

OPTIONAL SERVICES TARIFF NBMR 1000

New Brunswick & Maine Railways (NBMR)

NB SOUTHERN (NBSR), EASTERN MAINE (EMR)
&
MAINE NORTHERN (MNR)
RAILWAYS

Tariff application on

Rules for Charges and Fees

Tariff applies to all stations on NBSR, EMR, & MNR Railways.

All charges on NBSR are in Canadian Funds.
All charges on EMR & MNR are in U.S. Funds.

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NB SOUTHERN (NBSR), EASTERN MAINE (EMR)
&
MAINE NORTHERN(MNR)
RAILWAYS

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TARIFF NBMR 1000

Item 1000

PROVIDING COMPLETE AND ACCURATE DOCUMENTATION

When a shipment is released without a Bill of Lading or that its information is missing or inaccurate, causing a railcar to be held.

These fees apply to all billable shipments (which, by law, require a Bill of Lading), including loaded railcars, revenue-empty railcars, and empty hazardous-residue railcars.

Charges:

Not providing complete documentation..... \$665 per railcar, plus switching fees.

Item 1005

DEMURRAGE CHARGES (RAILROAD MARKED CARS)

- A. If necessary, twenty-four (24) hours free time will be allowed for the complete or partial Loading/Unloading of all commodities. Free time is calculated after constructive placement. After expiration of free time, demurrage charges will be assessed for each day or delay or portion thereof until the car is released including Saturdays, Sundays and holidays.
- B. When cars for Loading/Unloading are delivered on designated interchange track of industries that perform switching for themselves or for other parties, time will be calculated after constructive placement on such interchange track until notification by the industry and cars returned to the interchange track.
- C. When an empty car placed on consignor car order, is not loaded or used in transportation service, demurrage will be charged after constructive placement until release with no free time allowance, a primary switch charge will be assessed.
- D. When an empty car is placed on consignor car order, is loaded and is not used in transportation service, but is returned to shipper and unloaded, a primary switch charge will apply for the return move and free time calculation as determined herein will be applicable only for the loading cycle.

After expiration of the free time allowed, the following charges will be made for each day or portion thereof, until the car is released, including Saturdays, Sundays and Holidays

Charges:

Demurrage.....\$97 per day, or portion thereof

Item 1010

RE-BILLING RAILCARS

If, after billing has been electronically submitted by the customer, the customer changes or corrects the billing and submits revised billing, the customer must notify Customer Service for the Carrier Road prior to making the change or immediately upon submitting the change. This is to ensure the correct information is captured and transmitted through-out the entire routing. The notification does not guarantee the revised billing can be applied to reflect the change made.

If changes to billing are made before the car has been picked up, there will be a per car administrative fee, assessed to the party requesting the change.

If changes are made after the car has been picked up, it is considered a diversion as per item 1020.

If a customer's billing or forwarding instructions are the cause of Carrier Railroad incurring misroute charges (also known as "interchange error" or "setback" charges) and/or other charges from the connecting railroads, then such charges will be passed through to the customer causing the misroute or other charge.

Charges:

Re-Bill Charges..... \$206 per car

Item 1015

INTRA PLANT & INTER TERMINAL SWITCHES

Definitions and charges named in this item apply when switching is performed on the request of a customer and are in addition to applicable freight charges.

Intra-Plant Switching: A switching movement from one track to another or between two locations on the same track within the confines of the same (single) plant or industry. Definition applies only on movements which can be completed wholly within the confines of the same siding, plant or industry.

Inter-Terminal Switching: A switching movement (other than intra-plant) between industries, sidings or tracks located within the switching limits of one station or industrial switching terminal.

Charges:

Intra-Plant Switching: \$333 per car

Inter-Terminal Switching:..... \$665 per car

Item 1020

DIVERSION SERVICE

- A. If you request a change in the paperwork (shipper, consignee, “care of” party or pay status) or if you request a change in destination or route.
- B. A diversion involving a unit train or a large block of railcars.
- C. If the diversion is “out of route,” a new Bill of Lading is required, and new linehaul freight rates will be established and billed accordingly.
- D. If you request a previously released car to be pulled from a train.

Diversion requests will be accepted in writing only, via email or fax:

- For loaded railcars and revenue empty movements: From the payer of freight
- For non-revenue empties: From the lessee or owner of private equipment, shipper, and consignee

Charges:

Single Car Diversion Service..... \$665 per car

Item 1021

FAILURE TO DELIVER LOAD TO SUPPLYING CARRIER

When a foreign road delivers a car to the Carrier for a customer to load, and the customer fails to return the loaded car to the foreign road that supplied the car, but instead ships the loaded car via another railroad, the customer will pay a minimum of current tariff charge per car to the Carrier plus any applicable charges that may be assessed by the foreign railroad originally supplying the car.

Charges:

Failure to Deliver Load to Supplying Carrier \$665 per car

Item 1025

**STORAGE CHARGES – ON LOADED & EMPTY PRIVATE CARS
(HAZARDOUS MATERIALS)**

These charges are in addition to regular charges contained in other items in this tariff. If necessary, twenty-four (24) hours free time will be allowed for the complete or partial Loading/Unloading of all commodities. Free time is calculated after constructive placement. After expiration of free time, storage charges will be assessed for each day or delay or portion thereof until the car is released including Saturdays, Sundays and holidays.

Private or railroad-controlled cars held on carriers' property will be billed by day from date of notification to date of actual placement.

Private or railroad-controlled cars held released without proper instructions for forwarding and held on carriers' property awaiting such instructions from consignor, will be billed by day from date cars were pulled from consignor to date proper forwarding instructions were received.

Charges:

Storage Charge (Haz-Mat)..... \$169 per car, per day

Item 1030

**STORAGE CHARGES – ON LOADED & EMPTY PRIVATE CARS
(NON-HAZARDOUS)**

This item applies to all empty privately owned or leased cars. If necessary, twenty-four (24) hours free time will be allowed for the complete or partial Loading/Unloading of all commodities. Free time is calculated after constructive placement. After expiration of free time, storage charges will be assessed for each day or delay or portion thereof until the car is released including Saturdays, Sundays and holidays.

For an empty private car held on carriers owned or controlled tracks, a charge by day will apply.

Charges:

Storage Charge (Non Haz-Mat) \$97 per car, per day

Item 1035

BULK HANDLING & STEAMING FEES

Bulk handling & steaming charges for edible oils are applied as below:

Bulk Handling \$9-\$12 per tonne

Steaming \$9-\$12 per tonne

Item 1040

ORDERING CARS BY A SPECIFIC NUMBER

When cars are stored or otherwise held, and customer requests cars for placement by specific car number (as opposed to ordering in “any cars” or “the next cars in line”), then an “Ordering by Car Number” charge applies. Charge applies regardless of car ownership and whether the cars are stored or held on railroad tracks or on customer lease tracks. Extra switching charges may apply in addition to this charge.

Charges:

Ordering by Car Number \$70 per specific car number ordered

Item 1045

EMPTY CARS ORDERED AND NOT USED

When an on-line, empty car is either:

- Appropriate for loading
- Moving toward customer for loading
- Placed or constructively placed for loading; but, subsequently is not loaded and is released empty, an “Ordered and Not Used” charge will apply.

Demurrage charges per Item 1005 will also apply.

Charges will NOT apply:

- If NBMR fails to place or constructively place the ordered car on the day it was requested.
- If NBMR elects to fill the order with a different car.
- To cars that have been refused or rejected – within twenty-four (24) hours of placement –because they are mechanically defective or unfit for loading.

Charges:

Ordered and Not Used:\$417 per car

Item 1050

REDUCING, CANCELING OR CHANGING YOUR ORDER

A fee will not apply:

- If you modify the destination corridor or origin– as long as your order has not already been confirmed.

A fee will apply:

- If you reduce or cancel your car order prior to railcar placement at your facility.
- If you change the destination corridor or origin after your car order has been confirmed.
- If cars are billed to a destination corridor different than your order that affects the physical handling of a railcar to destination, fees listed under Item 1020 will apply.

Charges:

Changing your order:\$262 per car

Item 1055

HOLD IN YARD AWAITING BILLING OR FORWARDING INSTRUCTIONS

- A. It is NBMR’s policy NOT to pull cars without complete billing from the customer; however, when exceptions are made, and when on shipper’s request a car is moved from industry or team tracks and held on a NBMR’s tracks awaiting forwarding instructions, the party responsible for furnishing such forwarding instructions will be subject to a “Car Held for Billing” charge.
- B. The car will remain on continuous demurrage or storage in the account of the party in whose name the car was ordered until forwarding instructions are received.
- C. When a car is removed from industry or team tracks on shipper’s order and held awaiting billing instructions on railroads’ tracks, and such car is ordered back to the original industry or team track, an intra-terminal switching charge (see Item 1015) will be assessed for the movement of the car in each direction and the car will remain on continuous demurrage.
- D. Cars containing hazardous material or hazardous material residue cannot be pulled without complete billing.

Charges:

Car Held for Billing: \$609 per car

Item 1060

TURNING OF CARS TO PERMIT LOADING OR UNLOADING

- A. When it is necessary for a car to be placed on a delivery track for unloading from one particular side or end of the car, such car must be properly placarded on both sides and a notation must be made on the bill of lading and the waybill.
- B. If this rule is not followed, and the car requires turning for unloading from the opposite side or end, then charges apply as outlined below.
- C. If the bill of lading carries a notation that car has been placarded, and the placard has been destroyed or removed before placement, then charges will NOT apply.

Charges:

If the car is turned \$479 per car

Item 1070

EXTRA YARD ASSIGNMENT / EXTRA SHUNT

- A. Extra yard assignment is the movement of a train in other than normal, regularly scheduled service performed on specific request of a customer, or when shipment characteristics (example: high / wide, excess weight, etc.) require it. A special train includes up to two locomotives. Additional locomotives are charged as per below. Movements of an extra yard / extra shunt assignment are limited to tracks within the switching limits of one station or industrial switching terminal.
- B. Request for special train service must be made in writing giving all necessary information to facilitate the movement of the train. NBMR may restrict or modify a request for special train service.
- C. “Regularly scheduled” service is defined at the sole discretion of NBMR and is subject to change.
- D. If customer should cancel special train service within three (3) hours of the crew’s scheduled start time, then charges will apply.
- E. An extra shunt will be charged if the customer orders a shunt above and beyond their regularly scheduled shunt requirements.

Charges:

Extra Yard Assignment / Extra Shunt..... \$4,017 per event

Item 1070

**CHANGES TO SCHEDULED SERVICE
RESULTING FROM CUSTOMER’S ACTIONS**

- A. If a train crew of NBMR cannot make, or complete, a scheduled switch at a customer’s facility due to any reason within the customer’s control and responsibility (railcars not ready, train crew cannot proceed past customer gates, etc.), and is requested to wait or consequently has to return at a future time to complete the switch, either later that day or on a future day in regularly scheduled service (when the service does NOT qualify as “Extra Yard Assignment / Extra Shunt” as defined in Item 1070) then charges apply as described below. NBMR will at no time be obligated to wait or return to a customer’s facility but will make its best effort to do so.

- B. If customer releases a car (load or empty) and subsequently requests car to be returned, and car has not yet departed from serving yard, then “Return Service” charge will apply.
- C. The affected outbound car(s) will remain on continuous demurrage. The affected inbound car(s) will be constructively placed (if not already in constructive placement status).

Charges:

Return Service (furnished prior to next scheduled service day). \$864 per occurrence

Return Service (furnished on next scheduled service day): \$417 per occurrence

Waiting Delay: \$262 per occurrence

Item 1075

RELEASED RAILCARS – NOT AVAILABLE TO PULL

If the railcar has been released by the shipper but – for a reason attributable to the shipper – is not available at the time of the pull (your gate is closed, and we cannot reach the railcar, for example).

Charges:

Cars Not Available:\$814 per railcar

Item 1080

HOLD AT CUSTOMS

If a car is held at the US/Canadian border by customs, due to improper paperwork or any other issue that could have been prevented by the customer.

Charges:

Car Held at Customs \$8034 per car*

*In addition to all other penalties.

Item 1085

CARS UNSAFE TO MOVE FORWARD

If we determine that a railcar is unsafe to move forward because it is overloaded or improperly loaded, we will work with you to facilitate a weight reduction or load adjustment however charges will apply.

- The removal, disposal and/or adjustment of the overloaded portion is entirely the responsibility of the shipper.
- If the unsafe car causes a derailment, all associated costs and liabilities of the derailment will be the responsibility of the shipper on the bill of lading.

Charges:

First Incident	\$8,034 per car
Subsequent Incidents	\$16,068 per car

Item 1090

WEIGHING CARS / SCALE CHARGES

Weighing of a railcar on a railroad scale, (if available in your area).

Note: The weight of any shipment may be subject to verification by NBM Railways.

Charges:

Weighing Charges.....	\$530 per car
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Item 1095

SECURING LEAKING RAILCARS

Railcars carrying dangerous goods found to be leaking or unsafe to move forward may be moved to an isolation track for securement.

Securement fees will be assessed – and invoiced – on a case-by-case basis.

With respect to the movement of Dangerous Goods, the customer shall indemnify and hold NBMR harmless for all loss, damage or injury due to any release of a Commodity resulting from:

- A. Defects in the customer owned, controlled or leased equipment
- B. Improper loading practices, or
- C. Failure to properly close, secure or tender loaded or empty equipment carrying Commodities.

Loss, damage or injury shall include all consequential costs and expenses paid or incurred by NBMR for items such as, but not limited to, re-crewing of trains, delays to trains, detoured trains, evacuations, administrative expense, governmental fines, assessment or penalties, cleanup and environmental remediation expenses, personal injury and death claims and property damage claims.

Charges:

Securing Leaking Railcars*... ..\$13,302 per car includes switching & asset use

*Excludes securement fees