

FT KO 6005 (NEW)

KANSAS & OKLAHOMA RAILROAD, INC.

FREIGHT TARIFF KO 6005 (NEW)

**DEMURRAGE RULES AND CHARGES
APPLYING AT POINTS
ON THE
KANSAS & OKLAHOMA RAILROAD, INC.**

DEMURRAGE TARIFF

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

ISSUED: June 25, 2001

EFFECTIVE: June 30, 2001

ISSUED BY

**R. B. Webb, President
Kansas & Oklahoma Railroad, Inc.
315 West 3rd
Pittsburg, KS 66762**

<p align="center">GENERAL APPLICATION OF TARIFF RULES AND REGULATIONS</p>	<p align="center">SECTION 1 CAR DEMURRAGE RULES AND CHARGES</p>								
<p>ITEM 5</p> <p>EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS</p> <p>For explanation of abbreviations and reference marks not explained in individual items of this tariff, as amended, see last page of this tariff.</p>	<p>ITEM 100 (Cont'd.)</p> <p align="center">GENERAL APPLICATION</p> <ol style="list-style-type: none"> 5. Empty railroad equipment moving on own wheels under transportation charges as freight. 6. Cars for loading or unloading of KO company material while on KO tracks or private sidings connecting therewith. 7. Cars of railroad ownership, leased for storage of commodities, while held on lessees tracks. 8. Empty cars placed and not used for loading, subject to switching charges, unless rejected and found as unsuitable for loading. 								
<p>ITEM 10</p> <p align="center">SUPPLEMENTS AND REISSUES</p> <p>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."</p> <p>Where reference is made in this tariff to items, it includes "reissues" of such items.</p>	<p>ITEM 110</p> <p align="center">GLOSSARY OF TERMS</p> <p>For the purpose of applying provisions in this tariff, the following are defined and shall govern:</p> <p>Actual Placement - When a car is placed in an accessible position for loading or unloading or at a point designated by consignor or consignee. Demurrage hour computations will begin at the first 7:00 AM following placement by KO.</p> <p>Constructive Placement - When a car cannot be actually placed because of any conditions attributable to the consignor or consignee, such car will be held at an available hold point and notice will be given the consignor or consignee that the car is held awaiting instructions. Demurrage computation will begin following the first 7:00 a.m. after notification by KO to consignor or consignee.</p> <p>Forwarding Instructions - A bill of lading or other suitable order given the KO containing all of the necessary information to transport the shipment.</p> <p>Holidays - The following days will be considered holidays:</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td>New Years Day</td> <td>Labor Day</td> </tr> <tr> <td>Presidents Day</td> <td>Thanksgiving Day</td> </tr> <tr> <td>Memorial Day</td> <td>Christmas Day</td> </tr> <tr> <td>Independence Day</td> <td></td> </tr> </table> <p>Loading - The complete or partial loading of a car in conformity with published loading and clearance rules, and the furnishing of forwarding instructions.</p> <p>Open Gate - When a consignee does not place any restrictions (physical or otherwise) on KO to place cars on their siding upon arrival.</p> <p>Private Car - A car bearing other than railroad reporting marks which is not a railroad controlled car.</p> <p>Private Track - Trackage assigned for individual use including privately owned or leased tracks.</p> <p>Public Delivery Track - Any accessible track open to the general public for loading or unloading.</p> <p>Railroad-Controlled Cars - A car provided to KO directly by car companies or others, for indiscriminate use by KO in servicing any of its customers.</p> <p>Reload - When the same car is completely unloaded and then loaded. Reloading will be expressed (with cars unloading demurrage) from date of tender to date forwarding instructions are received.</p>	New Years Day	Labor Day	Presidents Day	Thanksgiving Day	Memorial Day	Christmas Day	Independence Day	
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<p>ITEM 15</p> <p align="center">METHOD OF CANCELLING ITEMS</p> <p>As this tariff is supplemented, numbered items with letter suffixes cancel correspondingly numbered items in the original tariff, or in a prior supplements. 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.</p>	<p align="center">SECTION 1 CAR DEMURRAGE RULES AND CHARGES</p> <p>ITEM 100</p> <p align="center">GENERAL APPLICATION</p> <ol style="list-style-type: none"> A. Applicable at all points on the Kansas & Oklahoma Railroad, Inc. 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. All railroad controlled cars held for or by consignors or consignees for any purpose are subject to demurrage rules and charges in this section, except as follows: <ol style="list-style-type: none"> 1. Private cars held on KO track are subject to demurrage rules. 2. Cars containing freight refused or unclaimed to be sold by KO for the time held beyond legal requirements. 3. Cars assigned to shippers returned to points of assignment under load when material is authorized to be returned without freight charges under provisions of freight tariff. 4. Cars assigned to shippers returned empty to point of assignment while subject to storage rules. 								
<p align="center">SECTION 1 CAR DEMURRAGE RULES AND CHARGES</p>	<p align="center">(CONTINUED ON NEXT PAGE)</p>								
<p align="center">(CONTINUED IN NEXT COLUMN)</p>									

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<p>ITEM 110 (Cont'd.)</p> <p style="text-align: center;">GLOSSARY OF TERMS</p> <p>Tender - When KO gives notification that a car is available for unloading or loading by either actual or constructive placement to consignor or consignee.</p> <p>Unloading - The complete unloading of a car and notice from the consignee that the car is empty and available to the railroad.</p> <p>Stopped In Transit - When cars are held enroute because of any condition attributable to the consignor or consignee, or owner.</p>	<p>ITEM 130</p> <p style="text-align: center;">NOTIFICATION TO KO</p> <p>When electronic or mechanical devices are used to furnish notification to KO, the recorded date and time that instructions are received will govern.</p>
<p>ITEM 120</p> <p style="text-align: center;">NOTIFICATION TO CONSIGNOR OR CONSIGNEE</p> <p>A. The following notifications (including by electronic means) will be furnished as indicated:</p> <ol style="list-style-type: none"> 1. Cars For Private Tracks Notification of constructive placement on all cars held on KO tracks due to any condition attributable to consignee or consignor. Delivery of car upon consignee tracks will constitute notification. Delivery upon industrial interchange tracks of consignee or party entitled to receive same, will constitute notification. 2. Cars For Public Delivery Tracks Notice of arrival will be given to party entitled to receive notification when car is actually placed. 3. Cars Stopped In Transit Notice shall be sent or given to the consignee, consignor or owner ordering the car at the point of stoppage. 4. Refused Carload Freight When advised of refusal of car at destination, notice will be sent or given to consignor or owner. <p>B. Notification information provided:</p> <ol style="list-style-type: none"> 1. Car initial and number. 2. If contents transferred enroute, KO will furnish car initial and number of the original car. <p>C. Methods and Procedures for notification:</p> <ol style="list-style-type: none"> 1. Notification may be sent or given: In writing by U.S. When claim is made that notice was mailed at a later date or delayed through postal service, the date of mailing shall be determined by the postmark. If no postmark or no date appear, the records of KO shall govern. By personal telephone communication or electronic means. When consignor or consignee utilized an electronic or mechanic device (either in written, oral or keyed data form) notification left on such device will be considered as having been given to consignor or consignee, as the date and time transmitted. 2. Notice of arrival shall be sent or given: Upon arrival of cars at destination (notification is given 7 days a week) for all cars held under notify or other provisions which require surrender of bill of lading or payment of lawful charges. 	<p>ITEM 140</p> <p style="text-align: center;">CARS HELD FOR LOADING</p> <p>Loading is the complete or partial loading of a car in conformity with loading and clearance rules, including the furnishing of forwarding instructions.</p> <p>Tender: The notification, actual or constructive placement of an empty car placed on orders of the consignor.</p> <p>Release:</p> <ol style="list-style-type: none"> A. On date forwarding instructions are received; when received by US mail, such instructions will be considered received after 0001 hours on date received. B. On empty cars placed on interchange tracks of consignor performing his own switching, time will also continue until cars are returned to an interchange track. C. On cars found to be overloaded or improperly loaded while at origin will not be considered released until the load has been adjusted. <p>Computation: Cars set for loading will be allowed forty-eight (48) hours free time. A rate of \$50.00 per day, or fraction thereof, will be assessed for each car held beyond forty-eight (48) hours.</p>
	<p>ITEM 150</p> <p style="text-align: center;">CARS HELD FOR COMPLETE UNLOADING</p> <p>Unloading is the complete unloading of a car and advice from consignee to KO that the car is empty and available, or a car has been reloaded and forwarding instructions are received.</p> <p>Tender : The notification, actual or constructive placement of each loaded car.</p> <p>Release :</p> <ol style="list-style-type: none"> A. Date and time that KO receives advice that car is empty. B. Cars placed on interchange tracks of a consignee doing its own switching, must also be returned to the interchange track for release. C. When the same car is unloaded and reloaded, when forwarding instructions are received. <p>Computation: Cars set for unloading will be allowed forty-eight (48) hours free time. A rate of \$50.00 per day, or fraction thereof, will be assessed for each car held beyond forty-eight (48) hours.</p>

<p style="text-align: center;">SECTION 1 CAR DEMURRAGE RULES AND CHARGES</p>	<p style="text-align: center;">EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS</p>
<p>ITEM 160</p> <p style="text-align: center;">DEMURRAGE PLAN</p> <ol style="list-style-type: none"> 1. Billing will be tendered on a monthly basis for all cars released during a calendar month. 2. Customers having facilities at separate stations cannot be combined. 3. Unless otherwise advised in writing, demurrage charges will be assessed against the consignor at origin or consignee at destination who will be responsible for payment. 4. Customers having two or more facilities at the same station with KO may combine the accounts into one if requested in writing. 5. Chargeable days will be Monday through Saturday. Sunday and seven (7) holidays will not be subject to demurrage (See Item 110-Series). 	<p>[A] - Addition [I] - Increase [R] - Decrease/Reduction [NC] - Brought forward without change.</p>
<p>ITEM 170</p> <p style="text-align: center;">RELIEF OF DEMURRAGE CHARGES</p> <p>In order to be allowed relief as indicated, a claim must be presented to KO in writing by the last day of the calendar month following the month in which the bill was issued, stating fully the conditions for which relief is claimed.</p>	