# **CRAB ORCHARD & EGYPTIAN RAILWAY,**

a division of Progressive Rail Incorporated

### FREIGHT TARIFF COER 8000-A

(Cancels Freight Tariff COER 8000)

NAMING
RULES, CHARGES AND REGULATIONS
GOVERNING SWITCHING
ALSO
MISCELLANEOUS RULES AND CHARGES
FROM, TO, AND WITHIN
STATIONS
OPERATED BY
AND FOR ACCOUNT
CRAB ORCHARD & EGYPTIAN RAILWAY,
a division of Progressive Rail Incorporated

### **LOCAL TARIFF**

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

ISSUED: August 10, 2016 EFFECTIVE: September 1, 2016

**ISSUED BY** 

D. J. Fellon, President Progressive Rail Inc. 21778 Highview Ave. Lakeville, MN 55044

TABLE OF CONTENTS		
SUBJECT	ITEM	
Abbreviations and Reference Marks,		
Explanation of	99999	
Articulated Cars	1040	
Capacities and Dimensions of Cars	30	
Cars Delivered to Connecting Carriers and Subsequently Requested Returned by		
CustomerCars loaded in Violation of Car Distribution	1180	
Orders Cars Ordered but Not Used	1100	
Cars Ordered but Not Osed	150 160	
Cars Required to be Switched from Trains	1170	
Charges, Collection of	110	
Demurrage	1120	
Failure to Stow Load Securement Devices	1060	
Facilities Charges	1090	
Foreign Cars Leased by Online Customers	1110	
Furnishing Heat for Unloading Shipments in		
Tank Cars	1140	
Governing Classification, Description of	10	
Hazardous Freight	50	
Idler or Trailer Cars	1030	
Interchange Error Movement	170	
Inter-Terminal Switching	2060	
Intra-Plant Switching	2040	
Intra-Terminal Switching	2050	
Limitations	100	
List of Industries Open to Reciprocal	0000	
Switching	2030 1020	
Loads Requiring Clearing of Adjacent Tracks Marion and Herrin, IL Switching Districts,	1020	
Description of	2020	
Mileage Allowance	120	
Method of Cancelling Items.	60	
Ordering Cars	145	
Reciprocal Switching	2065	
Reference to Tariffs, Items, Notes, Rules, etc	40	
Release of Open Top Loads	140	
Reloading Equipment	1080	
Removal of Switch Stands	1070	
Revenue Empty Movements, Charges for	1010	
Station Lists and Conditions	20	
Special Switching or Unscheduled Train Service	2000	
Special Train Service	1050	
Storage of Rail Cars	1150	
Submitting Shipping Instructions	1130	
Switching Equipment Between Industry and COER Facility	2010	
Switching Orders	1135	
Switching Orders	2070	
Team Track Usage	1160	
Turn Car Switching	2080	

# RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS-GENERAL

### **ITEM 10**

### **DESCRIPTION OF GOVERNING CLASSIFICATION**

The term "Unification Freight Classification" when used herein means Uniform Freight Classification 6000 - series.

### **ITEM 20**

### STATION LISTS AND CONDITIONS

This publication is governed by the Official Railroad Station List, OPSL 6000 - series, issued by RAILINC, Agent.

#### **ITEM 30**

### **CAPACITIES AND DIMENSIONS OF CARS**

For marked capacities, lengths, dimensions, and cubical capacities of freight cars, see Official Railway Equipment Register, RER 6414-series, R.E.R. Publishing Corporation, Agent.

#### **ITEM 40**

### REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.

Where reference is made in this tariff to tariffs, items, notes, rules, circulars, etc., such references are continuous and include supplements to and successive issues of such tariffs, and reissues of such items, notes, rules, circulars, etc.

### **ITEM 50**

### HAZARDOUS FREIGHT

Shipments of hazardous freight under this tariff are subject to regulations of the U.S. Department of Transportation as shown in Bureau of Explosives, STB BOE 6000-series, C. Keller, Agent.

### **ITEM 60**

### **METHOD OF CANCELLING ITEMS**

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 sequences starting with A. For example: Item 100-A cancels Item 100 and Item 200-B cancels Item 200-A in a prior supplement, which in turn cancelled Item 200.

# RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS-UNLIMITED

#### **ITEM 100**

### **LIMITATIONS**

All cars delivered to COER are received only upon the condition that there is room for them upon the tracks to which they are consigned, and the cars are subject to delays incident in switching and unavoidable causes.

Cars with bulged sides, excessive dimensions, or leaning cars that can not be placed where consigned because of sharp curves or danger of striking structures, will be placed upon the nearest acceptable track for loading and/or unloading.

### **ITEM 110**

### **COLLECTION OF CHARGES**

All charges assessed to customers are due in US currency within 15 days of invoice date. All invoices are subject to a 1.5% per month finance charge if unpaid within 30 days from the date of invoice. In the event of a dispute, customers shall provide written notice within 30 days from the date of the bill, specifying the bill number and the basis for the dispute. Customers responsible for original charges shall also be responsible for all additional collection costs, including attorney fees and court costs, if COER is required to collect in this manner. COER may at its sole discretion require prepayment of services.

Customers may remit charges to COER via electronic methods; however customer shall bear all related charges assessed by customer's financial institutions. Electronic remittances will be made in conformance with instructions provided by COER.

Customers will be assessed a \$30.00 service charge or the maximum allowed by law on all checks returned unpaid by customer's financial institution for non-sufficient or uncollected funds. Additionally interest charges, as described in this item, will be assessed if returned check results in charges collected by COER outside of credit terms.

COER shall not accept responsibility for failure by customer to provide purchase order numbers or similar customer internal documentation authorizing COER to provide services. COER shall attempt to provide customer with information used in customer's internal accounting processes but inability to provide requested information or the inability to comply with customer's internal documentation procedures will in no way remove customer's obligation to pay charges within credit terms assessed pursuant to applicable tariffs or contracts.

Exception: All charges assessed to other railroads for switching and similar services will be collected according to the terms of applicable contracts and the Railway Accounting Rules.

# RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS-UNLIMITED

#### **ITEM 120**

### **MILEAGE ALLOWANCE**

When loaded or empty private cars are handled by COER, mileage payments will not be allowed except by written agreement. When railroad loaded or empty cars are handled by COER in switching service consigned to customers located within a switching district, mileage payments will not be allowed.

### **ITEM 140**

### **RELEASE OF OPEN TOP LOADS**

Customers must arrange with COER for an inspection of shiftable, open top loads prior to their release. Open top loads must be loaded in conformance to the current edition of the OTLR.

### **ITEM 145**

### **ORDERING CARS**

Customers shall order from COER all cars desired for loading on tracks of COER or industry tracks connected to COER and should specify class of car, lading, weight, destination, route, and want date. At its sole discretion, COER may require car orders to be submitted by customers via an approved electronic method supported by COER. Approved methods include Shipper Connect. If a customer is required to submit car orders by an approved electronic method, a charge of \$20.00 will be assessed for each manual or facsimile submission. This charge will be assessed to the car ordering party. Car orders submitted by telephone will not be accepted.

### **ITEM 150**

### **CARS ORDERED BUT NOT USED**

When, on behalf of a customer, COER orders a car from a foreign carrier for loading and customer refuses or rejects the car for reasons other than car is unfit for loading, a charge equal to the supplying carrier's car cancellation charge plus 5 percent will be assessed to the customer ordering the car from COER.

Additionally when a car has been switched or placed by COER and customer subsequently rejects the car for reasons other than the car is unfit for loading, a switching charge of \$150.00 will be assessed to the customer ordering the car from COER or a foreign carrier.

Demurrage rules, charges, and regulations will apply to rejected cars in the same manner as other cars as published in COER 6004-series.

# RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS-UNLIMITED

### **ITEM 160**

# CARS ORDERED BUT NOT USED IN SUPPLYING CARRIER LINEHAUL

When, on behalf of a customer, COER orders a car from a foreign carrier for loading and customer loads and routes the car in such a manner that the supplying carrier is not in the linehaul, a charge equal to the supplying carrier's car offline use charge plus 5 percent will be assessed to the customer ordering the car from COER.

### **ITEM 170**

#### INTERCHANGE ERROR MOVEMENTS

When empty or loaded cars are received from a foreign carrier without proper forwarding paperwork, the cars will be returned to the delivering carrier or forwarded to the proper carrier, within the same switching district, at a charge of \$440.00 per car. Charge for this service will be assessed against the carrier delivering the cars to COER.

When empty or loaded Toxic Inhalation Hazard cars are received from a foreign carrier without proper forwarding paperwork, the cars will be returned to the delivering carrier at a charge of \$1,750.00 per car. Charge for this service will be assessed against the carrier delivering the Toxic Inhalation Hazard cars to COER.

COER shall not be liable for any setback, switching, or linehaul charges assessed another carrier resulting from billing errors by a customer or by a carrier which is not affiliated with COER.

Note 1. When cars are received in Interchange and are returned for mechanical or safety reasons, including cars unfit for loading, COER will assess the same charge as an interchange error movement.

### SECTION 1 MISCELLANEOUS RULES AND CHARGES

### **ITEM 1010**

# CHARGES FOR MOVEMENT OF REVENUE EMPTY CARS

A charge of \$1.10 a mile will be assessed for transportation of empty freight cars moving on their own wheels, minimum charge [I]\$300.00 per car.

Exception: This item will not apply to empty cars that are consigned to customers on COER lines for the purpose of loading. However private empty cars consigned to customers for loading but subsequently shipped as an empty will be assessed empty freight car charges for both trips.

Exception: This item will not apply to empty cars received from another railroad with which the COER has an agreement covering charges for empty equipment.

### **ITEM 1020**

### LOADS REQUIRING CLEARING OF ADJACENT TRACKS

Loads that because of excessive width or length require clearing tracks adjacent to the track on which said load moves will be assessed a charge of \$300.00 for each track cleared.

### **ITEM 1030**

### **IDLER OR TRAILER CARS**

Idler or trailer cars may be required by the engineering and/or operating departments of COER, if in their judgment an idler or trailer car is required for safe operation.

Idler or trailer cars will be subject to the same charges, rules, and regulations as are applied to loaded cars.

### **ITEM 1040**

### ARTICULATED CARS

Each unit of articulated cars, loaded or empty, will be subject to all rules, regulations, and charges as applied to a single railcar.

### SECTION 1 MISCELLANEOUS RULES AND CHARGES

#### **ITEM 1050**

### **SPECIAL TRAIN SERVICE**

Cars loaded to excessive height, underhang, width, length, weight, center of gravity, or any combination of these that in the judgment of the engineering and/or operating departments of COER require excessive special handling for safe movement will be handled in special train service. Special trains are at the sole discretion and operational convenience of COER. Other cars not requiring special service may, for carrier convenience, be handled by COER in special trains. Said cars will not accrue additional charges.

Special train charges are \$90.00 per mile with a minimum charge of \$5,500.00 in addition to freight and other applicable charges and will be charged to the customer requesting the special train. Special train charges must be prepaid unless agreed otherwise by previous agreement.

Circus, carnival, excursion, and other similar trains will only be handled pursuant to previous agreement.

### **ITEM 1060**

### **FAILURE TO STOW LOAD SECUREMENT DEVICES**

When a customer releases empty cars for movement from industry or team tracks and doors, hatches, chains, cables, or other similar devices are not properly secured, and must be secured by COER employees for safe movement, a charge of \$150.00 per car will be assessed to the customer that released the car for movement.

This item does not apply when said devices, because of mechanical defect, cannot be operated as designed, provided that COER has been informed of the defect at or prior to the release of the car.

This item will not obligate COER to stow load securement devices. COER may, at its sole discretion, consider the car or track inaccessible if load securement devices are not properly stowed or secured.

Loaded cars and hazardous materials cars will not be moved unless all load securement devices are properly secured by customer.

### SECTION 1 MISCELLANEOUS RULES AND CHARGES

#### **ITEM 1070**

### **REMOVAL OF SWITCH STANDS**

Loads that because of excessive width or length require the removal of switch stands, signals, or signs will be assessed a charge of \$975.00 for each switch stand, signal, or sign removed.

This item will also be applicable for removal of switch stands, signals, or signs for customer purposes other than clearing loads.

### **ITEM 1080**

### **RELOADING EQUIPMENT**

Customers may not reload cars made empty by them without first obtaining permission from COER.

Exception: This item will not be applicable to private cars that the customer owns or leases.

### **ITEM 1090**

### **FACILITIES CHARGES**

COER may from time to time, at its sole discretion, make available its own tracks, warehouses, sites, and other similar facilities available for customers to load or unload cars, store empty or loaded cars, or store product. The charges for use of these facilities are in addition to any freight or accessorial charges described in this or any other tariff and charges will be assessed pursuant to the applicable transload tariff or to previous agreement.

### **ITEM 1100**

### CARS LOADED IN VIOLATION OF CAR DISTRIBUTION ORDERS

A charge of \$575.00 per car will be assessed against the industry and/or carrier who violates the car distribution orders on file with UMLER placed on COER owned or leased cars. This charge will be assessed for each occurrence and will be in addition to all other applicable charges.

### **ITEM 1110**

### FOREIGN CARS LEASED BY ONLINE CUSTOMERS

Customers must immediately inform COER of cars leased from a foreign railroad for the customer's exclusive use.

When online customers of COER lease foreign railroad cars for their exclusive use, hourly payments will be reclaimed against the owner road.

# SECTION 1 MISCELLANEOUS RULES AND CHARGES

### **ITEM 1120**

#### **DEMURRAGE**

All cars handled under this tariff will be subject to the demurrage rules, charges, and regulations published in COER 6004–series.

### **ITEM 1130**

### SUBMITTING SHIPPING INSTRUCTIONS

Shipping instructions for loaded or empty cars will be submitted by customers via an approved electronic method supported by COER. Approved methods include EDI 404 or electronic messaging via Internet accessed software provided by COER. A charge of \$20.00 will be assessed for each manual or facsimile submission. This charge will be assessed to the customer located on COER. Shipping instructions submitted by telephone will not be accepted.

#### **ITEM 1135**

### **SWITCHING ORDERS**

Instructions for the release or requests for placements of loaded or empty cars or other similar events will be submitted by customers via electronic method supported by COER. Approved methods include EDI 404 or electronic messaging via Internet accessed software provided by COER. A charge of \$20.00 will be assessed for each manual or facsimile submission. This charge will be assessed to the customer located on COER. Switching orders submitted by telephone will not be accepted.

### **ITEM 1140**

[A]

### FURNISHING HEAT FOR UNLOADING SHIPMENTS IN TANK CARS

COER will furnish steam to heat freight in tank cars equipped with heater coils at points on COER track where arrangements have been made in advance and where steam boilers are available at a charge of \$1,000.00 per day or fraction thereof. In addition to this charge, intraterminal switch charges pursuant to Item 2050 herein will apply.

If more than one heating service is required, charges referred to above will apply for each separate movement of the car and heating service.

### **ITEM 1150**

### STORAGE OF RAIL CARS

To reduce charges which would otherwise apply, customers may, subject to track availability and at COER's discretion, negotiate a rail car agreement with COER for storage of rail cars on COER trackage. Such agreements will entitle the customer to store a specified number of rail cars at a designated storage location at an applicable storage rate in lieu of demurrage charges pursuant to Tariff COER 6004—series.

# SECTION 1 MISCELLANEOUS RULES AND CHARGES

### **ITEM 1160**

### **TEAM TRACK USAGE**

Existing team track service, including loading/unloading platforms and other non-exclusive COER facilities, are available for use by shippers for non-hazardous commodities only on a shared usage basis at the sole cost, risk, and expense of customers using such facilities. By using such facilities, customers agree to indemnify, defend and hold harmless COER from all claims, costs, and expenses and to assume all risk, responsibility liability for death, personal injury, or property damage arising from, related to, or caused by, in whole or in part, the use of such facilities

### **ITEM 1170**

#### CARS REQUIRED TO BE SWITCHED FROM TRAINS

When cars released empty or loaded by a customer that have been subsequently built into a COER train for delivery to a connecting carrier but must be switched out of the train account refusal of connecting carrier to accept the cars in interchange, a charge of \$300.00 per car will be assessed to the customer.

This item will be applicable to cars that will not be accepted in interchange by connecting carriers for reasons not attributable to either the COER or connecting carriers. Such reasons include but are not limited to: car subject to embargo, customer lacks credit with connecting carrier, shipping instructions on car not properly submitted or have been canceled by customer, private car is over age, private car not listed properly in UMLER, or for any other cause under the control of the customer.

### **ITEM 1180**

# CARS DELIVERED TO CONNECTING CARRIERS AND SUBSEQUENTLY REQUESTED RETURNED BY CUSTOMER

When cars are released empty or loaded by a customer and are interchanged by COER to a connecting carrier and are subsequently requested to be returned by customer, a charge equal to the connecting carrier's error return charge plus [I]\$100.00 will be assessed to the customer requesting the car to be returned.

This service will only be available if connecting carrier is able to return the car. Requests for cars to be returned must be made in writing on the form supplied to customer by COER.

# SECTION 2 SWITCHING RULES AND CHARGES

### **ITEM 2000**

### SPECIAL SWITCHING OR UNSCHEDULED TRAIN SERVICE

Special switching or unscheduled train service requiring assignment of a locomotive and crew to supplement regularly scheduled switching or train service will be performed only on a customer's request submitted 24 hours in advance. A charge of \$2,500.00 for the first 8 hours or fraction thereof and \$337.50 for each additional hour or fraction thereof will be assessed. A charge of \$400.00 will be assessed for each additional locomotive required. This charge will not apply to additional locomotives that are required to replace locomotives originally assigned due to mechanical defects, track restrictions, carrier convenience, etc. These charges are in addition to other applicable transportation and accessorial charges. Hours will be computed from the time the locomotive and crew are on duty until the special switching service has been performed and the locomotive and crew have returned to the point where they began duty (including convenience of COER).

Special switching or unscheduled train service is subject to the availability of COER personnel and equipment.

### **ITEM 2010**

[1]

# SWITCHING EQUIPMENT BETWEEN INDUSTRY AND COER FACILITY

When customer owned or controlled cars or locomotives are switched by COER between industry and a facility for purposes of repairs or inspection, a charge of [I]\$300.00 per car will be assessed.

### **ITEM 2020**

# MARION AND HERRIN, IL SWITCHING DISTRICTS, DESCRIPTION OF

Whenever reference is made in this tariff or other COER instruments to the COER Marion, IL or Herrin, IL Switching District, said districts shall include COER stations shown below:

### MARION, IL SWITCHING DISTRICT

STATION	STATE	FSAC
Ordill	IL	5
Marion	IL	10
Mande	IL	15

### HERRIN, IL SWITCHING DISTRICT

Herrin	IL	100

# SECTION 2 SWITCHING RULES AND CHARGES

### **ITEM 2030**

### LIST OF INDUSTRIES OPEN TO RECIPROCAL SWITCHING

The listed industries in this item are located on the COER within the Herron, IL or Marion, IL Switching Districts as described in Item 2020 and are open to reciprocal switching in connection with BNSF.

When changes in name or ownership occur in the customers listed in this item, this item will be corrected as soon as practical but until such correction is made, the same charges, rules, and regulations will apply as for the industry previously using the same track.

INDUSTRIES		
NAME	STATION	
COER Team Track Customers	Herrin, IL/Marion, IL	
Hastie Mining & Trucking	Mande, IL	
Illinois Transload	Mande, IL	
Rail Ready Railcar Repair Facility	Ordill, IL	
Warren Oil Company of Illinois	Marion, IL	

### **ITEM 2040**

### **INTRA-PLANT SWITCHING**

A charge of [I]\$300.00 per car will be assessed for each movement of cars that have been placed for loading or unloading and subsequently switched at the request of a customer from one location to another location on the same track or from one track to another track within the same industry. Such charges will be assessed against the customer requesting the switch. Intra-plant switching is at the convenience of COER and will be performed during the normal course of operations.

Exception: This item will not be applicable when such movement is incidental and necessary in connection with the removal or placement of other loaded or empty cars.

# SECTION 2 SWITCHING RULES AND CHARGES

#### **ITEM 2050**

### **INTRA-TERMINAL SWITCHING**

A charge of [I]\$350.00 per car will be assessed for each movement of cars that have been placed for storage, loading or unloading and subsequently switched at the request of a customer from one track to another track within the switching limits of a single station. Such charges will be assessed against the customer requesting the switch. Intra-terminal switching is at the convenience of COER and will be performed during the normal course of operations.

### **ITEM 2060**

[A]

### **INTER-TERMINAL SWITCHING**

A charge of \$400.00 per car will be assessed for each movement of cars that have arrived at a station for placement and subsequently switched at the request of a customer from one station to another station. Such charges will be assessed against the customer requesting the switch. Inter-terminal switching is at the convenience of COER and will be performed during the normal course of operations.

### SECTION 2 SWITCHING RULES AND CHARGES

### **ITEM 2065**

### **RECIPROCAL SWITCHING**

The COER will perform reciprocal switching between customers located on COER Stations and interchange with the BNSF set forth below at charges indicated:

#### **PART A**

Herrin, IL Interchange with BNSF

STATION	COMMODITY	STCC	RATE (Per Car)
Herrin, IL (See Notes 1and 3)	All Commodities, except as otherwise provided below	All	\$300.00
	All Hazardous Materials, Hazardous Waste and Dimensional Loads	All	\$500.00

### PART B

Marion, IL Interchange with BNSF

STATION	COMMODITY	STCC	RATE (Per Car)
Marion, IL (See Notes 2 and 3)	All Commodities, except as otherwise provided below	All	\$300.00
	All Hazardous Materials, Hazardous Waste and Dimensional Loads	All	\$500.00

- Note 1 Includes all COER stations within the Herrin, IL Switching District (See Item 2020 this tariff).
- Note 2 Includes all COER stations within the Marion, IL Switching District (See Item 2020 this tariff).
- Note 3 For list of Customers see Item 2030, this tariff.

### SECTION 2 SWITCHING RULES AND CHARGES

#### **ITEM 2070**

### SWITCH ORDERED BUT UNABLE TO BE PERFORMED

When a switch is ordered but is unable to be performed by COER because of a customer condition, a charge of [I]\$300.00 per car will be assessed to the customer requesting the switch.

Customer conditions that may render a switch unable to be performed include but are not limited to: car not loaded/ unloaded as indicated on release, load securement devices not properly stowed, unsafe customer track condition, car damaged by customer, presence of customer placed blue flag, red board or similar signage, locked gates/doors, track full, or any other condition for which COER has no control.

This item will be applicable to any of the following switch orders: release load, release empty, intra-plant, intra-terminal, inter-terminal, turn car, placement requests, or any other similar switching request.

### **ITEM 2080**

#### **TURN CAR SWITCHING**

A charge equal to the intra-terminal switching rate per loaded or empty car will be assessed to the customer ordering a car turned. Turn car switching will be in addition to any other switching charges. If the car ordered to be turned is not at a station where turning facilities are available and must be moved out of route, then an additional inter-terminal switching charge will apply.

Turn car switching will only be performed where facilities are available and is at the convenience of COER and will be performed during the normal course of operations.

### EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS

#### **ITEM 99999**

# EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS (1)

AAR - Association of American Railroads

BNSF - BNSF Railway Company
BOE - Bureau of Explosives
CFR - Code of Federal Regulations

COER - Crab Orchard & Egyptian Railway, a division

of Progressive Rail Incorporated

EDI - Electronic Data Interchange

Etc. - et cetera FT - Freight Tariff

OPSL - Official Railroad Station List (RAILINC, Agent)

OTLR - AAR Open Top Loading Rules (AAR,

Publisher)

RER - Official Railway Equipment Register (R.E.R.

Publishing Corporation, Agent)

STB - Surface Transportation Board

UMLER - Universal Machine Language Equipment

Register

U.S. - United States of America

[A] - Addition [C] - Cancelled [I] - Increase [R] - Reduction

[NC] - Brought forward without change

(Underscored portion denotes addition/change.)

(1) The two character state abbreviations used in this tariff are those adopted by the postal departments of the United States and Canada.