

**V&S RAILWAY INC  
d/b/a TOWNER RAILWAY**

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**FREIGHT TARIFF VST 8008 (NEW)**

**CONTAINING**

**LOCAL RATES**

**ALSO**

**RULES, REGULATIONS, AND CHARGES**

**GOVERNING**

**SWITCHING**

**APPLYING FROM, TO, BETWEEN**

**AND AT**

**STATIONS**

**ON THE VST**

**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: April 19, 2006**

**EFFECTIVE: May 1, 2006**

**ISSUED BY:**

Steven Van Wagner, Vice President  
V&S Railway  
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.)

<p><b>RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS - GENERAL</b></p>	<p><b>RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS - GENERAL</b></p>
<p><b>ITEM 5</b></p> <p style="text-align: center;"><b>DESCRIPTION OF GOVERNING CLASSIFICATION AND EXCEPTIONS</b></p> <p>The terms “Governing Classifications” and “Uniform Freight Classification” when used herein, mean: Uniform Freight Classification 6000-series, issued by National Railroad Freight Committee Agent.</p>	<p><b>ITEM 30</b></p> <p style="text-align: center;"><b>CONSECUTIVE NUMBERS</b></p> <p>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.</p> <p>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.</p>
<p><b>ITEM 10</b></p> <p style="text-align: center;"><b>STATION LISTS AND CONDITIONS</b></p> <p>This tariff is governed by Official Railroad Station List, OPSL 6000-series, Railinc, Agent, to the extent below:</p> <p style="text-align: center;"><b>PREPAY REQUIREMENTS AND STATION CONDITIONS</b></p> <p>(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.</p> <p>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.</p> <p style="text-align: center;"><b>GEOGRAPHICAL LIST OF STATIONS</b></p> <p>(b) For geographical locations of stations referred to in this tariff by station numbers.</p> <p style="text-align: center;"><b>STATION NUMBERS</b></p> <p>(c) For the identification of stations when stations are shown or referred to by numbers in this tariff.</p>	<p><b>ITEM 50</b></p> <p style="text-align: center;"><b>METHOD OF CANCELLING ITEMS</b></p> <p>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.</p> <p>Example-Item 5-A cancels Item 5 and Item 10-B cancels Item 10-A in a prior supplement, which in turn, cancelled Item 10.</p>
<p><b>ITEM 20</b></p> <p style="text-align: center;"><b>REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.</b></p> <p>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.</p>	
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

<p><b>RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS - UNLIMITED</b></p>	<p><b>SECTION 1 SWITCHING RULES AND CHARGES</b></p>
<p><b>ITEM 100</b></p> <p><b>DEMURRAGE AND CAR SERVICE REGULATIONS AND CHARGES</b></p> <p>Demurrage and car service regulations and charges will apply in addition to the charges shown herein.</p> <p>EXCEPTION-Where switching service is performed on traffic moving under line-haul rates which are subject to special detention charges and rules, the switching charges provided in this tariff will be subject to the same detention charges and rules as applicable in connection with the line-haul rates, and provisions of Freight Tariff ASLG 6004-series will not apply.</p>	<p><b>ITEM 200</b></p> <p><b>DEFINITION OF INTRA-PLANT, INTRA- TERMINAL AND INTER-TERMINAL SWITCHING</b></p> <p><u>INTRA-PLANT</u> A switching movement from one location to another location within the confines of an industry located on the VST.</p> <p><u>INTRA-TERMINAL</u> A switching movement (other than intra-plant) from one location to another on the VST, within the switching limits of one station or industrial switching district.</p> <p><u>INTER-TERMINAL</u> A switching movement between industry tracks on the VST and interchange with connecting lines when within the switching limits of the same location.</p>
<p><b>ITEM 110</b></p> <p><b>CARS FURNISHED BUT NOT USED</b></p> <p>Except as otherwise provided in tariffs lawfully on file, when an empty car is (1) actually placed or constructively placed for loading, but is not used in subsequent transportation service and is released empty, a charge of \$200.00 per car in addition to applicable demurrage charges will be made against the party ordering but not using the equipment.</p> <p>EXCEPTION-This charge will not apply when cars are refused or rejected account of not being in proper condition for loading.</p> <p>(1) The term actually placed or constructively placed as used herein is defined in Items 540 and 545-series of Freight Tariff ASLG 6004-series.</p>	<p><b>ITEM 210</b></p> <p><b>OVERLOAD CARS</b></p> <p>VST will not accept cars that are loaded in excess of load limit markings. When a car is found to be loaded in excess of its stenciled load limit while en route but before placement, it will be placed at or near location where overload is discovered and consignor requested to arrange for disposition, or at carriers' convenience it may be returned to the shipper for removal of the excess weight. For the extra service performed, the switching charge will be assessed which includes weighing. The regular switching charge will be in addition.</p>
<p><b>ITEM 120</b></p> <p><b>CHARGES ON CARS RECEIVED WITHOUT BILLING, OR WITH IMPROPER BILLING AT INTERCHANGE POINTS</b></p> <p>When cars empty or loaded are received at an interchange point by a carrier from its connection without proper billing (see Note), such cars will, upon the request of the delivering carrier, be returned, subject to a charge of \$100.00 per car for returning the loaded or empty car to the connections of the carrier making the request.</p> <p>NOTE-When instructions are not received within twenty-four (24) hours from time of receipt of car at connection, a hold charge of \$50.00 per car will be assessed thereafter for each twenty-four (24) hours or fraction thereof until instructions or billing is received.</p>	<p><b>ITEM 220</b></p> <p><b>FURNISHING CARS</b></p> <p>VST will not undertake to furnish cars of any particular type, size or dimension when to be used in intra-plant, intra-terminal or inter-terminal switching.</p>
<p>For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	<p><b>ITEM 230</b></p> <p><b>NON-APPLICABLE OF CHARGES IN CONNECTION WITH LINE-HAUL</b></p> <p>The charges published in this Section will not apply in connection with a line-haul.</p>

<p style="text-align: center;"><b>SECTION 1 SWITCHING RULES AND CHARGES</b></p>	<p style="text-align: center;"><b>SECTION 1 SWITCHING RULES AND CHARGES</b></p>
<p><b>ITEM 240</b></p> <p style="text-align: center;"><b>NON-APPLICATION IN COMBINATION WITH OTHER CHARGES</b></p> <p>The charges published in this Section will not apply in combination with other charges in this Section between locations on the same railroad.</p>	<p><b>ITEM 300</b></p> <p style="text-align: center;"><b>SWITCHING OF LOCOMOTIVES ON OWN WHEELS, BUT NOT UNDER OWN POWER</b></p> <p>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. If the locomotive is moved for turning, the charge will be applied in each direction.</p>
<p><b>ITEM 250</b></p> <p style="text-align: center;"><b>NON-APPLICATION ON "ORDER NOTIFY," ETC., SHIPMENTS</b></p> <p>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.</p>	<p><b>ITEM 305</b></p> <p style="text-align: center;"><b>SPECIAL SWITCHING SERVICE</b></p> <p>Special Switching Service is a 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.</p> <p>The charge for a special switching service will be a minimum of \$1000.00 for the first four hours, plus \$250 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.</p> <p>The time for the purposes of these charges is to be calculated from the time the crew goes on duty until the crew goes off duty.</p> <p>(The railroad reserves the right to restrict or modify any request for special switching service.)</p>
<p><b>ITEM 290</b></p> <p style="text-align: center;"><b>CHARGE FOR USE OF SPECIAL EQUIPMENT</b></p> <p>VST will not furnish cars that are other than ordinary equipment for use in intra-plant, intra-terminal or inter-terminal switching service. In the event other than ordinary equipment is used, an additional charge of \$300.00 will be assessed. On joint-line movements, this charge will be assessed only once (see Exception).</p> <p><b>ORDINARY EQUIPMENT MEANS:</b></p> <ol style="list-style-type: none"> <li>(1) XM boxcars not exceeding 52 feet in length, inside measurement.</li> <li>(2) FM flatcars, not over 54 feet in length and having capacity not over 180,000 pounds.</li> <li>(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.</li> <li>(4) Open-top hopper cars not exceeding 43 feet in length, inside measurement, and having marked capacity not exceeding 180,000 pounds.</li> <li>(5) Shipper owned or leased cars.</li> </ol> <p><b>EXCEPTION-</b>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.</p>	<p><b>ITEM 310</b></p> <p style="text-align: center;"><b>CHARGE FOR HEAVY DUTY FLAT CARS</b></p> <p>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:</p> <p style="text-align: center;"><u>USE CHARGE</u></p> <p>\$1,000.00 per car switching movement (not subject to any other switching charges published in this tariff).</p> <p style="text-align: center;">(Continued on next page)</p>
<p style="text-align: center;">For explanation of terms and explanation of abbreviations and reference marks, see last page of tariff.</p>	

<p align="center"><b>SECTION 1 SWITCHING RULES AND CHARGES</b></p>	<p align="center"><b>SECTION 1 SWITCHING RULES AND CHARGES</b></p>														
<p><b>ITEM 310</b> (Cont'd)</p> <p align="center"><b>CHARGE FOR HEAVY DUTY FLAT CARS</b></p> <p align="center"><u>SPECIAL DETENTION CHARGES</u></p> <p>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:</p> <table border="0"> <thead> <tr> <th align="center" colspan="2"><u>CHARGES IN DOLLARS PER CAR</u></th> </tr> </thead> <tbody> <tr> <td>1<sup>ST</sup> 24 hours</td> <td>\$100.00</td> </tr> <tr> <td>2<sup>nd</sup> 24 hours</td> <td>\$150.00</td> </tr> <tr> <td>3<sup>rd</sup> 24 hours</td> <td>\$200.00</td> </tr> <tr> <td>4<sup>th</sup> 24 hours</td> <td>\$250.00</td> </tr> <tr> <td>5<sup>th</sup> 24 hours</td> <td>\$300.00</td> </tr> <tr> <td>6<sup>th</sup> 24 hours and each subsequent 24 hours</td> <td>\$400.00</td> </tr> </tbody> </table> <p align="center"><u>NON-USE CHARGE</u></p> <p>When car is ordered, placed and released back to VST 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.</p>	<u>CHARGES IN DOLLARS PER CAR</u>		1 <sup>ST</sup> 24 hours	\$100.00	2 <sup>nd</sup> 24 hours	\$150.00	3 <sup>rd</sup> 24 hours	\$200.00	4 <sup>th</sup> 24 hours	\$250.00	5 <sup>th</sup> 24 hours	\$300.00	6 <sup>th</sup> 24 hours and each subsequent 24 hours	\$400.00	<p><b>ITEM 320</b> (Cont'd)</p> <p align="center"><b>TURNING OF CARS TO PERMIT UNLOADING</b></p> <p align="center">PART 2</p> <p>1. In instances where it is desired that freight in carloads be placed on delivery tracks for loading or unloading at stop-off 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:</p> <p>Deliver car for unloading from the door or end specified by placard.</p> <p>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 same track for unloading from opposite side or end of car, the following shall apply:</p> <p align="center">CHARGES (See Notes 1 and 2, Part 2)</p> <p>(a) If the car is turned at a WYE or a turntable within the confines of an industry, apply published intra-plant switching charges, but in no case less than \$110.00.</p> <p>(b) If the car is turned at a WYE or a turntable within the same switching district, but outside the confines of the industry, \$200.00.</p> <p>(c) If the car must be moved to a WYE or a turntable located outside the switching district and the roundtrip distance to and from the WYE or the turntable is 100 miles or less, \$375.00.</p> <p>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.</p> <p>NOTE 2-If the line-haul rate is lower than the charge for turning of the car, the line-haul rate will be assessed.</p>
<u>CHARGES IN DOLLARS PER CAR</u>															
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<p><b>ITEM 320</b></p> <p align="center"><b>TURNING OF CARS TO PERMIT UNLOADING</b></p> <p align="center">PART 1</p> <p>Applicable only on cars loaded and unloaded within the switching limits of the station (including adjacent or contiguous switching of industrial districts) involved.</p> <p>(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.</p> <p>(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 VST 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, Part 1).</p> <p>NOTE 1-Applicable only where WYE is located within the switching limits of the station (including adjacent or contiguous switching or industrial districts where intra-terminal switching charges are in effect) involved.</p> <p align="center">(Continued in next column)</p>															
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**FT VST 8008**

SECTION 1 SWITCHING RULES AND CHARGES	SECTION 3 LOCAL AND RULE 11 CHARGES																		
<p><b>ITEM 330</b></p> <p align="center"><b>CHARGES FOR INTRA-PLANT AND INTRA-TERMINAL SWITCHING</b></p> <p>Except as otherwise provided herein, VST will assess the following charges in dollars per car for switching service as defined in Item 200.</p> <p align="center">INTRA-PLANT \$125.00</p> <p align="center">INTRA-TERMINAL When in Shipper Owned or Leased Equipment -\$200.00. When in other than Shippers Equipment - \$300.00.</p> <p align="center">INTER-TERMINAL \$350.00</p>	<p><b>ITEM 500</b></p> <p align="center"><b>FREIGHT ALL KINDS</b> (Subject to Item 520 - Minimum Tender)</p> <p>FREIGHT, ALL KINDS, when moving locally on the VST, will be moved at the rate of \$400.00 per car.</p>																		
<p><b>ITEM 340</b></p> <p align="center"><b>INTERMEDIATE SWITCHING</b> (Subject to Item 520 - Minimum Tender)</p> <p>VST will perform intermediate switching between BNSF or UP at NA Junction, CO and KO at Towner, CO at the following charges:</p> <p>All traffic, except aggregates, hazardous materials cars</p> <table border="0"> <tr> <td>Chemicals, fertilizer and grain.....</td> <td>\$500.00 per car</td> </tr> <tr> <td>Aggregate Traffic.....</td> <td>\$300.00 per car</td> </tr> <tr> <td>Chemicals.....</td> <td>\$700.00 per car</td> </tr> <tr> <td>Fertilizer.....</td> <td>\$600.00 per car</td> </tr> <tr> <td>Grain Traffic.....</td> <td>\$400.00 per car</td> </tr> <tr> <td>Hazardous Materials.....</td> <td>\$1000.00 per car</td> </tr> </table>	Chemicals, fertilizer and grain.....	\$500.00 per car	Aggregate Traffic.....	\$300.00 per car	Chemicals.....	\$700.00 per car	Fertilizer.....	\$600.00 per car	Grain Traffic.....	\$400.00 per car	Hazardous Materials.....	\$1000.00 per car	<p><b>ITEM 505</b></p> <p align="center"><b>ZONE STATIONS</b></p> <p>Zone 1 stations are those stations west of Haswell to NA Junction.</p> <p>Zone 2 stations are those stations from Haswell to Towner.</p>						
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<p align="center"><b>SECTION 2</b> <b>WEIGHING RULES AND CHARGES</b></p>	<p><b>ITEM 510</b></p> <p align="center"><b>RULE 11 RATES</b> (Subject to Item 520 - Minimum Tender)</p> <p>For traffic originating or terminating on the VST, the following rates will apply:</p> <p>All traffic, except aggregates, hazardous materials</p> <table border="0"> <tr> <td>Chemicals, fertilizer and grain.....</td> <td>\$400.00 per car</td> </tr> <tr> <td>Aggregate Traffic.....</td> <td>\$200.00 per car</td> </tr> <tr> <td>Chemicals.....</td> <td>\$600.00 per car</td> </tr> <tr> <td>Fertilizer.....</td> <td>\$500.00 per car</td> </tr> <tr> <td>Hazardous Materials.....</td> <td>\$900.00 per car</td> </tr> <tr> <td>Grain Traffic – 7 Car Block.....</td> <td>\$350.00 per car</td> </tr> <tr> <td>Grain Traffic – 10 Car Block.....</td> <td>\$300.00 per car</td> </tr> <tr> <td>Grain Traffic – 25 Car Block.....</td> <td>\$250.00 per car</td> </tr> <tr> <td>Grain Traffic – less than 7 cars ....</td> <td>\$400.00 per car</td> </tr> </table> <p>* The above rates apply when traffic originates and terminates within the same station zone. For all traffic that originates in one station zone and terminates in another station zone, including interchange traffic, a \$100.00 per car fee will be added to the above rate.</p>	Chemicals, fertilizer and grain.....	\$400.00 per car	Aggregate Traffic.....	\$200.00 per car	Chemicals.....	\$600.00 per car	Fertilizer.....	\$500.00 per car	Hazardous Materials.....	\$900.00 per car	Grain Traffic – 7 Car Block.....	\$350.00 per car	Grain Traffic – 10 Car Block.....	\$300.00 per car	Grain Traffic – 25 Car Block.....	\$250.00 per car	Grain Traffic – less than 7 cars ....	\$400.00 per car
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<p><b>ITEM 400</b></p> <p align="center"><b>WEIGHING CHARGES</b></p> <p>When a car is weighed or reweighed either empty or loaded at the request of either consignor or consignee, a charge of \$250.00 per car will be made each time the car is weighed, if scale is available.</p>	<p><b>ITEM 520</b></p> <p align="center"><b>MINIMUM TENDER</b></p> <p>All traffic moving of VST, including Items 340, 500 and 510, are subject to a minimum movement of seven cars. For any car movement of less than seven cars, Item 305 applies.</p>																		
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**FT VST 8008**

<b>EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS</b>	
<p>FT - Freight Tariff VST - V&amp;S Railway BNSF - BNSF Railway Railway UP - Union Pacific Railroad KO - Kansas and Oklahoma Railway OPSL - Open and Prepay Station List RIC - Railinc STCC - Standard Transportation Commodity Code UFC - Uniform Freight Classification &amp; - And \$ - Dollars [A] - Addition [C] - Denotes change in wording which results in neither an increase nor reduction [I] - Denotes Increase [NC] - Brought forward without change [R] - Denotes Reduction</p>	

END