

**COLUMBIA BASIN RAILROAD COMPANY, INC.
CENTRAL WASHINGTON RAILROAD**



**CBRW - CWA
GENERAL TARIFF 1000 - SECTION II**

**DEMURRAGE
AND
STORAGE PROVISIONS**

ISSUED: December 5, 2012

EFFECTIVE: January 1, 2013

ISSUED BY

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TARIFF 1000 - SECTION II

DEMURRAGE AND STORAGE PROVISIONS	DEMURRAGE AND STORAGE PROVISIONS
<p>ITEM 1000</p> <p align="center">CHARGES</p> <p>Charges for Demurrage and Storage Provisions are found in Subscribing Carrier 9002-Series Services Charges Catalogs.</p>	<p>ITEM 1020</p> <p align="center">NOTIFICATION TO CONSIGNOR OR CONSIGNEE</p> <p>A. Subscribing Carrier will furnish the following notifications as indicated:</p> <ol style="list-style-type: none"> 1. Cars for other than public delivery tracks: <ol style="list-style-type: none"> a. Notice of constructive placement if car(s) are held on Subscribing Carrier's tracks due to reasons attributable to the consignor or consignee. b. Delivery of car(s) upon tracks of consignee will constitute notice. 2. Cars for public delivery tracks: <ol style="list-style-type: none"> a. Notice will be given to the party entitled to receive notification when car(s) is actually placed. 3. Cars stopped in transit: <ol style="list-style-type: none"> a. Notice will be given to the consignor, consignee or owner responsible for the car being stopped upon arrival of the car at the point of stoppage. 4. Refused loaded car(s): <ol style="list-style-type: none"> a. When a loaded car is refused at destination, Subscribing Carrier will give notice of such refusal to the consignor or owner. <p>B. Notification may be given in writing or electronically, and will contain the following:</p> <ol style="list-style-type: none"> 1. Car initials and number. 2. If lading transferred en route, the initials and number of the original car. 3. Commodity. 4. Date and time.
<p>ITEM 1005</p> <p align="center">APPLICATION</p> <p>Demurrage Rules and Charges apply to all railroad and privately-owned cars held for or by consignors and consignees for any purpose with the following exceptions:</p> <ol style="list-style-type: none"> A. Private car(s), on private track, except as provided in Item 1060 B. Car(s) containing refused or unclaimed freight to be sold by Subscribing Carrier. C. Cars for loading or unloading Subscribing Carrier's company material while held on tracks of private siding connecting therewith. 	<p>ITEM 1030</p> <p align="center">NOTIFICATION TO SUBSCRIBING CARRIER</p> <p>A. Subscribing Carrier must receive complete forwarding instructions by fax or email before a car will be considered released.</p> <p>B. When electronic or mechanical devices are used to furnish notification to the Subscribing Carrier, the recorded date and time that the instructions are received will govern.</p>
<p>ITEM 1010</p> <p align="center">SUPPLEMENTS AND REISSUES</p> <p>Where reference is made in this tariff, or supplements, to other publications for rates or other information, it includes "Supplements thereto and successive issues thereof."</p> <p>Where reference is made in this tariff to items it includes "reissues" of such items.</p>	
<p>ITEM 1015</p> <p align="center">METHOD OF CANCELLING ITEMS</p> <p>As this tariff is supplemented, numbered items with letter suffixes cancel corresponding numbered items in the original tariff or in a prior supplement. Letter suffixes will be issued in alphabetical sequence starting with A.</p> <p>Example: Item 25-A cancels Item 25. Item 50-B cancels item 50-A in a prior supplement which in turn cancelled item 50.</p>	
<p>For explanation of terms, abbreviations and reference marks not shown herein, see last page of General Tariff 1000.</p>	

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<p>ITEM 1040</p> <p align="center">CAR(S) HELD FOR LOADING</p> <p>TENDER:</p> <p>Customer must provide car order information to Subscribing Carrier with the requested spot date at time of ordering car.</p> <p>Shipper Assigned Car(s):</p> <p> A. The notification that an empty car is available.</p> <p>Other than Shipper Assigned Car(s);</p> <p> A. The notification, actual or constructive placement, of empty car(s) placed on orders of the consignor.</p> <p> B. Cars held by Subscribing Carrier will be constructively placed on "order date" if the car order is not cancelled prior to the order date, if placement instructions have not been received by Subscribing Carrier.</p> <p>RELEASE:</p> <p> A. Date and time forwarding instructions are received.</p> <p> B. Car(s) placed on the interchange tracks of a consignor, who performs its own switching, must be returned to the interchange track for release.</p> <p> C. Improperly loaded or overloaded car(s) at origin will not be considered released until the load has been adjusted properly.</p> <p> D. A car to be held for official grading or inspection at origin will not be considered released until such time as the grading and inspection is complete.</p> <p>COMPUTATION:</p> <p> A. Time will be computed from the first 0001 hours after tender until the release.</p> <p> B. If the car is placed earlier than the date of the order, time will be computed from the first 0001 hours after the order date until it is released.</p> <p> C. When the same car is unloaded and reloaded, time will be computed from the first 0001 hours after advice is received that the car(s) is empty until the car(s) is released.</p> <p> D. When the same car is unloaded and reloaded, empty release information must be furnished. If not furnished, demurrage will continue on the car until the forwarding instructions are received.</p>	<p>ITEM 1045</p> <p align="center">EMPTY CARS ORDERED OR APPROPRIATED FOR LOADING BUT NOT USED</p> <p>When empty cars are ordered or appropriated but not used in transportation service, demurrage will be charged for all time, including Saturdays, Sundays and holidays, from the date and time of actual or constructive placement or appropriation until released, with no free time allowance.</p> <p>In the application of this item a demurrage day consists of a twenty-four (24) hour period or fraction thereof computed from the hour of actual or constructive placement of the car or appropriation, except that on cars placed in advance of the date for which ordered for loading, time will be computed from 0001 of the day for which so ordered.</p> <p>In event a car is rejected account not suitable for loading, this item will not apply if the party ordering the car advises this railroad of rejection and condition that caused car to be rejected within twenty-four (24) hours, exclusive of Saturdays, Sundays, and holidays, after actual placement.</p> <p>If rejection has not been made within time specified in the previous paragraph, demurrage will be charged for all detention, computed as set forth in this item.</p>
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<p>ITEM 1050</p> <p align="center">CARS FOUND TO BE OVERLOADED OR IMPROPERLY LOADED</p> <p>When cars are found to be overloaded or improperly loaded and not in conformity with railroad loading and clearance rules, the following will apply unless otherwise provided in individual railroad tariffs lawfully on file:</p> <ol style="list-style-type: none"> 1. If found while still on industry or railroad tracks where loaded, car will be considered to be under continuous loading transaction until adjustment of the load has been made if necessary and final clearance is received for further movement (see Note). 2. If found at origin after having been removed from industry or railroad tracks where loaded, car will not be considered released until load has been adjusted, if necessary, and final clearance is received for further movement. The time between furnishing or forwarding directions and making of car available to consignor for adjustment will not be computed against car (see Note). 3. If, after having left origin station, a car found to be overloaded is held in transit, twenty-four (24) hours will be allowed to adjust the load. Time will be computed from the first 0001 following notice that car is being held (see Note). <p>Note - Adjustment of load must include advice to authorized personnel of this railroad that shipment now conforms with railroad loading and/or clearance rules, and is now ready for inspection and/or measurements to permit final clearance for further movement.</p> <p>TENDER:</p> <p>The notification, actual or constructive placement, of a loaded car(s).</p> <p>RELEASE:</p> <ol style="list-style-type: none"> A. Date and time that the railroad receives advice that the car(s) is empty. B. Car(s) placed on the interchange tracks of a consignee who performs its own switching must be returned to the interchange track for release. C. When the same car is unloaded and reloaded, empty release information must be furnished at the time the car is made empty. If not furnished, demurrage will continue on the car until the forwarding instructions are received. <p>COMPUTATION:</p> <p>Time will be computed from the first 0001 hours after tender until release.</p>	<p>ITEM 1060</p> <p align="center">PRIVATE CAR(S) AND RAILROAD CAR(S) HELD FOR OTHER THAN LOADING OR UNLOADING</p> <p>Applies to car(s) held:</p> <ol style="list-style-type: none"> A. On orders of consignor or consignee. B. Awaiting proper disposition from the consignor or consignee. C. As a result of conditions attributable to consignor or consignee. <p>DISPOSITION:</p> <p>That information, including forwarding instructions or empty release information, that allows the railroad to either tender or release the car from the consignor's or consignee's account.</p> <p>TENDER:</p> <p>The notification, actual or constructive placement of a loaded car(s).</p> <p>RELEASE:</p> <p>Date and time that the railroad receives advice that the car is empty, or that forwarding instructions are received.</p> <p>COMPUTATION:</p> <p>Time will be computed from the first 0001 hours:</p> <ol style="list-style-type: none"> A. After tender, until release, on car(s): <ol style="list-style-type: none"> 1. Diverted. 2. Empty for loading – ordered and not used (other than a rejected car). 3. Partially unloaded. 4. Reconsigned. 5. Reshipped. 6. Stopped in transit. B. After car(s) are received by SUBSCRIBING CARRIER until date of disposition on: <ol style="list-style-type: none"> 1. Car(s) received from connection carriers. 2. Loaded private car(s) returned to railroad tracks. C. After tender until date of refusal on: <ol style="list-style-type: none"> 1. Refused loaded car(s) (consignee). D. After tender until date of disposition on: <ol style="list-style-type: none"> 1. Refused loaded car(s) (consignor). E. After tender until release or placement on private tracks on: <ol style="list-style-type: none"> 1. Loaded private car(s) – while held on railroad tracks.
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<p>ITEM 1070</p> <p align="center">CLAIMS</p> <p>A claim must be submitted in writing within thirty (30) days from the date that the bill for demurrage is rendered. The conditions for submitting the claim should be fully stated. Any claim not filed within thirty (30) days from the date that the demurrage bill is rendered will be declined. Non-disputed charges should be paid upon receipt of the invoice.</p> <p>MISSED SWITCH ALLOWANCE:</p> <p>An allowance for missed switching will be made for cars held under Constructive Placement Notification when the Subscribing Carrier is unable to place the cars at the next scheduled service event in response to the customer's orders.</p> <p>STRIKE INTERFERENCE:</p> <p>When it is impossible to load, unload, receive car(s) from or make car(s) available to the Subscribing Carrier because of strike interference at the point where the loading or unloading is to occur; demurrage days will be charged at the rate of \$25.00 during the strike interference period, provided that:</p> <ul style="list-style-type: none"> A. The disruption exceeds ten (10) days in duration during one calendar month. B. The provisions of this item will not apply to: <ul style="list-style-type: none"> 1. Inbound car(s) when waybills are dated four (4) days after the beginning of strike interference. 2. Car(s) for loading, when ordered after the beginning and prior to the ending of strike interference. <p>WEATHER INTERFERENCE:</p> <ul style="list-style-type: none"> A. If the operations of the consignor or consignee are disrupted due to earthquakes, tornadoes, hurricanes, floods or heavy snow, the demurrage directly chargeable thereto, will be eliminated, provided the disruption exceeds two (2) days in duration. If train operations are not annulled due to weather interference, the demurrage charges will still be applicable in these instances. Final determination will be made by General Manager of Subscribing Carrier. <p>RAILROAD ERROR:</p> <ul style="list-style-type: none"> A. If through railroad error, demurrage charges are assessed, demurrage will be adjusted to the amount that would have accrued if not for the error. B. Bunching and run-around of car(s) will not be considered as a railroad error. 	<p>ITEM 1080</p> <p align="center">NON-CHARGEABLE DAY</p> <p>Sundays and Holidays will be considered non-chargeable when the car has been tendered within 24 hours before the Sunday or Holiday. If the free time on the car has already expired and customer is in chargeable days, then all subsequent Sundays and Holidays are chargeable. A Sunday or Holiday cannot be the first chargeable day.</p> <p>HOLIDAYS - Wherever reference is made to "holidays," it shall mean only the days listed below:</p> <ul style="list-style-type: none"> New Year's Day – January 1 (see Note 1) Memorial Day – Last Monday of May Independence Day – July 4 (see Note 1) Labor Day – First Monday of September Thanksgiving Day – Fourth Thursday of November Friday after Thanksgiving – Fourth or Fifth Friday of November Christmas Eve Day – December 24 Christmas Day – December 25 (see Note 1) <p>Note 1 – When this date occurs on a Sunday, the following Monday will be observed as the holiday.</p>
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DEMURRAGE MATRIX FOR CALCULATION OF FREE TIME AND CHARGEABLE DAYS

LOADING - 24 HOURS BEGINNING 0001 AFTER PLACEMENT/CONSTRUCTIVE PLACEMENT

SAT	SUN	MON	TUES	WED	THUR	FRI	SAT	SUN	MON	TUES
SPOT	FREE	FREE	CHARGE							
	SPOT	FREE	CHARGE							
		SPOT	FREE	CHARGE						
			SPOT	FREE	CHARGE	CHARGE	CHARGE	CHARGE	CHARGE	CHARGE
				SPOT	FREE	CHARGE	CHARGE	CHARGE	CHARGE	CHARGE
					SPOT	FREE	CHARGE	CHARGE	CHARGE	CHARGE
						SPOT	FREE	FREE	CHARGE	CHARGE

UNLOADING - 48 HOURS BEGINNING 0001 AFTER PLACEMENT/CONSTRUCTIVE PLACEMENT

SAT	SUN	MON	TUES	WED	THUR	FRI	SAT	SUN	MON	TUES
SPOT	FREE	FREE	FREE	CHARGE						
	SPOT	FREE	FREE	CHARGE						
		SPOT	FREE	FREE	CHARGE	CHARGE	CHARGE	CHARGE	CHARGE	CHARGE
			SPOT	FREE	FREE	CHARGE	CHARGE	CHARGE	CHARGE	CHARGE
				SPOT	FREE	FREE	CHARGE	CHARGE	CHARGE	CHARGE
					SPOT	FREE	FREE	FREE	CHARGE	CHARGE
						SPOT	FREE	FREE	FREE	CHARGE