

FT BDW 6004-A  
(Cancels FT BDW 6004)

# **BIGHORN DIVIDE & WYOMING RAILROAD INC.**

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## **FREIGHT TARIFF BDW 6004-A** (Cancels Freight Tariff BDW 6004)

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**GENERAL CAR DEMURRAGE RULES AND CHARGES  
ALSO  
SWITCHING AND MISCELLANEOUS RULES AND CHARGES  
APPLYING  
FROM, TO, BETWEEN AND AT  
POINTS ON THE BIGHORN DIVIDE & WYOMING RAILROAD INC.**

## **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: May 4, 2009**

**EFFECTIVE: May 24, 2009**

**ISSUED BY**

Edward Kesley, VP - Operations  
Bighorn Divide & Wyoming Railroad Inc.  
249 Bonneville Rd.  
Shoshoni, WY 82649

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| <b>GENERAL RULES AND REGULATIONS:</b>                                                           |             | <b>ITEM 1</b><br>[A]<br><p align="center"><b>APPLICATION</b></p> Except as specifically provided herein, rates in this tariff apply as local rates. Rates in this tariff apply to all shipments on the Bighorn Divide & Wyoming Railroad, unless otherwise agreed by specific tariff or contract.                                                                                                                      |
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| SECTION 1<br>CAR DEMURRAGE RULES AND CHARGES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | SECTION 1<br>CAR DEMURRAGE RULES AND CHARGES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| <p><b>ITEM 100</b></p> <p align="center"><b>APPLICATION</b></p> <p>Except where provided to the contrary, Demurrage Rules and Charges contained herein apply to all railroad and privately owned or leased cars held for or by consignor and consignee for any purpose.</p>                                                                                                                                                                                                                                                                                                                                           | <p><b>ITEM 125</b></p> <p align="center"><b>EMPTY OR LOADED CARS RECEIVED AND NOT LOADED OR UNLOADED</b></p> <p>Demurrage rules, charges, and regulations will apply to rejected cars in the same manner as other cars.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>ITEM 110</b></p> <p align="center"><b>HOLIDAYS</b></p> <p>Wherever reference is made to "holidays," it shall mean only the days listed below:</p> <p align="center">                     New Year's Day - January 1<br/>                     Memorial Day - Last Monday of May<br/>                     Independence Day - July 4<br/>                     Labor Day - First Monday of September<br/>                     Thanksgiving Day - Fourth Thursday of November<br/>                     Christmas Day - December 25                 </p>                                                              | <p><b>ITEM 130</b></p> <p align="center"><b>COMPUTATION</b></p> <p>Demurrage will be computed on the following from the first 6:01 A.M.:</p> <ol style="list-style-type: none"> <li>1. After actual or constructive placement until car is released, forwarding instructions are received, or disposition advice is received on:                         <ol style="list-style-type: none"> <li>a. Cars diverted or reshipped.</li> <li>b. Cars held for loading or unloading - received and not used (other than rejected cars).</li> <li>c. Cars waiting for payment of accrued charges at origin or destination.</li> <li>d. Cars held for official grading or inspection per customer request.</li> </ol> </li> <li>2. After a car is received by BDW until date and time of disposition on cars received from connecting carriers.</li> <li>3. After actual or constructive placement until date and time of refusal on a refused loaded car.</li> <li>4. After notification is given to loader/beneficial owner until date of disposition on a refused loaded car.</li> <li>5. After actual placement or car order date, whichever is later, until date and time of rejection, on empty cars rejected as being unsuitable for loading.</li> <li>6. Private cars held on track leased from BDW are exempt from demurrage.</li> </ol> |
| <p><b>ITEM 115</b></p> <p align="center"><b>PLACEMENT</b></p> <p><b>ACTUAL PLACEMENT</b> - 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. BDW will not issue actual placement notices.</p> <p><b>CONSTRUCTIVE PLACEMENT</b> - When a car is not able to be placed on its designated track within the customer location due to customer constraints to accept the car and must be placed on BDW owned or leased tracks for holding until customer can spot car at their designated location.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>ITEM 120</b></p> <p align="center"><b>RELEASES</b></p> <p>A railcar is considered released only after billing instructions have been received in writing by fax or electronically regardless of who is responsible for the billing.</p>                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>For explanation of abbreviations and reference marks not shown herein, see last page of tariff.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| <b>SECTION 1<br/>CAR DEMURRAGE RULES AND CHARGES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>SECTION 2<br/>SWITCHING RULES AND CHARGES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <p><b>ITEM 135</b></p> <p align="center"><b>FREE TIME</b></p> <p>Free time will be allowed for each car as follows:</p> <p>Forty-eight (48) hours to complete loading or unloading.</p> <p>Free time will be computed from the first 6:01 A.M. after actual or constructive placement. For the purpose of computing free time, Sundays and holidays will be excluded. If free time has expired prior to Sunday or holidays, demurrage charges will be accrued on these days.</p>                                                                                                                                                                                                             | <p><b>ITEM 200</b><br/>[A]</p> <p align="center"><b>DEFINITIONS</b></p> <p><b>INTRA – PLANT SWITCHING:</b> A switching movement of cars from one track to another track within the same plant or industry, or from one location to another location on the same track within the same plant or industry at customer’s request and after actual placement. Applies only to movements which can be completed wholly within the confines of the same siding, plant or industry.</p> <p><b>INTRA – TERMINAL SWITCHING:</b> A switching movement of cars from one point to another point (other than intra-plant) within the switch limits of one station or industrial switching district at customer’s request and after actual placement.</p> |
| <p><b>ITEM 140</b></p> <p align="center"><b>DEMURRAGE CHARGES</b></p> <p>After expiration of free time allowed, a charge of \$50.00 per car per day, or fraction of a day, will be made until car is released.</p> <p>The applicable charge will accrue on all days, except Sundays (within 48 hour free period) and holidays.</p>                                                                                                                                                                                                                                                                                                                                                           | <p><b>ITEM 205</b><br/>[A]</p> <p align="center"><b>INTRA-PLANT SWITCHING CHARGE</b></p> <p>The BDW will perform intra-plant switching at a charge of \$250.00 per car.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>ITEM 145</b></p> <p align="center"><b>COLLECTION OF CHARGES</b></p> <p>All charges are due in US currency within 20 days of invoice date. All invoices are subject to a 2.0% per month finance charge if unpaid within 30 days from the date of invoice. In the event of a dispute, shippers will provide written notice within 30 days from the date of the bill, specifying the bill number and the basis for the dispute. Parties responsible for original charges will also be responsible for all additional collection costs, including attorney fees and court costs, if required to collect in this manner. BDW may at its sole discretion require prepayment of services.</p> | <p><b>ITEM 210</b><br/>[A]</p> <p align="center"><b>INTRA – TERMINAL SWITCHING CHARGE</b></p> <p>The BDW will perform intra - terminal switching at a charge of \$250.00 per car.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p><b>ITEM 220</b><br/>[A]</p> <p align="center"><b>CARS SWITCHED OUT OF CONSTRUCTIVE PLACEMENT</b></p> <p>Cars switched out of constructive placement to be placed at customer’s facility will be charged a fee of \$250.00 per car.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>For explanation of abbreviations and reference marks not shown herein, see last page of tariff.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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| SECTION 3<br>MISCELLANEOUS RULES AND CHARGES                                                                                                                                                                                                                                                                                                                                                                                                                                                              | SECTION 3<br>MISCELLANEOUS RULES AND CHARGES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <p><b>ITEM 300</b><br/>[A]</p> <p align="center"><b>CARS INTERCHANGED IN ERROR</b></p> <p>A charge of \$300.00 per car will be assessed to delivering carriers on all cars interchanged to the BDW in error.</p>                                                                                                                                                                                                                                                                                          | <p><b>ITEM 340</b><br/>[A]</p> <p align="center"><b>OVERLOADED CARS AT ORIGIN</b></p> <ol style="list-style-type: none"> <li>When a car is overloaded and such fact is discovered at origin station, shipper or owner of the lading will be notified to remove the excess. If the car is returned to the industry where loaded, one intra - terminal switch charge will be assessed in addition to a \$350.00 per car penalty.</li> <li>Cars interchanged from BDW to another carrier which are returned to BDW because such cars are overloaded will be subject to intra - terminal switch charge, demurrage charges, and will be subject to a penalty charge of \$350.00 per car.</li> </ol> <p>Furthermore, any cars involved in a derailment will be weighed and if ascertained that these cars were loaded in excess of maximum allowable weight the industry responsible for loading may be billed for all cost incurred.</p> |
| <p><b>ITEM 305</b><br/>[A]</p> <p align="center"><b>TEAM TRACK, DEFINITION OF</b></p> <p>A track or tracks assigned by BDW for use by the general public which is limited to 50 cars annually. Customers requiring more than 50 cars per year would be required to lease track. Team track would have limited space and would not be guaranteed to be available at all times. Demurrage charges would apply to cars not able to be actually placed on team track until space was to become available.</p> | <p><b>ITEM 350</b><br/>[A]</p> <p align="center"><b>WEIGHING</b></p> <p>When a request is made to weigh a car, a charge of \$150.00 per car will be assessed when scale is in route of movement and no special switching is required. If scale is out of route, written special agreements are required for the charges.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>ITEM 310</b><br/>[A]</p> <p align="center"><b>TEAM TRACK CHARGES</b></p> <p>The BDW will provide team track to the public at a rate of \$300 per car. The BDW will charge \$20.00 per car per day on cars unable to be placed on the team track.</p>                                                                                                                                                                                                                                                | <p><b>ITEM 360</b><br/>[A]</p> <p align="center"><b>PER DIEM</b></p> <p>BDW does not pay private car mileage allowance or hourly car allowances.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>ITEM 320</b><br/>[A]</p> <p align="center"><b>CARS RECEIVED AND NOT LOADED OR UNLOADED</b></p> <p>Loaded or empty cars received by customer and not utilized and then returned to BDW for interchange will be assessed a fee of \$250.00 per car.</p>                                                                                                                                                                                                                                               | <p><b>ITEM 370</b><br/>[A]</p> <p align="center"><b>IMPROPER CARS FURNISHED FOR LOADING BY CONNECTING LINES</b></p> <p>When cars ordered by industries for loading are refused on account of not being in proper condition to load, a charge of \$300.00 per car will be assessed against the owner furnishing the car.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>ITEM 330</b><br/>[A]</p> <p align="center"><b>OVERLOADED CARS, DEFINITION OF</b></p> <p>A car will be considered overloaded when the weight of the lading exceeds the maximum carrying capacity (load limit) stenciled on the car.</p>                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>For explanation of abbreviations and reference marks not shown herein, see last page of tariff.</p>                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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|  | EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS                                                                                                                                                                                                                                   |
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|  | <p>BDW - Bighorn Divide &amp; Wyoming Railroad Inc.</p> <p>[A] - Addition<br/>[C] - Change in wording resulting in neither an increase or decrease in charges.<br/>[I] - Increase<br/>[NC] - No change<br/>[R] - Reduction</p> <p>(<u>Underscored</u> portion denotes change.)</p> |
|  |                                                                                                                                                                                                                                                                                    |