

All rates and charges in this tariff are at the current increase level and are NOT subject to other increase tariffs. Any changes to these rates or charges will be published in a supplement or a reissue of this tariff.

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ST 6004

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## **SPRINGFIELD TERMINAL RAILWAY**

### **FREIGHT TARIFF ST 6004**

DEMURRAGE TARIFF

APPLYING

AT ALL

STATIONS

ON

SPRINGFIELD TERMINAL RAILWAY  
And On

Participating Carriers Shown Herein

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### **DEMURRAGE RULES TARIFF**

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The provisions of this tariff will not have an effect on the quality of the human environment or energy consumption.

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ISSUED: January 1, 2004

EFFECTIVE: February 1, 2004

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(st6004)

FREIGHT TARIFF ST 6004

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RULES AND OTHER GOVERNING PROVISIONS

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ITEM	DESCRIPTIONS
<b>5</b>	<b>PARTICIPATING CARRIERS</b>
	<u>Abbreviations</u>
	BOSTON AND MAINE CORPORATION
	MAINE CENTRAL RAILROAD
	NEW ENGLAND SOUTHERN RAILROAD
	PORTLAND TERMINAL COMPANY
	SPRINGFIELD TERMINAL RAILWAY
	BM
	MEC
	NEGS
	PTM
	ST

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ITEM	DESCRIPTION
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**10 APPLICATION**

This section applies to all ST served customers and covers all railroad and private marked freight car(s) held for or by the customer(s), with the following exceptions:

- A. Coal and coke governed by separate agreement.
- B. Private car(s), on private tracks, except as provided in Item 80
- C. Empty private car(s)
- D. Car(s) containing refused or unclaimed freight to be sold by ST
- E. Empty car(s) rejected as unsuitable for loading
- F. Multi-level equipment

Where the term ST is used in this tariff, it will apply to any of the participating carriers listed on page 2.

**15 PURPOSE**

ST bases its freight transportation prices on the expectation that railcars furnished to customers will be promptly loaded and unloaded. The purpose of this Section is to describe how the time railcars are under the control of customers is defined, and to specify the prices that ST charges should a customer retain control of railcars beyond the time incorporated into our freight rates.

**20 DEMURRAGE DEFINITIONS**

The following definitions define and govern the provisions outlined in this tariff.

**ACTUAL PLACEMENT** – When a car(s) is placed in an accessible position for loading or unloading or, at a point designated by the consignor or consignee.

**CLOSED GATE CUSTOMER** – Customer that requires notification that car(s) is available for loading or unloading.

**CONSIGNEE** – The party to whom a shipment is consigned, or the party entitled to receive the shipment.

**CONSIGNOR** – The party in whose name a car(s) is ordered; or the party who furnishes forwarding directions.

**CONSTRUCTIVE PLACEMENT** – When a car(s) cannot be actually placed due to any condition attributable to the consignor or consignee, including order notify and in-bond shipments, such car(s) will be held on ST's tracks and notice will be provided to the consignor or consignee that the car(s) is held awaiting disposition instructions. Car(s), placed by ST on private or other than public delivery tracks, including lead tracks serving the consignor or consignee, will be considered constructively placed without notice.

**RULES AND OTHER GOVERNING PROVISIONS**

ITEM	DESCRIPTION
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20 Cont'd

DEMURRAGE DEFINITIONS CONT'D

CREDIT – A non-chargeable demurrage day. Credits may be earned when a car (s) is released by the customer and is used to offset chargeable demurrage days.

DEMURRAGE DAY – A twenty-four (24) hour period (calendar day), or part thereof, commencing 0001 after tender.

DISPOSITION – Information, including forwarding instructions or release, that allows the railroad to either tender or release the car(s) from the consignor's or consignee's account.

DIVERSION – An order provided by the consignor instructing that a car(s) be delivered to a location other than the one indicated on the original forwarding instructions.

EMPTY CAR(S) ORDERED AND NOT USED – Empty car(s), placed for loading as ordered, and subsequently released without being used in transportation service.

EMPTY RELEASE INFORMATION – Advice provided by the consignee to authorized personnel, that the car(s) is unloaded and available. This information must include the identity of the consignee, party furnishing information, and the car(s) initial and number.

FORWARDING INSTRUCTIONS – Shipping instructions provided at the point of loading that contain all of the necessary information to transport the shipment to its final destination.

LEASE TRACK – Track(s) assigned to a user through a written agreement. Lease tracks will be treated the same as private tracks.

LOADING – The complete or partial loading of a car(s) in conformity with loading and clearance rules and, the furnishing of forwarding instructions.

LOADED CAR(S) – A car(s) that is completely or partially loaded.

NOTIFICATION – When required, written or verbal notification will be furnished to the parties entitled to receive notice that the car(s) is available for loading, unloading, or otherwise impacted by demurrage provisions.

OPEN GATE CUSTOMER – Customer that does not require notification that car (s) is available for loading or unloading. Actual placement will constitute notification.

ORDER DATE – The date that the consignor / consignee requires placement of car(s).

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RULES AND OTHER GOVERNING PROVISIONS

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ITEM DESCRIPTION

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20 Cont'd

DEMURRAGE DEFINITIONS CONT'D

OTHER THAN PUBLIC DELIVERY TRACK – Any trackage assigned for individual use, including privately owned or leased tracks.

PARTIAL UNLOADING – The partial unloading of a car(s) and furnishing of the proper forwarding or handling instructions.

PRIVATE CAR(S) – A car(s) bearing other than railroad reporting marks that is not railroad-controlled.

PRIVATE TRACK – Tracks that are not owned or leased by the railroad.

PUBLIC DELIVERY TRACK –Track that is open to the general public for loading and unloading.

RAILROAD-CONTROLLED CAR(S) – A car(s) bearing other than railroad reporting marks that is either leased or controlled by a railroad.

RECONSIGNMENT – An order provided by consignor to bill a car(s) to other than the original consignee. (An order to turn over the car(s) to another party that does not require any additional movement of the car(s), is not a reconsignment).

REFUSED LOADED CAR(S) – When the original loaded car(s) is refused at destination without being unloaded.

RELOADING – When a car(s) is held for loading after being released as an empty.

RESHIPMENT – A new document by which the entire original shipment is forwarded in the same car(s) to another destination.

SERVING YARD – A classification yard where the local train serving the customer originates.

SHIPPER ASSIGNED CAR(S) – Specific empty car(s) assigned to a particular shipper for their exclusive use.

STOPPED IN TRANSIT – When a car(s) is held en route due to any condition attributable to the consignor, consignee, or owner.

TENDER – The notification, actual or constructive placement, of an empty or loaded car(s).

TIME – Local time is applicable and is expressed on the basis of the 24-hour clock. Example: 12:01 AM is expressed as 0001 Hours.

UNLOADING – The complete unloading of a car(s), and the advice received from the consignee that the car(s) is empty and available to the railroad.

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FREIGHT TARIFF ST 6004

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RULES AND OTHER GOVERNING PROVISIONS

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ITEM	DESCRIPTION
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<b>30</b>	<b>NOTIFICATION TO CONSIGNOR OR CONSIGNEE</b>
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ST will furnish the following notifications as indicated:

1. Cars for other than public delivery tracks:
  - a) Delivery of car(s) upon tracks of consignee will constitute notice to open gate customers.
  - b) Notice of availability of car for unloading to closed gate customers.
  - c) Notice of constructive placement if car(s) are held on ST tracks due to reasons attributable to the consignor or consignee.
  - d) When two or more parties, each performing their own switching, take delivery of cars from the same interchange track, notice will be given when cars are placed on the interchange track.
2. Cars for public delivery tracks:
  - a) Notice will be given to the party entitled to receive notification when car(s) is actually placed.
3. Cars stopped in transit:
  - a) Notice will be given to the consignor, consignee or owner responsible for the car being stopped upon arrival of the car at the point of stoppage.
4. Refused loaded car(s):
  - a) When a loaded car is refused at destination, ST will give notice of such refusal to the consignor or owner.

Notification may be given in writing or electronically, and will contain the following:

1. Car initials and number.
2. If lading transferred en route, the initials and number of the original car.
3. Commodity.

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**40 NOTIFICATION TO ST**

- A. When ST personnel are not on duty to receive forwarding instructions, empty release information or other disposition, consignor/consignee will have until 0001 hours (See Demurrage Day, Item 20) of the next day personnel are on duty to furnish such instructions, and they will be considered as having been furnished at the date and time the instructions could have been furnished.
- B. When electronic or mechanical devices are used to furnish notification to ST, the recorded date and time that the instructions are received will govern.

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FREIGHT TARIFF ST 6004

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**RULES AND OTHER GOVERNING PROVISIONS**

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**ITEM DESCRIPTION**

**50 HANDLING OF SHIPPER ASSIGNED CAR(S)**

**A. APPLICATION**

1. The shipper must provide advance notice for all car assignment requests, in writing, in the following form:

.....  
(Company Name) hereby requests the assignment of car(s) (Enter the number of cars here), (Enter car type here), located at (Enter location here). If said assignment, is granted by ST, it is understood that the car (s) will be subject to the rules and charges in ST Tariff \_\_\_\_\_-series.

\_\_\_\_\_  
(Signed & Date)

\_\_\_\_\_  
(Title)

Accepted by ST on (Enter date here), (Enter the number of cars here) car (s) will be placed in this assignment.

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_  
.....

2. Assignment of car(s) will be at the sole discretion of ST.

3. When ST agrees to an assignment of car(s), the assignee will be notified by the accepted return of the assignee's written request.

**B. RELEASE OF CAR(S) FROM ASSIGNMENT**

1. The assignee may release car(s) from assignment by providing notice to ST, in writing or confirmed in writing, at least one (1) day prior to the date of the desired release.
2. ST will select the car(s) to be removed from the assignment.
3. Assignee will not be permitted to release car(s) until all shipper-owned appurtenances have been removed.

**C. ACCOUNTABILITY AND CHARGES**

The shipper assigned car(s) will be subject to the "car(s) held for loading" provisions in Item 70.

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**FREIGHT TARIFF ST 6004**

**RULES AND OTHER GOVERNING PROVISIONS**

**ITEM**

**DESCRIPTION**

**60**

**PRIVATE CAR APPLICATION FOR RAILROAD MARKED CARS**

ST is aware that shippers, acting as consignors and/or consignees, may sometimes lease railcars from other railroads for shipments that may originate or terminate on ST. Such railcars normally contain the reporting marks of the lessor railroad. In order to avoid the assessment of demurrage charges by ST when such railcars are located on private or leased tracks, on ST rail lines, it is

necessary that shippers apply to, and receive the approval of, ST for the designation of such cars as "private" cars for the purposes of demurrage.

A. APPLICATION:

1. Shipper must submit a written application that is received by ST not less than thirty (30) days prior to the date that the shipper desires the "private" car designation to take effect. The application must include:
  - The name of the shipper
  - The name of the lessor railroad
  - A listing of the reporting marks of the railcars leased by the shipper from the lessor railroad
  - The type of railcar
  - The length of time requested for the private railcar designation

The application must be sent to ST at the following address:

SPRINGFIELD TERMINAL RAILWAY  
IRON HORSE PARK  
N. BILLERICA, MA 01862  
Attn: DIRECTOR - Car Management

2. Upon the request of ST, Shipper agrees to furnish a copy of the applicable railcar lease to ST.
3. ST will provide a written reply to each application within thirty (30) days of receipt of the application. ST, in its sole discretion, may accept or reject the application in whole or in part. ST may accept a smaller number of railcars than requested and/or for a shorter amount of time.

B. ACCOUNTABILITY AND CHARGES:

1. While the acceptance is in effect, the applicable railcars will not be assessed demurrage by ST when such railcars are located on private sidetracks that connect with ST or on ST tracks that are leased for storage or loading / unloading purposes.

RULES AND OTHER GOVERNING PROVISIONS

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ITEM	DESCRIPTION
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60 Cont'd	PRIVATE CAR APPLICATION FOR RAILROAD MARKED CARS.....Cont'd
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2. At the end of the period designated by ST the railcars will return to "railroad" marked status for demurrage purposes. If the shipper wishes to extend the "private" marked status for the railcars, a new application must be received by ST not later than thirty (30) days prior to the end of the



period. ST may accept or reject the application, as provided herein.

70

**CAR(S) HELD FOR LOADING**

TENDER:

Shipper Assigned Car(s):

The notification that an empty car is available.

Other than Shipper Assigned Car(s):

- A. The notification, actual or constructive placement, of empty cars(s) placed on orders of the consignor.
- B. Cars held by ST will be constructively placed on "order date" if the car order is not cancelled prior to the order date or, if placement instructions have not been received by ST.

RELEASE:

- A. Date and time forwarding instructions are received.
- B. Car(s) placed on the interchange tracks of a consignor, who performs its own switching, must be returned to the interchange track for release.
- C. Improperly loaded or overloaded car(s) at origin will not be considered released until the load has been adjusted properly.
- D. Shipper assigned car(s) released:
  - 1. When car(s) are released to a rail carrier other than ST at a jointly served facility location (an industry switched by ST and another railroad), the car(s) are considered released by ST upon interchange to the other carrier.
  - 2. Car(s) released from assignment by the assignee will be considered released from demurrage at the first 0001 hour after the release from the assignment. (Release from assignment cannot be made retroactive).
  - 3. During plant shutdowns, car(s) must be released from assignment to prevent demurrage from accruing.

COMPUTATION:

- A. Time will be computed from the first 0001 hours after tender until the release.
- B. If the car is placed earlier than the date of the order, time will be computed from the first 001 hours after the order date until it is released.

**RULES AND OTHER GOVERNING PROVISIONS**

ITEM	DESCRIPTION
70 Cont'd	CAR(S) HELD FOR LOADING.....CONT'D  C. When the same car is unloaded and reloaded, time will be computed from the first 001 hours after advice is received that the car(s) is empty until the car(s) is released. D. When the same car is unloaded and reloaded, empty release information must be furnished. If not furnished, demurrage will continue on the car until the forwarding instructions are received.

CREDITS:

Credits will be allowed for each car released from loading in accordance with the Table of Charges in Item 110.

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**80**

**CAR(S) HELD FOR COMPLETE UNLOADING**

The application of demurrage under this item for loaded private car(s) held on private tracks at the destination, will apply only when all of the following conditions have been met:

1. The shipping document furnished to direct the movement of the car(s) to the unloading station contains an endorsement substantially stating that:
  - car(s) is subject to demurrage at destination when held on private tracks as provided in destination carrier's tariff,
  - or
  - car(s) is subject to Item 80, ST 6004 Series
2. When the shipping document is provided in an electronic format, the appropriate ANSI (American National Standards Institute) Special Handling Code should be furnished to reflect Condition Number 1. If the Special Handling Code is furnished, inclusion of the endorsement language in Condition Number 1 is optional.
3. The notation of the shipping document is declared before the car leaves the initial origin.

TENDER: The notification, actual or constructive placement, of a loaded car(s).

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RULES AND OTHER GOVERNING PROVISIONS

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ITEM

DESCRIPTION

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80 Cont'd

CAR(S) HELD FOR COMPLETE UNLOADING....Cont'd

RELEASE:

- A. Date and time that the railroad receives advice that the car(s) is empty.
- B. Car(s) placed on the interchange tracks of a consignee who performs its own switching must be returned to the interchange track for release.
- C. When the same car is unloaded and reloaded, empty release information must be furnished at the time the car is made empty. If not furnished, demurrage will continue on the car until the forwarding instructions are received.

COMPUTATION:

Time will be computed from the first 0001 hours after tender until release.

**CREDITS:**

- A. Credits will be allowed for each car released from unloading in accordance with the Table of Charges in Item 110.
- B. One additional credit will be allowed on a car when it has a demurrage day occurring on:

- |                     |                     |
|---------------------|---------------------|
| 1. Thanksgiving Day | 4. Labor Day        |
| 2. Christmas Day    | 5. Memorial Day     |
| 3. New Year's Day   | 6. Independence Day |

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**90 PRIVATE CAR(S) AND RAILROAD CAR(S) HELD FOR OTHER THAN LOADING OR UNLOADING\_**

Applies to car(s) held:

- A. On orders of consignor or consignee.
- B. Awaiting proper disposition from the consignor or consignee.
- C. As a result of conditions attributable to consignor or consignee.

**DISPOSITION:**

That information, including forwarding instructions or empty release information, that allows the railroad to either tender or release the car from the consignor's or consignee's account.

**TENDER:**

The notification, actual or constructive placement of a loaded car(s).

**RELEASE:**

Date and time that the railroad receives advice that the car is empty, or that forwarding instructions are received.

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**RULES AND OTHER GOVERNING PROVISIONS**

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<b>ITEM</b>	<b>DESCRIPTION</b>
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90 Cont'd	PRIVATE CAR(S) AND RAILROAD CAR(S) HELD FOR OTHER THAN LOADING OR UNLOADING .....Cont'd
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**COMPUTATION:**

Time will be computed from the first 0001 hours:

- A. After tender, until release, on car(s):
  - 1. Diverted
  - 2. Empty for loading – ordered and not used (other than a rejected car)
  - 3. Partially unloaded
  - 4. Reconsigned
  - 5. Reshipped
  - 6. Stopped in transit
- B. After car(s) are received by ST until date of disposition on:

1. Car(s) received from connecting carriers
  2. Loaded private car(s) returned to railroad tracks
  3. Empty car(s) moving as freight with STCC 37 422 XX
- C. After tender until date of refusal on:
1. Refused loaded car(s) (consignee)
- D. After tender until date of disposition on:
1. Refused loaded car(s) (consignor)
- E. After tender until release or placement on private tracks on:
1. Loaded private car(s) – while held on railroad tracks.
  2. Empty car(s) moving as freight with STCC 37 422 XX

**CREDITS:**

Credits will be allowed for each car released, or on which disposition is provided in accordance with the Table of Charges in Item 110.

**100**

**DEMURRAGE PLAN**

- A. Settlement of charges will be made monthly on all car(s) released during each calendar month.
- B. Credits earned and demurrage days accrued by customers having facilities at separate stations cannot be combined.
- C. Credits earned, and demurrage days accrued, will be calculated separately in accordance with the Table of Charges in Item 110.
- D. Excess credits earned for one demurrage transaction cannot be used to offset days for another demurrage transaction.
- E. Excess credits earned cannot be used to offset demurrage between loading and unloading credits.
- F. Excess credits earned in one calendar month cannot be used to offset demurrage days in another calendar month.
- G. Unless otherwise advised, in WRITING, that another party is willing to accept responsibility for demurrage, consignor at origin or consignee at destination will be responsible for the payment of demurrage charges.

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FREIGHT TARIFF ST 6004

**RULES AND OTHER GOVERNING PROVISIONS**

**ITEM**

**DESCRIPTION**

100 Cont'd

DEMURRAGE PLAN ....Cont'd

- H. Calculation of charges:
1. Total demurrage days for all car(s) released will be added.
  2. Allowances for switching delay will be provided for as follows:
    - a) An allowance will be calculated and deducted from demurrage days for car ordered and all others held under constructive placement when all cars on the patrons siding are empty and available at the time a switch is missed or should have been made. If all cars on the patron's siding are not empty at the time of alleged switching failure, allowance will be for the car so ordered and not placed.
    - b) When a car is ordered for placement or delivery and this is not accomplished because non-service, allowance will be given for delay in placement. This allowance will apply to the

- car ordered placed, when held under constructive placement on ST tracks.
- c) The allowance day(s) will be deducted from the Demurrage Days for all day(s) after which the placement order was given to, but not including, the day on which the car is actually placed.
  - d) For example, if a car is ordered for placement on day 4 of the month, but not actually placed until day 5 of the month, day 4 of the month will be an allowance day and not a chargeable demurrage day for that car and all cars held under constructive placement on ST tracks during that time.
3. Total credits for all car(s) released will be added
4. If total demurrage days exceed the total credits, calculation of charges will be made as follows:
- a. Subtract number of total credits from total demurrage days to determine number of chargeable days
  - b. Chargeable days will be assessed charges in accordance to the Table of Charges in Item 110.

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FREIGHT TARIFF ST 6004

RULES AND OTHER GOVERNING PROVISIONS

ITEM	DESCRIPTION
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**110 DEMURRAGE APPLICATION**

Demurrage Application Chart

Table of Charges	Car Equipment as Published in The Official Railway Equipment Register	Loading Credits	Unloading Credits	Daily Charge
Railroad cars, including "railroad controlled private equipment"	Railroad Equipment	1	2	\$60.00
Private marked cars, excluding "railroad controlled private equipment"	Private car owners equipment carrying hazardous Material or other than hazardous material. Hazardous materials are listed in Table, Section 172.101, Tariff BOE 6000-series.	1	2	\$60.00
		Origin Credits	Dest Credits	Daily Charge

Empty cars and locomotives moving on own wheels in revenue service (STCC 37 411 XX and 37 422 XX)	Railroad equipment and private car owner equipment	2	2	\$60.00
All shipments for other than loading or unloading	Railroad equipment and private car owner equipment	0	0	\$60.00

**120**

**ALLOWANCES PERMISSIBLE FOR RELIEF OF DEMURRAGE CHARGES**

In order to be allowed relief as indicated, a claim must be presented to ST, in writing, by the last day of the calendar month following the month in which the bill was issued, stating fully the conditions for which relief is claimed.

1. RAILROAD ERROR – If, through railroad error, demurrage charges are assessed, demurrage will be adjusted to the amount that would have accrued but for such error. (Run around and bunching of cars will not be considered as a railroad error.)

RULES AND OTHER GOVERNING PROVISIONS

ITEM	DESCRIPTION
120 Cont'd	<p><b>ALLOWANCES PERMISSIBLE FOR RELIEF OF DEMURRAGE CHARGES</b></p> <ol style="list-style-type: none"> <li>2. WEATHER INTERFERENCE – When because of earthquakes, tornadoes, hurricanes, floods or heavy snow, the operations of the consignor or consignee are disrupted, the demurrage directly chargeable thereto will be eliminated, provided the disruption exceeds two (2) days in duration.</li> <li>3. STRIKE INTERFERENCE – When it is impossible to load or receive cars from or make cars available to ST because of strike interference at the point where the loading or unloading is to be accomplished, demurrage days will be charged for at the rate of \$30.00 per day during the period of strike interference, provided:               <ol style="list-style-type: none"> <li>a) The disruption exceeds five (5) days in duration during one calendar month.</li> <li>b) The provisions of this item will not apply to:                   <ol style="list-style-type: none"> <li>1. Cars for unloading when waybills are dated four (4) days after the beginning of strike interference.</li> <li>2. Cars for loading when ordered after the beginning and prior to the ending of strike interference.</li> </ol> </li> </ol> </li> </ol>

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-15- THE END

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