

# FULTON COUNTY RAILWAY, L.L.C.



## FREIGHT TARIFF FCR 9001-D

(For Cancellations, see Item 1, this tariff)

NAMING  
RULES AND CHARGES  
GOVERNING  
DEMURRAGE, MISCELLANEOUS SERVICES,  
SWITCHING AND HAULAGE  
BETWEEN STATIONS ON THE  
FULTON COUNTY RAILWAY, L.L.C.  
AND INTERCHANGE POINTS WITH  
CSX TRANSPORTATION, INC.

## LOCAL AND SWITCHING 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: September 1, 2009**

**EFFECTIVE: October 1, 2009**

**ISSUED BY**

**Thomas Burden  
General Manager  
600 Wilson Mill Road, SW  
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For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.

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| <b>CANCELLATION NOTICE</b>   | <b>RULES AND OTHER GOVERNING PROVISIONS<br/>RULES AND REGULATIONS - UNLIMITED</b>  |
| <p><b>ITEM 1</b></p> <p align="center"><b>CANCELLATION NOTICE</b></p> <p>FT FCR 9001-D cancels FT FCR 9001-C in its entirety.</p> <p>Provisions formerly in FT FCR 9001-C and not brought forward in FT FCR 9001-D are hereby cancelled.</p>   | <p><b>ITEM 15</b></p> <p align="center"><b>DISPOSITION OF FRACTIONS</b></p> <p>In computing rates or charges, all fractions should be retained until final result is obtained, then fractions of less than five-tenths (.5) should be dropped and fractions of five-tenths (.5) or more will be increased to the next highest whole number.</p>  |
| <b>RULES AND OTHER GOVERNING PROVISIONS<br/>RULES AND REGULATIONS - GENERAL</b>  | <p><b>ITEM 20</b></p> <p align="center"><b>METHOD OF CANCELING ITEMS</b></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 445-A cancels Item 445 and Item 365-B cancels Item 365-A in a prior supplement which in turn canceled Item 365.</p> |
| <p><b>ITEM 5</b></p> <p align="center"><b>DESCRIPTION OF UNIFORM FREIGHT CLASSIFICATION</b></p> <p>This tariff is governed, except as otherwise provided herein, by Uniform Freight Classification UFC 6000 series and all supplements thereto or reissues thereof.</p>  | <p><b>ITEM 30</b></p> <p align="center"><b>SUPPLEMENTS AND REISSUES</b></p> <p>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.</p>   |
| <p><b>ITEM 10</b></p> <p align="center"><b>STATION LIST AND CONDITIONS</b></p> <p>This tariff is governed by the Official Railroad Station List, OP&amp;SL 6000-series, Railinc, Agent, to the extent shown below:</p> <p>For addition and abandonment of stations, and except as otherwise shown herein, for prepay requirements, changes in names of stations, restrictions as to acceptance of 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.</p> | <p><b>ITEM 40</b></p> <p align="center"><b>EXPLOSIVES AND DANGEROUS ARTICLES</b></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><b>ITEM 12</b></p> <p align="center"><b>CONSECUTIVE NUMBERS</b></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><b>ITEM 45</b></p> <p align="center"><b>CONDITION OF EMPTY CARS FURNISHED TO CONNECTING LINES</b></p> <p>If FCR delivers empty cars to connecting lines in interchange service and connecting lines accept such cars, FCR will not be responsible for any car cleaning charges.</p>   |
| <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"><b>RULES AND OTHER GOVERNING PROVISIONS<br/>RULES AND REGULATIONS - UNLIMITED</b></p>   | <p align="center"><b>RULES AND OTHER GOVERNING PROVISIONS<br/>RULES AND REGULATIONS - UNLIMITED</b></p>   |
|---|---|
| <p><b>ITEM 50</b></p> <p align="center"><b>TERMINAL AND SPECIAL SERVICES</b></p> <p>Shipments made under the rates contained in this tariff are entitled also to terminal and transit services and privileges and are subject to the charges, allowances, rules and regulations legally applicable thereto as provided in separately lawfully published tariffs.</p> <p>Exception: When provisions of this tariff specifically cover any such charge, allowance, rule or regulation, corresponding or conflicting provisions in such separate tariffs will not apply.</p> | <p><b>ITEM 64</b></p> <p align="center"><b>UNLOADING AND RELEASE OF EQUIPMENT AT DESTINATION</b></p> <p>Upon arrival and placement of equipment for unloading at destination, consignee will be responsible for unloading equipment in a manner which does not damage equipment and for releasing equipment in a condition suitable for reloading by another shipper. If consignee refuses or fails to remove all lading, dunnage blocking, bracing, strapping, debris, or other material that was part of the inbound shipment, secure interior loading devices, and close doors, the railroad which discovers such failure may undertake to remedy such failure, and the consignee will be responsible for reimbursing the railroad which performs such work for the cost thereof, including without limitation the cost of any switching associated with such work. Otherwise, applicable demurrage, detention, and storage charges shall continue to apply until equipment is released to delivering carrier in clean condition or upon completion of any action by the delivering carrier to remedy the consignee's failure.</p> |
| <p><b>ITEM 55</b></p> <p align="center"><b>CAPACITIES AND DIMENSIONS OF CARS</b></p> <p>For marked capacities, lengths, dimensions, and cubical capacities of cars, see the Official Railway Equipment Register, RER 6414-series, issued by National Railway Publication Company, Agent.</p>  | <p><b>ITEM 65</b></p> <p align="center"><b>CHARGES FOR HANDLING PRIVATELY OWNED RAILWAY PASSENGER CARS</b></p> <p>The FCR will move privately owned railway passenger cars, without passengers, at a charge of \$1000.00 per car.</p> <p>This charge will apply on Intra-Plant and Local Switching movements. When delivered to a connecting carrier for road-haul movement this charge will be in addition to the road-haul charges.</p>   |
| <p><b>ITEM 60</b></p> <p align="center"><b>NON-APPLICATION PRIVATE CAR MILEAGE ALLOWANCE</b></p> <p>FCR will not pay mileage charges on privately owned cars when moving to, from or via stations on FCR.</p>   | <p><b>ITEM 67</b><br/>[A]</p> <p align="center"><b>LIMITATION OF LIABILITY</b></p> <p>Notwithstanding anything to the contrary in this tariff, liability for loss and or damage of lading transported by FCR is limited to twenty-five thousand dollars (\$25,000) per loaded railcar. If liability coverage beyond that provided herein is desired, the FCR must be contacted for charges to apply prior to tendering such shipment to the FCR for rail transportation.</p>  |
| <p><b>ITEM 62</b></p> <p align="center"><b>MAXIMUM ALLOWABLE GROSS WEIGHT ON RAIL</b></p> <p>FCR will only provide switching and transportation services for loaded cars with a maximum gross weight on rails of 286,000 lbs.</p>   | <p><b>ITEM 70</b></p> <p align="center"><b>CHANGES IN OR ADDITION OF FIRMS OR INDUSTRIES</b></p> <p>Charges shown in this tariff apply to the physical locations or plant sites and are not affected by name changes or ownership changes or the occupants or property.</p>   |
| <p>For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.</p>  |   |

| <p><b>RULES AND OTHER GOVERNING PROVISIONS<br/>RULES AND REGULATIONS - UNLIMITED</b></p>   | <p><b>RULES AND OTHER GOVERNING PROVISIONS<br/>RULES AND REGULATIONS - UNLIMITED</b></p>  |
|--|---|
| <p><b>ITEM 75</b><br/>[C]</p> <p style="text-align: center;"><b>CREDIT</b></p> <p>All Customers will be required to apply for credit with the FCR. Credit will be granted solely at the discretion of FCR. All charges contained in this tariff will be billed by the FCR and paid by the responsible party in U.S. funds, in full, within fifteen (15) calendar days from the date of the bill.</p> <p>NOTE: Errors discovered in bills by Customers should be corrected by them and paid accordingly. Payment of all bills, including those corrected by Customers, must be made within the credit period. Payment of bills alleged to be incorrect will not prejudice patron's claims, filed within the statutory period, for refund of overcharges. If Customers receive bills that they believe they are not responsible for paying, they must notify FCR within the credit terms that they are not responsible for paying the bills.</p> <p>Notwithstanding anything to the contrary in this tariff, if a Customer disputes charges received in a bill from FCR, Customer must follow the procedures as specified in Item 197 of this tariff.</p> <p>Payment of an amount less than stated on a FCR invoice will be considered as payment on account and not as payment in full, notwithstanding any notation to the contrary on the payer's remittance. Acceptance by FCR of the lesser amount will not constitute an accord and satisfaction. The payer will be advised of any remaining balance deemed due after application of the remitted funds.</p> <p>Notwithstanding anything to the contrary in this tariff, if a Customer does not pay the charges in a bill received from FCR within the time period specified in this tariff, FCR, at its sole discretion, may revoke Customer's credit with FCR and require Customer to pay FCR cash in advance of delivery of services ("COD") prior to FCR providing pick-up and/or delivery of Customer's railcars. FCR will give the Customer ten (10) days' written notice before the provisions of this paragraph are invoked.</p> <p><b>FINANCE CHARGES:</b> The FCR will assess a finance charge of 1.5% per month (18% per annum) on unpaid bills for freight and miscellaneous charges, including, without limitation, demurrage, switching and weighing, which are past our credit terms. The finance charge continues to accrue daily until the date payment is received by FCR, not the date payment is made or the date postmarked on the payment.</p> <p>Customers with past due amounts will receive a finance charge invoice each month. Finance charges will be assessed on delinquent bills for freight or miscellaneous charges as of the end of the month reduced by amounts in dispute and any payments received by month end but not posted.</p> <p>If FCR, at its sole discretion, uses a collection agency or attorneys to collect delinquent bills for freight or other charges and FCR is successful in collecting such charges, Customers shall reimburse FCR for all reasonable collection costs, including reasonable collection agency fees and reasonable attorneys' fees.</p> | <p><b>ITEM 80</b></p> <p style="text-align: center;"><b>SECURITY DEPOSITS FOR PAYMENT OF FREIGHT DEMURRAGE AND OTHER ACCESSORIAL CHARGES</b></p> <p>A security deposit to insure payment of any freight demurrage, detention, storage or other accessorial charges that may accrue will be required for any consignor, loader consignee, unloader, beneficial owner, Care-of-Party or other responsible parties, hereafter referred to as "Customer" as defined in Item 120, who fails to pay demurrage, detention, storage, switching or other accessorial charges after specific written demand referring to this tariff provision. This railroad will give Customer ten (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 per freight car of demurrage, detention, storage, switching or other accessorial charges outstanding at the time this tariff provision is invoked against Customer. The maximum amount of deposit will be determined by this railroad's credit office or through other alternative forms of security. The credit office may waive the minimum deposit per car by accepting a revolving deposit of \$1,000.00 to [I]\$50,000.00 based on traffic volume. The deposit will be held in an escrow account to guarantee payment of and to be applied against any switching, 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 thirty (30) days after notification by its agents that the equipment has been released to this railroad. Any switching, demurrage, detention, storage or other accessorial charges will be deducted from the deposits 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 switching, demurrage, detention, storage and other accessorial charges and has given assurance in writing to the satisfaction of this railroad's credit office that future switching, demurrage, detention, storage and other accessorial charges will be paid within the credit period.</p> |
| <p>For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.</p>   |   |

**FT FCR 9001-D**

| <b>SECTION 1<br/>CAR DEMURRAGE AND STORAGE<br/>RULES AND CHARGES</b>  | <b>SECTION 1<br/>CAR DEMURRAGE AND STORAGE<br/>RULES AND CHARGES</b>  |
|---|---|
| <p><b>ITEM 100</b></p> <p align="center"><b>APPLICATION</b></p> <p>Except where provided to the contrary, Demurrage Rules and Charges contained herein apply to all railroad owned, leased or controlled cars and private cars held for or by consignors, loaders, consignees, unloaders, beneficial owners, Care-of-Partys or other responsible parties for any purpose.</p>   | <p><b>ITEM 120 (Cont'd)</b></p> <p align="center"><b>DEFINITIONS (Cont'd)</b></p> <p><b>DEMURRAGE DAY</b> - A twenty-four hour (24) hour period (calendar day), or part thereof, commencing at the first 0700 after tender.</p> <p><b>DISPOSITION</b> - Instructions furnished or given to railroad which provides for the release or tender of the car from consignor's, loader's, consignee's, unloader's or Care-of-Party's account.</p> <p><b>DIVERSION</b> - An order provided by the consignor instructing that a car(s) be delivered to a location other than the one indicated on the original forwarding instructions.</p> <p><b>EMPTY CAR(S) ORDERED AND NOT USED</b> - Empty car(s), placed for loading as ordered, and subsequently released without being used in transportation service.</p> <p><b>ELECTRONIC OR MECHANICAL DEVICE</b> - Communication device such as telegram, facsimile transmission, telex, mailgram, computers, etc.</p> <p><b>EMPTY RELEASE INFORMATION</b> - Advice by consignor, loader, consignee, unloader or Care-of-Party given to authorized FCR personnel that the car(s) is unloaded and available to this railroad. This information must include the identity of the Customer, party furnishing information and the car(s) initial and number.</p> <p><b>FORWARDING INSTRUCTIONS</b> - Shipping instructions given to FCR at the time of release containing all of the necessary information to properly transport the shipment to destination.</p> <p><b>FREE TIME</b> - A period of time following actual or constructive placement during which demurrage is not chargeable. Free time as designated below will be allowed for each car:</p> <p align="center">Cars held for unloading: FORTY-EIGHT HOURS<br/>Cars held for loading: FORTY-EIGHT HOURS</p> <p>Free time will be calculated from the first 7:00 AM following actual or constructive placement. <u>Non-Chargeable Days shall not be included in the calculation of Free time.</u></p> <p><b>INDUSTRIAL TRACKS</b> - A track serving a particular industry, whether located upon property owned by FCR or upon property owned or leased by the industry.</p> <p><b>LOADED CARS</b> - A car(s) that is completely or partially loaded.</p> |
| <p><b>ITEM 120</b></p> <p align="center"><b>DEFINITIONS</b></p> <p>The following definitions define and govern the provisions outlined in this tariff.</p> <p><b>ACTUAL PLACEMENT</b> - When a car(s) is placed in an accessible position for loading or unloading or, at a point designated by the consignor, loader, consignee, unloader or Care-of-Party.</p> <p><b>CARE-OF-PARTY</b> - The party to whom car placement is to be made pursuant to the bill of lading, if other than the consignee at destination. When the bill of lading indicates a Care-of-Party, said party will be responsible for all demurrage, storage and hazardous storage charges.</p> <p><b>CONSIGNEE</b> -The party designated on the bill of lading as the entity entitled to receive delivery of the car from the delivering rail carrier. Consignee would be responsible for any demurrage, storage and hazardous storage charges which accrues at the point of unloading except when the bill of lading also designates a Care-of-Party, in which case the Care-of-Party will be responsible for all demurrage, storage and hazardous storage charges.</p> <p><b>CONSIGNOR</b> -The party designated on the bill of lading as the entity shipping the car to the consignee and delivering the car to the serving rail carrier.</p> <p><b>CONSTRUCTIVE PLACEMENT</b> - When a car(s) which is consigned or ordered to a private track, industrial interchange track or public delivery track cannot be actually placed due to any condition attributable to the consignor, consignee or Care-of-Party, such car(s) will be held on FCR's tracks and notice will be provided to the consignor, consignee or Care-of-Party that the car(s) is held awaiting disposition instructions.</p> <p><b>CUSTOMER</b>- The consignor, loader, consignee, unloader or other party who is responsible for the payment of demurrage, detention, storage or other charges specified in this tariff.</p> <p><b>DEMURRAGE</b> - A charge made on freight cars held by or for consignor, loader, consignee, unloader or Care-of-Party for loading or unloading, prior to issuance of forwarding instructions or for any other purpose.</p> <p align="center">(Continued in next column )</p> | <p align="center">(Continued on next page)</p>  |
| <p align="center">For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.</p>   |   |

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| SECTION 1<br>CAR DEMURRAGE AND STORAGE<br>RULES AND CHARGES   | SECTION 1<br>CAR DEMURRAGE AND STORAGE<br>RULES AND CHARGES   |
|---|---|
| <p><b>ITEM 120</b> (Cont'd)</p> <p align="center"><b>DEFINITIONS</b> (Cont'd)</p> <p><b>LOADED RELEASE INFORMATION</b> - Advice by consignor, loader, consignee, unloader or Care-of-Party given to authorized railroad personnel that a car(s) is available to railroad. Information must include Customer, car initial, number, consignee, destination, STCC and route.</p> <p><b>LOADER</b> - Party physically loading a car at origin. Demurrage charges will be assessed against the Loader who will be responsible for payment of charges accrued at origin.</p> <p><b>LOADING</b> - The complete or partial loading of a car(s) in conformity with applicable loading and clearance rules.</p> <p><b>NON-CHARGEABLE DAY</b> - All Sundays and holidays. Holidays shall include the following: [A]</p> <ul style="list-style-type: none"> <li>New Year's Day - January 1</li> <li>Martin Luther King Day - Third Monday of January</li> <li>Presidents' Birthdays - Third Monday of February</li> <li>Good Friday - Friday before Easter Sunday</li> <li>Memorial Day - Last Monday of May</li> <li>Independence Day - July 4</li> <li>Labor Day - First Monday of September</li> <li>Thanksgiving Day - Fourth Thursday of November</li> <li>Christmas Eve - December 24</li> <li>Christmas Day - December 25</li> <li>New Year's Eve - December 31</li> </ul> <p>When these dates occur on a Sunday, the following Monday will be observed as the holiday.</p> <p><b>NOTIFICATION</b> - When required, written or verbal notification will be furnished to the parties entitled to receive notice that the car(s) is available for loading, unloading, or otherwise impacted by demurrage provisions.</p> <p><b>OTHER THAN PUBLIC DELIVERY TRACK</b> - Any trackage assigned for individual use, including privately owned or leased tracks.</p> <p><b>ORDER-IN CUSTOMER</b> - A Customer who, by prior arrangement, has notified FCR that cars shall not be placed for loading or unloading, or considered to be placed, until FCR has received an order for placement from said Customer, subject to rules and provisions of this tariff.</p> <p><b>PARTIAL UNLOADING</b> - The partial unloading of a car(s) and furnishing of the proper forwarding or handling instructions.</p> <p><b>PASSENGER CAR(S)</b> - A car(s) configured for the movement of people.</p> <p><b>PRIVATE CAR(S)</b> - A car(s) bearing other than railroad reporting marks that is not railroad owned or controlled.</p> <p align="center">(Continued in next column)</p> | <p><b>ITEM 120</b> (Cont'd.)</p> <p align="center"><b>DEFINITIONS</b> (Cont'd.)</p> <p><b>PRIVATE TRACK</b> - Tracks that are not owned or leased by the railroad.</p> <p><b>PUBLIC DELIVERY TRACK</b> - Track that is open to the general public for loading and unloading.</p> <p><b>RAILROAD CONTROLLED CAR(S)</b> - A car(s) bearing other than railroad reporting marks that is either leased or controlled by a railroad.</p> <p><b>RAILROAD PREMISES</b> - All tracks which FCR provides for its own use and purposes or for general public use and all other tracks located inside of its right-of-way or yards and terminals, except tracks located on or within the confines of property or leased by a Customer.</p> <p><b>RECONSIGNMENT</b> - An order provided by consignor to bill a car(s) to other than the original consignee. (An order to turn over the car(s) to another party that does not require any additional movement of the car(s), is not a reconsignment).</p> <p><b>REFUSED LOADED CAR(S)</b> - When the original loaded car(s) is refused at destination without being unloaded.</p> <p><b>RELOADING</b> - When a car(s) is held for loading after being released as an empty.</p> <p><b>RESHIPMENT</b> - A new document by which the entire original shipment is forwarded in the same car(s) to another destination.</p> <p><b>SERVING YARD</b> - A classification yard where the local train serving the Customer originates.</p> <p><b>SHIPPER ASSIGNED CAR(S)</b> - Specific empty car(s) assigned to a particular shipper for their exclusive use.</p> <p><b>STOPPED IN TRANSIT</b> - When a car(s) is held en route due to any condition attributable to the consignor, loader, consignee, unloader, Care-of-Party or owner.</p> <p><b>TEAM TRACK</b> - A track or tracks assigned by FCR and another point on the FCR.</p> <p><b>TENDER</b> - The notification, actual or constructive placement, of an empty or loaded car(s).</p> <p><b>TIME</b> - Local time is applicable and is expressed on the basis of the 24-hour clock.</p> <p><b>Example:</b> 07:00 AM is expressed as 0700 Hours.</p> <p><b>UNLOADER</b> - Party physically unloading a car at destination.</p> <p><b>UNLOADING</b> - The complete unloading of a car(s), and the advice received from the consignee or unloader that the car (s) is empty and available to the railroad.</p> |
| <p>For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.</p>  |   |

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| SECTION 1<br>CAR DEMURRAGE AND STORAGE<br>RULES AND CHARGES  | SECTION 1<br>CAR DEMURRAGE AND STORAGE<br>RULES AND CHARGES   |
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| <p><b>ITEM 130</b></p> <p align="center"><b>NOTIFICATION TO CONSIGNOR OR CONSIGNEE</b></p> <p>A. FCR will furnish the following notifications as indicated:</p> <ol style="list-style-type: none"> <li>1. Cars for other than public delivery tracks:               <ol style="list-style-type: none"> <li>a. Notice of constructive placement if car(s) are held on FCR tracks due to reasons attributable to the consignor, loader, consignee, Care-of-Party or unloader.</li> <li>b. Delivery of car(s) upon tracks of consignee will constitute notice.</li> <li>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.</li> </ol> </li> <li>2. Cars for public delivery tracks:               <ol style="list-style-type: none"> <li>a. Notice will be given to the party entitled to receive notification when car(s) is actually placed.</li> </ol> </li> </ol> <p>B. Notification may be given in writing or electronically, and will contain the following:</p> <ol style="list-style-type: none"> <li>1. Car initials and number.</li> <li>2. If lading transferred en route, the initials and number of the original car.</li> <li>3. Commodity.</li> </ol> | <p><b>ITEM 140</b></p> <p align="center"><b>NOTIFICATION TO FCR</b></p> <p>A. FCR will accept forwarding instructions, empty release information or, other disposition twenty-four hours a day via Rail Management Inc.'s Shipper Connect®.</p> <p>B. When electronic or mechanical devices are used to furnish notification to FCR, the recorded date and time that the instructions are received by FCR will govern.</p> <p>C. Faxed forwarding instructions, empty release information, or other disposition will be accepted during normal business hours (7:00 AM to 4:30 PM, Monday through Friday).</p>  |
|  | <p><b>ITEM 150</b></p> <p align="center"><b>CAR(S) HELD FOR LOADING</b></p> <p><b>TENDER:</b></p> <p>A. The notification, actual or constructive placement, of empty car(s) placed on orders of the consignor.</p> <p><b>RELEASE:</b></p> <p>A. Date and time forwarding instructions are received by FCR.</p> <p>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.</p> <p>C. Improperly loaded or overloaded car(s) at origin will not be considered released until the load has been adjusted properly.</p> <p><b>COMPUTATION:</b></p> <p>A. Time will be computed from the <u>first</u> 0700 hours after tender until the release.</p> <p>B. When the same car is unloaded and reloaded, time will be computed from the <u>first</u> 0700 hours after advice is received that the car(s) is empty until the car(s) is released.</p> <p>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 FCR.</p> <p>D. Notwithstanding the foregoing, when a private car is actually placed on a private track, demurrage charges shall not apply to such private car. [A]</p> |
| <p>For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.</p>   |   |

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| <b>SECTION 1<br/>CAR DEMURRAGE AND STORAGE<br/>RULES AND CHARGES</b>  | <b>SECTION 1<br/>CAR DEMURRAGE AND STORAGE<br/>RULES AND CHARGES</b>  |
|---|---|
| <p><b>ITEM 160</b></p> <p align="center"><b>CAR(S) HELD FOR COMPLETE UNLOADING</b></p> <p><b>TENDER:</b></p> <p>The notification, actual or constructive placement, of a loaded car(s).</p> <p><b>RELEASE:</b></p> <p>A. Date and time that the railroad receives advice that the car(s) is empty.</p> <p>B. Car(s) placed on the interchange tracks of a consignee who performs its own switching must be returned to the interchange track for release.</p> <p>C. When the same car is unloaded and reloaded, empty release information must be furnished at the time the car is made empty. If not furnished, demurrage will continue on the car until the forwarding instructions are received by FCR.</p> <p>D. Notwithstanding the foregoing, when a private car is actually placed on a private track, demurrage charges shall not apply to such private car. [A]</p> <p><b>COMPUTATION:</b> Time will be computed from the <u>first</u> 0700 hours after tender until release.</p>            | <p><b>ITEM 170 (Cont'd)</b></p> <p align="center"><b>CAR(S) HELD FOR OTHER THAN LOADING OR UNLOADING</b></p> <p><b>COMPUTATION:</b></p> <p>Time will be computed from the <u>first</u> 0700 hours:</p> <p>A. After tender, until release, on car(s):</p> <ol style="list-style-type: none"> <li>1. Diverted</li> <li>2. Empty for loading – ordered and not used (other than a rejected car)</li> <li>3. Partially unloaded</li> <li>4. Reconsigned</li> <li>5. Reshipped</li> <li>6. Stopped in transit</li> </ol> <p>B. After car(s) are received by FCR until date of disposition on:</p> <ol style="list-style-type: none"> <li>1. Car(s) received from interchange from connecting carrier</li> <li>2. Loaded private car(s) returned to railroad tracks</li> <li>3. Empty car(s) moving as freight with STCC 37 422 XX</li> </ol> <p>C. After tender until date of refusal on:</p> <ol style="list-style-type: none"> <li>1. Refused loaded car(s) (consignee)</li> </ol> <p>D. After tender until date of disposition on:</p> <ol style="list-style-type: none"> <li>1. Refused loaded car(s) (consignor)</li> </ol> <p>E. After tender until release or placement on private tracks on:</p> <ol style="list-style-type: none"> <li>1. Loaded private car(s) – while held on railroad tracks</li> <li>2. Empty car(s) moving as freight with STCC 37 422 XX</li> </ol> |
| <p><b>ITEM 170</b></p> <p align="center"><b>CAR(S) HELD FOR OTHER THAN LOADING OR UNLOADING</b></p> <p>Applies to car(s) held:</p> <p>A. On orders of consignor, loader consignee, Care-of-Party or unloader.</p> <p>B. Awaiting proper disposition from the consignor, loader, consignee, Care-of-Party or unloader.</p> <p>C. As a result of conditions attributable to consignor, loader, consignee, Care-of-Party or unloader.</p> <p><b>DISPOSITION:</b></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><b>TENDER:</b></p> <p>The notification, actual or constructive placement of a loaded car(s).</p> <p><b>RELEASE:</b></p> <p>Date and time that the railroad receives advice that the car is empty, or that forwarding instructions are received.</p> <p align="center">(Continued in next column)</p> | <p><b>ITEM 175</b></p> <p align="center"><b>UNIT TRAINS</b></p> <p>When cars are moving as a unit train, requiring return of origin or interchange as a unit train, no cars will be considered released, from loading or unloading, until all cars in the train have been properly released. The date and time of the release of the last car released will be the date and time of release for all cars in the train for purposes of calculating demurrage. This item will apply only to railroad marked or controlled cars.</p>   |
| <p align="center">For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.</p>   |   |

| <p style="text-align: center;"><b>SECTION 1<br/>CAR DEMURRAGE AND STORAGE<br/>RULES AND CHARGES</b></p>   | <p style="text-align: center;"><b>SECTION 1<br/>CAR DEMURRAGE AND STORAGE<br/>RULES AND CHARGES</b></p>  |
|---|--|
| <p><b>ITEM 180</b></p> <p style="text-align: center;"><b>DEMURRAGE PLAN</b></p> <p>A. Settlement of charges will be made monthly on all car(s) released during each calendar month.</p> <p>B. Cars held for loading or unloading, upon the expiration of forty-eight (48) hours free time as defined herein, will be subject to a demurrage charge of \$60.00 per day or fraction thereof until the car is released.</p> <p>Exception 1 - When a car has a mechanical designation of "FD", "FM", or "FW" and capacity is excess of 130 tons, See Item 330.</p>  | <p><b>ITEM 193</b></p> <p style="text-align: center;"><b>STORAGE OF EMPTY CARS FORMERLY CONTAINING<br/>HAZARDOUS COMMODITIES</b></p> <p>The storage charges provided in this item apply to empty railcars which formerly contained hazardous commodities designated as toxic/poison inhalation hazard, inhalation hazard and explosives. The storage charges shown below will apply to the Customer (defined for the purpose of this subsection as the consignee or Care-of-Party of the empty railcar) for each empty car; if the railcar's prior movement contained any of the commodities listed in Item 195.</p> <p>The storage charges provided in this item are in addition to applicable demurrage charges and, except as provided below, the application provisions of this tariff will govern in determining these storage charges.</p> <p>Storage will be computed from the first 7:00 AM after actual placement or notification of constructive placement was sent or given by FCR for the empty car and continue until notification to FCR with proper forwarding instructions is received by FCR in accordance with Item 140.</p> <p>Storage Charges: Two Hundred Dollars (\$200.00) per empty car per day or fraction thereof.</p> |
| <p><b>ITEM 190</b></p> <p style="text-align: center;"><b>STORAGE OF LOADED HAZARDOUS COMMODITIES</b></p> <p>The storage charges provided in this item apply to loaded hazardous commodities designated as toxic/poison inhalation hazard, 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.</p> <p>Loaded cars, consigned or ordered for delivery on private or leased tracks, which first must be held on FCR 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 FCR for the loaded car and continue until notification to FCR for placement on private tracks is received in accordance with Item 140.</p> <p>Loaded cars, held on FCR 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 FCR for the loaded car and continue until notification to FCR with proper forwarding instructions is received by FCR in accordance with Item 140.</p> <p>Storage Charges: Five Hundred Dollars (\$500.00) per loaded car per day or fraction thereof.</p> |  |
| <p>For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.</p>  |  |

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| <b>SECTION 1<br/>CAR DEMURRAGE AND STORAGE<br/>RULES AND CHARGES</b>   |         |         |         |         | <b>SECTION 1<br/>CAR DEMURRAGE AND STORAGE<br/>RULES AND CHARGES</b>                               |         |         |         |         |
|--|---------|---------|---------|---------|--|---------|---------|---------|---------|
| <b>ITEM 195<br/>HAZARDOUS MATERIALS STANDARD<br/>TRANSPORTATION COMMODITY CODE (STCC)</b>  |         |         |         |         | <b>ITEM 195 (Cont'd)<br/>HAZARDOUS MATERIALS STANDARD<br/>TRANSPORTATION COMMODITY CODE (STCC)</b> |         |         |         |         |
| The following is a list of Standard Transportation Commodity Code Numbers (STCC) for toxic/poison inhalation hazard, inhalation hazard and explosives: |         |         |         |         |  |         |         |         |         |
| STCC   | STCC    | STCC    | STCC    | STCC    | STCC   | STCC    | STCC    | STCC    | STCC    |
| 4821019  | 4901301 | 4901445 | 4901581 | 4901833 | 4920116  | 4920319 | 4920399 | 4921020 | 4921744 |
| 4821261  | 4901302 | 4901450 | 4901582 | 4901834 | 4920117  | 4920320 | 4920502 | 4921023 | 4921745 |
| 4821722  | 4901303 | 4901456 | 4901586 | 4901835 | 4920118  | 4920321 | 4920503 | 4921024 | 4921746 |
| 4830030  | 4901305 | 4901461 | 4901587 | 4901836 | 4920122  | 4920322 | 4920504 | 4921028 | 4921756 |
| 4901105  | 4901306 | 4901465 | 4901590 | 4901837 | 4920135  | 4920323 | 4920505 | 4921063 | 4923113 |
| 4901110  | 4901307 | 4901501 | 4901596 | 4901838 | 4920160  | 4920324 | 4920508 | 4921202 | 4923117 |
| 4901130  | 4901308 | 4901504 | 4901597 | 4901839 | 4920164  | 4920325 | 4920509 | 4921207 | 4923209 |
| 4901131  | 4901311 | 4901506 | 4901599 | 4901840 | 4920165  | 4920331 | 4920510 | 4921211 | 4923298 |
| 4901133  | 4901312 | 4901507 | 4901632 | 4901841 | 4920167  | 4920337 | 4920511 | 4921213 | 4927004 |
| 4901134  | 4901315 | 4901510 | 4901705 | 4901842 | 4920173  | 4920342 | 4920513 | 4921216 | 4927006 |
| 4901135  | 4901316 | 4901511 | 4901713 | 4901843 | 4920174  | 4920343 | 4920515 | 4921239 | 4927007 |
| 4901137  | 4901317 | 4901514 | 4901714 | 4901844 | 4920175  | 4920344 | 4920516 | 4921245 | 4927008 |
| 4901140  | 4901319 | 4901516 | 4901715 | 4901845 | 4920178  | 4920346 | 4920517 | 4921248 | 4927009 |
| 4901142  | 4901320 | 4901520 | 4901717 | 4901846 | 4920180  | 4920347 | 4920518 | 4921251 | 4927010 |
| 4901143  | 4901322 | 4901521 | 4901719 | 4901847 | 4920181  | 4920348 | 4920522 | 4921252 | 4927011 |
| 4901149  | 4901324 | 4901526 | 4901720 | 4901848 | 4920183  | 4920349 | 4920523 | 4921254 | 4927012 |
| 4901153  | 4901325 | 4901527 | 4901722 | 4901849 | 4920184  | 4920351 | 4920525 | 4921255 | 4927014 |
| 4901172  | 4901326 | 4901528 | 4901724 | 4901850 | 4920187  | 4920352 | 4920526 | 4921275 | 4927018 |
| 4901174  | 4901336 | 4901530 | 4901725 | 4901851 | 4920188  | 4920353 | 4920527 | 4921287 | 4927019 |
| 4901179  | 4901341 | 4901532 | 4901726 | 4901852 | 4920189  | 4920354 | 4920528 | 4921288 | 4927022 |
| 4901180  | 4901342 | 4901533 | 4901778 | 4901853 | 4920195  | 4920355 | 4920530 | 4921304 | 4927023 |
| 4901205  | 4901343 | 4901535 | 4901779 | 4901854 | 4920196  | 4920356 | 4920531 | 4921401 | 4927024 |
| 4901218  | 4901344 | 4901537 | 4901801 | 4901855 | 4920300  | 4920357 | 4920534 | 4921402 | 4927025 |
| 4901220  | 4901345 | 4901538 | 4901802 | 4901856 | 4920301  | 4920359 | 4920535 | 4921404 | 4927026 |
| 4901223  | 4901350 | 4901539 | 4901803 | 4901857 | 4920302  | 4920360 | 4920536 | 4921405 | 4927027 |
| 4901225  | 4901364 | 4901540 | 4901804 | 4901858 | 4920303  | 4920368 | 4920547 | 4921413 | 4927028 |
| 4901227  | 4901365 | 4901541 | 4901805 | 4901859 | 4920304  | 4920369 | 4920550 | 4921414 | 4930024 |
| 4901229  | 4901366 | 4901542 | 4901806 | 4904209 | 4920305  | 4920371 | 4920556 | 4921420 | 4930030 |
| 4901230  | 4901367 | 4901544 | 4901807 | 4904210 | 4920306  | 4920373 | 4920559 | 4921438 | 4930050 |
| 4901234  | 4901374 | 4901545 | 4901808 | 4904211 | 4920307  | 4920375 | 4920570 | 4921473 | 4930204 |
| 4901235  | 4901376 | 4901546 | 4901809 | 4904879 | 4920308  | 4920378 | 4920571 | 4921487 | 4930260 |
| 4901236  | 4901381 | 4901550 | 4901810 | 4907409 | 4920309  | 4920379 | 4920715 | 4921495 | 4931201 |
| 4901237  | 4901384 | 4901551 | 4901811 | 4907434 | 4920310  | 4920380 | 4921000 | 4921497 | 4932010 |
| 4901240  | 4901388 | 4901552 | 4901812 | 4909306 | 4920311  | 4920381 | 4921003 | 4921558 | 4932352 |
| 4901242  | 4901389 | 4901553 | 4901813 | 4909307 | 4920312  | 4920382 | 4921004 | 4921587 | 4932385 |
| 4901244  | 4901390 | 4901554 | 4901814 | 4910370 | 4920313  | 4920383 | 4921006 | 4921695 | 4933327 |
| 4901245  | 4901391 | 4901557 | 4901815 | 4916138 | 4920314  | 4920392 | 4921008 | 4921722 | 4935231 |
| 4901246  | 4901393 | 4901558 | 4901816 | 4918180 | 4920315  | 4920394 | 4921009 | 4921727 | 4936106 |
| 4901250  | 4901398 | 4901560 | 4901817 | 4918505 | 4920316  | 4920395 | 4921010 | 4921730 | 4936110 |
| 4901254  | 4901399 | 4901561 | 4901819 | 4918507 | 4920317  | 4920396 | 4921016 | 4921741 |         |
| 4901257  | 4901401 | 4901562 | 4901820 | 4920101 | 4920318  | 4920398 | 4921019 | 4921742 |         |
| 4901258  | 4901402 | 4901564 | 4901821 | 4920102 |  |         |         |         |         |
| 4901260  | 4901403 | 4901565 | 4901822 | 4920103 |  |         |         |         |         |
| 4901262  | 4901406 | 4901566 | 4901823 | 4920104 |  |         |         |         |         |
| 4901263  | 4901413 | 4901567 | 4901824 | 4920105 |  |         |         |         |         |
| 4901264  | 4901414 | 4901568 | 4901825 | 4920106 |  |         |         |         |         |
| 4901271  | 4901418 | 4901570 | 4901826 | 4920107 |  |         |         |         |         |
| 4901273  | 4901420 | 4901572 | 4901827 | 4920108 |  |         |         |         |         |
| 4901276  | 4901422 | 4901573 | 4901828 | 4920110 |  |         |         |         |         |
| 4901280  | 4901430 | 4901574 | 4901829 | 4920111 |  |         |         |         |         |
| 4901282  | 4901435 | 4901575 | 4901830 | 4920112 |  |         |         |         |         |
| 4901283  | 4901437 | 4901576 | 4901831 | 4920113 |  |         |         |         |         |
| 4901288  | 4901440 | 4901577 | 4901832 | 4920115 |  |         |         |         |         |
| (Continued in next column)   |         |         |         |         |  |         |         |         |         |
| For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.  |         |         |         |         |  |         |         |         |         |

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| <p align="center"><b>SECTION 1<br/>CAR DEMURRAGE AND STORAGE<br/>RULES AND CHARGES</b></p>   | <p align="center"><b>SECTION 2<br/>SWITCHING, HAULAGE AND MISCELLANEOUS<br/>RULES AND CHARGES</b></p>  |
|--|--|
| <p><b>ITEM 197</b><br/>[C]</p> <p align="center"><b>DISPUTES</b></p> <p>In the event that a Customer disputes the demurrage, storage or other charges received in a bill, the following procedures must be applied:</p> <p>A. The dispute must be specific in nature, applying to a specific car or groups of cars, related to time of actual or constructive placement, release or application of the rules contained in this tariff.</p> <p>B. If the dispute involves demurrage or storage charges, the dispute must be submitted on FCR "Demurrage Dispute Form" shown on last page of this tariff, submitted via email to:<br/><a href="mailto:AR@Omnitrax.com">AR@Omnitrax.com</a></p> <p>C. The dispute must be submitted within fifteen (15) calendar days from the date of the bill. If a dispute is not received within this time, the bill will be considered correct and must be paid.</p> <p>D. Customer must pay the undisputed amount at the time the dispute is filed, according to normal bill payment procedures.</p> <p>E. Amounts in dispute will not be considered past due until fifteen (15) days after the dispute resolution is concluded by FCR.</p> | <p><b>ITEM 200</b></p> <p align="center"><b>APPLICATION AND DEFINITIONS</b></p> <p>Switching charges named herein (unless otherwise specified) will apply for the handling of loaded cars in one direction and empty cars in the reverse direction. If cars are moved empty in both directions, then charges for a one-way movement will apply. If cars are moved empty in one direction and are not returned, they will be charged as if they are loaded and switching of other cars loaded will not be considered as offsetting one-way movement of empty cars. If cars are loaded in both directions, the applicable charge will be assessed for each loaded movement.</p> <p align="center"><b>DEFINITIONS</b></p> <p>(a) <b>INTRA-PLANT SWITCHING</b> - A switching movement of cars, loaded or empty, from one track to another track or between two points on the same track, within the same plant or industry without leaving the tracks of the same plant or industry.</p> <p>(b) <b>INTRA-TERMINAL SWITCHING</b> - A switching movement (other than intra-plant switching) from one track to another track on the FCR.</p> <p>(c) <b>HAULAGE</b> – A movement of a car(s) from a plant or industry located on the FCR to the point of interchange with connecting carriers or visa versa, on line-haul traffic.</p> |
|  | <p><b>ITEM 202</b></p> <p align="center"><b>WEIGHING CARS ON NON-RAILROAD SCALE</b></p> <p>A charge of \$250.00 per car will be assessed for weighing cars on non-railroad scale.</p>  |
| <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"><b>SECTION 2<br/>SWITCHING, HAULAGE AND MISCELLANEOUS<br/>RULES AND CHARGES</b></p>  | <p align="center"><b>SECTION 2<br/>SWITCHING, HAULAGE AND MISCELLANEOUS<br/>RULES AND CHARGES</b></p>  |
|--|--|
| <p><b>ITEM 210</b></p> <p align="center"><b>NON-APPLICATION OF INTRA-PLANT SWITCHING CHARGES</b></p> <p>The Intra-Plant switching charges provided in this tariff will not apply when a car is moved back to the same location on the same track or to a different location on the same track (See NOTE). Such movement must occur as a result of pulling outbound carloads or empties previously unloaded, or placing inbound carloads for unloading or empties for loading.</p> <p>NOTE - Movement to a different location on the same track must be incidental to, and necessary in connection with removal or placement of other loaded or empty cars.</p>   | <p><b>ITEM 220</b></p> <p align="center"><b>PRIVATE OR INDUSTRY TRACKS</b></p> <p>Unless otherwise provided, the private tracks used by industries as named in this tariff are to be used exclusively for the handling of traffic to or from such industries.</p>  |
| <p><b>ITEM 215</b></p> <p align="center"><b>SWITCHING AND HOLDING CHARGES ON CARS HELD FOR INSTRUCTIONS</b><br/>(Unless otherwise specifically provided, the following will apply)</p> <p>When on shipper's instructions loaded cars, or empty cars moving on own wheels, are removed from industry, shop or team tracks and are held by carrier awaiting forwarding instructions, a charge of \$250.00 per car will be assessed against the party responsible for furnishing the forwarding instructions. On loaded cars the charge will be assessed against the party physically loading the car and in whose name demurrage is maintained by this railroad. If cars are subsequently ordered returned to loaders tracks, the applicable switching charge will be assessed against the loader.</p> <p>When loaded cars, or empty cars moving on own wheels at tariff rates, are received from a connecting carrier and are held awaiting forwarding instructions, a holding charge of \$250.00 per car will be assessed against the party responsible for furnishing the forwarding instructions. If cars are subsequently ordered returned to a connecting carrier, the applicable switching charges will be assessed from and to the interchange with the connecting carrier, and will be in addition to the holding charge.</p> <p>The charges provided in this item are in addition to applicable demurrage and storage charges when applicable and will not be absorbed in whole or in part by FCR.</p> | <p><b>ITEM 222</b></p> <p align="center"><b>CHARGE FOR RETURNED LOADS</b></p> <p>A charge of \$250.00 per car will be assessed on loaded cars released by industry, not yet interchanged beyond FCR, and subsequently ordered returned to point of origin by industry.</p>   |
|  | <p><b>ITEM 227</b></p> <p align="center"><b>EMPTY CARS ORDERED BUT NOT LOADED</b></p> <p>On empty cars that are ordered for loading and the service of switching or placing has been performed and the car is not loaded but returned to FCR empty, a switching charge of \$250.00 per car will be assessed for this service and collected from the person, firm, or corporation ordering such cars.</p> |
| <p>For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.</p>   |  |

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| <b>SECTION 2<br/>SWITCHING, HAULAGE AND MISCELLANEOUS<br/>RULES AND CHARGES</b>   | <b>SECTION 2<br/>SWITCHING, HAULAGE AND MISCELLANEOUS<br/>RULES AND CHARGES</b>  |
|---|--|
| <p><b>ITEM 230</b></p> <p align="center"><b>DEFINITIONS OF SWITCHING LIMITS</b></p> <p>Except as otherwise provided herein, the switching limits of the FCR will be defined as all stations and all customers served by the FCR.</p>  | <p><b>ITEM 245</b></p> <p align="center"><b>FREIGHT-IN-BOND</b></p> <p>Cars containing freight-in-bond to be switched locally will not be accepted from connecting line until after permit to receive goods has been issued to consignee by the United States Collectors of Customs.</p>   |
| <p><b>ITEM 232</b></p> <p align="center"><b>INTERCHANGE WITH CONNECTING CARRIERS</b></p> <p>FCR has direct connection with the following railroad:</p> <p align="center">CSX TRANSPORTATION, INC.</p>   | <p><b>ITEM 247</b></p> <p align="center"><b>HANDLING OF "SHIPPER'S ORDER" FREIGHT</b></p> <p>Cars will not be received from connecting lines when consigned "Shipper's Order" or when billed in care of private sidings when consignee is not located on tracks of FCR.</p> <p>Order bills of lading will not be issued to cover intra-terminal movements. (See Item 200)</p>  |
| <p><b>ITEM 235</b></p> <p align="center"><b>PACKAGE REQUIREMENTS</b></p> <p>Charges for switching named in this tariff apply only when shipments are packed in accordance with the requirements published in Tariff UFC 6000-Series. Shipments not packed in accordance with the requirements published in Uniform Freight Classification will not be accepted.</p>   | <p><b>ITEM 250</b></p> <p align="center"><b>PREPAYMENT OF FCR SWITCHING CHARGES</b></p> <p>Charges on all carloads for Intra-Plant or Local Switching movements must be fully prepaid by the party ordering the switch.</p>  |
| <p><b>ITEM 240</b></p> <p align="center"><b>OVERLOAD CHARGES</b></p> <ol style="list-style-type: none"> <li>Cars found to be overloaded while on the tracks of FCR and returned to the shipper or to another point for adjusting the load will be subject to FCR demurrage rules and charges and will be subject to an additional charge of \$500.00.</li> <li>Cars interchanged from FCR to another carrier which are returned to FCR because such cars are overloaded will be subject to demurrage rules and charges of this tariff, and will be subject to an additional charge of \$500.00 per car.</li> <li>No demurrage free time will be allowed.</li> </ol> | <p><b>ITEM 255</b></p> <p align="center"><b>EARLY RELEASE OF CARS PLACED FOR LOADING OR UNLOADING</b></p> <p>When a Customer instructs the release of a car previously placed for loading or unloading, but FCR is unable to remove the car because the loading or unloading of the car has not been completed for reasons not attributable to FCR, the car will remain on demurrage as if the release had not been instructed, and an Intra-Plant switch charge will apply.</p> |
|   | <p><b>ITEM 260</b></p> <p align="center"><b>CLOSING DOORS</b></p> <p>When it is necessary for FCR to close doors, hatches, gates or secure tie down devices on cars, a charge of \$200.00 per car side will be assessed against the customer releasing said car. Cars will not be moved by FCR unless all doors, hatches, gates and tie-down devices are secured.</p>  |
| <p>For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.</p>  |  |

| <p align="center"><b>SECTION 2<br/>SWITCHING, HAULAGE AND MISCELLANEOUS<br/>RULES AND CHARGES</b></p>   | <p align="center"><b>SECTION 2<br/>SWITCHING, HAULAGE AND MISCELLANEOUS<br/>RULES AND CHARGES</b></p>   |
|---|---|
| <p><b>ITEM 265</b></p> <p align="center"><b>SPECIAL MOVEMENTS</b></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 1). The charge for this special service when requiring the assignment of an additional crew will be \$2,000 for up to eight (8) hours and \$250 per hour or fraction thereof for each additional hour not to exceed twelve (12) hours. The special service charge as shown herein for each crew used, will be in addition to any applicable haulage or switching charges. Charges will be assessed against the party requesting the service.</p> <p>NOTE 1 - Special (not regular) service is defined as:</p> <p style="padding-left: 40px;">(a) Service accorded shipments which cannot be handled in regular train operations because of excess weight, height, width or length and which necessitates handling in a special train.</p> <p align="center">OR</p> <p style="padding-left: 40px;">(b) By specific instructions by consignor or consignee.</p> | <p><b>ITEM 272</b></p> <p align="center"><b>TURNING OF CARS TO PERMIT UNLOADING</b></p> <p>1. In instances where it is desired that freight in carloads be placed on industrial or team tracks for loading or unloading from one particular side or end of the car, cars must be properly placarded on both sides, and notation made on the Bill of Lading and waybill substantially as follows:</p> <p align="center"><b>NOTICE TO CARRIER</b><br/>"Deliver car for loading or unloading from the door or end specified by placard."</p> <p>2. When freight in carloads is properly placarded on both sides of the car to load or unload from one particular side or end of the car, and customer directs FCR to turn the car so that loading or unloading can be done from the other side or end of the car, a charge of \$350.00 per car shall apply, in addition to all other lawful charges.</p> <p>The above charge also applies to requests to turn cars which are not properly placarded.</p> <p>3. If the car must be sent to another railroad to accomplish turning, the charges of the other railroad will be in addition to the charges contained in this item.</p> |
| <p><b>ITEM 267</b></p> <p align="center"><b>STANDBY SWITCH ENGINE SERVICE</b></p> <p>Standby switch engine service will be provided upon reasonable advance request to facilitate completion of multiple car shipments. To the extent that the services of a locomotive and crew are required beyond the normal time to spot empty cars and pull loads, FCR will furnish a locomotive and crew at a charge of \$250.00 per hour or portion thereof, subject to a minimum of four hours (\$1,000.00) and a maximum permissible time on duty of twelve (12) hours. Charges will be assessed against the party requesting the special switching service and will be in addition to otherwise applicable charges.</p>   | <p><b>ITEM 275</b></p> <p align="center"><b>DEFINITION OF "PRIVATELY OWNED"</b></p> <p>Where reference to "privately owned" or "privately owned or leased" equipment in this section, it is meant to be equipment not under lease to or controlled by a railroad.</p>   |
| <p>For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.</p>  |   |

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| <b>SECTION 2<br/>SWITCHING, HAULAGE AND MISCELLANEOUS<br/>RULES AND CHARGES</b>  | <b>SECTION 2<br/>SWITCHING, HAULAGE AND MISCELLANEOUS<br/>RULES AND CHARGES</b>  |  |           |          |     |                            |  |  |  |               |
|--|--|--|-----------|----------|-----|----------------------------|--|--|--|---------------|
| <p><b>ITEM 285</b></p> <p align="center"><b>RE-SWITCHING</b></p> <p>Except as otherwise provided, when FCR participates in haulage, cars re-switched under original load or for partial loading or unloading may be switched at the applicable Intra-Plant Switching rate.</p>   | <p><b>ITEM 295</b><br/>[!]</p> <p align="center"><b>HAULAGE CHARGES</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:33%;">CUSTOMERS</th> <th style="width:33%;">COMMODITY</th> <th style="width:33%;">CHARGES</th> </tr> </thead> <tbody> <tr> <td align="center">All</td> <td>All, except as shown below</td> <td>(1) \$281 per car<br/>(2) \$359 per car</td> </tr> <tr> <td></td> <td>Railway Cars, excluding passenger cars, empty, moved on own wheels</td> <td align="center">\$281 per car</td> </tr> </tbody> </table> <p>(1) Applies on cars capable of legal movement at a minimum gross weight not exceeding 263,000 lbs.</p> <p>(2) Applies on cars capable of legal movement at a maximum gross weight exceeding 263,000 lbs.</p> | CUSTOMERS                              | COMMODITY | CHARGES  | All | All, except as shown below | (1) \$281 per car<br>(2) \$359 per car |  | Railway Cars, excluding passenger cars, empty, moved on own wheels | \$281 per car |
| CUSTOMERS  | COMMODITY  | CHARGES                                |           |          |     |                            |  |  |  |               |
| All  | All, except as shown below   | (1) \$281 per car<br>(2) \$359 per car |           |          |     |                            |  |  |  |               |
|  | Railway Cars, excluding passenger cars, empty, moved on own wheels   | \$281 per car                          |           |          |     |                            |  |  |  |               |
| <p><b>ITEM 290</b></p> <p align="center"><b>INTRA-PLANT AND INTRA-TERMINAL SWITCHING</b></p> <p>The FCR will perform Intra-plant and Intra-terminal switching at charges provided below:</p> <p align="center">(Rates in dollars and cents per car)</p> <table border="1" style="width:100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="width:50%;">INTRA-PLANT</th> <th style="width:50%;">INTRA-TERMINAL</th> </tr> </thead> <tbody> <tr> <td align="center">\$150.00</td> <td align="center">\$150.00</td> </tr> </tbody> </table>  | INTRA-PLANT  | INTRA-TERMINAL                         | \$150.00  | \$150.00 |     |                            |  |  |  |               |
| INTRA-PLANT  | INTRA-TERMINAL   |  |           |          |     |                            |  |  |  |               |
| \$150.00   | \$150.00   |  |           |          |     |                            |  |  |  |               |
| <p><b>ITEM 292</b></p> <p align="center"><b>APPLICATION OF HAULAGE CHARGES</b></p> <p>Haulage charges in this tariff apply to all industries on the FCR. The charges named herein (unless otherwise specified) will apply for the handling of loaded cars one direction and empty cars in the reverse direction. If cars are moved empty in both directions, then charges for a one-way movement will apply. If cars are moved empty in one direction and are not returned, they will be charged as if they are loaded and movement of other cars loaded will not be considered as offsetting oneway movement of empty cars. If cars are loaded in both directions, the applicable charge will be assessed for each loaded movement.</p> |  |  |           |          |     |                            |  |  |  |               |
| <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"><b>SECTION 2<br/>SWITCHING, HAULAGE AND MISCELLANEOUS<br/>RULES AND CHARGES</b></p>   | <p align="center"><b>SECTION 2<br/>SWITCHING, HAULAGE AND MISCELLANEOUS<br/>RULES AND CHARGES</b></p>   |
| <p><b>ITEM 309</b></p> <p align="center"><b>DIVERSION OR RECONSIGNMENT</b></p> <p>Diversion or reconsignment means any one or more of the following:</p> <ol style="list-style-type: none"> <li>1. Change in the name of consignee</li> <li>2. Change in the name of consignor</li> <li>3. Change in the destination</li> <li>4. Any other instruction given by consignee, consignor, or owner affecting delivery and requiring an addition to or a change in billing (except orders received prior to arrival on or departure from FCR), and additional movement of the car, or both.</li> </ol> <p>Except as otherwise provided herein, the term "destination" as used in these rules means the billed destination consisting of the Station and the Track of the Consignee.</p> <p align="center"><b>CHARGES:</b></p> <p>When an order is placed with FCR by consignee, consignor, or owner that modifies any of the terms of shipment listed above in this item, the following charges will apply:</p> <ol style="list-style-type: none"> <li>1. If order is received after arrival of the car at FCR, Intra-Plant or Intra-Terminal switch charges will apply as specified in Item 290.</li> <li>2. If order is received prior to arrival of car on FCR or departure from the origin FCR station, diversion and reconsignment charges will not apply.</li> </ol> <p>Cars stopped, diverted or reconsigned under terms of this item are subject to demurrage provisions of this tariff.</p> | <p><b>ITEM 320</b></p> <p align="center"><b>CARS HELD FOR LOADING OR UNLOADING ON<br/>PUBLIC TEAM TRACKS</b></p> <p>Cars held on public team tracks for loading or unloading in excess of forty-eight (48) hours of placement will be charged at the rate of \$50.00 for each day or portion thereof in excess of forty-eight (48) hours. This charge is in addition to any applicable demurrage charges.</p>   |
| <p><b>ITEM 310</b></p> <p align="center"><b>CONGESTION RESULTING FROM RAIL CUSTOMER<br/>MAY RESULT IN AN EMBARGO</b></p> <p>If a rail Customer's excessive retention of railcars results in operational congestion, as determined by the FCR, of the Customer's and/or the FCR's rail tracks, FCR may impose an embargo against the Customer's receipt of further railcars until the congestion is eliminated.</p>  | <p><b>ITEM 330</b></p> <p align="center"><b>SPECIAL TYPE-HEAVY DUTY FLAT CARS HELD FOR<br/>LOADING OR UNLOADING</b></p> <p>Heavy duty flat cars of mechanical designation "FD" "FM" or "FW" with capacity in excess of 130 tons, will be subject to a demurrage charge of \$350.00 per car per day or fraction thereof until car is released.</p> <p>Charges start when car is available to Customer. No free time.</p>   |
|   | <p><b>ITEM 340</b></p> <p align="center"><b>CHARGES FOR SPECIAL TYPE OF HEAVY CAPACITY<br/>FLAT CARS</b></p> <p>A charge of \$575.00 for each car used in addition to the regular local switching rates named herein will be made for each car used both originating and terminating within the same switching district as named in this tariff for the movement of flat cars bearing mechanical designations "FW" of any capacity, and cars of designation "FM" of 151,000 lbs. and over nominal capacity; and a charge of \$1,600.00 per car used on flat cars bearing mechanical designation "FD" as named in The Official Railway Equipment Register and reissues thereof. Said charge also applies on traffic having prior or subsequent barge movement.</p> |
|   | <p><b>ITEM 350</b></p> <p align="center">[1]</p> <p align="center"><b>USE OF IDLER CAR</b></p> <p>When articles on account of length, require more than one car, each additional car (commonly known as an idler) shall be charged \$300.00 per idler.</p>  |
| <p>For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.</p>  |   |



## DEMURRAGE DISPUTE FORM



Enter the requested information for each car (or group of cars if all data is the same).  
 Attach documentation whenever possible, and submit form by mail, fax (866) 831-1189 or

E-mail to: [AR@Omnitrax.com](mailto:AR@Omnitrax.com)

Manager of Accounts Receivable, OmniTRAX, Inc., 50 South Steele Street,  
 Denver, CO 80209

|                            |  |                      |  |
|----------------------------|--|----------------------|--|
| <b>Date:</b>               |  | <b>Company:</b>      |  |
| <b>RR Demurrage Month:</b> |  | <b>Submitted by:</b> |  |
| <b>RR Invoice Number:</b>  |  | <b>Phone:</b>        |  |
|                            |  | <b>E-Mail:</b>       |  |

|                                 |                               |                         |                |                       |   |            |
|---------------------------------|-------------------------------|-------------------------|----------------|-----------------------|---|------------|
| <b>Car Number(s)</b>            |                               |                         |                |                       |   |            |
| <b>Dates</b>                    | <b>Constructive Placement</b> | <b>Actual Placement</b> | <b>Release</b> | <b>Demurrage Days</b> | <b>Credits</b>                            | <b>Net</b> |
| <b>As Billed:</b>               |                               |                         |                |                       |   |            |
| <b>Customer Record:</b>         |                               |                         |                |                       |   |            |
| <b>Explanation:</b>             |                               |                         |                |                       |   |            |
| <b>Documentation:</b>           |                               |                         |                |                       | <b>Attached?</b> <input type="checkbox"/> |            |
| <b>Resolution (for FCR use)</b> |                               |                         |                |                       |   |            |

|                                 |                               |                         |                |                       |   |            |
|---------------------------------|-------------------------------|-------------------------|----------------|-----------------------|---|------------|
| <b>Car Number(s)</b>            |                               |                         |                |                       |   |            |
| <b>Dates</b>                    | <b>Constructive Placement</b> | <b>Actual Placement</b> | <b>Release</b> | <b>Demurrage Days</b> | <b>Credits</b>                            | <b>Net</b> |
| <b>As Billed:</b>               |                               |                         |                |                       |   |            |
| <b>Customer Record:</b>         |                               |                         |                |                       |   |            |
| <b>Explanation:</b>             |                               |                         |                |                       |   |            |
| <b>Documentation:</b>           |                               |                         |                |                       | <b>Attached?</b> <input type="checkbox"/> |            |
| <b>Resolution (for FCR use)</b> |                               |                         |                |                       |   |            |

|                                 |                               |                         |                |                       |   |            |
|---------------------------------|-------------------------------|-------------------------|----------------|-----------------------|---|------------|
| <b>Car Number(s)</b>            |                               |                         |                |                       |   |            |
| <b>Dates</b>                    | <b>Constructive Placement</b> | <b>Actual Placement</b> | <b>Release</b> | <b>Demurrage Days</b> | <b>Credits</b>                            | <b>Net</b> |
| <b>As Billed:</b>               |                               |                         |                |                       |   |            |
| <b>Customer Record:</b>         |                               |                         |                |                       |   |            |
| <b>Explanation:</b>             |                               |                         |                |                       |   |            |
| <b>Documentation:</b>           |                               |                         |                |                       | <b>Attached?</b> <input type="checkbox"/> |            |
| <b>Resolution (for FCR use)</b> |                               |                         |                |                       |   |            |