

**APPALACHIAN AND OHIO RAILROAD**



**COAL TARIFF AO 4000**

**NAMING  
RULES AND CHARGES  
ON  
UNIT TRAIN SHIPMENTS OF COAL (STCC 11)**

**Cancels and Supersedes Tariff AO-6001-C as of the effective date**

<b>FROM</b>	<b>TO</b>
Mines and stations on the Appalachian and Ohio Railroad	Interchange points on the Appalachian and Ohio Railroad
Interchange points on the Appalachian and Ohio Railroad	Mines and stations on the Appalachian and Ohio Railroad

**ISSUED: June 10, 2015**

**EFFECTIVE: July 1, 2015**

**ISSUED BY**

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## **APPLICATION OF TARIFF**

### **APPLICATION - ITEM 1**

This tariff contains rates, rules, regulation, etc. which govern the transportation of unit trains of bituminous coal from, to and between stations and interchanges served by the Appalachian and Ohio Railroad (AO).

If provisions in other lawful tariffs to which the AO is a party contain provisions which conflict with the provisions of this tariff, this tariff shall supersede and govern the commodities named herein.

## **RULES AND OTHER REGULATIONS**

### **STATION LISTS AND CONDITIONS - ITEM 10**

This tariff is governed by the Official Railroad Station List, OPSL 6000-series, Railinc, Agent.

When a station is abandoned as of a date specified in the above named tariff, the rates from and to such station as published in this tariff are inapplicable on and after that date.

### **REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC. - ITEM 20**

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

### **CAPACITIES AND DIMENSIONS OF CARS - ITEM 30**

For marked capacities, lengths, dimensions and cubic capacities of cars, see the Official Railway Equipment Register.

### **METHOD OF AMENDMENT - ITEM 40**

When amended, this tariff will be replaced in its entirety using letter suffixes to cancel, replace and supersede the prior version, beginning with A. Tariff 4000 is replaced by 4000-A, which is replaced by 4000-B, etc.

### **INTRASTATE APPLICATION - ITEM 50**

Provisions in this tariff will apply on intrastate traffic to the same extent as applicable on interstate traffic.

## **LIMITATIONS ON UNIT TRAIN SERVICE - ITEM 60**

Unit train service requires special infrastructure and operating capabilities that differ from single car or multi-car service. AO is not capable of providing unit train service to or from every station. Customers must obtain AO Operations approval and confirmation that unit train service can be provided at a particular station and/or industry location prior to request for such service. Customers must confirm with any railroad connecting to AO that unit train service can be provided at locations to which customer wants to transport a unit train to or from.

## **CARS FURNISHED BY CONSIGNOR OR CONSIGNEE - ITEM 70**

Cars furnished by consignor or consignee for the transportation of products herein via the AO are not subject to the provisions of Tariff RIC 6007-series and any applicable mileages contained therein will not be paid by AO on cars used in movements on this railroad.

## **CHARGES FOR TRANSPORTING PRIVATELY OWNED/LEASED EMPTY COAL CARS - ITEM 80**

Transportation rates in tariffs or contracts published by AO or by another railroad that interchanges with AO include the movement of privately owned or leased empty railcars on AO to the point of loading or interchange with another carrier immediately prior to a loaded revenue move. AO will assess freight charges for empty private car moves in the following situations:

- Moves that are subsequent to a non-chargeable empty move.
- Moves that are subsequent to a chargeable empty move, unless the second move is immediately followed by a loaded move.
- Moves that are not associated with a loaded move, but are moves either to or from a storage location.

The charge for this service for unit trains of 70 cars or more is \$2.75 per mile per car, subject to a minimum charge of \$200.00 per car, subject to fuel surcharge tariff AO 8500. Shipments of less than 70 car lots are not subject to tariff AO 4000-Series, but AO 8001-Series.

**EXCEPTION:** This item will not apply on cars involved and damaged in derailments and sent to repair facilities for repair.

## **LOADING PERFORMED BY A&O - ITEM 100**

AO will provide loading service at the following mine locations (stations): Evergreen, Brooks Run 1, and Cowen. Loading service is defined as that service where AO crews break the empty unit train into sections, place to mine tracks, move the cars under the tipple for loading, and reconstitute the loaded cars into a unit train. Demurrage time begins when the AO crew has positioned the first car under the chute for loading and ends when the last car in the train has been loaded and billing submitted to AO. Free time allowance is 4.5 minutes per car. For example, the allowance for an 80 car train is 360 minutes. Time exceeding the allowance will be billed per the schedule in item 120.

If loading is suspended or delayed prior to completion for any cause attributable to the mine, requiring the release of the locomotives and/or crew or addition of a relief crew, a charge of \$2,000.00 per consignment will be made upon recall of locomotives and/or use of a relief crew. When loading or unloading operations are suspended, or when a train is constructively placed, the locomotives and cars are subject to demurrage as described in Item 120.

### **LOADING PERFORMED BY MINE - ITEM 110**

Loading is performed by customer at the following mine locations (stations): Sentinel and Sawmill Run. At these locations AO crews will break the empty train into sections and place them in designated tracks. After loading by customer, AO crews will reconstitute the loaded cars into a unit train. Demurrage time begins when the AO crew has completed placement and ends when the last car in the train has been loaded and billing submitted to AO. Free time allowance is 4.5 minutes per car. For example, the allowance for an 80 car train is 360 minutes.

For time exceeding the allowance, locomotives and cars are subject to demurrage as described in item 120.

In the event a train is released and AO arrives to find car(s) not fully loaded, the following charges apply: \$1000.00 per incident if the same train crew is used or \$2000.00 if re-crewing is necessary.

### **DEMURRAGE RULES AND CHARGES - ITEM 120**

Unit trains will be subject to the following demurrage rules:

1. "Demurrage time" includes the total amount of time the cars and/or locomotives are held at the mine loadout, industry track or when constructively placed on AO track.
2. "Free time" is that portion of demurrage time that is not chargeable to the customer, as described in items 100 and 110.
3. Constructive placement applies when actual placement is prevented or when trains are held for instructions due to a cause attributable to the loading facility.
4. Demurrage time is calculated from the time the demurrage event begins until it ends. If a train is constructively placed, the amount of time between the times the train was ordered for placement to the actual placement will be deducted from the demurrage time.
5. When loaded cars are held at the mine origin waiting for billing instructions, or on consignor's order are removed from the mine origin and held on AO track waiting for billing instructions, such cars and locomotives are subject to continuous demurrage until such time as complete forwarding instructions are furnished.
6. Demurrage time includes:
  - a. The amounts of time locomotives are in a demurrage status.
  - b. The amounts of time private cars are held on railroad tracks under constructive placement.
  - c. The amounts of time railroad furnished cars are held on railroad tracks under constructive placement and the amount of time in demurrage status at the industry siding/track.

7. The following demurrage charges apply when demurrage time exceeds free time:
  - d. Locomotive consist detention: \$200 per hour, or fraction thereof.
  - e. Private cars held on railroad tracks: \$1.00 per car per hour, or fraction thereof.
  - f. Railroad owned or leased cars: \$2.50 per car per hour, or fraction thereof.
8. The facility where trains are loaded will be responsible for demurrage charges without regard to whether the facility is identified on the bill of lading as the shipper, consignor, the care of party or some other designation.

#### **INTRATERMINAL AND INTRAPLANT SWITCHING - ITEM 140**

Intraplant or intraterminal switching charges occur when car/s are set out from or added to unit trains at facilities.

- (A) Intraplant switching is a switching movement from one location to another location at a facility to another location at the same facility where the service can be performed without leaving the facility. The charge for this service is \$200 per car switched.
- (B) Intraterminal switching is hereby defined as a switching movement outside the boundaries of a facility, to another industry or track owned by this railroad within the switching limits of the same station, but not to or from interchange with a connecting railroad. The charge for this service is \$350 per car switched.

#### **REQUIREMENTS FOR LOADING - ITEM 160**

All Coal Facilities are required to load trains 24 hours per day.

#### **CANCELLATION OF EMPTY UNIT TRAINS - ITEM 180**

If customer orders an empty unit train for loading, and subsequently cancels the order, requiring return of the empty train to the connecting railroad a train cancellation fee will be assessed.

Customer will be subject to a train cancellation fee of \$500, in addition to transportation charges for private cars described in item 80. If the cancelled train consisted of railroad owned/leased cars, item 80 transportation charges will apply to railroad owned/leased cars as well as to private cars.

#### **WEIGHING - ITEM 200**

AO will not perform the service of weighing of cars for the assessment of freight charges. Weighing for billing will be determined by consignor at origin. Freight charges will be assessed on weights so determined, but not less than the minimum weight per shipment. Consignor weighing facilities must conform to the requirements of the AAR Scale Handbook.

#### **OVERLOADED CARS - ITEM 220**

A car is considered overloaded when the weight of the lading therein exceeds the maximum carrying capacity (load limit) stenciled on the car. The mine will be notified of the overload and will be

required to remove the excess. Cars and locomotives will be placed into or remain in a demurrage status until such time that the overload is corrected.

### **TURNING OF PRIVATE OR RAILROAD MARKED CARS OR LOCOMOTIVES - ITEM 260**

Upon request of the car owner or lessee, consignor or consignee, or connecting railroad, cars or locomotives used for the transportation of coal in unit train service will be turned in the opposite direction by AO. The fee for this service is \$300 per car or locomotive turned.

### **FREEZE PROOFING - ITEM 280**

AO requires that an environmentally acceptable freeze conditioning agent be applied to the lading and the inside of rail cars shipped from AO served stations when weather conditions exist that may result in coal being frozen upon arrival at destination thereby delaying the unloading process.

### **FORCE MAJEURE - ITEM 300**

If by reason of (1) an act of God, (2) strikes, lockouts, labor disputes, (3) enforcement of Federal or State Laws, rules or regulations, actual or threatened terrorist activity, (4) mechanical breakdowns of locomotives or derailments, the Mine Origin is unable to release to the carrier all cars placed at origin for inclusion in a trainload/unit train shipment, cars not loaded due to such disability shall not be subject to demurrage.