

SWP 8100

ORIGINAL TITLE PAGE

SOUTHWEST PENNSYLVANIA RAILROAD

FREIGHT TARIFF

SWP 8100

LOCAL FREIGHT TARIFF

PUBLISHING

RULES AND CHARGES ON SWITCHING SERVICES

AT STATIONS ON

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY

SWITCHING SERVICES TARIFF

ISSUED: NOVEMBER 22, 2004

EFFECTIVE: DECEMBER 22, 2004

ISSUED BY:

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY TARIFF SWP 8100

12TH REVISED PAGE 1

CHECK SHEET – SWITCHING SERVICES TARIFF

Original Pages and Revised Pages named below contain all changes from the Original Tariff. The effective date is as shown on each revised page.

| <u>PAGE REVISION</u> | <u>PAGE REVISION</u> | <u>PAGE REVISION</u> |
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| 2 ORIGINAL | 27 1 ST REVISED | 52 ORIGINAL |
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Note 1: See Page 35B

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SOUTHWEST PENNSYLVANIA RAILROAD COMPANY TARIFF SWP 8100

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CANCELLATION NOTICE

Tariff SWP 8100 Cancels Tariff SWP 8001 - B. Rules and Charges on Switching and Accessorial Services transferred to Tariff SWP 8100.

Tariff SWP 8100 Cancels Tariff SWP 6000. Rules and Charges on Demurrage and Storage transferred to Tariff SWP 8100.

Provisions not brought forward are hereby cancelled.

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| | |
|----------------------|--------------|
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|----------------------|--------------|

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

ITEM 1000. APPLICATION OF TARIFF

This Tariff publication is filed with the Surface Transportation Board and is applicable on Interstate Traffic and Intrastate Traffic in the State of Pennsylvania.

ITEM 1010. GOVERNING CLASSIFICATION

The term "Uniform Freight Classification" when used herein means:

Freight Tariff Uniform Freight Classification (UFC) 6000 - series.

ITEM 1020. STATION LISTS AND CONDITIONS

This tariff is governed by OPSL 6000 - series to the extent shown below:

1. For additions, changes in name or location, or abandonments of stations, for prepay requirements, restrictions as to receipt or delivery of freight, and changes in station facilities.
2. When a station is abandoned as of a date specified in the above named tariff, all rules and charges applicable thereto, as published in this tariff, are inapplicable on and after that date.

For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

ITEM 1030. EXPLOSIVES, DANGEROUS ARTICLES

1. For rules and regulations governing the transportation of explosives and other dangerous articles, also specifications for shipping containers and restrictions governing the acceptance and transportation of explosives and other dangerous articles see BOE 6000 - series.

ITEM 1040. REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.

1. Where reference is made in this tariff to tariffs, price authorities, items, notes, rules, etc., such references are continuous and include supplements to and successive issues of such price authorities and reissues of such items, notes, rules, etc.

ITEM 1050. TERMINAL OR TRANSIT PRIVILEGES

1. Shipments made under the rates contained in this tariff are entitled also to terminal and transit services and privileges, and are subject to the charges, allowances, rules and regulations legally applicable thereto.
2. When such charges, allowances, rules or regulations are provided for in separate price authorities, corresponding or conflicting provisions contained in this tariff will not apply.

For explanation of abbreviations and reference marks see last page of tariff.

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1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

ITEM 1060. CONSECUTIVE NUMBERS

1. Where consecutive numbers are represented in this tariff by the first and last numbers connected by the word "to" or a hyphen, they will be understood to include both of the numbers shown.
2. If the first number only bears a reference mark, such reference mark also applies to the last number shown and to all numbers between the first and last numbers.

ITEM 1070. CAPACITIES AND DIMENSIONS OF CARS

1. For marked capacities, lengths, dimensions and cubical capacities of cars, see Official Railway Equipment Register (RER) 6413 - series.

ITEM 1080. NATIONAL SERVICE ORDERS

1. This tariff is subject to provisions of Tariff NSO 6100 - series.

ITEM 1090. REVISION NUMBERS

1. This tariff will be amended by reprinting the page and showing a revised number. The revised page numbers will be used in consecutive numerical order beginning with "1ST REVISED PAGE". A revised page cancels any uncanceled revised or original pages that bear the same page number.

For explanation of abbreviations and reference marks see last page of tariff.

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1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

ITEM 1100. CAR DEMURRAGE RULES AND REGULATIONS

1. Except where otherwise provided, all cars handled under the provisions of this tariff will be subject to demurrage and storage rules and charges as provided in Sections 8 and 9, herein.

ITEM 1110. DEFINITION OF HOLIDAYS

1. The term "Holidays" means:

| | |
|------------------|--------------------------------------|
| New Years Day | January 1 st (Note 1) |
| Presidents Day | 3 rd Monday of February |
| Memorial Day | Last Monday of May |
| Independence Day | July 4 th (Note 1) |
| Labor Day | 1 st Monday of September |
| Thanksgiving Day | 4 th Thursday of November |
| Christmas Day | December 25 th (Note 1) |

Note 1 - When one of the Holidays occurs on a Sunday, the following Monday will be observed as the Holiday.

For explanation of abbreviations and reference marks see last page of tariff.

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1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

ITEM 1120. DEFINITION OF TERMS

CONSTRUCTIVE PLACEMENT

When, due to some disability on the part of the consignor or consignee, a car cannot be placed for loading or unloading at a point previously designated by the consignor or consignee, and is placed elsewhere, it is considered as being under constructive placement and subject to demurrage or storage rules and charges, the same as if it were actually placed at the designated point.

HOLD TRACK SWITCHING

A switching movement between an interchange, industrial or public delivery track and a hold track of SWP or industry to hold cars to await placement or forwarding instructions.

HOLD TRACKS

Hold tracks are tracks on which cars are held to await placement instructions into a closed-gate industry or to await forwarding instructions.

INDUSTRIAL TRACKS

Tracks serving a particular industry, whether located upon the property of SWP or upon property owned or leased by the industry.

(Continued on following page)

For explanation of abbreviations and reference marks see last page of tariff.

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1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

INTERCHANGE TRACKS

Interchange tracks are tracks on which cars are interchanged between SWP and connecting lines.

INTERMEDIATE SWITCHING

A switching movement between the interchange tracks of one carrier to the interchange tracks of another carrier within the switching limits of the same station.

INTERSTATE TRAFFIC

Traffic moving from a point in one state to a point in another state, or a shipment moving from a point in a state to another point in the same state but moving outside the state while in transit.

INTER-TERMINAL SWITCHING

A switching movement between the tracks of SWP or the industry at one location and the tracks of the same industry at another location not within the switching limits of the same station or industrial switching district.

INTRASTATE TRAFFIC

Traffic moving from a point in a state to another point in the same state, which does not move outside of the state while in transit.

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For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

INTRA-PLANT SWITCHING

A switching movement from one track to another or between two locations on the same track within the confines of the same (single) plant or industry.

INTRA-TERMINAL SWITCHING

A switching movement between the tracks of SWP or the industry at one location and the tracks of the same industry at another location within the switching limits of the same station or industrial switching district.

LINE-HAUL SWITCHING

A switching movement between interchange tracks of connecting lines and stations on SWP or between stations on SWP that are not located within the switching limits of the same station.

RECIPROCAL SWITCHING

An arrangement between carriers serving the same station or industrial switching district where the carrier physically serving the industry performs switching service for loading or unloading on behalf of the other carrier on shipments having an immediately preceding or following line-haul movement via the other carrier.

PUBLIC DELIVERY TRACK

A track or tracks assigned by SWP for use of the general public. All public delivery tracks are closed to reciprocal switching.

For explanation of abbreviations and reference marks see last page of tariff.

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1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

ITEM 1130. HANDLING OF LOADED AND EMPTY CARS

1. Except as otherwise provided, the charges published in this tariff include the switching of a loaded car for unloading and the return of the same car empty.
2. Except as otherwise provided, the charges published in this tariff include the switching of an empty car for loading and the return of the same car loaded.
3. Except as otherwise provided, if a car moves fully or partially loaded in each direction, a switching charge will be assessed in each direction.
4. Except as otherwise provided, if an empty car is ordered and the service of placing or constructively placing it has been performed, and the car is subsequently released back to SWP without being loaded, a car ordered but not used switching charge, in addition to applicable demurrage charges, will be assessed against the party ordering but not using the car (Exceptions).

EXCEPTIONS

1. The car ordered but not used charge will not apply if release of the empty car results from SWP's failure or inability to place or constructively place the car ordered on the day for which it was ordered.
2. The car ordered but not used charge will not apply if release of the empty car results from the shipper or SWP appropriating a car, which becomes available locally, to fill the car order.

(Continued on following page)

For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

3. The charge will not apply when a car is refused or rejected by the party ordering the car because the car is not in proper condition for loading; was not of the proper type ordered; or the loading of which would be in violation of car service orders or loading rules.
4. The charge will not apply on special type flat cars with mechanical designation "FD", "FG", "FW" or "FM" listed in RPS 6740 - series, or other applicable tariffs, for which charges are provided therein.

ITEM 1140. HANDLING CARS OF RAILROAD COMPANY MATERIAL

1. Railroad company material moving via owner line on non-revenue billing between interchange tracks with owner line and industrial or public delivery tracks served by SWP will be assessed an intra-terminal switching charge.

ITEM 1150. CAR DIVERSIONS OR RECONSIGNMENTS

1. Except as otherwise provided, when a car is received from a connecting carrier and is held for diversion or reconsignment on the tracks of SWP, and which is diverted or reconsigned via a connecting carrier, a line-haul switching charge will be assessed, in each direction.
2. When a car is received from a connecting carrier and is placed for delivery to a consignee, and which is later reconsigned, a line-haul switching charge will be assessed for the return movement of the car, provided specific switching charge is not already in effect.

For explanation of abbreviations and reference marks see last page of tariff.

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1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

ITEM 1160. CARS BILLED ORDER NOTIFY WILL NOT BE HANDLED

1. Cars will not be accepted for handling in switching service under the provisions of this tariff if billed "Order Notify" or if moving under straight bills of lading, which require the surrender of the bill of lading, a written order, or other document before making delivery.

ITEM 1170. SHIPMENTS REQUIRING TWO OR MORE CARS

1. Except as otherwise provided, when shipments are loaded in articulated cars (two or more units permanently or temporarily joined together), or when shipments require two or more cars for transportation, switching charges will be assessed for each car.

ITEM 1180. RAILWAY EQUIPMENT MOVING ON OWN WHEELS

1. When an empty locomotive, passenger car, freight car or other railroad equipment moving on own wheels in revenue service is switched by SWP, a charge will be assessed the same as a loaded car.
2. When a locomotive or a passenger car moving on own wheels, but not under own power is switched by SWP in line-haul, intermediate or industrial switching, a special charge of \$250 will be assessed. This charge is in addition to all other switching charges.

For explanation of abbreviations and reference marks see last page of tariff.

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1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

ITEM 1190. SWITCHING SERVICE WHERE NO CHARGE IS PROVIDED

1. Where no switching charge is provided in this tariff, switching service will not be performed.

ITEM 1200. NON-APPLICATION OF ABSORPTION OF CHARGES

1. SWP is a switching terminal railroad carrier and as such will not absorb any charges assessed by connecting railroad carriers.
2. For absorption of SWP switching charges by connecting railroad carriers, see CSXT 8100 - series and NS 8001 - series.

ITEM 1210. PRIVATE SIDETRACKS

1. This tariff does not grant the use of private sidetracks to other than the owners, or to those to whom the privilege of use is granted by the owners.

For explanation of abbreviations and reference marks see last page of tariff.

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1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

ITEM 1220. EXTENSION OF CREDIT AND PAYMENT OF CHARGES

1. To establish credit with SWP contact:

Finance & Administration
SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
519 Cedar Way, Building 1, Suite 100
Oakmont, PA 15139

Telephone: (412) 426-6600

2. If the party responsible for switching service charges as published in Tariff SWP 8100 has not established credit with SWP, or has had its credit cancelled by SWP, party will be assessed Liquidated Damages Interest (Notes), in addition to switching services charges, for charges not paid within fifteen (15) days of the date of the Bill for the switching services charges.

EXPLANATION OF NOTES

Note 1 - Liquidated Damages Interest means 20% of the charges due.

Note 2 - Liquidated Damages Interest will not apply in instances of clear clerical error on the part of SWP.

For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

2. SWITCHING LIMITS

ITEM 2000. APPLICATION OF SWITCHING LIMITS

1. Where the switching limits of a station are specifically defined, the limits so defined include all tracks at such station, including tracks that may be within the corporate limits of another city, town, village or municipality.
2. Where the switching limits of a station are not specifically defined, the switching limits of such station include track located within the corporate limits of the same city, town, village or municipality.
3. Movements between locations within the same switching limits will be at the applicable switching charge (Note 1).

EXPLANATION OF NOTES

Note 1 - Line-haul switching rules and charges will not apply on shipments that originate and terminate within the same switching limits.

ITEM 2010. EVERSON, PA

1. Everson, PA industrial switching limits include the following stations:
Scottdale, PA

For explanation of abbreviations and reference marks see last page of tariff.

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ISSUED BY:
SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

2. SWITCHING LIMITS

ITEM 2020. MT PLEASANT, PA

1. Mt Pleasant, PA industrial switching limits include the following stations:

Westmoreland, PA

ITEM 2030. SMITHFIELD, PA

1. Smithfield, PA industrial switching limits include the following stations:

Fairchance, PA

For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

3. LINE-HAUL SWITCHING

ITEM 3000. APPLICATION OF LINE-HAUL SWITCHING

1. Except as otherwise provided, SWP will assess a line-haul switching charge against the carrier delivering the car to SWP, applicable to loaded cars on the switching movement between interchange tracks of connecting lines and stations on SWP.
2. Except as otherwise provided, SWP will assess a line-haul switching charge against the shipper shipping the car on SWP, applicable to loaded cars on the switching movement between origin and destination stations on SWP that are not located within the switching limits of the same station.

ITEM 3010. GENERAL

1. Except as otherwise provided, SWP will assess a general line-haul switching charge of \$628 per car, applicable to loaded cars.

ITEM 3020. CHEMICALS AND PETROLEUM PRODUCTS

1. Except as otherwise provided, SWP will assess a line-haul switching charge of \$823 per car, applicable to loaded cars of chemicals (STCC 28) and petroleum products (STCC 29).

ITEM 3030. HAZARDOUS COMMODITIES

1. Except as otherwise provided, SWP will assess a line-haul switching charge of \$885 per car, applicable to loaded cars of hazardous commodities (STCC 49).

For explanation of abbreviations and reference marks see last page of tariff.

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SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

3. LINE-HAUL SWITCHING

ITEM 3035. TOXIC AND POISON INHALATION HAZARD COMMODITIES

1. SWP will assess a line-haul switching charge of \$1,761 per car, applicable to loaded cars of Toxic Inhalation Hazard (TIH) or Poison Inhalation Hazard (PIH) Commodities as defined in AAR Circular No. OT-55-1.

ITEM 3040. COAL

1. SWP will assess a line-haul switching charge of \$410 per car, applicable to loaded cars of coal (STCC 11).
2. SWP will assess a line-haul switching charge of \$311 per car, applicable to loaded cars of coal (STCC 11) moving in unit trains of 90 or more cars (Exception).

ITEM 3045. SAND

1. SWP will assess a line-haul switching charge of \$621 per car, applicable to loaded cars of sand (STCC 14-413).

ITEM 3050. ROCK SALT

1. SWP will assess a line-haul switching charge of \$535 per car, applicable to loaded cars of rock salt (STCC 14-715).

For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

3. LINE-HAUL SWITCHING

ITEM 3060. EXCESS DIMENSION AND WEIGHT CARS

1. SWP will assess a line-haul switching charge of 15% of the immediately preceding or following line-haul charge of the connecting carrier, subject to a minimum charge of \$1129 per car, applicable to loads on Heavy Capacity and Special Type Cars, as listed in the Official Railway Equipment Register (RER 6413 - series) and to shipments exceeding 11 feet in width (either load or car), 17 feet in height over top of rail (combined load and car), or 286,000 lbs gross weight on rail (Note 1).

EXPLANATION OF NOTES

Note 1 - SWP's Chief Engineer must approve all excess dimension or weight cars prior to movement.

ITEM 3070. MILITARY EQUIPMENT AND ORDNANCE

1. SWP will assess a line-haul switching charge of \$885 per car, applicable to loaded cars of military equipment (STCC 41) and ordnance (STCC 19).

For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

3. LINE-HAUL SWITCHING

ITEM 3090. WESTMORELAND, PA - STORAGE IN TRANSIT

1. SWP will assess a line-haul switching charge of \$303 per car, applicable to loaded privately owned or leased tank cars or covered hopper cars of chemicals (STCC 28) and petroleum products (STCC 29) on both the movement from interchange tracks of connecting lines to SWP Storage in Transit and the movement from SWP Storage in Transit to interchange tracks of connecting lines.
2. SWP will assess a line-haul switching charge of \$404 per car, applicable to loaded privately owned or leased tank cars or covered hopper cars of hazardous commodities (STCC 49) on both the movement from interchange tracks of connecting lines to SWP Storage in Transit and the movement from SWP Storage in Transit to interchange tracks of connecting lines.

ITEM 3095. RAILWAY CARS ON OWN WHEELS

1. SWP will assess a line-haul switching charge of \$450 per car, applicable to railway cars moving on own wheels (STCC 37-422).

For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

4. INTERMEDIATE SWITCHING

ITEM 4000. NON-APPLICATION OF INTERMEDIATE SWITCHING

1. Provisions of Intermediate Switching do not apply on SWP.

For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

5. INDUSTRIAL SWITCHING

ITEM 5000. APPLICATION OF INDUSTRIAL SWITCHING

1. Except as otherwise provided, SWP will assess an intra-plant switching charge per car, applicable to loaded cars, for a switching movement from one track to another or between two locations on the same track within the confines of the same (single) plant or industry.
2. Except as otherwise provided, SWP will assess an intra-terminal switching charge per car, applicable to loaded cars, for a switching movement between the tracks of the industry or SWP hold tracks at one location and the tracks of the same industry at another location within the switching limits of one station or industrial switching district.
3. Except as otherwise provided, SWP will assess an inter-terminal switching charge per car, applicable to loaded cars, for a switching movement between the tracks of the industry or SWP hold tracks at one location and the tracks of the same industry at another location not within the switching limits of the same station or industrial switching district.

ITEM 5010. INTRA-PLANT SWITCHING

1. Except as otherwise provided, SWP will assess charge of \$195 per car, applicable to loaded cars, for movements in intra-plant switching.

ITEM 5020. INTRA-TERMINAL SWITCHING

1. Except as otherwise provided, SWP will assess charge of \$315 per car, applicable to loaded cars, for movements in intra-terminal switching.

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SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

5. INDUSTRIAL SWITCHING

ITEM 5030. INTER-TERMINAL SWITCHING

1. Except as otherwise provided, SWP will assess charge of \$385 per car, applicable to loaded cars, for movements in inter-terminal switching.

ITEM 5040. LIMITATION OF EQUIPMENT

1. SWP will not furnish cars of any particular size or dimension for use in intra-plant, intra-terminal or inter-terminal switching. Charges for intra-plant, intra-terminal or inter-terminal switching will be restricted to ordinary equipment.

ITEM 5050. HAZARDOUS COMMODITIES

1. When explosives, poison gas, compressed flammable gas, radioactive material or hazardous waste is switched by SWP in intra-plant, intra-terminal or inter-terminal switching, a special charge of \$140 will be assessed. This charge is in addition to all other switching charges.

ITEM 5060. CARS WITH MORE THAN FOUR AXLES

1. Charges for intra-plant, intra-terminal or inter-terminal switching at points on SWP are restricted to cars having no more than four axles.
2. When cars with more than four axles are found in intra-plant, intra-terminal or inter-terminal switching at points on SWP, a special charge of \$275 will be assessed. This charge is in addition to all other switching charges.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

5. INDUSTRIAL SWITCHING

ITEM 5080. WESTMORELAND, PA - INTRA-PLANT SWITCHING

1. Except as otherwise provided, SWP will assess charge of \$137 per car, applicable to loaded cars, for movements in intra-plant switching within Westmoreland Rail Freight Terminal.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

6. RECIPROCAL SWITCHING

ITEM 6000. NON-APPLICATION OF RECIPROCAL SWITCHING

1. Provisions of Reciprocal Switching do not apply on SWP. Line-haul shipments to or from SWP customers must move in line-haul service.

For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

7. MISCELLANEOUS SWITCHING

ITEM 7000. APPLICATION OF HOLD TRACK SWITCHING

1. Except as otherwise provided, SWP will assess an intra-terminal switching charge per car, applicable to loaded cars held for instructions, for a switching movement to and from an industry-leased or SWP hold track that is located within the switching limits of the same station or industrial switching district as the industry. This charge is in addition to all other switching charges.
2. Except as otherwise provided, SWP will assess an inter-terminal switching charge per car, applicable to loaded cars held for instructions, for a switching movement to and from an industry-leased or SWP hold track that is not located within the switching limits of the same station or industrial switching district as the industry. This charge is in addition to all other switching charges.

ITEM 7010. CARS HELD FOR PLACEMENT INSTRUCTIONS

1. Except as otherwise provided, SWP will assess hold track switching charges, applicable to loaded cars held for placement instructions, for a switching movement to closed-gate plants or industrial tracks for which SWP Customer Operations has not received placement instructions by 11:00 a.m. following the initial switching service.
2. Except as otherwise provided, the car held for placement instructions on SWP hold tracks will remain on continuous demurrage or storage until placement instructions are received by SWP Customer Operations.
3. Except as otherwise provided, the car held for placement instructions on industry-leased hold tracks will remain on continuous demurrage until placement or forwarding instructions are received by SWP Customer Operations.

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For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

7. MISCELLANEOUS SWITCHING

4. This switching charge will be assessed against the party ordering the shipment moved.

ITEM 7015. CARS HELD FOR FORWARDING INSTRUCTIONS

1. Except as otherwise provided, SWP will assess hold track switching charges, applicable to loaded cars held for forwarding instructions, when shipments are moved on shipper's order without forwarding instructions and held on an industry-leased or SWP hold track to await such forwarding instructions.
2. Except as otherwise provided, the car held for forwarding instructions on SWP hold tracks will remain on continuous demurrage or storage until placement instructions are received by SWP Customer Operations.
3. Except as otherwise provided, the car held for placement instructions on industry-leased hold tracks will remain on continuous demurrage until placement or forwarding instructions are received by SWP Customer Operations.
4. This switching charge will be assessed against the party ordering the shipment moved.
5. Shippers are required to provide SWP complete forwarding instructions by at least two (2) hours before the last close of business preceding the on-duty time of the service switching the shipper.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

7. MISCELLANEOUS SWITCHING

6. If a car is removed from industry or public delivery track on shipper's order without final destination forwarding instructions, and held on SWP owned tracks or shipper's leased tracks to await forwarding instructions, and such car is then ordered returned to the original industrial or public delivery track, hold track switching charges will be assessed for the movement of the car in each direction.

ITEM 7020. TURNING OF CARS

1. When it is desired that cars be placed for loading or unloading from a particular side or end of car, cars must be properly placarded on both sides and notation made on shipping document substantially as follows:

NOTICE TO CARRIER

DELIVER CAR FROM SIDE OR END SPECIFIED BY PLACARD

2. If shipping document carries notation that car was placarded, and placard(s) has disappeared, charge for turning will NOT apply.
3. On cars not properly placarded that SWP is requested to turn after initial placement, the following charges will apply:
 - (a) If turned on a wye within the confines of an industry, SWP will assess the general intra-plant switching charge.
 - (b) If turned on a wye within the switching limits of the station or industrial switching district, SWP will assess the general intra-terminal switching charge.

(Continued on following page)

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

7. MISCELLANEOUS SWITCHING

- (c) If turned on a wye outside the switching limits of the station or industrial switching district, SWP will assess the applicable a line-haul switching charge.
- 4. When at the request of connecting lines, cars are turned to permit loading or unloading from one particular side or end of car, SWP will assess the general inter-terminal switching charge.

ITEM 7030. CARS RETURNED ACCOUNT SHIPPER ERROR

- 1. On loaded or partially loaded cars that SWP is requested by shipper to return to industrial tracks or public delivery tracks, the following charges will apply:
 - (a) If intercepted by SWP within the industrial tracks or public delivery tracks and returned to the same industrial tracks or public delivery tracks, SWP will assess the general intra-plant switching charge.
 - (b) If intercepted by SWP at it's serving yard and returned in switching service to the same industrial tracks or public delivery tracks; or if placed on SWP owned tracks at request of shipper, SWP will assess the general intra-terminal switching charge.
 - (c) If intercepted by a connecting line and returned by SWP in switching service to the same industrial tracks or public delivery tracks, SWP will assess the general inter-terminal switching charge.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

7. MISCELLANEOUS SWITCHING

ITEM 7040. CARS RETURNED ACCOUNT INTERCHANGE ERROR

1. Except as otherwise provided, if cars delivered to interchange in error are rejected to the delivering carrier, forwarded to the proper carrier, or held, SWP will assess the delivering carrier a switching charge of \$250 per car, applicable to either loaded or empty cars.

ITEM 7050. EMPTY CARS RETURNED ACCOUNT UNFIT FOR LOADING

1. When an empty car is received from a connecting carrier for loading by an industry located on SWP, and is refused by the industry because the car is not in proper condition to load and must be returned to the connecting carrier, SWP will assess the delivering carrier the general inter-terminal switching charge.

ITEM 7060. FREIGHT TRAIN SERVICE OUTSIDE OF NORMAL HOURS

1. The provisions of this item are applicable when shipper or consignee requests freight train service that requires engine and crew to perform switching service at other than the normal assigned times when SWP agrees to perform such service.
2. Except as otherwise provided, SWP will assess a \$2,740 freight train service charge per each freight train service outside of normal hours when the time consumed is eight (8) consecutive hours or less for the time required to make the movement and return the engine and crew to the starting point, and SWP will assess a \$385 per hour charge for any time required in excess of eight (8) consecutive hours.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

7. MISCELLANEOUS SWITCHING

3. This charge is in addition to all other switching charges.
4. Request for this service must be made to SWP's Superintendent of Operations by noon on the day preceding the day on which the service is to be performed, except request for service on Sunday, which must be made by noon on the prior Friday and except request for service on a holiday, which must be made by noon on the prior day that is not a Saturday or Sunday.

ITEM 7070. SPECIAL TRAIN SERVICE

1. The provisions of this item are applicable when special train service is required because of excessive dimensions, excessive weight, high center of gravity or other conditions not permitting normal train operations.
2. Except as otherwise provided, SWP will assess a \$2,740 special train service charge per each special train service when the time consumed is eight (8) consecutive hours or less for the time required to make the movement and return the engine and crew to the starting point, and SWP will assess a \$385 per hour charge for any time required in excess of eight (8) consecutive hours.
3. This charge is in addition to all other switching charges.
4. Request for this service must be made to SWP's Superintendent of Operations on the day preceding the day on which the service is to be performed, except request for service on Sunday, which must be made by noon on the prior Friday and except request for service on a holiday, which must be made by noon on the prior day that is not a Saturday or Sunday.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

7. MISCELLANEOUS SWITCHING

5. When special train movements include idler cars that are required for any reason, an additional charge of \$210.00 will be assessed for each such idler car.
6. When special train movements include a caboose to accommodate attendants, an additional charge of \$460.00 will be assessed for each such caboose.
7. When special train movements include attendant(s), an additional charge of \$25.00 will be assessed for each such attendant.

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SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

8. DEMURRAGE

ITEM 8000. APPLICATION

1. Applicable at all points on SWP.
2. The disposition of a car at its point of detention determines the purpose for which the car is held and the rules applicable thereto.
3. All railroad-controlled cars held for or by consignors or consignees for any purpose are subject to demurrage rules and charges in this section (Exceptions).

EXCEPTIONS

1. Cars moving under freight rates requiring application of special demurrage charges.
2. Private cars are not subject to demurrage.
3. Empty railroad equipment moving on own wheels under transportation charges as freight.
4. Empty car rejected as unsuitable for loading.
5. Cars used in the shipment of materials purchased by SWP ("Company Material").

For explanation of abbreviations and reference marks see last page of tariff.

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SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

8. DEMURRAGE

ITEM 8010. DEFINITION OF TERMS

ACTUAL PLACEMENT: When a car is placed in an accessible position for loading or unloading, or at a point designated by consignor or consignee.

SWP TRACKS: All tracks which SWP provides for its own uses and purposes and other tracks located inside of its right-of-way or yards and terminals.

CLOSED GATE: When a car cannot be placed on consignee's siding at time of arrival due to siding having a locked gate or standing instructions not to place any cars unless the consignee first contacts SWP for placement instructions. All cars are constructively placed at time of arrival.

CONSIGNEE: The party to whom a shipment is consigned or the party entitled to receive the shipment. For the purposes of this tariff, Consignee included any person who receives railcars from a rail carrier for unloading, as more specifically described in 49 CFR Part 1333.

CONSIGNOR: The party in whose name a car is ordered. For purposes of this tariff, Consignor includes any person who receives railcars from a rail carrier for loading, as more specifically described in 49 CFR Part 1333.

CONSTRUCTIVE PLACEMENT: When a car cannot be actually placed due to any condition attributable to the consignor or consignee, such car will be held at an available hold point and notice will be provided to the consignor or consignee that the car is held to await instructions. A car placed by SWP on private tracks serving the consignor or consignee will be considered constructively placed without notice.

CREDIT DAY: A non-chargeable day. Credits can only be earned on those cars released from demurrage.

DEMURRAGE DAY: A twenty-four hour period, or part thereof, commencing at tender.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

8. DEMURRAGE

DIVERSION: An order provided by the consignor instructing that a car is to be delivered to a location other than the one indicated on the original forwarding instructions.

EMPTY CAR ORDERED AND NOT USED: An empty car, placed for loading as ordered, and subsequently released without being used in transportation service.

EMPTY RELEASE INFORMATION: Advice provided by the consignee to SWP's Manager Customer Operations, that the car is unloaded and available. This information must include the identity of the consignee, party furnishing information, and the car initial and number.

FREE DAY: A non-chargeable storage day.

FORWARDING INSTRUCTIONS: Bill of lading or other suitable order containing all the necessary information to transport the shipment to final destination. Bill of lading or other suitable order must be given to SWP via electronic data interchange or facsimile to the Customer Operations Center at (412) 426-8800.

LEASE TRACK: SWP track assigned to a consignee or consignor through a written agreement and treated as private track.

LOADING: The complete or partial loading of a car in conformity with railroad loading and clearance rules and the furnishing of forwarding instructions.

OPEN GATE: When a consignee does not place any restrictions (physical or otherwise) on SWP to place cars on their siding upon arrival.

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For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

8. DEMURRAGE

ORDER DATE: The date that the consignor requests the empty car to be furnished for loading.

PARTIAL UNLOADING: The partial unloading of a car and furnishing of the proper forwarding or handling instructions.

PRIVATE CAR: A car bearing other than railroad reporting marks that is not railroad-controlled.

PRIVATE TRACK: Track assigned for individual use including privately owned or leased track.

PUBLIC DELIVERY TRACK: An accessible track that is open to the general public for loading and unloading.

RAILROAD-CONTROLLED CAR: A car provided to SWP directly, by car companies or others, for indiscriminate use by SWP in serving any of its customers.

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.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

8. DEMURRAGE

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: A car of any ownership specifically requested and assigned to a shipper for their exclusive use.

STOPPED IN TRANSIT: When a car is held in route due to any condition attributable to the consignor, consignee, or owner.

STORAGE DAY: A 24-hour period, or part thereof.

TENDER: The notification, actual placement or constructive placement of an empty or loaded car to consignor or consignee.

TIME: Local time is applicable and is expressed on the basis of the 24-hour clock. For example, 12:01 AM is expressed as 0001 Hours.

UNLOADING: The complete unloading of a car, and notice from the consignee that the car is empty and available to SWP.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

8. DEMURRAGE

ITEM 8020. NOTIFICATION TO CONSIGNOR OR CONSIGNEE

1. Notification to consignor or consignee will be furnished by SWP as follows:

CARS FOR PRIVATE TRACKS:

SWP will furnish notification of constructive placement as follows:

- (a) Notification of constructive placement if car is held on SWP tracks due to condition attributable to consignor or consignee.
- (b) Delivery of car upon track of consignee will constitute notification.
- (c) Delivery of car on industrial interchange track of consignee will constitute notification.

CARS FOR PUBLIC DELIVERY TRACKS:

SWP will furnish notification of arrival to the party entitled to receive notification when car is actually placed.

CARS STOPPED IN TRANSIT:

SWP will furnish notification to the consignor, consignee, or owner responsible for the car being stopped upon arrival of the car at the point of stoppage.

REFUSED LOADED CARS:

When advised of refusal of car at destination, SWP will furnish notification to consignor or owner.

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For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

8. DEMURRAGE

2. Notification may be given in writing or electronically, and will contain the following information:
 - (a) Car initials and number.
 - (b) If lading transferred en route, the initials and number of the original car.
 - (c) Commodity.

ITEM 8030. NOTIFICATION TO SWP

1. SWP will accept forwarding instructions, empty release information or other disposition twenty-four (24) hours a day at the SWP Customer Operations Center facsimile (1-412-426-8800).
2. When electronic or mechanical devices are used to furnish notification to SWP, the recorded date and time that the instructions are received will govern.

ITEM 8040. CARS HELD FOR LOADING

TENDER:

- (a) The notification, actual or constructive placement of an empty car placed on order of consignee.
- (b) Car held by SWP will be constructively placed on order date if car order is not cancelled prior to the order date or, if placement instructions have not been received by SWP.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PA 15139

8. DEMURRAGE

RELEASE:

- (a) Date and time forwarding instructions are received.
- (b) Car placed on the interchange track of a consignor, who performs its own switching, must be returned to the interchange.
- (c) Improperly loaded or overloaded car at origin will not be considered released until the load has been adjusted properly.

COMPUTATION:

- (a) Time will be computed from tender until release.
- (b) If the car is placed earlier than the date of the order, time will be computed from the first 0001 hours of the order date until it is released.
- (c) When the same car is unloaded and reloaded, time will be computed from the time 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 on the car until forwarding instructions are received.

CREDIT:

One (1) credit will be earned on each car released from loading on which forwarding instructions are received.

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8. DEMURRAGE

ITEM 8050. CARS HELD FOR UNLOADING

TENDER:

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

RELEASE:

- (a) Date and time that SWP receives notification that the car is empty.
- (b) Car placed on track of a consignee, who performs its own switching, must be returned to the interchange track for release.
- (c) When the same car is unloaded and reloaded, empty release information must be furnished at the time the car is made empty. If not furnished, demurrage will continue on the car until forwarding instructions are received.

COMPUTATION:

Time will be computed from tender until release.

CREDITS:

Two (2) credits will be earned on each car released from unloading.

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8. DEMURRAGE

ITEM 8060. CARS HELD FOR OTHER THAN LOADING OR UNLOADING

APPLICATION:

- (a) On orders of the consignor or consignee.
- (b) While awaiting proper disposition from the consignor or consignee.
- (c) As a result of conditions attributable to the consignor or consignee.

DISPOSITION:

That information, including forwarding instructions or empty release information, which allows SWP 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 SWP receives advice that the car is released and on which disposition is given on car.

COMPUTATION:

- (a) On cars held, time will be computed from tender until release.

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8. DEMURRAGE

- (b) On refused loaded cars, time will be computed from tender until time of refusal.

CREDITS:

No (zero) credits will be earned for each car released.

ITEM 8070. DEMURRAGE PLAN

1. Settlement of charges will be made monthly on all cars released during each calendar month.
2. Credits earned and demurrage days accrued by customers having facilities at separate stations cannot be combined.
3. Credits earned and demurrage days accrued for cars held for unloading or other purposes will be kept separately from cars held for loading.
4. Excess credits earned for one demurrage transaction cannot be used to offset days for another demurrage transaction.
5. Excess credits earned cannot be used to offset demurrage between loading and unloading credits.
6. Excess credits earned in one calendar month cannot be used to offset demurrage days in another calendar month.
7. Unless otherwise advised, in writing, that another party is willing to accept responsibility, consignor at origin or consignee at destination will be responsible for the payment of demurrage charges.

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8. DEMURRAGE

ITEM 8080. DEMURRAGE CALCULATION

1. All days count including Saturdays and Sundays. Seven (7) holidays, as provided in Item 1110, will not be subject to demurrage.
2. Total demurrage days for all railroad-controlled cars released will be added, net of holidays.
3. Total credits for all railroad-controlled cars will be added.
4. If total credits equal or exceed total net demurrage days, demurrage charges will not be assessed.
5. If total net demurrage days exceed the total credits, calculation of charges will be made as follows:
 - (a) Subtract total credits from total net demurrage days to determine chargeable days.
 - (b) The number of chargeable days will be assessed \$75.00 per day.

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8. DEMURRAGE

ITEM 8090. DEMURRAGE CLAIMS

1. In order to be allowed relief as indicated, a claim must be presented to SWP, 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.

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. Bunching and run around of cars will not be considered as a railroad error.

MISSED SWITCH:

An allowance for missed switching will be made on cars held under constructive placement notification when SWP is unable to place cars in normal switching response to the consignee's or consignor's order.

WEATHER DISRUPTION:

When because of earthquakes, tornadoes, hurricanes, floods or extreme snowfall, the operations of consignor or consignee are disrupted, the demurrage directly chargeable thereto will be eliminated, provided the disruption exceeds two (2) days duration.

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9. STORAGE

ITEM 9000. APPLICATION

1. Applicable at all points on SWP.
2. Applicable to loaded private cars held on SWP tracks under constructive placement after notice of arrival is given to the consignee and loaded private cars held on SWP tracks to await forwarding instructions from the consignor (Exceptions).

EXCEPTIONS

1. Not applicable to empty private cars.
2. Not applicable to private cars on private or leased tracks.

ITEM 9010. GLOSSARY OF TERMS

1. The definitions in Item 8010 will apply.

ITEM 9020. PRIVATE CARS HELD FOR STORAGE ON SWP TRACKS

APPLICATION:

- (a) On orders of the consignor or consignee.
- (b) While awaiting proper disposition from the consignor or consignee.
- (c) As a result of conditions attributable to the consignor or consignee.

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9. STORAGE

COMPUTATION:

Time will be computed from constructive placement on each car until the car is ordered placed on private tracks or released.

FREE DAYS:

(a) Forty-eight (48) free hours will be given on each loaded car held for consignee on constructive placement.

(b) No (zero) free time is allowed for consignor for loaded cars held on SWP tracks to await forwarding instructions.

ITEM 9030. STORAGE PLAN

1. Charges will be billed on a monthly basis, for all cars released from storage during each calendar month.
2. Charges will be assessed against the consignee at destination on cars awaiting placement or the consignor at origin on cars awaiting forwarding instructions.
3. The number of chargeable days will be assessed at \$30.00 per day (Exception).

EXCEPTION

The number of chargeable days will be assessed at \$80.00 per day for loaded private cars containing Class A, B or C Explosives or hazardous materials requiring the use of 4-digit identification number on shipping document or placards, as named in BOE 6000 - series.

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10. MISCELLANEOUS PROVISIONS

ITEM 10000. RULES GOVERNING RECEIPT AND DELIVERY OF CARS

1. Except as otherwise provided, cars of freight moving under carload, multiple carload or unit-train line-haul charges including switching charges or empty cars moving with or without charge will be delivered on and removed from private sidings or industrial tracks near and connecting with SWP's tracks without any additional charge, provided there are no conditions which make it unsafe for SWP's locomotives to operate over such tracks, or that prevent SWP from receiving or delivering cars at its ordinary operating convenience.
2. Except as otherwise provided, such cars will be received and delivered at loading and unloading locations on industrial tracks without additional charge (Exceptions) when that service can be ordinarily performed in continuous movement at SWP's ordinary operating convenience (Notes 1, 2 and 3) and provided the locomotives in general use for switching in the vicinity of the industry can safely operate over such industrial tracks.

EXCEPTIONS

1. When receipt or delivery of cars cannot be accomplished in continuous movement at SWP's ordinary operating convenience because of any condition caused by the shipper or consignee and when it appears that the delay will be of a temporary nature, the locomotive will be held and the service completed when conditions permit. Charge for delay of locomotive will apply.
2. When receipt or delivery of cars cannot be accomplished in continuous movement at SWP's ordinary operating convenience because of any condition caused by the shipper or consignee and, after reasonable period of delay, the condition preventing completion of service has not been removed or eliminated, SWP may at

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10. MISCELLANEOUS PROVISIONS

it's option, withdraw its locomotive and place any inbound cars on a hold or other available track within or without the industry. Charges for delay of locomotive and subsequent movement of cars will apply.

EXPLANATION OF NOTES

1. Continuous movement means a movement between SWP's tracks and the loading or unloading point where cars are received or delivered without any delay or suspension or break in time, or ordinary continuity of movement, due to any condition for which industry is directly responsible.
2. Ordinary operating convenience means that receipt or delivery of cars will be provided by SWP at the private siding or industrial track at times as follows:
 - (a) When switching locomotives perform services, the time shall be that which is most advantageous to the SWP in relation to its coordinated and harmonious switching in a particular switching district.
 - (b) When line-haul locomotives perform services, the time shall be train arrival time at the private siding or industrial track.

Ordinarily, the time shall be only one switch per day and only on days when SWP has regularly scheduled service at the private siding or industrial track, except that SWP may, at its discretion only, make additional switches when necessitated by volume of traffic or to secure prompt release of equipment or facilities.

3. Except as otherwise provided, the operations performed by SWP as necessary incidents to the receipt and delivery of cars at the private siding or industrial track, that shall not be deemed to break the "continuous movements", to be in excess of

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10. MISCELLANEOUS PROVISIONS

the “ordinary operating convenience” of SWP, to be a “condition caused by the shipper or consignee”, nor to be a “condition for which the industry is directly responsible” as those terms are used in these rules, shall be as follows:

- (a) The removal and placement of cars empty, partly loaded, partly unloaded, or loaded when incidental to the placement or removal of other cars.
- (b) Classifying, sorting and lining up cars on industry or SWP tracks.
- (c) Operations performed in providing a service for which a specific charge applicable to delay of SWP locomotive is authorized pursuant to published tariff.
- (d) The temporary holding of cars on tracks of industry for instructions from shipper or receiver.

ITEM 10010. CHARGES FOR DELAY OF SWP LOCOMOTIVE

- 1. For delay to the locomotive when held according to the provisions of Item 10000, SWP will assess a charge of \$385.00 per hour, or fraction thereof, which charge will be in addition to applicable line-haul and switching charges.
- 2. For subsequent movement by SWP locomotive of the car or cars from the hold or other track to actual point of delivery, SWP will assess a charge of \$385.00 per car.

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10. MISCELLANEOUS PROVISIONS

ITEM 10020. CHARGE FOR WEIGHING OR REWEIGHING OF CARS

1. When a car is weighed or reweighed, loaded, empty or partially loaded, before or after placement, at request of consignor or consignee, on private scales located at industry, the charge will be: \$50.00 per car.

ITEM 10030. CHARGES FOR DIVERSION OF CARS

DEFINITION:

A diversion is any order received by SWP that requires a change in the billing document of a shipment, a change in the freight payer of a shipment, or stopping a car for the purpose of delivery or reforwarding.

APPLICATION:

1. These provisions are applicable only to cars in SWP's account as a line-haul switching carrier.
2. Orders for diversions will only be accepted from consignor, consignee, freight payer, or another railroad participating in the line-haul movement.
3. Diversion orders must be requested prior to actual placement of the car by SWP (Note) or prior to the car being interchanged to a connecting line.

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10. MISCELLANEOUS PROVISIONS

CHARGES:

1. When the applicable diversion provisions have been met, SWP will assess a diversion charge on changes in consignee, destination or route of \$210.00 per car. This will be in addition to all other charges.
2. When a car is ordered held in transit at a location on SWP, SWP will assess a holding charge of \$315.00 per car and additional movement of the car will be assessed switching charges.

EXPLANATION OF NOTE

1. Any orders affecting the movement of the car after actual placement will constitute a new movement, subject to switching or line-haul charges, as may be applicable.

ITEM 10040. CHARGES FOR OVERLOADED CARS

DEFINITION:

A car for which either the net weight is in excess of the car's load limit or the gross weight is in excess of the track weight limit at any point along the route of movement is defined as an overloaded car.

APPLICATION:

SWP may elect to stop an overloaded car en route and hold it on a track where partial unloading may be accomplished. It will be the responsibility of the consignor or owner of the shipment to partially unload the car at his expense. Removal of the lading must be sufficient to eliminate the overloaded condition.

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10. MISCELLANEOUS PROVISIONS

CHARGES:

When an overloaded car is stopped en route and moved to a hold, industrial or public delivery track where partial unloading may be accomplished, SWP will assess a charge of \$600.00 per car. This charge will be in addition to all other charges and the car will remain in continuous demurrage.

ITEM 10050. CHARGE FOR CARS ORDERED NOT USED

1. When an empty car is placed or constructively placed for loading but is not used in transportation and is released empty, SWP will assess a charge of \$315.00 per car.

ITEM 10060. CHARGE FOR PRIVATE CARS TO REPAIR FACILITIES

1. Except as otherwise provided, SWP will assess the general inter-terminal switching charge when privately owned cars, including tank cars, are moved between an SWP serving yard or interchange track and repair, storage or cleaning facilities. This charge will be billed when the car is delivered to the repair, storage, or cleaning facility.

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10. MISCELLANEOUS PROVISIONS

ITEM 10080. HAZARDOUS PROHIBITED ON PUBLIC DELIVERY TRACK

1. SWP will not permit hazardous or dangerous commodities to be loaded or unloaded at public delivery tracks (Exception).

EXCEPTION

1. This provision does not apply to Westmoreland, PA.

ITEM 10090. MAINTENANCE OF INDUSTRIAL SWITCH CONNECTION

DEFINITION:

An industrial switch connection is a switch located on SWP and maintained by SWP for access to private sidings or industrial tracks.

CHARGE:

1. The charge for maintaining each industrial switch connection is \$3,500.00 per year (Exceptions). This charge is payable by the owner of the private siding or industrial track served by the industrial switch connection within thirty days of invoice date and for each succeeding year.

EXCEPTIONS

1. The charge will not apply as to any calendar year in which the private siding or industrial track served by the industrial switch connection originates or terminates twelve or more carloads.

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10. MISCELLANEOUS PROVISIONS

2. The charge will not apply where the specific terms of an executed Sidetrack Agreement so provide.
3. The charge will not apply if the owner of the private siding or industrial track served by the industrial switch connection requests, before the payable date of the charge, that SWP removes the industrial switch connection.

ITEM 10100. BILLS OF LADING INACCURACIES

1. Nothing in bills of lading shall be construed to obligate SWP to verify the rates specified on such bills of lading, to notify shippers of inaccuracies in those rates, or to reject bills of lading tendered by shippers and containing inaccurate rates including rates which have application but not via the routing shown on the bill of lading.

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10. MISCELLANEOUS PROVISIONS

ITEM 10110. CAR DEMURRAGE AND STORAGE SECURITY

1. Whenever SWP issues a bill or bills for car demurrage or storage charges that remains unpaid after a period of 60 days or more from the date of the bill, SWP may, on not less than 10 days' notice, require the billed party ("Customer") to provide SWP with an irrevocable Letter of Credit or enter into another payment security program.
2. Under this program, Customer must make available to SWP a sum of money or security sufficient to cover charges for car detention demurrage that may reasonably be expected prior to receipt or delivery of cars based on Customer's traffic volume.
3. Refusal or failure of Customer to enter into such a payment security program will result in the issuance of an embargo against acceptance by SWP of any or all traffic to be handled for Customer's account.

ITEM 10120. RULES GOVERNING USE OF PUBLIC DELIVERY TRACKS

1. The consignor or consignee ("Customer") will be granted right of entry to SWP's property for the purpose of loading or unloading cars on designated public delivery tracks.

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10. MISCELLANEOUS PROVISIONS

2. Customer hereby agrees to indemnify and save harmless SWP from and against any and all liability, losses, damages, claims, actions, causes of action, costs and expenses (including attorney's fees) for personal injury (including death) and/or property damage to whomsoever or whatsoever occurring, arising from or growing out of, directly or indirectly, the presence of Customer, its agents, servants or employees on or about the property of SWP or in connection with the privileges herein granted, whether or not such liability, losses, damages, claims, actions, causes of action, costs and expenses shall have been caused or contributed by the negligence of SWP. Upon the request of SWP, Customer shall insure the aforesaid indemnity provision in a manner and in an amount satisfactory to SWP.
3. Right of entry shall not be assigned or transferred by Customer, may be terminated at will by SWP, and shall terminate automatically upon such time that loading or unloading operations are completed provided, however, that terminations shall not relieve Customer of any obligations or liabilities incurred prior to such termination.
4. Prior to right of entry, Customer shall procure, and during the continuance of this provision shall maintain, at its sole cost and expense, a policy of Commercial General Liability Insurance (GCL), covering liability assumed by SWP under this provision, and including SWP as an additional insured, with a limit of not less than TWO MILLION U.S. DOLLARS (\$2,000,000.00), per occurrence, for bodily injury and property damage. Securing of insurance by Customer shall not limit Customer's liability under this provision, but shall be additional security therefore.

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10. MISCELLANEOUS PROVISIONS

5. Upon termination of right of entry, all the rights, title, and interest of Customer, and this provision shall thereupon become null and void, without any further liability on the part of either party to the other (except only as to liability accrued prior thereto), and Customer shall remove its equipment and personal property from SWP's property, and the right-of-way and all property of SWP shall be restored in good condition and to the satisfaction of SWP. If Customer fails or refuses to remove its equipment or personal property under the foregoing conditions, SWP shall be privileged to do so at the cost and expense of Customer, and SWP shall not be liable in any manner to Customer for said removal.

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11. ABBREVIATIONS AND REFERENCE MARKS

ITEM 11000. ABBREVIATIONS

ABBREVIATIONS EXPLANATION

| | |
|------|---|
| AAR | Association of American Railroads |
| BLK | Applies in Bulk |
| BOE | Bureau of Explosives |
| BPRR | Buffalo & Pittsburgh Railroad, Inc. |
| CHC | Applies in Covered Hopper Cars |
| CL | Applies in Carloads |
| CO | Company |
| CSXT | CSX Transportation, Inc. |
| Jct | Junction |
| NS | Norfolk Southern Corporation |
| OPSL | Official List of Open and Prepay Stations |
| PVT | Applies in Private Cars |
| RER | Official Railway Equipment Register |
| RPS | Railroad Publication Services, Agent |
| STB | Surface Transportation Board |
| STCC | Standard Transportation Commodity Code |
| TEA | Tariff Executive Association |
| UFC | Uniform Freight Classification |
| WE | Wheeling & Lake Erie Railway Co. |

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