

FT NYOG 8000-A
(Cancels NYOG 8000)

NEW YORK & OGDENSBURG RAILWAY

FREIGHT TARIFF NYOG 8000-A **(Cancels NYOG 8000)**

NAMING SWITCHING, DEMURRAGE AND ACCESSORIAL CHARGES AT STATIONS ON THE NEW YORK & OGDENSBURG RAILWAY

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

ISSUED: October 1, 2016

EFFECTIVE: November 1, 2016

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**RULES AND OTHER GOVERNING PROVISIONS
RULES AND REGULATIONS - GENERAL**

ITEM 5

REFERENCE TO TARIFFS, ITEMS, NOTES OR RULES

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

ITEM 10

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 suffix 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.

ITEM 15

CONSECUTIVE NUMBERS

Where consecutive numbers are represented in this tariff by the first and last numbers connected by the word to or a hyphen, they will be understood to include both the numbers shown. If the first number only bears a reference mark, such reference mark also applies to the last number shown and to all numbers between the first and last number.

**SECTION 1
RULES AND REGULATIONS – SWITCHING**

ITEM 300

EXPLANATION OF TERMS

SWITCHING - Movement of a car from one location to another within the confines of a single station when such movement is not done as part of a roadhaul movement.

ROADHAUL - Movement of a car between stations.

SCHEDULED SERVICE - When service is required and can be furnished by trains and crews engaged in routine service at the station and at the time that service is needed.

EXTRA SERVICE - DIVERSION - When service is required which necessitates the diversion of a locomotive and crew to the station at the time that service is needed.

EXTRA SERVICE - START UP - When service is required which necessitates calling a crew on duty at the time that service is needed.

ITEM 305

FIRST PLACEMENT CONSTITUTES DELIVERY

Except as otherwise provided herein, when cars are placed for loading or unloading upon switches, sidetracks, team tracks or at warehouses, elevators or other industries or locations reached by participating carrier, such placement constitutes delivery of the car for loading or unloading. Any subsequent movement within the prescribed switching limits of the station at which service is performed will be at the Local Switching Charge. Constructive placement does not constitute delivery.

ITEM 310

SWITCHING MORE THAN ONE CAR IN A SHIPMENT

When more than one car is required for a shipment, or when loaded in or on so called articulated cars, switching charges will apply to each car.

ITEM 315

DEMURRAGE RULES AND CHARGES.

All cars handled in switching service will be subject to demurrage rules and charges.

**SECTION 1
RULES AND REGULATIONS – SWITCHING**

ITEM 350

SWITCHING PERFORMED DURING SCHEDULED SERVICE: \$550.00 per car

ITEM 355

**SWITCHING PERFORMED AS *EXTRA* SERVICE – DIVERSION
\$250.00 per engine hour. Time to be computed from the time at which the engine is diverted
from its scheduled route to the return to the point of diversion**

ITEM 360

**SWITCHING PERFORMED AS EXTRA SERVICE - START UP
\$250.00 per engine hour, subject to a minimum charge of \$500.00. Time to be computed from the
time crew reaches engine terminal to the time crew shuts down locomotive.**

SECTION 2 RULES AND REGULATIONS - DEMURRAGE

ITEM 400

CARS SUBJECT TO DEMURRAGE

All Railroad and Privately owned cars delivered to customers on the participating carrier are subject to demurrage rules and charges contained in this tariff, except the following:

1. Cars for loading or unloading participating carrier company material while on participating carrier tracks or private sidings connecting therewith.
2. Cars assigned to shippers, returned empty to point of assignment, to the extent storage rules apply.
3. Cars moving on own wheels, under transportation charges, as freight.
4. Cars of railroad ownership, leased for storage of commodities, while held on lessees tracks.
5. Loaded or empty private cars.

Cars subject to demurrage will fall into one of the following transaction types:

1. Cars held for loading: See Item 420
2. Cars held for unloading: See Item 430
3. Railroad owned cars held for other purposes: See Item 440
4. Railroad Controlled cars: See Item 445
5. Empty cars ordered and not used: See Item 450

Demurrage will be calculated each calendar month for cars released during the month.

ITEM 405

EXPLANATION OF TERMS

ACTUAL PLACEMENT - The time at which a car is placed in an accessible position for loading or unloading, or at a point designated by the consignor or consignee.

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

CONSTRUCTIVE PLACEMENT - When a car cannot be actually placed because of any condition attributable to the consignor or consignee, including order notify and in-bond shipments, such cars will be held on participating carrier tracks and notice will be given to the consignor or consignee that the car is *held* awaiting disposition instructions. Such cars which have been placed by participating carrier on private or other than public delivery tracks of the consignor or consignee, including lead tracks serving the consignor or consignee, will be considered constructively placed with no notice required by participating carrier.

DEMURRAGE DAY - A twenty-four (24) hour period, or part thereof, beginning at 0001 hours after tender.

DISPOSITION - Information, including forwarding instructions or release, which allows participating carrier to either tender or release the car from the consignors or consignees account.

(CONTINUED ON NEXT PAGE)

SECTION 2 RULES AND REGULATIONS - DEMURRAGE

ITEM 405 – (CONTINUED FROM PREVIOUS PAGE)

LOADED CAR - A car that is completely or partially loaded.

NOTIFICATION - When required, notification will be furnished either in writing or verbally, to all parties entitled to receive notification.

OTHER THAN PUBLIC DELIVERY TRACK - Any trackage assigned for individual use, including privately owned or leased track.

PARTIAL UNLOADING - The partial unloading of car, and furnishing of forwarding instructions.

PRIVATE CAR - A car bearing other than railroad reporting marks and which is not a railroad controlled car.

PRIVATE TRACK - Any trackage which is not owned or leased by the railroad.

PUBLIC DELIVERY TRACK - Any track open to the general public for loading or unloading.

RAILROAD CONTROLLED CAR - A car bearing other than participating carrier reporting marks, provided to the railroad directly by the car companies or others, for use by the railroad in serving any of its customers.

RECONSIGNMENT - An order from the consignee to bill a car to other than the original consignee, said order being received after the car is delivered to its original destination. (An order to turn the car to another party, that does not require an additional movement of the car, is not a reconsignment.)

REFUSED LOADED CAR - When the original loaded car is refused at destination without being unloaded.

DIVERSION - An order from the consignor to deliver the car to other than the original destination, said order being received before the car is delivered to its original destination.

EMPTY CARS ORDERED AND NOT USED - Empty cars ordered by a consignor, placed for loading, and not used in transportation service.

EMPTY RELEASE INFORMATION - Advice by the consignee, given to authorized participating carrier, that a car is unloaded and available to participating carrier. Information given must include identity of consignee, name of party furnishing data, car initial and number, and date and time of release.

FORWARDING INSTRUCTIONS - Shipping instructions given to participating carrier at the point of loading, containing all of the necessary information to transport the shipment to final destination.

LEASE TRACK - Any trackage leased to a user through written lease agreement. Lease track will be treated as private track under this section.

LOADING - The complete or partial loading of a car in conformity of loading and clearance rules, and the furnishing of forwarding instructions.

(CONTINUED ON NEXT PAGE)

**SECTION 2
RULES AND REGULATIONS - DEMURRAGE**

ITEM 405 – (CONTINUED FROM PREVIOUS PAGE)

RELOADING - When a car is held for loading after being released empty.

RESHIPMENT - A new document by which the entire original shipment is forwarded in the same car to another destination.

TIME - Local time is applicable, expressed on the basis of the 24 hour clock.

Example: 12:01 am is expressed as 0001 hours.

UNLOADING - The complete unloading of a car and advice received from the consignee that the car is empty and available to participating carrier.

ITEM 410

**NOTIFICATION PROVIDED BY PARTICIPATING CARRIER TO
CONSIGNOR OR CONSIGNEE**

The following notifications will be furnished by participating carrier:

1. Cars for Other than Public Delivery Tracks:
 - A. Delivery of car upon tracks of consignor or consignee will constitute notice.
 - B. Notice of constructive placement if cars are held on participating carrier tracks due to reasons attributable to the consignor or consignee.
2. Cars for Public Delivery Tracks:

Notice will be given to the party entitled to receive notice when the car is actually placed.
3. Refused Loaded Car:

When a car is refused at destination, participating carrier will give notice of such refusal to the consignor or owner. Notification may be given electronically, verbally or in writing, and will contain the following:

 - A. Car initials and number.
 - B. If lading transferred en route, the initials and number of the original car.
 - C. Commodity
 - D. Date and Time

**SECTION 2
RULES AND REGULATIONS – DEMURRAGE**

ITEM 415

**NOTIFICATION TO BE PROVIDED BY CONSIGNEE OR
CONSIGNOR TO PARTICIPATING CARRIER**

Participating carrier personnel are on duty from 0600 to 1700 pm weekdays, except holidays, to receive forwarding instructions, empty release information, or other disposition of cars.

Notice may be given to participating carrier by telephone to VRS Customer Service in Burlington, VT at telephone number 1-800-639-3088 or 1-802-862-2503 or via fax to 1-802-862-2553.

(a) When VRS personnel are not on duty to receive forwarding instructions, empty release information or other disposition, consignor/consignee will have until 1200 hours of the next day personnel are on duty to furnish such instructions, and they will be considered as having been furnished at the date and time the instructions could have been furnished.

(b) When electronic (Email, FAX, etc.) or mechanical devices are used to furnish notification to VRS, the recorded date and time that instructions are received will govern.

Forwarding Instructions: - A bill of lading or other suitable order containing all the necessary information to transport the shipment to final destination. Bill of lading or other suitable order must be given to VRS via electronic data interchange (EDI), Email or facsimile to Customer Service at:
Burlington, VT FAX: 802-658-2553 For NYOG

ITEM 420

CARS HELD FOR LOADING

This item does not apply to private cars.

TENDER - Cars are tendered to the consignor upon actual or constructive placement of an empty car.

RELEASE - Cars are released to participating carrier at the date and time forwarding instructions are received by participating carrier.

Cars found to be improperly loaded or overloaded will not be considered until the load has been adjusted properly.

COMPUTATION - Time will be computed from the first 0001 hours after tender until release. If the car is placed prior to the date for which it was ordered, time will be computed from the first 0001 hours after the date for which it was ordered until released.

On reloaded cars, time will be computed from the first 0001 hours after advice is received that the car is empty until release.

When the same car is loaded and reloaded, empty release information must be furnished. If not furnished, demurrage will continue until forwarding instructions are received.

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**SECTION 2
RULES AND REGULATIONS – DEMURRAGE**

ITEM 420 (CONTINUED FROM PREVIOUS PAGE)

CREDITS - Two (2) credits will be allowed for each car released from loading.

When two smaller cars are furnished in lieu of one larger car ordered, through no fault of consignor, demurrage provisions will be applied to only one car.

ITEM 430

CARS HELD FOR UNLOADING

This item does not apply to private cars.

Note: Participating carrier delivers cars received loaded in interchange to consignee by next available train after receipt from connecting carriers. Unless arrangements are made otherwise, participating carrier cannot be responsible for anticipated delivery schedule of consignor or consignee. Demurrage will be based on delivery.

TENDER - Cars are tendered to the consignor upon actual or constructive placement of a loaded car.

RELEASE - Cars are released to participating carrier at the date and time empty release information is received by the participating carrier. In order for a car to be empty, all dunnage and packing material must be removed from the car, all load securing devices must be properly stored and all doors, gates and hatches must be closed and secured.

CARS HELD FOR UNLOADING

COMPUTATION - Time will be computed from the first 0001 hours after tender until release.

When the same car is unloaded and reloaded, empty release information must be furnished. If not furnished, demurrage will continue until forwarding instructions are received.

CREDITS - Three (3) credits will be allowed for each car released from unloading.

One additional credit will be allowed per car when a demurrage day occurs on: Thanksgiving Day, Christmas Day or New Years Day.

**SECTION 2
RULES AND REGULATIONS – DEMURRAGE**

ITEM 440

RAILROAD CARS HELD FOR OTHER PURPOSES

Applicable to cars held:

On orders of consignor or consignee.

1. On orders of consignor or consignee.
2. While awaiting disposition from the consignor or consignee, including car shipped order notify or to order.
3. As a result of conditions attributable to consignor or consignee.

TENDER - Cars are tendered upon actual or constructive placement of a car.

RELEASE - Cars are released to participating carrier at the date and time empty release information or forwarding instructions are received by participating carrier.

COMPUTATION - Time will be computed from the first 001 hours:

1. After tender until release on cars:
 - A. Diverted
 - B. Empty for loading-ordered and not used (other than rejected cars)
 - C. Partially unloaded
 - D. Reconsigned
 - E. Reshipped
 - F. Stopped in transit
2. After cars are received by participating carrier until date of disposition on:
 - A. Cars received from connecting carriers
 - B. Loaded private cars returned to railroad tracks
 - C. Cars received order notify or to order
3. After tender until date of refusal on refused loaded cars by consignee.
4. After tender until date of disposition on refused loaded cars by consignor.
5. After tender until release or placements on private tracks on loaded private cars while held on railroad tracks.

RAILROAD CARS HELD FOR OTHER PURPOSES

CREDITS - One (1) credit will be allowed for each car released or on which disposition is given.

Credits will not be allowed for.

1. Empty cars ordered and not used
2. Loaded private cars returned to railroad tracks to be held for disposition
3. Cars received from connecting railroads to be held for disposition

SPECIAL RULES - The party responsible for providing disposition instructions will be responsible for demurrage charges under this item.

**SECTION 2
RULES AND REGULATIONS – DEMURRAGE**

ITEM 445

**RAILROAD OWNED/CONTROLLED CARS
CARS SUBJECT TO DEMURRAGE**

GENERAL APPLICATION

- (A) Applicable at all points on NYOG.
 - (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 owned/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:
 - (1) Cars moving under freight rates requiring application of special demurrage rules - When authorized in contracts or other agreements.
 - (2) Private cars are not subject to demurrage rules except when specifically requested by customer as provided in Item 1550, VRS 6000.
 - (3) Cars containing freight refused or unclaimed to be sold by NYOG for the time held beyond legal requirements.
 - (4) 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 publication.
 - (5) Cars assigned to shippers returned empty to point of assignment while subject to storage rules.
 - (6) Empty railroad equipment moving on own wheels under transportation charges as freight. (Subject to Item 1450, VRS 6000)
 - (7) Cars for loading or unloading of NYOG company material while on NYOG tracks or private sidings connecting therewith.
 - (8) Cars of railroad ownership, leased for storage of commodities, while held on lessee's tracks.
 - (9) Empty cars placed and not used for loading only if rejected and found as unsuitable for loading
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**SECTION 2
RULES AND REGULATIONS – DEMURRAGE**

ITEM 450

EMPTY CARS ORDERED AND NOT USED

This item does not apply to empty cars rejected by consignor as unfit for loading, provided participating carrier *has* been notified within 24 hours of tender.

TENDER - Cars are tendered upon actual or constructive placement of a car.

RELEASE - Cars are released to participating carrier at the date and time disposition instructions are received by participating carrier.

COMPUTATION - Time will be computed from the first 0001 hours after tender until release.

If the car is placed prior to the date for which it was ordered, time will be computed from the first 0001 hours after the date for which it was ordered until released.

CREDITS - No credits will be allowed.

CHARGES - In addition to demurrage charges, empty cars ordered and not used will be subject to a charge of \$100.00 per car. Heavy duty or special type flat cars with AAR mechanical designation FW or FML will be subject to a charge of \$250.00 per car.

ITEM 460

DEMURRAGE PLAN AND PRICES

If a shipment requires the use of a heavy duty or special type flat car with AAR mechanical designations FD, FW or FML, use and detention charges for such cars as provided in Tariff RPS 6740-series (TEA series) will apply in lieu of rates and charges contained herein. Settlement of charges will be made on a monthly basis on all cars released during each calendar month.

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.

Credits earned and demurrage days accrued by customers having facilities at separate stations cannot be combined.

Credits earned and demurrage days accrued will be calculated separately for the following transactions:

1. Cars held for complete unloading
2. Cars held for loading
3. Private and railroad cars held for other purposes
4. Empty cars ordered and not used

Excess credits earned for one transaction cannot be used to offset demurrage days on another transaction.

Excess credits earned in one calendar month will accrue to offset demurrage days in subsequent calendar months.

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**SECTION 2
RULES AND REGULATIONS – DEMURRAGE**

ITEM 460 – (CONTINUED FROM PREVIOUS PAGE)

Calculation of Charges:

1. Total demurrage days for all cars released will be added.
2. Total credits for all cars released will be added.
3. If total credits exceed total demurrage days, demurrage charges will not be assessed.
4. If total demurrage days exceed the total credits, calculation of charges will be made as follows:
 - A. Subtract number of total credits from total demurrage days to determine chargeable days. The number of chargeable days will be assessed \$50.00 per day.

ITEM 470

CLAIMS

In order to be allowed relief from demurrage charges as billed, a claim must be received in writing no later than 15 days following receipt of the bill, stating fully the conditions for which relief was claimed.

RELIEF WILL BE GRANTED ONLY UNDER THE FOLLOWING CONDITIONS:

1. **Railroad Error:**
If, through railroad error, demurrage charges are assessed, demurrage charges will be adjusted to the amount that would have accrued but for such error.
2. **Weather Interference:**
When because of earthquakes, tornadoes, hurricanes, floods or heavy snow, the operations of the consignor or consignee are disrupted, the demurrage chargeable thereto will be eliminated provided that the disruption exceeds two (2) days in duration.
3. **Strike Interference:**
When it is impossible to load or unload or receive car from or make cars available to participating carrier because of strike interference at the point where loading or unloading is to be accomplished, demurrage days will be charged at the car hire rate of the cars affected accruing to the participating carrier during the period of the strike interference, provided the disruption exceeds ten (10) days duration during one calendar month. The provisions of this item will not apply to:
 - A. Inbound cars when waybills are dated four (4) days after the beginning of strike interference.

Loaded cars when ordered after the beginning and prior to the ending of strike interference.

**SECTION 3
MISCELLANEOUS CHARGES**

ITEM 500

MISDELIVERED CARS

This item applies to any carload delivered in error to participating carrier by a connecting carrier that is not rejected at interchange. Charges shall be payable by the connecting carrier delivering said cars in error, and shall include, but not be limited to:

1. Cars delivered as empty cars for loading by participating carrier customers that, upon placement, are found to be loaded.
2. Cars delivered as loaded cars for a participating carrier customer that, upon placement, are found to be empty or containing a load for other than the customer.
3. Cars delivered to the wrong participating carrier interchange.

CHARGE: \$300.00 per carload for cars received from all connection carriers

ITEM 510

CAR STORAGE

Empty cars stored on the tracks of NYOG will be assessed a charge of \$4.00 per day against the party requesting storage.

ITEM 520

TURNING OF CARS TO PERMIT WADING OR UNLOADING

1. When it is desired that freight cars be placed on delivery tracks for loading or unloading from one particular side or end of the car, cars must be properly placarded on both sides, and notations made on the Bill of Lading and Waybill.
2. On carloads not properly placarded or without proper notification received by NYOG according to Part 1 of this item, which shipper or consignee, after initial placement of car, directs NYOG to turn and return to the same track for loading or unloading, a charge of \$250.00 per car shall apply.

EXCEPT, if the car must be moved to a wye located at a station other than that of the shipper or consignee, the charge shall be \$400.00 per car.

ITEM 99999

EXPLANATIONS OF ABBREVIATIONS AND REFERENCE MARKS	
ABBREVIATION OR REFERNCE MARK	EXPLANATION
CSXT	CSX Transportation
NSO	National Service Order,
NY	New York
NYOG	New York & Ogdensburg Railway
OPSL	Official Railway Open and Prepay Station List
ORER	The Official Railway Equipment Register
RPS	Railroad Publication Services, Agent
STB	Surface Transportation Board
STCC	Standard Transportation Commodity Code
UFC	Uniform Freight Classification,
[I]	Denotes an increase.
Eq	Denotes a change resulting in neither an increase nor a decrease.
[NC]	Denotes no change.
[R]	Denotes a reduction.

END