

TARIFF TCWR 8500H

(Cancels TCWR 8500G)

TWIN CITIES & WESTERN RAILROAD COMPANY

LOCAL TARIFF

APPLICABLE ON

ACCESSORIAL CHARGES AND CAR ORDERING PROCEDURES

APPLYING AT

STATIONS ON TWIN CITIES & WESTERN RAILROAD COMPANY

AS PROVIDED IN TARIFF OPSL 6000-SERIES

Governed by Uniform Freight Classification, UFC 6000-Series, Uniform Freight Classification Committee, Agent, Supplements thereto or Successive issues thereof, and applicable TCWR demurrage rules and procedures.

SPECIAL ARRANGEMENT TARIFF

This tariff is applicable on intrastate traffic except where expressly provided to the contrary in connection with particular items.

ISSUED: April 29, 2011

EFFECTIVE: May 20, 2011

Issued by:
Twin Cities & Western Railroad Company
2925 - 12th Street East
Glencoe, MN 55336

TWIN CITIES & WESTERN RAILROAD COMPANY

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FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS, PLEASE SEE CONCLUDING PAGES OF TARIFF.

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2925 12th Street East
Glencoe, MN 55336

TWIN CITIES & WESTERN RAILROAD COMPANY

ITEM 10

STATION LISTS AND CONDITIONS

This tariff is governed by Tariff OPSL 6000-Series as follows:

- A. For additions or changes in Name, Locations or Abandonment of Stations.
- B. Prepay requirements
- C. Restrictions as to acceptance or delivery of freight.
- D. Changes in station facilities.
- E. When a station is abandoned, all provisions applicable thereto are cancelled, effective on the date of abandonment.

ITEM 20

REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC

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

ITEM 40

CONSECUTIVE NUMBERS

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.

ITEM 45

MILEAGE CHARGES ON PRIVATELY OWNED EQUIPMENT

TCWR will NOT pay mileage charges on privately owned rail car(s) when moving to or from stations served by the TCWR.

ITEM 60

SERVICE ORDERS – REFERENCE NUMBERS

This tariff, as may be amended, is subject to Tariff NSO 6100-Series.

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ITEM 65 CAPACITIES AND DIMENSIONS OF CAR(S)

For marked capacities, lengths, dimensions and cubical capacities of car(s), see The Official Railway Equipment Register.

Maximum gross weight on rail on TCWR NOT requiring a clearance authorization is 268,000 unless otherwise authorized.

ITEM 75 METHOD OF CANCELLING ITEMS

As this tariff is supplemented, numbered items with letter suffixes cancel correspondingly numbered items in the original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequence starting with A.

ITEM 115 DEMURRAGE CHARGES

Unless otherwise specifically provided in a rate item governing the line-haul rate, the provisions of Tariff TCWR 8400 series will apply.

ITEM 120 (N) HOLIDAYS

TCWR holidays are defined for purposes of this tariff as: New Years Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day and Christmas Day.

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ITEM 205 (I) (N) PROCESSING MANUAL BILL OF LADING(S)

TCWR accepts bills of lading which are submitted electronically and encourages its customers to make all such submissions electronically (if interested in learning more about this please contact TCWR via e-mail at CustomerService@tcwr.net). Bills of lading that are not submitted to TCWR electronically will be processed manually by TCWR under the following conditions: manual bill of lading charges will be assessed when a party responsible for submitting a bill of lading or other shipping instructions does so by fax, e-mail or any other means that is not electronic data interchange (also known as EDI).

A party submitting non-EDI shipping instructions will be assessed a \$75.00 charge per bill of lading for individual bills of lading for 25 rail cars or less. For non-EDI shipping instructions submitted for more than 25 rail cars on a single bill of lading, a party submitting such shipping instructions will be assessed a charge of \$100.00 per individual bill of lading. TCWR will not be responsible for any errors which may occur during the manual processing of bills of lading.

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**ITEM 210 (N) CANCELLATION OF SHIPPING DOCUMENT
OR BUSTED BILLING CHARGES**

If car(s) have been billed but have not been moved by TCWR from industry, there will be a charge of \$130 per car or \$350 per block to cancel the bill of lading for the purpose of rebilling a car(s) to a new destination or cancelling a shipment.

After pick up of car(s) by TCWR any request that requires changes to the bill of lading would be considered a diversion (See Item 225).

**ITEM 215 (N) ADMINISTRATIVE CHARGES FOR DIVERSIONS ON ANOTHER
RAILROAD**

There will be an administrative charge of \$315 per bill of lading on rail shipments originating at TCWR stations that are billed under a through rate and route from origin to destination thence diverted to a new destination on a rail carrier other than TCWR which is a party to the through rate and route. A copy of the diversion must be sent via fax to the Twin Cities & Western Railroad Accounting Department (fax number: 320-864-7205) or emailed to customerservice@tcwr.net.

The provisions in TCWR rate tariffs do not allow for diversions. The above charge shall be in addition to any charges assessed by any other railroads, as well as any charges assessed by TCWR per Item 225 (D) herein.

ITEM 225 (N) DIVERSION OR RECONSIGNMENT

Diversion or reconsignment means any one or more of the following when a car is located on or under control of the TCWR:

DEFINITIONS:

Diversion means:

- A. a change in the destination
- B. a change in the route

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TWIN CITIES & WESTERN RAILROAD COMPANY

ITEM 225 (N) TCWR DIVERSION OR RECONSIGNMENT (CONTINUED)

Reconsignment means:

- A. a change in the name of the consignee
- B. a change in the name of the consignor
- C. a change in the party to bill prepaid or collect charges
- D. a change from collect to prepaid or vice versa

Diversion or Reconsignment orders will not be accepted by TCWR for car(s) that are not under its control. TCWR reserves the right to decline any diversion or reconsignment request.

CHARGES

When an order is placed with TCWR by a consignee, or owner that modifies any of the terms of shipment listed above in this item, the following charges will apply:

- A. Diversion/reconsignment charge will be \$150.00 per car or a maximum of \$700.00 per bill of lading for any diversion while car is in enroute and prior to arrival of shipment at destination.
- B. Diversion/reconsignment charge will be \$175.00 per car or a maximum of \$800.00 per bill of lading for any diversion/reconsignment after arrival of shipment at a destination served by TCWR.
- C. Diversion/reconsignment orders can be verbally given over the phone, but must be confirmed in writing by one of the following methods before diversion/reconsignment is finalized.
 - 1. Facsimile transmissions faxed to Operations Desk: 320-864-7220.
 - 2. Send an e-mail to customerservice@tcwr.net.
- D. For any cars diverted with or through another carrier after being interchanged by TCWR to such other carrier, TCWR will at its option assess the diversion charges specified in this Item 225 in Paragraph A. above.

ITEM 240 LINE-HAUL FREIGHT CHARGES FOR DIVERSIONS

The through rate (local, joint or combination) will be that rate which is applicable from origin to destination via the diversion station and on the date the shipment is originally billed.

TCWR assumes no responsibility that the lowest rate from origin of the shipment to the diverted destination can be protected via the diversion station.

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ITEM 245 (N) TERMINAL SERVICES

TCWR will NOT be responsible for any charges accruing on car(s) delivered to connecting railroads, other than the absorption of reciprocal or intermediate switching charges that are authorized by TCWR switching absorption provisions or covered by tariff provisions that TCWR is a participant to.

ITEM 250 WEIGHING CHARGES

Weighing charge is \$500.00 per car loaded or empty, if requested by instructions on the bill of lading. Weigh charge will be added to the freight bill or invoiced separately by the TCWR. TCWR reserves the right to decline any request to weigh car(s).

ITEM 255 (N) MOVEMENT OF LOCOMOTIVES AND PASSENGER EQUIPMENT

Please contact TCWR Marketing & Sales Department to provide such charges.

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TWIN CITIES & WESTERN RAILROAD COMPANY

ITEM 275 PAYMENT OF FREIGHT TERMS

All payments for services billed by this railroad are due and payable within fifteen (15) calendar days following receipt of freight bill. Payments received after the expiration of the credit period shall be subject to a service charge of one and a half percent (1.5%) per month, (or fraction thereof) of the outstanding balance.

The above collection terms are under the provisions authorized in 49 CFR (Code of Federal Regulations) Part 1320 Transportation.

To qualify for credit on the Twin Cities & Western Railroad, a credit application, available upon request, will be required to be on file with the TCWR Director of Accounting. Payment for all other shipments must be made at the time of shipment by certified check or wire transfer.

ITEM 280 CLAIMS FOR LOSS OR DAMAGE

Any claim for loss or damage shall be filed with the destination line haul carrier. All claims for loss or damage shall be subject to a minimum claim of \$250 per car.

ITEM 285 UNAUTHORIZED USE OF TCWR ASSET

When equipment or a railroad asset is used without authorization, a \$1,500.00 per car charge will be assessed to the party who used the asset without authorization. Additional charges may apply if unauthorized car(s) require cleaning. A few examples, but not limited to, that would incur this charge:

- Sending a TCWR car to another railroad without authorization
- Loading or reloading a car without authorization

ITEM 290 (A) UNABLE TO PICK UP OR PLACE RAIL CARS

When TCWR has been asked to perform rail service at your facility, such as a pick up or a set out and TCWR is unable to access a specific car(s) to perform the service, a per car charge of \$95.00 will apply, up to a maximum of \$750.00 per service. This charge will be assessed to the party requesting such service and in addition to any other charge(s) that are applicable.

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ITEM 300 (I) SWITCHING

A per car charge as shown below shall apply to the following switch movements:

- (A) Intra-plant: the movement of car(s), loaded or empty, from one location within an industry to another location within the same industry. A charge of \$125.00 per car shall apply.
- (B) Intra-terminal: the movement of a car(s) to a location within the same switching or yard limits as the industry or customer ordering the movement of such car(s) on the same railroad. A charge of \$195.00 per car shall apply.
- (C) Inter-terminal: the movement of a car(s) from one TCWR station to another TCWR station. A charge of \$400.00 per car shall apply and will be in addition to all freight charges.
- (D) Cherry picking: When a car or cars is/are requested to be switched out of a group of cars by specific car initial/number, or a car or cars is/are required to be switched out from a partial or entire unit train in which the cars were originally grouped consecutively at origin or destination (so as to not require cherry picking), a charge of \$150 per car shall apply. (N)

ITEM 325 TURNING A RAILCAR

Where a railcar must be turned around; applicable to situations such as a car that can only be loaded or unloaded from one side. A per car charge of \$500.00 will be assessed to the party requesting, or requiring the service.

ITEM 330 CAR(S) RECEIVED IN ERROR

Car(s) empty or loaded, delivered to TCWR in error will be subject to switching charges listed below for returning car(s) to carrier responsible for delivery error or forwarding car(s) to proper carrier with in the same switching district. Charge for this service will be assessed against the carrier responsible for the car(s) being delivered in error.

WHEN CAR IS DELIVERED OR CAUSED TO BE DELIVERED TO TCWR BY: BNSF, MNNR, CPRS, UP, CN	SWITCHING CHARGE PER CAR: \$300.00
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If car(s) are held by TCWR awaiting disposition from the carrier making the delivery error, an additional holding charge of \$50.00 per day will be assessed to the responsible carrier for each day, or fraction thereof, car is held beginning with the first full calendar day (00:01) following written notification that car is being held for disposition until disposition is furnished.

FOR EXPLANATION OF ABBREVIATIONS AND OTHER REFERENCE MARKS, PLEASE SEE CONCLUDING PAGES OF TARIFF.

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2925 12th Street East
Glencoe, MN 55336

TWIN CITIES & WESTERN RAILROAD COMPANY

ITEM 380 (N) (I) UNSAFE OR IMPROPERLY LOADED RAIL CARS

This charge is for the management and coordination of the existing and emergent problem, excluding other applicable charges. Examples of an unsafe or improperly loaded car where this charge would be applicable are as follows:

- A car that has been overloaded or is imbalanced or has a shifted load.
- A car spilling, leaking or dusting.
- A car containing non-hazardous commodities or residue identified moving on TCWR for which proper shipping instructions were not regulatory compliant.

An improperly loaded car is defined as a car in or on which lading has not been loaded in accordance with AAR standard loading practices, RER 6412-Series exceptions or individual railroad practices or exceptions.

OVERLOADED OR IMPROPERLY LOADED CAR(S) DISCOVERED AT ORIGIN OR ENROUTE

A - Overloaded or improperly loaded car(s) as determined above, when discovered at origin will be returned to the shippers track or to the connecting line tendering such car(s) to TCWR. The shipper shall be assessed the intra-plant or intra-terminal switching charge plus the penalty charges for return of car(s). A switch charge of \$900.00 per car will be in addition to any other applicable charges incurred by customer.

B - TCWR may elect to stop an overloaded or improperly loaded car enroute and hold it on a track where partial unloading or adjustment of the load may be accomplished. It will be the responsibility of the shipper to partially unload or adjust the car at their expense. TCWR will not furnish any personnel, equipment or machinery that may be necessary to partially unload or adjust the overloaded or improperly loaded car and the penalty charges names in paragraph "D" will also be assessed against the shipper. Where safe and practical to do so, TCWR will move an overloaded or improperly loaded car to a track where adjustment of the load can be accomplished. A switch charge of \$900.00 per car will be in addition to any other applicable charges incurred by customer.

OVERLOADS DISCOVERED AT DESTINATION

C - When an overloaded car is delivered to destination or point of interchange and such car(s) are not detected while enroute (whether the overloaded condition is discovered prior to delivery or not), or if the outbound weights are used for the assessment of freight charges and the car(s) are subsequently determined to be overloaded, the penalty charges named in the following paragraph "D" will be assessed against the shipper responsible for overloading the car.

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TWIN CITIES & WESTERN RAILROAD COMPANY

ITEM 380 (CONTINUED) UNSAFE OR IMPROPERLY LOADED CAR(S)

PER CAR PENALTY CHARGES ASSESSED TO THE SHIPPER.

D - \$ 950.00 per car for railcar(s) containing non-hazardous commodities or \$3,050.00 per car for railcar(s) with hazardous commodities or hazardous residue.

Individual overloaded or improperly loaded car(s) discovered at origin or enroute shall be placed on demurrage immediately following notification to the consignor or owner of the overloaded or improperly loaded condition and exempt to free time allowance.

ITEM 385 MINOR ADJUSTMENT OR INSPECTION

Where TCWR provides a minor service that should have been taken care of by you or a party related to your shipment, a charge of \$285.00 per car applies. A few examples where this charge would apply include but are not limited to, closing doors, hatches, gates; secure tie down devices on empty car(s); applying seals or inspecting a car. Loaded car(s) will not be moved unless all doors, hatches, gates and tie-down devices are secured.

ITEM 390 (N) (I) CAR ORDERING

Customers must place orders through TCWR's website www.tcwr.net and must provide the following information as indicated on the order form otherwise orders will not be accepted:

- Name of party ordering cars (individual name & company name)
- Kind of cars wanted
- Number of cars wanted
- Requested placement date
- Commodity to be loaded
- Destination and route
- Pricing Authority reference number (e.g. tariff number)

Except as otherwise provided in this item, the provisions of Item 400 (Car Cancellation Rule) will apply. If the TCWR does not provide car(s) as ordered within thirty (30) calendar days of the requested placement date, the party that ordered the cars may cancel that order and no penalty charge will be assessed.

Car orders must be placed utilizing the form available on our website at <http://tcwr.net/customers/car-orders>.

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TWIN CITIES & WESTERN RAILROAD COMPANY

ITEM 390 (N) (I) CONTINUED CAR ORDERING

Permits are not transferable without permission of TCWR.

Orders for shipments to non-U.S. destinations in TCWR marked cars will not be accepted without permission of TCWR.

TCWR will only accept car orders from the entity which owns or operates the actual loading facility.

TCWR marked cars may only be used under TCWR line haul tariff rates, unless TCWR gives permission otherwise. No TCWR cars may be used for shipment under rates published by rail carriers other than TCWR without TCWR permission.

If the destination shown in a car order is a point not physically served by TCWR and the actual destination shipped to differs from the destination shown in the car order, a charge of \$250 per car may, at TCWR's option, be assessed the party which ordered such cars.

TCWR reserves the right to change policies and procedures from time to time as business conditions warrant.

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TWIN CITIES & WESTERN RAILROAD COMPANY

ITEM 400 (I)

CAR CANCELLATION RULE

CAR CANCELLATION RULE (Other than Grain or Grain Products)

A car order for rail car(s) for transportation of commodities which is reduced or cancelled at any time prior to the date wanted for loading, or anytime thereafter (see Exception), is subject to a car order cancellation charge of \$500.00 per car per occurrence. When a car order is reduced, a charge of \$500.00 per car will be assessed. (N) (I)

The "date wanted for loading" will be determined from the car order.

A change in commodity to the original car order is NOT subject to the penalty.

EXCEPTION - If during the time of car shortages car(s) are not received within thirty (30) days of the ordered for date, a customer may cancel that order and no penalty charge will be assessed.

CAR CANCELLATION RULE (Grain or Grain Products)

A car order for rail car(s) for transportation of commodities which is reduced or cancelled at any time prior to the date wanted for loading, or anytime thereafter (see Exception), is subject to a car order cancellation charge of \$500.00 per car per occurrence. When a car order is reduced, a charge of \$500.00 per car will be assessed. (N) (I)

The "date wanted for loading" will be determined from the car order.

A change in commodity to the original car order is NOT subject to the penalty.

Car(s) not accepted for loading by the specified "requested placement date" will be considered cancelled.

EXCEPTION – If during the time of car shortages car(s) are not received within thirty (30) days of the ordered for date, a customer may cancel that order and no penalty charge will be assessed.

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TWIN CITIES & WESTERN RAILROAD COMPANY

ITEM 500 (I)

GUARANTEED CAR SUPPLY

This program is being offered under the provisions of USC S 10722 effective December 1, 2006 and will apply to the guaranteed supply of covered hopper car(s) for the movement of corn, soybeans and wheat from TCWR served elevators to either online or offline destinations.

TCWR **may offer** up to one hundred (100) covered hopper cars for bids per month and will guarantee availability of these car(s) to the entity with the highest bid. Fifty (50) cars will be offered for the first half of a given month (1st-15th) and fifty (50) cars will be offered for the second half of a given month (16th -31st). On the day covered hopper car(s) are being offered here under, they are being offered for the second calendar month after being offered. For example, for covered hopper cars offered on the first working day of the month of June, such covered hoppers are being offered for the immediately succeeding August. Monthly bids will be accepted on the first working day of the month between 0800 hours and 1200 hours. Bids are to be submitted on the web site at <http://tcwr.net/customers/guarantee-car-supply/>. In the event of equal high bids, the highest bidders will be asked to resubmit their bid offers. Bids shall be tendered for a minimum of five (5) cars and a maximum of fifty (50) cars for the first half and second half of the month. The winning bidder will be awarded the bid based on the total dollar aggregate for the cars sold. The minimum bid amount will be \$250.00 per car and if there are no bids received at the close of the bid period, car(s) will be utilized in the general fleet program.

For months when TCWR is no longer accepting grain car orders for the loading of corn, soybeans and wheat, TCWR may elect to not offer car(s) under this tariff item for such closed months.

The applicable freight rates will be the published rates in TCWR grain tariffs and the amount of the awarded bid will be billed direct to the awardees. If a car order is cancelled the bid award will still be invoiced to the successful bidder.

The number of car(s) per month offered and sold will be posted on the TCWR web site;
<http://tcwr.net/>

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ITEM 500 (Continued)

GUARANTEED CAR SUPPLY

BID FORM

DATE: _____

ELEVATOR: _____ LOADING LOCATION _____

NUMBER OF CAR(S) AVAILABLE FOR MONTHLY BID:
UP TO 50 CARS FIRST HALF UP TO 50 CARS SECOND HALF

NUMBER OF CARS REQUESTED:

MONTH _____ MONTH _____
FIRST HALF _____ SECOND HALF _____

BID AMOUNT PER CAR IN U.S. DOLLARS _____
Please note: Bids are to be submitted in dollars above tariff rates.

BIDS ARE TO BE SUBMITTED on the Web Site <http://tcwr.net/customers/guarantee-car-supply/>

SUBMITTED BY: _____

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TWIN CITIES & WESTERN RAILROAD COMPANY

NSO	National Service Order (Western Trunk Line Committee, Agent)
OPSL	Official Railroad Station List
TCWR	Twin Cities & Western Railroad Company
(A)	Addition
(I)	Increase
(R)	Reduction
(N)	Change in wording which result in neither increases nor reductions in charges

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