

A&R TERMINAL RAILROAD - DRAFT

FREIGHT TARIFF ARTR 8000

LOCAL RATES ON FREIGHT, ALL KINDS

ALSO
RULES, REGULATIONS AND CHARGES
GOVERNING
SWITCHING
AND
DEMURRAGE
AT AND BETWEEN STATIONS
ON THE
A&R TERMINAL RAILROAD

LOCAL FREIGHT TARIFF

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

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ISSUED BY:
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President

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Freight Tariff ARTR 8000



TABLE OF CONTENTS

SUBJECT	ITEM	SUBJECT	ITEM
Cars delivered in bad order condition, handling of	260	Switching:	
Cars furnished but not used	110	Inter-Terminal, Definition	100
Cars interchanged in error	125	Interline/Reciprocal, Charges for	285
Cars of four (4) and more than four (4) axles, charges for	150	Inter-Terminal, Charges for	295
Cars received without billing, or with improper billing at interchange	120	Intra-Plant, Definition	100
Cars Interchanged to Closed Points	130	Intra-Plant, Charges for	200
Consecutive Numbers	20	Intra-Terminal, Definition	100
Demurrage Rules and Charges:		Intra-Terminal, Charges for	200
Application, General	340	Switching of Locomotives on own wheels, but not under own power	180
Cars received under load and held for forwarding instructions	375	Switching from Private side tracks to hold tracks	160
Demurrage Charges	355	Special Switching Service	275
Empty cars ordered or appropriated for loading but not used	370	Special Switching due to Excess Dimensions or Weight	170
TIH/PIH Shipment Rules and Charges	385	Special Switching for Explosives Inhalation Hazard	
Exceptions to Demurrage Charges	360	Commodities and Crude by Rail	171
Free Time	345	Turning of cars to permit unloading	190
Glossary of Terms:	300	Weighing Charges	210
Actual Placement	330		
Consignee	325		
Consignor	320		
Constructive Placement	335		
Private Car	315		
Private Track	305		
Railroad-Controlled Cars	310		
Notification	350		
Overloaded Cars, at origin	380		
Explanation of Abbreviations and Reference Marks 1000 Furnishing Cars	135		
Handling Explosives and Dangerous Articles	40		
Heavy Duty Flats Cars, Charges for	240		
Local Rates:			
Freight, all kinds	280		
Method of Cancelling Items	30		
Order Notify, shipments, etc., Non-Application	140		
Private cars held for loading or unloading	230		
Reference to Tariffs, Items, Notes, etc.	10		
Storage Charges	220		

Freight Tariff ARTR 8000



RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS - GENERAL

ITEM 10 REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.

Where reference is made in this tariff, 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.

ITEM 20 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.

ITEM 30 METHOD OF CANCELING ITEMS

As this tariff is supplemented, numbered items with letter suffixes cancel correspondingly numbered items in the original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequence starting with A.

EXAMPLE—Item 10-A cancels Item 10 and Item 10-B cancels Item 10-A in a prior supplement, which in turn canceled Item 10. For explanation of abbreviations and reference marks not explained herein, see Item 1000-series, this tariff.

ITEM 40 HANDLING EXPLOSIVE, DANGEROUS ARTICLES AND CRUDE OIL BY RAIL

For rules and regulations governing the transportation of explosives and other dangerous articles of freight, and 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. ARTR shall not transport any explosive, Toxic Inhalation Hazard (TIH), Poison Inhalation Hazard (PIH) materials or Crude by Rail except by contract and in special train service. Rates and conditions for special train service, as outlined in Item 171, shall apply in addition to the contracted rate. Any applicable surcharge rate shall also apply.

SECTION 1 SWITCHING AND MISCELLANEOUS RULES AND CHARGES

ITEM 100 DEFINITION OF INTRA-PLANT; INTRA-TERMINAL AND OTHER INTER-TERMINAL SWITCHING INTRA-PLANT

A switching movement from one location to another location within the confines of an industry located on the ARTR.

INTRA-TERMINAL

A switching movement (other than intra-plant) from one location to another on the ARTR, within the switching limits of one station or industrial switching district.

INTER-TERMINAL

A switching movement between industry tracks on the ARTR and interchange with connecting lines when within the switching limits of the same station.

ITEM 110 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, switch charges apply as in Item 295, 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 on account of not being in proper condition for loading.

(1) The term placed or constructively placed as used herein is defined in Items 540 and 545-series of Freight Tariff ASLG 6004-Series.

ITEM 120 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 (see Note), such cars will, upon the request of the delivering carrier, be returned, subject to a charge of \$100.00 per car for returning the loaded or empty car to the connections of the carrier making the request.

NOTE—If instructions are not received within twenty four (24) hours from time of receipt of car at connection, a hold charge of \$50.00 per car will be assessed thereafter for each twenty-four (24) hours or fraction thereof until instruction of billing is received.

ITEM 125 CARS INTERCHANGED IN ERROR

When cars are delivered in interchange in error to ARTR, charge of \$100.00 per car will be assessed against the interchanging railroad delivering such car.

ITEM 130 OVERLOADED CARS

ARTR will not accept cars that are loaded in excess of load limit markings. When a car is found to be loaded in excess of its stenciled load limit while enroute but before placement, it will be placed at or near location where overload is discovered and consignor requested to arrange for disposition, or at carriers convenience it may be returned to the shipper for removal of the excess weight. For the extra service performed, the switching charge as per Item 295 will be assessed which includes weighing. The regular switching charges are additional.

ITEM 135 FURNISHING CARS

ARTR will not undertake to furnish cars at any particular type, size or dimension when to be used in inter-terminal switching. Customers shall arrange for equipment with interline carriers.

ITEM 140 NON-APPLICATION ON ORDER NOTIFY, ETC., SHIPMENTS

Intra-plant, intra-terminal or inter-terminal switching service provided for herein will not be performed on shipments moving under order notify bills of lading or under straight bills of lading (including shipments consigned to one party, notify or advised another party) which carry a provision (see Section 4, Rule 7 of Uniform Freight Classification), requiring the surrender of bill of lading, written order, or other document before making delivery.

ITEM 150 CHARGES FOR CARS OF FOUR (4) AND MORE THAN FOUR (4) AXLES

(a) Charges for intra-plant or intra-terminal switching at points on these lines will be confined in 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 charges per Item 295 herein for the same service application on cars with four (4) axles.

ITEM 160 SWITCHING FROM PRIVATE SIDE TRACKS TO HOLD TRACKS

The intra-terminal switching charges in this section also apply on cars when billed to hold or moved to a storage track.

ITEM 170 SPECIAL SWITCHING DUE TO EXCESS DIMENSIONS OR WEIGHT

When handling excess dimension cars (which exceed Plate F); cars cannot be handled in regular train service. When special switching is provided due to excess dimensions or weight, an additional charge for special handling will be \$1,000.00 per car. This charge will be in addition to any other charge applicable to the movement.

Freight Tariff ARTR 8000



ITEM 171 SPECIAL SWITCHING FOR EXPLOSIVES, INHALATION HAZARD COMMODITIES AND CRUDE OIL BY RAIL

When special switching of explosives, TIH/PIH commodities, or crude oil by rail per Item 40, are constructively placed on ARTR tracks, cars will be subject to charges immediately, without any applicable free time. Immediately upon notification of constructive placement the charge will be \$500.00 for the first 24 hours or portion thereof. Charges will increase to \$1,000.00 per day, or portion thereof, for each day thereafter until space is made available.

ITEM 180 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 \$1,000.00 per unit.

ITEM 190 TURNING OF CARS TO PERMIT UNLOADING

Applicable only on cars loaded and unloaded within the switching limits of the station (including adjacent or contiguous switching of industrial districts) involved.

(a) Except as provided in Paragraph (b), orders calling for placement of cars for unloading from a particular side or end will not be accepted when moving in intra-plant, intra-terminal or inter-terminal service.

(b) Upon request of shipper for a car moving in intraterminal switching service to be placed for unloading from a particular side or end, the ARTR will perform such service at a switch charge as noted in Item 295, which will be in addition to the applicable switching and special equipment penalty charge.

ITEM 200 CHARGES FOR INTRA-PLANT AND INTRA-TERMINAL SWITCHING

Except as otherwise provided herein, ARTR will assess the following charges in dollars per car for switching service as defined in Item 100:

INTRA PLANT \$125.00

INTRA-TERMINAL \$200.00 for any car

ITEM 210 WEIGHING CHARGES

When a car is weighed or reweighed either empty or loaded at the request of either consignor or consignee, a charge of \$100.00 per car will be made each time the car is weighed.

ITEM 220 STORAGE CHARGES

Cars held for storage at the request of the customer will be charged at a rate of \$50.00 per day until released by customer.

ITEM 230 PRIVATE CARS HELD FOR LOADING OR UNLOADING

Should private cars arrive at ARTR for loading or unloading and customer is unable to receive such cars, ARTR will allow customer 48 hours to have car moved for loading or unloading. After 48 hours, car or cars will be assessed a charge of \$40.00 per day until spotted for loading or unloading. After 10 days, cars will be considered in "storage" and charges will apply thereafter as outlined in Item 220.

ITEM 240 CHARGE FOR HEAVY DUTY FLAT CARS

When heavy-duty flat cars as defined in Tariff RIC 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 ARTR demurrage tariff, a charge of \$200.00 will be assessed for each twenty-four (24) hour period or fraction thereof beyond the authorized free time:

NON-USE CHARGE

When car is ordered, placed and released back to ARTR 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.

ITEM 260 HANDLING OF CARS DELIVERED IN BAD ORDER CONDITION

A charge of \$100.00 per car will be assessed against the industry / shipper which offers cars to the ARTR that contain AAR/FRA defects to cover the cost of extra handling. The industry / shipper will also be responsible for the costs of the car repairs at the current AAR pricing.

ITEM 275 SPECIAL SWITCHING SERVICE

Special Switching Service is movement other than normal service at the specific request of the shipper or consignee, or as may be required due to other conditions not permitted in normal operations.

Monday-Saturday: The charge for special switching service will be a minimum \$600.00 for the first four (4) hours, plus \$150.00 for each additional hour or fraction thereof over four (4) hours but not exceeding eight (8) hours per occurrence, and will be in addition to all other charges associated with the movement. The time for the purpose of these charges is to be calculated from the time the crew goes on duty until the crew goes off duty.

(The railroad reserves the right to restrict or modify any request for special service.)

SECTION 2 LOCAL RATES AND INTER-TERMINAL SWITCHING CHARGES

ITEM 280 FREIGHT ALL KINDS

FREIGHT, ALL KINDS, when moving from interchange to interchange or locally within the limits of the on the ARTR; cars will be moved at the rate of \$300.00 per car (loaded or empty).

ITEM 285 INTERLINE/RECIPROCAL SWITCH CHARGE

All traffic originating or terminating on the ARTR are subject to a switch charge of \$300.00 per car. Applies to all interchange traffic from CN and CSX.

ITEM 295 INTER-TERMINAL SWITCHING CHARGES

Handling carrier charges will apply for all cars to/from interchange with connecting carriers as per individual Handling Carrier Agreements with each connecting carriers.

Freight Tariff ARTR 8000



SECTION 3 DEMURRAGE RULES AND CHARGES

ITEM 300 GLOSSARY OF TERMS

For the purpose of applying rules in Section 3 of this tariff, the following are defined and shall govern.

ITEM 305 PRIVATE TRACK

A private track is:

1. A track outside of ARTR's right-of-way, yard and terminals, and of which ARTR 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 ARTR by the owner of the track prior to such joint use; or
2. A track or portion thereof owned or operated by ARTR that is leased for the purpose of the storage of railcars of Lessee through a written agreement. The joint use of a lease track by each or two or more parties must have written consent from ARTR prior to such joint use.

ITEM 310 RAILROAD-CONTROLLED CARS

A railroad-controlled car is a car provided to ARTR directly, by car companies or others, for indiscriminate use of ARTR in servicing any of its customers.

ITEM 315 PRIVATE CAR

A private car is a car bearing other than railroad reporting marks, except as otherwise provided in Item 310.

ITEM 320 CONSIGNOR

The party in whose name cars are ordered and/or the party who furnishes ARTR forwarding directions.

ITEM 325 CONSIGNEE

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

ITEM 330 ACTUAL PLACEMENT

Actual Placement is made when a car is placed in an accessible position for loading or unloading or at a point previously designated by the consignor or consignee.

ITEM 335 CONSTRUCTIVE PLACEMENT

When a car consigned or ordered to a private track cannot be actually placed because of a condition attributable to the consignor or consignee, such a car will be held at an available hold point and notice shall be sent or given the consignor that the car is held (naming the hold point if not held at destination) and that this railroad is unable to effect placement. "Notification may be made by electronic mail or by fax."

ITEM 340 GENERAL APPLICATION

The rules and charges published herein apply at points on the ARTR 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 industry owned or leased tracks where the ownership of lease of the car and the track is the same.

ITEM 345 FREE TIME

Free time for each car will be:

Loading – 1 Day (24 hours)

Unloading – 2 Days (48 hours)

Note 1. Time will be computed from actual or consecutive placement, after 0700.

Note 2. No charges will be made for weekends and holidays prior to first chargeable day. (See Note 5)

Note 3. All applicable switching charges will apply for the cars subject to this item.

Note 4. The applicable switching charges will apply for the cars subject to this item.

Note 5. The applicable charges will accrue on all Saturdays, Sundays or Holidays (See Note 6) subsequent to the first chargeable day, including a Saturday, Sunday or Holiday immediately following the day on which the first charges begin to accrue.

Note 6. Whenever reference is made to "Holidays", it shall mean only these days listed below:

New Years Day – January 1 (See Note 7, this item)

President's Day – Third Monday of February

Memorial Day – Last Monday of May

Independence Day – July 4 (See Note 7, this item)

Labor Day – First Monday of September

Thanksgiving Day – Fourth Thursday in November

Friday after Thanksgiving – Day after Thanksgiving

Christmas Eve – December 24 (See Note 7, this item)

Christmas Day – December 25 (See Note 7, this item)

New Year's Eve – December 31 (See Note 7, this item)

Note 7. When this date occurs on a Sunday, the following Monday will be observed as the Holiday.

ITEM 350 NOTIFICATION

Notification by ARTR and/or industry of arrival or release of cars will be:

(a) In writing by fax.

(b) By electronic mail.

Release of loaded cars by industry to ARTR must be made by electronic mail/EDI, including Bill of Lading entry or receipt by CN or CSX.

Appropriate records will be maintained by ARTR and industry.

ITEM 355 DEMURRAGE CHARGES

The following charges will apply subsequent to free time allowed (Subject to Notes 1, 2, and 3):

On international, interstate and intrastate traffic;

\$50.00 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 360

EXCEPTIONS TO DEMURRAGE CHARGES

The following situations due to no fault of the ARTR or industry 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 industry or ARTR.

- A. Strike at plant or industry served by ARTR 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.

ITEM 370

EMPTY CARS ORDERED OR APPROPRIATED FOR LOADING BUT NOT USED

When empty cars are placed on order or appropriated but not used in transportation service, demurrage will be charged for all detention time as provided in Item 355.

ITEM 375

CARS RECEIVED UNDER LOAD AND HELD FOR FORWARDING DIRECTIONS

On railroad owned cars held by ARTR, or loaded private tracks, and held by ARTR 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 355.

ITEM 380

CARS FOUND TO BE OVERLOADED OR IMPROPERLY LOADED

If cars are found to be overloaded or improperly and not in conformity with railroad loading and clearance rules, the following will apply:

If found while still on industry or railroad tracks where loaded, car will be considered to be placed until adjustment of the load has been made.

If found at origin after having been removed from industry or ARTR tracks where loaded, car will not be considered released until load has been adjusted.

Charges assessed include the Weighing Charge as outlined in Item 210.

ITEM 1000

EXPLANATIONS AND ABBREVIATIONS AND REFERENCE MARKS

ASLG - American Short Line and Regional Railroad Association

ARTR - A&R Terminal Railroad BOE - Bureau of Explosives

CN - Canadian National Railway CSX - CSX Transportation

RIC - Railinc

[C] - Denotes change in wording which results in neither an increase nor reduction.

[NC] - Brought forward without change [R] - Denotes Reduction