

THE NEW YORK, SUSQUEHANNA AND WESTERN RAILWAY

NYSW 8001 - H

- SWITCHING RULES AND MISCELLANEOUS CHARGES -
AT STATIONS ON
THE NEW YORK, SUSQUEHANNA AND WESTERN RAILWAY

This tariff is governed by NYSW Conditions of Carriage #1

Cancels provisions of Tariff NYSW 8001 - G

Issued: July 15, 2008

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Issued by
Marketing and Sales Department
The New York, Susquehanna and Western Railway Corp.
1 Railroad Avenue
Cooperstown, NY 13326
www.nysw.com

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ITEM 100 – SWITCHING

Switching charges apply on loaded or empty rail cars when a customer requests an intra-plant movement of a rail car after that rail car has been placed for unloading or loading.

Switching Charge - \$175.00 per car.

ITEM 150 – SWITCH MAINTENANCE

The NYSW will assess a switch maintenance fee of \$2,500.00 per year if a customer does not receive and/or ship a minimum of six (6) cars per calendar year to or from their private siding.

ITEM 200 – STORAGE OF EMPTY PRIVATE CARS

Empty private cars held on the NYSW without a fully executed car storage agreement with the NYSW are subject to standard demurrage and/or storage charges per NYSW 8003-Series.

ITEM 225 – STORAGE OF LOADED PRIVATE CARS

Loaded private cars held on the NYSW without a fully executed car storage agreement with the NYSW are subject to standard demurrage and/or storage charges per NYSW 8003-Series.

ITEM 250 – STORAGE OF RAILROAD MARKED CARS

The NYSW does not store railroad marked and railroad controlled cars. Railroad marked cars, loaded or empty, are subject to standard demurrage charges per NYSW 8003-Series.

ITEM 275 – STORAGE OF BAD ORDERED AND SHOPPED CARS

Bad ordered and shopped cars may be held on a customer's private siding or leased track without charge.

Bad ordered and shopped cars held on NYSW tracks are subject to demurrage charges as published in NYSW 8003-Series except 120 hours (5 days) of free time are allowed from the first 1201 AM from being bad ordered or shopped or from removal from a customer's private siding or leases track. Switching charges as published in NYSW 8001-Series apply to for the movement of bad ordered and shopped cars from a customer siding to a shop track or NYSW track and from a shop track or NYSW track to a customer siding.

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ITEM 300 - SPECIAL TRAIN SERVICE

Special train service is the movement of a train or rail cars in other than normal, regularly scheduled service and performed at the request of, or for the need of, a specific shipment and/or customer. Special train service may include high and wide shipments, excessive weight loads or other conditions that are not handled during normal train operations. The NYSW may require special train service on specific shipments due to the characteristics of that shipment.

Requests for special train service must be made in writing in advance to the NYSW Vice President of Transportation via the customer service department. Such requests must contain any pertinent shipment information for the NYSW to accept/decline and schedule special train service. The NYSW may restrict or modify requests for special train service.

Charges for special train service are in addition to all other freight and accessorial charges for the car(s) handled. The number of 'service hours' furnished by special train service is calculated from the crew's on-duty time to their off-duty time.

Charges:

- Special train service when the train crew is NOT used exclusively to perform the service of the requesting customer - \$900 per event
- Special train service when the train crew IS provided for the exclusive use of the requesting customer, up to eight (8) hours - \$1700 per event and/or crew
- Special train service when the train crew IS provided for the exclusive use of the requesting customer, exceeding eight (8) hours but not exceeding twelve (12) hours - \$2,500 per event &/or crew
- Additional locomotive(s) for a special train - \$600 per additional locomotive per event
- Cancellation of requested and scheduled special train service - \$500 per event

Charges for special train service are subject to the NYSW established credit policy. Customers without approved credit with the NYSW may be required to submit payment for the estimated special train service charges prior to the service being scheduled by the NYSW.

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ITEM 350 – TURNING OF CARS

The NYSW will turn a car upon written request by the customer who will be paying for this service.

Charges for the turning of a car are \$400.00 per car when the turning is performed on or within the customer's private siding or performed on NYSW tracks in the immediate switching terminal area.

Charges for the turning of a car are \$400.00 per car plus applicable charges railroad or private car movement charges as published in NYSW 37411-Series when the turning is performed on NYSW tracks outside the immediate switching terminal area.

Charges for turning a rail car are in addition to inbound or outbound freight charges for that rail car.

ITEM 400 – WEIGHING OF RAIL CARS

The NYSW will assess a charge of \$250.00 per car for weighing of cars on the NYSW. This charge applies to each loaded and/or empty weighing of each rail car and does not include transportation charges to and from the rail scale location.

Item 425 – OVERLOADED RAIL CARS

The NYSW will assess a charge of \$750.00 per car on each car that is determined to be overloaded on the NYSW. This charge includes the initial weighing of the car.

The customer is responsible for any damage to the railcar caused by overloading of the railcar.

Cars found to be overloaded must be partially unloaded to the weight limit of the railcar by the customer at the customer's expense where placed by the NYSW for offloading. Demurrage charges will be assessed on the overloaded car from the day the shipper is notified of the overloaded car until the car is accepted by the NYSW as being within the lading limits of the car. No demurrage 'free' days will be allowed on overloaded cars.

If the NYSW Transportation Department determines that car can be returned to the shipping point for offloading of the excessive lading the switching charge contained in Item 100 of this tariff will be accessed in addition to the charges in this item.

Overloaded cars must be reweighed after lading removal and before being accepted by the NYSW for loaded movement. Weighing charges contained in Item 400 of this tariff will be accessed if the NYSW reweighs the car.

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ITEM 450 – TRUCK WEIGHING

The NYSW maintains truck scales at rail-to-truck transload terminals on the railroad. The locations of these terminals are:

- o Sparta sugar terminal - Susquehanna Bulk Systems
- o North Bergen plastics terminal
- o Saddle Brook plastics terminal

Truck weighing charges for trucks transporting product transloaded from rail cars at these locations are:

empty weight	\$7.00 per weighing
loaded weight	\$7.00 per weighing

Truck weighing charges for trucks not transporting product not transloaded from rail cars at the locations are:

empty weight	\$9.00 per weighing
loaded weight	\$9.00 per weighing

ITEM 475 – LUMBER TRANSLOAD STORAGE

The NYSW maintains a lumber transload facility at North Bergen, NJ. National Distribution Services operates this facility for the account of the NYSW.

Storage charges on product unloaded and held at the terminal will be assessed based on the board footage on the ground on the last day of the month. Month of receipt will be considered 'free' storage.

Storage charges for product held over one month are:

- \$1.00 per one thousand board feet per month for product held over the first month
- \$1.50 per one thousand board feet per month for product held over two months
- \$2.00 per one thousand board feet per month for product held over three months.

Storage will be monitored and billed by the reload operator.

ITEM 500 – CARS ORDERED AND NOT USED

The NYSW will assess a charge of \$150.00 per car on empty cars ordered by a customer for loading when the customer cancels the car order after the NYSW receives the car but before the car is placed for loading.

The NYSW will assess a charge of \$250.00 per car on empty cars ordered by a customer for loading when the customer cancels the car order after the car is placed for loading.

ITEM 510 – REFUSED OR REJECTED LOADED CARS

When a customer rejects an inbound loaded car, the car may move via reverse route back to the origin of the current waybill at the same rate as the inbound movement, unless otherwise provided for in the rate document governing the inbound shipment.

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ITEM 525 – MOVEMENT OF EMPTY PRIVATE CARS

Empty private cars moving into or from storage on the NYSW and empty private cars delivered empty to the NYSW for loading but subsequently moved off the NYSW without loading are subject to the charges contained in circular NYSW 37411-Series.

ITEM 550 – RETURN OF PALLETS, PLATFORMS, SKIDS, CONTAINERS, CARRIERS OR OTHER SHIPPING DEVICES

The NYSW will not provide free return, non-revenue movement, of pallets, platforms, skids, containers, carriers or other shipping devices unless specifically provided for in individual pricing documents and/or contracts.

Complete bill of lading information is required from the shipper when individual pricing documents and/or contracts do allow for non-revenue movement of pallets, platforms, skids, containers carriers or other shipping devices.

ITEM 575 – CARS INTERCHANGED IN ERROR

The NYSW will charge \$350 per car for cars interchanged to the NYSW in error by a connecting railroad. The charge will be billed to the railroad delivering the car in error to the NYSW.

ITEM 600 – DIVERSION

The term diversion means any order received by NYSW that requires a change in the billing/shipping document of a shipment that is in possession of the NYSW and is not at destination.

When a diversion order is received the movement will be considered as terminating at the station where the car is diverted and rebilled from there to affect the order. NYSW will accept a new Bill of Lading for re-routing the car or use the diversion order as the new Bill of Lading.

Diversion orders must be made in writing or confirmed in writing as follows:

- 1.) Verbal orders may be given to Customer Service Representative, Cooperstown, NY. Telephone: 607-547-2555 ext 235. A verbal diversion request will not be implemented until written confirmation is received.
- 2.) Written confirmation of verbal orders must be sent to:
Customer Service Department
New York, Susquehanna & Western Railway
customerservice@nysw.com or,
Fax: 607-547-8632

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ITEM 700 – FUEL SURCHARGE

In the event the average monthly price of West Texas Intermediate Crude Oil (WTI) exceeds \$23.00 per barrel using the daily prices as published in the Wall Street Journal, the New York, Susquehanna and Western Railway will have the right to apply a fuel surcharge to all line haul freight charges referencing or subject to this item. The applicable fuel surcharge percentage shall be applied to each shipment having a bill of lading dated on or after the 1st day of the second calendar month following the calendar month of a given WTI Average Price calculation.

The fuel surcharge will be 0.4% of the line haul freight charge for every \$1.00 per barrel, or portion thereof, by which the WTI Average Price exceeds \$23.00. The WTI Average Price for a given calendar month will be determined by adding the daily West Texas Intermediate Crude Oil prices published in the Wall Street Journal during a calendar month, and dividing the result by the number of days so published in that given month. The result will be rounded to the nearest cent. If the Wall Street Journal ceases publication of the price of West Texas Intermediate Crude Oil, NYSW will employ a suitable substitute source of price or measure.

The fuel surcharge will change monthly per the table below.

Calendar Month of WTI Average Price	Calendar Month Fuel Surcharge Applied
January	March
February	April
March	May
April	June
May	July
June	August

Calendar Month of WTI Average Price	Calendar Month Fuel Surcharge Applied
July	September
August	October
September	November
October	December
November	January
December	February

The following schedule reflects the applicable fuel surcharge within the WTI Average Price ranges noted below.

WTI Average Price per Barrel	Fuel Surcharge Percentage
\$23.00 and below	No Surcharge
\$23.01 to \$24.00	0.4%
\$24.01 to \$25.00	0.8%
\$25.01 to \$26.00	1.2%
\$26.01 to \$27.00	1.6%
\$27.01 to \$28.00	2.0%
\$28.01 to \$29.00	2.4%
\$29.01 to \$30.00	2.8%
\$30.01 to \$31.00	3.2%
\$31.01 to \$32.00	3.6%
\$32.01 to \$33.00	4.0%
\$33.01 to \$34.00	4.4%
\$34.01 to \$35.00	4.8%
\$35.01 to \$36.00	5.2%

WTI Average Price per Barrel	Fuel Surcharge Percentage
\$36.01 to \$37.00	5.6%
\$37.01 to \$38.00	6.0%
\$38.01 to \$39.00	6.4%
\$39.01 to \$40.00	6.8%
\$40.01 to \$41.00	7.2%
\$41.01 to \$42.00	7.6%
\$42.00 to \$43.00	8.0%
\$43.01 to \$44.00	8.4%
\$44.01 to \$45.00	8.8%
\$45.01 to \$46.00	9.2%
\$46.01 to \$47.00	9.6%
\$47.01 to \$48.00	10.0%
\$48.01 to \$49.00	10.4%
\$49.01 to \$50.00	10.8%

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ITEM 800 – MILEAGE BASED FUEL SURCHARGE

This Item applies to:

- all regulated common carrier linehaul freight rates existing or established by NYSW on or after April 23, 2007; and
- all linehaul freight rates and charges with respect to exempt traffic, and linehaul freight rates and charges in contracts, private price quotations or other pricing documents, that both reference this publication and are entered into or issued and effective on or after April 23, 2007.

In the event that the monthly average price per gallon of highway diesel fuel (as determined below, the “HDF Average Price”) equals or exceeds 200.0 cents, NYSW will apply a mileage-based fuel surcharge (MBFSC) to the linehaul rates and charges as described above. The mileage based fuel surcharge will be applied to each qualifying shipment having a bill of lading or other shipping instruction dated on or after the first day of the second calendar month following the calendar month of a given HDF Average Price determination.

The “HDF Average Price” for a month will be the average price for that month of U.S. No. 2 Diesel Retail Sales by All Sellers, as determined and published by the U. S. Department of Energy, Energy Information Administration (“DOE-EIA”). That average price will, in calculating the HDF Average Price, be rounded to the nearest 1/10 of a cent. The fuel surcharge will be 1 cent per mile per railcar for every 4¢ per gallon, or portion thereof, by which the HDF Average Price for the calendar month two months prior to the calendar month of shipment exceeds 199.9 cents.

If DOE-EIA ceases publication of the above information, NYSW will employ a suitable substitute source of price or measure.

The mileage to be applied in calculating the fuel surcharge will be based on rail miles between origin, interchange(s) and destination.

The following table reflects a sampling of the fuel surcharge within the included HDF Average Price ranges.

HDF Average Price	Cents	HDF Average Price	Cents	HDF Average Price	Cents
Cents Per Gallon	Per Mile	Cents Per Gallon	Per Mile	Cents Per Gallon	Per Mile
0 - 199.9	0	232.0 - 235.9	9	268.0 - 271.9	18
200.0 - 203.9	1	236.0 - 239.9	10	272.0 - 275.9	19
204.0 - 207.9	2	240.0 - 243.9	11	276.0 - 279.9	20
208.0 - 211.9	3	244.0 - 247.9	12	280.0 - 283.9	21
212.0 - 215.9	4	248.0 - 251.9	13	284.0 - 287.9	22
216.0 - 219.9	5	252.0 - 255.9	14	288.0 - 291.9	23
220.0 - 223.9	6	256.0 - 259.9	15	292.0 - 295.9	24
224.0 - 227.9	7	260.0 - 263.9	16	296.0 - 299.9	25
228.0 - 231.9	8	264.0 - 267.9	17	Above 299.9	See Below

The fuel surcharge will be 25¢ per mile plus 1¢ per mile for every 4¢ per gallon, or portion thereof, by which the HDF Average Price exceeds 299.9 cents.

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