

BIGHORN DIVIDE & WYOMING RAILROAD INC.

FREIGHT TARIFF BDW 6004

**GENERAL CAR DEMURRAGE RULES
AND
CHARGES
APPLYING AT
POINTS ON THE BIGHORN DIVIDE & WYOMING RAILROAD INC.**

DEMURRAGE TARIFF

ISSUED: February 1, 2008

EFFECTIVE: March 1, 2008

ISSUED BY

Clifford D. Root, President
Bighorn Divide & Wyoming Railroad Inc.
249 Bonneville Rd.
Shoshoni, WY 82649

(The provisions published herein, if effective, will not result in an effect on the quality of the human environment.)

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<p align="center">RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS - GENERAL</p>	<p align="center">SECTION 1 CAR DEMURRAGE RULES AND CHARGES</p>
<p>ITEM 5</p> <p align="center">METHOD OF CANCELLING ITEMS</p> <p>As this tariff is supplemented, numbered items with letter suffixes cancel corresponding numbered items in the original tariff, or in prior supplements. Letter suffixes will be used in alphabetical sequence starting with A. Example: Item 300 - B cancels Item 300 - A in a prior supplement which, in turn, cancelled original Item 300.</p>	<p>ITEM 120</p> <p align="center">RELEASES</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 align="center">SECTION 1 CAR DEMURRAGE RULES AND CHARGES</p>	<p>ITEM 125</p> <p align="center">EMPTY OR LOADED CARS RECEIVED AND NOT LOADED OR UNLOADED</p> <p>Demurrage rules, charges, and regulations will apply to rejected cars in the same manner as other cars.</p>
<p>ITEM 100</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 or leased cars held for or by consignor and consignee for any purpose.</p>	<p>ITEM 130</p> <p align="center">COMPUTATION</p> <p>Demurrage will be computed on the following from the first 6:01 A.M.:</p> <ol style="list-style-type: none"> 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"> a. Cars diverted or reshipped. b. Cars held for loading or unloading - received and not used (other than rejected cars). c. Cars waiting for payment of accrued charges at origin or destination. d. Cars held for official grading or inspection per customer request. 2. After a car is received by BDW until date and time of disposition on cars received from connecting carriers. 3. After actual or constructive placement until date and time of refusal on a refused loaded car. 4. After notification is given to loader/beneficial owner until date of disposition on a refused loaded car. 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. 6. Private cars held on track leased from BDW are exempt from demurrage.
<p>ITEM 110</p> <p align="center">HOLIDAYS</p> <p>Wherever reference is made to "holidays," it shall mean only the days listed below:</p> <p style="padding-left: 40px;">New Year's Day - January 1 Memorial Day - Last Monday of May Independence Day - July 4 Labor Day - First Monday of September Thanksgiving Day - Fourth Thursday of November Christmas Day - December 25</p>	
<p>ITEM 115</p> <p align="center">PLACEMENT</p> <p>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. BDW will not issue actual placement notices.</p> <p>CONSTRUCTIVE PLACEMENT - 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 tracks for holding until customer can spot car at their designated location.</p>	
<p>For explanation of abbreviations and reference marks not shown herein, see last page of tariff.</p>	

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<p align="center">SECTION 1 CAR DEMURRAGE RULES AND CHARGES</p>	<p align="center">EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS</p>
<p>ITEM 135</p> <p align="center">FREE TIME</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>BDW - Bighorn Divide & Wyoming Railroad Inc.</p> <p>[A] - Addition [C] - Change in wording resulting in neither an increase or decrease in charges. [I] - Increase [NC] - No change [R] - Reduction</p> <p>(<u>Underscored</u> portion denotes change.)</p>
<p>ITEM 140</p> <p align="center">DEMURRAGE CHARGES</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>ITEM 145</p> <p align="center">COLLECTION OF CHARGES</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>	