

**ELKHART & WESTERN RAILROAD CO.
FREIGHT TARIFF EWR 8999-O**

**MISCELLANEOUS RULES AND CHARGES
APPLYING AT AND BETWEEN
STATIONS ON THE ELKHART & WESTERN RAILROAD CO.**

The EWR will handle traffic to/from stations and customers on their line (Elkhart subdivision) and the connection with the Norfolk Southern Railway at Elkhart, IN and to/ from stations and customers on their line and the connection with the Norfolk Southern Railway at Argos, IN - at the following charges:

**THE FOLLOWING CHARGES ARE APPLICABLE IN CONNECTION WITH
TRAFFIC TO/FROM CUSTOMERS ON EWR OR TRAFFIC TO/FROM THE
NORFOLK SOUTHERN INTERCHANGE(S) AT ELKHART AND ARGOS, IN.**

ALL CHARGES ARE PER CAR UNLESS OTHERWISE SPECIFIED.
(Any rates covered under agreement take precedence over rates listed)

Correction of or Change in Bill of Lading Instructions (per car).....	\$ 95.00
Car turning at request of customer (where applicable).....	\$ 300.00
Cars received in interchange in error.....	\$ 350.00
<p>(cars received loaded or empty, in error will be returned to the delivering carrier at the charge shown above. Delivering carrier will give written notice to EWR acknowledging “delivered in error” noting car number(s) prior to return of the cars to interchange. This charge will be assessed against the carrier interchanging the car(s) to EWR).</p>	
Set back charge	\$ 150.00 each way
(Once cars loaded/unloaded at any facility on the EWR are moved there from	(n/e 50miles)
and are requested to be set-back for any reason for which carrier is not responsible,	\$ 225.00 each way
a charge per car, as noted, will apply in each direction, for such switching service. If car(s) are	(> 50 miles)
subject to demurrage rules/charges, original billing/release of rail car(s) will be broken and the	
demurrage clock will continue from original placement/constructive placement of the car until car	
is again released/billed and able to move to interchange. Car must still be physically located on the	
EWR for such charge to apply. This charge is in addition to any/all other applicable charges that	
may apply.	
Cars ordered by customer and not used.....	\$ 250.00
If car(s) ordered by the industry are refused for any reason other than “improper condition to load”, charge	(see details)
will be assessed against the party ordering the equipment. If car is refused by customer account of not being	
in proper condition to load, this charge will be assessed against the Railroad/party furnishing the car.	
Empty Cars received for loading and not billed out loaded within 30 days (bill online customer)....	\$ 250.00/car
Note: If car is ultimately moved out empty, this charge will apply in each direction)	(see explanation)
## Loaded cars moved with no applicable rate...(does not apply on hi/wide, hvy. wt., or any	
dimensional traffic).....	\$ 1,500.00
Switching of cars to hold and/or storage track(s) – per car	\$ 150.00
<p>In the absence of specific provisions to the contrary, the following charges apply: When any car (private/RR) is unable to be spotted at a customer’s facility for loading/unloading upon receipt - due to lack of space, customer’s request, etc., car(s) will be switched to hold track(s) on the EWR with switch charge of \$150.00/ car being assessed for the move. Car(s) first placed on any customer owned track(s) which then requires additional switching by EWR in order to spot the car(s) for loading/unloading will be subject to an intra-plant switch charge at time of movement (see below). These charges are in addition to any other applicable charges (storage, demurrage, line-haul, switching, etc.) that may apply. While cars are on any hold track (and not being moved) such cars shall be in the possession of the customer, and EWR shall not be liable for any lading damage caused, in whole or in part, by weather, natural disasters of any kind, vandalism, terrorism, criminal or negligent acts of third parties, including, but not limited to, governmental actions of any kind (police, fire department, etc.)</p>	
Error charges for Handling of railcars billed/shipped as empties but are actually under load.....	\$ 500.00
Movement of Overloaded/overweight cars.....	\$ 500.00
<p>(charge applies when combined lading and tare weight of car is >2,000 in excess of car’s gross weight capacity, and gross weight on rail n/e 270,000#. Any/all overloaded/overweight cars will moved at the discretion of EWR)</p>	

FREIGHT TARIFF EWR 8999-O (continued)

Cars Held for Instructions.....charge is per car.....	\$ 150.00
<p>(When on shipper's order, loaded cars are switched/removed from Industry or team tracks, and held by Carrier awaiting instructions, the above charge applies. Charge will be assessed against the industry ordering the car out, and will be in addition to all other applicable charges.) Storage charges will accrue at \$10/car/day until such time as proper disposition is received. Rules and provisions of EWR 8998 series storage tariff will apply during such time as car is held awaiting disposition.</p>	
Extra/special switching requested in excess of regularly scheduled service using one locomotive ...	\$1,300.00
<p>(Note: Charges "Per Event" with a four (4) hours maximum time on duty. Each hour or portion thereof exceeding four hours will be billed at the rate of \$250.00/hr. for each additional hour or portion thereof not to exceed twelve (12) hours.) Use of each additional required locomotive will be at the rate of \$250/hr. or portion thereof with a 4-hour minimum.</p>	
<p>Upon request, extra/special switching service outside of regular service/normal business hours will be provided with reasonable advance notice to EWR and only when EWR determines that sufficient locomotives and crews are available to provide such service. A written request must be submitted via Fax or e-mail to EWR for this service. These charges do not include and are in addition to any applicable storage charges, demurrage charges, detention charges, line-haul or other switch charges, etc. that may apply.</p>	
<p>The time used for computing "Extra/Special Switching" shall be from the time the crew goes on duty to perform such service until crew goes off duty from performing such service.</p>	
Special Train Service /Charges in the Handling of Cars...using one locomotive.....	\$3,750.00
<p>Special train charges are assessed for one or more of the following reasons, but are not (first 4 hours) Limited to the following:</p>	
<ul style="list-style-type: none"> a) Cars with extreme width of load (over 13'2") b) Cars with extreme length of load (over 135 ft. 00") c) Loads which cannot be handled in conjunction with other cars (safety factors, etc.) d) Cars of excessive weight and/or any cars requiring special movement procedures to ensure safe Handling – at the discretion of EWR e) Speed restricted cars f) Cars requiring multiple speed or stop & walk restrictions. g) Any cars with restrictions placed on shipments limiting movement in the Course of regular operations h) Any car(s)/movement(s) which carrier deems special train service is required for safety purposes 	
<p><u>Note: This \$3,750.00 charge applies on movements requiring no more than four hours' time, with time computed from on-duty or start to off-duty or finish. Each additional hour, or portion thereof, in excess of four hours, will be at the rate of \$850.00 per hour.</u></p>	
<p>Any additional locomotives required in the service will be at the rate of \$250/hr. – 4 hr. minimum</p>	
<p>Upon request, special train service will be provided with reasonable advance notice to EWR and only when EWR determines that sufficient locomotives and crews are available to provide such service. A written request must be submitted via fax or E-mail to EWR for this service. These charges do not include and are in addition to any applicable storage charges, demurrage charges, detention charges, line-haul or other switch charges, etc. that may apply. The time used for computing "Special Train Service" shall be from the time the crew goes on duty to perform such service until crew goes off duty from performing such service.</p>	
Intra-plant switching	\$ 150.00
<p>(applies when cars, once spotted on customer's track, are switched therefrom to any different track spot at same facility)</p>	
Intra-terminal switching	\$ 300.00
<p>(switching between customers or tracks within the same station on EWR-Does not apply on caboose cars, locomotives, or passenger cars, dimensional loads – See charges below. Rate is per car)</p>	
Inter-terminal switching.....n/e 100 miles.....	\$ 350.00
(applies when between customers/tracks on same rail line/branch	\$ 450.00
but at different stations)	
Movement of Caboose Cars.....(includes inbound and outbound move—per car).....	\$2,500.00
Movement of Locomotives...(per locomotive).....	\$2,500.00
Movement of Passenger Cars... (per car).....	\$2,500.00
Movement of Scale Test Cars (includes inbound and outbound move).....	\$ 750.00

