

**NEW ENGLAND CENTRAL RAILROAD COMPANY
DEMURRAGE TARIFF NECR 6001-C**

**DEMURRAGE TARIFF
CONTAINING DEMURRAGE RULES AND CHARGES
AT POINTS ON
THE NEW ENGLAND CENTRAL RAILROAD**

NOTICE: The provisions published herein will, if effective, not result in an effect on the quality of the human environment.

ISSUED: Feb. 3, 2006

EFFECTIVE: Feb. 27, 2006

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ITEM 350
CANCELLATION OF CURRENT PROVISIONS

This tariff publication will cancel the provisions of the following tariff as it pertains to the New England Central Railroad (NECR):

NECR 6001-B

ITEM 400
GENERAL APPLICATION

Reference to “Railroad” shall mean the New England Central Railroad.

- A. Applicable at all stations on “Railroad.”
- 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 the following:
 - 1. Cars for loading or unloading of “Railroad” company material while held on “Railroad” tracks or private sidings connecting therewith.
 - 2. Cars of refused or unclaimed freight to be sold by “Railroad” for the time held beyond legal requirements.
 - 3. Empty 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 private cars held on private tracks or leased storage tracks.
 - 6. Empty private cars on railroad or private tracks or leased storage tracks.
 - 7. Cars specially equipped for handling welded railroad rail held for loading such rail.
 - 8. Empty cars ordered and rejected as unsuitable for loading.
 - 9. Cars covered by storage or hold charges.
 - 10. Cars assigned to shippers returned empty to point of assignment, to the extent storage rules apply.

ITEM 410
GLOSSARY OF TERMS

For the purposes of applying provisions of this section, 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.

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 directions.

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 “railroad” 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 “Railroad” on private or other than public delivery tracks, including lead tracks serving the consignor or consignee will be considered constructively placed without notice.

CREDIT – Non-chargeable demurrage day. Credits can only be earned on those cars released.

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

DIVERSION – An order from the consignor to deliver car to other than original destination.

EMPTY RELEASE INFORMATION – Advice by consignee given to authorized personnel of “Railroad” that car is unloaded and available to “Railroad.” Information given must include identity of consignee, party furnishing data, car initial and number.

FORWARDING INSTRUCTIONS – Shipping instructions given to “Railroad” at the point of loading, containing all of the necessary information to transport the shipment to the final destination.

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

NOTIFICATION – When required, notification will be furnished verbally or in writing to all parties entitled to receive notification.

PRIVATE CAR – A car bearing other than railroad reporting marks and which is not a railroad-controlled car.

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.

ITEM 420
NOTIFICATION TO CONSIGNOR OR CONSIGNEE

A. The following notifications will be furnished as indicated:

1. Cars for Other than Public Delivery Tracks:
 - a. Notice of constructive placement if cars are held on “Railroad” tracks due to reasons attributable to the consignor or consignee.
 - b. Delivery of car upon tracks of consignee will constitute notice.
 - c. When two or more parties, each performing their own switching, take delivery of cars from the same interchange track, notice will be given when cars are placed on the interchange track.
2. Cars for Public Delivery Track:

Notice will be given to the party entitled to receive notification when car is actually placed.
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.
4. Refused Loaded Car:

When a loaded car is refused at destination, "Railroad" will give notice of such refusal to the consignor or owner.

- B. Notification may be given in writing or electronically, and will contain the following:
1. Car initials and number.
 2. If lading transferred enroute, the initials and number of the original car.
 3. Commodity.
 4. Time and date.
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ITEM 450
CARS HELD FOR COMPLETE UNLOADING

Unloading is the complete unloading of a car, including blocking and dunnage, and advice from the consignee to the railroad that the car is empty and available to the railroad.

TENDER:

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

A. RELEASE:

1. Date and time that the railroad received advice that the car is empty.
2. Cars placed on interchange tracks of a consignee doing its own switching, must also be returned to the interchange track for release.
3. When the same car is unloaded and reloaded, empty release information must be furnished. If not furnished, demurrage will continue until forwarding instructions are received.

B. NOTIFICATION TO "RAILROAD":

1. The "Railroad" must be notified of empty releases by phone, fax machine, e-mail, or through answering machine located in the "Railroad" administrative offices. All notifications must include the car

initial and number, date, time, company name, and person doing the notification.

2. When electronic or mechanical devices are used to furnish notification to railroad, the recorded date and time that instructions are received will govern.
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 \$109 will be assessed.

C. COMPUTATION:

1. Time will be computed from the first 00:01 hours after tender until release.
2. On reloaded cars, time will be computed from the first 00:01 hours after advice is received that the car is empty until release.
3. When the same car is unloaded and reloaded, empty release information must be furnished. If not furnished, demurrage will continue until forwarding instructions are received.

ITEM 455
CARS HELD FOR LOADING

Loading is the complete or partial loading of a car in conformity with "Railroad" 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.

A. RELEASE:

1. Date and time Forwarding Instructions are received.

2. Cars placed on interchange tracks of a consignor doing its own switching must be returned to the interchange track by the consignor to be considered released.
3. Cars found to be improperly loaded or overloaded at origin will not be considered released until the load has been adjusted properly.
4. A car to be held for official grading or inspection at origin will not be considered released until such time as the grading and inspection is complete.

B. NOTIFICATION TO RAILROADS:

1. "Railroad" must receive complete Forwarding Instructions by fax machine before a car will be considered to be released.
2. When Forwarding Instructions are received by fax machine, the recorded date and time instructions are received will govern.
3. If, after receipt of Forwarding Instructions, the "Railroad" determines after arriving at our customers' facility that a car is not ready to move, "Railroad" will assess a charge of \$109.

C. COMPUTATION:

1. Time will be computed from the first 00:01 hours after tender until release.
2. If a car is placed prior to the date for which it was ordered from "Railroad," time will be computed from the first 00:01 hours on the date for which it was ordered until its release.
3. On cars for reloading: Demurrage time for the UNLOADING cycle will terminate and demurrage time for the (RE)LOADING cycle will be computed from the first 00:01 hours after notification received by "Railroad" that the car is empty. Demurrage time for LOADING will continue until the car is released to "Railroad" loaded. Car will NOT be considered released until complete Forwarding Instructions are received by "Railroad" and all car doors and hatches are closed for movement.
4. When a car is actually placed, or constructive placed, and released prior to 23:59 hours same day, no demurrage day will be accrued.
5. When an empty car is placed for loading and movement via a specific route in conformity with Car Service Rules and/or directives, and the loaded car is offered for movement via some other route and refused by the railway necessitating unloading, demurrage shall be charged from the first 00:01 hour after placement until the car is loaded and no credit allowance shall be made.

ITEM 460

PRIVATE AND RAILROAD CARS HELD FOR OTHER PURPOSES

Applicable to cars held:

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

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.

TENDER:

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

RELEASE:

Date and time that the railroad received advice that the car is empty, or that forwarding instructions are received.

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. Reconsigned.
 - 5. Reshipped.
 - 6. Stopped in transit.
- B. After cars are received by “Railroad” until date of disposition on:
 - 1. Cars received from connecting carriers.
 - 2. Loaded private cars returned to railroad tracks.
- C. After tender until date of refusal on:
 - 1. Refused loaded cars (consignee).
- D. After tender until date of disposition on:
 - 1. Refused loaded cars (consignor).
- E. After tender until release or placement on private tracks on:

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

ITEM 470
DEMURRAGE PLAN AND PRICES

- A. Demurrage is assessed at the rate of \$50.00 per car per day for all time in excess of 24 hours for loading or 48 hours for unloading from the first 00:01 hours after tender until release.
- B. When unloading cars, two credits will be allowed for cars released prior to the first 00:01 after tender. When loading or unloading cars, one credit will be allowed for cars released within 24 hours from the first 00:01 hours after tender. Credits will be used to offset demurrage time. Credits earned for complete loading may only be used to offset demurrage days accrued for complete loading and credits earned for complete unloading may only be used to offset demurrage days accrued for complete unloading.
- C. Settlement of charges will be made on a monthly basis on all cars released during each calendar month.
- D. Credits earned and demurrage days accrued by customers having facilities at separate stations cannot be combined.
- E. 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.
- F. Credits earned and demurrage days accrued will be calculated separately for the following transaction:
1. Private and Railroad cars held for other purposes.
- G. Excess credits earned in one calendar month may not be used to offset demurrage days in another calendar month.
- H. Unless otherwise advised, in writing, demurrage charges will be assessed against the consignor at origin or consignee at destination who will be responsible for payment.

- I. Demurrage charges assessed should be paid in full and disputes for adjustment together with supporting documentation must be presented in writing to "Railroad" within thirty (30) days after the date on which the bill for demurrage is rendered.
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ITEM 480
HOLIDAYS AND WEEKENDS

An additional day of credit will be allowed for the following Holidays when a specific car has not had a chargeable day prior to said Holiday. If, however, the car has already been charged for a day, all Holidays will also be chargeable.

The following Holidays will apply for additional free time: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

ITEM 490
HAZARDOUS COMMODITY

The shipper of any hazardous commodity shipped via NECR shall indemnify NECR and hold NECR harmless for any and all loss, liability or cost whatsoever that NECR 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.

The foregoing indemnification shall not apply to any loss or liability caused by or due to NECR'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 NECR's negligence.

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 NECR's premises:

- A. Class A-Explosives:
1. \$110.00 per car per day, will apply on cars held on NECR premises.

B. Class B and C – Explosives
1. \$110.00 per car per day, will apply on cars held on NECR premises.

C. Hazardous Materials, Substances, Wastes, Other Than Explosives
1. \$110.00 per car per day, will apply on cars held on NECR premises.

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 NECR premises.

D. Empty Railcars Formerly Containing Hazardous Materials or Explosives.
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.