

**EVANSVILLE WESTERN RAILWAY, INC**



**COAL TARIFF EVWR 4000-A**

**NAMING  
RULES AND CHARGES  
ON  
UNIT TRAIN SHIPMENTS OF COAL AND PETROLEUM COKE**

<b>FROM</b>	<b>TO</b>
Mines and stations on the Evansville Western Railway, Inc	Interchange point on the Evansville Western Railway, Inc
Interchange point on the Evansville Western Railway, Inc	Mines and stations on the Evansville Western Railway, Inc.

**ISSUED: May 10, 2012**

**EFFECTIVE: June 1, 2012**

**ISSUED BY**

**Larry Davis  
Vice President Sales & Marketing  
200 Clark Street  
Paducah, KY 42003**

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## **APPLICATION OF TARIFF**

### **APPLICATION - ITEM 1**

This tariff contains rates, rules, regulation, etc. which govern the transportation of unit trains of bituminous coal and petroleum coke from, to and between stations and interchanges served by the Evansville Western Railway, Inc.

If provisions in other lawful tariffs to which the EVWR is a party contain provisions which conflict with the provisions of this tariff, this tariff shall supersede and govern the commodities named herein.

## **RULES AND OTHER REGULATIONS**

### **STATION LISTS AND CONDITIONS - ITEM 10**

This tariff is governed by the Official Railroad Station List, OPSL 6000-series, Railinc, Agent.

When a station is abandoned as of a date specified in the above named tariff, the rates from and to such station as published in this tariff are inapplicable on and after that date.

### **REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC. - ITEM 20**

Where reference is made in this tariff to tariffs, items, notes, rules, etc., such references are continuous and include supplements to and successive issues of such tariffs, and reissues of such items, notes, rules, etc.

### **CAPACITIES AND DIMENSIONS OF CARS - ITEM 45**

For marked capacities, lengths, dimensions and cubical capacities of cars, see the Official Railway Equipment Register.

### **METHOD OF CANCELING AND AMENDING THE TARIFF - ITEM 75**

When amended, this tariff will be replaced in its entirety using letter suffixes to cancel, replace and supersede the prior version, beginning with A. Tariff 4000 is replaced by 4000-A, which is replaced by 4000-B, etc.

### **INTRASTATE APPLICATION - ITEM 105**

Provisions in this tariff will apply on intrastate traffic to the same extent as applicable on interstate traffic.

### **DEFINITION OF TON - ITEM 125**

Where the term "ton" is used in this tariff, it means a ton of 2,000 pounds.

## **LIMITATIONS ON UNIT TRAIN SERVICE - ITEM 130**

Unit train service requires special infrastructure and operating capabilities that may not be needed for single car or multi-car service. EVWR is not capable of providing unit train service to or from every station. Customers must obtain EVWR Operations approval and confirmation that unit train service can be provided at a particular station and/or industry location prior to request for such service. Customers must confirm with any railroad connecting to EVWR that unit train service can be provided at locations to which customer wants to transport a unit train to or from.

## **DEFINITION OF A UNIT TRAIN - ITEM 135**

A unit train is a single set of a minimum of 70 cars containing no less than 8100 tons with locomotives attached, provided for the movement of product to one origin for loading or one destination for unloading where the locomotives and cars move through the customer's facility in a single continuous movement. Mine origins will be expected to load and destinations will be expected to unload a train continuously from the time the train enters the facility until completion of loading or unloading.

EVWR does not provide the service of aggregating or disaggregating cars to constitute a unit train. When necessary to switch cars in and/or out of unit train sets, additional switching fees will be assessed for this service as provided for in Item 165.

## **CARS FURNISHED BY CONSIGNOR OR CONSIGNEE - ITEM 145**

Cars furnished by consignor or consignee for the transportation of products herein via the Evansville Western Railway, Inc. are not subject to the provisions of Tariff ASLG 6007-series and any applicable mileages contained therein will not be paid by EVWR on cars used in movements on this railroad.

## **CHARGES FOR TRANSPORTING PRIVATELY OWNED/LEASED EMPTY COAL CARS - ITEM 155**

Transportation rates published in tariffs or contracts by EVWR or by another railroad that interchanges with EVWR, include the movement of privately owned or leased empty railcars on EVWR via reverse route to the point of loading or interchange with another carrier either immediately prior to or immediately subsequent to a loaded revenue move. EVWR will assess freight charges for empty private car moves in the following situations:

- Moves that are not returning to the same point where the preceding loaded move originated on EVWR or was interchanged to EVWR by another carrier.
- Moves that are subsequent to a non-chargeable empty move.
- Moves that are subsequent to a chargeable empty move, unless the second move is immediately followed by a loaded move.

The charge for this service for unit trains of 70 cars or more is \$1.25 per mile per car, subject to a minimum charge of \$90.00 per car, subject to fuel surcharge tariff EVWR 8500. Shipments of less than 70 car lots are not subject to tariff EVWR 4000-Series, but EVWR 8001-Series.

**EXCEPTION:** This item will not apply on cars involved and damaged in derailments and sent to repair facilities for repair.

## **PULL THROUGH SERVICE FOR LOADING OR UNLOADING - ITEM 160**

EVWR, upon request of the consignor or consignee, will move cars at a controlled speed for the purpose of loading or unloading railcars. Free time allowance is 2.6 minutes per car. For example, the allowance for a 100 car train is 260 minutes.

Time exceeding the allowance will be billed at the rate of \$6.50 per minute per train.

Actual time will be computed when the first car in the train begins to move through the facility and ends when the last car in the train has been loaded or unloaded, as the case may be. If movement through the facility is prevented by any cause attributable to the mine origin or destination, the loading or unloading time will begin when EVWR would ordinarily have begun to move through the facility.

If the locomotives and/or crew are released prior to completion of loading or unloading without a train of loaded or unloaded cars being tendered, a charge of \$2,000.00 per consignment will be made upon recall of locomotives and/or crew. The pull through time will stop when the locomotives and/or crew are removed from the consist, and will restart when the locomotives and/or crew return to the consist.

When loading or unloading operations are suspended, for reasons other than force majeure, the locomotives and cars are subject to demurrage as described in Item 170.

## **INTRATERMINAL AND INTRAPLANT SWITCHING - ITEM 165**

Intraplant or intraterminal switching charges occur when car/s are set out from or added to unit trains at facilities.

- (A) Intraplant switching is a switching movement from one location to another location at a facility to another location at the same facility where the service can be performed without leaving the facility. The charge for this service is \$300 per car.
- (B) Intraterminal switching is hereby defined as a switching movement outside the boundaries of a facility, to another industry or track owned by this railroad, but not to or from interchange with a connecting railroad. The charge for this service is \$375 per car.

## **SCALE TESTS – ITEM 167**

Upon request, EVWR will perform scale tests at customer facilities using EVWR locomotives and crews. The charge for this service is \$3500, provided the test can be accomplished with one crew. If additional crews are needed to complete the test, the charge will be \$2000 for each additional crew used.

## **DEMURRAGE RULES AND CHARGES - ITEM 170**

Unit trains used in transporting the products covered by this tariff will be subject to the following demurrage rules:

1. The time that trains are being loaded or unloaded by EVWR personnel under the provisions specified in Item 160 is excluded from “Demurrage Time” calculations.
2. “Demurrage Time” includes the total amount of time the cars and locomotives are held, but not being loaded or unloaded, at the mine loadout, industry track or when constructively placed on EVWR track.
3. Constructive placement applies when actual placement is prevented due to a cause attributable to the loading or unloading facility.
4. Demurrage time is calculated from the time the demurrage event begins until it ends. If a train is constructively placed, the amount of time between the times the train was ordered for placement to the actual placement will be deducted from the demurrage time.
5. Demurrage time includes:
  - (a) The amounts of time locomotives are in a demurrage status.
  - (b) The amounts of time private cars are held on railroad tracks under constructive placement.
  - (c) The amounts of time railroad furnished cars are held on railroad tracks under constructive placement and the amount of time in demurrage status at the industry siding/track.
6. The following demurrage charges apply:
  - (a) Locomotive consist detention: \$275 per hour, or fraction thereof.
  - (b) Private cars held on railroad tracks: \$1 per car per hour, or fraction thereof.
  - (c) Railroad owned or leased cars: \$3 per car per hour, or fraction thereof.

## **REQUIREMENTS FOR LOADING AND UNLOADING - ITEM 175**

All Coal Facilities (Origins and Destinations) are required to load and unload trains 24 hours per day.

## **CANCELLATION OF EMPTY UNIT TRAINS - ITEM 180**

If customer orders an empty unit train for loading, and subsequently cancels the order, train cancellation fees will be assessed according to the following circumstances:

- For EVWR local trains, when cancelled after the EVWR crew has been called for duty
- For interline trains, when cancelled after a unit train has been received in interchange from a railroad connecting to EVWR, requiring return of the empty train to the connecting railroad.

In either case, customer will be subject to a train cancellation fee of \$1500, in addition to transportation charges for private cars described in item 155. If the cancelled train consisted of railroad owned/leased cars, item 155 transportation charges will apply to railroad owned/leased cars as well as to private cars.

## **WEIGHING - ITEM 200**

The EVWR will not perform the service of weighing of cars handled for the assessment of freight charges. Weighing for billing will be determined by consignor at origin, by the use of consignors weighing facilities or by consignee at destination, by use of consignees weighing facilities. Freight charges will be assessed on weights so determined, but not less than the minimum weight per shipment. Consignor/consignee weighing facilities must conform to the requirements of the AAR Scale Handbook.

## **HOLDING CHARGE ON LOADED CARS HELD FOR INSTRUCTIONS - ITEM 230**

When on consignor's order, cars are removed from industry and held by EVWR awaiting billing instructions, such cars and locomotives subject to continuous demurrage and locomotive repositioning charges as described in items 160 and 170.

## **TURNING OF PRIVATE OR RAILROAD MARKED CARS OR LOCOMOTIVES - ITEM 250**

Upon request of the car owner or lessee, consignor or consignee, or connecting railroad, cars or locomotives used for the transportation of coal in unit train service will be turned in the opposite direction by EVWR. The fee for this service is \$350 per car or locomotive.

## **FREEZE PROOFING - ITEM 260**

EVWR requires that an environmentally acceptable freeze conditioning agent be applied to the lading and the inside of rail cars shipped to or from EVWR served stations when weather conditions exist that may result in coal being frozen upon arrival at destination thereby delaying the unloading process. If coal is frozen on arrival at destination and the unloading process is delayed consignor will be responsible for the cost of unloading and will be charged the applicable demurrage, repositioning and/or pull through charges, as the case may be.

## **FORCE MAJEURE - ITEM 270**

If by reason of (1) an act of God, (2) strikes, lockouts, labor disputes, (3) enforcement of Federal or State Laws, rules or regulations, actual or threatened terrorist activity, (4) mechanical breakdowns of locomotives or derailments, the Mine Origin is unable to release to the carrier all cars placed at origin for inclusion in a trainload/unit train shipment, cars not loaded due to such disability shall not be subject to demurrage. Likewise at destination, if unloading is delayed due to these force majeure reasons, such time will be deducted from the demurrage time.