

**TARIFF TCWR 8400C
SUPPLEMENT NO. 1**

**TWIN CITIES & WESTERN RAILROAD COMPANY
LOCAL TARIFF**

APPLICABLE ON

**FLEXIBLE ASSETS USE CHARGES
DEMURRAGE
STORAGE RULES AND CHARGES**

APPLYING AT

STATIONS ON TWIN CITIES & WESTERN RAILROAD COMPANY

AS PROVIDED IN TARIFF RAILINC OPSL 6000-SERIES

This document supplements the prior version of TCWR 8400-C.

Notice: Demurrage and storage provisions published specifically in other tariffs to which TCWR is a party, applying for account of TCWR, will supersede rules and charges herein to extent applicable.

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

ISSUED: December 20, 2016

EFFECTIVE: January 9, 2017

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

**TARIFF TCWR 8400C SUPPLEMENT NO. 1
TWIN CITIES & WESTERN RAILROAD COMPANY**

ITEM 1

EFFECTIVE: January 9, 2017

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(I) Increase

**TARIFF TCWR 8400C SUPPLEMENT NO. 1
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ITEM 205

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HOLDING A GRAIN OR FERTILIZER UNIT TRAIN

For the purposes of this item, a Unit Train shall mean a connected and consecutive set of rail cars that were tendered for movement in service other than manifest train service.

This item applies when a loaded or empty Unit Train which is or will be loaded with grain, oilseeds or fertilizers is held between origin and destination or at an origin or destination loading or unloading facility for reasons including:

- A. Loading or unloading facility's inability to accept the Unit Train
- B. Customer, or its authorized representative, requests that TCWR hold the Unit Train short of any location, for any reason
- C. Customer, or its authorized representative delays loading, unloading, billing or releasing a Unit Train at origin or destination beyond the Free Time described below
- D. At TCWR's sole discretion, it is determined that the Unit Train in question would negatively impact TCWR's network fluidity by continuing towards destination

If any of items A through D above occur, a "Unit Train Held" notice will be issued to the payer of freight or party responsible. Hold Charges as described below will begin once the Unit Train is held, and the chargeable time ends when the Unit Train is released from hold. Once a Unit Train is released from hold, TCWR will make best efforts to move the Unit Train.

TCWR does not guarantee sufficient room available on its tracks to hold a Unit Train.

Hold Charges:

\$400 per hour assessed to the payer of freight or the party responsible if the Unit Train is comprised entirely of private or shipper owned or controlled rail cars.

\$500 per hour assessed to the payer of freight or the party responsible if the Unit Train is comprised of one or more railroad owned or controlled rail cars.

Free Time:

TCWR will provide up to 15 hours Free Time for the loading and unloading of Unit Trains (net of delays caused by TCWR). Free Time will begin once a Unit Train is (1) placed at a customer facility for loading or unloading, or (2) held short of a customer facility due to request of customer or its authorized representative, or because the customer facility is not able to accept a Unit Train.

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

**TARIFF TCWR 8400C SUPPLEMENT NO. 1
TWIN CITIES & WESTERN RAILROAD COMPANY**

ITEM 205 (CONTINUED)

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HOLDING A GRAIN OR FERTILIZER UNIT TRAIN

Hold Charges will not be assessed until 15 hours has elapsed after a Unit Train is (1) placed at a customer facility for loading or unloading, or (2) held short of a customer facility for reasons described above.

When a Unit Train is held, TCWR reserves the right to remove the locomotives from a Unit Train. TCWR crews will return the locomotives to the train at the loading, unloading or hold site (as the case may be) when the cars have been released, or upon the receipt of your written request. At that point, locomotive removal and return charges will be assessed as follows:

A charge of \$1,500 will apply to the removal of the locomotives from a Unit Train.

A charge of \$1,500 will apply the return of locomotives to a Unit Train.

Charges for the removal and return of locomotives will be assessed to the payer of freight or the party responsible for the holding of a Unit Train. If TCWR removes the locomotives from a Unit Train, the party responsible will be accountable for the Hold Charges up until locomotives are returned to the Unit Train. Immediate return of locomotives to a Unit Train is not guaranteed.

Loading Disability:

If the holding of a Unit Train is due to a Loading Disability, Hold Charges will not be assessed under this item.

For the purposes of this item, "Loading Disability" shall mean any of the following events which are beyond the control of customer or customer's agent and directly results in the inability to load or unload or accept a Unit Train at a loading or unloading facility:

- A. Act of God
- B. Strike
- C. Lockout or other labor disturbance
- D. Riot or other civil disturbance
- E. Snow and/or ice accumulation sufficient to immobilize Unit Train operations and prevent loading or unloading of such Unit Train

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F. Governmental acts or regulations

G. Mechanical or electrical breakdown

H. Explosion or fire in a loading or unloading facility then being utilized by customer

If any of the above Loading Disability events occur, please promptly advise TCWR.

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