

FT DSRC 8001 (NEW)

**DAKOTA SOUTHERN RAILWAY
COMPANY**

FREIGHT TARIFF DSRC 8001 (NEW)

NAMING

GENERAL DEMURRAGE RULES AND CHARGES

AND

SWITCHING AND MISCELLANEOUS RULES AND CHARGES

APPLYING

ON ALL POINTS AND STATIONS ON THE

DAKOTA SOUTHERN RAILWAY COMPANY

LOCAL FREIGHT TARIFF

This tariff is also applicable on intrastate traffic, except where expressly provided to the contrary in connection with particular rates and provisions contained herein.

ISSUED: July 15, 2010

EFFECTIVE: July 16, 2010

ISSUED BY

**Stan Patterson
President
Dakota Southern Railway Company
PO Box 436
Chamberlain, SD 57327**

FT DSRC 8001

TABLE OF CONTENTS	
DESCRIPTION	ITEM
Abbreviations and Reference Marks.....	99999
Cars held for purposes other than loading and unloading	70
Consecutive Numbers.....	20
Demurrage Charges.....	40
Empty Cars Order, but not used	50
Empty Cars Ordered/Supplied for Specific Destinations or Junctions.....	207
Free Time.....	80
Freight, All Kinds	300
Governing Classification.....	5
Holidays	90
Interchanges.....	400
Intra-Plant Switching.....	203
Intra-Terminal Switching	204
Loaded Private Cars Held on Railroad Tracks....	60
Method of Cancelling Items.....	30
Notification	110
Overloaded Cars – Disposition of.....	212
Overloaded Cars – Notification of	209
Overloaded Cars at Origin	210
Overloaded Cars at Other Than Origin.....	211
Overloaded Cars Definition.....	208
Overloaded Cars Received from Connections....	213
Per Diem	230
Placement.....	100
Reconsignment or Diversion.....	202
References to Tariffs, Items, Notes, etc.....	15
Releases.....	115
Rule 11 Rates.....	310
SetBack Charges for Cars Handled in Error.....	220
Special Switching.....	205
Special Train.....	206
Station Lists and Conditions	10
Turning Cars.....	201
Unit Train Rates.....	311
Weighing.....	200

For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.

<p>RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS - GENERAL</p>	<p>RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS - GENERAL</p>
<p>ITEM 5</p> <p>DESCRIPTION OF GOVERNING CLASSIFICATION</p> <p>The terms "Governing Classifications" and "Uniform Freight Classification" when used herein, mean: Uniform Freight Classification 6000-Series, issued by National Railroad Freight Committee, Agent.</p>	<p>ITEM 20</p> <p>CONSECUTIVE NUMBERS</p> <p>Where consecutive numbers are represented in this tariff by the first and last numbers connected by the word "to" or a hyphen, they will be understood to include both of the numbers shown.</p> <p>If the first number only bears a reference mark, such reference mark also applies to the last numbers shown and to all numbers between the first and last numbers.</p>
<p>ITEM 10</p> <p>STATION LISTS AND CONDITIONS</p> <p>This tariff is governed by Official Railroad Station List OPSL 6000-Series, Railinc, Agent, to the extent shown below:</p> <p>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 is inapplicable on and after that date.</p> <p>GEOGRAPHICAL LIST OF STATIONS</p> <p>(b) For geographical locations of stations referred to in this tariff by station numbers.</p> <p>STATION NUMBERS</p> <p>(c) For the identification of stations when stations are shown or referred to by numbers in this tariff.</p>	<p>ITEM 30</p> <p>METHOD OF CANCELLING ITEMS</p> <p>As this tariff is supplemented, numbered items with letter suffixes cancel correspondingly numbered items in the original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequence starting with A.</p> <p>Example-Item 5-A cancels Item 5 and Item 10-B cancels Item 10-A in a prior supplement, which in turn, cancelled Item 10.</p>
<p>ITEM 15</p> <p>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>	
<p>For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.</p>	

FT DSRC 8001

SECTION 1 GENERAL DEMURRAGE RULES AND CHARGES	SECTION 1 GENERAL DEMURRAGE RULES AND CHARGES
<p>ITEM 40</p> <p align="center">DEMURRAGE CHARGES</p> <p>On cars subject to demurrage charges after expiration of free time allowed (see Item 80), the following charges per car, per day, or fraction of a day, will be made until the car is released (see Item 115):</p> <p align="center">\$48.00 per day</p> <p>The applicable charge will accrue on all days, except holidays (see Item 90) that fall as the first chargeable day.</p> <p>For the purpose of applying rules in Section 3 of this tariff, the following are defined and shall govern.</p>	<p>ITEM 70</p> <p align="center">CARS HELD FOR PURPOSES OTHER THAN LOADING AND UNLOADING</p> <p>Applicable to cars held:</p> <ul style="list-style-type: none"> A. On orders of the loader or unloader. B. While awaiting proper disposition from the loader, unloader, or in connection with division request, or the freight payer. C. As a result of conditions attributable to the loader or unloader. <p>Computation: (See Item 40 for charges)</p> <p>Demurrage will be computed on the following from the first 12:01 AM:</p> <ol style="list-style-type: none"> 1. After notification of actual or constructive placement until car is released, forwarding instructions are received, or disposition advice is received on: <ul style="list-style-type: none"> a. Cars diverted or reshipped. b. Cars held empty for loading – ordered and not used (other than rejected car). c. Cars held for “Surrender of Order notify Bills of Lading” at destination. d. Cars waiting for payment of accrued charges at origin or destination. e. Cars held for official grading or inspection. f. Cars held for any other purpose, except as covered by Items 50 and 60, which is not attributable to the DSRC. 2. After a car is received by DSRC until date and time of disposition on: <ul style="list-style-type: none"> a. Cars received from connecting carriers. b. Loaded private cars returned to railroad tracks. 3. After actual or constructive placement until date and time of refusal on a refused loaded cars. 4. After notification is given to loader/beneficial owner until date of disposition of a refused loaded car. 5. After actual placement or car order date, whichever is later, until date and time of rejection, on empty cars rejected as being unsuitable for loading.
<p>ITEM 50</p> <p align="center">EMPTY CARS ORDERED OR APPROPRIATED FOR LOADING BUT NOT USED</p> <p>When a car ordered and placed is not used, and no advice from the party who ordered the car has been received within twenty-four (24) hours exclusive of Saturdays and Sundays, demurrage charges will start from the first 12:01 AM after car is placed and will be charged until the car has been removed from the loading location.</p>	<p>ITEM 80</p> <p align="center">FREE TIME</p> <p>Cars for loading or unloading will be allowed forty-eight (48) hours free time. Free time begins at the first 12:01 AM after the car is actually placed (See Item 100), and notification is given (See Item 110).</p>
<p>ITEM 60</p> <p align="center">LOADED PRIVATE CARS HELD ON RAILROAD TRACKS</p> <p>The demurrage clock starts at the first 12:01 AM after the car is placed on hold. (See Item 40 for charges).</p>	
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FT DSRC 8001

SECTION 1 GENERAL DEMURRAGE RULES AND CHARGES	SECTION 2 SWITCHING AND MISCELLANEOUS CHARGES
<p>ITEM 90</p> <p align="center">HOLIDAYS</p> <p>Wherever reference is made to "holidays", it shall mean only the days listed below:</p> <p> New Year's Day – January 1 (See Note). Good Friday Memorial Day – Last Monday of May. Independence Day – July 4 (See Note). Labor Day – First Monday of September. Thanksgiving Day – Fourth Thursday of November. Christmas Day – December 25 (See Note)</p> <p>NOTE: When this day occurs on a Sunday, the following Monday will be observed as the holiday.</p>	<p>ITEM 200</p> <p align="center">WEIGHING</p> <p>A charge of \$125.00 per car when scale is enroute of movement and no special switching is required, \$250.00 per car for out of route movement to weigh.</p>
<p>ITEM 100</p> <p align="center">PLACEMENT</p> <p>ACTUAL PLACEMENT – Actual placement is made when a car is placed in an accessible position for loading or unloading or at a point previously designated by the consignor or consignee. Railroad will not issue actual placement notices.</p> <p>CONSTRUCTIVE PLACEMENT – When a car consigned or ordered to a private track, or an, other-than-public delivery track cannot be actually placed because of a condition attributable to the consigner or consignee, such car will be held at destination, or if it cannot reasonably be accommodated there, at an available hold point; however, if car is placed on the private track, industrial interchange track or other-than-public-delivery track serving the consignor or consignee, the car shall be considered constructively placed without notice.</p>	<p>ITEM 201</p> <p align="center">TURNING CARS</p> <p>A charge of \$125.00 per car, \$250.00 per car for out of route movement to turn, will be assessed for the turning of a car at shipper/consigner request.</p>
<p>ITEM 110</p> <p align="center">NOTIFICATION</p> <p>Notification by industry of release of cars must be:</p> <p> A. In writing by fax to Chamberlain, SD at (605) 739-6595</p>	<p>ITEM 202</p> <p align="center">RECONSIGNMENT OR DIVERSION</p> <p>\$225.00 If car has not reached destination station. \$300.00 If car reached destination station, but has not been spotted. \$375.00 If car reached destination station and has been spotted.</p> <p>Shipper must provide DSRC a new Bill of Lading as authority to move car.</p>
<p>ITEM 115</p> <p align="center">RELEASES</p> <p>A railcar is considered released only after billing instructions have been received in writing by fax, regardless of who is responsible for the billing.</p> <p>NOTE: Demurrage charges will continue to accrue to the Origin Industry even when cars are released to a Third-party, until the time billing is received from the Third-party.</p>	<p>ITEM 203</p> <p align="center">INTRA-PLANT SWITCHING</p> <p>The DSRC will perform intra-plant switching on loaded or unloaded cars at a charge of \$125.00 per car non-hazardous, or \$150.00 per car hazardous (STCC Series 28,29,48,49).</p> <p>Intra-Plant Switching is a switching movement from one location to another location within the confines of a plant or industry located on the DSRC.</p>
	<p>ITEM 204</p> <p align="center">INTRA-TERMINAL SWITCHING</p> <p>The DSRC will perform intra-terminal switching on loaded or empty cars for a charge of \$200.00 per car.</p> <p>Intra-Terminal Switching is a switching movement (other than intra-plant) from one location to another on the DSRC, within the switching limits of one station or industrial switching district.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.</p>	

FT DSRC 8001

SECTION 2 SWITCHING AND MISCELLANEOUS CHARGES	SECTION 2 SWITCHING AND MISCELLANEOUS CHARGES
<p>ITEM 205</p> <p align="center">SPECIAL SWITCHING</p> <p>\$1100.00 Per Request Additional \$250.00/hour, for services over 4 hours.</p> <p>Requests must be received in writing prior to any movements being performed. The DSRC will review all requests for special train and will approve or deny depending on railroad availability. (Over-sized / dimension loads handled on individual basis.)</p>	<p>ITEM 209</p> <p align="center">OVERLOADED CARS-NOTIFICATION OF</p> <p>The party contracting for services or owner of the lading will be notified of the overload and will be allowed to remove excess. Demurrage charges commence with the first 12:01 A.M. after notification is given or owner of the lading by DSRC, with no other free time allowed.</p>
<p>ITEM 206</p> <p align="center">SPECIAL TRAIN</p> <p>\$2000.00 Per Request Additional \$300.00/hour, for services over 8 hours. Requests must be received in writing prior to any movements being performed. The DSRC will review all requests for special train and will approve or deny depending on railroad availability. (Over-sized / dimensional loads handled on individual basis.)</p>	<p>ITEM 210</p> <p align="center">OVERLOAD CARS AT ORIGIN</p> <p>When a car is overloaded and such fact is discovered at origin station, shipper or owner of the lading will be notified to remove the excess as provided in this tariff. If the car is returned to the industry where loaded, one intra-terminal switch charge will be assessed in addition to a \$350.00 per car penalty.</p>
<p>ITEM 207</p> <p align="center">EMPTY CARS ORDERED OR SUPPLIED FOR SPECIFIC DESTINATIONS OR JUNCTIONS</p> <p>Empty cars that are ordered or supplied for specific destinations or junctions that are loaded and billed to travel other than ordered or supplied route will incur a charge of:</p> <p align="center">\$500.00 Per car</p> <p>This charge will be assessed by the DSRC and there could be other charges imposed by the other roads involved or car owners.</p>	<p>ITEM 211</p> <p align="center">OVERLOADED CARS AT OTHER THAN ORIGIN</p> <p>When a car at a station is discovered to be overloaded and such fact is discovered after the shipment has left the origin station, shipper will be notified to remove the excess as provided in this tariff. The applicable intra-terminal switch charge from the point where the overloaded condition is discovered to the nearest public track will be assessed in addition to a \$350.00 per car penalty.</p>
<p>ITEM 208</p> <p align="center">OVERLOADED CARS DEFINITION</p> <p>A car will be considered overloaded when the weight of the lading thereof exceeds the maximum carrying capacity (load limit) stenciled on the car.</p>	<p>ITEM 212</p> <p align="center">OVERLOADED CARS-DISPOSITION OF</p> <p>When a customer fails to respond within the first twenty four (24) hours, a second notice will be sent. If shipper fails to respond within seven (7) calendar days from the first 12:01am after the first notification, DSRC will, at our option, transfer the shipment, transfer the excess to another car or remove the excess and sell it to the best advantage.</p> <p>The actual cost of transfer for removing the excess plus any additional charge(s), less the proceeds of the sales of the excess, if any, will be assessed against the shipper, unless satisfactory arrangements are made with DSRC.</p>
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FT DSRC 8001

SECTION 2 SWITCHING AND MISCELLANEOUS CHARGES	SECTION 3 LOCAL / PROPORTIONAL RATES
<p>ITEM 213</p> <p align="center">OVERLOADED CARS RECEIVED FROM CONNECTING LINES</p> <p>When a car is received from a connecting line in road haul service, and is discovered to be overloaded, shipper and delivery line will be notified to remove the excess as provided in this tariff. If the overload is discovered at the junction and car is ordered returned the delivering carrier, the applicable inter-terminal switch charge will be assessed in addition to a \$350.00 per car penalty.</p>	<p>ITEM 300</p> <p align="center">FREIGHT ALL KINDS</p> <p>Freight all kinds, when moving locally on the DSRC, will be moved at the rate of \$400.00 per car.</p>
<p>ITEM 220</p> <p align="center">SETBACK CHARGES FOR CARS HANDLED IN ERROR</p> <p>A charge of \$150.00 per car will be assessed on cars interchanged to or from DSRC due to error on the part of rail carrier making such interchange.</p>	<p>ITEM 310</p> <p align="center">RULE 11 RATES</p> <p>For traffic originating or terminating on the DSRC, the following rate will apply:</p> <p align="center">All Traffic.....\$492 per car</p>
<p>ITEM 230</p> <p align="center">PER DIEM</p> <p>DSRC does not pay private car mileage allowance.</p>	<p>ITEM 311</p> <p align="center">UNIT TRAIN RATES</p> <p>DSRC will negotiate special rates on unit train movements. Unit trains are defined as movements of 25 cars or more.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see Item 99999, this tariff.</p>	

FT DSRC 8001

SECTION 4 INTERCHANGES	EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS																								
ITEM 400 INTERCHANGES DSRC will interchange at the following: Mitchell, SD - BNSF Sioux City, IA -CN	ITEM 99999 EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS <table border="1" data-bbox="824 378 1456 961"> <tr> <td>BNSF</td> <td>BNSF Railway</td> </tr> <tr> <td>CN</td> <td>Canadian National Railway</td> </tr> <tr> <td>DSRC</td> <td>Dakota Southern Railway Company</td> </tr> <tr> <td>OPSL</td> <td>Open and Prepay Station List</td> </tr> <tr> <td>STCC</td> <td>Standard Transportation Commodity Code</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td>\$</td> <td>Dollars</td> </tr> <tr> <td>[A]</td> <td>Addition</td> </tr> <tr> <td>[C]</td> <td>Denotes change in wording which results in neither an increase nor reduction in charges</td> </tr> <tr> <td>[I]</td> <td>Denotes Increase</td> </tr> <tr> <td>[R]</td> <td>Denotes Reduction / Decrease</td> </tr> <tr> <td>[NC]</td> <td>Brought forward without change</td> </tr> </table>	BNSF	BNSF Railway	CN	Canadian National Railway	DSRC	Dakota Southern Railway Company	OPSL	Open and Prepay Station List	STCC	Standard Transportation Commodity Code			\$	Dollars	[A]	Addition	[C]	Denotes change in wording which results in neither an increase nor reduction in charges	[I]	Denotes Increase	[R]	Denotes Reduction / Decrease	[NC]	Brought forward without change
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