# SPOKANE, SPANGLE & PALOUSE RAILWAY, LLC



## FREIGHT TARIFF SSP 8001 (NEW)

# NAMING GENERAL CAR DEMURRAGE RULES AND CHARGES AND SWITCHING AND MISCELLANEOUS RULES AND CHARGES APPLYING

## ON ALL POINTS AND STATIONS ON THE SPOKANE, SPANGLE & PALOUSE RAILWAY, LLC

#### LOCAL FREIGHT TARIFF

This tariff is also applicable on intrastate traffic, except where expressly provided to the contrary in connection with particular items or rates.

ISSUED: August 15, 2019 EFFECTIVE: August 5, 2019

#### **ISSUED BY**

Frank Forlini
Director, Commercial Services
Spokane, Spangle & Palouse Railway, LLC
12930 I Street
Omaha, NE 68137

#### FT SSP 8001

TABLE OF CONTENTS		TABLE OF CONTENTS (Cont'd)		
DESCRIPTION	ITEM	DESCRIPTION	ITEM	
RULES AND REGULATIONS - GENERAL SECTION 2 - SWITCHING AND MISCELLANEOUS CHARGES				
Governing Classification	5	Weighing	200	
Station Lists and Conditions	10	Turning Cars	205	
Reference to Tariffs, Items, Notes, etc	15	Re-consignment or Diversion	210	
Consecutive Numbers	20	Intra-Plant Switching	215	
Method of Cancelling Items	25	Intra - Terminal Switching	220	
_		Special Switching	225	
RULES AND REGULATIONS - UNLIMITED		Special Train	230	
Empty Cars Order, but not used	35	Empty Cars Ordered or Supplied for specific	005	
Loaded Private Cars Held on Railroad Tracks	40	Destinations or Junctions	235	
Cars held for purposes other than Loading and Unloading	45	Overloaded Cars Definition	240	
Holidays	55	Overloaded Cars - Notification of	245	
SECTION 1 - GENERAL CAR DEMURRAGE RULES		Overloaded Cars at Origin  Overloaded Cars at other than Origin	250	
AND CHARGES			255	
Application	100	Overloaded Cars - Disposition of	260	
Demurrage Liability	105	Setback Charges for Cars Handled in Error	265	
Placement	110	Per Diem	270	
Free Time	115	Interchange Switching	275	
Demurrage Charges		SECTION 3 - LOCAL RATES:		
Notification	125	Freight, all kinds	300	
Releases	130	SECTION 4 - SURCHARGES:		
		Surcharge	400	
		SECTION 5 - CREDIT TERMS:		
		Credit Terms	500	
		Right to Sell Abandoned, Refused or Unclaimed Property	505	
		Payment of Charges - Non-Credit Customers	510	
		Finance Charges, Late Fees and Collections	515	
		Security Deposits	520	
		EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS	Page 9	
(Continued in next column)				
For explanation of terms, abbreviations and reference marks, see last page of tariff.				

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

#### ITEM 5

## DESCRIPTION OF GOVERNING CLASSIFICATION AND EXCEPTIONS

The terms "Governing Classifications" and "Uniform Freight Classification" when used herein, mean: Uniform Freight Classification 6000-Series, issued by National Railroad Freight Committee Agent.

#### **ITEM 10**

#### STATION LISTS AND CONDITIONS

This tariff is governed by Official Railroad Station List, Railinc, Agent, OPSL 6000-Series, to the extent below:

#### PREPAY REQUIREMENTS AND STATION CONDITIONS

- (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.
- (b) 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.

#### GEOGRAPHIC LIST OF STATIONS

For geographical locations of stations referred to in this tariff by station numbers.

#### STATION NUMBERS

For the identification of stations when stations are shown or referred to by numbers in this tariff.

#### **ITEM 15**

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

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.

#### **ITEM 20**

#### **CONSECUTIVE NUMBERS**

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.

If the first number only bears a reference mark, such reference mark also applies to the last number shown and to all numbers between the first and last numbers.

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

#### **ITEM 25**

#### METHOD OF CANCELLING ITEMS

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.

Example - Item 5-A cause's Item 5 and Item 10-B cancels Item 10-A in a prior supplement, which in turn, cancelled Item 10.

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

#### **ITEM 35**

## EMPTY CARS ORDERED OR APPROPRIATED FOR LOADING BUT NOT USED

When a car so 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 (See Item 120) 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.

#### **ITEM 40**

## LOADED PRIVATE CARS HELD ON RAILROAD TRACKS

The demurrage clock starts at the first 12:01 AM after the car is placed on hold. (See Item 120 for charges).

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

#### **ITEM 45**

## CARS HELD FOR PURPOSES OTHER THAN LOADING AND UNLOADING

Applicable to cars held:

- A. On orders of the loader or unloader.
- B. While awaiting proper disposition from the loader, unloader, or in connection with diversion request, or the freight payer.
- C. As a result of conditions attributable to the loader or unloader.

Computation: (See Items 120 for charges)

- A. Demurrage will be computed on the following from the first 12:01 AM:
  - After notification of actual or constructive placement until car is released, forwarding instructions are received, or disposition advice is received on:
    - (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 35 and 40, which is not attributable to the SSP.
  - 2. After a car is received by SSP until date and time of disposition on:
    - (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.
  - After notification is given to loader/beneficial owner until date of disposition of a refused loaded car.
  - After actual placement or car order date, which ever is later, until date and time of rejection, on empty cars rejected as being unsuitable for loading.

#### **ITEM 55**

#### **HOLIDAYS**

Wherever reference is made to "holidays", it shall mean only the days listed below:

New Year's Day (See Note). Good Friday Memorial Day Independence Day (See Note). Labor Day Thanksgiving Day

Thanksgiving Day Christmas (See Note)

NOTE: When this day occurs on a Sunday, the following Monday will be observed as the holiday.

## SECTION 1 GENERAL CAR DEMURRAGE RULES AND CHARGES

#### **ITEM 100**

#### **APPLICATION**

Except where provided to the contrary, Demurrage Rules and Charges contained herein apply to all railroad and privately-owned cars held for or by consignors (See Note 1) and consignees (See Note 2) for any purpose.

- Note 1 For the purpose of applying demurrage in Section 1, this tariff, Consignor includes any person receiving railcars from this railroad for loading as more specifically provided for in 49 CFR 1333.
- Note 2 For the purpose of applying demurrage in Section 1, this tariff, Consignee includes any person receiving railcars from this railroad for unloading as more specifically provided for in 49 CFR 1333.

#### **ITEM 105**

#### **DEMURRAGE LIABILITY**

Any person or entity receiving rail cars from this railroad for loading or unloading who detains the cars beyond the period of free time set forth herein will be held liable for any applicable demurrage if this railroad has provided that person or entity with actual notice of the demurrage rules and charges contained herein providing for such liability prior to the placement of rail cars. The notice shall be in written or electronic form.

#### **ITEM 110**

#### **PLACEMENT**

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.

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.

## SECTION 1 GENERAL CAR DEMURRAGE RULES AND CHARGES

#### **ITEM 115**

#### **FREE TIME**

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 110), and notification is given (See Item 125).

#### **ITEM 120**

#### **DEMURRAGE CHARGES**

On cars subject to demurrage charges after expiration of free time allowed (See Item 115), the following charges per car, per day, or fraction of a day, will be made until the car is released (See Item 130):

\$48.00 per day

The applicable charge will accrue on all days, except holidays (See Item 55) that fall as the first chargeable day.

#### **ITEM 125**

#### **NOTIFICATION**

Notification by industry of release of cars must be:

In writing, via Email to Clerk or Operations Manager of SSP at customerservice@ssprw.com

#### **ITEM 130**

#### **RELEASES**

A railcar is considered released only after billing instructions have been received in writing via e-mail, regardless of who is responsible for the billing.

#### SECTION 2 SWITCHING AND MISCELLANEOUS CHARGES

#### **ITEM 200**

#### **WEIGHING**

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.

#### **ITEM 205**

#### **TURNING CARS**

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.

#### **ITEM 210**

#### **RE-CONSIGNMENT OR DIVERSION**

\$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.

Shipper must provide SSP a new Bill of Lading as authority to move car.

#### **ITEM 215**

#### **INTRA-PLANT SWITCHING**

The SSP will perform intra-plant switching on loaded or empty cars at a charge of \$125.00 per car non- hazardous or \$150.00 per car hazardous (STCC Series 28,29,48,49).

Intra-plant switching is a switching movement from one track to another track within the same plant or industry, or from one location to another location on the same track within the same plant or industry.

#### **ITEM 220**

#### **INTRA-TERMINAL SWITCHING**

The SSP will perform intra-terminal switching on loaded or empty cars at a charge of \$200.00 per car.

Intra-terminal switching is a switching movement (other than intra-plant switching) from one private or assigned track to another private or assigned track of the same railroad, within the switching limits of same station or industrial switching district.

## SECTION 2 SWITCHING AND MISCELLANEOUS CHARGES

#### **ITEM 225**

#### **SPECIAL SWITCH**

\$1100.00 Per Request.

Additional \$250.00/hour, for services over 4 hours.

Requests must be received in writing prior to any movements being performed. The SSP will review all requests for special train and will approve or deny depending on railroad availability. (Over-sized / dimension leads handled on individual basis.)

#### **ITEM 230**

#### SPECIAL AND WORK TRAINS

\$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 SSP will review all requests for special train and will approve or deny depending on railroad availability. (Over-sized / dimensional loads handled on individual basis.)

#### **ITEM 235**

## EMPTY CARS ORDERED OR SUPPLIED FOR SPECIFIC DESTINATIONS OR JUNCTIONS

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:

\$500.00 Per car

This charge will be assessed by the SSP and there could be other charges imposed by the other roads involved or car owners.

#### **ITEM 240**

#### **OVERLOADED CARS DEFINITION**

A car will be considered overloaded when the weight of the lading thereof exceeds the maximum carrying capacity (load limit) stenciled on the car.

#### **ITEM 245**

#### **OVERLOADED CARS-NOTIFICATION OF**

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 SSP, with no other free time allowed.

#### SECTION 2 SWITCHING AND MISCELLANEOUS CHARGES

#### **ITEM 250**

#### **OVERLOAD CARS AT ORIGIN**

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.

#### **ITEM 255**

#### **OVERLOADED CARS AT OTHER THAN ORIGIN**

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.

#### **ITEM 260**

#### **OVERLOADED CARS-DISPOSITION OF**

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 12:01 A.M. after the first notification, SSP will, at our option, transfer the shipment, transfer the excess to another car or remove the excess and sell it to the best advantage.

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,

#### **ITEM 265**

#### SETBACK CHARGES FOR CARS HANDLED IN ERROR

A charge of \$150.00 per car will be assessed on cars interchanged to or from SSP due to error on the part of rail carrier making such interchange.

#### **ITEM 270**

#### **PER DIEM**

SSP does not pay private car mileage allowance on customer cars located on the SSP line. SSP does pay mileage to the BNSF.

## SECTION 2 SWITCHING AND MISCELLANEOUS CHARGES

#### **ITEM 275**

#### **INTERCHANGE SWITCHING**

The SSP will perform interchange switching between customers on the SSP and interchange with BNSF at Marshall, WA at the following charges (See Note 1):

COMMODITY	CHARGE (Per Car)
Freight, all kinds, excluding RSSM (See Note 2), and commodities listed below:	\$600.00
Barley (STCC 01 131)	\$450.00
Fertilizer (STCC 28 71)	\$600.00
Forest Products (STCC 24)	\$550.00
Lentils (STCC 01 343)	\$450.00
Peas (STCC 01 342)	\$450.00
Wheat (STCC 01 137)	(a) \$350.00 (b)(c) \$285.00 (b)(d) \$225.00
Butane, Propane & LPG STCC 2912110–2912112 2912120, 2912122, 2912125 2912128, 2912130, 2912131 2912181, 2912187, 2912190 STCC 4905419–4905439 4905446, 4905447, 4905457 4905702, 4905703, 4905706 4905707, 4905711, 4905715 4905731–4905735, 4905747 4905748, 4905750, 4905752 4905753, 4905756, 4905757 4905759, 4905766, 4905776 4905780–4905782, 4905784 4905788–4905791, 4908111 4908255, 490527	(d)\$200.00

- (a) Applies on Single Car shipments.
- (b) Applies on Unit Train shipments of 25 cars or more
- (c) Applies from or to all stations on the SSP, except Spangle, WA (See (d) below).
- (d) Applies from or to Spangle, WA.

Note 1: Unit Train Rates - Except where otherwise specifically provided for herein, the SSP will negotiate special rates on Unit Train movements. Unit Trains are defined as movements of 50 cars or more.

Note 2: Not applicable on commodities defined by the U. S. Transportation Security Administration as Rail Security-Sensitive Materials (RSSM) (See 49 CFR 1580.100(b))

\* Unit Train Traffic (Movement of 50 or more cars) can be negotiated independently of these rates at the sole discretion of the SSP.

#### SECTION 3 LOCAL RATES

(Not for use in construction combination rates)

#### **ITEM 300**

#### FREIGHT ALL KINDS

Freight all kinds, when moving locally on the SSP, will be moved at the rate of \$550.00 per car

#### SECTION 4 SURCHARGE

#### **ITEM 400**

#### SURCHARGE

In addition to the local rates and switching charges published herein, the following surcharges will be assessed on all traffic originating and terminating at points on the Spokane, Spangle & Palouse Railway:

\$50.00 per car on all traffic originating or terminated at points on the SSP

The above surcharge is to be paid by the rail user (i.e., receiver or consignee on inbound shipments, and shipper or consignor on outbound shipments), and to be collected by and accrue solely to the and Spokane, Spangle & Palouse Railway.

## SECTION 5 CREDIT TERMS

#### **ITEM 500**

#### **CREDIT TERMS**

SSP will issue credit to new customers on a case-by-case basis. Customers who have been granted credit from SSP must maintain a good standing by ensuring all invoices are paid within the agreed upon credit terms. In the event a Customer fails to make payments within agreed upon credit terms SSP at its sole discretion may require the customer to become a cash only customer. (See Item 510)

All charges are in US Dollars. All charges are cumulative, and may be assessed in any combination.

Except as otherwise set forth herein, all charges incurred hereunder shall be due within 15 days after the date of SSP's invoice therefor. Any dispute related to any invoice shall be presented by Customer no later then thirty (30) days after Customer's receipt of the invoice in question.

Customer may be billed for charges due to the actions of the Customer or other railroads. SSP may rebill to the party responsible for the payment of charges.

#### **ITEM 505**

## RIGHT TO SELL ABANDONED, REFUSED OR UNCLAIMED PROPERTY

Freight that is abandoned by the Consignor and Consignee, refused by the Consignor and the Consignee, or unclaimed within 15 days after notice is issued to the Consignor and Consignee may be sold by SSP. The proceeds of any sale will be applied to the payment of all transportation and other lawful charges and expenses incurred by SSP and any balance will be paid to the owner of the freight sold by SSP.

## SECTION 5 CREDIT TERMS

#### **ITEM 510**

#### **PAYMENT OF CHARGES - NON-CREDIT CUSTOMERS**

Customers who have not applied for and received credit approval with SSP, or who have had their credit suspended by SSP, must pay line-haul freight charges and other applicable fees IN FULL (i) prior to SSP's acceptance of a Shipment at origin if Tendered 'prepaid or (ii) prior to placement of a Shipment at destination if Tendered 'collect.

SSP may transport or Tender Shipments for non-credit Customers prior to receipt of payment of charges as otherwise specified here. In those instances, all charges are due upon receipt of the associated bill or invoice. Customers that fail to pay by the date specified will be assessed late fees and finance charges.

#### **ITEM 515**

#### FINANCE CHARGES, LATE FEES AND COLLECTIONS

SSP may assess a finance charge of 12% per year (or the maximum amount permitted by law) on charges that are not received by SSP when due and have not been disputed by Customer in writing and in good faith ("Undisputed Charges").

Late payments are subject to a 10% fee (or the maximum amount permitted by law) on the outstanding balance of any Undisputed Charges that are not received by SSP when due. The late fee is assessed in addition to the finance charge described above.

All expenses incurred by SSP to collect money owed, including, but not limited to, attorneys' fees, investigation and expert fees, and the costs of litigation shall be paid by the Customer.

#### **ITEM 520**

#### **SECURITY DEPOSITS**

A security deposit to insure payment of any demurrage, storage and other charges that may accrue will be required from every Customer who:

- 1. Is not on BDR's credit list or
- Fails to pay demurrage, storage and other charges after specific written demand referring to this tariff provision.

The deposit must be paid in cash, certified check, cashier's check or money order before any freight car is delivered to such Customer for Loading or Unloading. A deposit on one unit of equipment will not be transferable to another.

The deposit will be refunded after payment has been received for demurrage, storage and other charges on the corresponding equipment, should such charges have been incurred. The Customer's request for such refund must be made in writing to the SSP.

(Continued in next column)

#### FT SSP 8001

#### **SECTION 5 EXPLANATION OF ABBREVIATIONS AND CREDIT TERMS** REFERENCE MARKS ITEM 520 (Cont'd) ABBR/REF **EXPLANATION SECURITY DEPOSITS** ABBR Abbreviations If no refund request is received by that designated office **BNSF BNSF** Railway within thirty (30) days after the equipment is released, SSP FT Freight Tariff will refund the remainder of the deposit to the Customer Official Railroad Station List OPSL after deducting any unpaid demurrage, storage and other Reference Marks REF charges on that shipment. SSP Spokane, Spangle & Palouse Railway, LLC Deposits will no longer be required after the Customer STCC Standard Transportation Commodity Codes **UFC Uniform Freight Classifications** 1. Is placed on SSP's credit list, or [A] Addition/New 2. Has paid all outstanding charges, and has given assurance to the satisfaction of SSP's credit Increase officer that future charges will be paid within credit [NC] Brought forward without change, except as noted period of 15 consecutive days from the date on [R] Reduction the bill. & And Dollars (Underscored portion denotes change/addition.)