

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

**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).....	\$ 350.00
Cars received in interchange in error..... (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).	\$ 350.00
Set back charge (Once cars loaded/unloaded at any facility on the EWR are moved there from and are requested to be set-back for any reason for which carrier is not responsible, a charge per car, as noted, will apply in each direction, for such switching service. If car(s) are 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.	\$ 150.00 each way (n/e 50miles) \$ 225.00 each way (> 50 miles)
Cars ordered by customer and not used..... If car(s) ordered by the industry are refused for any reason other than "improper condition to load", charge 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.	\$ 250.00 (see details)
Empty Cars received for loading and not billed out loaded within 30 days (bill online customer).... Note: If car is ultimately moved out empty, this charge will apply in each direction)	\$ 250.00/car (see explanation)
**Early Release of Cars Placed for Loading or Unloading..... When a shipper instructs the release of a car(s) previously placed for loading or unloading but DT is unable to remove the car(s) because the loading or unloading of the car(s) has not been completed or for other reasons not attributable to EWR, the car(s) will remain on demurrage as if the release had not been instructed, and the intra-terminal per car switch charge will apply. When the placement of a car(s) cannot be accomplished due to early release of car(s) previously placed for loading or unloading or for other reasons not attributed to EWR, the car(s) will remain on demurrage as if the car(s) had not been ordered and the intra-terminal per car switch charge will apply - up to a maximum charge of \$1,500.00 per occurrence.	\$ 350.00/car (see explanation)
##Loaded cars moved with no applicable rate (does not apply on hi/wide,hvy wt.,any dimensional trfc.....)	\$ 2,000.00
Switching of cars to hold and/or storage track(s) - per car	\$ 150.00
**Switching of dimensional loads/hi-wide/hvy wt cars to hold and/or storage tracks - per car.....	\$ 1,000.00
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 applicable switch charge 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.)	

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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 lading weight exceeds that of car capacity, and/or combined lading and tare weight of car is >263,000# , but n/e 270,000# gwr. Any/all overloaded/overweight Cars will only be moved at the discretion of the EWR. Any cars >270,000# gwr will be billed an overweight charge of NO LESS than \$1,000/car should EWR be agreeable to moving, with specific charge to be determined prior to doing so.</p>	
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 ...	\$1,500.00
<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 \$300.00/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 \$350/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.....	\$7,500.00
<p>Special train charges are assessed for one or more of the following reasons, but are not limited to the following: (first 4 hours)</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 \$7,500.00 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 \$1,650.00 per hour.</u></p>	
<p>Any additional locomotives required in the service will be at the rate of \$350/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	\$ 350.00
<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.....	\$ 450.00
<p>(applies when between customers/tracks on same rail line/branch > 100 miles..... but at different stations) \$ 550.00</p>	
Movement of Caboose Cars.....(includes inbound and outbound move—per car).....	\$2,500.00

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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).....	\$ 800.00
Movement of Idler/Buffer Cars (when empty).....per car.....	\$ 500.00
Movement of Idler/Buffer Cars (when loaded).....per car.....	\$1,000.00
Weighing of cars, where applicable, per car.....	\$ 250.00
Changes in Ownership of Cars, while on the EWR.....Charges are per car..... <small>(When cars change ownership while on the EWR, an administrative per car charge will apply and will be charged to the new car owner at the time EWR is so notified of the change. This charge is separate and in addition to all other applicable fees and charges.)</small>	\$ 300.00
Switching of cars to repair track.....5 miles or less	\$ 150.00
...more than 5 miles.....	\$ 250.00

Switching/holding of bad ordered car(s) awaiting disposition.....(Rate is per car)..... <small>(Car owner will be allowed four (4) hours free time once notified by EWR that car is bad ordered and disposition is required. Thereafter, a charge of \$10.00 per car per 24-hour period or portion thereof will be charged to car owner. Charges will stop upon receipt by EWR of written disposition order(s). All monies are due and payable to EWR prior to the cars moving off line.)</small>	\$ 150.00 <small>(see add'l holding charges as outlined)</small>
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Switching/holding of bad ordered rail cars w/FRA/AAR defects.....(Rate is per car)..... <small>(When cars are unable to move offline account of FRA/AAR defects and car owner refuses to pay EWR to make these repairs, cars will be switched to a hold track awaiting repairs by car owner or his designated contractor. An additional holding charge of \$10.00 per car per 24-hr. period will be billed the car owner from time car is switched to hold track until repairs have been completed and car(s) are able to move in interchange service AND EWR has received written notification of same. All monies are due and payable to EWR prior to cars moving off line.)</small>	\$ 150.00 <small>(see add'l holding charges as outlined)</small>
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NOTE: This tariff does not give the car owner/designated contractor the right of entry. Right of entry must be applied for and obtained in writing PRIOR to entry on EWR property. Car owner/contractor will additionally provide insurance coverage per EWR specifications.

For right of entry and EWR insurance requirements, please contact: Elkhart & Western Railroad eCo., 1318 So. Johanson Rd., Peoria, IL 61607, Ph: (309) 697-1400.

Above rates/charges do not include any charges of any connecting carrier unless specifically noted. These charges (when/if applicable) are in addition to above and will be responsibility of shipper.

Above charges do not apply on any cars/shipments which are hi/wide/hvy. wt./dimensional, unless specifically so noted.

Special charges published in this tariff will be in addition to line haul transportation charges or charges on

Regulated traffic published in tariffs or other instruments whatsoever, as well as deregulated traffic, having application from or to stations on the EWR as shown in the paragraph above.

The special payments shown above are payable by the rail user (i.e. shipper or consignor on outbound shipments and the receiver or consignee on inbound shipments) on shipments originating or termination at EWR stations. These special payments are to be collected by and accrue solely to the EWR.

Tariff Applies on Intrastate and Interstate Traffic
Tariff issued under authority of 49 U.S.C. Section 10702

ISSUED: June 28, 2016	EFFECTIVE: August 1, 2016
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Denotes and increase in Rate

** Denotes New Item or Change in Item Wording

ISSUED BY:
CATHERINE BUSCH, VICE PRESIDENT OF MARKETING
ELKHART & WESTERN RAILROAD CO.
1318 SOUTH JOHANSON ROAD
PEORIA, ILLINOIS 61607