

THE NEW YORK, SUSQUEHANNA AND WESTERN RAILWAY

NYSW 8003 - E

- DEMURRAGE AND STORAGE RULES AND CHARGES -
AT STATIONS ON
THE NEW YORK, SUSQUEHANNA AND WESTERN RAILWAY

This tariff is governed by:
NYSW Conditions of Carriage #1 – Series
NYSW 8001 - Series

Cancels provisions of Tariff NYSW 8003 - D

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Issued by
Marketing and Sales Department
The New York, Susquehanna and Western Railway
1 Railroad Avenue
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ITEM 100 - DEMURRAGE AND STORAGE: PURPOSE AND GENERAL RULES

- A. Demurrage is a charge for detaining a railroad-controlled car on railroad- or customer-controlled tracks. Railroads charge demurrage as an incentive for customers to load and unload cars promptly. Demurrage also helps to compensate the railroad for unanticipated car hire (rental) charges and equipment costs.
- B. Demurrage applies on all railroad-controlled cars except foreign marked rail cars assigned to a specific customer on the NYSW for outbound shipment. Assigned empty cars are commonly referred to as 'pool cars'. Pool cars subject to storage charges as outlined in Item 950 below.
- C. Storage is a charge for holding a private car on a railroad-controlled track. As with demurrage, railroads charge storage primarily as an incentive for customers to load and unload cars promptly. Storage also helps to compensate the railroad for the cost of using its tracks and property.
- D. Shipments transported via the NYSW Railway are subject to demurrage and storage charges only as published in this tariff. Demurrage and storage rules and charges in Freight Tariff ASLG 6004-Series will no longer apply effective September 1, 2006 for the account of the NYSW Railway.
- E. Private cars placed or stored on customer owned or leased tracks are not subject to demurrage or storage charges.
- F. Weekends are treated the same as regular business days for the purpose of calculating demurrage and storage charges. Once a car is constructively or actually placed, or put into storage status, every day is counted.
- G. The date and time that forwarding instructions are received, or is otherwise received in writing, governs the calculation of demurrage and storage. Rail car releases and billing and/or forwarding instructions cannot be backdated.
- H. Verbal releases and forwarding instructions cannot be accepted. All notifications are to be sent to the NYSW Customer Service Department using one of the following options:
 - a.) EDI (electronic data interchange)
 - b.) E-bol or other RailConnect applications
 - c.) E-mail - customerservice@nysw.com
- I. If NYSW fails to make the customer's next scheduled switch after a customer has requested that a car be delivered, or if forwarding instructions have been received for a car in storage, then free time will be granted for that car until such switch is made.
- J. Since NYSW does not control the flow of inbound cars from connecting railroads, no allowance can be made for the bunching of inbound railcars.
- K. Demurrage and storage charges are billed monthly. Demurrage invoices include all cars released during the month. Storage invoices include accrued charges on all cars in storage, including those not yet released.
- L. Demurrage and storage invoices must be paid within fifteen (15) calendar days from the presentation of the invoice.

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ITEM 200 – NOTIFICATION TO CONSIGNOR OR CONSIGNEE

The following notifications will be furnished as indicated:

1. Cars for placement at other than Public Delivery Tracks:
 - a. Notice of constructive placement if cars are held on NYSW tracks due to reasons attributable to the consignee or consignor
 - b. Delivery of car upon tracks of the consignee will constitute notification
 - c. When two or more parties, each performing their own switching, take delivery of cars from the same interchange track, notification will be given when the cars are placed on the interchange track
2. Cars for Public Delivery Tracks:

Notification will be given when car is actually placed.
3. Cars stopped in transit:

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 the stoppage.
4. Refused Loaded Car:

When a loaded car is refused at destination, NYSW will give notice of such refusal to the consignor or owner.

Notification of the car initial and number may be given in writing or electronically.

ITEM 300 – NOTIFICATION TO NYSW

Notification to NYSW is considered to have occurred when date, time, forwarding instructions, empty release information or other disposition is received by the NYSW from consignor/consignee. When electronic or mechanical devices are used to furnish this information, the recorded date and time that the instructions are received will govern.

ITEM 400 – CARS HELD FOR LOADING

NYSW considers a loaded car released when the following applicable conditions are met:

1. Complete loaded bill of lading submitted to the NYSW's Customer Service Department
2. NYSW's Customer Service Department is notified that the car is released for loaded movement by the NYSW per the bill of lading instructions

Cars found to be improperly loaded or overloaded at origin will not be considered released until the load has been adjusted properly.

ITEM 500 – CARS HELD FOR COMPLETE UNLOADING

NYSW considers an empty car released when the following applicable conditions are met:

1. Complete empty bill of lading submitted to the NYSW's Customer Service Department when applicable
2. NYSW's Customer Service Department notified that the car is released for empty movement by the NYSW per applicable the bill of lading instructions
3. When the same car is unloaded and reloaded, empty release information must be furnished. If not furnished, demurrage or storage will continue until complete forwarding instructions are received
4. Blue flags are down and track is otherwise clear for car to be pulled.
5. Any derails controlled by the customer have been removed.

ITEM 600 – FREE TIME FOR DEMURRAGE AND STORAGE

Free time for demurrage begins with the first 0001 hours after notification or placement of the rail car, whichever event occurs first.

Free time for storage begins with the first 0001 hours after notification or placement of the rail car, whichever event occurs first.

Forty-Eight (48) hours free time will be allowed for each rail car placed for unloading.
Twenty-Four (24) hours free time will be allowed for each rail car placed for loading.

ITEM 700 – DEMURRAGE AND STORAGE CLAIMS

In order to be allowed relief as indicated, a claim must be submitted to NYSW, 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.

Weather Interference – If operations of the consignor or consignee are disrupted due to earthquakes, tornadoes, hurricanes, floods or heavy snow, the demurrage directly chargeable thereto may be eliminated, provided the disruption exceeds two (2) days in duration.

Strike Interference – When it is impossible to load, unload, receive or make cars available to NYSW because of strike interference at the point where the loading or unloading is to be accomplished, demurrage days will be assessed at a rate of \$25 per day during the strike interference period, provided that:

1. The disruption lasts a minimum ten (10) days in duration during one calendar month.
2. The provisions of this item will not apply to:
 - a. Inbound cars when the waybills are dated four (4) days after the beginning of the strike interference.
 - b. Cars for loading, when ordered after the beginning and prior to the ending of strike interference.

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.

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ITEM 800 – STORAGE OF LOADED PRIVATE, NON-HAZARDOUS, CARS HELD ON RAILROAD TRACKS

Private loaded cars held on railroad tracks awaiting placement on a customer's private siding or track are subject to storage charges.

- Storage charges begin the next 0001 hours following constructive placement
- Storage charges end at the date and time that the car is ordered for placement or the car is actually placed of the customer's siding

ITEM 850 – TRACK OCCUPANCY CHARGES OF LOADED PRIVATE, NON-HAZARDOUS, CARS HELD IN A TRANSLOAD TERMINAL

Private loaded cars held on railroad tracks within a transloading terminal operated on the NYSW are subject to track occupancy charges as contained in Item 975.

The transload terminals on the NYSW at which the track occupancy charges apply are:

- North Bergen, NJ plastics terminal
- Oakland, NJ food grade terminal
- Riverdale, NJ terminal
- Saddle Brook, NJ plastics terminal
- Sparta, NJ food grade terminal
- Binghamton, NY sand, pipe, lumber (related products), plastics terminals
- Cortland, NY (trans-load terminal)
- North Bergen, NJ (lumber terminal)

ITEM 900 – DEMURRAGE CHARGES and HEAVY-DUTY FLAT CAR CHARGES

- A. Demurrage charges for the loading and unloading of railroad marked and railroad-controlled private marked cars are \$70 per day for non-hazardous materials. Railcars containing hazardous materials will be charged \$125 per day. Railcars with a mechanical designation of FCA, FD, FMS and LS will be charged \$200.00 per day.
- B. Credits are earned when a car is either loaded or unloaded and released within twenty-four (24) hours of placement. Additional credits will be earned for the following holidays: New Years Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving, Day after Thanksgiving, Christmas Eve, Christmas and New Year's Eve. Credits do not carry over from one month to the next.

Computation:

- A. Time will be computed from the first 0001 hours after tender until the release.
- B. If the car is placed prior to the date for which it is ordered, time will be computed from the first 0001 hours after the order date until it is released.
- C. When the same car is unloaded and reloaded, time will be computed from the first 0001 hours after advice is received that the car is empty until the car is released.
- D. When the same car is unloaded and reloaded, empty release information must be furnished. If not furnished, demurrage will continue until forwarding instructions are received.

ITEM 910 – DEMURRAGE CHARGE CHART (Non-Hazardous Commodities)

Cars For	Mon	Tues	Weds	Thurs	Fri	Sat	Sun	Mon	Tues	Weds	Thurs	Fri	Sat	Sun
Unloading	Placed	Free	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Loading	Placed	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Unloading		Placed	Free	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Loading		Placed	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Unloading			Placed	Free	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Loading			Placed	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Unloading				Placed	Free	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Loading				Placed	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Unloading					Placed	Free	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Loading					Placed	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Unloading						Placed	Free	Free	\$70	\$70	\$70	\$70	\$70	\$70
Loading						Placed	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70

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ITEM 950 – STORAGE CHARGES

Storage charges on private cars held on railroad tracks prior to loading or unloading are \$70 per day. Private rail cars placarded as containing hazardous materials will be charged at a rate of \$90 per day. The NYSW does not charge storage or demurrage on private cars held on private tracks.

Credits, free days, will be earned for the following holidays: New Years Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving, Day after Thanksgiving, Christmas Eve, Christmas and New Year's Eve. Credits do not carry over from one month to the next.

Storage time will be computed from the first 0001 hours after tender for placement until ordered for placement or actually placed.

ITEM 960 – STORAGE CHARGE CHART (Non-Hazardous Commodities)

Cars For	Mon	Tues	Weds	Thurs	Fri	Sat	Sun	Mon	Tues	Weds	Thurs	Fri	Sat	Sun
Unloading	Placed	Free	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Loading	Placed	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Unloading		Placed	Free	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Loading		Placed	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Unloading			Placed	Free	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Loading			Placed	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Unloading				Placed	Free	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Loading				Placed	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Unloading					Placed	Free	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Loading					Placed	Free	\$70	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Unloading						Placed	Free	Free	\$70	\$70	\$70	\$70	\$70	\$70
Loading						Placed	Free	Free	\$70	\$70	\$70	\$70	\$70	\$70

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ITEM 975 – TRACK OCCUPANCY CHARGES

Track occupancy charges, TOC, for the loading and unloading of private marked cars at the locations specified in Item 850 are as follows:

Number of Days	TOC Charge (per day)
1 - 15	No Charge
16 thru 30	\$5.00
31 thru 45	\$7.00
46 thru 75	\$10.00
76 and over	\$25.00

Standard demurrage charges as contained in this circular apply on railroad marked cars at the locations specified in Item 850.

Track occupancy charges will be computed from the first 0001 hours after tendered for placement until the car is released.

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ITEM 1000 – GLOSSARY OF TERMS

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 a car is ordered, or the party who furnishes forwarding instructions.

Constructive Placement – When a car cannot be actually placed due to any condition attributable to the consignee or consignor, including order-notify and in-bond shipments, such car will be held on NYSW's tracks and notice will be provided to the consignee or consignor that the car is held awaiting disposition instructions. Cars placed by NYSW on private or other than public delivery tracks, including lead tracks serving the consignee or consignor, will be considered constructively placed without notice.

Credit – A non-chargeable demurrage day. Credits may be earned when a car is released by the customer and is used to offset chargeable demurrage days.

Demurrage Day – A twenty-four (24) hour period (calendar day), or part thereof, commencing at 0001 hours subsequent to actual or constructive placement.

Disposition – Information, including forwarding instructions or release, that allows the railroad to either tender or release a car from the consignee's or consignor's account.

Empty Release Information – Advice provided by the customer to authorized personnel that a car is unloaded and available. This information must include the identity of the party furnishing the information as well as the car initial and number.

Forwarding Instructions – Shipping instructions provided at the point of loading that contain all of the necessary information to transport the shipment to its final destination.

Lease Track – Track assigned to a user through a written agreement. Lease tracks will be treated the same as private tracks.

Loading – The complete or partial loading of a car in conformity with loading and clearance rules and the furnishing of forwarding instructions.

Loaded Car – A car that is completely or partially loaded.

Notification – When required, written or verbal notification will be furnished to the parties entitled to receive notice that the car is available for loading, unloading or otherwise impacted by demurrage provisions.

Order Date – The date that the consignor requests empty cars to be furnished for loading.

Private Car – Car bearing other than railroad reporting marks that is not railroad controlled.

Private Track – Track that is not owned or leased by the railroad.

Public Delivery Track – Track that is open to the general public for loading or unloading.

Railroad Controlled Car – A car bearing other than railroad reporting marks that is either leased or controlled by the railroad.

Reconsignment – An order provided by consignor to bill a car to other than the original consignee. (An order to turn over the car to another party that does not require any 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.

Serving Yard – A classification yard where the local train serving the customer originates.

Shipper Assigned Car – Specific empty car assigned to a particular shipper for their exclusive use.

Stopped In Transit – When a car is held en route due to any condition attributable to the consignor, consignee, or owner.

Tender – The notification, actual or constructive placement, of an empty or loaded car.

Time – Local time is applicable and is expressed on the basis of the 24-hour clock. Example: 12:01 AM is expressed as 0001 Hours.

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