

Subject, except as otherwise provided herein, to "Application of Selective Increases" as provided for in Item 115-series.

FT LVRJ 8500-R

# LEHIGH VALLEY RAIL MANAGEMENT LLC JOHNSTOWN DIVISION

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## FREIGHT TARIFF LVRJ 8500-R

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CHARGES, RULES AND REGULATIONS  
FOR  
LOCAL, PROPORTIONAL AND  
MISCELLANEOUS SWITCHING CHARGES  
ALSO  
PROVISIONS GOVERNING RECEIPT AND DELIVERY  
OF CARS OF FREIGHT  
AND STORAGE PROVISIONS ON EQUIPMENT  
AT STATIONS ON  
LEHIGH VALLEY RAIL MANAGEMENT LLC - JOHNSTOWN DIVISION

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

## SWITCHING AND MISCELLANEOUS TARIFF

Governed, except as otherwise provided herein, by Uniform Freight Classification shown in Item 5-series.

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### ISSUED BY

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## FREIGHT TARIFF LVRJ 8500-R

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RULES AND OTHER GOVERNING PROVISIONS GENERAL RULES AND REGULATIONS	
<p><b>ITEM 5</b></p> <p style="text-align: center;"><b>DESCRIPTION OF GOVERNING CLASSIFICATION</b></p> <p>The term "Uniform Classification" when used herein means the Uniform Freight Classification UFC 6000-series issued by the National Railroad Freight Committee, Agent.</p> <p>Exception: Rules 13, 24, and 29 of UFC 6000-series do not apply.</p>	<p><b>ITEM 10</b></p> <p style="text-align: center;"><b>STATION LIST AND CONDITIONS</b></p> <p>This tariff is governed by the Official List of Open and Prepay Stations, OPSL 6000-series, issued by Railinc, Agent to the extent shown below:</p> <p style="text-align: center;"><b>PREPAY REQUIREMENTS AND STATION CONDITIONS</b></p> <p>For additions and abandonments of stations, and except as otherwise shown herein, for prepay requirements, changes in names of stations, restrictions as to acceptance or delivery of freight and changes in station facilities.</p>
<p><b>ITEM 15</b></p> <p style="text-align: center;"><b>EXPLOSIVES, DANGEROUS ARTICLES</b></p> <p>For rules and regulations governing the transportation of explosives and other dangerous articles by freight, also specifications for shipping containers and restrictions governing the acceptance and transportation of explosives and other dangerous articles, see Bureau of Explosives Tariff BOE 6000-series.</p>	<p><b>ITEM 20</b></p> <p style="text-align: center;"><b>REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.</b></p> <p>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 revisions of such items, notes, rules, etc.</p>
<p><b>ITEM 25</b></p> <p style="text-align: center;"><b>METHOD OF CANCELING ITEMS</b></p> <p>As the 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 100-A cancels Item 100 and Item 300-B cancels Item 300-A in a prior supplement which, in turn, cancelled Item 300.</p>	<p><b>ITEM 40</b></p> <p style="text-align: center;"><b>CONSECUTIVE NUMBERS</b></p> <p>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.</p>
<p><b>ITEM 45</b></p> <p style="text-align: center;"><b>CAPACITIES AND DIMENSIONS OF CARS AND CONNECTING RAILROADS AND JUNCTION POINTS</b></p> <p>See Official Railway Equipment Register, issued by R.E.R. Publishing Corporation, Agent.</p>	

For explanation of abbreviations and reference marks not explained herein, see Item 1000-series, this tariff.

## FREIGHT TARIFF LVRJ 8500-R

<b>RULES AND OTHER GOVERNING PROVISIONS GENERAL RULES AND REGULATIONS</b>
<p><b>ITEM 115</b> <b>APPLICATION OF SELECTIVE INCREASES</b></p> <p>A selective increase of four (4) percent has been applied to rates and charges contained in this tariff, except where otherwise provided in specific items of this tariff. All rates, treated under the provisions of this item, will be rounded to the next highest whole dollar amount.</p>
<p><b>ITEM 125</b> <b>STANDARD TRANSPORTATION COMMODITY CODE NUMBERS</b></p> <p>Reference to commodities transported under the terms of this tariff shall be made by STCC number, as set forth in the Standard Transportation Commodity Code Tariff STCC 6001-series.</p> <p>When shipments contain explosives or other dangerous commodities (See Item 15), the seven digit 49-series STCC number must be shown on the shipping document by the shipper.</p>
<b>RULES AND OTHER GOVERNING PROVISIONS SPECIAL RULES AND REGULATIONS - UNLIMITED</b>
<p><b>ITEM 200</b> <b>DEMURRAGE CHARGES [A] and [C]</b></p> <p>Demurrage for heavy duty industrial cars or cars deemed as specialty equipment by the Equipment Manager of the Railroad will be \$90.00 [A] per car per day or fraction thereof after free time. Free time will be one (1) day for loaded cars and two (2) days for empty cars.</p> <p>Demurrage for refrigerated cars or cars deemed as specialty equipment by the Equipment Manager of the Railroad will be \$60.00 [C] per car per day or fraction thereof after free time. Free time will be one (1) day for loaded cars and two (2) days for empty cars.</p> <p>Demurrage on all other cars will be \$30.00 [C] per car per day or fraction thereof after free time. Free time will be one (1) day for loaded cars and two (2) days for empty cars.</p> <p>All demurrage records will be maintained on a monthly calendar basis and billing, where applicable, will be presented by this railroad within 15 days after the monthly period ends.</p>
<p><b>ITEM 210</b> <b>SWITCHING LIMITS DEFINED</b></p> <p>The entire line of road, consisting of three sections connecting near Confluence of Hinckston Run and Conemaugh River in the city of Johnstown, PA. The western section runs from such connecting point to village of Tanneryville, PA in West Taylor Township. The Hinckston section runs from such connecting point northwardly to lower Ore Yard. The northern section runs from such connecting point northwardly to a point northeasterly from Park Hill Settlement in East Taylor Township.</p>
<p><b>ITEM 220</b> <b>APPLICATION OF RATES - ARTICULATED RAILWAY CARS</b></p> <p>The rates in this tariff will apply on each unit-segment of the articulation as a car. Each unit-segment must physically be part of the multi-unit-articulated-vehicle-of-commerce at the time of movement.</p>
<p><b>ITEM 225</b> <b>(TARIFF CODE 14) SEPARATE HANDLING OF LONG CARS [I]</b></p> <p>When because of track structure constraints, not operationally compatible with cars over 52 feet, 6 inches in length, this railroad is required to switch one-car-at-a-time, a charge of \$181.00 [I] per car will apply in addition to all other applicable charges.</p>
<p><b>ITEM 230</b> <b>SHIPMENTS REQUIRING TWO OR MORE RAILWAY CARS [C]</b></p> <p>When shipments are loaded in so called articulated cars (two or more units permanently or temporarily joined together), or when a shipment requires two or more cars for transportation (including any and all reach cars or idlers), the rate for each unit-segment, reach car, or idler car in the sequence will be \$500.00 in addition to the applicable charges associated with the loaded railcar.</p>

<b>RULES AND OTHER GOVERNING PROVISIONS SPECIAL RULES AND REGULATIONS - UNLIMITED</b>
<p><b>ITEM 245</b> <b>SECURITY DEPOSITS</b></p> <p>A security deposit to insure payment of any demurrage, storage and other charges that may accrue will be required from every customer who:</p> <ol style="list-style-type: none"> <li>1. Is not on the railroad's credit list or</li> <li>2. Fails to pay demurrage, storage and other charges after specific written demand referring to this tariff provision.</li> </ol> <p>The deposit must be paid in cash, certified check, cashier's check or money order before any freight car is delivered to such customer for loading or unloading. A deposit on one unit of equipment will not be transferable to another.</p> <p>The deposit for each car shall be in the minimum amount of \$600.00 [C] or up to the maximum amount of demurrage, storage and other charges that accrued on anyone car during the preceding 12 months.</p> <p>However, in the case of a customer receiving multiple carloads for loading or unloading, the total amount required to be deposited shall not exceed the higher of the following two numbers: (a) \$2,000.00 [C]; or (b) the amount of existing past due demurrage, storage and other charges accrued by the customer, plus \$1,000.00 [C].</p> <p>The deposit will be refunded after payment has been received for demurrage, storage and other charges on the corresponding equipment, should such charges have been incurred. The customer's request for such refund must be made in writing to the office of the railroad. If no refund request is received by that designated office within thirty (30) days after the equipment is released, the railroad will refund the remainder of the deposit to the customer after deducting any unpaid demurrage, storage and other charges on that shipment.</p> <p>Deposits will no longer be required after the customer either:</p> <ol style="list-style-type: none"> <li>1. Is placed on the railroad's credit list, or</li> <li>2. Has paid all outstanding charges, and has given assurance to the satisfaction of the railroad's credit officer that future charges will be paid within credit period of 15 consecutive days from the date on the bill.</li> </ol>
<p><b>ITEM 250</b> <b>MAINTENANCE CHARGE FOR SWITCH CONNECTION [C]</b></p> <p>Switch Connection is a switch maintained and/or used by the LVRJ for access to privately-owned sidetracks.</p> <p>Annual charge for maintenance of a Switch Connection \$3,500 per year</p> <p>Exemptions: The charge will not apply during any calendar year beginning January 1, 2006 in which the privately-owned sidetrack served by the switch connection originates and/or terminates twenty-four (24) or more carloads.</p> <p>Payable Date This charge is payable by the owner of the sidetrack served by the switch connection on or before January 1, 2006 and each succeeding January 1. The charge relates to LVRJ maintenance of this switch connection during the previous calendar year.</p> <p>Service Obligation LVRJ is under no obligation to provide service to or from private sidetracks for which the applicable charge is unpaid.</p>

For explanation of abbreviations and reference marks not explained herein, see Item 1000-series, this tariff.

**FREIGHT TARIFF LVRJ 8500-R**

SECTION 1	
LOCAL SWITCHING AND MISCELLANEOUS SERVICES SPECIAL RULES AND REGULATIONS – LIMITED	
<b>ITEM 300</b>	<b>APPLICATION</b>
Rates and charges apply on local switching and miscellaneous services for intradistrict (Item 305) and intraterminal (Item 310) activities described in this Section.	
<b>ITEM 305</b>	<b>INTRADISTRICT SWITCHING DEFINED</b>
Intradistrict switching means the movement of a car or cars from a point within a switching district to another point within the same switching district as defined in Item 312.	
<b>ITEM 310</b>	<b>INTRATERMINAL SWITCHING DEFINED</b>
Intraterminal switching is the movement of a car or cars from one district to another district, or between two locations of the same track (other than intradistrict switching as defined in Item 305), within the switching limits of the same area or industrial switching district.	
<b>ITEM 312</b>	<b>SWITCHING DISTRICTS DEFINED</b>
The switching territory served by the LVRJ is divided into (10) ten districts as follows:	
DISTRICT 1:	Park Hill Upper Level. Consists of Tracks 815, 817, 818, 819 and 821.
DISTRICT 2:	Park Hill Lower Level. Consists of all Tracks East of Bridge 172-A over the Little Conemaugh River not named in District 1.
DISTRICT 3:	Williams Farm. Tracks between Bridge 172-A and Bridge 158 over Clapboard Run.
DISTRICT 4:	Electric Furnace Melting Area. Consists of area between Beth Yard Office and Kent Yard Office on Upper Level.
DISTRICT 5:	Franklin. Consists of Tracks between Bridge 158 and Foot, including all tracks North of the Little Conemaugh River at Woodvale.
DISTRICT 6:	Gautier. Consists of Tracks between Foot and Bridge 97 over the Little Conemaugh River.
DISTRICT 7:	Lower Works. Tracks between Bridge 97 over the Little Conemaugh River and Bridge 29 over the Conemaugh River.
DISTRICT 8:	Wire Mill. Tracks South of th Conemaugh River and West of Bridge 29.
DISTRICT 10:	Ten Yard. Tracks South of the Conemaugh River and East of Bridge 29.
DISTRICT 11:	Shell Plant. Tracks North of the Conemaugh River and West of Laurel Avenue.

SECTION 1	
LOCAL SWITCHING AND MISCELLANEOUS SERVICES (Rates and Charges in dollars and cents per car, except as noted)	
<b>ITEM 315</b>	<b>INTRADISTRICT SWITCHING (ITEM 305) INTRATERMINAL SWITCHING (ITEM 310 AND NOTE BELOW)</b>
All traffic except as shown in these items below, (TARIFF CODE 01)	
DISTRICT 1 .....	\$803.00 [I]
(TARIFF CODE 02)	
DISTRICT 2 .....	\$725.00 [I]
(TARIFF CODE 03)	
DISTRICT 3 .....	\$409.00 [I]
(TARIFF CODE 04)	
DISTRICT 4 .....	\$242.00 [I]
(TARIFF CODE 05)	
DISTRICT 5 .....	\$242.00 [I]
(TARIFF CODE 06)	
DISTRICT 6 .....	\$409.00 [I]
(TARIFF CODE 07)	
DISTRICT 7 .....	\$409.00 [I]
(TARIFF CODE 08)	
DISTRICT 8 .....	\$409.00 [I]
(TARIFF CODE 09)	
DISTRICT 10 .....	\$409.00 [I]
(TARIFF CODE 11)	
DISTRICT 11 .....	\$516.00 [I]
Note - When switching is performed between two different districts, the higher district charge will apply for the districts involved.	
<b>ITEM 321</b>	(TARIFF CODE 70)  HOLDING CARS [N]
When loaded or empty cars cannot be placed to designated destination track due to conditions beyond the control of this railroad, an additional charge per movement will be assessed for the holding and subsequent delivery of the cars ..... \$179.00 [I]	
In addition, a per car per day charge will apply beginning the day the cars are placed on hold tracks. .... \$30.00 [C]	
If private or other railroad ownership cars, loaded or empty, are held on Railroad Owned tracks for any reason, including but not limited to storage, a per car per day charge will apply beginning the day the cars arrive on Railroad Owned tracks. There will be no free time. .... \$30.00 [C]	
The charges in this item will apply in addition to charges published elsewhere in this tariff.	
Note: All Saturdays, Sundays, and holidays (See Item 560) are to be considered chargeable days for cars being held awaiting instructions under this item, including the first Saturday, Sunday or holiday immediately following the day cars are placed on hold tracks.	
Carrier reserves the right to determine which of its tracks shall be used for holding cars subject to provisions of this item.	
<b>ITEM 323</b>	(TARIFF CODE 73)  <b>ORDERED, NOT USED, REJECTED [I]</b>
When an empty car is ordered by a shipper, or by a third party on behalf of a shipper, and the car is subsequently cancelled or rejected by the shipper for any reason a charge will apply against the shipper. .... \$213.00 [I]	

For explanation of abbreviations and reference marks not explained herein, see Item 1000-series, this tariff.

**FREIGHT TARIFF LVRJ 8500-R**

<b>SECTION 1</b>	
<b>LOCAL SWITCHING AND MISCELLANEOUS SERVICES</b> (Rates and Charges in dollars and cents per car, except as noted)	
<b>ITEM 335</b>	(TARIFF CODE 13)
<b>LOCOMOTIVE RENTAL OR SPECIAL SERVICE [C]</b>	
<p>For rental of locomotives, including crew, upon definite prearrangement with railroad management as to time, place and service to be performed or prior request to carrier for locomotive services not required in connection with performing services under items named elsewhere in this tariff, such as stand-by (with or without supplying steam or air for dumping), rereiling of cars, or other equipment and other services not specifically covered herein . . . . . \$500.00 per hour. [C]</p>	
<b>ITEM 340</b>	
<b>LOCOMOTIVES (NOTE 1), LOCOMOTIVE TENDERS, LOCOMOTIVES AND TENDERS, LOCOMOTIVE CRANES, POWER SHOVELS AND POWER DERRICKS</b>	
	(TARIFF CODE 24)
(a) Locomotives, Locomotive Tenders, Locomotives And Tenders, Locomotive Cranes, Power Shovels And Power Derricks, Material Transfer Cars, Electric Pushers, On Their Own Wheels, Dead . . . . . \$928.00 Per Unit [C]	
	(TARIFF CODE 12)
(b) Locomotives, Locomotives And Tenders, On Their Own Wheels, Under Their Own Power . . . . . \$624.00 Per Unit [C]	
<p>Note 1: A locomotive is considered to be a single unit or a combination of units operated under a single control.</p>	
<b>ITEM 350</b>	(TARIFF CODE 72)
<b>REMOVAL AND REPLACEMENT OF CARS AFTER FIRST PLACEMENT OR SERVICE [I]</b>	
<p>For removal and replacement of a car originally placed on a track, whether empty, partly loaded, partly unloaded, or fully loaded, requiring movement that changes car's position on the track or when necessary for the placement or removal of other car(s), a charge will be assessed for each additional movement of each car. . . . . \$179.00 [I]</p>	
<b>ITEM 358</b>	(TARIFF CODE 21)
<b>SHIPMENTS REQUIRING SPECIAL HANDLING [C]</b>	
<p>When shipments upon request of the customer requires special handling movement on less than three (3) hours notice, this railroad will apply the following charge for the movement of the first car . . . . . \$2,769.00 [C]</p>	
<b>ITEM 375</b>	(TARIFF CODE XX)
<b>USE OF RAILROAD-OWNED TRACKS [I]</b>	
<p>For use of tracks of carrier by locomotive cranes, power shovels, and power derricks, under their own power; articulated cars being shunted between private tracks at the freight car division facilities, when because of continuous car length, may traverse the first 200 feet of carrier's tracks. (These uses are permitted only when such equipment is in the charge of competent crews, and on permission granted and arrangements made with the carrier as to the time and place of use) . . . . . \$522.00 per day [I]</p>	

<b>SECTION 1</b>	
<b>LOCAL SWITCHING AND MISCELLANEOUS SERVICES</b> (Rates and Charges in dollars and cents per car, except as noted)	
<b>ITEM 380</b>	(TARIFF CODE 74)
<b>TURNING CARS / "WYE TURNAROUND" [A]</b>	
<p>Consignors and shippers should load railcars in a manner that unloading can be accomplished from either side of the railcar. If needed for convenience of loading or unloading after delivery at origin or destination, customers may request a repositioning called "turning car" or "Y" service, a charge will be assessed for each railcar that is turned . . . . . \$500.00 [A]</p>	
<b>ITEM 390</b>	(TARIFF CODE 27)
<b>WEIGHING [I]</b>	
<p>For weighing or reweighing cars on railroad company scales, charges will be assessed each time car is weighed, loaded or empty . . . . . \$197.00 [I]</p>	
<b>SECTION 2</b>	
<b>PROPORTIONAL SWITCHING AND MISCELLANEOUS SERVICES</b> <b>SPECIAL RULES AND REGULATIONS - LIMITED</b> (Rates and Charges in dollars and cents per car, except as noted.)	
<b>ITEM 400</b>	<b>APPLICATION</b>
<p>Rates and charges on proportional switching and miscellaneous services for interchange line-haul (Item 410) activities described in this Section.</p>	
<b>ITEM 410</b>	<b>INTERCHANGE LINE-HAUL SWITCHING</b>
<p>Shipments destined to or originating at points beyond point of interchange with the LVRJ at Johnstown, PA. When the rates as published in Column A of Section 2 are not absorbed by the connecting railroads of the LVRJ, as provided in the individual tariffs of these railroads, the rates published in Column B of Section 2 will be in addition to line-haul rates applicable to point of interchange with the LVRJ.</p>	
<b>ITEM 415</b>	<b>INTERCHANGE ERROR MOVEMENT [I]</b>
<p>Cars received by the LVRJ in error or without forwarding instructions from the delivering carrier will be handled in accordance with AAR Car Service Rule 7, subject to a switching charge of \$550.00 [I] for returning car to proper carrier or forwarding cars to proper carrier. Charges for this service will be assessed against the delivering carrier.</p>	
<b>ITEM 420</b>	<b>INTERMEDIATE SWITCHING [C]</b>
<p>Intermediate switching service is defined as switching which LVRJ performs between interchange tracks of one carrier to interchange tracks of another carrier at the same station. LVRJ will assess the intermediate switching charge of \$600.00 [C] to the delivering line-haul carrier.</p>	

For explanation of abbreviations and reference marks not explained herein, see Item 1000-series, this tariff.

**FREIGHT TARIFF LVRJ 8500-R**

<b>SECTION 2</b>		
<b>PROPORTIONAL SWITCHING INTERCHANGE LINE-HAUL SWITCHING (ITEM 410)</b>		
(Rates and Charges in dollars and cents per car, except as noted.)		
	<b>COLUMN A ABSORBED ITEM 410</b>	<b>COLUMN B NON- ABSORBED ITEM 410</b>
<b>ITEM 450</b>  (c) Commodities, Other Than Shown Below	\$795.00 [I][NS]	\$795.00 [I][NS]
<b>ITEM 455</b>  Cars, Railway, empty on own wheels (Subject to Item 220), including New, repaired or to be repaired or dismantled (STCC 37 422 XX, except 37 422 93)	\$556.00 [I][NS]	\$556.00 [I][NS]
<b>ITEM 460</b>  All commodities originating or terminating in District 1 or 2 or 11 as described in Item 312 Section 1	\$1,050.00 [C]	\$1,050.00 [C]
<b>ITEM 465</b>  Primary & Fabricated Metal Products (STCC 33 and 34)	\$795.00 [I][NS]	\$795.00 [I][NS]
<b>ITEM 470</b>  Railway Car Parts (STCC 37-Subject to Item 455)	\$795.00 [I][NS]	\$795.00 [I][NS]
<b>ITEM 475</b>  Waste or Scrap Metal (STCC 40)	\$795.00 [I][NS]	\$795.00 [I][NS]
<b>ITEM 480</b>  Machinery, except electrical (STCC 35)	\$2,205.00 [I]	\$2,205.00 [I]
<b>ITEM 485</b>  Electrical machinery, equipment or supplies (STCC 36)	\$2,205.00 [I]	\$2,205.00 [I]
<b>SECTION 3</b>		
<b>PROVISIONS GOVERNING RECEIPT AND DELIVERY OF CARS OF FREIGHT</b>		
<b>ITEM 500</b>	<b>APPLICATION</b>	
Rules and charges applicable on receipt and delivery of cars of freight under conditions described in this tariff.		

<b>SECTION 3</b>	
<b>PROVISIONS GOVERNING RECEIPT AND DELIVERY OF CARS OF FREIGHT</b>	
<b>ITEM 510</b>	<b>RECEIPT AND DELIVERY AT PRIVATELY-OWNED SIDETRACKS</b>
Except as otherwise provided in Item 530, cars of freight moving at carload switching rates published in tariffs or other instruments will be delivered on and removed from privately-owned side tracks or industrial tracks near and connecting with the carrier's tracks without additional charge, provided there are no conditions which make it unsafe for the carrier's locomotive to operate over such tracks, or that prevent the carrier from receiving or delivering cars at its ordinary operating convenience (See Note 1, Item 540).	
<b>ITEM 520</b>	<b>RECEIPT AND DELIVERY AT LOADING AND UNLOADING LOCATIONS</b>
Except as otherwise provided in Item 530, cars covered by Item 510 will be received and delivered at loading and unloading locations on tracks designated by the industry within the industrial plant site without any additional charge when such service can be ordinarily performed in continuous movement (Note 2, Item 540), at the carrier's ordinary operating convenience (Note 1, Item 540), provided the locomotives in general use for switching in the vicinity of the plant site can do so safely.	
<b>ITEM 530</b>	<b>(TARIFF CODE 13) [C]</b>
<b>CHANGES FOR DELAY IN ACCEPTING SERVICE</b>	
When receipt or delivery of a car or cars as provided in Items 510 and 520 cannot be accomplished in continuous movement (Note 2, Item 540), at the carrier's ordinary operating convenience (Note 1, Item 540), because of interruption, interference or any other condition caused by the shipper or consignee, the carrier will arrange for receipt or delivery under the following provisions:	
<p>A. If it appears that the delay will be temporary in nature, the locomotive will be held at the nearest available location and the service completed when conditions permit. Fifteen (15) minutes free time will be allowed for such temporary delay. Following such free time, a charge of \$125.00 [C] for each fifteen (15) minutes, or fraction thereof, for which the locomotive is delayed will be assessed in addition to all other rates and charges. Charges will be assessed in accordance with Paragraph (B) when delays encountered during a locomotive trick or shift, aggregate more than fifteen (15) minutes.</p> <p>B. If, after a reasonable period of delay, the obstruction or condition preventing completion of service has not been removed or eliminated, the carrier may, at its option, withdraw its locomotive and place the car or cars on a hold or other available track or tracks within or without the industry plant site. Charges for the delay encountered shall be computed in accordance with Paragraph (A). Subsequent movement by carrier's locomotive of the car or cars from the hold or other track or tracks to actual point of delivery will be subject to switching charges provided in Item 321 of this tariff.</p> <p>C. For the purpose of applying the provisions of Paragraph (A) and (B), time shall commence to run from the minute the carrier determines that the shipper or consignee is unable to accept service.</p>	

For explanation of abbreviations and reference marks not explained herein, see Item 1000-series, this tariff.

## FREIGHT TARIFF LVRJ 8500-R

SECTION 3
PROVISIONS GOVERNING RECEIPT AND DELIVERY OF CARS OF FREIGHT
<p><b>ITEM 540</b></p> <p style="text-align: center;"><b>EXPLANATION OF NOTES</b></p> <p>Note 1 - The term "ordinary operating convenience" means the time selected by the carrier when it is most advantageous to the carrier, in relation to its coordinated and harmonious switching activities in a particular switching zone. Ordinarily it contemplates only one switch a weekday except when additional switches are made by the carrier in its own or the public interest as distinguished from the customer's interest. To secure the prompt release of equipment or facilities, or when necessitated by the volume of traffic. Movements to, from or within the switching limits at other times at the request of the customer or to meet the requirements of customer operations are not at the carrier's ordinary operating convenience.</p> <p>Note 2 - The term "continuous movement" means a movement between the carrier's tracks and the loading or unloading locations, a hold track or tracks, or other place where cars are received or delivered without any delay or any suspension or break in time, or continuity of the movement, due to any circumstances or condition for which the customer is directly responsible.</p>
<p><b>ITEM 550</b></p> <p style="text-align: center;"><b>LIABILITY FOR COMMODITY LOSS OR DAMAGE [A]</b></p> <p>LVRJ will transport railcars, loaded or empty, within ordinary operating convenience (See Item 540). LVRJ will not be liable for loss, damage, or delay caused by:</p> <ul style="list-style-type: none"> <li>● an act of God</li> <li>● a public enemy, terrorism, or cyber-attack</li> <li>● the authority of law</li> <li>● riots</li> <li>● strikes</li> <li>● acts of civil disobedience</li> <li>● an inherent quality or characteristic in the commodity</li> <li>● natural shrinkage</li> <li>● temperature, corrosion, or humidity related issues</li> <li>● shipper, consignor, consignee, owner, or any contracting party's inability or refusal to accept or receive a railcar, loaded or empty, when first offered for placement by LVRJ</li> <li>● an act or default of shipper, consignor, consignee, owner, or any contracting party, including but not limited to, the failure of the shipper or any other party to properly block or brace the lading; or the stoppage and holding in transit of lading at the request of the shipper, consignor, consignee, owner, or any contracting party.</li> </ul> <p>LVRJ's liability will not extend beyond the actual physical loss or damage to the cargo itself, including any costs reasonably incurred in efforts to mitigate the loss or damage. Notwithstanding anything to the contrary, with respect to Commodity loss or damage, LVRJ will not be liable for any claims totaling less than \$250.00 per railcar or claims in excess of \$250,000.00 per railcar. As a condition precedent to any right to recovery for loss, damage, or delay to cargo, a written claim must be filed within nine (9) months after delivery of a shipment.</p>

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<p><b>ITEM 560</b></p> <p style="text-align: center;"><b>LIST OF HOLIDAYS</b></p> <p>Whenever in this tariff reference is made to "holidays," it means the following:</p> <ul style="list-style-type: none"> <li>New Year's Day</li> <li>Memorial Day</li> <li>Independence Day</li> <li>Labor Day</li> <li>Thanksgiving Day</li> <li>Christmas Day</li> </ul> <p>In the event one of the above holidays occurs on Sunday, the following Monday will be considered as a holiday for the purposes of this tariff. The dates observed for above holidays will be as provided by Federal law except where individual states decree otherwise.</p>
<p><b>ITEM 1000</b></p> <p style="text-align: center;"><b>EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS</b></p> <p>ASLG - American Short Line and Regional Railroad Association  BOE - Bureau of Explosives  CSXT - CSX Transportation Corp.  LVRJ - Lehigh Valley Rail Management LLC, Johnstown Division  NS - Norfolk Southern Railway Company  NSO - National Service Order Tariff  OPSL - Open and Prepay Station List  RER - Railway Equipment Register  RPS - Railroad Publication Services, Agent  STCC - Standard Transportation Commodity Codes Tariff  TARIFF CODE - Indicates carrier's internal accounting code  XX - Indicates no applicable tariff code  UFC - Uniform Freight Classification  [A] - Denotes Addition  [C] - Denotes no change in rates  [D] - Cancellation  [I] - Denotes Increase  [N] - Denotes change in wording which results in neither an increase nor decrease  [NS] - Denotes rate not subject to Item 115 of this tariff  [R] - Denotes reduction</p> <p>-X- The STCC number making reference hereto falling into one of the following categories:  2 - Digit level (major industry group)  3 - Digit level (minor industry group)  4 - Digit level (industries)  5 - Digit level (product classes)  shall also embrace all articles assigned additional digits listed thereunder in Tariff STCC 6001-series.</p>