

SD 1100

RULES AND OTHER GOVERNING PROVISIONS, GENERAL RULES AND REGULATIONS

SAVAGE DAVENPORT RAILROAD COMPANY

FREIGHT TARIFF SD 1100

GENERAL RULES AND CHARGES

APPLYING

AT

ALL STATIONS ON THE

SAVAGE DAVENPORT RAILROAD COMPANY

General Rules Tariff

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Issued By:

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Midvale, UT

For the Accounts of

Savage Davenport Railroad Company

RULES AND OTHER GOVERNING PROVISIONS, GENERAL RULES AND REGULATIONS

SECTION 1

ITEM 5 REFERENCES TO TARIFFS, ITEMS, NOTES, RULES, ETC

Where reference is made in this tariff, rate publications, to tariffs, items, notes, rules, etc., such references are continuous and include supplements to and successive issues of such tariffs and rate publications and reissues of such items, notes, rules, etc.

ITEM 10 PARTICIPATING CARRIERS

Savage Davenport Railroad (SD)

ITEM 15 GLOSSARY OF TERMS

For the purpose of applying provisions of this tariff, the following are defined and will govern:

ACTUAL PLACEMENT - When a car is placed in an accessible position for loading or unloading or at a point designated by the consignor or consignee.

CONSIGNEE - The party to whom a shipment is consigned or the party entitled to receive the shipment.

CONSIGNOR - The party in whose name cars are ordered or the party who furnished forwarding directions.

CONSTRUCTIVE PLACEMENT - When a car cannot be actually placed because of a condition attributable to the consignor or consignee, such car will be held on SD tracks and notice will be given to the consignor or consignee that the car is held and SD is unable to effect actual placement. Such cars which have been placed by SD on private or other than public delivery tracks, including lead tracks serving the consignor or consignee will be considered constructively placed without notice.

DISPOSITION - Information, including forwarding instructions or release, which allows the railroad to either tender or release the car from the consignor's or consignee's account.

DIVERSION - An order from the consignor to deliver the car to other than the original destination.

EMPTY CARS ORDERED AND NOT USED - Empty cars ordered placed for loading and not used in transportation service.

EMPTY RELEASE INFORMATION - Advice by consignee given to authorized personnel of SD, that car is unloaded and available to SD. Information given must include identity of consignee, party furnishing data, car initial and number. All empty and loaded billing will be transmitted to Canadian Pacific Railway (CPR) using the approved CPR system. Releases using CPR system will not trigger waybill to be sent to SD. Customer must email SD directly using sdrailroad@savageservices.com email address.

FORWARDING INSTRUCTIONS - Shipping instructions given to SD at the point of loading, containing all of the necessary information to transport the shipment to the final destination.

INTRA-PLANT SWITCHING - A switching movement from one track to another within the same plant or industry, or from one location on the same track within the same plant or industry.

INTRA-TERMINAL SWITCHING - A switching movement (other than intra-plant switching) from one track to another track of the same railroad, or between the tracks of an industry and the track of the railroad or between the tracks of two separate industries served by the same railroad.

LEASED TRACK - Any trackage assigned to a user through written agreement. Leased track will be treated the same as private track on the tariff.

LOADING - The complete or partial loading of a car in conformity with CPR loading and clearance rules, and the furnishing of forwarding instructions.

LOADED CAR - A car that is completely or partially loaded.

NOTIFICATION - When required, notification will be furnished, either in writing or verbal, to all parties entitled to receive notification.

RULES AND OTHER GOVERNING PROVISIONS, GENERAL RULES AND REGULATIONS

OTHER THAN PUBLIC DELIVERY TRACK -Any trackage assigned for individual use, including privately owned or leased track.

PARTIAL UNLOADING - The partial unloading of a car and the furnishing of forwarding instructions.

PRIVATE CAR - A car bearing other than railroad reporting marks and which is not a railroad-controlled car.

PUBLIC DELIVERY TRACK - Any track open to the general public for loading and unloading.

RAILROAD-CONTROLLED CAR - A car bearing other than SD railroad reporting marks provided to the railroad directly by car companies or others for use by the railroad in serving any of its customers.

RECONSIGNMENT- An order from the consignor to bill a car from a party other than the original consignee. (An order to turn over the car to another party, that does not require an additional movement of the car, is not a reconsignment).

REFUSED LOADED CAR - When the original loaded car is refused at destination without being unloaded.

RELOADING - When a car is held for loading after being released as an empty.

RESHIPMENT - A new document by which the entire original shipment is forwarded in the same car to another destination.

STOPPED IN TRANSIT - When cars are held enroute because of any condition attributable to the consignor or consignee, or owner.

TOXIC INHALATION HAZARD (TIH)/ POISON INHALATION HAZARD (PIH) – means any product considered toxic or poisonous by inhalation in the Canadian Transportation of Dangerous Goods Regulations, the United States Hazardous Materials Regulations.

UNLOADING - The complete unloading of a car and advice received from consignee that the car is empty and available to the railroad.

ITEM 20 HOLIDAYS

SD will observe the following holidays:

New Year's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Day after Thanksgiving

Christmas Eve

Christmas Day

RULES AND OTHER GOVERNING PROVISIONS, GENERAL RULES AND REGULATIONS

SECTION 2

ITEM 25 APPLICATION OF GOVERNING PROVISIONS, GENERAL RULES AND REGULATIONS

- A. Applicable at all stations on SD.
- B. The disposition of a car at its point of detention determines the purpose for which the car is held and the rules applicable thereto.
- C. All railroad and privately owned cars held for or by consignors or consignees are subject to demurrage rules and charges contained in this tariff, except the following:
 - 1. Cars for loading or unloading of SD company material while held on SD tracks or private sidings connecting therewith.
 - 2. Cars of refused or unclaimed freight to be sold by SD for the time held beyond legal requirements.
 - 3. Cars assigned to shippers returned empty to point of assignment, to the extent storage rules apply.
 - 4. Cars moving on own wheels under transportation charges as freight.
 - 5. Cars of railroad ownership, leased for storage of commodities, while on lessee's tracks.
 - 6. Loaded private cars held on private tracks.
 - 7. Empty private cars held on private tracks.
 - 8. Private cars specially equipped for handling welded railroad rail held for loading or unloading such rail.
 - 9. Empty cars ordered and rejected as unsuitable for loading.

ITEM 30 NOTIFICATION TO CONSIGNOR OR CONSIGNEE

- A. The following notifications will be furnished as indicated:
 - 1. Cars for other than Public Delivery Tracks:
 - a. Notice of constructive placement if cars are held on SD tracks due to reasons attributable to the consignor or consignee.
 - b. Delivery of car upon tracks of consignee will constitute notice.
 - 2. Cars for Public Delivery Tracks:
 - a. Notice will be given to the party entitled to receive notification when car is actually placed.
 - 3. Cars Stopped in Transit:
 - a. Notice will be given to the consignor, consignee or owner responsible for the car being stopped upon arrival of the car at the point of stoppage.
 - 4. Refused Loaded Car:
 - a. When a loaded car is refused at destination, SD will give notice of such refusal to the CPR which will notify the consignor or owner.
- B. Notification may be given in writing or electronically, and will contain the following:
 - 1. Car initials and number
 - 2. If lading transferred enroute, the initials and number of the original car.
 - 3. Commodity.

ITEM 35 NOTIFICATION OF CAR RELEASE

- A. Empty release information shall be provided to CPR with copy to SD and must be in writing by either facsimile device or via email to the local office. Phone releases will not be accepted and cars will remain on demurrage subject to SD 1100 Series General Rules Tariff.
- B. Loaded release information shall be provided to CPR with copy to SD in the form of a shipper's Bill of Lading with complete forwarding instructions.
- C. When electronic or mechanical devices are used to furnish notification to railroad, the recorded date and time that instructions are given will govern.

RULES AND OTHER GOVERNING PROVISIONS, GENERAL RULES AND REGULATIONS

ITEM 40 FREE TIME

The customer will be allowed twenty four (24) hours free time for loading and twenty four (24) hours free time for unloading. Free time will be computed from the first 12:01 AM after actual or constructive placement.

ITEM 45 RAILCARS HELD, STAGED, OR UNABLE TO CONTINUE CHARGE

Cars held or staged will be allocated no free time or credit and are subject to the applicable asset use fees as indicated in Items 80 and 90 immediately upon being held or staged. Free time will not apply. Some examples of reasons why cars are held or staged include:

- Customer request to have cars held or staged
- Cars cannot continue moving to destination due to safety or maintenance issue at facility which has been identified by SD, communicated to customer, but not corrected
- Customer has been embargoed

ITEM 50 FIRST PLACEMENT CONSTITUTES DELIVERY

When cars are placed for loading and unloading on assigned sidings, leased tracks, warehouses or industries, such placement shall constitute delivery of the car for loading or unloading. Any subsequent switching movement will be subject to an intra-terminal or intra-plant switch charge per car.

ITEM 55 CARS HELD FOR LOADING OR UNLOADING (NOT APPLICABLE TO PRIVATE CARS)

Loading or unloading is the complete or partial loading of a car in conformity with CPR loading and clearance rules, and the furnishing of forwarding instructions.

TENDER:

This notification, actual or constructive placement of an empty or loaded car placed on orders of the consignor.

RELEASE:

- A. Date and time forwarding instructions are received.
- B. Cars placed on interchange tracks of a consignor doing its own switching, also must be returned to the interchange track for release.
- C. Cars found to be improperly loaded, overloaded or unloaded will not be considered released until the load has been adjusted properly.

COMPUTATION:

- A. Time will be computed from the first 12:01 AM after actual or constructive placement until release.
- B. If the car is placed prior to date for which it was ordered, time will be computed from the first 12:01 AM after the date for which it was ordered until its release.
- C. On reloaded cars, time will be computed from the first 12:01 AM after notice is received that the car is empty until release.

RULES AND OTHER GOVERNING PROVISIONS, GENERAL RULES AND REGULATIONS

SECTION 3

ITEM 60 CARS HELD FOR BILLING OR FORWARDING INSTRUCTIONS CHARGE

When on shipper's instructions cars are removed from an industry and are held by SD awaiting forwarding instructions, a charge of \$125 per car per day will be assessed against the party responsible for furnishing the forwarding instructions.

ITEM 65 TURNING CARS CHARGE

SD does not have the physical capability to turn cars. Any requests for cars to be turned after they have been delivered to SD will require cars to be sent back to the CPR for turning. The CPR will assess any associated charges with the returned cars and associated cost of turning. Cars received that must be returned to CPR to be turned will be charged \$100 per car; any applicable CPR charges to turn cars are not included.

ITEM 70 EMPTY CARS ORDERED, BUT NOT LOADED CHARGE

If a railcar order is placed for empty cars to be spotted for loading and the service of constructive or actual placement has been performed and the cars are subsequently released back to SD without being loaded and billed, the published intra-terminal or intra-plant switching charge per car, in addition to applicable demurrage charges, will be assessed to the party ordering the equipment.

If instructions are received to cancel the car order while cars are enroute, but have not yet been constructively or actually placed, a charge of \$175 per car will be assessed.

ITEM 75 CARS RELEASED NOT READY TO PULL CHARGE

Should a customer of SD release a car, which causes the dispatch of a train to pick up the car, and the equipment is not ready to pull, SD will assess a charge of \$225, in addition to any and all other applicable charges.

ITEM 80 PRIVATE CARS AND RAILROAD CARS HELD FOR OTHER THAN LOADING OR UNLOADING CHARGE

When cars, loaded or empty, railroad or private, on orders, awaiting proper disposition, or as a result of conditions attributable to the consignor or consignee are held on railroad or leased tracks, they will be subject to a daily storage charge as follows:

Railroad Cars \$80 per day

Private Cars \$60 per day

Time will begin immediately upon placement of cars on railroad owned or leased track.

ITEM 85 OVERLOADED CARS AT ORIGIN CHARGE

When a car is found to be overloaded, the shipper will be notified and given the opportunity to take corrective action, subject to a charge of \$500 per car. In addition, an \$80 per car per day storage fee will be assessed for every day the car remains in overloaded status.

ITEM 90 DEMURRAGE CHARGE

After expiration of free time allowed, the below charge(s) will apply on a per-car per-day basis and will be assessed until car is released. A portion of a day is counted as one day. Demurrage charges will accrue on all Saturdays, Sundays, and Holidays subsequent to the first chargeable day.

COMPUTATION:

- A. Time will be computed from the first 12:01 AM after actual or constructive placement until release.
- B. On cars reloaded on SD, time will be computed from the first 12:01 AM after notice is received that the car is empty until car is released.

CHARGES:

SD 1100

RULES AND OTHER GOVERNING PROVISIONS, GENERAL RULES AND REGULATIONS

Railway supplied cars on SD track:

- A. \$80 per car per day for non-hazardous materials
- B. \$160 per car per day for hazardous materials (not including TIH/PIH)
- C. \$2,000 for loaded or residue empties of TIH/PIH

Private cars on SD track:

- A. \$60 per car per day for non-hazardous materials
- B. \$160 per car per day for hazardous materials (not including TIH/PIH)
- C. \$2,000 for loaded or residue empties of TIH/PIH

ITEM 95 INTRA-PLANT SWITCHING CHARGE

The SD will perform intra-plant switching at a charge of \$175 per car.

ITEM 100 INTRA-TERMINAL SWITCHING CHARGE

When a car must be moved within a SD yard or moved one way between a SD yard and a local SD-served facility. Some examples include:

- A car that could not be placed at a customer facility and had to be brought back to the yard
- An empty car suitable for loading that is released without being loaded
- A car on SD tracks that requires additional switching to address a customer issue
- A car moved into a short term holding area because it has been dwelling beyond ninety six hours (96) for reasons attributable to the customer, and the subsequent movement out of the holding area.

The SD will perform intra-terminal switching at a charge of \$350 per car.

ITEM 105 INCIDENTAL SWITCHING CHARGE

When cars within the customer facility or industry which were not requested to be switched, must be moved to carry out the customer's car movement instructions, an incidental switch charge will apply. The SD will perform an incidental switch at a charge of \$175 per car.

ITEM 110 UNABLE TO PICK-UP CARS CHARGE

When SD has been asked to perform a specific service at a customer facility, such as picking-up or weighing a railcar, and the car is not ready or SD is unable to access a specific car, a charge of \$80 will apply.

ITEM 115 SPECIAL SWITCHING SERVICE CHARGE

When requested to, and approved by, SD in writing (twenty four (24) hours in advance for service Monday- Friday, forty eight (48) hours for service on Saturday and Sunday) to perform industrial switching outside of, or in addition to, normal operating hours, such service will be subject to the charges provided herein plus an additional charge of \$1,000 for up to four hours (minimum charge) of switching service. A charge of \$300 per hour or fraction thereof for each additional hour will apply, not to exceed twelve (12) hours. Service outside of normal hours, including but is not limited to Saturdays, Sundays and holidays require a Special Switch Service request.

ITEM 120 SHIPMENT CANNOT CONTINUE IN TRANSIT CHARGE

When SD cannot continue to move a car for reasons beyond its control and must take additional steps to ensure that the car is switched out of the way of other traffic, a \$350 charge will apply.

Some examples include:

- A car without full shipping instructions provided prior to or at the time of car release
- A car rejected by another railroad at interchange

RULES AND OTHER GOVERNING PROVISIONS, GENERAL RULES AND REGULATIONS

ITEM 125 UNSAFE TO CONTINUE CHARGE

A fee of \$1,500 will be assessed for the management and coordination of any existing or emergent problem that prevents a car from continuing in transit. Such unsafe conditions include:

- A car that has not been properly secured (e.g. fittings, valves, hatches and openings)
- A car spilling, leaking or dusting
- A car containing hazardous commodities or residue with non-compliant shipping instructions
- An overloaded or imbalanced car that is unsafe to continue

A fee of \$500 will be assessed for cars identified as having a safety issue which does not compromise the integrity of the railcar. Such issues include:

- A damaged or missing safety appliance not related to product containment
- Railcar stenciling that is faded, covered or missing

ITEM 130 CLAIMS

In order to be allowed relief, a Claim must be presented to SD, in writing, by the last day of the calendar month following the month in which the bill was issued, stating fully the conditions for which relief is claimed.

- A. **RAILROAD ERROR:**
If, through railroad error, demurrage charges are assessed, demurrage will be adjusted to the amount that would have accrued but for such error.
- B. **WEATHER INTERFERENCE:**
When, because of earthquakes, tornadoes, hurricanes, floods or heavy snow, the operations of the consignor or consignee are disrupted, the demurrage directly chargeable thereto will be eliminated, provided the disruption exceeds two (2) days in duration.
- C. **STRIKE INTERFERENCE:**
When it is impossible to load, unload or receive cars from or make cars available to SD because of strike interference at the point where the loading or unloading is to be accomplished, such detention will be charged at a rate of \$40 per day without free time allowance, provided a claim in writing is presented to SD within thirty (30) days, after the date on which the strike interference ceases, stating the date and time strike interference began and ended.