MISSION MOUNTAIN RAILROAD COMPANY

FREIGHT TARIFF MMT 6000-C

Cancel MMT Freight Tariff 6000-B

NAMING
GENERAL CAR DEMURRAGE RULES AND CHARGES
AND
SWITCHING AND TERMINAL RULES AND CHARGES

APPLYING ON ALL POINTS ON THE

MISSION MOUNTAIN RAILROAD COMPANY

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THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT RESULT IN AN EFFECT ON
THE QUALITY OF THE HUMAN ENVIRONMENT.

ISSUED: July 1, 2006          EFFECTIVE: August 4, 2006

ISSUED BY:
T.D. TOWNER, PRESIDENT
MISSION MOUNTAIN RAILROAD COMPANY
315 WEST THIRD
PITTSBURG, KS 66762
# TARIFF MMT 6000-C

## GENERAL CAR DEMURRAGE RULES AND CHARGES

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<th>ITEM</th>
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<td><strong>SECTION 1</strong></td>
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<tr>
<td>40</td>
<td>DEMURRAGE CHARGES</td>
<td>On cars subject to demurrage charges after expiration of free time allowed (See Item 80), the following charges per car, per day, or fraction of a day, will be made until the car is released (See Item 115). $50.00 per day. The applicable charge will accrue on all days, except Sundays (See Item 80) and holidays (See Item 90).</td>
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<tr>
<td><strong>SECTION 2</strong></td>
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<td>50</td>
<td>EMPTY CARS ORDERED OR APPROPRIATED FOR LOADING BUT NOT USED</td>
<td>When a car so ordered and placed is not used, and no advice from the party who ordered the car has been received within twenty-four (24) hours exclusive of Saturdays and Sundays, demurrage charges will start from the first 12:01 A.M. after car is placed and will be charged until the car has been removed from the loading location.</td>
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<tr>
<td>60</td>
<td>PRIVATE CARS HELD ON RAILROAD TRACKS</td>
<td>Loaded or empty private cars held on industry tracks located on the Mission Mountain railroad shall not be subject to demurrage charges. Separate storage agreements may be drafted for this purpose.</td>
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</tbody>
</table>
| 70 | CARS HELD FOR PURPOSES OTHER THAN LOADING AND UNLOADING | Applicable to cars held:  
A. On orders of the loader or unloader.  
B. While awaiting proper disposition from the loader, unloader, or in connection with diversion request, or the freight payer.  
C. As a result of conditions attributable to the loader or unloader.  
Computation: (See item 40 for charges)  
A. Demurrage will be computed on the following from the first 12:01 AM:  
1. After notification of actual or constructive placement until car is released, forwarding instructions are received, or disposition advice is received on:  
a. Cars diverted or reshipped.  
b. Cars held empty for loading - ordered and not used (other than rejected car).  
c. Cars held for “Surrender of Order notify Bills of Lading” at destination.  
d. Cars waiting for payment of accrued charges at origin or destination on.  
e. Cars held for official grading or inspection.  
f. Cars held for any other purpose, except as covered by items 50 and 60, which is not attributable to the MMT.  
2. After a car is received by MMT until date and time of disposition on:  
a. Cars received from connecting carriers.  
b. Loaded private cars returned to railroad tracks.  
3. After actual or constructive placement until date and time of refusal on a refused loaded car.  
4. After notification is given to loader/beneficial owner until date of disposition on a refused loaded car.  
5. After actual placement or car order date, whichever is later, until date and time of rejection, on empty cars rejected as being unsuitable for loading.  |

40 DEMURRAGE CHARGES

On cars subject to demurrage charges after expiration of free time allowed (See Item 80), the following charges per car, per day, or fraction of a day, will be made until the car is released (See Item 115).

$50.00 per day.

The applicable charge will accrue on all days, except Sundays (See Item 80) and holidays (See Item 90).
SECTION 3 - EXPLANATION OF TERMS

80  FREE TIME  Cars for loading or unloading will be allowed forty-eight (48) hours free time. Free time begins at the first 12:01 A.M. after the car is constructively or actually placed (See Item 100). For the purposes of computing free time, Sundays are excluded. Holidays (Item 90) are excluded.

90  HOLIDAYS  Wherever reference is made to “holidays”, it shall mean only the days listed below.
   New Year’s Day - January 1 (See Note).
   Good Friday.
   Memorial Day - Last Monday of May.
   Independence Day - July 4 (See Note).
   Labor Day – First Monday of September.
   Thanksgiving Day - Fourth Thursday of November.
   Christmas Day - December 25 (See Note).
   NOTE: When this date occurs on a Sunday, the following Monday will be observed as the holiday.

100  PLACEMENT  ACTUAL PLACEMENT - Actual placement is made when a car is placed in an accessible position for loading or unloading or at a point previously designated by the consignor or consignee. Railroad will not issue actual placement notices.
   CONSTRUCTIVE PLACEMENT – When a car consigned or ordered to a private 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 reasonably be accommodated there, at an available hold point; however, if car is placed on the 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.

110  NOTIFICATION  Notification by industry of release of cars must be:
   A. In writing by fax to Twin Falls, ID (208) 733-1720.

115  RELEASES  A railcar is considered released only after billing instructions have been received in writing by fax, regardless of who is responsible for the billing.
   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.

SECTION 4 – OTHER CHARGES

200  WEIGHING  A charge of $125.00 per car when scale is enroute of movement and no special switching is required, $250.00 per car for out of route movement to weigh.

201  TURNING CARS  A charge of $125.00 per car, $250.00 per car for out of route movement to turn, will be assessed for the turning of a car at shipper / consignee request.

202  RECONSIGNMENT OR DIVERSION  $225.00 If car has not reached destination station. $300.00 If car reached destination station, but has not been spotted. $375.00 If car reached destination station and has been spotted. Shipper must provide MMT a new Bill of Lading as authority to move car.
## INTRA-PLANT SWITCHING
The MMT will perform intra-plant switching on loaded or empty cars at a charge of $75.00 per car non-hazardous or $125.00 per car hazardous (STCC series 28,29,48,49).

Intra-plant switching is a switching movement from one track to another track within the same plant or industry, or from one location to another location on the same track within the same plant or industry.

## INTRA-TERMINAL SWITCHING
The MMT will perform intra-terminal switching on loaded or empty cars at a charge of $150.00 per car.

Intra-terminal switching is a switching movement (other than intra-plant switching) from one private or assigned track to another private or assigned track of the same railroad, within the switching limits of the same station or industrial switching district.

## SPECIAL SWITCH
$675.00 Per Request
Additional $225.00/hour, for services over 3 hours.

Requests must be received in writing prior to any movements being performed. The MMT will review all requests for special switches and will approve or deny depending on railroad availability.

## SPECIAL TRAIN
$1800.00 Per Request
Additional $225.00/hour, for services over 8 hours.

Requests must be received in writing prior to any movements being performed. The MMT will review all requests for special train and will approve or deny depending on railroad availability. (Over-sized / dimensional loads handled on individual basis)

## EMPTY CARS ORDERED OR SUPPLIED FOR SPECIFIC DESTINATIONS 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:

$500.00 Per car

This charge will be assessed by the MMT and there could be other charges imposed by the other roads involved or car owners.

### TARIFF MMT 6000-C

#### SECTION 4 – OTHER CHARGES

<p>| 208 | OVERLOADED CARS DEFINITION | A car will be considered overloaded when the weight of the lading thereof exceeds the maximum carrying capacity (load limit) stenciled on the car. |
| 209 | OVERLOADED CARS- NOTIFICATION OF | The party contracting for services or owner of the lading will be notified of the overload and will be allowed to remove the excess. Demurrage charges commence with the first 12:01 A. M. after notification is given user or owner of the lading by MMT, with no other free time allowed. |</p>
<table>
<thead>
<tr>
<th></th>
<th>OVERLOADED CARS AT ORIGIN</th>
<th>When a car is overloaded and such fact is discovered at origin station, shipper or owner of the lading will be notified to remove the excess as provided in this tariff. If the car is returned to the industry where loaded, one intra-terminal switch charge will be assessed in addition to a $350.00 per car penalty.</th>
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<tbody>
<tr>
<td></td>
<td>OVERLOADED CARS AT OTHER THAN ORIGIN</td>
<td>When a car at a station is discovered to be overloaded and such fact is discovered after the shipment has left the origin station, shipper will be notified to remove the excess as provided in this tariff. The applicable intra-terminal switch charge from the point where the overloaded condition is discovered to the nearest public track will be assessed in addition to a $350.00 per car penalty.</td>
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<td>OVERLOADED CARS – DISPOSITION OF</td>
<td>When a customer fails to respond within the first twenty-four (24) hours, a second notice will be sent. If shipper fails to respond within seven (7) calendar days from the first 12:01 A. M. after the first notification, MMT will, at our option, transfer the shipment, transfer the excess to another car or remove the excess and sell it to the best advantage. The actual cost of transfer for removing the excess plus any additional charge(s), less the proceeds of the sales of the excess, if any, will be assessed against the shipper, unless satisfactory arrangements are made with MMT.</td>
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<td>OVERLOADED CARS RECEIVED FROM CONNECTING LINES</td>
<td>When a car is received from a connecting line in road haul service, and is discovered to be overloaded, shipper and delivery line will be notified to remove the excess as provided in this tariff. If the overload is discovered at the junction and car is ordered returned the delivering carrier, the applicable inter-terminal switch charge will be assessed in addition to a $350.00 per car penalty.</td>
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<td>SETBACK CHARGES FOR CARS HANDLED IN ERROR.</td>
<td>A charge of $150.00 per car will be assessed on cars interchanged to or from MMT due to error on the part of rail carrier making such interchange.</td>
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<td>PER DIEM</td>
<td>MMT does not pay private car mileage allowance.</td>
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