# **DEMONSTRACT <b>DEMONSTRACT <b>DEMONSTRACT**

# LOCAL 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: January 15, 2019

EFFECTIVE: January 15, 2019 (Except as otherwise noted)

ISSUED BY

D. J. Fellon, President Progressive Rail Inc. 21778 Highview Ave. Lakeville, MN 55044

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### RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS-GENERAL

### ITEM 10

### DESCRIPTION OF GOVERNING CLASSIFICATION

The term "Unification Freight Classification" when used herein means Uniform Freight Classification 6000 - series.

### ITEM 20

### STATION LISTS AND CONDITIONS

This publication is governed by the Official Railroad Station List, OPSL 6000 - series, issued by RAILINC, Agent.

### ITEM 30

### CAPACITIES AND DIMENSIONS OF CARS

For marked capacities, lengths, dimensions, and cubical capacities of freight cars, see Official Railway Equipment Register, RER 6414-series, R.E.R. Publishing Corporation, Agent.

### ITEM 40

# REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.

Where reference is made in this tariff to tariffs, items, notes, rules, circulars, etc., such references are continuous and include supplements to and successive issues of such tariffs, and reissues of such items, notes, rules, circulars, etc.

### ITEM 50

### HAZARDOUS FREIGHT

Shipments of hazardous freight under this tariff are subject to regulations of the U.S. Department of Transportation as shown in Bureau of Explosives, STB BOE 6000-series, C. Keller, Agent.

### ITEM 60

### METHOD OF CANCELLING ITEMS

As this tariff is supplemented, numbered items with lettered suffixes cancel correspondingly numbered items in the original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequences starting with A. For example: Item 100-A cancels Item 100 and Item 200-B cancels Item 200-A in a prior supplement, which in turn cancelled Item 200.

### RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS-UNLIMITED

### **ITEM 100**

### LIMITATIONS

All cars delivered to ISRY are received only upon the condition that there is room for them upon the tracks to which they are consigned, and the cars are subject to delays incident in switching and unavoidable causes.

Cars with bulged sides, excessive dimensions, or leaning cars that can not be placed where consigned because of sharp curves or danger of striking structures, will be placed upon the nearest acceptable track for loading and/or unloading.

### **ITEM 110**

### **COLLECTION OF CHARGES**

All charges assessed to customers are due in US currency within 15 days of invoice date. All invoices are subject to a 1.5% per month finance charge if unpaid within 30 days from the date of invoice. In the event of a dispute, customers shall provide written notice within 30 days from the date of the bill, specifying the bill number and the basis for the dispute. Customers responsible for original charges shall also be responsible for all additional collection costs, including attorney fees and court costs, if ISRY is required to collect in this manner. ISRY may at its sole discretion require prepayment of services.

Customers may remit charges to ISRY via electronic methods; however customer shall bear all related charges assessed by customer's financial institutions. Electronic remittances will be made in conformance with instructions provided by ISRY.

Customers will be assessed a \$30.00 service charge or the maximum allowed by law on all checks returned unpaid by customer's financial institution for non-sufficient or uncollected funds. Additionally interest charges, as described in this item, will be assessed if returned check results in charges collected by ISRY outside of credit terms.

ISRY shall not accept responsibility for failure by customer to provide purchase order numbers or similar customer internal documentation authorizing ISRY to provide services. ISRY shall attempt to provide customer with information used in customer's internal accounting processes but inability to provide requested information or the inability to comply with customer's internal documentation procedures will in no way remove customer's obligation to pay charges within credit terms assessed pursuant to applicable tariffs or contracts.

Exception: All charges assessed to other railroads for switching and similar services will be collected according to the terms of applicable contracts and the Railway Accounting Rules.

### RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS-UNLIMITED

### **ITEM 115**

### **RESPONSIBILITY OF CHARGES**

In the event an industry disputes an invoice due to their contract with a third party (i.e., their supplier or customer) the ISRY may elect to invoice the third party upon request. Ultimately, however, the party responsible for charges will be the industry which has a station along the ISRY.

### **ITEM 120**

### MILEAGE ALLOWANCE

When loaded or empty private cars are handled by ISRY, mileage payments will not be allowed except by written agreement. When railroad loaded or empty cars are handled by ISRY in switching service consigned to customers located within a switching district, mileage payments will not be allowed.

### ITEM 140

### RELEASE OF OPEN TOP LOADS

Customers must arrange with ISRY for an inspection of shiftable, open top loads prior to their release. Open top loads must be loaded in conformance to the current edition of the OTLR.

### **ITEM 145**

### ORDERING CARS

Customers shall order from ISRY all cars desired for loading on tracks of ISRY or industry tracks connected to ISRY and should specify class of car, lading, weight, destination, route, and want date. At its sole discretion, ISRY may require car orders to be submitted by customers via an approved electronic method supported by ISRY. Approved methods include Shipper Connect. If a customer is required to submit car orders by an approved electronic method, a charge of \$20.00 will be assessed for each manual or facsimile submission. This charge will be assessed to the car ordering party. Car orders submitted by telephone will not be accepted.

## FT ISRY 8000-B

RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS-UNLIMITED	SECTION 1 MISCELLANEOUS RULES AND CHARGES		
ITEM 150	ITEM 1010 [C][E-1]		
CARS ORDERED BUT NOT USED When, on behalf of a customer, ISRY orders a car from a			
foreign carrier for loading and customer refuses or rejects the car for reasons other than car is unfit for loading, a charge equal to the supplying carrier's car cancellation charge plus 5 percent will be assessed to the customer ordering the car from ISRY.	A charge of \$1.10 a mile will be assessed for transportation of empty freight cars moving on their own wheels, minimum charge \$300.00 per car.		
Additionally when a car has been switched or placed by ISRY and customer subsequently rejects the car for reasons other than the car is unfit for loading, a switching charge of \$150.00 will be assessed to the customer	(Provisions formerly shown herein and not brought forward are hereby canceled.)		
ordering the car from ISRY or a foreign carrier.	ITEM 1020		
Demurrage rules, charges, and regulations will apply to rejected cars in the same manner as other cars as published in ISRY 6004-series.	LOADS REQUIRING CLEARING OF ADJACENT TRACKS		
ITEM 160	clearing tracks adjacent to the track on which said load moves will be assessed a charge of \$300.00 for each track		
CARS ORDERED BUT NOT USED IN SUPPLYING CARRIER LINEHAUL	cleared.		
When, on behalf of a customer, ISRY orders a car from a foreign carrier for loading and customer loads and routes the car in such a manner that the supplying carrier is not in the linehaul, a charge equal to the supplying carrier's car offline use charge plus 5 percent will be assessed to the customer ordering the car from ISRY.	ITEM 1030 IDLER OR TRAILER CARS Idler or trailer cars may be required by the engineering and/or operating departments of ISRY, if in their judgment an idler or trailer car is required for safe operation.		
ITEM 170			
INTERCHANGE ERROR MOVEMENTS	Idler or trailer cars will be subject to the same charges, rules, and regulations as are applied to loaded cars.		
When empty or loaded cars are received from a foreign carrier without proper forwarding paperwork, the cars will be returned to the delivering carrier or forwarded to the proper carrier, within the same switching district, at a charge of \$440.00 per car. Charge for this service will be	ITEM 1040		
assessed against the carrier delivering the cars to ISRY. When empty or loaded Poison/Toxic Inhalation Hazard cars are received from a foreign carrier without proper forwarding paperwork, the cars will be returned to the delivering carrier at a charge of \$1,750.00 per car. Charge for this service will be assessed against the carrier delivering the Poison/Toxic Inhalation Hazard cars to ISRY.	Each unit of articulated cars, loaded or empty, will be subject to all rules, regulations, and charges as applied to a single railcar.		
ISRY shall not be liable for any setback, switching, or linehaul charges assessed another carrier resulting from billing errors by a customer or by a carrier which is not affiliated with ISRY.			
Note 1. When cars are received in Interchange and are returned for mechanical or safety reasons, including cars unfit for loading, ISRY will assess the same charge as an interchange error movement.			
For explanation of abbreviations and reference marks not explain	and homein and Itam 00000 this tariff		

# FT ISRY 8000-B

SECTION 1 MISCELLANEOUS RULES AND CHARGES	SECTION 1 MISCELLANEOUS RULES AND CHARGES
ITEM 1050	ITEM 1070
SPECIAL TRAIN SERVICE	REMOVAL OF SWITCH STANDS
Cars loaded to excessive height, underhang, width, length, weight, center of gravity, or any combination of these that in the judgment of the engineering and/or operating departments of ISRY require excessive special handling for safe movement will be handled in special train service. Special trains are at the sole discretion and operational convenience of ISRY. Other cars not requiring special service may, for carrier convenience, be handled by ISRY	Loads that because of excessive width or length require the removal of switch stands, signals, or signs will be assessed a charge of \$975.00 for each switch stand, signal, or sign removed. This item will also be applicable for removal of switch stands, signals, or signs for customer purposes other than clearing loads.
in special trains. Said cars will not accrue additional charges.	
Special train charges are \$90.00 per mile with a minimum	ITEM 1080
charge of \$5,500.00 in addition to freight and other applicable charges and will be charged to the customer	RELOADING EQUIPMENT
requesting the special train. Special train charges must be prepaid unless agreed otherwise by previous agreement.	Customers may not reload cars made empty by them without first obtaining permission from ISRY.
Circus, carnival, excursion, and other similar trains will only be handled pursuant to previous agreement.	Exception: This item will not be applicable to private cars that the customer owns or leases.
	ITEM 1090
ITEM 1060	FACILITIES CHARGES
<b>FAILURE TO STOW LOAD SECUREMENT DEVICES</b> When a customer releases empty cars for movement from industry or team tracks and doors, hatches, chains, cables, or other similar devices are not properly secured, and must be secured by ISRY employees for safe movement, a charge of \$150.00 per car will be assessed to the customer that released the car for movement. This item does not apply when said devices, because of	ISRY may from time to time, at its sole discretion, make available its own tracks, warehouses, sites, and other similar facilities available for customers to load or unload cars, store empty or loaded cars, or store product. The charges for use of these facilities are in addition to any freight or accessorial charges described in this or any other tariff and charges will be assessed pursuant to the applicable transload tariff or to previous agreement.
mechanical defect, cannot be operated as designed, provided that ISRY has been informed of the defect at or prior to the release of the car	ITEM 1100
prior to the release of the car. This item will not obligate ISRY to stow load securement devices. ISRY may, at its sole discretion, consider the car or track inaccessible if load securement devices are not properly stowed or secured. Loaded cars and hazardous materials cars will not be moved unless all load securement devices are properly secured by customer.	CARS LOADED IN VIOLATION OF CAR DISTRIBUTION ORDERS
	ITEM 1110
	FOREIGN CARS LEASED BY ONLINE CUSTOMERS Customers must immediately inform ISRY of cars leased from a foreign railroad for the customer's exclusive use.
	When online customers of ISRY lease foreign railroad cars for their exclusive use, hourly payments will be reclaimed against the owner road.
For explanation of abbreviations and reference marks not explain	ned herein, see Item 99999, this tariff.

### SECTION 1 MISCELLANEOUS RULES AND CHARGES

### ITEM 1120

### DEMURRAGE

All cars handled under this tariff will be subject to the demurrage rules, charges, and regulations published in ISRY 6004–series.

### ITEM 1130

### SUBMITTING SHIPPING INSTRUCTIONS

Shipping instructions for loaded or empty cars will be submitted by customers via an approved electronic method supported by ISRY. Approved methods include EDI 404 or electronic messaging via Internet accessed software provided by ISRY. A charge of \$20.00 will be assessed for each manual or facsimile submission. This charge will be assessed to the customer located on ISRY. Shipping instructions submitted by telephone will not be accepted.

### **ITEM 1135**

### SWITCHING ORDERS

Instructions for the release or requests for placements of loaded or empty cars or other similar events will be submitted by customers via electronic method supported by ISRY. Approved methods include EDI 404 or electronic messaging via Internet accessed software provided by ISRY. A charge of \$20.00 will be assessed for each manual or facsimile submission. This charge will be assessed to the customer located on ISRY. Switching orders submitted by telephone will not be accepted.

### **ITEM 1140**

# FURNISHING HEAT FOR UNLOADING SHIPMENTS IN TANK CARS

ISRY will furnish steam to heat freight in tank cars equipped with heater coils at points on ISRY track where arrangements have been made in advance and where steam boilers are available at a charge of \$1,000.00 per day or fraction thereof. In addition to this charge, intra-terminal switch charges pursuant to Item 2050 herein will apply.

If more than one heating service is required, charges referred to above will apply for each separate movement of the car and heating service.

ITEM 1150

### STORAGE OF RAIL CARS

To reduce charges which would otherwise apply, customers may, subject to track availability and at ISRY's discretion, negotiate a rail car agreement with ISRY for storage of rail cars on ISRY trackage. Such agreements will entitle the customer to store a specified number of rail cars at a designated storage location at an applicable storage rate in lieu of demurrage charges pursuant to Tariff ISRY 6004–series.

### SECTION 1 MISCELLANEOUS RULES AND CHARGES

### **ITEM 1160**

### TEAM TRACK USAGE

Existing team track service, including loading/unloading platforms and other non-exclusive ISRY facilities, are available for use by shippers for non-hazardous commodities only on a shared usage basis at the sole cost, risk, and expense of customers using such facilities. By using such facilities, customers agree to indemnify, defend and hold harmless ISRY from all claims, costs, and expenses and to assume all risk, responsibility liability for death, personal injury, or property damage arising from, related to, or caused by, in whole or in part, the use of such facilities.

### ITEM 1170

### CARS REQUIRED TO BE SWITCHED FROM TRAINS

When cars released empty or loaded by a customer that have been subsequently built into a ISRY train for delivery to a connecting carrier but must be switched out of the train account refusal of connecting carrier to accept the cars in interchange, a charge of \$300.00 per car will be assessed to the customer.

This item will be applicable to cars that will not be accepted in interchange by connecting carriers for reasons not attributable to either the ISRY or connecting carriers. Such reasons include but are not limited to: car subject to embargo, customer lacks credit with connecting carrier, shipping instructions on car not properly submitted or have been canceled by customer, private car is over age, private car not listed properly in UMLER, or for any other cause under the control of the customer.

### ITEM 1180

### CARS DELIVERED TO CONNECTING CARRIERS AND SUBSEQUENTLY REQUESTED RETURNED BY CUSTOMER

When cars are released empty or loaded by a customer and are interchanged by ISRY to a connecting carrier and are subsequently requested to be returned by customer, a charge equal to the connecting carrier's error return charge plus \$100.00 will be assessed to the customer requesting the car to be returned.

This service will only be available if connecting carrier is able to return the car. Requests for cars to be returned must be made in writing on the form supplied to customer by ISRY.

### SECTION 2 SWITCHING RULES AND CHARGES

### ITEM 2000

# SPECIAL SWITCHING OR UNSCHEDULED TRAIN SERVICE

Special switching or unscheduled train service requiring assignment of a locomotive and crew to supplement regularly scheduled switching or train service will be performed only on a customer's request submitted 24 hours in advance. A charge of \$2,500.00 for the first 8 hours or fraction thereof and \$337.50 for each additional hour or fraction thereof will be assessed. A charge of \$400.00 will be assessed for each additional locomotive required. This charge will not apply to additional locomotives that are required to replace locomotives originally assigned due to mechanical defects, track restrictions, carrier convenience, etc. These charges are in addition to other applicable transportation and accessorial charges. Hours will be computed from the time the locomotive and crew are on duty until the special switching service has been performed and the locomotive and crew have returned to the point where they began duty (including convenience of ISRY).

Special switching or unscheduled train service is subject to the availability of ISRY personnel and equipment.

### ITEM 2010

# SWITCHING EQUIPMENT BETWEEN INDUSTRY AND ISRY FACILITY

When customer owned or controlled cars or locomotives are switched by ISRY between industry and a facility for purposes of repairs or inspection, a charge of \$300.00 per car will be assessed.

ITEM 2030 [C]

### LIST OF INDUSTRIES

NAME	STATION
ISRY Team Track Customers	All ISRY Stations
Relco Locomotives, Inc.	Albia, IA
Bemis Corporation	
Centerville Iron & Metal, Inc.	1
Centerville Produce, Inc. [A] Centerville,	
Lee Container Corporation	
Smith Fertilizer and Grain	1
Agriland FS, Inc.	Moravia, IA

### SECTION 2 SWITCHING RULES AND CHARGES

### ITEM 2040

### **INTRA-PLANT SWITCHING**

A charge of \$300.00 per car will be assessed for each movement of cars that have been placed for loading or unloading and subsequently switched at the request of a customer from one location to another location on the same track or from one track to another track within the same industry. Such charges will be assessed against the customer requesting the switch. Intra-plant switching is at the convenience of ISRY and will be performed during the normal course of operations.

Exception: This item will not be applicable when such movement is incidental and necessary in connection with the removal or placement of other loaded or empty cars.

**ITEM 2050** 

### INTRA-TERMINAL SWITCHING

A charge of \$350.00 per car will be assessed for each movement of cars that have been placed for storage, loading or unloading and subsequently switched at the request of a customer from one track to another track within the switching limits of a single station. Such charges will be assessed against the customer requesting the switch. Intra-terminal switching is at the convenience of ISRY and will be performed during the normal course of operations.

### ITEM 2060

### INTER-TERMINAL SWITCHING

A charge of \$400.00 per car will be assessed for each movement of cars that have arrived at a station for placement and subsequently switched at the request of a customer from one station to another station. Such charges will be assessed against the customer requesting the switch. Inter-terminal switching is at the convenience of ISRY and will be performed during the normal course of operations.

# **FT ISRY 8000-B**

SECTION 2 SWITCHING RULES AND CHARGES		≣S	SECTION 2 SWITCHING RULES AND CHARGES	
ITEM 2065			ITEM 2070	
[C] RECIPROCAL SWITCHING			SWITCH ORDERED BUT UNABLE TO BE PERFORMED	
The ISRY will perform reciprocal switching between customers located on ISRY Stations and interchange with the BNSF and CPRS set forth below at charges indicated:		hange	When a switch is ordered but is unable to be performed by ISRY because of a customer condition, a charge of \$300.00 per car will be assessed to the customer requesting the switch.	
<b>PART A</b> Albia, IA Interchange with BNSF			Customer conditions that may render a switch unable to be performed include but are not limited to: car not loaded/	
STATION	COMMODITY	STCC	<b>RATE</b> (Per Car)	unloaded as indicated on release, load securement devices not properly stowed, unsafe customer track condition, car damaged by customer, presence of customer placed blue
All stations on the ISRY	All Commodities, except as otherwise provided below:		\$400.00 [I][E-2]	flag, red board or similar signage, locked gates/doors, track full, or any other condition for which ISRY has no control.
	Fertilizer	28 712 35 - 28 719 16	\$400.00 [I][E-2]	This item will be applicable to any of the following switch orders: release load, release empty, intra-plant, intra-terminal, inter-terminal, turn car, placement requests,
	Liquefied Gases	29 121 10 - 29 121 90	\$500.00 [I][E-2]	or any other similar switching request.
	Intermodal Cars		\$500.00 per well [NC]	ITEM 2080
Centerville, IA	Plastic	28 211 XX	\$1,500.00 [I][E-2]	TURN CAR SWITCHING A charge equal to the intra-terminal switching rate per
PART B Moravia, IA Interchange with CPRS		6	loaded or empty car will be assessed to the customer ordering a car turned. Turn car switching will be in addition to any other switching charges. If the car ordered to be	
STATION	COMMODITY	STCC	<b>RATE</b> (Per Car)	turned is not at a station where turning facilities are available and must be moved out of route, then an additional inter-terminal switching charge will apply.
All stations on the ISRY	All Commodities, except as otherwise provided below:		\$400.00 [I][E-2]	Turn car switching will only be performed where facilities are available and is at the convenience of ISRY and will be performed during the normal course of operations.
	Fertilizer	28 712 35 - 28 719 16	\$400.00 [I][E-2]	penormed during the normal course of operations.
Liquefie	Liquefied Gases	29 121 10 - 29 121 90	\$500.00 [I][E-2]	ITEM 2090
	Intermodal Cars		\$500.00 per well [NC]	- SURCHARGE ON RESIN CARS A surcharge of \$1000.00 per car will apply on all plastic cars bound for Centerville, IA. (See Item 115 -
Centerville, IA	Plastic	28 211 XX	\$1,500.00 [I][E-2]	Responsibility for Charges)
For expla	nation of abbreviations a	and reference r	narks not expla	ined herein, see Item 99999, this tariff.