

INDIANA HARBOR BELT RAILROAD

DEMURRAGE TARIFF IHB 6004-B

CANCELS
DEMURRAGE TARIFF IHB 6004-A

Containing:

Hazardous materials rules and charges.
Rail Security Sensitive Materials rules and charges
Demurrage rules and charges for delay to loaded and empty carrier equipment.
Demurrage rules and charges for loaded and empty privately marked railcars.
Storage rules and charges for empty privately marked railcars
Storage charges for privately marked equipment destined for repair or cleaning.
Storage charges for railcars moving on own wheels for dismantling.

DEMURRAGE TARIFF

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ITEM 5 – APPLICATION OF REFERENCE PUBLICATIONS

The following publications contain rules, regulations, charges and allowances specifically referred to herein or may apply directly or indirectly along with the terms of demurrage, storage, etc. that is covered in this publication.

AAR2 – Hazardous Materials Shipping Descriptions (49-series STCC numbers)
BOE 6000 - Bureau of Explosives Rules
RER 6411 - Official Railway Equipment Register
RPS 6007 - Mileage Allowances and Rules
RPS 6740 - Heavy Duty Flat Car Charges
STCC 6001 - Standard Transportation Commodity Code
UFC 6000 - Uniform Freight Classification

ITEM 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 reissues of such item, notes, rules, etc.

ITEM 75 - METHOD OF CANCELLING ITEMS

As this tariff is supplemented, numbered items with letter suffixes will be used in alphabetical sequence starting with A. **Example:** Item 445-A cancels Item 445 and Item 365-B cancels Item 365-A in a prior supplement, which in turn cancelled Item 365.

ITEM 100 - METHOD OF DENOTING REISSUED MATTER IN SUPPLEMENTS

Matter brought forward without change from one supplement to another will reference supplement number with Item change.

ITEM 200 - GLOSSARY OF TERMS

For the purpose of applying rules in this Section the following are defined and shall govern:

1. **Actual Placement:** When a car is placed in an accessible position for loading or unloading or at a point designated by consignor or consignee.
2. **Assigned Car:** A car of any ownership specifically requested and assigned to a shipper by a railroad.
3. **Assignee:** A shipper who has requested and has been assigned specific cars.
4. **Car Day:** A twenty four (24) hour period or fraction thereof, commencing at 0001 hours (Local Time) after actual or constructive placement until the car is released and available to IHB.
5. **Closed Gate:** When a car cannot be placed on consignee's siding at time of arrival due to siding having a locked gate-door and/or standing instructions not to place any cars unless the consignee first contacts IHB for placement instructions. All cars are constructively placed at time of arrival.
6. **Consignee:** The party to whom a shipment is consigned or the party entitled to receive the shipment. For purposes of this tariff, Consignee includes any person who receives railcars from a rail carrier for unloading, as more specifically described in 49 CFR Part 1333.
7. **Consignor:** The party in whose name cars are ordered. For purposes of this tariff, Consignor includes any person who receives railcars from a rail carrier for loading, as more specifically described in 49 CFR Part 1333.
8. **Constructive Placement:** When a car cannot be actually placed because of any condition attributable to the consignor or consignee, such car will be held at an available hold point and notice will be given the consignor or consignee that the car is held awaiting instructions. Car Days will begin if instructions to IHB are not received before 0001 hours, of day following notification.
9. **Credit Day:** Credits can only be earned on those cars released from demurrage.
10. **Customer:** Consignees and consignors with access to IHB rail service.
11. **Free Day:** A non-chargeable day.
12. **Forwarding Instructions:** A bill of lading or other suitable order, containing all the necessary information to transport the shipment to final destination. Bill of lading of other suitable order must be given to IHB via electronic data interchange or facsimile to the customer service center at 708-201-3484.
13. **Holidays:** The following days will be considered IHB Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, and Christmas Day.
14. **IHB Track:** All tracks that IHB provides for its own use and purposes and other tracks located inside of its right-of-way or yards and terminals.
15. **Loading:** The complete loading of a car in conformity with IHB and AAR loading and clearance rules, and the furnishing of forwarding instructions.
16. **Open Gate:** When a consignee does not place any restrictions (physical or otherwise) on IHB to place cars on their siding upon arrival.
17. **Operator:** Owner or leasee of a private sidetrack served by the IHB who is responsible for ordering and releasing cars from such sidetrack.
18. **Private Car:** A car bearing other than railroad reporting marks and which is not a railroad controlled car.
19. **Private Track:** Tracks assigned for individual use including privately owned or leased tracks.
20. **Public Delivery Track:** Any accessible track open to the general public for loading or unloading.
21. **Rail Security Sensitive Materials (RSSM):** Commodities so defined by the Transportation Security Administration (TSA).
22. **Railroad Controlled Cars:** A car owned or leased by the IHB or another railroad or other entity provided for the use by IHB in servicing any of its customers.
23. **Reload:** When the same car is completely unloaded and then loaded.
24. **Stopped in Transit:** When cars are held enroute because of any condition attributable to the consignor or consignee or owner.
25. **Storage Day:** A 24 hour period, or part thereof.
26. **Time:** Local time is applicable. Time is expressed on the basis of the 24-hour clock (example: 12:01 AM is expressed as 0001 hours.)
27. **Unloading:** The complete unloading of a car and notice from the consignee that the car is empty and available to IHB.

ITEM 250 – PRIVATE SIDETRACK CONTROL, OPERATOR

For private sidetracks served by the IHB all railcar spotting and release instructions must be received from a single party in order to avoid spotting conflicts and confusion. The party so designated to be in Control shall be referred to as the sidetrack Operator. The default Operator is the individual or business which owns or leases the sidetrack and has maintenance responsibility for the sidetrack.

The sidetrack owner or leasee may upon written notice to the IHB designate a third party to be the Operator for a sidetrack. Invoices for demurrage or storage charges will be issued by the IHB to, and are the responsibility of, the Operator. The Operator of a sidetrack must obtain credit from the IHB and maintain their accounts in accordance to all applicable IHB credit rules. At locations where the Operator allows multiple customers to ship or receive freight; for example a transload facility or warehouse, the work order will be prepared from instructions issued by the Operator to the IHB. The IHB will not arbitrate disputes nor will the IHB accept spotting or release instructions from any customer other than the Operator.

In compliance with 49 CFR 1333.3 demurrage and storage charges are the responsibility of the customer receiving or shipping railcars. In such cases where the customer is shipping or receiving freight via the sidetrack of a third party, the Operator of that sidetrack acting as an agent, “care of” party, transloader, warehouseman, car shop or by any other arrangement will have responsibility for demurrage and or storage charges incurred by all users of the sidetrack.

When the Beneficial Owner of the freight shipped or delivered to said sidetrack desires to be responsible for the demurrage and/or storage charges attributable to his shipments, or when the sidetrack Operator requires that the Beneficial Owner(s) be responsible for their demurrage and or storage charges, the IHB will upon joint written request from the Beneficial Owner and Operator invoice demurrage and or storage charges to the Beneficial Owner of the freight. At locations where such agreements are put in force, the Operator still has responsibility to ensure cars are properly invoiced and will, upon request, advise the IHB as to the responsible party for cars received at the facility. The Operator remains responsible for all demurrage or storage charges that are not covered under individual agreements.

A fifty dollar (\$50) administrative charge per month will be assessed to each party requesting separate billing. All customers requesting direct billing must establish credit with the IHB and abide by all applicable credit rules and regulations.

Sidetracks may service customers who elect to have direct billing of demurrage and storage charges and also customers for whom their demurrage and storage charges are billed to the Operator.

At locations where two or more customers share a common track or a common lead where the limits of each customers sidetracks are clearly defined, each customer may issue spotting instructions only for the track under their control but may not order cars to the common area or common lead. The IHB for carrier convenience may leave cars in the common area, such cars may be subject to actual or constructive placement in some cases.

ITEM 300 - NOTIFICATION REQUIREMENTS

1. The following notifications (including by electronic means) will be furnished as indicated.

Cars for Private Tracks

- (a) Notification of constructive placement on all cars held on IHB tracks due to any condition attributable to consignee or consignor.
- (b) Delivery of car upon consignee tracks will constitute notification.
- (c) Delivery upon industrial interchange tracks of consignee or party entitled to receive same, will constitute notification.

Cars for Public Delivery Tracks

Notice of arrival will be given to party entitled to receive notification when car is actually placed.

Cars Stopped in Transit

Notice shall be sent or given to the consignee, consignor or owner ordering the car stopped upon arrival of car at the holding location.

Refused Carload Freight

When advised of refusal of car at destination, notice will be sent or given to consignor or owner.

2. Notification information provided:

- (a) Car initial and number
- (b) If contents transferred enroute, car initial and number of the original car will be furnished.

3. Methods and procedures for notification:

Notification may be sent or given by personal telephone communication or electronic means. Notification provided by an electronic or mechanical device will be considered as having been given to consignor or consignee as of the date and time transmitted.

ITEM 350 - NOTIFICATION TO IHB

- (a) When IHB personnel are not on duty to receive forwarding instructions, empty release information or other disposition, consignor/consignee will have until 0900 hours of the next day personnel are on duty to furnish such instructions. 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 IHB, the recorded date and time that instructions are received will govern.

ITEM 400 - ALLOWANCES PERMISSIBLE FOR RELIEF OF DEMURRAGE CHARGES

In order to be allowed relief as indicated, a claim must be presented to IHB, 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.
2. **Bunching:** Bunching of cars will not be considered as a railroad error unless the bunching is solely attributed to the IHB.
3. **Weather Interference:** When because of tornadoes, floods, heavy snow or other unusual weather or the result of such weather, 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.
4. **Strike Interference:** When it is impossible to load or unload or receive cars from or make cars available to IHB 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 \$25.00 per day during the period of strike interference, provided:
 - (a) The disruption exceeds five (5) days in duration during one calendar month.
 - (b) The provisions of this item will not apply to: (1) Cars for unloading when waybills are dated four (4) days after the beginning of strike interference. (2) Cars for loading when ordered after the beginning and prior to the ending of strike interference.
5. **Switching Delays:**
 - (a) This allowance will be calculated and deducted from car days for car ordered and all others held under constructive placement when all cars on the patron's 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(s) 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(s) ordered placed, when held under constructive placement on IHB tracks
 - (c) The allowance day(s) will be deducted from the Car 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. (For example, if a car is ordered placed on day 3 of the month, but not actually placed until day 5 of the month, day 4 of the month will be an allowance day).

SECTION 1
DEMURRAGE RULES AND CHARGES

ITEM 500 - CARS SUBJECT TO DEMURRAGE

GENERAL APPLICATION

- (A) The disposition of a car at its point of detention determines the purpose for which the car is held and the rules applicable thereto.
- (B) All railroad controlled cars held for or by consignors or consignees for any purpose are subject to demurrage rules and charges in this section, except as follows:
 - (1) Cars moving under freight rates requiring application of special demurrage rule – When authorized in contracts quotes or other agreements.
 - (2) Cars containing freight refused or unclaimed to be sold by IHB.
 - (3) Cars assigned to shippers returned to points of assignment under load when material is authorized to be returned without freight charges under provisions of freight publication.
 - (4) Cars assigned to shippers returned empty to point of assignment while subject to storage rules.
 - (5) Empty railroad equipment moving on own wheels under transportation charges as freight. (Subject to Item 2005)
 - (6) Cars for loading or unloading of IHB company material while on IHB tracks or private sidings connecting therewith.
 - (7) Cars of railroad ownership, leased for storage of commodities, while held on lessee's tracks.
 - (8) Empty cars placed and not used for loading only if rejected and found as unsuitable for loading.

ITEM 610 - RULES GOVERNING CARS HELD FOR PURPOSES OTHER THAN LOADING OR UNLOADING

Applicable to Cars Held:

- (a) On orders of the consignor or consignee.
- (b) While awaiting proper disposition from the consignor or consignee.
- (c) As a result of conditions attributable to the consignor or consignee.

Disposition: That information, which allows IHB to either tender or release the car from the consignor or consignee's account.

Tender: The notification, actual or constructive placement of a loaded car.

Release: Date and time that IHB receives advice that the car is released and on which disposition is given on cars.

Computation: Car Days will be computed from the first 0001 hours:

- (a) After tender until release, on cars: Zero (0) free time will be allowed.
 - (1) Reconsigned
 - (2) Stopped in transit
- (b) After tender until date of release on cars, twenty-four (24) hours free time will be allowed.
 - (1) Rejected
 - (2) Refused

Credits: No (Zero) credits will be earned for each car released.

ITEM 765 - RULES GOVERNING PRIVATE CARS HELD OR STORED ON IHB TRACKS

Application:

This item applies to loaded private cars held on IHB tracks after notice of arrival is given to the consignee and loaded private cars held on IHB tracks waiting forwarding instructions from the consignor and are subject to demurrage charges as provided.

Computation:

Two (2) free days are given on each loaded car being held for consignee on constructive placement. Zero (0) free time is allowed, for consignor on each loaded cars held waiting forwarding instructions.

ITEM 850 - CARS SUBJECT TO AVERAGE AGREEMENT

1) RULES GOVERNING CARS HELD FOR LOADING

Loading: Is the complete or partial loading of a car, in conformity with IHB/AAR loading and clearance rules, including the furnishing of forwarding instructions to the IHB.

Tender: The notification of actual or constructive placement of an empty car placed on orders of the consignor.

Release:

- (a) On date forwarding instructions are received by the IHB.
- (b) Cars placed on interchange tracks where industry performs own switching, time will continue until cars are returned to the interchange track.
- (c) On cars found to be overloaded or improperly loaded while at origin will not be considered released until the load has been adjusted.

Computation:

- (a) Car Days will be computed from the first 0001 hours (See Car Days, Item 200) after tender until release.
- (b) On cars placed prior to date for which ordered, Car Days will be computed from the first 0001 hours of the day for which car was ordered until car is released.
- (c) On empty cars appropriated, without being ordered, will be considered as having been ordered and actually placed on the day so appropriated.

Free Day: Twenty-four (24) hours free time will be allowed for loading (1 Car Day)

Credits: One (1) credit will be earned for each car released within first Car Day.

2) RULES GOVERNING CARS HELD FOR UNLOADING

Unloading: Is the complete unloading of a car and advice from consignee to IHB that the car is empty and available.

Tender: The notification, actual or constructive placement of each loaded car.

Release:

- (a) Date and time that IHB receives advice that the car is empty.
- (b) Cars placed on interchange tracks where industry performs own switching, time will continue until cars are returned to the interchange track for release.

Computation: Car Days will be computed from the first 0001 hours (See Car Days, Item 200) after tender until release.

Free Day: Forty-eight (48) hours free time will be allowed on unloading. (2 Car Days)

Credits:

- (a) One (1) credit will be earned for each car released from unloading within the first Car Day.
- (b) There will be no chargeable Car Day or credit on cars released from unloading within the second Car Day.

3) RULES ON CARS UNLOADED AND RELOADED

When the same car is both unloaded and reloaded each transaction will be treated as independent of the other. The Car Day for reloading shall not begin until the first 0001 hours after unloading is complete and advice given

ITEM 1225 - EMPTY CARS ORDERED OR APPROPRIATED FOR LOADING BUT NOT USED

Tender: The notification, actual or constructive placement of each empty.

Release: Date and time that IHB receives advice that car was not used.

Computation: Car Days will be computed from the first 0001 hours after tender until release. If car is unfit for loading, Car Days will be computed from the first 0001 hours after placement.

Free time: Twenty-four (24) hours free time will be allowed.

Credits: No (Zero) credits will be earned.

ITEM 1250 - DEMURRAGE PLAN

Billing will be tendered on a monthly basis for all cars released during a calendar month.

- 1. Customers having facilities at separate stations cannot be combined.
- 2. Credit day and car day charges for cars held for unloading, or other purposes will be kept separately from cars held for loading.
- 3. Credit days earned in one calendar month cannot be carried over to another month.
- 4. Demurrage charges will be assessed against the consignor at origin or consignee at destination who will be responsible for payment.
- 5. Customer having two or more facilities at the same station with IHB may combine the accounts into one if requested in writing.

ITEM 1275 - DEMURRAGE CALCULATION

- 1. Total car days for all railroad-controlled cars will be added.
- 2. Total credits for all railroad-controlled cars will be added
- 3. If total credits equal or exceed total net car days, demurrage charges will not be assessed.
- 4. If total net car days exceed the total credits, calculation of charges will be made as follows:
 - (a) Subtract total credit days from total car days to determine chargeable days.
 - (b) The number of chargeable days will be assessed \$60.00 per day.

SECTION 2
STORAGE RULES AND CHARGES

ITEM 1300 - STORAGE OF PRIVATE CARS

1. **NON-APPLICATION:** The storage of Private car provisions do not apply to
 - (a) Cars of private ownership on private or leased tracks.
 - (b) Cars of private ownership held on IHB tracks for carrier convenience.
2. **APPLICATION:** This item applies to empty, private cars held on IHB tracks under constructive placement after notice of arrival is given to the consignee and empty private cars held on IHB tracks waiting forwarding instructions from the consignor.
3. **STORAGE DAYS WILL COMMENCE:**

After the date of constructive placement, on each empty car TEN (10) free days are given to the consignee. Chargeable storage days commence from the ELEVENTH (11) day at 0001 hours and continue until the car is ordered placed on private tracks or released.
4. **STORAGE PLAN:**
 - (a) Charges will be billed on a monthly basis, for all cars released from storage during each calendar month.
 - (b) Charges will be assessed against the consignee at destination on cars waiting placement or the consignor at origin on cars waiting forwarding instructions.
 - (c) Chargeable storage rate is \$20.00 per day on empties.

ITEM 1350 - STORAGE OF ASSIGNED CARS

1. **APPLICATION:** This item applies to specific empty cars of any ownership specifically requested and assigned to specific shipper (assignee), at IHB origin stations, when IHB is required to hold such cars on its premises or private sidings connected therewith.
2. **STORAGE DAYS:** Chargeable storage days will commence from the second 0001 hour following notice of arrival and continue until the car is placed on demurrage status or is released from the assignment.
3. **STORAGE PLAN:**
 - (a) Storage plans will be maintained individually by pool assignment number.
 - (b) Settlement of charges will be made on a monthly basis on all cars released from storage during each calendar month.
 - (c) One (1) free day is given on each car.
 - (d) Chargeable storage rate is \$20.00 per day.

4. RELIEF FOR DISRUPTION IN ASSIGNEE'S OPERATIONS:

- (a) When it is impossible to load, or receive for loading, empty assigned car because of cessation of operations for a period of five (5) consecutive days or more, resulting from strike, work stoppage, flood or other interference at assignee's plant, storage charges will be suspended during the duration of the interference.
- (b) To claim suspension of charges, assignee must furnish a written notice to IHB within seven (7) days after the date interference ceased, stating: (1) Date and time interference began. (2) Date and time interference ceased, and (3) Cause of such interference.
- (c) The period of suspension will be from the first 0001 hours following date on which interference began, until the first 0001 hours following, expiration of the four (4) day period immediately following resumption of operations.
- (d) Relief will be restricted to a maximum of two (2) such cessations in any calendar year, subject to a maximum of 30 days per calendar year.
- (e) A cessation beginning in one calendar year and continuing uninterrupted into the following year will be considered as one (1) cessation occurring in the year in which the interference began.

ITEM 2005 - STORAGE OF RAILWAY EQUIPMENT MOVING ON OWN WHEELS

A. APPLICATION:

This item applies to railway equipment, held on IHB tracks, which will move or has moved on its own wheels, as freight subject to transportation charges.

B. STORAGE DAYS WILL COMMENCE:

- (1) Chargeable storage days will commence from, the third 0001 hours following notice of arrival and continue until car is actually placed. Inclusive of Saturdays, Sundays and holidays, railroad and privately-owned cars and other railroad and privately-owned equipment, moving on own wheels as freight at tariff rates, will be subject to a charge of \$30.00 per car per day while held on IHB tracks.

C. STORAGE PLAN:

- (1) Unless otherwise advised, charges will be assessed against the consignor, if storage delays occur at origin or enroute; or the consignee, if storage delays occur at destination.
- (2) Settlement of charges will be made on a monthly basis for all cars released from storage during each calendar month.
- (3) Two (2) free days will be allowed on each car released from storage.
- (4) Chargeable storage rate is \$30.00 per day.

SECTION 3

STORAGE OF HAZARDOUS MATERIALS AND RAIL SECURITY SENSITIVE MATERIALS

ITEM 3000 - STORAGE OF HAZARDOUS MATERIALS, SUBSTANCES OR WASTES

(Subject to publication BOE 6000 – Hazardous Materials Regulations of the Department of Transportation)

Application: This item applies to cars held on IHB tracks (excluding leased tracks) containing: Hazardous materials, substances, or wastes requiring the use of 4-digit identification number (UN or NA) on shipping document, placards or panels, as named in Part 172 of Publication BOE 6000.

Demurrage charges for railroad-controlled cars will be in addition to charges provided in this item and Storage Charges on private cars will be in addition to this item.

Storage Days will commence: After the date of constructive placement and on each car, two (2) free days are given to the Consignee. Storage days commence from the third day at 0001 hours (See Time, Item 200) and continue until the car is ordered placed on private tracks or released with forwarding instructions.

Storage Plan:

- (a) Charges will be billed on a monthly basis, for all cars released from storage during each calendar month.
- (b) Charges will be assessed against the Consignee at destination or against the Consignor at origin, who will be responsible for payment.
- (c) Two (2) free days are given on each car.
- (d) Chargeable storage rate is \$75.00 per day.

ITEM 3005 - STORAGE OF RAIL SECURITY SENSITIVE MATERIALS

(Subject to publication BOE 6000 – Hazardous Materials Regulations of the Department of Transportation)

Application: This item applies to cars held on IHB tracks (including leased tracks) Containing commodities defined by TSA as Rail Security Sensitive Materials (RSSM), as named in Part 172 of Publication BOE 6000.

Demurrage charges for railroad-controlled cars will be in addition to charges provided in this item and Storage Charges on private cars will be in addition to this item.

Storage Days will commence: After the date of constructive placement and on each car, ZERO (0) free days are given to the Consignee. Storage days commence from the first day 0001 hours (See Time, Item 200) and continue until the car is ordered placed on private tracks or released with forwarding instructions.

Storage Plan:

- (a) Charges will be billed on a monthly basis, for all cars released from storage during each calendar month.
- (b) Charges will be assessed against the Consignee at destination or against the Consignor at origin, who will be responsible for payment.
- (c) Zero (0) free days are given on each car.
- (d) Chargeable storage rate is \$150.00 per day for the first FIVE (5) chargeable days.
- (e) Chargeable storage rate is \$1,000.00 per day for each day beginning with day SIX (6) and all subsequent days until spotted at industry or released for forwarding.