

Except as otherwise provided, Rates and Charges in this tariff are subject to Increases in Rates and Charges as provided in Item 8.

FT EVWR 8001

EVANSVILLE WESTERN RAILWAY, INC.

FREIGHT TARIFF EVWR 8001

**NAMING
CHARGES, RULES AND REGULATIONS GOVERNING
SWITCHING AND TERMINAL SERVICES
APPLYING AT STATIONS ON THE
EVANSVILLE WESTERN RAILWAY COMPANY**

TERMINAL CHARGES TARIFF

Governed, except as otherwise provided herein, by Uniform Freight Classification (UFC) as provided in Item 5.

This tariff is also applicable on intrastate traffic.

ISSUED: December 5, 2005

EFFECTIVE: December 31, 2005

ISSUED BY

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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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<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>			

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GOVERNING PROVISIONS	GOVERNING PROVISIONS
<p>ITEM 1</p> <p align="center">GENERAL APPLICATION</p> <p>Provisions contained in this tariff apply only on standard carload traffic and will not apply to movements of locomotives, oversized rail equipment, maintenance of way equipment, or high and wide loads requiring clearance.</p> <p>This tariff does not apply independently, but applies in connection with any and all rates and charges, either in tariff form or contained in contracts in which the Evansville Western Railway, Inc. is a participant. Except as otherwise provided herein, should provisions of other tariffs conflict with the provisions in this tariff, the provisions of this tariff shall supersede and govern. Should provisions in contracts in which the Evansville Western Railway, Inc. is a participant conflict with the provisions of this tariff, the contract provisions shall supersede and govern.</p>	<p>ITEM 10</p> <p align="center">STATION LIST AND CONDITIONS</p> <p>This tariff is governed by Tariff OP&SL 6000 Series to the extent shown below:</p> <p><u>PREPAY REQUIREMENTS AND STATION CONDITIONS</u></p> <p>(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.</p> <p>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.</p> <p align="center"><u>GEOGRAPHICAL LIST OF STATIONS</u></p> <p>(b) For geographical locations of stations referred to in this tariff by station numbers.</p> <p align="center"><u>STATION NUMBERS</u></p> <p>(c) For the identification of stations when stations are shown or referred to by numbers in this tariff.</p>
<p>ITEM 5</p> <p align="center">DESCRIPTION OF GOVERNING CLASSIFICATION</p> <p>The term "Uniform Classification" when used herein, means Tariff UFC 6000 Series.</p>	<p>ITEM 20</p> <p align="center">REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.</p> <p>(a) 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>(b) Where reference is made in this tariff to another tariff by number, such reference applies also to such tariff to the extent it may be applicable on intrastate traffic or traffic to, from or through Canada.</p>
<p>ITEM 8</p> <p align="center">APPLICATION OF INCREASES</p> <p>Except as otherwise provided in connection with rates and charges, rates and charges in this tariff are subject to increase upon twenty (20) days notice.</p>	
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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GOVERNING PROVISIONS	GOVERNING PROVISIONS
<p>ITEM 25</p> <p align="center">TERMINAL OR TRANSIT PRIVILEGES OR SERVICES</p> <p>In the absence of specific provisions in this tariff to the contrary, shipments transported under this tariff will be entitled to such allowances and privileges and subject to such rules, regulations and additional charges of participating carriers performing the services as are provided in tariffs, lawfully in effect relating to car services, demurrage, diversions, inspections, mileage or private cars, reconsigning, storage, switching, weighing or other terminal or transit privileges or requirements. (See EXCEPTION)</p> <p>EXCEPTION – Where switching service is performed on traffic moving under line-haul rates which are subject to special detention charges and rules, the switching charges provided in this tariff will be subject to the same detention charges and rules as applicable in connection with the line-haul rates. This exception will only apply in connection with special detention rules or charges that result in an overall increase to the rules or charges contained in the applicable demurrage tariff.</p>	<p>ITEM 75</p> <p align="center">METHOD OF CANCELLING ITEMS</p> <p>As pages in this tariff are revised, numbered items with letter suffixes cancel correspondingly numbered items on the original page or on a prior revised page. Letter suffixes will be used in alphabetical, sequence, starting with A. For example: Item 365-A cancels Item 365 and Item 365-B cancels 365-A.</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" or a hyphen, they will be understood to include both of the numbers shown.</p> <p>If the first number only bears a reference mark, such reference mark also applies to the last number shown and to all numbers between the first and last numbers.</p>	<p>ITEM 100</p> <p align="center">EXPLOSIVES, DANGEROUS ARTICLES</p> <p>For rules and regulations governing the transportation of explosives and other dangerous articles by freight, also specifications for shipping containers and restrictions governing the acceptance and transportation of explosives and other dangerous articles, see Tariff BOE 6000-Series.</p>
<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 REGULATONS - UNLIMITED</p>	<p align="center">RULES AND REGULATONS - UNLIMITED</p>
<p>ITEM 105</p> <p align="center">APPLICATION OF SWITCHING CHARGES</p> <p>(a) Switching charges, unless otherwise specified, cover the handling of loaded cars in one direction and empty the other. If the cars are loaded in both directions, the published switching charge will be assessed for each loaded movement. For any other movement of empty cars, the provisions of Item 1000-series shall apply.</p> <p>(b) No switching charge will be assessed by this railroad for switching service performed by this railroad at destination on carload freight arriving via this railroad and delivered direct to industries, assigned sidings or team tracks reached by and/or connecting with this railroad or on carload freight at origin received direct from industries, assigned sidings or team tracks reached by and/or connecting with this railroad and forwarded via this railroad.</p> <p>(c) This railroad is not obligated to furnish equipment for the handling of traffic in local switching movements, nor does it engage in the business of local switching between private or assigned sidings, or other facilities, including interchange tracks at any point named herein except at its convenience and as an accommodation. When such service is performed, the charges published herein will be applied.</p> <p>(d) The absorbed switching charge applicable, whether absorbed in whole or in part, is the charge in effect on the date of the actual physical interchange of the loaded car. (Provisions of this paragraph apply to absorbed switching charges on either transit or non-transit shipments.)</p> <p>(e) When shipments transported by this railroad in a switch movement, because of weight or length, require two or more cars, charges will be assessed on actual weight, but not less than the 60,000 pounds for each car used.</p>	<p>ITEM 110</p> <p align="center">CARS ORDERED AND NOT USED</p> <p>If an empty car is ordered for loading and the service of switching and placing it has been performed and the car is not loaded, the published intraterminal switching charge will be assessed against the person, firm or corporation ordering such car. (See NOTE 1.)</p> <p>NOTE 1 – In the event a car is rejected account not suitable for loading, this item will not apply if party ordering the car advises this railroad of rejection and condition that caused car to be rejected within twenty-four (24) hours exclusive of Saturday, Sundays and holidays, after actual placement. These provisions will also apply in connection with cars held on constructive placement on shipper-owned or leased tracks. In connection with firms that perform their own switching, switching charge will not apply if cars are rejected account not suitable for loading. (See EXCEPTION.)</p> <p>EXCEPTION – Applies only in connection with railroad-owned equipment.</p>
	<p>ITEM 115</p> <p align="center">RECEIPT OR DELIVERY OF FREIGHT</p> <p>(a) Except as otherwise provided in Paragraph (c) or in other tariffs, cars of freight moving at carload rates, including switching rates, will be delivered on and removed from privately owned or leased tracks near and connecting with this railroad's tracks without additional charge, provided there are no conditions which make it unsafe for this railroad's locomotives to operate over such tracks or that prevent this railroad from receiving or delivering cars at its ordinary operating convenience.</p> <p>(b) Except as otherwise provided in Paragraph (c) such cars will be received and delivered at loading and unloading locations on tracks designated by the industry within the facility without additional charge when that service can be performed in continuous movement at this railroad's ordinary operating convenience, and provided this railroad's locomotives can safely operate over such tracks.</p> <p align="right">(Continued on nest page)</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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<p>ITEM 115 (Cont'd)</p> <p align="center">RECEIPT OR DELIVERY OF FREIGHT</p> <p>(c) When receipt or delivery of a car or cars cannot be accomplished in continuous movement at this railroad's ordinary operating convenience because of any condition caused by the industry, this railroad will arrange for receipt or delivery as follows:</p> <p>(1) If it appears that the delay will be of a temporary nature, the locomotive will be held at the nearest available location and the service completed when conditions permit. When such delay to this railroad's locomotive exceeds 30 minutes, the charge in Item 120 will apply.</p> <p>(2) If, after a period of delay, the condition preventing completion of service has not been eliminated, this railroad may, at its option, withdraw its locomotive and place any car or cars on available track inside or outside the facility. When such delay encountered prior to withdrawal of the locomotive exceeds 30 minutes, the charge in Item 120 will apply to the period of delay. Subsequent movement by this railroad of any car or cars held because of such withdrawal will be subject to the charge in Item 125.</p> <p>(d) "Continuous movement" means a movement between this railroad's tracks and the location of receipt or delivery within the facility without any delay due to a condition of which the industry is responsible.</p> <p>(e) "Ordinary operating convenience" means the time of arrival of this railroad's locomotive and contemplates only one switch per day except when additional switches are made by this railroad at its sole option. Any other switching service on request of the industry is not "ordinary operating convenience".</p> <p>(f) The following operations when performed as incidents to the placement or removal of loaded cars moving at carload rates do not break "continuous movement" or exceed this railroad's "ordinary operating convenience" or constitute a condition caused by or for which the industry is responsible.</p> <p>(1) The removal and replacement of empty, partially unloaded, partially loaded or loaded cars incidental to the placement or removal of other cars.</p> <p>(2) Classifying or sorting cars on industry or railroad tracks.</p> <p align="center">(Continued in next column)</p>	<p>ITEM 115 (Cont'd)</p> <p align="center">RECEIPT OR DELIVERY OF FREIGHT</p> <p>(3) The service of securing weights required by this railroad for billing purposes regardless of the ownership of the scale.</p> <p>(4) Delay resulting from the cooperation of another railroad on industry tracks.</p> <p>(5) The holding of cars on industry tracks indefinitely for instructions from the industry when such holding is at the sole option of this railroad.</p> <p>(6) The holding of cars on tracks of this railroad for instructions from the industry.</p> <p>(7) Operations necessary to provide a service under a separate tariff charge.</p> <hr/> <p>ITEM 120</p> <p align="center">RECEIPT OR DELIVERY OF FREIGHT</p> <p>Where reference is made to this item in Item 115, the charge is \$50.00 for each five minutes or fraction thereof after the first 30 minutes of delay. The time of the delay will be measured from the minute the conductor determines that the industry is unable to accept service.</p> <hr/> <p>ITEM 125</p> <p align="center">RECEIPT OR DELIVERY OF FREIGHT</p> <p>Where reference is made to this item in Item 115, the charge is \$200.00 per car.</p> <hr/> <p>ITEM 130</p> <p align="center">BASIS FOR COMPUTING LENGTH OF CARS</p> <p>Except as otherwise provided, the length of cars referred to in this tariff is based on platform measurement of flat cars and inside measurement of all other cars.</p>
<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 REGULATONS - UNLIMITED</p>	<p align="center">RULES AND REGULATONS - UNLIMITED</p>
<p>ITEM 135</p> <p align="center">SECURITY DEPOSITS FOR PAYMENT OF DEMURRAGE AND OTHER ACCESSORIAL CHARGES</p> <p>A security deposit to insure payment of any demurrage, detention, storage or other accessorial charges that may accrue will be required from any consignor, consignee, beneficial owner, or other responsible parties, hereafter referred to as customer who fails to pay demurrage, detention, storage or other accessorial charges after specific written demand referring to this tariff provision. This railroad will give the customer 10 days' written notice before the provisions of this item are invoked.</p> <p>The deposit must be paid in cash, certified check, cashier's check or money order before any freight car is delivered to such customer for loading or unloading.</p> <p>The minimum deposit for each freight car will be the average amount of demurrage, detention, storage or other accessorial charges outstanding at the time this tariff provision is invoked against the customer. The maximum amount of deposit will be determined by this railroad's credit office through other alternative forms of security. The credit office may waive the minimum deposit per car by accepting a revolving deposit of \$1,000 to \$10,000 based on traffic volume. The deposit will be held in a non-interest bearing escrow account to guarantee payment of and to be applied against any demurrage, detention, storage or other accessorial charges which may accrue since the implementation of the security deposit arrangement.</p> <p>This railroad will refund the deposit or balance of the deposit within 30 days after notification by its agents that the equipment has been released to this railroad. Any demurrage, detention, storage or other accessorial charges will be deducted from the deposit before any refunds are made. The deposit or balance of the deposit may be transferable to another freight car to cover charges incurred since the implementation of the security deposit arrangement.</p> <p>Security deposits will no longer be required after the customer has paid all outstanding demurrage, detention, storage and other accessorial charges and has given assurance in writing to the satisfaction of this railroad's credit office that future demurrage, detention, storage and other accessorial charges will be paid within the credit period.</p>	<p>ITEM 140</p> <p align="center">SHIPMENTS ON "ORDER", "ORDER NOTIFY" OR "STRAIGHT" BILLS OF LADING REQUIRING SURRENDER OF BILLS OF LADING OR WRITTEN ORDER WHEN CONSIGNED TO OR ORDERED FOR DELIVERY ON OTHER THAN PUBLIC DELIVERY TRACKS</p> <p>Applies when place of delivery at destination is designated in the bill of lading or otherwise designated prior to arrival of car at destination and delivery is made to such designated place of delivery. When place of delivery is designated after arrival of car at destination, Item 400 of this tariff will apply.</p> <p>(a) Cars covered by "Order" or "Order Notify" bills of lading or cars covered by "Straight" bills of lading showing consignment to one party with instructions therein or on which instructions are otherwise given to –</p> <ol style="list-style-type: none"> (1) Notify or advise another party and deliver only upon surrender of written order, or (2) Deliver only upon surrender of the original bill of lading, or when (3) Consigned in any other manner which impose upon the carrier the obligation not to make delivery, except upon surrender of original bill of lading or written order <p>will not be moved to the designated place of delivery until bill of lading or written order has been surrendered or indemnity bond or other substitute security therefor, as defined in Rule 7 of UFC.</p> <p>(b) When the place of delivery is designated in the bill of lading or otherwise designated PRIOR TO THE ARRIVAL OF CARS AT DESTINATION and delivery is made to such designated place of delivery, the following charges (See EXCEPTION 1) will apply:</p> <p align="center"><u>CHARGES IN DOLLARS PER CAR</u></p> <ol style="list-style-type: none"> (1) \$150.00 (see EXCEPTION 2) (2) \$150.00 (3) \$250.00 <ol style="list-style-type: none"> (1) Applies when place of delivery is designated before arrival of car. (2) Applies when bill of lading is surrendered after arrival of car but in time to permit instructions to move car to be transmitted to yard employees at destination prior to the expiration of 24 hours after the first 12:01 a.m. after the day on which notice of arrival is sent or given to the consignee or party entitled to receive same. <p align="center">(Continued on next page)</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

RULES AND REGULATONS - UNLIMITED

ITEM 140 (Cont'd)

SHIPMENTS ON "ORDER", "ORDER NOTIFY" OR "STRAIGHT" BILLS OF LADING REQUIRING SURRENDER OF BILLS OF LADING OR WRITTEN ORDER WHEN CONSIGNED TO OR ORDERED FOR DELIVERY ON OTHER THAN PUBLIC DELIVERY TRACKS

- (3) Applies when bill of lading is surrendered after arrival of car and too late to permit instructions to move car to be transmitted to yard employees at destination prior to the expiration of 24 hours after the first 12:01 a.m. after the day on which notice of arrival is sent or given to the consignee or party entitled to receive same.

EXCEPTION 1 – Charges will not apply unless there is an actual holding of shipment for surrender of bills of lading or written order or substitute security therefore as defined in Rule 7 of UFC.

EXCEPTION 2 – No charge will apply when bill of lading, written order, indemnity bond or other substitute security is surrendered to road haul carrier at destination before arrival of car.

- (c) When the original bill of lading or written order covering a shipment as described above is not available, the property may be delivered in advance of the surrender of the bill of lading, or written order, as the case may require, under the provisions of Rule 7 of UFC.
- (d) If a car subject to this item is billed to allow inspection and inspection of the property is made before the car is unloaded and bill of lading or written order surrendered, the time during which such car is considered as being held for the surrender of the bill of lading or written order shall be computed from the time of arrival at destination, no additional time being allowed for inspection.
- (e) In computing time, Saturdays, Sundays and legal holidays (National, State or Municipal) will be excluded.
- (f) This item applies on all freight shipped at carload, less than carload or any quantity rate when a car is provided for the movement or delivery of such shipments (when consigned to or ordered for delivery to other than public delivery tracks) and where such freight is actually delivered in such car to one consignee at one destination regardless of weight thereof.

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 REGULATONS - UNLIMITED</p>	<p align="center">RULES AND REGULATONS - UNLIMITED</p>
<p>ITEM 145</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 the 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 NOTES 1 and 4.)</p> <p><u>FORWARDING TO ORIGINAL DESTINATION:</u></p> <p>When the excess from overloaded cars is forwarded to the original billed destination in another car, such excess will be charged for at the actual weight and carload rates, or when the entire contents of the car is transferred to a car of greater capacity, the charges will be based on the actual weight at the carload rate applicable on the car originally loaded.</p> <p><u>DISPOSITION AT POINT OF UNLOADING:</u></p> <p>When the excess from overloaded car is disposed of by shipper at point of unloading, freight charge will be assessed at the applicable carload rate (See NOTE 2), at the actual excess weight from original point of origin to unloading point.</p> <p><u>RETURN TO SHIPPING POINT:</u></p> <p>When the excess from overloaded car is returned to original point of origin, freight charges will be assessed at the applicable carload rate (See NOTE 2), at actual excess weight from original point of origin to point of unloading and will be assessed the applicable less than carload rate (See NOTE 3) from point of unloading to original point of origin.</p> <p>One day (24 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 as provided in Tariff EVWR 9000-series, and excess portion unloaded from overloaded car will be subject to demurrage rules and charges or storage rules and charges, as the case may be, provided in Tariff EVWR 9000-series.</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 at the lowest freight charge under tariffs on file and charges for unloading, reloading, storage and demurrage will follow the shipment as advance charges.</p> <p align="center">(Continued in next column)</p>	<p>ITEM 145 (Cont'd)</p> <p align="center">CARS LOADED IMPROPERLY OR IN EXCESS OF MAXIMUM LOAD LIMIT</p> <p>NOTE 1- Shipper will also be assessed the applicable intraterminal switching charge, subject to the maximum charge of \$500 per car.</p> <p>NOTE 2 – Less –than –carload rate at actual excess weight will apply, if less than charges based on carload rate.</p> <p>NOTE 3 – Carload rate and minimum weight will apply, if less than charges based on the applicable less-than-carload rate.</p> <p>NOTE 4 – On cars that are discovered to be loaded in excess of maximum load limit, the Evansville Western Railway, Inc. will, at the shipper's option, either follow the procedures otherwise outlined in Item or will return the car intact to the original shipping point. If shipper desires the car be returned to the original shipping point intact, the following conditions will apply.</p> <ul style="list-style-type: none"> (a) Car must still be on the lines of the Evansville Western Railway, Inc. when said overload is discovered (b) If shipper chooses to return the car intact, they must notify railroad within 12 hours of receipt of notification of discovery of the overloaded car from the railroad (c) Car must be certified as safe to handle to original shipping point by an Evansville Western Railway, Inc. Agent (d) A charge of \$10.00 per mile, subject to a minimum of \$300.00 per car, will be assessed for this service.
<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 REGULATONS - UNLIMITED</p>	<p align="center">RULES AND REGULATONS - UNLIMITED</p>
<p>ITEM 150</p> <p align="center">SHIPMENTS HELD AT DESTINATION FOR INSPECTION OF CONTENTS BEFORE PLACEMENT FOR UNLOADING</p> <p>On cars covered by bills of lading authorizing inspection of contents before delivery or on cars which are withheld from placement at destination on instructions from consignor, consignee or owner for the purpose of inspection of contents, the following will apply:</p> <p>(a) A charge of \$150.00 per car will be made if, after placement for inspection, the order releasing the car is received in time to permit instructions to be given yard employees between the time of arrival of car at destination and the expiration of 24 hours after the first 12:01 a.m. after the day on which notice of arrival is sent, or given to the consignee or party entitled to receive same. (See EXCEPTIONS 1 and 2 and NOTE 1.)</p> <p>(b) A charge of \$185.00 per car will be made if, after placement for inspection, such order is not received in time to permit instructions to be given to yard employees prior to the expiration of 24 hours after the first 12:01 a.m. after the day on which notice of arrival is sent, or given to the consignee or party entitled to receive same (See EXCEPTIONS 1 and 2 and NOTE 1.)</p> <p>EXCEPTION 1 – Cars billed direct to public team tracks, mills or other industries within the switching limits of the billed destination, and there inspected and delivery taken will not be subject to the charge provided in Paragraphs (a) or (b).</p> <p>EXCEPTION 2 – When a single change in the name of consignor and/or consignee at destination and/or a single addition to the designation of place of delivery is made after arrival at destination on orders given after such arrival, the provisions of this rule will not apply. (For provisions to apply, see Item 400 of this tariff.)</p> <p>NOTE – If a car is billed to allow inspection and inspection of the property is made before the car is unloaded and bill of lading or written order surrendered, the time during which such car is considered as being held for surrender of the bill of lading or written order will be computed from the time of arrival at destination, no additional time being allowed for inspection.</p>	<p>ITEM 155</p> <p align="center">PAYMENT OF CHARGES</p> <p>(a) Carload freight for delivery to a switching connection at destination, whether for public track, private or other siding, when such connection performs a switching service only, will not be delivered to such connecting line until all charges applied in accordance with rate tariffs are paid.</p> <p>When such freight is consigned "Order Notify" or when moving under straight bills of lading which carry a provision (See Section 4 Rule 7 of UFC 6000-Series) requiring the surrender of bill of lading, written order or other document before delivery (including shipments consigned to one party, with instructions to notify another party), it will not be delivered to such connecting line until the bill of lading, written order or other documents (or approved security in lieu thereof when the bill of lading has been delayed or lost) has been surrendered. If cars are held for payment of lawful charges or for surrender of bills of lading, pending such delivery, they will be subject to demurrage.</p> <p>(b) If consignees are on the credit list of this railroad, it will be assumed for the purpose of this rule that they have paid all charges as referred to.</p> <hr/> <p>ITEM 160</p> <p align="center">ERROR IN BILLING FREIGHT BY SHIPPER</p> <p>If a car is tendered to carrier for shipment and after the line-haul transportation commences it is discovered that through error of the shipper the car is empty, freight charges will be assessed from origin to point at which car is discovered to be empty. (In the absence of a through rate, charges to be assessed for account of this railroad will be those provided for in Item 1000-series of this tariff). Cars of other than railroad ownership shall not be subject to payment of mileage allowances.</p> <hr/> <p>ITEM 165</p> <p align="center">DEDUCTION FOR SHRINKAGE</p> <p>This railroad will NOT be responsible for loss due to natural shrinkage and/or difference between origin and destination weight except where loss results from defective equipment and such defect is directly attributable to the carriers, such as a derailment. Claims will be adjusted by carriers in accordance with the law that governs. In case of a disputed claim, the records of both the claimant and the carrier shall be available to both parties.</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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RULES AND REGULATONS - UNLIMITED	RULES AND REGULATONS - UNLIMITED
<p>ITEM 170</p> <p>CHARGES FOR CARS WITH MORE THAN FOUR AXLES</p> <p>Charges for intraplant, intraterminal or interterminal switching will be confined to cars having no more than four (4) axles. When cars with more than four (4) axles are found in intraplant, intraterminal or interterminal service, the charges for such service will be 200 percent of that shown herein for the same service applicable on cars with four (4) axles.</p>	<p>ITEM 180</p> <p align="center">CHARGES FOR ARTICULATED CARS</p> <p>On movements of articulated cars (two or more units permanently or temporarily joined together), the switching charges published in this tariff will apply separately to each unit of the articulated equipment.</p>
<p>ITEM 175</p> <p align="center">CHARGE FOR USE OF SPECIAL EQUIPMENT IN SWITCHING MOVEMENT</p> <p>(a) On shipments that are both loaded and unloaded within the same switching district, the switching rates and charges in this tariff apply only when ordinary equipment is used. When other than ordinary equipment is used, such rates and charges will apply subject to an additional charge of \$250 per car, which accrues entirely to the EVWR(See EXCEPTION).</p> <p>(b) The term "ordinary equipment" as used in this item means:</p> <ol style="list-style-type: none"> (1) Flat cars not exceeding 54 feet in length and having marked capacity not greater than 180,000 pounds but not including flat cars of any length equipped with racks, frames, bulkheads, tie down devices, hoods or other appurtenances extending above the deck of the car nor on special type flat cars with mechanical designations, "FD", "FG", "FW", "FM" as listed under the heading of Heavy Capacity and Special Type Flat Cars in Tariff RER 6413-Series. (2) Gondola cars having marked capacity not greater than 180,000 pounds; but not including gondola cars of any length equipped with covers, hoods, containers or cradle floors. (3) On moves of Ferrous Scrap, ordinary equipment means gondola cars of any size other than equipped with covers, hoods, containers or cradle floors. (4) Open top hopper cars not exceeding 60 feet in length, inside measurement, or having marked capacity not exceeding 180,000 pounds. (5) Cars other than described as ordinary equipment in Paragraph 1 to 4, owned or leased by shipper or consignee. <p>EXCEPTION – When other than ordinary equipment, as defined above, is furnished for carrier's convenience, the additional charge specified in this item will not apply.</p>	<p>ITEM 185</p> <p align="center">SPECIAL SWITCHING SERVICE</p> <p>Except as otherwise provided and upon specific request of the shipper or consignee, carloads may be handled in special (not regular) service. (See NOTE). The charge for this special service will be \$2,000.00 per car for each intraterminal, interterminal or intermediate switch movement. The special service charge shown herein will be in addition to any applicable switching charges.</p> <p>NOTE – Special (not regular) service is defined as service accorded shipments which cannot be handled in regular train operation because of excess weight, width or length and which necessitate handling in a special train.</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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RULES AND REGULATONS - UNLIMITED	RULES AND REGULATONS - UNLIMITED
<p>ITEM 190</p> <p align="center">SWITCHING CHARGES ON LOADED CARS HELD FOR INSTRUCTIONS ON ALL COMMODITIES</p> <p>In the absence of specific provisions to the contrary, the following will apply:</p> <p>(a) Except as provided in Paragraph (b), when on shipper's order loaded cars are removed from industry or team track and held by this railroad awaiting instruction, the intraterminal or interterminal switching charge, as the case may be, will be assessed for the movement; such charge will be in addition to all other charges applicable and will not be absorbed.</p> <p>(b) When loaded cars removed from industry or team track and held awaiting instructions are under continuous demurrage (See NOTE), no charge for such switching will be made.</p> <p>(c) When on shipper's order 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, the intraterminal, or interterminal switching charge, as the case may be, will be assessed for the movement of the car in each direction and the car will remain on continuous demurrage (See NOTE) in the demurrage account of the party in whose name the car was ordered for loading.</p> <p>NOTE – On cars under special detention rules and charges, the same detention rules and charges will be applied as governed in connection with the line-haul rates.</p>	<p>ITEM 195</p> <p align="center">SHIPMENTS REQUIRING SURRENDER OF DOCUMENTS</p> <p>Intraplant, intraterminal, or interterminal switching service will not be performed on shipments moving under order notify bills of lading; or under straight bills of lading (including shipments consigned to one party with instructions to notify another party) which carry a provision (See Section 4, Rule 7 of UFC 6000-Series) requiring the surrender of bills of lading, written order or other documents before delivery.</p>
	<p>ITEM 198</p> <p align="center">REQUESTS FOR CARS FOR LOADING</p> <p>In connection with services for which a charge is provided in this tariff, all requests for cars for loading must be submitted to this railroad. This railroad reserves the right to furnish cars so ordered from its fleet, whether leased or owned or with cars readily available, this railroad shall order cars from the designated roadhaul carrier.</p>
<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">SECTION 1 ABSORPTION OF CONNECTION RAILROAD SWITCHING CHARGES</p>	<p align="center">SECTION 2 INTERTERMINAL SWITCHING CHARGE</p>
<p>ITEM 260</p> <p align="center">APPLICATION OF SECTION 1</p> <p>(a) Where this section provides that switching charges of connecting railroads will be absorbed, the meaning is that this railroad will pay out of its road haul revenue the lawfully published switching charges of the connecting railroads subject to the limitations in this section.</p> <p>(b) Where the tariff containing the applicable line haul rate publishes provisions governing the absorption of switching charges that are in conflict with the provisions of this section, those provisions will take precedence.</p>	<p>ITEM 280</p> <p align="center">DEFINITION AND CHARGES</p> <p>Interterminal switching is hereby defined as a switching movement between private or assigned sidings or team tracks reach by this railroad and interchange tracks with a connecting line on a shipment both loaded and unloaded within the switching limits, and on which no line haul service is performed by this railroad or a connecting line. The charge for this service is \$350 per car.</p>
<p>ITEM 270</p> <p align="center">GENERAL RULE</p> <p>(a) Except as otherwise provided in this item, this railroad WILL ABSORB the switching charges of connecting railroads.</p> <p>(b) This railroad WILL NOT ABSORB the switching charges of connecting railroads:</p> <ol style="list-style-type: none"> 1. On less-than-carload or any quantity shipments. 2. On shipments moving on rates which provide that switching charges will not be absorbed. 3. On shipments of this railroad's company material. 4. On shipments of empty new railway cars moving on own wheels. 5. On shipments of cordwood, fuelwood, pulpwood, resinous wood, sawdust, waste wood, wood chips or wood shavings except where tariff provisions specifically provide that switching charges will be absorbed. 6. On shipments originating or terminating at stations reached only by this railroad when the rate or charge on which freight charges are assessed is applicable only via single-lie routes of this railroad. <p>(c) Except as otherwise specifically provided in this section, this railroad WILL NOT ABSORB the switching charges of an intermediate switching railroad used to effect interchange with another switching railroad with which this railroad maintains a direct interchange at the same station or switching district.</p> <p>(d) Where under the provisions of this section, switching charges are not absorbed, such charges will be assessed in addition to all other applicable charges.</p> <p>Where under the provisions of this section, switching charges are absorbed not exceeding a specified maximum, any charges in excess of such maximum will be assessed in addition to all other applicable charges.</p>	
<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">SECTION 3 INTRATERMINAL AND INTRAPLANT SWITCHING</p>	<p align="center">SECTION 3 INTRATERMINAL AND INTRAPLANT SWITCHING CHARGES (For application, see Item 290)</p>			
<p>ITEM 290</p> <p align="center">APPLICATION OF SECTION 3</p> <p>(a) This section contains intraterminal, intraplant and miscellaneous switching charges applicable at stations on this railroad.</p> <p>(b) Intraplant switching is hereby defined as a switching movement from one location at an industry or assigned siding to another location at the same industry or assigned siding where the service can be performed without leaving the assigned siding or industry tracks.</p> <p>(c) Intraterminal switching is hereby defined as a switching movement other than intraplant switching as defined in Paragraph (b) from an industry or assigned siding or team track reached by this railroad but not to or from interchange with a connecting railroad.</p> <p>(d) No charge will be made for a single intraplant switch movement of an empty private car* between an industry's storage tracks and an industry's loading, inspection, repair or cleaning tracks.</p> <p>*Does not include railroad controlled cars.</p>	<p>ITEM 300</p> <p align="center">(Charges in dollars per car)</p>			
	<p align="center">STATIONS IN IL & IN</p>	<p align="center">INTRA- TERMINAL</p>	<p align="center">INTRA- PLANT</p>	<p align="center">SEE ITEM(s)</p>
	<p align="center">ALL</p>	<p align="center">\$350</p>	<p align="center">\$275</p>	<p align="center">310 & 315</p>
	<p>ITEM 310</p> <p align="center">All STATIONS IN IL and IN</p> <p>On tank cars ordered placed for loading and subsequent to said placement are released as empty, the provisions of Item 110 will apply and the intraterminal switching charge, if applicable, will be \$350 per car.</p>			
	<p>ITEM 315</p> <p align="center">All STATIONS IN IL & IN</p> <p>When a shipment is switched from an industry or assigned siding to EVWR or private hold track, and such shipment is not subsequently forwarded therefrom in road haul service, a charge of \$350 per car will be assessed.</p>			
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>				

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SECTION 4 SPECIAL TRAIN SERVICE	SECTION 4 SPECIAL TRAIN SERVICE
<p>ITEM 350</p> <p align="center">DEFINITION OF SPECIAL TRAIN</p> <p>The term "special train" means:</p> <ul style="list-style-type: none"> (a) A train that is operated on an expedited schedule at the request of the consignor or consignee (or the agent of either). (b) A train that is operated under service or transportation conditions specified by the consignor or consignee (or the agent of either). (c) A train that is assembled in accordance with instructions of the consignor or consignee (or the agent of either). (d) A train that is operated subject to special service or transportation conditions necessary to comply with tariff provisions or with the requirements of a federal or state agency. 	<p>ITEM 365</p> <p align="center">FURNISHING OF SPECIAL FREIGHT TRAIN SERVICE</p> <p>This railroad will furnish special freight train service between any two points on this railroad, either as a local movement or as a portion of a joint line movement.</p> <ul style="list-style-type: none"> (a) when required by tariff provisions, or (b) when required by directive of a federal or state agency, or (c) when requested by consignor or consignee (or the agent of either) and subject to this railroad's convenience. <p>When such service is to be provided on request (see (c) above), such request must be made in writing (or orally and confirmed in writing) must include consist, date and time of movement routing and any other information and instructions pertinent to the movement and must be given in time to permit this railroad to make necessary arrangements for the movement, including the assembly of equipment and personnel.</p> <p>Such service will be subject to the charges in Item 355 in addition to applicable freight charges on the commodities transported and any other applicable charges. If a movement involves more than one origin point and/or more than one destination point on this railroad, each movement from one such point to the next such point will be considered a separate service. If, in the judgment of this railroad, special switching service is necessary or if special switching service is requested by consignor or consignee (or the agent of either), such service will be subject to the additional charges in Item 360. In providing special freight train service, this railroad reserves the right to handle other shipments in the course of providing such service.</p>
<p>ITEM 355</p> <p align="center">CHARGES FOR SPECIAL FREIGHT TRAIN SERVICE (Applicable only when specific reference is made hereto.)</p> <p>The charge is \$50 per mile for the distance over the actual route of movement on this railroad subject to a minimum of 100 miles.</p>	
<p>ITEM 360</p> <p align="center">CHARGES FOR SPECIAL FREIGHT TRAIN SERVICE CHARGES, ETC. (Applicable only when specific reference is made hereto.)</p> <ul style="list-style-type: none"> (a) \$250 per hour or fraction thereof but not less than \$500 for each special switching service provided the service is performed by a regular switching assignment. (b) \$250 per hour or fraction thereof but not less than \$2,000 for each special switching service if the service must be performed by an extra switching assignment. 	
<p align="center">For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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SECTION 5 DIVERSION OR RECONSIGNMENT	SECTION 5 DIVERSION OR RECONSIGNMENT
<p>ITEM 400</p> <p align="center">DIVERSION OR RECONSIGNMENT</p> <p>One diversion or reconsignment will be allowed on a shipment received on the tracks of the EVWR, provided no previous diversion or reconsignment has taken place on the same shipment, subject to the following conditions:</p> <p>A. Definition – A single change in name of consignor or consignee, and/or a single change in destination or place of delivery a destination, and/or a change in route.</p> <p>B. Diversion or reconsignment may be made only at a point intermediate between interchange with line haul carrier and origin or original destination.</p> <p>C. The rate to be used will be the through rate from point of origin to final destination, subject to the rate from point of origin to diversion point, or from diversion point to final destination, whichever is higher, as a minimum.</p> <p>D. Diversion or reconsignment will only be accorded when order is place with an authorized agent of the EVWR prior to arrival of car at destination and in time to permit instructions to be relayed to yard personnel.</p> <p>E. The charge for diversion or reconsignment shall be \$200 per car.</p> <p>F. On a "straight" bill of lading consignment, the original bill of lading should be surrendered or other proof of ownership established.</p> <p>G. On a shipment consigned "To Order", an order to divert or reconsign under these rules will not be effective until the original bill of lading is surrendered for cancellation, endorsement or diversion or reconsignment, or exchange, or in its absence, the property may be diverted or reconsigned in advance of the surrender of the bill of lading only under the provisions of Rule 7 of Tariff UFC 6000 concerning the delivery of shipments consigned "To Order".</p> <p>H. Shipments on "straight" bill of lading, showing consignment to one party with instructions therein, or on which instructions are other wise given to:</p> <ol style="list-style-type: none"> 1. Notify or advise another party and deliver only upon surrender of written order; or 2. Deliver only upon surrender of the original bill of lading; or when 3. Consigned in any other manner which imposes upon the carrier the obligation not to make delivery or permit diversion except upon surrender of original bill of lading or written order will be treated on shipments billed "To Order" unless the reconsignment or diversion order is given by, or the delivery is to, such original billed consignee or his agent. The "Advise" or "Notify" party must not be considered as the consignee. <p align="center">(Continued in next Column)</p>	<p>ITEM 400 (Cont'd)</p> <p align="center">DIVERSION OR RECONSIGNMENT</p> <p>I. A request for diversion or reconsignment must be made or confirmed in writing, and an order for diversion or reconsignment which specifies that through rate is to protected will not be construed as obligating carriers to protect other than the lawful rate and charges under these rules.</p> <p>J. When an order for diversion or reconsignment requires the application of a rate and/or route which cannot lawfully be applied via the point at which the diversion or reconsignment is made, prompt notice shall be given to the party requesting the diversion or reconsignment. When delivery to consignee cannot be accomplished due to gross weight of car and contents exceeding carrier's track limitations, no charge will be assessed for the diversion or reconsignment of shipment.</p> <p>K. When delivery to consignee cannot be accomplished due to gross weight of car and contents exceeding carrier's track limitations, no charge will be assessed for the deliversion or reconsignment of shipment.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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SECTION 6 WEIGHT AGREEMENTS	SECTION 7 INTERCHANGE ERROR MOVEMENTS
<p>ITEM 405</p> <p align="center">WEIGHT AGREEMENTS</p> <p>(a) When weight agreements are in force at both origin and destination, weight determined at origin will be used for assessment of freight charges on prepaid shipments and weight determined will be used for assessment of freight charges on collect shipments.</p> <p>(b) When the EVWR is origin road haul carrier and a shipment requires ascertainment of weight at origin by reason of consignor's weight agreement, consignor must furnish weight to the EVWR by midnight of the third day following the day that the car which contains the shipment is released loaded. Weight must be furnish in writing or confirmed in writing. If weight is furnished by U.S.Mail, post mark will govern. After the time period specified above has elapsed, a charge of \$50 per car per day or fraction thereof will be assessed against the consignor until such weight is furnished.</p> <p>(c) When the EVWR is destination road haul carrier and a shipment requires ascertainment of weight at destination by reason of consignee's weight agreement, consignee must furnish weight to the EVWR by midnight of the third day following the day that the car which contained the shipment is released empty, or by the fifth day following placement, whichever date is earlier. Weight must be furnished in writing or confirmed in writing. If weight is furnished by U.S. Mail, post mark will govern. After the time period specified above has elapsed, a charge of \$50 per car per day or fraction thereof will be assessed against the consignee until such weight is furnished.</p>	<p>ITEM 650</p> <p align="center">INTERCHANGE ERROR MOVEMENTS</p> <p>Cars, loaded or empty, received by EVWR in error, or without forwarding instructions from the delivering carrier, will be returned to the delivering carrier or forwarded to the proper carrier within the same switching district at a charge of \$200 per car. Charge will be assessed against the delivering carrier.</p>
<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">SECTION 8 SET BACK CHARGE ON RECONSIGNED CARS</p>	<p align="center">SECTION 9 CHARGES FOR MOVING EMPTY RAILCARS</p>
<p>ITEM 700</p> <p align="center">SET BACK CHARGES ON RECONSIGNED CARS</p> <p>When a loaded railcar of either private or railroad ownership is received in interchange by this railroad and is subsequently ordered to be reconsigned or diverted (before leaving the interchange point), under the provisions of Section 5 of this tariff, to a new destination where this railroad will not act in the capacity of a line haul carrier in the route, then a charge of \$200.00 per car shall be assessed for the service of returning the car to the designated railroad. This charge shall be in addition to any charges provided in Section 5 of this tariff.</p>	<p>ITEM 1000</p> <p align="center">CHARGES FOR MOVING EMPTY RAILCARS (NOTE 1)</p> <p>When an empty (Note 2) railcar is moved by this railroad, and said railcar is being returned to origin from a loaded movement in which this railroad participated as a line haul carrier, that movement shall be free of charge. All other movements of empty railcars shall be chargeable at a rate of \$240.00 per car and shall be applied in either direction each time a car is moved between two EVWR stations.</p> <p>Note 1 – Applicable only in privately owned or leased railcars, except will apply in railroad owned or leased railcars when moving from or to a facility for car cleaning, repair or alteration. No mileage allowance will be paid on the private railcars moving under the provisions of this item.</p> <p>Note 2 – Cars containing product residue which exceeds seven percent of the weight of the marked capacity of the car shall be considered a loaded car and will be charged utilizing otherwise applicable rates.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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EXPLANATION OF ABBREVIATIONS		EXPLANATION OF REFERENCES	
ABBREVIATION	EXPLANATION	REFERENCES	EXPLANATION
BOE	- Bureau of Explosives	[A]	- Addition.
EVWR	- Evansville Western Railway, Inc.	[R]	- Reduction/Decrease.
OPSL	- Official Railroad Station List, OPSL 6000-series, Railinc, Agent	[NC]	- No change
RER	- Official Railway Equipment Register, RER 6413-series, R. E. R. Publishing Corporation, Agent	[I]	- Increase.
STB	- Surface Transportation Board	[C]	- Change in wording which results in neither increases nor reduction in charge.
UFC	- Uniform Freight Classification, UFC 6000-series, National Railroad Freight Committee, Agent	[+]	- Applicable on intrastate traffic only.
		(.)	- Applicable on interstate traffic only.
		(Underscored portion denotes change.)	
For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.			