

**FT KAW 6000-A
(Cancels FT KAW 6000)**

KAW RIVER RAILROAD

FREIGHT TARIFF KAW 6000-A (Cancels Freight Tariff KAW 6000)

NAMING

GENERAL CAR DEMURRAGE RULES AND CHARGES

AND

SWITCHING, TERMINAL AND MISCELLANEOUS RULES AND CHARGES

APPLYING AT BIRMINGHAM, KEARNEY, KANSAS CITY [A] AND LIBERTY, MO ON THE

KAW RIVER RAILROAD

This tariff is also applicable on intrastate traffic, except where expressly provided to the contrary in connection with particular items.

ISSUED: April 11, 2007

EFFECTIVE: May 1, 2007

ISSUED BY

T. D. Towner, President
Kaw River Railroad
315 West Third
Pittsburg, KS 66762

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

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<p>Freight Tariff KAW 6000-A cancels Freight Tariff KAW 6000 in its entirety.</p> <p>Provisions formerly published in Freight Tariff KAW 6000 and not brought forward in Freight Tariff KAW 6000 are hereby canceled</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">APPLICATION</th> <th style="text-align: left;">ITEM</th> </tr> </thead> <tbody> <tr> <td>Storage Charges on Private Cars Held on Railroad Tracks.....</td> <td>45</td> </tr> <tr> <td>Storage Free Time.....</td> <td>85</td> </tr> <tr> <td>Switching:</td> <td></td> </tr> <tr> <td> Intra-Plant Switching.....</td> <td>203</td> </tr> <tr> <td> Intra-Terminal Switching.....</td> <td>204</td> </tr> <tr> <td> Special Switching.....</td> <td>205</td> </tr> <tr> <td>Terms - Index of.....</td> <td>30</td> </tr> <tr> <td>Turning Cars.....</td> <td>201</td> </tr> <tr> <td>Watco Website.....</td> <td>5</td> </tr> </tbody> </table>		APPLICATION	ITEM	Storage Charges on Private Cars Held on Railroad Tracks.....	45	Storage Free Time.....	85	Switching:		Intra-Plant Switching.....	203	Intra-Terminal Switching.....	204	Special Switching.....	205	Terms - Index of.....	30	Turning Cars.....	201	Watco Website.....	5
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DEMURRAGE AND STORAGE RULES AND CHARGES	DEMURRAGE AND STORAGE RULES AND CHARGES
<p>ITEM 30 (Cont'd) [A] INDEX OF TERMS</p> <p>SPOT ON ARRIVAL: KAW, without notification, will place cars for loading or unloading immediately upon their availability for placement.</p> <p>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 KAW has received an order for placement from the Spot On Arrival Customer.</p> <p>STCC: Standard Transportation Commodity Code.</p> <p>STORAGE DAY: A twenty-four (24) hour period, or fraction thereof.</p> <p>TEAM TRACK: Any track designated by KAW for use by the general public for loading and unloading (i.e. Public Delivery Track).</p> <p>TIME: Local time applicable.</p> <p>TENDERED FOR DELIVERY: All cars made available to a customer that have been constructively placed or ordered for placement on the same day.</p> <p>UNLOADER: Party physically unloading a car.</p> <p>UNLOADED/UNLOADING: The complete or partial unloading of a car and advice the car is available for movement and the furnishing of forwarding instructions when required.</p>	<p>ITEM 40</p> <p align="center">DEMURRAGE CHARGES</p> <p>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):</p> <p>Unloading Demurrage: \$75.00 per day <u>Loading Demurrage: \$75.00 per day, except Grain and Grain Products loading into Covered Hopper or Mechanical Refrigerator Cars</u></p> <p><u>Grain and Grain Products Loading into Covered Hopper Demurrage: \$50.00 per day</u></p> <p><u>Mechanical Refrigerator Cars Demurrage: \$100.00 per day</u></p> <p>The applicable charge will accrue on all days, except holidays (See Item 90).</p> <p>All Demurrage will begin assessment of \$150.00 per day on the Fourth Chargeable Day and thereafter.</p>
<p>ITEM 35 [A][C] GENERAL APPLICATION</p> <p>A. The rate in effect on the date of closing event will be used to calculate charges named in this Tariff.</p> <p>B. The rates and charges in this Tariff are stated in money of the United States and are payable in United States dollars or its equivalent.</p> <p>C. All railroad owned and controlled cars, assigned cars, and privately owned cars, including idler cars, held for or by freight payors in connection with diversion requests, consignors, consignees, loaders or unloaders, are subject to the rules and charges contained in this Tariff EXCEPT as provided for in paragraph E.</p> <p>D. All privately owned covered hopper cars for transportation of Grain and Grain Products, and Sugar (STCC 20-621 and 20-629), held for or by freight payors in connection with diversion requests, consignors, consignees, loaders or unloaders, are subject to the rules and charges contained in this Tariff EXCEPT as provided for in paragraph E.</p> <p>E. The rules and charges contained in this Tariff do not apply on the following:</p> <ol style="list-style-type: none"> 1. Cars for loading or unloading of KAW company material. 2. Cars of refused or unclaimed freight to be sold by KAW for the time held beyond legal requirements. 3. Private cars held on private tracks. 4. Cars used for the purpose of testing loading and unloading procedures, new types of dunnage, or new types of equipment as authorized by KAW. 5. Empty cars actually placed for loading and then rejected as being unfit for loading. 6. Loaded and empty privately owned cars held on railroad tracks, except as provided for in paragraph D. (For application, see Item 45 STORAGE CHARGES ON PRIVATE CARS HELD ON RAILROAD TRACKS) 	<p>ITEM 41 [A][C] DEMURRAGE PLAN</p> <p>A. Except non-credit or cash customers, (See Item 43), settlement of charges will be made on a calendar month basis on all cars with a closing event during the calendar month.</p> <p>B. Free time and/or chargeable demurrage days will be calculated separately for the following transactions for each transaction type:</p> <ol style="list-style-type: none"> 1. Cars held for complete loading (see Item 51). 2. Cars held for complete or partial unloading (see Item 52). 3. Cars held for purposes other than loading and unloading (see Item 53). 4. Loaded and empty private cars held on railroad tracks (See Item 54). 5. Refused loaded cars (See Item 55). 6. Straight Plan Demurrage (See Item 43) <p>C. Free time on one type of transaction, as listed in paragraph C, cannot be used to offset demurrage charges on another type of transaction.</p> <p>D. Demurrage charges will be assessed against the consignor or consignee and they will be responsible for payment of such charges.</p> <p>E. The Shipper (Consignor) is responsible for the designation of the bill of lading or other forwarding direction given to KAW of an appropriate entity to be identified as the Consignee, which by its authorization to such identification and by its participation in the receipt and handling of the lading becomes a party to the shipment. If the designated Consignee alleges that it is not responsible at law for destination demurrage attributable to the shipment because it is not a party to the transportation contract or consignee has address or operation outside the US, then KAW shall have recourse against the Shipper (Consignor) for such demurrage charges plus ten percent thereon as an extraordinary administrative cost of collection.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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DEMURRAGE AND STORAGE RULES AND CHARGES	DEMURRAGE AND STORAGE RULES AND CHARGES
<p>ITEM 42 [A][I] DEMURRAGE CHARGES ON CARS CONTAINING EXPLOSIVES OR HAZARDOUS MATERIALS</p> <p>A. Any loaded car containing Explosives or Hazardous Materials that is held on KAW tracks, including public delivery tracks, is subject to a charge immediately upon notification of constructive placement of \$500.00 for the first 24 hours or portion thereof. Charges will increase to \$1,000.00 per day, or portion thereof, for each day thereafter until space is made available. These per day charges will be in addition to, and run concurrent with, the applicable per day demurrage charge named in Item 40 or storage charge named in Item 45, as applicable in this Tariff.</p> <p>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.</p> <p>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.</p> <p>D. The daily Explosives or Hazardous Materials charge in Paragraph A is in addition to the applicable rates named in Items 40 and 45.</p> <p>E. Charges assessed under this Item cannot be offset by FREE TIME named in item 80 of this Tariff.</p>	<p>ITEM 50 EMPTY CARS ORDERED OR APPROPRIATED FOR LOADING BUT NOT USED</p> <p>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.</p>
<p>ITEM 43 [A][C] STRAIGHT PLAN DEMURRAGE</p> <p>A. The provisions of this Item apply in connection with the following:</p> <ol style="list-style-type: none"> 1. Non-Credit Customers 2. Sugar (STCC 20-621 and 20-629) Loading only. Empty private Covered Hoppers awaiting orders for placement to private tracks or railroad controlled Covered Hoppers held for loading and/or loaded on rail controlled or private tracks. 3. Sugar (STCC 20-621 and 20-629) moving in private and railroad controlled Covered Hoppers. Cars billed to a KAW hold track or railroad controlled Covered Hoppers to customer leased track and held waiting for forwarding instructions to final destination. 4. Cash Customers 5. Customers utilizing team track <p>B. Except for non-credit or cash customers, settlement of charges will be made on a calendar month basis on all cars with a closing event during the calendar month.</p> <p>C. Settlement of charges for non-credit or cash customers will be made as charges accrue, or, at the option of KAW, on a monthly basis on all cars with closing events during the calendar month.</p> <p>D. Demurrage will be calculated based on provisions of Items Items 51, 52, 53, 54, 55</p>	<p>ITEM 51 [C] CARS HELD FOR LOADING</p> <p>Applicable to cars held for loading (See Exceptions). Loading is the complete or partial loading of a car in conformity with KAW loading and clearance rules, advice the car is available for movement, and the furnishing of forwarding instructions.</p>
<p>ITEM 45 [A] STORAGE CHARGES ON PRIVATE CARS HELD ON RAILROAD TRACKS</p> <p>The rules and charges in this section apply to all loaded and empty private cars held on railroad track (Exception, see Item 35). On cars subject to storage charges after expiration of free time allowed (See Item 85), the following charges per car, per day, or fraction of a day, will be made until the car is released (See Item 115):</p> <p style="padding-left: 40px;">Loaded Private Cars - \$75.00 per day Empty Private Cars - \$25.00 per day</p> <p>Charges will accrue on all Saturdays, Sundays and holidays subsequent to the first chargeable day.</p>	<p>RELEASE:</p> <ol style="list-style-type: none"> A. Date and time that KAW receives forwarding instructions and advice that a car is available for movement and payment of any accrued charges from non-credit or cash customers. Written instructions may be given to KAW stating forwarding instructions will authorize release. B. Cars placed on industrial interchange tracks of a loader doing its own switching, including those tracks of an industrial switch line acting as Agent of loader, must also be returned to the industrial interchange track for release, as described in Paragraph A. C. Cars found to be improperly loaded at origin will not be considered released, as described in Paragraph A, until the load has been properly adjusted and clearance has been obtained. <p>COMPUTATION:</p> <ol style="list-style-type: none"> A. Demurrage computation: <ol style="list-style-type: none"> 1. Constructive Placement Time will be computed from the first 12:01 a.m. after constructive placement until order in time. (See exception 1). 2. Industry Time will be computed from the first 12:01 a.m. after actual placement until released. B. If a car is placed prior to the car order want date, demurrage will be computed from the first 12:01 a.m. of the date for which it was ordered. Demurrage days will then accrue until the car is released. C. When the customer releases a car prior to the car order want date: <ol style="list-style-type: none"> 1. If the car placement is prior to 12:01 a.m. of the date advice car is available for movement, time will be computed from 12:01 a.m. of date advice is received. Demurrage days will then accrue until the car is released. 2. If car is placed on the same day as advice is received that car is available for movement, time will be computed from the first 12:01 a.m. following date advice is received. Demurrage days will then accrue until the car is released. D. On a reloaded car, demurrage will be computed from the first 12:01 a.m. after advice is received that the car is empty until the car is released as a load.
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	<p>Exceptions:</p> <ol style="list-style-type: none"> 1. The provisions of this Item do not apply on shipments of Sugar (STCC 20-621 and 20-629) moving in Covered Hopper cars. For provisions to apply, see Item 43 (Straight Plan Demurrage).

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DEMURRAGE AND STORAGE RULES AND CHARGES	DEMURRAGE AND STORAGE RULES AND CHARGES
<p>ITEM 52 [A][C]</p> <p align="center">CARS HELD FOR UNLOADING</p> <p>Except as provided for in Item 54 (Loaded and empty Private Cars Held on Railroad Tracks), this item covers cars held for complete or partial unloading.</p> <p>RELEASE:</p> <p>A. Date and time that KAW receives advice that a car is empty and available for movement.</p> <p>B. Cars placed on industrial interchange tracks of an unloader doing its own switching, including those tracks of an industrial switch line acting as Agent of unloader, must be returned to the industrial interchange track for release in order to be considered available for movement.</p> <p>C. 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.</p> <p>COMPUTATION:</p> <p>A. Demurrage computation.</p> <ol style="list-style-type: none"> Constructive Placement Time will be computed from the first 12:01 a.m. after constructive placement until order in time. Industry Time will be computed from the first 12:01 a.m. after actual placement until released. 	<p>ITEM 53 (Cont'd) [C]</p> <p align="center">CARS HELD FOR PURPOSES OTHER THAN LOADING AND UNLOADING</p> <p>B. EXEMPT FROM FREE TIME listed in Item 80. NO FREE TIME IS GIVEN FOR THIS TRANSACTION</p> <p><u>Exception:</u> The provision of this item do not apply on shipments of Sugar (STCC 20-621 and 20-629) moving in Covered Hopper Cars that are billed to a KAW Hold Track, or customer leased track, and held waiting for forwarding instructions to final destination. For provision to apply, see Item 43 (Straight Plan Demurrage).</p>
<p>ITEM 53 [C]</p> <p align="center">CARS HELD FOR PURPOSES OTHER THAN LOADING AND UNLOADING</p> <p>Applicable to cars held (See Exception) while awaiting proper disposition from the loader, unloader, consignee or, in connection with a diversion request, the freight payor or its authorized representative.</p> <p>COMPUTATION:</p> <p>A. Demurrage computation:</p> <ol style="list-style-type: none"> Constructive Placement Time will be computed from the first 12:01 a.m. after constructive placement until disposition advice is received on: <ol style="list-style-type: none"> Cars diverted or reshipped. Empty cars ordered, constructively placed for loading, and not used in transportation service. Cars held by KAW for surrender of Order Notify Bills of Lading. Cars waiting for payment of accrued charges. Cars held for any other purpose, except as covered by Items 51, 52, 54, 55 and 43 which is not attributable to KAW. Cars with excessive lading held for reduction. Industry Time will be computed from the first 12:01 a.m. after received by KAW until date and time of disposition on: <ol style="list-style-type: none"> Cars received from connecting carriers. Loaded private cars returned to railroad tracks. Industry Time will be computed from the first 12:01 a.m. after actual placement until disposition advice is received on: <ol style="list-style-type: none"> Cars reshipped. Empty cars actually placed for loading, and not used in transportation service. Cars held for any other purpose, except as covered by Items 51, 52, 54, 55 and 43 which is not attributable to KAW. <p align="center">(Continued in next column)</p>	<p>ITEM 54 [C]</p> <p align="center">LOADED AND EMPTY PRIVATE CARS HELD ON RAILROAD TRACKS</p> <p>A. Loaded and empty private cars, consigned or ordered for delivery to private tracks, which first must be held on railroad tracks under constructive placement are subject to demurrage and storage provisions and charges as provided in this Tariff.</p> <p>B. Loaded private cars released and pulled from private tracks, which first must be held on railroad Track awaiting forwarding instructions, are subject to demurrage and storage provisions and charges as Provided in this Tariff.</p> <p>C. Charges will be computed from the first 12:01 a.m. after constructive placement of loaded and empty private cars while held on railroad tracks until request for placement on private tracks is received.</p> <p>D. Charges will be computed from the first 12:01 a.m. after release and removal of loaded private cars from private track until forwarding instructions are received.</p> <p>E. SUBJECT TO FREE TIME listed in Item 80.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	<p>ITEM 55 [A]</p> <p align="center">REFUSED LOADED CARS</p> <p>Applicable to cars held while awaiting proper disposition from the loader, unloader, or consignee.</p> <p>Computation:</p> <p>A. Demurrage will be computed on the following from the first 12:01 a.m.:</p> <ol style="list-style-type: none"> After actual or constructive placement until date and time of refusal. <ol style="list-style-type: none"> Constructive Placement Time will be computed from the first 12:01 a.m. after constructive placement until the car is ordered for placement or refused. Industry Time will be computed from the first 12:01 a.m. after actual placement until the car is refused. After notification is given to the party entitled to receive notice until date of disposition. <ol style="list-style-type: none"> Constructive Placement Time will be computed from the first 12:01 a.m. after constructive placement until disposition is received. <p>B. EXEMPT FROM FREE TIME listed in Item 80. 48 HOURS FREE TIME IS ALWAYS GIVEN FOR THIS TRANSACTION</p>

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DEMURRAGE AND STORAGE RULES AND CHARGES	DEMURRAGE AND STORAGE RULES AND CHARGES
<p>ITEM 56 [A] EMPTY PRIVATE CARS HELD FOR LOADING ON RAILROAD CONTROLLED OR PUBLIC DELIVERY TRACKS</p> <p>Applicable to empty private cars other than listed in Item 35 paragraph D.</p> <p>A. Release:</p> <ol style="list-style-type: none"> 1. Date and time that KAW receives forwarding instructions and advice that a car is available for movement and payment of any accrued charges from non-credit or cash customers. Notice may be given to KAW stating forwarding instructions will authorize release. 2. Cars found to be improperly loaded at origin will not be considered released, as described in paragraph A.1., until the load has been properly adjusted and clearance, if necessary, has been obtained. <p>B. Computation and Charges:</p> <ol style="list-style-type: none"> 1. Charges will be assessed from the second 12:01 a.m. (Saturdays, Sundays and holidays within the calculation to the second 12:01 a.m. will be excluded) after actual or constructive placement of a car until the car is released. 2. On a reloaded car, charges will be assessed from the second 12:01 a.m. (Saturdays, Sundays and holidays within the calculation to the second 12:01 a.m. will be excluded) after advice is received that the car is empty until the car is released as a load. 3. Charges will accrue on all Saturdays, Sundays and holidays subsequent to the first chargeable day. 4. Each chargeable day, or fraction thereof, will be assessed at the applicable rate in Item 45. 	<p>ITEM 61 [A] LOADED AND EMPTY PRIVATE CARS HELD FOR INITIAL PLACEMENT</p> <p>Applicable to loaded and private cars other than listed in Item 35 paragraph D.</p> <ol style="list-style-type: none"> A. Loaded and empty private cars, consigned or ordered for delivery to private tracks, which first must be held on railroad tracks under constructive placement are subject to storage provisions and charges as provided in this Tariff. B. Storage will be computed from the second 12:01 a.m. (Saturdays, Sundays & holidays within the calculation to the second 12:01 a.m. will be excluded) after notification of constructive placement of loaded or empty cars, while held on railroad tracks, until request for placement on private or leased tracks is received. C. Charges will accrue on all Saturdays, Sundays and holidays subsequent to the first chargeable day. D. Each chargeable day, or fraction thereof, will be assessed at the applicable rate in Item 45.
<p>ITEM 60 [A] LOADED PRIVATE CARS HELD FOR UNLOADING ON RAILROAD CONTROLLED OR PUBLIC DELIVERY TRACKS</p> <p>Applicable to loaded private cars other than listed in Item 35 paragraph D.</p> <p>A. Release:</p> <ol style="list-style-type: none"> 1. Date and time that KAW receives advice that a car is empty and available for movement. 2. When a car is unloaded and then reloaded, empty release information must be furnished. If not furnished, charges will be continuous until forwarding instructions are received. <p>B. Computation and Charges</p> <p>Charges will be assessed from the second 12:01 a.m. (Saturdays, Sundays and holidays within the calculation to the second 12:01 a.m. will be excluded) after actual or constructive placement of a car until the car is unloaded.</p> <p>Charges will accrue on all Saturdays, Sundays and holidays subsequent to the first chargeable day.</p> <p>Each chargeable day, or fraction thereof, will be assessed at the applicable rate in Item 45.</p>	<p>ITEM 62 [A] PRIVATE CARS REFUSED</p> <p>Applicable to loaded and private cars other listed in Item 35 paragraph D, that are held on KAW tracks while awaiting proper disposition from the loader, unloader or consignee, or car owner or lessee.</p> <p>Computation and Charges:</p> <ol style="list-style-type: none"> A. Charges will be assessed on the following from the second 12:01 a.m. (Saturdays, Sundays and holidays within the calculation to the second 12:01 a.m. will be excluded): <ol style="list-style-type: none"> 1. After constructive placement until date and time of refusal. 2. After notification is given to the party entitled to receive notification until date of disposition B. Charges will accrue on all Saturdays, Sundays and holidays subsequent to the first chargeable day. C. Each chargeable day, or fraction thereof, will be assessed at the applicable rate in Item 45.
	<p>ITEM 65 [A] LOADED AND EMPTY PRIVATE CARS HELD FOR DELIVERY TO CONNECTING CARRIER</p> <p>Applicable to loaded and private cars other listed in Item 35 paragraph D, that are held for delivery to connecting carrier.</p> <ol style="list-style-type: none"> A. Loaded and empty private cars, consigned or waybilled for delivery to connecting carrier, which first must be held on railroad tracks under constructive placement, are subject to storage provisions and charges as provided in this Tariff. B. Storage will be computed from the second 12:01 a.m. (Saturdays, Sundays & holidays within the Calculation to the second 12:01 a.m. will be excluded) after notification of constructive placement of loaded or empty cars, while held on railroad tracks, until request for delivery to connecting carrier is received. C. Charges will accrue on all Saturdays, Sundays and holidays subsequent to the first chargeable day. D. Each chargeable day, or fraction thereof, will be assessed at the applicable rate in Item 45.
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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DEMURRAGE AND STORAGE RULES AND CHARGES	DEMURRAGE AND STORAGE RULES AND CHARGES
<p>ITEM 70 [A] PRIVATE CARS HELD FOR PURPOSES OTHER THAN LOADING, UNLOADING OR INITIAL PLACEMENT</p> <p>Applicable to loaded and private cars other than listed in Item 35 paragraph D, that are held while awaiting proper disposition from the loader, unloader or consignee, car owner or lessee or, in connection with a loaded car diversion request, the freight payor or his authorized representative. Computation and Charges:</p> <p>A. Charges will be assessed on the following from the first 12:01 a.m. (Inclusive of Saturdays, Sundays and holidays).</p> <p>I. After notification of constructive placement or actual placement until disposition advice is received on:</p> <ol style="list-style-type: none"> Cars diverted or reshipped. Cars held for surrender of Order Notify Bills of Lading. Cars waiting for payment of accrued charges. Cars held for any other purpose, except as covered by Items, 61, 56, 60, 65 and 62 which is not attributable to KAW. After a private car is received by KAW until date and time of disposition on: <ol style="list-style-type: none"> Private cars received from connecting carriers. Private cars returned to KAW tracks. <p>B. Each chargeable day (Including Saturdays, Sundays and holidays), or fraction thereof, will be assessed at the applicable rate in Item 45.</p>	<p>ITEM 85 [A] STORAGE FREE TIME</p> <p>Storage will be governed as follows:</p> <p>Privately marked cars other than covered hopper cars for transportation of Grain and Grain Products:</p> <ol style="list-style-type: none"> Loaded and empty private cars, consigned or ordered for delivery to private tracks, which first must be held on railroad tracks under constructive placement are subject to storage provisions and charges as provided in this Tariff. Storage will be computed from the second 12:01 a.m. (Saturdays, Sundays & holidays within the calculation to the second 12:01 a.m. will be excluded) after notification of constructive placement of loaded or empty cars, while held on railroad tracks, until request for placement on private or leased tracks is received. Charges will accrue on all Saturdays, Sundays and holidays subsequent to the first chargeable day. Each chargeable day, or fraction thereof, will be assessed at the applicable rate in Item 45. When empty cars are held short of the waybill destination the rate that will apply will be the rate applicable for the destination.
<p>ITEM 80 [C] DEMURRAGE AND FREE TIME</p> <p>Demurrage will be governed as follows:</p> <p>Railroad marked or Railroad controlled cars: Demurrage will be governed under the rules of the demurrage plan as outlined in Item 41 as follows:</p> <p>Free Time:</p> <ol style="list-style-type: none"> Cars for loading will be allowed 24 hours. Cars for unloading will be allowed 48 hours <p>Free time begins at the first 12:01 A.M. after the car is constructively or actually placed (See Item 100) until released. Free time can only be used on the car it was earned.</p> <p>Covered hopper cars for transportation of Grain and Grain Products: Demurrage will be governed under the rules of the demurrage plan as outlined in Item 41 as follows:</p> <p>Free Time:</p> <ol style="list-style-type: none"> Whole Grains: Wheat, Durum and Barley for loading will be allowed 48 hours. All other Grains for loading will be allowed 24 hours. All Grain and Grain Products for unloading will be allowed 48 hours. <p>Free time begins at the first 12:01 A.M. after the car is constructively or actually placed (See Item 100) until order in time. Free time can only be used on the car it was earned.</p> <p>See Item 90 for exclusions during Demurrage calculations.</p>	<p>ITEM 90 HOLIDAYS</p> <p>Wherever reference is made to "holidays", it shall mean only the days listed below:</p> <p>New Year's Day – January 1 (See Note 1). Martin Luther King Day President's Day Good Friday Memorial Day Labor Day Independence Day (See Note 1). Labor Day Thanksgiving Day – Fourth Thursday of November. The Friday After Thanksgiving Christmas Eve – December 24th Christmas Day – December 25th (See Note 1). <u>New Year's Eve – December 31st</u></p> <p>NOTE 1: When this date occurs on a Sunday, the following Monday will be observed as the holiday.</p> <p>NOTE 2: Day of the week – Sunday – is excluded from demurrage calculations, except for Mechanical Refrigerator Car or Sugar (20-621 and 20-629) in Covered Hopper cars.</p>
	<p>ITEM 110 [A] NOTIFICATION FROM CUSTOMER</p> <p>Notification by industry of release of cars must be by one of the following:</p> <ol style="list-style-type: none"> Shipper Connect (Web Interface Tools). To gain access please email RMIShelpdesk@watcocompanies.com In writing via email to DataEntry@watcocompanies.com In writing by fax to (866) 413-5160, 24 Hours a day
<p align="center">For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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DEMURRAGE AND STORAGE RULES AND CHARGES	DEMURRAGE AND STORAGE RULES AND CHARGES
<p>ITEM 111 [A]</p> <p align="center">NOTIFICATION FROM KAW</p> <p>A. Notification will be delivered to the loader/unloader/in-care-of/or similar party as the Agent for the Consignor or Consignee, car owner or lessee.</p> <p>1. The following notification will be furnished as indicated:</p> <p>(a) Cars held for initial placement on private tracks:</p> <p>(1) Notice of constructive placement shall be sent or given if a car is held on tracks of KAW at an available hold point or at billed destination due to any condition attributable to the loader, unloader or consignee which prevents KAW from making actual placement.</p> <p>(b) Cars for public delivery tracks:</p> <p>(1) Notice of constructive placement shall be sent or given if a car is held on tracks of KAW at an available hold point or at billed destination due to any condition attributable to the loader, unloader or consignee which prevents KAW from making actual placement.</p> <p>(2) Notice will be given to the party entitled to receive notification when a car is actually placed.</p> <p>(c) Refused cars:</p> <p>(1) When a car is refused, KAW will give notice of such refusal to the consignor, owner or lessee.</p> <p>(d) Freight Payor or Party Entitled to Received Notice:</p> <p>(1) Notice will be sent or given if a car is held on tracks of KAW awaiting proper disposition in connection with diversion requests.</p> <p>(2) Notice will be sent or given if a car is held on tracks of KAW awaiting payment of any lawful charges.</p> <p>(e) Cars held for delivery to a connecting carrier:</p> <p>(1) Notice of constructive placement shall be sent or given if a car is held on tracks of KAW at an available hold point or billed destination due to any condition attributable to loader, unloader or consignee which prevents KAW from making interchange to the connecting carrier.</p> <p>2. When notification is required, the following effective dates and times will govern.</p> <p>(a) U. S. Mail – The date and time mailed by KAW.</p> <p>(b) Electronically or verbally – the date and time sent or given, as recorded by KAW.</p> <p>3. Notification will contain the following:</p> <p>(c) Car initial and number.</p> <p>(d) Car location.</p>	<p>ITEM 115 [C]</p> <p align="center">RELEASES</p> <p>A railcar is considered released only after billing instructions have been received, regardless of who is responsible for the billing.</p> <p>1. Date and time that KAW receives forwarding instructions and advise that a car is available for movement and payment of any accrued charges from non-credit or cash customers. Notice may be given to KAW stating forwarding instructions will authorize release.</p> <p>2. Cars found to be improperly loaded at origin will not be considered released, as described in paragraph 1, until the load has been properly adjusted and clearance, if necessary, has been obtained.</p> <p>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.</p>
	<p align="center">SWITCHING AND MISCELLANEOUS RULES AND CHARGES</p>
	<p>ITEM 201 [A]</p> <p align="center">TURNING CARS</p> <p>(1) If shipper issues instructions on the Bill of Lading as provided in paragraph (3) "NOTICE TO CARRIER" for turning rail cars, KAW will apply a \$400 charge against the shipper. (See Note)</p> <p>(2) If "NOTICE TO CARRIER" as provided in paragraph 3 is not shown on bill of lading , KAW will assess an intra-terminal charge in both directions in accordance with rate in item 204 upon completion of the service. This charge will be assessed against the party requesting the turn.</p> <p>(3) NOTICE TO CARRIER: Deliver car for loading or unloading from "left side only" or "right side only" or end specified by placard. For EDI Billing in the H3 Segment (for special handling instructions) for unloading cars designate UR (unload right) or UL (unload left). Designation of UP (Unload as placarded) will not be accepted.</p> <p>Note: Charges provided in paragraph (1) will be waived on staggered door boxcars, if customer complies with paragraph 3 (NOTICE TO CARRIER").</p>
	<p>ITEM 202 [R]</p> <p align="center">RECONSIGNMENT OR DIVERSION</p> <p>\$225.00 If car has not reached destination station.</p> <p>\$300.00 If car reached destination station, but has not been spotted.</p>
	<p>ITEM 203 [I]</p> <p align="center">INTRA-PLANT SWITCHING</p> <p>The KAW will perform intra-plant switching on loaded or empty cars at a charge of \$150.00 per car.</p> <p>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.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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<p>SWITCHING AND MISCELLANEOUS RULES AND CHARGES</p>	<p>SWITCHING AND MISCELLANEOUS RULES AND CHARGES</p>
<p>ITEM 204 [I] INTRA-TERMINAL SWITCHING</p> <p>The KAW will perform intra-terminal switching on loaded or empty cars at a charge of \$400.00 per car.</p> <p>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.</p>	<p>ITEM 208 [C] OVERLOADED CARS</p> <p>An overloaded car is defined as a rail car for which either the net weight (actual weight of freight including all other materials incidental to the movement of the goods) is in excess of the car's authorized load limit (as listed in Universal Machine Language Equipment Register-UMLER), or the gross weight (combined weight of railcar and freight including all other material incidental to the movement of the goods) is in excess of the track weight limitations at any point along the route of movement.</p>
<p>ITEM 205 [I] SPECIAL SWITCHING</p> <p>Except as otherwise provided and upon specific request of a customer and at the discretion of the carrier, carloads may be handled in special (not regular service. (See Note 1)</p> <p>The special service charge as shown herein for each crew used will be in addition to any applicable switching charges. Charges will be assessed against the party requesting the service.</p> <p>A. Existing crews If no additional or new crews are required the charge is \$500 within switch limits.</p> <p>B. Additional or New Crew If additional or new crews are required the charge is \$2,000 for up to eight (8) hours and \$250 per hour or fraction thereof for each additional hour not to exceed twelve (12) hours within switch limits.</p> <p>NOTE 1.-Special (not regular) service is defined as: (a) Service accorded shipments which cannot be handled in regular train operations because of excess weight, height, width or length and which necessitates handling in a special train. OR (b) By specific instructions from consignor, loader, consignee or unloader.</p>	<p>ITEM 209 OVERLOADED CARS - NOTIFICATION OF</p> <p>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 KAW, with no other free time allowed.</p>
<p>ITEM 206 SPECIAL TRAIN</p> <p>\$1800.00 Per Request Additional \$225.00/hour, for services over 8 hours.</p> <p>Requests must be received in writing prior to any movements being performed. The KAW will review all requests for special train and will approve or deny depending on railroad availability. (Over-sized / dimensional loads handled on individual basis)</p>	<p>ITEM 210 [I] OVERLOADED CARS AT ORIGIN</p> <p>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 \$750.00 per car penalty.</p>
<p>ITEM 207 EMPTY CARS ORDERED OR SUPPLIED FOR SPECIFIC DESTINATIONS OR JUNCTIONS</p> <p>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:</p> <p align="center">\$500.00 Per car</p> <p>This charge will be assessed by the KAW and there could be other charges imposed by the other roads involved or car owners.</p>	<p>ITEM 211 [I] OVERLOADED CARS AT OTHER THAN ORIGIN</p> <p>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 \$750.00 per car penalty.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	<p>ITEM 212 OVERLOADED CARS - DISPOSITION OF</p> <p>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 12:01A. M. after the first notification, KAW will, at our option, transfer the shipment, transfer the excess to another car or remove the excess and sell it to the best advantage.</p> <p>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 KAW.</p>
<p>ITEM 213 [I] OVERLOADED CARS RECEIVED FROM CONNECTING LINES</p> <p>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.</p> <p>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 \$750.00 per car penalty.</p>	

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<p>SWITCHING AND MISCELLANEOUS RULES AND CHARGES</p>	<p>SWITCHING AND MISCELLANEOUS RULES AND CHARGES</p>
<p>ITEM 214 [A] HOLD CHARGE</p> <p>When on instructions , loaded or empty cars moving on own wheels, are removed from industry, shop, team or interchange tracks and are held by carrier awaiting forwarding instructions, a charge of \$400 per car with a maximum charge of \$1,200 per bill of lading will be assessed against the loader, shipper or party taking responsibility for Miscellaneous Charges. If cars are subsequently ordered returned to loader's or interchange tracks, the applicable intra-terminal switching charge will be assessed against party requesting the service.</p> <p>The term "forwarding instructions" and "loader" will be as defined in Item 30 of this Tariff.</p> <p>The charges provided in this item are in addition to applicable demurrage and storage charges and will not be absorbed in whole or in part.</p> <p>NOTE -Nothing in this item will be construed as authorization to charge any connecting carrier for railroad error moves.</p>	<p>ITEM 217 [A] EARLY RELEASE OF CARS PLACED FOR LOADING OR UNLOADING</p> <p>When a shipper instructs the release of a car(s) previously placed for loading or unloading, but KAW 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 KAW, the car(s) will remain on demurrage as if the release had not been instructed, and intra-terminal switch charge will apply.</p> <p>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 KAW the car(s) will remain on demurrage as if the car(s) had not been ordered and intra terminal switch charges will apply.</p> <p>Applicable intra-terminal charges will apply up to a maximum charge of \$1,200 per occurrence.</p>
<p>ITEM 215 [A] CLAIM HANDLING</p> <p>In order to be allowed relief, a claim must be presented to KAW within 60 days of the billed date as shown on the invoice. Any claims not filed within 60 days of the billing date will be declined.</p> <p>All Claims must be supported by documentation stating fully the conditions for which relief is claimed, identifying the contested cars by car initial, car number and location.</p> <p>Claims can be filed one of two ways:</p> <p>Method 1. Electronically via email to: KAWDisputes@watcocompanies.com</p> <p>Method 2. Written claims are to be sent to:</p> <p align="center">Watco Transportation Services Attn: KAW DISPUTES 315 West 3rd Street Pittsburg, KS 66762</p> <p>Written Claims filed via Method 2 will be subject to a processing fee of \$50.00 for each disputed bill.</p>	<p>ITEM 220 SETBACK CHARGES FOR CARS HANDLED IN ERROR</p> <p>A charge of \$150.00 per car will be assessed on cars interchanged to or from KAW due to error on the part of rail carrier making such interchange.</p>
<p>ITEM 216 [A] EMPTY CARS RETURNED UNFIT FOR LOADING</p> <p>When an empty car is received from a connecting carrier for loading by an industry located on the KAW, and is refused by the industry because the car is not in proper condition to load and must be returned to the connecting carrier, Intra-terminal charges will be assessed in accordance with item 204 against the connecting carrier. The charge will be made for one direction only.</p>	<p>ITEM 230 PER-DIEM</p> <p>KAW does not pay private car mileage allowance.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS	
ABBREVIATION OR REFERENCE MARK	EXPLANATION
KAW.....	Kaw River Railroad
[A].....	Addition / New
[C].....	Change in wording
[I].....	Increase
[NC].....	No Change
[R].....	Reduction
\$.....	United States dollar or dollars
.	
(<u>Underscored</u> portion denotes change.)	