



Florida East Coast

R A I L W A Y

FEC CARLOAD DIRECTORY

GOVERNING

CAR HANDLING, SWITCHING, DEMURRAGE AND
ACCESSORIALS

AT

FLORIDA EAST COAST RAILWAY COMPANY
STATIONS

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Section 1
Car Handling & Switching

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SECTION 1
GLOSSARY OF TERMS

ACTUAL PLACEMENT – Placement of a car in an accessible position or unloading or at a point designated by the consignee, at the billed destination.

CARLOAD TRAFFIC – The term “Carload Traffic”, as used herein, is understood to mean traffic tendered on one (1) bill of lading from one (1) consignor to one (1) consignee at one (1) destination on the same date, for which rates are provided in tariffs and classifications when tendered in quantities of not less than 10,000 pounds, provided that when existing tariffs or classifications provide a carload minimum of less than 10,000 pounds, such minimum will apply; provided further, that no minimum weight will be required on articles requiring special facilities for loading or unloading when such facilities are not provided. Except as specifically provided, no switching service will be performed on less than carload shipments weighing less than 10,000 pounds.

CONSTRUCTIVE PLACEMENT – Notice to the consignee that a car is available for placement, when a car cannot be actually placed because of any condition attributable to the consignee.

COMPETITIVE POINTS –

- Main Line Stations: South Jacksonville, FL through Port of Palm Beach Junction, FL (Stations 10 through 640)
- Titusville Branch: LaGrange, FL through Aurantia, FL (Stations 1125 through 1140)
- Ft. Pierce – Lake Harbor Branch: Carlton, FL through South Shore 2, FL (Stations 1300 through 1363)
- Port of Palm Beach, FL (Station 1400)

DIVERSION – Any order received by FEC that requires:

- A change in billing/shipping document of a shipment, or
- A change in the party responsible for payment of transportation charges of a shipment, or
- Stopping a car for the purpose of delivery or re-forwarding

FREE SWITCHING – Except as otherwise provided, traffic on which the FEC has received a line-haul will not be subject to switching charges for a switching service performed at a destination, on carload traffic delivered direct to warehouses, industries or regular delivery tracks, provided such warehouse, industry or regular delivery track is located on the line over which the shipment arrived, and within the established switching limits.

SECTION 1
GLOSSARY OF TERMS
(Continued)

Except as otherwise provided, no charge will be made for switching service at points of origin when such carload traffic is received direct from warehouses, industries or regular receiving tracks located on the tracks of the FEC and within the established switching limits, provided such carload traffic is forwarded of line-haul via the FEC.

INTRA-PLANT SWITCHING – A switching movement from one (1) location to another location within the confines of an industry.

INTRA-TERMINAL SWITCHING – A switching movement (other than intra-plant) from one (1) location to another location within the switching limits of one (1) station or industrial district of the same railroad.

INTER – TERMINAL SWITCHING – A switching movement from one (1) railroad to another railroad when such movement is within the switching limits of the same station or industrial switching district.

MIAMI SWITCHING LIMITS – From the north end of the yard at Miami Shores, FL to the south end of the yard at Kendall, FL.

RECIPROCAL SWITCHING – The term “reciprocal switching” means the movement in switching service for loading or unloading, preceding or following a road-haul movement over another railroad, from or to a private or assigned siding on the switching railroad to or from the point of interchange with the connecting railroad at the switching station, and the movement of the empty car in the reverse direction. There is no reciprocal switching on the FEC.

SWITCH MOVEMENT – The rates for switching contained in this tariff cover the movement, within the established switching limits, unless otherwise specified herein, of a loaded car one way and the return of the empty car, or the placing of an empty car and the return of the loaded car. If a car is moved loaded in both directions, the charges in this tariff will be applied to each movement. If a car is handled empty in one direction and not in connection with a loaded movement, or handled empty in both directions, the charges in this tariff will be applied to each movement. After delivery of carload traffic has been accomplished either by placing on public or private track for delivery to consignee, or by storage, any subsequent switching will be performed subject to the regular switching charges, rules and regulations as published in this tariff, unless otherwise specifically provided herein.

SECTION 1

ITEM 5

GOVERNING CLASSIFICATION

AAR Car Service Rules
Bureau of Explosives Tariff ICC BOE 6000
Freight Classification ICC UFC 6000-Series and Freight Tariff RPS 2011 Series.
Freight Tariff RPS 6201-Series

ITEM 15

STATION LISTS AND CONDITIONS

This tariff is governed by the Official List of Open and Prepay Stations ICC OPSL 6000 Series to the extent shown below:

Prepay Requirements and Station Conditions

- For additions and abandonment of stations, and except as otherwise shown herein, for prepay requirements, changes in names or stations, restrictions as to acceptance or delivery of freight, and changes in station facilities.
- When a station is abandoned as of a date specified in the above-named tariff, the rates from and to such station as published in this tariff are inapplicable on and after that date.

Geographical List of Stations

- For geographical locations of stations referred to in this tariff by station numbers.

Station Numbers

- For the identification of stations when stations are shown or referred to by numbers in this tariff.

SECTION 1

ITEM 20

**FURNISHING CARS FOR INTRA-PLANT,
INTRA-TERMINAL AND INTER-TERMINAL SWITCHING**

FEC will not undertake to furnish cars of any particular type, size or dimension when to be used in intra-plant, intra-terminal or inter-terminal switching.

ITEM 25

**APPLICATION OF CHARGES ON SHIPMENTS
LOADED IN ARTICULATED CARS**

When shipments are loaded in so-called articulated cars, (two or more car units permanently or temporarily joined together), the switching charges published in this tariff will apply separately to each unit of the articulated equipment.

ITEM 30

**NON-APPLICATION OF CHARGES ON
TRAILER-ON-FLAT-CAR SERVICE OR ON BI-LEVEL OR TRI-LEVEL CARS**

Except as otherwise specifically provided, switching service, charges, rules and regulations published in this tariff will not apply in connection with traffic originating at or destined to the involved station when such traffic is handled on trailer-on-flat-car, container service involving equipment designated as FC, FCS or LF in the Official Railway Equipment Register, ICC RER 6410-Series or on traffic handled in bi-level or tri-level cars.

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SECTION 1

ITEM 40

EXPLANATION OF ABSORPTION

Not more than one (1) switching charge at the beginning of the transportation movement and at the end of the transportation movement will be absorbed (except as otherwise specifically provided in this tariff).

No absorption of switching charges will be made on non-competitive traffic, unless otherwise specifically provided in this tariff. On Florida intrastate traffic, no absorption of switching charges will be made on traffic moving on multiple-car rates.

Switching charges will not be absorbed in any case, to any extent that will result in freight charges, exclusive of switching charges less than \$300.00.

ITEM 45

CHARGE FOR CARS MOVED FROM LOADING TRACKS AND HELD FOR BILLING INSTRUCTIONS (NOT APPLICABLE ON COAL)

When on shipper's order, cars are removed by carrier from industry or team tracks and held by carrier at origin station awaiting forwarding directions, the same charge as otherwise applicable on intra-terminal or inter-terminal movements, as the case may be, will be assessed against the party ordering the car moved and the car will remain on continuous demurrage or detention (see Note) in the demurrage account of the party whose name the car was ordered for loading until such forwarding directions are received by carrier's agent.

When on shipper's order, cars are removed by carrier from industry or team tracks and prior to departure from origin station are subsequently returned to complete loading, the same charge as otherwise applicable on intra-terminal or inter-terminal movements, as the case may be, will be assessed for each movement and the car will remain on continuous demurrage (see Note) in the demurrage account of the party in whose name the car was ordered for loading.

NOTE: On cars under special detention rules and charges, the same detention rules and charges will be applied as governed in connection with the line-haul rates.

SECTION 1

ITEM 50

PENALTY CHARGE – CAR RELEASES

On car(s) released by customer for pick-up/forwarding and car(s) are found by train crew, upon their arrival, to be NOT ready for movement (i.e.-still under load, partly loaded, open hopper doors, damage to safety appliances, etc.) **or** (trash, pallets, banding or debris left on public unloading tracks on and around vicinity of car loading/unloading area), a penalty charge of \$250.00 per car will be assessed customer releasing car.

When railcars are billed back to consignee at unloading station for removal of non-railroad owned dunnage, lading, blocking, bracing, strapping or miscellaneous debris left in car following the unloading of the unbound shipment, a charge of \$500.00 per car southbound and \$500.00 per car northbound will be assessed to the customer releasing the uncleaned car.

All FEC supplied cars released after unloading **MUST** be clean and suitable for immediate reloading.

ITEM 55

MERCHANDISE FUEL SURCHARGE

FEC Railway's fuel surcharge program will be based on the Department of Energy (DOE) On-Highway Diesel Fuel Price (US Average).

The fuel surcharge program will apply as follows:

- Any fuel surcharge will be adjusted on a monthly basis.
- The basis for the surcharge will be determined by the U.S. Average price of DOE On-Highway Diesel Fuel for a calendar month, as reported weekly on the US Department of Energy web site (www.eia.doe.gov)
- In the event the average monthly price of Retail On-Highway Diesel Fuel, equals or exceeds \$1.25 per gallon, a surcharge of beginning at 0.5% will apply.
- For every five cent increase above \$1.25 per gallon, the surcharge applied will increase by 0.5%. (See threshold schedule for more details).

SECTION 1

ITEM 55

MERCHANDISE FUEL SURCHARGE – Continued

- When the average DOE price drops below \$1.25 per gallon, no fuel surcharge will apply.
- The surcharge will be billed to applicable shipments beginning the second month following the month on which the DOE average price calculation was based. (Example: the average reported DOE price for the month of January 2004 will determine the fuel surcharge applied throughout the month of March 2004.) Current fuel surcharge will be posted on www.feccarload.com web site.

FUEL SURCHARGE THRESHOLD SCHEDULE

Carload Fuel Surcharge Program					
<u>DOE HDF Price</u>		<u>Fuel Surcharge %</u>	<u>DOE HDF Price</u>		<u>Fuel Surcharge %`</u>
\$0.00	\$1.249	0.0%	\$2.25	\$2.299	10.5%
\$1.25	\$1.299	0.5%	\$2.30	\$2.349	11.0%
\$1.30	\$1.349	1.0%	\$2.35	\$2.399	11.5%
\$1.35	\$1.399	1.5%	\$2.40	\$2.449	12.0%
\$1.40	\$1.449	2.0%	\$2.45	\$2.499	12.5%
\$1.45	\$1.499	2.5%	\$2.50	\$2.549	13.0%
\$1.50	\$1.549	3.0%	\$2.55	\$2.599	13.5%
\$1.55	\$1.599	3.5%	\$2.60	\$2.649	14.0%
\$1.60	\$1.649	4.0%	\$2.65	\$2.699	14.5%
\$1.65	\$1.699	4.5%	\$2.70	\$2.749	15.0%
\$1.70	\$1.749	5.0%	\$2.75	\$2.799	15.5%
\$1.75	\$1.799	5.5%	\$2.80	\$2.849	16.0%
\$1.80	\$1.849	6.0%	\$2.85	\$2.899	16.5%
\$1.85	\$1.899	6.5%	\$2.90	\$2.949	17.0%
\$1.90	\$1.949	7.0%	\$2.95	\$2.999	17.5%
\$1.95	\$1.999	7.5%	\$3.00	\$3.049	18.0%
\$2.00	\$2.049	8.0%	\$3.05	\$3.099	18.5%
\$2.05	\$2.099	8.5%	\$3.10	\$3.149	19.0%
\$2.10	\$2.149	9.0%	\$3.15	\$3.199	19.5%
\$2.15	\$2.199	9.5%	\$3.20	\$3.249	20.0%
\$2.20	\$2.249	10.0%	Each \$0.05 per gallon increase thereafter .05 additional		

SECTION 1

ITEM 60

CHARGES FOR CARS OF FOUR (4) AND MORE THAN FOUR (4) AXLES

Charges for intra-plant, intra-terminal or inter-terminal switching at points on this line will be confined to cars having no more than four (4) axles.

When cars with more than four (4) axles are found in intra-plant, intra-terminal or inter-terminal service, the charges for such service will be 200 percent of that shown herein for the same service applicable on cars with four (4) axles.

ITEM 65

CHARGES TO BE APPLIED FOR INTRA-PLANT, INTRA-TERMINAL AND INTER-TERMINAL SWITCHING SERVICE

Except for otherwise provided herein, the FEC will assess for switching service as defined in the glossary the following charges:

Intra-Plant Switching	\$150.00 per car
Intra-Terminal Switching	\$250.00 per car
Inter-Terminal Switching	\$250.00 per car

ITEM 70

SWITCHING CHARGES

Miami

➤ Intra-plant switching charges at Miami	\$150
➤ Intra-terminal switching charges at Miami	\$250
➤ Inter-terminal switching charges at Miami	\$250
➤ Between private or assigned sidings	\$250
➤ Loaded cars from the leased tracks to Miami Operating Tracks	\$100

Medley, CSR Rinker, Titan America, Commerce Park, White Rock Quarries

➤ Intra-plant switching	\$150
➤ Intra-terminal switching	\$250
➤ Between Municipal Docks and private or Assigned sidings	\$250
➤ Between private or assigned sidings	\$250

Medley

➤ Loaded cars from the leased or hold tracks to Medley Operating Tracks	\$100
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SECTION 1

ITEM 70

SWITCHING CHARGES (Continued)

Port of Miami	
➤ Between Miami and Port of Miami	\$250
Port Everglades	
➤ Intra-plant or intra-terminal	\$150
➤ Between hold tracks to Port Everglades Operating Tracks	\$100
➤ Between Port Everglades Junction to Port Everglades – in addition to line-haul Rates to Port Everglades Junction	\$100
Pompano Beach	
Loaded cars from the leased tracks to Operating Tracks at Pompano Beach	\$100
Dania	
➤ Loaded cars from lease tracks to Operating Tracks at Dania	\$100
Fort Pierce	
➤ Loaded cars from leased or hold tracks to Operating Tracks at Ft. Pierce	\$100

SECTION 1

ITEM 75

ATTENDANTS ACCOMPANYING FREIGHT SHIPMENTS

Up to 200 Miles	\$100.00
201 – 350 Miles	\$200.00

- Each attendant must sign a release of carrier liability document, as provided in Rule 43 of UFC 6000, before accompanying shipment.
- Railway is not required to furnish special accommodations for persons riding on freight trains.

These rates will apply only when advance arrangements have been made between party accompanying equipment and the railroad, wherein attendant can be conveniently accommodated.

ITEM 80

DIVERSION

DEFINITION OF THE TERM DIVERSION:

The term “diversion” means any order received by FEC that requires:

- A change in the billing/shipping document of a shipment, or
- A change in the party responsible for payment of transportation charges (freight payer) of a shipment, or
- Stopping a car for the purpose of delivery or reforwarding.

APPLICATION

- These provisions are applicable only to cars that are in FEC’s account as a line-haul carrier.
- Orders for diversion will only be accepted from:
 - ❖ Consignor
 - ❖ Consignee
 - ❖ Freight Payer
 - ❖ Another railroad participating in the line-haul movement.
 - ❖ Authorized representatives of the Consignor, Consignee or Freight Payer, effected under these provisions.
- After car has reached its billed destination on FEC, diversion orders must be requested prior to the car being:
 - ❖ Interchanged to a switching railroad for delivery to the consignee, or
 - ❖ Actually or Constructively placed by FEC.

SECTION 1

ITEM 80

DIVERSION - Continued

Actual Placement – Placement of a car in an accessible position for unloading or at a point designated by the consignee, at the billed destination.

Constructive Placement – Notice to consignee that a car is available for placement, when a car cannot be actually placed because of any condition attributable to the consignee.

NOTE – Any instructions affecting the movement of the car after placement, actual or constructive, will constitute a new movement, subject to switching or line-haul charges, as the case may be.

EXCEPTION:

A change may be requested after a car has been placed by FEC or interchanged to a switching railroad at a charge of \$100.00 on the following:

- A change in the party responsible for freight charges (Freight Payer) of a shipment.
- From prepay to collect, or the reverse.
- A change in consignor.

Order Notify Shipments

- Diversion orders will not be accepted on “Order Notify” bill of lading consignments.
- Orders will not be accepted to change the status of a shipment from a “Straight” bill of lading consignment to an “Order Notify” bill of lading consignment after the “Straight” bill has been executed.

Written requests for diversion must be sent to:

- Transportation Service Center
- Fax: 904-256-0551

All charges against the consignment, whether accrued or accruing, must be paid or guaranteed to the satisfaction of FEC before the car is diverted.

SECTION 1

ITEM 80

DIVERSION - Continued

LINE HAUL FREIGHT CHARGES

- The through rate (local, joint or combination rates) will be that applicable from origin to destination, via the diversion station, on the date that shipment is originally billed.
- FEC assumes no responsibility that the lowest through rate, from origin of the shipment to the diverted destination, can be protected via the diversion station.

TERMINAL SERVICES

FEC 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 FEC switching absorption provisions.

FEC RESPONSIBILITY TO EFFECT DIVERSIONS

- FEC will make a diligent effort to effect a desired diversion when the car is in FEC's possession.
- FEC will not assume any responsibility for effecting a diversion after a car has been interchanged to a connecting railroad for a line-haul movement.
- FEC will not assume any responsibility for effecting a diversion at a specified location under the following conditions:
 - ❖ When a car has been classified or assembled into a train for outbound movement. In this situation, a car may be diverted at the next classification yard or interchange location and the diversion will be governed by the rules and charges at that location.
 - ❖ When a car has been placed in "pre-blocked" or "run-through" train service. In this situation, a car may be diverted.
 - ❖ When billed to a FEC destination, after the car reaches the next classification yard or the billed destination, as the case may be, and the diversion will be governed by the rules and charges at that location.

SECTION 1

ITEM 80

DIVERSION - Continued

FEC RESPONSIBILITY TO EFFECT DIVERSIONS - Continued

- ❖ When billed to a non-FEC destination, after the car reaches the next FEC classification yard, and the diversion will be governed by the rules and charges at that location. (If car is not scheduled to be reclassified prior to exchange to the connecting railroad, the car may not be diverted under these provisions.)
 - FEC will not be responsible for executing a diversion order on a specified day or time of day.
 - FEC will not be responsible for increased charges when the diversion cannot be accomplished at the desired location.

DIVERSION CHARGES

- When the applicable diversion provisions have been met and the line-haul transportation price authorizes diversions, the following diversion charges will apply:
 - ❖ All Diversion Charges (Except as Provided Below).....\$250.00
 - ❖ Diversion Charge for changes in the following:\$100.00
 - Change in Freight Payer of the shipment
 - Change from prepay to collect or the reverse
 - Change in consignor
- When the applicable diversion provisions have not been met or the line-haul transportation price does not authorize diversions, the shipment will be subject to the combination of rates on a shipment terminating and originating at the diversion station.

EXCEPTIONS:

- The diversion charge will not be assessed when a combination or rates are assessed, as if the shipment terminated and originated at the diversion station.

SECTION 1

ITEM 80

DIVERSION - Continued

EXCEPTIONS:

- A diversion charge will not be assessed when the only change in the billing/shipping document is the name of the consignor and/or consignee, and the order is received prior to arrival of the car at destination.
- If more than one (1) diversion charge is applicable to a given diversion order, only one (1) charge will be assessed, which will be the highest charge.

ITEM 85

STORAGE ON MOTOR VEHICLES AT MIAMI, FL

Upon request of consignor or consignee and subject to space availability, inbound motor vehicles, freight or passenger, having immediate prior movement by rail, which vehicles are held on FEC Miami Automobile Facility after being unloaded from rail equipment at such terminal, will be assessed storage charges as outlined herein after expiration of free time.

For the purpose of this Item, free time is to be computed from the first 7:00AM following date of unloading from rail car at the FEC Miami Automobile Facility and will consist of seven (7) calendar days free time. Following the expiration of free time, vehicles will be assessed a charge of \$5.00 per day or fraction thereof until removed from Facility.

In computing free time, the following holidays will be excluded:

New Year's Day	Independence Day	President's Day
Good Friday	Memorial Day	Labor Day
Thanksgiving Day	Day After Thanksgiving	Christmas Eve Day
Christmas Day	New Year's Eve Day	

In the event one of the above holidays occurs on a Sunday, the following Monday will be considered the holiday.

SECTION 1

ITEM 90

STORAGE OF MOTOR VEHICLES AT MIAMI AUTOMOBILE FACILITY NOT HAVING PRIOR RAIL MOVEMENT

If motor vehicles, freight or passenger, not having immediate prior movement by rail are placed in storage at the FEC Automobile Facility, and are later picked up by owner, lessee or its agent and removed from Facility without being tendered for outbound revenue rail movement from Facility, a charge of \$5.00 per vehicle will be assessed for each calendar day, or fraction thereof while the vehicle is on the Facility. If the vehicle is tendered for northbound movement the vehicle will have seven (7) calendar days free time. Once free time has expired a charge of \$5.00 per day or fraction thereof will be assessed while the vehicle is on the facility.

FEC, its agents or employees shall not be held responsible for any and all loss, claims, costs, charges, suits and damage which may be suffered or sustained by any owner, its agents, or employees arising out of loss, damage or theft to motor vehicles, freight or passenger, stored at the FEC Automobile Facility pursuant to this Item; whether due or claimed to be due to the acts or omissions of any party whatsoever; or by the sole or joint negligence of FEC, its employees, agents, or otherwise. Owner shall indemnify, save and hold harmless FEC, its agents and employees from and against all such items referenced in this paragraph.

ITEM 95

RAILWAY CARS, MOVED ON OWN WHEELS, EMPTY

<u>Miles</u>	<u>Dollars Per Car</u>
0-150.....	500.00
151-250.....	600.00
251 and Over.....	700.00

Note: FEC mileages shall be determined from Freight Distance Table No. FEC 6001- Series.

ITEM 100

TURNING OF RAILCARS

- When it is desired that cars be placed for loading or unloading at stop-off points or unloading at destination from a particular side or end of car, the car must be placarded on both sides and notation made on shipping document substantially as follows:

SECTION 1

ITEM 100

TURNING OF RAILCARS - Continued

NOTICE TO CARRIER

Deliver car from side or end specified by placard.

- If shipping document carriers notation that car was placarded and placard(s) has disappeared, charge for turning will **NOT** apply.
- On cars not properly placarded that FEC is requested to turn after initial placement, the following charges will apply:
 - ❖ If turned within confines of an industry..... \$150.00 per car
 - ❖ If turned on FEC tracks within the switching district of the stop-off point or destination..... \$250.00 per car
 - ❖ If turned outside the switching district of the stop-off point or destination, apply one of the following charges for the round-trip distance to and from the turning location (distance is per Tariff FEC 6001), unless the line haul charges from and to the same locations produce a lower charge:

0-50 Miles	\$350.00
51-100 Miles	\$450.00
101-150 Miles	\$550.00
150 or Above	\$750.00

ITEM 105

OVERLOADED CARS

When a car is overloaded (car or rail limits), shipper will be notified and given an opportunity to take corrective action, subject to charge of \$325.00.

The charges named in the above paragraph include the service of weighing.

Following corrective action, cars will be handled as follows (if requested, FEC may make the necessary adjustments – this service is not a common carrier obligation and will be charged for at prevailing rates, separate and apart from the transportation charges:

SECTION 1

ITEM 105

OVERLOADED CARS - Continued

- The excess lading may be removed, with the remaining lading forwarded to the original billed destination, at the price from the original billed origin, on the remaining weight.
- The excess lading may be placed in another car and both cars forwarded to the original billed destination. Charges to be assessed are as follows:
 - ❖ As to shipments rates on other than per-car charges:
 - At the price from the original billed origin, on the combined weight of both cars, with the excess car subject to a 10,000 lb. minimum.
 - ❖ As to shipments rated on per-car charges:
 - The original car will be charged the per-car price from the billed origin.
 - The car carrying the excess will be charged at 25% of the per-car price on the original car, with charges being rounded to the nearest whole dollar.
- The entire lading may be transferred to another car if such transferal results in the car being accepted for further movement.
- Freight charges will be those on the weight of the reloaded car, from original billed origin, to the original billed destination.
- The excess lading may be placed in another car and returned to the original billed origin. The remaining lading in the original car may be forwarded to the original billed destination, at the price from the original billed origin, on the remaining weight. For that portion returned to the original billed origin, the charge will be \$385.00.

Applies on STCC 14 commodities only moving in local service on the FEC.

- FEC will allow up to 4,000 lbs. over marked capacity of the car without penalty.
- FEC will assess the penalty of \$300.00 when the total weight of the car is between 4,001 lbs. and 10,000 lbs. over marked capacity of the car.

SECTION 1

ITEM 105

OVERLOADED CARS - Continued

- Any car exceeding 10,000 lbs. over marked capacity will, at FEC discretion, have the car set out for reduction of product by the shipper or move the car on to destination with a penalty charge of \$300.00 plus an additional \$250.00 for special handling.
- FEC's Overload Imbalance Detector in North Miami will determine weights.

ITEM 110

SPECIAL FREIGHT TRAIN SERVICE CHARGE

Charge for local or joint-line Special Freight Train Service between points on the FEC will be \$95.00 per mile, subject to a minimum of 110 miles.

Special Freight Train Service charges will be in addition to normal freight charges on commodities transported as per tariffs, circulars, quotations or contracts.

Mileage will be determined from Tariff RPS 6201.

Request for Special Freight Train Service must be made in writing giving all necessary information to facilitate movement of the train.

ITEM 115

WEIGHING AND REWEIGHING

- Application
 - ❖ Applicable at all stations
 - ❖ Weighing will be performed where requested, provided it is practicable to do so and scales are available.
 - ❖ Weighing charges will be assessed against the party requesting the weigh.
- Certification of Scales
 - ❖ Scales operated under this tariff must conform to the requirements of the American Railroads Scale Handbook.

SECTION 1

ITEM 115

WEIGHING AND REWEIGHING - Continued

- Ascertainment of Weights
 - ❖ When scale weights are used for the assessment of freight charges, weighing will be performed by Carrier, its agent or under railroad weight agreements.

- Car Placement for Weighing
 - ❖ When cars are placed for weighing:
 - Cars may be weighed at rest when
 - Uncoupled and free at both ends or,
 - Coupled at one end and free at the other end
 - Cars may be weighed in motion, coupled or uncoupled, only when upon a weighing system designed for weighing in this manner.

- Tare Weights
 - ❖ When the actual tare weight of a car has been determined, it shall be used to determine the new weight, in lieu of the marked tare, subject to the following:
 - Immediately before loading, all previous lading, packing or debris is to be removed. On scrap metals (STCC 40211) loaded in open gondola cars, this provision does not have to be met.
 - Immediately after unloading, all previous lading, packing or debris is to be removed. On scrap metal (STCC 40211) loaded in gondola cars, only the lading must be removed.

- Reweighing:
 - ❖ FEC will reweigh cars, when it is practicable and scales are available.

- Notification of and Request for Weighing Used for Billing
 - ❖ Weights (gross, tare and net) used for billing purposes will be furnished, without charge, to parties named on the billing instructions.

SECTION 1

ITEM 115

WEIGHING AND REWEIGHING - Continued

- Shipments Moving on Per Car Charges
 - ❖ When weights are requested on shipments that are rated on a “per car” basis, such weights will be furnished at the appropriate charge. In the event the authority for the line-haul charge is contained in private document (contract, exempt quote or any other non-public document), it will be the responsibility of the party requesting the weight to determine from the freight payer if the shipment is moving under a private per car charge. In the event subject freight moves on a per car charge, party requesting weights will pay applicable weighing charge.

- Information to be Shown on Scale Weight Certificate
 - ❖ A record will be kept on the scale weight certificate showing the following:
 - Date and time of weighing
 - Condition of the weather
 - Weighed at rest or in motion
 - Coupled at one end, coupled at both ends or uncoupled

- Information to be Shown on Shipping Document
 - ❖ For track scale weights
 - Station at which car is weighed
 - Gross, actual tare (specify when used) or marked tare and net weight
 - Railroad scale, tariff or agreement weight
 - ❖ For average weights, the correct gross weight

- Tolerance
 - ❖ Tolerance is the difference in weights due to variation in scales or weighing

SECTION 1

ITEM 115

WEIGHING AND REWEIGHING – Continued

- Allowable Tolerance
 - ❖ Allowable tolerance will be
 - On loaded cars, two percent (2%), subject to a minimum of 1,000 pounds
 - On empty cars, other than tank cars, 1,000 pounds
 - ❖ Tolerance will NOT apply on
 - Empty tank cars
 - Loaded cars moving under weight agreement, excluding cars on which track scale weights are used to compute line-haul transportation charges
 - Cars weighed coupled-in-motion

- Weighing at no Charge
 - ❖ Assessment of charges for weighing will not be made under the following conditions:
 - When weights are used for the assessment of freight charges.
 - ❖ When a consignor or consignee requests reweighing of a car containing a commodity, which is not subject to shrinkage from its inherent nature and such reweighing discloses an error in the billed weight of more than the allowable tolerance.
 - ❖ On commodities subject to shrinkage, billed weights will not be changed, unless obvious error is discovered, in which case each situation will be dealt with on its own merits.
 - ❖ When a consignee or consignor requests the weighing of an empty car and such weighing discloses an error in the marked tare weight in excess of the allowable tolerance.
 - ❖ When a consignor or consignee requests the weighing at destination of both the loaded and empty car and the net weight thus obtained exceeds the previous net weight by an amount in excess of the allowable tolerance.
 - ❖ When weighed in motion on privately owned scales, subject to the following:
 - ❖ Cars must remain coupled during weighing
 - ❖ Movement of cars to or from the scales must be made over trackage normally used for the placement of loaded cars or removal of empty cars in connection with line-haul service or intra-plant, intra-terminal, or inter-terminal switching service.

SECTION 1

ITEM 115

WEIGHING AND REWEIGHING – Continued

- ❖ Instructions will not be accepted to weigh cars by specific car number.
- ❖ Carrier will not maintain records of cars weighed.
- Weighing performed by Switching Lines for Carrier
 - ❖ The charge for weighing performed by a switching railroad not participating in the line-haul rate will be assumed by Carrier when:
 - Carrier requests such weighing for the assessment of freight charges.
 - Carrier requests such weighing at the request of the consignor or consignee to determine tolerance and the weighing results in a change in the assessed freight charges.
- Weight Agreements
 - ❖ Consignor's or consignee's weights will be accepted as follows:
 - Provided they are authorized, in writing, by carrier or other railroad participating in the line-haul movement.
 - Provided they are designated in the prescribed manner on the shipping document or weight certificate.
 - Carrier may adjust freight charges in the event actual weight discloses an error in the billed weight on cars moving under weight agreements.
 - Carrier may issue undercharges resulting from certification of incorrect weights or improper descriptions.
 - On shipments covered by destination weight agreements:
 - Consignee must furnish weight to FEC Transportation Service Center on:
 - Cars subject to demurrage, by 11:59PM on the third day following the day the car is released from demurrage.
 - Cars not subject to demurrage, by 11:59PM on the second day following the day the car is released empty or by the fifth day following actual placement, whichever date is earlier.
 - In the event the weight is not furnished in accordance with above paragraphs, the charge for each day or portion thereof, until the weight is provided will be \$59.00

SECTION 1

ITEM 115

WEIGHING AND REWEIGHING – Continued

- When more than one (1) car is tendered on one (1) bill of lading, the date on which the last weight is received to enable calculation of freight charges for all cars on the bill of lading will govern the assessment of late surrender charges for all cars on the consignment.
- Charge for Weighing (Not applicable to the extent specific charges are published)
 - ❖ When a car is weighed and subject to the assessment of charges the following would apply and would be subject to the provisions below: (Subject to Notes 1 through 3 below)
- Weight Agreements – Continued
 - Railroad scales \$250
 - Private scales NOT located at industry of party requesting the weighing \$200

Note 1: When request is made to weigh a car at origin or destination in connection with a line-haul movement and a scale is not available, the car may be weighed at another location, provided the request is made in time and scales are available via route of movement.

Note 2: When weighing cannot be accommodated on a line-haul movement or when scales are not available for weighing associated with a non line-haul movement, cars will be moved to and from scales on line-haul transportation charges, in addition to weighing charge.

Note 3: When weighing is in connection with Industrial switching, the intra-plant, intra-terminal or inter-terminal switching charge will be in addition to the weighing charge.

ITEM 120

RECLAIM DUE TO RAILROAD ERROR

CARLOAD TRAFFIC – Reclaim for car hire due to railroad error which prevents proper forwarding or proper tender or delivery will be handled as follows:

SECTION 1

ITEM 120

RECLAIM DUE TO RAILROAD ERROR – Continued

SECTION 1: LOADED AND EMPTY CARS PLACED ON INTERCHANGE TRACKS WITHOUT NECESSARY DATA FOR FORWARDING

Note: Empty cars are those covered by Transportation Division Circular No. TD-3 or CSD's 145, 150, 155, 165, 170 and 435.

➤ The holding road will give notice electronically or by telephone to the billing road if the waybill information is incomplete, or in error, or to the delivering road if the car is not accompanied by a waybill, prior to midnight of the second day after receipt of or arrival of the car. Written confirmation of a telephone notification must be forwarded within five (5) calendar days of the day notice is given.

- ❖ On cars held within the switching district where received, the holding road having complied with above paragraph may reclaim for all time from the day and hour of receipt of car to midnight of the day disposition instructions are received, plus a maximum of forty-eight (48) additional hours if required to deliver car to a road within the switching district where held.
- ❖ On cars held beyond the switching district where received, holding road having complied with above paragraph may reclaim as follows:
 - On cars returned to a road at the junction where received, reclaim shall include all time and mileage accrued from the date and hour of receipt of car to midnight of the day disposition instructions are received, plus a maximum of seventy-two (72) additional hours if required to make the delivery. Reclaim on cars delivered in run-through trains or blocks shall include the charges as specified in Car Service Rule 5(1) and be based on the actual miles moved. When an intermediate switching carrier is used in disposing of such cars, all care hire charges except those for which the switching carrier is directly responsible will be paid by the erring carrier.
 - On cars ordered to a destination other than the station where car was received, reclaim shall include all the time accrued from the date and hour of notification to midnight of the day forwarding instructions are received.

SECTION 1

ITEM 120

RECLAIM DUE TO RAILROAD ERROR – Continued

- If the holding road received the necessary data to enable it to dispose of the car prior to giving notice to secure disposition as prescribed in Paragraph (a), it is entitled to the same reclaim as though notice had been given on the date and hour the data was received.
- A holding road failing to notify the erring carrier within the time limits prescribed in above paragraph is entitled to reclaim only from the date and hour such notice is given.

SECTION 2: LOADED OR EMPTY CARS DELIVERED TO A ROAD NOT IN THE WAYBILL ROUTING:

The holding road may reclaim from the delivering carrier all car hire from the date and hour of receipt of car to midnight of the second day after receipt, providing time was required to return car to a road at the junction wherever received.

For days handled in run-through trains or blocks, an additional forty-eight (48) hours may be reclaimed if required to return car. Reclaim shall include the charge as specified in Car Service Rule 5(1) and be based on the actual miles moved.

SECTION 3: CARS DELIVERED WITH INCORRECT LOAD/EMPTY STATUS OR CARS THAT MISSED STOP-OFF:

- Empty cars delivered as loaded: When a carrier delivers to another carrier a car accompanied by a regular waybill or waybilling instructions indicating that such a car is loaded and it develops that the car is empty, the billing road (see Note) is responsible to all the carriers handling the car for car hire paid to the car owner, provided freight charges have been voided in accordance with Railway Accounting Overcharge Mandatory Rule 64. Reclaim shall include the charge as specified in Car Service Rule 5(1) based on the actual miles required to return the car to the road received from or move car home in accordance with Car Service Rules
- Cars containing load or part load delivered as empty: The provisions of the above section apply. These provisions do not apply if revenue charges are assessed.
- Cars containing load or part load that missed “stop-off” to partially load or unload: The provisions of the above section apply.

SECTION 1

ITEM 120

RECLAIM DUE TO RAILROAD ERROR – Continued

NOTE: If such error is chargeable to the shipper, the provisions of individual railroad tariffs will apply and reclaim for car hire and mileage charges are not applicable.

**SECTION 4: EMPTY CARS DELIVERED IN VIOLATION OF CAR SERVICE
RULE 2, SPECIAL CAR ORDERS OR DIRECTIVES: (See Note):**

- Cars received in run-through trains or blocks covered by agreement between concerned carriers:
 - ❖ On cars returned to a road at junction where received, reclaim against the delivering carrier shall include all time and mileage accrued from the date and hour of receipt of car to date and hour of delivery, but not beyond midnight of the third day after receipt. Such errors are also subject to charges as specified in Car Service Rule 5(1), based on actual miles moved. When an intermediate switching carrier is used in disposing of such cars, reclaim will include all car hire charges except those for which the switching carrier is directly responsible.
 - ❖ Receiving carrier must forward written notification to the delivering carrier as to action taken within five (5) calendar days of the error delivery.
 - ❖ On cars moved to or in direction of home road in accordance with Car Service Rule 2 or Special Car Orders, the handling road may reclaim from the delivering road all car hire and the charges as specified in Car Service Rule 5 based on actual miles. Receiving carrier must forward written notification to the delivering carrier as to action taken within five (5) calendar days of the error delivery.
- Car received in other than run-through trains or blocks, the holding road will give written notice to the delivering road prior to midnight of the second day after receipt of the car. Written confirmation of telephone notification must be forwarded within five (5) calendar days of the day notice was given.

SECTION 1

ITEM 120

RECLAIM DUE TO RAILROAD ERROR - Continued

- ❖ On cars returned to a road at junction where received, re claim against the delivering carrier shall include all time from the date and hour of receipt of car to midnight of the day disposition instructions are received, plus a maximum of forty-eight (48) additional hours if required to deliver car to a road within the switching district where held. When an intermediate switching carrier is used in disposing of such cars, reclaim will include all car hire charges except those for which the switching carrier is directly responsible.
 - If the holding road received the necessary data to enable it to dispose of the car prior to giving notice to secure disposition, it is entitled to the same reclaim as though notice had been given on the date and hour the data was received.
 - A holding road failing to notify the erring carrier within the time limits prescribed is entitled to reclaim only from the date and hour such notice is given.
- ❖ If the delivering road concurs, handling road may move cars to or in direction of home road in accordance with Car Service Rule 2 or Special Car Orders. Handling line may reclaim all car hire and the charges as specified in Car Service Rule 5(1) based on actual miles moved.

NOTE: When an intermediate switching carrier is acting on instructions of a line-haul carrier, the reclaim set forth in this section will be paid by the line-haul carrier.

SECTION 5: EMPTY CARS DELIVERED TO A CARRIER IN SWITCHING SERVICE, NOT ORDERED BY THAT CARRIER FOR A SHIPPER OR REJECTED BY SHIPPER:

When a car is delivered empty to a switching road for return loading and is returned empty account not ordered by the receiving road or account shipper's cancellation of order or rejection by shipper because unsuitable for loading as specified by switching road, the switching road may reclaim against the road which furnished the car for the time accrued from receipt of car to its return, but not to exceed seventy-two (72) hours.

SECTION 1

ITEM 120

RECLAIM DUE TO RAILROAD ERROR - Continued

SECTION 6: GENERAL INSTRUCTIONS:

This rule applies only to cars of railroad ownership including owner's cars on owner's tracks, but it does not apply to cars bunched in transit, cars detained on account of weather interference, cars refused by consignee due to damage in transit or cars held under CSR-10 except Sections 1 and 2 of CSR-10.

ITEM 125

INTERCHANGE ERROR MOVEMENTS

Car received by FEC in error or without forwarding instructions from the delivering carrier will be handled in accordance with AAR Car Service Rule 7, subject to a switching charge of \$75.00 per car for returning car to delivering carrier or forwarding car to proper carrier within the same switching district. Charge for this service will be assessed against the delivering carrier.

If cars are held by FEC awaiting disposition or necessary data from delivering carrier, an additional charge of \$15.00 per car will be assessed against the delivering carrier for each day, or portion thereof, car is held from the first 12:01AM following written notification that car is being held for disposition until disposition is furnished. This provision will not apply when forwarding instructions are awaited from shipper and car would be subject to demurrage charges.

ITEM 130

**HAZARDOUS OR DANGEROUS COMMODITIES – PROHIBITION
AGAINST LOADING OR UNLOADING ON PUBLIC DELIVERY OR
TEAM TRACKS**

The FEC will not permit hazardous or dangerous commodities described below to be loaded or unloaded at public delivery or team tracks:

All bulk shipments, or shipments in containers which exceed 110 gallon capacity each, of Hazardous Materials, Hazardous Substances, or Hazardous Wastes, as identified in Bureau of Explosives Tariff ICC BOE 6000, Parts 170 through 179 or assigned a 49 Series Standard Transportation Commodity Code number in Section 3, Parts I, II or III of the Tariff ICC STCC 6001, except these provisions do not apply on STCC 49 102 60-Road Asphalt or Tar, Liquid (Flammable), Petroleum Road Oil.

SECTION 1

ITEM 135

**SWITCHING EMPTY CARS FROM INTERCHANGE TRACKS OF
CSXT AT MIAMI, FL**

If an empty car is furnished by CSXT for loading at White Rock, CSR Rinker or Titan America in Miami, and the service or switching and placing it has been performed by the FEC and the car is subsequently refused or rejected by the shipper account unclean, contaminated, defective or unfit or loading through no fault of the FEC, the FEC shall charge CSXT \$250.00 per car for return of the refused or rejected empty car to the interchange tracks of CSXT at Miami, FL. FEC will not pay per diem or mileage on such refused or rejected cars.

ITEM 140

CARS ORDERED AND NOT USED

Except as otherwise provided in Item 135, if an empty car is ordered for loading and the service of switching and placing it has been performed and the car is subsequently released back to carrier without being used in transportation service, the intra-terminal switching charge will be assessed, which will be in addition to all other charges (see notes below).

Note 1: If empty car placed for loading is moved loaded or another location within the same plant or industry for which an intra-plant switching charge is subsequently released empty back to carrier

Note 2: The provisions of this item are not applicable on cars refused or rejected account defective or unfit for loading.

ITEM 145

CLAIM LIMITATIONS

@When upon delivery, there is commodity damage found when the car is opened, the consignee must immediately notify the FEC so the FEC representative has the opportunity to make an inspection while the car is still under load. In any event, the FEC Freight Claims Department Phone: (904) 538-6032 must be notified within 24 hours (excluding the weekends and holidays).

When shortages are noted and attributed to rail carrier liability, they must be reported to the FEC Freight Claims Department (904) 538-6032 immediately so that the FEC representative may promptly begin their investigation of shortages.

Section 1

ITEM 145

CLAIM LIMITATIONS - Continued

@Failure to promptly notify FEC as prescribed herein shall constitute an unconditional release by Shipper of any responsibility on the part of FEC to process or pay a claim relating to the shipment. At FEC's request, Shipper shall preserve and make available for inspection all damaged commodities and all commodities received in good condition, all packaging, material, dunnage, blocking and bracing and security devices to assist the inspector in determining the cause of the damage or shortage.

Unless otherwise expressly stated, all rates and divisions quoted subject to this Tariff shall apply only to shipments, the value of which is \$250,000 or less per carload and FEC liability for any such shipment moving under these rates/divisions shall not exceed a maximum of \$250,000, regardless of whether the actual value of the shipment is greater than \$250,000 per carload. Any shipment whose value is not stated, or whose value is incorrectly stated by the Shipper at \$250,000 or less per carload, shall be deemed to be valued at not of the shipment is greater than \$250,000.

Claims for loss or damage to cargo, commodities and/or freight must be filed in writing and received by FEC within nine (9) months after the date of delivery of the shipment to destination. In the event that a claim is denied, suits for recovery must be filed within two (2) years and one (1) day after notice of claim denial was given in writing. All filing should be sent to the FEC Freight Claims Department, Fax: 904-256-0412, or mailed to 7411 Fullerton Street, Suite 300, Jacksonville, FL 32256. No claim for \$250.00 or less for cargo loss or damage will be made by shipper or accepted or paid by FEC and the shipper hereby waives any and all recovery, remedies and/or rights with respect to such claims.

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Section 2
Demurrage & Accessorials

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SECTION 2

APPLICATION:

- A. Applicable at all stations on the FEC.
- B. The disposition of a car at its point of detention determines the purpose for which the car is held and the rules applicable thereto.
- C. All railroad and privately owned cars held for or by consignors or consignees are subject to demurrage rules and charges contained in this section, EXCEPT, the following:
 - 1. Cars for loading or unloading of FEC company material while held on FEC tracks or private sidings connecting therewith.
 - 2. Cars of refused or unclaimed freight to be sold by FEC for the time held beyond legal requirements.
 - 3. Cars assigned to shippers returned empty to point of assignment, to the extent storage rules apply.
 - 4. Cars moving on own wheels under transportation charges as freight.
 - 5. Cars of railroad ownership, leased for storage of commodities, while held on lessee's tracks.
 - 6. Loaded private cars held on private tracks, unless made subject to demurrage under the provisions of Item 140.
 - 7. Empty private cars held on railroad or private tracks.
 - 8. Empty cars ordered and rejected as unsuitable for loading.

GLOSSARY OF TERMS:

For the purpose of applying provisions of this section, the following are defined and will govern:

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 cars are ordered or the party who furnishes forwarding directions.

CONSTRUCTIVE PLACEMENT – When a car cannot be actually placed because of any condition attributable to the consignor or consignee, including order notify and in-bond shipments, such car will be held on FEC tracks and notice will be given to the consignor or consignee that the car is held awaiting disposition instructions. Such cars that have been placed by FEC on private or other than public delivery tracks, including lead tracks serving the consignor or consignee, will be considered constructively placed without notice.

SECTION 2

GLOSSARY OF TERMS: (Continued)

For the purpose of applying provisions of this section, the following are defined and will govern:

DEMURRAGE DAY – a twenty-four (24) hour period, or part thereof, commencing 7:00 A.M. after tender when cars are actually or constructively placed at 7:00 A.M.. Time shall be computed from the same 7:00 A.M. and placement shall be determined by the precise time the engine cuts loose.

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

DIVERSION – An order from the consignor to deliver car to other than original destination.

EMPTY CARS ORDERED AND NOT USED – Empty cars ordered placed for loading and not used in transportation service.

EMPTY RELEASE INFORMATION – Advice by consignee given to authorized personnel of FEC, by fax or e-mail, that car is unloaded and available to FEC.

FORWARDING INSTRUCTIONS – A bill of lading or suitable shipping instructions given to FEC at the point of loading, containing all of the necessary information to transport the shipment to the final destination, including consignee, description of commodity and whether prepaid or collect.

LEASE TRACK – Any trackage assigned to a user through written agreement. Lease track will be treated the same as private track under the section.

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

LOADED CAR – A car that is completely or partially loaded.

NOTIFICATION – When required, notification will be furnished by fax, telephone or in writing, to all parties entitled to receive notification.

OTHER THAN PUBLIC DELIVERY TRACK – Any trackage assigned for individual use, including privately owned or leased track.

SECTION 2

GLOSSARY OF TERMS: (Continued)

For the purpose of applying provisions of this section, the following are defined and will govern:

PARTIAL UNLOADING – The partial unloading of a car and the furnishing of fax or e-mail forwarding instructions.

PRIVATE CAR – A car bearing other than railroad reporting marks and which is not a railroad-controlled car.

PRIVATE TRACK – Any track that is not owned or leased by the railroad.

PUBLIC DELIVERY TRACK – Any track open to the general public for loading and unloading.

RAILROAD-CONTROLLED CAR – A car bearing other than railroad reporting marks provided to the railroad directly by car companies or others for use by the railroad in serving any of its customers.

RECONSIGNMENT – An order from the 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 an 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 car is held for loading after being released as empty.

RESHIPMENT – A new document by which the entire original shipment is forwarded in the same car to another destination.

STOPPED IN TRANSIT – When cars are held en route because of any condition attributable to the consignor or consignee, or owner.

TIME – Local time applicable, expressed on the basis of the 24-hour clock.

Example: 12:01 A.M. is expressed as 0001 Hours.

UNLOADING – The complete unloading of a car and fax or e-mail advice received from consignee that car is empty and available to the railroad.

SECTION 2

ITEM 150

GOVERNING PUBLICATIONS

Freight Classification ICC UFC 6000-Series and Freight Tariff RPS 2011 Series
Bureau of Explosives Tariff ICC BOE 6000
AAR Car Service Rules

ITEM 155

NOTIFICATION TO CONSIGNOR OR CONSIGNEE

A. The following notifications will be furnished as indicated:

1. Cars for Other Than Public Delivery Track:
 - a) Notice of constructive placement if cars are held on FEC tracks due to reasons attributable to the consignor or consignee.
 - b) Delivery of car upon tracks of consignee will constitute notice.
2. Cars for Public Delivery Tracks:

Notice will be given to the party entitled to receive notification when car is actually placed.
3. Car 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 stoppage.
4. Refused Loaded Car:

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

B. Notification may be given by fax, telephone or in writing and will contain the following:

1. Car initials and number.
2. If lading transferred en route, the initials and number of the original car.
3. Commodity.

SECTION 2

ITEM 160

NOTIFICATION TO FEC

Notification to FEC will be in writing either by fax or e-mail for release information or other disposition of cars. The recorded date and time that this information is received will govern.

ITEM 165

**CARS HELD FOR LOADING, TRANSACTIONS, ETC.
(Not Applicable to Private Cars)**

TENDER:

The notification, actual or constructive placement of an empty car placed on orders of the consignor.

RELEASE:

- A. Date and time forwarding instructions are received.
- B. Cars placed on interchange tracks of a consignor doing its own switching also must be returned to the interchange track for release.
- C. Cars found to be improperly loaded or overloaded at origin will not be considered released until the load has been adjusted properly.

COMPUTATION:

- A. Time will be computed from the first 0700 hours after tender until release.
- B. If the car is placed prior to date for which it was ordered, time will be computed from the first 0700 hours after the date for which it was ordered until its release.
- C. On reloaded cars, time will be computed from the first 0700 hours after advice is received that the car is empty until release.
- D. When the same car is unloaded and reloaded, empty release information must be furnished by fax or e-mail. If not furnished, demurrage will continue until forwarding instructions are received.

SECTION 2

ITEM 170

CARS HELD FOR COMPLETE UNLOADING, TRANSACTIONS, ETC.

- A. Unloading is the complete unloading of a commodity from a car and fax or e-mail advice from the consignee to the railroad that the car is empty and available to the railroad.
- B. Loaded private cars held on private tracks at destination will be subject to this item only when all of the following conditions have been met:
 - 1. The car is an Association of American Railroads mechanically designated "LO" covered hopper.
 - 2. The shipping document furnished to direct the movement of the car to the unloading station contains an endorsement substantially stating: "Car subject to demurrage at destination when held on private tracks, as provided in destination carrier's tariff."
 - 3. When shipping document is given in electronic format, the appropriate ANSI (American National Standards Institute) Special Handling Code should be furnished to reflect Condition Number 2. If the Special Handling Code is furnished, inclusion of the endorsement language in Condition Number 2 is optional.
 - 4. The notation of the shipping document is declared before the car leaves initial origin.

TENDER:

The notification, actual or constructive placement of a loaded car.

RELEASE:

- A. Date and time that the railroad receives fax or e-mail advice that the car is empty.
- B. Cars placed on interchange tracks of a consignee doing its own switching must also be returned to the interchange track for release.
- C. Upon payment of lawful charges required prior to delivery of the car.
- D. When the same car is unloaded and reloaded, empty release information must be furnished by fax or e-mail. If not furnished, demurrage will continue until forwarding instructions are received.

COMPUTATION:

Time will be computed from the first 0700 hours after tender until release.

SECTION 2

ITEM 175

**PRIVATE AND RAILROAD CARS HELD FOR OTHER PURPOSES,
TRANSACTIONS, ETC.**

Applicable to cars held:

- A. On orders of consignor or consignee.
- B. While awaiting proper disposition from the consignor or consignee.
- C. As a result of conditions attributable to consignor or consignee.

DISPOSITION:

That information, including forwarding instructions or empty release (by fax or e-mail), which allows the railroad to either tender or release the car from the consignor's or consignee's account.

TENDER:

The notification, actual or constructive placement of a loaded car.

RELEASE:

Date and time that the railroad receives fax or e-mail advice that the car is empty or that forwarding instructions are received.

COMPUTATION:

Time will be computed from the first 0700 hours:

- A. After tender until release on cars:
 - 1. Diverted
 - 2. Empty for Loading – Ordered and Not Used (other than a rejected car)
 - 3. Reconsigned
 - 4. Reshipped
 - 5. Stopped In Transit
- B. After cars are received by FEC until date of disposition on:
 - 1. Cars received from connecting carriers
 - 2. Loaded private cars returned to railroad tracks
- C. After tender until date of refusal on:
 - 1. Refused loaded cars (consignee)
- D. After tender until date of disposition on:
 - 1. Refused loaded cars (consignor)
- E. After tender until; release or placement on private tracks on:
 - 1. Loaded private cars while held on railroad tracks.

SECTION 2

ITEM 180

FREE TIME

Free time will be computed from the first 0700 hours after placement or after proper notification has been sent or given where required. For the purpose of computing free time, Saturday, Sundays and holidays, as shown in Item 190, will be excluded. Free time, as designated below, will be allowed for each car: **(See note below.)**

FORTY-EIGHT (48) HOURS (all commodities except aggregate)
TWENTY-FOUR (24) HOURS (aggregate commodity)

1. ▲ To complete UNLOADING, as defined in Section 2 Glossary.

TWENTY-FOUR (24) HOURS

1. ▲ Partial or COMPLETE LOADING, as defined in Section 2 Glossary.
2. ▲ PARTIAL UNLOADING, as defined in Section 2 Glossary.
3. Partial unloading and reloading.
4. Loading or unloading all commodities handled in intraplant switching service, as defined in the switching or other tariffs of this railroad and will include "setback service", as defined in tariffs of this railroad.
5. Diversions, reconsignments or reshipment.
6. Cars held in transit:
 - A. On order of consignor, consignee or owner of the freight.
 - B. For surrender of "Order Notify" bill of lading or payment of lawful charges.

SEVENTY-TWO (72) HOURS

1. Freight "IN BOND" for customs entry, government inspection or certification.

Note: If placement of car(s) is required on a Saturday or Sunday, switching charges will apply and be in addition to freight charge(s).

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SECTION 2

ITEM 185

DEMURRAGE CHARGES

▲ On cars placed for loading or unloading, after expiration of free time allowed or without free time allowance when none is provided, the following charges per car, per day, or fraction of a day, will be made until car is released and ready for pick-up as defined in Item 50 of Section 1:

Commodity: STCC 14 Aggregate

\$45.00 per day for 1st chargeable day.

\$85.00 per day for 2nd through 6th chargeable day.

\$125.00 per day for 7th chargeable day and beyond.

All Other Commodities except Aggregate:

\$45.00 per day for 1st through 3rd chargeable day.

\$65.00 per day for 4th through 8th chargeable day.

\$85.00 per day for 9th chargeable day and beyond.

The applicable charge will accrue on all Saturdays, Sundays and holidays subsequent to the first chargeable day, including a Saturday, Sunday or holiday immediately following the day on which the first chargeable day begins to run, except as otherwise provided.

ITEM 190

HOLIDAYS

Wherever reference is made to "holidays", it shall mean only the days listed below:

New Year's Eve (See Note 1, this item)

New Year's Day (See Note 1, this item)

President's Day

Memorial Day

Independence Day (See Note 1, this item)

Labor Day

Thanksgiving Day

Day After Thanksgiving

Christmas Eve (See Note 1, this item)

Christmas Day (See Note 1, this item)

EXPLANATION OF NOTE:

NOTE 1 - When this date occurs on a Sunday, the following Monday will be observed as the holiday.

ITEM 195

SECTION 2

CLAIMS

In order to be allowed relief as indicated, a Claim must be presented to FEC, 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.

A. Railroad Error:

1. If, through railroad error, demurrage charges are assessed, demurrage will be adjusted to the amount that would have accrued but for such error.
2. Run-around and bunching of cars will not be considered as a railroad error.

B. Weather Interference:

1. When, because of earthquakes, tornadoes, hurricanes, floods or heavy snow, the operations of the consignor or consignee are disrupted, the demurrage directly chargeable thereto will be eliminated, provided the disruption exceeds two (2) days in duration.
2. Frozen lading in open-top hopper cars (Tariff ICC RER 6412 car type Code "H" or "K").

C. Strike Interference:

When it is impossible to load or unload or receive cars from or make cars available to FEC because of strike interference at the point where the loading or unloading is to be accomplished, demurrage days will be charged for at the rate of \$15.00 per day during the period of strike interference, provided:

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

SECTION 2

ITEM 200

CLAIM LIMITATIONS

Unless otherwise expressly stated, all rates and divisions quoted subject to this Tariff shall apply only to shipments, the value of which is \$250,000 or less per carload and FEC liability for any such shipment moving under these rates/divisions shall not exceed a maximum of \$250,000, regardless of whether the actual value of the shipment is greater than \$250,000 per carload. Any shipment whose value is not stated, or whose value is incorrectly stated by the Shipper at \$250,000 or less per carload, shall be deemed to be valued at not more than \$250,000 per carload regardless of whether the actual value or correct value of the shipment is greater than \$250,000.

▲ Claims for loss or damage to cargo, commodities and/or freight must be filed in writing and received by FEC within nine (9) months after the date of delivery of the shipment to destination. In the event that a claim is denied, suits for recovery must be filed within two (2) years and one (1) day after notice of claim denial was given in writing. All filing should be sent to the FEC Freight Claims Department, Fax: 904-256-0412, or mailed to 7411 Fullerton Street, Suite 300, Jacksonville, FL 32256. No claim for \$250.00 or less for cargo loss or damage will be made by shipper or accepted or paid by FEC and the shipper hereby waives any and all recovery, remedies and/or rights with respect to such claims.

ITEM 205

RAILROAD ERROR

When cars are inaccessible for loading or unloading, allowance will be made for demurrage directly chargeable thereto, subject to conditions set forth below:

1. On other-than-public-delivery tracks when there is disability of this railroad.
2. On public delivery tracks only when an obstruction is on the premises of this railroad.

No allowance will be made for delay in placing nor for interruption in loading or unloading cars consigned or ordered to a track, other than a public delivery track, used by two (2) or more shippers or consignees when such delay or interruptions is attributable to such joint use of such track, except that due allowance will be made if a car displaced for switching is not replaced when the switching is completed.

SECTION 2

ITEM 205 – (Continued)

RAILROAD ERROR

Demurrage charges assessed and billed will not be relieved under this item, unless claim is presented in writing to this railroad within ninety (90) calendar days after date on which demurrage bill is rendered stating the conditions for which relief is claimed.

ITEM 210

PUBLIC DELIVERY TRACKS (LOADING)

On cars for loading on public delivery tracks, time shall be computed from the first 7:00 A.M. after actual placement and without notice. However, notification shall be sent or given on cars not placed within twenty-four (24) hours after 7:00 A.M. after notification is sent or given to the consignor or party ordering the car that the cars have been placed.

ITEM 215

PUBLIC DELIVERY TRACKS (UNLOADING)

Except as provided, on cars for unloading on public delivery tracks, time will be computed from the first 7:00 A.M. after actual placement (See Note 1) and after required notice has been sent or given. (Continued on Next Page)

EXPLANATION OF NOTE

1. When delivery of cars on public delivery tracks cannot be made on account of more cars on hand than such tracks will accommodate, such cars will be held at an available hold point and time computed from the first 7:00 A.M. after notice of arrival at the hold point is sent or given consignee, provided one (1) or more of such consignee's cars are placed or offered for placement each time the facility is switched. The provisions of this note are not applicable if prior to the first 7:00 A.M., exclusive of holidays, after arrival notice is sent or given, consignee requests delivery at another public delivery track at destination where space is available. In such case, the alternative delivery shall be made.

ITEM 220

EMPTY CARS PLACED PRIOR TO DATE FOR WHICH ORDERED

On empty cars placed prior to date for which ordered, time shall be computed from 7:00 A.M. to the date for which ordered, except when loading commences prior to date for which ordered, time shall be computed from the first 7:00 A.M. thereafter.

ITEM 225

CARS HELD IN BREAKUP OR HOLD YARDS FOR ORDERS

When a consignee has not notified this railroad of the track upon which he wishes his car placed, either by general or specific orders as to incoming freight at or prior to arrival of shipment, the car will be held at any available breakup or hold yard and time computed from the first 7:00 A.M. after notice of arrival is sent or given to consignee or party entitled to receive same, until release as provided in applicable provisions of Section 1 to this tariff.

ITEM 230

OTHER-THAN-PUBLIC-DELIVERY-TRACKS

On cars for unloading on other-than-public-delivery-tracks, time shall be computed from the first 7:00 A.M. after actual or constructive placement or after proper notification where required.

ITEM 235

RULE GOVERNING CARS HELD FOR PURPOSES OTHER THAN LOADING OR UNLOADING

This section will apply when cars are held for purposes other than loading or unloading, including cars which have been tendered for loading or unloading under the provision of Item 320 and which are later reconsigned, diverted, reshipped or released empty after having been ordered or appropriated, in which event tender of a car under such sections will govern in computing time under these provisions.

ITEM 240

CARS HELD FOR RECONSIGNMENT, DIVERSION OR RESHIPMENT

On cars held for reconsignment, diversion or reshipment, time will be computed from the first 7:00 A.M. following the sending or giving of notice. The term "diversion" or "reconsignment" will be applied as defined in the reconsignment tariffs of this railroad, except that under this provision, a "turnover" (an order for delivery to another party) which does not involve an additional movement of the car to a point beyond the confines of the same industry or same public delivery yard is not a reconsignment for the purposes of applying this provision. A "reshipment" is the making of a new contract by which, under a new rate, the entire original lading, without being unloaded, is forwarded in the same car to another destination or another place of delivery at the same destination, which requires a movement beyond the confines of the industry or the public delivery yard where the car has been originally delivered.

When diversion or reconsignment is consummated on an order mailed, wired or otherwise transmitted by the consignor to an agent of this railroad or an agent of any railroad which has participated in the transportation transaction, such order will be considered as having been received after 7:00 A.M. on the date received. When an order is received for "reshipment" it shall contain all the necessary information to transport the shipment to its new destination, and, if the order for "reshipment" is transmitted by U. S. Mail, it shall be considered as having been received after 7:00 A.M. on the date received.

ITEM 245

CARS HELD IN TRANSIT

When cars are held in transit, including cars destined for delivery to a connecting line, due to or on orders of the consignor, the consignee or owner not otherwise specifically provided for in these rules, surrender of order notify bill of lading or payment of lawful charges, time will be computed from the first 7:00 A.M. following the sending or giving of notice of arrival. Cars will be released at the time the order, bills of lading or lawful charges are received by an agent of this railroad or an agent of any railroad which has participated in the transportation transaction or an order sufficient to move the cars to a consignee at another station; however, if such order, bill of lading or payment of lawful charges is received by U. S. Mail, it will be considered as having been received after 7:00 A.M. on the date received.

ITEM 250

EMPTY CARS ORDERED OR APPROPRIATED FOR LOADING, BUT NOT USED

In application of this item, a demurrage day consists of a twenty-four (24) hour period, or fraction thereof, computed from the hour of actual or constructive placement of the car or appropriation, except that on cars placed in advance of the date for which ordered for loading, time will be computed from 7:00 A.M. of the day for which so ordered.

When a car so ordered and placed on a public track is not used and no advice from the party who ordered the car has been received within forty-eight (48) hours, exclusive of holidays, from the first 7:00 A.M. after demurrage charges begin, the car may be removed and treated as released at the time of removal.

In the event a car is rejected account not suitable for loading, this item will not apply if the party ordering the car advises this railroad of rejection and condition that caused car to be rejected within twenty-four (24) hours, exclusive of holidays, after actual placement (See Notes 1 and 2).

These provisions will also apply in connection with cars that are held on constructive placement on shipper-owned or leased tracks.

If rejection has not been made within time specified in the previous paragraph, demurrage will be charged for all detention computed, as set forth in this item.

EXPLANATION OF NOTES

1. When advice cannot be furnished because of authorized personnel of this railroad not being on duty to accept the advice, the party ordering the car will have until 9:00 A.M. of the next day on which this railroad has such personnel on duty to furnish the advice and the car will be released at the time during the railroad's off-duty hours such party was ready, willing and able to furnish the advice.
2. Industries performing switching service for themselves or other parties must, in addition to advising this railroad that cars will not be used in transportation service for loading, return such cars to the industrial interchange track.

ITEM 255

CARS RECEIVED UNDER LOAD AND HELD FOR FORWARDING DIRECTIONS

On loaded cars received from another railroad and held by this railroad for forwarding directions or other disposition, demurrage will be assessed from the first 7:00 A.M. after receipt until proper forwarding directions or other disposition is furnished, except that cars received between 5:00 P.M. and 7:00 A.M. will not be subject to demurrage if disposition or forwarding directions are received prior to the following 12:00 Noon, inclusive of holidays (See Note 1).

EXPLANATION OF NOTE

1. When forwarding directions or other disposition cannot be furnished because of authorized personnel of this railroad not being on duty to accept the directions or other disposition, the consignor will have until 12:00 Noon of the next day on which this railroad has such personnel on duty to accept forwarding directions or disposition and the forwarding directions or other disposition will be considered to have been furnished at the time during the railroad's off-duty hours that the consignor was ready, willing and able to furnish the forwarding directions or other disposition.

ITEM 260

CARS CONTAINING FREIGHT IN BOND FOR CUSTOMS ENTRY, GOVERNMENT INSPECTION OR CERTIFICATION

On cars containing freight in bond for customs entry and government inspection, time will be computed from the first 7:00 A.M. after notice has been sent or given. Cars will be released at the date and time this railroad is furnished with release from customs entry and government inspection and disposition instructions.

ITEM 265

CARS HELD IN YARD FOR STORAGE

On cars held in yard on storage and not covered by any of the above provisions, the following charges will apply without allowance of free time:

\$45.00 per day for 1st through 3rd day.
\$65.00 per day for 4th through 8th day.
\$85.00 per day for 9th day and beyond

- @ - Addition
- ▲ - Change in Wording
- ◆ - Increase
- R - Reduction

-FINIS-