

# The Maryland and Delaware Railroad Company

## **FREIGHT TARIFF MDDE 6001**

(For Cancellation, see Item 5, this Tariff)

### **DEMURRAGE REGULATIONS AND CHARGES**

APPLYING AT AND BETWEEN STATIONS ON  
THE MARYLAND AND DELAWARE RAILROAD COMPANY

(AAR Accounting Rule 260 code number 454)

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

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**EFFECTIVE: September 1, 2025**

#### **ISSUED BY**

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### ITEM 5

#### NEW TARIFF

FT MDDE 6001 is a new MDDE demurrage tariff. This Tariff does not affect any other MDDE tariffs including Tariff MDDE 8000-Series.

**This Tariff includes changes that may be considered increases in rates and charges, and changes in service terms.**

### ITEM 10

#### EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS

MDDE – The Maryland and Delaware Railroad Company

NS – Norfolk Southern Corporation

AAR – Association of American Railroads

### ITEM 15

#### DEFINITIONS

**ACTUAL PLACEMENT** – Actual placement is made when a railcar is placed in position for loading or unloading on a customer track, leased track, team track, transload track or other point previously designated by the customer. Railcars placed on customer tracks, leased tracks, team tracks or transload tracks at the request of the customer will be considered actually placed without further notification.

**ASSIGNMENT** – A transfer of rights to another that gives the recipient—the assignee—the rights that the owner or holder—the assignor—had prior to the transfer.

**ASSIGNOR** – The party who has assigned property or a task, duty, responsibility or shipment. **ASSIGNEE** – The party to whom property or a task, duty, responsibility or shipment has been assigned.

**CLOSED GATE** – A facility where the customer orders in railcars specifically by railcar initial and number, or where track capacity is insufficient to hold all arriving railcars.

**CONSIGNEE** – The party to whom a shipment is consigned and/or the party entitled to receive the shipment.

**CONSIGNOR** – The party in whose name railcars are ordered (directed) and/or the party who furnishes MDDE forwarding directions.

**CONSTRUCTIVE PLACEMENT** – When a railcar consigned or ordered (directed) to a customer track, leased track, team track or transload track cannot be actually placed on the track to which it was ordered (directed) because of a condition attributable to the customer, such a railcar will be held at an available hold point as determined by MDDE, and notification shall be sent or given to the customer that the railcar is being held and that MDDE is unable to effect actual placement.

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**CONTINUOUS MOVEMENT** – A movement between MDDE's tracks and the customer track, leased track, team track or transload track, or other place where railcars are received or delivered without any delay or any suspension or break in time or continuity of the movement, or any interruption, or interference, due to any circumstances or condition for which the customer is directly responsible.

The operations named below in (I) and (II), where performed by MDDE as necessary incidents to the placement and removal of railcars moving at published carload rates, shall not be deemed:

1. To break the "continuous movements";
  2. To be in excess of the Ordinary Operating Convenience" of MDDE;
  3. To be an "interruption or interference" caused by the customer";
  4. To be a "circumstance or condition for which the customer is directly responsible" as those terms are used in this Tariff.
- I. The removal and replacement of railcars empty, partly loaded or fully loaded when incidental to the placement or removal of other railcars; and/or
  - II. Operations performed in providing a service for which a separate charge is authorized in this or any other MDDE tariff.

**CUSTOMER** – The person or entity (shipper, receiver, consignor, consignee or agent) responsible for freight shipments in railcars handled by MDDE, and for payment of any applicable charges named herein. Specifically with respect to demurrage charges, "customer" shall mean any person or entity receiving railcars from MDDE for loading or unloading.

**CUSTOMER TRACK** – A track outside of MDDE's owned or operated right-of-way, and owned or leased by a customer where MDDE does not own either the rails, ties, roadbed or right-of-way. Two or more parties may use the track jointly when the customer, prior to such joint use, has furnished written notification to MDDE.

**DISPOSITION** – Information, including forwarding instructions or release, which allows the release of a railcar from the customer to MDDE.

**FIRST PLACEMENT** – When railcars are first placed for loading, unloading or storage upon customer tracks, leased tracks, team tracks or transload tracks.

**FORWARDING INSTRUCTIONS** – A bill of lading or other suitable order, given to MDDE and containing all of the necessary information to transport the shipment to its destination, which authorizes:

1. The immediate delivery of a railcar to a connecting line for further movement; or
2. The immediate forwarding of a railcar to a consignee at another location at the same station or to a consignee at another destination on the MDDE.

**HAZARDOUS MATERIALS** – A substance or material that poses an unreasonable risk to health, safety, and property when transported in commerce, and has designated as hazardous under section 5103 of Federal hazardous materials transportation law (49 U.S.C. 5103). The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (see 49 CFR 172.101), and materials that meet the defining

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criteria for hazard classes and divisions in 49 CFR 173.

**HOLD POINT** – An NS, MDDE, customer track, leased track, team track or transload track on which a railcar is held prior to first placement to the customer.

**INTRA-PLANT SWITCHING** – A switching movement from one customer track to another customer track within the same customer plant or facility.

**INTRA-STATION SWITCHING** – A switching movement (other than intra-plant) from one customer track, lease track, team track or transload track to another customer track, lease track, team track or transload track within the limits of a single rail station served by MDDE as defined in **Tariff MDDE 8000 Item 135**, the terms of which are incorporated by reference herein.

**LEASED TRACK** – Any trackage located on property that is owned or operated by MDDE, and is leased to a customer under a written agreement.

**LOADED RAILCAR** – A railcar that is completely or partially loaded.

**LOADING** – The complete, or partial, loading, of a railcar within the confines of the same customer plant or facility, or on the same customer track, lease track, team track or transload track. Loading must be completed in conformity with AAR loading and clearance rules including the furnishing of forwarding instruction.

**LOCAL SWITCHING** – A switching movement from a location within one rail station served by MDDE to a location within a different rail station served by MDDE as defined by **Tariff MDDE 8000 Item 135**.

**NOTIFICATION** – Message given to the parties entitled to receive notification in accordance with the means outlined by **Tariff MDDE 8000 Item 155**, the terms of which are incorporated by reference herein, that a railcar is available for placement, loading, unloading, or is now otherwise affected by demurrage rules.

**OPEN GATE** – A customer for whom all railcars can be placed on arrival without regard to railcar initial and number or other placement instructions.

**ORDINARY OPERATING CONVENIENCE** – The time selected by MDDE when it is most advantageous to MDDE in relation to its coordinated and harmonious switching activities in a particular station. Ordinarily it constitutes only one (1) switch per day except when additional switches are made by MDDE in its own interest, as distinguished from the customer's individual interest. Movements to, from or within a customer track, lease track, team track or transload track at other times at the request of the customer or to meet the requirements of the customer's industrial operations are not at MDDE's ordinary operating convenience.

**PLASTIC** – Commodities designated with the federal shipping code (that is, STCC code) series 28211, which includes, but not by way of limitation, plastic pellets or resins.

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**PRIVATE RAILCAR** – Any railcar not bearing railroad reporting marks and not controlled by a railroad.

**PROTECTIVE SERVICE** – Monitoring a railcar with operating refrigeration or heating unit to ensure that the refrigeration or heating unit is properly functioning.

**RAILROAD-CONTROLLED RAILCAR** – Any railcar bearing railroad or TTX reporting marks.

**RECONSIGNMENT** – A change in the name of the consignor, consignee and/or change in delivery to a customer track, lease track, team track or transload track on MDDE.

**RELOAD** – Process that occurs when a shipment must be transferred from one railcar to another.

**SPECIAL FREIGHT TRAIN OR SWITCHING SERVICE** – Special Freight Train Service or Switching Service is the movement of a train in other than normal freight train or switching service.

**SWITCHING** – The movement of railcars from one track to another track or changing the order or relative position of railcars on a track.

**TEAM TRACK** – Any track located on property that is owned or operated by MDDE, and is designated by MDDE as open to customers and the general public for loading or unloading of railcars under written agreement.

**TIME** – Local time in the State of Maryland, USA, as expressed in units of a 24-hour clock.

**TIME RETURN & DELAY REPORT** – Report required under 49 CFR 228 that records the arrival, departure and duration of all stops made by a train.

**TRANSLOAD** – Process that occurs when a shipment must be transferred from one mode of transportation to another (i.e. from a truck to railcar).

**TRANSLOAD TRACK** – Any track located on property that is owned or operated by MDDE, and that is used by customers to transload product to or from railcars under written agreement.

**UNLOADING** – The complete unloading and notification from the customer that a railcar is empty, suitable for reloading and release, and available to MDDE for pickup.

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### **ITEM 20 HOLIDAYS**

Whenever a reference is made to "holidays" it shall mean only the days listed below:

New Year's Day  
President's Day  
Memorial Day  
Independence Day  
Labor Day  
Thanksgiving Day  
Christmas Day

## **DEMURRAGE RULES AND REGULATIONS**

### **ITEM 105 DEMURRAGE REGULATIONS**

To encourage the efficient utilization of railcars and the rail network, MDDE will apply daily charges to cars that are held in customer control beyond the allocated (free) time. Planning your rail usage based on your facility's throughput and capacity will minimize these expenses by avoiding processing of more cars than your facility can routinely handle.

1. Demurrage is applicable at all points on MDDE.
2. The disposition of a car at its point of detention determines the purpose for which the car is held and the rules applicable thereto.
3. Except as otherwise expressly provided, Customer will be responsible for the payment of demurrage charges.
4. Except as otherwise provided, all cars held for or by Customer for any purpose are subject to demurrage rules and charges in this section, except:
  - a. Cars moving under freight rates requiring application of special demurrage charges.
  - b. Private cars held on Customer-controlled tracks.
  - c. Empty railroad equipment moving on own wheels under transportation charges as freight.
  - d. Empty car rejected as unsuitable for loading.
  - e. Cars used in the shipment of materials purchased by MDDE ("Company Material").

**RAILROAD-MARKED CARS LEASED BY CUSTOMER** Customer-leased railcars used for shipments that originate or terminate on MDDE, that bear private reporting marks (ending in "X", excluding TTX-owned cars) are subject to Private Car demurrage rates (see Item 120). Customer-leased cars that bear railroad reporting marks (including TTX-owned cars) are subject to Railroad-Controlled demurrage rates (see Item 120). The immediately preceding sentence shall not apply to cars designated as part of a Rule 16 pool and zero-rated by the car owner to MDDE using the Railinc Car Hire Rate Negotiation Self-Service system.

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### ITEM 110

#### DEMURRAGE START AND STOP TIMES

1. The demurrage “clock” starts when a car is placed at a customer track, or when constructively placed. The customer is notified via email whenever a car is constructively placed. Contact Customer Service for other notification options.
  - a. A placed car has arrived at Customer facility and is ready for Customer to begin unloading or loading.
  - b. If an empty car is placed for loading earlier than the date requested, contact Customer Service. Otherwise, the demurrage “clock” will start once the car is placed.
  - c. A constructively placed car has been made available to Customer, but cannot be placed at the scheduled time, due to Customer’s lack of space, specific request, or other reason attributable to Customer.
  - d. A car will be constructively placed if placement instructions have not been received by MDDE.
  - e. An empty car will be constructively placed, if still held by MDDE as of the date the car was ordered for.
2. The demurrage “clock” stops when a car is released; that is, when Customer Service is notified that the car is available for MDDE to pick up. Notification information must include the identity of the consignee, party furnishing information, the car initial and number, and complete shipping instructions.
  - a. For constructively placed cars, the demurrage “clock” stops when the car is requested for final delivery to Customer, provided the Customer request is made electronically. The “clock” will resume once the car is actually placed as per Paragraph 1 above.
  - b. For rejected loaded or empty railcars, the demurrage “clock” still stops once Customer Service is notified and new shipping instructions are provided.
  - c. Improperly loaded or overloaded car at Customer will not be considered released until the load has been adjusted properly and Customer Service has been notified.
  - d. When the same car is unloaded and reloaded, empty release notification must be furnished at the time the car is made empty. Otherwise, demurrage will continue on the car until forwarding instructions are received.
3. Demurrage charges accrue for each 24-hour period between placement (including constructive placement) and release, excluding any Free Time. Any Free Time used does not incur a charge.

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### ITEM 115

#### FREE TIME & CREDITS

Free time for each railcar will be:

Loading – 24 hours

Unloading – 48 hours

1. A demurrage credit is applied for each 24-hour period of Free Time that remains unused after release of an unloaded Railroad-controlled car. **Private cars are not eligible for demurrage credits.**
2. Demurrage calculations apply 7 days a week, except for holidays, and are invoiced monthly for all cars released in that month.
  - a. Total demurrage days for all applicable cars released will be added, net of holidays, for each demurrage type (e.g. Railroad-Controlled cars Held for Loading)
  - b. Total free time for all applicable cars will be deducted from the total, for each demurrage type.
  - c. Subtract total credits from total net demurrage days to determine chargeable days for each demurrage type.
  - d. Demurrage charges are calculated by multiplying the number of chargeable days by the daily rate, for each demurrage type.

#### Additional Items:

1. Free time, credits earned, and demurrage days accrued by customers having facilities at separate stations cannot be combined.
2. Car days, free time, or credits are not combined and not transferable between demurrage types (e.g. Loaded, Unloaded, Private cars, Railroad-Controlled cars, etc.)
3. Credits do not apply to reloaded cars.
4. Credits do not apply to private cars.
5. Credits earned for one demurrage transaction can only be applied to offset days for another demurrage transaction within the same month when the demurrage transactions are all in the same category, for example, all railroad-controlled cars held for unloading.
6. Credits earned cannot be used to offset demurrage between loading and unloading credits.
7. Credits earned cannot be used to offset demurrage between Railroad-controlled and private cars.
8. Credits earned in one calendar month cannot be used to offset demurrage days in another calendar month.
9. Placement and release times apply to all cars in a unit train. Credits do not apply to any cars in unit trains that are cut.

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### ITEM 120 STANDARD DEMURRAGE CHARGES

Following the expiration of free time, demurrage charges will accrue as follows:

Cars Held for Unloading	Free Time	Daily Charge
<b>Railroad-Controlled Cars</b>	48 hours	\$60
<b>Except: Heavy Capacity and Special Type Cars</b>	48 hours	\$210
<b>Private Cars</b>	48 hours	\$40
<b>Except: Explosives or Hazmat</b>	48 hours	\$100

Cars Held for Loading	Free Time	Daily Charge
<b>Railroad-Controlled Cars</b>	24 hours	\$60
<b>Except: Heavy Capacity and Special Type Cars</b>	24 hours	\$210
<b>Private Cars</b>	120 hours	\$40
<b>Except: Explosives or Hazmat</b>	120 hours	\$100

Cars or Locomotives Held for Other than Loading or Unloading	Free Time	Daily Charge
<b>Railroad-Controlled Cars</b>	None	\$60
<b>Except: Heavy Capacity and Special Type Cars</b>	None	\$210
<b>Private Cars</b>	None	\$40
<b>Except: Explosives or Hazmat</b>	None	\$100
<b>Locomotives</b>	None	\$100

Demurrage charges will not be pro-rated, so fractional charges will result in an entire day being charged.

#### CARS HELD FOR OTHER THAN LOADING OR UNLOADING:

Cars held by Customer for any of the following reasons, will be released only upon notification to Customer Service, including forwarding instructions or empty release information, which allows MDDE to either tender or release the car from the Customer's demurrage time:

1. Cars held at request by Customer
2. Cars held while awaiting proper disposition from the Customer
3. Cars held as a result of conditions attributable to Customer

#### NOTIFICATION TO CUSTOMER:

Notification to Customer will be furnished by MDDE as follows:

1. MDDE will furnish notification of constructive placement if car is held on MDDE tracks due to condition attributable to consignor or consignee.

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2. Delivery of car to Customer track will constitute notification.
3. MDDE will furnish notification of arrival to Public Delivery Track to the party entitled to receive notification when car is actually placed.
4. MDDE will furnish notification to Customer for any car stopped in transit (beyond normal Railroad operating convenience) upon arrival of the car at the point of stoppage as soon as possible.

### NOTIFICATION TO MDDE:

Notification to MDDE such as forwarding instructions, empty release information, or other disposition will be made twenty-four (24) hours a day via the ARMS customer web portal. Customers requiring access must contact Customer Service for initial setup and configuration. MDDE will accept forwarding instructions, empty release information or other disposition twenty-four (24) hours a day via ARMS, the MDDE Customer Service facsimile (1-412-426-8800) or via electronic mail at [customer@carloadexpress.com](mailto:customer@carloadexpress.com). When electronic or mechanical devices are used to furnish notification, the recorded date and time that the instructions are received will govern.

### ITEM 125

#### OTHER THAN TEAM TRACKS

On railcars loading or unloading on other than a team track, time shall be computed in accordance with **Item 110** and **Item 115** of this Tariff.

### ITEM 130

#### TEAM TRACKS

On railcars loading or unloading on a team track, time shall be computed in accordance with **Item 110** and **Item 115** of this Tariff, as adjusted under **Note 130A**.

**Note 130A** – When delivery of railcars to a team track cannot be made on account of more railcars on hand than such tracks will accommodate, such railcars can be held at an available hold point and time computed after notice of constructive placement is sent or given to the customer, provided one or more of such customer's railcars are placed or offered for placement each time the team track is switched. The provisions of this note are not applicable if, prior to the constructive notice being sent or given, the customer requests delivery at a different team track where space is available. In such case the alternate delivery shall be made.

### ITEM 140

#### TERMS OF PAYMENT

Payment for demurrage charges is due within fifteen (15) days of customer's receipt of an invoice from MDDE. Interest equivalent to the lesser of twelve (12%) per year, or the maximum allowable rate under Maryland law, will be assessed for late payment, calculated from the date payment is due through the date payment is received, and based on a year of 360 days.