

# **General Freight Tariff**

**Publishing Switching & Handling Charges**

**Also Rules and Regulations Governing**

**Demurrage and Storage**

**At Stations on the  
Empire River Railroad, LLC (ERRA)**

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**Issued: 10/01/2024**

**Effective: 03/01/2025**

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**Issued By:**

**Bernard Brown  
Chief Operating Officer  
Empire River Rail, LLC**

Explanation of Abbreviations, Notes, and Reference Marks

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Abbreviations	Explanations
\$ .....	U.S. Dollars
ERRA .....	Empire River Rail
NS .....	Norfolk Southern Railway

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Reference Marks

{1} Stations Shown are in the State of West Virginia

{2} Transload & Team Track Location

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List of Industries by Station

The following industries are served by private or industry tracks located on the ERRA at:

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Item No. 10-A {1} -Stations and Customers

Follansbee, WV

Empire Trimodal Terminal, LLC

FSTI, Inc.

Mountain State Carbon, LLC

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Item No. 10-B {2} Transloads

Transloads

Empire Trimodal Terminal, LLC

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# Section 1

## General Car Demurrage Rules and Charges

Item	Application
1000	<p data-bbox="581 491 1057 537" style="text-align: center;"><u>GENERAL APPLICATION</u></p> <p data-bbox="386 636 1495 1539">A.) Applicable to all points on ERRA lines.</p> <p data-bbox="386 699 1349 779">B.) The disposition of a car at its point of detention determines the purpose of which the car is held and the rules applicable hereto.</p> <p data-bbox="386 804 1495 926">C.) All ERRA controlled and private cars held for or by consignors or consignees for any purpose are subject to demurrage rules and charges in this section, except as follows:</p> <ul style="list-style-type: none"><li data-bbox="483 1020 1162 1052">1.) Private cars held on leased or private tracks.</li><li data-bbox="483 1083 1474 1163">2.) Cars containing freight refused or unclaimed to be sold for the time held beyond legal requirements.</li><li data-bbox="483 1188 1450 1310">3.) Cars assigned to shippers returned empty to point of assignment under load when material is authorized to be returned without freight charges under provisions of freight publications.</li><li data-bbox="483 1341 1450 1421">4.) Cars assigned to shippers returned empty to point of assignment while subject to storage rules.</li><li data-bbox="483 1453 1295 1533">5.) Empty railroad equipment moving on own wheel under transportation charges as freight.</li></ul>
1100	<p data-bbox="678 1633 943 1680" style="text-align: center;"><u>DEFINITIONS</u></p> <p data-bbox="386 1759 1125 1791">The following are to be used in applying this section:</p> <p data-bbox="386 1829 1490 1908"><b><u>Actual Placement</u></b>—is the placement of a car in position accessible for loading or unloading or at a point designated by the consignor or consignee.</p> <p data-bbox="553 1955 1068 1986" style="text-align: center;">(Definitions concluded on next page)</p>

## Section 1

### General Car Demurrage Rules and Charges

Item	Application
1100	<p><b><u>Consignor</u></b>—is the party whose name cars are ordered or the party who furnishes forwarding instructions.</p> <p><b><u>Forwarding Instructions</u></b>—are the instructions given to ERRA containing all the information necessary to transport the shipment to its final destination.</p> <p><b><u>Leased Track</u></b>—is a track assigned to a user through written lease agreement and is considered the same as a private track for demurrage purposes.</p> <p><b><u>Loading</u></b>—is the complete or partial loading of a car and furnishing forwarding instructions.</p> <p><b><u>Loaded Car</u></b>—is a car that is completely or partially loaded.</p> <p><b><u>Private Car</u></b>—is any car bearing other than railroad reporting marks that is not railroad controlled.</p> <p><b><u>Private Track</u></b>—is any track not owned by ERRA, including leased track.</p> <p><b><u>Public Delivery Track</u></b>—is a track open to the general public for loading or unloading.</p> <p><b><u>Reloaded Car</u></b>—is a car that is unloaded and then reloaded without having been removed from the consignor's/consignee's premises whether or not a release was given to ERRA when the car was empty.</p> <p><b><u>Time</u></b>—is the local time at the point where the car is held.</p> <p><b><u>Unloading</u></b>—is the complete unloading of a car and advise received from consignee that the car is empty and available to ERRA.</p>
1150	<p><b><u>NATIONAL SERVICE ORDER TARIFF</u></b></p> <p>This tariff is subject to the provisions of the various Surface Transportation Board Service Orders and General Permits as shown in National Service Orders Tariff STB NSO 6100 series.</p>

# Section 1

## General Car Demurrage Rules and Charges

Item	Application
1170	<p data-bbox="391 407 1382 447"><u>REFERENCE TO TARIFFS, ITEMS, NOTES, AND RULES</u></p> <p data-bbox="391 485 1479 611">Where reference is made in this tariff to tariffs, items, notes or rules, such references are continuous and include supplements to and successive issues of such tariffs and reissue of items, notes or rules.</p>
1200	<p data-bbox="391 688 704 728"><u>NOTIFICATIONS</u></p> <p data-bbox="391 768 1474 846">A.) ERRRA will provide notice either verbally, electronically, via facsimile or by Postal Service mail as follows:</p> <ol data-bbox="488 905 1507 1440" style="list-style-type: none"><li data-bbox="488 905 1507 982">1.) On cars for public delivery tracks, notice will be given to the affected party when the car is placed.</li><li data-bbox="488 1031 1507 1241">2.) On cars for other than public delivery tracks, notice of constructive placement will be given to the affected party. Actual placement of a car upon the tracks of a consignor or consignee will constitute notice except that when two or more parties use the same track, notice will be provided.</li><li data-bbox="488 1283 1507 1360">3.) On cars stopped in transit, notice will be given to the party instructing the stop when the car arrives at the stop point.</li><li data-bbox="488 1402 1507 1440">4.) On refused loaded cars, notice will be given to the consignor.</li></ol> <p data-bbox="391 1514 1511 1682">B.) Consignor, consignee or other affected party must furnish ERRRA forwarding instructions, empty car release information or other disposition (as applicable) verbally or electronically. When the device used indicates time and date, such time and date will govern.</p> <p data-bbox="391 1724 1479 1892">C.) Written release information may be provided to an ERRRA agent on duty at an open agency office. Agent shall note the actual time release was received and affix the station identification stamp upon the release form. Agent's notation of time received will determine time of release.</p>

# Section 1

## General Car Demurrage Rules and Charges

Item	Application
1300	<p data-bbox="388 405 594 443"><u>FREE TIME</u></p> <p data-bbox="388 478 1130 510">Free time as designated will be allowed for each car:</p> <p data-bbox="388 611 818 646">FORTY-EIGHT (48) HOURS</p> <ol data-bbox="388 678 1503 800" style="list-style-type: none"><li>1.) Loading or unloading all 01 STCC commodities handled in switching service, as defined in the switching or other tariffs of ERRA and will include “set-back service” as defined in tariffs on this railroad.</li></ol> <p data-bbox="388 890 837 926">TWENTY-FOUR (24) HOURS</p> <ol data-bbox="388 957 1474 1262" style="list-style-type: none"><li>1.) Complete unloading as defined in Section 2.</li><li>2.) Partial or complete loading as defined in Item 2000.</li><li>3.) Partial unloading as defined in Item 2100.</li><li>4.) Partial unloading and reloading.</li><li>5.) Loading or unloading all non—01 STCC commodities handled in intraplant switching service as defined in switching or other ERRA tariff, and will include “set-back service” as defined within ERRA tariff.</li></ol> <p data-bbox="388 1325 837 1360">TWENTY-FOUR (24) HOURS</p> <ol data-bbox="388 1419 1458 1724" style="list-style-type: none"><li>1.) Cars held in constructive placement, including private cars held on ERRA track.</li><li>2.) Cars awaiting instructions from order-in customers.</li><li>3.) Except as cars received under load and held for forwarding instructions.</li><li>4.) Diversions, reconsignments or reshipments.</li><li>5.) Cars held in transit.</li><li>6.) Storage charges—empty private or system pool cars.</li></ol> <p data-bbox="388 1787 1511 1948">Free time will be computed from the first 7:00 a.m. after placement, or after proper notification has been sent or given where required. For the purpose of computing free time, Saturdays, Sundays, and holidays will be excluded, unless free time has expired and demurrage is being incurred.</p>

## Section 1

### General Car Demurrage Rules and Charges

Item	Application
1400	<p data-bbox="388 474 1203 506"><b><u>MULTIPLE CARLOAD SHIPMENTS OF GRAIN</u></b></p> <p data-bbox="388 552 1243 583">Free time will be provided as prescribed in Item 1300 except:</p> <p data-bbox="388 615 1521 688">Demurrage free time begins with the actual or constructive placement of the final car required in a multiple car order. ERRA must be the originating carrier.</p> <p data-bbox="388 737 1495 856">ERRA maintains the right to place for loading any car which meets the customer's order requirements. This is exempted by private and specific pooled equipment. Equipment substitution does not alter the start of free time.</p> <p data-bbox="388 905 1468 1066">In the event a patron tenders a partial shipment of a multiple car order, free time shall be calculated as a single shipment basis. Partial shipments will be accepted without penalty of free time when ERRA is unable to complete an order by the date required.</p> <p data-bbox="388 1115 1459 1276">Actual placement of early arriving cars ordered for loading can occur prior to commencement of free time. Such illustrated advance placement does not allow partial shipment of a multiple car order without penalty regarding free time as described above.</p>
1500	<p data-bbox="388 1392 602 1423"><b><u>HOLIDAYS</u></b></p> <p data-bbox="388 1482 1463 1514">Whenever reference is made to "holidays", it shall only mean the days listed:</p> <p data-bbox="388 1562 927 1593"><i>New Years Day</i>—01 January, (see note)</p> <p data-bbox="388 1608 557 1640"><i>Good Friday</i></p> <p data-bbox="388 1654 927 1686"><i>Memorial Day</i> — Last Monday in May</p> <p data-bbox="388 1701 943 1732"><i>Independence Day</i>—04 July, (see note)</p> <p data-bbox="388 1747 943 1778"><i>Labor Day</i>—First Monday in September</p> <p data-bbox="388 1793 1076 1824"><i>Thanksgiving Day</i>—Fourth Thursday in November</p> <p data-bbox="388 1839 964 1871"><i>Christmas Day</i>—25 December, (see note)</p> <p data-bbox="388 1913 1401 1984"><b>*Note</b>—When this date occurs on Sunday, the following Monday shall be observed as the holiday.</p>

# Section 1

## General Car Demurrage Rules and Charges

Item	Application
1700	<p><b><u>ACTUAL PLACEMENT</u></b></p> <p>Actual placement is made when a car is placed in an accessible position for loading or unloading at a point previously designated by the consignor or consignee.</p>
1750	<p><b><u>CONSTRUCTIVE PLACEMENT</u></b></p> <p>When a car consigned or ordered to a private track, an industrial interchange track, or an other-than-public-delivery track cannot be actually placed because of a condition attributable to the consignor or consignee, such car will be held at destination, or if it cannot be reasonably accommodated there, 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 ERRA is unable to effect placement; however, if car is placed upon private track, industrial interchange track, or other-than-public-delivery track serving the consignor or consignee, the car shall be considered constructively placed without notice.</p>
1800	<p><b><u>STORAGE IN TRANSIT</u></b></p> <p>Any consignor holding an agreement with ERRA to hold cars under load in transit, are subject to a daily charge. Such charge shall commence at 00:01 a.m. upon the day receipt of advance placing the car in storage is received by an Agent of this road.</p>
<p><b><u>END OF SECTION 1</u></b></p>	



## Section 2

### General Car Demurrage Rules and Charges

Item	Application
2000	<p data-bbox="386 401 1260 443"><b><u>RULES GOVERNING CARS HELD FOR LOADING</u></b></p> <p data-bbox="386 478 1463 604">Loading is the complete or partial loading of a car within the confines of the same industry or public delivery yard and must be completed in conformity with railroad loading and clearance rules.</p> <p data-bbox="386 636 813 667">Loading includes the following:</p> <ol data-bbox="483 695 1414 915" style="list-style-type: none"><li>1.) Advice that the car is ready for forwarding.</li><li>2.) Finishing of forwarding instructions.</li><li>3.) Advice that car is ready for forwarding after being held to finish loading; and</li><li>4.) Advice that car is ready for ERRA inspection and/or measurement to obtain final clearance for movement via route shown on forwarding instructions.</li></ol> <p data-bbox="1344 926 1471 947" style="text-align: right;">(see note 1)</p> <p data-bbox="386 957 1487 1136">Note 1: ERRA utilizes electronic and mechanical devices, which accept communication, either written or oral, the recorded date and time forwarding directions are received from the consignor or affected party will govern the release of cars. If billing or release data is hand delivered to an open ERRA agency, the receiving agent shall denote the time station received, this shall govern the time of release of cars.</p>
2100	<p data-bbox="386 1209 1313 1251"><b><u>RULES GOVERNING CARS HELD FOR UNLOADING</u></b></p> <p data-bbox="386 1304 1003 1335">Unloading or partial unloading shall include:</p> <ol data-bbox="386 1388 1520 1913" style="list-style-type: none"><li>1.) The surrender of bill of lading on shipments “to order” or surrender of written order or advice, or surrender of other lawful substitute.</li><li>2.) Payment of lawful charges when required prior to delivery of the car. (Note 1)</li><li>3.) Furnishing a “turnover” order (an order for deliver to another party) after car has been placed for delivery and no additional movement of the car is made to a point beyond the confines of the same industry or same public delivery yard.</li><li>4.) Advice that the car is ready for forwarding, accompanied by forwarding directions when necessary, after being held to partly unload and partly reload.</li><li>5.) Advice by consignee given to authorized personnel of ERRA, either verbally or electronically, that the car is unloaded and available to this railroad. (Note 2) Information given must include identity of consignee, party furnishing data with car initial and number, with record of such information being maintained by ERRA, including date and time of receipt and identity of the party receiving information.</li></ol> <p data-bbox="386 1965 889 1997">(Unloading Rules concluded next page)</p>

## Section 2

### General Car Demurrage Rules and Charges

Item	Application
2100	<p data-bbox="386 394 1205 428"><u>RULES GOVERNING CARS HELD FOR LOADING—Continued</u></p> <p data-bbox="386 466 1458 726">Note 1: On cars requiring surrender of bill of lading, written order, advice, or other lawful substitute, or on cars requiring payment of lawful charges, whether such cars have been placed in position to unload or not, time will be computed from first 7:00 a.m. after notice of arrival is sent or given to consignee or party entitled to receive same. When the bill of lading order, advice, other lawful substitute, or payment of lawful charges is received by ERRRA by U.S. Mail, it shall be considered as received after 7:00 a.m. of the date received.</p> <p data-bbox="386 772 1468 835">Note 2: Except as otherwise provided in 2200 and 2300, a car will be considered released at date and time advice is received from consignee.</p>
2200	<p data-bbox="386 928 1182 1033"><u>CARS UNLOADED AND RELOADED WHERE ERRRA PERFORMS SWITCHING SERVICE</u></p> <p data-bbox="386 1100 1403 1297">When the same car is both unloaded and reloaded, each transaction will be treated as independent of the other and free time for reloading shall not begin until the first 7:00 a.m. after unloading is complete and advice is given. When empty release information is not furnished, car will be released from the unloading transaction at the date and time forwarding directions are received.</p>
2300	<p data-bbox="386 1360 1386 1465"><u>CARS UNLOADED AND RELOADED WHERE INDUSTRY PERFORMS SWITCHING SERVICE</u></p> <p data-bbox="386 1528 1510 1894">When the same car is both unloaded and reloaded, each transaction will be treated independent of the other and free time for reloading shall not begin until the first 7:00 a.m. after unloading is complete, in which case the industry must notify ERRRA of the date and time car was unloaded and the advice must be given within two (2) days, exclusive of Saturdays, Sundays, and Holidays after completion of unloading. If this information is not furnished within the two (2) day period, car will be released from the inbound demurrage transaction on the date and time empty release information is received or, in the event unloading information is not furnished before 7:00 a.m. on the date loaded car is returned to interchange track, 7:00 a.m. of the date loaded car is returned to the interchange track will be the time and date to be observed on the inbound demurrage transaction.</p>

## Section 2

### General Car Demurrage Rules and Charges

Item	Application
2400	<p><b><u>PUBLIC DELIVERY TRACK</u></b></p> <p>Except as provided in Item 2000 and 2100, on cars for loading and unloading on public delivery tracks, time will be computed from the first 7:00 a.m. after the actual placement (see Note 1) and after required notice has been sent or given.</p> <p>Note 1: When delivery of cars on public track cannot be made on account of more cars on hand than such will accommodate, such cars held at an available point and time computed from the first 7:00 a.m. after notice of arrival at hold point is sent or given consignee, provided one or more such consignee's cars are placed or offered for placement each time the facility is switched.</p>
2500	<p><b><u>STORAGE IN TRANSIT</u></b></p> <p>Loaded cars placed into Storage in Transit (SIT), shall be subject to Demurrage as contained within Section 1, commencing at 7:00 a.m. upon the 31st day of SIT. Until such time, car is governed by SIT daily rates as contained in Section 1. This excludes movement charges as defined within Section 5.</p>
	<p style="text-align: center;"><b><u>End of Section 2</u></b></p>

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## Section 3

### General Car Demurrage Rules and Charges

Item	Application
3000	<p data-bbox="386 401 1365 443"><u>MONTHLY COMPUTATION OF DEMURRAGE CHARGES</u></p> <p data-bbox="386 485 1495 590">At the end of each calendar month, demurrage is totaled by calculating the days, or fraction of a day, the car was held by the consignor or affected party after the expiration of free time, if any free time was allowed.</p>
3100	<p data-bbox="386 638 1321 737"><u>PRIVATE CARS HELD OR STORED ON PRIVATE OR RAILROAD TRACKS</u></p> <p data-bbox="837 758 959 793"><u>PART A</u></p> <p data-bbox="386 810 1425 1003">1.) Loaded private cars, consigned or ordered for delivery to private tracks, which are exempt from demurrage rules and charges of this tariff, after delivery to private tracks but which first must be held on tracks of ERRA under constructive placement are subject to demurrage charges as provided in this tariff, after expiration of:</p> <p data-bbox="386 1052 1414 1188">A.) Twenty-Four (24) hours free time when diverted, re-consigned, or re-shipped before delivery to private tracks; or B.) Allowed twenty-four (24) hours free time as provided under Item 1300, when car is delivered to private tracks.</p> <p data-bbox="386 1230 1422 1381">Such cars will be considered released from the applicable demurrage transaction of (a) or (b) above at the time of diversion, re-consignment, or re-shipment order is received, or at the time advice is given to ERRA to place such private cars onto private tracks to which consigned.</p> <p data-bbox="386 1434 1414 1629">2.) Loaded or partially loaded cars moved from private tracks on orders are subject to demurrage charges as provided in this tariff, without free time allowance and without notice, from the first 7:00 a.m. after such cars are received until forwarding instructions are furnished or until cars are placed or returned to private track on advice from industry.</p> <p data-bbox="386 1682 1414 1749">3.) Empty private cars on private tracks, including such cars sent by the owner to a shipper for loading, will not be subject to this tariff.</p> <p data-bbox="386 1791 1511 1986">Loaded or partially loaded private cars removed from private tracks on orders are subject to demurrage charges as provided in Section 3 of this tariff without free time allowance and without notice, from the first 7:00 a.m. after such cars are received until forwarding directions are furnished or until the cars are placed on or returned to private track on advice from industry.</p>

## Section 3

### General Car Demurrage Rules and Charges

Item	Application
3200	<p style="text-align: center;"><u>PART B</u></p> <p>For the purpose of applying the items in this tariff, private cars on private tracks will be exempted from the rules and charges. (see note 1 &amp; 2)</p> <p>Note 1 - Loaded private cars while held on ERRRA tracks will be subject to the applicable rules and charges of this tariff.</p> <p>Note 2 - Empty private cars stored on ERRRA tracks, including cars sent by the owner to shipper for loading will be held as provided in Item 4950.</p>
3300	<p style="text-align: center;"><u>RULES GOVERNING CARS HELD FOR PURPOSE OTHER THAN LOADING OR UNLOADING</u></p> <p>This section will apply when cars are held for purpose of other than loading or unloading, including cars which have been tendered for loading or unloading under the provisions of this Section and which are later re-consigned, diverted, or re-shipped, or released empty after having been ordered or appropriated, in which event tender of a car under such sections will govern in computing time under these provisions.</p>
3400	<p style="text-align: center;"><u>CARS HELD FOR RECONSIGNMENT, DIVERSION OR RESHIPMENT</u></p> <p>On cars held for reconsignment, diversion, or reshipment, the consignee or affected party will compute time from the first 7:00 a.m. following the sending of notice. The term "diversion" or "reconsignment" will be applied as defined in the reconsignment tariff of this railroad, except that under this provision, a "turnover" (an order for delivery to another party) which does not involve an additional movement of the car to a point beyond the confines of the same industry of public delivery yard is not a reconsignment for the purpose of applying this provision.</p> <p style="text-align: center;">(Cars Held for Reconsignment, Diversion, or Reshipment concluded on next page)</p>

## Section 3

### General Car Demurrage Rules and Charges

Item	Application
3400	<p data-bbox="386 457 1477 493"><u>CARS HELD FOR RECONSIGNMENT, DIVERSION, OR RESHIPMENT - Continued</u></p> <p data-bbox="386 535 1518 1113">A “reshipment” is the making of a new contract by which, under a new rate, the entire original lading, without being unloaded, is forwarded in the same car to another destination, or another place of delivery at the same destination, which requires movement beyond the confines of the industry or public delivery yard where the car has been originally delivered. When diversion or reconsignment is consummated on an order mailed, or otherwise transmitted and acknowledged by an agent of this railroad, or an agent of any railroad which has participated in the transportation transaction, such order will be considered as having been accepted at the date and time received. When an order is received for “reshipment” it shall contain all necessary information to transport the shipment to its new destination; and, if the order for “reshipment” is transmitted and acknowledged, it shall be considered as having been received after 7:00 a.m. of the date received.</p>
3500	<p data-bbox="386 1197 841 1234"><u>CARS HELD IN TRANSIT</u></p> <p data-bbox="386 1312 1518 1795">When cars are held in transit due to, or on orders of, the consignor, consignee, or owner, time will be computed from the first 7:00 a.m. following the sending or giving notice of arrival. Included are cars destined for a connecting line, cars found to be overloaded, and cars held for surrender of owner-notify bills of lading or payment of lawful charges, or for any purpose not other specifically provided for in these rules. Cars will be released at the time order bills of lading or lawful charges are received by an agent of ERRA or an agent of any Railroad which has participated in the transportation transaction or an order is received sufficient to move the cars to a consignee at another station; however, if such order, bill of lading, or payment of lawful charges is received, it will be considered as having been accepted at the date and time received.</p> <p data-bbox="386 1848 1185 1885">This Item does not apply to cars lawfully placed into SIT.</p>

## Section 3

### General Car Demurrage Rules and Charges

Item	Application
3600	<p data-bbox="386 453 1365 499"><u>CARS OF GRAIN HELD IN TRANSIT FOR INSPECTION</u></p> <p data-bbox="386 596 1471 989">When cars of grain, seeds, (field or grass), grain screenings, soybeans, hay straw, corn husks or corn shucks, subject to final inspection or grading are held in transit and placed on inspection track(s) of this carrier at designated stations for inspection grading, including for reconsignment or other disposition, the free time will begin at the first 7:00 a.m. after the notice or arrival is sent or given to the consignee or party entitled to receive same or after bulletin has been posted where such practice is in vogue and will expire at the following 7:00 a.m. A demurrage day under this Item consists of a twenty-four (24) hour period computed from 7:00 a.m.</p> <p data-bbox="386 1052 1495 1308">When consignee has agreed with this railroad in writing to accept the bulletins of cars due, the bulletins must be posted by 12:00 p.m. of each day showing receipt since the last previous bulletin. Any bulletin posted on a Saturday, Sunday, or Holiday shall for the purpose of calculating free time, be treated as posted as of 7:00 a.m. the first day thereafter which is not a Saturday, Sunday, or Holiday.</p> <p data-bbox="386 1367 1471 1623">In the application of this Item, the term "Held in Transit" means the cars have left the last loading station and before delivery at the point of unloading. This Item will not apply to cars held for inspection at the station where loaded, nor to cars billed direct to public team tracks, or to elevators, mills, or other industries within the switching limits of the billed destination, and there inspected and delivery taken.</p> <p data-bbox="386 1686 1503 1942">The term official inspection referred to in this Item is the taking of a representative sample or samples and establishing official grade of the contents of the car by competent and impartial authorities independent of the vendor or vendee and only in accordance with National, State, Board of Trade or Grain Exchange authorization or requirements except that on hay, straw, or corn husks the inspection may be as necessary or desired.</p>



## Section 3

### General Car Demurrage Rules and Charges

Item	Application
3700	<p data-bbox="386 453 1268 495"><b><u>CARS HELD FOR FORWARDING INSTRUCTIONS</u></b></p> <p data-bbox="386 596 1458 764">On cars received from private or team tracks, and held by ERRA for forwarding direction or other disposition, time will be computed from the first 7:00 a.m. after they are received until proper forwarding directions or other disposition is furnished.</p> <p data-bbox="386 825 1458 993">On cars received from another Railroad and held by ERRA for forwarding direction or other disposition, time will be computed from the first 7:00 a.m. after they are received until proper forwarding directions or other disposition is furnished.</p> <p data-bbox="386 1054 1390 1129">Note - For ERRA convenience cars may be held at a location other than where cars are received.</p>
3800	<p data-bbox="386 1236 1484 1341"><b><u>EMPTY CARS ORDERED OR APPROPRIATED FOR LOADING BUT NOT USED</u></b></p> <p data-bbox="386 1409 1528 1667">When empty cars are placed on orders or appropriated but not used in transportation service, demurrage will be charged for all detention, including Saturdays, Sundays, and Holidays, from actual or constructive placement or appropriation until date and time advise is given to authorized personnel of ERRA, whether verbally or electronically, that such cars will not be used and are available to ERRA (See Note 1 &amp; 2).</p> <p data-bbox="386 1728 1495 1938">In the application of this Item a demurrage day consists of a twenty-four (24) hour period or fraction thereof computed from the hour of actual or constructive placement of the car or appropriation, except that on cars placed in advance of the date for which ordered for loading, time will be computed from 7:00 a.m. of the day for which so ordered.</p> <p data-bbox="431 1948 1468 1980">Empty Cars Ordered or Appropriated For Loading but Not Used-Continued on Next Page</p>

## Section 3

### General Car Demurrage Rules and Charges

Item	Application
3800	<p data-bbox="386 451 1344 541"><u>EMPTY CARS ORDERED OR APPROPRIATED FOR LOADING BUT NOT USED - Continued</u></p> <p data-bbox="386 640 1495 850">When a car so ordered and placed on a public track is not used, and no advise from the party who ordered the car has been received within twenty-four (24) hours, exclusive of Saturdays, Sundays, or Holidays, from the first 7:00 a.m. demurrage charges begin, the car be removed and treated as released at the time of removal.</p> <p data-bbox="386 913 1495 1171">In the event a car is rejected because it is not suitable for loading, this Item will not apply if the party ordering the car advises ERRA of rejection and condition that caused car to be rejected within twenty-four (24) hours, exclusive of Saturdays, Sundays, or Holidays, after actual placement. (see Note 1) These provisions will also apply in connection with cars that are held on constructive placement on shipper-owned or leased tracks.</p> <p data-bbox="386 1234 1479 1354">If rejection has not been made within the time specified in the previous paragraph, demurrage will be charged for all detention, computed as set forth in this Item.</p> <p data-bbox="386 1459 1503 1627">Note 1 - Industries performing switching service for themselves or other parties must, in addition to advising ERRA that cars will not be used in transportation service for loading, return such cars to the industrial interchange track.</p> <p data-bbox="386 1690 1487 1810">Note 2—Cars subject to Demurrage and Detention charges as provided within this Section, are further subject to movement charges contained within Item 4990.</p>

## Section 3

### General Car Demurrage Rules and Charges

Item	Application
3900	<p data-bbox="386 457 1360 562"><u>CARS FOUND TO BE OVERLOADED OR IMPROPERLY LOADED</u></p> <p data-bbox="386 625 1490 709">When cars are found to be overloaded or improperly loaded and not in conformity with railroad loading and clearance rules, the following will apply:</p> <ol data-bbox="483 762 1490 1476" style="list-style-type: none"><li data-bbox="483 762 1490 930">1.) If found while still on industry or ERRA tracks where loaded, car will be considered to under continuous loading transaction until adjustment of the load has been made, if necessary, and final clearance is received for further movement. (see Note 1) (see Note 2)</li><li data-bbox="483 993 1490 1245">2.) If found at origin after having been removed from industry or ERRA tracks where loaded, car will not be considered released until load has been adjusted, if necessary, and final clearance has been received for final movement. The time between furnishing of forwarding directions and making car available to consignor for adjustment will not be computed against car. (see Note 1) (see Note 2)</li><li data-bbox="483 1308 1490 1476">3.) If, after having left origin station, a car is found to be overloaded, the car will be held in transit and twenty-four (24) hours will be allowed to adjust the load. Time will be computed from the first 7:00 a.m. following notice that car is being held. (see Note 1) (see Note 2)</li></ol> <p data-bbox="483 1539 1507 1675">Note 1 - Adjustment of the load must include advice to authorized personnel of ERRA that shipment now conforms to Railroad loading and/or clearance rules, and is now ready for inspection and/or measurements to permit final clearance for further movement.</p> <p data-bbox="483 1728 1490 1749">Note 2 - Cars covered by this Item are subject to charges contained within Item 4995.</p>

## Section 3

### General Car Demurrage Rules and Charges

Item	Application
3930	<p data-bbox="386 457 841 499"><b><u>DEMURRAGE CHARGES</u></b></p> <p data-bbox="386 569 1507 737">This charge is applied to all cars as described under the rules contained within this tariff. After expiration of free time, as described within Item 1300, detention will be charged at the following charges per car, per day, or fraction per day until car is released:</p> <ul data-bbox="483 793 1425 919" style="list-style-type: none"><li>A.) Per day for the first four chargeable days ..... \$100.00</li><li>B.) Per day for the next two chargeable days.....\$150.00</li><li>C.) Per day for each subsequent day thereafter.....\$200.00</li></ul>
3950	<p data-bbox="386 1018 979 1060"><b><u>CLAIM RELIEF FROM CHARGES</u></b></p> <p data-bbox="386 1129 1495 1297">In order to be allowed relief as indicated, a claim, in writing, must be presented to ERRA accompanied by payment of the undisputed portion of the bill by the last day of the calendar month following the month in which the bill was issued, stating fully the conditions relief is claimed:</p> <ul data-bbox="483 1354 1474 1759" style="list-style-type: none"><li>A.) Railroad Error:<ul data-bbox="581 1396 1474 1507" style="list-style-type: none"><li>1.) If, through ERRA error, demurrage charges are assessed, demurrage will be adjusted to the amount that would have accrued but for such error.</li><li>2.) Run-around and bunching of cars will not be considered an ERRA error.</li></ul></li><li>B.) Weather Interference:<p data-bbox="581 1606 1463 1759">When, because of earthquakes, tornadoes, hurricanes, floods, or blizzard conditions, the rail operations of the consignor or consignee are disrupted, the demurrage directly chargeable thereto will be eliminated, provided the disruption exceeded two (2) days duration.</p></li></ul>

Claim Relief From Charges-Continued on Next Page

## Section 3

### General Car Demurrage Rules and Charges

Item	Application
3950	<p data-bbox="386 453 1084 491"><u>CLAIM RELIEF FROM CHARGES—Continued</u></p> <p data-bbox="483 558 808 592">C.) Strike Interference:</p> <p data-bbox="578 604 1495 821">When it is impossible to unload or receive cars from or make cars available to ERRA because of strike interference at the point where loading or unloading is to be accomplished, demurrage days will be charged at the lowest monetary rate per day during the period of strike interference, provided:</p> <ol data-bbox="578 852 1479 1157" style="list-style-type: none"><li data-bbox="578 852 1414 919">1.) The disruption exceeds ten (10) calendar days in duration during one calendar month.</li><li data-bbox="578 947 1479 1157">2.) The provisions of this Item will NOT apply to:<ol data-bbox="675 989 1479 1157" style="list-style-type: none"><li data-bbox="675 989 1430 1056">A.) Inbound Cars where waybills are dated four (4) days after the beginning of the strike.</li><li data-bbox="675 1083 1479 1157">B.) Cars for loading when ordered after the beginning and before the ending of strike interference.</li></ol></li></ol> <p data-bbox="483 1188 1511 1404">D.) In the event of occurrence of conditions described under this Item B and C, ERRA shall have the right to return any empty foreign line cars of other railroad companies being held for loading. Consignor/consignee accepts all responsibility of liability regarding advice to ERRA when such consignor/consignee is ready to resume operations.</p> <p data-bbox="483 1436 1425 1562">E.) Car/s held under load, or empty car/s held at the request of consignor/consignee subject to relief described in this Item are subject to storage as contained within Section 6.</p>
3960	<p data-bbox="386 1713 1312 1751"><u>MILEAGE CHARGES ON PRIVATELY OWNED CARS</u></p> <p data-bbox="386 1822 1487 1902">ERRA will not pay mileage charges on privately owned car moving to, from, or via station(s) on the ERRA.</p>

## Section 3

### General Car Demurrage Rules and Charges

Item	Application
3970	<p data-bbox="386 457 959 499"><u>PAYMENT AND CREDIT TERMS</u></p> <p data-bbox="386 569 1516 779">All charges under this tariff must be prepaid, unless satisfactory arrangements with ERRA have been made prior to performance of service. Charges for services rendered under terms of this tariff will accrue against the patron located on the ERRA, unless arrangements to the contrary have been made with ERRA prior to performance of service.</p> <p data-bbox="386 842 1511 1010">All payments for services herein are due and payable fifteen (15) days following the Freight Bill date. The rules applicable to payment and credit terms are in accordance with those found in 49 CFR 1320. Payments received after the expiration of the credit period are subject to the provisions of Item 3975.</p>
3975	<p data-bbox="386 1087 781 1129"><u>FINANCE CHARGES</u></p> <p data-bbox="386 1199 1458 1451">ERRA shall bill the consignor or affected party, any detention charges which have accrued during the previous month in accordance with Item 1200. Invoices are to be paid within terms specified upon each bill. In the event ERRA billings are not paid within the specified time, a finance charge of two (2) percent on any unpaid balance will be billed during the following monthly cycle.</p>
3990	<p data-bbox="386 1528 1182 1570"><u>PATRON RESPONSIBILITY OF LEGAL FEES</u></p> <p data-bbox="386 1640 1500 1892">Payment terms of all lawful charges in favor of ERRA are set forth under Item 3970. In the event ERRA must utilize collection efforts, including outside agencies or litigation, the patron in receipt of such charge shall assume responsibility of all additional costs associated with the collection of delinquent lawful charges. This includes, but shall not be limited to, attorney's fees, court fees, and ancillary costs such as document service and agency fees.</p>

END OF SECTION

## Section 4

### General Car Switching Rules and Charges

Item	Application
4000	<p data-bbox="386 457 657 499"><b><u>DEFINITIONS</u></b></p> <p data-bbox="386 562 1409 630"><i>ASSESSORIAL CHARGE</i> - is a charge levied against a car by ERRRA to cover extra costs associated with additional movement and/or clerical duties.</p> <p data-bbox="386 676 1058 709"><i>BULLETIN OF TRAINS</i> - is a published schedule of trains.</p> <p data-bbox="386 751 1448 819"><i>CUT-OFF-TIME</i> - is the time of day when a consignor/consignee must have instructions or advice into ERRRA.</p> <p data-bbox="386 865 1490 970"><i>INTERPLANT SWITCH</i> - is the movement of a car from one facility to another located on ERRRA lines. This includes the movement from an industry lease track to an industry facility.</p> <p data-bbox="386 1016 1448 1050"><i>INTRAPLANT SWITCH</i> - is the movement of a car within the confines of an industry facility.</p> <p data-bbox="386 1096 1442 1163"><i>UNSCHEDULED SERVICE</i> - is service provided outside of published availability at specific request of a consignee/consignor.</p>
4100	<p data-bbox="386 1285 852 1327"><b><u>GENERAL APPLICATION</u></b></p> <p data-bbox="386 1402 1481 1528">This tariff publishes various charges allowed by which ERRRA may bill a consignee/consignor or affected party. Such charges are designed to provide relief from costs associated from extra car movement or clerical duties.</p> <ul data-bbox="483 1579 1416 1747" style="list-style-type: none"><li>A.) These charges apply to all points on ERRRA.</li><li>B.) Charges apply to Railroad and Private cars.</li><li>C.) Tariff applies to all commodities, unless specifically omitted or delineated.</li></ul>

## Section 4

### General Car Switching Rules and Charges

Item	Application
4200	<p data-bbox="386 457 1377 499"><b><u>CARS HELD AWAITING FORWARDING INSTRUCTIONS</u></b></p> <p data-bbox="386 569 1511 695">Private or railroad-controlled cars released from industry without proper billing or forwarding instructions, and held on railroad or leased track awaiting said instructions, are subject to the following:</p> <ol data-bbox="386 747 1455 919" style="list-style-type: none"><li data-bbox="386 747 1455 831">1.) Car released without billing or other instructions, held on railroad track ..... \$250.00 per car</li><li data-bbox="386 884 1455 919">2.) Car released without billing to place onto leased track ..... \$150.00 per car</li></ol>
4300	<p data-bbox="386 1024 1040 1066"><b><u>INTRAPLANT SWITCHING SERVICE</u></b></p> <p data-bbox="386 1136 1414 1213">A consignor or consignee may request car movements within an industry facility, such intraplant movement are defined as:</p> <ol data-bbox="483 1272 1495 1535" style="list-style-type: none"><li data-bbox="483 1272 1495 1398">A.) Movement from one spot to another when final placement is at industry request, and additional switching is required to place car into desired position.</li><li data-bbox="483 1409 1382 1444">B.) Movements from one track to another at request of industry.</li><li data-bbox="483 1455 1495 1535">C.) Re-spotting when multiple commodities are handled on a single spur at an industry, and cars are not continuous. (see Note 1)</li></ol> <p data-bbox="386 1587 1487 1623">1.) Intraplant service ..... \$ 150.00 per car</p> <p data-bbox="483 1682 1438 1881">Note 1 - Continuous cars are those which remain coupled along a single line of rail for loading or unloading purposes. Re-spot charges shall only apply to those cars where a distinct separation between loading/unloading operations of different commodities exists on a common spur line.</p>



## Section 4

### General Car Switching Rules and Charges

Item	Application
4400	<p data-bbox="386 453 1040 495"><b><u>INTERPLANT SWITCHING SERVICE</u></b></p> <p data-bbox="386 567 1463 779">Interplant switching consists of movement at consignor/consignee advice between fixed facilities to another facility of the same customer. Facilities shall include movement from industry location where unloading/loading occurs to another, and from/to leased track not located at industry premises to/from a fixed facility.</p> <p data-bbox="386 837 1433 873">Interplant switching service.....\$150.00 per car</p>
4500	<p data-bbox="386 978 984 1020"><b><u>REQUESTS FOR SPECIAL TRAIN</u></b></p> <p data-bbox="386 1089 1487 1346">ERRA maintains a listing of available scheduled trains available to perform service at various locations; schedules are posted at open agency offices and may be requested from an agent at any time. A request for service at times or days that exceed the regular posted bulletin times may be operated at the request of a customer, provided arrangements are approved with the local superintendent. (see Note 1) (see Note 2)</p> <p data-bbox="386 1404 1468 1440">1.) Special train movement, at customer request..... \$7,500.00 per shift</p> <p data-bbox="386 1497 1459 1562">Note 1 - Charges contained within this Item shall become the only charges that will apply to cars entrained within any special, demurrage being excluded from relief.</p> <p data-bbox="386 1610 1479 1713">Note 2 - A shift is designated at a period commencing at the crew call time and shall not exceed twelve (12) hours from the initial call time. Any special service exceeding the initial period shall incur an additional charge at the Item rate.</p>

## Section 4

### General Car Switching Rules and Charges

Item	Application
4600	<p><b><u>SERVICE REQUEST PERIOD - TIME OF CONCLUSION</u></b></p> <p>Service requests are arranged upon a fixed daily schedule, with advice to ERRA concerning requested service being submitted to an agent within prescribed time constraints. The times, known as “cut-off” times, are posted at open agency offices and are available from an agent. A request for service submitted before a “cut-off” time will result in service be rendered during the next appropriately assigned train. Request made after such “cut-off” times will miss the next scheduled movement.</p>
4665	<p><b><u>DELAY OF TRAIN</u></b></p> <p>In the event a ERRA train and/or engine arrives at an industry location, and such engine and crew are unable to perform switching service due to causes at the industry, including derails, switches, or gates locked, cars in the process of being worked, inspected or sealed, or other customer request leading to delay, the following charges will apply: (see Note 1)</p> <p>1.) Initial delay charge ..... \$500.00 1st 1/2 hour 2.) Subsequent 1/4-hour charges following initial delay.. \$150.00 per 1/4 hour</p> <p>Note 1 – ERRA crews will wait a maximum of 10 minutes upon arrival at industry location before an Initial Delay charge is recorded.</p>
4700	<p><b><u>REQUESTS FOR SERVICE AFTER EXPIRATION OF TIME LIMITS AND CHANGES TO REQUESTED SERVICE</u></b></p> <p>A.) Service advice, which is delivered to ERRA agency personnel after expiration of prescribed times, shall be processed into a later train. When such advice is received with a request to be incorporated into an existing or processed movement, ERRA may honor such a request with the consignor/consignee or affected party responsible subject to charge.</p>

Requests for Service After Expiration of Time Limits - Concluded on next page

## Section 4

### General Car Switching Rules and Charges

Item	Application
4700	<p><u>REQUESTS FOR SERVICE AFTER EXPIRATION OF TIME LIMITS AND CHANGES TO REQUESTED SERVICE - Continued</u></p> <p>B.) When advice of movement is received within prescribed time limits, and ERRA personnel receive a subsequent request for change after expiration of such limits, cars contained within said change are subject to charge. (see Note 1)</p> <p>Advice for service after expiration of time limits, or change to previous request ..... \$150.00 per car</p> <p>Note 1—In the event ERRA is unable to meet a requested change in service, or perform a movement as described within this Item, such charge will not apply. A request to cancel an existing order for service is not subject to provisions contained in this item.</p>
4800	<p><u>ADDITIONAL MOVEMENTS AT REQUEST OF, OR RESPONSIBILITY OF CONSIGNOR OR CONSIGNEE</u></p> <p>Any time car/s are moved at the request of a consignor/consignee, which are not covered under any other Item contained within Section 4 of this tariff, this Item shall charges associated with such movement. In the event ERRA is unable to place car/s at a receiving facility, other than public delivery tracks, car/s will be placed into constructive placement or other hold status, whereby the following charge will apply:</p> <p>1.) Car/s held due to ERRA being unable to deliver cars due to conditions or request of consignor/consignee ..... \$ 150.00 per car</p>

## Section 4

### General Car Switching Rules and Charges

Item	Application
4900	<p data-bbox="386 401 1011 443"><u>RETURN FOR SERVICE CHARGES</u></p> <p data-bbox="386 512 1523 682">Should ERRA arrive at an industry location after receiving proper advice requesting service, and car/s contained within such advice not be available for release, re-spot, or other movement due to fault of consignor or consignee, the following charge shall apply:</p> <p data-bbox="386 737 1484 772">1.) Return Charge .....\$ 550.00 per car requested and unavailable</p>
4920	<p data-bbox="386 850 870 892"><u>FURTHERANCE SERVICE</u></p> <p data-bbox="386 961 1528 1312">Furtherance switching consists of the movement of cars for the consignor/ consignee from any location where such cars are held in constructive placement, storage, or hold status. Cars subject to charge when advice is received to move equipment to a facility or track used for loading or unloading. This Item shall apply to loaded or empty cars, to include both private and railroad-controlled equipment. Charges contained in this Item when apply when advice for movement is received after the first 7:00 a.m. following the actual time of constructive placement, storage, or hold status.</p> <p data-bbox="386 1367 1411 1402">1.) Furtherance.....\$150.00 per car</p>
4950	<p data-bbox="386 1493 1159 1535"><u>RETURN OF EMPTY UNUSED EQUIPMENT</u></p> <p data-bbox="386 1604 1484 1913">When an industry requests empty cars for loading, whether cars are a part of an individual or multiple car order, or part of an assignment or pool, and ERRA receives advice for the return of such cars where no load in favor of this railroad is generated, a charge will apply. In the event cars are returned on account of railroad error, cars exceeding a correctly placed order, or cars are not of the kind requested or suitable for loading, this Item shall not apply. (see Note 1)</p> <p data-bbox="386 1942 1243 1978"><u>RETURN OF EMPTY UNUSED EQUIPMENT - Continued on next page</u></p>

## Section 4

### General Car Switching Rules and Charges

Item	Application
4950	<p data-bbox="386 401 1252 436"><u>RETURN OF EMPTY UNUSED EQUIPMENT - Continued</u></p> <p data-bbox="386 506 1430 541">1.) Return of Cars ..... \$250.00 per car</p> <p data-bbox="386 596 1458 659">Note 1 - When cars are to be returned due to unsuitability or equipment type, industry must advise ERRRA of such reasons at the time request of return is made.</p>
4960	<p data-bbox="386 751 818 787"><u>OVERLOAD CHARGES</u></p> <p data-bbox="386 863 1474 1121">1.) For cars in excess of 286,000 lbs. moving over any portion of ERRRA, clearance authority must be granted by ERRRA.</p> <p data-bbox="386 999 1474 1121">2.) Cars found to be overloaded while on ERRRA, or cars interchanged to another carrier which are returned to ERRRA due to such cars being overloaded, or cars received from NS which are overloaded, will either be:</p> <p data-bbox="578 1163 1373 1241">A.) returned to shipper or NS for adjustment, or B.) placed at a suitable location for adjusting of the load.</p> <p data-bbox="483 1299 1409 1335">Determination of A or B above shall be at the discretion of ERRRA.</p> <p data-bbox="483 1373 1471 1451">Cars covered by this Item are subject to demurrage rules and charges as defined in Item 3900.</p> <p data-bbox="483 1493 1458 1614">Cars covered by this Item are subject to a charge of \$550.00 per car, plus any applicable freight, switching, weighing, and demurrage charges.</p> <p data-bbox="386 1673 1479 1839">3.) Cars found to be overloaded and delivered to an unloading point served by ERRRA will be returned to the shipper or moved to another location for adjustment of the load. Such cars will be subject to a charge of \$550.00 per car. No additional demurrage free time will be granted.</p>

## Section 4

### General Car Switching Rules and Charges

Item	Application
4980	<p data-bbox="386 436 740 478"><u>TURNING OF CARS</u></p> <p data-bbox="386 548 1511 716">A.) In instances where it is desired that freight in carloads be placed upon industry or team tracks for loading or unloading from one particular side or end of car, such cars must be properly placarded on both sides, and notation made upon the Bill of Lading and waybill substantially as follows:</p> <p data-bbox="764 779 1045 810" style="text-align: center;"><u>NOTICE TO CARRIER</u></p> <p data-bbox="386 867 1446 898">“Deliver car for loading or unloading from door or end specified by placard”</p> <p data-bbox="386 957 1495 1125">B.) When car is properly placarded on both sides to load or unload from a particular side or end, and patron directs ERRA to turn such car for loading or unloading, a charge of \$750.00 will apply, in addition to all other lawful charges.</p> <p data-bbox="386 1184 1446 1310">C.) In the event a car is placed upon a public, team, or transload track for loading or unloading via the end of the car, a charge of \$500.00 per car shall apply.</p> <p data-bbox="386 1369 1474 1495">D.) For cars requiring turning, in the event ERRA is unable to provide this service directly, the consignor/consignee responsible for the shipment will be subject to the charges occurring on the carrier providing this service.</p> <p data-bbox="386 1554 1435 1722">E.) Cars arriving in interchange at ERRA which require turning, at a point where ERRA does not have the ability to render this service, such cars will be subject to Item 4920 when cars are returned to interchange for another carrier to perform this service.</p> <p data-bbox="737 1913 980 1944" style="text-align: center;">END OF SECTION</p>

## Section 5

### General Car Switching Rules and Charges

Item	Application
5000	<p data-bbox="735 436 1000 478" style="text-align: center;"><u>DEFINITIONS</u></p> <p data-bbox="386 548 1490 625"><i>HAULAGE AGREEMENT</i>— is the entire cycled movement of a loaded carload of freight, which originates and terminates upon line of ERRRA.</p>
5100	<p data-bbox="386 688 1230 730" style="text-align: center;"><u>EMPTY RAILCARS MOVING ON OWN WHEELS</u></p> <p data-bbox="386 800 1490 1058">Empty railcars moving as a single load, either for repair or otherwise, when no load in favor of ERRRA is generated, movement shall be charged to consignor/ consignee or affected party receiving or shipping such cars. Charges shall apply to one-way movement, each way if applicable, as defined within Item 5500. Intermodal container and multiple unit cars are subject to special provisions. (see Note 1)</p> <p data-bbox="483 1115 1500 1220" style="text-align: center;">Note 1—Charges shall apply to any railcar, regardless of type, if no special movement conditions apply. Special movement requests are to be made through ERRRA clearance agent.</p>
5200	<p data-bbox="386 1310 943 1352" style="text-align: center;"><u>MOVEMENT OF LOCOMOTIVES</u></p> <p data-bbox="386 1423 1458 1591">Privately owned or leased, or foreign line locomotives will be handled over ERRRA lines subject to a minimum charge of \$1,500.00 for movement of own wheels, but not on own power. ERRRA will not absorb any switching charges applicable to shipments of locomotives.</p> <p data-bbox="386 1654 1500 1864">All privately owned, leased or foreign line locomotives are subject to joint inspection at interchange by both ERRRA. mechanical and connecting carrier mechanical staff. Any locomotive which fails inspection are subject to rejection at interchange. ERRRA maximum liability for loss or damage is \$100.00 per locomotive.</p>

## Section 5

### General Car Switching Rules and Charges

Item	Application
5300	<p data-bbox="386 436 885 483"><u>PASSENGER EQUIPMENT</u></p> <p data-bbox="386 550 1502 676">Handling of unoccupied passenger equipment, moving on own wheels, may be authorized on a case-by-case basis. Any such equipment will be considered a load, freight all kinds, and subject to all provisions of this tariff.</p> <p data-bbox="386 739 1477 781">The maximum liability of ERRA in handling such equipment is \$100.00 per car.</p>
5400	<p data-bbox="386 924 1445 1029"><u>SPOT ON ARRIVAL FOR TOXIC INHALATION HAZARDOUS OR POISONOUS INHALATION HAZARDS (TIH/PIH)</u></p> <p data-bbox="386 1096 1502 1306">All rail cars containing Toxic Inhalation Hazard (TIH) or Poisonous Inhalation Hazardous (PIH) ("TIH / PIH"), as defined in AAR Circular No. OT-55, as amended from time to time, must be spot on arrival. In the event a car cannot be placed on consignees or consignors track upon arrival and the railcar must be held at</p> <p data-bbox="386 1323 1226 1360">ERRA facility, such car/s are subject to charge. (see Note 1)</p> <p data-bbox="386 1411 1485 1449">A.) TIH / PIH held by ERRA..... \$ 2,500.00 per day</p> <p data-bbox="386 1507 1494 1810">In addition to the above charges, the party responsible for the freight charges will be liable for all Federal, State and Local penalties or fines which may be assessed for the holding of Private Cars containing TIH/PIH on railroad-controlled tracks when party to the bill of lading has impeded delivery of the car. Consignee or consignors will be responsible for any cost incurred by ERRA for providing protection or surveillance of any commodity provided in this Item while held on ERRA property.</p> <p data-bbox="483 1864 1526 1936">Note 1 - Charges are to be per car based upon a twenty-four (24) hour period, or fraction thereof, and will be assessed until the railcar is ordered in.</p>



# Section 5

## General Car Switching Rules and Charges

Item	Application		
5500	<u>SWITCHING RATES APPLICABLE OVER ERRA LINES</u>		
	COMMODITIES	AT	RATE PER CAR
		FOLLANSBEE, WV	
		See Reciprocal Switching Tariff	
		#8001	

## Section 5

### General Car Switching Rules and Charges

Item	Application								
5800	<p><u>PLACEMENT OF STORAGE CARS</u></p> <p>ERRA will place cars tendered for storage, loaded or empty, whether long term, or in transit. Charges for handling are subject to storage placement. The following rates shall apply to movement of such cars.</p> <p><u>Location:</u></p> <p>ALL STATIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">1.) Placement of load or empty into storage or hold.</td> <td style="text-align: right;">150.00</td> </tr> <tr> <td>2.) Removal of car from storage:</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">2a.) First in, last out, no additional switching</td> <td style="text-align: right;">150.00</td> </tr> <tr> <td style="padding-left: 20px;">2b.) Various order requiring additional handling</td> <td style="text-align: right;">350.00</td> </tr> </table> <p>Note - additional handling is defined as movement of cars in storage for a single customer requiring cars to be removed and replaced to free car/s being released.</p>	1.) Placement of load or empty into storage or hold.	150.00	2.) Removal of car from storage:		2a.) First in, last out, no additional switching	150.00	2b.) Various order requiring additional handling	350.00
1.) Placement of load or empty into storage or hold.	150.00								
2.) Removal of car from storage:									
2a.) First in, last out, no additional switching	150.00								
2b.) Various order requiring additional handling	350.00								
	<p>END OF SECTION</p>								

## Section 6

### General Car Storage Rules and Charges

Item	Application
6000	<p data-bbox="386 436 847 483"><u>GENERAL APPLICATION</u></p> <p data-bbox="386 548 1503 674">The Storage Rules and Charges in Section 6 govern the allowance of free time and assessment of charges for storage when cars subject to this Section, are held beyond free time or when no free time is provided.</p>
6100	<p data-bbox="386 756 789 802"><u>GLOSSARY OF TERMS</u></p> <p data-bbox="386 865 1474 949"><b>PUBLIC DELIVERY TRACKS</b> - Any accessible track open to the general public for loading or unloading.</p> <p data-bbox="386 980 1468 1106"><b>OTHER THAN PUBLIC DELIVERY TRACK</b> - Any railroad track or portion of a track assigned for individual use or for joint use, including privately owned or leased tracks.</p> <p data-bbox="386 1138 1510 1400"><b>PRIVATE TRACK</b> - A track outside of the right-of-way of ERRA yard and terminals, and of which this railroad does not own either rails, ties, roadbed or right-of-way. When a track or portion thereof owned or operated by this railroad is assigned to the purpose of its user through a written lease or written agreement, such lease or written agreement will be considered as equivalent to ownership and the track portion thereof treated as private track.</p> <p data-bbox="386 1432 1515 1694">A track or portion thereof will be considered the private track of two or more parties when written consent has first been obtained from ERRA for such joint use of its track, which has been assigned through a written lease or written agreement, or when written notice or such joint use has been furnished ERRA by the owner of a private track prior to actual placement of a car for account of any joint user of the track.</p> <p data-bbox="386 1726 1440 1810"><b>PRIVATE CAR</b> - A private car is a car bearing other than railroad reporting marks and which is not a railroad-controlled car.</p> <p data-bbox="386 1957 896 1997">(Definitions continued on next page)</p>

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6100	<p data-bbox="386 422 919 457"><u>GLOSSARY OF TERMS—Continued</u></p> <p data-bbox="386 527 1511 653"><b><i>RAILROAD CONTROLLED CAR</i></b> - A railroad-controlled car is a car provided to a railroad directly, by car companies or others, for the indiscriminate use by this railroad in serving any of its customers.</p> <p data-bbox="386 684 1479 947"><b><i>RAILROAD-PREMISES</i></b> - The term “Railroad Premises” as used in Item 6700 through 6950, when applicable to shipments held in cars, shall embrace all tracks which this railroad provides for its own uses and purposes or for general public use, and all other tracks located inside its right-of-way or yards or terminals, except tracks located within the confines of property owned or leased by an industry.</p> <p data-bbox="386 978 1495 1062"><b><i>CONSIGNOR</i></b> - The party in whose name the cars are ordered or the party who furnishes ERRA forwarding instructions.</p> <p data-bbox="386 1094 1490 1178"><b><i>CONSIGNEE</i></b>—The party to whom a shipment is consigned or the party entitled to receive the shipment.</p> <p data-bbox="386 1209 1490 1335"><b><i>ACTUAL PLACEMENT</i></b> - 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.</p> <p data-bbox="386 1367 1507 1808"><b><i>CONSTRUCTIVE PLACEMENT</i></b> - When a car is consigned or ordered to a private track, an industrial interchange track, or an other-than-public-delivery track cannot be actually placed because of a condition attributable to the consignor or consignee, such car will be held at destination or if cannot be reasonable accommodated there, at an available hold point and notice shall be sent to consignor or consignee that car/s are held (naming the hold point if not held at destination) and the ERRA is unable to effect placement; however, if car is placed upon private track, industrial interchange track, or other-than-public-delivery track serving the consignor or consignee, the car shall be considered constructively placed without notice.</p> <p data-bbox="386 1955 902 1990">(Definitions concluded on next page)</p>

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6100	<p data-bbox="386 415 919 457"><u>GLOSSARY OF TERMS—Continued</u></p> <p data-bbox="386 520 1487 695"><b>CARS ACTUALLY OR CONSTRUCTIVELY PLACED AT EXACTLY 7:00 A.M.</b> - When cars have been actually or constructively placed at 7:00 a.m., time shall be computed from the same 7:00 a.m.; and placement shall be determined by the precise time the engine cuts loose.</p> <p data-bbox="386 726 1466 852"><b>TIME TO BE OBSERVED</b> - In the application of these rules, the time properly applied is the time, daylight saving or standard time, lawfully in effect in the community or station where the car is held.</p> <p data-bbox="386 884 1451 919"><b>ASSIGNEE</b> – A shipper who requested and has been assigned specific cars.</p> <p data-bbox="386 951 1487 1035"><b>ASSIGNED CAR</b> - A car of any ownership specifically requested and assigned to a shipper by a railroad.</p> <p data-bbox="386 1066 1442 1192"><b>BUREAU OF EXPLOSIVES TARIFF</b> - The Bureau of Explosives Tariff No. ICC BOE 6000-Series covers regulations prescribed by the U.S. Department of Transportation for the handling of hazardous materials.</p>
6200	<p data-bbox="386 1245 716 1287"><u>ASSIGNED CARS</u></p> <p data-bbox="386 1350 1495 1619">Except as provided in Item 6400, the provisions of Items 6300 through 6900 apply to cars of any ownership specifically requested and assigned to shippers by railroads (see Note 1) where ERRA serves the assignee at the designated point of assignment (see Note 2) as the originating switching line and is required to hold such cars on its tracks or private sidings connected therewith while awaiting:</p> <ol data-bbox="483 1650 1511 1934" style="list-style-type: none"><li>1.) Actual or Constructive Placement on orders of, or appropriation of the cars for loading by the assignee, or</li><li>2.) Delivery of such cars to a connecting switching line performing the actual placement service where such switching line has not concurred in the assignment and holding of cars on its line subject to Section 6 of this tariff.</li></ol> <p data-bbox="1011 1944 1495 1976">(Assigned Cars Concluded on Next Page)</p>

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6200	<p data-bbox="386 422 846 457"><u>ASSIGNED CARS—Continued</u></p> <p data-bbox="483 541 1479 611">Note 1—When an assigned car is returned with a revenue load, subject to applicable carload rates, the car is subject to the other Sections of this tariff.</p> <p data-bbox="483 642 1487 747">Note 2—For the purpose of applying this Section, the designated point of assignment shall mean the origin station at which ERRA has assigned or concurs with another railroad to assign specific cars for use by a specific shipper.</p>
6300	<p data-bbox="386 827 821 863"><u>ASSIGNMENT OF CARS</u></p> <p data-bbox="386 936 1484 1062">Before specific cars are assigned to a shipper, the shipper must request in writing of originating road-haul carrier/s assignment of at least ten (10) days before their intended use of a specific number of cars.</p>
6400	<p data-bbox="386 1146 1308 1182"><u>ASSIGNED CARS NOT SUBJECT TO THIS SECTION</u></p> <ol data-bbox="386 1255 1479 1566" style="list-style-type: none"><li data-bbox="386 1255 1479 1335">1.) Cars of any ownership with an inside length of 69 feet or more. Cars with mechanical designation “XL”, “XM”, or “XP” are not included in this exemption.</li><li data-bbox="386 1392 1422 1472">2.) Cars of any ownership with a mechanical designation of “FM” having a carrying capacity of 200,000 lbs. or more.</li><li data-bbox="386 1528 1317 1566">3.) Empty cars of private ownership, which are railroad controlled.</li></ol> <p data-bbox="386 1619 1443 1698">In determining these exemptions, the cars descriptions listed in the Official Railway Equipment Register, ICC RER 6410-Series shall govern.</p>

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6500	<p><b><u>NOTIFICATION</u></b></p> <p>Notice containing car initial and number when such cars are held at point of assignment awaiting orders for placement or appropriation shall be sent or given to assignee. In the event such cars cannot be reasonably accommodated at point of assignment, cars will be held at any available hold point and written notice will be issued containing advise of such holding (see Note 1). An additional notice will be required when car reaches point of assignment. When notice is sent or given as prescribed in this rule, and cars are found to contain carload or less-than-carload freight, pallets or other devices, the notice tendered under this Section 2 will serve as constructive placement notice as required in Item 1900 of Section 1 of this tariff. Upon release from demurrage, subject car will revert to application of storage charges as provided in Item 6600 of this tariff, from the next 7:00 a.m., including Saturdays, Sundays and holidays, without further notice.</p>
6600	<p><b><u>STORAGE CHARGES</u></b></p> <p>No free time will be allowed on cars subject to this Section, but they will be subject to a charge of \$75.00 per day or fraction of a day, to be computed from the first 7:00 a.m., inclusive of Saturdays, Sundays and holidays, following the sending or giving notice as provided in Item 6500.</p> <ol style="list-style-type: none"><li>1.) Once storage charges commence to run, all Saturdays, Sundays and holidays are chargeable days with charges continuing until receipt of orders from assignee for actual or constructive placement or appropriation of cars for loading.</li><li>2.) Cars released from storage charges under these conditions will be subject to applicable demurrage and detention tariffs.</li></ol>

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6650	<p data-bbox="386 422 1317 464"><b><u>HANDLING EMPTY FREIGHT CARS FOR STORAGE</u></b></p> <p data-bbox="386 533 1520 747">This Item applies to all types of railcars destined for contract storage on ERRA, including but not limited to cars provided by railroads, leased cars, and cars bearing other than railroad reporting marks. The charge for movement of empty cars is subject to the provisions of this tariff, Item 5500. ERRA will not be responsible for the payment of per diem, or milage charges.</p> <p data-bbox="386 804 1503 884">The maximum liability to ERRA for loss or damage shall not exceed \$100.00 per railcar. No liability will be assumed for painting, defacing, or vandalism.</p> <p data-bbox="769 932 837 963">AND</p> <p data-bbox="386 1016 1466 1096">Flat rate on a first in last out basis is the same as inbound move, and for any other special requirement contact the local ERRA Agent.</p>
6700	<p data-bbox="386 1182 1127 1224"><b><u>RELEASE OF CARS FROM ASSIGNMENT</u></b></p> <p data-bbox="386 1293 1511 1822">At such time as assignee wishes to reduce the number of an assignment by one or more cars, assignee must notify the originating road-haul carriers (s) and ERRA in writing or confirmed in writing and specify the effective date of release of such car or cars which must be at least one (1) or more days after the date of such notice. The originating road-haul carrier (s) will then have the prerogative of selecting the car or cars to be removed from the assignment. Storage charges prescribed by these rules will accrue on cars so selected until the effective date of release unless previously removed by the originating carrier (s) in which case storage charges will terminate on the date of such removal. However, no assignee will be permitted to release a car or cars from an assignment by oral or written notice until all shipper owned appurtenances have been removed by assignee.</p>



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6800	<p data-bbox="386 422 1421 527"><u>CONDITIONS FOR RELIEF WHEN ASSIGNED CARS ARE FOUND TO HAVE MECHANICAL DEFECTS</u></p> <p data-bbox="386 594 1485 940">Relief will be granted from storage charges on an assigned car while being held for repair of Federal Railroad Administration safety defects or other mechanical defects, which make the car unsuitable for loading, from the time of the actual discovery of defect until the car is again made available. If storage charge has been incurred on such car prior to discovery of the mechanical defect, storage charges will resume from the first 7:00 a.m. following the sending or giving notice to the assignee of the availability of the car for loading.</p>
6900	<p data-bbox="386 1035 1474 1140"><u>FREIGHT SUBJECT TO STORAGE RULES AND CHARGES IN ITEM 6950</u></p> <p data-bbox="386 1207 1510 1465">The rules and charges of Item 6950 apply to shipments of classes A, B, or C explosives, as named in Part 172 Commodity List of Tariff ICC 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 Part II, Section 172.101 of Tariff ICC BOE 6000-Series, while held in cars on ERRA premises.</p>

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Item	Application
6950	<p><u>STORAGE RULES AND CHARGES ON EXPLOSIVES, HAZARDOUS MATERIALS, SUBSTANCES, OR WASTES</u></p>
	<p>See Note 1</p>
	<p>The storage charges provided in this Item are in addition to applicable demurrage or detention charges and except as provided below, the applicable provisions of Section 1, 2, 3, and 6 will govern in determining these storage charges:</p>
	<ul style="list-style-type: none"><li>A.) The provisions in Item 3100, except A, Paragraph 3, will not apply.</li><li>B.) Strike or work stoppage, flood, high water or other interferences or Act of God will not suspend charges contained in this Item.</li><li>C.) On cars held for loading on ERRRA premises, time will be computed from the first 7:00 a.m. after loading begins.</li><li>D.) Free time will be as follows:<ul style="list-style-type: none"><li>1.) Twenty-four (24) hours free time will be allowed on shipments contained in Item 6900, for removal from ERRRA premises. (see Note 2)</li></ul></li><li>E.) After expiration of free time allowed, the following charges will apply per day of twenty-four (24) hours, or fraction thereof, until car (s) is removed from ERRRA premises:<ul style="list-style-type: none"><li>1.) Explosives—Class A.....\$ 500.00 per day</li><li>2.) Explosives—Class B &amp; C.....\$ 400.00 per day</li><li>3.) Hazardous Materials.....\$ 250.00 per day</li></ul></li></ul>
	<p>(Item 6950 Concluded on next page)</p>

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6950	<p data-bbox="386 422 1438 510"><u>STORAGE RULES AND CHARGES ON EXPLOSIVES, HAZARDOUS MATERIALS, SUBSTANCES, OR WASTES—Continued</u></p> <p data-bbox="483 625 1495 1073">Note 1 - When carload freight is refused at destination, this railroad shall within twenty-four (24) hours, inclusive of Saturdays, Sundays and holidays, after being advised of refusal, give notice of such refusal by telephone or wire to the consignor or owner when known, or when not known, to the agent at point of shipment, who shall promptly notify consignor, if known. The term "wire" as used in this note, shall be construed to mean such forms of electronic forms of communication as telegram, teletype, telex, mailgram, facsimile machine, telecopier, or electronic mail sent to an official railroad-controlled address. When notice is transmitted by telephone, (see Note 3), a written record shall be maintained by this railroad.</p> <p data-bbox="483 1125 1511 1276">Note 2 - Free time will be computed from the first 7:00 a.m. after placement, or after proper notification has been sent or given where required. For the purpose of computing free time, Saturdays, Sundays and holidays are included in the free time calculation.</p> <p data-bbox="483 1329 1503 1486">Note 3 - When consignor or consignee utilizes an electronic or mechanical device to accept messages, notification left or sent to such a device will be considered as having been given to consignor or consignee as the case may be.</p>
<b>END OF SECTION</b>	