

NEW YORK & OGDENSBURG RAILWAY

FREIGHT TARIFF NYOG 8000 (NEW)

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: September 14, 1998

EFFECTIVE: September 15, 1998
(Except as otherwise provided)

ISSUED BY

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

TARIFF NYOG 8000

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For explanation of abbreviations and reference marks not explained herein, see Item 99999-series, this tariff.

<p align="center">SECTION 1 RULES AND REGULATIONS - SWITCHING</p>	<p align="center">SECTION 1 RULES AND REGULATIONS - SWITCHING</p>
<p>ITEM 300</p> <p align="center">EXPLANATION OF TERMS</p> <p>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.</p> <p>ROADHAUL - Movement of a car between stations.</p> <p>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.</p> <p>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.</p> <p>EXTRA SERVICE - START UP - When service is required which necessitates calling a crew on duty at the time that service is needed.</p>	<p>ITEM 360</p> <p align="center">SWITCHING PERFORMED AS EXTRA SERVICE - START UP</p> <p>\$125.00 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.</p>
<p>ITEM 305</p> <p align="center">FIRST PLACEMENT CONSTITUTES DELIVERY</p> <p>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.</p>	<p align="center">SECTION 2 RULES AND REGULATIONS - DEMURRAGE</p>
<p>ITEM 310</p> <p align="center">SWITCHING MORE THAN ONE CAR IN A SHIPMENT</p> <p>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.</p>	<p>ITEM 400</p> <p align="center">CARS SUBJECT TO DEMURRAGE</p> <p>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:</p> <ol style="list-style-type: none"> 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. <p>Cars subject to demurrage will fall into one of the following transaction types:</p> <ol style="list-style-type: none"> 1. Cars held for loading.....See Item 420 2. Cars held for unloadingSee Item 430 3. Railroad owned cars held for other purposesSee Item 440 4. Railroad Controlled carsSee Item 445 5. Empty cars ordered and not used...See Item 450 <p>Demurrage will be calculated each calendar month for cars released during the month.</p>
<p>ITEM 315</p> <p align="center">DEMURRAGE RULES AND CHARGES</p> <p>All cars handled in switching service will be subject to demurrage rules and charges.</p>	<p>ITEM 405</p> <p align="center">EXPLANATION OF TERMS</p> <p>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.</p> <p>CONSIGNEE - The party to whom a shipment is consigned or the party entitled to receive the shipment.</p> <p>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.</p> <p>DEMURRAGE DAY - A twenty-four (24) hour period, or part thereof, beginning at 0001 hours after tender.</p>
<p>ITEM 350</p> <p align="center">SWITCHING PERFORMED DURING SCHEDULED SERVICE</p> <p>\$50.00 per car</p>	<p align="center">(CONTINUED ON NEXT PAGE)</p>
<p>ITEM 355</p> <p align="center">SWITCHING PERFORMED AS EXTRA SERVICE - DIVERSION</p> <p>\$125.00 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.</p>	<p align="center">For explanation of abbreviations and reference marks not explained herein, see Item 99999-series, this tariff.</p>

**SECTION 2
RULES AND REGULATIONS - DEMURRAGE**

ITEM 405
(Cont'd.)

EXPLANATION OF TERMS

- DISPOSITION** - Information, including forwarding instructions or release, which allows participating carrier to either tender or release the car from the consignor or consignee account.
- 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.
- 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 a 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.)

(CONTINUED IN NEXT COLUMN)

**SECTION 2
RULES AND REGULATIONS - DEMURRAGE**

ITEM 405
(Cont'd.)

EXPLANATION OF TERMS

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

ITEM 415

NOTIFICATION TO BE PROVIDED BY CONSIGNEE OR CONSIGNOR TO PARTICIPATING CARRIER

Participating carrier personnel are on duty from 9:00 am to 5:00 pm weekdays, except holidays, to receive forwarding instructions, empty release information, or other disposition of cars. When participating carrier personnel are not on duty an electronic recording machine will be provided on the railroad telephone line to receive such communication from consignor or consignee. The date and time such communication is received and recorded will govern any demurrage charges incurred. Forwarding instructions, empty release information, or other disposition of cars may also be provided in writing by facsimile machine. The date and time of such transmission will govern demurrage charges incurred.

Notice may be given to participating carrier by telephone to (609) 727-5000 or by FAX to (609) 727-0864. Fax notification shall be used whenever possible.

For explanation of abbreviations and reference marks not explained herein, see Item 99999-series, this tariff.

TARIFF NYOG 8000

SECTION 2 RULES AND REGULATIONS - DEMURRAGE	SECTION 2 RULES AND REGULATIONS - DEMURRAGE
<p>ITEM 420</p> <p align="center">CARS HELD FOR LOADING</p> <p>This item does not apply to private cars.</p> <p>TENDER - Cars are tendered to the consignor upon actual or constructive placement of an empty car.</p> <p>RELEASE - Cars are released to participating carrier at the date and time forwarding instructions are received by participating carrier.</p> <p>Cars found to be improperly loaded or overloaded will not be considered until the load has been adjusted properly.</p> <p>COMPUTATION - Time will be computed from the first 0001 hours after tender until release.</p> <p>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.</p> <p>On reloaded cars, time will be computed from the first 0001 hours after advice is received that the car is empty until release.</p> <p>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.</p> <p>CREDITS - Two (2) credits will be allowed for each car released from loading.</p> <p>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.</p>	<p>ITEM 430 (Cont'd.)</p> <p align="center">CARS HELD FOR UNLOADING</p> <p>COMPUTATION - Time will be computed from the first 0001 hours after tender until release.</p> <p>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.</p> <p>CREDITS - Three (3) credits will be allowed for each car released from unloading.</p> <p>One additional credit will be allowed per car when a demurrage day occurs on: Thanksgiving Day, Christmas Day or New Years Day.</p>
<p>ITEM 430</p> <p align="center">CARS HELD FOR UNLOADING</p> <p>This item does not apply to private cars.</p> <p>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.</p> <p>TENDER - Cars are tendered to the consignor upon actual or constructive placement of a loaded car.</p> <p>RELEASE - Cars are released to participating carrier at the date and time empty release information is received by the participating carrier.</p> <p>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.</p>	<p>ITEM 440</p> <p align="center">RAILROAD CARS HELD FOR OTHER PURPOSES</p> <p>Applicable to cars held:</p> <ol style="list-style-type: none"> On orders of consignor or consignee. While awaiting disposition from the consignor or consignee, including car shipped order notify or to order. As a result of conditions attributable to consignor or consignee. <p>TENDER - Cars are tendered upon actual or constructive placement of a car.</p> <p>RELEASE - Cars are released to participating carrier at the date and time empty release information or forwarding instructions are received by participating carrier.</p> <p>COMPUTATION - Time will be computed from the first 001 hours:</p> <ol style="list-style-type: none"> After tender until release on cars: <ol style="list-style-type: none"> Diverted Empty for loading-ordered and not used (other than rejected cars) Partially unloaded Reconsigned Reshipped Stopped in transit After cars are received by participating carrier until date of disposition on: <ol style="list-style-type: none"> Cars received from connecting carriers Loaded private cars returned to railroad tracks Cars received order notify or to order After tender until date of refusal on refused loaded cars by consignee. After tender until date of disposition on refused loaded cars by consignor. After tender until release or placements on private tracks on loaded private cars while held on railroad tracks.
(CONTINUED IN NEXT COLUMN)	(CONTINUED ON NEXT PAGE)
<p>For explanation of abbreviations and reference marks not explained herein, see Item 99999-series this tariff.</p>	

<p style="text-align: center;">SECTION 2 RULES AND REGULATIONS - DEMURRAGE</p>	<p style="text-align: center;">SECTION 2 RULES AND REGULATIONS - DEMURRAGE</p>
<p>ITEM 440 (Cont'd.)</p> <p style="text-align: center;">RAILROAD CARS HELD FOR OTHER PURPOSES</p> <p>CREDITS - One (1) credit will be allowed for each car released or on which disposition is given.</p> <p>Credits will not be allowed for:</p> <ol style="list-style-type: none"> 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 <p>SPECIAL RULES - The party responsible for providing disposition instructions will be responsible for demurrage charges under this item.</p>	<p>ITEM 460 (Cont'd.)</p> <p style="text-align: center;">DEMURRAGE PLAN AND PRICES</p> <p>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.</p> <p>Credits earned and demurrage days accrued by customers having facilities at separate stations cannot be combined.</p> <p>Credits earned and demurrage days accrued will be calculated separately for the following transactions:</p> <ol style="list-style-type: none"> 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 <p>Excess credits earned for one transaction cannot be used to offset demurrage days on another transaction.</p> <p>Excess credits earned in one calendar month will accrue to offset demurrage days in subsequent calendar months.</p> <p>Calculation of Charges:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> A. Subtract number of total credits from total demurrage days to determine chargeable days. B. The number of chargeable days will be assessed \$30.00 per day.
<p>ITEM 445</p> <p style="text-align: center;">RAILROAD CONTROLLED CARS</p> <p>Cars controlled by the participating carrier, provided to customers for loading, shall not be subject to demurrage. To determine if a car is railroad controlled, contact participating carriers agent.</p>	
<p>ITEM 450</p> <p style="text-align: center;">EMPTY CARS ORDERED AND NOT USED</p> <p>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.</p> <p>TENDER - Cars are tendered upon actual or constructive placement of a car.</p> <p>RELEASE - Cars are released to participating carrier at the date and time disposition instructions are received by participating carrier.</p> <p>COMPUTATION - Time will be computed from the first 0001 hours after tender until release.</p> <p>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.</p> <p>CREDITS - No credits will be allowed.</p> <p>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.</p>	<p>ITEM 470</p> <p style="text-align: center;">CLAIMS</p> <p>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.</p> <p>RELIEF WILL BE GRANTED ONLY UNDER THE FOLLOWING CONDITIONS:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> A. Inbound cars when waybills are dated four (4) days after the beginning of strike interference. B. Loaded cars when ordered after the beginning and prior to the ending of strike interference.
<p>ITEM 460</p> <p style="text-align: center;">DEMURRAGE PLAN AND PRICES</p> <p>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.</p> <p>Settlement of charges will be made on a monthly basis on all cars released during each calendar month.</p>	
<p style="text-align: center;">(CONTINUED IN NEXT COLUMN)</p> <p>For explanation of abbreviations and reference marks not explained herein, see Item 99999-series this</p>	

TARIFF NYOG 8000

<p align="center">SECTION 3 MISCELLANEOUS CHARGES</p>	<p align="center">ITEM 99999 EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS</p>	
<p align="center">ITEM 500 MISDELIVERED CARS</p>	<p align="center">ABBR/REF</p>	<p align="center">EXPLANATION</p>
<p>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:</p> <ol style="list-style-type: none"> 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. <p>CHARGE: \$300.00 per carload for cars received from all connection carriers</p>	<p>AAR ABBR NSO</p> <p>NY NYOG OPSL</p> <p>REF RER</p> <p>RPS STB STCC UFC</p> <p>(A) (I) (R) (NC)</p>	<p>Association of American Railroads Abbreviations National Service Order, Western Trunk Line Committee, Agent New York New York and Ogdensburg Railway Official Railroad Station List, Alber Leland, Agent References The Official Railway Equipment Register, R.E.R. Publishing Company, Agent Railroad Publication Services, Agent Surface Transportation Board Standard Transportation Commodity Code Uniform Freight Classification, Uniform Freight Classification Committee, Agent</p> <p>Addition Increase Reduction Brought forward without change</p>
<p align="center">ITEM 510 CAR STORAGE</p> <p>Empty cars stored on the tracks of NYOG will be assessed a charge of \$2.00 per day against the party requesting storage.</p>		
<p align="center">ITEM 520 TURNING OF CARS TO PERMIT LOADING OR UNLOADING</p> <ol style="list-style-type: none"> 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. 		