

SAN DIEGO & IMPERIAL VALLEY RAILROAD

A RailAmerica Company



Freight Tariff SDIY 8000

NAMING SWITCHING AND ACCESSORIAL CHARGES AT LOCATIONS ON THE SAN DIEGO & IMPERIAL VALLEY RAILROAD

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

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: NOVEMBER 28, 2005

EFFECTIVE: JANUARY 1, 2006

ISSUED BY:
SAN DIEGO & IMPERIAL VALLEY RAILROAD INC.
1501 NATIONAL AVE STE 200
SAN DIEGO, CA 92113

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, is 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	Intentional 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 SAN DIEGO & IMPERIAL VALLEY RAILROAD WITHOUT CLEARANCE is 286,000</p>

GENERAL RULES AND REGULATIONS	
ITEM	APPLICATION
60	<p>NATIONAL SERVICE ORDER TARIFF</p> <p>This tariff is subject to the provisions of the various Surface Transportation Board Service Orders and General Permits as shown in National Service Order Tariff STB NSO 6100 series.</p>
70	<p>MILEAGE CHARGES ON PRIVATELY OWNED CARS</p> <p>SDIY will not pay mileage charges on privately owned car when moving to, from or via stations on the SDIY</p>
75	<p>DEMURRAGE</p> <p>Cars handled under the provisions of this tariff will also be subject to the demurrage provisions of SDIY 6001 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 SDIY 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 SDIY, unless arrangements to the contrary have been made with SDIY prior to performance of service</p> <p>All payments for services covered herein are due and payable within thirty (30) 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 SDIY.

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 SAN DIEGO & IMPERIAL VALLEY 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> <p>3. Special Events</p>
205	<p>HOLIDAYS</p> <p>SDIY holidays are defined, for purposes of this tariff, as: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day following Thanksgiving Day, Christmas Eve Day and Christmas Day.</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 SDIY 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 SDIY.</p> <p>Reciprocal Switching – An arrangement between SDIY and a connecting railroad serving the same station or switching district where the carrier physically serving the industry performs switching service for loading or unloading on behalf of the other carrier on shipments having an immediately preceding or following line-haul movement via the other carrier. SDIY will perform reciprocal switching only to or from SDIY customers specifically listed in this tariff.</p> <p>Team Track - A track or tracks assigned by SDIY 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 SDIY station via a junction with that connecting carrier.</p>

SECTION 1 - SWITCHING				
ITEM	APPLICATION			
310	HANDLING OF LOADED AND/OR EMPTY CARS Except for Reciprocal Switching and as otherwise provided herein, switching charges published herein will apply on loaded and/or empty cars.			
320	INTRA-PLANT SWITCH The charge for an Intra-Plant Switch will be \$300 per car.			
330	INTRA-TERMINAL SWITCH The charge for an Intra-Terminal Switch will be \$300 per car.			
340	INTER-TERMINAL SWITCH The charge for an Inter-Terminal Switch will be \$300 per car.			
370	RECIPROCAL SWITCHING – \$130 APLICABLE ON THE SDIY			
	AT	FOR	CHARGE	NOTES
380	INTERMEDIATE SWITCHING – NOT APPLICABLE			
	AT	FOR	CHARGE	NOTES
Note (1) – Switching charges billed to the rail carrier ordering the shipment to interchange.				
SECTION 2 – ACCESSORIAL CHARGES				
ITEM	APPLICATION			

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, or required because of excessive dimension, excessive weight, high center of gravity, or other conditions not permitting normal operation, the following charges will be assessed in addition to other lawfully published rates:</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 \$400 per hour or fraction thereof will be assessed, subject to a minimum charge of \$1,800, if performed within 8 continuous hours or fraction thereof. Should performance of service exceed 8 continuous the rate will be \$800 per hour for all hours in excess of 8 continuous hours.</p> <p>1A. When special freight train service on SDIY has been arranged by the operating department upon request of shippers or Consignees, or as deemed necessary by the railroad, the rate will be \$2,000 WITH SDIY POWER AND \$1,000 WITH OTHER 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 \$1000.00 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 \$2,500 will be assessed. Should performance of service exceed 8 continuous hours the rate will be \$800 per hour for all hours in excess of 8 continuous hours.</p> <p>CONDITIONS:</p> <p>1. Reasonable notice must be given to SDIY 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 SDIY before service is performed.</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>SDIY may assemble unit trains for online customers. The following conditions must be met PRIOR to movement of empty equipment to SDIY.</p> <p>A request must be submitted to the SDIY including the following information: Number of cars to assemble as a unit, interchange location(s) for empty equipment, interchange locations(s) for outbound loaded unit train, date first cars are expected to arrive at SDIY, date which unit train will be loaded, location of loading, ownership of equipment – private or railroad owned or leased</p> <p>Party requesting assembly of a unit train must obtain written authorization from the General Manager of railroad 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> <ol style="list-style-type: none"> 1. In instances where it is desired that freight in carloads be placed on industrial or team tracks for loading or unloading from one particular side or end of the car, cars must be properly placarded on both sides, and notation made on the Bill of Lading and waybill substantially as follows: <div style="text-align: center;"> <p>NOTICE TO CARRIER</p> <p>“Deliver car for loading or unloading from the door or end specified by placard.”</p> </div> 2. When freight in carloads is properly placarded on both sides of the car to load or unload from one particular side or end of the car, and customer directs SDIY to turn the car so that loading or unloading can be done from the other side or end of the car, a charge of \$250 per car shall apply, in addition to all other lawful charges. 3. If the car must be sent to another railroad to accomplish turning, the charges of the other railroad will be in addition to the charges contained in this item. 						
415	<p>CLOSING DOORS</p> <p>When it is necessary for SDIY to close doors, hatches, gates or secure tie down devices on empty cars, a charge of \$300 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="padding-left: 20px;">A. Private scales located at Industry of party requesting the weighing</td> <td style="text-align: right; padding-right: 20px;">N/A</td> </tr> <tr> <td style="padding-left: 20px;">B. Railroad Scales</td> <td style="text-align: right; padding-right: 20px;">N/A</td> </tr> <tr> <td style="padding-left: 20px;">C. Private scales “NOT” located at Industry of party requesting the weighing</td> <td style="text-align: right; padding-right: 20px;">N/A</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	N/A	B. Railroad Scales	N/A	C. Private scales “NOT” located at Industry of party requesting the weighing	N/A
A. Private scales located at Industry of party requesting the weighing	N/A						
B. Railroad Scales	N/A						
C. Private scales “NOT” located at Industry of party requesting the weighing	N/A						

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 SDIY, movement must be pre-approved by Roadmaster located in SAN DIEGO, CA.</p> <p>2) Cars found to be overloaded while on the tracks of SDIY, or cars interchanged from SDIY to another carrier which are returned to SDIY because such cars are overloaded, will either be:</p> <ul style="list-style-type: none"> a) returned to the shipper for adjustment, or b) placed at a location suitable for adjusting the load. <p>Determination of the above will be at the discretion of the SDIY.</p> <p>Cars covered by this item will be subject to SDIY 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 \$200 per car, plus any applicable freight, switching and demurrage charges.</p> <p>3) Cars found to be overloaded at a loading point served by SDIY will not be moved until the load has been adjusted. Demurrage will continue until the car is released and accepted by SDIY. No additional free time will be allowed.</p> <p>4) Cars found to be overloaded and delivered to an unloading point served by SDIY 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 \$200 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 SDIY:</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 SDIY for cars that are not under its control</p> <p>CHARGES:</p> <p>When an order is placed with SDIY 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 \$180 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 of reconsigned under terms of this item are subject to demurrage provisions of this tariff.</p>
440	<p>NOT APPLICABLE ON SDIY - “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 am of the day following loading, a charge of \$150 per car will apply. 3. When Order Bills of Lading or written orders are received prior to arrival of car on SDIY, there will be no charge. Order Bills of Lading or written orders received after arrival of cars on SDIY will be assessed a charge of \$150 per car. 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 SDIY Loaded or empty cars received by SDIY from connections that are not consigned to SDIY 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 SDIY will be assessed a charge of \$200 per car.</p>
455	<p>NOT APPLICABLE ON SDIY - FAILURE TO DELIVER LOAD TO SDIY</p> <p>When SDIY delivers a car for loading to a customer, and customer fails to return the loaded car to SDIY, but instead ships the loaded car via another railroad, the customer will pay a charge of \$200 for each loaded car not delivered to SDIY.</p> <p>This charge shall not apply to cars ordered and not used as covered in item 460 of this tariff.</p>
460	<p>EMPTY CARS ORDERED AND NOT USED</p> <p>If SDIY receives an order for empty cars, and such order is canceled by the ordering party after such empty car is dispatched in a SDIY train to a shipper, a charge of \$300 per car will be assessed to the ordering party.</p>
470	<p>LEASE OF RAILROAD TRACKS FOR STORAGE</p> <p>Tracks of SDIY 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 \$500.00 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 SDIY, 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.</p> <p>Switching of cars to and from storage will apply, as provided in this tariff.</p>

SECTION 2 – ACCESSORIAL CHARGES	
ITEM	APPLICATION
<p>475</p> <ul style="list-style-type: none"> ● 	<p>HANDLING EMPTY FREIGHT CARS FOR STORAGE</p> <p>This item applies on all types of rail cars destined for storage on SDIY, 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 for movement of empty cars is \$300 OVER SAN DIEGO AND \$300 OVER SAN YSIDRO, subject to a minimum of 0 miles. SDIY will not be responsible for the payment of any per diem or mileage charges, SDIY will not absorb any switch charges.</p> <p>SDIY’s maximum liability for loss and damage is \$100 per railcar. (NO LIABILITY WILL BE ASSUMED FOR PAINTING, DEFACING OR VANDALISM)</p> <p style="text-align: center;">AND</p> <p>Flat rate on a last in first out basis is the same as inbound move, and for any other special switching requirement please contact the Manager of Marketing and Sales</p>
<p>480</p> <ul style="list-style-type: none"> ● 	<p>MOVEMENT OF LOCOMOTIVES</p> <p>Privately owned, leased or foreign line locomotives will be moved over the SDIY subject to a minimum charge of \$700 for movement on own wheels, but not on own power. SDIY 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 SDIY mechanical personnel and connecting carrier mechanical personnel. Any locomotives that fail inspection will be rejected at interchange</p> <p>SDIY’s maximum liability for loss and damage is \$100 per locomotive.</p>
EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS	
<p>AAR</p> <p>OPSL</p> <p>RER</p> <p>RPS</p> <p>STB</p> <p>STCC</p> <p>UFC</p> <p>A</p> <p>C</p> <p>R</p>	<p>Association of American Railroads</p> <p>Official List of Open and Prepay Stations, Station List Publishing Company, Agent</p> <p>The Official Railway Equipment Register, R.E.R. Publishing Company, Agent</p> <p>Railroad Publication Services, Agent</p> <p>Surface Transportation Board</p> <p>Standard Transportation Commodity Code</p> <p>Uniform Freight Classification, Uniform Freight Classification Committee, Agent</p> <p>Increase</p> <p>Changes resulting in neither an increase nor a decrease</p> <p>Decrease</p>