

**ARKANSAS MIDLAND RAILROAD
WARREN & SALINE RIVER RAILROAD
PRESCOTT & NORTHWESTERN RAILROAD**



Pinsly Railroad Companies

FREIGHT TARIFF AKMD 8001-G

Cancels and supersedes AKMD 8001-F

RULES, REGULATIONS, AND CHARGES

GOVERNING

SWITCHING, ACCESSORIAL, AND DEMURRAGE CHARGES

AT LOCATIONS ON THE

ARKANSAS MIDLAND RAILROAD COMPANY

WARREN & SALINE RIVER RAILROAD COMPANY

PRESCOTT & NORTHWESTERN RAILROAD COMPANY

This tariff applies on interstate traffic and intrastate traffic in Arkansas,
except where expressly provided to the contrary in connection with particular items.

ISSUED: September 1, 2011

EFFECTIVE: October 1, 2011

ISSUED BY:

Manager of Marketing & Sales

314 Reynolds Rd., Bldg 41

Malvern, AR 72104

The provisions published herein, if effective, will not have a negative impact
on the quality of the human environment or energy consumption.

METHOD OF ADDING, CHANGING OR DELETING ITEMS IN THIS TARIFF

Changes to this tariff will be made by reissuing the entire tariff or by issuing supplements. These supplements will show the action taken on each item, namely:

- A Increase
- C Change resulting in neither an increase nor a decrease
- R Decrease

There will be only one supplement to this tariff in effect at any time. Any item contained in a prior supplement will be brought forward to subsequent supplements.

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GENERAL RULES AND REGULATIONS

ITEM 5 DESCRIPTION OF GOVERNING CLASSIFICATION AND EXCEPTIONS

The terms "Governing Classifications" and "Uniform Freight Classification", when used herein, mean: Uniform Freight Classification STB 6000-series, issued by National Railroad Freight Committee, Agent.

ITEM 10 STATION LIST AND CONDITIONS

This tariff is governed by the Official Railroad Station List, OPSL 6000 series, to the extent shown below:

PREPAY REQUIREMENTS AND STATION CONDITIONS:

For addition and abandonment of stations, and except as otherwise shown herein, for prepay requirements, changes in names of stations, restrictions as to acceptance or delivery of freight and changes in station facilities.

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.

GEOGRAPHICAL LIST OF STATIONS

For geographical locations of stations referred to in this tariff by station numbers.

STATION LIST

For the identification of stations when stations are shown or referred to by numbers in this tariff.

ITEM 15 EXPLOSIVES, DANGEROUS ARTICLES

For rules and regulations governing the transportation of explosives and other dangerous articles of freight, also for specifications for shipping containers and restrictions governing the acceptance and transportation of explosives and other dangerous articles, see Bureau of Explosives Tariff BOE 6000-series.

ITEM 20 REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.

- A) Where reference is made in this tariff to tariffs, items, notes, rules, etc., such references are continuous and include supplements to and successive issues of such tariffs and reissues of such items, notes, rules, etc.
 - B) Where reference is made in this tariff to another tariff by STB number, such reference applies also to such tariff to the extent it may be applicable on intrastate traffic.
-

ITEM 30 CONSECUTIVE NUMBERS

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. 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.

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ITEM 35 (C) CAPACITIES AND DIMENSIONS OF CARS

For marked capacities, lengths, dimensions and cubical capacities of cars, see The Official Railway Equipment Register, RER 6413 series. The maximum permissible gross weight on rail for each station on THE RAILROAD is **263,000 lbs** to the following stations except as noted:

| <u>Station</u> | <u>Station No.</u> | <u>Railroad</u> | <u>Branch</u> |
|-----------------------|--------------------|-----------------|---|
| Jacksonville, AR | 4750 | AKMD | Jacksonville |
| Galloway, AR | 4747 | AKMD | North Little Rock |
| North Little Rock, AR | 4762 | AKMD | North Little Rock (see Industry exceptions below) |
| Gurdon, AR | 4876 | AKMD | Gurdon |
| Lake Catherine, AR | 5256 | AKMD | Hot Springs |
| Hot Springs, AR | 5258 | AKMD | Hot Springs |
| Mountain Pine, AR | 5260 | AKMD | Hot Springs |
| Lexa, AR | 5366 | AKMD | Helena |
| Wycamp, AR | 5463 | AKMD | Helena |
| Helena Crossing, AR | 5466 | AKMD | Helena |
| Helena, AR | 5471 | AKMD | Helena |
| West Helena Jct, AR | 5472 | AKMD | Helena |
| W. Helena, AR | 5473 | AKMD | Helena |
| HSW Jct, AR | 5474 | AKMD | Helena |
| Cypress Bend, AR | 52212 | AKMD | Cypress Bend |
| McGehee, AR | 52214 | AKMD | Cypress Bend |
| Dermott, AR | 52216 | AKMD | Warren |
| Baxter, AR | 52478 | AKMD | Warren |
| Cominto, AR | 52480 | AKMD | Warren |
| Monticello, AR | 52484 | AKMD | Warren |
| Wilmar, AR | 52486 | AKMD | Warren |
| Warren, AR | 52488 | AKMD | Warren |
| Warren, AR (WSR) | 1 | WSR | Warren |
| Prescott, AR (PNW) | 1 | PNW | Prescott |

The maximum permissible gross weight on rail is **286,000 lbs** to the following stations except as noted:

| <u>Station</u> | <u>Station No.</u> | <u>Railroad</u> | <u>Branch</u> |
|-----------------------|--------------------|-----------------|---|
| North Little Rock, AR | 4762 | AKMD | North Little Rock (see Industry exceptions below) |
| Malvern, AR | 4834 | AKMD | Hot Springs |
| Butterfield, AR | 5250 | AKMD | Hot Springs |
| Jones Mill, AR | 5252 | AKMD | Hot Springs |
| Wilson Springs, AR | 5254 | AKMD | Hot Springs |

| <u>Station</u> | <u>Industry</u> | <u>Max Weight</u> |
|----------------|----------------------|-------------------|
| N. Little Rock | All American Poly | 263,000 lb |
| N. Little Rock | Arkansas Terminating | 286,000 lb |
| N. Little Rock | Ash Grove Cement | 263,000 lb |
| N. Little Rock | Bruce Oakley, Inc. | 286,000 lb |
| N. Little Rock | Cedar Creek Chemical | 263,000 lb |
| N. Little Rock | Commercial Lumber | 286,000 lb |
| N. Little Rock | Cone Solvents | 286,000 lb |
| N. Little Rock | Davis Transfer | 263,000 lb |
| N. Little Rock | Delta Plastics South | 263,000 lb |

| <u>Station</u> | <u>Industry</u> | <u>Max Weight</u> |
|----------------|--------------------------------|-------------------|
| N. Little Rock | FCC Environmental | 263,000 lb |
| N. Little Rock | Helm Fertilizer | 286,000 lb |
| N. Little Rock | Hilliard Enterprises | 286,000 lb |
| N. Little Rock | Metro Scrap Metals | 286,000 lb |
| N. Little Rock | Peoples Brothers | 286,000 lb |
| N. Little Rock | Polytec | 263,000 lb |
| N. Little Rock | Quality Petroleum | 263,000 lb |
| N. Little Rock | Quality Wholesale Bldg. Prod. | 263,000 lb |
| N. Little Rock | Railroad Distribution Services | 286,000 lb |

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ITEM 40 NATIONAL SERVICE ORDER TARIFF

This tariff is subject to the provisions of various Surface Transportation Board Service Orders and General Permits as shown in National Service Order Tariff STB NSO 6100-series.

ITEM 50 MILEAGE CHARGES ON PRIVATELY OWNED CARS

THE RAILROAD will not pay mileage charges on privately owned car when moving to, from or via stations on THE RAILROAD.

ITEM 60 INDUSTRIES OPEN TO BNSF

The following industries at North Little Rock (station 4762) are among those open to BNSF reciprocal switching. Please contact THE RAILROAD for questions related to industries not listed below.

| | |
|-----------------------|-------------------------|
| Bruce Oakley Terminal | Helm Fertilizer |
| Cedar Creek Lumber | Heritage Crystal Clean |
| Commercial Lumber | Hilliard Enterprises |
| Cone Solvents | Odus Pack |
| Davis Transfer | Peeples Brothers |
| FCC Environmental | Railroad Dist. Services |

ITEM 70 HOLIDAYS

THE RAILROAD holidays are defined, for purposes of this tariff, as: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day following Thanksgiving Day, and Christmas Day.

SECTION 1
SWITCHING RULES AND OTHER GOVERNING PROVISIONS

ITEM 200 EXPLANATION OF SWITCHING CHARGES

Except as otherwise specifically provided herein, switching charges published in this tariff cover the movement of a loaded car in one direction and the empty car in the opposite direction. If cars are loaded in both directions, charge will be assessed for movement in each direction.

ITEM 205 (C) DEFINITION OF TERMS

Contract Switch – dedicated switching service provided to a customer, governed by specific terms and conditions set forth in a contractual agreement between the customer and THE RAILROAD.

Hold Tracks – Railroad tracks on the North Little Rock Branch, the Warren Branch and the Cypress Bend Branch of the Arkansas Midland Railroad used to temporarily hold cars when they cannot be actually placed for loading or unloading because of a condition not attributable to the Arkansas Midland Railroad.

Intermediate Switch – A switching movement between interchange tracks of one carrier to interchange tracks of another carrier within the switching limits of the same station.

Inter-Terminal Switch - A switching movement between tracks on THE RAILROAD and interchange with connecting lines when within the switching limits of the same station or THE RAILROAD branch.

Intra-Plant Switch - A switching movement from one location to another location wholly within the confines of the same (single) plant or customer site located on THE RAILROAD.

Intra-Terminal Switch - A switching movement (other than intra-plant) from one location to another on THE RAILROAD, within the switching limits of one station or THE RAILROAD branch.

Lease Track – Any trackage assigned to a user through written agreement.

Public Delivery Track – Any accessible track open to the general public for loading and unloading.

Private Track – A track outside of THE RAILROAD’s right-of-way, yard, and terminals, and of which THE RAILROAD does not own either rails, ties, roadbed, or right-of-way. The track may be used jointly by two or more parties when written notice has been furnished to THE RAILROAD by the owner of the track prior to such joint use; or, a track or portion thereof owned or operated by THE RAILROAD that is leased for the purpose of the storage of rail cars of Lessee through a written agreement. The joint use of a lease track by each of two or more parties must have written consent from THE RAILROAD prior to such joint use.

Railroad Tracks – Tracks owned or leased by THE RAILROAD

Special Switch – A switch request that does not fall into one of the defined switch categories above. Includes switch requests for (1) indexing of railcars for loading or unloading, (2) switching service to be performed at a time other than that scheduled by THE RAILROAD, (3) switching

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services that exceed parameters set forth in an established agreement for Contract Switching, (4) those movements required because of excessive dimensions, excessive weight, high center of gravity, or other conditions not permitting normal train operation.

THE RAILROAD – Arkansas Midland Railroad (AKMD), Prescott & Northwestern Railroad (PNW) or Warren & Saline River Railroad (WSR).

ITEM 210 (A) SWITCH CHARGES

Except as otherwise provided herein, THE RAILROAD will assess the following charges in dollars per car for switching service as defined in Item 205:

| | |
|------------------------|--------------------------|
| INTRA-PLANT SWITCH: | \$120.00 |
| INTERMEDIATE SWITCH: | \$200.00 |
| INTRA-TERMINAL SWITCH: | \$200.00 |
| INTER-TERMINAL SWITCH: | \$300.00 |
| SPECIAL SWITCH: | See Item 300 for charges |

ITEM 215 (C) OVERLOADED CARS

The charges in this item are published as a deterrent to the unsafe practice of overloading rail cars and are not connected in any way with line-haul transportation charges. These charges are NOT freight or "or other lawful charges" within the meaning of Section 7 of the bill of lading, and the execution of Section 7 will not in any way relieve the consignor from the responsibility for the charges in this item.

Rail cars must be loaded in conformity with railroad rules and; 1) must not be loaded in excess of the load limit stenciled on the cars, and; 2) must not be loaded in excess of the established maximum gross weight on rail for a specific station or a specific industry (i.e. customer) as provided in Item 35; except by special permit.

Any car exceeding these established weight limits by more than 1,000 lbs will be assessed a charge of \$275.00 per car. Charges will be assessed regardless of whether the overload is discovered in transit or at point of final unloading. Consignor will be liable for overload charges and all damages to overloaded cars.

In addition to the charges provided in this item, when a car is found to be overloaded in transit:

- A) Car may be placed at or near the location where the overload is discovered and consignor requested to arrange for reduction at consignor's expense.
- B) If consignor fails to reduce the weight within 48 hrs of notification, carrier may remove and dispose of the excess to allow the car to continue safely to destination. Actual cost of removal and disposition to be paid by consignor.
- C) At carrier's discretion, car may be returned to the consignor for removal of the excess weight.
- D) Linehaul and switching charges will be assessed as applicable.
- E) See Item 790 for demurrage application.

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ITEM 220 IDLER OR TRAILER CARS

Idler or trailer cars accompanying loaded cars will be treated as loaded cars.

ITEM 230 "SHIPMENT TO ORDER", "ORDER NOTIFY" OR "STRAIGHT BILL OF LADING" REQUIRING SURRENDER OF BILL OF LADING OR WRITTEN ORDER

- A) When the original Bill of Lading or written order covering a shipment described above is not available, the property may be delivered in advance of the surrender of the Bill of Lading or written order, as the case may require, under the provisions of Rule 7 of the UFC.
 - B) If a Bill of Lading is tendered after 7:00 am of the day following loading, a charge of \$100 per car will apply.
 - C) Order Bills of Lading – When Order Bills of Lading or written orders are received prior to arrival of car on THE RAILROAD, there will be no charge. Order Bills of Lading or written orders received after arrival of cars on THE RAILROAD will be assessed a charge of \$100.00 per car.
 - D) Cars held awaiting instructions under terms of this item will be subject to demurrage provisions of this tariff. Demurrage charges will accrue against the party issuing instructions.
 - E) Order Bills of Lading will not be issued covering intra-terminal or inter-terminal movements.
-

ITEM 240 CARS FURNISHED BUT NOT USED

Except as otherwise provided in tariffs lawfully on file, when an empty car is (1) placed or constructively placed for loading, but is not used in subsequent transportation service and is released empty, a charge of \$200.00 per car in addition to applicable demurrage charges will be made against the party ordering but not using the equipment.

EXCEPTION - This charge will not apply when cars are refused or rejected account of not being in proper condition for loading.

ITEM 250 CHARGES ON CARS RECEIVED WITHOUT BILLING OR WITH IMPROPER BILLING AT INTERCHANGE POINTS

When cars empty or loaded are received at an interchange point by a carrier from its connection without proper billing, such cars will, upon the request of the delivering carrier, be returned, subject to a charge of \$250.00 per car for returning the loaded or empty car to the connections of the carrier making the request.

When instructions are not received within twenty-four (24) hours from time of receipt of car at connection, a hold charge of \$75.00 per car will be assessed thereafter for each twenty-four (24) hours or fraction thereof until instruction or billing is received.

ITEM 260 INTERCHANGE DELIVERY ERRORS (EXCEPT JACKSONVILLE BRANCH)

Cars received by THE RAILROAD in error from delivering carrier will be returned to delivering carrier at a charge of \$445.00 per car, loaded or empty. Charge will be assessed against delivering carrier.

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ITEM 270 CHARGES FOR CARS OF FOUR (4) OR MORE AXLES

- A) Charges for intra-plant or intra-terminal switching at points on these lines will be confined to cars having no more than four (4) axles.
- B) When cars with more than four (4) axles are found in intra-plant, intra-terminal, or inter-terminal service, the charges for such service will be 200% of that shown herein for the same service application on cars with four (4) axles.

ITEM 280 SWITCHING BETWEEN HOLD TRACKS, LEASE TRACKS, PUBLIC DELVIERY TRACKS AND PRIVATE TRACKS

The intra-terminal or inter-terminal switching charges also apply on cars moved between hold tracks, lease tracks, public delivery tracks and / or private tracks

ITEM 290 RESPOTTING CHARGE

An intra-plant switch charge (see Item 210) will be assessed for each movement made in switching cars after placement at the request of customer from one location to another location within the same plant or customer site.

EXCEPTION - No respotting charge will be assessed for removing cars and respotting to the same location in order to place or remove other cars from the same track.

ITEM 300 (C) SPECIAL SWITCH

A switch request that does not fall into one of the defined switch categories above. Includes switch requests for (1) indexing of railcars for loading or unloading, (2) switching service to be performed at a time other than that scheduled by THE RAILROAD, (3) switching services that exceed parameters set forth in an established agreement for Contract Switching, (4) those movements required because of excessive dimensions, excessive weight, high center of gravity, or other conditions not permitting normal train operation.

When such movements can be conveniently arranged by THE RAILROAD with an existing crew, a charge for each hour, or fraction thereof, subject to the hourly rate and minimum charge listed in Column A below, will be assessed.

When such movements can be arranged by THE RAILROAD that require the use of an extra crew, a charge for each hour, or fraction thereof, subject to the hourly rate and minimum charge listed in Column B will be assessed.

SPECIAL SWITCH CHARGES

| | COLUMN A | COLUMN B |
|----------------|-------------|-------------|
| Hourly Rate | \$175.00 | \$175.00 |
| Minimum Hours | 3 | 8 |
| Minimum Charge | \$525.00 | \$1,400.00 |

The above charges are subject to the following provisions:

- A) Special Switch charges are in addition to the regular freight or switching charges, if

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- applicable.
- B) Hours are computed from the time crew is dispatched until switch is completed and crew has returned to the point of dispatch.
 - C) Requests for a Special Switch must be placed by consignor, consignee, or agent of consignor or consignee, in writing or by telephone confirmed by fax or letter. Request shall give all necessary information including car initial and number, location date and time of movement desired, party to be billed, routing, and any other information and instructions pertinent to such movement.
 - D) Requests for a Special Switch that exceed the parameters set forth in an established agreement for Contract Switching must be placed by phone, fax or email, confirmed and authorized by paying party in writing, by email or fax. Requests shall give all necessary information including scope of work, desired location, date and time, applicable car initials, numbers and routings, and any other information or instructions pertinent to the Special Switch request.
 - E) Requests for a Special Switch shall be made far enough in advance of the date and time required to allow THE RAILROAD sufficient time to assemble equipment, personnel, and other incidental requirements, subject to the availability of THE RAILROAD personnel and equipment.
 - F) THE RAILROAD reserves the right to fill out special trains with additional cars.
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ITEM 310 SWITCHING OF LOCOMOTIVES ON OWN WHEELS, BUT NOT UNDER OWN POWER

Locomotives moving on own wheels, but not under own power, when moved from one location to another location within the same switching district, will be assessed a charge of \$400.00. If the locomotive is moved for turning, the charge will be applied in each direction.

ITEM 320 CHARGE FOR HEAVY DUTY FLAT CARS

When heavy-duty flat cars as defined in Tariff ICC RPS 6740-series are used on shipments both originating and terminating within the same switching district, the following charges will be assessed:

USE CHARGE

\$1,000.00 per car switching movement (not subject to any other switching charges published in this tariff).

SPECIAL DETENTION CHARGES

When cars are held beyond the Free Time permitted in Items 720, charges therein will be assessed, and in addition the following detention charges will be assessed for each twenty-four (24) hour period or fraction thereof beyond the authorized free time:

CHARGES IN DOLLARS PER CAR*

| | |
|---|------------|
| 1st 24 hours | - \$150.00 |
| 2nd 24 hours | - \$200.00 |
| 3rd 24 hours | - \$250.00 |
| 4th 24 hours | - \$300.00 |
| 5th 24 hours | - \$350.00 |
| 6th 24 hours and each subsequent 24 hours | - \$450.00 |

NON-USE CHARGE

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When car is ordered, placed, and released back to THE RAILROAD without being used in transportation service, a charge of \$500.00 per car will be assessed and will be in addition to any detention charges that may accrue.

* Higher of daily charge or applied car hire will apply

ITEM 330 TURNING OF CARS TO PERMIT UNLOADING

In instances where it is desired that freight in carloads be placed on 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:

NOTICE TO CARRIER

“Deliver car for loading or unloading from the door or end specified by placard.”

Placards and BOL/Waybill notations will enable THE RAILROAD to determine if a car is properly turned for placement prior to delivery. If necessary, and when turning facilities are available, THE RAILROAD will turn cars to comply with delivery instructions. The following charges will apply:

- A) If THE RAILROAD turns a car to comply with Placards and BOL/Waybill notations, or at customer’s request, a charge of \$250 per car shall apply, in addition to all other lawful charges.
 - B) If the car must move over another railroad to accomplish turning, the charges of the other railroad will be in addition to applicable charges assessed by THE RAILROAD.
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ITEM 340 (C) TEMPORARY DELAY OF TRAIN CREW OR LOCOMOTIVE POWER

When THE RAILROAD’s train crew and/or locomotive is delayed or prevented from continuous movement at the carrier’s ordinary operating convenience because of interruption, interference, or any other condition caused by customer, the train crew and/or locomotive will be held at the nearest available location and the service completed when conditions permit. For such delay, a charge of \$25.00 for each five minutes or fraction thereof in excess of 20 minutes will be assessed to customer. These charges are in addition to any applicable freight or switching charges.

ITEM 350 WEIGHING CHARGES

When a car is weighed or reweighed either empty or loaded at the request of either consignor or consignee, a charge of \$75.00 per car will be made each time the car is weighed.

ITEM 360 DIVERSION OR RECONSIGNMENT

Diversion or Reconsignment means any one or more of the following when a car is located on or under control of THE RAILROAD:

- A) Change in the name of consignee
- B) Change in the name of consignor
- C) Change in the destination

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- D) Change in route
- E) Any other instruction given by consignee, consignor, or owner affecting delivery and requiring an addition to or a change in billing, and additional movement of the car, or both.

Except as otherwise provided herein, the term “destination” as used in these rules means the billed destination. Diversion or Reconsignment orders will not be accepted by THE RAILROAD for cars that are not under its control or for cars that have already reached their destination.

CHARGES:

When an order is placed with THE RAILROAD by consignee, consignor, or owner that modifies any of the terms

- A) The charge for Diversion or Reconsignment will be \$250 per car.
- B) Facilitation of Diversion or Reconsignment is not guaranteed. If the request is not accomplished, no charge will be assessed for the request.
- C) Cars stopped, diverted or reconsigned under terms of this item are subject to demurrage provisions of this tariff.

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| SECTION 2 GENERAL CAR DEMURRAGE RULES AND CHARGES |
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ITEM 700 DEFINITION OF TERMS

For the purpose of applying rules in Section 2 of this tariff, the following are defined and shall govern.

Actual Placement – When a car is placed in an accessible position for loading or unloading, or at a point designated by the consignor or consignee.

Consignee – The party to whom a shipment is consigned and/or the party entitled to receive the shipment.

Consignor – The party in whose name cars are ordered, the shipper, and/or the party who furnishes THE RAILROAD forwarding directions.

Constructive Placement – When a car consigned or ordered cannot be actually placed because of a condition not attributable to THE RAILROAD, such a car will be held at an available hold point and notice shall be sent or given to the consignor or consignee that the car is held (naming the hold point if not held at destination) and that THE RAILROAD is unable to effect placement; however, if a car is placed on the private track serving the consignor or consignee, the car shall be considered constructively placed without notice.

Diversions - An order from consignee to deliver car to other than original destination

Empty Release Information – Advice by consignor or consignee faxed or emailed to authorized personnel of THE RAILROAD that car is unloaded and available to THE RAILROAD. Information given must include identity of consignee, party furnishing data, car initial and number. Date and Time stamp from fax will be used in demurrage calculations.

Forwarding Instructions – Shipping instructions given to THE RAILROAD at the point of loading containing all of the necessary information to transport the shipment to the final destination.

Lease Track – Any trackage assigned to a user through written agreement. Lease track will be treated the same as private track under this Section.

Other Than Public Delivery Track – Any railroad track or portion of a track assigned for individual use or for joint use, including privately-owned or leased tracks.

Private Car – A private car is a car bearing other than railroad reporting marks.

Private Track – A track outside of THE RAILROAD's right-of-way, yard, and terminals, and of which THE RAILROAD does not own either rails, ties, roadbed, or right-of-way. The track may be used jointly by two or more parties when written notice has been furnished to THE RAILROAD by the owner of the track prior to such joint use; or, a track or portion thereof owned or operated by THE RAILROAD that is leased for the purpose of the storage of rail cars of Lessee through a written agreement. The joint use of a lease track by each of two or more parties must have written consent from THE RAILROAD prior to such joint use.

Public Delivery Track – Any accessible track open to the general public for loading and unloading.

Railroad-Controlled Car – A railroad-controlled car is a car provided for indiscriminate use by

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THE RAILROAD in servicing any of its customers.

Reconsignment – An order from the consignor to bill a car to other than the original consignee.

Tender - When THE RAILROAD gives notification that a car is available for unloading or loading by either actual or constructive placement to consignor or consignee.

ITEM 710 GENERAL APPLICATION

The rules and charges published herein apply at points on THE RAILROAD on international, interstate, and intrastate traffic. The charges apply on railroad owned or leased cars and on private (non-railroad) owned or leased cars.

EXCEPTION: The provisions of this section are not applicable to private (non-railroad) owned or leased cars held on customer owned or leased tracks where the ownership or lease of the car and the track is the same.

ITEM 720 FREE TIME

- A) Free time for each car will be:
 - 1. Loading: 2 Days (48 hours)
 - 2. Unloading: 2 Days (48 hours)

- B) Time will be computed from actual or constructive placement, whichever comes first.
- C) For the purposes of computing free time, Saturdays, Sundays, and holidays will be included.
- D) One free day will be included for cars placed on Friday.

ITEM 730 (C) NOTIFICATION TO CONSIGNOR OR CONSIGNEE

- A) The following notifications will be furnished as indicated:
 - 1. Cars for Other than Public Delivery Tracks:
 - a. Notice of constructive placement if cars are held on THE RAILROAD's tracks due to reasons attributable to the consignor or consignee.
 - b. Delivery of car(s) upon tracks of consignee, or tracks leased or licensed to consignor or consignee, will constitute notice.
 - c. Consignors or Consignees with leased or licensed tracks will receive a daily notice of cars on hand.
 - d. When two or more parties, each performing their own switching, take delivery of cars from the same track, notice will be given when cars are placed on the that track.
 - 2. Cars for Public Delivery Track: Notice will be given to the party entitled to receive notification when car is actually placed
 - 3. Cars Stopped in Transit: Notice will be given to consignor, consignee, or owner responsible for the car being stopped upon arrival of the car at the point of stoppage.
 - 4. Refused Loaded Car: When a loaded car is refused at destination, THE RAILROAD will give notice of such refusal to the consignor or owner.
- B) Notification may be given in writing or electronically, and will contain the following:
 - 1. Car initials and number
 - 2. Commodity
 - 3. Hold point if other than billed destination

ITEM 740 DEMURRAGE CHARGES

The following charges will apply subsequent to free time allowed (Subject to Notes 1, 2 and 3):
First six days - \$30.00 per car per day
Each subsequent day - \$60.00 per car per day

NOTE 1 - All days following free time will be subject to these charges.

NOTE 2 - Reference herein to charges per day will also apply to fractions of a day.

NOTE 3 - Demurrage charges will be billed to consignee on inbound loaded cars and consignor on empty cars placed for loading unless other arrangements are made in writing prior to delivery.

ITEM 750 EXCEPTIONS TO DEMURRAGE CHARGES

The following situations due to no fault of THE RAILROAD or customer will not be subject to charges. Claims for relief from demurrage rules and charges due to these causes should be made in writing within 30 days by customer or THE RAILROAD.

- A) Strike at plant or customer site served by THE RAILROAD which prevents loading or unloading. However, cars held because of strikes will be subject to detention charges of \$25.00 per car per day for all days including Saturdays, Sundays, and holidays. No free days will be allowed.
 - B) Acts of God (flood, hurricane, earthquake), including weather interference which prevents loading or unloading.
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ITEM 760 PRIVATE CARS HELD ON RAILROAD TRACKS

For the purpose of applying items in this tariff, private cars on private tracks will be exempt from the rules and charges, except that private cars, while held under constructive placement on railroad tracks, will be subject to demurrage charges after expiration of free time allowed, and will be considered released from that demurrage transaction upon receipt of Notice to Deliver car to tracks of consignee.

ITEM 770 EMPTY CARS ORDERED OR APPROPRIATED FOR LOADING BUT NOT USED

When empty cars are placed on orders or appropriated but not used in transportation service, demurrage will be charged for all detention time as provided in Item 740.

ITEM 780 CARS RECEIVED UNDER LOAD AND HELD FOR FORWARDING DIRECTIONS

On loaded cars received from another railroad, or loaded private cars received from private tracks, and held by THE RAILROAD for forwarding directions or other disposition, time will be computed from the actual time such directions are received. Demurrage charges will be assessed for all detention time as provided in Item 740. No free time will be allowed.

ITEM 790 CARS FOUND TO BE OVERLOADED OR IMPROPERLY LOADED

Demurrage charges will be assessed as provided in Item 740 for each day a car is held for weight reduction, beginning with the first 12:00 midnight after the cars is placed into hold for overload status. No free time will be allowed.

ITEM 800 HAZARDOUS COMMODITIES

The consignor of any hazardous commodity shipped via THE RAILROAD shall indemnify THE RAILROAD and hold THE RAILROAD harmless for any and all loss, liability or cost whatsoever that THE RAILROAD may incur or be held responsible for, to the extent that such liability is due to, or arises from: a) defects in or failure of consignor's cars and equipment, b) a failure of consignor or consignor's agent to conduct proper or appropriate pre-shipment inspection of the cars as described in 49 CFR Sec. 173.31 (d) or c) misidentification of commodity shipped.

The foregoing indemnification shall not apply to any loss or liability caused by or due to THE RAILROAD's failure to conduct pre-departure inspections as described in 49 CFR Sec. 174.9 or failure to follow AAR interchange rules, or any other liability resulting from THE RAILROAD's negligence.

The above provisions apply to shipments of Classes A, B or C explosives, as named in Section 172.101 Hazardous Materials Table of Tariff BOE 6000-Series, and hazardous materials, substances or wastes requiring the use of a 4-digit identification number on shipping papers, placards or panels, as named in Section 172.101 Hazardous Materials Table of Tariff BOE 6000-Series, while held on THE RAILROAD premises.

ITEM 810 STORAGE OR HANDLING OF HAZARDOUS COMMODITY CARS

After the expiration of any free time allowed, and in addition to applicable demurrage charges, the following charges will apply per day of twenty-four (24) hours, or fraction thereof, until removal from THE RAILROAD premises:

- A) Class A, B and C –Explosives:
\$500.00 per car per day will apply on cars held on THE RAILROAD premises
- B) Hazardous Materials, Substances, Wastes, Other Than Explosives:
\$500.00 per car per day will apply on cars held on THE RAILROAD premises

The above provisions apply to shipments of Classes A, B or C explosives, as named in Section 172.101 Hazardous Materials Table of Tariff BOE 6000-Series, and hazardous materials, substances or wastes requiring the use of a 4-digit identification number on shipping papers, placards or panels, as named in Section 172.101 Hazardous Materials Table of Tariff BOE 6000-Series, while held on THE RAILROAD premises.

- C) Empty Railcars Formerly Containing Hazardous Materials or Explosives:
\$500.00 per car per day will apply to the Customer (defined for the purpose of this subsection as the consignee of the empty railcar) for each empty railcar released to THE RAILROAD without sufficient forwarding or billing instruction, if the railcar's prior movement contained any of the items referenced in A) or B) above.
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ITEM 820 TOXIC/POISONOUS INHALATION HAZARD (TIH/PIH) CARS

Storage or holding of cars containing toxic or poisonous inhalation hazards (TIH or PIH) on THE RAILROAD tracks is NOT permitted. Such cars must be delivered to consignee's private tracks by the next regularly scheduled train. If consignee's private track is full or access to this track is not granted to THE RAILROAD, then a penalty charge applies.

Charge for TIH/PIH car delay..... \$1,000 per car per day

**EXPLANATION OF ABBREVIATIONS
AND REFERENCE MARKS**

| | |
|------|--|
| AR | Arkansas |
| BOE | Bureau of Explosives |
| NSO | National Service Order |
| OPSL | Official Railroad Station List |
| RER | Railway Equipment Register |
| RPS | Railroad Publication Services |
| STCC | Standard Transportation Commodity Code |
| STB | Surface Transportation Board |
| UFC | Uniform Freight Classification |
| & | And |
| \$ | U.S. Dollars |

- End of Tariff -