

SUPPLEMENT
TO
FT LIRC 8001

LOUISVILLE & INDIANA RAILROAD COMPANY



**SUPPLEMENT 4
TO
FREIGHT TARIFF LIRC 8001**
(Supplement 4 Cancels Supplements 2 and 3)
(Supplement 4 contains all changes)

**NAMING
RULES AND CHARGES GOVERNING
SWITCHING
ALSO, MISCELLANEOUS RULES AND CHARGES
AND WEIGHING AND REWEIGHING
APPLYING AT
STATIONS ON THE
LOUISVILLE & INDIANA RAILROAD COMPANY**

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

ISSUED: February 6, 2009

EFFECTIVE: March 1, 2009

ISSUED BY

Darren M. Wagner, Director Marketing
Louisville & Indiana Railroad Company
2500 Old U. S. Hwy. 31 East
Jeffersonville, IN 47130

SUPPLEMENT 4 TO FT LIRC 8001

<p align="center">SECTION 1 MISCELLANEOUS RULES AND CHARGES (Charges in dollars and cents per car, except as otherwise noted)</p>	<p align="center">SECTION 1 MISCELLANEOUS RULES AND CHARGES (Charges in dollars and cents per car, except as otherwise noted)</p>
<p>ITEM 100 [A]</p> <p align="center">BANKRUPTCY OR INSOLVENCY</p> <p>A. In the event Shipper files or is the subject of a filed petition in bankruptcy and Shipper has a transportation contract or other agreement with LIRC (collectively "Agreement"), Shipper will, as soon as practicable:</p> <ol style="list-style-type: none"> (1) Identify LIRC as a "Critical Vendor" of essential services as that term is interpreted and understood within the context of a bankruptcy proceeding; (2) Identify any Agreement with LIRC under which there remains continuing unperformed obligations; and, (3) Choose to elect to either assume or reject such Agreements identified pursuant to paragraph (2) above within (60) days of the date of the filing of the Shipper's petition in bankruptcy. <p>B. In the context of a bankruptcy proceeding, no Agreement identified under paragraph (2) may be assigned without LIRC consent, unless LIRC is given adequate assurance of future performance by the assignee. Such adequate assurance will include, but not necessarily be limited to, a deposit with LIRC as security for the timely payment of switching and linehaul charges an amount equal to the average thirty (30) day accrual for such charges as or security guarantees in form and substance satisfactory to LIRC from one or more persons who satisfy LIRC' standard of creditworthiness.</p>	<p>ITEM 110 [A]</p> <p align="center">CREDIT TERMS</p> <p>If Credit is extended to Applicant for the payment of transportation charges, Applicant agrees to pay such transportation charges within the following time periods:</p> <ol style="list-style-type: none"> (a) Freight Charges - 15 Calendar days from the date of the freight bill. (b) Miscellaneous charges (e.g., demurrage, switching, weighing) - 30 calendar days from the date of the miscellaneous bill (c) Additional charges for freight transportation and related services (e.g. balance due bills) - 30 calendar days from the date of bill for additional charges. <p>NOTE: Errors discovered in bills by customers should be corrected by customers and paid accordingly accompanied with an explanation of shortage or overage. Payment of all bills, including those corrected by customers, must be made within the credit period. Payment of bills alleged to be incorrect will not prejudice patron's claims, filed within the statutory period, for refund of overcharges. If customers receive bills that they feel they are not responsible for paying, they must notify the carrier within the credit terms that they are not responsible for paying the bills.</p> <p>Payment of an amount less than stated on a LIRC invoice will be considered as payment on account and not as payment in full, notwithstanding any notation to the contrary as payment on the payer's remittance. Acceptance by LIRC of the lesser amount will not constitute an accord and satisfaction. The payer will be advised of any remaining balance deemed due after application of the remitted funds.</p>
	<p>ITEM 120 [A]</p> <p align="center">FINANCE CHARGE</p> <p>LIRC will assess a finance charge of 12% per year (0.0329% per day) against linehaul freight charges billed on or after March 1, 2009, that are not received by LIRC within the credit term provided . The finance charge will not apply against disputed linehaul freight charges that are found by LIRC to have been incorrectly billed. The finance charge will be assessed on the unpaid balance of any linehaul freight charge from the first day following the end of the credit term through the date of receipt of payment in full. The finance charge will be billed monthly for all linehaul freight charges that were paid late in the prior calendar month. This item shall be construed pursuant to the laws of the State of Delaware.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

SUPPLEMENT 4 TO FT LIRC 8001

SECTION 1 MISCELLANEOUS RULES AND CHARGES (Charges in dollars and cents per car, except as otherwise noted)	SECTION 2 SWITCHING AND SPECIAL TRAIN SERVICE (Charges in dollars and cents per car, except as otherwise noted)										
<p>ITEM 200</p> <p align="center">CHANGE IN BILLING (TURN-OVER)</p> <p>The charge for change in billing, which is a request from shipper, consignee, third party or other carrier to alter billing in any way once initial bill has been entered via any format into LIRC system, will be..... \$45.00</p>	<p>ITEM 480</p> <p align="center">ABSORPTION RULES - SWITCHING</p> <p align="center">ABSORPTION OF CONNECTING CARRIERS' RECIPROCAL, MISCELLANEOUS OR INDUSTRIAL SWITCHING CHARGES (SWITCHING CHARGE)</p> <p>(1) Switching charge of connecting carriers at point of origin, or at point of destination, or at point of origin and point of destination, as the case may be, will be absorbed by LIRC on carload shipments handled by LIRC in line-haul service from point or origin, or to point of destination, or from point of origin to point of destination, as the case may be, subject to the exceptions show below in this item.</p> <p>(2) When switching charge, in whole or in part, is not absorbed, such switching charge or portion not absorbed is in addition to the line-haul rate and will be invoiced and collected by Railroad charging unabsorbed portion of switching charge.</p> <p>(3) LIRC will absorb switching charge of connecting carriers up to but not exceeding the charges identified in Paragraphs (3)(a) and (3)(b) of this Item. LIRC's absorption of switching charges below will only apply when LIRC participates in the line-haul movement of a shipment where switching services are rendered. In the event LIRC does not participate in the line-haul movement, switching charges will not be absorbed and Paragraph 2 of this Item will apply.</p> <p>(3)(a) LOUISVILLE, KY (Price Per Car, All Commodities)</p> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 10px;"> <tr><td style="text-align:center;">CSXT</td><td style="text-align:right;">\$390.00</td></tr> <tr><td style="text-align:center;">PAL</td><td style="text-align:right;">\$390.00</td></tr> <tr><td style="text-align:center;">INRD</td><td style="text-align:right;">\$582.00</td></tr> <tr><td style="text-align:center;">NS (Note 1)</td><td style="text-align:right;">\$381.00</td></tr> <tr><td style="text-align:center;">NS (Note 2)</td><td style="text-align:right;">\$582.00</td></tr> </table>	CSXT	\$390.00	PAL	\$390.00	INRD	\$582.00	NS (Note 1)	\$381.00	NS (Note 2)	\$582.00
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<p>ITEM 245</p> <p align="center">FUEL SURCHARGE</p> <p>In addition to the line-haul transportation charge or charges published in tariffs or other instruments whatsoever, the LIRC reserves the right to apply the fuel surcharge provisions published in NS Condition of Carriage No. 1-series. The surcharge to be paid by the rail user (i.e., receiver or consignee on inbound shipments, and shipper or consignor on outbound shipments), and to be collected by and accrue solely to the LIRC.</p>											
	<p>EXPLANATION OF NOTES</p> <p>Note 1 - Applies only to or from original NS industries listed in Item 5420 of NS 8001-A.</p> <p>Note 2 - Applies only to or from former K&IT industries listed in Item 5430 of NS 8001-A.</p> <p align="center">(Continued on next page)</p>										
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SECTION 2 SWITCHING AND SPECIAL TRAIN SERVICE (Charges in dollars and cents per car, except as otherwise noted)		SECTION 2 SWITCHING AND SPECIAL TRAIN SERVICE (Charges in dollars and cents per car, except as otherwise noted)	
ITEM 480 (Cont'd) ABSORPTION RULES - SWITCHING ABSORPTION OF CONNECTING CARRIERS' RECIPROCAL, MISCELLANEOUS OR INDUSTRIAL SWITCHING CHARGES (SWITCHING CHARGE) (3)(b) JEFFERSONVILLE, IN (Price Per Car, Commodities by STCC #)		ITEM 500 ABSORPTION RULES – FUEL SURCHARGE (1) Absorption of fuel surcharge in conjunction with shipments moving under the guidelines of LIRC 8001 Item 480 will not be permitted. (2) In the event a Switching Railroad elects to participate in a fuel surcharge program, the participating Switching Railroad will be responsible to invoice and collect for unabsorbed fuel surcharge.	
MG RAIL			
(STCC46 111 10), Freight, all kinds, nec	\$105.00		
(STCC 01) Farm Products	\$26.25		
(STCC 08) Forest Products	\$105.00		
(STCC 10) Metallic ores	\$105.00		
(STCC 11) Coal	\$55.00		
(STCC 13) Crude petroleum, natural gas or gasoline	\$105.00		
(STCC 14) Nonmetallic ores, minerals, excluding fuels, Except 14 713 Ulexite	\$55.00		
(STCC 14 713) Ulexite	\$105.00		
(STCC 20) Food and kindred products	\$25.25		
(STCC 24) Lumber or wood products, excluding furniture	\$105.00		
(STCC 26) Pulp, paper or allied products	\$105.00		
(STCC 28) Chemicals or allied products, Except 28 123 Sodium Compounds, 28 125 36 Potassium Nitrate, 28 194 Industrial Organic Acids and 28 712 Di-Ammonium Phosphate Fertilizer	\$52.50		
(STCC 28 123) Sodium Compounds	\$105.00		
(STCC 28 125 36) Potassium Nitrate	\$105.00		
(STCC 28 194) Industrial Organic Acids	\$105.00		
(STCC 28 712) Di-ammonium Phosphate Fertilizer	\$141.75		
(STCC 29) Petroleum or coal products	\$105.00		
STCC 30) Rubber or miscellaneous plastics	\$105.00		
(STCC 32) Clay, concrete, glass or stone products	\$105.00		
(STCC 33) Primary metal products Industries	\$105.00		
(STCC 49) Hazardous material, Except 49 183 Ammonium Nitrate fertilizer	\$105.00		
(STCC49 183) Ammonium Nitrate Fertilizer	\$52.50		