

FT FCEN 8100-A
(CANCELS ASLG 6004)



**FLORIDA CENTRAL RAILROAD
FLORIDA MIDLAND RAILROAD
FLORIDA NORTHERN RAILROAD**
A PINSLY RAILROAD COMPANY

FREIGHT TARIFF FCEN 8100-A

NAMING

DEMURRAGE RULES & CHARGES

AT LOCATIONS ON THE FLORIDA CENTRAL, MIDLAND AND NORTHERN RAILROADS

**THIS TARIFF APPLIES ON INTERSTATE TRAFFIC AND INTRASTATE TRAFFIC IN THE STATE OF
FLORIDA**

NOTICE

**THE PROVISIONS HEREIN WILL NOT HAVE A NEGATIVE IMPACT ON THE QUALITY
OF THE HUMAN ENVIRONMENT OR ENERGY CONSUMPTION
FOR GOVERNING CLASSIFICATIONS, SEE ITEM 5**

ISSUED: SEP 10, 2006

EFFECTIVE: OCT. 1, 2006

ISSUED BY:

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METHOD OF ADDING, CHANGING OR DELETING ITEMS IN THIS TARIFF

Changes to this tariff will be made by issuing supplements. These supplements will show the action taken on each item, namely:

- A Increase
- C Change resulting in neither an increase nor a decrease
- R Decrease

There will be only one supplement to this tariff in effect at any time. Any item contained in a prior supplement will be brought forward to subsequent supplements.

TABLE OF CONTENTS

GENERAL RULES AND REGULATIONS
DESCRIPTION OF GOVERNING CLASSIFICATION.....	2
STATION LIST AND CONDITIONS.....	2
EXPLOSIVES, DANGEROUS ARTICLES.....	2
REFERENCE TO TARIFFS, ITEMS, NOTES AND RULES	2
CONSECUTIVE NUMBERS	2
CAPACITIES AND DIMENSIONS OF CARS.....	2
MILEAGE CHARGES ON PRIVATELY OWNED CARS	3
DEMURRAGE.....	3
CHANGES IN OR ADDITION TO FIRMS OR INDUSTRIES.....	3
PAYMENT AND CREDIT TERMS.....	3
RECEIPT AND DELIVERY OF CARS OR FREIGHT ON, TO, OR FROM PRIVATE AND INDUSTRIAL TRACKS.....	3
HOURS OF SERVICE AND PERFORMANCE.....	3
HOLIDAYS	4
SECTION 1 – SWITCHING.....	4
DEFINITION OF TERMS	4
HANDLING OF EMPTY CARS.....	4
INTRA-PLANT SWITCH	5
INTRA-TERMINAL SWITCH.....	5
SPECIAL SWITCH.....	6
EXTRA SWITCHING AND TRAIN CREW DELAYS.....	6
SECTION 2 – ACCESSORIAL CHARGES	6
SPECIAL MOVEMENTS.....	6
TURNING OF CARS TO PERMIT UNLOADING	7
CLOSING DOORS	7
WEIGHING (FNOR ONLY).....	7
OVERLOAD CHARGES.....	8
DIVERSION OR RECONSIGNMENT.....	8
BILLS OF LADING.....	9
CARS RECEIVED IN ERROR BY FCEN/FMID/FNOR.....	9
FAILURE TO DELIVER LOAD TO FCEN/FMID/FNOR.....	9
EMPTY CARS ORDERED NOT USED.....	9
LEASE OF RAILROAD TRACKS FOR STORAGE.....	10
HANDLING EMPTY FREIGHT CARS FOR STORAGE.....	10
MOVEMENT OF LOCOMOTIVES.....	10
STORAGE OF RAILCARS.....	10
CARS RELEASED WITHOUT BILL OF LADING.....	10

GENERAL RULES AND REGULATIONS	
ITEM	APPLICATION
5	<p>DESCRIPTION OF GOVERNING CLASSIFICATION This tariff is governed, except as otherwise provided herein, by Uniform Freight Classification UFC 6000 series, issued by the national Railroad Freight Committee, Agent, supplements thereto or reissues thereof.</p>
10	<p>STATION LIST AND CONDITIONS This tariff is governed by the Official Railroad Station List, OPSL 6000 series, to the extent shown below: For addition and abandonment of stations, and except as otherwise shown herein, for prepay requirements, changes in names of stations, restrictions as to acceptance or delivery of freight, and changes in station facilities. 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.</p> <p style="text-align: center;">GEOGRAPHICAL LIST OF STATIONS</p> <p>For geographical locations of stations referred to in this tariff by station number.</p> <p style="text-align: center;">STATION NUMBERS</p> <p>For the identification of stations when stations are shown or referred to by numbers in this tariff.</p>
15	<p>EXPLOSIVES, DANGEROUS ARTICLES For rules and regulations governing the transportation of explosives and other dangerous articles of freight, also specifications for shipping containers and restrictions governing the acceptance and transportation of explosives and other dangerous articles, see Bureau of Explosives Tariff BOE 6000-series.</p>
20	<p>REFERENCE TO TARIFFS, ITEMS, NOTES AND RULES Where reference is made in this tariff to tariffs, items, notes or rules, such references are continuous and include supplements to and successive issues of such tariffs and reissues of items, notes or rules</p>
40	<p>CONSECUTIVE NUMBERS 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 the numbers shown.</p>
50	<p>MILEAGE CHARGES ON PRIVATELY OWNED CARS FCEN/FMID/FNOR will not pay mileage charges on privately owned car when moving to, from or via stations on the FCEN/FMID/FNOR.</p>
60	<p>THIS SECTION INTENTIONALLY LEFT BLANK</p>

GENERAL RULES AND REGULATIONS	
ITEM	APPLICATION
90	<p>PAYMENT AND CREDIT TERMS</p> <p>Unless otherwise advised, in writing, demurrage charges will be assessed against the online consignor at origin or consignee at destination.</p> <p>Demurrage charges assessed must be paid in full and disputes for adjustment together with supporting documentation must be presented in writing to FCEN/FMID/FNOR within fifteen (15) days after the date on which the bill for demurrage is rendered. Disputes must be car specific and provided in writing. Disputes may be faxed, e-mailed or mailed to FCEN/FMID/FNOR administrative office. Fax: 407-880-7748; E-mail: fc@fcrr.com; Mail: FLORIDA CENTRAL RAILROAD, Attn: Demurrage Billing, P.O. Box 967, Plymouth, FL 32768.</p> <p>When for reasons other than FCEN/FMID/FNOR error, consignor/consignee fails to pay FCEN/FMID/FNOR for assessed demurrage as provided in Item 500 of this tariff, FCEN/FMID/FNOR may assess an additional charge equal to the greater of an amount not to exceed two (2) percent per month of the unpaid charge or the highest rate allowed by law.</p>
100	<p>HOLIDAYS</p> <p>For the purpose of computing free time, Saturdays, Sundays and holidays will be excluded as long as they fall within the credit days. The holidays include: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.</p>
300	<p>DEFINITION OF TERMS</p> <p>Actual Placement – When a car is placed in an accessible position for loading or unloading, or at a point designated by the consignor or consignee.</p> <p>Consignee – The party to whom a shipment is consigned or the party entitled to receive the shipment.</p> <p>Consignor – The party in whose name cars are ordered or the party who furnished forwarding directions.</p> <p>Constructive Placement – When a car cannot be actually placed because of any condition attributable to the consignor or consignee, including order notify and inbound shipments, such car will be held on FCEN/FMID/FNOR tracks and notice will be given to the consignor or consignee that the car is held awaiting disposition instructions. Consignee must contact FCEN/FMID/FNOR agent with disposition instructions to get constructively placed forwarded for actual placement. Such cars, which have been placed by FCEN/FMID/FNOR on private or other than public delivery tracks, including lead tracks serving the consignor or consignee will be considered to have been constructively placed without notice.</p> <p>Credit – Non-chargeable demurrage day. Credits can only be earned on those cars released.</p> <p>Demurrage Day– A twenty-four (24) hour period, or part thereof, commencing 00:01 hours after tender (calendar day).</p> <p>Diversion - An order from consignee to deliver car to other than original destination</p> <p>Empty Release Information – Advice by consignor or consignee faxed or emailed to authorized personnel of FCEN/FMID/FNOR that car is unloaded and available to FCEN/FMID/FNOR. Information given must include identity of consignee, party furnishing data, car initial and number. Date and Time stamp from fax will be used in demurrage calculations.</p> <p>Forwarding Instructions– Shipping instructions given to FCEN/FMID/FNOR at the point of loading,</p>

GENERAL RULES AND REGULATIONS	
ITEM	APPLICATION
300 (cont'd)	<p>containing all of the necessary information to transport the shipment to the final destination.</p> <p>Free Time – Free time will be computed from the first 00:01 following actual placement or constructive placement, whichever occurs first, until car is released to railroad. When car is placed on a public delivery track, free time will commence at the first 00:01 after actual placement and after notice of the arrival is given to the party entitled to receive same.</p> <p>Lease Track – Any trackage assigned to a user through written agreement. Lease track will be treated the same as private track under this Section.</p> <p>Notification – When required, notification will be furnished verbally or in writing to all parties entitled to receive notification.</p> <p>Private Car – A car bearing other than railroad reporting marks and which is not a railroad-controlled car.</p> <p>Public Delivery Track – Any track open to the general public for loading and unloading.</p> <p>Reconsignment – An order from the consignor to bill a car to other than the original consignee.</p> <p>Tender - When FCEN/FMID/FNOR gives notification that a car is available for unloading or loading by either actual or constructive placement to consignor or consignee.</p>
310	<p>EXCEPTIONS TO DEMURRAGE CHARGES</p> <p>All Railroad and Privately owned cars held for or by consignors or consignees are subject to demurrage rules and charges contained in this section, EXCEPT the following:</p> <ul style="list-style-type: none"> A. Cars for loading or unloading of FCEN/FMID/FNOR company material while held on FCEN/FMID/FNOR tracks or private sidings connecting therewith. B. Cars of refused or unclaimed freight to be sold by FCEN/FMID/FNOR for the time held beyond legal requirements. C. Empty Cars moving on own wheels under transportation charges as freight. D. Cars of railroad ownership, leased for storage of commodities, while held on lessee's tracks. E. Loaded or empty private cars held on private or leased storage tracks. F. Cars specially equipped for handling welded railroad rail held for loading such rail. G. Empty cars ordered and rejected as unsuitable for loading. H. Cars covered by storage or hold charges. I. Cars assigned to shippers returned empty to point of assignment, to the extent storage rules apply.

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GENERAL RULES AND REGULATIONS

ITEM	APPLICATION
400	<p>NOTIFICATION TO CONSIGNOR OR CONSIGNEE</p> <p>A. The following notifications will be furnished as indicated:</p> <ol style="list-style-type: none">1. Cars for Other than Public Delivery Tracks:<ol style="list-style-type: none">a Notice of constructive placement if cars are held on FCEN/FMID/FNOR tracks due to reasons attributable to the consignor or consignee.b Delivery of car upon tracks of consignee will constitute notice.c When two or more parties, each performing their own switching, take delivery of cars from the same track, notice will be given when cars are placed on the that track.2. Cars for Public Delivery Track: Notice will be given to the party entitled to receive notification when car is actually placed3. Cars Stopped in Transit: Notice will be given to consignor, consignee, or owner responsible for the car being stopped upon arrival of the car at the point of stoppage.4. Refused Loaded Car: When a loaded car is refused at destination, Consignee will give notice of such refusal to FCEN/FMID/FNOR and to the consignor or owner. <p>B. Notification may be given in writing or electronically, and will contain the following:</p> <ol style="list-style-type: none">1. Car initials and number, if lading transferred en route, the initials and number of the original car, commodity, time and date.
450	<p>CARS HELD FOR COMPLETE UNLOADING</p> <p>Unloading is the complete unloading of a car, including blocking and dunnage, and advice from the consignee to the railroad that the car is empty and available to the railroad.</p> <p>The notification, actual or constructive placement of a loaded car:</p> <p>A. RELEASE:</p> <ol style="list-style-type: none">1. Date and time that the railroad received advice that the car is empty.2. Cars placed on interchange tracks of a consignee doing its own switching, must also be returned to the interchange track for release.3. When the same car is unloaded and reloaded, empty release information must be furnished. If not furnished, demurrage will continue until forwarding instructions are received. <p>B. NOTIFICATION TO FCEN/FMID/FNOR:</p> <ol style="list-style-type: none">1. The FCEN/FMID/FNOR must be notified of empty releases by fax or Telephone communication or e-mail. All notifications must include the car initial and number, date, time, company name, and person providing the notification.2. When electronic or mechanical devices are used to furnish notification to railroad, the

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GENERAL RULES AND REGULATIONS

ITEM	APPLICATION
450 (cont'd)	<p style="text-align: center;">recorded date and time that instructions are received will govern.</p> <ol style="list-style-type: none">3. When notification is received from customer that car is unloaded and released and railroad determines that car is not completely unloaded a charge of \$150.00 will be assessed and demurrage charges will continue to be assessed until actual release. <p>C. COMPUTATION:</p> <ol style="list-style-type: none">1. Time will be computed from the first 00:01 hours after tender until release.2. On reloaded cars, time will be computed from the first 00:01 hours after advice is received that the car is empty until the car is released for shipment.3. When the same car is unloaded and reloaded, empty release information must be furnished. If not furnished, demurrage will continue until forwarding instructions are received.
455	<p>CARS HELD FOR LOADING</p> <p>Loading is the complete or partial loading of a car in conformity with FCEN/FMID/FNOR loading and clearance rules, and the furnishing of Forwarding Instructions.</p> <p>The notification, actual or constructive placement of an empty car placed on orders of the consignor.</p> <p>A. RELEASE:</p> <ol style="list-style-type: none">1. Date and time Forwarding Instructions are received.2. Cars placed on tracks of a consignor doing its own switching must be returned to the interchange by the consignor to be considered released.3. Cars found to be improperly loaded or overloaded at origin will not be considered released until the load has been adjusted properly.4. A car to be held for official grading or inspection at origin will not be considered released until such time as the grading and inspection is complete. <p>B. NOTIFICATION TO RAILROADS:</p> <ol style="list-style-type: none">1. FCEN/FMID/FNOR must receive complete Forwarding Instructions by fax or email before a car will be considered to be released.2. When Forwarding Instructions are received, the recorded date and time instructions are received will govern.3. If, after receipt of Forwarding Instructions, the FCEN/FMID/FNOR determines after arriving at a customers facility that a car is not ready to move, FCEN/FMID/FNOR will assess a charge of \$150.00 and demurrage charges will continue to be assessed until actual release.

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GENERAL RULES AND REGULATIONS

ITEM	APPLICATION
455 (cont'd)	<p>COMPUTATION:</p> <ol style="list-style-type: none">1. Time will be computed from the first 00:01 hours after tender until release.2. If a car is placed prior to the date for which it was ordered from "Railroad," time will be computed from the first 00:01 hours on the date for which it was ordered until its release.3. On cars for reloading: Demurrage time for the UNLOADING cycle will terminate and demurrage time for the (RE)LOADING cycle will be computed from the first 00:01 hours after notification received by FCEN/FMID/FNOR that the car is empty. Demurrage time for LOADING will continue until the car is released to FCEN/FMID/FNOR loaded. Car will NOT be considered released until complete Forwarding Instructions are received by FCEN/FMID/FNOR and all car doors and hatches are closed for movement.4. When an empty car is placed for loading and movement via a specific route in conformity with Car Service Rules and/or directives, and the loaded car is offered for movement via some other route and refused by the railway necessitating unloading, demurrage shall be charged from the first 0001 hour after placement until the car is loaded and no credit allowance shall be made.
460	<p>PRIVATE AND RAILROAD CARS HELD FOR OTHER PURPOSES</p> <p>Applicable to cars held on orders of consignor or consignee, while awaiting disposition from the consignor or consignee or as a result of conditions attributable to consignor or consignee.</p> <p>Disposition - That information, including forwarding instructions or empty release, which allows the railroad to either tender or release the car from the consignor's or consignee's account.</p> <p>RELEASE:</p> <p>Date and time that the railroad received advice that the car is empty, or that forwarding instructions are received.</p> <p>COMPUTATION:</p> <p>Time will be computed from the first 00:01 hours:</p> <p>A. After tender until release, on cars:</p> <ol style="list-style-type: none">1. Diverted.2. Empty for loading – ordered and not used (other than a rejected car).3. Partially unloaded.4. Reconsigned.5. Reshipped.6. Stopped in transit.

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GENERAL RULES AND REGULATIONS

ITEM

APPLICATION

460
(cont'd)

B. After cars are received by FCEN/FMID/FNOR until date of disposition on:

- 1. Cars received from connecting carriers.
- 2. Loaded private cars returned to railroad tracks.

C. After tender until date of refusal on:

- 1. Refused loaded cars (consignee).

D. After tender until date of disposition on:

- 1. Refused loaded cars (consignor).

E. After tender until release or placement on private tracks on:

- 1. Loaded private cars – while held on railroad tracks.

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SECTION 2 – DEMURRAGE PLAN AND PRICES

ITEM	APPLICATION
500	<p>DEMURRAGE PLAN AND PRICES</p> <p>A. Demurrage is assessed at the rate of \$50.00 per car per day for all time in excess of 48 hours for loading or 48 hours for unloading from the first 00:01 hours after tender until release.</p> <p>B. Credit will be applied for the balance of time any car for loading or unloading is released within 48 hours from the first 00:01 hours after tender. Credits will be used to offset demurrage time. Credits earned for complete loading may only be used to offset demurrage days accrued for complete loading and credits earned for complete unloading may only be used to offset demurrage days accrued for complete unloading.</p> <p>C. Settlement of charges will be made on a monthly basis on all cars released during each calendar month.</p> <p>D. Credits earned and demurrage days accrued by customers having facilities at separate stations cannot be combined.</p> <p>E. Credits will not be allowed for:</p> <ol style="list-style-type: none">1. Empty cars ordered and not used.2. Loaded private cars returned to railroad tracks to be held for disposition.3. Cars received from connecting carriers to be held for disposition. <p>F. Credits earned and demurrage days accrued will be calculated separately for the following transaction:</p> <p style="padding-left: 40px;">Private and Railroad cars held for other purposes.</p> <p>G. Excess credits earned in one calendar month may not be used to offset demurrage days in another calendar month.</p>
600	<p>HEAVY DUTY OR SPECIAL TYPE FLATCARS</p> <p>If a shipment requires the use of a heavy duty or special type flat car with AAR mechanical designations "FD", "FW" or "FML", use and detention charges for such cars as provided in Tariff RIC 6740-series (TEA series) will apply in lieu of rates and charges contained herein.</p>

SECTION 2 – DEMURRAGE PLAN AND PRICES	
ITEM	APPLICATION
700	<p>HAZARDOUS COMMODITY</p> <p>The shipper of any hazardous commodity shipped via FCEN/FMID/FNOR shall indemnify FCEN/FMID/FNOR and hold FCEN/FMID/FNOR harmless for any and all loss, liability or cost whatsoever that FCEN/FMID/FNOR may incur or be held responsible for, to the extent that such liability is due to, or arising from, defects in or failure of shipper’s cars and equipment, due to shipper’s failure to conduct proper or appropriate pre-shipment inspection of the cars as described in 49 CFR Sec. 173.31 (b) or misidentification of commodity shipped.</p> <p>The foregoing indemnification shall not apply to any loss or liability caused by or due to FCEN/FMID/FNOR’s failure to conduct pre-departure inspections as described in 49 CFR Sec. 174 (A) or failure to follow AAR interchange rules, or any other liability resulting from FCEN/FMID/FNOR’s negligence.</p> <p>After the expiration of any free time allowed, or without free time allowance where none is provided, the following charges will apply per day of twenty-four (24) hours, or fraction thereof, until removal from FCEN/FMID/FNOR’s premises:</p> <ul style="list-style-type: none"> A. Class A-Explosives: <ul style="list-style-type: none"> 1. \$110.00 per car per day, will apply on cars held on FCEN/FMID/FNOR premises. B. Class B and C – Explosives <ul style="list-style-type: none"> 1. \$110.00 per car per day, will apply cars held on FCEN/FMID/FNOR premises C. Hazardous Materials, Substances, Wastes, Other Than Explosives <ul style="list-style-type: none"> 1. \$110.00 per car per day, will apply on cars held on FCEN/FMID/FNOR premises <p>The above provisions apply to shipments of classes A,B or C explosives, as named in Part 172 Commodity List of Tariff BOE 6000-Series, hazardous materials, substances or wastes requiring the use of a 4-digit identification number on shipping papers, placards or panels, as named in Part 11, Section 172.101 of Tariff BOE 6000-Series, while held on SCRF/CPDR premises.</p> <ul style="list-style-type: none"> D. Empty Railcars Formerly Containing Hazardous Materials or Explosives <ul style="list-style-type: none"> 1. \$110.00 per car per day will apply to the Customer (defined for the purpose of this subsection as the consignee of the empty railcar) for each empty tank car and privately marked covered hopper, if the railcar’s prior movement contained any of the items referenced in A., B. or C. above.