

OTTER TAIL VALLEY RAILROAD, INC.

RailAmerica Company



Freight Tariff OTVR 8000-C

NAMING SWITCHING AND ACCESSORIAL CHARGES AT LOCATIONS ON THE OTTER TAIL VALLEY RAILROAD, INC.

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

NOTICE

THE PROVISIONS HEREIN WILL, IF EFFECTIVE, NOT HAVE A NEGATIVE IMPACT ON THE QUALITY
OF THE HUMAN ENVIRONMENT OR ENERGY CONSUMPTION

FOR GOVERNING CLASSIFICATIONS, SEE ITEM 5

ISSUED: JANUARY 9, 2009 EFFECTIVE: FEBRUARY 1, 2009

ISSUED BY:
OTTER TAIL VALLEY RAILROAD, INC.
200 NORTH MILL STREET
FERGUS FALLS, MINNESOTA 56537

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.

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GENERAL RULES AND REGULATIONS	
ITEM	APPLICATION
5	<p>DESCRIPTION OF GOVERNING CLASSIFICATION</p> <p>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</p> <p>This tariff is governed by the Official Railroad Station List, OPSL 6000 series, to the extent shown below:</p> <p style="text-align: center;">PREPAY REQUIREMENTS AND STATION CONDITIONS</p> <p>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.</p> <p>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</p> <p>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</p> <p>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>
30	Intentionally left blank
40	<p>CONSECUTIVE NUMBERS</p> <p>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>
45	<p>CAPACITIES AND DIMENSIONS OF CARS</p> <p>For marked capacities, lengths, dimensions and cubical capacities of cars, see The Official Railway Equipment Register, RER 6413 series.</p> <p>Maximum Gross weight on rail on OTTER TAIL VALLEY RAILROAD WITHOUT CLEARANCE is 286,000 pounds.</p>
60	This section intentionally left blank.

GENERAL RULES AND REGULATIONS	
ITEM	APPLICATION
70	<p>MILEAGE CHARGES ON PRIVATELY OWNED CARS</p> <p>OTVR will not pay mileage charges on privately owned cars when moving to, from or via stations on the OTVR</p>
75	<p>DEMURRAGE</p> <p>Cars handled under the provisions of this tariff will also be subject to the demurrage provisions of OTVR 6006 Series.</p>
80	<p>CHANGES IN OR ADDITION OF FIRMS OR INDUSTRIES</p> <p>Switching charges shown in this tariff apply to the physical locations or plant sites and are not affected by name changes or ownership changes of the occupants or property.</p>
90	<p>PAYMENT AND CREDIT TERMS</p> <p>All charges under this tariff must be prepaid, unless satisfactory arrangements with OTVR have been made prior to performance of service. Charges for services rendered under terms of this tariff will accrue against the customer located on the OTVR, unless arrangements to the contrary have been made with OTVR prior to performance of service</p> <p>All payments for services covered herein are due and payable within fifteen (15) days following the Freight Bill date. The rules applicable to payments and credit terms are in accordance with those found in 49 CFR 1320. Payments received after the expiration of the credit period shall be subject to a service charge of one and one-half percent (1 1/2%) per month (or fraction thereof) of the outstanding balance or highest rate allowed by law.</p>
130	<p>RECEIPT AND DELIVERY OF CARS OR FREIGHT ON, TO OR FROM PRIVATE AND INDUSTRIAL TRACKS</p> <ol style="list-style-type: none"> 1. This tariff will be subject to the rules and charges governing receipt and delivery of freight on, to or from private and industrial tracks as published in Tariff RPS-6804 series. 2. The tariff does not grant the use of private sidings or facilities to parties other than the owners thereof, unless the privilege of use is granted to others by the owners, without cost to OTVR.

GENERAL RULES AND REGULATIONS	
ITEM	APPLICATION
200	<p>HOURS OF SERVICE AND PERFORMANCE</p> <p>1. Hours of service and performance are subject to change based upon OTTER TAIL VALLEY RAILROAD scheduled operation and switching. The following accessorial charges will be applied to services rendered outside of the prescribed scheduled operating and switching times or on designated holidays when service is not provided.</p> <p>2. Services required to be performed on days or at hours other than those set forth in No. 1 above will not be deemed to fall within the term “normal operation periods”, or “workdays”. Such days or hours will be deemed to fall within the term “Special Movements” and rates in accordance with Section 2, item 400 will apply.</p>
205	<p>HOLIDAYS</p> <p>OTVR holidays are defined, for purposes of this tariff, as: New Year’s Day, Presidents Birthday-Third Monday of February, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day following Thanksgiving Day, Christmas Eve Day, Christmas Day, and New Year’s Eve.</p>
SECTION 1 SWITCHING	
ITEM	APPLICATION
300	<p>DEFINITION OF TERMS</p> <p>Industrial Tracks - A track serving a particular industry, whether located upon property owned by OTVR or upon property owned or leased by the industry.</p> <p>Intermediate Switching – A switching movement between interchange tracks of one carrier to interchange tracks of another carrier within the switching limits of the same station.</p> <p>Intra-Plant Switch - A switching movement from one location to another location within the confines of an industry.</p> <p>Intra-Terminal Switch - A switching movement (other than intra-plant) from one location to another location within the switching limits of one station or industrial switching district of the same railroad.</p> <p>Inter-Terminal Switch - A switching movement from one railroad to another railroad when such movement is within the switching limits of the same station or switching district. Switching charges of connections will be in addition to those published herein for account of OTVR.</p> <p>Reciprocal Switching – NOT APPLICABLE ON OTVR</p> <p>Team Track - A track or tracks assigned by OTVR for use by the general public.</p> <p>Unabsorbed Switch Charge- Applies in addition to the line-haul transportation charge or charges of a connecting carrier published in tariffs or other instruments of that carrier when moving to or from the specified OTVR station via a junction with that connecting carrier.</p>
SECTION 1 – SWITCHING	

ITEM	APPLICATION
310	HANDLING OF EMPTY CARS Except for Reciprocal Switching and as otherwise provided herein, switching charges published herein will apply on empty cars.
320-A	INTRA-PLANT SWITCH The charge for an Intra-Plant Switch will be \$100 per car.
330-C	INTRA-TERMINAL SWITCH The charge for an Intra-Terminal Switch will be \$165 per car.
340-A	INTER-TERMINAL SWITCH The charge for an Inter-Terminal Switch will be \$175 per car.
370	RECIPROCAL SWITCHING - NOT APPLICABLE ON OTVR
380	INTERMEDIATE SWITCHING – NOT APPLICABLE ON OTVR
Note (1) – Switching charges billed to the rail carrier ordering the shipment to interchange.	
SECTION 2 – ACCESSORIAL CHARGES	
ITEM	APPLICATION
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SECTION 2 – ACCESSORIAL CHARGES	
ITEM	APPLICATION
400	<p>SPECIAL MOVEMENTS</p> <p>Except as otherwise provided in this tariff, when special movements of cars or other equipment (including locomotives) are requested by patron, will be assessed in addition to other lawfully published rates. (See below conditions for details.)</p> <p>CHARGES:</p> <p>1. At All Stations within Normal Service Hours If service is as set forth in Item 200, Paragraph 1, a charge of \$250 per hour or fraction thereof will be assessed, subject to a minimum charge of \$1,000, if performed within 8 continuous hours or fraction thereof. Should performance of service exceed 8 continuous the rate will be \$300 per hour for all hours in excess of 8 continuous hours.</p> <p>1A. When special freight train service on OTVR has been arranged by the operating department upon request of shippers or consignees, or as deemed necessary by the railroad, the rate will be \$1,000.00 per special train service WITH OTVR POWER. The charge for the special service will be in addition to the regular freight charges which are provided for in freight tariffs or private contracts or quotes governing the movement of freight handled in regular freight trains.</p> <p>1B. If special freight train service is subsequently cancelled by shipper or consignee within 24 hours of original requested time there will be a \$500 cancellation fee.</p> <p>2. At All Stations not within Normal Service Hours If service is performed as set forth in Item 200, Paragraph 2, a charge of \$300 per hour or fraction thereof will be assessed, subject to a minimum charge of \$1,500, if performed within 8 hours. Should performance of service exceed 8 continuous hours the rate will be \$500 per hour for all hours in excess of 8 continuous hours.</p> <p>CONDITIONS:</p> <p>1. Reasonable notice must be given to OTVR by the party requesting service under the provisions of this Item.</p> <p>2. All requests for Special Movements must be received in writing (mail, fax or email) by OTVR before service is performed.</p> <p>3. This item excludes movements that require specialized equipment, clearances for excessive dimensions, excessive weight, high center of gravity, or other conditions not permitting normal train operations. The Sales & Marketing Manager will need to be contacted to provide the freight rate.</p> <p>Time will be computed from the time engine and crew is dispatched from their on-duty location until the special movement has been performed and the engine and crew have returned to the point of dispatch.</p>

SECTION 2 – ACCESSORIAL CHARGES							
ITEM	APPLICATION						
405	<p>ASSEMBLING UNIT TRAINS</p> <p>OTVR may assemble unit trains for online customers. The following conditions must be met PRIOR to movement of empty or loaded equipment to or from OTVR.</p> <p>A request must be submitted to the OTVR including the following information: Number of cars to assemble as a unit, interchange location(s) for empty or loaded equipment, interchange locations(s) for outbound or inbound loaded unit train, date first cars are expected to arrive at OTVR, date which unit train will be loaded, location of loading, ownership of equipment – private or railroad owned or leased. Switching of additional cars is allowed at a charge of \$100 per car for all cars not included in the initial switch.</p> <p>Customer requesting assembly of a unit train must obtain written authorization from the General Manager of OTVR. Marked or controlled equipment will not be considered under this item until written car hire relief has been obtained from the controlling railroad.</p>						
410	<p>TURNING OF CARS TO PERMIT UNLOADING</p> <p>OTVR is not capable of turning cars and if the car must be sent to another railroad to accomplish turning, the charges of the other railroad will be in addition to the OTVR per car charge of \$350.</p>						
415	<p>CLOSING DOORS</p> <p>When it is necessary for OTVR to close doors, hatches, gates or secure tie down devices on empty cars, a charge of \$50 per car will be assessed against the customer releasing said car. Loaded cars will not be moved unless all doors, hatches, gates and tie-down devices are secured.</p>						
417	<p>WEIGHING</p> <p>When a car is weighed and subject to the assessment of charges, the following will apply as to:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">A. Private scales located at Industry of party requesting the weighing</td> <td style="text-align: right;">\$125</td> </tr> <tr> <td>B. Railroad Scales</td> <td style="text-align: right;">NOT APPLICABLE ON OTVR</td> </tr> <tr> <td>C. Private scales “NOT” located at Industry of party requesting the weighing</td> <td style="text-align: right;">\$350</td> </tr> </table> <p>IE: In addition to above the above charges, charges it Item 320, 330 and/or 340 will apply.</p>	A. Private scales located at Industry of party requesting the weighing	\$125	B. Railroad Scales	NOT APPLICABLE ON OTVR	C. Private scales “NOT” located at Industry of party requesting the weighing	\$350
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SECTION 2 – ACCESSORIAL CHARGES	
ITEM	APPLICATION
420	<p>OVERLOAD CHARGES</p> <p>1) For cars in excess of 286,000 lbs. moving over any portion of OTVR, movement must be pre-approved by Roadmaster located in Fergus Falls, Minnesota.</p> <p>2) Cars found to be overloaded while on the tracks of OTVR, or cars interchanged from OTVR to another carrier which are returned to OTVR because such cars are overloaded, will either be:</p> <ul style="list-style-type: none">a) returned to the shipper for adjustment, orb) placed at a location suitable for adjusting the load. <p>Determination of the above will be at the discretion of the OTVR.</p> <p>Cars covered by this item will be subject to OTVR demurrage rules and charges, no free time or credits will be allowed. Demurrage will begin upon notification to customer of overloaded condition, or placement of the car at the location for adjustment of the car, whichever occurs last.</p> <p>Cars covered by this item will be subject to a charge of \$500 per car, plus any applicable freight, switching and demurrage charges.</p> <p>3) Cars found to be overloaded at a loading point served by OTVR will not be moved until the load has been adjusted. Demurrage will continue until the car is released and accepted by OTVR. No additional free time will be allowed.</p> <p>4) Cars found to be overloaded and delivered to an unloading point served by OTVR will be returned to the shipper or moved to another location for adjustment of the load. Such cars will be subject to a charge of \$500 per car. No additional demurrage free time will be granted.</p>

SECTION 2 – ACCESSORIAL CHARGES	
ITEM	APPLICATION
430	<p>DIVERSION OR RECONSIGNMENT</p> <p>Diversion or reconsignment means any one or more of the following when a car is located on or under control of the OTVR:</p> <ol style="list-style-type: none"> 1. Change in the name of consignee 2. Change in the name of consignor 3. Change in the destination 4. Change in route 5. Any other instruction given by consignee, consignor, or owner affecting delivery and requiring and addition to or a change in billing, and additional movement of the car, or both. <p>Except as otherwise provided herein, the term “destination” as used in these rules means the billed destination.</p> <p>Diversion or Reconsignment orders will not be accepted by OTVR for cars that are not under its control</p> <p>CHARGES:</p> <p>When an order is placed with OTVR by consignee, consignor, or owner that modifies any of the terms of shipment listed above in this item, the following charges will apply:</p> <ol style="list-style-type: none"> 1. The charge for Diversion or Reconsignment will be \$150 per car. 2. Facilitation of Diversions or Reconsignments is not guaranteed. If the request is not accomplished, no charge will be assessed for the request. <p>Cars stopped, diverted or reconsigned under terms of this item are subject to demurrage and switching provisions within this tariff.</p>
440	<p>“SHIPMENT TO ORDER”, “ORDER NOTIFY” OR “STRAIGHT BILL OF LADING” REQUIRING SURRENDER OF BILL OF LADING OR WRITTEN ORDER</p> <ol style="list-style-type: none"> 1. When the original Bill of Lading or written order covering a shipment described above is not available, the property may be delivered in advance of the surrender of the Bill of Lading or written order, as the case may require, under the provisions of Rule 7 of the UFC. 2. If a Bill of Lading is tendered after 7:00 a.m. of the day following loading, a charge of \$75.00 per car will apply. 3. When Order Bills of Lading or written orders are received prior to arrival of car on OTVR, there will be no charge. Order Bills of Lading or written orders received after arrival of cars on OTVR will be assessed a charge of \$50 per car. - NOT APPLICABLE on OTVR 4. Cars held awaiting instructions under terms of this item will be subject to demurrage provisions of this tariff. Demurrage charges will accrue against the party issuing instructions.

SECTION 2 – ACCESSORIAL CHARGES	
ITEM	APPLICATION
450	<p>Cars Received in Error BY OTVR Loaded or empty cars received by OTVR from connections that are not consigned to OTVR or its customers or subsequently not accepted by consignee will be treated as mishandled cars received in error.</p> <p>The carrier interchanging a mishandled car to OTVR will be assessed a charge of \$300 per car.</p>
455	FAILURE TO DELIVER LOAD TO OTVR - NOT APPLICABLE ON OTVR
460	<p>EMPTY CARS ORDERED AND NOT USED</p> <p>If OTVR receives an order for empty cars, and such order is canceled by the ordering party after such empty car is dispatched in a OTVR train to a shipper, a charge of \$175.00 per car will be assessed to the ordering party.</p>
470	<p>LEASE OF RAILROAD TRACKS FOR STORAGE</p> <p>Tracks of OTVR may be leased to shippers, receivers or private car owners, subject to availability, pursuant to terms and conditions of special agreements. In absence of such agreements, the charge is \$10 per YEAR per lineal track foot, subject to a minimum charge of \$500 both payable in advance of the first cars arrival. Contact the appropriate Manager of Marketing & Sales regarding the creation of a track lease.</p> <p>Request for lease of tracks for storage must be received in writing by OTVR, stating the amount of track or number of car spots requested and the estimated duration of the storage.</p> <p>Cars placed in storage must be privately owned or free of car hire. Cars held on storage tracks will not be subject to demurrage in accordance the terms in Tariff OTVR 6001.</p> <p>Switching of cars to and from storage will apply, as provided in this tariff.</p>
475	<p>HANDLING OF NON-HAZMAT EMPTY FREIGHT CARS FOR STORAGE</p> <p>This item applies on all types of rail cars destined for storage on OTVR, including, but not limited to, cars provided by railroads, leased cars and cars bearing other than railroad reporting marks, but not including passenger train cars.</p> <p>The charge per inbound and per outbound movement of empty cars is \$175 per car, subject to a minimum of 0 miles, on a last in first out basis. Any other special switching requirement please contact the General Manager or Manger of Sales & Marketing. OTVR will not be responsible for the payment of any per diem or mileage charges, OTVR will not absorb any other rail carriers switch charges.</p> <p>OTVR’s maximum liability for loss and damage is \$100 per railcar. (NO LIABILITY WILL BE ASSUMED FOR PAINTING, DEFACING OR VANDALISM OF ANY KIND.)</p>

SECTION 2 – ACCESSORIAL CHARGES																					
ITEM	APPLICATION																				
480	<p>MOVEMENT OF LOCOMOTIVES</p> <p>Privately owned, leased or foreign line locomotives will be moved over the OTVR subject to a minimum charge of \$750 for movement on own wheels, but not on own power. OTVR will not absorb any switching charges applicable to shipments of locomotives.</p> <p>All Privately owned, leased or foreign line locomotives are subject to a joint inspection at interchange by both OTVR mechanical personnel and connecting carrier mechanical personnel. Any locomotives that fail inspection with be rejected at interchange</p> <p>OTVR’s maximum liability for loss and damage is \$100.00 per locomotive.</p>																				
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