



CAPE BRETON & CENTRAL NOVA SCOTIA

RAILWAY LIMITED

CBNS

SWITCHING TARIFF NO. 3

CONTAINING

SWITCHING RULES AND CHARGES

AT

POINTS ON

CAPE BRETON & CENTRAL NOVA SCOTIA RAILWAY LIMITED

This tariff replaces CBNS Switching Tariff # 2 in its entirety.

ISSUED: February 10, 2006.

EFFECTIVE: April 1, 2006.

Jim Ryan
Assistant General Manager

Roy Budgell
Manager Market Development

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SECTION ONE

GENERAL RULES

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SECTION ONE – GENERAL RULES

Item 10 - Scope of this tariff

This tariff covers rules, rates and charges for the Cape Breton & Central Nova Scotia Railway Limited. All charges by invoice are payable to 121 King Street, P.O. Box 2240, Stellarton N. S., B0K 1S0, net 30 days from the date of invoice.

Item 20 - Application of authorized increases

Rates and charges in this tariff, as amended, are subject to increases usually at start of new calendar year or at the discretion of the Manager Market Development and/or the Assistant General Manager.

Item 30 - Reference to tariff items, notes, rules, etc.

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.

Item 40 - Individual Customer Contracts

Where specific contracts have been established with individual customers, the terms of the specific contract take precedent. Items that are not addressed under the individual customer contract shall be governed by the terms of this tariff.

Item 50 - CN Interline - CN Guaranteed Car Supply (GCO) Program

Please refer to CN's most recent 9000 Tariff, Items 11000 – 11685 for detailed information on ordering empty railcars.

Item 60 - Currency

All charges quoted throughout this tariff are expressed in Canadian funds.

Item 70– Dangerous Goods/Hazardous Materials

The shipper of any dangerous goods/hazardous commodity shipped via CBNS shall indemnify CBNS and hold CBNS harmless for any and all loss, liability or cost whatsoever that CBNS 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 Part 1.3 (f) Item 12, and Part 5 of the TDG Regulations or mis-identification of commodity shipped.

The foregoing indemnification shall not apply to any loss or liability caused by or due to CBNS's failure to conduct pre-departure inspections as described in RAC Circular DG-01 and AAR interchange rules, or any other liability resulting from CBNS's negligence



SECTION TWO

SWITCHING CHARGES

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**Item 100 - Station List**

STATION COVERED IN THIS TARIFF AND NUMERICAL DESIGNATION ASSIGNED TO EACH:

ZONE	STATION NAME	MILEPOST	FSAC
1	Truro	10023	10023
	Salmon River	10040	10040
	West River	10206	11766
	Lorne	10313	11748
	Stellarton	10407	11704
	Westville	20031	11958
	Abercrombie	20073	11955
	New Glasgow	10428	11612
	Trenton	30015	11624
	James River	10747	11564
Antigonish	10842	11552	
2	Afton	11001	11532
	Monastery	11100	11100
	Havre Boucher	11162	11504
	Auld's Cove	11236	11236
	Port Hastings	11257	11400
	Port Hawkesbury	11285	11406
	Tupper	11298	11402
	Orangedale	11574	11252
	McKinnon Harbour	11683	11224
	Grand Narrows	11748	11198
3	Boisdale	11917	11953
	Gannon	12088	11164
	North Sydney	12150	11138
	Leitches Creek	12198	11134
	Jefferson	12243	11128
	Sydney	12301	11110

Item 200 - Intra-Line Haul Rates

<u>Destination Zone</u>	<u>Originating Zone</u>			
	<u>Zone 1*</u>	<u>Zone 2</u>	<u>Zone 3</u>	
	<u>Zone 1*</u>	\$707	\$875	\$1,311
	<u>Zone 2</u>	\$875	\$707	\$875
	<u>Zone 3</u>	\$1,311	\$875	\$707

CHARGES IN CDN\$ PER CAR (APPLICABLE TAXES ARE EXTRA.)

Refer to Item 100 to determine applicable zones from stations listed where freight is originated or terminated.

Charges apply to regular railcar traffic. Loads exceeding standard railcar dimensions or greater than 263,000 lbs are subject to dimensional rates as outlined in Items 210 and 220.

*Weight restrictions on the Horn Brook Bridge (Abercrombie Spur) limit total car weight to 263,000 lbs.



Item 210 - Dimensional Carloads (high / wide loads)

All dimensional linehaul loads (wider than 10 feet 6 inches, higher than 14 feet OTR, or longer than car bed) will be subject to a charge in addition to the haulage fee. Total charges for high/ wide loads are outlined in the table below.

<u>Destination Zone</u>	<u>Originating Zone</u>			
	Zone 1*	Zone 1*	Zone 2	Zone 3
	Zone 1*	\$1,445	\$1,858	\$2,787
	Zone 2	\$1,858	\$1,445	\$1,858
	Zone 3	\$2,787	\$1,858	\$1,445

All Dimensional moves must receive prior approval and are subject to clearance authorization.

Item 220 - Dimensional Carloads (overweight loads)

Road bed restrictions for traffic traveling over CBNS lines limit gross weight on rails to 268,000 pounds per car. All line haul loads weighing in excess of 263,000 pounds gross weight on rails will be subject to the same charges as outlined in Item 210.

- = Gross Weight restrictions on the Horn Brook Bridge (Abercrombie Spur) limit total gross weight or rail to 263,000 pounds per car.

Loads that are both over dimensional and overweight will be subject to 2 times the applicable charge indicated in item 210.

All Dimensional moves must receive prior approval and are subject to clearance authorization.

Item 230 - Special Train Handling Charge

A charge of \$100.00 per carload mile, minimum \$1600.00 will be assessed for any special handling cars, those being cars that require a dedicated locomotive or restrictive speed. This charge is in addition to all other applicable charges. Please contact the Manager, Market Development or the General Manager for a quotation.



SECTION THREE

ACCESSORIAL CHARGES

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**Item 300 - Haul of Empty Cars Not Used**

When cars placed or tendered for loading are released and not used, the party ordering same shall be subject to a charge of one half of the applicable zone rate as indicated in item 200 when released in addition to all applicable demurrage charges.

Item 310 - Freight Car Rejection

Industries located on the CBNS will be allowed twenty-four (24) hours to reject a car for loading. The 24 hours will commence at the time of constructive or actual placement of the car (s) on the industry's track. Rejection of a car after the 24-hour period will result in a charge of \$125.00 per car per day plus all applicable demurrage until notice of rejection is received by the CBNS. **Notification by telephone will not be accepted as official notification of rejection of car(s).** A fax or email must be sent.

Item 320 - Charges for Turning Rail Cars

A charge of \$245.00 per car will be assessed for turning and re-spotting rail cars. This charge applies on cars not properly placarded or marked to unload from one particular side or end of car. After constructive placement has been made, if either: shipper, consignee or owner directs carrier to turn car for unloading from opposite side or end of car, this charge will apply. If Bill of Lading carries notation that car has been placarded and placard has disappeared before placement, the charge named herein will not apply.

Item 327 - Consignee Car Unloading

The consignee is responsible for properly unloading each railcar. If the consignee fails to remove all the lading or other material from a railcar and close all doors, gates and hatches the car will NOT be considered as released and will remain on demurrage until the consignee releases the railcar in clean condition with doors closed. Cars returned to CBNS in a condition unsuitable for immediate reloading will be subject to a charge of \$300 and any associated switching fees, applicable against the previous consignee. Charges are in addition to all other transportation and ancillary charges.

Item 328 - Loading or Unloading of Dangerous Goods/Hazardous Materials

CBNS will not permit hazardous or dangerous commodities to be loaded or unloaded at public delivery or team tracks without **PRIOR, SIGNED, WRITTEN** agreement. This policy includes all bulk shipments or shipments in containers which exceed 110-gallon capacity of Dangerous Goods/Hazardous Materials, substances or wastes, as described in the Directory of Materials Shipping Instructions.

Item 329 - Cars Leaking Dangerous Goods/Hazardous Materials

CBNS will assess a charge of \$2,000 for the handling of cars loaded with or containing residue of Dangerous Goods/Dangerous Goods/Hazardous Materials that are found to be leaking and must be moved to an isolation track for securement. Charges will be assessed to the shipper on the bill of lading. All other charges including, securement, clean up, demurrage, switching etc. will be in addition to this \$2,000 charge.

Item 330 - Dangerous Goods/Hazardous Materials Surcharge

Carload commodities of Dangerous Goods/Hazardous Materials (Dangerous Goods/Hazardous Materials 49 or 29 Series STCC Numbers) being hauled or switched on the CBNS will be subject to a surcharge of \$245.00 per car in addition to all other applicable charges.

**Item 331 – Dangerous Goods/Hazardous Materials**

The shipper of any dangerous goods/hazardous commodity shipped via CBNS shall indemnify CBNS and hold CBNS harmless for any and all loss, liability or cost whatsoever that CBNS 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 Part 1.3 (f) Item 12, and Part 5 of the TDG Regulations or mis-identification of commodity shipped.

The foregoing indemnification shall not apply to any loss or liability caused by or due to CBNS's failure to conduct pre-departure inspections as described in RAC Circular DG-01 and AAR interchange rules, or any other liability resulting from CBNS's negligence.

Item 340 - Intra-Plant Switching

When a car is moved from one spot at any facility located on the CBNS to another spot at the same facility, after the initial placement, a charge of \$175.00 per car per switch will be assessed.

Item 350 - Cars interchanged in Error

A charge of the existing haulage fee (one way charge) will be assessed on all cars interchanged from CN in error. Cars will be returned free.

Item 360 - Hold Charge

All cars held on CBNS lines at the request of a shipper or receiver prior to release or disposition of the cars will be subject to a holding charge of \$125.00 per car, plus the applicable demurrage charges specified in Section Five. Any car requested to be held that contains dangerous goods will be subject to an additional charge of \$75.00.

Item 370 - Stand-by & Waiting Time

A charge of \$370.00 per hour will be assessed for a road unit and crew to be on stand-by subject to a minimum of 4 hours. A charge of \$245.00 per hour will be assessed for a switcher and crew to be on stand-by subject to a minimum of 4 hours. **Stand by & waiting time is NOT allowed without prior approval from CBNS management.**

Item 373 - Cars Released, but Not Available or Fit for Lifting

When release notification on one or more cars has been submitted by a customer to CBNS, but the cars are not available to CBNS crews or cars are not fit for lifting for whatever reason (improperly loaded etc) when they arrive, the customer shall be charged an additional \$350.00.

Item 380 - Weighing of Cars

CBNS does not have the capability to weigh cars. All cars which require weighing for the purpose of assessing freight charges will be weighed by either CN or SCR and their published tariff charges for weighing will be billed directly to the party requesting weighing service. CBNS assumes no liability for correctness of weights or failure of said railroads to weigh cars as requested.

Item 390 - Additional Switching

Included in the carload rates outlined in Items 200 and 210 is one switch in and one switch out per car or set of cars. Should a customer request additional switching, over and above their normal service, a charge of \$350.00 per industrial switch to/from customer(s) will be assessed over and above normal zone or applicable tariff rates.



SECTION FOUR

STORAGE CHARGES

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Item 400 - Freight Subject to Storage Charges

The provisions of this section apply to freight held for delivery, to complete a shipment, for forwarding instructions or for any other purpose, or when stored or held in or on the premises or tracks of CBNS.

Item 410 - Holidays

Wherever reference is made to “holidays”, it shall mean only the following days:

New Year’s Day	Good Friday
Victoria Day	Canada Day
Civic Holiday	Labour Day
Remembrance Day	Thanksgiving Day
Christmas Day	Boxing Day

Item 420 - 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 430 - 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 due to 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 CBNS is unable to effect placement. However, if the car is placed on the private track, industrial interchange track or other-than-public-delivery track serving consignor or consignee, the car shall be considered constructively placed without notice.

Item 440 - Notice of Arrival

Fax or email notice of arrival shall be given to the party entitled to receive same within twenty-four (24) hours, that car or cars are in railroad’s possession and ready for spotting. When the required notice of arrival is not given within the prescribed time period, time shall be computed from the first 00:01 hours after such notice is given.

Item 450 - Storage Charge

No free time will be allowed on cars, but they will be subject to a storage charge of \$50.00 per day per car to which no per diem applies and \$90.00 per day per car on all other regular railway equipment. Cars containing Dangerous Goods/Hazardous Materials will be subject to an **ADDITIONAL** charge of \$75 per day per car. Storage agreements must be established with CBNS prior to arrival of cars on line and will be subject to track availability on a day-to-day basis. Rates may vary according to availability.



SECTION FIVE

DEMURRAGE PROVISIONS

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Item 500 – Demurrage Plan

- A. Settlement of charges will be made on a monthly basis for all cars released during each calendar month.
- B. Credits earned and demurrage days accrued by customers having facilities at separate stations cannot be combined - **demurrage is siding specific.**
- C. Credits earned and demurrage days accrued will be calculated **separately** for the following:
 - 1. Cars held for **loading** subject to Item 550 of this tariff.
 - 2. Cars held for complete **unloading** subject to Item 560 of this tariff.
 - 3. Individual equipment subject to Item 570 of this tariff.Credits received for loading **cannot** be applied to demurrage debits for unloading and vice versa.
- D. Customers having more than one facility at one location will receive separate itemized billing for each facility.
- E. Excess credits earned in one calendar month cannot be used to offset demurrage days in another calendar month.
- F. Unless otherwise advised in writing, demurrage charges will be assessed against the source of delay on CBNS line (consignor at origin or consignee at destination) who will be responsible for payment.
- G. **DISPUTED CHARGES** - Demurrage charges assessed should be paid in full. Disputes for adjustment together with supporting documentation must be presented in writing to CBNS within thirty (30) days after the date on which the bill for demurrage is rendered.
- H. Method by which CBNS will Calculate Charges:
 - 1. Total demurrage days for all cars released will be added.
 - 2. Total credits for all cars released will be added.
 - 3. If total credits exceed total demurrage days, demurrage charges will not be assessed.
 - 4. If total demurrage days exceed the total credits, calculation of charges will be made as follows:
 - (A) Subtract number of total credits from total demurrage days to determine chargeable demurrage days.
 - (B) The number of chargeable demurrage days will be assessed in accordance with Item 520 of this tariff.

Item 510 - Application of Demurrage

- A. Applicable at all stations on CBNS.
- B. The disposition of a car at its point of detention determines the purpose for which the car is held and the rules applicable thereto.
- C. 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:
 - 1. Cars for loading or unloading of CBNS company material while held on CBNS tracks or private sidings connecting therewith.
 - 2. Cars of refused or unclaimed freight to be sold by CBNS for the time held beyond legal requirements.
 - 3. Cars “moving on own wheels” under transportation charges as freight.
 - 4. Cars of railroad ownership, leased for storage of commodities, while held on lessee’s tracks.
 - 5. Loaded or empty private cars held on private tracks.
 - 6. Cars specially equipped for handling welded railroad rail held for loading such rail.
 - 7. Empty cars ordered and ultimately rejected, (within the time frame outlined in Item 310) as unsuitable for loading.
 - 8. When floods, earthquakes, hurricanes, tornados or ice storms lasting **in excess of two days** make it impossible for the consignor or consignee to load, unload, receive or make cars available to CBNS, the demurrage charges that accrue as a direct result **may** be adjusted.

Item 520 - Demurrage Rates

- 1. **\$ 90.00/ day** - For heavy capacity and special type flat cars (i.e.: depressed flats).
- 2. **\$ 75.00/ day** - All other equipment subject to the provisions of this tariff.



NOTE: Dangerous Goods/Hazardous Materials - \$ 75.00/day – **ADDITIONAL CHARGE** for each car containing DANGEROUS GOODS/HAZARDOUS MATERIALS.

Item 530 - Notification to Consignor or Consignee

1. The following notification will be furnished as indicated:
 - a. Notice of receipt of cars (both empty and loaded), by CBNS at interchange with CN, will be electronically transmitted **via fax or email**, to the consignee. Only one notice per car will be communicated.
 - b. Cars will be placed without delay, unless otherwise directed by consignee.
 - c. Delivery of car upon tracks of consignee will constitute notice of placement.
2. Refused Loaded Car:

When a loaded car is refused at destination, CBNS will give notice of such refusal to CN or consignor or owner.
3. Notification may be given in writing or electronically, and will contain the following:
 - a. Car initials and number.
 - b. If lading transferred in route, initials and number of the original car.
 - c. Commodity.

Item 540 - Notification to CBNS

FAX **902-752-2713 or 1-888-853-0559**

EMAIL **STELLARTONCUSTOMERSERVICE@RAILAMERICA.COM**

- A. Notification of released cars must be provided to CBNS, Stellarton office, available at the above numbers.
- B. When electronic or mechanical devices are used to furnish notification to CBNS, the recorded date and time that the instructions are received will govern. **Notification by fax or email is recommended.**
- C. Notification may be given in writing or electronically and will contain the following:
 1. Car initials and number.
 2. Company and name of acting agent.
 3. Commodity.
- D. Should CBNS attempt to pick up a released car and discover that the car has not yet been completely loaded or unloaded; the releasing party shall be subject to an additional charge as outlined in Item 373.

Item 550 - Cars held for Loading

Loading is the complete or partial loading of a car in conformity with American Association of Railroads (AAR) loading and clearance rules and the furnishing of forwarding instructions.

TENDER:

The notification, actual or constructive placement of an empty car placed on orders of the consignor.

RELEASE:

- A. Date and time forwarding instructions are received by CBNS by fax or email.
- B. Cars placed on interchange tracks of a consignor doing its own switching must be returned to the interchange track for release.
- C. Cars found to be improperly loaded or overloaded at origin will **not be considered released until the load has been adjusted properly.**

COMPUTATION:

- A. Time will be computed from the first 00:01 hours after tender until release.



- B. On reloaded cars, time will be computed from the first 00:01 hours after advice is received that the car is empty until release.
- C. 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.
- D. See item 500 H.

CREDITS:

- A. One (1) credit (one day) will be allowed for each car released from loading.
- B. One (1) additional credit will be allowed on a car when a demurrage day occurs on a holiday.
- C. One (1) additional credit will be allowed when either a consignor or consignee moves rail cars to and from the CBNS interchange location and their own loading and/or unloading facility on a year round basis.
- D. Saturday and Sunday will be excluded until charges begin.

Item 560 - Cars held for complete Unloading

Unloading is the complete unloading of a car in conformity to the American Association of Railroads (AAR) and advice from the consignee to CBNS that the car is empty and available to the railroad.

TENDER:

The notification, actual or constructive placement of a loaded car.

RELEASE:

- A. Date and time CBNS received fax or email advice that the car is empty (see Item 640).
- B. Cars placed on interchange tracks of a consignee doing its own switching must be returned to the interchange track for release.
- C. When cars are unloaded by CBNS those cars will be released at the time the request to unload is received by CBNS from the consignee.
- D. 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.

COMPUTATION:

- A. Time will be computed from the first 00:01 hours after tender until release.
- B. See item 500 H.

CREDITS:

- A. Two (2) credits (2 days) will be allowed for each car released from unloading.
- B. One (1) additional credit will be allowed on a car when a demurrage day occurs on a holiday.
- C. One (1) additional credit will be allowed when either a consignor or consignee moves rail cars to and from the CBNS interchange location and their own loading and/or unloading facility on a year round basis.
- D. Saturday and Sunday will be excluded until charges begin.



Item 570 - Private and Railroad Cars held for other Purposes

Applicable to cars held on orders of consignor or consignee:

- A. While awaiting proper disposition from the consignor or consignee.
- B. As a result of conditions attributable to consignor or consignee.

DISPOSITION:

That information, including forwarding instructions or empty release **by fax or email**, which allows CBNS to either tender or release the car from the consignor's or consignee's account.

TENDER:

The notification, actual or constructive placement of a loaded car.

RELEASE:

Date and time that CBNS received fax or email advice that the car is empty or that forwarding instructions are received (see Item 540).

COMPUTATION:

Time will be computed from the first 00:01 hours:

- A. After tender until release on cars:
 1. Diverted.
 2. Empty for loading - ordered and not used (other than a rejected car).
 3. Partially unloaded.
 4. Re-consigned.
 5. Re-shipped.
 6. Stopped in transit.
- B. After cars are received by CBNS 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 refused loaded cars.
- D. After tender until date of disposition on refused loaded cars (consignor).
- E. After tender until release or placement on private tracks of loaded private cars - while held on CBNS tracks.

CREDITS:

- A. Two (2) credits (2 days) will be allowed for each car released or on which disposition is given.
- B. Credits **will not** be allowed for:
 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.

Item 580 - Strike Interference

When it is impossible to load, unload, receive cars from or make cars available to CBNS due to strike interference at the point where loading or unloading is to be accomplished, demurrage days will be charged at the rate of \$185.00 per day during the period of strike interference, provided:

1. The disruption exceeds ten (10) consecutive days.
2. The provisions of this item will only apply to:
 - a. Inbound cars when waybills are dated four (4) days after the beginning of strike interference.
 - b. Cars for loading when ordered after the beginning and prior to the ending of strike interference.



SECTION SIX

DIVERSION PROVISIONS

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Item 600 - Application

- A. Provisions of this section are applicable only to cars for which waybill information has been received.
- B. Orders for diversions will only be accepted from:
 - 1. Consignor
 - 2. Consignee
 - 3. Freight payer.
 - 4. Another railroad participating in the linehaul movement.
 - 5. Authorized representatives of the consignor, consignee, or freight payer, affected by these provisions.
- C. After a car has reached its billed destination on CBNS, diversion orders must be requested prior to the car being:
 - 1. Interchanged to a switching railroad for delivery to the consignee, or
 - 2. Actually or constructively placed by CBNS.

EXCEPTION 1:

A change in the freight payer may be requested after a car has been interchanged to a switching railroad or placed by CBNS.

EXCEPTION 2:

After placement, an order for delivery of the car to other than the billed consignee will be accepted by CBNS as follows:

- 1. If no additional movement of the car is required, subject to the charge for "all other diversions".
- 2. If additional movement of the car to a location within the switching limits of the destination station is required, it will be considered a new movement and subject to charges per Item 390.
- 3. If additional movement of the car to a location outside the switching limits of the destination station is required, it will be considered as a new movement subject to the applicable line haul charges as outlined in Items 200 and 210.

D. Order Notify Shipments

- 1. Diversion orders will not be accepted on "Order Notify" bill of lading consignments.
- 2. Orders will not be accepted to change the status of a shipment from a "Straight" bill of lading consignment to an "Order Notify" bill of lading after the "Straight" bill of lading has been executed.

E. Diversion orders must be made and confirmed in writing as follows:

- 1. Verbal orders may be given to:
Customer Service Desk, Stellarton at 1-800-565-5715
- 2. Written confirmation of verbal orders must be sent to the CBNS at:
FAX 1-902-752-2713 or
FAX 1-888-853-0559 or
Email to STELLARTONCUSTOMERSERVICE@RAILAMERICA.COM

Diversion will not be implemented until fax or email instruction is received.

- F. All charges against the consignment, whether accrued or accruing, must be paid or guaranteed to the satisfaction of CBNS before the car is diverted.



Item 620 - Linehaul Freight Charges

- A. The through rate (local, joint or combination rates) will be that applicable from origin to destination via the diversion station; on the date shipment is originally billed.
- B. CBNS assumes no responsibility that the lowest through rate, origin of the shipment to the diverted destination, can be protected via the diversion station.

Item 630 - Holding in Transit Prior to Destination Arrival

- A. Prior to arrival of car at billed destination:
 - 1. Notice of arrival will be given to the party on whose order the car is held when the car reaches holding station.
 - 2. The car will be held at a location on CBNS tracks and will be subject to the diversion charge for "holding" of \$125.00 per day plus applicable demurrage.
 - 3. If car is ordered to the original billed destination following the initial holding of the car, it will be subject to the diversion charge for "change in destination".
 - 4. Additional movement of the car at the station where the car is held:
 - a. If the car is ordered to be moved to another location at the hold station, it will subject to the local switching charge.
 - b. Any additional orders for movement of the car at the hold station will be subject to the local switching charges for each ordered movement.
 - c. If the car is ordered to the original billed destination or diverted to another destination after either of the preceding additional movements (a or b), it will be subject to the diversion charge for "change in destination".

Item 640 - Responsibility to Effect Diversions

- A. CBNS will make effort to effect a desired diversion when the car is in CBNS possession.
- B. CBNS will not assume any responsibility for effecting a diversion after a car has been interchanged to a connecting railroad for a line haul movement.
- C. CBNS will not assume any responsibility for effecting a diversion at a specified location under the following circumstances:
 - 1. When a car has been classified or assembled into a train for outbound movement. In this situation, a car may be diverted at the next classification yard or interchange location and the diversion will be governed by the rules and charges at the location.
 - 2. When a car has been placed in "pre-blocked" or "run-through" train service. In this situation, a car may be diverted:
 - a. When billed to a CBNS destination, after the car reaches the next CBNS classification yard, and the diversion will be governed by the rules and charges at that location.
 - b. When billed to non-CBNS destination, after the car reaches the next CBNS classification yard, and the diversion will be governed by the rules and charges at that location. (If the car is not scheduled to be reclassified prior to interchange the connecting railroad, the car may not be diverted under these provisions.)
- D. CBNS will not be responsible for executing a diversion order on a specified day or time of day.
- E. CBNS will not be responsible for increased charges when the diversion cannot be accomplished at the desired location.



Item 650 - Diversion Charges

When the applicable diversion provisions have been met and the line haul transportation price authorizes diversion, the following diversion charges will apply:

1. On changes in the following:

- Consignee after arrival of car at destination.
- Destination.
- Route.

The charge will be \$350.00 per car plus all other applicable tariff charges.

2. All other diversions - \$150.00 per car, plus all other applicable tariff charges.



- Appendix A -

GLOSSARY OF TERMS

For the purpose of applying provisions of this tariff, the following are defined and will govern:

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.

CBNS – Cape Breton and Central Nova Scotia Railway.

CHARGEABLE DEMURRAGE DAY - Each demurrage day in excess of credit days. This number is attained by subtracting total credits from total demurrage days for individual transactions such as loading or unloading.

CONSIGNEE - The party to whom a shipment is consigned or the party entitled to receive the shipment.

CONSIGNOR - The party in whose name cars are ordered or the party who furnished forwarding instructions.

CONSTRUCTIVE PLACEMENT - When a car cannot be actually placed due to any condition attributable to the consignor or consignee, including order notify and in -bond shipments, such car will be held on CBNS tracks and notice will be given to the consignor or consignee that the car is held awaiting disposition instructions. Such cars which have been placed by CBNS on private or other than public delivery tracks, including lead tracks serving the consignor or consignee, will be considered constructively placed without notice.

Customers who order their loaded cars in for placement will have their cars constructively placed on arrival at destination. The demurrage cycle for unloading begins and will continue until the car is released empty.

CREDIT - A non-chargeable demurrage day. Credits can be earned on cars released in a calendar month.

DEMURRAGE DAY - A twenty-four (24) hour period, or portion thereof, commencing at the first 00:01 hours after tender (calendar day).

DIVERSION - Any order received by CBNS that requires:

- A. A change in the billing/shipping document of a shipment, or
- B. A change in the party responsible for the payment of transportation charges (freight payer) of a shipment, or
- C. Stopping a car for the purpose of delivery or re-forwarding.
- D. An order from the consignor to deliver car to other than original destination.

EMPTY RELEASE INFORMATION - Notification given to authorized personnel of CBNS, that a car is unloaded and available to CBNS. Information given must include car initials and number, identity of consignee, and identity of party furnishing information.

FORWARDING INSTRUCTIONS - Shipping instructions given to CBNS at the point of loading, containing all necessary information to transport the shipment to its final destination.

INTRA-PLANT SWITCH – Movement of cars from one track to another track or from one spot to another spot on the same track, within the same plant or industry.

INTRA-TERMINAL / INTER-PLANT SWITCH – Movement other than intra-plant switching from an industry, assigned siding, team track or CBNS yard track (including CBNS repair facilities), to an industry, assigned siding, team track or CBNS yard track (including CBNS repair facilities) within the same switching district, but not to or from interchange with a connecting railroad.



INTER-TERMINAL SWITCH – Movement of cars between a point located on CBNS tracks and a point located on another railway within the switching limits of one station or industrial switching district.

HOLIDAYS - Wherever reference is made to “holidays”, it shall mean:

New Year’s Day, Good Friday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day or Boxing Day.

LEASE TRACK - Any track assigned to a user through written agreement. Lease track will be treated the same as a private track under this section.

NOTIFICATION - When required, notification will be furnished in writing, electronically, by mechanical devices or verbally to the party entitled to receive notification. Only one notification per car will be supplied to the consignee or the consignor.

PRIVATE CAR - A car bearing other than railroad reporting marks and which is not a railroad-controlled car, and where CBNS incurs and pays no per diem charges.

PUBLIC DELIVERY TRACK - Any track open to the general public for loading and unloading.

RECONSIGNMENT - An order from the consignor to bill a car to other than the original consignee. (An order to turn over the car to another party which does not require an additional movement of the car is not a re-consignment).

REFUSED LOADED CAR - When the original loaded car is refused at destination without being unloaded.

REJECTED CAR - An empty car determined by the shipper as being unfit for loading.

RELEASE - The notification received from the consignor or consignee that loading or unloading of the car has been completed.

RELOADING - When a car is held for loading after being released as an empty.

SCR – Sydney Coal Railway.

SPECIAL TRAIN – A train that is operated under special service or transportation conditions or assembled according to instructions of the consignor or consignee

SPECIAL SWITCH – A switch assignment, beyond CBNS’s regularly scheduled service to, from, or within the confines of a customer’s plant, siding or serving yard

TENDER - The notification, actual or constructive placement of an empty car place on orders of the consignor/consignee.

**- Appendix B -****RATE SPEED SHEET**

	<u>ITEM</u>	<u>CHARGE</u>
Special Train Handling Charge	230	\$100/car/mile Min \$1600
Haul of empty cars not used	300	\$250/car
Freight car rejection after 24 hours	310	\$125/car/day
Turning of cars	320	\$245/car
Hazmat charge	330	\$245/car + tariff
Intra-plant switch	340	\$175/car
Cars interchanged in error	350	applicable tariff rate one way
Hold charge	360	\$125/car/day + demurrage
Stand-by & waiting (road unit)	370	\$370/ hour min 4 hours
Stand-by & waiting (switcher)	370	\$245/hour min 4 hours
Additional Switching	390	\$350/switch
Storage charges (private equipment)	450	\$50/day/car
Storage charges (RR equipment)	450	\$75/day/car
Storage charges – Dangerous Goods/Hazardous Materials	450	\$75/day plus storage charges
Diversion (changes to consignee or destination)	650	\$350/car + tariff
Diversion (all other changes)	650	\$150/car + tariff
Demurrage (special equipment) RR own/controlled	520	\$90/day per car
Demurrage (regular equipment) RR own/controlled	520	\$75/day/car
Demurrage, Dangerous Goods/Hazardous Materials)	520	\$75/day/car + demurrage charges
Cars ordered after strike interference	580	\$185/day/car

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- Appendix C -

Contact Telephone Numbers

Car Control/Customer Service	Stellarton, Nova Scotia	1-800-565-5715 Ext. 228
EMAIL	<u>STELLARTONCUSTOMERSERVICE@RAILAMERICA.COM</u>	
Accounts Receivable	Stellarton, Nova Scotia	1-800-565-5715 Ext. 235
Invoice Inquiries	Stellarton, Nova Scotia	1-800-565-5715 Ext. 223 & 233
Accounts Payable	Boca Raton, Florida	1-561-226-6853
Manager – Market Development	Stellarton NS	1-902-752-3357 Ext. 238
	Cell Phone	1-902-759-4662
Assistant General Manager	Stellarton, NS	1-902-752-3357 Ext. 246
	Cell Phone	1-902-759-4846