

KAW RIVER RAILROAD, INC.

FREIGHT TARIFF KAW 6000

NAMING

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

APPLYING AT BIRMINGHAM, KEARNEY, AND LIBERTY, MO ON THE

KAW RIVER RAILROAD, INC.

NOTICE

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

ISSUED: April 20, 2005

EFFECTIVE: April 21, 2005

**ISSUED BY:
T. D. TOWNER, PRESIDENT
KAW RIVER RAILROAD, INC.
315 WEST 3rd STREET
PITTSBURG, KS 66762**

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GENERAL CAR DEMURRAGE RULES AND CHARGES

ITEM	SUBJECT	APPLICATION
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SECTION 1

40	DEMURRAGE CHARGES	<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>\$50.00 per day.</p> <p>The applicable charge will accrue on all days, except holidays (See Item 90) that fall as the first chargeable day.</p>
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SECTION 2

50	EMPTY CARS ORDERED OR APPROPRIATED FOR LOADING BUT NOT USED	<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 7:00 A.M. after car is placed and will be charged until the car has been removed from the loading location.</p>
60	LOADED PRIVATE CARS HELD ON RAILROAD TRACKS	<p>The demurrage clock starts at the first 7:00 A.M. after the car is placed on hold. (See item 40 for charges)</p>
70	CARS HELD FOR PURPOSES OTHER THAN LOADING AND UNLOADING	<p>Applicable to cars held:</p> <ul style="list-style-type: none"> 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 payor. C. As a result of conditions attributable to the loader or unloader. <p>Computation: (See item 40 for charges)</p> <ul style="list-style-type: none"> A. Demurrage will be computed on the following from the first 7:00 a.m.: <ol style="list-style-type: none"> 1. After notification of actual or constructive placement until car is released, forwarding instructions are received, or disposition advice is received on: <ol style="list-style-type: none"> 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. 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 KAW. 2. After a car is received by KAW until date and time of disposition on: <ol style="list-style-type: none"> 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.

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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 7:00 A.M. after the car is constructively or actually placed (See Item 100), and notification is given (See Item 110).
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	<u>ACTUAL PLACEMENT</u> - 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. <u>CONSTRUCTIVE PLACEMENT</u> - 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 and notice shall be sent or given the consignor or consignee that the car is held (naming the hold point if not held at destination) and that this railroad is unable to effect placement; 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: In writing by fax to (866) 413-5160, 24 Hours a day.
115	RELEASES	A railcar is considered released only after billing instructions have been received, 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.

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SECTION 4 – OTHER CHARGES

200	WEIGHING	Not Applicable
201	TURNING CARS	Not Applicable
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 KAW a new Bill of Lading as authority to move car.
203	INTRA-PLANT SWITCHING	The KAW 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.
204	INTRA-TERMINAL SWITCHING	The KAW 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.
205	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 KAW will review all requests for special switches and will approve or deny depending on railroad availability.
206	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 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)

207	EMPTY CARS ORDERED OR SUPPLIED FOR SPECIFIC DESTINATIONS OR JUNCTIONS	<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>\$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>
208	OVERLOADED CARS DEFINITION	<p>A car will be considered overloaded when the weight of the lading thereof exceeds the maximum carrying capacity (load limit) stenciled on the car.</p>
209	OVERLOADED CARS- NOTIFICATION OF	<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 7:00 A. M. after notification is given user or owner of the lading by KAW, with no other free time allowed.</p>
210	OVERLOADED CARS AT ORIGIN	<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 \$350.00 per car penalty.</p>
211	OVERLOADED CARS AT OTHER THAN ORIGIN	<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 \$350.00 per car penalty.</p>
212	OVERLOADED CARS – DISPOSITION OF	<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 7:00 A. 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>

213	OVERLOADED CARS RECEIVED FROM CONNECTING LINES	<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 \$350.00 per car penalty.</p>
220	SETBACK CHARGES FOR CARS HANDLED IN ERROR.	<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 railcarrier making such interchange.</p>
230	PER-DIEM	<p>KAW does not pay private car mileage allowance.</p>

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THE END