

CHICAGO SOUTH SHORE AND SOUTH BEND RAILROAD



FREIGHT TARIFF CSS 6004-G

(For cancellation, see Item 1, this tariff)

NAMING
RULES AND CHARGES
GOVERNING
DEMURRAGE
AT
STATIONS
ON THE
CHICAGO SOUTHSHORE AND SOUTH BEND RAILROAD

DEMURRAGE PROVISIONS

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ISSUED BY

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FT CSS 6004-G

ITEM 1

CANCELLATION NOTICE

FT CSS 6004-G cancels FT CSS 6004-F in its entirety.

Provisions formerly published in FT CSS 6004-F and not brought forward in FT CSS 6004-G are hereby canceled.

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Method of Cancelling Items

As this tariff is supplemented, numbered items with lettered suffixes cancel correspondingly numbered items in the original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequences starting with A.

Example: Item 100-A cancels Item 100 and Item 200-B cancels Item 200-A in a prior supplement which in turn cancelled Item 200.

For explanation of abbreviations and reference marks, see last page of tariff.

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Section I: Demurrage Charges

| EQUIPMENT | FREE TIME (See Note 1) | DEMURRAGE CHARGE [1] |
|---|-----------------------------------|---|
| LOADING: | | |
| Railroad Cars | 1 Day | \$55.00 Per Car, Per Day or Fraction of a Day |
| Private Cars (Constructively Placed) | 1 Days | \$55.00 Per Car, Per Day or Fraction of a Day |
| UNLOADING: | | |
| Railroad Cars, except Cars Containing Hazardous Materials or Hazardous Material Residue, including TIH/PIH | 2 Days | \$55.00 Per Car, Per Day or Fraction of a Day |
| Private Cars (Constructively Placed), except Cars Containing Hazardous Materials or Hazardous Material Residue, including TIH/PIH | 2 Days | \$55.00 Per Car, Per Day or Fraction of a Day |
| Railroad or Private Cars Containing Hazardous Materials or Hazardous Material Residue, except TIH/PIH | 0 Days | \$150.00 Per Car, Per Day or Fraction of a Day |
| Railroad or Private Cars Containing TIH/PIH Hazardous Materials or Residue | 0 Days | \$1,500.00 Per Car, Per Day or Fraction of a Day (See Note 2) |

Note 1: Except as otherwise provided, after expiration of Free Time or when none is provided, Demurrage charges will begin at the first 0001 (12:01 a.m.) after the time of constructive or actual placement of railcar and ends when you request car come to spot or when you release a car and make it available for us to pull it from your siding (See Item 100 - Computation of Demurrage Charges, this tariff).

Note 2: Demurrage charges to apply immediately upon notification of Constructive Placement or upon delivery to your track.

For explanation of abbreviations and reference marks, see last page of tariff.

Section II: Extended time

Using a car...

When we move a shipment for you, our line haul rates include the movement of your shipment from origin to destination, as well as a limited time for you to load or unload the railcar.

From time to time, you may need to use a railcar for a longer period of time. In that case, we provide you with the use of that equipment, for a fee, which is called demurrage.

If you cannot accept a **railroad or privately owned railcar** when we are ready to deliver it to you, or if you keep a railroad or privately owned car on your private siding for an extended period, you will be assessed Demurrage Charges in Section 1, this tariff.

For more on railroad and private equipment demurrage, see Section III.

Liability: We accept no liability and you, as user of the cars, releases our railroad from liability, with respect to any damage, loss or injury to the car(s) or its/their contents, while held on tracks of this railroad, except to the extent caused by the negligence or intentional acts of our company.

Section III: Demurrage - Railroad and Private Cars

COMPUTATION OF DEMURRAGE CHARGES

ITEM 100

Except as otherwise provided, after expiration of *Free Time allowed or when none is provided*, Demurrage charges in *Section 1, this tariff*, will be computed from the first 0001 (12:01 a.m.) after time of constructive or actual placement of railcar and ends when you request car come to spot or when you release a car and make it available for us to pull it from your siding as follows:

- (a) Demurrage Charges on **privately owned railcars**, *except cars containing Hazardous Materials (See Section IV, this tariff), which are first Constructively Placed* will end when you request the car to come to spot.
- (b) Demurrage Charges on **railroad owned railcars**, *except cars containing Hazardous Materials (See Section IV, this tariff), which have been Constructively or Actually Placed* will end when you release the car and make it available for us to pull it from your siding.
- (c) Demurrage Charges on **railroad or privately owned railcars containing Hazardous Materials (See Section IV, this tariff) which have been Constructively or Actually Placed** will end when you release the car and make it available to us to pull it from your siding.
- (d) Demurrage Charges do not apply on **privately owned railcars, except cars containing Hazardous Materials (See Section IV, this tariff), while on private tracks.**

When a loaded car is unloaded by you and reloaded, time for the original loaded car will end when you notify us that the car has been unloaded. At that same time, computation of charges for the empty car will begin at the next 0001 (12:01 a.m.). If you fail to notify us that the car has been emptied, time will extend until we receive forwarding instructions for the reloaded car.

Free Time will begin at the first 0001 (12:01 a.m.) after time of constructive or actual placement of railcar. For the purpose of computing *Free Time*, Sundays and Holidays listed in Item 360 will be excluded.

For cars containing Hazardous Materials or Hazardous Material Residue, including TIH/PIH, see Section IV, Item 200, this tariff.

For explanation of abbreviations and reference marks, see last page of tariff.

Section IV: Hazardous Materials

Safety is our first priority

We never compromise safety. We are particularly diligent when it comes to the safe transportation of hazardous materials, including empty cars with hazardous material residue. No credit days will be allowed for any car containing hazardous materials or hazardous material residue.

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 of 4-digit identification numbers on shipping documents, placards or panels.

For demurrage charges on cars containing Hazardous Material or Hazardous Material Residue, including TIH/PIH cars, see Section I, this tariff. No Free Time will be allowed.

LOADING, UNLOADING AND STORAGE

ITEM 200

Hazardous materials may not be loaded, unloaded or stored on our tracks. Shippers, consignees and unloaders must take cars into a recognized secure facility without delay.

Section V: Miscellaneous Items

NOTIFICATION BY CUSTOMER TO RAILROAD

ITEM 300

All notification of car placement, hold, availability or release must be made using www.railconnect.com, by email, or fax. Notification must include the car initial and number, date, time and any other relevant information. The recorded date and time that the instructions are received will govern.

During plant shutdowns, shipper assigned cars must be released from assignment to prevent accruing demurrage charges.

MANUAL BILLING OF RAIL CARS

ITEM 310

CSS will accept forwarding instructions through one of three methods at no charge; Rail Connect Interface (e-BOL), a Class I web site, or by making arrangements directly with third party logistics services providers to submit forwarding instructions on their behalf via a Class I web site or via EDI. CSS will accept forwarding instructions to its Customer Service Center via fax (1-219-872-0506) or via email (CSScustomerservice@anacostia.com), subject to a \$35.00 charge per faxed or emailed bill of lading. This charge will be assessed to the online Customer of record with the railroad.

CSS reserves the right to reject as an unreasonable request for service, any "fax" or "email" forwarding instructions that are illegible, whether due to poor transmission quality, poor or illegible handwriting, or otherwise. CSS will not accept delivery of forwarding instructions by US Mail, express service, personal delivery, or otherwise.

(Continued on next page)

For explanation of abbreviations and reference marks, see last page of tariff.

Section V: Miscellaneous Items (Cont'd)

DEMURRAGE BILLING

ITEM 320

You will be billed monthly for all cars released during the calendar month. Customers having facilities at separate stations cannot combine charges or free days.

Any person or entity receiving rail cars from this railroad for loading or unloading who detains the cars beyond the period of free time set forth herein will be held liable for any applicable demurrage if this railroad has provided that person or entity with actual notice of the demurrage rules and charges contained herein providing for such liability prior to the placement of rail cars. The notice shall be in written or electronic form.

PAYMENT

ITEM 330

If you are the party responsible for demurrage charges and have not established credit with us, or have had your credit cancelled by us, you will be subject to Liquidated Damages interest of 20% A.P.R., in addition to Demurrage charges. Interest will begin to accrue for charges not paid within thirty (30) days from the date of the Bill for the Demurrage charges.

EXTENSION OF CREDIT

ITEM 340

To establish credit with us, contact:

Anthony S. Kazakevicius, Director - Sales & Marketing
 Chicago South Shore and South Bend Railroad
 505 North Carroll Avenue
 Michigan City, IN, 46360
 Office: (219) 214-4297

CLAIMS

ITEM 350

At times, there may be circumstances when charges are assessed, and the reasons for charges are beyond your control. We may provide relief in our sole discretion, provided you submit a claim, in writing, within thirty (30) days of the billing date, along with supporting documentation. Your claim must fully state the circumstance under which you request relief, and including the car initial, car number and location. Circumstances under which a claim may be made include:

- A. **Improper charges** (If you believe we have improperly assessed charges).
- B. **Weather interference** (Acts of God, including, but not limited to flood, storm, earthquake, hurricane, tornado, or to other severe weather or climatic conditions, as long as the condition lasted at least two (2) days).
- C. **Railroad error** (If through our error, demurrage charges are assessed, the charges will be adjusted to the amount that would have accrued if we had not made an error).

(Continued on next page)

For explanation of abbreviations and reference marks, see last page of tariff.

Section V: Miscellaneous Items (Cont'd)

HOLIDAYS

ITEM 360

The term "Holiday" means:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Eve
- Christmas Day

For explanation of abbreviations and reference marks, see last page of tariff.

DEFINITIONS

ACTUALLY PLACED

A car is actually placed when it has moved to the track of the shipper or consignee, or the "care of" party, or team track.

CAR DEMURRAGE RULES AND REGULATIONS

Any cars handled under this tariff will be subject to demurrage rules and charges.

CAR RELEASE

Advice provided by the shipper or consignee to authorized railroad personnel, that the car is loaded or unloaded and available. This information must include the identity of the shipper or consignee, the party furnishing information, and the car(s) initial and number.

CONSIGNEE

The party to whom a shipment is consigned or the party entitled to receive the shipment. For the purpose of assessing demurrage charges in this tariff, Consignee includes any person receiving railcars from the CSS for unloading as more specifically provided for in 49 CFR 1333.

CONSIGNOR

The party in whose name a car(s) is ordered; or the party who furnishes forwarding directions. For the purpose of assessing demurrage charges in this tariff, Consignor includes any person receiving railcars from the CSS for loading as more specifically provided for in 49 CFR 1333.

CONSTRUCTIVE PLACEMENT

Constructive placement is the industry term for cars held available for placement but held on RR tracks, either at customer request, or because customer is unable to accept cars on next available switch.

DEMURRAGE DAY

A twenty-four (24) hour period (calendar day), or part thereof, commencing 0001 after tender.

PRIVATE CAR (EQUIPMENT)

A car bearing other than railroad reporting marks that is not railroad-controlled.

PRIVATE TRACK

Tracks that are not owned or leased by the railroad.

STATION LISTS AND CONDITIONS

This tariff is governed by Tariff OPSL 6000-Series, for:

- Additions or changes in Name, Location or Abandonments of Stations,
- Prepay Requirements.
- Restrictions as to acceptance or delivery of freight.
- Changes in station facilities.
- When a station is abandoned, all provisions applicable thereto are cancelled, effective on the date of abandonment.

TENDER

The notification, actual or constructive placement, of an empty or loaded car(s).

UNLOADING

The complete unloading of a car, and the advice received from the consignee that the car is empty and available to the railroad.

For explanation of abbreviations and reference marks, see last page of tariff.

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EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS

| ABBR / REF | EXPLANATION |
|---|---|
| ABBR CFR CSS OPSL REF [A] [C] [I] [R] [NC] | Abbreviation Code of Federal Regulations Chicago South Shore and South Bend Railroad Official Railroad Station List, OPSL 6000-Series Reference Denotes Addition Denotes Change Denotes Increase, except as otherwise noted Denotes Reduction Brought forward without change |

(Underscored portion denotes change.)