

EVANSVILLE WESTERN RAILWAY, INC.

COAL TARIFF EVWR 4000

**NAMING
RULES AND CHARGES
ON
BITUMINOUS COAL, CARLOADS OR
COKE, THE DIRECT PRODUCT OF COAL OR
COKE, PETROLEUM**

| FROM | TO |
|---|---|
| Mines and stations on the Evansville Western Railroad, Inc. | Interchange point on the Evansville Western Railroad, Inc. |
| Interchange point on the Evansville Western Railroad, Inc. | Mines and stations on the Evansville Western Railroad, Inc. |

ISSUED: December 5, 2005

EFFECTIVE: December 31, 2005

ISSUED BY

**D. B. Goewert
AVP Marketing & Sales
1500 Kentucky Ave.
Paducah, KY 42003**

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

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| 1 | - Application of Tariff | | <p>This tariff contains rates, rules, regulation, etc. which govern the handling of coal, bituminous or coke, the direct product of coal or coke, petroleum from, to and between stations served by the Evansville Western Railway, Inc.</p> <p>If provisions in other lawful tariffs to which the EVWR is a party contain provisions which conflict with the provisions of this tariff, this tariff shall supersede and govern when the commodity is coal, bituminous.</p> |
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| | | ITEM 10 | STATION LISTS AND CONDITIONS |
| | | | <p>This tariff is governed by the Official Railroad Station List, OPSP 6000-series, Railinc, Agent, to the extent shown below:</p> |
| | | | PREPAY REQUIREMENTS AND STATION CONDITIONS |
| | | | (a) For additions and abandonments of stations, and except as otherwise shown herein, for prepay requirements, changes in names of stations, restrictions as to acceptance or delivery of freight and changes in station facilities. |
| | | | When a station is abandoned as of a date specified in the above named tariff, the rates from and to such station as published in this tariff are inapplicable on and after that date. |
| | | | GEOGRAPHICAL LIST OF STATIONS |
| | | | (b) For geographical locations of stations referred to in this tariff by station numbers. |
| | | | STATION NUMBERS |
| | | | (c) For the identification of stations when stations are shown or referred to by numbers in this tariff. |
| | | <p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p> | |

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| <p align="center">RULES AND OTHER GOVERNING PROVISIONS GENERAL RULES AND REGULATIONS</p> | <p align="center">RULES AND OTHER GOVERNING PROVISIONS GENERAL RULES AND REGULATIONS</p> |
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| <p>ITEM 20</p> <p align="center">REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.</p> <p>Where reference is made in this tariff to tariffs, items, notes, rules, etc., such references are continuous and include supplements to and successive issues of such tariffs, and reissues of such items, notes, rules, etc.</p> | <p>ITEM 145</p> <p align="center">CARS FURNISHED BY CONSIGNOR OR CONSIGNEE</p> <p>Cars furnished by consignor or consignee for the transportation of products herein via the Evansville Western Railway, Inc. are not subject to the provisions of Tariff ASLG 6007-series and any applicable mileages contained therein will not be paid by EVWR on cars utilized in movements on this railroad.</p> |
| <p>ITEM 40</p> <p align="center">CONSECUTIVE NUMBERS</p> <p>Where consecutive numbers are represented in this tariff by the first and last numbers connected by the word to, they will be understood to include all of the numbers between; also both of the number shown.</p> | <p>ITEM 155</p> <p align="center">EMPTY MOVEMENT</p> <p>Except as otherwise provided, charges in this tariff, applicable in cars furnished by the consignor or consignee, include the return movement of empty cars from destination to points or origin shown in this tariff.</p> |
| <p>ITEM 45</p> <p align="center">CAPACITIES AND DIMENSIONS OF CARS</p> <p>For marked capacities, lengths, dimensions and cubical capacities of cars, see Official Railway Equipment Register, RER 6413-series.</p> | <p>ITEM 160</p> <p align="center">PULL THROUGH SERVICE FOR LOADING OR UNLOADING COAL OR COKE</p> <p>The EVWR, upon request of the consignor or consignee, will move cars at a controlled speed for the purpose of loading or unloading railcars at any of the facilities named below:</p> <p align="center">EPWORTH, IL MT VERNON, IN ABEE, IN</p> <p>No charge will be assessed for this service of loading or unloading when completed within the number of hours shown below:</p> <p align="center">For trains up to - 75 cars - 4 hours 90 cars— 5 hours 120 cars—6 hours</p> <p>For any hours where pull through service is performed in excess of the hours shown above, they shall be chargeable at the rate of \$225.00 per hour or portion thereof.</p> <p>Actual time will be computed when the first car in the train begins to move through the facility and ends when the last car in the train has been loaded or unloaded, as the case may be.</p> <p>If locomotive power is released prior to completion, without a train of loaded or unloaded cars being tendered, a charge of \$1,500.00 per consignment will be made upon recall of locomotive and crew.</p> |
| <p>ITEM 75</p> <p align="center">METHOD OF CANCELING ITEMS</p> <p>As this tariff is supplemented, numbered items with letter suffixes cancel corresponding numbered items in the original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequence starting with A.</p> <p>Example: Item 25-A cancels item 25 and item 50-B cancels item 50-A in a prior supplement which in turn canceled item 50.</p> | |
| <p>ITEM 105</p> <p align="center">INTRASTATE APPLICATION</p> <p>Provisions in this tariff will apply on intrastate traffic to the same extent as applicable on interstate traffic.</p> | |
| <p>ITEM 125</p> <p align="center">DEFINITION OF TON</p> <p>Where the term "ton" is used in this tariff, it means a ton of 2,000 pounds.</p> | |
| <p align="center">For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p> | |

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| <p align="center">RULES AND OTHER GOVERNING PROVISIONS GENERAL RULES AND REGULATIONS</p> | <p align="center">RULES AND OTHER GOVERNING PROVISIONS GENERAL RULES AND REGULATIONS</p> |
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| <p>ITEM 170</p> <p align="center">DEMURRAGE RULES AND CHARGES (See Note 1)</p> <p>Cars utilized in transporting the products covered by this tariff will be subject to the following demurrage rules:</p> <ol style="list-style-type: none"> 1. If a car is a privately owned or leased car (not a railroad car), no demurrage is chargeable when said car is on track which is privately owned (not owned by this railroad – EVWR). 2. If a car is a privately owned or leased car and is located on railroad owned (EVWR) track, demurrage is chargeable if the car is loaded. (Note 2) 3. If a car is not privately owned, or leased meaning the car is owned or leased by EVWR or another railroad, demurrage is chargeable if the car is located on railroad owned or privately owned track and is loaded. 4. The free time for loading or unloading will be the amounts of time shown below. Free time will begin to run at the time of actual or construction placement of a car or cars for loading or unloading. Actual placement is self explanatory. Constructive placement applies when actual placement cannot be made due to circumstances attributable to consignor or consignee. <p align="center">FREE TIME</p> <p>Minimum 75 car unit Train – 4 hours Minimum 90 car unit Train – 5 hours Minimum 105 car unit Train – 6 hours</p> <ol style="list-style-type: none"> 5. Demurrage charges shall be applied for each hour, or fraction thereof, that is entailed in the loading or unloading process that are in excess of the free time allowed. Charges will be the lesser amount, per waybill, calculated as follows: <ol style="list-style-type: none"> a. \$30.00 per car per day or fraction thereof, or b. \$400.00 per hour, or portion thereof, per unit train. <p>Note 1: This item applies only on trackage owned by EVWR or privately owned or leased trackage which connects only with the EVWR.</p> <p>Note 2: An empty privately owned or leased railcar, held on EVWR owned trackage, will be subject to storage charges when held 48 hours beyond time of notification to shipper, that the status of the car is changed by EVWR from “in transit” to “stored”. The storage charge will be \$15.00 per car per day or portion thereof.</p> | <p>ITEM 190</p> <p align="center">CARS LOADED IMPROPERLY OR IN EXCESS OF MAXIMUM LOAD LIMIT</p> <p>When cars are discovered to be improperly loaded or in excess of maximum load limit at origin or beyond the origin switching limits, it will be responsibility of the shipper to transfer the excess weight to another car or to transfer the entire contents of the car to a car of greater capacity. (See Note 1)</p> <p>FORWARDING TO ORIGINAL DESTINATION:</p> <p>When the excess from an overloaded car (or the entire contents) is forwarded to the original billed destination in another car, such excess will be charged for at the carload rates in applicable from the original origin to the original destination.</p> <p>DISPOSITION AT POINT OF UNLOADING:</p> <p>When the excess from an overloaded car is disposed of by shipper at point of unloading, freight charge will be assessed at the applicable carload rate from original point of origin to unloading point.</p> <p>RETURN TO SHIPPING POINT:</p> <p>When the excess from an overloaded car is returned to original point of origin in another car, a freight charge of \$900.00 per car will be assessed from point of unloading to original point of origin.</p> <p>Note 1: Shipper will also be assessed a switching charge of \$300.00 per car. Forty Eight (48 Hours) free time, computed from first 12:01 a.m. after notification to shipper of arrival of car at hold point, will be allowed on overloaded car held for instruction from shipper. After expiration of free time, car will be subject to demurrage charges of \$30.00 per day, or fraction thereof. Any excess portion unloaded from overloaded car into a separate car will be subjected to the same free time and charges.</p> <p>If within 48 hours after notice is given the shipper fails or refuses to give the instructions contemplated by these rules, the railroad will adjust the lading so that it may be safely moved to destination charges contained in this item as well as charges incurred by EVWR for unloading, reloading, storage, etc., will follow the shipment as advance charges.</p> |
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| <p>ITEM 200</p> <p align="center">WEIGHING</p> <p>The EVWR will not perform the service of weighing of cars handled for the assessment of freight charges.</p> <p>Weighing for billing will be determined by consignor at origin, by the use of consignors weighing facilities or by consignee at destination, by use of consignees weighing facilities.</p> <p>Freight charges will be assessed on weights so determined, but not less than the minimum weight per shipment. Consignor/consignee weighing facilities must conform to the requirements of the AAR Scale Handbook.</p> | <p>ITEM 300</p> <p align="center">CHARGES FOR HANDLING EMPTY COAL CARS OF PRIVATE OWNERSHIP IN COAL UNIT TRAIN SERVICE TO OR FROM FACILITIES FOR MAINTENANCE MODIFICATION OR REPAIR</p> <p>Except as otherwise provided for in this item empty cars of private ownership having been loaded in coal unit train service, at rates not subject to the provisions of Tariff ASLG 6007-Series (or which otherwise specify that the EVWR shall not pay mileage allowance), will be moved to and from EVWR interchange points with other railroads at a charge of \$220.00 per car. Revenue resulting from rates in this item shall accrue wholly to the EVWR.</p> <p>EXCEPTION: This item will not apply on cars involved and damaged in derailments and sent to repair facilities for repair.</p> |
| <p>ITEM 230</p> <p align="center">SWITCHING CHARGES ON LOADED CARS HELD FOR INSTRUCTIONS</p> <p>When on consignor's order, loaded cars are removed from industry or team track and held by this railroad awaiting instructions, a switching charge of \$300.00 per car will be assessed for the movement; such charge will be in addition to all other charges applicable and will not be absorbed.</p> <p>When loaded cars are removed from industry or team track and held awaiting instructions and are under continuous demurrage (see Item 170), no charge for such switching will be made.</p> <p>When on consignor's order loaded cars are removed by this railroad from industry or team track and prior to departure from origin station are subsequently ordered back to the original industry or team track, a switching charge of \$300.00 per car, will be assessed for the movement of the car in each direction and the car will remain on continuous demurrage account of the party in whose name the car was ordered for loading.</p> | |
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| | EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS |
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| | <p>EVWR - Evansville Western Railway, Inc. OPSL - Official Railroad Station List, Railinc, Agent RER - Official Railway Equipment Register UFC - Uniform Freight Classification (National Railroad Freight Committee, Agent)</p> <p>[A] - Addition [I] - Increase [C] - Change in wording representing neither an increase nor reduction [D] - Cancellation [NC] - Brought forward without change [R] - Reduction/Decrease</p> <p>(<u>Underscored</u> portion denotes change.)</p> |
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