

**TARIFF TCWR 8400-C  
SUPPLEMENT NO. 2**

**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: October 18, 2018

EFFECTIVE: October 19, 2018

**Issued by:**  
Twin Cities & Western Railroad Company  
2925 - 12<sup>th</sup> Street East  
Glencoe, MN 55336

**TWIN CITIES & WESTERN RAILROAD COMPANY**

**ITEM 2**

**EFFECTIVE: October 19, 2018**

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**(A) Addition**

**TARIFF TCWR 8400-C SUPPLEMENT NO. 2  
TWIN CITIES & WESTERN RAILROAD COMPANY**

**ITEM 204  
2018**

**EFFECTIVE: October 19,**

**ADVANCE NOTICE OF INBOUND EMPTY GRAIN OR OILSEED UNIT TRAINS OR  
LOADED FERTILIZER UNIT TRAINS; REFERENCE TO LOADING FREE TIME IN  
ITEM 205 OF THIS TARIFF**

For the purposes of this Item, a Unit Train shall mean a connected and consecutive set of rail cars that are tendered for movement in service other than manifest train service and are or will be loaded with grain, oilseeds or fertilizers.

For each inbound Unit Train to be received by TCWR in interchange from another rail carrier, TCWR requires loading or unloading customer to provide a minimum of twenty-four (24) hours advance notice prior to interchange of a Unit Train to TCWR, along with one or more car numbers for tracing purposes, in order to allow adequate time for TCWR to arrange to have train crews and other resources available and in position to move such Unit Trains from point of inbound interchange to customer's facility in a timely manner. Unit Train movement delays attributed to customer failure to provide such twenty-four notice to TCWR may jeopardize customer receipt of load/unload/efficiency type payments. TCWR will not responsible for any loss of such payments which occurs due to lack of notice as described herein.

Loading and unloading Free Time and charges associated with holding a grain, oilseed or fertilizer Unit Train are shown in Item 205 of this tariff. As shown in Item 205, TCWR will provide up to 15 hours Free Time for the loading and unloading of Unit Trains. When Free Time is exceeded, customer receipt of load/unload/efficiency type payments may be jeopardized. TCWR will not be responsible for any loss of such payments which occurs when Free Time is exceeded.

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

**TARIFF TCWR 8400-C SUPPLEMENT NO. 2  
TWIN CITIES & WESTERN RAILROAD COMPANY**

**ITEM 205  
2017**

**EFFECTIVE: January 9,**

**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

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**TARIFF TCWR 8400-C SUPPLEMENT NO. 2  
TWIN CITIES & WESTERN RAILROAD COMPANY**

**ITEM 205 (CONTINUED)  
2017**

**EFFECTIVE: January 9,**

**HOLDING A GRAIN OR FERTILIZER UNIT TRAIN**

authorized representative, or because the customer facility is not able to accept a 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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**TARIFF TCWR 8400-C SUPPLEMENT NO. 2  
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**ITEM 205 (CONTINUED)**

**EFFECTIVE: January 9, 2017**

**HOLDING A GRAIN OR FERTILIZER UNIT TRAIN**

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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