

Birmingham Terminal Railway LLC
www.watcocompanies.com



**DEMURRAGE, STORAGE, ACCESSORIAL
AND TERMINAL FREIGHT TARIFF BHRR 6000-B**
(Cancels and Supersedes BHRR 6000-A and supplements/revisions thereto)

**CONTAINING DEMURRAGE AND STORAGE CHARGES
RECIPROCAL & TERMINAL SWITCHING AND
MISCELLANEOUS RAILROAD CHARGES
APPLYING AT ALL POINTS ON THE BHRR**

**FOR GENERAL RULES & CONDITIONS OF CARRIAGE
SEE TARIFF WTS 9011-SERIES**

APPLICABLE ON EXPORT, IMPORT, INTERSTATE AND INTRASTATE TRAFFIC

ISSUE DATE: December 11, 2012

EFFECTIVE DATE: January 1, 2013
(except where otherwise noted)

ISSUED BY:

**T. D. Towner, President
Kirk Hawley, Senior Vice President Marketing Administration
315 West 3rd Street
Pittsburg, KS 66762**

CHECK SHEET OF ITEMS AND REVISIONS

The items contained in this publication are listed consecutively by number. The paragraph that has been changed within an item will contain one of the following reference marks placed next to the item number:

- (A) Denotes increase
- (R) Denotes reductions
- (C) Denotes changes in wording which result in neither increases nor reductions in charges
- (N) Denotes new item

In addition, the effective date of the revised item will be added to this index page "CHECK SHEET OF ITEMS AND REVISIONS" to identify which item(s) have been changed

Revision Type	Item Number and Description Effective Date	
(C)	320 – Clarification of Note 3	October 01, 2012
(A)	110 – Demurrage Plan and Prices	January 01, 2013
(A)	120 – Storage of Loaded or Empty Private Cars on Railroad Tracks	January 01, 2013
(A)	140 – Storage of Railway Equipment Moving on Own Wheels	January 01, 2013
(A)	150 – Storage of Explosives, Hazardous Materials (Other Than TIH/PIH)	January 01, 2013
(A)	160 – Intra-Plant Switching	January 01, 2013
(A)	170 – Intra-Terminal Switching	January 01, 2013
(A)	175 – Inter-Terminal Switching	January 01, 2013
(A)	195 – Holding Rejected Cars of Scrap Iron or Steel	January 01, 2013
(A)	200 – Empty Cars Returned Unused	January 01, 2013
(A)	205 – Ordering Empty Cars in for Placement by Specific Car Number	January 01, 2013
(A)	220 – Industry Setback	January 01, 2013
(A)	230 – Locomotives, Dead, on Own Wheels	January 01, 2013
(A)	245 – Heavy Duty Flatcar	January 01, 2013
(A)	250 – Switching Outside Normal Operating or Service Hours	January 01, 2013
(A)	260 – Special Train Service	January 01, 2013
(A)	285 – Weighing	January 01, 2013
(A)	290 – Diversion/Reconsignment Charges	January 01, 2013
(A)	320 – Reciprocal Switching	January 01, 2013
(A)	325 – Hazardous Commodities Reciprocal or Intermediate Switching	January 01, 2013
(A)	330 – Intermediate Switching	January 01, 2013
(A)	335 – Special Reciprocal or Intermediate Switching	January 01, 2013
(A)	340 – Equipment Supplied for Specific Destination or Junction	January 01, 2013

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
<i>ITEM 0.05</i>	REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC. _____	5
<i>ITEM 0.10</i>	CONSECUTIVE NUMBERS _____	5
<i>ITEM 0.20</i>	CHANGE IN PROVISION(S) _____	5
<i>ITEM 0.25</i>	CHARGES HEREIN SUBJECT TO INCREASE _____	5
<i>ITEM 0.30</i>	CURRENCY _____	5
<i>ITEM 0.35</i>	TRANSPORTATION _____	5
<i>ITEM 0.40</i>	FUEL SURCHARGE _____	5
<i>ITEM 10</i>	GLOSSARY OF TERMS _____	6
<i>ITEM 10</i>	GLOSSARY OF TERMS (con't) _____	7
<i>ITEM 10</i>	GLOSSARY OF TERMS (con't) _____	8
<i>ITEM 10</i>	GLOSSARY OF TERMS (con't) _____	9
<i>ITEM 20</i>	PAYMENT TERMS _____	10
<i>ITEM 30</i>	SECURITY DEPOSITS FOR PAYMENT OF CHARGES _____	10
<i>ITEM 40</i>	NOTIFICATION _____	11
<i>ITEM 50</i>	NOTIFICATION TO BHRR _____	11
<i>ITEM 60</i>	CLAIMS _____	12
<i>ITEM 70</i>	APPLICATION _____	13
<i>ITEM 75</i>	CHARGES FOR TOXIC OR POISONOUS INHALATION HAZARD (TIH/PIH) _____	13
<i>ITEM 80</i>	CARS HELD FOR COMPLETE OR PARTIAL LOADING _____	14
<i>ITEM 90</i>	CARS HELD FOR COMPLETE OR PARTIAL UNLOADING _____	14
<i>ITEM 100</i>	CARS HELD FOR PURPOSES OTHER THAN LOADING OR UNLOADING _____	15
<i>ITEM 105</i>	PENALTY TIME _____	15
<i>ITEM 110</i>	DEMURRAGE PLAN AND PRICES _____	16
<i>ITEM 115</i>	HOLIDAYS _____	16
<i>ITEM 120</i>	STORAGE OF LOADED OR EMPTY PRIVATE CARS ON RAILROAD TRACKS _____	17
<i>ITEM 140</i>	STORAGE OF RAILWAY EQUIPMENT MOVING ON OWN WHEELS _____	17
<i>ITEM 150</i>	STORAGE OF EXPLOSIVES, HAZARDOUS MATERIALS (OTHER THAN TIH/PIH) _____	18
<i>ITEM 160</i>	INTRA-PLANT SWITCHING _____	19
<i>ITEM 170</i>	INTRA-TERMINAL SWITCHING _____	19
<i>ITEM 175</i>	INTER-TERMINAL SWITCHING _____	19
<i>ITEM 180</i>	EARLY RELEASE OF CARS PLACED FOR LOADING OR UNLOADING _____	19
<i>ITEM 190</i>	RELEASE OF CARS WITHOUT FORWARDING INSTRUCTIONS _____	19
<i>ITEM 195</i>	HOLDING REJECTED CARS OF SCRAP IRON OR STEEL _____	19
<i>ITEM 200</i>	EMPTY CARS RETURNED UNUSED _____	20
<i>ITEM 205</i>	ORDERING EMPTY CARS IN FOR PLACEMENT BY SPECIFIC CAR NUMBER _____	20
<i>ITEM 210</i>	CARS INTERCHANGED OR DELIVERED TO BHRR IN ERROR _____	20
<i>ITEM 215</i>	CHARGES FOR DELAY OF CARS _____	20
<i>ITEM 220</i>	INDUSTRY SETBACK _____	20

<i>ITEM 230</i>	LOCOMOTIVES, DEAD, ON OWN WHEELS _____	20
<i>ITEM 235</i>	REASONABLE DISPATCH _____	20
<i>ITEM 240</i>	OVERSIZED LOADS OR SPECIAL TRAIN SHIPMENTS _____	21
<i>ITEM 245</i>	HEAVY DUTY FLAT CAR _____	21
<i>ITEM 250</i>	SWITCHING OUTSIDE NORMAL OPERATING OR SERVICE HOURS _____	22
<i>ITEM 260</i>	SPECIAL TRAIN SERVICE _____	22
<i>ITEM 270</i>	TURNING CARS TO PERMIT LOADING/UNLOADING _____	22
<i>ITEM 280</i>	EMPTY CAR SWITCHING _____	22
<i>ITEM 285</i>	WEIGHING _____	23
<i>ITEM 290</i>	DIVERSION/RECONSIGNMENT CHARGES _____	23
<i>ITEM 300</i>	PRIVATE CAR APPLICATION FOR RAILROAD MARKED CARS _____	23
<i>ITEM 310</i>	PRIVATE CAR MILEAGE _____	24
<i>ITEM 315</i>	ABSORPTION OF CONNECTING LINE SWITCHING CHARGES _____	24
<i>ITEM 320</i>	RECIPROCAL SWITCHING _____	25
<i>ITEM 325</i>	HAZARDOUS COMMODITIES RECIPROCAL OR INTERMEDIATE SWITCHING _____	25
<i>ITEM 330</i>	INTERMEDIATE SWITCHING _____	25
<i>ITEM 335</i>	SPECIAL RECIPROCAL OR INTERMEDIATE SWITCHING _____	26
<i>ITEM 340</i>	EQUIPMENT SUPPLIED FOR SPECIFIC DESTINATION OR JUNCTIONS _____	26
<i>ITEM 350</i>	MILEAGE ALLOWANCE ON SHIPPER OWNED OR LEASED CARS _____	26
<i>ITEM 360</i>	ITEMS FORMERLY SHOWN _____	26

ITEM 0.05 REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.

This publication is now available on the Internet for viewing or sending directly to your printer. BHRR Home Page address is <http://www.watcocompanies.com>. All customers shipping with the BHRR should review the publications posted on the Website before tendering freight to or from any of the railroads as revisions to the publications will be made from time to time by supplement or reissuing the publications in their entirety.

From the Home Page click the 'Railroads' link, then choose the option called 'Forms & Policies' for the railroad carrier being inquired; this option houses the publications necessary for understanding how to do business with the BHRR.

If you are not equipped to obtain a copy of this publication from the WATCO web site, a hard copy will be mailed to you, provided you furnish, to the address shown below, a formal written request for a printed copy specifying the specific railroad and tariff number. This formal request is required on an annual basis in accordance with the Surface Transportation Board's policy decision under Ex Parte 528, Disclosure, Publication and Notice of Change of Rates and Other Service Terms for Rail Common Carriage. **An annual \$100.00 subscription fee will be assessed for those who wish to receive a hard copy.**

Watco Transportation Services
Attn: Marketing Administration – Tariff Requests
315 West 3rd Street
Pittsburg, KS 66762

Where reference is made in this tariff to tariffs, items, notes, rules, etc., such references are continuous and include supplements to and successive issues of such tariffs, and reissues of such items, notes, rules, etc.

ITEM 0.10 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.

ITEM 0.20 CHANGE IN PROVISION(S)

BHRR reserves the right at any time to change the provisions of this publication; provided, however, any such change shall be effective only with regard to any transportation services provided under the publication for freight tendered after the effective date of the changes. BHRR will make available on its web site this publication in the latest amended form. Shipper should review this publication before tendering freight to BHRR. Revisions to this publication will be made from time to time by reissuing the publication in its entirety.

ITEM 0.25 CHARGES HEREIN SUBJECT TO INCREASE

Charges published herein are subject to increase by republication.

ITEM 0.30 CURRENCY

Charges published herein are stated in United States Dollars.

ITEM 0.35 TRANSPORTATION

BHRR agrees to transport shipments with reasonable dispatch. BHRR does not guarantee rail service within any particular time frame. Bunching and Run Around will not be considered railroad error and no allowance will be made.

ITEM 0.40 FUEL SURCHARGE

Fuel surcharge will apply on the following traffic on a percentage basis: All local traffic, including switching, locomotive service, weighing, proportional switching rates, and all other charges unless specifically exempted.

ITEM 10 **GLOSSARY OF TERMS**

ACTUAL PLACEMENT: When a car is placed in an accessible position for loading or unloading, or at a point designated by the shipper or consignee or party loading or unloading the car. Railroad will not issue Actual Placement Notices.

ASSIGNED CARS: The assignment of cars to a given shipper at a specific location as defined in Car Service Rule 16 and Car Hire Rule 22 as published in the Official Railway Equipment Register.

ASSIGNEE: A shipper who has requested and has been assigned specific cars.

BILL OF LADING: Uniform Bill of Lading as contained in the Uniform Freight Classification UFC 6000-Series, subject to modification as may from time to time.

BROKER: An agent or intermediary negotiating the buying or selling contents of car, other than shipper or consignee.

BUNCHING: The accumulation of cars for loading or unloading shipped on different days. Since BHRR does not control the flow of inbound cars from connecting railroads, no allowance can be made in demurrage charges.

CALENDAR MONTH: Defined as 12:01 AM from the first day of one calendar month through 12:01 AM of the first day of the following calendar month.

CALENDAR YEAR: Defined as 12:01 AM January 1st of one year through 12:01 AM January 1st of the following calendar year.

CAR ORDER WANT DATE: The date for which customer requested car for loading.

CHARGEABLE DAY: A twenty-four (24) hours period or fraction thereof for which a charge assessed pursuant to this Tariff can be assessed.

CLOSING EVENT: The event in a car cycle that closes the cycle and results in computation of time and charges.

CONSIGNEE: The party designated on the bill of lading as the entity entitled to receive delivery of the car from the carrier.

CONSIGNOR or SHIPPER: The party designated on the bill of lading as the entity which has caused the car to be consigned into transportation.

CONSTRUCTIVE PLACEMENT: When a car, including order notify and in-bond shipments, cannot be actually placed or delivered because of any condition attributable to the consignee, shipper, loader or unloader, such car will: (a) be held on BHRR tracks and notice will be sent or given to the party entitled to receive notification that the car is held awaiting disposition instructions; (b) have been placed by BHRR on private or other than public delivery tracks, including lead tracks serving the consignee, shipper, loader or unloader, will be considered constructively placed without notice.

CONSTRUCTIVE PLACEMENT TIME: The time from constructive placement until a car is actually placed.

CREDIT: Offset of a chargeable day. Credits can be earned only on those cars released from demurrage. Demurrage day must occur to earn a credit.

DEBIT: See description of term for Demurrage Day.

DEMURRAGE DAY: A twenty-four (24) hour period, or fraction thereof, commencing at the first 12:01 AM after tender, as defined in this Item, may also be referred to as "Debit."

DEMURRAGE: Demurrage is a charge for detaining a railcar. Railroads charge demurrage as an incentive for customers to load and unload cars promptly, to prevent congestion in railroad terminals caused by idle cars, and ultimately to improve the utilization of a valuable asset.

ITEM 10 **GLOSSARY OF TERMS (con't)**

DESTINATION: Billing destination, or if such destination is serviced by a terminal yard, then such terminal yard will be considered as the destination.

DISPOSITION: Information, including forwarding instructions and/or release, which allows the railroad to either Tender, as defined in this Item, or release the car from the shipper's, consignee's, loader's, or unloader's account.

DIVERSION: An order from the shipper or consignee to deliver car(s) to other than the original billed destination.

EMPTY CARS ORDERED AND NOT USED: Empty cars ordered, placed or constructively placed for loading and not used in transportation service.

EMPTY RELEASE INFORMATION: Advice from consignee and/or unloader, given to the BHRR Date Entry Department electronically via ShipperConnect, via EDI, or via email to Dataentry@watcocompanies.com or in writing via fax to 1-866-413-5160 that car is unloaded and available to BHRR. Information given must include identity of consignee, and/or unloader, party furnishing the data, car initial, number date and time. Release will be effective on date and time advice is received by BHRR.

FORWARDING INSTRUCTIONS: A bill of lading given to authorized personnel of the line-haul carrier that contains all of the necessary information which allows for the immediate movement by BHRR. Forwarding instructions will be effective on date and time advice is received by BHRR.

Advice received by BHRR to move a car from a shipper's loading or storage track to BHRR' yard or hold track to be held for "forwarding instructions", whether furnished by the party loading car or another party, or a bill of lading or an order consigning the car to an Agent of BHRR which has no beneficial interest in the lading, does not constitute "forwarding instructions" or a release from demurrage or other like charges.

A bill of lading, or other suitable order, covering car(s) requiring clearance from all carriers in the routing will not constitute "forwarding instructions" until clearance is received from all carriers in the routing.

FREE TIME: The time allowed for the unloading or loading of cars.

IDLER CAR: An empty car used to protect overhanging loads, or used between cars loaded with long material.

INDUSTRIAL INTERCHANGE TRACK: Designated delivery or receipt track or tracks for the exchange of cars between carrier and industry performing their own switching including switch line acting as Agent for Industry.

INDUSTRY TIME: The time from actual placement or placement to team tracks until release and receipt of forwarding instructions, if applicable. The time from interchange receipt of a loaded car or a loaded private car released and held on railroad controlled tracks until forwarding instructions are received.

INTRA-PLANT SWITCHING: A switching movement of cars, loaded or empty, from one track to another track or between two points on the same track, within the same plant or industry without leaving the tracks of the same plant or industry.

INTRA-TERMINAL SWITCHING: A switching movement (other than intra-plant switching) from one track to another track of the same carrier, within the switching limits of one station or industrial switching district.

INTER-TERMINAL SWITCHING: A switching movement (other than intra-plant and intra-terminal switching) between an industrial track or team track on the tracks of BHRR and an industrial track or team track on connecting lines on traffic having origin and destination within the same switching limits of the same station or industrial switching district. Charges of connecting carriers will be in addition to charges provided herein.

LEASED TRACK: A track leased to a user through a written lease agreement and is considered the same as a private track for demurrage purposes.

ITEM 10 **GLOSSARY OF TERMS (con't)**

LINE-HAUL: Movement between stations that are not located within the switching limits of the same station. Movement between stations located within the switching limits of the same station will be considered Line-haul when customer is not listed as open to reciprocal switching or when movement occurs from or to a leased track.

LOADER: Party physically loading the car.

LOADING: The complete or partial loading of a car in conformity with BHRR loading and clearance rules, advice that the car is available for movement, and the furnishing of forwarding instructions.

NOTIFICATION: When required, notification will be furnished either electronically or in writing to all parties entitled to receive notification.

ORDER IN CUSTOMER: A customer who, by prior arrangement, has notified BHRR that cars shall not be placed, or considered to be placed, for loading or unloading, until BHRR has received an order for placement from said customer.

ORDER-IN: In order for a car on constructive placement to be spotted at a customer's facility, the party entitled to receive the car must order the car for placement.

OTHER THAN PUBLIC DELIVERY TRACK: Any tracks assigned for individual use, including privately owned or leased track.

PARTIAL UNLOADING: The partial unloading of a car and the furnishing of forwarding instructions.

PRIVATE CAR: A car which is not owned or leased by a railroad.

PRIVATE TRACK: Any track not owned or leased by a railroad.

PUBLIC DELIVERY TRACK: Any track for use by the general public for loading and unloading (i.e. Team Track).

RAILROAD CONTROLLED CAR: Any car other than a private car.

RECIPROCAL SWITCHING: An arrangement between carriers serving the same station or switching district where the carrier physically serving the industry performs switching service for loading or unloading on behalf of the other carrier on shipments having an immediately preceding or following line-haul movement via the other carrier. BHRR will provide reciprocal switching only to or from BHRR customers (see Section IV of this tariff).

RECONSIGNMENT: Any order from the shipper to bill a car to other than the original destination. (An order to turn over the car to another party, that does not require an additional movement of the car, is not a reconsignment).

REFUSED LOADED CAR: An original loaded car refused at destination without being unloaded.

RELEASE: The notification received from loader or unloader that loading or unloading of a car has been completed and car is available for movement and forwarding instructions have been received, if applicable. Date and time that BHRR receives forwarding instructions and advice that a car is available for movement and from non-credit customers, upon payment of any charge due. Cars placed on industrial interchange tracks of a industry doing its own switching, including those tracks of an industrial switch line acting as Agent of industry, will be removed from track and considered received and held for disposition as provided in this Tariff. 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. When a car is unloaded and then reloaded, empty release information must be furnished. If not furnished, demurrage will be continuous until forwarding instructions are received. Loaded or empty or private cars released and pulled from private tracks, which must first be held on railroad track awaiting forwarding instructions, are subject to **demurrage/storage** provisions and charges as provided in this Tariff.

NOTE: Demurrage charges will continue to accrue to the Origin Industry even when cars are released to a Third-party, until the time billing is received from the Third-party.

ITEM 10 **GLOSSARY OF TERMS (con't)**

RESHIPMENT: A new document by which the entire original shipment is forwarded in the same car to another destination.

RUN AROUND: Car(s) placed ahead of previous arrivals.

SHIPPER CONNECT: Online utility that allows user to manage their inventory while online as well as release of empty railcars. Contact RMI Administrator with questions at (866) 889-2826 or email RMIHelpDesk@watcocompanies.com.

SHIPPER or CONSIGNOR: The party designated on the bill of lading as the entity which has caused the car to be consigned into transportation

SPOT ON ARRIVAL: BHRR, without notification, will place cars for loading or unloading immediately upon their availability for placement.

SPOT ON ARRIVAL CUSTOMER: A customer who has not requested to be an Order-In Customer will be considered a Spot on Arrival Customer (see Spot on Arrival). If constructive placement of a car is necessary, the car will not be placed for loading or unloading until BHRR has received an order for placement from the Spot on Arrival Customer.

SIMPLIFIED DEMURRAGE: Simplified demurrage rules provide for an offset of demurrage or storage debits with credits on a monthly basis.

STOPPED IN TRANSIT: When cars are held en route because of any condition attributable to the shipper, or consignee, or owner.

STORAGE DAY: A twenty-four (24) hour period, or fraction thereof.

TEAM TRACK: Any track designated by BHRR for use by the general public for loading and unloading (i.e. Public Delivery Track).

TENDER: The actual or constructive placement of an empty or loaded car.

TIH/PIH: Toxic Inhalation Hazards (TIH) and Poison Inhalation Hazards (PIH), including all commodities listed in 49 CFR Table 172.101 (Hazardous Materials Table) with a Special Provision code in Column 7 of 1 thru 6, or 13 as defined in 49 CFR §172.102. The terms TIH and PIH are synonymous as they apply to this Tariff.

TIME: Local time is applicable, expressed on the basis of the twenty-four (24) hour clock.

UNLOADER: Party physically unloading the car.

UNLOADING: The complete or partial unloading of a car and notice from the consignee the car is available for movement and the furnishing of forwarding instructions when required.

ITEM 20 **PAYMENT TERMS**

Charges that accrue per this Tariff are due and payable as stated in ITEM 120 of the WTS Rules Publication 9011-Series.

ITEM 30 **SECURITY DEPOSITS FOR PAYMENT OF CHARGES**

BHRR has the right to demand that a rail customer (BHRR served shipper, BHRR served consignee or other BHRR served party), with a history of delinquency or nonpayment of freight, demurrage or other charges not in bona fide dispute, deposit with BHRR money or security adequate to pay an **average monthly invoiced services calculated over the past six months or a per car fee based on potential services.** (1) The deposit may be satisfied with cash, letter of credit, surety bond or other appropriate instrument. BHRR will determine the suitability of the security tendered. (All instruments on deposit are hereinafter referred to as "security")

If an BHRR invoice not in bona fide dispute is not paid when due, immediately thereafter BHRR will satisfy the bill by drawing against the security on deposit. Thereafter, the rail customer will be required to reinstate the value of the security to its former level or to another level equivalent to its average monthly invoiced services or per car fee based on potential services.

Should demand be made upon a rail customer for the deposit or maintenance of security as heretofore stated and should the rail customer refuse or fail to deposit or maintain the security, BHRR may refuse to provide any further rail service until the deposit requirement is fulfilled. If service is refused and rail customer is the subject of congestion, BHRR will issue an embargo against all rail transportation by BHRR to and from that rail customer, so long as congestion exists or otherwise continues. In short, carriers may issue and maintain the embargo while the congestion exists, irrespective of rail customer compliance or non-compliance with the Security Deposit provisions in this Item.

No interest will be paid by BHRR on any security or monies deposited with it. It is within the discretion of the BHRR to determine when creditworthiness of the rail customer no longer necessitates the imposition of a security or deposit. If rail service to the customer is permanently discontinued, upon satisfaction of all invoiced bills the security on deposit held by BHRR will be released and returned.

**SECTION I
DEMURRAGE RULES AND CHARGES**

ITEM 40 NOTIFICATION

Notification to Shipper, Loader, Unloader, Consignee, Freight Payer or party entitled to receive notice.

- A. The following notification will be furnished as indicated:
1. Cars for Other Than Public Delivery Tracks:
 - a. Notice of constructive placement shall be sent or given if a car is held on tracks of BHRR at an available hold point or at billed destination due to any condition attributable to the shipper, consignee, loader or unloader which prevents BHRR from making actual placement.
 - b. Delivery of car upon tracks of consignee will constitute notice. BHRR Train Crew will record placement events. The date and time of the BHRR Train Crew's record will govern the charges in this tariff.
 2. Cars for Public Delivery Tracks:
 - a. Notice of constructive placement shall be sent or given if a car is held on tracks of BHRR at an available hold point or at billed destination due to any condition attributable to the shipper, consignee, loader or unloader which prevents BHRR from making actual placement.
- B. Notification will be furnished in writing, electronically, or via mechanical device, and shall contain:
1. Car initials and number
 2. Hold point, if other than billed destination.
- C. When shipper or consignee utilizes an electronic or mechanical device, including fax machines, phone systems and email, to accept messages, notification left on such device will be considered as having been received.
- D. It will be the responsibility of the **BHRR served customer** (Shipper, Loader, Unloader, Consignee, Freight Payer or party entitled to receive notice) to notify the BHRR Customer Service at Customerservice@watcocompanies.com or a fax at **1-866-413-5160** of fax number or email address changes. Should BHRR receive a failure to deliver message due to any reason attributable to the receiver, such as invalid fax number or email address, notice will be considered to have been given on any Constructive Placement notice attempted to be delivered.

ITEM 50 NOTIFICATION TO BHRR

BHRR will accept forwarding instructions, empty release information or, other disposition twenty-four hours via Fax Number 866-413-5160, via EDI, via Shipper Connect, or via email to Dataentry@watcocompanies.com.

All notices to **BHRR** are effective upon receipt.

NOTE 1: Demurrage charges will continue to accrue to the Origin Industry even when cars are released to a Third-Party, until the time billing is received from the Third-Party.

NOTE 2: IT IS THE ORIGIN INDUSTRY'S RESPONSIBILITY TO ENSURE INFORMATION IS RECEIVED BY THE RAILROAD.

NOTE 3: A penalty charge will be assessed on cars released prior to being fully unloaded or loaded (see ITEM 180)

ITEM 60 CLAIMS

In order to be allowed relief from a billed amount, a claim must be presented to BHRR, in writing, within **thirty (30)** days of the billing date, with supporting documentation, stating fully the conditions for which relief is claimed, identifying contested cars by car initial, car number and location.

Claims sent to BHRR which are not found to be valid will be subject to a **processing fee of \$50.00** for each incorrectly disputed car. Claims are to be sent via email to BHRRdisputes@watcocompanies.com or to the following address:

Birmingham Terminal Railway
Attn: BHRR DISPUTES
315 W. 3rd Street
Pittsburg, KS 66762

All claims not received within thirty (30) days will result in invoice being considered valid and prompt payment will be expected.

Improper Charges:

If, by error, demurrage or storage charges are improperly assessed, charges will be adjusted to the amount that would have accrued but for such error.

Unacceptable Claims:

Bunching and run around will not be considered railroad error and no allowance will be made.

Weather Interference:

Acts of God: In the event it is impossible for shipper, loader, consignee, or unloader to get to a car or to load or to unload a car due to acts of God, including, but not limited to flood, storm, earthquake, hurricane, tornado, or to other severe weather or climatic conditions, the demurrage directly chargeable thereto will be adjusted, provided the impediment is at least two (2) days in duration. Notification of this impediment must be made to Customerservice@watcocompanies.com. Customer will notify customer service within 24 hours of interference, and will provide daily updates until back in service.

ITEM 70 **APPLICATION**

- A. Section I (Demurrage) and Section II (Storage) applies on all cars constructively or actually placed on or after the effective date of this tariff, at all stations on the BHRR. ***This publication takes precedence over any other domestic interstate, intrastate, export or import publication,*** containing rules, regulations and charges on demurrage and storage for the account of the BHRR, and will be applied on the basis of “Simplified Demurrage” as defined in Item 10, between BHRR and ALL BHRR SERVED CONSIGNEES AND SHIPPERS.
- B. The disposition of a car at its point of detention determines the purpose for which the car is held and the rules applicable thereto.
- C. Except as otherwise provided, railroad owned cars may not be used for intra-plant movements when customer performs the switching service. Cars held in excess of thirty (30) days will be considered appropriated for in-plant use and will be assessed penalty charge of **\$50.00** per day for each day in excess of thirty (30) days and will be in addition to all other charges.
- D. All railroad owned and controlled cars, assigned cars, and privately-owned cars, including idler cars are subject to the rules and charges published herein, **EXCEPT** the following:
1. Cars for loading or unloading of BHRR company material while held on BHRR tracks or private sidings connecting therewith.
 2. Cars of refused or unclaimed freight to be sold by BHRR for the time held beyond legal requirements.
 3. Cars of railroad ownership, leased for storage of commodities, for intra-plant or intra-terminal switching service, while held on lessee’s tracks and car hire (per diem) is not paid by BHRR.
 4. Loaded private cars held on private tracks unless under railroad control and made subject to demurrage under the provisions of Item 80 or 90.
 5. Empty private cars held on private tracks.
 6. Empty cars ordered and rejected as unsuitable for loading within 48 hours following order date or actual placement date.
 7. If Item 75 is applicable, this Item will not apply.

ITEM 75 **CHARGES FOR TOXIC OR POISONOUS INHALATION HAZARD (TIH/PIH)**

- A. **Spot on arrival:** rail cars containing Toxic Inhalation Hazard (TIH) or Poisonous Inhalation Hazard (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 consignee’s or shipper’s controlled tracks or at consignee’s or shipper’s facility upon arrival and the rail car must be held by BHRR, a charge of **\$2,500.00** per rail car per day, or fraction thereof, will be assessed until the rail car is actually placed. The charges pertaining to this Item are immediate. There will be no free time or holiday free time. The charges will begin at time of constructive placement and will continue until actual placement.
- B. **Held awaiting “forwarding instructions” as defined in Item 10:** When BHRR is requested to move a car, containing Toxic Inhalation Hazard (TIH) or Poisonous Inhalation Hazard (PIH), as defined in AAR Circular No. OT-55, as amended from time to time, from an industry or team track and the consignee or shipper requesting the move has not provided proper forwarding instructions and such car is moved by BHRR to a railroad track, and is held awaiting proper forwarding instructions, a charge of **\$2,500.00** per rail car per day, or fraction thereof, will be assessed against the party requesting the move until proper forwarding instructions are received. The charges of this Item are immediate. There will be no free time or holiday free time. The charges will begin on the day car is moved by BHRR to a railroad track and will continue until proper forwarding instructions are received.

In addition to the above charges, consignees or shippers will be liable for all Federal, State, Local penalties or fines which may be assessed for the holding of rail cars containing (TIH/PIH) on railroad controlled tracks and shall be jointly and severally liable for any loss, damage, or delay to equipment or lading caused by an Act of God, a public enemy, the authority of law, labor strikes, acts of civil disobedience, the inherent nature or character of the lading, natural shrinkage, an act or default of the shipper/consignor, owner or consignee/receiver, or from any cause whatsoever which occurs while the equipment and lading is in the actual physical custody and control of BHRR due to the inability of the consignee or shipper to receive equipment or provide proper forwarding instructions, unless it can be proven that carrier’s gross negligence was the cause of same. Consignees or shippers will be responsible for any cost incurred by BHRR for providing protection or surveillance of any commodity provided in this Item while held on BHRR property.

ITEM 80 CARS HELD FOR COMPLETE OR PARTIAL LOADING

LOADING: As defined in Item 10 of this Tariff.

- A. Railroad owned and controlled car(s) that are consigned or ordered for delivery to private tracks are subject to demurrage/storage provisions and charges as applicable in this Tariff while on railroad tracks under constructive placement and while on private tracks.
- B. If Item 75 is applicable, this Item will not apply.

COMPUTATION:

- A. Demurrage computation:
 1. Constructive Placement Time will apply from first 12:01 AM after constructive placement until actual placement
 2. Industry Time will apply from first 12:01 AM after actual placement until release.
 3. Demurrage will apply on railroad owned and controlled car(s) from first 12:01 AM after constructive placement until release from actual placement (Constructive Placement Time and Industry Time combined and continuous).
 4. Demurrage will apply on all car(s) from first 12:01 AM after release and removal of loaded cars from private track until forwarding instructions are received (subject to Item 460 in WTS 9011-series).
- B. If an empty car is placed prior to date for which it was ordered, demurrage will apply from the first 12:01 AM of the date for which it was ordered. Demurrage days will then accrue until the car is released.
- C. On reloaded cars, demurrage will apply from the first 12:01 AM after advice is received that the car is empty until car is released as a load; provided if advice that the car is empty is not furnished, demurrage will continue until forwarding instructions are received.

CREDITS: As defined in Item 10 of this Tariff.

- A. **Two (2) credits will be allowed for each car upon release from loading.**

ITEM 90 CARS HELD FOR COMPLETE OR PARTIAL UNLOADING

UNLOADING: As defined in Item 10 of this Tariff.

- A. Loaded Private cars held on private tracks at destination will be subject to this Item only when the car is a railroad-controlled car.
- B. Railroad owned and controlled car(s) that are consigned or ordered for delivery to private tracks are subject to demurrage/storage provisions and charges as applicable in this Tariff while on railroad tracks under constructive placement and while on private tracks.
- C. If Item 75 is applicable, this Item will not apply.

COMPUTATION:

- A. Demurrage computation:
 1. Constructive Placement Time will apply from first 12:01 AM after constructive placement until actual placement.
 2. Industry Time will apply from first 12:01 AM after actual placement until released.
 3. Demurrage will apply on railroad owned and controlled car(s) from first 12:01 AM after constructive placement until release from actual placement (Constructive Placement Time and Industry Time combined and continuous).
 4. Demurrage will apply from first 12:01 AM after release and removal of empty cars from private tracks until forwarding instructions are received.

CREDITS: As defined in Item 10 of this Tariff.

- A. **Three (3) credits will be allowed for each car upon release from unloading. One additional credit will be allowed on a car when it has a demurrage day occurring on a holiday (see Item 115).**

ITEM 100 CARS HELD FOR PURPOSES OTHER THAN LOADING OR UNLOADING**APPLICABLE TO CARS HELD:**

- A. While awaiting proper disposition from the shipper, loader, consignee, or unloader.
- B. In connection with diversion request
- C. For any other purpose not attributable to BHRR.
- D. If Item 75 is applicable, this Item will not apply.

COMPUTATION:

- A. Demurrage computation:
 1. Constructive Placement Time will apply from the first 12:01 AM after constructive placement until actual placement or disposition advice for re-route to off-line point is received on:
 - a. Cars diverted, reconsigned, refused, reshipped or stopped in transit (other than a rejected car as referred to in Item 195).
 - b. Empty cars ordered, constructively placed for loading, and not used in transportation service (other than a rejected car as referred to in Item 70).
 - c. Cars waiting for payment of accrued charges.
 - d. Cars held for other purpose, except as covered by Items 80 & 90, which is not attributable to BHRR.
 - e. Cars with excessive lading held for reduction as described in WTS 9011-Series, supplements thereto and successive issues thereto, whichever is applicable.
- B. Industry Time will apply from first 12:01 AM after received by BHRR until date and time of disposition on:
 1. Cars received from connecting carriers.
 2. Loaded private cars returned to railroad tracks.
- C. Industry Time will apply from first 12:01 AM after actual placement until disposition advice is received on:
 1. Cars reshipped
 2. Empty cars actually placed for loading, and not used in transportation service.
 3. Cars held for any other purpose, except as covered in Items 80 & 90, which is not attributable to BHRR.
- D. Demurrage will apply on the following from first 12:01 AM:
 1. Demurrage will apply on railroad owned and controlled car(s) from first 12:01 AM after constructive placement until disposition of refused car(s) (Constructive Placement Time and Industry Time combined and continuous).
 2. Demurrage will apply on loaded private car(s) from first 12:01 AM after constructive placement while on railroad tracks until actual placement on private track or disposition of refused car(s).

CREDITS: As defined in Item 10 of this Tariff.

Two (2) credits will be allowed for each car upon release or on which disposition is given (except empty cars ordered and not used in transportation service (other than rejected car as referred to in Item 70); loaded private cars returned to railroad tracks and held for disposition; cars received from connecting carriers and held for disposition).

ITEM 105 PENALTY TIME

After the expiration of five (5) days, cars held on railroad tracks awaiting disposition will be assessed a penalty hold charge of **\$50.00** per day for each day in excess of five (5) days until disposition is given. The penalty hold charge will be in addition to all other charges.

ITEM 110 **DEMURRAGE PLAN AND PRICES**

- A. Settlement of charges will be made on a calendar month basis on all cars released during the calendar month.
- B. Credits earned and demurrage days accrued by customers having facilities at separate stations cannot be combined
- C. Credits earned and demurrage days accrued will be calculated separately for the following:
 - 1. Cars held for complete loading (see Item 80).
 - a. Railroad owned covered hopper cars having a capacity of 4,000 cubic feet or greater – AAR Car Type Code “C113”.
 - b. All other cars.
 - 2. Cars held for complete or partial unloading (see Item 90).
 - a. Railroad owned covered hopper cars having a capacity of 4,000 cubic feet or greater – AAR Car Type Code “C113”.
 - b. Cars containing:
 - 1. STCC 24-111-XX (Sawlogs)
 - 2. STCC 24-114-XX (Pulpwood Logs)
 - 3. STCC 24-115-XX (Pulpwood or other Woodchips)
 - c. All other cars.
 - 3. Cars held for purposes other than loading and unloading (see Item 100).
 - a. Railroad owned covered hopper cars having a capacity of 4,000 cubic feet or greater – AAR Car Type Code “C113”.
 - b. All other cars.
 - 4. Rejected scrap iron or steel (see Item 195).
- D. Demurrage charges will be assessed against the facility served by BHRR (shipper, loader, consignee, or unloader) and they will be responsible for payment of such charges.
- E. Excess credits earned under Special Demurrage Contracts or Agreements cannot be used to offset demurrage calculated per the Tariff.
- F. Excess credits earned for one transaction cannot be used to offset demurrage days on another transaction.
- G. Excess credits earned in one calendar month may not be used to offset demurrage days in another calendar month.
- H. **Calculation of charges:** The tariff or special agreement applied will be that in effect when the car is released.
 - 1. Determine the total number of Chargeable demurrage days [debits] for all cars.
 - 2. Determine the total number of Credits for all cars.
 - 3. If total credits exceed total demurrage days [debits], demurrage charges will not be assessed.
 - 4. If total demurrage days [debits] exceed the total credits, calculation will be made as follows:
 - a. Subtract number of total credits from total demurrage days to determine chargeable days.
 - b. Multiply number of cars by 2 to determine the “maximum factor”.
 - c. The number of chargeable days up to or equal to the “maximum factor” will be assessed **\$30.00** per day.
 - d. The number of chargeable days exceeding the “maximum factor” will be assessed:
 - 1. **\$102.00** per day on:
 - a. Railroad owned covered hopper cars having a capacity of 4,000 cubic feet or greater – AAR Car Type Code “C113”.
 - b. Cars held for complete unloading transactions containing:
 - i. STCC 24-111-XX (Sawlogs)
 - ii. STCC 24-114-XX (Pulpwood Logs)
 - iii. STCC 24-115-XX (Pulpwood or other Woodchips)
 - 2. **\$61.00** per day – Applicable on all other cars.

ITEM 115 **HOLIDAYS**

Wherever reference is made to “holidays”, it shall mean only the days listed below.

New Years Day (January 1st)

Thanksgiving Day – Fourth Thursday of November

Christmas Day – (December 25th)

SECTION II STORAGE RULES AND CHARGES

ITEM 120 STORAGE OF LOADED OR EMPTY PRIVATE CARS ON RAILROAD TRACKS

COMPUTATION OF CHARGES: If the total number of loaded or empty private cars in stored status and available to be ordered in on the next scheduled service exceeds the shipper or consignee's available storage agreement capacity on any particular day, then storage charges will be assessed at a rate of **\$51.00 per Storage day**, except Empty Private Cars held on railroad tracks will be assessed **\$5.00 per Storage day**. Empty Private Cars held on railroad tracks will be assessed a per car switching fee in addition to daily storage charges at a rate of **\$127.00 per car into storage** and **\$127.00 per car out of storage**.

Storage will apply from the first 12:01 AM after notification of availability and constructive placement of empty private cars on railroad tracks until the actual placement on private leased tracks.

RESPONSIBILITY OF CAR: The shipper, receiver, owner or lessee is responsible for the car while in stored status according to the customer storage arrangement in place.

LIABILITY: See WTS 9011 Series.

STORAGE PLAN:

- A. Unless otherwise advised, charges will be assessed against the contracted storage customer on the railroad.
- B. Settlement of charges will be made on a monthly basis on each car released from storage during each calendar month.

ITEM 140 STORAGE OF RAILWAY EQUIPMENT MOVING ON OWN WHEELS

APPLICATION:

This item applies to railway equipment held on BHRR tracks that will move or has moved on its own wheels as freight under transportation charges. If Item 75 is applicable, this Item will not apply.

COMPUTATION OF CHARGES: Storage charges will be assessed at a rate of **\$51.00 per Storage day**.

RESPONSIBILITY OF CAR: The shipper, receiver, owner or lessee is responsible for the car while in stored status according to the customer storage arrangement in place.

LIABILITY: See WTS 9011 Series.

STORAGE DAYS WILL COMMENCE:

- A. At Origin or Enroute: From the first 12:01 AM following placement of the equipment in storage and continuing until equipment is released from hold tracks. (Notice of arrival will be given consignee within twenty-four (24) hours after arrival of equipment at hold point).
- B. At Destination: From the first 12:01 AM after notice of arrival is given consignee and continuing until equipment is released from hold tracks. (Notice of arrival will be given consignee within twenty-four (24) hours after arrival of equipment at hold point).

STORAGE PLAN:

- A. Unless otherwise advised, charges will be assessed against the contracted storage customer on the railroad.
- B. Settlement of charges will be made on a monthly basis for all equipment released from storage during each calendar month.

ITEM 150 STORAGE OF EXPLOSIVES, HAZARDOUS MATERIALS (OTHER THAN TIH/PIH)**SUBJECT TO TARIFF BOE 6000 (HAZARDOUS MATERIALS REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION)****APPLICATION:**

- A. This Item applies on any car (loaded or residue empty) containing Explosives or Hazardous Materials that is held on railroad controlled tracks, which includes Team Tracks.
- B. Explosives are defined as Class A, B and C Explosives as named in Part 172, Commodity List, Tariff Bureau of Explosives (BOE) 6000-Series.
- C. Hazardous Materials are defined as "Hazardous Wastes" and "Hazardous Substances" as named in Hazardous Materials Regulations of the U. S. Department of Transportation in 40 Code of Federal Regulations (CFR) 260 through 263 and 49 CFR 171.8 or successor thereof, requiring the use 4-digit identification numbers on shipping documents, placards or panels and identified with Standard Transportation Commodity Codes (STCC) beginning with 48 and 49 or beginning with STCC 28 and 29 and converting to STCC 48 or 49.
- D. Demurrage charges will be in addition to the charges provided in this Item.
- E. If Item 75 is applicable, this item will not apply.

STORAGE DAYS WILL COMMENCE:

- A. At Origin: From the first 12:01 AM following release of the car and continuing until a document is given BHRR containing all necessary information to forward the car.
- B. At Destination: From the first 12:01 AM after notice of arrival is given consignee and continuing until the car is released or placed on private tracks.

STORAGE PLAN:

- A. Charges will be billed on a monthly basis.
- B. Charges will apply per chargeable day until removal from railroad premises.

STORAGE CHARGE: \$152.00 per car, per Storage day.

SECTION III SWITCHING AND MISCELLANEOUS CHARGES

ITEM 160 INTRA-PLANT SWITCHING

The BHRR will perform intra-plant switching on loaded or empty cars at a charge of **\$143.00** per car non-hazardous or **\$203.00** per car hazardous (STCC series 28, 29, 48, & 49).

ITEM 170 INTRA-TERMINAL SWITCHING

The BHRR will perform intra-terminal switching on loaded or empty cars at a charge of **\$230.00** per car non-hazardous or **\$305.00** per car hazardous (STCC series 28, 29, 48, & 49).

Empty equipment moving in intra-terminal switching service to or from facilities for cleaning, lining, relining, maintenance, modification or repair not immediately preceded by or followed by a revenue movement via the BHRR will be assessed a charge of **\$152.00** per car.

ITEM 175 INTER-TERMINAL SWITCHING

The BHRR will perform inter-terminal switching on loaded or empty cars at a charge of **\$231.00** per car non-hazardous or **\$275.00** per car railroad company material and **\$305.00** per car hazardous (STCC series 28, 29, 48, & 49). Other carriers published switching charges are in addition to BHRR charges.

ITEM 180 EARLY RELEASE OF CARS PLACED FOR LOADING OR UNLOADING

When a shipper instructs the release of a car(s) previously placed for loading or unloading, but BHRR is unable to remove the car(s) because the loading or unloading of the car(s) has not been completed or for other reasons not attributable to BHRR, the car(s) will remain on demurrage as if the release had not been instructed, and the **intra-terminal switch charge** will apply on each car, up to a **maximum intra-terminal switch charge of \$1,200.00** per occurrence.

When the placement of a car(s) cannot be accomplished due to early release of car(s) previously placed for loading or unloading or for other reasons not attributed to BHRR the car(s) will remain on demurrage as if the car(s) had not been ordered and **the intra-terminal switch charge** will apply on each car, up to a **maximum intra-terminal switch charge of \$1,200.00** per occurrence.

ITEM 190 RELEASE OF CARS WITHOUT FORWARDING INSTRUCTIONS

When on instructions, loaded or empty cars moving on own wheels, are removed from industry, shop, team track or interchange tracks and are held by carrier awaiting forwarding instructions, a charge of **\$60.00** per car with a **maximum charge of \$1,200.00** per bill of lading will be assessed against the loader, shipper, or party taking responsibility for Miscellaneous Charges. If car(s) are subsequently ordered returned to the loader's interchange tracks, the applicable intra-terminal switching charge will be assessed against party requesting the service. **These charges are subject to demurrage charges. Additional charges may also accrue as stated in WTS Rules Publication 9011-Series.**

ITEM 195 HOLDING REJECTED CARS OF SCRAP IRON OR STEEL

At the convenience of BHRR, and only after prior arrangements have been made by Consignee, shipper, or owner by phone at 1-866-889-2826, upon BHRR approval carloads of rejected scrap at all stations on BHRR will be set out to a holding track awaiting disposition from customer at a charge of **\$90.00** per car for each car held. A charge of **\$20.00** per day or fraction thereof will be assessed for each car held. Time computed will be from the first one minute after midnight following notification to customer from BHRR that car has been rejected until BHRR receives proper disposition from customer. While cars are being held, demurrage and storage charges will not apply. All charges in this item are in addition to any and all other applicable charges.

ITEM 200 **EMPTY CARS RETURNED UNUSED**

- A. When an empty car received from a connecting railroad for loading by an industry located on BHRR is refused by the industry because the car is not in proper condition to load and car must be returned to the connecting railroad, a switching charge of **\$390.00** in one direction only will be assessed against the connecting railroad furnishing the car.
- B. When an empty car received from a connecting railroad is rejected for loading by an industry located on BHRR, and returned unused for reasons other than described in (A) above, car will be returned to the connecting railroad and a switching charge of **\$140.00** in one direction only will be assessed against the person, firm or corporation ordering the car. If advice has not been received from the industry who ordered the car within twenty-four (24) hours exclusive of Saturdays and Sundays, demurrage charges will start from the first 12:01 AM after car is placed and will be charged until the car has been removed from the loading location.
- C. When an empty car furnished by BHRR (not a connecting railroad) is appropriated to a customer based upon a car order and subsequent notification is give to BHRR that car(s) is no longer needed, a switching charge of **\$140.00** will be assessed against the person, firm, or corporation ordering the car. Demurrage will also be charged for all detention, including, Saturdays, Sundays and Holidays from the date and time of actual or constructive placement until released, with no free time allowance.

ITEM 205 **ORDERING EMPTY CARS IN FOR PLACEMENT BY SPECIFIC CAR NUMBER**

When empty cars are stored or otherwise held for loading, and customer requests such cars for placement by specific car number (as opposed to ordering in “any empty cars” or “the next cars in line”), then an “Ordering Empty by Car Number” charge of **\$140.00** per car applies. Charge applies regardless of car ownership and whether the cars are stored or held on railroad tracks or on customer lease tracks.

ITEM 210 **CARS INTERCHANGED OR DELIVERED TO BHRR IN ERROR**

Loaded or empty car(s) received in interchange by BHRR;

- (i) without billing instructions, or
- (ii) at an interchange not specified in the billing, or
- (iii) when BHRR is not in the route, or
- (iv) when shipper, consignee or owner changes billing instructions to move car(s) via an outbound carrier other than BHRR

will be returned to the delivering carrier or forwarded to the proper carrier if interchange with such carrier within the same switching district at a charge of **\$384.00** per car.

ITEM 215 **CHARGES FOR DELAY OF CARS**

A receiving carrier refusing to accept cars when offered by the BHRR shall pay a delay charge of **\$50.00** per day for each refused car. Such charges will be in addition to all other applicable charges.

ITEM 220 **INDUSTRY SETBACK**

Upon receipt of a request to return car(s) previously released on BHRR, BHRR will perform the service at a charge of **\$211.00** per car, provided car(s) is within the switching terminal. If the service of another carrier(s) is necessary to effectively return the car(s) their charges(s) will be **in addition to the \$211.00** per car.

ITEM 230 **LOCOMOTIVES, DEAD, ON OWN WHEELS**

The applicable charge for switching locomotives, dead on their own wheels will be **\$800.00**, unless specified in another item or publication.

ITEM 235 **REASONABLE DISPATCH**

BHRR will transport railcars over its line with reasonable dispatch. BHRR and connecting carrier(s) do not guarantee rail service on any scheduled time frame.

ITEM 240 **OVERSIZED LOADS OR SPECIAL TRAIN SHIPMENTS**

Over-sized shipments, as defined in Note 1, will be handled in regular switching service, as defined in Note 2, whenever possible. The charge for each handling oversized loads, as defined in Note 1, will be **\$386.00** per hour and will be assessed in lieu of the regular published intra-terminal switching charges in this tariff.

Special switching service, as defined in Note 2, will be provided at a charge of **\$2,010.00** per car for each special switch, and will be assessed in lieu of the regular published intra-terminal switch charges in this tariff.

Note 1: A shipment shall be defined as over-sized under any of the following conditions:

-lading exceeds twelve (12) feet in width;
-lading extends over the length of the car;
-lading extends twenty (20) feet above the rail;
-lading weighs 200,000 pounds or more.

Note 2: Regular and Special Switching Service Defined:

Regular switching service is defined as a service accorded shipments which can be handled by a regular switching assignment.

Special switching service is defined as a service which cannot be handled by a regular switching assignment because of excess weight, height, width or length and will only be provided when in the judgment of BHRR special switch service is necessary, or when specifically requested by consignee, shipper, or owner. In any case, special switching service will be performed at carrier’s convenience.

Consignee, shipper, or owner must provide BHRR personnel advance notice by phone at 1-866-889-2826 that an over-sized shipment handled in regular switching service or special switching service will be required, as well as the initial and number of the car(s) to be switched. BHRR will email or fax a special request form noting the requested initial and numbers of the cars(s), along with the date service is to be performed and where invoice needs to be sent. Once form is signed and returned to BHRR either via an email at Customerservice@watcocompanies.com or a fax at 1-866-413-5160 confirming the request, BHRR will begin operational coordination of request.

ITEM 245 **HEAVY DUTY FLAT CAR**

When a flat car of mechanical designation FG or FW of any capacity, or a flat car of mechanical designation FM of 151,000 pounds or more capacity is ordered or appropriated by shipper and used to transport any freight at or between stations reached by the BHRR, a charge of **\$633.00** per car will be assessed for each loaded movement in addition to applicable tariff rates or charges. When a flat car of mechanical designation FD of any capacity is ordered between stations reached by the BHRR, a charge of **\$1,894.00** per car will assessed for each loaded movement in addition to applicable tariff rates or charges.

Note: For description of mechanical designations mentioned herein, see Official Railway Equipment Register.

ITEM 250 SWITCHING OUTSIDE NORMAL OPERATING OR SERVICE HOURS

- A. The provisions in this Item apply where BHRR is requested by consignee, shipper, or owner to furnish necessary locomotive(s) and crew(s) to either be used in stand-by service or to perform industrial switching service at other than normal assigned time for a specific location with crew(s) already on duty. If crew must be called in to perform service please see Item 260 Special Train Service for charges.
- B. Charges will be assessed at a rate of **\$392.00** per hour or fraction thereof, **subject to a minimum charge of \$3,136.00**. Charges shall be assessed for each request for switching service, regardless of the number of cars, and will be in addition to any other chargeable services performed in connection therewith.
- C. Consignee, shipper, or owner must provide BHRR personnel advance notice by phone at **1-866-889-2826** that switching outside of normal operating or service hours will be required, as well as the initial and number of the car(s) to be switched. BHRR will email or fax a special request form noting the requested initial and numbers of the cars(s), along with the date service is to be performed and where invoice needs to be sent. Once form is signed and returned to BHRR either via an email at Customerservice@watcocompanies.com or a fax at **1-866-413-5160** confirming the request, BHRR will begin operational coordination of request.

ITEM 260 SPECIAL TRAIN SERVICE

Special train service is defined as a train which is operated on an expedited schedule or under special service or transportation requirements specified by the shipper, consignee or the agent of either at a charge in addition to the applicable class or commodity rates or fares, or a train which is assembled in accordance with instructions give to BHRR by a shipper, consignee, or agent of either. Upon request and at the convenience of BHRR, special freight train service will be furnished on BHRR, subject to the charges and conditions specified in this Item.

- A. Charges will be assessed at a rate of **\$392.00** per hour or fraction thereof, **subject to a minimum charge of \$3,136.00**. Charges shall be assessed for each request for special freight train service, regardless of the number of cars, and will be in addition to any other chargeable services performed in connection therewith.
- B. Consignee, shipper, or owner must provide BHRR personnel advance notice by phone at **1-866-889-2826** as to each special freight train service to be made under this tariff giving BHRR all necessary information as to such special train movement, including consist, date and time of movement, and any other information and instructions pertinent to such movement, allowing sufficient time for BHRR to consummate whatever arrangements may be necessary to facilitate the movement of such train, including the assembly of equipment, personnel and other incidental requirements. Prior to service being performed, BHRR will email or fax a form noting all of the necessary information provided originally via phone, along with date service is to be performed and where invoice needs to be sent. Once this form is signed and returned to BHRR either via an email at Customerservice@watcocompanies.com or a fax at **1-866-413-5160** confirming the request, BHRR will begin operational coordination of request.

ITEM 270 TURNING CARS TO PERMIT LOADING/UNLOADING

When a customer requests BHRR to turn car(s) for the purpose of loading or unloading, BHRR will bill the customer making the turn request **\$400.00** per car non-hazardous or **\$600.00** per car hazardous (STCC series 28, 29, 48, & 49) for each car that BHRR turns. Consignee, shipper, or owner must provide BHRR personnel advance notice by phone at **1-866-889-2826** as to each turn to be made under this tariff giving BHRR all necessary information as to car numbers and any other information and instructions pertinent to such movement, allowing sufficient time for BHRR to consummate whatever arrangements may be necessary to facilitate the movement. Prior to service being performed, BHRR will email or fax a form noting all of the necessary information provided originally via phone, along with date service is to be performed and where invoice needs to be sent. Once this form is signed and returned to BHRR (either via an email at Customerservice@watcocompanies.com or a fax at **1-866-413-5160**) confirming the request, BHRR will begin operational coordination of request.

ITEM 280 EMPTY CAR SWITCHING

When a customer requests BHRR return a previously received empty car to interchange, an intra-terminal switch charge will apply based on the last contents of the car in one direction. This Item applies to all equipment, including but not limited to, private car and tank car equipment. This Item excludes empty cars that fall under the provisions of Item 200.

ITEM 285 WEIGHING

A charge of **\$75.00** per car when scale is en route of movement and no additional switching is required, **\$301.00** per car for out of route movement to weigh. Weigh charges are in addition to any other chargeable services performed in connection therewith.

ITEM 290 DIVERSION/RECONSIGNMENT CHARGES

General Application:

- A. When BHRR has taken physical possession of the car(s) from a connecting carrier.
- B. Diversions/Reconsignments will only be accepted from;
 - a. Payer of Freight
 - b. Authorized Representative/Agent of the Payer of Freight
 - c. Shipper
 - d. Consignee
 - e. Car owner/Lessee
- C. Diversion/Reconsignments will not be accepted
 - a. After car has been interchanged to a connecting carrier
 - b. After actual placement
 - c. Require BHRR to perform Back hauls or Out-of-Line hauls
 - d. If car is already in an interchange block
 - e. If car is non-revenue empty
- D. BHRR reserves the right to reject a diversion or reconsignment request for any reason.
- E. BHRR will make diligent effort to effect desired diversion or reconsignment when the car is in BHRR possession.
 - a. BHRR will not assume any responsibility after a car has been classified or assembled into a train for movement, or if car has been “pre-blocked” or “run-through” train service.
 - b. BHRR will not be responsible for executing a diversion/reconsignment order on a specified day or time of day
- F. BHRR personnel must receive advance notice by phone at **1-866-889-2826**
- G. Once BHRR personnel approves diversion, BHRR must receive an email at Customerservice@watcocompanies.com or a fax at **1-866-413-5160** confirming request with details of where to send charges before diversion will be completed.
- H. Cars diverted or reconsigned prior to arrival of car at billed station or after arrival (but not spotted) of car at billed destination shall be charged a rate of **\$392.00** per car as well as the otherwise applicable tariff charge for the move.

ITEM 300 PRIVATE CAR APPLICATION FOR RAILROAD MARKED CARS

BHRR is aware that shippers and/or consignees may sometimes lease railcars from other railroads for shipments that may originate or terminate on BHRR. Such railcars normally contain the reporting marks of the lessor railroad. In order to avoid the assessment of demurrage charges by BHRR when such railcars are located on private or leased tracks, on BHRR rail lines, it is necessary that shippers apply to and receive the approval of, BHRR for the designation of such cars as “private” cars for the purposes of demurrage or storage. BHRR reserves the right to assess demurrage and storage charges while cars designated as private are on railroad owned tracks.

- A. Shipper and/or consignee must submit a written request to BHRR not less than thirty (30) days prior to the date that the “private” car designation should take effect to carhire@watcocompanies.com. The request must include:
 - a. Name of Shipper and/or Consignee leasing the railcars
 - b. Name of lessor railroad
 - c. Listing of the reporting marks of the railcars being leased and railcar type(s)
 - d. Length of time requested for the private railcar designation
 - e. Copy of applicable railcar lease (upon request of BHRR)
- B. BHRR will provide a written reply to each request within thirty (30) days of receipt of the request. BHRR, in its sole discretion may accept or reject the request in whole or in part. BHRR may accept a smaller number of railcars than requested and/or for a shorter amount of time.

ITEM 310 PRIVATE CAR MILEAGE

The BHRR is not a party to the 6007 Tariff-series covering private car mileage, therefore does not pay private car mileage.

ITEM 315 ABSORPTION OF CONNECTING LINE SWITCHING CHARGES

Any switching charges not absorbed will be in addition to the line-haul rate.

**SECTION IV
RECIPROCAL & INTERMEDIATE SWITCHING**

ITEM 320 RECIPROCAL SWITCHING

BIRMINGHAM

Effective May 29, 1998 Birmingham branch was abandoned. Birmingham will still show as interchange point for BNSF (See Note 1).

Between Industries served by BHRR and interchange with BNSF:

<u>Customer Name</u>	<u>Location</u>	<u>Rate Per Car</u>
All Industries/Tracks	Ensley, AL	\$328.00 (Notes 1 – 4)
All Industries/Tracks	Fairfield, AL	\$328.00 (Notes 1 – 4)
All Industries/Tracks	Fairfield, AL	\$356.00 (Notes 1, 8)
All Industries/Tracks	Woodward, AL	\$338.00 (Notes 1 – 4)

ENSLEY

Between Industries served by BHRR and interchange with CSXT or NS:

<u>Customer Name</u>	<u>Location</u>	<u>Rate Per Car</u>
WJ Bullock	Ensley, AL	\$274.00 (Note 2)
Chapel Steel	Ensley, AL	\$274.00 (Note 2)
DeCarlo Warehouse Inc.	Ensley, AL	\$274.00 (Note 2)
Fritz (Slag Plant)	Ensley, AL	\$274.00 (Note 2)
Scott's Excavating & Hauling	Ensley, AL	\$274.00 (Note 2)
All Industries/Tracks	Ensley, AL	\$274.00 (Notes 2, 7)
All Industries/Tracks	Fairfield, AL	\$336.00 (Notes 2 – 5)
All Industries/Tracks	Fairfield, AL	\$383.00 (Notes 2 – 4, 6)
All Industries/Tracks	Fairfield, AL	\$334.00 (Note 8)
All Industries/Tracks	Woodward, AL	\$328.00 (Notes 2 – 4)

Note 1: East Thomas is the Birmingham interchange for BHRR and BNSF.

Note 2: See Item 325.

Note 3: Except Primary Iron or Steel (STCC 3312).

Note 4: Applies on coke, direct product of coal, all shipments moving in box cars.

Note 5: Applies on coke hoppers not exceeding 4,000 cubic feet.

Note 6: Applies on coke hoppers exceeding 4,000 cubic feet.

Note 7: Applies on all shipments moving in box cars.

Note 8: Applies on lumber and related articles.

ITEM 325 HAZARDOUS COMMODITIES RECIPROCAL OR INTERMEDIATE SWITCHING

When cars loaded with hazardous materials are switched by BHRR in reciprocal or intermediate switch service, special charges of **\$711.00 per car** if commodity is classified as being TIH/PIH, or **\$102.00** per car if commodity is classified as being a hazardous material other than TIH/PIH (see Item 10). These charges are in addition to all other reciprocal or intermediate switching charges.

ITEM 330 INTERMEDIATE SWITCHING

Except as otherwise provided, BHRR will assess an intermediate switching charge of **\$254.00** per car against the carrier delivering to BHRR; applicable to either loaded or empty cars. See Item 325.

ITEM 335 **SPECIAL RECIPROCAL OR INTERMEDIATE SWITCHING**

When an intermediate switching movement cannot be handled in regular train service, additional charges for the special handling will be assessed in addition to any other charges applicable to the movement. These additional charges are assessed to the BHRR served shipper or consignee as follows:

- A. For the first five (5) cars in the same movement **\$1,200.00** per movement.
 B. For each additional car in excess of five (5) cars in the same movement **\$140.00** per car

ITEM 340 **EQUIPMENT SUPPLIED FOR SPECIFIC DESTINATION OR JUNCTIONS**

Empty cars that are ordered or supplied for specific destination or junctions that are loaded and billed to travel other than ordered or supplied route will incur a charge of **\$254.00** per car. This charge will be assessed by the BHRR.

NOTE: Charges can also be imposed by other roads involved or car owners.

ITEM 350 **MILEAGE ALLOWANCE ON SHIPPER OWNED OR LEASED CARS**

Shipper owned or leased cars moving under freight rates published in this tariff or in any connecting line tariff will be zero rated on the BHRR.

ITEM 360 **ITEMS FORMERLY SHOWN**

WTS 9011 tariff series may contain items formerly shown in this tariff. Items covered in WTS 9011 tariff series that formerly were located in this tariff will become effective in WTS 9011 tariff series on the effective date of this tariff issuance.