

FT CW 8894-F
(Cancels FT CW 8894-E)

COLORADO & WYOMING RAILWAY COMPANY

FREIGHT TARIFF CW 8894-F

(Cancels Freight Tariff CW 8894-E)

**LOCAL SWITCHING
AND
ROAD HAUL SWITCHING
CHARGES**

**AT
MINNEQUA, CO**

SWITCHING TARIFF

ISSUED: September 25, 2007

EFFECTIVE: October 1, 2007
(Except as otherwise provided)

ISSUED BY

Rob A. Simon, VP & COO
Colorado & Wyoming Railway Company
2100 South Freeway
Pueblo, CO 81004-3406

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

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For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.

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<p align="center">RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS - GENERAL</p>	<p align="center">SECTION 1</p>
<p>ITEM 5</p> <p align="center">SUPPLEMENTS AND REISSUES</p> <p>When reference is made in this tariff, or supplements, to other publications for rates or other information, it includes "Supplements thereto or successive issues thereof."</p> <p>Where reference is made in this tariff to items, it includes "reissues" of such items.</p>	<p align="center">SWITCHING RULES AND CHARGES</p>
<p>ITEM 10</p> <p align="center">METHOD OF CANCELING ITEMS</p> <p>As this tariff is supplemented, numbered items with letter suffixes cancel correspondingly numbered items in the original tariff, or in a prior supplement. Letter suffixes will be used in alphabetical sequence starting with A. Example: Item 100-A cancels Item 100 and Item 300-B cancels Item 300-A in a prior supplement, which, in turn, canceled Item 300.</p>	<p>ITEM 100</p> <p align="center">APPLICATION</p> <p>Switching charges named herein (unless otherwise specified) will apply for the handling of loaded cars in one direction. If cars are moved empty in both directions, then charges for a one way movement will apply. If cars are moved empty in one direction and are not returned, they will be charged as if they are loaded and switching of other cars loaded will not be considered as offsetting one way movement of empty cars. If cars are loaded in both directions, the applicable charge will be assessed for each loaded movement.</p>
<p>ITEM 15</p> <p align="center">LIST OF RAILROAD CONNECTIONS</p> <p>Railroad connections with the Colorado & Wyoming Railway at Minnequa, CO:</p> <p>BNSF - BNSF Railway UP - Union Pacific Railroad Company</p>	<p>ITEM 110</p> <p align="center">LIST OF INDUSTRIES AT MINNEQUA, CO</p> <p>Industries to and from which switching charges are provided herein:</p> <p>A&K Materials <u>Acorn Petroleum, Inc.</u> <u>Alpine Aggregates</u> <u>BNSF Weld Plant</u> Boral Technology David J. Joseph Company Davis Wire Company Guardian Holland Weld Company L. B. Foster Company Midwest Steel & Iron Works Co. MultiServe <u>VAE NorTrak, LTD</u> Progress Rail Company Public Service Co. of CO- (d/b/a Xcel Energy) Rocky Mountain Steel Mills <u>TNT Railcar Services, Inc.</u></p>
	<p>ITEM 120</p> <p align="center">UNABSORBED SWITCHING CHARGES</p> <p>Under this tariff when a portion of the switching charge remains unabsorbed, such unabsorbed portion will be in addition to the line-haul rate and the party responsible for payment of freight charges pursuant to the bill of lading shall be responsible likewise for the unabsorbed portion.</p>
	<p>ITEM 130</p> <p align="center">DATE TO DETERMINE ABSORBED SWITCHING CHARGES</p> <p>The absorbed switching charge applicable as determined by the Connecting Railroad's tariffs, whether absorbed in whole or in part, will be the charge in effect on the date of the actual physical interchange of the loaded car.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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SECTION 1	SECTION 2												
SWITCHING RULES AND CHARGES	MISCELLANEOUS RULES AND CHARGES												
<p>ITEM 140</p> <p align="center">DEFINITIONS</p> <p>Intra-Plant Switching - A switching movement of cars loaded or empty, from one track to another track or between two points on the same track, within the same plant or industry without leaving the tracks of the same plant or industry.</p> <p>Intra-Terminal Switching - A switching movement (other than intra-plant switching) from one track to another track of the same carrier, within the switching limits of one station or industrial switching district.</p> <p>Inter-Terminal Switching - A switching movement from a track of one carrier to a track of another carrier when both tracks and movement are within the switching limits of one station or industrial switching district.</p> <p>Reciprocal Switching - A switching arrangement between two or more railroads at a terminal or point of interchange whereby they agree to switch cars for each other without making any charge therefore to the shipping public.</p> <p>Setback - A switching movement removing one car from a track in order to access another car on the same track, then replacing the first car to the original track. A chargeable setback is when this switching movement is by order or convenience of a customer and not part of the normal line-haul.</p> <p>Road Haul Switching - A switching movement performed at a terminal station by a railroad in connection with a road haul movement, and which is necessary before such road haul shipment can start from the terminal station (origin) or before proper delivery can be made at the terminal station (destination) after the road haul is completed.</p>	<p>ITEM 200 [I][E]</p> <p align="center">USE OF EXTRA ENGINE AND CREW</p> <p>Use of Extra Engine and Crew.....\$3000.00 Per Shift</p> <hr/> <p>ITEM 210 [I][E]</p> <p align="center">EXTRA LOCOMOTIVE CHARGE</p> <p>Extra Locomotive Charge.....\$750.00 Per Hour</p> <p>NOTE - In the event engine crew or its relief is required to stay with cars in excess of four (4) hours during regularly assigned duties, charge shall be assessed in addition to the applicable switching rate published herein.</p> <hr/> <p>ITEM 220</p> <p align="center">STORAGE CHARGE (See Notes 1 and 2)</p> <p>Storage Charge, Rail Car(s).....\$3.00 [I][E] Private-owned or Railroad-owned Per Car/Per Day</p> <p>NOTE 1 - Charge for movement of car(s) into storage will be \$172.00 per car, and charge for movement of car(s) out of storage will be \$172.00 per car.</p> <p>NOTE 2 - Customer shall assume any Per Diem and/or mileage charges accruing on held equipment.</p> <hr/> <p>ITEM 240</p> <p align="center">CARS INTERCHANGED IN ERROR</p> <p>A charge of \$172.00 per car will be assessed delivering carrier on all cars interchanged to the CW in error.</p> <hr/> <p>ITEM 250</p> <p align="center">RE SPOTTING (SET-BACK) CHARGE</p> <p>A charge of \$172.00 per car will be assessed on cars that have been placed for loading or unloading and subsequently removed and respotted (set-back) in order to place or move other cars.</p>												
<p>ITEM 150</p> <p align="center">INTRA-PLANT; INTRA-TERMINAL AND INTER-TERMINAL SWITCHING CHARGES</p> <p>Intra-Plant Switching.....\$172.00 Per Car Intra-Terminal Switching.....\$172.00 Per Car Inter-Terminal Switching.....\$172.00 Per Car</p>													
<p>ITEM 160 [I][E]</p> <p align="center">ROAD HAUL SWITCHING CHARGE (See Note)</p> <p>The Colorado & Wyoming Railway Company (CW) will perform switching between industries located at Minnequa, CO and connecting carriers at charges provided below:</p> <table border="0"> <thead> <tr> <th>STATION:</th> <th>INDUSTRY:</th> <th>CONNECTING CARRIER:</th> <th>CHARGE:</th> </tr> </thead> <tbody> <tr> <td>Minnequa, CO</td> <td>All (See Item 110)</td> <td>BNSF.....</td> <td>\$296.00 Per Car</td> </tr> <tr> <td></td> <td></td> <td>UP.....</td> <td>\$296.00 Per Car</td> </tr> </tbody> </table> <p>Note - Subject to Rule 5 - Switching Car Hire Expense Recovery - Code of Car Hire Rules and Interpretations as published in the Official Railway Equipment Register - Circular OT-10.</p>	STATION:	INDUSTRY:	CONNECTING CARRIER:	CHARGE:	Minnequa, CO	All (See Item 110)	BNSF.....	\$296.00 Per Car			UP.....	\$296.00 Per Car	
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SECTION 2	ITEM 9999																																		
MISCELLANEOUS RULES AND CHARGES	EXPLANATIONS OF ABBREVIATIONS AND REFERENCE MARKS																																		
<p>ITEM 260</p> <p align="center">MARSHALLING SERVICE</p> <p>To meet requirement of consignee as to the position of loaded cars prior to placement, the CW will sort and assemble such cars at a charge of \$172.00 per car.</p>	<table border="1"> <thead> <tr> <th align="left">ABBR/ REF MARKS</th> <th align="left">EXPLANATION</th> </tr> </thead> <tbody> <tr> <td>ABBR</td> <td>- Abbreviations</td> </tr> <tr> <td>BNSF</td> <td>- Burlington Northern & Santa Fe Railway</td> </tr> <tr> <td>Co</td> <td>- Company</td> </tr> <tr> <td>CO</td> <td>- Corporation</td> </tr> <tr> <td>CW</td> <td>- Colorado & Wyoming Railway Company</td> </tr> <tr> <td>FT</td> <td>- Freight Tariff</td> </tr> <tr> <td>REF</td> <td>- References</td> </tr> <tr> <td>RR</td> <td>- Railroads</td> </tr> <tr> <td>UP</td> <td>- Union Pacific Railroad Company</td> </tr> <tr> <td>YD</td> <td>- Yard</td> </tr> <tr> <td>[A]</td> <td>- Addition.</td> </tr> <tr> <td>[E]</td> <td>- Effective October 1, 2007 when charges are absorbed by connecting carriers; otherwise, Effective October 15, 2007</td> </tr> <tr> <td>[I]</td> <td>- Increase.</td> </tr> <tr> <td>[NC]</td> <td>- Brought forward without change.</td> </tr> <tr> <td>[R]</td> <td>- Reduction/Decrease.</td> </tr> <tr> <td colspan="2"><u>(Underscored)</u> denotes change/addition.)</td> </tr> </tbody> </table>	ABBR/ REF MARKS	EXPLANATION	ABBR	- Abbreviations	BNSF	- Burlington Northern & Santa Fe Railway	Co	- Company	CO	- Corporation	CW	- Colorado & Wyoming Railway Company	FT	- Freight Tariff	REF	- References	RR	- Railroads	UP	- Union Pacific Railroad Company	YD	- Yard	[A]	- Addition.	[E]	- Effective October 1, 2007 when charges are absorbed by connecting carriers; otherwise, Effective October 15, 2007	[I]	- Increase.	[NC]	- Brought forward without change.	[R]	- Reduction/Decrease.	<u>(Underscored)</u> denotes change/addition.)	
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<p>ITEM 270</p> <p align="center">CARS ORDERED BUT NOT USED</p> <p>When order for cars for loading is canceled or car is returned empty, a charge of \$172.00 per car will be assessed against the person, firm or corporation ordering such car (See Note).</p> <p>Note - Charge will not apply on cars not being in proper condition to load, see Item 280.</p>																																			
<p>ITEM 280</p> <p>[I][E]</p> <p align="center">CARS NOT SUITABLE FOR LOADING</p> <p>When cars ordered for loading are refused or rejected on account not being in proper condition to load, a charge of \$296.00 per car will be assessed against the carrier furnishing such car.</p>																																			