
ELKHART & WESTERN RAILROAD CO.

FLAGGING TARIFF EWR-9010

THE FOLLOWING RULES AND CHARGES ARE APPLICABLE IN REGARD TO FLAGGING ON THE ELKHART & WESTERN RAILROAD CO. (EWR)

FLAGGING

Any time a contractor or other third party is performing work that involves personnel or equipment on, under, or over the Railroad's tracks, facilities, right of way, or any other property, such activity may impact rail transportation (49 U.S.C. Section 10102(9)); therefore, at least one Railroad representative ("Flagger") must be present. Based upon the scope and location of the work, the Railroad's Vice President of Safety and Compliance will determine if additional Flaggers are required.

Rates for flagging services are as follows:

\$900.00 per Flagger per day – up to a maximum of twelve (12) hours on duty.

If a Flagger(s) is called for duty, but not needed, a **Call Charge of \$300.00 per Flagger** will apply.

Should a Flagger(s) be required to move from one location to another during the day, an additional charge will be assessed for vehicle and/or equipment use.

Flagging shall be billed every calendar week, and shall be payable within 15 days of the date of invoice. Overdue bills shall be assessed interest at the then-current statutory judgment interest rate. Payments for Flagging are to be collected by and accrue solely to the EWR.

All contractors or other third parties using flagging services shall abide by any instructions given by the Flagger concerning railroad safety and/or security. Flaggers have the right, but not the duty, to evict from the right of way, any person or persons who are in possession of, or under the influence of, alcohol, any intoxicating drug (whether legal or not), any weapon, firearm, explosive, flammable, or other dangerous article (except for fuel in authorized vehicle or equipment tanks), or is conducting themselves in a manner which the Flagger, in his sole discretion, deems to be unsafe, or an unreasonable threat to railroad safety or security.

NOTE: This tariff does not give any person(s) the right of entry. Right of entry must be applied for and obtained in writing PRIOR to entry on EWR property. Person(s) requiring right of entry will additionally provide insurance coverage per EWR specifications. For right of entry and EWR insurance requirements, please contact:

Pioneer Railcorp, Right of Way Agent
Elkhart & Western Railroad Co.
5619 DTC Parkway, Suite 650
Greenwood Village, CO 80111
Email: apps@pioneer-railcorp.com

ISSUED: February 22, 2010

EFFECTIVE: March 6, 2010

ISSUED BY:

Pioneer Railcorp Commercial Department
Acting as Agent for Subscribing Carrier
5619 DTC Parkway, Suite 650
Greenwood Village, CO 80111
