

PROGRESSIVE RAIL, INC.

FREIGHT TARIFF PGR 8000-A

(Cancels Freight Tariff PGR 8000)

NAMING

RULES, CHARGES AND REGULATIONS

GOVERNING SWITCHING

ALSO

MISCELLANEOUS RULES AND CHARGES

FROM, TO, AND WITHIN

THE STATIONS

IN MINNESOTA

OPERATED BY

AND FOR ACCOUNT

PROGRESSIVE RAIL, INC.

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: March 23, 2007

EFFECTIVE: April 12, 2007

ISSUED BY

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

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		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.	

For explanation of abbreviations and reference marks not explained herein, see Item 99999, this tariff.

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<p align="center">RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS-UNLIMITED</p>	<p align="center">RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS-UNLIMITED</p>
<p>ITEM 100</p> <p align="center">LIMITATIONS</p> <p>All cars delivered to PGR 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.</p> <p>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 <u>acceptable</u> track for loading and/or unloading.</p>	<p>ITEM 150 [A]</p> <p align="center">CARS ORDERED BUT NOT USED</p> <p>When, on behalf of a customer, PGR 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 will be assessed to the party ordering the car from PGR.</p>
<p>ITEM 110</p> <p align="center">COLLECTION OF CHARGES</p> <p>All charges 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. <u>In the event of a dispute</u>, shippers will provide written notice within 30 days from the date of the bill, specifying the bill number and the basis for the dispute. Parties responsible for original charges will also be responsible for all additional collection costs, including attorney fees and court costs, if required to collect in this manner. PGR may at its sole discretion require prepayment of services.</p>	<p>ITEM 160 [A]</p> <p align="center">CARS ORDERED BUT NOT USED IN SUPPLYING CARRIER LINEHAUL</p> <p>When, on behalf of a customer, PGR 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 will be assessed to the party ordering the car from PGR.</p>
<p>ITEM 120</p> <p align="center">PRIVATE CARS SHIPPED WITH PGR PRICE AUTHORITY</p> <p>When loaded or empty private cars are shipped with a PGR price authority, mileage payments will not apply.</p>	<p>ITEM 170 [A]</p> <p align="center">INTERCHANGE ERROR MOVEMENTS</p> <p>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 \$350.00 per car. Charge for this service will be assessed against the carrier delivering the cars to PGR.</p> <p>PGR will 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 PGR.</p> <p>The provisions of this item are only applicable in connection with the Union Pacific.</p>
<p>ITEM 130</p> <p align="center">HEAVY-CAPACITY FLATCAR CHARGES</p> <p>PGR heavy-capacity flatcar use charges are published in RIC 6740 – series, RAILINC, Agent.</p>	
<p>ITEM 140 [A]</p> <p align="center">RELEASE OF OPEN TOP LOADS</p> <p>Customers must arrange with PGR an inspection of shiftable open top loads prior to their release.</p>	
<p>For explanation of abbreviations and reference marks not explained herein, see Item 99999, this tariff.</p>	

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<p align="center">SECTION 1 MISCELLANEOUS RULES AND CHARGES</p>	<p align="center">SECTION 1 MISCELLANEOUS RULES AND CHARGES</p>
<p>ITEM 1010</p> <p align="center">CHARGES FOR MOVEMENT OF REVENUE EMPTY CARS</p> <p>A charge of \$1.10 a mile will be assessed for transportation of empty freight cars moving on their own wheels, minimum charge \$250.00 per car.</p> <p>This item will not apply to empty cars that are consigned to stations on PGR lines for the purposes of loading.</p> <p>This item will not apply to empty cars received in line haul movements from another railroad with which the PGR has an agreement covering charges for empty equipment.</p>	<p>ITEM 1050</p> <p align="center">SPECIAL TRAIN SERVICE</p> <p>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 PGR 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 PGR. Other cars not requiring special train service may, for carrier convenience, be handled by PGR in special trains. Said cars will not accrue additional charges.</p> <p>Special train charges are \$90.00 per mile with a minimum charge of \$5,500.00 in addition to freight and other applicable charges and will be charged to the party requesting the special train. Special train charges must be prepaid unless agreed otherwise by a previously executed contract.</p> <p>Circus, carnival, excursion, and other similar trains will only be handled pursuant to a previously executed contract.</p>
<p>ITEM 1020 [!]</p> <p align="center">LOADS REQUIRING CLEARING OF ADJACENT TRACKS</p> <p>Loads that because of excessive width or length require clearing tracks adjacent to the track on which said load moves will be assessed a charge of \$300.00 for each track cleared.</p>	<p>ITEM 1060 [!]</p> <p align="center">FAILURE TO STOW LOAD SECUREMENT DEVICES</p> <p>When a customer releases loaded or 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 PGR employees for safe movement, a charge of \$150.00 per car will be assessed to the party that released the car for movement.</p> <p>This item does not apply when said devices, because of mechanical defect, cannot be operated as designed, provided that PGR has been informed of the defect at or prior to the release of the car.</p> <p>This item will not obligate PGR to stow load securement devices. PGR may, at its discretion, consider the car or track <u>inaccessible if load securement devices are not properly stowed or secured.</u></p>
<p>ITEM 1030</p> <p align="center">IDLER OR TRAILER CARS</p> <p>Idler or trailer cars may be required by the engineering and/or operating departments of PGR, if in their judgment an idler or trailer car is required for safe operation.</p> <p>Idler or trailer cars will be subject to the same charges, rules, and regulations as are applied to loaded cars.</p>	
<p>For explanation of abbreviations and reference marks not explained herein, see Item 99999, this tariff.</p>	

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SECTION 1 MISCELLANEOUS RULES AND CHARGES	SECTION 1 MISCELLANEOUS RULES AND CHARGES
<p>ITEM 1070 REMOVAL OF SWITCH STANDS</p> <p>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.</p> <p>This item will also be applicable for removal of switch stands, signals, or signs for customer purposes other than clearing loads.</p>	<p>ITEM 1110 FOREIGN CARS LEASED BY ONLINE CUSTOMERS</p> <p>Customers must immediately inform PGR of cars leased from a foreign railroad for the customer's exclusive use.</p> <p>When online customers of PGR lease foreign railroad cars for their exclusive use, hourly payments will not be allowed.</p>
<p>ITEM 1080 RELOADING EQUIPMENT</p> <p>Shippers may not reload cars made empty by them without first obtaining permission from PGR.</p> <p>This item will not be applicable to private cars that the customer owns or leases.</p>	<p>ITEM 1120 DEMURRAGE</p> <p>All cars handled under this tariff consigned to industries, team tracks, or tracks located in Cannon Falls, MN, Faribault, MN, and Randolph, MN will be subject to the demurrage rules, charges, and regulations published in PGR 6004 - series.</p>
<p>ITEM 1090 FACILITIES CHARGES</p> <p>PGR may from time to time, at its 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 tariff or to an executed contract.</p>	<p>ITEM 1130 [R]</p> <p>SUBMITTING SHIPPING INSTRUCTIONS</p> <p>Shipping instructions for loaded or empty cars must be submitted via the Internet or another approved electronic method. A charge of \$20.00 will be assessed to the <u>billable party for each manual, Fax, or verbal submission</u>. Shipping instructions submitted by telephone will not be accepted.</p>
<p>ITEM 1100 CARS LOADED IN VIOLATION OF CAR DISTRIBUTION ORDERS</p> <p>A charge of \$575.00 per car will be assessed against the industry and/or carrier who violates the car distribution orders on file with UMLER placed on PGR owned or leased cars. This charge will be assessed for each occurrence and will be in addition to all other applicable charges.</p>	<p>ITEM 1140 [A]</p> <p>FURNISHING HEAT FOR UNLOADING SHIPMENTS IN TANK CARS</p> <p>PGR will furnish steam to heat freight in tank cars equipped with heater coils at points on PGR track where arrangements have been made in advance and where steam boilers are available at a charge of \$150.00 per day or fraction thereof. In addition to this charge, intra-terminal switch charges pursuant to Item 2050 herein will apply.</p> <p>If more than one heating service is required, charges referred to above will apply for each separate movement of the car and heating service.</p>
<p>For explanation of abbreviations and reference marks not explained herein, see Item 99999, this tariff.</p>	

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SECTION 1 MISCELLANEOUS RULES AND CHARGES	SECTION 2 SWITCHING RULES AND CHARGES
<p>ITEM 1150 [A]</p> <p align="center">STORAGE OF RAIL CARS</p> <p>To reduce potential charges which would otherwise apply, customers may, subject to track availability and at PGR's discretion, negotiate a rail car storage agreement with PGR for storage of rail cars on PGR trackage. Such agreements shall 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 PGR 6004 - Series.</p>	<p>ITEM 2000</p> <p align="center">SPECIAL SWITCHING OR UNSCHEDULED TRAIN SERVICE</p> <p>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 waiting time, but excluding time elapsed for the convenience of PGR).</p> <p>Special switching <u>and unscheduled train service</u> are subject to the availability of <u>PGR personnel</u> and equipment.</p>
<p>ITEM 1160 [A]</p> <p align="center">TEAM TRACK USAGE</p> <p>Existing team track service, including loading/unloading platforms and other non-exclusive PGR 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 PGR from all claims, costs, and expenses and to assume all risk, responsibility and 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.</p>	<p>ITEM 2010</p> <p align="center">SWITCHING EQUIPMENT BETWEEN INDUSTRY AND PGR FACILITY</p> <p>When <u>customer</u> owned or controlled cars or locomotives are switched by PGR between industry and a <u>PGR facility</u> for purposes of repairs, a charge of \$195.00 per car will be assessed <u>to customer</u>.</p>
<p>For explanation of abbreviations and reference marks not explained herein, see Item 99999, this tariff.</p>	

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SECTION 2 SWITCHING RULES AND CHARGES	SECTION 2 SWITCHING RULES AND CHARGES
<p>ITEM 2020</p> <p align="center">LAKEVILLE, MN SWITCHING DISTRICT, DESCRIPTION OF</p> <p>Wherever reference is made in this tariff or other instruments to the Lakeville, MN Switching District, said district includes all industry and team tracks located between the railroad crossing of 225th St. W. and the railroad crossing of Dodd Blvd. or any industry or team track that is connected directly or indirectly by an industrial lead track to said section of track.</p>	<p>ITEM 2040</p> <p align="center">INTRA-PLANT SWITCHING</p> <p>A charge of \$250.00 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 an authorized party 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 party requesting the switch. Intra-plant switching is at the convenience of PGR and shall be performed during the normal course of operations.</p> <p>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.</p>
<p>ITEM 2030</p> <p align="center">COMPANIES WITHIN THE LAKEVILLE, MN SWITCHING DISTRICT</p> <p>The following companies are included in the Lakeville Switching District. This listing will not be construed as a modification to the Lakeville Switching District as described in this tariff.</p> <p>84 Lumber Alcorn Beverage American Cast Iron Pipe Boise Cascade Carload Connection CH Carpenter Lumber ChemCentral Cloverleaf Cold Storage Covalence Plastics Custom Stud Drywall Supply GAF Materials General Transport Granse and Associates Headwaters Resources Kiehm Construction Lindbery Company Menasha Murphy Warehouse National Polymers Performance Office Papers United Building Centers Wausau Supply</p>	<p>ITEM 2050</p> <p align="center">INTRA-TERMINAL SWITCHING</p> <p>A charge of \$250.00 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 an authorized party from one track to another track within the switching limits of a single station. The Lakeville, MN Switching District will be considered a single station for the purposes of this item. Such charges shall be assessed against the party requesting the switch. Intra-terminal switching is at the convenience of PGR and will be performed during the normal course of operations.</p>
<p>For explanation of abbreviations and reference marks not explained herein, see Item 99999, this tariff.</p>	

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EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS	
ITEM 99999	
EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS ⁽¹⁾	
BOE	Bureau of Explosives
CFR	Code of Federal Regulations
Etc.	Et cetera
i.e.	that is
LB	pound
MN	Minnesota
N.A.	Not Applicable
OPSL	Official Railroad Station List, RAILINC, Agent
PGR	Progressive Rail, Inc.
RER	Official Railway Equipment Register (R.E.R. Publishing Corporation, Agent)
RIC	RAILINC, Inc.
RIC 6740	Freight Tariff 6740, specifying Heavy-Duty Flat Car Charges, RAILINC, Agent)
STB	Surface Transportation Board
STCC	Standard Transportation Commodity Code, RAILINC, Agent
UFC	Uniform Freight Classification
UMLER	Universal Machine Language Equipment Register
U.S.	United States of America
viz.	namely
[A]	Addition
[C]	Cancelled
[I]	Increase
[R]	Reduction
[NC]	Brought forward without change
(Underscored portion denotes addition change.)	
⁽¹⁾ The two character state abbreviations used in this tariff are those adopted by the postal departments of the United States and Canada.	

END