

TCWR 8500-I
CANCELS
TCWR 8500-H

TITLE PAGE

TARIFF TCWR 8500-I

(Cancels TCWR 8500-H)

**TWIN CITIES & WESTERN RAILROAD COMPANY
(TCWR)**

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 ARRANGEMENTS TARIFF

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

ISSUED: December 9, 2016

EFFECTIVE: January 1, 2017

Expect otherwise shown herein

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

TWIN CITIES & WESTERN RAILROAD COMPANY

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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, from or via 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 RAIL CAR(S)

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

Maximum gross weight on rail on TCWR NOT requiring a clearance authorization is 268,000 lbs. 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 HOLIDAYS

TCWR holidays are defined for purposes of this tariff as: New Year's 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) PROCESSING MANUAL BILLS OF LADING

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 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 \$150 (I) per individual bill of lading. TCWR will not be responsible for any errors which may occur during the manual processing of bills of lading.

**ITEM 210 CANCELLATION OF SHIPPING DOCUMENT
OR BUSTED BILLING CHARGES**

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

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

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ITEM 215 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 DIVERSION OR RECONSIGNMENT

Diversion or reconsignment means any one or more of the following when a rail 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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ITEM 225 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 rail 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 per rail car or a maximum of \$700 per bill of lading for any diversion while rail car is in enroute and prior to arrival of shipment at destination.
- B. Diversion/reconsignment charge will be \$175 per rail car or a maximum of \$800 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 promptly be confirmed in writing by one of the following methods before diversion/reconsignment is finalized.
 - 1. Fax to Operations Desk: 320-864-7220 or send an e-mail to customerservice@tcwr.net.
- D. For any rail cars diverted with or through another carrier after being interchanged by TCWR to another 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 TERMINAL SERVICES

TCWR will NOT be responsible for any charges accruing on rail 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 (N) WEIGHING

TCWR does not offer the service of weighing rail cars.

ITEM 255 MOVEMENT OF LOCOMOTIVES AND PASSENGER EQUIPMENT

Contact TCWR Marketing & Sales Department to receive charges.

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 with TCWR, 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 minimum claim of \$250 per rail car.

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ITEM 285 UNAUTHORIZED USE OF TCWR ASSET

When equipment or a railroad asset such as a rail car is used without authorization, a \$1,500 per rail car charge will be assessed to the party who used the asset without written authorization. Additional charges may apply if unauthorized rail car(s) require cleaning. A few examples, but not limited to, that would incur this charge:

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

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

When TCWR attempts to perform rail service at your facility, such as a pick up or delivery of rail car(s), and TCWR is unable to readily access a specific car(s) to pick up, or a delivery cannot be made due to lack of space or other cause at your facility, a per car charge of \$125 per rail car will apply, up to a maximum of \$950 (I) per service. This charge will be assessed in addition to any other charges that are applicable (such as demurrage charges in accordance with Tariff TCWR 8400-Series).

ITEM 300 (I) SWITCHING

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

- (A) Intra-plant: the movement of rail car(s), loaded or empty, from one location within an industry to another location within the same industry. A charge of \$125 per rail car shall apply.
- (B) Intra-terminal: the movement of a rail car(s) to a location within the same switching or yard limits as the industry or customer ordering the movement of such rail car(s) on the same railroad. A charge of \$195 per rail car shall apply.
- (C) Inter-terminal: the movement of a rail car(s) from one TCWR station to another TCWR station. A charge of \$500 (I) per rail car shall apply and will be in addition to all freight charges.
- (D) Cherry picking: When a rail car or rail cars is/are requested to be switched out of a group of rail cars by specific rail car initial/number, or a rail car or rail cars is/are required to be switched out from a partial or entire unit train in which the rail cars were originally grouped consecutively at origin or destination (so as to not require cherry picking), a charge of \$150 per rail car shall apply.

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ITEM 305 (N) CARS RELEASED FROM INDUSTRY WITHOUT FINAL DESTINATION FORWARDING INSTRUCTIONS OR A COMPLETE BILL OF LADING

1. Except as otherwise provided, when on customer's order a car is released from industry or team tracks without proper final destination forwarding instructions or a complete bill of lading, and such car is held on TCWR track awaiting final destination forwarding instruction or a complete bill of lading, a handling charge of \$250 per car will be assessed against such customer, and the car will remain in continuous demurrage or detention until final destination forwarding instructions or a complete bill of lading is received by TCWR.
2. If a car is removed from industry or team track on customer's order without proper final destination forwarding instructions or a complete bill of lading and is held awaiting those instructions on TCWR track, and such car is ordered back to the original industry or team track from which it was ordered moved, a charge of \$350 per car will be assessed. The car will remain in continuous demurrage or detention until final destination forwarding instructions or a complete bill of lading is received by TCWR.

ITEM 325 (I) TURNING A RAIL CAR

Where a rail car must be turned around; applicable to situations such as a rail car that can only be loaded or unloaded from one side. A per rail car charge of \$595 will be assessed to the party requesting, or requiring the service.

ITEM 330 RAIL CAR(S) RECEIVED IN ERROR

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

WHEN RAIL CAR IS DELIVERED OR

CAUSED TO BE DELIVERED TO TCWR BY:	SWITCHING CHARGE PER RAILCAR:
BNSF, MNRR, CPRS, UP, CN	\$300

If rail car(s) are held by TCWR awaiting disposition from the carrier making the delivery error, an additional holding charge of \$50 per day will be assessed to the responsible carrier for each day, or fraction thereof, rail car is held beginning with the first full calendar day (00:01) following written notification that rail car is being held for disposition until disposition is furnished.

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ITEM 380 UNSAFE RAIL CARS OR IMPROPERLY LOADED RAIL CARS

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

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

An improperly loaded rail car is defined as a rail 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 RAIL CAR(S) DISCOVERED AT ORIGIN OR ENROUTE

A - Overloaded or improperly loaded rail car(s) as determined above, when discovered at origin will be returned to the shipper's track or to the connecting line tendering such rail car(s) to TCWR. The shipper shall be assessed the intra-plant or intra-terminal switching charge plus the penalty charges for return of rail car(s). A switch charge of \$900 per rail car will be in addition to any other applicable charges incurred by customer.

B - TCWR may elect to stop an overloaded or improperly loaded rail car enroute and hold it on a track where partial unloading or adjustment of the load may be performed. It will be the responsibility of the shipper to partially unload or adjust the rail car at their expense. TCWR will not be obligated to furnish any personnel, equipment or machinery that may be necessary to partially unload or adjust the overloaded or improperly loaded rail car and the penalty charges named 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 rail 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 rail car is delivered to destination or point of interchange and such rail 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 rail 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 rail car.

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ITEM 380 (CONT.) UNSAFE RAIL CARS OR IMPROPERLY LOADED RAIL CAR(S)

PER CAR PENALTY CHARGES ASSESSED TO THE SHIPPER.

D - \$ 950 per car for rail car(s) containing non-hazardous commodities or \$3,050 per rail car for rail car(s) containing hazardous commodities or hazardous residue.

Individual overloaded or improperly loaded rail 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 from demurrage free time allowance.

ITEM 385 (N) MINOR ADJUSTMENT OR INSPECTION

Where TCWR performs a minor service that should have been taken care of by you or a party related to your shipment, a charge of \$285 per rail car applies. A few examples where this charge would apply include but are not limited to, closing doors, hatches, gates or securing tie down devices on empty rail car(s). (N) Loaded rail car(s) will not be moved unless all doors, hatches, gates and tie-down devices are properly secured.

ITEM 390 (I)(N) RAIL 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 rail cars (individual name & company name)
- Kind of rail cars wanted
- Number of rail cars wanted
- Requested placement date
- Commodity to be loaded
- Destination and route
- Pricing Authority reference number (e.g. tariff number)

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ITEM 390 (I)(N) (CONTINUED) RAIL CAR ORDERING

For rail car orders accepted by TCWR, a permit will be issued by TCWR to the car ordering party.

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

Rail car orders must be placed utilizing the form available on our website at <http://tcwr.net/customers/car-orders>. Origin and destination information provided by Customers for rail car orders for which a permit has been issued by TCWR cannot be changed without the permission of TCWR. If Customer does not receive permission from TCWR and ships to destination other than shown in the permitted rail car order, a \$250 per rail car penalty will apply. (I)(N)

Rail car order permits issued by TCWR are not transferable without permission of TCWR.

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

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

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

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

For grain and oilseed rail car orders, customer should request orders for placement in the first half of a month, the last half of a month or anytime during a month regardless of date. Note: If specific rail car order date is requested, such as the 10th day of a month, for example, TCWR will attempt to fulfill such date-specific request, but will not guarantee it will do so. (N)

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ITEM 400 (R) RAIL CAR CANCELLATION RULE

RAIL 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 rail car order cancellation charge of \$250 (R) per rail car, per occurrence. When a rail car order is reduced, a charge of \$250 (R) per rail car will be assessed.

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

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

EXCEPTION - If car(s) ordered 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.

RAIL 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 rail car order cancellation charge of \$250 (R) per rail car per occurrence. When a rail car order is reduced, a charge of \$250 (R) per car will be assessed.

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

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

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

EXCEPTION – If car(s) ordered 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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ITEM 500 (R)(N)

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 rail 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 rail cars for bids per month and will guarantee availability of these rail car(s) to the entity with the highest bid. Fifty (50) rail cars will be offered for the first half of a given month (1st-15th) and fifty (50) rail cars will be offered for the second half of a given month (16th-31st). On the day covered hopper rail car(s) are being offered here under, they are being offered for the second calendar month after being offered. For example, for covered hopper rail 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) rail cars and a maximum of fifty (50) rail 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 rail cars sold. The minimum bid amount will be fifty (\$50) (R) per rail car and if there are no bids received at the close of the bid period, rail car(s) will be utilized in the general fleet program. Winning bidder(s) will be issued a permitted rail car order. All such rail car orders must meet the terms and conditions of Item 390 of this tariff. (N)

For months when TCWR is no longer accepting grain rail car orders for the loading of corn, soybeans and wheat, TCWR may elect to not offer rail 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 rail car order is cancelled the bid award will still be invoiced to the successful bidder.

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

TCWR reserves the right to, at its discretion, offer covered hoppers for bids for months other than the second calendar month after being offered.

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ITEM 500 (R)(N) (Continued)

GUARANTEED CAR SUPPLY

BID FORM

DATE: _____

ELEVATOR: _____

LOADING LOCATION _____

DESTINATION: _____

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

*Or as many (cars) as are offered by TCWR, whichever is less.

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

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