

Tariff EVWR 9000-C
(Cancels Tariff EVWR 9000-B)

EVANSVILLE WESTERN RAILWAY



DEMURRAGE & STORAGE TARIFF EVWR 9000-C
(Cancels Tariff EVWR 9000-B)

**NAMING
CHARGES, RULES AND REGULATIONS GOVERNING
DEMURRAGE AND STORAGE
APPLYING AT STATIONS ON THE
EVANSVILLE WESTERN RAILWAY, INC.**

DEMURRAGE AND STORAGE TARIFF

ISSUED: February 7, 2020

EFFECTIVE: March 1, 2020

ISSUED BY

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Scope – Item 1

Provisions contained in this tariff apply only on standard carload traffic and do not apply to unit trains, which are governed by Tariff 4000-Series (Bituminous Coal, Coke and Petroleum Coke) and Tariff 5000-Series (commodities other than Bituminous Coal, Coke and Petroleum Coke).

This tariff does not apply independently, but applies in connection with any and all rates and charges, either in tariff form or contained in contracts in which the Evansville Western Railway, Inc. is a participant.

The scope of this tariff is limited to demurrage and storage. Tariff EVWR-8001 Series provides general terms and conditions for line haul and accessorial services.

Method of Canceling and Amending the Tariff – Item 10

When amended, this tariff will be replaced in its entirety using letter suffixes to cancel, replace and supersede the prior version; “A” is replaced by “B” which is replaced by “C”, etc.

Notices, Amendment of Tariffs – Item 20

EVWR tariffs are available for viewing on the internet at our website www.EVWRrr.com under the “Customers-Public Prices” tab. All customers shipping with EVWR should review the publications posted on the Website before tendering freight or requesting transportation services. Printed copies are available upon written request to the issuer and address found on the title page.

General Application – Item 150

- A. All railroad and private cars held for or by customers are subject to demurrage (in the case of railroad cars) or storage (in the case of private cars) except:
 1. Cars for loading or unloading of this railroad's company material.
 2. Railroad cars in pool assignment, in which case the assignment agreement will govern.
 3. Private cars held on private tracks.
 4. Cars ordered for loading and rejected as unsuitable within twenty-four (24) hours of actual placement.
- B. The parties to whom demurrage/storage charges will be billed are either:
 1. The Consignor
 2. The facility receiving cars at destination
 3. The party requesting in-transit storage
 4. A third party (other than as described in 1-3), may accept responsibility for the charges subject to an agreement in writing with EVWR, executed in advance of any such charges).

Definitions – Item 200

The following definitions are necessary to understanding demurrage and storage:

ACTUAL PLACEMENT is the placement of a car in a position accessible for loading or unloading or at a point designated by the consignor or consignee.

CONSIGNEE is the party to whom the shipment is consigned or the party entitled to receive the shipment.

CONSIGNOR is the party in whose name cars are ordered or the party who furnishes forwarding instructions.

CONSTRUCTIVE PLACEMENT is the holding of the car at destination or at another point when actual placement cannot be made because of a condition attributable to the consignor or consignee.

CUSTOMER is the party who uses railroad and/or private cars in order to transport freight, and may be a consignor, consignee, or third party acting on the behalf of a consignor or consignee.

DEMURRAGE is the term applied to railroad cars that are held for Customer instructions including waiting to be loaded or unloaded, whether at origin or destination, on railroad owned or customer owned tracks.

FORWARDING INSTRUCTIONS are instructions given to this railroad containing all the information necessary to transport the shipment to its final destination.

LEASED TRACK is a track assigned to a user through a written lease and is the same as a private track.

LOADING is the complete or partial loading of a car and the furnishing of forwarding instructions.

LOADED CAR is a car that is completely or partially loaded.

LOCAL CONTROLLING STATION is the serving yard closest to customer, which is designated by railroad where cars for customer will be available to order in.

PRIVATE CAR is any car not owned or leased by EVWR or another railroad, but rather owned or leased by a customer for use on EVWR.

PRIVATE TRACK is any track that is not owned by this railroad including leased track.

PUBLIC DELIVERY TRACK is a track open to the general public for loading and unloading.

RAILROAD CAR is car either owned or leased by EVWR or any other railroad whose cars are loaded and/or unloaded on EVWR.

RECONSIGNMENT is as provided in Tariff EVWR 8001-series.

RELOADED CAR is a car that is unloaded and then reloaded without having been removed from the customer's premises whether or not a release was given to EVWR when the car was empty.

RUN-AROUND is the placement of a recently tendered car before a car tendered earlier for reasons not directly attributable to customer.

STORAGE is the term applied to privately owned or leased cars that are held for Customer instructions including waiting to be loaded or unloaded, whether at origin or destination, on railroad owned or leased tracks.

Notifications – Item 300

- EVWR will provide notification of cars available for placement by one of the following methods:
 - 1) Electronic notification is provided through the web based inventory management tool "PAL Connect" at our website www.EVWR.com, which provides customers with real time, full time access to their inventory when cars consigned by them or to them are on EVWR.
 - 2) EVWR will provide e-mail notifications to customers requesting to be notified by this method.
- Customers must furnish EVWR placement instructions, forwarding instructions, empty car release information or other instructions (as applicable) electronically via "EVWR Connect" or other mutually agreed upon methods of electronic data interchange.

Demurrage – Item 400

The EVWR calculates and bills Demurrage on a monthly basis using a debit/credit system. Carrier Cars are tracked, calculated, and billed in separate accounts based on whether they are loaded, empty, refrigerated boxcars, heavy-duty flat cars, RSSMs, or other Hazardous Material railcars. The company:

- Allows 2 days credit to load or unload a Carrier Car; except that no credits are available for Carrier Cars loaded with RSSM.

If EVWR cannot place or pull a railcar due to Customer's failure to facilitate EVWR's access to the railcar, the railcar continues to accrue debits.

At the end of each month, credited days and debited days are totaled for each Carrier Car on hand at a particular Customer location:

- If total credit days exceed total debit days, no Demurrage accrues
- If total debit days exceed total credit days, Demurrage accrues
- Excess debit days, multiplied by the applicable rate, determine the Demurrage amount billed to the Customer
- Carrier Cars will follow the order of Received in Interchange (RI), Constructively Placed (CP), Order in (OR), Placement (PL) and Release (RL).

- Excess Demurrage credits do not carry over to the next month

Debit days start at 00:01 the next day after EVWR notifies the Customer of Constructive Placement of a railcar, or Actual Placement of a railcar. The debit is stopped when the car is Ordered in or Released. For customers that do not choose their cars, the CP of railcars will start only when EVWR has more railcars than what can fit at the industry and the debit is stopped when cars at the industry are released. Run-around and bunching will not relieve Demurrage debits.

For applicable charges, see item 1200.

Private Car Storage – Item 500

Like Demurrage, EVWR calculates and bills for Private Car Storage on a monthly basis using a credit/debit system. The company:

- Allows 2 days credit for a loaded or empty Private Car; except that no credit days are available for Private Cars carrying RSSM.

Private Car Storage charges are calculated like Demurrage. At the end of each month, credit days and debit days are totaled for each Private Car located on EVWR tracks pending access to a particular Customer facility:

- If total storage credit days exceed total debit days, no charges accrue
- If total storage debit days exceed total credit days, Private Car Storage charges apply
- Excess debit days, multiplied by the applicable rate, determine the Private Car Storage amount billed to the Customer
- Excess storage credits do not carry over to the next month
- Locomotives will be calculated under private car storage

Debit days start at 00:01 the next day after EVWR notifies the Customer of Constructive Placement of the Private railcar and stops when the customer orders the railcar for Actual Placement. For customers that do not choose their cars, the CP of railcars will start only when EVWR has more railcars than what can fit at the industry at the Local Controlling Station and the debit is stopped when cars at the industry are released, allowing room for these stored cars to fit. Run-around and bunching will not relieve Private Car Storage.

For applicable charges, see item 1200.

Limitations to Private Car Storage – Item 600

Publication of the private car storage rates does not guarantee that EVWR can hold private cars any time needed. Capacity made available for holding private cars is done solely at the discretion of EVWR management.

If excessive retention of railcars results in operational congestion, EVWR may impose an embargo against further receipt of railcars until the congestion is eliminated.

Additional Conditions Leading to Demurrage and Storage Charges – Item 700

Demurrage and/or Private Car Storage charges will also apply to railcars held due to other conditions, including but not limited to:

- Railcars tendered to a Customer and refused
- Railcars held due to being overloaded or improperly loaded
- Railcars held while waiting for, or any change to, the Shipping Instructions
- Railcars held short of destination due to Customer's inability to accept delivery
- Railcars ordered to be held in transit
- Railcars involved in Intraterminal, Intermediate or Interterminal switching (see EVWR 8001-Series for definitions).

In such cases Demurrage and Private Car Storage fees are calculated without credit days.

Demurrage and Storage Disputes – Item 800

In the event that a Customer disputes the demurrage or storage charges received in a bill, the following procedures must be applied:

- The dispute must be specific in nature, applying to a specific cars or groups of cars, related to time of actual or constructive placement, release or application of the rules contained in this tariff.
- The dispute must be submitted in writing to the Manager of Revenue Accounting within forty-five (45) days of the end of the month for which the bill applies. If a dispute is not received within this time, the bill will be considered correct and must be paid.
- Customer must pay the undisputed amount at the time the dispute is filed, according to normal bill payment procedures.
- Amounts in dispute will not be considered past due until fifteen (15) days after the dispute resolution is concluded by EVWR.
- If through this railroad's error, improper charges are assessed, such charges will be corrected. (Runaround and bunching will not be considered railroad error and no allowance will be made).

- When the operations of a consignor or consignee are disrupted by floods, earthquakes, hurricanes or tornadoes or conditions directly resulting therefrom and it is impossible to get to a car or to load or unload and such disruption exceeds two days, any demurrage charges directly attributable thereto will be adjusted.
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Assigned Car Storage – Item 900

Any assignment of railroad cars to a given shipper at a specific station must be agreed to in a written agreement, which will outline all terms, conditions, allowances and charges for such assignment.

Storage of Railway Cars on Own Wheels – Item 1000

Railway equipment held on the tracks of EVWR that will move or has moved on its own wheels as freight under transportation charges is subject to demurrage if a railroad car, or storage if a private car.

Storage of Hazardous Materials and Explosives – Item 1100

This item applies to any car (loaded or residue empty) containing Explosives or Hazardous Materials that is held on EVWR's tracks.

- Explosives are defined as Class A, B and C Explosives as named in Part 172, Commodity List, and Bureau of Explosives (BOE) Tariff 6000-Series.
 - 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, requiring the use 4-digit identification numbers on shipping documents, placards or panels and identified with Standard Transportation Commodity Codes (STCC) beginning with 48 and 49 or beginning with STCC 28 and 29 and converting to STCC 48 or 49, excluding those commodities listed in (C) below.
 - Rail Security Sensitive Materials (RSSM) as those listed in AAR Circular No. OT-55.
 - Charges will be billed monthly to the consignor if at origin or enroute and to the consignee if at destination.
 - For applicable charges, see item 1200.
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Charges – Item 1200

DEMURRAGE CREDIT (FREE) DAYS	RATE PER DAY	REFRIGERATED CAR and HEAVY DUTY FLAT CAR RATE PER DAY
2-DAY CREDIT FOR LOADING	\$75 per railcar	\$500 per railcar
2-DAY CREDIT FOR UNLOADING	\$75 per railcar	\$500 per railcar
0-DAY CREDIT FOR OVERLOADS	\$75 per railcar	\$500 per railcar
0-DAY CREDIT FOR RAILCARS	\$75 per railcar	\$500 per railcar
HELD FOR OTHER PURPOSES		
PRIVATE CAR STORAGE CREDIT (FREE) DAYS	RATE PER DAY	
2-DAY CREDIT FOR LOADING	\$30 per railcar	
2-DAY CREDIT FOR UNLOADING	\$30 per railcar	
0-DAY CREDIT FOR OVERLOADS	\$30 per railcar	
0-DAY CREDIT FOR RAILCARS	\$30 per railcar	
HELD FOR OTHER PURPOSES		
PRIVATE CAR STORAGE CREDIT (FREE) DAYS	HAZMAT CARS RATE PER DAY	RSSM CARS RATE PER DAY
0-DAY CREDIT FOR LOADED RAILCARS		\$500 per railcar
2-DAY CREDIT FOR LOADED RAILCARS	\$100 per railcar	
2-DAY CREDIT FOR EMPTY RAILCARS	\$50 per railcar	\$50 per railcar
DEMURRAGE CREDIT (FREE) DAYS	HAZMAT CARS RATE PER DAY	RSSM CARS RATE PER DAY
0-DAY CREDIT FOR LOADED RAILCARS		\$500 per railcar
2-DAY CREDIT FOR LOADED RAILCARS	\$100 per railcar	
2-DAY CREDIT FOR EMPTY RAILCARS	\$50 per railcar	\$50 per railcar

Additional Charge for Excessive Detention of Carrier Cars – Item 1300

EVWR may charge an additional charge of \$100.00 per car per day when a specific Carrier Car (identified by car initial and number) is not Released within 10 days. This charge is in addition to the basic demurrage charge established by Item 1200.

Holding Heavy Duty Flat Car Detention Charges – Item 1400

EVWR may charge up to \$500.00 per car per day when heavy-duty flat cars are held short of destination due to Customer request or a Customer's inability to receive the car.