

FT KNWA 8100 (NEW)

KANAWHA RIVER RAILROAD LLC

FREIGHT TARIFF KNWA 8100 (NEW)

CHARGES, RULES AND REGULATIONS

ON

COAL

ON THE

KANAWHA RIVER RAILROAD LLC

LOCAL FREIGHT TARIFF

This tariff is also applicable on intrastate traffic, except where expressly provided to the contrary in connection with particular items contained herein.

ISSUED: July 27, 2016

EFFECTIVE: July 31, 2016

ISSUED BY

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FT KNWA 8100

TABLE OF CONTENTS		RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS - GENERAL	
DESCRIPTION	ITEM		
RULES AND REGULATIONS - GENERAL		ITEM 10	
Reference to Tariffs, Items, Notes, etc.....	10	REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.	
Consecutive Numbers.....	20	Where reference is made in this tariff, items, notes, rules, etc., such references are continuous and include supplements to and successive issues of such tariffs and reissues of such items, notes, rules, etc.	
Method of Canceling Items.....	30		
SECTION 1 - MISCELLANEOUS RULES AND CHARGES:		ITEM 20	
Overloaded Cars of Coal - Charges on.....	100	CONSECUTIVE NUMBERS	
Flood Loading of Coal with Railway Crews at Railway Origins.....	110	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 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.	
Train Cancellation Charges.....	120		
Coal Trains Stopped In Transit.....	130		
Origin Demurrage.....	140		
Explanation of Abbreviations and Reference Marks.....	9999	ITEM 30	
		METHOD OF CANCELING ITEMS	
		As this tariff is supplemented, numbered items with letter 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.	
		EXAMPLE: Item 10-A cancels Item 10 and Item 10-B cancels Item 10-A in a prior supplement, which in turn canceled Item 10.	

For explanation of terms and explanation of abbreviations and reference marks, see Item 9999, this tariff.

FT KNWA 8100

SECTION 1 MISCELLANEOUS RULES AND CHARGES	SECTION 1 MISCELLANEOUS RULES AND CHARGES
<p>ITEM 100</p> <p>CHARGES ON CL COAL FOUND TO BE OVERLOADED</p> <p>When carloads of coal shipped from origins on KNWA or received in interchange are found to be overloaded; i.e., when the car's weight is in excess of its stenciled load limits, or beyond track weight limitations, the load in the car may be reduced and the following will apply:</p> <ol style="list-style-type: none"> (1) A charge of three hundred dollars (\$300.00) per car shall be assessed against the Consignor or owners of the shipment for each car found to be in excess of the load limit or in excess of track weight limitation. (2) At its discretion, KNWA may reduce the excess coal from an overloaded car or require the Consignor to arrange for the reduction. Should KNWA reduce the overloaded car, in addition to the charge in (1) above, a charge of one hundred seventy-five dollars (\$175.00) per car will be assessed against the Consignor or owner of the shipment to reduce the excess coal from each overloaded car. (3) At its discretion, KNWA may confiscate and dispose of the excess coal reduced pursuant to (2) above, including through a sale for KNWA's own account, but neither shipper nor any other party claiming an interest in such coal will be compensated for such excess coal. (4) If an overloaded shipment was weighed prior to the time the lading in the car is reduced and if the tariff or contract covering the line-haul rate for the shipment requires such weight to be used to calculate freight charges: <ol style="list-style-type: none"> (a) then KNWA shall estimate the lading removed from the car and shall adjust the billing on the remaining lading; except that, (b) when the reduced shipment travels over an KNWA certified scale in the route of movement to destination, then weights from such scale shall be used to determine applicable charges. 	<p>ITEM 110 (Cont'd)</p> <p>FLOOD LOADING OF COAL WITH RAILWAY CREWS AT KNWA RAILWAY ORIGINS</p> <p>Flood loading service consists of the continuously coupled movement of a train of at least 50 cars through qualifying KNWA served coal loading facilities using Railway motive power and crews for the purpose of loading the train by Consignor subject to the following provisions:</p> <ol style="list-style-type: none"> (1) Such service will be performed only at the convenience of the Railway. (2) Consignor must arrange flood load service with Railway's designated Operating personnel prior to loading. (3) When at the request of Consignor or in the judgment of Railway, in order to permit loadings Railway may split a train into two or more segments at the mine and reassemble the segments after loading. Railway shall decide the number of segments and the number of cars in each segment. (4) Trains flood loaded in this service shall not be subject to other demurrage rules and charges that apply in the absence of this item. (5) Free time for loading a train herein shall be 3.0 minutes per car. (6) Loading time shall commence when the first car begins to move through the loading facility, except that if movement through the loading facility is prevented by any cause attributable to the Consignor, loading time shall begin when the Railway would ordinarily have begun such movement. (7) All loaded cars in the train must be tendered and billed by Consignor in a separate block for each destination. In applying the provisions of (8) below, loading of the train shall not be considered as completed until all cars are properly blocked by destination. (8) Loading time shall end when the last car in the train has been loaded and valid Bill of Lading supplied to KNWA for all cars in the train. (9) Railroad caused delays are to be excluded from loading time, as described in (6) and (8) above. In addition, in the case of segmented loading, as described in (3) above, railroad switching time in excess of 30 minutes shall be excluded from loading time.
<p>ITEM 110</p> <p>FLOOD LOADING OF COAL WITH RAILWAY CREWS AT KNWA RAILWAY ORIGINS</p> <p>Consignor agrees to be bound by the provisions of this item, including payment of charge, if any, when Railway performs flood loading service at Consignor's mine. Railway may decline to provide flood loading service at its sole discretion for any reason.</p> <p align="center">(Continued in next column)</p>	<p>Flood loading service of 49 cars or less may be provided at Railway's convenience and must be arranged with KNWA at least 48 hours in advance of loading unless lesser notice is acceptable to Railway. If loading time, as defined in (6) and (8) above exceeds allowable free time, the Consignor will be charged and agrees to pay \$120.00 for trains with 49 or fewer cars and \$80.00 for trains with 50 or more cars, for each 15 minute period or fraction thereof until all cars in the train are loaded and ready to be transported by Railway.</p>
<p align="center">For explanation of terms and explanation of abbreviations and reference marks, see Item 9999, this tariff.</p>	

FT KNWA 8100

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<p>ITEM 120</p> <p align="center">TRAIN CANCELLATION CHARGES</p> <p>A train or unit train with respect to which a permit has been issued by Railway and that is subsequently cancelled by the scheduling party ("Customer") shall be subject to the following charges payable by Customer:</p> <p>(1) The following Train Cancellation Charge(s) shall apply if a Notice is received after 10:00 a.m. of the day prior to the permitted load date or a Notice is not given but Customer is unable to load a permitted train on the load date:</p> <p>(a) System Cars: \$3,500.00 (b) Private Cars: \$2,000.00</p> <p>(2) The following Train Cancellation Charge(s) shall apply if a Notice is received after a crew is on duty and Customer is unable to load a permitted train on the load date:</p> <p>Single Car Loadout: (a) System Cars: \$2,000.00 plus \$15.00 per car (a) Private Cars: \$2,000.00</p> <p>Flood Load Facility: (a) System Cars: \$4,500.00 (b) Private Cars: \$3,000.00</p> <p>(3) An Out of Route Charge of \$5,000.00 shall apply on all cancelled trains for which Railway has physically begun movement of the empty train to the permitted load point and;</p> <p>(4) An empty train Switching Charge of \$2,500.00 shall apply on all empty trains that have been moved and placed at a permitted flood load point, irrespective of the train cancellation time, and will be in addition to the Out of Route Charge and if applicable, the Train Cancellation Charge. Such placed trains also shall be subject to demurrage as applicable.</p> <p>Notwithstanding the foregoing, no charges under this item shall apply with respect to a train or unit train cancellation if cancellation is the result of a strike or walkout of mine employees, or an Act of God, either of which occurs at the permitted origin after 12:00 p.m. of the day prior to the day loading is scheduled. In the event of either of these occurrences, Customer must provide a written, detailed explanation of such occurrence to Railway within ten (10) days following the date of cancellation.</p> <p>Notice of train or unit train permit cancellation ("Notice") shall be sent to (a) KNWA via e-mail: CS3@ watcocompanies.com and (b) NS.</p> <p>For purposes of applying this item, trainload/unit train service is defined as railroad service at a permitted coal loading point when a shipment is made pursuant to a contract or tariff rate which requires that such shipment be at least 5,000 tons (2,000 pounds per ton) in 50 or more cars.</p>	<p>ITEM 130</p> <p align="center">COAL TRAINS STOPPED IN TRANSIT</p> <p>Loaded Coal Trains stopped in transit shall be subject to a stoppage charge as follows:</p> <p>(A) Loaded Coal trains consisting of private rail cars shall be subject to a stoppage charge of \$3,000.00.</p> <p>(B) Loaded Coal trains consisting of railroad cars shall be subject to a stoppage charge of \$5,000.00.</p> <p>(C) In addition to the stoppage charge, if disposition or release on the stopped train has not been received by Railway after 24 hours following the time the train was stopped or ordered stopped, then a demurrage or storage charge, as the case may be, shall apply. The demurrage charge on railroad cars for each subsequent 24 hour period, or fraction thereof, shall be equal to \$100.00 times the number of cars in the train. The storage charge on private cars for each subsequent 24 hour period, or fraction thereof, shall be equal to \$60.00 times the number of cars in the train. Such demurrage or stoppage charge, as the case may be, shall accrue until the stop order is lifted by the consignee and KNWA is cleared to move the train towards destination.</p> <hr/> <p>ITEM 140</p> <p align="center">ORIGIN DEMURRAGE</p> <p>Cars placed on coal mine tracks, coal mine sidings or tracks for loading by Consignor must be loaded and shipping instructions or other disposition issued within two days from the first 12:00 a.m. after placement of the empty car, except on cars placed in advance of the date for which ordered for loading, time will be computed from 12:00 a.m. of the day for which ordered. Two (2) credit days will be earned for each car released for which shipping instructions or other disposition have been received. A charge of \$100.00 per car per day, or fraction of a day, will apply on railroad owned cars and \$60.00 per car per day, or fraction of a day, will apply on privately owned railroad cars and be due from Consignor until car is released.</p> <p>Each Consignor must maintain complete records as to the number of empty or loaded cars held for each origin awaiting shipping instructions or other disposition and must furnish carrier a daily report for each origin showing the number of such cars on hand as of 12:00 a.m. each day.</p>
<p align="center">For explanation of terms and explanation of abbreviations and reference marks, see Item 9999, this tariff.</p>	

FT KNWA 8100

	EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS	
	ITEM 9999	
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	CL	Carload
	KNWA	Kanawha River Railroad LLC
	NS	Norfolk Southern Railway Company
	[A]	Addition
	[C]	Denotes change in wording which results in neither an increase nor reduction in charges
	[I]	Denotes Increase
	[R]	Denotes Reduction/Decrease
	[NC]	Brought forward without change
	(Underscored portion denotes addition/change)	