	AND	CHARGES (See Note)	ITEM 310
All points on AZER, except interchange with the UP at Lordsburg, NM	All points on AZER, except interchange with the UP at Lordsburg, NM	\$750.00	DEFINITION OF INTRA-TERMINAL SWITCHING
Note - Charge in this item includes necessary movement of any empty car between points on AZER to handle the loaded movement, and when the empty car to handle such movement is secured from UP the charge in this item will also include the empty car movement from and to AZER-UP interchange track.			A switching movement (other than intra-plant) from one track to another track of the same railroad within the switching limits on one station or industrial switching district.
			ITEM 320
			ADDITIONAL SWITCHING
			Additional switching is a switch movement after car has been initially placed on public, private or assigned sidings, or on storage or interchange tracks.
			ITEM 330
			INTRA-PLANT SWITCHING CHARGE
			The AZER will perform intra-plant switching at a charge of \$200.00 per car.
			ITEM 340
			INTRA-TERMINAL SWITCHING CHARGE
			The AZER will perform intra-terminal switching at a charge of \$200.00 per car.
			ITEM 350
			ADDITIONAL SWITCHING CHARGE
			The AZER will perform additional switching at a charge of \$200.00 per car.
For explanation of abbreviations and reference marks not explained herein, see Item 99999, this tariff.			

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SECTION 3 SWITCHING RULES AND CHARGES	SECTION 4 CAR DEMURRAGE RULES AND CHARGES
<p>ITEM 360</p> <p align="center">SPECIAL SWITCHING OR UNSCHEDULED TRAIN SERVICE</p> <p>Special switching or unscheduled train service requiring assignment of a locomotive and crew to supplement regularly scheduled switching or train service will be performed only on a customer's request submitted 24 hours in advance. A charge of \$2,500.00 for the first 8 hours or fraction thereof and \$337.50 for each additional hour or fraction thereof will be assessed. A charge of \$400.00 will be assessed for each additional locomotive required. This charge will not apply to additional locomotives that are required to replace locomotives originally assigned due to mechanical defects, track restrictions, carrier convenience, etc. These charges are in addition to other applicable transportation and accessorial charges. Hours will be computed from the time the locomotive and crew are on duty until the special switching service has been performed and the locomotive and crew have returned to the point where they began duty (including convenience of AZER).</p> <p>Special switching or unscheduled train service is subject to the availability of AZER personnel and equipment.</p>	<p align="center">APPLICATION</p> <p>Except where provided to the contrary, Demurrage Rules and Charges contained herein apply to all railroad and privately-owned cars held for or by consignors and consignees for any purpose.</p> <hr/> <p>ITEM 400</p> <p align="center">HOLIDAYS</p> <p>Wherever reference is made to "holidays," it shall mean only the days listed below:</p> <p>New Year's Day - January 1 (See Note 1) Washington's Birthday - Third Monday of February Memorial Day - Last Monday of May Independence Day - July 4 (See Note 1) Labor Day - First Monday of September Thanksgiving Day - Fourth Thursday of November Christmas Day - December 25 (See Note 1)</p> <p>Note 1 - When this date occurs on a Sunday, the following Monday will be observed as the holiday.</p>
	<p>ITEM 410</p> <p align="center">ACTUAL PLACEMENT</p> <p>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.</p> <hr/> <p>ITEM 420</p> <p align="center">CONSTRUCTIVE PLACEMENT</p> <p>When a car consigned or ordered to a private track, industrial interchange track or 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 available hold point and notice shall be sent or given the consignor or consignee that the car is being held and that this railroad is unable to effect placement; however, if car is placed on private track, industrial interchange track or other-than-public delivery track serving the consignor or consignee, the car will be considered constructively placed without notice.</p>
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<p align="center">SECTION 4 CAR DEMURRAGE RULES AND CHARGES</p>	<p align="center">EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS</p>
<p>ITEM 430</p> <p align="center">FREE TIME</p> <p>Free time as follows will be allowed for each car:</p> <p>Forty-Eight (48) hours to complete unloading.</p> <p>Twenty-Four (24) hours to complete loading.</p> <p>Free time will be computed from the first 7:00 AM after placement, or after notification has been sent or given where required. For the purpose of computing free time, Saturdays, Sundays and holidays will be excluded.</p>	<p>ITEM 99999</p> <p align="center">EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS ⁽¹⁾</p> <p>AZER Arizona Eastern Railway Company</p> <p>[A] Addition [C] Change [D] Canceled [I] Increase [R] Reduction [NC] Brought forward without change</p> <p>(Underscored portion denotes addition change.)</p> <p>⁽¹⁾ The two character state abbreviations used in this tariff are those adopted by the postal departments of the United States and Canada.</p>
<p>ITEM 440</p> <p align="center">DEMURRAGE CHARGES</p> <p>After expiration of free time allowed the following charges per car per day, or fraction of a day, will be made until car is released.</p> <p>\$20.00 for each of the first two chargeable days,</p> <p>\$30.00 for each of the next two days,</p> <p>\$35.00 for each subsequent day.</p> <p>The applicable charge will accrue on all Saturdays, 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.</p> <p>Note 1: Not applicable on privately-owned cars on private tracks.</p> <p>Note 2 : Privately-owned cars which are first held on railroad tracks under constructive placement will be subject to demurrage charges provided for herein after expiration of free time (See Item 330) until such time car is placed on private tracks.</p>	
<p>For explanation of abbreviations and reference marks not explained herein, see Item 99999, this tariff.</p>	