

FT EVWR 9000-B
(Cancels FT EVWR 9000-A)

EVANSVILLE WESTERN RAILWAY, INC.



FREIGHT TARIFF EVWR 9000-B **(Cancels Freight Tariff EVWR 9000-A)**

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

DEMURRAGE AND STORAGE TARIFF

Governed, except as otherwise provided herein, by Uniform Freight Classification (UFC) as provided in Item 5.

This tariff is also applicable on intrastate traffic.

ISSUED: September 8, 2008

EFFECTIVE: October 1, 2008

ISSUED BY

Larry Davis
Vice President Sales & Marketing
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Paducah, KY 42003

(The provisions published herein, if effective, will not result in an effect on the quality of the human environment.)

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<p align="center">RULES AND OTHER GOVERNING PROVISIONS GENERAL RULES AND REGULATIONS</p>	<p align="center">RULES AND OTHER GOVERNING PROVISIONS SPECIAL RULES AND REGULATIONS - UNLIMITED</p>
<p>ITEM 5</p> <p align="center">DESCRIPTION OF GOVERNING CLASSIFICATION</p> <p>The term "Uniform Freight Classification", when used herein means Tariff UFC 6000-series.</p>	<p>ITEM 125</p> <p align="center">DEFINITION OF TERM "THIS RAILROAD"</p> <p>The term "this railroad" as used in this tariff means the Evansville Western Railway, Inc.</p>
<p>ITEM 10</p> <p align="center">STATION LISTS AND CONDITIONS</p> <p>This tariff is governed by the Official Railroad Station List, OPSL 6000-series, Railinc, Agent, to the extent shown below:</p> <p>PREPAY REQUIREMENTS AND STATION CONDITIONS</p> <p>For additions and abandonments of stations, and except as otherwise shown herein, for prepay requirements, changes in names of stations, restrictions as to acceptance or delivery of freight and changes in station facilities.</p> <p>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.</p> <p align="center">GEOGRAPHICAL LIST OF STATIONS</p> <p>For geographical locations of stations referred to in this tariff by station numbers.</p> <p align="center">STATION NUMBERS</p> <p>For the identification of stations when stations are shown or referred to by numbers in this tariff.</p>	<p align="center">SECTION 1 DEMURRAGE</p>
<p>ITEM 20</p> <p align="center">REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.</p> <p>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.</p>	<p>ITEM 150</p> <p align="center">GENERAL APPLICATION</p> <p>A. All railroad and privately owned cars held for or by consignors or consignees are subject to this section except:</p> <ol style="list-style-type: none"> 1. Cars for loading or unloading of this railroad's company material. 2. Cars of refused or unclaimed freight to be sold by this railroad for the time held beyond legal requirements. 3. Cars assigned to shippers returned empty to point of assignment, to the extent storage rules apply. 4. Cars moving on own wheels as freight. 5. Railroad cars leased for storage of commodities while on lessee's tracks. 6. Private cars held on private tracks. 7. Cars ordered for loading and rejected as unsuitable within twenty-four (24) hours of actual placement or, in the case of firms that perform their own switching, within forty-eight (48) hours of actual placement. 8. Cars of coal, bituminous (STCC 11 21); or coke, the direct product of coal (STCC 29 914); or coke, petroleum (STCC 29 913). For demurrage rules and charges to apply, see FT EVWR 4000. 9. Cars of any commodity other than bituminous coal (STCC 11 221); or coke, the direct product of coal (STCC 29 914); or coke, petroleum (STCC 29 913); moving in unit trains, are governed by the demurrage rules and charges enumerated in Freight Tariff EVWR 5000-series. [A] <p>B. The disposition of a car at the point at which it is held will determine the purpose for which the car was held and the rules applicable.</p>
<p>ITEM 35</p> <p align="center">METHOD OF CANCELING ITEMS</p> <p>As this tariff is supplemented, numbered items with letter suffixes cancel corresponding numbered items in the original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequence starting with A.</p> <p>Example: Item 25-A cancels Item 25 and Item 50-B cancels Item 50-A in a prior supplement which in turn canceled Item 50.</p>	
<p align="center">For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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SECTION 1 DEMURRAGE	SECTION 1 DEMURRAGE
<p>ITEM 200</p> <p align="center">DEFINITIONS</p> <p>The following are definitions to be used in applying this section:</p> <p>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.</p> <p>CONSIGNEE is the party to whom the shipment is consigned or the party entitled to receive the shipment.</p> <p>CONSIGNOR is the party in whose name cars are ordered or the party who furnishes forwarding instructions.</p> <p>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. It includes the holding of a car containing an order-notify or in-bond shipment pending satisfaction of delivery requirements.</p> <p>FORWARDING INSTRUCTIONS are instructions given to this railroad containing all the information necessary to transport the shipment to its final destination.</p> <p>LEASED TRACK is a track assigned to a user through a written lease and is the same as a private track.</p> <p>LOADING is the complete or partial loading of a car and the furnishing of forwarding instructions.</p> <p>LOADED CAR is a car that is completely or partially loaded.</p> <p>PRIVATE CAR is any car bearing other than railroad reporting marks that is not railroad-controlled.</p> <p>PRIVATE TRACK is any track that is not owned by this railroad including leased track.</p> <p>PUBLIC DELIVERY TRACK is a track open to the general public for loading and unloading.</p> <p>RAILROAD-CONTROLLED CAR is any car bearing other than railroad reporting marks provided directly to a railroad by the car owner for use in serving any of the railroad's customers.</p> <p>RECONSIGNMENT is as provided in Tariff EVWR 8001-series.</p> <p align="center">(Continued in next column)</p>	<p>ITEM 200 (Cont'd)</p> <p align="center">DEFINITIONS</p> <p>The following are definitions to be used in applying this section:</p> <p>RELOADED CAR is a car that is unloaded and then reloaded without having been removed from the consignor's/consignee's premises whether or not a release was given this railroad when the car was empty.</p> <p>RUN-AROUND is the placement of a recently tendered car before a car tendered earlier for reasons not directly attributable to consignor or consignee.</p> <p>TIME is the local time at the point where the car is held.</p> <hr/> <p>ITEM 300</p> <p align="center">NOTICES</p> <p>A. This railroad will provide notice verbally, electronically or in writing as follows:</p> <ol style="list-style-type: none"> 1. On cars for public delivery tracks, notice will be given to the affected party when the car is placed. 2. On cars for other than public delivery tracks, notice of constructive placement will be given to the affected party. Delivery of a car upon the tracks of a consignor or consignee will constitute notice except that when two or more parties use the same track, notice will be provided. 3. On cars stopped in transit, notice will be given to the party instructing the stop when the car arrives at the stop point. 4. On refused loaded cars, notice will be given to the consignor. <p>B. Consignor, consignee or other affected party must furnish this railroad forwarding instructions, empty car release information or other disposition (as applicable) verbally, electronically or in writing. When the device used indicates time and date, such time and date will govern.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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SECTION 1 DEMURRAGE	SECTION 1 DEMURRAGE
<p>ITEM 400</p> <p align="center">CARS HELD FOR LOADING</p> <p>On a car held for loading, the number of demurrage days shall be the number of twenty-four (24) hour periods (including fractional periods) between the events described below:</p> <ol style="list-style-type: none"> 1. On a public delivery track, BETWEEN the first 12:01 AM following notice to the consignor that the car has been placed or 12:01 AM on the day for which the car was ordered to be placed, whichever is later, AND the time this railroad receives forwarding instructions (see Exception 1). 2. On a private track switched by the consignor, BETWEEN the first 12:01 AM following actual placement on the interchange OR the first 12:01 AM following notice of constructive placement if actual placement cannot be accomplished OR 12:01 AM on the day for which the car was ordered to be placed, if later, AND the time this railroad receives forwarding instructions following return of the car to the interchange (See Exceptions 1 and 2). 3. On a private track switched by this railroad, BETWEEN the first 12:01 AM following actual placement OR the first 12:01 AM following notice of constructive placement if actual placement cannot be accomplished, OR 12:01 AM on the day for which the car was ordered, if later, AND the time this railroad receives forwarding instructions (See Exceptions 1 and 2). <p>EXCEPTION 1 - If a car is found at origin to be improperly loaded or overloaded, demurrage days shall continue to accumulate until the load has been corrected.</p> <p>EXCEPTION 2 - On reloaded cars, time will be computed from the first 12:01 AM following notice to this railroad that the car is empty and such notice shall be considered a release of the empty car. Where such notice is not given, the car will be considered an empty car held for loading for the entire time and no credits (see Item 700) will be given for release of an empty car.</p>	<p>ITEM 500</p> <p align="center">CARS HELD FOR COMPLETE UNLOADING</p> <p>On a car held for complete unloading, the number of demurrage days shall be the number of twenty-four (24) hour periods (including fractional periods) between the events described below:</p> <ol style="list-style-type: none"> 1. On a public delivery track, BETWEEN the first 12:01 AM following notice to the consignee that the car has been placed AND the time this railroad receives notice from the consignee that the car is empty and available. 2. On a private track switched by the consignee, BETWEEN the first 12:01 AM following actual placement on the interchange OR the first 12:01 AM following notice of constructive placement if actual placement cannot be accomplished AND the time this railroad receives notice from the consignee that the car is empty and available on the interchange (see Exceptions 1 and 2). 3. On a private track switched by this railroad, BETWEEN the first 12:01 AM following actual placement OR the first 12:01 AM following constructive placement if actual placement cannot be accomplished AND the time this railroad receives notice that the car is empty and available (see Exceptions 1 and 2). <p>EXCEPTION 1 - When, because of congestion at destination, a car is held on constructive placement at a point short of destination and instructions to place the car for unloading are given by the consignee, the accrual of demurrage days shall be suspended the first 12:01 AM following receipt of such instructions and shall resume at the first 12:01 AM following placement for unloading. If actual placement cannot be made when the car is tendered upon arrival at destination, this suspension in accrual will not be allowed.</p> <p>EXCEPTION 2 - On reloaded cars, accrual of demurrage days on the inbound loaded car shall cease when notice is given to this railroad that the car is empty. Where such notice is not given, the car will be considered an empty car held for loading (see Item 400) for the entire time and no credits (see Item 700) will be given for release of an empty car.</p>
<p align="center">For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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SECTION 1 DEMURRAGE	SECTION 1 DEMURRAGE
<p>ITEM 600</p> <p align="center">CARS HELD FOR OTHER PURPOSES</p> <p>On a car held for reasons attributable to consignor or consignee other than loading or complete unloading, the number of demurrage days shall be the number of twenty-four (24) hour periods (including fractional periods) between the events described below:</p> <ol style="list-style-type: none"> 1. On a car held for reconsignment, BETWEEN the first 12:01 AM following notice to the party responsible for the car being held AND the time this railroad receives reconsignment instructions. 2. On a loaded car refused by consignee or consignor, apply the same rules as in Item 500 except substitute the time this railroad receives notice of refusal for the time this railroad receives notice that the car is empty. 3. On a loaded private car held on railroad tracks at origin for forwarding instructions or for any other purpose, BETWEEN the first 12:01 AM following entry of the car on to railroad track AND the time this railroad receives forwarding instructions or other disposition of the car. 4. On an empty car ordered placed for loading and not used, apply the same rules as in Item 400 except substitute the time the car is released for the time this railroad receives forwarding instructions. 	<p>ITEM 700</p> <p align="center">CREDITS AND CALCULATION OF CHARGES</p> <p>A. Credits (non-chargeable demurrage days) will be earned as follows:</p> <ol style="list-style-type: none"> 1. (a) <u>One credit</u> for each car released from loading. (See Item 400) (<u>Applies on railroad owned or leased cars.</u>) [I] (b) Two credits for each car released from loading. (See Item 400) (<u>Applies on privately owned or leased cars.</u>) 2. Two credits for each car released from complete unloading. (See Item 500) 3. <u>One credit for each car held for purposes other than loading or unloading.</u> (See Item 600) [I] <p>B. Charges will be billed monthly and will cover all cars released during the calendar month. Calculation of charges will be performed separately for each station and at each station separately for the following transactions:</p> <ol style="list-style-type: none"> 1. Cars held for loading (see Item 400). 2. Cars held for complete unloading (see Item 500). 3. Cars held for other purposes (see Item 600). <p>C. For customers who generate demurrage days for both railroad owned or leased cars and private cars, the debits, credits, and charges will be calculated separately for railroad owned or leased cars and private cars. (Private car credits cannot offset railroad car debits).</p> <p>D. Credits may be used only in the month earned and credits earned in one of the above transactions may not be used in another such transaction.</p> <p>E. Charges will be billed to the consignor at origin, the consignee at destination and the party for whom the car is held if enroute.</p> <p>F. For each of the above transactions, charges will be calculated as follows:</p> <ol style="list-style-type: none"> 1. Determine the total number of demurrage days. 2. Determine the total number of credits. 3. If the total number of credits exceeds the total number of demurrage days, no charges are due. <p align="right">(Continued on next page)</p>
<p>ITEM 650 [A]</p> <p align="center">LIMITATIONS TO PRIVATE CAR HOLDING</p> <p>Empty or loaded privately owned or leased cars are subject to demurrage charges when held on railroad owned tracks (See Items 150, 400, 500, 600, 700). Publication of the private car demurrage rate does not guarantee that EVWR can hold private cars when needed. Capacity made available for holding private cars is done solely at the discretion of EVWR management.</p> <p>If excessive retention of railcars results in operational congestion, EVWR may impose an embargo against further receipt of railcars until the congestion is eliminated.</p>	
<p align="center">For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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SECTION 1 DEMURRAGE	SECTION 2 STORAGE
<p>ITEM 700 (Cont'd)</p> <p align="center">CREDITS AND CALCULATION OF CHARGES</p> <p>F. For each of the above transactions, charges will be calculated as follows: (Cont'd)</p> <p>4. If the total number of demurrage days exceeds the total number of credits, charges will be calculated as follows:</p> <p>a. Subtract the total number of credits from the total number of demurrage days to determine the number of chargeable demurrage days.</p> <p>b. Multiply the total number of chargeable demurrage days by \$60.00 per day for railroad owned or leased cars, or \$25.00 per day for private cars, <u>except as noted below in (d).</u></p> <p>c. In addition to demurrage charges, if the car contains a hazardous material, as described in Item 1200-series of this tariff, a charge of \$50.00 per chargeable day will be assessed. Credits (Non chargeable days) shall be the same as applicable on demurrage in paragraph A of this item. Chargeable days shall be calculated as provided in Items 400, 500 and 600 of this tariff. Calculations of charges will be performed separately from demurrage charges. If the total number of chargeable days exceeds the total number of credits, charge shall be the number of chargeable days X \$50.00. If credits exceed chargeable days, no charges are due.</p> <p>d. For heavy duty flatcars multiply the total number of chargeable demurrage days by \$200.00 per day for railroad owned or leased cars. [A]</p>	<p>ITEM 800 (Cont'd)</p> <p>[A]</p> <p align="center">DEMURRAGE AND STORAGE DISPUTES</p> <p>D. Amounts in dispute will not be considered past due until fifteen (15) days after the dispute resolution is concluded by EVWR.</p> <p>E. If through this railroad's error, improper charges are assessed, such charges will be corrected. (Run-around and bunching will not be considered railroad error and no allowance will be made).</p> <p>F. 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.</p>
<p>ITEM 800</p> <p>[A]</p> <p align="center">DEMURRAGE AND STORAGE DISPUTES</p> <p>In the event that a Customer disputes the demurrage or storage charges received in a bill, the following procedures must be applied:</p> <p>A. 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.</p> <p>B. 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.</p> <p>C. Customer must pay the undisputed amount at the time the dispute is filed, according to normal bill payment procedures.</p> <p align="center">(Continued in next column)</p>	<p>ITEM 1000</p> <p align="center">ASSIGNED CAR STORAGE</p> <p>A. The assignment of railroad owned or leased cars to a given shipper at a specific station on this railroad as well as changes in such assignment will be as agreed to in written correspondence between such shipper and this railroad.</p> <p>B. When an empty assigned car arrives at the point of assignment, notice of arrival will be sent or given to the assignee. In the event the car cannot reasonably be accommodated at the point of assignment, it may be held at another point and notice of such holding will be sent or given to the assignee with no further notice should the car subsequently be moved to the point of assignment.</p> <p>C. The number of storage days shall be the number of twenty-four (24) hour periods (including fractional periods) BETWEEN the first 12:01 AM following notification AND the time the car assumes demurrage status OR the time the car is released from assignment.</p> <p>D. Charges will be assessed on a monthly basis and will be computed as follows:</p> <ol style="list-style-type: none"> 1. Total the storage days accrued for all cars during the calendar month. 2. Deduct one credit for each car released from storage during the month. 3. If a balance of storage days remains, such balance will be charged for at \$25.00 per day. <p>E. Cars in storage are not subject to demurrage.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

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<p align="center">SECTION 2 STORAGE</p>	<p align="center">EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS</p>
<p>ITEM 1100</p> <p align="center">STORAGE OF RAILWAY EQUIPMENT ON OWN WHEELS</p> <p>A. Railway equipment held on the tracks of this railroad that will move or has moved on its own wheels as freight under transportation charges is subject to storage charges as provided in this section. Notice of storage will be given to and charges will be billed to the consignor if at origin or enroute and the consignee if at destination.</p> <p>B. The number of storage days shall be the number of twenty-four (24) periods (including fractional periods), BETWEEN the first 12:01 AM after notice is given AND the time this railroad receives written disposition.</p> <p>C. Charges will be assessed on a monthly basis and will be computed separately for each storage location as follows:</p> <ol style="list-style-type: none"> 1. Total the storage days accrued for all units of equipment during the calendar month. 2. Deduct one credit for each unit released from storage during the month. 3. If a balance of storage days remains, such balance will be charged for at \$30.00 per day. <p>D. Equipment in storage is not subject to demurrage.</p>	<p>EVWR - Evansville Western Railway, Inc. OPSL - Official Railroad Station List, Railinc, Agent UFC - Uniform Freight Classification (National Railroad Freight Committee, Agent)</p> <p>[A] - Addition [I] - Increase [R] - Reduction/Decrease</p> <p>(<u>Underscored</u> portion denotes change.)</p>
<p>ITEM 1200</p> <p align="center">STORAGE OF HAZARDOUS MATERIALS</p> <p>A. The following hazardous materials are subject to storage charges in this item while held on this railroad's tracks, excluding tracks leased to shippers:</p> <ol style="list-style-type: none"> 1. Class A, B and C explosives named in Part 172 commodity list, Tariff BOE 6000-series. 2. Hazardous materials, substances or wastes requiring the use of four (4) digit identification numbers on the shipping document, placards or panels as named in Section 172.101, Tariff BOE 6000-series. <p>B. Charges will be billed monthly to the consignor if at origin or enroute and to the consignee if at destination. For charges to apply, see Item 700-series.</p>	