

KANSAS & OKLAHOMA RAILROAD, INC.

FREIGHT TARIFF KO 4010-O
(Cancels Freight Tariff KO 4010-N)

**LOCAL AND PROPORTIONAL
RATES**

APPLYING ON

GRAIN AND GRAIN PRODUCTS

**FROM
STATIONS IN COLORADO AND KANSAS
TO
STATIONS IN COLORADO AND KANSAS**

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

ISSUED: January 9, 2009

EFFECTIVE: February 1, 2009

ISSUED BY:

**T.D. TOWNER, PRESIDENT
KANSAS & OKLAHOMA RAILROAD COMPANY
315 WEST THIRD
PITTSBURG, KS 66762**

RULES AND OTHER GOVERNING PROVISIONS GENERAL RULES AND REGULATIONS

ITEM 2.10 LIST OF PARTICIPATING CARRIERS

Kansas & Oklahoma Railroad, Inc. (KO)

ITEM 10 SUPPLEMENTS AND REISSUES

When reference is made in this tariff, or supplements, to other publications for rates or other information, it includes "Supplements thereto or successive issues thereof."

Where reference is made in this tariff to items, it includes "reissues" of such items.

ITEM 20 METHOD OF CANCELLING ITEMS

As this tariff is supplemented, numbered items with letter suffixes cancel correspondingly numbered items in the original tariff, or in a prior supplement. Letter suffixes will be used in alphabetical sequence starting with A. Example: Item 100-A cancels Item 100 and Item 300-B cancels Item 300-A in a prior supplement which, in turn, cancelled Item 300.

**SECTION 1
MISCELLANEOUS RULES AND CHARGES**

ITEM 100 CARS HELD FOR INSTRUCTIONS

Cars, loaded or empty, held on railroad tracks for forwarding directions or other disposition, will be subject to a hold charge of \$75.00 per car per day, or fraction of a day, and will be in addition to all other applicable charges.

ITEM 115 PAYMENT TERMS

All charges contained herein will be billed by the Kansas & Oklahoma Railroad, Inc. and paid by the responsible party in U.S. funds, in full, within seven (7) days after receipt of invoice.

A finance charge of one-and-one half percent (1.5%) per month will apply on all invoice balances which remain unpaid beyond the payment terms prescribed in this item.

**ITEM 120 Grain, Grain Products, ETC.
(See Note 1)
(Applicable only when specific reference is made hereto)**

STCC	DESCRIPTION	STCC	DESCRIPTION
01 131	Barley	20 418	Grain Mill By-Products
01 132	Corn	20 419	Flour or other Grain Mill Products, nec
01 133	Oats	20 421	Prepared Feed
01 135	Rye	20 449	Rice Hulls
01 136	Sorghum	20 451	Prepared Flour (phosphated, self-rising)
01 137	Wheat	20 452	Prepared Flour, Mixes
01 139	Grain, nec	20 465	Corn Oil
01 141	Cottonseed	20 467	Wet Process Corn
01 142	Flaxseeds	20 467	Wet Process Corn, Milling
01 144	Soybeans	20 619	Sugar Mill By-Products
01 149	Sunflower Seeds	20 626	Molasses Beet Pulp
01 151	Grass Seeds	20 823	Malt Extract or Brewers Spent Grains
01 159	Seeds	20 831	Malt
01 191	Fodder, Hay or Roughage	20 832	Flour Sprouts
01 196	Straw	20 839	Malt Products or By-products
01 199	Field Crop, nec	20 859	By-products or Liquor distilling
01 991	Hay	20 911	Cottonseed Oil
01 992	Alfalfa	20 914	Cottonseed Meal
20 411	Wheat Flour	20 921	Soybean Oil
20 412	Wheat Bran, Middlings	20 923	Soybean Meal
20 413	Corn Meal or Flour	20 931	Linseed Oil
20 414	Rye Flour or Flour	20 933	Oil Nuts
20 415	Buckwheat Flour or Meal	20 939	Oil Seed Cake Meal
416	Oat Flour or Meal		

**SECTION 1
MISCELLANEOUS RULES AND CHARGES**

Note 1 – Except as otherwise specifically shown, the STCC number referred to shall embrace all articles assigned additional digits listed thereunder. For example, STCC number 20 419 also embraces articles covered by numbers with a greater number of digits beginning with STCC number 20 419

ITEM 125 BILLING INSTRUCTION – NOTIFICATION

On grain shipments (STCC's as shown in Item 120) moving on rates within this tariff or rates published in any other carriers tariff, the KO must be given complete billing instructions by the customer via FAX, Email or EDI transmission, even if similar notification has already been furnished to another carrier.

ITEMS 130. APPLICATION OF EXPORT WHEAT RATES

The provisions of this item apply to Export wheat rates published in BN Tariff 4022, various applicable Gulf export items, column 2, subject to a minimum tender of fifty-two (52) cars.

- a. Co-loading will only apply from KO stations on the Salina line, i.e. Corinth, Tipton, Hunter, Denmark, Lincoln, Westfall and Hedville, named in BN 4022, applicable Gulf export rate items.
- b. A minimum of five (5) cars from each co-loading point is required
- c. Each co-loading point will issue a separate bill of lading covering cars shipped from that location
- d. The effective rate as shown in BN 4022, various applicable Gulf export rate items will be applied from each co-loading point.
- e. Each co-loading point must have a reference on their bill of lading to the other co-loading origins and the number of cars from each origin.
- f. All cars must be released and billed on the same day.

ITEM 135 APPLICATION OF PROPORTIONAL RATES ON GRAIN SORGHUM

The provisions of this item apply to proportional rates on grain sorghum as shown in BN 4022 for movement beyond on BN rates applying to 54/110 car shipments from Abilene, KS, Hutchinson, KS or Wichita, KS. All rules and regulations contained within BN 4022 will be observed.

CO-LOADING REQUIRES A MINIMUM OF 54 CARS

- A. Co-loading will only apply from stations on the KO Salina line and the KO Scott City line as shown in BN 4022.
- B. Co-Loading will not be permitted between stations on the Scott City and the Salina lines on the KO
- C. On the Scott City line or Salina line, a minimum of five (5) cars from each loading point is required
- D. Each co-loading point will issue a separate bill of lading covering cars shipped from that location.
- E. The effective rate shown in BN 4022 will be applied from each co-loading origin in combination with the applicable origin and destination rate
- F. Each co-loading origin must have a reference on their bill of lading to the other co-loading origins and the number of cars from each origin.

ITEM 140 OVERLOADED SHIPMENTS

1. Carload freight must not be loaded in excess of the load limit of 263,000 lbs.
2. The charges in this item are published as a deterrent to the unsafe practices of overloading rail cars and are not connected in any way with the transportation of the commodity. Such charges are NOT freight or "other lawful charges" within the meaning of Section 7 of the Bill of Lading and execution of Section 7 will not in any way relieve the loading elevator from the responsibility for the charges of this item.
3. When a car is found to be overloaded in excess of the maximum load limit of 263,000 lbs, the loading elevator will be notified and a charge of \$500.00 per car will be assessed against the loading elevator.
4. When the weighing of individual cars is not available due to batch weighing, the following formula will apply: The load limits of all cars in the batch will be added together and combined with a figure derived at by multiplying 2,000 lbs times the number of cars in the batch. This figure will then be subtracted from the total lading weight in all the cars in the batch. If the resulting figure is zero or less, then no overload charges of \$5.00 cwt. Will be assessed subject to a minimum charge of \$500.00 per batch and further subject to a maximum charge of \$500.00 times the number of cars in the batch.
5. Only weights from a scale currently certified by the Federal Grain Inspection Service or certified according to The National Bureau of Standards Handbook No. 44 will be considered. Weights subject to supervision or verification by the WWIB will govern over other scale weights where applicable. Any documentation furnished by the loading elevator, for any reason,

indicating that car(s) were overloaded will automatically result in the overloaded charge being applied against all cars so documented.

**SECTION 1
MISCELLANEOUS RULES AND CHARGES**

6. The Western Weighing and Inspection Bureau (WWIB) may act as the railroads agent through inspection of weights and records on all freight moving on rates contained within this tariff.

ITEM 145

CHARGES FOR DELAY OF CARS

A receiving carrier refusing to accept cars when offered by the KO 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.

**SECTION 2
SWITCHING**

ITEM 200

DEFINITION OF TERMS

The terms shown below, as used in this tariff, are defined as follows:

“RECIPROCAL SWITCHING”, is a switching movement FROM an industry located on KO TO interchange track of connecting carriers, or vice versa, within the same switching district, on line-haul traffic.

“LINE-HAUL TRAFFIC”, is traffic transported by rail carriers from or to a point outside of the switching limits of the same station or industrial switching district.

“INTERCHANGE TRACKS”, are tracks on which cars are exchanged between KO and connecting rail carriers.

“INTERSTATE TRAFFIC”, is traffic having origin and destination in different states, or origin and destination in the same state when passing through another state, or export or import traffic.

“INTRASTATE TRAFFIC”, is traffic having both origin and destination and entire movement wholly within the same state.

ITEM 210

ABSORPTION OF SWITCHING CHARGES

The KO will absorb a maximum on one (1) reciprocal switch charge, not exceeding one hundred (\$100.00) dollars per car, on shipments on commodities named in Item 120 of this tariff moving on rates contained herein into Hutchinson or Wichita, KS

**SECTION 3
DEMURRAGE RULES AND OTHER CHARGES**

ITEM 300

APPLICATION

The provisions of Demurrage Freight Tariff KO 6005-series will apply.

ITEM 350

Rates published herein are NOT subject to Fuel Surcharge Tariff KO 9500 series.

**SECTION 4
LOCAL RATES**

ITEM 400

[I]

COMMODITY: Grain, Grain Products, etc., as shown in Item 120, this tariff, and as more fully described in Tariff STCC 6001-series. (Rates in dollars and cents per car) (See Notes 1 and 2)

FROM:	To Wichita	To Hutchinson	To Salina		FROM:	To Wichita	To Hutchinson	To Salina
Alamota, KS	\$1,364	\$1,298	-		Haven, KS	\$640		-
Albert, KS	\$1,069	\$891	-		Hedville, KS			\$652
Alden, KS	\$771	\$519	-		Hunter, KS			\$910
Alexander, KS	\$1,141	\$1,002	-		Hutchinson, KS	\$769	\$0	-
Amy, KS	\$1,364	\$1,298	-		Isabel, KS	\$831	\$0	-
Andale, KS	\$640	\$0	-		Laird, KS	\$1,292	\$1,187	-
Bazine, KS	\$1,217	\$1,113	-		Larned, KS	\$1,107	\$967	-
Beeler, KS	\$1,364	\$1,262	-		Lincoln, KS			\$561
Burdett, KS	\$1,217	\$1,039	-		Lyons, KS	\$922	\$741	-
Bushton, KS	\$995	\$995	-		Nashville, KS	\$831	\$0	-
Cairo, KS	\$831	\$0	-		Nekoma, KS	\$1,142	\$1,002	-
Chase, KS	\$922	\$741	-		Ness City, KS	\$1,292	\$1,187	-
Cheney, KS	\$623	\$0	-		Nickerson, KS	\$771	\$519	-
Coats, KS	\$863	\$0	-		Osborne, KS			
Colwich, KS	\$640	\$0	-		Pawnee Rock, KS	\$1,069	\$928	-
Conway Springs, KS	\$640	\$0	-		Pratt, KS	\$831	\$0	-
Corinth, KS	\$0	\$0	\$1,044		Rozel, KS	\$1,142	\$967	-
Cunningham, KS	\$831	\$0	-		Rush Center, KS	\$1,142	\$967	-
Dartmouth, KS	\$922	\$741	-		Sanford, KS	\$1,142	\$967	-
Denmark, KS	\$0	\$0	\$804		Sawyer, KS	\$831	\$0	-
Dighton, KS	\$1,364	\$1,298	-		Scott City, KS	\$1,364	\$1,335	-
Dundee, KS	\$1,069	\$928	-		Silica, KS	\$922	\$741	-
Ellinwood, KS	\$922	\$741	-		Sterling, KS	\$771	\$519	-
Garden Plain, KS	\$549	\$0	-		Timken, KS	\$1,106	\$967	-
Garfield, KS	\$1,132	\$953	-		Tipton, KS			\$1,000
Great Bend, KS	\$1,069	\$852	-		Waldeck, KS	\$822	\$0	-
Grigston, KS	\$1,364	\$1,335	-		Westfall, KS			\$652
Hanston, KS	\$1,292	\$1,151	-		Wichita, KS	\$355	\$750	-
					Zenda, KS	\$769	\$0	-

EXPLANATION OF NOTES:

Note 1 – Rates in this Item will only apply in KO marked or leased equipment or in shipper-furnished equipment.

Note 2 – Subject to car availability, the following reduction as shown below will apply subject to the following conditions: A single railroad switch at origin, a minimum of 30 carloads loaded solely on consignors track, from one consignor, at one location, at one origin billed and released on one day, on one bill of lading, to one consignee, to one location, to one destination. Partial shipments, for any reason, will not qualify for the following reductions.

Co-Loading Between Facilities or Origins In Not Permitted

Origins: Scott City – Beeler \$75.00 per car
Origins: Laird – Timken \$50.00 per car
Origins: Albert – Nickerson \$25.00 per car

**SECTION 4
LOCAL RATES**

EXPLANATION OF REFERENCES:

[a] Applicable only to facilities switched by the KO in Salina, KS. When to a facility in Salina, KS that is physically served by a carrier other than the KO, rates shown herein will be increased \$100.00 per car.

[b] Applicable only to facilities switched by the KO in Wichita, KS. When to a facility in Wichita, KS that is physically served by the KO, rates shown herein will be decreased \$100.00 per car.

ITEM 405 [H]

COMMODITY: Grain, Grain Products, etc., as shown in Item 120, of this tariff, and as more fully described in Tariff STCC 6001-series. (Rates in dollars and cents per car) (See Notes 1 & 2)

From:	To Wichita	To Hutchinson	From:	To Wichita	To Hutchinson
Astor, KS	\$1,434	\$1,434	Leoti, KS	\$1,364	\$1,364
Bison, KS	\$1,112	\$1,112	Manning, KS	\$1,358	\$1,358
Bushton, KS	\$995	\$995	Marienthal, KS	\$1,365	\$1,365
Clafflin, KS	\$938	\$938	McCracken, KS	\$1,148	\$1,148
Frederick, KS	\$938	\$938	Modoc, KS	\$1,365	\$1,365
Hargrave, KS	\$1,148	\$1,148	Olmitz, KS	\$1,078	\$1,078
Healy, KS	\$1,358	\$1,358	Redwing, KS	\$938	\$938
Hoisington, KS	\$1,078	\$1,078	Scott City, KS	\$1,364	\$1,335
Horace, KS	\$1,434	\$1,434	Selkirk, KS	\$1,434	\$1,434
Kanco, KS	\$1,434	\$1,434	Tribune, KS	\$1,434	\$1,434
LaCrosse, KS	\$1,148	\$1,148	Walkinghood, KS	\$1,434	\$1,434
			Towner, CO	\$1,434	\$1,434

Note 1 – Rates in this Item will only apply in KO marked or leased equipment or in shipper owned equipment when zero rated to the KO

Note 2 – Subject to car availability, the rate reduction as shown below will apply subject to the following conditions: A single railroad switch at origin, a minimum of 30 carloads loaded solely on consignors track, from one consignor, at one location, at one origin, billed and released on one day, on one bill of lading to one consignee, to one location, to one destination. Partial shipments, for any reason, will not qualify for the following reductions.

Co-Loading Between Facilities or Origins is Not Permitted
Origins: Towner-Scott City \$75.00 per car.

EXPLANATION OF ABBREVIATIONS AND REFERENCES

BNSF	-Burlington Northern Santa Fe Railway	[A]		-Addition	[R]	-Reduction
KO	-Kansas & Oklahoma Railroad, Inc.		[NC]	-No Charge		
UP	-Union Pacific Railroad	[I]		-Increase		