

**DCR 8100**

ORIGINAL TITLE PAGE

# **DELMARVA CENTRAL RAILROAD COMPANY**

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**FREIGHT TARIFF**

**DCR 8100**

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**LOCAL FREIGHT TARIFF**

**PUBLISHING**

**RULES AND CHARGES ON SWITCHING SERVICES**

**AT STATIONS ON**

**DELMARVA CENTRAL RAILROAD COMPANY**

**SWITCHING SERVICES TARIFF**

ISSUED: NOVEMBER 28, 2016

EFFECTIVE: DECEMBER 18, 2016

ISSUED BY:

DELMARVA CENTRAL RAILROAD COMPANY

519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

**DELMARVA CENTRAL RAILROAD COMPANY TARIFF DCR 8100**

3<sup>RD</sup> REVISED PAGE 1

**CHECK SHEET – SWITCHING SERVICES TARIFF**

Original Pages and Revised Pages named below contain all changes from the Original Tariff. The effective date is as shown on each revised page.

<u>PAGE REVISION</u>	<u>PAGE REVISION</u>	<u>PAGE REVISION</u>
1 3 <sup>RD</sup> REVISED	24 2 <sup>ND</sup> REVISED	47 ORIGINAL
2 1 <sup>ST</sup> REVISED	25 2 <sup>ND</sup> REVISED	48 ORIGINAL
3 1 <sup>ST</sup> REVISED	26 2 <sup>ND</sup> REVISED	49 ORIGINAL
4 ORIGINAL	27 2 <sup>ND</sup> REVISED	50 3 <sup>RD</sup> REVISED
5 1 <sup>ST</sup> REVISED	28 2 <sup>ND</sup> REVISED	51 ORIGINAL
6 1 <sup>ST</sup> REVISED	29 1 <sup>ST</sup> REVISED	52 ORIGINAL
7 ORIGINAL	30 2 <sup>ND</sup> REVISED	53 ORIGINAL
8 ORIGINAL	31 ORIGINAL	54 2 <sup>ND</sup> REVISED
9 ORIGINAL	32 ORIGINAL	55 ORIGINAL
10 ORIGINAL	33 ORIGINAL	56 ORIGINAL
11 ORIGINAL	34 ORIGINAL	57 2 <sup>ND</sup> REVISED
12 ORIGINAL	35 ORIGINAL	58 2 <sup>ND</sup> REVISED
13 ORIGINAL	36 ORIGINAL	59 2 <sup>ND</sup> REVISED
14 ORIGINAL	37 2 <sup>ND</sup> REVISED	60 2 <sup>ND</sup> REVISED
15 2 <sup>ND</sup> REVISED	38 3 <sup>RD</sup> REVISED	61 ORIGINAL
16 ORIGINAL	39 ORIGINAL	62 ORIGINAL
17 ORIGINAL	40 ORIGINAL	63 ORIGINAL
18 ORIGINAL	41 ORIGINAL	64 ORIGINAL
19 ORIGINAL	42 ORIGINAL	65 2 <sup>ND</sup> REVISED
20 ORIGINAL	43 ORIGINAL	66 2 <sup>ND</sup> REVISED
21 ORIGINAL	44 ORIGINAL	67 2 <sup>ND</sup> REVISED
22 1 <sup>ST</sup> REVISED	45 ORIGINAL	68 2 <sup>ND</sup> REVISED
23 2 <sup>ND</sup> REVISED	46 ORIGINAL	69 1 <sup>ST</sup> REVISED

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**PLAN OF TARIFF**

SECTION	ITEM
---------	------

**1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS**

APPLICATION	1000
GOVERNING CLASSIFICATION	1010
STATION LISTS AND CONDITIONS	1020
EXPLOSIVES, DANGEROUS ARTICLES	1030
REFERENCE TO TARIFFS, ITEMS, NOTES, RULES	1040
TERMINAL OR TRANSIT PRIVILEGES	1050
CONSECUTIVE NUMBERS	1060
CAPACITIES AND DIMENSIONS OF CARS	1070
NATIONAL SERVICE ORDERS	1080
REVISION NUMBERS	1090
CAR DEMURRAGE RULES AND REGULATIONS	1100
DEFINITION OF HOLIDAYS	1110
DEFINITION OF TERMS	1120
HANDLING OF LOADED AND EMPTY CARS	1130
HANDLING CARS OF RAILROAD COMPANY MATERIAL	1140
CAR DIVERSIONS OR RECONSIGNMENTS	1150
CARS BILLED ORDER NOTIFY WILL NOT BE HANDLED	1160
SHIPMENTS REQUIRING TWO OR MORE CARS	1170
RAILWAY EQUIPMENT MOVING ON OWN WHEELS	1180
SWITCHING SERVICE WHERE NO CHARGE IS PROVIDED	1190
NON-APPLICATION OF ABSORPTION OF CHARGES	1200
PRIVATE SIDETRACKS	1210
EXTENSION OF CREDIT AND PAYMENT OF CHARGES	1220
NON-APPLICATION ON CIRCUS AND SHOW OUTFITS	1230
LOSS OF AND DAMAGE TO SHIPMENTS	1240

**2. SWITCHING LIMITS**

APPLICATION OF SWITCHING LIMITS	2000
RESERVED FOR FUTURE USE	2010

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 519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

**PLAN OF TARIFF**

SECTION	ITEM
---------	------

**3. LINE-HAUL SWITCHING**

APPLICATION OF LINE-HAUL SWITCHING	3000
GENERAL	3010
CHEMICALS AND PETROLEUM PRODUCTS	3020
HAZARDOUS COMMODITIES	3030
TOXIC AND POISON INHALATION HAZARD COMMODITIES	3040
EXCESS DIMENSION AND WEIGHT CARS	3050
RESERVED FOR FUTURE USE	3060
RESERVED FOR FUTURE USE	3070

**4. INTERMEDIATE SWITCHING**

APPLICATION OF INTERMEDIATE SWITCHING	4000
GENERAL	4010
EXCESS DIMENSION AND WEIGHT CARS	4020
SPECIAL TRAIN SERVICE	4030

**5. INDUSTRIAL SWITCHING**

APPLICATION OF INDUSTRIAL SWITCHING	5000
INTRA-PLANT SWITCHING	5010
INTRA-TERMINAL SWITCHING	5020
INTER-TERMINAL SWITCHING	5030
LIMITATION OF EQUIPMENT	5040
HAZARDOUS COMMODITIES	5050
CARS WITH MORE THAN FOUR AXLES	5060

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**PLAN OF TARIFF**

SECTION	ITEM
<b>6. RECIPROCAL SWITCHING</b>	
<u>NON-APPLICATION OF RECIPROCAL SWITCHING</u>	<u>6000</u>
<b>7. MISCELLANEOUS SWITCHING</b>	
<u>APPLICATION OF HOLD TRACK SWITCHING</u>	<u>7000</u>
<u>CARS HELD FOR PLACEMENT INSTRUCTIONS</u>	<u>7010</u>
<u>CARS HELD FOR FORWARDING INSTRUCTIONS</u>	<u>7015</u>
<u>TURNING OF CARS</u>	<u>7020</u>
<u>CARS RETURNED ACCOUNT SHIPPER ERROR</u>	<u>7030</u>
<u>CARS RETURNED ACCOUNT INTERCHANGE ERROR</u>	<u>7040</u>
<u>EMPTY CARS RETURNED ACCOUNT UNFIT FOR LOADING</u>	<u>7050</u>
<u>FREIGHT TRAIN SERVICE OUTSIDE OF NORMAL HOURS</u>	<u>7060</u>
<u>SPECIAL TRAIN SERVICE</u>	<u>7070</u>
<b>8. DEMURRAGE</b>	
<u>APPLICATION</u>	<u>8000</u>
<u>GLOSSARY OF TERMS</u>	<u>8010</u>
<u>NOTIFICATION TO CONSIGNOR OR CONSIGNEE</u>	<u>8020</u>
<u>NOTIFICATION TO DCR</u>	<u>8030</u>
<u>CARS HELD FOR LOADING</u>	<u>8040</u>
<u>CARS HELD FOR UNLOADING</u>	<u>8050</u>
<u>CARS HELD FOR OTHER THAN LOADING OR UNLOADING</u>	<u>8060</u>
<u>DEMURRAGE PLAN</u>	<u>8070</u>
<u>DEMURRAGE CALCULATION</u>	<u>8080</u>
<u>DEMURRAGE CLAIMS</u>	<u>8090</u>

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**PLAN OF TARIFF**

SECTION	ITEM
---------	------

**9. STORAGE**

APPLICATION	9000
DEFINITION OF TERMS	9010
PRIVATE CARS HELD FOR STORAGE ON DCR TRACKS	9020
STORAGE PLAN	9030

**10. MISCELLANEOUS PROVISIONS**

RULES GOVERNING RECEIPT AND DELIVERY OF CARS	10000
CHARGES FOR DELAY OF DCR LOCOMOTIVE	10010
CHARGE FOR WEIGHING OR REWEIGHING OF CARS	10020
CHARGES FOR DIVERSION OF CARS	10030
CHARGES FOR OVERLOADED CARS	10040
CHARGES FOR CARS ORDERED NOT USED	10050
CHARGE FOR PRIVATE CARS TO REPAIR FACILITIES	10060
RESERVED FOR FUTURE USE	10070
HAZARDOUS PROHIBITED ON PUBLIC DELIVERY TRACKS	10080
MAINTENANCE OF INDUSTRIAL SWITCH CONNECTION	10090
BILLS OF LADING INACCURACIES	10100
CAR DEMURRAGE AND STORAGE SECURITY	10110
RULES GOVERNING USE OF PUBLIC DELIVERY TRACKS	10120
RESERVED FOR FUTURE USE	10130
LEASE TRACK OVERAGE	10140
UNIT TRAIN ADDITIONAL CUT CHARGES	10150
UNIT TRAIN LOADING OR UNLOADING	10160
COMPLETE UNLOADING AND CLOSING CAR DOORS	10170

**11. ABBREVIATIONS AND REFERENCE MARKS**

ABBREVIATIONS	11000
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## **1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS**

### **ITEM 1000. APPLICATION OF TARIFF**

This Tariff publication is filed with the Surface Transportation Board and is applicable on Interstate Traffic and Intrastate Traffic in the State of Delaware, the State of Maryland, and the Commonwealth of Virginia.

### **ITEM 1010. GOVERNING CLASSIFICATION**

The term "Uniform Freight Classification" when used herein means:

Freight Tariff Uniform Freight Classification (UFC) 6000 - series.

### **ITEM 1020. STATION LISTS AND CONDITIONS**

This tariff is governed by OPSL 6000 - series to the extent shown below:

1. For additions, changes in name or location, or abandonments of stations, for prepay requirements, restrictions as to receipt or delivery of freight, and changes in station facilities.
2. When a station is abandoned as of a date specified in the above named tariff, all rules and charges applicable thereto, as published in this tariff, are inapplicable on and after that date.

For explanation of abbreviations and reference marks see last page of tariff.

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## **1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS**

### **ITEM 1030. EXPLOSIVES, DANGEROUS ARTICLES**

1. For rules and regulations governing the transportation of explosives and other dangerous articles, also specifications for shipping containers and restrictions governing the acceptance and transportation of explosives and other dangerous articles see BOE 6000 - series.

### **ITEM 1040. REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.**

1. Where reference is made in this tariff to tariffs, price authorities, items, notes, rules, etc., such references are continuous and include supplements to and successive issues of such price authorities and reissues of such items, notes, rules, etc.

### **ITEM 1050. TERMINAL OR TRANSIT PRIVILEGES**

1. Shipments made under the rates contained in this tariff are entitled also to terminal and transit services and privileges, and are subject to the charges, allowances, rules and regulations legally applicable thereto.
2. When such charges, allowances, rules or regulations are provided for in separate price authorities, corresponding or conflicting provisions contained in this tariff will not apply.

For explanation of abbreviations and reference marks see last page of tariff.

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## **1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS**

### **ITEM 1060. CONSECUTIVE NUMBERS**

1. 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.
2. If the first number only bears a reference mark, such reference mark also applies to the last number shown and to all numbers between the first and last numbers.

### **ITEM 1070. CAPACITIES AND DIMENSIONS OF CARS**

1. For marked capacities, lengths, dimensions and cubical capacities of cars, see Official Railway Equipment Register (RER) 6413 - series.

### **ITEM 1080. NATIONAL SERVICE ORDERS**

1. This tariff is subject to provisions of Tariff NSO 6100 - series.

### **ITEM 1090. REVISION NUMBERS**

1. This tariff will be amended by reprinting the page and showing a revised number. The revised page numbers will be used in consecutive numerical order beginning with "ORIGINAL PAGE". A revised page cancels any uncanceled revised or original pages that bear the same page number.

For explanation of abbreviations and reference marks see last page of tariff.

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## 1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

### ITEM 1100. CAR DEMURRAGE RULES AND REGULATIONS

1. Except where otherwise provided, all cars handled under the provisions of this tariff will be subject to demurrage and storage rules and charges as provided in Sections 8 and 9, herein.

### ITEM 1110. DEFINITION OF HOLIDAYS

1. The term "Holidays" means:

New Years Day	January 1 <sup>st</sup> (Note 1)
Presidents Day	3 <sup>rd</sup> Monday of February
Memorial Day	Last Monday of May
Independence Day	July 4 <sup>th</sup> (Note 1)
Labor Day	1 <sup>st</sup> Monday of September
Thanksgiving Day	4 <sup>th</sup> Thursday of November
Christmas Day	December 25 <sup>th</sup> (Note 1)

Note 1 - When one of the Holidays occurs on a Sunday, the following Monday will be observed as the Holiday.

For explanation of abbreviations and reference marks see last page of tariff.

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## 1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

### ITEM 1120. DEFINITION OF TERMS

#### CONSTRUCTIVE PLACEMENT

When, due to some disability on the part of the consignor or consignee, a car cannot be placed for loading or unloading at a point previously designated by the consignor or consignee, and is placed elsewhere, it is considered as being under constructive placement and subject to demurrage or storage rules and charges, the same as if it were actually placed at the designated point.

#### HOLD TRACK SWITCHING

A switching movement between an interchange, industrial or public delivery track and a hold track of DCR or industry to hold cars to await placement or forwarding instructions.

#### HOLD TRACKS

Hold tracks are tracks on which cars are held to await placement instructions into a closed-gate industry or to await forwarding instructions.

#### INDUSTRIAL TRACKS

Tracks serving a particular industry, whether located upon the property of DCR or upon property owned or leased by the industry.

(Continued on following page)

For explanation of abbreviations and reference marks see last page of tariff.

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## 1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

### INTERCHANGE TRACKS

Interchange tracks are tracks on which cars are interchanged between DCR and connecting lines.

### INTERMEDIATE SWITCHING

A switching movement between the interchange tracks of one carrier to the interchange tracks of another carrier within the switching limits of the same station.

### INTERSTATE TRAFFIC

Traffic moving from a point in one state to a point in another state, or a shipment moving from a point in a state to another point in the same state but moving outside the state while in transit.

### INTER-TERMINAL SWITCHING

A switching movement between the tracks of DCR or the industry at one location and the tracks of the same industry at another location not within the switching limits of the same station or industrial switching district.

### INTRASTATE TRAFFIC

Traffic moving from a point in a state to another point in the same state, which does not move outside of the state while in transit.

(Continued on the following page)

For explanation of abbreviations and reference marks see last page of tariff.

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## 1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

### 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.

### INTRA-TERMINAL SWITCHING

A switching movement between the tracks of DCR or the industry at one location and the tracks of the same industry at another location within the switching limits of the same station or industrial switching district.

### LINE-HAUL SWITCHING

A switching movement between interchange tracks of connecting lines and stations on DCR or between stations on DCR .

### RECIPROCAL SWITCHING

An arrangement between carriers serving the same station or industrial switching district where the carrier physically serving the industry performs switching service for loading or unloading on behalf of the other carrier on shipments having an immediately preceding or following line-haul movement via the other carrier.

### PUBLIC DELIVERY TRACK

A track or tracks assigned by DCR for use of the general public. All public delivery tracks are closed to reciprocal switching.

For explanation of abbreviations and reference marks see last page of tariff.

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## 1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

### ITEM 1130. HANDLING OF LOADED AND EMPTY CARS

1. Except as otherwise provided, the charges published in this tariff include the switching of a loaded car for unloading and the return of the same car empty.
2. Except as otherwise provided, the charges published in this tariff include the switching of an empty car for loading and the return of the same car loaded.
3. Except as otherwise provided, if a car moves fully or partially loaded in each direction, a switching charge will be assessed in each direction.
4. Except as otherwise provided, if an empty car is ordered and the service of placing or constructively placing it has been performed, and the car is subsequently released back to DCR without being loaded, a car ordered but not used switching charge, in addition to applicable demurrage charges, will be assessed against the party ordering but not using the car (Exceptions).

#### EXCEPTIONS

1. The car ordered but not used charge will not apply if release of the empty car results from DCR's failure or inability to place or constructively place the car ordered on the day for which it was ordered.
2. The car ordered but not used charge will not apply if release of the empty car results from the shipper or DCR appropriating a car, which becomes available locally, to fill the car order.

(Continued on following page)

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## **1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS**

3. The charge will not apply when a car is refused or rejected by the party ordering the car because the car is not in proper condition for loading; was not of the proper type ordered; or the loading of which would be in violation of car service orders or loading rules.
4. The charge will not apply on special type flat cars with mechanical designation "FD", "FG", "FW" or "FM" listed in RPS 6740 - series, or other applicable tariffs, for which charges are provided therein.

### **ITEM 1140. HANDLING CARS OF RAILROAD COMPANY MATERIAL**

1. Railroad company material moving via owner line on non-revenue billing between interchange tracks with owner line and industrial or public delivery tracks served by DCR will be assessed an intra-terminal switching charge.

### **ITEM 1150. CAR DIVERSIONS OR RECONSIGNMENTS**

1. Except as otherwise provided, when a car is received from a connecting carrier and is held for diversion or reconsignment on the tracks of DCR, and which is diverted or reconsigned via a connecting carrier, a line-haul switching charge will be assessed, in each direction.
2. When a car is received from a connecting carrier and is placed for delivery to a consignee, and which is later reconsigned, a line-haul switching charge will be assessed for the return movement of the car, provided specific switching charge is not already in effect.

For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## **1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS**

### **ITEM 1160. CARS BILLED ORDER NOTIFY WILL NOT BE HANDLED**

1. Cars will not be accepted for handling in switching service under the provisions of this tariff if billed "Order Notify" or if moving under straight bills of lading, which require the surrender of the bill of lading, a written order, or other document before making delivery.

### **ITEM 1170. SHIPMENTS REQUIRING TWO OR MORE CARS**

1. Except as otherwise provided, when shipments are loaded in articulated cars (two or more units permanently or temporarily joined together), or when shipments require two or more cars for transportation, switching charges will be assessed for each car.

### **ITEM 1180. RAILWAY EQUIPMENT MOVING ON OWN WHEELS**

1. Except as otherwise provided, When an empty locomotive, passenger car, freight car or other railroad equipment moving on own wheels in revenue service is switched by DCR, a charge will be assessed the same as a loaded car.
2. When a locomotive or a passenger car moving on own wheels, but not under own power is switched by DCR in line-haul, intermediate or industrial switching, a special charge of \$275 will be assessed. This charge is in addition to all other switching charges.

For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139



## **1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS**

### **ITEM 1190. SWITCHING SERVICE WHERE NO CHARGE IS PROVIDED**

1. Where no switching charge is provided in this tariff, switching service will not be performed.

### **ITEM 1200. NON-APPLICATION OF ABSORPTION OF CHARGES**

1. DCR is a switching terminal railroad carrier and as such will not absorb any charges assessed by connecting railroad carriers.
2. For absorption of DCR switching charges by connecting railroad carriers, see NS 8001 - series.

### **ITEM 1210. PRIVATE SIDETRACKS**

1. This tariff does not grant the use of private sidetracks to other than the owners, or to those to whom the privilege of use is granted by the owners.

For explanation of abbreviations and reference marks see last page of tariff.

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## 1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

### **ITEM 1220. EXTENSION OF CREDIT AND PAYMENT OF CHARGES**

1. To establish credit with DCR contact:

Finance & Administration  
Delmarva Central Railroad Company  
519 Cedar Way, Building 1, Suite 100  
Oakmont, PA 15139

Telephone: (412) 426-6600

2. If the party responsible for switching service charges as published in Tariff DCR 8100 has not established credit with DCR, or has had its credit cancelled by DCR, party will be assessed Liquidated Damages Interest (Notes), in addition to switching services charges, for charges not paid within fifteen (15) days of the date of the Bill for the switching services charges.

#### **EXPLANATION OF NOTES**

Note 1 - Liquidated Damages Interest means 20% of the charges due.

Note 2 - Liquidated Damages Interest will not apply in instances of clear clerical error on the part of DCR.

### **ITEM 1230. NON-APPLICATION ON CIRCUS AND SHOW OUTFITS**

1. This tariff is not applicable on circus trains or show outfits.

For explanation of abbreviations and reference marks see last page of tariff.

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## 1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS

### ITEM 1240. LOSS OF AND DAMAGE TO SHIPMENTS

1. Unless modified in a transportation contract or a general or customer specific rate quotation, DCR will assume liability for loss and damage under the terms of 49 USC 11706 and the terms of the Uniform Bill of Lading. Where provisions maintained by other railroad parties to the through route differ from those provided herein, the level of liability assumed by the origin carrier will apply; provided, however, that such level of liability shall not exceed \$25,000.
2. As a condition precedent to any right to recovery for loss, damage, or delay to cargo, a written claim must be filed within nine (9) months after delivery of a shipment (or if delivery is not made, within nine (9) months after a reasonable time for delivery) with the immediately preceding or subsequent linehaul carrier to or from DCR.
3. DCR does not guarantee delivery by a particular train or within a particular time and does not guarantee rail service on any schedules of any kind, whether published, projected or implied. DCR shall have no liability for failure to transport any shipment by any particular train or in time for any particular market regardless of whether DCR knew or should have known of a need or expectation for such transport. Furthermore, DCR does not guarantee the providing of empty railcars in accordance with any schedule regardless of whether DCR knew or should have known of the need for such empty railcars. Unless otherwise expressly agreed to by DCR and the party with whom DCR has contracted (the consignor or consignee, as the case may be) in a writing executed by both parties, DCR will transport property with reasonable dispatch in accordance with the Uniform Bill of Lading.

(Continued on following page)

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

**1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS**

4. DCR will not be liable for loss, damage, or delay caused by: an act of God, a public enemy or terrorism, the authority of law, riots, strikes, acts of civil disobedience, an inherent quality or characteristic in the commodity, natural shrinkage, or an act or default of Shipper, consignor, consignee, owner, or any contracting party, including but not limited to, the failure of the Shipper or any other party to properly block or brace the lading; or the stoppage and holding in transit of lading at the request of the shipper, consignor, consignee, owner, or any contracting party.
5. DCR's liability will not extend beyond the actual physical loss or damage to the cargo itself, including any costs reasonably incurred in efforts to mitigate the loss or damage.
6. In no event shall DCR be liable for any incidental, special, indirect or consequential damages whatsoever (including but not limited to lost profits, business interruption expenses and shipper or consignee's liability to their own customers for liquidated damages or other damages) arising out of or related to the services provided under Item 1240, even if advised of the possibility of such damages.
7. DCR does not make any representations as to the suitability of cargo for rail transportation. The Shipper acknowledges also that there are significant forces exerted on the cargo in rail transportation that may require additional packing measures for the cargo to move safely.
8. DCR will not be liable for damage arising from atmospheric conditions when such damage occurs to lading loaded in open-top or on flatbed rail cars. Protective covering sufficient to protect such lading must be furnished and installed by the Shipper. DCR will not be liable for the durability and suitability of the protective covering.

(Continued on following page)

For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

**1. GENERAL RULES, REGULATIONS AND GOVERNING PROVISIONS**

9. Failure of the destination railroad to inspect damaged cargo for any reason will not relieve the claimant from the requirement of establishing that cargo was delivered in a damaged condition and was properly blocked and braced. Failure of the destination railroad to inspect damaged cargo for any reason will not be considered an admission of liability by DCR.
  
10. Unless otherwise expressly agreed to by DCR in writing, with regard to automobiles transported by DCR the lading shall be considered to be the automobile only and shall not include any loose items or automobile components, including, but not limited to, car mats, antennas, uninstalled radio or speakers, etc. (collectively "Loose Items"). Loose Items placed in an automobile by shipper are transported by DCR at the sole risk of loss of shipper.

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## 2. SWITCHING LIMITS

### **ITEM 2000. APPLICATION OF SWITCHING LIMITS**

1. Where the switching limits of a station are specifically defined, the limits so defined include all tracks at such station, including tracks that may be within the corporate limits of another city, town, village or municipality.
2. Where the switching limits of a station are not specifically defined, the switching limits of such station include track located within the corporate limits of the same city, town, village or municipality.
3. Movements between locations within the same switching limits will be at the applicable switching charge (Note 1).

#### **EXPLANATION OF NOTES**

Note 1 - Line-haul switching rules and charges will not apply on shipments that originate and terminate within the same switching limits.

### **ITEM 2010. RESERVED FOR FUTURE USE**

For explanation of abbreviations and reference marks see last page of tariff.

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### 3. LINE-HAUL SWITCHING

#### **ITEM 3000. APPLICATION OF LINE-HAUL SWITCHING**

1. Except as otherwise provided, DCR will assess a line-haul switching charge against the carrier delivering the car to DCR, applicable to loaded cars on the switching movement between interchange tracks of connecting lines and stations on DCR.
2. Except as otherwise provided, DCR will assess a line-haul switching charge against the shipper shipping the car on DCR, applicable to loaded cars on the switching movement between origin stations on DCR and interchange tracks of connecting lines.
3. Except as otherwise provided, DCR will assess a line-haul switching charge against the shipper shipping the car on DCR, applicable to loaded cars on the switching movement between origin and destination stations on DCR.

#### **ITEM 3010. GENERAL**

1. Except as otherwise provided, DCR will assess a general line-haul switching charge of \$1,050 per car, applicable to loaded cars.

#### **ITEM 3020. CHEMICALS AND PETROLEUM PRODUCTS**

1. Except as otherwise provided, DCR will assess a line-haul switching charge of \$1,450 per car, applicable to loaded cars of chemicals (STCC 28) and petroleum products (STCC 29).

For explanation of abbreviations and reference marks see last page of tariff.

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### 3. LINE-HAUL SWITCHING

#### **ITEM 3030. HAZARDOUS COMMODITIES**

1. Except as otherwise provided, DCR will assess a line-haul switching charge of \$1,590 per car, applicable to loaded cars of hazardous commodities (STCC 49).

#### **ITEM 3040. TOXIC AND POISON INHALATION HAZARD COMMODITIES**

1. DCR will assess a line-haul switching surcharge of \$10,000 per car, applicable to loaded cars of Toxic Inhalation Hazard (TIH) or Poison Inhalation Hazard (PIH) Commodities as defined in AAR Circular No. OT-55-1, payable by consignee.

#### **ITEM 3050. EXCESS DIMENSION AND WEIGHT CARS**

1. DCR will assess a line-haul switching charge of 15% of the immediately preceding or following line-haul charge of the connecting carrier, subject to a minimum charge of \$1,340 per car, applicable to loads on Heavy Capacity and Special Type Cars, as listed in the Official Railway Equipment Register (RER 6413 - series) and to shipments exceeding 11 feet in width (either load or car), 17 feet in height over top of rail (combined load and car), or 286,000 lbs gross weight on rail (Note 1).

#### **EXPLANATION OF NOTE**

Note 1 - DCR's Chief Engineer must approve all excess dimension or weight cars prior to movement.

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**3. LINE-HAUL SWITCHING**

**ITEM 3060. RESERVED FOR FUTURE USE**

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**3. LINE-HAUL SWITCHING**

**ITEM 3070. RESERVED FOR FUTURE USE**

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#### 4. INTERMEDIATE SWITCHING

##### **ITEM 4000. APPLICATION OF INTERMEDIATE SWITCHING**

1. Except as otherwise provided, DCR will assess an intermediate switching charge per car against the carrier delivering the car to DCR at Clay Siding, DE, applicable to either loaded or empty cars, for the switching movement between the interchange tracks at Clay Siding, DE and the interchange tracks of another carrier.
2. Except as otherwise provided, DCR will assess an intermediate switching charge per car against the carrier delivering the car to DCR at stations other than at Clay Siding, DE, applicable to loaded cars, for the switching movement between the interchange tracks of one carrier to the interchange tracks of another or the same carrier at stations other than at Clay Siding, DE.

##### **ITEM 4010. GENERAL**

1. Except as otherwise provided, DCR will assess an intermediate switching charge between interchange tracks at stations other than at Clay Siding, DE.
2. DCR will assess an intermediate switching charge of \$750 per car for cars moving in intermediate switching between interchange stations at Frankford, DE; Seaford, DE; and Townsend, DE.

(Continued on following page)

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#### 4. INTERMEDIATE SWITCHING

##### EXCEPTION

1. DCR will assess an intermediate switching charge of \$977 per car, applicable to loaded cars of hazardous commodities (STCC 49), between the interchange tracks of one carrier to the interchange tracks of another carrier.
2. DCR will assess an intermediate switching charge of \$10,000 per car, loaded or empty, applicable to Poison Inhalation Hazard (PIH) or Toxic Inhalation Hazard Chemicals (TIH) as defined in Association of American Railroads (AAR) CIRCULAR NO. OT-55-I between the interchange tracks of one carrier to the interchange tracks of another carrier.

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#### 4. INTERMEDIATE SWITCHING

##### **ITEM 4020. EXCESS DIMENSION AND WEIGHT CARS**

1. DCR will assess an intermediate switching charge of 15% of the immediately preceding or following line-haul charge of the connecting carrier, subject to a minimum charge of \$1,340 per car, applicable to loads on Heavy Capacity and Special Type Cars, as listed in the Official Railway Equipment Register (RER 6413 - series) and to shipments exceeding 11 feet in width (either load or car), 17 feet in height over top of rail (combined load and car), or 286,000 lbs gross weight on rail (Note 1).

##### **EXPLANATION OF NOTE**

Note 1 – DCR's Chief Engineer must approve all excess dimension or weight cars prior to movement.

##### **ITEM 4030. SPECIAL TRAIN SERVICE**

1. When a connecting carrier requests freight train service that requires engine and crew to perform intermediate switching at other than the normal assigned times when DCR agrees to perform such service, charges in DCR 8100 - series, Item 7060 Train Service Outside of Normal Hours for the special handling will be assessed in addition to any other charges applicable to the movement.
2. When an intermediate switching movement cannot be handled in regular train service because of excessive dimension, excessive weight, high center of gravity or other condition not permitting normal train operations, charges in DCR 8100 - series, Item 7070 Special Train Service for the special handling will be assessed in addition to any other charges applicable to the movement.

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## 5. INDUSTRIAL SWITCHING

### **ITEM 5000. APPLICATION OF INDUSTRIAL SWITCHING**

1. Except as otherwise provided, DCR will assess an intra-plant switching charge per car, applicable to loaded cars, for 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.
2. Except as otherwise provided, DCR will assess an intra-terminal switching charge per car, applicable to loaded cars, for a switching movement between the tracks of the industry or DCR hold tracks at one location and the tracks of the same industry at another location within the switching limits of one station or industrial switching district.
3. Except as otherwise provided, DCR will assess an inter-terminal switching charge per car, applicable to loaded cars, for a switching movement between the tracks of the industry or DCR hold tracks at one location and the tracks of the same industry at another location not within the switching limits of the same station or industrial switching district.

### **ITEM 5010. INTRA-PLANT SWITCHING**

1. Except as otherwise provided, DCR will assess charge of \$175 per car, applicable to loaded cars, for movements in intra-plant switching.

### **ITEM 5020. INTRA-TERMINAL SWITCHING**

1. Except as otherwise provided, DCR will assess charge of \$490 per car, applicable to loaded cars, for movements in intra-terminal switching.

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## 5. INDUSTRIAL SWITCHING

### **ITEM 5030. INTER-TERMINAL SWITCHING**

1. Except as otherwise provided, DCR will assess charge of \$490 per car, applicable to loaded cars, for movements in inter-terminal switching.

### **ITEM 5040. LIMITATION OF EQUIPMENT**

1. DCR will not furnish cars of any particular size or dimension for use in intra-plant, intra-terminal or inter-terminal switching. Charges for intra-plant, intra-terminal or inter-terminal switching will be restricted to ordinary equipment.

### **ITEM 5050. HAZARDOUS COMMODITIES**

1. When explosives, poison gas, compressed flammable gas, radioactive material or hazardous waste is switched by DCR in intra-plant, intra-terminal or inter-terminal switching, a special charge of \$150 will be assessed. This charge is in addition to all other switching charges.

### **ITEM 5060. CARS WITH MORE THAN FOUR AXLES**

1. Charges for intra-plant, intra-terminal or inter-terminal switching at points on DCR are restricted to cars having no more than four axles.
2. When cars with more than four axles are found in intra-plant, intra-terminal or inter-terminal switching at points on DCR, a special charge of \$290 will be assessed. This charge is in addition to all other switching charges.

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## 6. RECIPROCAL SWITCHING

### **ITEM 6000. NON-APPLICATION OF RECIPROCAL SWITCHING**

1. Provisions of Reciprocal Switching do not apply on DCR. Line-haul shipments to or from DCR customers must move in line-haul service.

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## 7. MISCELLANEOUS SWITCHING

### **ITEM 7000. APPLICATION OF HOLD TRACK SWITCHING**

1. Except as otherwise provided, DCR will assess an intra-terminal switching charge per car, applicable to loaded cars held for instructions, for a switching movement to and from an industry-leased or DCR hold track that is located within the switching limits of the same station or industrial switching district as the industry. This charge is in addition to all other switching charges.
2. Except as otherwise provided, DCR will assess an inter-terminal switching charge per car, applicable to loaded cars held for instructions, for a switching movement to and from an industry-leased or DCR hold track that is not located within the switching limits of the same station or industrial switching district as the industry. This charge is in addition to all other switching charges.

### **ITEM 7010. CARS HELD FOR PLACEMENT INSTRUCTIONS**

1. Except as otherwise provided, DCR will assess hold track switching charges, applicable to loaded cars held for placement instructions, for a switching movement to closed-gate plants or industrial tracks for which DCR Customer Service has not received placement instructions by 11:00 a.m. following the initial switching service.
2. Except as otherwise provided, the car held for placement instructions on DCR hold tracks will remain on continuous demurrage or storage until placement instructions are received by DCR Customer Service.
3. Except as otherwise provided, the car held for placement instructions on industry-leased hold tracks will remain on continuous demurrage until placement or forwarding instructions are received by DCR Customer Service.

(Continued on following page)

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## 7. MISCELLANEOUS SWITCHING

4. This switching charge will be assessed against the party ordering the shipment moved.

### **ITEM 7015. CARS HELD FOR FORWARDING INSTRUCTIONS**

1. Except as otherwise provided, DCR will assess hold track switching charges, applicable to loaded cars held for forwarding instructions, when shipments are moved on shipper's order without forwarding instructions and held on an industry-leased or DCR hold track to await such forwarding instructions.
2. Except as otherwise provided, the car held for forwarding instructions on DCR hold tracks will remain on continuous demurrage or storage until placement instructions are received by DCR Customer Service.
3. Except as otherwise provided, the car held for placement instructions on industry-leased hold tracks will remain on continuous demurrage until placement or forwarding instructions are received by DCR Customer Service.
4. This switching charge will be assessed against the party ordering the shipment moved.
5. Shippers are required to provide DCR complete forwarding instructions by at least two (2) hours before the last close of business preceding the on-duty time of the service switching the shipper.

(Continued on following page)

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## 7. MISCELLANEOUS SWITCHING

6. If a car is removed from industry or public delivery track on shipper's order without final destination forwarding instructions, and held on DCR owned tracks or shipper's leased tracks to await forwarding instructions, and such car is then ordered returned to the original industrial or public delivery track, hold track switching charges will be assessed for the movement of the car in each direction.

### ITEM 7020. TURNING OF CARS

1. When it is desired that cars be placed for loading or unloading from a particular side or end of car, cars must be properly placarded on both sides and notation made on shipping document substantially as follows:

#### NOTICE TO CARRIER

#### DELIVER CAR FROM SIDE OR END SPECIFIED BY PLACARD

2. If shipping document carries notation that car was placarded, and placard(s) has disappeared, charge for turning will NOT apply.
3. On cars not properly placarded that DCR is requested to turn after initial placement, the following charges will apply:
  - (a) If turned on a wye within the confines of an industry, DCR will assess the general intra-plant switching charge.
  - (b) If turned on a wye within the switching limits of the station or industrial switching district, DCR will assess the general intra-terminal switching charge.

(Continued on following page)

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## 7. MISCELLANEOUS SWITCHING

- (c) If turned on a wye outside the switching limits of the station or industrial switching district, DCR will assess the applicable a line-haul switching charge.
4. When at the request of connecting lines, cars are turned to permit loading or unloading from one particular side or end of car, DCR will assess the general inter-terminal switching charge.

### **ITEM 7030. CARS RETURNED ACCOUNT SHIPPER ERROR**

1. On loaded or partially loaded cars that DCR is requested by shipper to return to industrial tracks or public delivery tracks, the following charges will apply:
- (a) If intercepted by DCR within the industrial tracks or public delivery tracks and returned to the same industrial tracks or public delivery tracks, DCR will assess the general intra-plant switching charge.
  - (b) If intercepted by DCR at its serving yard and returned in switching service to the same industrial tracks or public delivery tracks; or if placed on DCR owned tracks at request of shipper, DCR will assess the general intra-terminal switching charge.
  - (c) If intercepted by a connecting line and returned by DCR in switching service to the same industrial tracks or public delivery tracks, DCR will assess the general inter-terminal switching charge.

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## 7. MISCELLANEOUS SWITCHING

### **ITEM 7040. CARS RETURNED ACCOUNT INTERCHANGE ERROR**

1. Except as otherwise provided, if cars delivered to interchange in error are rejected to the delivering carrier, forwarded to the proper carrier, or held, DCR will assess the delivering carrier the general inter-terminal switching charge (Exception).

#### EXCEPTION

1. Neither NS nor DCR assess on the other charges for rejecting, forwarding or holding cars delivered to interchange in error.

### **ITEM 7050. EMPTY CARS RETURNED ACCOUNT UNFIT FOR LOADING**

1. When an empty car is received from a connecting carrier for loading by an industry located on DCR, and is refused by the industry because the car is not in proper condition to load and must be returned to the connecting carrier, DCR will assess the delivering carrier the general inter-terminal switching charge.

### **ITEM 7060. FREIGHT TRAIN SERVICE OUTSIDE OF NORMAL HOURS**

1. The provisions of this item are applicable when shipper or consignee requests freight train service that requires engine and crew to perform switching service at other than the normal assigned times when DCR agrees to perform such service.

(Continued on following page)

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## 7. MISCELLANEOUS SWITCHING

2. Except as otherwise provided, DCR will assess a \$2,900 freight train service charge per each freight train service outside of normal hours when the time consumed is eight (8) consecutive hours or less for the time required to make the movement and return the engine and crew to the starting point, and DCR will assess a \$400 per hour charge for any time required in excess of eight (8) consecutive hours.
3. This charge is in addition to all other switching charges.
4. Request for this service must be made to DCR's Customer Service by noon on the day preceding the day on which the service is to be performed, except request for service on Sunday, which must be made by noon on the prior Friday and except request for service on a holiday, which must be made by noon on the prior day that is not a Saturday or Sunday.

### **ITEM 7070. SPECIAL TRAIN SERVICE**

1. The provisions of this item are applicable when special train service is required because of excessive dimensions, excessive weight, high center of gravity or other conditions not permitting normal train operations.
2. Except as otherwise provided, DCR will assess a \$2,900 special train service charge per each special train service when the time consumed is eight (8) consecutive hours or less for the time required to make the movement and return the engine and crew to the starting point, and DCR will assess a \$400 per hour charge for any time required in excess of eight (8) consecutive hours.
3. This charge is in addition to all other switching charges.

(Continued on following page)

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**7. MISCELLANEOUS SWITCHING**

4. Request for this service must be made to DCR's Customer Service on the day preceding the day on which the service is to be performed, except request for service on Sunday, which must be made by noon on the prior Friday and except request for service on a holiday, which must be made by noon on the prior day that is not a Saturday or Sunday.
5. When special train movements include idler cars that are required for any reason, an additional charge of \$220 will be assessed for each such idler car.
6. When special train movements include a caboose to accommodate attendants, an additional charge of \$485 will be assessed for each such caboose.
7. When special train movements include attendant(s), an additional charge of \$30 will be assessed for each such attendant.

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## 8. DEMURRAGE

### ITEM 8000. APPLICATION

1. Applicable at all points on DCR.
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. All railroad-controlled cars held for or by consignors or consignees for any purpose are subject to demurrage rules and charges in this section (Exceptions).

### EXCEPTIONS

1. Cars moving under freight rates requiring application of special demurrage charges.
2. Private cars are not subject to demurrage.
3. Empty railroad equipment moving on own wheels under transportation charges as freight.
4. Empty car rejected as unsuitable for loading.
5. Cars used in the shipment of materials purchased by DCR ("Company Material").

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## 8. DEMURRAGE

### **ITEM 8010. GLOSSARY OF TERMS**

**ACTUAL PLACEMENT:** When a car is placed in an accessible position for loading or unloading or at a point designated by consignor or consignee.

**DCR TRACKS:** All tracks which DCR provides for its own uses and purposes and other tracks located inside of its right-of-way or yards and terminals.

**CLOSED GATE:** When a car cannot be placed on consignee's siding at time of arrival due to siding having a locked gate or standing instructions not to place any cars unless the consignee first contacts DCR for placement instructions. All cars are constructively placed at time of arrival.

**CONSIGNEE:** The party to whom a shipment is consigned or the party entitled to receive the shipment. For the purposes of this tariff, Consignee included any person who receives railcars from a rail carrier for unloading, as more specifically described in 49 CFR Part 1333.

**CONSIGNOR:** The party in whose name a car is ordered. For purposes of this tariff, Consignor includes any person who receives railcars from a rail carrier for loading, as more specifically described in 49 CFR Part 1333.

**CONSTRUCTIVE PLACEMENT:** When a car cannot be actually placed due to any condition attributable to the consignor or consignee, such car will be held at an available hold point and notice will be provided to the consignor or consignee that the car is held to await instructions. A car placed by DCR on private tracks serving the consignor or consignee will be considered constructively placed without notice.

**CREDIT DAY:** A non-chargeable day. Credits can only be earned on those cars released from demurrage.

**DEMURRAGE DAY:** A twenty-four hour period, or part thereof, commencing at tender.

(Continued on following page)

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## **8. DEMURRAGE**

**DIVERSION:** An order provided by the consignor instructing that a car is to be delivered to a location other than the one indicated on the original forwarding instructions.

**EMPTY CAR ORDERED AND NOT USED:** An empty car, placed for loading as ordered, and subsequently released without being used in transportation service.

**EMPTY RELEASE INFORMATION:** Advice provided by the consignee to DCR's Manager Customer Service, that the car is unloaded and available. This information must include the identity of the consignee, party furnishing information, and the car initial and number.

**FREE DAY:** A non-chargeable storage day.

**FORWARDING INSTRUCTIONS:** Bill of lading or other suitable order containing all the necessary information to transport the shipment to final destination. Bill of lading or other suitable order must be given to DCR via electronic data interchange, electronic mail, or facsimile to Customer Service at (412) 426-8800.

**LEASE TRACK:** DCR track assigned to a consignee or consignor through a written agreement and treated as private track.

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

**OPEN GATE:** When a consignee does not place any restrictions (physical or otherwise) on DCR to place cars on their siding upon arrival.

(Continued on following page)

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## **8. DEMURRAGE**

**ORDER DATE:** The date that the consignor requests the empty car to be furnished for loading.

**PARTIAL UNLOADING:** The partial unloading of a car and furnishing of the proper forwarding or handling instructions.

**PRIVATE CAR:** A car bearing other than railroad reporting marks and that is not railroad-controlled.

**PRIVATE TRACK:** Track assigned for individual use including privately owned or leased track.

**PUBLIC DELIVERY TRACK:** An accessible track that is open to the general public for loading and unloading.

**RAILROAD-CONTROLLED CAR:** A car provided to DCR directly, by car companies or others, for indiscriminate use by DCR in servicing any of its customers.

**RECONSIGNMENT:** An order provided by consignor to bill a car to other than the original consignee. (An order to turn over the car to another party that does not require any additional movement of the car is not a reconsignment).

**REFUSED LOADED CAR:** When the original loaded car is refused at destination without being unloaded.

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

(Continued on following page)

For explanation of abbreviations and reference marks see last page of tariff.

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ISSUED BY:  
DELMARVA CENTRAL RAILROAD COMPANY  
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## **8. DEMURRAGE**

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

**SERVING YARD:** A classification yard where the local train serving the customer originates.

**SHIPPER ASSIGNED CAR:** A car of any ownership specifically requested and assigned to a shipper for their exclusive use.

**STOPPED IN TRANSIT:** When a car is held in route due to any condition attributable to the consignor, consignee, or owner.

**STORAGE DAY:** A 24-hour period, or part thereof.

**TENDER:** The notification, actual placement or constructive placement of an empty or loaded car to consignor or consignee.

**TIME:** Local time is applicable and is expressed on the basis of the 24-hour clock. For example, 12:01 AM is expressed as 0001 Hours.

**UNLOADING:** The complete unloading of a car, and notice from the consignee that the car is empty and available to DCR.

For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## 8. DEMURRAGE

### **ITEM 8020. NOTIFICATION TO CONSIGNOR OR CONSIGNEE**

1. Notification to consignor or consignee will be furnished by DCR as follows:

#### **CARS FOR PRIVATE TRACKS:**

DCR will furnish notification of constructive placement as follows:

- (a) Notification of constructive placement if car is held on DCR tracks due to condition attributable to consignor or consignee.
- (b) Delivery of car upon track of consignee will constitute notification.
- (c) Delivery of car on industrial interchange track of consignee will constitute notification.

#### **CARS FOR PUBLIC DELIVERY TRACKS:**

DCR will furnish notification of arrival to the party entitled to receive notification when car is actually placed.

#### **CARS STOPPED IN TRANSIT:**

DCR will furnish notification to the consignor, consignee, or owner responsible for the car being stopped upon arrival of the car at the point of stoppage.

#### **REFUSED LOADED CARS:**

When advised of refusal of car at destination, DCR will furnish notification to consignor or owner.

(Continued on following page)

For explanation of abbreviations and reference marks see last page of tariff.

ISSUED: NOVEMBER 28, 2016

EFFECTIVE: DECEMBER 18, 2016

ISSUED BY:  
DELMARVA CENTRAL RAILROAD COMPANY  
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## 8. DEMURRAGE

2. Notification may be given in writing or electronically, and will contain the following information:
  - (a) Car initials and number.
  - (b) If lading transferred en route, the initials and number of the original car.
  - (c) Commodity.

### **ITEM 8030. NOTIFICATION TO DCR**

1. Notification to DCR such as forwarding instructions, empty release information, or other disposition will be made twenty-four (24) hours a day via the Rail Carrier Interface customer web portal.
2. DCR will accept forwarding instructions, empty release information or other disposition twenty-four (24) hours a day at the DCR Customer Service facsimile (1-412-426-8800) or via electronic mail at customer@carloadexpress.com.
3. When electronic or mechanical devices are used to furnish notification to DCR, the recorded date and time that the instructions are received will govern.

### **ITEM 8040. CARS HELD FOR LOADING**

#### **TENDER:**

- (a) The notification, actual or constructive placement of an empty car placed on order of consignee.
- (b) Car held by DCR will be constructively placed on order date if car order is not cancelled prior to the order date or, if placement instructions have not been received by DCR.

(Continued on following page)

For explanation of abbreviations and reference marks see last page of tariff.

ISSUED: NOVEMBER 28, 2016

EFFECTIVE: DECEMBER 18, 2016

ISSUED BY:  
DELMARVA CENTRAL RAILROAD COMPANY  
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## 8. DEMURRAGE

### RELEASE:

- (a) Date and time forwarding instructions are received.
- (b) Car placed on the interchange track of a consignor, who performs its own switching, must be returned to the interchange.
- (c) Improperly loaded or overloaded car at origin will not be considered released until the load has been adjusted properly.

### COMPUTATION:

- (a) Time will be computed from tender until release.
- (b) If the car is placed earlier than the date of the order, time will be computed from the first 0001 hours of the order date until it is released.
- (c) When the same car is unloaded and reloaded, time will be computed from the time advice is received that the car is empty until the car is released.
- (d) When the same car is unloaded and reloaded, empty release information must be furnished. If not furnished, demurrage will continue on the car until forwarding instructions are received.

### CREDIT:

One (1) credit will be earned on each car released from loading on which forwarding instructions are received.

For explanation of abbreviations and reference marks see last page of tariff.

ISSUED: NOVEMBER 28, 2016

EFFECTIVE: DECEMBER 18, 2016

ISSUED BY:  
DELMARVA CENTRAL RAILROAD COMPANY  
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## 8. DEMURRAGE

### ITEM 8050. CARS HELD FOR UNLOADING

#### **TENDER:**

The notification, actual or constructive placement of a loaded car.

#### **RELEASE:**

- (a) Date and time that DCR receives notification that the car is empty.
- (b) Car placed on track of a consignee, who performs its own switching, must be returned to the interchange track for release.
- (c) When the same car is unloaded and reloaded, empty release information must be furnished at the time the car is made empty. If not furnished, demurrage will continue on the car until forwarding instructions are received.

#### **COMPUTATION:**

Time will be computed from tender until release.

#### **CREDITS:**

Two (2) credits will be earned on each car released from unloading.

For explanation of abbreviations and reference marks see last page of tariff.

ISSUED: NOVEMBER 28, 2016

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ISSUED BY:  
DELMARVA CENTRAL RAILROAD COMPANY  
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139



## 8. DEMURRAGE

### **ITEM 8060. CARS HELD FOR OTHER THAN LOADING OR UNLOADING**

#### **APPLICATION:**

- (a) On orders of the consignor or consignee.
- (b) While awaiting proper disposition from the consignor or consignee.
- (c) As a result of conditions attributable to the consignor or consignee.

#### **DISPOSITION:**

That information, including forwarding instructions or empty release information, which allows DCR to either tender or release the car from the consignor's or consignee's account.

#### **TENDER:**

The notification, actual or constructive placement of a loaded car.

#### **RELEASE:**

Date and time that DCR receives advice that the car is released and on which disposition is given on car.

#### **COMPUTATION:**

- (a) On cars held, time will be computed from tender until release.

(Continued on following page)

For explanation of abbreviations and reference marks see last page of tariff.

ISSUED: NOVEMBER 28, 2016

EFFECTIVE: DECEMBER 18, 2016

ISSUED BY:  
DELMARVA CENTRAL RAILROAD COMPANY  
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## 8. DEMURRAGE

- (b) On refused loaded cars, time will be computed from tender until time of refusal.

### CREDITS:

No (zero) credits will be earned for each car released.

### ITEM 8070. DEMURRAGE PLAN

1. Settlement of charges will be made monthly on all cars released during each calendar month.
2. Credits earned and demurrage days accrued by customers having facilities at separate stations cannot be combined.
3. Credits earned and demurrage days accrued for cars held for unloading or other purposes will be kept separately from cars held for loading.
4. Excess credits earned for one demurrage transaction cannot be used to offset days for another demurrage transaction.
5. Excess credits earned cannot be used to offset demurrage between loading and unloading credits.
6. Excess credits earned in one calendar month cannot be used to offset demurrage days in another calendar month.
7. Unless otherwise advised, in writing, that another party is willing to accept responsibility, consignor at origin or consignee at destination will be responsible for the payment of demurrage charges.

For explanation of abbreviations and reference marks see last page of tariff.

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DELMARVA CENTRAL RAILROAD COMPANY  
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## 8. DEMURRAGE

### ITEM 8080. DEMURRAGE CALCULATION

1. All days count including Saturdays and Sundays. Seven (7) holidays, as provided in Item 1110, will not be subject to demurrage.
2. Total demurrage days for all railroad-controlled cars released will be added, net of holidays.
3. Total credits for all railroad-controlled cars will be added.
4. If total credits equal or exceed total net demurrage days, demurrage charges will not be assessed.
5. If total net demurrage days exceed the total credits, calculation of charges will be made as follows:
  - (a) Subtract total credits from total net demurrage days to determine chargeable days.
  - (b) The number of chargeable days will be assessed \$75.00 per day. (See Exception)

#### EXCEPTION

Heavy Capacity and Special Type Cars, as listed in the Official Railway Equipment Register (RER 6413 – series) will be assessed \$190 per day.

For explanation of abbreviations and reference marks see last page of tariff.

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DELMARVA CENTRAL RAILROAD COMPANY  
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## 8. DEMURRAGE

### **ITEM 8090. DEMURRAGE CLAIMS**

1. In order to be allowed relief as indicated, a claim must be presented to DCR, in writing, by the last day of the calendar month following the month in which the bill was issued, stating fully the conditions for which relief is claimed.

#### **RAILROAD ERROR:**

If, through railroad error, demurrage charges are assessed demurrage will be adjusted to the amount that would have accrued but for such error. Bunching and run around of cars will not be considered as a railroad error.

#### **MISSED SWITCH:**

An allowance for missed switching will be made on cars held under constructive placement notification when DCR is unable to place cars in normal switching response to the consignee's or consignor's order.

#### **WEATHER DISRUPTION:**

When because of earthquakes, tornadoes, hurricanes, floods or extreme snowfall, the operations of consignor or consignee are disrupted, the demurrage directly chargeable thereto will be eliminated, provided the disruption exceeds two (2) days duration.

#### **FROZEN OR CONGEALED LADING:**

When at the time of placement, lading is frozen or congealed so as to require heating, thawing, or loosening to unload, DCR will grant 1 credit for each day a car under actual placement that has its lading heated, thawed or loosened, with a maximum of 2 credits. All cars under Constructive Placement at the time the lading

(Continued on following page)

For explanation of abbreviations and reference marks see last page of tariff.

ISSUED: NOVEMBER 28, 2016

EFFECTIVE: DECEMBER 18, 2016

ISSUED BY:  
DELMARVA CENTRAL RAILROAD COMPANY  
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## **8. DEMURRAGE**

contained in a car that has been actually placed is heated, thawed or loosened will receive an adjustment to car days to correspond with the cars that are actually placed, to the extent that the car(s) in Constructive Placement status due to insufficient space at customer's facility.

A Consignee desiring additional credits for unloading shall, prior to the expiration of (10) car days, after the date on which the car was released, provide DCR a written statement certifying the car initial and number, that the lading required heating, thawing or loosening. DCR will not provide relief for the day on which a car was actually unloaded as certified.

For explanation of abbreviations and reference marks see last page of tariff.

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## 9. STORAGE

### **ITEM 9000. APPLICATION**

1. Applicable at all points on DCR.
2. Applicable to private cars held on DCR tracks under constructive placement after notice of arrival is given to the consignee and private cars held on DCR tracks to await forwarding instructions from the consignor (Exceptions).

### **EXCEPTIONS**

1. Not applicable to private cars on private or leased tracks.

### **ITEM 9010. GLOSSARY OF TERMS**

1. The definitions in Item 8010 will apply.

### **ITEM 9020. PRIVATE CARS HELD FOR STORAGE ON DCR TRACKS**

#### **APPLICATION:**

- (a) On orders of the consignor or consignee.
- (b) While awaiting proper disposition from the consignor or consignee.
- (c) As a result of conditions attributable to the consignor or consignee.

(Continued on following page)

For explanation of abbreviations and reference marks see last page of tariff.

ISSUED: NOVEMBER 28, 2016

EFFECTIVE: DECEMBER 18, 2016

ISSUED BY:  
DELMARVA CENTRAL RAILROAD COMPANY  
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## 9. STORAGE

### COMPUTATION:

Time will be computed from constructive placement on each car and continue until the car is ordered placed on private tracks or released.

### FREE DAYS:

(a) Forty-eight (48) free hours will be given on each loaded car held for consignee on constructive placement.

(b) One hundred-twenty (120) free hours will be given on each empty car held for consignee awaiting placement instructions.

(c) No (zero) free time is allowed for consignor for loaded cars held on DCR tracks to await forwarding instructions.

### ITEM 9030. STORAGE PLAN

1. Charges will be billed on a monthly basis, for all cars released from storage during each calendar month.
2. Charges will be assessed against the consignee at destination on cars awaiting placement or the consignor at origin on cars awaiting forwarding instructions.
3. The number of chargeable days will be assessed at \$55.00 per day (Exception).

#### EXCEPTION

The number of chargeable days will be assessed at \$100.00 per day for loaded private cars containing Class A, B or C Explosives or hazardous materials requiring the use of 4-digit identification number on shipping document or placards, as named in BOE 6000 - series.

For explanation of abbreviations and reference marks see last page of tariff.

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DELMARVA CENTRAL RAILROAD COMPANY  
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## 10. MISCELLANEOUS PROVISIONS

### ITEM 10000. RULES GOVERNING RECEIPT AND DELIVERY OF CARS

1. Except as otherwise provided, cars of freight moving under carload, multiple carload or unit-train line-haul charges including switching charges or empty cars moving with or without charge will be delivered on and removed from private sidings or industrial tracks near and connecting with DCR's tracks without any additional charge, provided there are no conditions which make it unsafe for DCR's locomotives to operate over such tracks, or that prevent DCR from receiving or delivering cars at its ordinary operating convenience.
2. Except as otherwise provided, such cars will be received and delivered at loading and unloading locations on industrial tracks without additional charge (Exceptions) when that service can be ordinarily performed in continuous movement at DCR's ordinary operating convenience (Notes 1, 2 and 3) and provided the locomotives in general use for switching in the vicinity of the industry can safely operate over such industrial tracks.

#### EXCEPTIONS

1. When receipt or delivery of cars cannot be accomplished in continuous movement at DCR's ordinary operating convenience because of any condition caused by the shipper or consignee and when it appears that the delay will be of a temporary nature, the locomotive will be held and the service completed when conditions permit. Charge for delay of locomotive will apply.
2. When receipt or delivery of cars cannot be accomplished in continuous movement at DCR's ordinary operating convenience because of any condition caused by the shipper or consignee and, after reasonable period of delay, the condition preventing completion of service has not been removed or eliminated, DCR may at

(Continued on following page)

For explanation of abbreviations and reference marks see last page of tariff.

ISSUED: NOVEMBER 28, 2016

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ISSUED BY:  
DELMARVA CENTRAL RAILROAD COMPANY  
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139



## 10. MISCELLANEOUS PROVISIONS

it's option, withdraw its locomotive and place any inbound cars on a hold or other available track within or without the industry. Charges for delay of locomotive and subsequent movement of cars will apply.

### EXPLANATION OF NOTES

1. Continuous movement means a movement between DCR's tracks and the loading or unloading point where cars are received or delivered without any delay or suspension or break in time, or ordinary continuity of movement, due to any condition for which industry is directly responsible.
2. Ordinary operating convenience means that receipt or delivery of cars will be provided by DCR at the private siding or industrial track at times as follows:
  - (a) When switching locomotives perform services, the time shall be that which is most advantageous to the DCR in relation to its coordinated and harmonious switching in a particular switching district.
  - (b) When line-haul locomotives perform services, the time shall be train arrival time at the private siding or industrial track.

Ordinarily, the time shall be only one switch per day and only on days when DCR has regularly scheduled service at the private siding or industrial track, except that DCR may, at its discretion only, make additional switches when necessitated by volume of traffic or to secure prompt release of equipment or facilities.

(Continued on the following page)

For explanation of abbreviations and reference marks see last page of tariff.

ISSUED: NOVEMBER 28, 2016

EFFECTIVE: DECEMBER 18, 2016

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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## 10. MISCELLANEOUS PROVISIONS

3. Except as otherwise provided, the operations performed by DCR as necessary incidents to the receipt and delivery of cars at the private siding or industrial track, that shall not be deemed to break the “continuous movements”, to be in excess of the “ordinary operating convenience” of DCR, to be a “condition caused by the shipper or consignee”, nor to be a “condition for which the industry is directly responsible” as those terms are used in these rules, shall be as follows:
  - (a) The removal and placement of cars empty, partly loaded, partly unloaded, or loaded when incidental to the placement or removal of other cars.
  - (b) Classifying, sorting and lining up cars on industry or DCR tracks.
  - (c) Operations performed in providing a service for which a specific charge applicable to delay of DCR locomotive is authorized pursuant to published tariff.
  - (d) The temporary holding of cars on tracks of industry for instructions from shipper or receiver.

### **ITEM 10010. CHARGES FOR DELAY OF DCR LOCOMOTIVE**

1. For delay to the locomotive when held according to the provisions of Item 10000, DCR will assess a charge of \$400 per hour, or fraction thereof, which charge will be in addition to applicable line-haul and switching charges.
2. For subsequent movement by DCR locomotive of the car or cars from the hold or other track to actual point of delivery, DCR will assess a charge of \$400 per car.

For explanation of abbreviations and reference marks see last page of tariff.

ISSUED: DECEMBER 11, 2018

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ISSUED BY:  
DELMARVA CENTRAL RAILROAD COMPANY  
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## 10. MISCELLANEOUS PROVISIONS

### **ITEM 10020. CHARGE FOR WEIGHING OR REWEIGHING OF CARS**

1. When a car is weighed or reweighed, loaded, empty or partially loaded, before or after placement, at request of consignor or consignee, on private scales located at industry, the charge will be \$55 per car.

### **ITEM 10030. CHARGES FOR DIVERSION OF CARS**

#### **DEFINITION:**

A diversion is any order received by DCR that requires a change in the billing document of a shipment, a change in the freight payer of a shipment, or stopping a car for the purpose of delivery or reforwarding.

#### **APPLICATION:**

1. These provisions are applicable only to cars in DCR's account as a line-haul switching carrier.
2. Orders for diversions will only be accepted from consignor, consignee, freight payer, or another railroad participating in the line-haul movement.
3. Diversion orders must be requested prior to actual placement of the car by DCR (Note) or prior to the car being interchanged to a connecting line.

(Continued on following page)

For explanation of abbreviations and reference marks see last page of tariff.

ISSUED: DECEMBER 11, 2018

EFFECTIVE: JANUARY 1, 2019

ISSUED BY:  
DELMARVA CENTRAL RAILROAD COMPANY  
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## 10. MISCELLANEOUS PROVISIONS

### CHARGES:

1. When the applicable diversion provisions have been met, DCR will assess a diversion charge on changes in consignee, destination or route of \$210 per car. This will be in addition to all other charges.
2. When a car is ordered held in transit at a location on DCR, DCR will assess a holding charge of \$210 per car and additional movement of the car will be assessed switching charges.

### EXPLANATION OF NOTE

1. Any orders affecting the movement of the car after actual placement will constitute a new movement, subject to switching or line-haul charges, as may be applicable.

### **ITEM 10040. CHARGES FOR OVERLOADED CARS**

#### DEFINITION:

A car for which either the net weight is in excess of the car's load limit or the gross weight is in excess of the track weight limit at any point along the route of movement is defined as an overloaded car.

#### APPLICATION:

DCR may elect to stop an overloaded car en route and hold it on a track where partial unloading may be accomplished. It will be the responsibility of the consignor or owner of the shipment to partially unload the car at his expense. Removal of the lading must be sufficient to eliminate the overloaded condition.

(Continued on following page)

For explanation of abbreviations and reference marks see last page of tariff.

ISSUED: DECEMBER 11, 2018

EFFECTIVE: JANUARY 1, 2019

ISSUED BY:  
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519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## 10. MISCELLANEOUS PROVISIONS

### CHARGES:

When an overloaded car is stopped en route and moved to a hold, industrial or public delivery track where partial unloading may be accomplished, DCR will assess a charge of \$620 per car. This charge will be in addition to all other charges and the car will remain in continuous demurrage.

### **ITEM 10050. CHARGE FOR CARS ORDERED NOT USED**

1. When an empty car is placed or constructively placed for loading but is not used in transportation and is released empty, DCR will assess a charge of \$325 per car.

### **ITEM 10060. CHARGE FOR PRIVATE CARS TO REPAIR FACILITIES**

1. Except as otherwise provided, DCR will assess the general inter-terminal switching charge when privately owned cars, including tank cars, are moved between an DCR serving yard or interchange track and repair, storage or cleaning facilities. This charge will be billed when the car is delivered to the repair, storage, or cleaning facility.

### **ITEM 10070. RESERVED FOR FUTURE USE**

For explanation of abbreviations and reference marks see last page of tariff.

ISSUED: DECEMBER 11, 2018

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DELMARVA CENTRAL RAILROAD COMPANY  
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## 10. MISCELLANEOUS PROVISIONS

### **ITEM 10080. HAZARDOUS PROHIBITED ON PUBLIC DELIVERY TRACK**

1. DCR will not permit hazardous or dangerous commodities to be loaded or unloaded at public delivery tracks.

### **ITEM 10090. MAINTENANCE OF INDUSTRIAL SWITCH CONNECTION**

#### **DEFINITION:**

An industrial switch connection is a switch located on DCR and maintained by DCR for access to private sidings or industrial tracks.

#### **CHARGE:**

1. The charge for maintaining each industrial switch connection is \$2,500.00 per year (Exceptions). This charge is payable by the owner of the private siding or industrial track served by the industrial switch connection within thirty days of invoice date and for each succeeding year.

#### **EXCEPTIONS**

1. The charge will not apply as to any calendar year in which the private siding or industrial track served by the industrial switch connection originates or terminates twelve or more carloads.

(Continued on following page)

For explanation of abbreviations and reference marks see last page of tariff.

ISSUED: NOVEMBER 28, 2016

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ISSUED BY:  
DELMARVA CENTRAL RAILROAD COMPANY  
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## 10. MISCELLANEOUS PROVISIONS

2. The charge will not apply where the specific terms of an executed Sidetrack Agreement so provide.
3. The charge will not apply if the owner of the private siding or industrial track served by the industrial switch connection requests, before the payable date of the charge, that DCR removes the industrial switch connection.

### **ITEM 10100. BILLS OF LADING INACCURACIES**

1. Nothing in bills of lading shall be construed to obligate DCR to verify the rates specified on such bills of lading, to notify shippers of inaccuracies in those rates, or to reject bills of lading tendered by shippers and containing inaccurate rates including rates which have application but not via the routing shown on the bill of lading.

### **ITEM 10110. CAR DEMURRAGE AND STORAGE SECURITY**

1. Whenever DCR issues a bill or bills for car demurrage or storage charges that remains unpaid after a period of 60 days or more from the date of the bill, DCR may, on not less than 10 days' notice, require the billed party ("Customer") to provide DCR with an irrevocable Letter of Credit or enter into another payment security program.
2. Under this program, Customer must make available to DCR a sum of money or security sufficient to cover charges for car detention demurrage that may reasonably be expected prior to receipt or delivery of cars based on Customer's traffic volume.

(Continued on following page)

For explanation of abbreviations and reference marks see last page of tariff.

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ISSUED BY:  
DELMARVA CENTRAL RAILROAD COMPANY  
519 CEDAR WAY, BUILDING 1, SUITE 100, OAKMONT, PENNSYLVANIA 15139

## 10. MISCELLANEOUS PROVISIONS

3. Refusal or failure of Customer to enter into such a payment security program will result in the issuance of an embargo against acceptance by DCR of any or all traffic to be handled for Customer's account.

### **10120. RULES GOVERNING USE OF PUBLIC DELIVERY TRACKS**

1. The consignor or consignee (Customer) will be granted right of entry to DCR's property for the purpose of loading or unloading railcars on designated public delivery tracks.
2. Customer hereby agrees to indemnify and save harmless DCR from and against any and all liability, losses, damages, claims, actions, causes of action, costs and expenses (including attorney's fees) for personal injury (including death) and/or property damage to whomsoever or whatsoever occurring, arising from or growing out of, directly or indirectly, the presence of Customer, its agents, servants or employees on or about the property of DCR or in connection with privileges herein granted, whether or not such liability, losses, damages, claims, actions, causes of action, costs and expenses shall have been caused or contributed by the negligence of DCR. Upon the request of DCR, Customer shall insure the aforesaid indemnity provision in a manner and in an amount satisfactory to DCR.
3. Right of entry shall not be assigned or transferred by Customer, may be terminated at will by DCR, and shall terminate automatically upon such time that loading or unloading operations are completed provided, however, that terminations shall not relieve Customer of any obligations or liabilities incurred prior to such termination.

(Continued on following page)

For explanation of abbreviations and reference marks see last page of tariff.

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## 10. MISCELLANEOUS PROVISIONS

4. Prior to right of entry, Customer shall procure, and during the continuance of this provision shall maintain, at its sole cost and expense, a policy of Commercial General Liability Insurance (CGL), covering liability assumed by DCR under this provision, and including DCR as an additional insured, with a limit of not less than TWO MILLION U.S. DOLLARS (\$2,000,000.00), per occurrence, for bodily injury and property damage. Securing of insurance by Customer shall not limit Customer's liability under this provision, but shall be additional security therefore.
5. Upon termination of right of entry, all the rights, title, and interest of Customer, and this provision shall thereupon become and be null and void, without any further liability on the part of either party to the other (except only as to liability accrued prior thereto), and Customer shall remove its equipment and personal property from DCR's property, and the right-of-way and all property of DCR shall be restored in good condition and to the satisfaction of DCR. If Customer fails or refuses to remove its equipment or personal property under the foregoing conditions, DCR shall be privileged to do so at the cost and expense of Customer, and DCR shall not be liable in any manner to Customer for said removal.

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## 10. MISCELLANEOUS PROVISIONS

### ITEM 10130. RESERVED FOR FUTURE USE

### ITEM 10140. LEASE TRACK OVERAGE

In the event a customer makes arrangements with DCR to have a lease track agreement at a certain location, and the number of private cars described in the lease track agreement at that location exceeds the capacity of the track space allotted pursuant to the applicable, lease track agreement, an overage charge of \$50 per car will be assessed on all cars exceeding the lease limit. The overage charge will be applied on all overage cars commencing at 00:01 the day following the day the lease limit was exceeded. A car is considered in lease track status if after notification of arrival, the car is not ordered before the beginning of the next regularly scheduled service. No free time or credits will be allowed. Lease excess is not provided relief against DCR holidays. The applicable industrial switching charge will be assessed (Section 5) when the cars are requested to be spotted, or moved from the plant to the lease track for forwarding.

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## 10. MISCELLANEOUS PROVISIONS

### ITEM 10150. ADDITIONAL CUT CHARGES – UNIT TRAINS

#### AT ORIGIN:

The rates on unit train shipments of grain, grain products or soybeans, include the placement of the entire empty unit train in one cut at consignor's facility. When due to consignor's inability to take delivery of the entire train in one cut for loading, any additional cuts provided by DCR will be assessed at a charge of \$515 per cut which will be in addition to the line-haul charges (Notes).

#### AT DESTINATION:

The rates on unit shipments of grain, grain products, or soybeans, include the placement of the entire loaded unit in one cut at consignee's facility. When due to consignee's inability to take delivery of the entire unit in one cut for unloading, any additional cuts provided by DCR will be assessed at a charge of \$515 per cut which will be in addition to the line-haul or switch charges (Notes).

#### EXPLANATION OF NOTES

1. Subject to demurrage and storage (Sections 8 and 9) rules and charges.

A cut is defined as the quantity (one or more) of cars delivered to and removed from the track or tracks of the consignee at destination.

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## 10. MISCELLANEOUS PROVISIONS

### **ITEM 10160. UNIT TRAIN LOADING OR UNLOADING**

1. The provisions of this item are applicable to unit trains for loading or unloading on DCR, where such trains are equipped with foreign (third-party) locomotives.
2. Consigner or consignee on DCR will be provided 24 hours free time, from tender to release.
3. Any time required in excess of free time will be assessed an hourly unit train delay charge.
4. Except as otherwise provided, DCR will assess a unit train delay charge of \$85 per hour.
5. This charge is in addition to all other switching charges.

### **ITEM 10170. COMPLETE UNLOADING AND CLOSING CAR DOORS**

1. Upon arrival and placement of rail cars for unloading at destination, the consignee accepts and agrees:
  - (a) to unload cars in a manner that does not damage equipment
  - (b) release cars in a condition suitable for reloading by another shipper and
  - (c) accepts liability for any demurrage and detention charges accruing for all cars placed at consignee's destination pursuant to applicable demurrage and detention provisions applying thereto.
2. Consignee shall be responsible for the proper and complete unloading of commodity out of each railcar. It shall be the sole responsibility of the consignee to remove all contents from the car and close, latch and lock all doors on each hopper

(Continued on following page)

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## **10. MISCELLANEOUS PROVISIONS**

railcar before releasing railcars to DCR. In the event consignee is unable to close, latch, and lock all doors due to wear or damage to the doors consignee shall, prior to release of the empty railcars, notify DCR Customer Service of the involved railcar(s) by initial and number and shall provide a description of the problem with the doors. If railcars are released empty to DCR and the doors are not closed, latched and locked, or if consignee has not provided timely notice of its inability to close, latch or lock the door and a description of the problem, or the car has not been completely unloaded, DCR will assess a surcharge of \$155 for each such railcar.

3. In addition to the handling fee noted above, if a car is not properly cleaned or car doors are left open, and is subsequently released and removed, then the railroad discovering such failure may undertake to remedy such failure and the consignee will be responsible for reimbursement to the railroad for the cost, including associated switching, to make such car suitable for loading but not less than \$360 per car.

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**11. ABBREVIATIONS AND REFERENCE MARKS**

**ITEM 11000. ABBREVIATIONS**

**ABBREVIATIONS    EXPLANATION**

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AAR	Association of American Railroads
BLK	Applies in Bulk
BOE	Bureau of Explosives
CHC	Applies in Covered Hopper Cars
CL	Applies in Carloads
CO	Company
DCR	Delmarva Central Railroad Company
Jct	Junction
MDDE	Maryland and Delaware Railroad Company
NS	Norfolk Southern Corporation
OPSL	Official List of Open and Prepay Stations
PIH	Poison Inhalation Hazard
PVT	Applies in Private Cars
RER	Official Railway Equipment Register
RPS	Railroad Publication Services, Agent
STB	Surface Transportation Board
STCC	Standard Transportation Commodity Code
TEA	Tariff Executive Association
TIH	Toxic Inhalation Hazard
UFC	Uniform Freight Classification

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