

**SUPPLEMENT
TO
FT ATN 9001-C**

ALABAMA & TENNESSEE RIVER RAILWAY, LLC



**SUPPLEMENT 1
TO
FREIGHT TARIFF ATN 9001-C**

**NAMING
RULES AND CHARGES
GOVERNING
DEMURRAGE, SWITCHING, LOCAL
AND
MISCELLANEOUS RULES AND CHARGES
ON THE
ALABAMA & TENNESSEE RIVER RAILWAY, LLC**

LOCAL TARIFF

This tariff is also applicable on intrastate traffic, except where expressly provided to the contrary in connection with particular rates and provisions contained herein.

ISSUED: December 9, 2009

EFFECTIVE: January 1, 2010

ISSUED BY

**Oliver Cromwell
Regional Vice President-South
Alabama & Tennessee River Railway, LLC
3425 Forrest Avenue
Gadsden, AL 35904**

SUPPLEMENT 1 TO FT ATN 9001-C

<p align="center">SECTION 1 CAR DEMURRAGE AND STORAGE RULES AND CHARGES</p>	<p align="center">SECTION 1 CAR DEMURRAGE AND STORAGE RULES AND CHARGES</p>
<p>ITEM 150-A</p> <p align="center">CAR(S) HELD FOR LOADING</p> <p>TENDER:</p> <p>A. <u>The notification, actual or constructive placement, of empty car(s) for the consignor.</u></p> <p>RELEASE:</p> <p>A. Date and time forwarding instructions are received by ATN. B. Car(s) placed on the interchange tracks of a consignor, who performs its own switching, must be returned to the interchange track for release. C. Improperly loaded or overloaded car(s) at origin will not be considered released until the load has been adjusted properly.</p> <p>COMPUTATION:</p> <p>A. Time will be computed from the first 0700 hours after tender until the release. B. When the same car is unloaded and reloaded, time will be computed from the first 0700 hours after advice is received that the car(s) is empty until the car(s) is released. C. When the same car is unloaded and reloaded, empty release information must be furnished. If not furnished, demurrage will continue on the car until the forwarding instructions are received by ATN. D. Notwithstanding the foregoing, when a private car is actually placed on a private track, demurrage charges shall not apply to such private car.</p>	<p>ITEM 170-A</p> <p align="center"><u>CAR(S) HELD FOR OTHER THAN LOADING OR UNLOADING</u></p> <p>Applies to car(s) held:</p> <p>A. On orders of consignor, loader, consignee, Care-of-Party or unloader. B. Awaiting proper disposition from the consignor, loader, consignee, Care-of-Party or unloader. C. As a result of conditions attributable to consignor, loader, consignee, Care-of-Party or unloader.</p> <p>DISPOSITION:</p> <p>That information, including forwarding instructions or empty release information, which allows the railroad to either tender or release the car from the to consignor, loader, consignee, Care-of-Party or unloader.</p> <p>TENDER:</p> <p>The notification, actual or constructive placement of a loaded car(s).</p> <p>RELEASE:</p> <p>Date and time that the railroad receives advice that the car is empty, or that forwarding instructions are received.</p> <p>COMPUTATION:</p> <p>Time will be computed from the first 0700 hours:</p> <p>A. After tender, until release, on car(s):</p> <ol style="list-style-type: none"> 1. Diverted 2. Empty for loading – ordered and not used (other than a rejected car) 3. Partially unloaded 4. Reconsigned 5. Reshipped 6. Stopped in transit <p>B. After car(s) are received by ATN until date of disposition on:</p> <ol style="list-style-type: none"> 1. Car(s) received from interchange from connecting carrier 2. Loaded private car(s) returned to railroad tracks 3. Empty car(s) moving as freight with STCC 37 422 XX <p>C. After tender until date of refusal on:</p> <ol style="list-style-type: none"> 1. Refused loaded car(s) (consignee) <p>D. After tender until date of disposition on:</p> <ol style="list-style-type: none"> 1. Refused loaded car(s) (consignor) <p>E. After tender until release or placement on private tracks on:</p> <ol style="list-style-type: none"> 1. Loaded private car(s) – while held on railroad tracks 2. Empty car(s) moving as freight with STCC 37 422 XX
<p>For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.</p>	

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<p align="center">SECTION 1 CAR DEMURRAGE AND STORAGE RULES AND CHARGES</p>	<p align="center">SECTION 1 CAR DEMURRAGE AND STORAGE RULES AND CHARGES</p>
<p>ITEM 185 [A]</p> <p align="center">STORAGE OF PRIVATE CARS</p> <p>The storage charges provided in this Item apply to empty and loaded private rail car(s) excluding: 1) hazardous commodities designated as toxic/poison inhalation hazard, inhalation hazard and explosives as shown in Item 195 and 2) Hazardous Materials as defined in the immediately following paragraph. The storage charges provided in this Item are in lieu of the demurrage charges specified in Item 180.</p> <p>Hazardous Materials are defined as "Hazardous Wastes" and "Hazardous Substances" as named in Hazardous Materials Regulations of the Environmental Protection Agency in 40 Code of Federal Regulations (CFR) 260 through 263 and the United States Department of Transportation in 49 CFR 171.8 or successors thereof.</p> <p>Loaded or empty private rail car(s) which are consigned or ordered for delivery on private or leased tracks, which first must be held on ATN tracks under constructive placement, are subject to the charges shown below. Storage will be computed from the first 7:00 AM after notification of constructive placement was sent or given by ATN for the loaded or empty private rail car and continue until notification to ATN for placement on private tracks is received in accordance with Item 140.</p> <p>Loaded or empty private rail car(s), held on ATN tracks for any other purpose attributable to the consignor, loader, consignee, Care-of-Party, or unloader are subject to the charges shown below. Storage will be computed from the first 7:00 AM after actual placement or notification of constructive placement was sent or given by ATN for the loaded or empty private rail car and continue until notification to ATN with proper forwarding instructions is received by ATN in accordance with Item 140.</p> <p>Storage Charges: Twenty Dollars (\$20.00) per loaded or empty private rail car per day or fraction thereof.</p> <p>Settlement of charges will be made monthly on all private rail car(s) released during each Calendar month.</p>	<p>ITEM 187 [A]</p> <p align="center">INDEMNIFICATION FOR STORAGE OF PRIVATE CARS</p> <p>The provisions of this Item apply to empty and loaded private rail car(s) stored on ATN pursuant to the provisions of Item 185 of this Tariff.</p> <p>CUSTOMER RECOGNIZES AND AGREES THAT CUSTOMER'S PRIVATE RAILCAR(S) WILL BE STORED IN AN AREA ON ATN WHICH IS NOT ENCLOSED OR PROTECTED FROM POTENTIAL INCURSION BY THIRD PARTIES. CONSEQUENTLY, CUSTOMER, AT ITS SOLE RISK AND EXPENSE, AGREES TO BEAR ANY AND ALL COSTS ASSOCIATED WITH LOSS AND/OR DAMAGE, INCLUDING, WITHOUT LIMITATION, THEFT, VANDALISM OR MALICIOUS MISCHIEF TO CUSTOMER'S PRIVATE RAILCAR(S) WHICH RESULT DIRECTLY OR INDIRECTLY FROM THE ACTIONS OF PARTIES OTHER THAN ATN.</p> <p>IN ADDITION TO ANY OTHER OBLIGATIONS UNDER THIS TARIFF, CUSTOMER AGREES TO INDEMNIFY AND HOLD HARMLESS ATN, ITS OWNERS, OMNITRAX, INC. AND THEIR RESPECTIVE EMPLOYEES, OFFICERS, MEMBERS, MANAGERS, AND DIRECTORS (THE "ATN INDEMNITEES") FROM AND AGAINST ANY AND ALL CLAIMS, ADMINISTRATIVE PROCEEDINGS, LAWSUITS AND DAMAGES AND AGREES TO REIMBURSE THE ATN INDEMNITEES FOR ANY COSTS, LAWSUITS, OBLIGATIONS, JUDGMENTS, DEBTS, AND EXPENSES OF ANY NATURE INCLUDING REASONABLE ATTORNEYS' FEES, SUFFERED OR INCURRED BY THE ATN INDEMNITEES ARISING OUT OF OR RESULTING FROM ACTS OF GOD, LOSS AND/OR DAMAGE TO CUSTOMER'S PRIVATE RAILCAR(S) CAUSED BY PARTIES OTHER THAN ATN, WATER DAMAGE OF ANY TYPE OR TO THE EXTENT ARISING OR RESULTING FROM CUSTOMER'S ACTS OR OMISSIONS, OR CUSTOMER'S VIOLATION OF ANY LAW OR REGULATION, OR CUSTOMER'S BREACH OF ANY OTHER REQUIREMENT, INCLUDING, BUT NOT LIMITED TO, CUSTOMER'S FAILURE TO PROVIDE PROPER IDENTIFICATION OF THE COMMODITIES TO BE TRANSPORTED IN CUSTOMER'S PRIVATE RAILCAR(S), WHETHER OR NOT CUSTOMER RELIED ON OTHER PARTIES FOR SAID IDENTIFICATION, EXCEPT TO THE EXTENT PROXIMATELY CAUSED BY THE NEGLIGENT ACTS OR OMISSIONS OR WILLFUL MISCONDUCT OF ATN.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.</p>	

SUPPLEMENT 1 TO FT ATN 9001-C

**SECTION 1
CAR DEMURRAGE AND STORAGE
RULES AND CHARGES**

ITEM 190

STORAGE OF LOADED HAZARDOUS COMMODITIES

The storage charges provided in this item apply to loaded hazardous commodities designated as toxic/poison inhalation hazard and explosives. A List of applicable STCC numbers are shown in Item 195. The storage charges provided in this item are in addition to applicable demurrage charges and except as provided below, the applicable provisions of this tariff will govern in determining these storage charges.

Loaded cars, consigned or ordered for delivery on private or leased tracks, which first must be held on ATN tracks under constructive placement are subject to the charges shown below. Storage will be computed from the first 7:00 AM after notification of constructive placement was sent or given by ATN for the loaded car and continue until notification to ATN for placement on private tracks is received in accordance with Item 140.

Loaded cars, held on ATN tracks for any other purpose attributable to the consignor, loader, consignee, Care-of-Party, or unloader are subject to the charges shown below. Storage will be computed from the first 7:00 AM after actual placement or notification of constructive placement was sent or given by ATN for the loaded car and continue until notification to ATN with proper forwarding instructions is received by ATN in accordance with Item 140.

Storage Charges: Five Hundred Dollars (\$500.00) per loaded car per day or fraction thereof.

For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.