



IRONHORSE
RESOURCES, INC

RIO VALLEY SWITCHING COMPANY

101 21st St. | McAllen, TX 78501 | P: 956-971-9111 | F: 956-971-9114

FREIGHT TARIFF RVSC 8016

SWITCHING TARIFF

Applicable AT and BETWEEN Stations On The

RIO VALLEY SWITCHING COMPANY

Governed, except as otherwise provided herein, by the Uniform Freight Classification (UFC), as provided Item 5.

NOTICE

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

ISSUED: November 29, 2016

EFFECTIVE: January 1, 2017

ISSUED BY

RIO VALLEY SWITCHING COMPANY

101 N. 21st Street
McAllen, Texas 78501
(956) 971-9111 (PHONE)
(956) 971-9114 (FAX)

SECTION 1 - RULES AND OTHER GOVERNING PROVISIONS

GENERAL RULES AND REGULATIONS

ITEM	SUBJECT	APPLICATION
5	Description Of Governing Classification and Exceptions	The term "Uniform Freight Classification", when used herein means ICC UFC 6000-Series.
10	Station Lists And Conditions	<p>This tariff is governed by the official list of Open and Prepay Station 6000-Series, ICC OPSL 6000-Series, Station List Publishing Company, Agent, to the extent shown below:</p> <p style="text-align: center;"><u>PREPAY REQUIREMENTS AND STATION CONDITIONS</u></p> <p>For additions and abandonments 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 are inapplicable on and after the date.</p>
20	Reference To Tariffs, 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 re-issues of such items, notes, rules, etc.
25	Terminal Or Transit Priveleges or Services	Shipments made under the rates contained in this tariff are entitled also to terminal and transit services and priveleges, and are subject to the charges, allowances, rules, and regulations legally applicable thereto, as provided in separately published, lawfully filed tariffs.
40	Consecutive Numbers	Where consecutive numbers are represented in this tariff by the tariff by the first and last number connected by the word "to" or a hyphen they will be understood to include both of the numbers shown. If the first number only bears a reference mark, such reference mark also applies to the last number shown and to all numbers between the first and last numbers.
45	Capacities and Dimensions of Cars	For marked capacities, length, dimensions and cubical capacities of cars, see the Official Equipment Register, ICC RER 6411-Series.
50	Method of Cancelling Item	<p>As this tariff is supplemented, numbered items with lettered suffixes cancel correspondingly numbered items in the original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequence starting with A.</p> <p>Example: Item 25-A cancels Item 25 and Item 50-B cancels 50-A in a prior supplement which in turn cancelled Item 50.</p>
55	Method of Denoting Reissued Matter In Supplements	Matter brought forward without change from one supplement to another will be designated as "Reissued" by a reference mark in the form of a square enclosing a number, the number being that of the supplement in which the reissued matter first appeared in its currently effective form. To determine the original effective date consult the supplement in which the reissued matter first became effective.
60	National Service Order Tariff	This tariff is subject to provisions of various Interstate Commerce Commission Service Orders and General Permits as shown in Tariff NSO 6100-Series.
65	Change of Name of Industries	<p>When and industry at a private siding on the RVSC is mentioned by name, and a change of ownership occurs, the switching provisions herein for the named industry, will also apply to the successor industry at the same private siding.</p> <p>When and industry at a private siding on a connecting carrier is mentioned by name and a change of ownership occurs, the tariff of such connecting carrier, lawfully on file with the ICC, will contain the provisions applicable at such private siding.</p>

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70	Receipt Of Order Notify Freight From Connecting Lines	Carload freight from connecting lines, when consigned to order notify, or when consigned to one party, notify, or advise another party, will not be accepted by RVSC until road haul has taken up the order notify, bill of lading, written order or any other document required as a precedent to delivery.
75	Less Than Carload Freight	Freight moving in less than carload shipments shall be subject to the provisions of, and treated the same as carload freight.
80	Application Of Switching Rates Or Charges	Except as otherwise provided, switching rates or charges named herein will cover the handling of cars loaded one way and empty the other. If the cars are loaded in both directions, regular rate or charge will be assessed for each loaded movement.
85	Demurrage Rules and Charges	<p>A person, company, or entity receiving railcars from RVSC for loading or unloading who detains the rail cars beyond the period of free time set forth in the governing demurrage tariff will be held liable for demurrage if that person had actual notice of the demurrage tariff. However, if that person, company, or entity is acting as an agent for another party, that person, company, or entity is not liable for demurrage if RVSC has actual written notice of the agency status, the identity of the principal, and written acceptance from the principal for the principals responsibility of that demurrage.</p> <p>Excluding the above, the company loading or unloading the cars is responsible for paying the demurrage. Free time will start at the first 7:00 AM after placement, or after proper notification has been sent or given when required. For the purposes of computing free time, Sundays and observed holidays (see note) will be excluded if occurring within free time. Free time for unloading is forty-eight (48) hours and free time for loading is twenty-four (24) hours. Demurrage will start after free time.</p> <p>Demurrage will be charged at the following rate: \$50.00 for each of the first five (5) days. \$100.00 for each of the subsequent days until the car is released. Exception: Rates on heavy capacity and special flat cars are negotiated with each customer.</p> <p>The applicable charge will accrue on all Sundays and holidays after free time has expired, including the first Sunday or holiday immediately following the day on which free time has expired, except as otherwise noted below:</p> <p>A. Customers can only release loaded or empty cars to the railroad during "Normal Working Hours" which are between 6:50 AM and 5:00 PM on any day except Saturday, Sunday and holidays. If a car is released at any other time different than normal working hours, the release time will be adjusted to the next time the railroad would have normal working hours. That is, if a customer would release a car on Monday at 8:00 PM, the release time would be changed to Tuesday at 6:50 AM.</p> <p>NOTE: Release methods are further detailed in Tariff item number 280.</p> <p>B. Cars will be constructively placed to a shipper or receiver of rail freight if a customer cannot take the car because of conditions at the facility which will not allow the railroad to place the car. If a car is constructively placed by the railroad, the railroad will notify the customer during normal working hours of the constructive placement either by phone, fax or mail which would be postmarked with that days date. The demurrage rules would apply to this car as if the car were placed at the customer's track. The railroad will place the car when the next normal switch will allow the railroad to place the car.</p> <p>Note: The observed holidays are New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas.</p>

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85a	Demurrage and Storage Calendar	<p>This calendar details the Demurrage Rules and Charges free day, excluded day, and payment schedule for Inbound Load / Non Hazardous Cars</p> <table border="1" data-bbox="407 296 1291 636"> <thead> <tr> <th colspan="11">48 HOURS TO COMPLETE INBOUND UNLOADING</th> </tr> </thead> <tbody> <tr><td>Thursday</td><td>(7:00 AM -> 6:59 AM Fri)</td><td>P</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>Friday</td><td>(7:00 AM -> 6:59 AM Sat)</td><td>F</td><td>P</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>Saturday</td><td>(7:00 AM -> 6:59 AM Sun)</td><td>F</td><td>F</td><td>P</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>Sunday</td><td>(7:00 AM -> 6:59 AM Mon)</td><td>X</td><td>X</td><td>X</td><td>P</td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>Monday (Holiday)</td><td>(7:00 AM -> 6:59 AM Tue)</td><td>X</td><td>X</td><td>X</td><td>X</td><td>P</td><td></td><td></td><td></td><td></td></tr> <tr><td>Tuesday</td><td>(7:00 AM -> 6:59 AM Wed)</td><td>\$ 50</td><td>F</td><td>F</td><td>F</td><td>F</td><td>P</td><td></td><td></td><td></td></tr> <tr><td>Wednesday</td><td>(7:00 AM -> 6:59 AM Thu)</td><td>\$ 50</td><td>\$ 50</td><td>F</td><td>F</td><td>F</td><td>F</td><td>P</td><td></td><td></td></tr> <tr><td>Thursday</td><td>(7:00 AM -> 6:59 AM Fri)</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>F</td><td>F</td><td>P</td><td></td></tr> <tr><td>Friday</td><td>(7:00 AM -> 6:59 AM Sat)</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>F</td><td>F</td><td>P</td></tr> <tr><td>Saturday</td><td>(7:00 AM -> 6:59 AM Sun)</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>F</td><td>F</td></tr> <tr><td>Sunday</td><td>(7:00 AM -> 6:59 AM Mon)</td><td>\$ 100</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>X</td><td>X</td></tr> <tr><td>Monday</td><td>(7:00 AM -> 6:59 AM Tue)</td><td>\$ 100</td><td>\$ 100</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td><td>F</td></tr> <tr><td>Tuesday</td><td>(7:00 AM -> 6:59 AM Wed)</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td></tr> <tr><td>Wednesday</td><td>(7:00 AM -> 6:59 AM Thu)</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 50</td><td>\$ 50</td><td>\$ 50</td></tr> <tr><td>Thursday</td><td>(7:00 AM -> 6:59 AM Fri)</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 50</td><td>\$ 50</td></tr> <tr><td>Friday</td><td>(7:00 AM -> 6:59 AM Sat)</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 50</td><td>\$ 50</td></tr> <tr><td>Saturday</td><td>(7:00 AM -> 6:59 AM Sun)</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 50</td></tr> <tr><td>Sunday</td><td>(7:00 AM -> 6:59 AM Mon)</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td><td>\$ 100</td></tr> </tbody> </table> <table border="1" data-bbox="407 646 1291 1020"> <thead> <tr> <th colspan="11">24 HOURS FOR OUTBOUND LOADING; 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85b	Storage Charges on Private Cars	<p>Private cars will receive storage charges for the time they sit on Public tracks per the same schedule and rates detailed in Tariff item # 85 (Demurrage Rules and Charges).</p> <p>Note: If private cars are loaded or unloaded on public track, this storage fee will be assessed until the car is released to the railroad per the schedule detailed on Tariff item # 85.</p>																																																																																																																																																																																																																																																																																																																																																																																																																																		
85c	Storage Charges on all other cars	<p>Unless otherwise contracted, Railcars that are in storage will receive storage charges for the time they occupy Public tracks per the same schedule and rates detailed in Tariff item # 85 (Demurrage Rules and Charges).</p> <p>Unless otherwise contracted, Storage cars that are available without additional switching will received an outbound switch fee equivalent to the published Intra-Terminal Switch Fee as detailed in tariff item # 320. If cars are not available without additional switching, Railroad will quote the additional switching fees associated with these movements on a case-by-case basis.</p> <p>Unless otherwise contracted, Railroad may require prepayment of switching fees and outstanding storage fees per the terms of this section. Railcars will continue to accrue daily storage fees until these fees are paid</p>																																																																																																																																																																																																																																																																																																																																																																																																																																		
86	Diversion And Reconsignment	<p>Cars can be diverted or reconsigned during normal business hours, however, notice must be given prior to 2:00 PM, at a charge of \$150.00 per car. Cars diverted or reconsigned after placement are subject to the applicable charges in Item 500-Series, 600-Series or 700-Series.</p>																																																																																																																																																																																																																																																																																																																																																																																																																																		
87	Security Deposit For Demurrage, Detention, Storage And Other Accessorial Charges	<p>A security deposit to insure payment of any demurrage, detention, storage and other accessorial charges will be required from every firm or industry whose demurrage, detention, and/or storage charges are delinquent more than 30 calendar days. Deposit must be made using an irrevocable financial instrument in the amount of the total monetary delinquency divided by the units of equipment delinquent, before each unit of equipment is delivered to such firm or industry for loading or unloading. The deposit will be refunded when the unit of equipment is released and applicable charges and any current receivables, if any, deducted. Deposits will continue so long as there are any demurrage, detention, storage or other accessorial charges are delinquent more than 30 days.</p>																																																																																																																																																																																																																																																																																																																																																																																																																																		

SECTION 1 - RULES AND OTHER GOVERNING PROVISIONS

GENERAL RULES AND REGULATIONS

ITEM	SUBJECT	APPLICATION
88	Interest Charges On Invoices	An interest charge of 18% per annum will be applied to all invoices when they have not been paid after 20 days of being issued. This charge will be applied on a monthly charge of 1.5% per month.
89	Customer Credit	Credit will only be given to customers at the discretion of the Railroad. The Railroad does not have to give any customer credit and may cancel credit without any notice to the Customer. The Railroad can place the Customer on a cash basis at any time. If Customer has been placed on a cash basis and has not paid the railroad the cash or security deposit requirement before the railcar arrives, the Railroad will place the railcar(s) on Constructive Placement until payment has been made to the Railroad. Customer will be responsible for any additional switch charges or demurrage incurred as result of this delayed payment.
90	General Application	This tariff applies independently except when this tariff is in conflict with the provisions of other applicable tariff, agreement or contract as the case may be, the rates, charges and provisions of the applicable tariff, agreement, or contract will take precedence.
95	Intermediate Application	Rates and charges named in this tariff are subject to intermediate application. Where rates are published from one origin to one destination, these rates will apply to such origins and destinations as the case may be, if no specific rates are named to or from such intermediate points.
100	Rates	Rates and charges named in this tariff MAY be absorbed in whole or in part by other carriers as prescribed by tariffs or transportation contracts of other carriers.
110	Charges	Unless otherwise noted, charges published in this tariff are per carload.
115	Line Haul Switching	A switching movement between private, assigned or team tracks and the intermediate tracks of the connections named in Item 220 when either the origin or destination is beyond the RVSC switching district.
120	Intra-Plant Switching	A switching movement from one track to another, or from one location to another on the same track, within the same plant or industry located on the RVSC , also a switching movement from a team track to another team track within the same station on the RVSC.
125	Intra-Terminal Switching	A switching movement (other than intr-plant) between private or assigned sidings located on tracks of the RVSC within the switching limits on RVSC.
140	Turning of Cars	When it is determined the lading cannot be removed from car(s) and shipper or consignee requests RVSC to move car(s) to our wye tracks so that car(s) can be turned, RVSC will charge \$400.00 per carload that needs to be turned. The demurrage time will continue as if the car is still placed. Exceptions: If it is determined that shipping document, bill of lading, or movement waybill specified that car was placarded and placard has disappeared, no charge other than the initial charge will be assessed shipper or consignee. The applicable switching charges published herein will be assessed against the railroad that tendered the car(s) for placement.
145	Constructive Placement Switch Fee	RVSC will charge a switch fee of \$130.00 on all cars that are constructively placed on the Railroad and then switched to actual placement at the customer's or public siding.
150	Weighing and Reweighing	RVSC does not perform track scale weighing, however, if such service is requested, RVSC will handle car(s) to its interchange connection a the switching charges provided in its tariff. These charges are in addition to the weighing charge assessed by the carrier performing the weighing.
151	Reweighing	If the necessity arises that car(s) must be reweighed due to the discrepancy in prior railroad weights, the RVSC will handle will car(s) over its line to its interchange with line-haul carrier at charges provided in this tariff. Charges will be assessed against the industry or the line-haul carrier as the case may be. Tolerance shall be the basis on assessment of such charges. (See Item 155)
155	Tolerance	The amount of allowable tolerance shall be one percent (1%) of the gross weight on loaded car and 1,000 pounds on empty cars.

SECTION 1 - RULES AND OTHER GOVERNING PROVISIONS

GENERAL RULES AND REGULATIONS

ITEM	SUBJECT	APPLICATION
160	Local Switching	<p>A local transportation or switch movement which begins and ends within the yard or switching limits which is not incident to the forwarding or delivery of a shipment to or from a point without said limits, will be treated as such on the RVSC.</p> <p>The RVSC is not obligated or required to furnish equipment for handling of traffic in local switch movements.</p> <p>Under circumstances when such service is performed the charges published herein will be applied.</p>
180	Charges On Overloaded, Improperly Loaded, Or Partially Unloaded Cars	<p>When cars are discovered to be overloaded, improperly loaded, or partially unloaded on the RVSC thereby necessitating transfer, trimming, adjusting or reloading in the interest of safe transportation, shipper or owner will be notified and requested to advise disposition. See paragraphs (1) and (2) below.</p> <p>(1) Except as provided in Paragraph (2), cars discovered to be overloaded or improperly loaded, will be placed on carrier's track accessible for transfer, trimming, adjusting or reloading and shipper or owner will be required to transfer, trim or adjust or reload car to meet loading requirements for safe transportation. A charge of \$400.00 per car will be assessed for the switching of overloaded or improperly loaded cars to and from the carriers's track where the transfer, trimming adjusting or unloading is performed.</p> <p>(2) When cars are discovered to be overloaded or improperly loaded at point of origin, and cars are ordered returned to the shipper's plant or point of loading, the applicable intra-plant, intra-terminal switching charges will be assessed.</p>
185	Empty Cars Ordered But Not Loaded	<p>On empty cars that are ordered for loading and the service of switching or placing has been performed and the car is not loaded, but returned to the railroad empty, a switching charge of \$400.00 per car will be assessed for this service and collected from the person, firm or corporation ordering such cars. Demurrage will be applicable as if the car was released loaded.</p>
186	Application Of Charges In Articulated Cars	<p>When shipments are loaded in or on so called articulated cars (two or more car units permanently or temporarily joined together), the charges published in this tariff will apply separately to each unit of the articulated equipment.</p>
187	Order Notify Shipments From Connecting Lines	<p>RVSC will in no instance be responsible for the taking or securing of order ladings, turn over order, advising patrons, etc., in connection with shipments received in interchange delivery by connecting road-haul carriers to the interchange with RVSC. Shipments will be accepted by RVSC with the understanding that any such documents required as a precedent to delivery, are in possession of road-haul carrier.</p>
188	Rejected Cars	<p>When loaded cars are placed and subsequently rejected account grade product, RVSC will switch car(s) as directed by owner. Notification of such rejection shall be the responsibility of party rejecting car(s). Charges for such movement will be the the applicable charges as published herein and will apply in both directions of the loaded move.</p> <p>Note: Such rejected cars are subject to 24 hours free time in computing demurrage charges, from the first 7:00 AM after Initial Placement OR Constructive Placement.</p>
190	Improper Cars Furnished For Loading By Connecting Line	<p>When cars ordered by industries for loading are furnished by a road-haul carrier and subsequently refuses on account of not being in proper condition to load, a charge of \$400.00 per car will be assessed against the railroad furnishing the car.</p>
191	Reloading Cars	<p>When an empty car is appropriated by shipper, car shall be accepted by shipper's agent as being suitable to receive their product(s).</p> <p>Note: Nothing in this Item shall make it permissible to load an appropriated car with a product inferior to the inbound lading to the extent that car would be unsuitable to receive a similar or like class loading as it originally contained.</p>
192	Team Track	<p>For industries not having private or assigned sidings, RVSC will perform switching service to and from team track(s) at the applicable switch rate published herein.</p>
200	Hazardous Material	<p>Cars loaded with explosives or radioactive material as shown in Tariff ICC BOE 6000-Series, will not be accepted for movement. Other hazardous material moving under STCC 49-Series will be accepted provided shipper notifies the RVSC at least 48 hours prior to shipment.</p>

SECTION 1 - RULES AND OTHER GOVERNING PROVISIONS

GENERAL RULES AND REGULATIONS

ITEM	SUBJECT	APPLICATION
210	Definition of Switching Limits	The entire RVSC Railroad.
220	Connecting Lines	BOP - Mission, TX UP - Harlingen, TX
225	Team Track Charges	All customers using the team tracks will be charged a per car charge and will sign an operating agreement with the railroad. The rates will be \$75.00 per car for every car loaded/ unloaded at the team track. EXCEPTIONS: Rates for all Team Track uses in Harlingen will be negotiated privately with the RVSC Please contact RVSC for a rate quote. Rates on heavy capacity and special flat cars are negotiated with each customer. Rates on multiple car trains spotted on team tracks are negotiated with each customer.
228	Acceptance of cars by Customers	Once a customer begins to load / unload a railcar, this car is considered 'accepted' by that customer. The customer will be responsible for any costs associated with damage that is discovered or any door that can not be closed after the customer begins to load / unload the railcar. Customers are also required to verify railcar numbers before unloading. Costs associated with Loading / Unloading a railcar that was not ordered will be absorbed by that Loading / Unloading customer.
230	Car Doors Not Closed	A charge will be assessed for each car door not closed on a box car equipped with plug doors, refrigerated car, top door lids on hopper cars, and any other type of car if the doors are not closed after they are released by customer for pick-up by railroad. These cars will be charged \$200.00 for every door that needs to be closed. The railroad will close the door for the customer after the mechanical department has an opportunity to inspect this railcar. Until this inspection and door closing occurs, the car will still be on the customer's demurrage clock.
235	Damage to Cars by Customers	Any damage done to the cars by the customer, will need to be repaired according to the RVSC standards. These repairs will be invoiced to the customer at RVSC rates. The railroad will fix the car for the customer after the mechanical department has an opportunity to inspect this railcar. Until this inspection and fix occurs, the car will still be on the customer's demurrage clock.
240	Cars Placed At Wrong Location	If a car is placed at the wrong location by the railroad and it is the fault of the railroad, the railroad will move the car at its next ordinary switch movement at no cost to the customer, and the demurrage time will start when the car is correctly placed. If the car is placed at the wrong location by the railroad and it is not the fault of the railroad because of incorrect orders by the customer, shipper or receiver then the car will be moved to the correct track, and the current tariff charge will be invoiced to the customer. The demurrage time of the car will start when the car was first placed at the wrong track.
245	Release Time	A car will not be considered released unless the customer waybills the car as a load or releases the car as an empty. The railroad requires each of its customers to use ShipperConnect™ as detailed in Tariff item number 280, or FAX the release/waybill to its office so that there will be no misunderstanding on release/waybill times. The release time is the date/time stamp of the actual fax or the actual time of the entry in to ShipperConnect™. Processing Fees may be assessed as detailed in Tariff item number 280.
250	Customer Liability	Any customer does hereby assume and shall be liable for any damage to any car and/or any damage to or loss of the contents thereof from and after the time such car is placed on the Customer's track or team track by Railroad for Customer. Customer's liability therefore shall continue until the car is released by Customer and is attached to Railroad's locomotive. This applies whether or not the Railroad has notified Customer that car has been placed or constructively placed. Customer also assumes liability for and shall indemnify, defend and hold Railroad harmless from and against any and all claims, losses, costs, damages, expenses (including attorney's fees) and awards, arising from any injury to or death of any person or any damage to or loss of property occurring on or about a track or other property of Railroad and resulting from any act or omission of Customer or Customer's employees or agents.

SECTION 1 - RULES AND OTHER GOVERNING PROVISIONS

GENERAL RULES AND REGULATIONS

ITEM	SUBJECT	APPLICATION										
260	Non-application Mileage - Private Car Allowance	The Rio Valley Switching Company (RVSC) does not participate nor does it abide by the Items or Rules stated in Tariffs RPS 6007-series and ASLG 6007-series.										
270	Derailed Cars	<p>RVSC requires notification from customers of any railcar derailment. This notification must be received by fax with car number(s) and location of derailment. It must be noted which wheel(s) have derailed on this notification. Railcars cannot be moved until the car is classified as safe for movement for the railroad.</p> <p>It is a federal requirement for a wheel bearing inspection and filing of this inspection take place. It is required that the wheel bearings each derailed wheel or wheel set is inspected. RVSC will perform these inspections and filings for all derailments that occur.</p> <p>An administration filing fee of \$200.00 will be assessed for each derailment. For empty cars on flat-stable terrain, RVSC will charge \$250.00 for the first derailed wheel, and \$125.00 for each additional wheel derailed. (Note: Most cars have 8 wheels.) For loaded cars or cars located on unsafe terrain, a crane may be required for inspection of wheel bearing(s). These additional inspection costs will be charged to the customer.</p> <p>In addition to the above charges, the customer will also be responsible for RVSC time, materials, and equipment required to fix and inspect the track.</p>										
280	Railcar Release Requirements	<p>For purposes of this item, the following definitions shall apply:</p> <p>Transaction - The exchange of information between RVSC and one of the parties to a shipment related to the transportation of that shipment.</p> <p>Car Movement Instructions - Instructions provided by the shipper or receiver to move a car via reciprocal switch, intra-terminal switch, inter-terminal or intra-plant switch service, or via freight service with a Bill of Lading</p> <p>Effective January 15, 2008, RVSC requires all Car Movement Instructions to be provided electronically through the ShipperConnect™ system. The following is a list of acceptable electronic transactions for Car Movement Instructions:</p> <ul style="list-style-type: none"> * Railcar releases * Outbound Bill of Lading entries <p>NOTE 1: If Car Movement Instructions are provided to RVSC through a means other than electronic, a fee of \$15 per railcar (Processing Fee) will be applied in addition to other charges for the movement. On all other instructions, charges will be assigned to the industry providing the shipping instructions.</p> <p>Before RVSC will pull a released railcar, the shipper must release the railcar(s) electronically. In the event that a railcar is released (regardless of loaded or empty status) to RVSC and is not available at the time of pull due to any reason attributable to the customer, a charge of \$300 per released railcar will apply.</p> <p>NOTE 2: Email instructions and facsimiles are not considered electronic transactions. Only instructions entered in ShipperConnect™ are considered electronic transactions.</p> <p>For all shipments that originate AND terminate on the RVSC, do not use ShipperConnect™. The following information must be provided by facsimiles before this movement can be made:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">1. Origin</td> <td style="width: 50%;">6. Consignee</td> </tr> <tr> <td>2. Shipper</td> <td>7. Empty/Load Status</td> </tr> <tr> <td>3. Car initial & Car Number</td> <td>8. Contents (Commodity)</td> </tr> <tr> <td>4. Destination</td> <td>9. Estimated Weight</td> </tr> <tr> <td>5. Route</td> <td></td> </tr> </table> <p>(The \$15 Processing Fee is waived for these types of movements. Switching Charges for these types of moves will be handled through tariff item number 320.)</p> <p>NOTE 3: Customers who advise RVSC of a planned system outage at least forty eight (48) hours in advance of the outage will be exempt from Processing Fee charges for a period of up to twenty four (24) hours starting from the beginning of the outage as notified by the customer.</p> <p>NOTE 4: Cars that are physically placed at a customer siding during evening hours may not be available for Shipperconnect release until after 8 AM the following morning.</p>	1. Origin	6. Consignee	2. Shipper	7. Empty/Load Status	3. Car initial & Car Number	8. Contents (Commodity)	4. Destination	9. Estimated Weight	5. Route	
1. Origin	6. Consignee											
2. Shipper	7. Empty/Load Status											
3. Car initial & Car Number	8. Contents (Commodity)											
4. Destination	9. Estimated Weight											
5. Route												

SECTION 2 - MISCELLANEOUS SWITCHING RULES AND CHARGES

ITEM	SUBJECT	RATES IN DOLLARS PER CAR
	<u>INTRA-PLANT SWITCHING</u>	
300	These charges apply to cars loaded or empty when RVSC is requested to perform such service (See Item 120). EXCEPTION: When an empty car, having had prior loaded movement on the RVSC Railroad is moved to another location for a subsequent loaded movement, no charge will be made for the movement of the empty car.	\$175.00
	<u>INTRA-TERMINAL SWITCHING</u>	
320	The RVSC Railroad will perform intra-terminal switching service as defined in Item 125, under the following conditions and charges: Between ALL Stations and Team Tracks	\$400.00

SECTION 3 - LINE HAUL SWITCHING, RATES AND CHARGES

ITEM	STATION	COMMODITY	BETWEEN	AND	RATES IN DOLLARS PER CAR
500	All Industries Named in List of Industries and Team Tracks	All Commodities	All Industries Named In List Of Industries and Team Tracks	Interchange With UP When Originating or Terminating Beyond Interchange	These rates are published by or contracted directly with the UP. Contact the UP for rates.
600	All Industries Named in List of Industries and Team Tracks	All Commodities	All Industries Named In List Of Industries and Team Tracks	Interchanged With BOP	\$400.00
700	All stations	All commodities	All stations	RVSC direct route	\$400.00
710	All Loaded Or Empty Cars Received From the BOP or UP in Error	All Stations On The BOP or UP	All Stations On the RVSC	Interchange with UP when originating or terminating beyond Interchange	\$400.00
800	All Industries Named in List of Industries and Team Tracks	STCC - 3511207 STCC - 3511208 STCC - 3511209 STCC - 3511206	All Industries Named In List Of Industries and Team Tracks	Interchange With UP When Moving Under BNSF Rate Authority	Wind Blades - \$1,360.00 Turbine Generator - \$800.00 Turbine Hub Assembly - \$600.00 Turbine Tower - \$600.00

SECTION 4 - SURCHARGE

This Surcharge will apply on all loaded cars originating at, or destined to the following stations on the RVSC. This Surcharge will apply in addition to all other transportation charges, including, but not limited to, line haul, and switching charges. Surcharge will be billed and assessed against or consignee located on the RVSC, and will accrue solely to the RVSC.

ITEM	STATION	COMMODITY	BETWEEN	AND	RATES IN DOLLARS PER CAR
900	Santa Rosa Subdivision	All Commodities	Milepost 2	Milepost 7	\$1,500.00
910	Santa Rosa Subdivision	All Commodities	Milepost 7	Milepost 12 (end of line)	\$2,500.00

EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS	
Abbreviation or Reference Mark	Explanation
BOE	Bureau of Explosives
BOP	Border Pacific Railroad
NSO	National Service Order
OPSL	Official List of Open and Prepay Stations
RER	Official Railway Equipment Register, The
TX	Texas
ICC	Interstate Commerce Commission
RVSC	Rio Valley Switching Company
TX RRC	Texas Railroad Commission
UP	Union Pacific Railroad Company
EXPLANATION OF NOTES, ABBREVIATIONS AND REFERENCE MARKS	
Note, Abbreviation or Reference Mark	Explanation
*	Indicated Team Track