

# **CENTRAL NEW YORK RAILROAD CORPORATION**

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## **CNYK 8001 - B**

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- SWITCHING RULES AND MISCELLANEOUS CHARGES -  
AT STATIONS ON  
THE CENTRAL NEW YORK RAILROAD

This tariff is governed by CNYK Conditions of Carriage #1 - Series

Cancels provisions of Tariff CNYK 8001 - A

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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 - \$150.00 per car.

**ITEM 150 – SWITCH MAINTENANCE**

The CNYK 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**

Upon written approval from the CNYK's Transportation Department, the CNYK may store empty private marked, customer controlled railcars on CNYK tracks at a location determined by the CNYK.

The CNYK will assess a storage charge of \$2.00 per car per day, minimum of 30 days, on empty cars from the time the CNYK places the car in storage until the time the customer requests the car returned to service. The daily storage fee will increase to \$5.00 per car per day for cars stored over 60 days.

The CNYK will assess a switching charge per Item 100 of this Tariff for the movement of each car to the storage track and again when removed from the storage track when the car is recalled into operation. Additional line haul charges will apply for movement of the car to a destination on or via the CNYK.

Cars held on the CNYK without a car storage agreement in effect with the CNYK will be subject to standard demurrage charges per CNYK 8003-Series.

**ITEM 225 – STORAGE OF LOADED PRIVATE CARS**

Upon written approval from the CNYK's Transportation Department, the CNYK may store loaded private marked, customer controlled railcars on CNYK tracks at a location determined by the CNYK. The storage of loaded private cars does not include cars containing hazardous materials.

The CNYK will assess a storage charge of \$5.00 per car per day on loaded cars from the time the CNYK places the car into storage until the time the car is unloaded or billed to a destination on or via the CNYK. The daily storage fee will increase to \$10.00 per day for cars stored over 60 days.

The CNYK will assess a switching charge per Item 100 of this Tariff per car for the movement of each car to the storage track and again when removed from the storage track when the car is recalled into operation. Additional line haul charges will apply for movement of the car to destination on or via the CNYK.

Cars held on the CNYK without a car storage agreement in effect with the CNYK will be subject to standard demurrage charges per CNYK 8003-Series.

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**ITEM 250 – STORAGE OF RAILROAD MARKED CARS**

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

**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 CNYK 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 CNYK Vice President of Transportation via the customer service department. Such requests must contain any pertinent shipment information for the CNYK to accept/decline and schedule special train service. The CNYK 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 CNYK established credit policy. Customers without approved credit with the CNYK may be required to submit payment for the estimated special train service charges prior to the service being scheduled by the CNYK.

**ITEM 400 – WEIGHING OF RAIL CARS**

The CNYK will assess a charge of \$250.00 per car for weighing of cars on the CNYK. This charge applies to each loaded and/or empty weighing of each rail car.

**ITEM 425 – OVERLOADED RAIL CARS**

The CNYK will assess a charge of \$750.00 per car on each car that is determined to be overloaded on the CNYK. 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 CNYK 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 CNYK as being within the lading limits of the car. No demurrage 'free' days will be allowed on overloaded cars.

If the CNYK 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 CNYK for loaded movement. Weighing charges contained in Item 400 of this tariff will be accessed if the CNYK reweighs the car.

**ITEM 500 – CARS ORDERED AND NOT USED**

The CNYK 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 CNYK receives the car but before the car is placed for loading.

The CNYK 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.

**ITEM 525 – MOVEMENT OF EMPTY PRIVATE CARS**

The CNYK will assess a charge of \$400.00 per car and \$0.45 per mile of actual movement on empty private cars received at interchange and/or delivered to interchange and not immediately preceded or followed by a revenue line-haul movement or on cars moved from one CNYK station to another CNYK station and not immediately preceded or followed by a revenue line-haul movement. Mileage will be computed from interchange to the CNYK to interchange from the CNYK. Storage charges, per Item 200 will be assessed in addition to charges for movement of empty private cars.

Private car mileage allowances will not be paid on cars moving under provisions of this item.

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

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

**ITEM 600 – DIVERSION**

The term diversion means any order received by CNYK that requires a change in the billing/shipping document of a shipment that is in possession of the CNYK 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. CNYK 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@CNYK.com](mailto:customerservice@CNYK.com) or,  
Fax: 607-547-8632

**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 1<sup>st</sup> 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, CNYK 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 (MBFSC)**

This Item applies to:

- all regulated common carrier linehaul freight rates existing or established by CNYK 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, CNYK 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, CNYK 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.

<b>HDF Average Price</b>	<b>Cents</b>	<b>HDF Average Price</b>	<b>Cents</b>	<b>HDF Average Price</b>	<b>Cents</b>
<b>Cents Per Gallon</b>	<b>Per Mile</b>	<b>Cents Per Gallon</b>	<b>Per Mile</b>	<b>Cents Per Gallon</b>	<b>Per Mile</b>
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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