

SUPPLEMENT
TO
FT NYNJ 8000-B

NEW YORK NEW JERSEY RAIL, LLC



SUPPLEMENT 5 TO FREIGHT TARIFF NYNJ 8000-B

(Supplement 5 cancels Supplement 4)
(Supplement 5 contains all changes)

**DEMURRAGE, SWITCHING
AND
MISCELLANEOUS RULES AND CHARGES
APPLYING FROM, TO, BETWEEN
AND AT POINTS ON THE
NEW YORK NEW JERSEY RAIL, LLC**

LOCAL TARIFF

ISSUED: January 9, 2018

EFFECTIVE: February 1, 2018

ISSUED BY

Donald B. Hutton
Managing Director
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SECTION 1 CAR DEMURRAGE RULES AND CHARGES	SECTION 1 CAR DEMURRAGE RULES AND CHARGES
<p>ITEM 100-A</p> <p align="center">DEFINITIONS</p> <p>The following definitions shall apply for the purpose of interpreting this tariff:</p> <p>ACTUAL PLACEMENT is the placement of a car so that it is available for loading or unloading at the customer's facility or at a place designated by the customer.</p> <p>CONSTRUCTIVE PLACEMENT is the placement of a car at a point other than that at the customer's facility or a place designated by the customer after NYNJ notifies the customer. NYNJ reserves the right to constructively place a rail car whenever a car cannot be actually placed because of a condition attributable to the customer.</p> <p>CUSTOMER is the party tendering (the consignor) or receiving (the consignee) freight regardless of whether the party is the one responsible for payment of freight charges.</p> <p>DEMURRAGE is a charge levied by NYNJ for cars held beyond free time as provided for in Section 1 this tariff. [</p> <p>FREE TIME is the amount of time in days between the time a rail car is received in interchange by the NYNJ and the day when demurrage begins to run.</p> <p>FORWARDING INSTRUCTION is a bill of lading or other direction given by the customer to NYNJ containing all information necessary for NYNJ to transport the freight.</p> <p>LOADING is the act of placing cargo in a rail car pursuant to published loading and clearance rules and the furnishing of forwarding instructions.</p> <p>OPEN GATE is the unrestricted access (physical or otherwise) by NYNJ to the customer's facility so as to permit it to switch cars in or out of that facility.</p> <p>PRIVATE CAR is a rail car bearing shipper (customer) or other non railroad reporting marks.</p> <p>PRIVATE TRACK is a track designated for use by an individual rail customer. It includes customer-owned tracks at the customer's facility and tracks owned or controlled by NYNJ and leased to the customer wherever located.</p> <p>PUBLIC DELIVERY (OR TEAM) TRACK is a track owned or controlled by NYNJ and available to the general public for the loading or unloading of rail cars.</p> <p>RELOAD is the complete unloading and subsequent reloading of the same rail car.</p> <p>RESPOT OR RESPOTTING is the movement of a car or cars at the customer's facility solely for the purpose of allowing another car or cars to be placed there.</p> <p>TENDER is the actual or constructive placement of a rail car and notification by NYNJ to a customer that the car is now available for unloading or loading.</p> <p>UNLOADING is the complete removal of cargo by the customer (consignee) from a rail car and notice by the customer to NYNJ that the car is empty and available for pick up.</p>	<p>ITEM 110-A</p> <p align="center">GENERAL RULES</p> <ul style="list-style-type: none"> • These rules are applicable at all points on NYNJ. • The disposition of a car at its point of detention determines the purpose for which the car is held and the rules applicable thereto. • Except as noted, all cars bearing railroad markings shall be subject to demurrage. • When a car is held beyond free time, demurrage charges in Items 140 and 150, as the case may be, will be assessed until customer releases car back to the NYNJ. • Notice by customer that a car has been loaded or unloaded and is available for pick up shall be communicated by either fax or email transmission. • Where a customer wrongfully refuses to accept a car containing cargo or fails to claim cargo in a car without giving NYNJ instructions as to the future disposition of that car, NYNJ may sell or dispose of the cargo in that rail car once it has been held beyond the legal requirement. • A customer may properly refuse to accept for loading a car when car is unsuitable for loading. <hr/> <p>ITEM 120-A</p> <p align="center">NYNJ NOTIFICATION TO CUSTOMERS</p> <ol style="list-style-type: none"> 1. For the purpose of applying the provisions of Section 1, this tariff, a loaded or empty car shall be considered tendered when such car has been received in interchange by the NYNJ and NYNJ has, where required, provided notice to the customer as set forth herein. 2. Should a car be stopped in transit, NYNJ shall provide notice to the customer ordering the car at the point of stoppage. 3. When a customer/consignee has refused to accept a car upon delivery, NYNJ shall provide notice to the consignor. <p>NYNJ customer notification shall include the car reporting marks and car number and, where the cargo has been transferred from one car to another car while in transit, NYNJ shall also provide the customer with the reporting marks and car number of the origin car.</p> <p>NYNJ shall provide oral telephone notification of delivery to customer, followed up in writing by either fax or email transmission.</p> <p align="center">CUSTOMER NOTIFICATION TO NYNJ</p> <p>Customers shall provide oral telephone notification to NYNJ that cars have been unloaded or loaded and are ready for pick up, followed up in writing by either fax or email transmission.</p>
<p align="center">For explanation of terms and explanation of abbreviations and reference marks not explained herein, see last page of tariff.</p>	

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SECTION 1 CAR DEMURRAGE RULES AND CHARGES	SECTION 1 CAR DEMURRAGE RULES AND CHARGES
<p>ITEM 140-A</p> <p>CARS HELD FOR LOADING</p> <p>A car shall be considered tendered when car is received in interchange by the NYNJ and NYNJ provides such notice to the customer.</p> <p>A car shall be considered released when the customer has provided forwarding instructions and, in the case of customers providing their own plantsite switching, the car has been delivered to the property line or the point designated by the customer for delivery of traffic. Cars deemed by NYNJ to have been overloaded or improperly loaded at origin shall not be considered released until the load has been adjusted.</p> <p>Cars for loading will be granted five (5) days free time beginning the day car is received in interchange by the NYNJ. For the purpose of computing free time, Saturdays, Sundays and Holidays will be included.</p> <p>When a car is held beyond free time, demurrage charge of \$40.00 per car, per day or fraction of a day (including Saturdays, Sundays and Holidays as named in Item 30), will be assessed until customer releases car back to the NYNJ.</p>	<p>ITEM 170-A</p> <p>BILLING AND ACCOUNT ISSUES</p> <p>NYNJ shall bill monthly for all cars released during the calendar month. Full payment is due within 30 days' of NYNJ's invoice date. Invoices not paid within 30 days shall incur a fifteen percent (15%) Late Fee which will be added to each overdue invoice's balance after 30 days and every additional 30 day overdue period, until all balance and fees are paid in full.</p> <p>Where an invoice remains unpaid after 90 days, NYNJ shall have the option of suing to collect the amount of the invoice plus interest and reasonable attorney's fees, placing the customer on a cash basis, or discontinuing rail service until the account is placed on a current basis.</p> <p>Customers having facilities at separate locations cannot be combined but customers having two or more facilities at the same station will be combined into one account. Absent other arrangements in writing, demurrage will be charged to the consignor at origin or the consignee at destination who will be responsible for payment.</p> <p>Chargeable days will be Monday through Sunday, including Holidays named in Item 30.</p>
<p>ITEM 150-A</p> <p>CARS HELD FOR COMPLETE UNLOADING</p> <p>A car shall be considered tendered when car is received in interchange by the NYNJ and NYNJ provides such notice to the customer.</p> <p>A car shall be considered released when the customer has provided notice to NYNJ that the car is empty and available or has been reloaded and forwarding instructions have been provided NYNJ.</p> <p>Cars for unloading will be granted five (5) days free time beginning the day car is received in interchange by the NYNJ. For the purpose of computing free time, Saturdays, Sundays and Holidays will be included.</p> <p>When a car is held beyond free time, demurrage charge of \$40.00 per car, per day or fraction of a day (including Saturdays, Sundays and Holidays as named in Item 30), will be assessed until customer releases car back to the NYNJ.</p>	

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SECTION 2 SWITCHING RULES AND CHARGES			SECTION 2 SWITCHING RULES AND CHARGES		
ITEM 230-E			ITEM 230-E (Cont'd)		
INTERMEDIATE SWITCHING CHARGE			INTERMEDIATE SWITCHING CHARGE		
NYNJ will perform intermediate switching between NS at Greenville, NJ and NYA at Bay Ridge, NY at charges shown below:			NYNJ will perform intermediate switching between NS at Greenville, NJ and NYA at Bay Ridge, NY at charges shown below:		
(Rates in Dollars and Cents Per Loaded Car)			(Rates in Dollars and Cents Per Loaded Car)		
COMMODITY	EQUIPMENT	RATE	COMMODITY	EQUIPMENT	RATE
Freight, all kinds, except where specific commodity rates are provided herein.	Any	\$ 900.00	Lumber or Wood Products (STCC 24, Except STCC 24 111; 24 211 84);	Box Cars	(b) \$ 650.00[I]
Auto Seat Covers (STCC 23 991 10)	Gondola Cars	(b)(c) 400.00 (b)(d) 435.00	Lumber or Timber (STCC 24 211 84)	Flat Cars	750.00
Beer, Ale, etc (STCC 20 821)	Box Cars	525.00[I]	Methyl Esters used for Diesel Fuel (STCC 28 994 16)	Tank Cars	775.00
Brick or Blocks, clay or shale (STCC 32 511)	Box Cars	650.00	Plastic Packaging Containers (STCC 30 718 26)	Box Cars	(b) 600.00[I]
Concrete Products (STCC 32 719)	Gondola Cars	(a) 700.00		Flat Cars	(b) 600.00
Concrete, Structural Shapes (STCC 32 715)	Gondola Cars	(a) 700.00	Plastic Materials or Synthetic Resins (STCC 28 211)	Hopper Cars	750.00
Corn Oil (STCC 20 465)	Tank Cars	775.00	Plywood or Veneer (STCC 24 321)	Box Cars	650.00
Fabricated Plastic Products (STCC 30 719)	Hopper Cars	750.00	Pulpboard or Febreboard (STCC 26 311)	Box Cars	650.00
Food or Kindered Products (STCC 20 995)	Box Cars	600.00[I]	Railway Track Material (STCC 33 128)	Gondola Cars	(a) 700.00
Hardboard (STCC 24 993)	Box Cars	650.00	Strand Board or Waferboard (STCC 24 991)	Box Cars	650.00
Iron or Steel Bars (STCC 33 124)	Gondola Cars	(a) 700.00	Sugar, beet or cane (STCC 20 6)	Box Cars	650.00[I]
Iron or Steel Beams (STCC 33 125 28)	Gondola Cars	(a) 700.00	Wheat Flour (STCC 20 411)	Box Cars	650.00[I]
Iron or Steel Pipe (STCC 33 126)	Gondola Cars	(a) 700.00			
Iron or Steel Scrap (STCC 40 211 25)	Gondola Cars	(b)(c) 454.00 (b)(d) 474.00 (b)(c)(e) 574.00 (b)(d)(e) 635.00	Explanation of References:		
Iron or Steel Sheet or Strip (STCC 33 123)	Gondola Cars	(a) 700.00	(a) - Applicable on shipments To NYA.		
Logs (STCC 24 111)	Flat Cars	750.00	(b) - Applicable on shipments From NYA.		
			(c) - Applicable in privately owned or leased equipment.		
			(d) - Applicable in railroad owned or leased equipment.		
			(e) - Applicable in rail cars exceeding 60 feet.		
(Continued in next column)					
For explanation of terms and explanation of abbreviations and reference marks not explained herein, see last page of tariff.					

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**SECTION 4
STORAGE RULES AND CHARGES**

ITEM 400

STORAGE

Cars placed in storage will be charged \$10.00 per car, per day, starting from the first date placed on storage tracks until released from storage tracks.

For explanation of terms and explanation of abbreviations and reference marks not explained herein, see last page of tariff.

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