

# UNION PACIFIC RAILROAD



## SUPPLEMENT 44 TO ACCESSORIAL TARIFF UP 6004

Supplements 2, 6, 10, 22, 39, 40, 41, 42, 43 and 44 contain all changes

### **RULES AND CHARGES ON VARIOUS ACCESSORIAL SERVICES INCLUDING DEMURRAGE, STORAGE, RECONSIGNMENT, DIVERSION WEIGHING, OVERLOADS, SPECIAL TRAINS AND MISCELLANEOUS SWITCHING RULES AND CHARGES**

**APPLYING AT  
ALL POINTS ON UNION PACIFIC RAILROAD**  
(Except as otherwise provided herein)

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SUPPLEMENT 44 TO TARIFF UP 6004

**\*ITEM - 2-C - TABLE OF CONTENTS**

<b>SUBJECT</b> .....	<b>ITEM NUMBER</b>
Abbreviations, explanation of .....	
Cars without proper forwarding instructions .....	35
General Application .....	25
Index of Items.....	3
Method of Canceling Items .....	20
National Service Order Tariff.....	5
Reference Marks, explanation of .....	
Reference to tariffs, items, etc .....	15
*Section 1 .....	1000 to 3670
*Section 2 .....	Cancelled, see Section 1
*Section 3 .....	Cancelled, see Section 1
*Section 4 .....	Cancelled, see Section 1
*Section 5 .....	Cancelled, see Section 1
*Section 6 .....	Cancelled, see Section 1
*Section 7 .....	Cancelled, see Section 1
*Section 8 .....	Cancelled, see Section 1
*Section 9 .....	Cancelled, see Section 1
*Section 10 .....	Cancelled, see Section 1
Section 11 .....	4000, 4010
Section 12 .....	4100 to 4140
Section 13 .....	4200 to 4360
Section 14 .....	4400 to 4490
Section 15 .....	4600 to 4630
Section 16 .....	4700 to 4720
Section 17 .....	5000 to 5100
Section 18 .....	6000 to 6070
Section 19 .....	7000 to 7050
Section 20 .....	8000
Section 21 .....	8500 to 8530
Section 22 .....	9000 to 9355
Section 23 .....	10000 to 14710
Supplements and reissues .....	10
*Table of contents.....	2
Terms .....	30

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**\*ITEM 1000-A - GENERAL APPLICATION**

Railroad and privately owned cars held for or by consignors and consignees for any purpose are subject to demurrage rules and charges in this section, except as otherwise specifically provided. (See Exception)

**EXCEPTION:** The provisions of Section 1 do not apply when Section 23 is applicable. (Section 23 applies ONLY when a Customer has been specifically notified by Railroad that the provisions of Section 1 are no longer applicable.)

**ITEM 1005-B- CAR DAY**

For the purpose of this tariff, a car day is defined as any period of 24 hours or fraction thereof commencing from the first 12:00 midnight after actual or constructive placement until the car is released.

**ITEM 1010-B- COMPUTING FREE TIME EXCLUSIONS**

For the purpose of computing free time, Sundays and holidays will be exempt.

**ITEM 1020-B- NOTIFICATION REQUIREMENT EXCLUSIONS**

For the purpose of notification requirements, Sundays and holidays will be excluded.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**\*ITEM 1030-D - EARLY RELEASE INCENTIVE (E.R.I.) PLAN** (Continued on the following page.)

The provisions of this section will apply on all cars held for loading and unloading. Demurrage charges will be computed on all cars released during a calendar month.

**1. CARS NOT SUBJECT TO E.R.I. PLAN**

The following cars consigned to or ordered for loading by the subscriber are not subject to E.R.I. Plan provisions of this section:

- A. Cars loaded or unloaded in intraplant switching service, including "Set back service", as defined in switching or other tariffs of this railroad (see Item 2110).
- B. Cars loaded while under lease and ordered out to railroad to hold for disposition but, subsequently, ordered returned to tracks of lessee (see Item 2410).
- C. Private cars, except as authorized by paragraph (6) of Item 2420, this tariff.
- D. Cars, which are reconsigned, diverted or reshipped at point of detention (see Item 3110).
- E. Cars held in transit on order of consignor or consignee; and, cars destined for delivery to a connecting line which are:
  - 1. Held for payment of lawful charges.
  - 2. Surrender of written order, advice, "order" bill of lading or other lawful substitute as required under Rule 7, Uniform Freight Classification Tariff UFC 6000-series (see Item 3120).
- F. Cars of grain subject to Official inspection or grading, held in transit and placed for inspection or grading (see Item 3130).
- G. Empty cars ordered or appropriated for loading but not used (see Item 3140).
- H. Loading cars received from another railroad and held for forwarding directions (see Item 3150).
- I. Cars containing freight in bond for customs entry and government inspection (see Item 3160).

**2. DEBIT**

A debit is a unit of liability against a car for each day or fraction of a day held beyond free time, or the adjusted free time as provided in Items 3605 - 3670, including Sundays and holidays immediately following the day on which the first debit day begins.

**3. EARLY RELEASE INCENTIVE (E.R.I.) CREDIT**

An E.R.I. credit is a unit of value for each car released prior to the expiration of the first twenty-four (24) hours of free time. Only one E.R.I. credit may be earned on any one car and that credit may be applied to offset a debit accruing on another car released during the same month. E.R.I. credits earned on cars held for loading shall not be used to offset debits accruing on cars for unloading, nor shall credits earned on cars held for unloading be used to offset debits accruing on cars for loading. The E.R.I. credit will have a value of \$75.00.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**\*ITEM 1030-D - EARLY RELEASE INCENTIVE (E.R.I.) PLAN (Concluded.)**

**4. DEMURRAGE CHARGES ON CARS SUBJECT TO THE E.R.I. PLAN**

On cars subject to the 'E.R.I. Plan, after expiration of free time,' or the adjusted free time in Items 3605 - 3670, a charge of \$75.00 per car per day, or fraction of a day, will be made until the car is released. Charges, which accrue, may be offset by E.R.I. credits as described above.

The charge will accrue on all Sundays or holidays subsequent to the first debit day, including a Sunday or holiday immediately following the day on which the first debit begins to accrue.

**5. MONTHLY- COMPUTATION OF DEMURRAGE CHARGES**

At the end of each calendar month, the total number of E.R.I. credits will be deducted from the total number of debits and \$75.00 per debit will be charged for the remainder (see Note 1, this item). If the credits equal or exceed the debits, no charge will be made for the detention of the cars. No payment will be made by this railroad on account of such excess credits; nor shall credits in excess of the debits of any one month be considered in computing the demurrage charges for another month.

For the purpose of this item, the end of the calendar month shall be considered as closing at the first 12:00 midnight of the following month.

**6. COMBINING PLANTS AND STATIONS**

Subject to the above paragraphs, debits and credits applying to cars released by one consignor or consignee within the jurisdiction of the same station, and served by one and the same railroad, must be combined provided that in no case shall debits and credits be combined among two or more customers or are released under the jurisdiction of two or more stations; nor can debits and credits be combined when released on different railroads, either at the same or at different stations. Each station as listed in The Official List of Open and Prepay Stations, OP SL 6000-series, shall be considered a separate station in the application of this section.

**7. CARS-NOT CONSIGNED TO OR ORDERED BY SUBSCRIBER**

When this railroad is notified in writing at or prior to time of delivery that a subscriber in whose care a shipment is consigned, or to whom it is ordered for delivery, is the absolute or qualified owner thereof and responsible for all charges collectible at destination, the car containing such shipment must be included in the E.R.I. account of such subscriber. Empty cars ordered in the name of other parties may not be included in such subscriber's E.R.I. account.

**8. CARS CONSIGNED TO GOVERNMENT AGENCIES**

Cars consigned to the United States, state or municipal governments, may be included in the account of the construction contractor, the operation of a government agency, or any industrial plant to whom the cars are ordered delivered for unloading.

NOTE 1. In the event of a rate change which causes debits and credits to have different liabilities and values, each debit and credit will be converted to the monetary value in effect on the day the demurrage cycle began. At the end of the calendar month the total value of credits earned will be deducted from the total liability of the debits accrued in the above prescribed manner.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**ITEM 1040-B- FURNISHING OF FORWARDING DIRECTIONS**

The term "including the furnishing of forwarding directions" means the actual date and time such forwarding directions are received from the consignor. (See Note 1, this item).

NOTE 1. When this railroad utilizes electronic or mechanical devices, which accept communication, either written, or oral, the recorded date and time forwarding directions are received from the consignor will govern the release of cars.

**\*ITEM 1070-D** On cars not subject to the E.R.I. Plan and for detention not subject to Item 3610 (Strike Interference), after expiration of free time allowed or without free time allowance, when none is provided, a charge of \$75.00 per car per day, or fraction of a day, will be made until the car is released.

The applicable charge will accrue on all Sundays and holidays subsequent to the first chargeable day, including a Sunday or holiday immediately following the day on which the first chargeable day begins to run, except as otherwise provided in Item 3140 and Items 3605 - 3607. These charges may be billed on a monthly basis.

**\*ITEM 1090-D - FREE TIME** (Exception to Item 2110)

On shipments of whole grains and seeds as described in the following list, when loaded in covered hopper cars and in which the UP receives the line haul from origin, free time will be 48 hours for loading.

01-131-10	01-136-55	01-139-25	01-915-66
01-132-10	01-136-90	01-139-30	20-419-79
01-132-15	01-137-10	01-139-40	20-441-series
01-133-10	01-139-10	01-144-series	20-443-series
01-134-series	01-139-15	01-149-40	20-449-30
01-135-10	01-139-20	01-159-43	

Shipments of aggregates taking STCC number 14-series as defined in Tariff STCC 6001-series moving in gondola cars to destinations on the UP for complete unloading as defined in Items 2905 - 2970, when ten (10) or more cars are tendered on one calendar day, on one bill of lading, from one consignor, at one location, at one origin station to one consignee at one location at one destination station, free time for all cars in the shipment will be computed from the first 12:00 midnight after placement, or proper notification has been sent or given for the last car in the shipment.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**ITEM 1100-BAP (ACTUAL PLACEMENT) AND CP (CONSTRUCTIVE PLACEMENT) DEMURRAGE CHARGES FOR SPECIFIC AGRICULTURAL PRODUCTS (SEE NOTE)**

"AP" demurrage charges for railroad owned/leased/controlled covered hopper cars will accrue at \$75 a day beyond free time. The \$75 AP charge will remain in effect until demand for equipment returns to stronger levels. At that time UPRR will make an announcement changing the AP charges.

"CP" demurrage charges for railroad owned/leased/controlled covered hopper cars will accrue at \$75 a day beyond free time.

Cars released prior to the expiration of the first 24 hours of free time will earn Early Release Incentive (E.R.I.) credits at the same rate as the "AP" charge. At this time E.R.I. credits are \$75, "AP" debits are \$75 and "CP" debits are \$75.

**NOTE**

<b>STCC</b>	<b>Description</b>	<b>STCC</b>	<b>Description</b>
01 131	Barley	20 412	Wheat bran, middlings
01 132	Corn	20 418	Grain mill by-products
01 133	Oats	20 419	Flour or other grain mill products, NEC
01 134	Rough rice	20 421	Prepared feeds
01 135	Rye	20 442	Rice flour, bran, or meal
01 136	Sorghum grain	20 449	Milled rice, rice by-products, etc.
01 137	Wheat	20 467	Wet corn milling by products
01 139	Grain, NEC	20 469	Wet corn milling by-products
01 141	Cottonseeds	20 511	Bakery sweepings
01 142	Flaxseeds	20 619	Beet pulp pellets
01 144	Soybeans	20 823	Spent grains
01 149	Oil kernels, nuts or seeds	20 859	Distillers by-products
01 159	field, grass seed	20 914	Cottonseed meal or by-products
01 341	Beans	20 923	Soybean meal or products
01 342	Peas	20 939	Oilseed meals and by-products, NEC
01 343	Cowpeas, lentils, lupines	20 942	Fish meal
01 992	Alfalfa meal		

**ITEM 1105 - MECHANICAL REFRIGERATED RAILCARS**

Upon expiration of free time each UP owned, controlled, or leased mechanical refrigerated railcar bearing the following identification marks: UPFE, SPFE, or VCY will accrue a per day demurrage charge of \$115.00. This charge will be assessed in lieu of the standard demurrage charges) set forth elsewhere in this publication.

Early Release Incentives (E.R.I.) applicable to railcars not specifically described herein may not be used to completely or partially offset any demurrage charges accrued to UP owned, controlled, or leased mechanical refrigerated railcars bearing identification marks: UPFE, SPFE, or VCY. In all other respects the terms and conditions set forth in this publication will apply.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**\*ITEM 1505-A - FREE TIME (EXCEPTION TO ITEM 2110)**

When Railroad (see Note 1) is unable to furnish the number of cars required to comply with minimum car requirements for loading multiple car shipments of grain as described in UP Tariffs 4050, 4051, 4052, or 4053-series, loading may commence, but free time for cars furnished will not begin until sufficient cars are available to meet the minimum number of cars required by the multiple rate. When co-loading or multiple origin loading is authorized for multiple car shipments, such locations will be considered as one origin in applying the provisions of this item. (See Exception).

**EXCEPTION 1.** If the total car capacity of the loading facility is less than the number of cars initially ordered, the free time will commence when number of cars equal to loading capacity has been furnished.

**NOTE 1.** Applies only when UP is the outbound carrier.

**ITEM 1510 - USING CARS LEASED FOR STORAGE OF COMMODITIES (EXCEPTION TO ITEM 2410)**

Demurrage rules and charges published herein will NOT apply to railroad cars leased, through written lease or agreement, for loading, unloading and/or storage of commodities while held on private tracks of the lessee of the car. Leased cars ordered out to this railroad to hold for disposition, but subsequently ordered returned to tracks of the lessee, are subject to any applicable intra-terminal switch charges anti to demurrage charges from the first 12:00 midnight after the cars are received by the railroad until disposition is furnished without free time allowance and without notice.

**ITEM 1530 - CARS RECEIVED UNDER LOAD AND HELD FOR FORWARDING DIRECTIONS (EXCEPTION TO ITEM 3150)**

On loaded railroad owned or leased cars received from another railroad, in which the empty equipment had been furnished by the UP, which are part of multiple car shipments of grain or soybean meal billed in units of 25 or more cars, and held by Union Pacific Railroad for forwarding directions or other disposition, demurrage will be assessed from the first 12:00 midnight after receipt of the final car in each unit shipment.

**\*ITEM 1805-A Item CANCELLED, account obsolete.**

**ITEM 1810 - PUBLIC DELIVERY TRACK**

Any accessible track open to the general public for loading or unloading.

**ITEM 1820 - OTHER THAN PUBLIC DELIVERY TRACK**

Any railroad track or portion of a track assigned for individual use or for joint use. Including privately owned or leased tracks.

**ITEM 1830 - PRIVATE TRACK**

A track outside of this railroad's right-of-way, yard and terminals, and of which this railroad does not own, either rails, ties, roadbed or right-of-way. When a track or portion thereof owned or operated by this railroad is assigned to the purpose of its user through a written agreement, such lease or agreement will be considered as equivalent to ownership and the track or portion thereof treated as a private track. A track or portion thereof will be considered the private track of each of two or more parties when written consent has first been obtained from this railroad for such joint use of its track which has been assigned through a written lease or written agreement or when written notice of such joint use has been furnished this railroad by the owner of a private track prior to actual placement of a car for account of any joint user of the track.

*\*Denotes a new or changed item or publication clarification.*



SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**ITEM 1840 - PRIVATE CAR**

A private car is a car bearing other than railroad reporting marks and which is not a railroad-controlled car.

**ITEM 1850 - RAILROAD CONTROLLED CARS**

A railroad-controlled car is a car provided to a railroad directly, by car companies or others, for indiscriminate use by the railroad in serving any of its customers.

**ITEM 1860 - HOLIDAYS**

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

1. New Year's Day - January 1 (see Note 1)
2. Presidents Day
3. Good Friday - Friday before Easter Sunday
4. Memorial Day - Last Monday of May
5. Independence Day - July 4 (see Note 1)
6. Labor Day - First Monday of September
7. Thanksgiving Day - Fourth Thursday of November
8. Friday after Thanksgiving - Fourth Friday of November
9. Christmas Eve - December 24 (see Note 1)
10. Christmas Day - December 25 (see Note 1)
11. New Year's Eve - December 31 (see Note 1)

**NOTE 1.** When this date occurs on a Sunday, the following Monday will be observed as the holiday.

**ITEM 1870 - CONSIGNOR**

The party in whose name cars are ordered and/or the party who furnishes this railroad forwarding directions.

**ITEM 1880 - CONSIGNEE**

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

**ITEM 1890 - ACTUAL PLACEMENT**

Actual Placement is made when a car is placed in an accessible position for loading or unloading or at a point previously designated by the consignor or consignee.

**ITEM 1900 - CONSTRUCTIVE PLACEMENT**

When a car consigned or ordered to a private track, an industrial interchange track, or an other-than-public delivery track cannot be actually placed because of a condition attributable to the consignor or consignee, such car will be held at destination, or if it cannot reasonably be accommodated there, at an available hold point and notice shall be sent or given the consignor or consignee that the car is held (naming the hold point if not held at destination) and that this railroad is unable to effect placement; however, if car is placed on the private track, industrial interchange track or other-than-public delivery track serving the consignor or consignee, the car shall be considered constructively placed without notice.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**ITEM 1910 - CARS ACTUALLY OR CONSTRUCTIVELY PLACED AT EXACTLY 12:00 MIDNIGHT**

When cars are actually or constructively placed at 12:00 midnight, the time shall be computed from the same 12:00 midnight and placement shall be determined by the precise time the engine cuts loose.

**ITEM 1920 - TIME TO BE OBSERVED**

In the application of these rules, the time to be properly applied is the time, daylight saving time or standard time, lawfully in effect in the community where the car is held.

**\*ITEM 2110-C - FREE TIME**

Free time as designated will be allowed for each car: (Except as otherwise provided herein.)

**FORTY-EIGHT (48) HOURS**

1. Complete unloading as defined in Items 2905 - 2970.

**TWENTY-FOUR (24) HOURS**

1. Partial or complete loading as defined in Items 2605 - 2670.
2. Partial unloading as defined in Items 2905 - 2970.
3. Partial unloading and reloading.
4. Loading or unloading all commodities handled in intraplant switching service as defined in the switching or other tariffs of this railroad and will include "set-back service" as defined in tariffs of this railroad.
5. Diversions, Reconsignments or Reshipment.
6. Held in transit:
  - a. On order of consignor, consignee or owner of the freight.
  - b. For surrender of order notify bill of lading or payment of lawful charges.
  - c. Grain inspection - Exception: See Item 3130.
  - d. Freight in bond for customs entry, Government inspection, or certification.

Free time will be computed from the first 12:00 midnight after placement, or after proper notification has been sent or given where required. For the purpose of computing free time, Sundays and holidays will be excluded.

**EXCEPTION 1.** Carload shipments of commodities taking Standard Transportation Commodity Code 24-series held for Diversion or Reconsignment shall not be allowed any free time.

**ITEM 2120 - EMPTY CARS ORDERED OR APPROPRIATED FOR LOADING BUT NOT USED**

When empty cars are ordered or appropriated but not used in transportation service, demurrage will be charged for all detention, including Saturdays, Sundays and holidays, from the date and time of actual or constructive placement or appropriation until released, with no free time allowance.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**ITEM 2130 - CARS RECEIVED UNDER LOAD AND HELD FOR FORWARDING DIRECTIONS**

On loaded cars received from another railroad, or loaded private cars received from private tracks, and held by this railroad for forwarding directions or other disposition, time will be computed from the first 12:00 midnight after they are received and without free time allowance until proper forwarding directions or other disposition, is furnished except that cars received between 5:00 p.m. and 12:00 midnight will not be subject to demurrage if disposition or forwarding directions are received prior to the following 12:00 noon, exclusive of Sundays or holidays.

On loaded cars received from another railroad and held by this railroad for forwarding directions or other disposition, demurrage will be assessed from the first 12:00 midnight after receipt, without free time allowance and without notice, until proper forwarding directions or other disposition is furnished, except that cars received between 5:00 p.m. and 12:00 midnight will not be subject to demurrage if disposition or forwarding directions are received prior to the following 12:00 noon, inclusive of Sundays and holidays.

**ITEM 2140 - ONE CAR - TWO CARLOAD SHIPMENTS, AND MORE THAN ONE CONSIGNOR OR CONSIGNEE**

When a car is held for loading or unloading two or more carload shipments by more than one consignor or consignee at the same station, each consignor or consignee shall be allowed a total of twenty-four (24) hours free time to load or forty-eight (48) hours free time to unload, completely free of any interference by the other consignor or consignee.

**ITEM 2150 - CARS MOVING FROM INITIAL POINT OF LOADING OR UNLOADING (SEE NOTE 1)**

When a car placed for loading or unloading (other than for intraplant service), whether or not partly loaded or partly unloaded at initial point, is moved by railroad or private power to another point within the confines of the same industry, or to another point in the same public delivery, yard, or to a track of this railroad for subsequent return to the same industry or public delivery yard for completion of loading or unloading; twenty-four (24) hours free time for completion of loading or forty-eight (48) hours for completion of unloading shall be allowed for the entire transaction; except that, when this railroad makes a charge for such movement, the time incident thereto shall not be computed against the car.

NOTE 1. This item does not apply to private cars removed from private tracks.

**ITEM 2160 - CARS UNLOADED AND RELOADED WHERE CARRIER PERFORMS SWITCHING SERVICE**

When the same car is both unloaded and reloaded, each transaction will be treated as independent of the other and the free time for reloading shall not begin until the first 12:00 midnight after unloading is complete and advice given in accordance with paragraph (5) of item 2905. When empty release information is not furnished, car will be released from the unloading transaction at 12:00 midnight of the date forwarding directions are received.

**ITEM 2170 - CARS UNLOADED AND RELOADED WHERE INDUSTRY PERFORMS SWITCHING SERVICE**

When the same car is both unloaded and reloaded, each transaction will be treated as independent of the other and the free time for reloading shall not begin until the first 12:00 midnight after unloading is complete, in which case the industry must notify this railroad date and time car was unloaded and this advice must be given within two (2) days, exclusive of Sundays and holidays, after completion of unloading. If this information is not furnished within the two (2) day period, car will be released from the inbound demurrage transaction on the date and time empty release information is received or, in the event the unloading information is not furnished before 12:00 midnight of the date loaded car is returned to the interchange track, 12:00 midnight of the date loaded car is returned to the interchange track will be the time and date to be observed on the inbound demurrage transaction.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**ITEM 2190 - CARS FOUND TO BE OVERLOADED OR IMPROPERLY LOADED**

When cars are found to be overloaded or improperly loaded and not in conformity with railroad loading and clearance rules, the following will apply unless otherwise provided in individual railroad tariff's lawfully on file:

1. If found while still on industry or railroad tracks where loaded, car will be considered to be under continuous loading transaction until adjustment of the load has been made, if necessary, and final clearance is received for further movement (see Note 1).
2. If found at origin after having been removed from industry or railroad tracks where loaded, car will not be considered released until load has been adjusted, if necessary, and final clearance is received for further movement. The time between furnishing of forwarding directions and making of car available to consignor for adjustment will not be computed against car (see Note 1).
3. If, after having left origin station, a car found to be overloaded is held in transit, twenty-four (24) hours will be allowed to adjust the load. Time will be computed from the first 12:00 midnight following notice that car is being held (see Note 1).

NOTE 1. Adjustment of load must include advice to authorized personnel of this railroad that shipment now conforms to railroad loading and/or clearance rules, and is now ready for inspection and/or measurements to permit final clearance for further movement.

**\*ITEM 2400-A -** Item CANCELLED account obsolete

**\*ITEM 2410-A - CARS LEASED FOR STORAGE OF COMMODITIES**

Cars of railroad ownership and cars of private ownership leased when empty, for the storage of commodities or for intraplant or intraterminal switching service, while held on private tracks of the lessee of the car, provided the use thereof is in no way connected with any transportation service for which a tariff charge is assessed, except switching charges are not subject to demurrage. Cars loaded while under lease and subsequently shipped outbound, except in intraplant or intraterminal switching service, will be subject to these demurrage rules and charges for all detention from date such outbound loading began. Cars loaded while under lease and ordered out to the railroad to hold for disposition, but subsequently ordered returned to tracks of lessee, subject to demurrage charges from the first 12:00 midnight they are received by the railroad until disposition is furnished with no free time allowance and without notice.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**ITEM 2420-A - PRIVATE CARS HELD OR STORED ON PRIVATE OR RAILROAD TRACKS** (Continued on the following page)

**PART A**

1. Loaded private cars held on private tracks at destination will be subject to demurrage rules and charges of this tariff only when such cars are railroad controlled cars, or before the car leaves point of shipment or reconsignment, the bill of lading, shipping order, reconsigning order or other shipping document used to direct movement to the point at which held indicates car is subject to Paragraph 1, Item 2420 (see Note 1).
2. Loaded private cars, consigned or ordered for delivery to private tracks, which are exempt from demurrage rules and charges of this tariff, after delivery to private tracks but which first must be held on railroad tracks under constructive placement are subject to demurrage charges as provided in this tariff, after expiration of:
  - A. Twenty-four (24) hours free time when diverted, reconsigned or reshipped before delivery to private tracks; or,
  - B. Forty-eight (48) hours free time when delivered to private tracks.

Such cars will be considered released from the applicable demurrage transaction of (A) or (B) above at the time the diversion, reconsignment or reshipment order is received, or at the time placement is made on the private tracks to which consigned or ordered.

3. Loaded or partially loaded cars removed from private tracks on orders are subject to demurrage charges as provided in this tariff, without free time allowance and without notice, from the first 12:00 midnight after such cars are received until forwarding directions are furnished or until the cars are placed on or returned to private tracks on orders. In the event these cars are received between 5:00 p.m. and 12:00 midnight, they will not be subject to demurrage if forwarding directions are received prior to the following 12:00 noon, inclusive of Sundays and holidays (see Note 2).
4. Empty private cars on railroad or private tracks, including such cars sent by the owner to a shipper for loading, will not be subject to these demurrage rules.
5. Loaded or partially loaded private cars removed from private tracks on orders are subject to demurrage charges as provided in Part 1, this tariff, without free time allowance and without notice, from the first 12:00 midnight after such cars are received until forwarding directions are furnished or until the cars are placed on or returned to private tracks on order.
6. The E.R.I. Plan provisions of this tariff apply to private cars only to the extent provided below:
  - A. E.R.I. credits cannot be earned on private cars except those subject to Paragraph (1) above or cars loaded or unloaded on other than private tracks.
  - B. Debits cannot accrue on private cars except cars loaded or unloaded on other than private tracks and those subject to Paragraphs (1) and (2)(B) above, but debits accruing on such cars may be offset by E.R.I. credits earned on other cars.

NOTE 1. If due to clerical error said notation is not placed on bill of lading, shipping order, reconsigning order or other shipping document, originating carrier will accept request from consignor in writing, or confirmed in writing, to add same to the original bill of lading, shipping order, reconsigning order or other shipping document. However, said request must be made prior to date of arrival of car at the billed destination.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**ITEM 2420-A- PRIVATE CARS HELD OR STORED ON PRIVATE OR RAILROAD TRACKS (Concluded)**

PART B

For the purpose of applying items in this tariff, private cars on private tracks will be exempted from the rules and charges (see Notes 1, 2 and 3).

NOTE 1. For the purpose of applying this paragraph: A private car is a car bearing other than railroad reporting marks and which is not a railroad-controlled car. A railroad-controlled car is a car provided to a railroad directly by car companies or others; for the indiscriminate use by the railroad in serving any of its customers; the control of the use and further use of such cars is in the hands of the railroad.

NOTE 2. Loaded private cars while held on railroad tracks will be subject to the applicable rules and charges of this tariff.

NOTE 3. Empty private cars stored on railroad tracks, including such cars sent by the owner to a shipper for loading, are not subject to these demurrage rules.

**\*ITEM 2450-A - CARS USED FOR TEST PURPOSES**

Cars used for the purpose of testing loading and unloading procedures, new types of dunnage and new type of equipment as authorized by this railroad are not subject to demurrage.

**\*ITEM 2480-A - CARS USED IN TRANSPORTING CIRCUS OR SHOW OUTFITS**

Cars used in the transporting of Circus or Show Outfits are not subject to demurrage when other rules and charges applicable to the detention of such cars are provided in the tariffs or contracts covering the movement.

**\*ITEM 2490-A - CARS UNDER LOAD WITH COMPANY MATERIAL AND EMPTY CARS HELD FOR LOADING COMPANY MATERIAL FOR THIS RAILROAD**

Cars under load with company material and empty cars held for loading company material for this railroad are not subject to demurrage when on its tracks or private sidings connected therewith including cars loaded or empty cars to be loaded with company material delivered to an industry for processing or other handling for this railroad.

**\*ITEM 2500-A - CARS MOVING UNDER FREIGHT RATES REQUIRING APPLICATION OF SPECIAL DEMURRAGE RULES**

Cars will not be subject to the demurrage provisions and/or charges as published in this section when other demurrage provisions and/or charges are specifically provided for in this publication or applicable pricing documents.

**\*ITEM 2510-A - CARS UNDER LOAD WITH LIVESTOCK**

Cars under load with livestock will not be subject to demurrage. This exemption does not include cars held for or by shippers for loading of livestock. Live poultry will not be considered as livestock.

**\*ITEM 2520-A - CARS CONTAINING FREIGHT REFUSED OR UNCLAIMED AND SUBSEQUENTLY SOLD BY THIS RAILROAD FOR CHARGES**

Cars containing freight refused or unclaimed and subsequently sold by this railroad for charges will not be subject to demurrage when and for the time held for convenience of this railroad beyond legal requirements.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**\*ITEM 2530-A - CARS ASSIGNED TO SHIPPERS RETURNED TO POINT OF ASSIGNMENT UNDER LOAD**

Cars assigned to shippers returned to point of assignment under load will not be subject to demurrage when containing:

- (1) Less-than-carload freight.
- (2) Material authorized to be returned without freight charges under provisions of freight tariffs.

**\*ITEM 2550-A - RAILROAD AND PRIVATELY-OWNED CARS AND OTHER RAILROAD AND PRIVATELY-OWNED EQUIPMENT MOVING ON OWN WHEELS AS FREIGHT AT TARIFF RATES**

Railroad and privately owned cars and other railroad and privately-owned equipment moving on own wheels as freight at tariff rates are not subject to demurrage while held:

- (1) On tracks of this railroad.
- (2) On private tracks unless subsequently loaded outbound subject to applicable carload rates, in which case provisions in this tariff governing cars held for loading are applicable.

**ITEM 2605 - RULE GOVERNING CARS HELD FOR LOADING**

Loading is the complete or partial loading of a car within the confines of the same industry or public delivery yard and must be completed in conformity with railroad loading and clearance rules. Loading includes the following: (1) advice that car is ready for forwarding; (2) furnishing of forwarding directions; (3) advice that car is ready for forwarding after being held to finish loading; and (4) advice that car is ready for railroad inspection and/or measurement to obtain final clearance for movement via route shown on forwarding directions, (open top equipment) (see Note 1).

NOTE 1. When this railroad utilizes electronic or mechanical devices, which accept communication, either written, or oral, the recorded date and time forwarding directions are received from the consignor will govern the release of cars.

**ITEM 2610 - FORWARDING DIRECTIONS**

The term "forwarding directions" means a bill of lading or other suitable order, given to this railroad and containing all of the necessary information to transport the shipment, which authorizes:

- (1) The immediate delivery of a car to a connecting line for further movement (only when car has been loaded in terminal switching service), or
- (2) The immediate forwarding of a car to a consignee at another location at the same station or to a consignee at another destination.

An order to move a car from a shipper's loading or storage track to this railroad's yard or hold track to be held for "forwarding directions", whether furnished by the party loading the car or another party, or a bill of lading or an order consigning the car to the agent of this railroad which has no beneficial interest in the lading, does not constitute "forwarding directions" under this section.

A bill of lading or other suitable order covering car(s) requiring clearance from all carriers in the routing will not constitute "forwarding directions" under this Section until clearance is received from all carriers in the routing.

When "forwarding directions", are furnished covering line haul movement, this information must include the consignee, the destination, the commodity description, whether prepaid or collect, and full instructions relative to stop-offs.

**ITEM 2620 - FORWARDING DIRECTIONS RECEIVED BY U.S. MAIL**

When this railroad receives forwarding directions by U.S. Mail or by wire, such instructions shall be considered as having been received after 12:00 midnight on the date received.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**ITEM 2630 - OTHER THAN PUBLIC DELIVERY TRACKS**

On cars for loading on other than public delivery tracks, time shall be computed from the first 12:00 midnight after actual or constructive placement, or after proper notification where required.

**ITEM 2640 - PUBLIC DELIVERY TRACKS**

On cars for loading on public delivery tracks, time shall be computed from the first 12:00 midnight after actual placement and without notice. However, notification shall be sent or given on cars not placed within twenty-four (24) hours after 12:00 midnight on the date for which cars were ordered to be placed; and, in such case, time shall be computed from the first 12:00 midnight after notification is sent or given to the consignor, or party ordering the car that the cars have been placed.

**ITEM 2650 - APPROPRIATED CARS**

When an empty car is appropriated, without being ordered, it shall be considered as having been ordered and actually placed at the time so appropriated. When an empty car placed on an order of one party is appropriated by another party without permission of this railroad, it shall be considered as having been initially ordered and placed on the order of the party appropriating the car.

**ITEM 2660 - EMPTY CARS PLACED PRIOR TO DATE FOR WHICH ORDERED**

On empty cars placed prior to date for which ordered, time shall be computed from 12:00 midnight of the date for which ordered except when loading commences prior to date for which ordered, time shall be computed from the first 12:00 midnight thereafter.

**ITEM 2670 - INTERCHANGE TRACKS OF INDUSTRIAL PLANTS**

On empty cars for delivery on interchange tracks of industrial plants performing switching service for themselves or for other parties, time shall be computed from the first 12:00 midnight after actual or constructive placement on such interchange tracks and continue until the cars are returned to the same or another interchange track and forwarding directions, when required, furnished in accordance with Item 2605. Where two or more parties, each with its own power, take delivery from the same interchange track, or where this railroad uses the interchange track for other cars; or where the interchange track is not adjacent to the plant and the industry uses the railroad track to reach the interchange track, a notice of placement shall be sent or given to the consignor and time shall be computed from the first 12:00 midnight thereafter.

*\*Denotes a new or changed item or publication clarification.*



SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**\*ITEM 2905-A - RULE GOVERNING CARS HELD FOR UNLOADING**

Unloading or partial unloading shall include:

- (1) The surrender of bill of lading on shipments billed "to order" or surrender of written order or advice, or surrender of other lawful substitute (see Note 1).
- (2) Payment of lawful charges when required prior to delivery of the car (see Note 1).
- (3) Furnishing of a "turnover" order (an order for delivery to another party) after car has been placed for delivery and no additional movement of the car is made to a point beyond the confines of the same industry or same public delivery yard.
- (3) Advice that the car is ready for forwarding, accompanied by forwarding directions when necessary, after being held to partly unload and partly reload.
- (4) Advice by consignee given to authorized personnel of this railroad, either by telephone or in writing, that car is unloaded and available to this railroad (see Note 2). Information given must include identity of consignee, party furnishing data and car initial and number, with record of such information being maintained by this railroad, including date and time of receipt and identity of party receiving the information.

NOTE 1. On cars requiring surrender of bill of lading, written order, advice, or other lawful substitute, or on cars requiring payment of lawful charges, whether such cars have been placed in position to unload or not, time will be computed from the first 12:00 midnight after notice of arrival is sent or given to the consignee or party entitled to receive same. When the bill of lading, order, advice, other lawful substitute, or payment of lawful charges is received by this railroad via U.S. Mail, it shall be considered as received after 12:00 midnight of the date received.

NOTE 2. Except as otherwise provided in Items 2160 and 2170, a car will be considered released at the date and time advice is received from consignee.

**ITEM 2910 - CARS HELD IN BREAKUP OR HOLD YARDS FOR ORDERS**

When a consignee has not notified this railroad of the track upon which he wishes his car placed, either by general or specific orders as to incoming freight at or prior to arrival of shipment, the car will be held at an available breakup or hold yard and time computed from the first 12:00 midnight after notice of arrival is sent or given to consignee or party entitled to receive same, until release as provided in applicable provisions of this tariff.

**ITEM 2920 - OTHER THAN PUBLIC DELIVERY TRACKS**

On cars for unloading on other than public delivery tracks, time shall be computed from the first 12:00 midnight after actual or constructive placement, or after proper notification where required.

**ITEM 2930 - PUBLIC DELIVERY TRACKS**

Except as provided in Items 2905, 2910 and 2940, on cars for unloading on public delivery tracks, time will be computed from the first 12:00 midnight after actual placement (see Note 1) and after required notice has been sent or given.

NOTE 1. When delivery of cars on public delivery track cannot be made on account of more cars on hand than such tracks will accommodate, such cars will be held at an available hold point and time computed from the first 12:00 midnight after notice of arrival at the hold point is sent or given consignee, provided one or more of such consignee's cars are placed or offered for placement each time the facility is switched. The provisions of this note are not applicable if prior to the first 12:00 midnight exclusive of Sundays and holidays after arrival notice is sent or given, consignee requests delivery at another public delivery track at destination where space is available. In such case the alternative delivery shall be made.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**ITEM 2940 - SPECIAL FACILITIES REQUIRED FOR UNLOADING**

Except as provided in Items 2905 and 2910, on cars for unloading at cranes, public delivery trestle tracks and other special facilities (see Note 1) furnished by this railroad because of the nature of the commodity, time will be computed from the first 12:00 midnight after actual placement (see Note 2) and after required notice has been sent given consignee.

NOTE 1. In the application of this item, docks or platforms and unloading pits provided by this railroad in public delivery yards for the convenience of consignees are not special facilities within the meaning of this item.

NOTE 2. When delivery of cars to the special facilities named in this item cannot be made on account of more cars on hand than the facilities will accommodate, cars will be held at an available hold point and time computed from the first 12:00 midnight after notice of arrival at the hold point is sent or given consignee, provided one or more of such consignee's cars are placed or offered for placement each time the facility is switched.

**ITEM 2950 - INTERCHANGE TRACKS OF INDUSTRIAL PLANTS**

On loaded cars for delivery on interchange tracks of industrial plants performing the switching service for themselves or for other parties, time shall be computed from the first 12:00 midnight after actual or constructive placement on such tracks and continue until the cars are returned to the same or another interchange track, and advice given in accordance with paragraph (5) of Item 2905. Where two or more parties, each with its own power, take delivery from the same interchange track, or where this railroad uses the interchange track for other cars, or where the interchange track is not adjacent to the plant and the industry uses this railroad track to reach the interchange track, a notice of placement shall be sent or given to the consignee and time shall be computed from the first 12:00 midnight thereafter.

**\*ITEM 2960-A - TIME OF RELEASE FOR CARS UNLOADED BY THIS RAILROAD**

When cars subject to these rules are unloaded by this railroad, such cars shall be released at the time request to unload is received from the consignor or consignee, provided this railroad is obligated by tariff provisions to unload. In the absence of such tariff obligation, release shall be effected at the time the unloading is completed at convenience of this railroad.

When freight is unloaded by this railroad in or upon railroad premises, railcars shall be subject to the Storage Rules and Charges from the time the cars are unloaded until car movement instructions are provided.

**ITEM 2970 - DELIVERING CARRIER AND CONSIGNEE UNABLE TO RECEIVE CARS**

When a delivering carrier is unable to accept the physical interchange of cars offered by a connecting railroad because of the consignee's inability to receive cars, the connecting railroad shall give the delivering railroad a notice showing each car initial and number, contents, consignee and, if transferred in transit, the initials and number of the original car. The delivering railroad will then send or give the consignee a notice of constructive placement.

**\*ITEM 3105-A - RULE GOVERNING CARS HELD FOR PURPOSES OTHER THAN LOADING OR UNLOADING**

Items 3106 - 3160 will apply when cars are held for purposes other than loading or unloading, including cars which have been tendered for loading or unloading under the provisions of Items 2605 - 2670 or Items 2905 - 2970 and which are later reconsigned, diverted, reshipped, or released empty after having been ordered or appropriated, in which event tender of a car under such Items will govern in computing time under these provisions. Cars held subject to the provisions of Items 3106 - 3160 will not be subject to the E.R.I. Item 1030.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**ITEM 3110-A- CARS HELD FOR RECONSIGNMENT, DIVERSION OR RESHIPMENT**

On cars held for reconsignment, diversion or reshipment, time will be computed from the first 12:00 midnight following the sending or giving of notice. The term "diversion" or "reconsignment" will be applied as defined in the reconsignment tariffs of this railroad, except that under this provision, a "turnover" (an order for delivery to another party) which does not involve an additional movement of the car to a point beyond, the confines of the same industry or same public delivery yard is not a reconsignment for the purposes of applying this provision. A "reshipment" is the making of a new contract by which, under a new rate, the entire original lading, without being unloaded, is forwarded in the same car to another destination, or another place of delivery at the same destination, which requires a movement beyond the confines of the industry or the public delivery yard where the car has been originally delivered. When diversion or reconsignment is consummated on an order mailed, wired, or otherwise transmitted by the consignor to an agent of this railroad, or an agent of any railroad which has participated in the transportation transaction, such order will be considered as having been received after 12:00 midnight on the date received. When an order is received for "reshipment" it shall contain all the necessary information to transport the shipment to its new destination; and, if the order for "reshipment" is transmitted by U.S. Mail, it shall be considered as having been received after 12:00 midnight of the date received.

EXCEPTION 1. For Carload shipments of commodities taking Standard Transportation Commodity Code 24-series held for Diversion or Reconsignment, time will be computed at the time the car is put into Diversion/Reconsignment status.

**ITEM 3120 - CARS HELD IN TRANSIT**

When cars are held in transit due to, or on orders of the consignor, consignee, or owner, time will be computed from the first 12:00 midnight following the sending or giving of notice of arrival. Included are cars destined for delivery to a connecting line, cars found to be overloaded or improperly loaded, and cars held for surrender of order-notify bills of lading or payment of lawful charges, or for any purpose not otherwise specifically provided for in these rules. Cars will be released at the time the order bills of lading, or lawful charges are received by an agent of this railroad or an agent of any railroad which has participated in the transportation transaction or an order sufficient to move the cars to a consignee at another station: however, if such order, bill of lading, or payment of lawful charges is received by U.S. Mail, it will be considered as having been received after 12:00 midnight of the date received.

**ITEM 3130 - CARS OF GRAIN HELD IN TRANSIT FOR INSPECTION**

When cars of grain, seeds (field or grass), grain screenings, soybeans, hay, straw, corn husks or corn shucks, or pummies, unground, subject to official inspection or grading are held in transit and placed on. Inspection track(s) of this carrier at designated stations for inspection or grading, including reconsignment or other disposition, the free time will begin at the first 12:00 midnight after the notice of arrival is sent or given to the consignee or party entitled to receive same or after bulletin has been posted where such practice is in vogue and will expire at the following 6:00 p.m. A demurrage day under this item consists of a twenty-four (24) hour period computed from 6:00 p.m.

When the consignee has agreed with this railroad in writing to accept the bulletining of cars as due and adequate notice of arrival, the bulletins must be posted by 9:00 a.m. of each day showing receipt since the last previous bulletin. Any bulletin posted on a Sunday or holiday shall for the purpose of calculating free time, be treated as posted as of 9:00 am the first day thereafter which is not a Sunday or holiday.

In the application of this item, the term "held in transit" means after the cars have left the last loading station and before delivery at point of unloading. This item will not apply to cars held for inspection at the station where loaded, nor to cars billed direct to public team tracks, or to elevators, mills or other industries within the switching limits of the billed destination, and there inspected and delivery taken.

The term official inspection referred to in this item is the taking of representative sample or samples and establishing the official grade of the contents of the car by competent and impartial authorities independent of the vendor or vendee and only in accordance with National, State, Board of Trade or Grain Exchange authorization or requirements except that on hay, straw, corn husks or corn shucks, or pummies, unground, the inspection may be as necessary or desired.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**ITEM 3140 - EMPTY CARS ORDERED OR APPROPRIATED FOR LOADING BUT NOT USED**

When empty cars are placed on orders or appropriated but not used in transportation service, demurrage will be charged for all detention, including Sundays and holidays, from actual or constructive placement or appropriation until date and time advice is given to authorized personnel of this railroad, either by telephone or in writing, that such cars will not be used and are available to this railroad (see Note 1).

In the application of this item a demurrage day consists of a twenty-four (24) hour period or fraction thereof computed from the hour of actual or constructive placement of the car or appropriation, except that on cars placed in advance of the date for which ordered for loading, time will be computed from 12:00 midnight of the day for which so ordered.

When a car so ordered and placed on a public track is not used, and no advice from the party who ordered the car has been received within forty-eight (48) hours, exclusive of Sundays and holidays, from the first 12:00 midnight after demurrage charges begin, the car may be removed and treated as released at the time of removal.

In event a car is rejected account not suitable for loading, this item will not apply if the party ordering the car advises this railroad of rejection and condition that caused car to be rejected with twenty-four (24) hours, exclusive of Sundays and holidays, after actual placement (see Note 1). These provisions will also apply in connection with cars that are held on constructive placement on shipper-owned or leased tracks.

If rejection has not been made within time specified in the previous paragraph, demurrage will be charged for all detention, computed as set forth in this item.

NOTE 1. Industries performing switching service for themselves or other parties must, in addition to advising this railroad that cars will not be used in transportation service for loading, return such cars to the industrial interchange track.

**ITEM 3150-B- CARS RECEIVED UNDER LOAD AND HELD FOR FORWARDING DIRECTIONS**

On loaded cars received from another railroad, or loaded private cars received from private tracks, and held by this railroad for forwarding directions or other disposition, time will be computed from the first 12:00 midnight after they are received until proper forwarding direction or other action is furnished, except that cars received between 5:00 p.m. and 12:00 midnight will not be subject to demurrage if disposition or forwarding directions are received prior to the following 12:00 noon, exclusive of Sundays and holidays.

On loaded cars received from another railroad and held by this railroad for forwarding directions, or other disposition, demurrage will be assessed from the first 12:00 midnight after receipt until proper forwarding directions or other disposition is furnished, except that cars received between 5:00 p.m. and 12:00 midnight will not be subject to demurrage if disposition or forwarding directions are received prior to the following 12:00 noon, inclusive of Sundays and holidays (see Note 1).

On Northbound loaded cars out of Mexico received through Nogales, AZ; Calexico, CA; Brownsville, Eagle Pass, El Paso or Laredo, TX from another railroad and held by this railroad for forwarding directions, or custom release, or other disposition, demurrage will be assessed from the first 12:00 midnight after receipt until proper forwarding directions, or custom release, or other disposition is furnished, except that cars received between 2:00 p.m. and 12:00 midnight will not be subject to demurrage if disposition or forwarding directions are received prior to the following 12:00 noon, inclusive of Sundays and holidays.

NOTE 1. When forwarding directions or other disposition cannot be furnished because of authorized personnel of this railroad not being on duty to accept the directions or other disposition, the consignor will have until 12:00 noon of the next day, on which this railroad has such personnel on duty to accept forwarding directions or other disposition and the forwarding directions or other disposition will be considered to have been furnished at the time during the railroad's off-duty hours that the consignor was ready, willing and able to furnish the forwarding directions or other disposition.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**ITEM 3160 - CARS CONTAINING FREIGHT IN BOND FOR CUSTOMS ENTRY, GOVERNMENT INSPECTION, OR CERTIFICATION**

On cars containing freight in bond for customers entry and government inspection, time will be computed from the first 12:00 midnight after notice has been given. Cars will be released at the date and time this railroad is furnished with release from customs entry and government inspection and disposition instructions.

**ITEM 3305 - NOTIFICATION REQUIREMENTS**

In all cases where the consignee, or other party is entitled to receive notification as provided in Items 3310 through 3460 of this section, such notification shall be sent or given by this railroad within twenty-four (24) hours, exclusive of Sundays and holidays, of arrival of car at destination or hold point. However, no notice is required to be sent or given where the movement or transportation rate of a car initially tendered under demurrage or detention provisions of other parts of this tariff or other tariffs are changed so as to bring the detention of such cars under the provisions of this tariff. In such case the tender required under other tariffs will constitute the required notice of this tariff.

Nothing in this section will preclude this railroad from sending or giving notification on Sundays and holidays when it is in a position to do so.

**ITEM 3310 - CARS CONSTRUCTIVELY PLACED**

Notification of constructive placement shall be sent or given for all cars (loads and empties) which are held on tracks of this railroad at available hold points or at billed destination because of any condition attributable to the consignee or consignor which prevents this railroad from making actual placement. Such cars which have been placed by this railroad on private or other than public delivery tracks, including lead tracks serving the consignee or consignor shall be considered constructively placed without notice.

**ITEM 3320 - CARS FOR UNLOADING ON PUBLIC DELIVERY TRACKS**

Notice of arrival shall be sent or given within twenty-four (24) hours of arrival of car at destination or hold point. In case car is not placed within twenty-four (24) hours from the first 12:00 midnight after notice of arrival has been sent or given, notice of placement shall be sent or given (see Note 1).

NOTE 1. Where car is held for special purpose of consignee as provided in Items 2905, 2910, 2930 and 2940, placement notice shall be sent or given only in case car is not placed within twenty-four (24) hours from the first 12:00 midnight after order for placement is received.

**ITEM 3330 - CARS FOR LOADING ON PUBLIC DELIVERY TRACKS**

Notice of placement shall be sent or given only when car is placed twenty-four (2.1) hours or more after 12:00 midnight of the date for which ordered.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**\*ITEM 3340-A - CARS HELD FOR SPECIAL PURPOSES**

Notice of arrival shall be sent or given within twenty-four (24) hours of arrival of car at destination or hold point under the following conditions:

- (1) When the consignee has not notified this railroad of the track upon which he wishes his car placed, either by general or specific orders as to incoming freight at or prior to arrival of shipment.
- (2) When surrender of bill of lading on shipment billed "to order", surrender of written order or advice, or surrender of written order or advice, or surrender of other lawful substitute.
- (3) Payment of lawful charges when required prior to delivery of the car.

**ITEM 3350 - CARS STOPPED IN TRANSIT**

When cars are held in transit because of any condition solely attributable to the consignor, consignee, or owner, a notice shall be sent or given to the party ordering the car stopped upon arrival of cars at the point of stoppage. This will not apply to cars stopped in transit for milling or other in-transit privilege, but notice as otherwise required shall be sent or given to the party designated to perform the milling or other in-transit service.

**\*ITEM 3360-A - REFUSED CARLOAD FREIGHT**

When carload freight is refused at destination, this railroad shall within twenty-four (24) hours after being advised of refusal to the consignor or owner when known.

**\*ITEM 3370-A - UNCLAIMED CARLOAD FREIGHT**

When carload freight cannot be delivered by this railroad and remains on hand undelivered and unclaimed at the expiration of three (3) days (perishable), or five (5) days (non-perishable), a notice to that effect shall be sent to the consignor or owner when known.

**ITEM 3380 - EXCEPTIONS TO NOTIFICATION REQUIREMENTS IN ITEM 3370**

Notification of unclaimed carload freight shall not be sent under the following circumstances:

- (1) When actually placed, or constructively placed, for delivery or other than public delivery tracks or industrial interchange tracks serving the consignee.
- (2) When the consignee has paid the freight charges at the destination, or has ordered in writing that the car be placed for unloading.
- (3) When the consignor has advised either the destination or originating railroad in writing that such notice is not required.
- (4) When the consignor and consignee are the same and a notice of arrival has previously been sent or given.
- (5) When the bill of lading has been surrendered or an indemnity bond furnished for shipment covered by "to order" bills of lading.
- (6) When consignor or owner has been previously sent or given a notice by wire that the car is being held for disposition instructions.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**\*ITEM 3390-A - METHODS AND PROCEDURES FOR NOTIFICATION**

Notification may be sent or given:

- (1) Notification may be sent or given by electronic transmission.
- (2) By personal or telephone communication (see Note 1).
- (3) By action of the consignee (see Item 3420).
- (4) By delivery of cars upon other than public delivery tracks or industrial interchange tracks serving consignee or consignor.

NOTE 1. When consignor or consignee utilizes an electronic or mechanical device to accept messages (either in written or oral form), notification left on such device will be considered as having been given to consignor or consignee, as the case may be.

**ITEM 3410-A- NOTIFICATION BY PERSONAL OR TELEPHONE COMMUNICATION**

Written confirmation of personal or telephone notification will be furnished to consignor or consignee when consignor or consignee has filed a written request with this railroad. A written record of personal or telephone notification, including requested confirmation, shall be maintained by this railroad's agent (see Note 1).

NOTE 1. When consignor or consignee utilizes an electronic or mechanical device to accept messages (either in written or oral form), notification left on such device will be considered as having been given to consignor or consignee, as the case may be.

**ITEM 3420-A- NOTIFICATION BY ACTION OF CONSIGNEE**

In all cases where any part of the contents of the car has been inspected or removed by the consignee prior to the sending or giving of notice, such inspection or removal shall constitute the required notification.

**ITEM 3430-A- NOTIFICATION BY DELIVERY OF CARS UPON OTHER-THAN-PUBLIC-DELIVERY TRACKS OR INDUSTRIAL INTERCHANGE TRACKS**

Delivery of cars upon other-than-public-delivery tracks or upon industrial interchange tracks, including lead tracks of the consignee or party entitled to receive same, will constitute notification to consignee.

**ITEM 3440 - INFORMATION REQUIRED FOR NOTIFICATION**

Notification information shall include:

- (1) Car initial and number - all notifications. If contents transferred en route, must include original car initial and number.
- (2) Contents - all notifications.
- (3) Pint of shipment - unless the consignor and/or broker has advised otherwise - for arrival notification only.
- (4) Hold point - for constructive placement notification when cars are held short of billed destination.

**ITEM 3450 - RAILROAD FAILURE TO SEND OR GIVE REQUIRED NOTICE**

When this railroad fails to send or give the consignee or consignor the required notice of arrival or placement, or the required notice of refused or unclaimed carload freight, the consignee or consignor shall not be charged demurrage from the first 12:00 midnight after the notice should have been sent or given to the first 12:00 midnight following the date it was actually sent or given, provided, that if through error, notice of refused or unclaimed freight is transmitted by mail instead of by wire, this waiver of liability for demurrage charges shall be terminated on the date such mailed notice is received by the consignor.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**ITEM 3460 - INSUFFICIENT INFORMATION IN ARRIVAL NOTIFICATION**

When notice of arrival does not contain all of the information specified in Item 3440, the consignee or party entitled to receive notification shall not have the right to question the sufficiency of such notice unless within forty-eight (48) hours from the first 12:00 midnight after notice of arrival has been sent or given to the consignee or party entitled to receive same, he shall furnish this railroad's agent a written statement of the omitted information required, in which event the time between receipt of such statement and the furnishing of the omitted information will not be computed against the consignee. When this railroad handles the car in switching service only, he will transmit the request to the inbound line-haul railroad's agent, who will promptly furnish the information direct to the consignee and advise this railroad's agent the date and time furnished.

**\*ITEM 3605-A - ALLOWANCES PERMISSIBLE FOR RELIEF OF DEMURRAGE CHARGES**

Demurrage charges assessed or collected for detention of cars through causes named in Items 3605 – 3670 will, subject to conditions set forth herein, be promptly cancelled or refunded.

**\*ITEM 3610-A - STRIKE INTERFERENCE**

When it is impossible to load or unload or receive cars from or make cars available to this railroad because of strike interference at the point where the loading or unloading is to be accomplished, the detention to each car due to this cause from the first 12:00 midnight after such interference begins until the first 12:00 midnight after such interference ceased will be excluded in computing time and charges, provided a claim in writing is presented to this railroad within (30) days, exclusive of Sundays and holidays, after the date on which the strike interference ceases, or the date on which demurrage bill is rendered, whichever is latest, stating the date and time strike interference began and ended. Such detention will be charged for at the rate of \$11.00.

- (1) Inbound cars when forwarding directions are furnished at point of loading of the freight subsequent to four days, exclusive of Sundays and holidays, starting with the first 12:00 midnight after the beginning of strike interference.
- (2) Inbound cars when reshipped, reconsigned or diverted to a strike bound point of unloading subsequent to two days, exclusive of Sundays and holidays, starting with the first 12:00 midnight after the beginning and prior to the termination of strike interference.
- (3) Cars held on orders of the consignee, consignor, or owner of the freight when the strike bound point of unloading is not served by this railroad.
- (4) Cars held short of destination station on orders of the consignee, consignor, or owner.
- (5) Cars held because of a strike at another plant than that where the cars are to be loaded or unloaded.
- (6) Cars for loading when ordered or appropriated after the beginning and prior to the termination of strike interference.

*\*Denotes a new or changed item or publication clarification.*



SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**\*ITEM 3640-A - WEATHER INTERFERENCE**

Relief shall be granted under the following conditions:

- (1) On cars subject to Item 3140, when the condition of the weather during any part of the first forty-eight (48) hours after actual placement is such as to make it impossible to place freight in cars without serious injury to the freight, no demurrage shall be charged for the period of weather interference during such forty-eight (48) hours, provided claim stating fully the condition which prevented loading is presented in writing to this railroad within thirty (30) days, exclusive of Sundays and holidays, after date on which demurrage bill is rendered.
- (2) When because of floods, earthquakes, hurricanes or tornadoes and conditions in the devastated area resulting therefrom, it is impossible for a consignor or consignee to get to a car or to load or to unload, the detention directly chargeable thereto shall be eliminated from demurrage charges assessed and billed, providing a claim is presented in writing to this railroad within ninety (90) calendar days after date on which demurrage bill is rendered, stating fully the conditions which prevented the loading and unloading.
- (3) When, at the time of actual placement, lading is frozen or congealed so as to require heating, thawing or loosening to unload, a consignee desired additional free time for unloading shall, prior to the expiration of ten (10) days, exclusive of Sundays and holidays, after the date on which the car was released, send or give this railroad's agent a written statement certifying by car initial and number: (a) the day or days (12:00 midnight to 12:00 midnight) on which car was on actual placement and during which any time was expended in heating, thawing or loosening to unload the car; (b) the day (12:00 midnight to 12:00 midnight) on which car was actually unloaded. If the written statement is mailed, the date of mailing shall be determined by the postmark. This carrier will relieve charges accrued or assessed while car was on actual placement for the day or days so certified in part (a) of the statement with a maximum of two (2) days; except, the carrier will not relieve the day on which a car was actually unloaded as certified in part (b) of the consignee's statement.

**ITEM 3650 - ORDERS OR FORWARDING DIRECTIONS DELAYED IN U.S. MAIL**

When an order to move, forward or release a car is sent to this railroad by U.S. Mail, whether it is received late or not at all, it shall be considered to have been received after 12:00 midnight on the date it should have been received, provided claim in writing is filed within ten (10) days from date on which demurrage bill is rendered, supported with proof that the order was deposited in the U.S. Mail, properly stamped and addressed on date claimed. In the absence of such proof, the car shall be released after 12:00 midnight on the date the order or subsequent instructions were received. When an order is received by U.S. Mail, the date of mailing shall be determined by the postmark.

**ITEM 3660 - MOVEMENT FROM HOLD POINT TO DESTINATION**

When cars are held at an available hold point short of destination and constructive placement notice is sent or given, the time of movement between hold point and destination and any other time for which the railroad is responsible, will not be computed against the consignor or consignee.

No allowance will be made for time of movement when:

- (a) Cars are constructively placed on the basis that free time will begin at the same time it would have begun had the cars moved normally to destination, and
- (b) Cars are subsequently brought to destination prior to being ordered for actual placement.

*\*Denotes a new or changed item or publication clarification.*

SUPPLEMENT 44 TO TARIFF UP 6004  
SECTION 1  
GENERAL CAR DEMURRAGE RULES AND CHARGES

**ITEM 3670 - RAILROAD ERROR**

In event of error by railroad named in the bill of lading contract or participating in the transportation transaction which prevents acceptance, proper tender or delivery including the demand of payment of transportation charges in excess of tariff authority, demurrage will be charged on basis of the amount that would have accrued but for such error. When cars are inaccessible for loading or unloading, allowance will be made for detention directly chargeable thereto, subject to conditions set forth below:

- (1) On other-than-public-delivery tracks when there is disability of this railroad.
- (2) On public delivery tracks only when an obstruction is on the premises of this railroad.

No allowance will be made for delay in placing nor for interruption in loading or unloading cars consigned or ordered to a track, other than a public delivery track, used by two or more shippers or consignees, when such delay or interruption is attributable to such joint use of such track, except that due allowance will be made if a car displaced in switching is not replaced when the switching is completed.

Demurrage charges assessed and billed will not be relieved under this item unless claim is presented in writing to this railroad within ninety (90) calendar days after date on which demurrage bill is rendered, stating the conditions for which relief is claimed.

*\*Denotes a new or changed item or publication clarification.*