

ANR 6010

Angelina & Neches River Railroad



DEMURRAGE TARIFF 6010

GENERAL CAR DEMURRAGE RULES AND CHARGES

AND

STORAGE RULES AND CHARGES

APPLYING AT ALL POINTS SERVED BY

ANGELINA & NECHES RIVER RAILROAD

ISSUED: April 1, 2010

EFFECTIVE: May 1, 2010

ISSUED BY: Mr. David M Perkins, President

Angelina & Neches River Railroad

PO Box 1328, Lufkin, TX 75902-1328

(Cancels all previous issue dates)

ANGELINA & NECHES RIVER RAILROAD

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ITEM	GENERAL APPLICATION OF TARIFF RULES AND REGULATIONS
200	<p style="text-align: center;"><u>APPLICATION</u></p> <p>A. Applicable on carload traffic at all stations.</p> <p>B. The disposition of a car at its point of detention determines the purpose for which the car is held and the rules applicable thereto.</p> <p>C. Private cars held on private or leased tracks are not subject to demurrage rules and charges while in the possession of ANGELINA & NECHES RIVER RAILROAD.</p> <p>D. All railroad-owned cars held for or by consignors or consignees are subject to demurrage rules and charges contained in this tariff, EXCEPT the following:</p> <ol style="list-style-type: none"> 1. Cars for loading or unloading of ANGELINA & NECHES RIVER RAILROAD company material while held on ANGELINA & NECHES RIVER RAILROAD tracks or private sidings connecting therewith. 2. Cars of refused or unclaimed freight to be sold by ANGELINA & NECHES RIVER RAILROAD for the time held beyond legal requirements. 3. Cars assigned to shippers returned empty to point of assignment, to the extent storage rules apply. 4. Cars of ANGELINA & NECHES RIVER RAILROAD ownership under lease for storage of commodities while held on lessee's tracks. 5. Empty cars ordered and rejected as unsuitable for loading.
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ITEM

GENERAL CAR DEMURRAGE RULES AND CHARGES

201

GLOSSARY OF TERMS

For the purpose of applying provisions of this tariff, the following are defined and will govern:

ACTUAL PLACEMENT: The time at which a car is placed in an accessible position for loading or unloading or at a point designated by the consignor or consignee.

CONSIGNEE: The party to whom a shipment is consigned or the party entitled to receive the shipment, or party actually receiving the shipment.

CONSIGNOR: The party in whose name cars are ordered or the party who furnishes forwarding directions.

CONSTRUCTIVE PLACEMENT: When a car cannot be actually placed because of a condition attributable to the consignor or consignee, such car will be held on available track and notice will be given to the consignor or consignee that the car is held on constructive placement awaiting disposition instructions. Such cars which have been placed on private or other than public delivery tracks including lead tracks serving the consignor or consignee will be considered constructively placed without notice.

DEMURRAGE DAY: A twenty-four (24) hour period, or part thereof, that commences at the first 0700 hours after tender.

DISPOSITION: Information, including forwarding instructions or release, which allows the railroad to either tender or release the car from the consignor's or consignee's account.

DIVERSION: An order from the consignor to deliver car to other than original destination, said order being received before the car is delivered to its original destination.

EMPTY CARS ORDERED AND NOT USED: Empty cars ordered and placed for loading, but not used in transportation service.

EMPTY RELEASE INFORMATION: Advice by consignee given to authorized personnel of this line that car is unloaded and available to this line. Information given must include identity of consignee and party furnishing release information, car initial and number, and date and time of release. Date and time of release cannot be earlier than the date and time advice is given.

FORWARDING INSTRUCTIONS: Shipping instructions given to ANGELINA & NECHES RIVER RAILROAD at the point of loading containing all of the necessary information to transport the shipment to the final destination.

INDUSTRIAL TRACK: A track serving a particular industry whether located upon the property of this line or upon property owned or leased by the industry.

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GLOSSARY OF TERMS (Continued)

INTER-PLANT SWITCHING: A switching movement between plants or units of a single industry located within the switching limits of one station.

INTERLINE TRAFFIC: Shipments of road-haul traffic moving over two or more railroad lines.

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. Applies only on movements which can be completed wholly within the confines of the same siding, plant or industry.

INTRA-TERMINAL SWITCHING: A switching movement (other than intra-plant or inter-plant where specifically provided for) of traffic originating at and destined to points located on the tracks of this line within the switching limits of one station.

LEASE TRACK: Any trackage of this line leased to a user through written lease agreement. Lease track will be treated the same as private track under this section.

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

LOCAL SERVICE: A movement of traffic originating at one point and destined to another point on the ANGELINA & NECHES RIVER RAILROAD.

LOADED CAR: A car that is completely or partially loaded.

NOTIFICATION: When required, notification will be furnished by fax or electronically to all parties entitled to receive notification.

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

PRIVATE CAR: A car bearing other than ANGELINA & NECHES RIVER RAILROAD reporting marks and which is not a railroad-controlled car.

PRIVATE TRACK: Any trackage which is not owned or leased by the railroad.

RAILROAD-CONTROLLED CAR: A car bearing other than ANGELINA & NECHES RIVER RAILROAD reporting marks provided to this line directly by the car companies or others for use by this line in serving any of its customers.

RECONSIGNMENT: An order from the consignor to bill a car other than to the original consignee.

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GLOSSARY OF TERMS (Continued)

REJECTED LOADED CAR: When the original loaded car is rejected at destination without being unloaded.

RELEASE: Date and time that the railroad receives notification that the car is empty or that forwarding instructions are received.

RELOADING: When a car is held for loading after being released as an empty.

RESHIPMENT: A new document by which the entire original shipment is forwarded in the same car to another destination.

ROAD-HAUL TRAFFIC: Traffic received from or moved to a point outside of the switching limits of the same station.

STOPPED-IN-TRANSIT: When cars are held en route because of any condition attributable to the consignor, consignee or owner.

TEAM TRACK: A track or tracks assigned by this line for use of the general public.

TENDER: The notification, actual or constructive placement, of a railcar.

TIME: Local time is applicable, expressed on the basis of the 24-hour clock. Example: 12:01 A.M. is expressed as 0001 hours

UNLOADING: The complete unloading of a car includes removal of dunnage, pallets, bracing, etc., and advice received from consignee that the car is empty and available to the railroad.

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ANGELINA & NECHES RIVER RAILROAD

ITEM	GENERAL CAR DEMURRAGE RULES AND CHARGES
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202	<p style="text-align: center;"><u>NOTIFICATION TO CONSIGNOR OR CONSIGNEE</u></p> <p>A. The following notifications will be furnished by ANGELINA & NECHES RIVER RAILROAD as indicated:</p> <ol style="list-style-type: none"> 1. Cars for Other than Team Tracks: <ol style="list-style-type: none"> a. Notice of constructive placement if cars are held on ANGELINA & NECHES RIVER RAILROAD tracks due to reasons attributable to the consignor or consignee. b. Delivery of car upon tracks of consignee will constitute notification. c. When two or more parties, each performing their own switching, take delivery of cars from the same interchange track, notice will be given when cars are placed on the interchange track. 2. Cars for Team Tracks; <p style="margin-left: 40px;">Notice will be given to the party entitled to receive notification when car is actually placed.</p> 3. Refused Loaded Car: <p style="margin-left: 40px;">When a loaded car is refused at destination, ANGELINA & NECHES RIVER RAILROAD will give notice of such refusal to the consignor or owner.</p> <p>B. Notification may be given in writing or electronically and will contain the following:</p> <ol style="list-style-type: none"> 1. Car initials and number. 2. If lading transferred en route, the initials and number of the original car. 3. Commodity. 4. Date and time.
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ANGELINA & NECHES RIVER RAILROAD

ITEM

GENERAL CAR DEMURRAGE RULES AND CHARGES

203

NOTIFICATION TO ANGELINA & NECHES RIVER RAILROAD

Railroad customer service personnel are on duty Monday – Friday 7:00 AM to 5:00 PM five days a week except holidays to receive forwarding instructions, empty release information, or other disposition of cars.

When electronic or mechanical devices are used to furnish notification to the railroad, the recorded date and time that instructions are received will govern charges incurred.

204

CARS HELD FOR LOADING

Loading is the complete or partial loading of a car in conformity with AAR loading and clearance rules including the furnishing of forwarding instructions.

TENDER:

The notification, actual or constructive placement, of a railcar placed on orders of the consignor.

RELEASE:

- A. Date and time forwarding instructions are received.
- B. Cars placed on interchange tracks of a consignor doing its own switching must be returned to the interchange track for release.
- C. Cars found to be improperly loaded or overloaded at origin will not be considered released until the load has been adjusted properly.

COMPUTATION:

- A. Time will be computed from the first 0700 after tender until release.

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CARS HELD FOR LOADING (Continued)

- B. If the car is placed prior to the date for which it was ordered, time will be computed from the first 0700 hours after the date for which it was ordered until its release.

FREE DAYS:

One (1) free day will be allowed for each car for loading. The applicable charge will accrue on all Saturdays, Sundays and holidays subsequent to the first chargeable day, including a Saturday, Sunday or holiday immediately following the day on which the first chargeable day begins to run.

205

CARS HELD TO COMPLETE UNLOADING

Unloading is the complete unloading of a car including dunnage, bracing, etc., and advice from the consignee to the railroad that the car is empty and available to the railroad.

TENDER:

The notification, actual or constructive placement, of a railcar.

RELEASE:

- A. Date and time that the railroad receives advice that the car is empty.
- B. When the same car is unloaded and reloaded, empty release information must be furnished. If not furnished, demurrage will continue until forwarding instructions are received.

COMPUTATION:

- A. Time will be computed from the first 0700 hours after tender until release.
- B. When the same car is unloaded and reloaded, empty release information must be furnished. If not furnished, demurrage will continue until forwarding instructions are received.

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GENERAL CAR DEMURRAGE RULES AND CHARGES

205

CARS HELD TO COMPLETE UNLOADING (Continued)

FREE DAYS:

Two (2) free days will be allowed for each car for unloading. The applicable charge will accrue on all Saturdays, Sundays and holidays subsequent to the first chargeable day, including a Saturday, Sunday or holiday immediately following the day on which the first chargeable day begins to run.

206

CARS HELD FOR OTHER PURPOSES

Applicable to cars held:

- A. On orders of consignor or consignee.
- B. While awaiting proper disposition from the consignor or consignee.
- C. As a result of conditions attributable to consignor or consignee.

TENDER:

The notification, actual or constructive placement, of a railcar.

RELEASE:

Date and time that railroad receives advice that the car is empty or that forwarding instructions are received.

COMPUTATION:

Time will be computed from the first 0700 hours when cars are held:

- A. After tender until cars are:
 - 1. Diverted.
 - 2. Empty cars ordered and not used (other than a rejected car).
 - 3. Partially unloaded.
 - 4. Reconsigned.
 - 5. Reshipped.

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CARS HELD FOR OTHER PURPOSES (Continued)

- B. After cars are received by ANGELINA & NECHES RIVER RAILROAD until date of disposition on:
1. Cars received from connecting carriers.
 2. Loaded private cars returned to railroad tracks.
- C. After tender until date of refusal on:
Refused loaded cars (consignee).
- D. After tender until date of disposition on:
Refused loaded cars (consignor).FREE DAYS:
- A. Two (2) free days will be allowed for each car released on or which disposition is given.
 - B. Free days will not be allowed for:
 1. Empty cars ordered and not used.
 2. Cars received from connecting carriers to be held for disposition.

207

DEMURRAGE PLAN AND PRICES

- A. Settlement of charges will be made on a monthly basis on all cars released during each calendar month.
- B. Demurrage accrued by customers having facilities at separate stations can be combined.
- C. Demurrage will be calculated separately for the following transactions.
1. Cars held for unloading.
 2. Cars held for loading.
 3. Cars held for other purposes.
- D. Demurrage charges will be assessed against ANR's online customers only and in no instance will a third party be billed for demurrage charges.
- E. CALCULATION OF CHARGES:
1. **After free time has expired for each car, demurrage will be assessed at \$50.00 per car per day.**
 2. **Unused free time of one car cannot be applied against any other car.**

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PAYMENT AND CREDIT TERMS

Demurrage charges will be assessed against the online customer of the ANR only.

Demurrage charges assessed must be paid in full and disputes for adjustment together with supporting documentation must be presented in writing to ANR within fifteen (15) days after the date on which the bill for demurrage is rendered. Disputes must be car specific and provided in writing. Disputes may be faxed, emailed or mailed to ANR.

When for reason other than ANR error, consignor/consignee fails to pay ANR for assessed demurrage, ANR may assess an additional charge equal to the greater of an amount not to exceed two (2) percent per month of the unpaid charge or the highest rate allowed by law.

208

CLAIMS

In order to be allowed Demurrage relief as indicated, a claim must be presented to ANGELINA & NECHES RIVER RAILROAD **in writing** no later than 15 days following the month in which the bill was issued, stating fully the conditions for which relief was claimed. Relief will be granted only under the following conditions:

A. Railroad Error:

If through railroad error incorrect demurrage charges are assessed, charges will be adjusted to the amount that would have accrued but for such error.

Runaround and bunching of cars by connecting rail carriers will not be considered as a railroad error.

B. Weather interference:

When because of significant acts of nature the operations of the consignor or consignee are disrupted, the demurrage directly chargeable thereto will be eliminated, provided the disruption exceeds two (2) days in duration. Relief will be granted under this provision at the sole discretion of ANR.

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CLAIMS (continued)

C. Bunching:

Since A&NR does not control the flow of inbound cars from connecting railroads, no allowance can be made for the bunching of inbound railcars.

209

HOLIDAYS

Wherever reference is made to “holidays”, it shall mean only the days listed below:

- New Year’s Day – January 1 (See Note)
- Washington’s Birthday – Third Monday of February
- Memorial Day – Last Monday of May
- Independence Day – July 4 (See Note)
- Labor Day – First Monday of September
- Thanksgiving Day – Fourth Thursday of November
- Christmas Day – December 25 (See Note)

NOTE: When this date occurs on a Sunday, the following Monday will be observed as the holiday.

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ITEM

GENERAL CAR STORAGE CHARGES

300

NOTIFICATION TO ANGELINA & NECHES RIVER RAILROAD

Railroad customer service personnel are on duty Monday through Friday 7:00 AM TO 5:00 PM except holidays to receive forwarding instructions, empty release information, or other disposition of cars.

When electronic or mechanical devices are used to furnish notification to the railroad, the recorded date and time that instructions are received will govern charges incurred.

301

PRIVATE CARS HELD FOR LOADING/UNLOADING

- A. When empty or loaded private cars are received but cannot be delivered on account of the inability of the consignee, such cars will be held at destination; or if not reasonably accommodated there, at an available hold point.
- B. Notification will be sent or given the consignee that the cars are so held, and chargeable time will be computed from the first 0700 hours thereafter.
- C. **The charge for storage of hazardous material, hazardous substances, or hazardous waste will be at the rate of \$30.00 per car per day in addition to applicable demurrage charges.**

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