

COLORADO & WYOMING RAILWAY COMPANY

FREIGHT TARIFF CW 8900-A

(Cancels Freight Tariff CW 8900)

**NAMING GENERAL CAR DEMURRAGE
RULES AND CHARGES
AS PROVIDED IN PART 1 HEREIN
AND
STORAGE, DIVERSION, AND RECONSIGNMENT
RULES AND CHARGES
AS PROVIDED IN PART 2 HEREIN**

**APPLYING AT
POINTS ON THE COLORADO & WYOMING RAILWAY
(Except as otherwise provided)**

DEMURRAGE TARIFF

ISSUED: September 5, 2002

EFFECTIVE: October 1, 2002

ISSUED BY

Franklin Lloyd, 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">PART 1</p>
<p>ITEM 10</p> <p align="center">SUPPLEMENTS</p> <p>Where reference is made in this tariff or supplements to other publications for rates or other information, it includes "supplements thereto or successive issues thereof". Where reference is made in this tariff to items, it includes "reissues" of such items.</p>	<p>ITEM 100</p> <p align="center">GENERAL APPLICATION</p> <p>A) - Applicable at all points on CW B) - No Credits will be allowed C) - No exceptions will be allowed for holidays, weekends, Acts of God, or strike interference. D) - The disposition of a car at its point of detention determines the purpose for which the car is held and the rules applicable thereto. E) - All cars released in excess of 15 days after placement or constructive placement will lose free days. F) - Statement of charges will be made semi-monthly on the 15th and last day of each month. Cars shall be reported on a daily basis within 10 days after the car is delivered to the interchange. G) - Demurrage on all cars will be assessed against the Consignee or Consignor, depending on car's disposition. The Consignee or Consignor shall solely be responsible for payment of charges. Redistribution of costs to third parties shall be the responsibility of Consignor and/or Consignee.</p>
<p>ITEM 20</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 sequences starting with "A". Example: Item 100-A cancels Item 100. Item 100-B cancels 100-A.</p>	<p>ITEM 150 [I]</p> <p align="center">DEMURRAGE CHARGES</p> <p>Demurrage Charges shall be assessed on all cars 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 day, will be made until car is released.</p> <p align="center">\$75.00 Per Car/ Per Day</p>
	<p>ITEM 175</p> <p align="center">FREE TIME</p> <p>Free time as designated will be allowed each car (except as noted):</p> <p>Forty-Eight (48) Hours - Complete or partial LOADING Ninety-Six (96) Hours - Complete or partial UNLOADING</p> <p>Exceptions: No free time will be allowed on cars</p> <ul style="list-style-type: none"> 1 - Diverted 2 - Reconsigned 3 - Held by order of Consignee or Consignor 4 - Cars ordered but not used
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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PART 1	PART 1
<p>ITEM 200 GLOSSARY OF TERMS</p> <p>ACTUAL PLACEMENT - When a car is placed in an accessible position for loading or unloading, or at a point designated by the consignor or consignee.</p> <p>BUNCHING - Accumulation and tender of cars for loading or unloading in excess of orders or contrary to customary schedules.</p> <p>CAR ORDER - Order from the consignor requesting cars for loading, containing the information as required in AAR Car Service Rule 15 which is:</p> <ul style="list-style-type: none"> Commodity to be loaded Date and Time Destination Route Name of party Name of person receiving request Kind and size of car needed Number of cars needed Date needed <p>CONSIGNEE - The party designated on the car order or bill of lading as the entity entitled to receive delivery of the goods from CW.</p> <p>CONSIGNOR— The party designated on the car order or bill of lading as the entity which has caused the car to be consigned into transportation.</p> <p>CONSTRUCTIVELY PLACED - .Held on a side or hold track of CW because Consignee or Consignor has no capacity or is unable to accept a car.</p> <p>CW - Colorado & Wyoming Railway Company</p> <p>DEMURRAGE DAY - A twenty-four (24) hour period, or part thereof, commencing 0001 hours the day after free time.</p> <p>DISPOSITION - Information, including forwarding instructions and release, which allows CW to either place or release a car.</p> <p>DIVERSION - An order to deliver a car to other than the original destination, given while car is enroute to the original destination.</p> <p>EMPTY CARS ORDERED AND NOT USED - Empty cars ordered, placed for loading and not used in transportation service.</p> <p>FORWARDING INSTRUCTIONS - Shipping instructions given to an authorized representative of CW at the point of loading, containing all necessary information to transport the shipment to the final destination or connection.</p> <p>FREE TIME - Time allowed for loading or unloading free of charge.</p> <p>HAZARDOUS MATERIALS - “Hazardous waste” and “hazardous substances” as defined in Hazardous Materials Regulations of the U.S. Department of Transportation in 49 C.F.R. 171.8 or successor thereof.</p> <p>LOADED CAR - A car that is completely or partially loaded.</p> <p>NOTIFICATION - When required, notification will be furnished in writing, electronically or verbally to the party entitled to receive notification.</p> <p>PARTIAL UNLOADING - The partial unloading of a car and the furnishing of forwarding instructions.</p> <p>(Continued in Next Column)</p>	<p>ITEM 200 (Contd.)</p> <p align="center">GLOSSARY OF TERMS (Contd.)</p> <p>PRIVATE CAR - A car bearing other than railroad reporting marks whose use is controlled by the owner.</p> <p>RECONSIGNMENT - An order to bill a car to other than the original consignee.</p> <p>REFUSED OR REJECTED LOADED CAR - A loaded car which is refused at destination without being unloaded.</p> <p>REJECTED CAR - An empty car determined to be unfit for loading.</p> <p>RELEASE - The notification received from Consignee or Consignor that loading or unloading of a car has been completed and the car is available for movement.</p> <p>STORAGE DAY - A twenty-four (24) hour period, or fraction thereof.</p> <p>TIME - Time to apply based on the basis of the 24 hour clock.</p> <p>UNLOADING - Complete unloading of a car and advice from the Consignee to the CW that the car is empty and available for movement.</p> <hr/> <p>ITEM 300</p> <p align="center">NOTIFICATION TO CONSIGNOR/ CONSIGNEE</p> <p>A. The following notifications will be furnished as indicated:</p> <ol style="list-style-type: none"> 1. Notice of constructive placement shall be sent or given if a car is held on tracks of CW at an available hold point or at billed destination due to any conditions attributable to the Consignee or Consignor which prevents CW from making actual placement. 2. Delivery of a car upon the tracks of a Consignee or Consignor will constitute notice except that when two or more parties use the same track, notice will be provided. <p>B. When notification is required, the following effective dates and times will govern:</p> <ol style="list-style-type: none"> 1. U.S. Mail – The date and time mailed by CW 2. Electronically or verbally – The date and time sent or given as recorded by CW. <p>C. Notification will contain the following:</p> <ol style="list-style-type: none"> 1. Car initial and number 2. Commodity 3. Hold point, if other than billed destination. <hr/> <p>ITEM 400</p> <p align="center">NOTIFICATION TO CW</p> <p>All notices to CW are effective upon receipt.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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PART 1	PART 1
<p>ITEM 500</p> <p align="center">CARS HELD FOR LOADING</p> <p>Loading is the <u>complete</u> or <u>partial</u> loading of a car in conformity with CW's loading and clearance rules. This includes advice that the car is available for movement, and the furnishing of forwarding instructions.</p> <p>Release:</p> <ul style="list-style-type: none"> A. Date and time that CW received forwarding instructions and advice that a car is available for movement. B. Cars placed on interchange tracks of a Consignor doing its own switching, must also be returned to the interchange track for release C. Cars found to be improperly loaded at origin, will not be considered released until the load has been properly adjusted and clearance has been obtained. Additional switching and weighing charges shall be charged in accordance with applicable tariffs. <p>Computation:</p> <ul style="list-style-type: none"> A. Time will be computed from the first 0001 hours after actual or constructive placement of a car until the car is released. B. If a car is placed prior to the date for which it was ordered, free time will be computed from the first 0001 hours of the date for which it was ordered. Demurrage days will accrue from the expiration of free time until the car is released. C. On a reloaded car, time will be computed from the first 0001 hours after advice is received that the car is empty until the car is released as a load. D. Free Time for loading is 48 hours from the first 0001 hours after actual or constructive placement. E. One charge will be assessed for every demurrage day a car is held beyond the free time. 	<p>ITEM 700</p> <p align="center">CARS HELD FOR PURPOSES OTHER THAN LOADING OR UNLOADING</p> <p>Demurrage charges shall be applied as follows:</p> <ul style="list-style-type: none"> A. Cars Ordered Not Used - No free days Placement and release to be determined by interchange records. Charges shall be as stated in Item 150. B. Cars Diverted or Reconsigned - No additional free days Demurrage shall be charged pursuant to Item 150 using prior disposition of car as continuous until such time forwarding instructions for diversion or reconsignment are received by CW. Item 1250 to apply. C. Cars Held for Inspection - No free days. Placement to be determined by interchange records. Release to be determined upon CW's receipt of car's disposition. Charges shall be as stated in Item 150. D. Empty Car Rejected as Being Unsuitable for Loading - Two free days after actual placement or car order date, whichever is later. Demurrage charged thereafter pursuant to Item 150. E. Car Found to be Overloaded - No additional free days. Demurrage shall be charged pursuant to Item 150 using prior car's disposition as continuous. Car shall be considered released when load has been properly adjusted and clearance has been obtained. Additional switching and weighing charged shall be charged in accordance with applicable tariffs.
<p>ITEM 600</p> <p align="center">CARS HELD FOR UNLOADING</p> <p>Unloading is the <u>complete</u> unloading of a car and advice from the Consignee to the railroad that the car is empty and available for movement.</p> <p>Release:</p> <ul style="list-style-type: none"> A. Date and time that CW received advice that a car is empty and available for movement. B. Cars placed on interchange tracks of a Consignee doing its own switching, must also be returned to the interchange track for release C. When a car is unloaded and then reloaded, empty release information must be furnished. If not furnished, demurrage will be continuous until forwarding instructions are received. D. If after being released as an empty by consignee, railroad discovers a portion of the load remaining in the car, demurrage will be continuous until car has been completely unloaded. Additional switching and weighing charges shall be assessed in accordance with applicable tariffs. <p>Computation:</p> <ul style="list-style-type: none"> A. Time will be computed from the first 0001 hours after actual or constructive placement of a car until the car is released. B. Free Time for unloading is 96 hours from the first 0001 hours after actual or constructive placement.. C. One charge will be assessed for every demurrage day a car is held beyond the free time. 	<p>ITEM 800</p> <p align="center">CHARGES ON CARS CONTAINING HAZARDOUS MATERIALS</p> <p>When CW holds a car containing hazardous materials a charge of \$15.00 per day will be assessed for every demurrage day a car is held beyond free time. This charge will be in addition to applicable demurrage charges.</p>
	PART 2
	<p>ITEM 1000</p> <p align="center">CAR STORAGE</p> <p>The rules and charges in this Part apply to cars of any ownership consigned to a given customer at a specific location on CW which either arrive earlier than date requested for, or are specifically requested to be stored by customer on CW line.</p>
	<p>ITEM 1100</p> <p align="center">NOTIFICATION</p> <p>When a car subject to this section arrives at the designated point of assignment, notice containing the car initials and number shall be sent or given the party requesting the car. In the event such car cannot be reasonably accommodated at the designated point of assignment, the car will be held at any available hold point and notice will be sent or given containing advice of such holding. Additional notice will not be required when the car reaches designated point of assignment.</p> <p>The party requesting storage will give notice as to the date of release from hold point.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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PART 2	EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS
<p>ITEM 1200</p> <p align="center">COMPUTATION OF STORAGE</p> <p>Empty shipper cars arriving at Minnequa, Colorado prior to request date shall be demurrage free.</p> <p>Storage will be computed from the first 0001 hours after notification until actual or constructive placement on orders of cars for loading by consignor. Once actually or constructively placed, cars will be subject to the demurrage rules in this tariff.</p> <p>Settlement of charges will be made on a monthly basis on all cars released during each calendar month.</p> <p>Once storage charges commence, charges are applicable on all days, including Saturdays, Sundays, and Holidays.</p> <p>The number of chargeable storage days will be assessed at \$2.00 Per Car Per Day.</p>	<p>CPI-W - Consumer Price Index - Work CW - Colorado & Wyoming Railway Company FT - Freight Tariff PUC - Public Utilities Commission</p> <p>[A] - Addition [I] - Increase [NC] - Brought forward without change [R] - Reduction</p>
<p>ITEM 1250</p> <p>[I]</p> <p align="center">RECONSIGNMENT AND DIVERSION</p> <p>A charge of \$156.00 Per Car shall be assessed on a request for reconsignment or diversion of any car. This charge shall be in addition to applicable switching charges.</p>	
PART 3	
<p>ITEM 1400</p> <p align="center">CLAIMS</p> <p>In order to be allowed relief, a claim must be presented to CW in writing, with supporting documentation, by the last day of the calendar month in which the bill was issued, stating fully the conditions for which relief is claimed, identifying contested cars by initial and number and location.</p> <p>If by error, assessment of demurrage or any other charges contained herein, shall be adjusted to the amount that would have accrued but for such error.</p> <p>Run around and bunching will not be considered railroad error and no allowance will be made.</p> <p>Claims must be filed with and sent to:</p> <p align="center">Controller Colorado & Wyoming Railway Company 2100 South Freeway Pueblo, CO 81004-3406</p>	
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	