



## MISCELLANEOUS CHARGES Supplement 1

**Dated August 28, 2018 Effective September 18, 2018**

### GENERAL APPLICATION

- A. TCRY shall mean TRI-CITY RAILROAD COMPANY, LLC
- B. TCRY trackage shall mean approximately sixteen (16) miles of trackage extending from the RICHLAND CONNECTION in Kennewick, Washington to the Port of Benton's MANUFACTURING MALL in Richland, Washington and generally bordered by Horn Rapids Road on the North, formerly known as the 1100 Area.
- C. All cars are subject to this Supplement 1 and to the MISCELLANEOUS CHARGES Tariff effective July 11, 2015
- D. Contact for TCRY is: TCRY attention Tariff Department, PO Box 6000, Kennewick, WA 99336, telephone 509-371-8313 or 360-239-9067.
- E. TCRY Rules, Tariffs and Accessorial Charges apply when cars are on the TCRY.
- F. The responsible party is the entity subject to this Supplement 1 to the Miscellaneous Charges Tariff.

**7.** Item 1. Storage Restrictions in TCRY tariff "Miscellaneous Charges" effective July 11, 2015 is **deleted** in its entirety and replaced with:

#### **1. Railcar Storage**

Railcar storage is available on TCRY for cars of any ownership when track space is available in the sole judgment of TCRY. Contact TCRY for track availability. Storage of railcars requires a written Agreement between TCRY and the responsible party for payment of storage charges.

**8.** Item 2. Intra-Plant & Intra-Line Switching in TCRY Miscellaneous Tariff effective July 11, 2015 is **deleted** in its entirety and replaced with:

**2. Switch Charge**

The switch charge of Six Hundred Dollars (\$600.00) per car per switch will be charged for switching of cars. TCRY reserves the right to switch any car while that car is on approximately sixteen (16) miles of TCRY trackage extending from the RICHLAND CONNECTION in Kennewick, Washington to the Port of Benton's MANUFACTURING MALL in Richland, Washington and generally bordered by Horn Rapids Road on the North, formerly known as the 1100 Area. A Fuel Surcharge is in addition to the Switch Charge and added to the Switch Charge. The Fuel Surcharge is calculated in accordance with the current "United States Department of Energy on Highway Diesel Fuel Price U.S. Average plus surcharge".

**9.** Item 5. UP Circular 16-E Governing Rules in TCRY Miscellaneous Tariff effective July 11, 2015 is **deleted** in its entirety and replaced with:

**5. Railroad Maintenance Charge**

A track maintenance charge of Ninety-Five Dollars (\$95.00) per car will be charged by TCRY on all cars that enter the TCRY at RICHLAND CONNECTION in Kennewick, Washington.

This charge will be collected by and accrue solely to the TCRY. This charge will be in addition to all other applicable charges.

**10. Payment of Charges**

The responsible party must pay TCRY in accordance with the payment terms identified on the TCRY invoice.

Cars on the TCRY system line shall be deemed acceptance of responsibility for payment of all charges accruing on the cars. Such payment shall be in U.S. money and cannot be reduced to offset claims, damages to property, or for any other reasons.

**LATE FEES & FINANCE CHARGES:** The TCRY will assess a Five (5%) Late Fee plus a finance charge of 1.5% per month (18% per annum) on all unpaid bills that are past due. If TCRY, at its sole discretion, uses a collection agency or attorneys to collect delinquent bills for freight or other charges and TCRY is successful in collecting such charges, the responsible party shall reimburse TCRY for its reasonable collection costs, including reasonable collection agency fees and reasonable attorneys' fees.

END