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ORIGINAL TITLE PAGE

FT CMR 9003 (NEW)

CENTRAL MIDLAND RAILWAY COMPANY

FREIGHT TARIFF CMR 9003 (NEW)

NAMING
RULES AND CHARGES
GOVERNING
DEMURRAGE AND STORAGE
AT STATIONS ON THE
CENTRAL MIDLAND RAILWAY COMPANY

DEMURRAGE AND STORAGE TARIFF

Governed, except as otherwise provided herein, by Uniform Freight Classification (UFC) as provided in Item 5.

THIS TARIFF IS ALSO APPLICABLE ON INTRASTATE TRAFFIC

ISSUED: JANUARY 17, 2003

EFFECTIVE: JANUARY 19, 2003

ISSUED BY:

MICHEAL ENGEL
CONTROLLER
101 WEST OHIO STREET, SUITE 1600
INDIANAPOLIS, IN 46204

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FT CMR 9003

CENTRAL MIDLAND RAILWAY COMPANY

ORIGINAL PAGE 1

CHECK SHEET

Original and Revised Pages as named below contain all changes from the Original Tariff that are issued on the date hereon.

CANCELLATION OF LOOSE LEAF PAGES

When this tariff is amended by Revised Pages, the cancellation of prior pages, except the Title Page, will be affected by means of this rule. A revised page will not show a cancellation notice except when a cancellation notice is necessary because of suspension, rejection, or other reasons. Revisions of each page will be published and filed in numerical sequence.

Except where a specific cancellation is shown on a new revised page, a revised page cancels any and all uncancelled revised or original pages, or uncancelled portions thereof, which bear the same page number, SEE EXCEPTION. For example, 1st Revised Page 10 will have the effect of cancelling Original Page 10; 45th Revised page 12 will have the effect of cancelling 44th Revised Page 12; 13th Revised Page 4-A will have the effect of cancelling 12th Revised Page 4-A and also 11th Revised Page 4-A if the cancellation of 12th takes place on or before its effective date.

EXCEPTION: When a specific cancellation on a prior revised page excepts a previously filed page wholly or in part, this rule does not have the effect of cancelling such excepted previously filed page or portion thereof.

PAGE	REVISION NUMBER	PAGE	REVISION NUMBER
TITLE	ORIGINAL	5	ORIGINAL
1	ORIGINAL	6	ORIGINAL
2	ORIGINAL	7	ORIGINAL
3	ORIGINAL	8	ORIGINAL
4	ORIGINAL		

- Denotes pages issued this date.

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FT CMR 9003

CENTRAL MIDLAND RAILWAY COMPANY

ORIGINAL PAGE 2

**RULES AND OTHER GOVERNING PROVISIONS
GENERAL RULES AND REGULATIONS**

ITEM	APPLICATION
5	<p align="center">DESCRIPTION OF GOVERNING CLASSIFICATION</p> <p>The term "Uniform Freight Classification", when used herein means Tariff ICC UFC 6000-series.</p>
10	<p align="center">STATION LISTS AND CONDITIONS</p> <p>This tariff is governed by the Official Railway Station List, OPSL 6000-series, Railinc, Agent, to the extent shown below:</p> <p align="center">PREPAY REQUIREMENTS AND STATION CONDITIONS</p> <p>(a) For additions and abandonments of stations, and except as otherwise shown herein, for prepay requirements, changes in names of stations, restrictions as to acceptance or delivery of freight and changes in station facilities.</p> <p>When a station is abandoned as of a date specified in the above named tariff, the rates from and to such station as published in this tariff are inapplicable on and after that date.</p> <p align="center">GEOGRAPHICAL LIST OF STATIONS</p> <p>(b) For geographical locations of stations referred to in this tariff by station numbers.</p> <p align="center">STATION NUMBERS</p> <p>(c) For the identification of stations when stations are shown or referred to by numbers in this tariff.</p>
20	<p align="center">REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.</p> <p>Where reference is made in this tariff to tariffs, items, notes, rules, etc., such references are continuous and include supplements to and successive issues of such tariffs, and reissues of such items, notes, rules, etc.</p>

SPECIAL RULES AND REGULATIONS - UNLIMITED

ITEM	APPLICATION
125	<p align="center">DEFINITION OF TERM "THIS RAILROAD"</p> <p>The term "this railroad" as used in this tariff means the Central Midland Railway Company.</p>

SECTION 1 - DEMURRAGE

ITEM	APPLICATION
150	<p align="center">GENERAL APPLICATION</p> <p>A. All railroad and privately owned cars held for or by consignors or consignees are subject to this section except:</p> <ol style="list-style-type: none"> 1. Cars for loading or unloading of this railroad's company material. 2. Cars of refused or unclaimed freight to be sold by this railroad for the time held beyond legal requirements. 3. Cars assigned to shippers returned empty to point of assignment, to the extent storage rules apply. 4. Cars moving on own wheels as freight. 5. Railroad cars leased for storage of commodities while on lessee's tracks. 6. Private cars held on private tracks. 7. Empty private cars held on railroad tracks. 8. Cars ordered for loading and rejected as unsuitable within twenty-four (24) hours of actual placement or, in the case of firms that perform their own switching, within forty-eight (48) hours of actual placement. <p>B. The disposition of a car at the point at which it is held will determine the purpose for which the car was held and the rules applicable.</p>

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ORIGINAL PAGE 3

SECTION 1 - DEMURRAGE

ITEM

APPLICATION

200

DEFINITIONS

The following are definitions to be used in applying this section:

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. It includes the holding of a car containing an order-notify or in-bond shipment pending satisfaction of delivery requirements.

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

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-CONTROLLED CAR is any car bearing other than railroad reporting marks provided directly to a railroad by the car owner for use in serving any of the railroad's customers.

RECONSIGNMENT is as provided in Tariff CMR 8000-series.

RELOADED CAR is a car that is unloaded and then reloaded without having been removed from the consignor's/consignee's premises whether or not a release was given this railroad 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 consignor or consignee.

TIME is the local time at the point where the car is held.

300

NOTICES

A. This railroad will provide notice verbally, electronically or in writing as follows:

1. On cars for public delivery tracks, notice will be given to the affected party when the car is placed.
2. On cars for other than public delivery tracks, notice of constructive placement will be given to the affected party. Delivery of a car upon the tracks of a consignor or consignee will constitute notice except that when two or more parties use the same track, notice will be provided.
3. On cars stopped in transit, notice will be given to the party instructing the stop when the car arrives at the stop point.
4. On refused loaded cars, notice will be given to the consignor.

B. Consignor, consignee or other affected party must furnish this railroad forwarding instructions, empty car release information or other disposition (as applicable) verbally, electronically or in writing. When the device used indicates time and date, such time and date will govern.

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SECTION 1 - DEMURRAGE

ITEM	APPLICATION
400	<p style="text-align: center;">CARS HELD FOR LOADING</p> <p>On a car held for loading, the number of demurrage days shall be the number of twenty-four (24) hour periods (including fractional periods) between the events described below:</p> <ol style="list-style-type: none"> 1. On a public delivery track, BETWEEN the first 12:00 midnight following notice to the consignor that the car has been placed or 12:00 midnight on the day for which the car was ordered to be placed, whichever is later, AND the time this railroad receives forwarding instructions (see Exception 1). 2. On a private track switched by the consignor, BETWEEN the first 12:00 midnight following actual placement on the interchange OR the first 12:00 midnight following notice of constructive placement if actual placement cannot be accomplished OR 12:00 midnight on the day for which the car was ordered to be placed, if later, AND the time this railroad receives forwarding instructions following return of the car to the interchange (See Exceptions 1 and 2). 3. On a private track switched by this railroad, BETWEEN the first 12:00 midnight following actual placement OR the first 12:00 midnight following notice of constructive placement if actual placement cannot be accomplished, OR 12:00 midnight on the day for which the car was ordered, if later, AND the time this railroad receives forwarding instructions (See Exceptions 1, 2 and 3). <p>EXCEPTION 1 - If a car is found at origin to be improperly loaded or overloaded, demurrage days shall continue to accumulate until the load has been corrected.</p> <p>EXCEPTION 2 - On reloaded cars, time will be computed from the first 12:00 midnight following notice to this railroad that the car is empty and such notice shall be considered a release of the empty car. Where such notice is not given, the car will be considered an empty car held for loading for the entire time and no credits (see Items 700 and 705) will be given for release of an empty car.</p>
500	<p style="text-align: center;">CARS HELD FOR COMPLETE UNLOADING</p> <p>On a car held for complete unloading, the number of demurrage days shall be the number of twenty-four (24) hour periods (including fractional periods) between the events described below:</p> <ol style="list-style-type: none"> 1. On a public delivery track, BETWEEN the first 12:00 midnight following notice to the consignee that the car has been placed AND the time this railroad receives notice from the consignee that the car is empty and available. 2. On a private track switched by the consignee, BETWEEN the first 12:00 midnight following actual placement on the interchange OR the first 12:00 midnight following notice of constructive placement if actual placement cannot be accomplished AND the time this railroad receives notice from the consignee that the car is empty and available on the interchange (see Exceptions 1 and 2). 3. On a private track switched by this railroad, BETWEEN the first 12:00 midnight following actual placement OR the first 12:00 midnight following constructive placement if actual placement cannot be accomplished AND the time this railroad receives notice that the car is empty and available (see Exceptions 1, 2 and 3). <p>EXCEPTION 1 - When, because of congestion at destination, a car is held on constructive placement at a point short of destination and instructions to place the car for unloading are given by the consignee, the accrual of demurrage days shall be suspended the first 12:00 midnight following receipt of such instructions and shall resume at the first 12:00 midnight following placement for unloading. If actual placement cannot be made when the car is tendered upon arrival at destination, this suspension in accrual will not be allowed.</p> <p>EXCEPTION 2 - On reloaded cars, accrual of demurrage days on the inbound loaded car shall cease when notice is given to this railroad that the car is empty. Where such notice is not given, the car will be considered an empty car held for loading (see Item 400) for the entire time and no credits (see Items 700 and 705) will be given for release of an empty car.</p>

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SECTION 1 - DEMURRAGE

ITEM	APPLICATION
600	<p style="text-align: center;">CARS HELD FOR OTHER PURPOSES</p> <p>On a car held for reasons attributable to consignor or consignee other than loading or complete unloading, the number of demurrage days shall be the number of twenty-four (24) hour periods (including fractional periods) between the events described below:</p> <ol style="list-style-type: none"> 1. On a car held for reconsignment, BETWEEN the first 12:00 midnight following notice to the party responsible for the car being held AND the time this railroad receives reconsignment instructions. 2. On a car for completion of load or for partial unloading, BETWEEN the first 12:00 midnight following actual placement OR the first 12:00 midnight following notice of constructive placement if actual placement cannot be accomplished AND the time this railroad receives instructions necessary to forward the car. 3. On a loaded car refused by consignee or consignor, apply the same rules as in Item 500 except substitute the time this railroad receives notice of refusal for the time this railroad receives notice that the car is empty. 4. On a loaded private car held on railroad tracks at origin for forwarding instructions or for any other purpose, BETWEEN the first 12:00 midnight following entry of the car on to railroad track AND the time this railroad receives forwarding instructions or other disposition of the car. 5. On an empty car ordered placed for loading and not used, apply the same rules as in Item 400 except substitute the time the car is released for the time this railroad receives forwarding instructions.
700	<p style="text-align: center;">CREDITS AND CALCULATION OF CHARGES</p> <p>A. Excluded (free) days and earned credits:</p> <ol style="list-style-type: none"> 1. Two excluded (free) days are allowed for cars held for unloading. 2. One excluded (free) day is allowed for cars held for loading. 3. Saturdays, Sundays and Holidays are excluded (free) except when following a demurrage day. 4. One credit is earned for every unloading car released within the first 48 hours. 5. One credit is earned for every loading car released within the first 24 hours. <p>B. Charges will be billed monthly and will cover all cars released during the calendar month. Calculation of charges will be performed separately for each station and at each station separately for the following transactions:</p> <ol style="list-style-type: none"> 1. Cars held for loading (see Item 400). 2. Cars held for complete unloading (see Item 500). 3. Cars held for other purposes (see Item 600). <p>C. Credits may be used only in the month earned and credits earned in one of the above transactions may not be used in another such transaction.</p> <p>D. Charges will be billed to the consignor at origin, the consignee at destination and the party for whom the car is held if enroute.</p> <p>E. For each of the above transactions, charges will be calculated as follows:</p> <ol style="list-style-type: none"> 1. Determine the total number of demurrage days. 2. Determine the total number of credits. 3. If the total number of credits exceeds the total number of demurrage days, no charges are due. 4. If the total number of demurrage days exceeds the total number of credits, charges will be calculated as follows: <ol style="list-style-type: none"> a. Subtract the total number of credits from the total number of demurrage days to determine the number of chargeable demurrage days. b. Chargeable demurrage days are billable at \$ 60.00 per day.

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FT CMR 9003

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ORIGINAL PAGE 6

SECTION 1 - DEMURRAGE

ITEM

APPLICATION

800

CLAIMS

Claims for relief from demurrage charges based on the following conditions may be sent to the Transportation Center issuing the demurrage bill. Such claims must be in writing stating fully the conditions for which relief is claimed, identifying affected cars by number and must be received by the last day of the calendar month following the month in which the bill was issued. Claims may be filed only for the following reasons:

1. If through this railroad's error, improper charges are assessed, such charges will be corrected. (Run-around and bunching will not be considered railroad error and no allowance will be made).
2. 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.
3. When because of strike interference at the point at which loading or unloading is to take place and such interference is for a period of more than ten (10) days in a calendar month, chargeable demurrage days accruing during such period will be assessed \$15.00 per day except this provision will not apply to inbound cars waybilled four (4) or more days after such interference begins not to cars ordered for loading during such interference.

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ORIGINAL PAGE 7

SECTION 2 - STORAGE

ITEM	APPLICATION
1000	<p style="text-align: center;">ASSIGNED CAR STORAGE</p> <p>A. The assignment of cars to a given shipper at a specific station on this railroad as well as changes in such assignment will be as agreed to in written correspondence between such shipper and this railroad.</p> <p>B. When an empty assigned car arrives at the point of assignment, notice of arrival will be sent or given to the assignee. In the event the car cannot reasonably be accommodated at the point of assignment, it may be held at another point and notice of such holding will be sent or given to the assignee with no further notice should the car subsequently be moved to the point of assignment.</p> <p>C. The number of storage days shall be the number of twenty-four (24) hour periods (including fractional periods) BETWEEN the first 12:00 midnight following notification AND the time the car assumes demurrage status OR the time the car is released from assignment.</p> <p>D. Charges will be assessed on a monthly basis and will be computed as follows:</p> <ol style="list-style-type: none">1. Total the storage days accrued for all cars during the calendar month.2. Deduct one credit for each car released from storage during the month.3. If a balance of storage days remains, such balance will be charged for at \$15.00 per day. <p>E. Cars in storage are not subject to demurrage.</p>
1100	<p style="text-align: center;">STORAGE OF RAILWAY EQUIPMENT ON OWN WHEELS</p> <p>A. Railway equipment held on the tracks of this railroad that will move or has moved on its own wheels as freight under transportation charges is subject to storage charges as provided in this section. Notice of storage will be given to and charges will be billed to the consignor if at origin or enroute and the consignee if at destination.</p> <p>B. The number of storage days shall be the number of twenty-four (24) periods (including fractional periods), BETWEEN the first 12:00 midnight after notice is given AND the time this railroad receives written disposition.</p> <p>C. Charges will be assessed on a monthly basis and will be computed separately for each storage location as follows:</p> <ol style="list-style-type: none">1. Total the storage days accrued for all units of equipment during the calendar month.2. Deduct one credit for each unit released from storage during the month.3. If a balance of storage days remains, such balance will be charged for at \$30.00 per day. <p>D. Equipment in storage is not subject to demurrage.</p>
1200	<p style="text-align: center;">STORAGE OF HAZARDOUS MATERIALS</p> <p>A. The following hazardous materials are subject to storage charges in this item while held on this railroad's tracks, excluding tracks leased to shippers:</p> <ol style="list-style-type: none">1. Class A, B and C explosives named in Part 172 commodity list, Tariff BOE 6000-series.2. Hazardous materials, substances or wastes requiring the use of four (4) digit identification numbers on the shipping document, placards or panels as named in Section 172.101, Tariff BOE 6000-series. <p>B. Charges will be billed monthly to the consignor if at origin or enroute and to the consignee if at destination.</p> <p>C. The number of storage days shall be the number of twenty-four (24) hour periods (including fractional periods) between the events described below:</p> <ol style="list-style-type: none">1. At origin, BETWEEN the first 12:00 midnight following receipt of the car AND the time of receipt of complete written forwarding instructions.2. Enroute, BETWEEN the first 12:00 midnight after notice of arrival is given to the consignor AND the time of receipt of complete written forwarding instructions.3. At destination, BETWEEN the first 12:00 midnight after notice of arrival is given to the consignee AND the time the car is released or delivered to a point off this railroad's tracks. <p>D. Charges will be assessed on a monthly basis and will be computed as follows:</p> <ol style="list-style-type: none">1. Total the storage days for all cars in a calendar month.2. Multiply such total by a charge of \$75.00 per day. <p>E. Cars in storage under this item are also subject to demurrage.</p>

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FT CMR 9003

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ORIGINAL PAGE 8

EXPLANATION OF ABBREVIATIONS AND/OR REFERENCE MARKS

ABBREVIATION AND/OR
REFERENCE MARK

EXPLANATION

AAR	Association of American Railroads
BOE	Bureau of Explosives
CMR	Central Midland Railway Company
FT	Freight Tariff
OPSL	Official Railroad Station List, Railinc, Agent.
RER	Official Railway Equipment Register
STB	Surface Transportation Board
STCC	Standard Transportation Commodity Code
UFC	Uniform Freight Classification (National Railroad Freight Committee, Agent).
[I]	Denotes Increase.
[R]	Denotes Reduction

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