

FT KYLE 6001-A  
(Cancels Item 120, Freight Tariff KYLE 3000-B )  
(Cancels FT KYLE 6001)



## The Kyle Railroad Company

A RailAmerica Company



Freight Tariff KYLE 6001-A

(cancels Freight Tariff KYLE 6001)

NAMING  
DEMURRAGE RULES & CHARGES  
AT LOCATIONS ON THE KYLE RAILROAD COMPANY

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THIS TARIFF APPLIES ON INTERSTATE TRAFFIC AND INTRASTATE TRAFFIC IN THE STATES OF  
CO AND KS

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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

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ISSUED: FEBRUARY 6, 2006

EFFECTIVE: MARCH 1, 2006

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ISSUED BY:  
THE KYLE RAILROAD COMPANY  
38 RAILROAD AVENUE  
PHILLIPSBURG, KS 67661

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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<b>GENERAL RULES AND REGULATIONS</b>	
<b>ITEM</b>	<b>APPLICATION</b>
5	<p><b>DESCRIPTION OF GOVERNING CLASSIFICATION</b>                      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><b>STATION LIST AND CONDITIONS</b>                      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.                       GEOGRAPHICAL LIST OF STATIONS                       For geographical locations of stations referred to in this tariff by station number.                       STATION NUMBERS                       For the identification of stations when stations are shown or referred to by numbers in this tariff.</p>
15	<p><b>EXPLOSIVES, DANGEROUS ARTICLES</b>                      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><b>REFERENCE TO TARIFFS, ITEMS, NOTES AND RULES</b>                      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><b>CONSECUTIVE NUMBERS</b>                      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><b>MILEAGE CHARGES ON PRIVATELY OWNED CARS</b>                      KYLE will not pay mileage charges on privately owned car when moving to, from or via stations on the KYLE.</p>
60	<p>This section intentionally left.</p>

<b>GENERAL RULES AND REGULATIONS</b>	
<b>ITEM</b>	<b>APPLICATION</b>
90	<p><b>PAYMENT AND CREDIT TERMS</b>                      Unless otherwise advised, in writing, demurrage charges will be assessed against the online consignor at origin or online consignee at destination. (See Item 500).</p> <p>Demurrage charges assessed must be paid in full and disputes for adjustment together with supporting documentation must be presented in writing to KYLE 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 KYLE administrative office. Fax: 785-543-6539 or. E-mail: <a href="mailto:KyleCustomerService@RailAmerica.com">KyleCustomerService@RailAmerica.com</a>, or, Mail: The Kyle Railroad Company, P. O. Box 566, Phillipsburg, KS 67661.</p> <p>When for reasons other than KYLE error, consignor/consignee fails to pay KYLE for assessed demurrage as provided in Item 500 of this tariff, KYLE 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><b>HOLIDAYS</b>                      The term “holidays” shall include only the following days:                      New Year’s Day...January 1<sup>st</sup>.                      Martin Luther King, Jr. Day...third Monday of January.                      President’s Day...Third Monday of February                      Good Friday...Two Days Before Easter Sunday.                      Memorial Day...Last Monday of May.                      Independence Day...July 4<sup>th</sup>.                      Labor Day...First Monday of September.                      Thanksgiving Day...Fourth Thursday of November.                      Christmas Day...December 25<sup>th</sup>.</p> <p>When these dates occur on a Sunday, the following Monday will be observed as the holiday. When these dates occur on a Saturday, the preceding Friday will be observed as the Holiday.</p>
300	<p><b>DEFINITION OF TERMS</b>                      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 KYLE 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 KYLE 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>

<b>GENERAL RULES AND REGULATIONS</b>	
<b>ITEM</b>	<b>APPLICATION</b>
300 (cont'd)	<p>Demurrage Day– A twenty-four (24) hour period, or part thereof, commencing 00:01 hours after tender (calendar day).</p> <p>Empty Release Information – Advice by consignor or consignee faxed or emailed to authorized personnel of KYLE that car is unloaded and available to KYLE. Information given must include identity of consignee, party furnishing data, car initial and number. Date and Time stamp from fax or email will be used in demurrage calculations.</p> <p>Forwarding Instructions– Shipping instructions given to KYLE at the point of loading, 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 KYLE gives notification that a car is available for unloading or loading by either actual or constructive placement to consignor or consignee</p>
310	<p><b>EXCEPTIONS TO DEMURRAGE CHARGES</b></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"> <li>A. Cars for loading or unloading of KYLE company material while held on KYLE tracks or private sidings connecting therewith.</li> <li>B. Cars of refused or unclaimed freight to be sold by KYLE for the time held beyond legal requirements.</li> <li>C. Empty Cars moving on own wheels under transportation charges as freight.</li> <li>D. Cars of railroad ownership, leased for storage of commodities, while held on lessee's tracks.</li> <li>E. (A) Loaded or empty private cars held on private tracks, railroad leased tracks or leased storage tracks.</li> <li>F. Cars specially equipped for handling welded railroad rail held for loading such rail.</li> </ul>

<b>GENERAL RULES AND REGULATIONS</b>	
<b>ITEM</b>	<b>APPLICATION</b>
<p>310 (cont'd)</p>	<p>G. Empty cars ordered and rejected as unsuitable for loading.</p> <p>H. Cars covered by storage or hold charges.</p> <p>I. Cars assigned to shippers returned empty to point of assignment, to the extent storage rules apply.</p>
<p>400</p>	<p><b>NOTIFICATION TO CONSIGNOR OR CONSIGNEE</b></p> <p>A. The following notifications will be furnished as indicated:</p> <ol style="list-style-type: none"> <li>1. Cars for Other than Public Delivery Tracks:                             <ol style="list-style-type: none"> <li>a Notice of constructive placement if cars are held on KYLE tracks due to reasons attributable to the consignor or consignee.</li> <li>b Delivery of car upon tracks of consignee will constitute notice.</li> <li>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.</li> </ol> </li> <li>2. Cars for Public Delivery Track: Notice will be given to the party entitled to receive notification when car is actually placed</li> <li>3. 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.</li> <li>4. Refused Loaded Car: When a loaded car is refused at destination, KYLE will give notice of such refusal to the consignor or owner.</li> </ol> <p>B. Notification may be given in writing or electronically, and will contain the following:</p> <ol style="list-style-type: none"> <li>1. Car initials and number, if lading transferred en route, the initials and number of the original car, commodity, time and date.</li> </ol>
<p>450</p>	<p><b>CARS HELD FOR COMPLETE UNLOADING</b></p> <p>Unloading is the complete unloading of a car, including blocking and dunnage, and advice from the</p>

<b>GENERAL RULES AND REGULATIONS</b>	
<b>ITEM</b>	<b>APPLICATION</b>
	<p>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 style="padding-left: 40px;">A.     <b>RELEASE:</b></p> <p style="padding-left: 80px;">1.     Date and time that the railroad received advice that the car is empty.</p> <p style="padding-left: 80px;">2.     Cars placed on interchange tracks of a consignee doing its own switching, must also be returned to the interchange track for release.</p> <p style="padding-left: 80px;">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> <p style="padding-left: 40px;">B.     <b>NOTIFICATION TO KYLE:</b></p> <p style="padding-left: 80px;">1.     The KYLE must be notified of empty releases by fax, EDI or e-mail. All notifications must include the car initial and number, date, time, company name, and person providing the notification.</p> <p style="padding-left: 80px;">2.     When electronic or mechanical devices are used to furnish notification to railroad, the recorded date and time that instructions are received will govern.</p> <p style="padding-left: 80px;">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 will be assessed and demurrage charges will continue to be assessed until actual release.</p>
455	<p><b>CARS HELD FOR LOADING</b></p> <p>Loading is the complete or partial loading of a car in conformity with KYLE 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 style="padding-left: 40px;">A.     <b>RELEASE:</b></p> <p style="padding-left: 80px;">1.     Date and time Forwarding Instructions are received.</p> <p style="padding-left: 80px;">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.</p> <p style="padding-left: 80px;">3.     Cars found to be improperly loaded or overloaded at origin will not be considered released until the load has been adjusted properly.</p> <p style="padding-left: 80px;">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> <p style="padding-left: 40px;">B.     <b>NOTIFICATION TO RAILROADS:</b></p>
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<b>GENERAL RULES AND REGULATIONS</b>	
<b>ITEM</b>	<b>APPLICATION</b>
(cont'd)	<ol style="list-style-type: none"> <li>1. KYLE must receive complete Forwarding Instructions by EDI, fax or email before a car will be considered to be released.</li> <li>2. When Forwarding Instructions are received, the recorded date and time instructions are received will govern.</li> <li>2. If, after receipt of Forwarding Instructions, the KYLE determines after arriving at our customers facility that a car is not ready to move, KYLE will assess a charge of \$150 and demurrage charges will continue to be assessed until actual release.</li> </ol>
460	<p><b>PRIVATE AND RAILROAD CARS HELD FOR OTHER PURPOSES</b></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"> <li>1. Diverted.</li> <li>2. Empty for loading – ordered and not used (other than a rejected car).</li> <li>3. Partially unloaded.</li> <li>4. Reconsigned.</li> <li>5. Reshipped.</li> <li>6. Stopped in transit.</li> </ol>

<b>GENERAL RULES AND REGULATIONS</b>	
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460 (cont'd)	<p>B. After cars are received by KYLE until date of disposition on:</p> <ol style="list-style-type: none"><li>1. Cars received from connecting carriers.</li><li>2. Loaded private cars returned to railroad tracks.</li></ol> <p>C. After tender until date of refusal on:</p> <ol style="list-style-type: none"><li>1. Refused loaded cars (consignee).</li></ol> <p>D. After tender until date of disposition on:</p> <ol style="list-style-type: none"><li>1. Refused loaded cars (consignor).</li></ol> <p>E. After tender until release or placement on private tracks on:</p> <ol style="list-style-type: none"><li>1. Loaded private cars – while held on railroad tracks.</li></ol>

<b>GENERAL RULES AND REGULATIONS</b>	
<b>ITEM</b>	<b>APPLICATION</b>
500	<p><b>DEMURRAGE PLAN AND CHARGES:</b></p> <p><u>APPLICATION:</u> The provisions of this item will apply on cars placed for loading and/or unloading, while on the rails of The Kyle Railroad Company and, unless otherwise provided, will take precedence over any charges published in any other tariff which may provide a conflict.</p> <p>Unless otherwise provided in writing, demurrage charges published herein will be assessed against the online consignor at origin or online consignee at destination or party responsible for car(s) being held empty or loaded at a hold point, who will be responsible for payment of demurrage charges.</p> <p>Demurrage is a charge made on freight cars held by or for consignor or consignee for loading or unloading, for forwarding directions, or for any other purpose, beyond the allowed free time and will apply under the following provisions:</p> <p><u>FREE TIME</u> (except as provided in Item 460): Forty-eight (48) hours free time will be allowed for the loading and/or unloading of cars (see EXCEPTION). Free time will be computed from the first 0700 after actual placement or where otherwise applicable notification is provided. Saturdays, Sundays, and designated Holidays are exempt when computing free time. Notwithstanding, if the day preceding a Saturday, Sunday or designated Holiday is a chargeable demurrage day, then the Saturday, Sunday or designated Holiday, and all subsequent days, are chargeable demurrage days.</p> <p><u>EXCEPTION:</u> (Applicable only in connection with cars of Farm Products, STCC 01 thru 01-999-15 or Food or Kindred Products, STCC 20 thru 20-999-95): Twenty-four (24) hours free time will be allowed for the loading and/or unloading of cars. However, in the event, on cars placed for loading, billing instructions are received by the KYLE prior to 5:00 p.m. of the first chargeable day, no demurrage charges will be assessed for that first chargeable day.</p> <p><u>CHARGES:</u> Demurrage charges for the loading/unloading of cars, after the expiration of free time, as prescribed herein, shall be (for each twenty-four hour period or fraction thereof): \$30.00 per car for each of the first four chargeable days; \$40.00 per car for each of the next two days; and, \$70.00 per car for each subsequent day; except charges shall be \$50.00 per car per twenty-four hour period or fraction thereof on cars of Farm Products, STCC 01 thru 01-999-15, or cars of Food or Kindred Products, STCC 20 thru 20-999-95.</p> <p><u>TERMINATION OF DEMURRAGE CHARGES:</u> Demurrage charges as defined herein, once applicable, will terminate only under the following provisions: Receipt of advice from the loading/unloading facility that car(s) is ready for forwarding or release and suitable order has been given to this railroad of the required forwarding directions.</p> <p>The KYLE must be given complete billing/forwarding instructions by the customer via fax, email or EDI transmission, even if similar notification has already been given to another railroad.</p> <p><u>TIME ZONE:</u> All times shown in this item are central time zone times.</p>

<p>600</p>	<p><b>HEAVY DUTY OR SPECIAL TYPE FLATCARS</b>                  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>
<p>(A) 700</p>	<p><b>HAZARDOUS COMMODITY</b>                  The shipper of any hazardous commodity shipped via KYLE shall indemnify KYLE and hold KYLE harmless for any and all loss, liability or cost whatsoever that KYLE 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 mis-identification of commodity shipped.</p> <p>The foregoing indemnification shall not apply to any loss or liability caused by or due to KYLE'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 KYLE'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 KYLE's premises:</p> <ul style="list-style-type: none"> <li>A. Class A-Explosives:                         <ul style="list-style-type: none"> <li>1. \$110.00 per car per day, will apply on cars held on KYLE premises.</li> </ul> </li> <li>B. Class B and C – Explosives                         <ul style="list-style-type: none"> <li>1. \$110.00 per car per day, will apply cars held on KYLE premises</li> </ul> </li> <li>C. Hazardous Materials, Substances, Wastes, Other Than Explosives                         <ul style="list-style-type: none"> <li>1. \$110.00 per car per day, will apply on cars held on KYLE premises</li> </ul> </li> </ul> <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 KYLE premises.</p> <ul style="list-style-type: none"> <li>D. Empty Railcars Formerly Containing Hazardous Materials or Explosives                         <ul style="list-style-type: none"> <li>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.</li> </ul> </li> </ul>

ABBREVIATION	EXPLANATION OF ABBREVIATION
CO CONT KS KYLE	Colorado Continued Kansas The Kyle Railroad Company, including all stations physically served by The Kyle Railroad Company as well as KYLE stations adopted by another railroad, but physically served by The Kyle Railroad Company.
REFERENCE MARK	EXPLANATION OF REFERENCE MARK
(A) (C) (R)	Increase Change resulting in neither an increase nor a decrease Decrease
THE END	