

TARIFF TCWR 8500G

(Cancels TCWR 8500F)

TWIN CITIES & WESTERN RAILROAD COMPANY

LOCAL TARIFF

APPLICABLE ON

ACCESSORIAL CHARGES AND CAR ORDERING PROCEDURES

APPLYING AT

STATIONS ON TWIN CITIES & WESTERN RAILROAD COMPANY

AS PROVIDED IN TARIFF OPSL 6000-SERIES

Governed by Uniform Freight Classification, UFC 6000-Series, Uniform Freight Classification Committee, Agent, Supplements thereto or Successive issues thereof, and applicable TCWR demurrage rules and procedures.

SPECIAL ARRANGEMENT TARIFF

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

ISSUED: September 1, 2008

EFFECTIVE: October 1, 2008

Issued by:
Robert Henry
Vice President Marketing & Sales
Twin Cities & Western Railroad Company
2925 - 12th Street East
Glencoe, MN 55336

TWIN CITIES & WESTERN RAILROAD COMPANY

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ITEM 10 STATION LISTS AND CONDITIONS

This tariff is governed by Tariff OPSL 6000-Series as follows:

- A. For additions or changes in Name, Locations or Abandonment of Stations.
- B. Prepay requirements
- C. Restrictions as to acceptance or delivery of freight.
- D. Changes in station facilities.
- E. When a station is abandoned, all provisions applicable thereto are cancelled, effective on the date of abandonment.

ITEM 20 REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC

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, items, notes, rules, etc.

ITEM 40 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.

ITEM 45 (A) MILEAGE CHARGES ON PRIVATELY OWNED EQUIPMENT

TCWR will NOT pay mileage charges on privately owned rail cars when moving to or from stations on the TCWR.

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ITEM 60 SERVICE ORDERS – REFERENCE NUMBERS

This tariff, as may be amended, is subject to Tariff NSO 6100-Series.

ITEM 75 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.

ITEM 115 DEMURRAGE CHARGES

Cars stopped, held in transit for diversions under these rules will be subject to demurrage charges lawfully in effect at the point where stopping, holding or diversion is accomplished.

Unless otherwise specifically provided in a rate item governing the line-haul rate, the provisions of Tariff TCWR 8400 series will apply.

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ITEM 205 (A) ADMINISTRATIVE FEE FOR PROCESSING MANUAL BILL OF LADING

Manual Bill of lading charges will be assessed when the party responsible for submittal of the bill of lading does so by fax, email or any other mean that is not EDI.

\$30.00 per car charge will be assessed to the party responsible for NOT submitting proper shipping documents.

**ITEM 210 (I) CANCELLATION OF SHIPPING DOCUMENT
OR BUSTED BILLING**

There will be a charge of \$300 per bill of lading to cancel the billing for the purpose of rebilling a car or cars to a new destination.

**ITEM 215 (I) ADMINISTRATIVE CHARGES FOR
DIVERSIONS ON ANOTHER RAILROAD**

There will be an administrative charge of \$300 per bill of lading on rail shipments originating at TCWR stations that are billed under a through rate and route from origin to destination thence diverted to a new destination on a rail carrier other then TCWR which is a party to the through rate and route. A copy of the diversion must be sent via fax to the Twin Cities & Western Railroad Accounting Department (FAX Number: 320-864-7205) or emailed to customerservice@TCWR.NET.

The provisions in TCWR Rate Tariffs do not allow for diversions; however we do understand the need for exceptions based on changes in the marketplace.

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ITEM 225 (N) TCWR RESPONSIBILITY TO EFFECT DIVERSIONS

- A. TCWR will make a diligent effort to effect a desired diversion when the car is in TCWR's possession and reserves the right to decline any diversion request.
- B. TCWR will not assume any responsibility for effecting a diversion after a car has been interchanged to a connecting railroad for a line-haul movement.
- C. TCWR will not be responsible for executing a diversion order on a specified day or time of day.
- D. TCWR will not be responsible for increased charges when the diversion cannot be accomplished at desired location.
- E. TCWR will not assume any responsibility for effecting a diversion at a specified location.

ITEM 235 (I) DIVERSION CHARGES

- A. Diversion charge will be \$150.00 per car or a maximum of \$700.00 per bill of lading for any diversion while car is in route and prior to arrival of shipment at destination.
- B. Diversion charge will be \$175.00 per car or a maximum of \$800.00 per bill of lading for any diversion after arrival of shipment at a destination served by TCWR.

The Diversion charges will be in addition to the Administrative Charges as outlines in Item 215

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ITEM 240 LINE-HAUL FREIGHT CHARGES

The through rate (local, joint or combination) will be that rate which is applicable from origin to destination via the diversion station and on the date the shipment is originally billed.

TCWR assumes no responsibility that the lowest rate from origin of the shipment to the diverted destination, can be protected via the diversion station.

ITEM 245 TERMINAL SERVICES

TCWR will not be responsible for any charges accruing on cars delivered to connecting railroads, other than the absorption of reciprocal or intermediate switching charges that are authorized by TCWR switching absorption provisions or covered by tariff provisions that TCWR is a participant too.

ITEM 250 (I) WEIGHING CHARGES

Weighing charge is \$400.00 per car loaded or empty, if requested by instructions on the bill of lading. **Weigh charge will be added to the freight bill or invoiced separately by the TCWR.**

ITEM 255 (A) MOVEMENT OF UNOCCUPIED LOCOMOTIVES AND PASSENGER EQUIPMENT

Privately owned, leased or foreign line locomotives or passenger equipment will be moved over the TCWR subject to a minimum charge of \$1,500.00. TCWR is not responsible for any switching charges applicable to shipments of locomotives and passenger equipment.

Locomotives and passenger equipment moving over TCWR are subject to a joint inspection at interchange by both TCWR and connecting carrier's mechanical personnel. Any locomotives that fail inspection will be rejected at interchange and the party moving rail equipment will be responsible for all charges.

TCWR'S MAXIMUM LIABILITY FOR LOSS AND DAMAGE IS \$100.00 PER LOCOMOTIVE AND OR PIECE OF RAIL EQUIPMENT.

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ITEM 275 (N) PAYMENT OF FREIGHT TERMS

All payments for services billed by this railroad are due and payable within fifteen (15) calendar days following receipt of freight bill. Payments received after the expiration of the credit period shall be subject to a service charge of one and a half percent (1.5%) per month, (or fraction thereof) of the outstanding balance.

The above collection terms are under the provisions authorized in 49 CFR (Code of Federal Regulations) Part 1320 Transportation.

To qualify for credit on the Twin Cities & Western Railroad, a credit application, available at www.tcwr.net, may be required to be on file with the TCWR Director of Accounting. Payment for all other shipments must be made at the time of shipment by certified check or wire transfer.

ITEM 280 (A) CLAIMS FOR LOSS OR DAMAGE

Any claim for loss or damage shall be filed with the destination line haul carrier. All claims for loss or damage shall be subject to a minimum claim of \$250 per car.

ITEM 285 (A) UNAUTHORIZED USE OF TCW ASSET

When equipment or a railroad asset is used without authorization, a \$1000.00 per car charge will be assessed to the party who used the asset without authorization. A few examples, but limited to, that would incur this charge:

- Sending a TCW car to another railroad without authorization
- Loading or reloading a car without authorization
- Using TCW track for loading or unloading without authorization

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ITEM 300 (I) SWITCHING

A charge per car as shown below shall apply to the following switch movements:

- (A) Intra-plant switching: For the movement of cars, loaded or empty, from one location within an industry to another location within the same industry a charge of \$125.00 per car shall apply.
- (B) When a car is placed at an industry for loading or unloading and is by order of and for the convenience of the industry removed there from before loading or unloading is accomplished, a charge of \$195.00 per car shall apply when such car can be removed to trackage located within the same switching limits or yard limits as the industry ordering the removal of such cars.
- (C) Intra-terminal: car(s) removed to a location within the same switching or yard limits as the industry or customer ordering the removal of such car/s a charge of \$250.00 per car shall apply. If car(s) are returned to the location previously requested to be removed from within the switching or yard limits as the industry or customer ordering the return of such car(s) a charge of \$250.00 per car shall apply.

ITEM 325 (A) TURNING A RAILCAR

Where a railcar must be turned around; applicable to situations such as a car that can only be loaded or unloaded from one side. A per car charge of \$500.00 will be assessed to the party requesting, or requiring the service.

ITEM 330 (I) CARS RECEIVED IN ERROR

Cars empty or loaded, delivered to TCWR in error will be subject to switching charges listed below for returning car(s) to carrier responsible for delivery error or forwarding car(s) to proper carrier with the same switching district. Charge for this service will be assessed against the carrier responsible for the car(s) being delivered in error.

| <u>WHEN CAR IS DELIVERED OR CAUSED TO BE DELIVERED TO TCWR BY:</u> | | <u>SWITCHING CHARGE PER CAR:</u> |
|--|--|----------------------------------|
| BNSF, MNNR, CPRS, UP, CN | | \$300.00 |

If car(s) are held by TCWR awaiting disposition from the carrier making the delivery error, an additional holding charge of \$50.00 per day will be assessed to the responsible carrier for each day, or fraction thereof, car is held beginning with the first full calendar day (00:01) following written notification that car is being held for disposition until disposition is furnished.

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ITEM 360 (I) SPECIAL TRAIN SERVICE

When special train service is requested requiring the assignment of a locomotive(s) and crew or crews, TCW will determine if sufficient locomotive/s and crew/s are available to provide such service. This charge will be in addition to the freight rates applicable on the individual car(s) as follows:

| | |
|--|----------------|
| Not to exceed 4 hours: | \$1,690.00 |
| Greater than 4 hours but not to exceed 8 continuous hours: | \$2,420.00 |
| Hourly rate in excess of 8 hours: _ | \$ 285.00 ____ |

CONDITIONS:

1. At least 24 hours notice must be given to TCWR by the party requesting service under the provisions of this item.
2. All requests for Special Movements must be received in writing (fax or email) by TCWR before service will be scheduled to be performed.
3. This item EXCLUDES intermodal service, and movements that require specialized equipment, clearances for excessive dimensions, excessive weight, high center of gravity, or other conditions not permitting normal train operations. The Sales & Marketing department will need to be contacted to provide the freight charges.
4. A \$1,000 penalty charge will be incurred by the party requesting the special train service if cancelled with less than 8 hours notice.

Time will be computed from the time locomotive and crew is dispatched from their on-duty location until the special movement has been performed and the engine and crew have returned to the point of dispatch.

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ITEM 380 (I) UNSAFE OR IMPROPERLY LOADED CAR

This charge is for the management and coordination of the existing and emergent problem, excluding other applicable charges. Examples of an unsafe or improperly loaded car where this charge would be applicable are as follows:

- A car that has been overloaded or is imbalanced.
- A car with a shifted load.
- A car spilling, leaking or dusting.
- A car containing hazardous material or residue identified moving on CP for which proper shipping instructions and documentation was not provided.

An improperly loaded car is defined as a car in or on which lading has not been loaded in accordance with AAR standard loading practices, RER 6412-Series exceptions or individual railroad practices or exceptions.

OVERLOADED OR IMPROPERLY LOADED CARS DISCOVERED AT ORIGIN OR ENROUTE

A - Overloaded or improperly loaded cars as determined above, when discovered at origin will be returned to the shippers track or to the connecting line tendering such cars to TCWR. The shipper shall be assessed the intra-plant or intra-terminal switching charge plus the penalty charges for return of cars.

B - TCWR may elect to stop an overloaded or improperly loaded car enroute and hold it on a track where partial unloading or adjustment of the load may be accomplished. It will be the responsibility of the shipper to partially unload or adjust the car at his expense. TCWR will not furnish any personnel, equipment or machinery that may be necessary to partially unload or adjust the overloaded or improperly loaded car and the penalty charges names in paragraph "D" will also be assessed against the shipper. Where safe and practical to do so, TCWR will move an overloaded or improperly loaded car to a track where adjustment of the load can be accomplished for a switch charge \$569 per car.

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ITEM 380 (I) UNSAFE OR IMPROPERLY LOADED CARS (CONTINUED)

OVERLOADS DISCOVERED AT DESTINATION

C - When an overloaded car is delivered to destination and such car(s) are not detected while enroute (whether the overloaded condition is discovered prior to delivery or not), or if the outturn weights are used for the assessment of freight charges and the car(s) are subsequently determined to be overloaded, the penalty charges named in paragraph "D" will be assessed against the shipper responsible for overloading the car.

PER CAR PENALTY CHARGES ASSESSED TO THE SHIPPER.

D - \$900.00 per car for railcars.

\$2500.00 per car for railcars with hazardous or dangerous commodities.

Individual overloaded or improperly loaded cars discovered at origin or enroute shall be placed on demurrage immediately following notification to the consignor or owner of the overloaded or improperly loaded condition and exempt to free time allowance.

ITEM 385 (A) CLOSING DOORS

When it is necessary for TCWR to close doors, hatches, gates or secure tie down devices on empty cars, a per car charge of \$75.00 will be assessed against the customer releasing said car. Loaded cars will not be moved unless all doors, hatches, gates and tie-down devices are secured.

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ITEM 390 (N) CAR ORDERING

GENERAL PROVISIONS

Consignors must place order through TCW's Glencoe, MN offices and provide the following information as indicated on the order form:

- Specific number of cars needed
- Requested placement date
- Commodity to be loaded
- Destination to which cars will be billed

Except as otherwise provided in this item, the provisions of Item 400 (Car Cancellation Rule) will apply. If the TCWR is unable to provide cars as ordered within 15 (I) calendar days of the ordered date, the consignor may cancel that order and no penalty charge will be assessed.

Car orders must be placed utilizing the form provided from this item or via email providing the above information.

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TCWR 8500G
CANCELS
TCWR 8500F

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TWIN CITIES & WESTERN RAILROAD COMPANY

ITEM 390 CAR ORDERING (CONTINUED)

CAR ORDERING SYSTEM
TWIN CITIES & WESTERN RAILROAD

TO: Car Distribution Manager
Twin Cities & Western Railroad
2925 12th Street East
Glencoe, MN 55336
FAX: (320) 864-7220

Elevator Name: _____

Elevator Station/Location: _____

Elevator FAX Number: _____

Type of Equipment Required: _____

Number of Cars Required: _____

Requested Placement Date: _____

Commodity: _____

Destination & Route: _____

Ordered By: (Name): _____

Permit # _____ (Will be applied by TCWR Car Distribution Manager and faxed back to you acknowledging order accepted).

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ITEM 400 (A)(I) CAR CANCELLATION RULE

CAR CANCELLATION RULE (Other than Grain or Grain Products)

A car order for rail cars for transportation of commodities which is reduced or cancelled less than Seven (7) (I) calendar days prior to the date wanted for loading, or anytime thereafter, see Exception, is subject to a car order cancellation charge of \$250.00 per car per occurrence. When a car order is reduced, a charge of \$250.00 per car reduced, will be assessed.

The "date wanted for loading" will be determined from the car order.

A change in commodity to the original car order is NOT subject to the penalty.

EXCEPTION - If during the time of car shortages cars are not received within fifteen (15) days of the ordered for date, a customer may cancel that order and no penalty charge will be assessed.

CAR CANCELLATION RULE (Grain or Grain Products)

A car order for rail cars for transportation of commodities which is reduced or cancelled less than fifteen (15) calendar days prior to the date wanted for loading, or anytime thereafter, see Exception, is subject to a car order cancellation charge of \$250.00 per car per occurrence. When a car order is reduced, a charge of \$250.00 per car reduced will be assessed.

Orders for the first half of a given month (1st-15th) must be cancelled no later than 16th of the previous month. Orders for the second half of a given month (16-31st) must be cancelled no later than the 1st of the current month of the car order.

The "date wanted for loading" will be determined from the car order.

A change in commodity to the original car order is NOT subject to the penalty.

Cars not accepted for loading within the specified "date wanted for loading" (First or Second Half of the Month) will be considered cancelled.

EXCEPTION - If during the time of car shortages cars are not received within fifteen (15) days of the ordered for date, a customer may cancel that order and no penalty charge will be assessed.

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ITEM 500

GUARANTEED CAR SUPPLY

This program is being offered under the provisions of USC S 10722 effective December 1, 2006 and will apply to the guaranteed supply of covered hopper cars for the movement of corn, soybeans and wheat from Twin Cities & Western Railroad served elevators to either online or offline destinations.

The Twin Cities and Western Railroad will offer one hundred (100) covered hopper cars up for bids per month and will guarantee availability of these cars to the entity with the highest bid. Fifty (50) cars will be offered for the first half of a given month (1st-15th) and fifty (50) cars will be offered for the second half of a given month (16-31st). Monthly bids will be accepted up to three months in advance on the first working day of the month between 0800 hours and 1200 hours. Bids are to be submitted on the Web Site at <http://www.tcwr.net/ordercars&guaranteebid.html>. In the event of equal bids, the bidders will be asked to resubmit their bid offers. Bids shall be tendered for a minimum of five (5) cars and a maximum of fifty (50) cars for the first half and second half of the month. The winning bidder will be awarded the bid based on the total dollar aggregate for the cars sold. The minimum bid amount will be \$25.00 per car and if there are no bids received at the close of the bid period, cars will be utilized in the general fleet program.

The applicable freight rates will be the published rates in TCWR Grain Tariffs and the amount of the awarded bid will be billed direct to the awardees. The bid awards can not be sold or traded. If a car order is cancelled the bid award will still be invoiced to the successful bidder.

The number of cars per month offered and sold will be posted on the TCWR web site;
WWW.TCWR.NET.

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ITEM 500 (Continued)

GUARANTEED CAR SUPPLY

BID FORM

DATE: _____

ELEVATOR: _____ LOADING LOCATION _____

NUMBER OF CARS AVAILABLE FOR MONTHLY BID:
50 CARS FIRST HALF 50 CARS SECOND HALF

NUMBER OF CARS REQUESTED:

MONTH _____ MONTH _____
FIRST HALF _____ SECOND HALF _____

BID AMOUNT PER CAR IN U.S. DOLLARS _____

Please note : Bids are to be submitted in dollars above tariff rate.

BIDS WILL BE ACCEPTED: Bids for covered hopper cars will be accepted the first working day of the month between 0800 hours and 1200 hours for the following month and shipping periods up to three (3) months in advance.

BIDS ARE TO BE SUBMITTED on the Web Site <http://www.tcwr.net/ordercars&guaranteebid.html>

SUBMITTED BY: _____

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| | |
|-------------|--|
| NSO | National Service Order (Western Trunk Line Committee, Agent) |
| OPSL | Official Railroad Station List |
| TCWR | Twin Cities & Western Railroad |
| (A) | Addition |
| (I) | Increase |
| (R) | Reduction |
| (N) | Change in wording which result in neither increases nor reductions in charges |

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