FT VSR 8200-C (Cancels FT VSR 8200-B)

# **V&S RAILWAY LLC**

# FREIGHT TARIFF VSR 8200-C

(Cancels Freight Tariff VSR 8200-B)

# CONTAINING

LOCAL RATES

ALSO

# **RULES, REGULATIONS, AND CHARGES**

GOVERNING

SWITCHING

**APPLYING AT AND BETWEEN** 

# STATIONS ON THE

# V & S RAILWAY LLC- MEDICINE LODGE SUBDIVISION

# 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: January 15, 2007

EFFECTIVE: February 5, 2007

ISSUED BY:

Steven Van Wagenen Vice President & General Manager P.O. Box 26421 Salt Lake City, UT 84126

(The provisions published herein, if effective, will not result in an effect on the quality of the human environment.)

# FT VSR 8200-C

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For explanation of terms and explanation of abbreviations an	d reference marks, see last page of tariff.

RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS - GENERAL	RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS - GENERAL	
ITEM 5	ITEM 45	
DESCRIPTION OF GOVERNING CLASSIFICATIONS	CAPACITY AND DIMENSIONS OF CARS	
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.	For marked capacities, length, dimension and cubical capacities of cars, see Official Railway Equipment Register, RER 6414 Services, issued by R.E.R. Publishing Corporations, Agent.	
ITEM 10		
STATION LISTS AND CONDITIONS	ITEM 50	
This tariff is governed by Official Railroad Station List, OPSL 6000-series, Railinc, Agent, to the extent below:	METHOD OF CANCELING ITEMS	
PREPAY REQUIREMENTS AND STATION CONDITIONS	As this tariff is supplemented, numbered items with letter suffixes cancel correspondingly numbered items in the	
(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.	original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequence starting with A. Example - Item 5-A cancels Item 5 and Item 10-B cancels	
When a station is abandoned as of a date specified in the above named tariff, the rates from and to such station as	Item 10-A in a prior supplement, which in turn, cancelled Item 10.	
published in this tariff are inapplicable on and after that date.	ITEM 60	
	EXPLOSIVES, DANGEROUS ARTICLES	
GEOGRAPHICAL LIST OF STATIONS (b) For geographical locations of stations referred to in this tariff by station numbers.	For rules and regulations governing the transportation of explosives and other dangerous articles of freight, and specifications for shipping containers and restrictions	
STATION NUMBERS	governing the acceptance and transportation of explosives and other dangerous articles, see Bureau of Explosives	
(c) For the identification of stations when stations are shown or referred to by numbers in this tariff.	Tariff BOE 6000-series.	
ITEM 20	ITEM 80	
REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.	PAYMENT AND CREDIT TERMS	
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.	All charges under this tariff must be prepaid, unless satisfactory arrangements with VSR have been made prior to performance of service. Charges for services rendered under terms of this tariff will accrue against the customer located on the VSR unless arrangements to the contrary have been made with VSR prior to performance of service.	
ITEM 30	All payments for service covered herein are due and	
CONSECUTIVE NUMBERS	payable within fifteen (15) days following the Freight Bill	
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.	date. Payments received after the expiration of the credit period shall be subject to a service charge of one and one- half percent (1.5%) per month (or fraction thereof) of the outstanding balance.	
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	SECTION 1
RULES AND REGULATIONS - UNLIMITED	SWITCHING AND MISCELLANEOUS CHARGES
ITEM 100	ITEM 200
	DESIMITION OF INTRA DI ANT, INTRA TERMINIAL AND
DEMURRAGE AND CAR SERVICE REGULATIONS AND CHARGES	DEFINITION OF INTRA-PLANT, INTRA-TERMINAL AND OTHER INTER-TERMINAL SWITCHING
Demurrage and car service regulations and charges will	INTRA-PLANT
apply in addition to the charges shown herein.	A switching movement from one location to another location
EXCEPTION-Where switching service is performed on	within the confines of an industry located on the VSR.
traffic moving under line-haul rates which are subject to	INTRA-TERMINAL
special detention charges and rules, the switching charges	A switching movement (other than intra-plant) from one
provided in this tariff will be subject to the same detention	location to another on the VSR, within the switching limits of
charges and rules as applicable in connection with the line- haul rates, and provisions of Freight Tariff ASLG 6004-	one station or industrial switching district.
series will not apply.	INTER-TERMINAL
	A switching movement between industry tracks on the VSR
ITEM 110	and interchange with connecting lines when within the switching limits of the same location.
CARS FURNISHED BUT NOT USED	ITEM 210
Except as otherwise provided in tariffs lawfully on file,	OVER LOADED CARS
when an empty car is (1) actually placed or constructively placed for loading, but is not used in subsequent	VCD will not accept care that are loaded in evenes of load
transportation service and is released empty, a charge of	VSR will not accept cars that are loaded in excess of load limit markings. When a car is found to be loaded in excess
\$200.00 per car in addition to applicable demurrage	of its stenciled load limit while enroute, it will be placed at or
charges will be made against the party ordering but not using the equipment.	near the location where the overload was discovered.
	Consignor shall arrange for disposition or, at carriers' convenience, the car may be returned to the shipper for
EXCEPTION-This charge will not apply when cars are	removal of the excess weight.
refused or rejected account of not being in proper condition for loading. This charge will also not apply when the	In addition to an eventeeded one observe of \$450.00 per
customer has agreed to reimburse the railroad for all car	In addition to an overloaded car charge of \$150.00 per overloaded car, consignor shall also be assessed for all
hire charges associated with the movement of the car.	extra services performed, including any additional switching
(1) The term actually placed or constructively placed as	charges to return the car to the consignor, charges for weighing the cars, and any charges assessed to VSR for
used herein is defined in Items 540 and 545-series of	delivering an overloaded car to connecting carriers.
Freight Tariff ASLG 6004-series.	, , , , , , , , , , , , , , , , , , ,
ITEM 120	VSR shall not maintain scales for weighing cars, but may contract weighing services with another carrier.
CHARGES ON CARS RECEIVED WITHOUT BILLING,	
OR WITH IMPROPER BILLING AT INTERCHANGE	The regular switching charge will be in addition.
POINTS	ITEM 220 FURNISHING CARS
When cars empty or loaded are received at an interchange	FORNISHING CARS
point by a carrier from its connection without proper billing	VSR will not undertake to furnish cars of any particular type,
(see Note), such cars will, upon the request of the delivering carrier, be returned, subject to a charge of	size or dimension when to be used in intra-plant, intra- terminal or inter-terminal switching.
\$100.00 per car for returning the loaded or empty car to the	
connections of the carrier making the request.	ITEM 230
NOTE-When instructions are not received within twenty-	NON-APPLICATION OF CHARGES IN CONNECTION
four (24) hours from time of receipt of car at connection, a hold charge of \$50.00 per car will be assessed thereafter	WITH LINE-HAUL
for each twenty-four (24) hours or fraction thereof until	The charges published in this Section will not apply in
instructions or billing is received.	connection with a line-haul.
For explanation of terms and explanation of abbreviations and	d reference marks, see last page of tariff.

### SECTION 1 SWITCHING AND MISCELLANEOUS CHARGES

# ITEM 240

### NON-APPLICATION IN COMBINATION WITH OTHER CHARGES

The charges published in this Section will not apply in combination with other charges in this Section between locations on the same railroad.

# ITEM 250

### NON-APPLICATION ON "ORDER NOTIFY," ETC., SHIPMENTS

Intra-plant, Intra-terminal or Inter-terminal switching service provided for herein will not be performed on shipments moving under order notify bills of lading or under straight bills of lading (including shipments consigned to one party, notify or advise another party) which carry a provision (see Section 4, Rule 7 of Uniform Freight Classification) (See Item 5), requiring the surrender of bill of lading, written order, or other document before making delivery.

# ITEM 260

### CHARGES FOR CARS OF FOUR (4) AND MORE THAN FOUR (4) AXLES

(a) Charges for intra-plant or intra-terminal switching at points on these lines will be confined in cars having no more than four (4) axles.

(b) When cars with more than four (4) axles are found in intra-plant, intra-terminal or inter-terminal service, the charges for such service will be 200% of that shown herein for the same service application on cars with four (4) axles.

ITEM 270

# SWITCHING FROM PRIVATE SIDE TRACKS TO HOLD TRACKS

The intra-terminal or inter-terminal switching charges in this section also apply on cars moved to hold or team tracks when billed to a consignee in care of freight agent at point where loaded.

#### SECTION 1 SWITCHING AND MISCELLANEOUS CHARGES

### **ITEM 280**

#### SPECIAL HANDLING SERVICE (Not subject to Item 260)

When a switching movement cannot be handled in regular train operation because of excess dimensions or weight, additional charge for special handling will be \$1,000.00 per car. This charge will be in addition to any other charge applicable to the movement. All car hire charges associated with the movement or delay on the line to accommodate loading /unloading shall also be charged.

# ITEM 285

# [I] SPECIAL TRAIN CHARGES

When upon request, special round-trip train service to Attica, KS will be provided at the rate of \$8,250.00 per train. Special train movement will only be arranged for with reasonable advance notice to the VSR, and only when the VSR determines that sufficient motive power and crews are available to provide such service. VSR reserves the right to restrict such trains to a maximum of 30 cars. All otherwise applicable line-haul charges will be in addition to the charges specified herein.

# ITEM 290

# CHARGE FOR USE OF SPECIAL EQUIPMENT

VSR will not furnish cars that are other than ordinary equipment for use in intra-plant, intra-terminal or interterminal switching service. In the event other than ordinary equipment is used, an additional charge of \$300.00 per car will be assessed. On joint-line movements, this charge will be assessed only once (see Exception).

ORDINARY EQUIPMENT MEANS:

(1) XM boxcars not exceeding 52 feet in length, inside measurement.

(2) FM flatcars, not over 54 feet in length and having capacity not over 180,000 pounds.

(3) Gondola cars having marked capacity not greater than 180,000 pounds, but not including gondola cars of any length equipped with covers, hoods, containers or cradle floors.

(4) Open-top hopper cars not exceeding 43 feet in length, inside measurement, and having marked capacity not exceeding 180,000 pounds.

(5) Shipper owned or leased cars.

EXCEPTION - Provisions of this item do not apply on a movement immediately prior or subsequent to a revenue line-haul movement and notation so stating is made by shipper on shipping document.

SECTION 1 SWITCHING AND MISCELLANEOUS CHARGES	SECTION 1 SWITCHING AND MISCELLANEOUS CHARGES
ITEM 300	ITEM 310
SWITCHING OF LOCOMOTIVES ON OWN WHEELS, BUT NOT UNDER OWN POWER	CHARGE FOR HEAVY DUTY FLAT CARS
Locomotives moving on own wheels, but not under own power, when moved from one location to another location within the same switching district will be assessed a charge of \$1000.00 per locomotive. If the locomotive is moved for turning, the charge will be applied in each direction. Maximum liability in all cases shall be \$100.00 per	When heavy-duty flat cars as defined in Tariff RIC 6740- series are used on shipments both originating and terminating within the same switching district, the following charges will be assessed: <u>USE CHARGE</u>
locomotive moved.	\$1,000.00 per car switching movement (not subject to any other switching charges published in this tariff).
ITEM 305	SPECIAL DETENTION CHARGES
SPECIAL SWITCHING SERVICE Special Switching Service is movement in other than normal service at the specific request of the shipper or consignee, or as may be required due to other conditions not permitted in normal operations.	When cars are held beyond the Free Time permitted in Tariff ASLG 6004-series charges therein will be assessed and in addition the following detention charges will be assessed for each twenty-four (24) hour period or fraction thereof beyond the authorized free time:
	CHARGES IN DOLLARS PER CAR
The charge for special switching service will be a minimum of \$600.00 for the first four hours, plus \$150.00 for each additional hour or fraction thereof over four (4) hours but not exceeding eight (8) hours per occurrence, and will be in addition to all other charges associated with the movement.	1st 24 hours - \$100.00       4th 24 hours - \$250.00         2nd 24 hours - \$150.00       5th 24 hours - \$300.00         3rd 24 hours - \$200.00       6th 24 hours and each         additional 24 hours - \$400.00
The time for the purposes of these charges is to be	NON-USE CHARGE
calculated from the time the crew goes on duty until the crew goes off duty. (The railroad reserves the right to restrict or modify any	When car is ordered, placed and released back to VSR without being used in transportation service, a charge of \$500.00 per car will be assessed and will be in addition to any detention charges that may accrue.
request for special switching service.)	ITEM 320
	TURNING OF CARS TO PERMIT UNLOADING
	<b>PART 1</b> Applicable only on cars loaded and unloaded within the switching limits of the station (including adjacent or contiguous switching of industrial districts) involved.
	(A) Except as provided in Paragraph (B), orders calling for placement of cars for unloading from a particular side or end will not be accepted when moving in intra-plant, intra-terminal or inter-terminal service.
	(B) Upon request of shipper for a car moving in intra- terminal switching service to be placed for unloading from a particular side or end, the VSR will perform such service at a charge of \$200.00 per car, which will be in addition to the applicable switching and special equipment penalty charge (See Note 1).
	NOTE 1 - Applicable only where WYE is located within the switching limits of the station (including adjacent or contiguous switching or industrial districts where intraterminal switching charges are in effect) involved.
	(Continued on next page)
For explanation of terms and explanation of abbreviations and	d reference marks, see last page of tariff.

### SECTION 1 SWITCHING AND MISCELLANEOUS CHARGES

ITEM 320 (Cont'd)

### TURNING OF CARS TO PERMIT UNLOADING

### PART 2

1. In instances where it is desired that freight in carloads be placed on delivery tracks for loading or unloading at stopoff points or destination from one particular side or end of car, cars must be properly placarded on both sides and notation made on Bill of Lading and waybill subsequently as follows: *"Deliver car for unloading from the door or end specified by placard".* 

2. On freight in carloads, not properly placarded on both sides of car to unload from one particular side or end of car which shipper or consignee, after initial placement of car, directs carrier to turn and return to the initial placement of car, directs carrier to turn and return to the same track for unloading from opposite side or end of car, the following shall apply:

### CHARGES (See Note 1)

- (a) If the car is turned at a WYE or a turntable within the same switching district, or the confines of an industry, \$200.00.
- (b) If the car must be moved to a WYE / turntable located outside the switching district, \$375.00.
- (c) If the car must be moved to the WYE or a turntable of a connecting railway, \$400.00 plus any switching or turning charges assessed by connecting railway.

NOTE 1 - If Bill of Lading carries a notation that car has been placarded and placard has disappeared before placement, the charge named therein will not apply.

# ITEM 330

# CHARGES FOR INTRA-PLANT AND INTRA-TERMINAL SWITCHING

Except as otherwise provided herein, VSR will assess the following charges in dollars per car for switching service as defined in Item 200.

INTRA-PLANT \$125.00

<u>INTRA-TERMINAL</u> When in Shipper Owned or Leased Equipment - \$200.00 When in other than Shippers Equipment - \$300.00

#### SECTION 1 SWITCHING AND MISCELLANEOUS CHARGES

# ITEM 340

When a car is weighed or reweighed either empty or loaded at the request of either consignor or consignee a charge of \$175.00 per car will be made each time the car is weighed, if such facilities are available.

**WEIGHING CHARGES** 

### **ITEM 350**

# HANDLING OF EMPTY FREIGHT CARS

Applies to all types of rail cars, included but not limited to cars provided by railroads, leased cars and cars bearing other than railroad reporting marks.

The charge for movement of empty cars shall be \$200.00 per car, per occurrence. VSR will not be responsible for the payment of any per diem or mileage charges. In no case shall VSR be responsible for switching charges of any kind. Any per diem, mileage or switch charges assessed to VSR for handling empty cars shall be assessed to the customer ordering the cars.

Empty cars, all types, will be moved without charge to or from facilities, stations, or interchange points served by the VSR, only when the empty movement is immediately preceded by or followed by a loaded revenue movement via VSR (maximum of 30 days between loaded and empty moves). In all other cases, the charges above will apply.

A new car or a newly acquired car moving prior to its first loaded move in commercial service and a car moving for sale, scrap, or storage will be moved on VSR subject to the charges above.

Empty car charges shall be assessed to the carrier delivering the cars to the VSR.

# **ITEM 360**

### HANDLING OF CARS DELIVERED IN BAD ORDER CONDITION

A charge of \$100.00 per car will be assessed against the carrier which delivers cars to the VSR that contain AAR/ FRA defects to cover the cost of extra handling.

# ITEM 365

### HANDLING OF CARS RECEIVED IN BAD ORDER CONDITION

A charge of \$100.00 per car will be assessed against the industry / shipper which offers cars to the VSR that contain AAR/FRA defects to cover the cost of extra handling. The industry / shipper will also be responsible for the costs of the car repairs at the current AAR pricing.

### SECTION 1 SWITCHING AND MISCELLANEOUS CHARGES

# ITEM 370

# HANDLING OF CARS DELIVERED IN ERROR

A charge of \$100.00 per car will be assessed against the carrier, which delivers cars to the VSR in error for return of these cars, loads or empties.

# ITEM 380

# **DIVERSION / RECONSIGNMENT**

When a shipper or the otherwise beneficial owner of a freight shipment desires to make a change in the billed consignee, or destination, or route, a charge of \$150.00 per car will apply. The charges herein shall be in addition to all other charges and accrue solely to VSR.

Reasonable effort will be made by VSR to issue instructions in accomplishing the desired change. However, VSR does not warrant, nor will be responsible for instructions received too late to be acted upon. If VSR is unsuccessful in carrying out the requested instructions, the charges applicable in connection with this item will not apply.

# ITEM 400

# LINE HAUL RATES

All line haul rates shall be published as appropriate tariffs, rate quotes and contracts. All line haul movements are interchanged with BNSF at Attica, KS.

# **SECTION 2**

**ITEM 500** 

# FREIGHT ALL KINDS

FREIGHT, ALL KINDS, unless otherwise provided for in this section or by separate contract, will be moved at the rate of \$400.00 per car plus applicable surcharges.

# FUEL SURCHARGE

# ITEM 520

#### [I] FREIGHT SURCHARGE – ALL INTERLINE FREIGHT

A surcharge of \$535.00 per carload will be assessed by VSR against the party paying the line-haul transportation charges to the billing carrier, on all originating or terminating traffic interchanged with the BNSF at Attica, KS.

Such surcharges shall be in addition to all other charges, including other surcharges and line-haul transportation charges, and shall accrue solely to the VSR.

# FUEL SURCHARGE

# ITEM 530

# FUEL SURCHARGE – ALL INTERLINE FREIGHT

A fuel surcharge shall be applied to all traffic moving on the V&S Railway, based on the changes in fuel pricing for the preceding quarter. Pricing is based on changes to the U.S. Retail On Highway Diesel Fuel ("HDF") prices for the U.S., as published online by the U.S. Department of Energy at :

http://tonto.eia.doe.gov/oog/info/wohdp/diesel.asp.

The surcharge rate shall be determined at the end of every quarter (March 31, June 30, September 30, and December 31), beginning with the quarter ending March 31, 2007. The base price utilized in calculating changes to the surcharge shall be \$2.70 per gallon.

The surcharge for any quarter will be calculated based on the average HDF price published on each Monday of the preceding quarter.

If the average HDF remains below \$2.700 per gallon, no fuel surcharge rate shall apply. If the average HDF price is above \$2.70 per gallon, the corresponding percentage (shown below) will be added to the rates published herein (Items 280, 285, 305, 310, 500, and 520.

Quarterly Avg. HDF Price Range	Fuel Surcharge
\$2.701 to \$2.800	1.0%
\$2.801 to \$2.900	2.0%
\$2.901 to \$3.000	3.0%
\$3.001 to \$3.100	4.0%

Each \$0.10 per gallon increase there after, apply an additional 1.0%.

The fuel surcharge shall be in addition to all other charges, including other surcharges and line-haul transportation charges, and shall accrue solely to the VSR.

**Example:** The surcharge for the months of April 2007 through June 2007 will be based on the average weekly HDF price during January 2007 through March 2007. If the average weekly HDF price were \$2.82/gallon, then the surcharge rate for April to June would be 2.0%. All switching and freight charges and other surcharges (Item 520) listed in this tariff would be increased by 2.0%.

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	ABBREVIATIONS & REFERENCE MARKS
	VSR - V & S Railway LLC
	BNSF - BNSF Railway Company OPSL - Open and Prepay Station List
	STCC - Standard Transportation Commodity Code
	UFC - Uniform Freight Classification
	<ul><li>\$ - Dollars</li><li>[I] - Denotes increase</li></ul>
	<ul> <li>[R] - Denotes reduction</li> <li>[C] - Denotes change in wording which results in</li> </ul>
	neither an increase nor reduction.