

TRI-CITY & OLYMPIA RAILROAD CO, LLC

FREIGHT TARIFF TCRY 8100 (Supersedes FT TCRY 8900 and All Supplements to TCRY 8900)

NAMING GENERAL CAR DEMURRAGE
RULES AND CHARGES
STORAGE, DIVERSION, AND RE-CONSIGNMENT
RULES AND CHARGES

DEMURRAGE TARIFF

ISSUED: August 16, 2007

EFFECTIVE: August 30, 2007

ISSUED BY

Randolph Peterson, General Manager
Tri-City & Olympia Railroad Co, LLC
2579 Stevens Drive
Richland, WA 99354

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

RULES AND OTHER GOVERNING PROVISIONS

(Item 100)

GENERAL APPLICATION

- A. Application at all points on TCRY.
- B. All cars are subject to this tariff while on TCRY tracks.
- C. Holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas.
- D. The disposition of a car at its point of detention determines the purpose for which the car is held and the rules applicable thereto.
- E. Payment will be due upon receipt of statement/invoice and deemed past due if not paid within 30 days of statement/invoice date.
- F. Demurrage on all cars will be assessed against the Consignee or Consignor, depending on the car's disposition. The Consignee or Consignor shall be solely responsible for payment of charges . Redistribution of the costs to third parties shall be the responsibility of the Consignee and/or Consignor.

DEMURRAGE CHARGES

(Item 150)

Demurrage charges shall be assessed on all cars after expiration of free time allowed or without free time allowance, when none is provided. The following charges per car per day, or a fraction of a day, will be assessed until car is released.

\$125.00 per car, per day.

FREE TIME

(Item 175)

Free time as designated will be allowed each car (except as noted): All time prior to reaching the second passing of 12:01 a.m. after either actual placement or constructive placement has been made by TCRY for complete or partial loading or unloading.

EXCEPTIONS: No free time will be allowed on cars:

- A. Diverted
- B. Re-Consigned
- C. Held by order of Consignee or Consignor
- D. Ordered but not used.

GLOSSARY OF TERMS

(Item 200)

ACTUAL PLACEMENT (AP)-When a car is placed in an accessible position for loading or unloading, or at a point designated by the consignor or consignee.

BUNCHING-Accumulation and tender of cars for loading or unloading in excess of orders or contrary to customers schedules.

CAR ORDER-Order from the consignor requesting cars for loading, containing the information as required in AAR Car Service Rule 15 which is;

- Commodity to be loaded
- Date and time
- Route
- Destination
- Name of Party
- Name of person receiving request
- Type and size of car needed
- Number of cars needed
- Date needed

CONSIGNEE-The party designated on the car order or bill of landing as the entity entitled to receive delivery of the goods from TCRY.

CONSIGNOR-The party designated on the car order or bill of lading as the entity that has caused the car to be consigned into transportation.

CONSTRUCTIVE PLACEMENT-When actual placement cannot be made because of any condition attributable to the Consignee or Consignor that prevents TCRY from effecting actual placement and causes TCRY to hold the car on its tracks or place it on the Consignee or Consignor industry track.

DEMURRAGE DAY (DD)-A twenty-four (24) hour period, or part thereof, commencing at 12:01 a.m. the day after free time.

DISPOSITION-Information, including forwarding instructions and release, which allows TCRY to either place or release a car.

DIVERSION-An order to deliver a car to a location other than the original destination, given while car is en route to the original destination.

EMPTY CARS ORDERED AND NOT USED-Empty cars ordered and either actual placement or constructive placement made but not used in transportation services.

FORWARDING INSTRUCTIONS-Shipping notification given to TCRY containing all necessary information to transport the shipment to its final destination and move empty/loaded cars to or from the interchange either to or from the consignee or consignor.

FREE TIME-Time allowed for loading or unloading free of charge.

HAZARDOUS MATERIALS-“Hazardous waste” and “hazardous substances” as defined in Hazardous Materials Regulations of the U.S. Department of Transportation in 49 CFR 171.8 or successor thereof.

LOADED CAR-A car that is completely or partially loaded.

NON-CHARGE DAY-Saturday, Sundays and six (6) holidays (item 100).

(Item 200 Continued)

NOTIFICATION-When required, notification will be furnished in writing and/or electronically to the party entitled to receive notification.

PARTIAL UNLOADING-When a car is partially unloaded and forwarding instructions are furnished to TCRY.

PRIVATE CAR-A car bearing other than railroad reporting marks whose use is controlled by the owner.

RE-CONSIGNMENT-An order to bill a car to an entity other than the original consignee.

REFUSED OR REJECTED LOADED CAR-A loaded car which is refused at destination without being unloaded.

REJECTED CAR-An empty car determined to be unfit for loading.

RELEASE-The notification received from Consignee or Consignor that loading or unloading of a car has been completed and the car is available for movement.

TIME-Time to apply based on the standard twenty-four (24) hour clock.

UNLOADING-Complete unloading of a car and advice from the Consignee to TCRY that the car is empty and available for movement.

NOTIFICATION OF CONSIGNOR/CONSIGNEE

(Item 300)

- A. The following notifications will be furnished as indicated:
 - 1. Notice of constructive placement shall be sent or given if a car is held on tracks of TCRY at an available hold point or at billed destination due to any condition attributable to the Consignee or Consignor which prevents TCRY from making actual placement.
 - 2. Delivery of a car upon the tracks of the Consignee or Consignor will constitute notice except when two or more parties use the same track, notice will be provided.
- B. When notification is required, the following will govern effective dates and times:
 - 1. U.S. Mail-The date and time mailed by TCRY.
 - 2. Electronically-The date and time sent or given as recorded by TCRY.
- C. Notification will contain the following:
 - 1. Car initial and number.
 - 2. Commodity.
 - 3. Hold point, if other than billed destination.

NOTIFICATION TO TCRY

(Item 400)

All notices to TCRY are effective upon receipt by TCRY.

CARS HELD FOR LOADING
(Item 500)

Loading is the complete or partial loading of a car in conformity with TCRY's loading and clearance rules. This includes advice that the car is available for movement, and the furnishing of forwarding instructions.

Release:

- A. Date and time that TCRY receives forwarding instructions and advice that a car is available for Movement.
- B. Cars placed on interchange tracks of a Consignor doing its own switching, must also be returned to the interchange track for release.
- C. Cars found to be improperly loaded at origin, will not be considered released until the load has been properly adjusted and clearance has been obtained. Additional switching and weighing charges shall be assessed in accordance with applicable tariffs.

Computation:

- A. Time will be computed from the time of actual or constructive placement of a car until the car is released.
- B. If a car is placed prior to the date for which it was ordered, free time will be computed from 12:01 a.m. on the date for which it was ordered. Demurrage days will accrue from the expiration of free time until the car is released, including the day of release.
- C. On a reloaded car, time will be computed from the time advice is received by TCRY that the car is empty until the car is released as a load.
- D. Free time for loading stops on the second passing of 12:01 a.m. after actual or constructive placement.
- E. One charge will be assessed for every demurrage day a car is held beyond the free time, including the day of release.

CARS HELD FOR UNLOADING
(Item 600)

Unloading is the complete unloading of a car and advice from the Consignee to the railroad that the car is empty and available for movement.

Release:

- A. Date and time that TCRY receives advice that a car is empty and available for movement.
- B. Cars placed on interchange tracks of a Consignee doing its own switching, must also be returned to the interchange track for release.
- C. When a car is unloaded, then reloaded, empty release information must be furnished. If not furnished, demurrage will be continuous until forwarding instructions are received.
- D. If after being released as an empty by the consignee, the railroad discovers a portion of the load remaining in the car, demurrage will be continuous until the car has been completely unloaded. Additional switching and weighing charges shall be assessed in accordance with applicable tariffs.

Computation:

- A. Time will be computed from the time of actual or constructive placement of a car until the car is released.
- B. Free time for unloading stops on the second passing of 12:01 a.m. after actual or constructive placement.
- C. One charge will be assessed for every demurrage day a car is held beyond the free time including the day of release.

CARS HELD FOR PURPOSES OTHER THAN LOADING OR UNLOADING
(Item 700)

Demurrage charges shall be applied as follows:

- A. Cars ordered but not used - No free days.
Placement and release to be determined by interchange records.
Charges shall be as stated in Item 150
- B. Cars diverted or re-consigned – No additional free days.
Demurrage shall be charged pursuant to Item 150 using prior disposition of car as continuous until such time when forwarding instructions for diversion or re-consignment are received by TCRY.
(Item 1250 shall apply.)
- C. Cars held for inspection – No free days.
Placement is to be determined by interchange records. Release is to be determined upon receipt of car disposition by TCRY. Charges shall be as stated in Item 150.
- D. Empty car rejected as being unsuitable for loading – Two free days after actual placement of car or order date, whichever is later. Demurrage shall be charged thereafter pursuant to Item 150.
- E. Car found to be overloaded – No additional free days.
Demurrage shall be charged pursuant to Item 150 using prior car disposition as continuous. Car shall be considered released when load has been properly adjusted and clearance has been obtained. Additional switching and weighing charges shall be assessed in accordance with applicable tariffs.

CHARGES ON CARS CONTAINING HAZAROUS MATERIALS
(Item 800)

When TCRY holds a car containing hazardous materials a charge of \$50.00 per day shall be assessed for each demurrage day a car is held beyond free time. This charge will be in addition to applicable demurrage charges.

CAR STORAGE
(Item 1000)

Railcar storage is available on TCRY tracks for cars of any ownership when track space is available in the judgment of TCRY. TCRY should be contacted for track availability questions. Storage of railcars would be covered under a separate written agreement between TCRY and the car owner.

RE-CONSIGNMENT AND DIVERSION
(Item 1250)

A charge of \$175.00 shall be assessed on a request for re-consignment or diversion of any car. This charge shall be in addition to applicable switching charges.

CLAIMS
(Item 1400)

In order to be allowed relief, a claim must be submitted to TCRY in writing, with supporting documentation, by the last day of the calendar month in which the bill was issued. The claim must fully state the conditions for which relief is claimed and identify contested cars by initial, number and location.

If by error demurrage or any other charges contained herein are assessed, they shall be adjusted to the amount that would have accrued but for such error.

Run around and bunching will not be considered railroad error and no allowances will be made.

Claims must be filed with and sent to:

Controller
Tri-City Railroad Company
P.O. Box 1700, 2579 Stevens Drive
Richland, Washington 99352