

Tariff AO 9000-A
(Cancels Tariff AO 7001-A)

APPALACHIAN AND OHIO RAILROAD



DEMURRAGE & STORAGE TARIFF A&O 9000-A
(Cancels AO Tariff 7001A)

NAMING
CHARGES, RULES AND REGULATIONS GOVERNING
DEMURRAGE AND STORAGE
APPLYING AT STATIONS ON THE
APPALACHIAN AND OHIO RAILROAD

DEMURRAGE AND STORAGE TARIFF

ISSUED: May 12, 2014

EFFECTIVE: June 1, 2014

ISSUED BY

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Scope – Item 1

Provisions contained in this tariff apply only on standard carload traffic and does not apply to Bituminous Coal (STCC 11 212 90), which is governed by the provisions of Tariff A&O 6001-Series.

This tariff does not apply independently, but applies in connection with any and all rates and charges, either in tariff form or contained in contracts in which the Appalachian & Ohio Railroad is a participant.

The scope of this tariff is limited to demurrage and storage. Tariff A&O-8001 Series provides general terms and conditions of line haul and accessorial services.

Method of Canceling and Amending the Tariff – Item 10

When amended, this tariff will be replaced in its entirety using letter suffixes to cancel, replace and supersede the prior version; “A” is replaced by “B” which is replaced by “C”, etc.

Notices, Amendment of Tariffs – Item 20

A&O tariffs are available for viewing on the internet at our website www.a-orailroad.com under the “Customers-Public Prices” tab. All customers shipping with A&O should review the publications posted on the Website before tendering freight or requesting transportation services. Printed copies are available upon written request to the issuer and address found on the title page.

General Application – Item 150

- A. All railroad and private cars held for or by customers are subject to demurrage (in the case of railroad cars) or storage (in the case of private cars) except:
 - 1. Cars for loading or unloading of this railroad's company material.
 - 2. Railroad cars in pool assignment, in which case the assignment agreement will govern.
 - 3. Railroad cars leased for storage of commodities while on lessee's tracks.
 - 4. Private cars held on private tracks.
 - 5. Cars ordered for loading and rejected as unsuitable within twenty-four (24) hours of actual placement.
 - B. The parties to whom demurrage/storage charges will be billed are either:
 - 1. The shipper at origin
 - 2. The facility receiving cars at destination
 - 3. The party requesting in-transit storage
 - 4. Any other third party agreed to in writing with A&O to accept responsibility for charges.
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Definitions – Item 200

The following are definitions are necessary to understanding demurrage and storage:

ACTUAL PLACEMENT is the placement of a car in a position accessible for loading or unloading or at a point designated by the consignor or consignee.

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

CONSIGNOR is the party in whose name cars are ordered or the party who furnishes forwarding instructions.

CONSTRUCTIVE PLACEMENT is the holding of the car at destination or at another point when actual placement cannot be made because of a condition attributable to the consignor or consignee.

CUSTOMER is the party who uses railroad and/or private cars in order to transport freight, and may be a consignor, consignee, or third party acting on the behalf of a consignor or consignee.

DEMURRAGE is the term applied to railroad cars that are held for Customer instructions including waiting to be loaded or unloaded, whether at origin or destination, on railroad owned or customer owned tracks.

FORWARDING INSTRUCTIONS are instructions given to this railroad containing all the information necessary to transport the shipment to its final destination.

LEASED TRACK is a track assigned to a user through a written lease and is the same as a private track.

LOADING is the complete or partial loading of a car and the furnishing of forwarding instructions.

LOADED CAR is a car that is completely or partially loaded.

PRIVATE CAR is any car not owned or leased by A&O or another railroad, but rather owned or leased by a customer for use on A&O.

PRIVATE TRACK is any track that is not owned by this railroad including leased track.

PUBLIC DELIVERY TRACK is a track open to the general public for loading and unloading.

RAILROAD CAR is car either owned or leased by A&O or any other railroad whose cars are loaded and/or unloaded on A&O.

RECONSIGNMENT is as provided in Tariff A&O 8001-series.

RELOADED CAR is a car that is unloaded and then reloaded without having been removed from the customer's premises whether or not a release was given A&O when the car was empty.

RUN-AROUND is the placement of a recently tendered car before a car tendered earlier for reasons not directly attributable to customer.

STORAGE is the term applied to privately owned or leased cars that are held for Customer instructions including waiting to be loaded or unloaded, whether at origin or destination, on railroad owned or leased tracks.

Notifications – Item 300

- A. A&O will provide notification of cars available for placement verbally or via email notifications.
- B. Customers must furnish A&O placement instructions, forwarding instructions, empty car release information or other instructions (as applicable) by fax, electronically via email directed to customerservice@a-orailroad.com or other mutually agreed upon methods of electronic data interchange.

Demurrage – Item 400

A&O calculates and bills demurrage on a monthly basis using a debit/credit system using the following criteria:

- A. Debit days start at 12:01 AM the day after A&O notifies the customer of constructive placement and stops on the day the customer orders the railcar for placement, resumes on the day when placed, and stops when the customer releases the railcar to A&O.
- B. Two credit days are allowed for loading an empty railroad car.
- C. Two credit days are allowed for unloading a loaded railroad car.
- D. A debit is each day, or portion thereof a railroad car spends constructively placed, or actually placed at customer's siding.
- E. At the end of each month, credit days and debit days are totaled for all railroad cars released at a particular customer location:
 - 1. If total credit days exceed total debit days, no demurrage charges occur.
 - 2. If total debit days exceed total credit days, demurrage charges are calculated by multiplying the excess debit days by the applicable rate to determine the total amount due.
- F. Excess demurrage credits do not carry over to the next month.
- G. Demurrage credits cannot be used to offset private car storage debits.
- H. Demurrage rates are:
 - 1. \$60 per day for all cars other than Heavy Duty Flat Cars.
 - 2. \$200 per day for Heavy Duty Flat Cars.
 - 3. When cars are being held on Railroad Property, cars containing Hazardous Materials or Explosives are subject to an additional \$100 per day charge, unless they contain commodities identified as Rail Sensitive Security Shipments

(RSSM), for which the additional charge is \$1500 per day. Definitions of these commodities are found in Item 1100.

Private Car Storage – Item 500

A&O calculates and bills private car storage on a monthly basis using a debit/credit system using the following criteria:

- A. Private car debits start at 12:01 AM the day after A&O notifies the customer of constructive placement and stops when the customer orders the railcar in for actual placement to the customer's facility.
 - B. Two credit days are allowed for loaded cars received for unloading.
 - C. Two credit days are allowed for empty cars received for loading.
 - D. No credit days are allowed for loaded cars released from loading.
 - E. A debit is each day or fraction thereof a private car is held on railroad tracks waiting for placement instructions, or otherwise held in transit.
 - F. No debits occur when a private car is held on private tracks or railroad tracks that have been leased to customer.
 - G. At the end of each month, credit days and debit days are totaled for all private cars held on railroad tracks during the month.
 - H. If total credit days exceed total debit days, no storage charges occur.
 - I. If total debit days exceed total credit days, storage charges are calculated by multiplying the excess debit days by the applicable rate to determine the total amount due.
 - J. Excess storage credits do not carry over to the next month.
 - B. Storage credits cannot be used to offset demurrage debits.
 - C. Storage rates are: \$25 per day for all cars, whether loaded or empty.
 - D. In addition, cars containing Hazardous Materials or Explosives are subject to an additional \$100 per day charge, unless they contain commodities identified as Rail Sensitive Security Shipments (RSSM), for which the additional charge is \$1500 per day. Definitions of these commodities are found in Item 1100.
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Limitations to Private Car Storage – Item 700

Publication of the private car storage rates does not guarantee that A&O can hold private cars any time needed. Capacity made available for holding private cars is done solely at the discretion of A&O management.

If excessive retention of railcars results in operational congestion, A&O may impose an embargo against further receipt of railcars until the congestion is eliminated.

Demurrage and Storage Disputes – Item 800

In the event that a Customer disputes the demurrage or storage charges received in a bill, the following procedures must be applied:

- A. The dispute must be specific in nature, applying to a specific cars or groups of cars, related to time of actual or constructive placement, release or application of the rules contained in this tariff.
 - B. The dispute must be submitted in writing to the Manager of Revenue Accounting within forty-five (45) days of the end of the month for which the bill applies. If a dispute is not received within this time, the bill will be considered correct and must be paid.
 - C. Customer must pay the undisputed amount at the time the dispute is filed, according to normal bill payment procedures.
 - D. Amounts in dispute will not be considered past due until fifteen (15) days after the dispute resolution is concluded by A&O.
 - E. If through this railroad's error, improper charges are assessed, such charges will be corrected. (Runaround and bunching will not be considered railroad error and no allowance will be made).
 - F. When the operations of a consignor or consignee are disrupted by floods, earthquakes, hurricanes or tornadoes or conditions directly resulting therefrom and it is impossible to get to a car or to load or unload and such disruption exceeds two days, any demurrage charges directly attributable thereto will be adjusted.
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Assigned Car Storage – Item 900

Any assignment of railroad cars to a given shipper at a specific station must be agreed to in a written agreement, which will outline all terms, conditions, allowances and charges for such assignment.

Storage of Railway Cars on Own Wheels – Item 1000

Railway equipment held on the tracks of A&O that will move or has moved on its own wheels as freight under transportation charges is subject to demurrage if a railroad car, or storage if a private car.

Storage of Hazardous Materials and Explosives – Item 1100

This item applies to any car (loaded or residue empty) containing Explosives or Hazardous Materials that is held on A&O's tracks.

- A. Explosives are defined as Class A, B and C Explosives as named in Part 172, Commodity List, and Bureau of Explosives (BOE) Tariff 6000-Series.
- B. 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 4-digit identification numbers on shipping documents, placards or panels and identified with Standard Transportation Commodity Codes (STCC) beginning with 48 and 49 or beginning with STCC 28 and 29 and converting to STCC 48 or 49, excluding those commodities listed in (C) below.
- C. Rail Security Sensitive Materials as those listed in AAR Circular No. OT-55.