

SUPPLEMENT  
TO  
FT NKCR 9001

**NEBRASKA, KANSAS & COLORADO RAILWAY, INC.**



**SUPPLEMENT 1  
TO  
FREIGHT TARIFF NKCR 9001**

**NAMING  
RULES AND CHARGES  
GOVERNING  
DEMURRAGE, SWITCHING, LOCAL  
AND  
MISCELLANEOUS RULES AND CHARGES  
ON THE  
NEBRASKA, KANSAS & COLORADO RAILWAY, INC.**

**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: May 11, 2009**

**EFFECTIVE: June 1, 2009**

**ISSUED BY**

**Jonathan Carnes, General Manager  
Nebraska, Kansas & Colorado Railway, Inc.  
128 1st Street  
Grant, NE 69140**

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

**SUPPLEMENT 1 TO FT NKCR 9001**

SECTION 1 CAR DEMURRAGE AND STORAGE RULES AND CHARGES	SECTION 1 CAR DEMURRAGE AND STORAGE RULES AND CHARGES
<p><b>ITEM 120-A</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 NKCR'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><b>ITEM 120-A (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 NKCR 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 NKCR 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 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 align="center">(Continued on next page)</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.</p>	

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<p><b>ITEM 120-A</b> (Cont'd)</p> <p align="center"><b>DEFINITIONS</b> (Cont'd)</p> <p><b>LOADED CARS</b> - A car(s) that is completely or partially loaded.</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> <p>New Year's Day - January 1            Martin Luther King Day - Third Monday of January            Presidents' Birthdays - Third Monday of February            Good Friday - Friday before Easter Sunday            Memorial Day - Last Monday of May            Independence Day - July 4            Labor Day - First Monday of September            Thanksgiving Day - Fourth Thursday of November            Christmas Eve - December 24            Christmas Day - December 25            New Year's Eve - December 31</p> <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 NKCR that cars shall not be placed for loading or unloading, or considered to be placed, until NKCR has received an order for placement from said Customer, subject to rules and provisions of this tariff.</p> <p align="center">(Continued in next column)</p>	<p><b>ITEM 120-A</b> (Cont'd)</p> <p align="center"><b>DEFINITIONS</b> (Cont'd)</p> <p><b>ORDER DATE</b> - The date that the consignor requests empty car(s) to be furnished for loading. [A]</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><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 NKCR 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 align="center">(Continued on next page)</p>
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<p><b>ITEM 120-A</b> (Cont'd)</p> <p align="center"><b>DEFINITIONS</b> (Cont'd)</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>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><b>ITEM 150-A</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 NKCR.</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. If the car is placed earlier than the date of order, time will be computed from the first 0700 hours after the order date until it is released. [A]</p> <p>C. 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>D. 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 NKCR.</p> <p>E. 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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<p><b>ITEM 160-A</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 NKCR.</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.</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-A (Cont'd)</b></p> <p align="center"><b>PRIVATE CAR(S) AND RAILROAD 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 NKCR 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-A</b></p> <p align="center"><b>PRIVATE CAR(S) AND RAILROAD 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>	
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