

NEW YORK & ATLANTIC RAILWAY COMPANY



FREIGHT TARIFF NYA 8100-C (Cancels Freight Tariff NYA 8100-B)

**NAMING
RULES AND CHARGES**

**DEMURRAGE AND STORAGE
AT STATIONS ON THE
NEW YORK AND ATLANTIC RAILWAY**

ISSUED: October 10, 2025

EFFECTIVE: November 1, 2025

**ISSUED BY
New York & Atlantic Railway Co.
68-01 Otto Road
Glendale, NY 11385**

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CANCELLATION NOTICE [C]

FT NYA 8100-C cancels FT NYA 8100-B and replaces it in its entirety.

RULES AND OTHER GOVERNING PROVISIONS GENERAL RULES & REGULATIONS – GENERAL

SECTION 1: EXTENDED TIME [C]

Using a car...

When New York & Atlantic Railway Company (“NYA”) moves a shipment for its Patrons, NYA’s line haul rates include the movement of the shipment from origin to destination, as well as a limited time for NYA’s Patrons to load or unload the railcar.

From time to time, NYA’s Patrons may need to use a railcar for a longer period of time. In that case, NYA provides its Patrons with the use of that equipment, for a fee.

If NYA’s Patron cannot accept a railroad-owned railcar when NYA is ready to deliver it to the Patron, or if the Patron keeps a railroad-owned car on its private siding for an extended period, NYA charges a fee which is called demurrage. These cost end when NYA’s Patron releases the car and makes it available for NYA to pull it from the Patron’s siding. For more on demurrage, see Section 2.

If the NYA Patron cannot accept a privately-owned railcar when NYA is ready to deliver it to the Patron, NYA charges a fee which is called storage. The storage charge to the Patron ends when NYA spots the railcar on the Patron’s private siding. There is no storage charge to the Patron when the Patron keeps a privately owned railcar on its private siding for an extended period. For more on storage, see Section 3.

There are additional charges for handling hazardous materials, in addition to applicable demurrage or storage charges, see Section 4.

The Patron shall be responsible to pay demurrage and storage charges and charges for hazardous materials.

Each NYA Patron is responsible for providing NYA with correct contact information for notification purposes. Any notice sent by a Patron indicating an intention not to pay otherwise applicable demurrage or storage charges hereunder on a prospective basis, or instructing NYA on a prospective basis not to deliver railcars if NYA intends to impose otherwise applicable demurrage or storage charges hereunder, shall be void and shall have no force or effect, regardless of whether NYA responds to such notice.

NYA encourages the efficient use of our cars and track. It helps NYA to efficiently plan the placement of cars - so each Patron receives the car the Patron wants when the Patron wants it and the Patron’s shipments arrive at their destination without unnecessary delay.

Efficient asset utilization helps NYA supply the right car, at the right place, at the right time. That benefits each of NYA’s Patrons.

Applicable demurrage or storage fees will begin and end at 0001 hours each day, and fees will be assessed based on a 24-hour period or fraction thereof.

Cars Held for Loading

When NYA notifies the Patron that a car (other than Customer Assigned Cars, see below) is available for loading, time begins.

For Customer Assigned Cars, time begins when NYA notifies the Patron that a car is available for loading (e.g., Interchange Receipt), including the Actual Placement of the car at the

Patron’s rail siding. However, the Patron does receive additional Credit Days for railcars in a pool, see Item 8450.

When the Patron provides Forwarding Instructions on a Loaded Car, places cars in the same location as where NYA places the empty cars, and has the cars in a condition where NYA may pull the car from the Patron’s rail siding, then the car will be considered released and time will end. Any car improperly loaded or overloaded, improperly placed, or in an improper condition will not be considered released, and time will not end, until the car is properly loaded and placed and in proper condition. If NYA, in its sole discretion, ends time earlier than required, such act by NYA shall not be a waiver of its right to end time in strict accordance with the terms of this Section 1 in all other instances.

For Customer Assigned Cars, if the Loaded Car is released to another rail carrier serving the Patron’s facility, time ends when the Patron notifies NYA that the car has been interchanged to the other rail carrier.

If a Customer Assigned Car is released from assignment, time will end at the next 0001 (12:01 a.m.).

Cars Held for Complete Unloading

When NYA notifies the Patron that a Loaded Car is available for unloading, time will begin.

When the Patron provides NYA with notification that the rail car is empty (which shall include the information described in Item 8900) and when the rail car is placed in the same location as where NYA places the empty car and is in a condition where NYA may pull the empty car from the Patron’s rail siding, then the car will be considered released and time will end. Any car improperly unloaded, improperly placed, or in an improper condition will not be considered released, and time will not end, until the car is properly unloaded and placed and in proper condition. If NYA, in its sole discretion, ends time earlier than required, such act by NYA shall not be a waiver of its right to end time in strict accordance with the terms of this Section 1 in all other instances.

When a Loaded Car is unloaded by the Patron and then reloaded, the Patron must provide empty release information at the time the car is unloaded. If the Patron doesn’t, demurrage will continue on the initial Loaded Car until the Forwarding Instructions for the reloaded railcar are received.

SECTION 2: DEMURRAGE RAILROAD CARS [C]

NYA gives each Patron Credit Days for loading and unloading cars, which the Patron can use to offset Debit Days accumulated during a service period. NYA also provides the Patron with Credit Days for some holidays. Debit Days are assessed beginning at the time stated in Item 8150, below and extending until the car is released, in accordance with the requirements in Section 1. Credit Days are awarded as follows:

| | | |
|------------------|---|-----------------------|
| ITEM 8000 | Loading: 2 Credit Day allowed | \$90 per car, per day |
| ITEM 8050 | Unloading: 2 Credit Days allowed | \$90 per car, per day |
| ITEM 8100 | Cars that must be held (for example, enroute) : 0 Credit Days allowed | \$90 per car, per day |

ITEM 8150 COMPUTATION OF DEMURRAGE CHARGES

Computation of demurrage charges will begin at the first 0001 (12:01 a.m. local time) after the time of Constructive Placement or Actual Placement, notice of availability or hold, or notice of being held, and end on the day the rail car is released in accordance with the requirements of Section 1. Empty cars placed prior to Order Date will receive Credit Days to offset early placement.

When a Loaded Car is unloaded by and the Patron and reloaded, time for the original Loaded Car will end when the Patron notifies NYA 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 the Patron fails to notify NYA that the car has been emptied, time will extend until NYA receives Forwarding Instructions for the reloaded car.

Credit Days will be allowed for loading and unloading, based on items in this tariff. One additional Credit Day will be allowed on a car when it has a Debit Day occurring on a Sunday or a holiday listed in Item 8970.

Fees are assessed when net Debit Days exceed Credit Days for the Service Period.

NOTE: Patrons having facilities at separate stations cannot combine charges or Credit Days.

For cars containing hazardous materials or hazardous material residue, see Section 4, Items 8500 through 8800, for additional charges and requirements.

SECTION 3: STORAGE – PRIVATE CARS [C]

NYA gives each Patron Credit Days for loading and unloading cars, which the Patron can use to offset Debit Days during a Service Period. Credit Days on Private Cars cannot be combined with Credit Days on non-Private Cars. NYA also provides the Patron with free days for some holidays.

Liability: NYA accepts no liability, and the Patron releases NYA from all liability, with respect to any damage, loss or injury to the car(s) or its/their contents in connection with the storage of the car(s), except to the extent caused by the negligence or intentional acts of NYA.

Storage fees begin and end as stated in Item 8350, below. Credit Days are awarded as follows:

| | | |
|------------------|---|-----------------------|
| ITEM 8200 | Private Loaded Cars held on NYA track: 2 Credit Days allowed | \$75 per car, per day |
| ITEM 8250 | Private empty cars held on NYA track: 2 Credit Days allowed | \$50 per car, per day |
| ITEM 8300 | When a private empty car is released from storage and NYA does not participate in the subsequent revenue movement, a switch fee is also applicable. | \$500 per car |

ITEM 8350 COMPUTATION OF STORAGE CHARGES

Computation of storage charges will begin at the first 0001 (12:01 a.m. local time) after placement on railroad tracks or notification of Constructive Placement, notice of availability or hold, or notice of

being held, and ends at the time the rail car is Actually Placed on the Patron’s private track or when instructions for Diversion, reconsignment, or reshipment are received by NYA’s authorized personnel.

Credit Days will be allowed for loading and unloading in accordance with the terms of this tariff. One additional Credit Day will be allowed on a car when it has a Debit Day occurring on a Sunday or a holiday listed in Item 8970.

For cars containing hazardous materials or hazardous material residue, see Section 4, Items 8500 through 8800 for additional charges and requirements.

8450 CUSTOMER-ASSIGNED POOLS (RAILROAD CARS)

| | |
|---|---|
| Customer-Assigned Cars will be held from the time the notice of availability is given until the car is ordered-in, Actually Placed or removed from the pool (Debit Days). | \$90 per car per day (cars supplied by NYA) |
| Customer Assigned Cars: 4 Credit Days allowed. | \$60 per car per day (customer-supplied cars) |

Note 1: The assignee may release a Customer-Assigned Car by providing NYA with written or verbal notice at least one (1) day prior to the desired release from pool assignment. However, NYA reserves the right to select which car in a pool is removed from assignment. The assignee will not be permitted to release cars until all shipper-owned equipment or other appurtenances have been removed.

Note 2: Railroad car loading demurrage fees (Item 8000) apply following placement.

SECTION 4: HAZARDOUS MATERIALS [C]

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 successors thereof.

See Tariff NYA 6000-B for additional provisions.

| | | |
|------------------|---|------------------------|
| ITEM 8600 | <p>RAILROAD CARS CONTAINING HAZARDOUS MATERIALS OR HAZARDOUS MATERIAL RESIDUE</p> <p>Additional Charge for Hazardous Materials in railroad-owned railcars: 0 Credit Days allowed</p> <p>This charge will be in addition to, and run concurrent with, any applicable per day demurrage charges as published in Items 8000 through 8150.</p> <p>This charge applies to cars that are transporting hazardous materials or have residue from a previous movement of hazardous materials.</p> | \$100 per car, per day |
| ITEM 8700 | <p>PRIVATE CARS OR CUSTOMER ASSIGNED CARS CONTAINING HAZARDOUS MATERIALS OR HAZARDOUS MATERIAL RESIDUE</p> | \$300 per car, per day |

| | | |
|--|--|--|
| | <p>Hazardous Materials in private car: 0 Credit Days allowed</p> <p>This charge will be in addition to, and run concurrent with, any applicable per day storage charges as published in Items 8350 and 8450.</p> <p>This charge applies to cars that are transporting hazardous materials or have residue from a previous movement of hazardous materials.</p> | |
|--|--|--|

ITEM 8800 SECURING LEAKING CARS

Cars carrying dangerous goods/hazardous materials (or cars containing residue of dangerous goods/hazardous materials) which are found to be leaking may be moved to an isolation track for securement. The cost of securement varies widely, depending on the work involved. Securement fees will be assessed, and invoiced, on a case-by-case basis.

A switching fee in the amount of \$7,500 will be assessed. This charge does not include securement fees, which vary depending on the work involved.

Payment of these charges is the responsibility of the Patron. Alternate arrangements for billing charges must be made with NYA.

SECTION 5: MISCELLANEOUS DEMURRAGE AND STORAGE ITEMS [C]

ITEM 8900 NOTIFICATION BY PATRON TO RAILROAD

All notifications to NYA by the Patron of car placement, hold, availability or release, including Forwarding Instructions, must be made using Rail Visibility Portal, email (NYAcustomerservice@anacostia.com), or fax (1-718-497-3367). Notification must include the car initial and number, date, time, the identity of the shipper or consignee (as applicable), the identity of the party furnishing the information, and any other relevant information. The recorded date and time that the instructions are received will govern.

NYA will accept notifications via Rail Visibility Portal at no charge. NYA will accept notifications to its Customer Service via e-mail or fax, subject to a \$50.00 charge per car number submitted. The aforementioned charge will be assessed to the Patron. NYA 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. NYA will not accept notifications delivered by US Mail, express service, personal delivery, or otherwise, except as described above.

During plant shutdowns, Customer Assigned Cars must be released from assignment to prevent accruing demurrage charges

ITEM 8940 FINANCE CHARGES

NYA will assess a finance charge of 20% per year (0.0548% per day) against demurrage and storage charges billed on or after April 1, 2025, that are not received by NYA within the time period identified in FT NYA 8000-C, Item 110(b), without regard to whether credit is extended (“Grace Period”). The finance charge will not apply against disputed demurrage and storage charges that are found by NYA to have been incorrectly billed. The finance charge will be assessed on the unpaid balance of any demurrage and storage charge from the first day following the end of the Grace Period through the date of receipt of payment in full. The finance charge will be billed monthly for all demurrage and storage charges that were paid late in the prior calendar month. This item shall be construed pursuant to the laws of the State of Delaware.

ITEM 8970 NYA HOLIDAYS

The term “Holiday” refers to the following dates:

| | |
|--------------------|-----------------------------|
| New Year’s Day – | January 1 |
| Memorial Day – | Last Monday of May |
| Independence Day – | July 4 |
| Labor Day – | First Monday of September |
| Thanksgiving Day – | Fourth Thursday of November |
| Christmas Day – | December 25 |

NOTES AND DEFINITIONS FOR TERMS NOT OTHERWISE DEFINED IN THE TARIFF [C]

ACTUALLY PLACED/ACTUAL PLACEMENT

This occurs when a car has moved to the track of the shipper or consignee, or the “care of” party, or team track.

CONSTRUCTIVE PLACEMENT

This occurs when a car is held available for placement but held on NYA tracks, either at the Patron’s request, awaiting the Patron’s instructions, or because the Patron is not able to accept cars or because of a condition attributable to the consignor or consignee.

CREDIT DAY

A non-chargeable 24-hour period, or part thereof, starting at 0001 (12:01 a.m. local time). A Credit Day can only be earned when a car is released to NYA for further disposition and can only offset Debit Days with the same per car daily charge. Credits have no monetary value and are not carried over to a future service month.

CUSTOMER ASSIGNED CAR

A railroad car that is put in a carpool for sole utilization of a Patron on the NYA.

DEBIT DAY

A chargeable 24-hour period, or part thereof, starting at 0001 (12:01 a.m. local time)

DIVERSION

An order provided by the consignor instructing that a car be delivered to a location other than the one indicated on the original Forwarding Instructions.

FORWARDING INSTRUCTIONS

A bill of lading/eBOL or other suitable order containing all the necessary information to transport the shipment to final destination.

LOADED CAR

A car that is completely or partially loaded.

ORDER DATE

The date that the consignor requests empty car(s) to be furnished for loading.

PATRON

The forwarding or receiving party located on, and served by, the NYA.

PRIVATE CAR

A car bearing other than a railroad's reporting marks that is not controlled by a railroad.

PRIVATE TRACK

Tracks that are not owned, leased, or otherwise controlled by a railroad.

SERVICE PERIOD

One calendar month.

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.
- When a station is abandoned, all provisions applicable thereto are cancelled, effective on the date of abandonment.

EXPLANATION OF REFERENCE MARK [C]**ITEM 9999 EXPLANATION OF REFERENCE MARKS**

[A] Denotes Addition

[C] Denotes Change