

**TENNESSEE SOUTHERN RAILROAD  
COMPANY, INC.**

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**FREIGHT TARIFF TSRR 6004**

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**DEMURRAGE RULES AND CHARGES**

**APPLYING  
AT  
STATIONS ON THE  
TENNESSEE SOUTHERN RAILROAD COMPANY, INC.**

**This tariff is also applicable on intrastate traffic, except where expressly provided to the contrary in connection with particular items.**

**ISSUED JULY 6, 1989**

**EFFECTIVE AUGUST 1, 1989**

**ISSUED BY  
G. R. Abernathy, President  
P. O. Box 1317  
Shelbyville, TN 37160**

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

**RULES AND OTHER GOVERNING PROVISIONS  
GENERAL RULES AND REGULATIONS**

**ITEM 10**

**SUPPLEMENTS AND REISSUES**

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."

Where reference is made in this tariff to items, it includes "reissues" of such items.

**ITEM 15**

**REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.**

Where reference is made in this tariff to another tariff by ICC number, such reference applies also to such tariff as it may be applicable on intrastate traffic, or traffic within Canada.

When the words tariff, tariffs or contracts are used in this tariff, they refer to tariffs or contracts lawfully on file with the Interstate Commerce Commission as to interstate traffic and State Commissions as to intrastate traffic.

**ITEM 20**

**METHOD OF CANCELLING ITEMS**

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, cancelled Item 300.

**RULES AND OTHER GOVERNING PROVISIONS  
GENERAL RULES AND REGULATIONS**

**ITEM 100**

**APPLICATION**

- A. Applicable at all stations on TSRR.
- B. The disposition of a car at its point of detention determines the purpose for which the car is held and the rules applicable thereto.
- C. All railroad and privately owned cars held for or by consignors or consignees are subject to demurrage rules and charges contained in this tariff, except the following:
  - 1. Cars for loading or unloading of TSRR company material while held on TSRR tracks or private sidings connecting therewith.
  - 2. Cars of refused or unclaimed freight to be sold by TSRR for the time held beyond legal requirements.
  - 3. Cars assigned to shippers returned empty to point of assignment, to the extent storage rules apply.
  - 4. Cars moving on own wheels under transportation charges as freight.
  - 5. Cars of railroad ownership, leased for storage of commodities, while held on lessee's tracks.
  - 6. Loaded private cars held on private tracks.
  - 7. Empty private cars held on railroad or private tracks.
  - 8. Cars specially equipped for handling welded railroad rail held for loading such rail.
  - 9. Empty cars ordered and rejected as unsuitable for loading.

**ITEM 200**

**GLOSSARY OF TERMS**

For the purpose of applying provisions of this tariff, the following are defined and will govern:

**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.

**CONSIGNEE** - The party to whom a shipment is consigned or the party entitled to receive the shipment.

**CONSIGNOR** - The party in whose name cars are ordered or the party who furnished forwarding directions.

**CONSTRUCTIVE PLACEMENT** - When a car cannot be actually placed because of any condition attributable to the consignor or consignee, such car will be held on TSRR tracks and notice will be given to the consignor or consignee that the car is held and TSRR is unable to effect actual placement. Such cars which have been placed by TSRR on private or other than public delivery tracks, including lead tracks serving the consignor or consignee will be considered constructively placed without notice.

**CARS ACTUALLY OR CONSTRUCTIVELY PLACED AT EXACTLY 7:00 A.M.** - When cars are actually or constructively placed at 7:00 A.M., the time shall be computed from the same 7:00 a.m. and placement shall be determined by the precise time the engine cuts loose.

**DISPOSITION** - Information, including forwarding instructions or release, which allows the railroad to either tender or release the car from the consignor's or consignee's account.

**RULES AND OTHER GOVERNING PROVISIONS  
GENERAL RULES AND REGULATIONS**

**ITEM 200 (Cont'd)**

**DIVERSION** - An order from the consignor to deliver car to other than original destination.

**EMPTY CARS ORDERED AND NOT USED** - Empty cars ordered placed for loading and not used in transportation service.

**EMPTY RELEASE INFORMATION** - Advice by consignee given to authorized personnel of TSRR, that car is unloaded and available to TSRR. Information given must include identity of consignee, party furnishing date, car initial and number.

**FORWARDING INSTRUCTIONS** - Shipping instructions given to TSRR at the point of loading, containing all of the necessary information to transport the shipment to the final destination.

**HOLIDAYS** - Wherever reference is made to "holidays", it shall mean only the days listed below:

New Year's Day - January 1 (See Note)  
Washington's Birthday - Third Monday of February  
Memorial Day - Last Monday of May  
Independence Day - July 4 (See Note)  
Labor Day - First Monday of September  
Thanksgiving Day - Fourth Thursday of November  
Christmas Day - December 25 (See Note)

Note: When this date occurs on a Sunday, the following Monday will be observed as the holiday.

**LEASE TRACK** - Any trackage assigned to a user through written agreement. Lease track will be treated the same as private track in this tariff.

**LOADING** - The complete or partial loading of a car in conformity with TSRR loading and clearance rules, and the furnishing of forwarding instructions.

**LOADED CAR** - A car that is completely or partially loaded.

**NOTIFICATION** - When required, notification will be furnished, either in writing or verbal, to all parties entitled to receive notification.

**OTHER THAN PUBLIC DELIVERY TRACK** - Any trackage assigned for individual use, including privately owned or loaded track.

**PARTIAL UNLOADING** - The partial unloading of a car and the furnishing of forwarding instructions.

**PRIVATE CAR** - A car bearing other than railroad reporting marks and which is not a railroad-controlled car.

**PRIVATE TRACK** - Any trackage which is not owned or leased by the railroad.

**PUBLIC DELIVERY TRACK** - Any track open to the general public for loading and unloading.

**RAILROAD-CONTROLLED CAR** - A car bearing other than railroad reporting marks provided to the railroad directly by car companies or others for use by the railroad in serving any of its customers.

**RECONSIGNMENT** - An order from the consignor to bill a car to other than the original consignee. (An order to turn over the car to another party, that does not require an additional movement of the car, is not a reconsignment.)

**RULES AND OTHER GOVERNING PROVISIONS  
GENERAL RULES AND REGULATIONS**

**ITEM 200 (Cont'd)**

**REFUSED LOADED CAR** - When the original loaded car is refused at destination without being unloaded.

**RELOADING** - When a car is held for loading after being released as an empty.

**RESHIPMENT** - A new document by which the entire original shipment is forwarded in the same car to another destination.

**STOPPED IN TRANSIT** - When cars are held en route because of any condition attributable to the consignor or consignee, or owner.

**UNLOADING** - The complete unloading of a car and advice received from consignee that the car is empty and available to the railroad.

**ITEM 300**

**NOTIFICATION TO CONSIGNOR OR CONSIGNEE**

A. The following notifications will be furnished as indicated:

1. Cars for other than Public Delivery Tracks:

- a. Notice of constructive placement if cars are held on TSRR tracks due to reasons attributable to the consignor or consignee.
- b. Delivery of car upon tracks of consignee will constitute notice.
- c. When two or more parties, each performing their own switching, take delivery of cars from the same interchange track, notice will be given when cars are placed on the interchange track.

2. Cars for Public Delivery Tracks:

Notice will be given to the party entitled to receive notification when car is actually placed.

3. Cars Stopped in Transit:

Notice will be given to the consignor, consignee or owner responsible for the car being stopped upon arrival of the car at the point of stoppage.

4. Refused Loaded Car:

When a loaded car is refused at destination, TSRR will give notice of such refusal to the consignor or owner.

B. Notification may be given in writing or electronically, and will contain the following:

1. Car initials and number.
2. If lading transferred en route, the initials and number of the original car.
3. Commodity.

**RULES AND OTHER GOVERNING PROVISIONS  
GENERAL RULES AND REGULATIONS**

**ITEM 400**

**NOTIFICATION OF TSRR**

Date and time forwarding instructions, empty release information or other disposition is received from consignor/consignee; or, when electronic or mechanical devices are used to furnish notification to railroad, the recorded date and time that instructions are received will govern.

**ITEM 500**

**CARS HELD FOR LOADING - (NOT APPLICABLE TO PRIVATE CARS)**

Loading is the complete or partial loading of a car in conformity with TSRR loading and clearance rules, and the furnishing of forwarding instructions.

**TENDER:**

The notification, actual or constructive placement of an empty car placed on orders of the consignor.

**RELEASE:**

- A. Date and time forwarding instructions are received.
- B. Cars placed on interchange tracks of a consignor doing its own switching, also must be returned to the interchange track for release.
- C. Cars found to be improperly loaded or overloaded at origin will not be considered released until the load has been adjusted properly.

**COMPUTATION:**

- A. Forty-Eight (48) hours free time will be allowed each car for loading.
- B. Free time will be computed from the first 7:00 A.M. after actual or constructive placement or notification until release. (For the purpose of computing free time, holidays will be excluded.)
- C. If the car is placed prior to date for which ordered, time shall be computed from 7:00 A. M. of the date for which ordered except when loading commences prior to date for which ordered, time shall be computed from the first 7:00 A.M. thereafter until its release.
- D. On reloaded cars, free time will be computed from the first 7:00 A.M. after advice is received that car is empty until release.
- E. When the same car is loaded and reloaded, empty release information must be furnished. If not furnished, demurrage will continue until forwarding instructions are received.

**RULES AND OTHER GOVERNING PROVISIONS  
GENERAL RULES AND REGULATIONS**

**ITEM 600**

**CARS HELD FOR COMPLETE UNLOADING  
(NOT APPLICABLE TO PRIVATE CARS)**

Unloading is the complete unloading of a car and advice from the consignee to the railroad that the car is empty and available to the railroad.

**TENDER:**

The notification, actual or constructive placement of a loaded car.

**RELEASE:**

- A. Date and time that the railroad receives advice that the car is empty.
- 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 cars are unloaded by TSRR, those cars will be released at the time the request to unloading received by TSRR from the consignee.
- D. When the same car is unloaded and reloaded, empty release information must be furnished. If not furnished, demurrage will continue until forwarding instructions are received.

**COMPUTATION:**

- A. Forty-Eight (48) hours free time will be allowed each car for unloading.
- B. Free time will be computed from the first 7:00 A.M. after actual or constructive placement until release. (For the purpose of computing free time, holidays will be excluded.)

**ITEM 700**

**PRIVATE AND RAILROAD CARS HELD FOR OTHER PURPOSES**

Applicable to cars held:

- A. On orders of consignor or consignee.
- B. While awaiting proper disposition from the consignor or consignee.
- C. As a result of conditions attributable to consignor or consignee.

**DISPOSITION:**

That information, including forwarding instructions or empty release, which allows the railroad to either tender or release the car from the consignor's or consignee's account.

**RULES AND OTHER GOVERNING PROVISIONS  
GENERAL RULES AND REGULATIONS**

**ITEM 700 (CONT'D)**

**TENDER:**

The notification, actual or constructive placement of a loaded car.

**RELEASE:**

Date and time that the railroad receives advice that the car is empty, or that forwarding instructions are received.

**COMPUTATION:**

- A. Forty-Eight (48) hours free time will be allowed each car for loading and unloading, except on:
  - 1. Empty cars ordered and not used.
  - 2. Loaded private cars returned to railroad tracks to be held for disposition.
  - 3. Cars received from connecting carriers to be held for disposition.
- B. Free time will be computed from the first 7:00 A.M. (For the purpose of computing free time, holidays will be excluded.):
  - 1. After tender until release, on cars:
    - a. Diverted.
    - b. Empty for loading-ordered and not used (other than a rejected car).
    - c. Partially unloaded.
    - d. Reconsigned.
    - e. Reshipped.
    - f. Stopped in transit.
  - 2. After cars are received by TSRR until date of disposition on:
    - a. Cars received from connecting carriers.
    - b. Loaded private cars returned to railroad tracks.
  - 3. After tender until date of refusal on:
    - a. Refused loaded cars (consignee).
  - 4. After tender until date of disposition on:
    - a. Refused loaded cars (consignor).
  - 5. After tender until release or placement on private tracks on:
    - a. Loaded private cars - while held on railroad tracks.



**RULES AND OTHER GOVERNING PROVISIONS  
GENERAL RULES AND REGULATIONS**

**ITEM 900**

**DEMURRAGE CHARGES**

After expiration of free time allowed, a charge of \$25.00 per car per day, or fraction of a day, will be made until car is released.

**ITEM 1000**

**CLAIMS**

In order to be allowed relief as indicated, a Claim must be presented to TSRR, in writing, by the last day of the calendar month following the month in which the bill was issued, stating fully the conditions for which relief is claimed.

**A. Railroad error**

1. If, through railroad error, demurrage charges are assessed, demurrage will be adjusted to the amount that would have accrued but for such error.
2. Run-around and bunching of cars will not be considered as a railroad error.

**B. Weather Interference:**

When, because of earthquakes, tornadoes, hurricanes, floods or heavy snow, the operations of the consignor or consignee are disrupted, the demurrage directly chargeable thereto will be eliminated, provided the disruption exceeds two (2) days in duration.

**C. Strike Interference:**

When it is impossible to load or unload or receive cars from or make cars available to TSRR because of strike interference at the point where the loading or unloading is to be accomplished, such detention will be charged at a rate of \$15.00 per day or fraction thereof and without free time allowance, provided a claim in writing is presented to the TSRR within thirty (30) days, after the date on which the strike interference ceases, stating the date and time strike interference began and ended.

1. Not applicable to inbound cars when waybills are dated four (4) days after the beginning of strike interference.
2. Not applicable to cars for loading when ordered after the beginning and prior to the ending of strike interference.