
CARH 6000
CANCELS
DME 8000-SERIES
DME EXEMPT CIRCULAR 1-SERIES, VARIOUS ITEMS
ICE 6000-SERIES
ICE EXEMPT CIRCULAR 1-SERIES
ICE 6025-SERIES
ICE 8100-SERIES

ORIGINAL TITLE PAGE



**DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION
IOWA, CHICAGO & EASTERN RAILROAD CORPORATION
*CEDAR AMERICAN RAIL HOLDINGS, INC., AGENT***

CARH 6000 RULES AND REGULATIONS PUBLICATION

GOVERNING CONDITIONS, RULES AND REGULATIONS

As provided in Section 1 herein

MISCELLANEOUS RULES AND CHARGES

As provided in Section 2 herein

DIVERSION AND CHANGE TO BILLING RULES AND CHARGES

As provided in Section 3 herein

WEIGHING RULES AND CHARGES

As provided in Section 4 herein

FREIGHT CLAIMS AND OVERCHARGE CLAIMS RULES

As provided in Section 5 herein

INTRASTATE APPLICATION OF PUBLICATION

This publication is also applicable on intrastate traffic, except where specifically provided for to the contrary in individual items. Intrastate traffic means traffic moving wholly within the states of: Illinois, Iowa, Minnesota, Missouri, Nebraska, South Dakota, Wisconsin and Wyoming.

For explanation of abbreviations and reference marks, see last page of Publication.

ISSUED: JUNE 11, 2008

EFFECTIVE: JULY 1, 2008

Except as otherwise provided herein

**ISSUED BY:
CEDAR AMERICAN RAIL HOLDINGS, INC.
FOR THE ACCOUNTS OF
DAKOTA, MINNESOTA & EASTERN RAILROAD CORPORATION
IOWA, CHICAGO & EASTERN RAILROAD CORPORATION
140 N. PHILLIPS AVENUE
SIOUX FALLS, SD 57104**

CARH 6000 RULES AND REGULATIONS PUBLICATION

CHECK SHEET

ISSUED DATE: APRIL 9, 2009
 EFFECTIVE DATE: MAY 1, 2009

ITEM 1.00 E
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As this document is revised, numbered items with letter suffixes cancel the last issued item with the same number. Letter suffixes will be used in alphabetical order starting with the letter "A". For example Item 150 A cancels Item 150 and Item 1540 B cancels Item 1540 A which in turn cancelled original item 1540.

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CARH 6000 RULES AND REGULATIONS PUBLICATION

DEFINITION OF TERMS

ISSUED DATE: JUNE 11, 2008
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For the purpose of applying provisions of this publication, the following are defined and will govern.

APPROPRIATION:

The unauthorized act of taking a railroad car for loading without the railroad's permission.

ASSESSORIAL CHARGE:

Demurrage, diversion, holding cars, inspection, protective service, reweighing, special freight train service, spotting, stoppage to complete loading or partly unload, storage, switching, transit, weighing, and other services provided.

ASSIGNED CAR:

A specific car, assigned to a specific customer, at a specific location for their exclusive loading.

BACK HAUL:

Shipping a car in the reverse direction that it has already traveled.

BAD ORDER:

Car awaiting or undergoing repairs or a freight car loaded improperly, mechanically defective, or with safety violations.

BILL OF LADING:

Shipping form that is both a receipt for property and a contract for delivery of goods by a railroad.

BLOCKING OR BRACING:

Wooden, metal, or other approved support to keep shipments in place on railcars.

CARE OF PARTY:

The party that will physically receive the shipments in lieu of the actual consignee.

CARS HELD:

When cars are held enroute because of any condition attributable to the consignor or consignee.

CHANGE TO BILLING:

Any change to the bill of lading that does not change the way a car is physically handled, before or after movement has commenced.

COLLECT:

In interline moves, the amount of transportation and other charges are paid at the point of termination of the final railroad.

CONNECTING RAILROAD:

Railroad that has a direct physical connection with another or forming a connecting link between 2 or more railroads.

CONSIGNEE:

The party designated on the bill of lading as the entity entitled to receive delivery of the car from the railroad.

CONSIGNOR:

The party designated on the bill of lading as the entity which has caused the car to be consigned into transportation.

DEMURRAGE:

A charge for detaining a railroad owned or controlled car.

DISPOSITION:

Information, including forwarding instructions or release, which allows the railroad to either tender or release the car.

DIVERSION:

A change in the original bill of lading after the movement of a car has commenced that affects the physical movement or route of a freight car.

DME:

For the purpose of this publication, Dakota, Minnesota & Eastern Railroad is referenced as the DME.

DUNNAGE:

Temporary blocking, flooring, lining, racks, standards, strips, stakes or similar bracing or supports which does not constitute a shipping package, container or railroad, and which is not a part of the car.

EFFECTIVE DATE:

The date shown in a transportation agreement of which the parties agree to apply the agreement provisions.

EMPTY CARS ORDERED AND NOT USED:

Empty cars ordered, placed for loading and not used in transportation service.

EMPTY RELEASE INFORMATION:

Notice by an unloader given to authorized DME/ICE personnel that a car is unloaded and available to be picked up. Information given must include identity of consignee, party furnishing data, and car initial and number.

FORWARDING INSTRUCTION:

Shipping instructions given to authorized railroad personnel at the point of loading containing complete information required to transport the shipment to final destination or connection.

FREIGHT PAYOR:

Party responsible for payment of the line haul freight charges.

HAZARDOUS MATERIAL:

Substance or combination that because of its quantity, concentration, or physical or chemical characteristics, may cause or significantly pose a substantial hazard to human health or the environment when improperly packaged, stored, transported, or otherwise managed.

CARH 6000 RULES AND REGULATIONS PUBLICATION

DEFINITION OF TERMS

ISSUED DATE:	JUNE 11, 2008	ITEM 1.30
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ICE:	For the purpose of this publication, Iowa, Chicago & Eastern Railroad is referenced as the ICE.	
INDUSTRY CAR:	Where reference is made in tariffs or circulars to this publication, the term "industry cars or industry owned or leased" shall mean equipment that is not railroad owned or controlled.	
INTERCHANGE:	Exchange of railcars between connecting railroads at specified junction points.	
JOINT-LINE TRAFFIC:	Move where one interline rate is applicable for the entire movement from rail origin to rail destination on 2 or more railroads. It is published in a price authority under concurrence of participating railroads. The rate includes all interchange charges unless otherwise noted. Usually shipping instructions governing interline rates are sent to the origin railroad who forwards the shipping instructions to the other railroads in the route.	
LEASE TRACK:	A track assigned to a user through a written lease agreement that is considered the same as a private track for demurrage purposes.	
LINE HAUL:	Movement of freight over tracks of a railroad from one station to another (not a switching service).	
LOADED CAR:	A car that is completely or partially loaded.	
LOADING RELEASE:	The complete or partial loading of a car in conformity with railroads loading and clearance rules, advice that the car is available for movement, and the furnishing of forwarding instructions.	
MILEAGE ALLOWANCE:	Allowance based on mileage made by railroads to owners of privately owned freight cars.	
NOTIFICATION:	When required, notification will be furnished electronically to the party entitled to receive such notice that the car is available for loading, unloading or otherwise impacted by demurrage provisions.	
LOADER:	Party physically loading the car.	
OT-5 AUTHORITY:	Permission from DME/ICE for customer to tender loaded or empty private equipment on DME/ICE tracks.	
OTHER THAN PUBLIC DELIVERY TRACK:	Any trackage assigned for individual use, including privately owned or leased track.	
OUT-OF-ROUTE:	Shipping a car that is not the most direct route from its billed origin to its newly billed destination.	
PALLETS:	Platforms, risers, runners, skids, fillers, separators, shrouds, covers, deck board, metal braces, collapsible shipping bins, racks or auto parts shipping devices, used, iron or steel or wood, or iron or steel and wood combined.	
PARTIAL UNLOADING:	The partial unloading of a car and the furnishing of forwarding instructions.	
PREPAID:	In interline moves, the amount of transportation and other charges are paid at the point of origin of the first railroad.	
PRICE AUTHORITY:	One of the following documents: contract, quote, exempt memorandum or circular, or tariff.	
PRIVATE CAR:	A car bearing other than railroad reporting marks whose use is controlled by the owner.	
PRIVATE TRACK:	Any track which is not owned or leased by a railroad.	
PUBLIC DELIVERY TRACK:	Any track for use by the general public for loading and unloading (i.e. Team Track).	
RAIL MILE:	Rail miles will be determined based on miles published in DME 6000-Series Distance Tariff or ICE 6200-Series Distance Tariff.	
RAILROAD:	DME/ICE or DME/ICE and any other railroad, to the extent that joint rates between DME/ICE and includes railroads performing switching or terminal services.	
RAILROAD CONTROLLED CAR:	A car bearing a railroad reporting mark or a car bearing other than a railroad reporting mark provided to the railroad directly by the car owner or lessor for use by the railroad in serving any of its customers.	
REFUSED LOADED CAR:	When a loaded car is refused at destination without being unloaded.	
REJECTED EMPTY CAR:	An empty car determined to be unfit for loading.	

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DEFINITION OF TERMS

ISSUED DATE: JUNE 11, 2008
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RELOADING:
When a car is held for loading after released as an empty from an unloading cycle.

SHIPPER:
Consignor, company or customer shipping via rail at origin.

SINGLE-LINE TRAFFIC:
Traffic handled from origin to destination via DME/ICE Direct.

SPECIAL TRAIN SERVICE:
A train which is operated on an expedited schedule or under special service or transportation requirements specified by the consignor, consignee or the authorized agent of either party.

STATIONS:
Loading or unloading points on the DME/ICE as defined in the OPLS 6000-Series Open and Prepay Station List.

STORAGE:
A charge for holding an empty industry owned or leased car or any empty or loaded car containing hazardous commodities.

TARE WEIGHT:
Weight of clean, empty equipment, i.e., the car contains no lading or packing and debris resulting from the lading.

TENDER FOR DELIVERY:
All cars made available to a customer that have been constructively placed or ordered for placement on the same day.

TIME:
Local time is applicable such as Central Time Zone time, expressed on the basis of the 24 hour clock for example: 12:01 AM is expressed as 0001 hours.

UNLOADER:
Party physically unloading a car.

UNLOADING RELEASE:
Complete unloading of a car and notice from the unloader to the railroad that the car is empty and available to the railroad for movement and the furnishing of forwarding instructions when required.

50 FOOT BOXCARS:
Boxcars not exceeding 53 feet in length, inside measurement.

60 FOOT BOXCARS:
Boxcars exceeding 53 feet in length, but not exceeding 62 feet in length, inside measurement.

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 1
GOVERNING CONDITIONS, RULES AND REGULATIONS**

APPLICATION OF PUBLICATION	ITEM 1.40
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
This publication provides rules, regulations, terms, conditions, rates and charges applicable to all movements on DME/ICE. The provisions herein are considered agreed to by customers and other participating railroads in a route when a shipment is tendered to DME/ICE. Shipments moving under authority of adopted rates and charges are subject to all provisions in this publication. SECTION 1: Governing Conditions, Rules and Regulations. SECTION 2: Miscellaneous Rules and Charges. SECTION 3: Diversion and Change to Billing Rules and Charges. SECTION 4: Weighing Rules and Charges. SECTION 5: Freight Claims and Overcharge Claims Rules	
APPLICATION OF ITEMS TO NON-REGULATED TRAFFIC	ITEM 1.50
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
On non-regulated rail traffic, such as that transported under an exempt transportation contract, under an exempt rate quotation, or under an exempt rate memorandum, except to the extent that special provisions for accessorial services to be provided by DME/ICE are stated within the transportation contract, exempt rate quotation or exempt rate memorandum, the rules, regulations and charges for such accessorial services will be as set forth in tariffs or publications to which DME/ICE is a party and shall apply to the same extent and in the same manner as if the subject transportation had been regulated. A. Non-regulated traffic is fully described in Section 2 of STCC 6001-Series Standard Commodity Code Tariff.	
ADOPTION OF TARIFFS	ITEM 1.60
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
DME/ICE continues in effect all local and joint line rates, routes, rules, divisions and interchange agreements, also all government quotations (Section 10721) on traffic exempted from regulation under Ex Parte 346 (Sub Nos. 1, 2, 5, 6, 8, 9-A, 10, 14, 15, 16, 18, 24 and 25) and all related matters which were in effect or on file with the Interstate Commerce Commission or State Regulatory Commission(s) prior to the date exempted from regulation in the above referenced Ex Parte proceeding.	
GOVERNING PUBLICATIONS	ITEM 5.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Unless otherwise specifically provided elsewhere in this publication, all tendered shipments are subject to the following publications and amendments or successive issues: 49 CFR 1320 Concerning Extension of Credit to Shippers by Railroads AAR Car Service Directive 150 and all Other AAR Car Service and/or Car Relocation Directives AAR Circular 42-Series for Loading of Commodities in Closed Cars AAR Pamphlets Governing Loading, Bracing, etc., in Other Than Closed Cars for Commodity to be Shipped AAR Railway Accounting Rules ASLG 6007-Series Mileage Allowance and Rules BOE 6000-Series Bureau of Explosives CARH 6004-Series Demurrage and Storage CARH 8000-Series Switching CARH 9002-Series Fuel Surcharge (applies only when made reference to herein) DME 6000-Series Distance ICE 6200-Series Distance NSO 6100-Series National Service Order Official Railway Equipment Register OPLS 6000-Series Open and Prepay Station List STCC 6001-Series Standard Commodity Code UFC 6000-Series Uniform Freight Classification	

CARH 6000 RULES AND REGULATIONS PUBLICATION**SECTION 1
GOVERNING CONDITIONS, RULES AND REGULATIONS**

APPLICATION OF RATE ADJUSTMENTS	ITEM 8.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Except as otherwise provided in individual items in this publication, charges named or determined by the use of this publication are subject to adjustments as provided in this item.	
A. When charges are expressed in dollars per car, fractions of dollars resulting from the application of a percentage rate adjustment will be dropped if less than .50 and increased to the next whole dollar if .50 or more.	
B. When charges are expressed in cents per 100 pounds, fractions resulting from the application of percentage rate adjustments will be dropped if less than 1/2 cent and increased to the next whole cent, if a half cent or more.	
C. Charges provided herein are subject to increases at any time upon not less than 20 calendar days notice or maybe reduced without notice.	
STATION LIST AND CONDITIONS	ITEM 10.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
This publication is governed by OPSP 6000- Series Open & Prepay Station List as follows:	
A. For additions or changes in Name, Location or Abandonment of Stations.	
B. Prepay requirements.	
C. Restrictions as to acceptance or delivery of freight.	
D. Changes in station facilities.	
E. When a station is abandoned, all provisions applicable thereto are canceled, effective on the date of abandonment.	
REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.	ITEM 20.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Where reference is made in this publication to tariffs, items, notes, rules, etc., such references are continuous and include amendments and successive reissues of such tariffs, items, notes, rules, etc.	
TERMINAL OR TRANSIT PRIVILEGES OR SERVICES	ITEM 25.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Except as otherwise provided, shipments made under the rates contained in this publication are also entitled to terminal services and privileges and are subject to the charges, rules and regulations legally applicable thereto, as provided in lawfully published tariffs.	
CAPACITIES AND DIMENSIONS OF CARS	ITEM 30.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
For marked capacities, lengths, dimensions and cubical capacities of cars, see Official Railway Equipment Register.	
TRANSFER BETWEEN CONNECTING RAILROADS	ITEM 35.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
When joint line rates are published, they include charges for switching, drayage or other transfer services at intermediate interchange points on shipments handled through and not stopped for special services at such intermediate interchange points.	
CONSECUTIVE NUMBERS	ITEM 40.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Where consecutive numbers are represented in this publication by the first and last numbers connected by the word "to" or a hyphen, they will be understood to include both 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 number.	

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 1
GOVERNING CONDITIONS, RULES AND REGULATIONS**

MILEAGE ALLOWANCE PAYMENTS	ITEM 45.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Except where specifically provided for to the contrary in price authorities governed by this publication, shipments made in privately owned or leased rail cars will be subject to the rules and mileage allowance payments provided in Tariff ASLG 6007-Series.	
NATIONAL SERVICE ORDER TARIFF	ITEM 50.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
This publication is subject to provisions of various Surface Transportation Board Service Orders and General Permits as shown in National Service Order Tariff NSO 6100-Series.	
COMBINATION RATES	ITEM 60.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
APPLIES ONLY WHEN SPECIFIC REFERENCE IS MADE TO THIS ITEM Rates contained in tariffs can be used in combination with rates named in other publications to construct through rates. Construction of such rates will not be made to defeat a through rate nor for aggregate of intermediate application at origin or destination or unless otherwise stated. Combination rates will divide as made.	
PROPORTIONAL RATES	ITEM 65.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Proportional rates, which by their terms are limited in their application to traffic destined to, originating at, specific points or territories, including rates which are published for application of traffic "when from beyond" or "when for beyond", apply only when the entire through transportation is performed by railroads by rail, subject to AAR accounting Rule 11.	

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 1
GOVERNING CONDITIONS, RULES AND REGULATIONS**

INTERMEDIATE APPLICATION – ORIGIN	ITEM 80.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
APPLIES ONLY WHEN SPECIFIC REFERENCE IS MADE TO THIS ITEM Subject to the provisions A, B, C and D herein, from any point of origin from which a commodity rate on a given article to a given destination and via a given route is not named, which point is intermediate to a point from which a commodity rate on said article is published via route through the intermediate point over which such commodity rate applies to the same destination, apply from such intermediate point to such destination and via such route the commodity rate on said article from the next point beyond from which a commodity rate is published herein on that article to the same destination via the same route. A. When by reason of branch or diverging lines there are 2 or more “next beyond” points, apply the rate from the next point beyond, which on that article to the same destination via the same route results in the lowest charge. B. If the intermediate point is located between 2 points which commodity rates on the same article via the same route are published, apply via that route from the intermediate point the rate from the next point in either direction which results in the higher charge. In applying this note, if there are 2 or more next beyond points due to branch or diverging lines, eliminate all such “next beyond” points except the point from which the lowest charge is applicable. C. If the class rate on the same article via the same route from the intermediate point produces a lower charge than would result from apply the commodity rate under this item, such commodity rate will not apply. D. If there is in any other tariff a commodity rate on the same article from the intermediate origin point applicable over the same route to the same destination, the provisions of this rule are not applicable from such intermediate origin point.	
INTERMEDIATE APPLICATION – DESTINATION	ITEM 85.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
APPLIES ONLY WHEN SPECIFIC REFERENCE IS MADE TO THIS ITEM Subject to the provisions A, B, C and D herein, to any point of destination to which a commodity rate on a given article from a given origin to a given destination and via a given route is not named in this tariff, which point is intermediate to a point to which a commodity rate on said article is published in this tariff via route through the intermediate point over which such commodity rate applies to the same destination, apply from such intermediate point to such destination and via such route the commodity rate in this tariff on said article from the next point beyond from which a commodity rate is published herein on that article to the same destination via the same route. A. When by reason of branch or diverging lines there are 2 or more “next beyond” points, apply the rate from the next point beyond, in this tariff, which on that article to the same destination via the same route results in the lowest charge. B. If the intermediate point is located between 2 points which commodity rates on the same article via the same route are published in this tariff, apply via that route from the intermediate point the rate from the next point in either direction which results in the higher charge. In applying this note, if there are 2 or more next beyond points due to branch or diverging lines, eliminate all such “next beyond” points except the point from which the lowest charge is applicable. C. If the class rate on the same article via the same route from the intermediate point produces a lower charge than would result from applying the commodity rate under this item, such commodity rate will not apply. D. If there is in any other tariff a commodity rate on the same article to the intermediate destination point applicable over the same route from the same point of origin, the provisions of this rule are not applicable to such intermediate destination point.	
NON-APPLICATION OF RATES OR INTERCHANGE AT OWATONNA, MN	ITEM 140.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
DME and UP do not have a physical connection at Owatonna, MN. Therefore, on shipments destined to Owatonna, MN, the railroad that serves the industry must be the line haul railroad.	
NON-ALTERNATION OF RATES	ITEM 150.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Except as otherwise provided in individual publications, rates and rules contained in specific contracts or quotes have precedence over rates in tariffs or exempt circulars covering the same movement.	

CARH 6000 RULES AND REGULATIONS PUBLICATION**SECTION 1
GOVERNING CONDITIONS, RULES AND REGULATIONS**

EXPORT AND IMPORT RATES	ITEM 160.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Rates published for application on export or import traffic take precedence over other rates between the same points via the same route.	
ROUTING - EMERGENCY	ITEM 170.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Rates in documents referring to this publication will apply only via the routes and junction points authorized therein, except that when in the case of pronounced traffic congestion (not an embargo), washout, wreck, or other similar emergency, or through railroad's error, railroads forward shipment via other junction points of the same railroads, the rate to apply will be that specified in the document referring to this publication but not higher than the rate applicable via the route of movement.	
IMPRACTICABLE OPERATIONS	ITEM 180.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Nothing in this publication shall require the railroad to perform car service at any location from or to which it is impracticable, through no fault or neglect of the railroad, to operate because of: A. The condition of roads, streets, driveways or alleys. B. Inadequate loading or unloading facilities. C. Any riot, strike, picketing or other labor disturbance.	
TRANSPORTATION STANDARDS	ITEM 190.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
The obligation of railroads to provide service shall be no greater than it would be as a common carrier. Railroads shall transport the commodities in accordance with its normal service standards schedules, which are subject to change. Railroad does not guarantee rail service within any particular time frame.	
AGENTS	ITEM 200.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Customer shall be responsible for the acts and omissions of its employees, agents, contractors and consignor/consignee (as appropriate) when operating on behalf of the customer.	
LINE ABANDONMENT	ITEM 210.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
The terms of this publication do not obligate railroad to maintain any service schedules or to continue ownership, maintenance (including weight standards) or operation of any rail lines. Railroad will not be liable for any increased transportation costs or other direct, general, consequential, special or punitive damages that may result from such disposition or discontinuation of rail lines.	
OTHER SERVICES PERFORMED	ITEM 220.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
If any other service, which is not included in the DME/ICE offer, is requested and performed in connection with shipments moving pursuant to the DME/ICE offer, consignor or consignee requesting such service shall pay railroad an agreed upon charge.	

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 1
GOVERNING CONDITIONS, RULES AND REGULATIONS**

HAZARDOUS MATERIAL	ITEM 1000.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
<p>A. Each bill of lading shall contain all information required by all applicable state and federal laws and regulations governing the transportation of hazardous materials.</p> <p>B. With respect to the liability of railroad to customer for loss or damage to the commodity itself, railroad shall not be liable for special consequential, indirect or punitive damages arising from loss or damage to commodity or for any amount in excess of the actual damage to the commodity transported hereunder.</p> <p>C. Each party shall indemnify, defend and hold the other parties harmless from and against any and all expense, cost, liability to 3rd parties for loss and damage, including but not limited to loss and damage to commodity, personal injury or death, property damage, pollution and contamination, arising out of or resulting from the acts or omissions of such party, its agents and employees. In the event of joint negligence, liability shall be apportioned to each party based on the portion of the liability caused by its negligence.</p> <p>D. If commodity moves in customer owned, controlled or leased equipment, such equipment shall comply with applicable rules and regulations for private railcars established by the Association of American Railroads, Federal Department of Transportation and Federal Railroad Administration.</p> <p>E. Said equipment shall also comply with all applicable Hazardous Materials Regulations of the U.S. Department of Transportation (DOT) published in Title 49 of the Code of Federal Regulations, as amended, supplemented and revised. Compliance there with shall in no way relieve any party from any liabilities otherwise assumed under this publication and it shall be the responsibility of the party providing the equipment in any case to assure such compliance.</p> <p>F. Acceptance of customer's cars in interchange by railroad will not relieve customer of its obligation herein and shall not constitute waiver by railroad of customer's obligations hereunder.</p> <p>G. Customer hereby warrants and guarantees that all shipments of any of the hazardous materials listed in the table set forth in Title 49 C.F.R. 172.101 and/or 172.102, as amended from time to time, and tendered to railroad under this publication will be prepared for shipment and loaded pursuant to all applicable state and federal laws, rules and regulations concerning the handling, packaging, disposing and transportation of hazardous materials including but not limited to, the Hazardous Materials Transportation Act (49 U.S.C. 1801 et.seq.), the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et.seq.) and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9615 et.seq.).</p> <p>H. In the event of any leakage, release, spillage, dumping or other discharge of the commodity while being transported by the railroad, customer, upon notification thereof by railroad, shall provide prompt advice with respect to the proper method of cleanup, disposal and other remedial actions to take with respect to such leakage, release, spillage, dumping or other discharge and both parties shall cooperate fully to the extent reasonably necessary to expeditiously and prudently abate or eliminate any hazard; PROVIDED HOWEVER, that nothing contained in this paragraph shall alter customer's responsibilities and obligations under this publication.</p>	

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 1
GOVERNING CONDITIONS, RULES AND REGULATIONS**

CONFIDENTIAL CONTRACTS

ITEM 1010.00

ISSUED DATE: JUNE 11, 2008

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EFFECTIVE DATE: JULY 1, 2008

FORCE MAJEURE

- A. Any party shall be excused from obligations under the Confidential Contract due to or as a result of the following causes:
1. Acts of God, including, but not limited to flood, storm, earthquake, hurricane, tornado, or other severe weather or climactic conditions, acts of public enemy, war, blockade, insurrection, derailment, vandalism, sabotage, fire, accident, wreck, washout or explosion.
 2. Labor strike or interference, lockout or labor dispute, shortage of fuel, embargo, or AAR service order or governmental law, order or regulation, or breakage of machinery.
 3. Any causes beyond the reasonable control of customer or railroad.
- B. Suspension shall not result in the extension of the term of the confidential contract.
- C. The party claiming Force Majeure shall take all reasonable steps to remove the Force Majeure event and shall notify the other party within a period of 5 days, excluding weekends and holidays, when it learns of the existence of the Force Majeure condition and will similarly notify the other party within a period of 5 days, excluding weekends and holidays, when the Force Majeure condition is terminated.

INDEMNIFICATION BY RAILROAD

Except as provided, customer shall not be liable to railroad, and railroad shall indemnify and hold harmless customer, for all costs, damage, injury or other loss (including without limitation attorneys' fees and other costs of litigation and/or settlement and all fines, penalties, damages or other payments made by customer to others) for which railroad is liable pursuant to the terms of the confidential contract or this publication or which occur due to the failure by railroad to comply with the representations, warranties and covenants made in the confidential contract or this publication or with the applicable rules to which railroad is subject with respect to the movement of commodities contemplated by the contract.

INDEMNIFICATION BY CUSTOMER

Railroad shall not be liable to customer, and customer shall indemnify and hold harmless railroad, for all costs, damage, injury or other loss (including without limitation attorneys' fees and other costs of litigation and/or settlement and all fines, penalties, damages or other payments made by the railroad to others) for which customer is liable pursuant to the terms of the confidential contract or this publication or which occur due to failure by customer to comply with the representations, warranties and covenants made in the confidential contract or this publication and with the applicable rules to which customer is subject with respect to the movement of commodities contemplated by the contract.

DEFAULT

If any party shall default in any material covenant, condition or obligation of the confidential contract or this publication which is not excused by an event of Force Majeure, and continues in default for a period of 10 days after written notice is given to the defaulting party, the non-defaulting party may, without prejudice to other rights and remedies, terminate the confidential contract by giving 30 day written notice to the party in default. The provisions of this item shall not apply to defaults under covenants contained in the confidential contract which by their terms specify exclusive remedies for non-compliance.

VERIFICATION OF MINIMUM VOLUME

If there is a volume guarantee shown in the confidential contract that is a percentage guarantee:

- A. Customer must furnish supporting evidence to the railroad within 30 days after the close of each period stating whether the minimum volume has or has not been met.
- B. Customer shall certify upon request of railroad the total tonnage of commodities shipped from the origins to the destinations during the volume guarantee period.
- C. Customer will, upon request, permit railroad or its authorized agent to inspect customers shipping documents to verify that certification is correct.

SIGNATURES

The parties acknowledge and agree that signatures and/or electronic acceptance of the terms and conditions of the Contract and/or shipping under the terms and conditions of the Contract shall constitute acceptance of the terms and conditions of the Contract as well as amendments thereto.

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 1
GOVERNING CONDITIONS, RULES AND REGULATIONS**

CONFIDENTIAL CONTRACTS

ITEM 1010.00

ISSUED DATE: JUNE 11, 2008
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CONFIDENTIALITY

The parties to the transportation agreement will protect the confidentiality of the terms and conditions of the confidential contract, subject only to any express exceptions to the obligation of confidentiality set forth in such contract. Only where a party is required by a court of competent jurisdiction or federal agency to reveal any of the terms and provisions of a confidential contract where all parties have give their written consent to disclosure, or where the confidential contract specifically authorizes disclosure to a freight auditor (subject to conditions herein below), will such disclosure be allowed.

- A. The party making the disclosure will notify the others promptly and in advance of such disclosure so that the parties may endeavor to protect the confidentiality of such disclosures. Such disclosure shall be limited to the matters specifically requested by such court or agency or specifically approved by the parties, and shall be limited to the particular circumstances giving rise to the request for disclosure.
- B. The disclosing party shall use all reasonable efforts to assure that disclosures are made in a way to preserve the continued confidentiality of the information so disclosed as well as the other portions of the confidential contract.
- C. Where the confidential contract specifically authorizes the disclosure of the contents of the confidential contract to a freight auditor, customer may disclose the terms of the contract to a freight auditor which is engaged by customer solely for the purpose of auditing the transportation services contemplated by the confidential contract, provided that such auditor has agreed in writing prior to such disclosure to preserve the confidentiality of the terms of the confidential contract and to sue the information solely for purposes of such audit.

NOTICES

Any notice given under the confidential contract shall be effective when received.

- A. Notices, except as otherwise provided herein shall be delivered to the party entitled to receive the same by personal delivery, by registered or certified mail, return receipt requested, or by any electronic means which can produce a written copy provided that acknowledgement of receipt of the electronic communication is obtained from the recipient.
- B. Any notices pertaining to a Force Majeure or to matters of an emergency or operating nature may be given by any reasonable means. Any notice given verbally shall be confirmed in writing.
- C. All notices to any railroad pursuant to the terms of the confidential contract shall also be delivered to the DME/ICE at:
Contract Administrator
140 N. Phillips Ave.
Sioux Falls, SD 57104

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 2
MISCELLANEOUS RULES AND CHARGES**

EXTENSION OF CREDIT AND PAYMENT OF CHARGES

ITEM 2000.00 A

ISSUED DATE: APRIL 9, 2009

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EFFECTIVE DATE: MAY 1, 2009

CHANGE: ADDITIONAL WORDING AND ADDITION OF CHARGE

EXTENSION OF CREDIT

- A. Acceptance by DME/ICE of a tender of a shipment by customer does **not** constitute the extension of credit by Cedar American Rail Holdings to shipper or to party responsible for payment of DME/ICE freight charges ("payor").
- B. Credit shall only be extended through the Credit Department of Cedar American Rail Holdings. If Cedar American Rail Holdings extends credit, it is granted only as a convenience to the shipper or payor and may be revoked by Cedar American Rail Holdings at any time as to any shipment (including those in transit) without notice by CARH.
- C. In the event of a revocation of credit affecting any cars in transit, shipper or payor must either pay all charges for the cars in transit or make provisions for payment satisfactory to CARH before the cars will be delivered.
- D. Any changes in shipper's or payor's ownership or financial condition which materially affects customer's financial standing must be reported to CARH Credit Department.
- E. When collection is the responsibility of DME/ICE, credit provisions contained in 49 CFR 1320 will apply.

CREDIT PAYMENT TERMS

Where credit has been extended to shipper or payor, payment must be received by DME/ICE within 15 days of the date of the freight bill or invoice.

NO CREDIT

Where credit has not been extended to payor **listed on the bill of lading, or credit has been revoked**, payment of transportation charges must be made to DME/ICE in advance of the shipment in cash. **(A)**

- A. **Customers paying in cash, will also be subject to an additional processing surcharge. (A)**

- 1. Charge: **\$100.00 per bill of lading. (A)**

DISPUTING BILL

- A. In the event that shipper or payor shall dispute the amount of a bill, shipper or payor shall pay to DME/ICE within the credit period the undisputed amount of the bill.
- B. Shipper or payor shall also notify CARH within the credit period of the disputed amount and the basis for the dispute. Payment of bills, or any portion thereof, by shipper or payor which later are determined to be incorrect will not prejudice shipper's or payor's right to seek a refund within the statutory period.

COST OF COLLECTIONS

Cedar American Rail Holdings shall have the right to recover from shipper or payor all reasonable costs of collection, including but not limited to reasonable attorneys' fees, in the event of any violation of the credit terms of CARH by shipper or payor.

PREPAID & COLLECT SHIPMENTS CONDITIONS

- A. With regard to collect bills of lading, the existence of the payor does not serve to relieve the shipper and consignee for their responsibility for the payment of freight and other charges as established by these Conditions of Carriage and law unless otherwise expressly stated by a written agreement.
- B. The foregoing shall not affect the shipper's right to secure non-recourse pursuant to Section 7 of the bill of lading.
- C. With regard to prepaid bills of lading, the existence of the payor does not serve to relieve the shipper for its responsibility for the payment of freight and other charges as established by these Conditions of Carriage and law unless otherwise expressly stated by a written agreement.

PAYMENT OF FUNDS

Rates and charges for transportation services provided by DME/ICE, including but not limited to line-haul freight charges, shall be paid in U.S. funds.

PAYMENT AND COLLECTION OF FREIGHT CHARGES/CREDIT TERMS

- A. Except as may be specifically otherwise provided, rates and charges for transportation services provided under this publication, including but not limited to line-haul freight charges, shall be paid in U.S. funds. Collection of freight charges will be made by the originating line-haul railroad on prepaid shipments and by the terminating line-haul railroad on collect shipments.
- B. If it is determined that the actual commodity shipped differs from that described on the bill of lading or shipping order, the legally applicable charge for the commodity actually shipped shall apply.
- C. Credit terms for shipper shall be set by the originating line-haul railroad on prepaid shipments and by the terminating railroad on collect shipments. When collection is the responsibility of DME/ICE, credit provisions contained in 49 CFR 1320 will apply.

CREDIT APPLICATION AGREEMENT

DME/ICE Credit application agreement is available at www.dmerail.com/Forms.html or www.icerail.com/Forms.html.

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 2
MISCELLANEOUS RULES AND CHARGES**

EXTENSION OF CREDIT AND PAYMENT OF CHARGES

ITEM 2000.00 A

ISSUED DATE: APRIL 9, 2009
EFFECTIVE DATE: MAY 1, 2009

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PAYMENT OPTIONS

If detail for payment is not sent with remittance, please fax detail for payment to 605-782-1342. For any questions about your payment options or for additional information contact the DME/ICE Credit Department at 605-782-1333.

DME Payment Options:

Wire Transfer Payments:

Wells Fargo Bank, Minnesota, N.A.
ABA Number: 121000248
Minneapolis, MN 55410
Dakota, Minnesota & Eastern Railroad
Account Number: 1780013477

Electronic Funds Transfer (EFT):

Wells Fargo Bank, South Dakota, N.A.
ABA Number: 091400046
Minneapolis, MN 55410
Dakota, Minnesota & Eastern Railroad
Account Number: 1780013477

Automated Clearing House (ACH):

Wells Fargo Bank, South Dakota, N.A.
ABA Number: 091400046
Minneapolis, MN 55410
Dakota, Minnesota & Eastern Railroad
Account Number: 1780013477

Payment by Check:

Dakota, Minnesota & Eastern Railroad
NW 5284
PO Box 1450
Minneapolis, MN 55485-5284

ICE Payment Options:

Wire Transfer Payments:

Wells Fargo Bank, Minnesota, N.A.
ABA Number: 121000248
Minneapolis, MN 55410
Iowa, Chicago & Eastern Railroad
Account Number: 0841762263

Electronic Funds Transfer (EFT):

Wells Fargo Bank, South Dakota, N.A.
ABA Number: 091400046
Minneapolis, MN 55410
Iowa, Chicago & Eastern Railroad
Account Number: 0841762263

Automated Clearing House (ACH):

Wells Fargo Bank, South Dakota, N.A.
ABA Number: 091400046
Minneapolis, MN 55410
Iowa, Chicago & Eastern Railroad
Account Number: 0841762263

Payment by Check:

Iowa, Chicago & Eastern Railroad
NW 5277
PO Box 1450
Minneapolis, MN 55485-5277

OTHER INFORMATION

Federal Tax ID Numbers:

A. DME: 46-0392184

B. ICE: 01-0600401

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 2
MISCELLANEOUS RULES AND CHARGES**

BILL OF LADING		ITEM 2010.00 A
ISSUED DATE:	APRIL 9, 2009	
EFFECTIVE DATE:	MAY 1, 2009	
CHANGE: INCREASE IN CHARGE		
SHIPPING INSTRUCTIONS:		
Customers tendering bill of lading information to DME/ICE for rail freight transportation are to use Electronic Data Interchange (EDI) when submitting billing information.		
A.	Electronic channels available to customers:	
1.	EDI via VAN (EDI service provider).	
2.	Flat File via VAN.	
3.	Flat File FTP via DME/ICE.	
B.	Web-Based Transmission:	
1.	EBOL – DME/ICE free Internet bill of lading system.	
C.	3rd Party Services:	
1.	Customers choosing to use 3rd party logistics service are responsible to make arrangements directly with those 3rd party logistics services providers to submit bill of lading on their behalf via EDI.	
BILL OF LADING VIA FACSIMILE:		
A.	Although EDI is the preferred method of receiving bill of lading transmissions, the DME/ICE will accept bill of lading via facsimile device at 866-877-9941. Customers who opt to continue sending facsimile bill of ladings to DME/ICE will be subject to a charge. Charges for providing "fax" bill of lading will be assessed against the party providing the bill of lading.	
1.	Charge: \$55.00 per bill of lading. (I)	
B.	DME/ICE reserves the right to reject any "faxed" bill of lading that is illegible, whether due to poor transmission quality, illegible handwriting, or otherwise. DME/ICE will not accept delivery of bill of lading by US Mail, express service, personal delivery, email, or otherwise.	
CONTACT INFORMATION:		
Contact the DME/ICE Waybilling Center at 888-358-7504 or waybilling@cedaramerican.com for information and support.		
CORRECTIONS OR CHANGES TO BILLING:		
A.	Charges for "Fax" bill of ladings do not apply to cancellations, corrections or diversion requests. Cancellations, changes, or additions to bill of lading are to continue to be sent via facsimile to the Waybilling Center at 866-877-9941. Requests to change bill of lading need to be submitted on company letterhead and include a contact name and phone number.	
1.	See items 3000.00 – 3090.00.	
B.	All shipments received and accepted are transported subject to all applicable circulars, tariffs, contracts, price quotations, and terms of the Uniform Straight Bill of Lading.	
C.	The application of rates will be determined by the date and time stamp that complete bill of lading is received by the DME/ICE.	
WARRANTIES OF CUSTOMER		ITEM 2020.00
ISSUED DATE:	JUNE 11, 2008	
EFFECTIVE DATE:	JULY 1, 2008	
A.	Customer warrants to the railroad that it controls the routing of the commodity being transported by the railroad and is the purchaser of rail services.	
B.	Customer warrants that customer will tender and instruct others to tender under this publication only carloads that contain commodities as defined in the applicable price authority. In the event of a conflict between the terms of the bill of lading, on the one hand, and the price authority or this publication on the other hand, the price authority or this publication will govern. Each bill of lading shall contain the STCC number and, if applicable, the 49-Series STCC number for the commodities being shipped under the price authority as well as the number assigned to such price authority.	
C.	If equipment used for transportation is owned or leased by customer, customer warrants to the railroad that such equipment is in compliance with all applicable laws and regulations. Customer warrants that equipment is in serviceable condition for the safe transportation of commodity over rail lines.	

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 2
MISCELLANEOUS RULES AND CHARGES**

LOADED TO FULL VISIBLE CAPACITY	ITEM 2030.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
<p>A. On shipments with minimum weights based on car being loaded to full visible capacity, consignor must certify on bill of lading that car is loaded to full visible capacity.</p> <p>B. When through error of shipper, certification on bill of lading is omitted, railroad, upon substantial proof that car was loaded to full visible capacity, will refund any increase in freight charges assessed due to such error.</p>	
SHIPMENTS FROM OR TO CANADIAN POINTS	ITEM 2040.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
<p>Where DME/ICE originates traffic destined to Canadian points, DME/ICE will require use of the Uniform Bill of Lading.</p> <p>From Canadian points, railroad will allow the use of the Uniform Bill of Lading and provisions thereof will govern to the extent they do not conflict with this publication.</p> <p>The provisions of this publication apply on shipments from or to Canadian points but only on those portions of such shipments occurring within the U.S.</p>	
CARS HELD (N)	ITEM 2050.00 B
ISSUED DATE: APRIL 9, 2009 EFFECTIVE DATE: MAY 1, 2009	
CHANGE: INCREASE IN CHARGE, ADDITIONAL WORDING, ADMINISTRATIVE CORRECTION	
HOLDING CHARGE	
<p>A. When cars are held by DME/ICE for reasons outside of railroad control such as, but not limited to: a car held short of destination, a regulatory or customs hold, a car without full shipping instructions provided prior to or at the time of releasing the car, a car that must be removed from a train, or a car rejected by another railroad at interchange, the party requiring or causing the service delay will be subject to the following holding charge: (A)</p> <ol style="list-style-type: none"> Holding charge: \$550.00 per car. (I) Not to exceed: \$5,500.00 per bill of lading. 	
DAILY CHARGE FOR CARS HELD OR STAGED (N)	
<p>A. In addition to the holding charge, loaded railcars held or staged on DME/ICE tracks for reasons outside of railroad control, due to customer request or when DME/ICE deems the cars would negatively impact operations if they continued moving, will also be assessed the following daily charge. Demurrage Credits cannot be applied to offset the daily charges. Charges will begin on the day of release/receipt and end the day forwarding instructions are received. Free time will only be allowed on the holidays of Thanksgiving Day, Christmas Day and New Year's Day. (A)</p> <ol style="list-style-type: none"> Railroad Owned or Controlled Railcars: \$60.00 per car per day. (C) Privately Owned or Leased Railcars: \$30.00 per car per day. (C) 	
CARS ORDERED BACK TO INDUSTRY	
<p>When cars are removed from industry, shop or team track and then subsequently ordered back to origin, the intra-terminal switch charge as published in CARH 8000-Series Switching & Terminal Services Tariff will be assessed in addition to applicable holding charges. (C)</p>	
CARS LOADED AND ORDERED TO HOLD TRACKS FOR BILLING	
<p>Freight in carloads loaded at industries on DME/ICE rails and billed to "DME/ICE hold track" or to industry hold or lease tracks for billing and billing is furnished by shipper ordering such cars to be delivered to a connecting railroad, apply the inter-terminal switching charge named for that industry or the industrial switching charge as published in CARH 8000-Series Switching & Terminal Services Tariff. (C)</p>	
ADDITIONAL SWITCHING	
<p>Holding charges do not include additional switching charges published in CARH 8000-Series Switching & Terminal Services Tariff that may be required in moving a car to a holding track to await forwarding instructions. (C)</p>	

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 2
MISCELLANEOUS RULES AND CHARGES**

CARS ORDERED RETURNED TO INDUSTRIES, TEAM TRACKS OR CONNECTING RAILROADS	ITEM 2060.00 B
ISSUED DATE: APRIL 9, 2009 EFFECTIVE DATE: MAY 1, 2009	
CHANGE: INCREASE IN CHARGE, ADDITION OF CHARGE, CHANGE IN WORDING	
<p>A. Except as otherwise specifically provided, a charge will be assessed on each car handled as follows:</p> <ol style="list-style-type: none"> 1. Cars loaded at industries or team tracks on DME/ICE and returned to such industries or team tracks by order of shipper or owner after leaving loading point but before leaving switching limits of the loading station will be subject to the following penalty charge in addition to switching charges as published in the CARH 8000-Series Switching & Terminal Services Tariff. (A) <ol style="list-style-type: none"> a. Charge: \$131.00 per car (A) 2. Cars which have departed the loading station will be assessed a mileage charge for the return movement from the hold station to the loading point. (N) <ol style="list-style-type: none"> a. Charge: \$315.00 per car + \$3.30 per car per mile (I) 3. Cars received from connecting railroads and returned to such connecting railroads or another connecting railroad on request of shipper or owner or the delivering railroad before a line-haul service has been performed by DME/ICE will be subject to the following penalty charge in addition to switching charges as published in the CARH 8000-Series Switching & Terminal Services Tariff. (A) <ol style="list-style-type: none"> a. Charge: \$131.00 per car (A) 4. The charges in this item and any applicable switching charges will be assessed against the shipper, owner or connecting railroad requesting the return. 	
CARS HELD SHORT OF DESTINATION	ITEM 2070.00 A
ISSUED DATE: APRIL 9, 2009 EFFECTIVE DATE: MAY 1, 2009	
ITEM CANCELLED	
INTERCHANGE ERROR MOVEMENTS	ITEM 2080.00 A
ISSUED DATE: APRIL 9, 2009 EFFECTIVE DATE: MAY 1, 2009	
CHANGE: DELETION OF CHARGE, ADDITION OF CHARGE	
<p>Cars, loaded or empty, received by the DME/ICE in error without forwarding instructions from the delivering railroad are subject to the following:</p> <ol style="list-style-type: none"> A. Cars will be returned to the delivering railroad or forwarded to the proper connecting railroad within the same switching district in accordance with AAR car service rule 7. B. DME/ICE will not be liable for any setback, switching or linehaul charges assessed by another railroad resulting from customer billing errors. C. Switching charges assessed by an intermediate switch railroad between the DME/ICE and the railroad delivering the car to the DME/ICE in error are absorbed in the error in delivery charge. D. The following charges shall be assessed against the railroad interchanging the cars to the DME/ICE: <ol style="list-style-type: none"> 1. Charge: \$435.00 per car. (A) E. Cars held awaiting disposition or forwarding instructions will be subject to an additional charge following the first 0001 subsequent to the original notice given to the delivering railroad. Charge shall be assessed against the delivering railroad. <ol style="list-style-type: none"> 1. Charge: \$18.00 per day or fraction thereof. 	

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 2
MISCELLANEOUS RULES AND CHARGES**

REPAIRS TO EMPTY CARS HANDLED UNDER REVENUE BILLING	ITEM 2090.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
In accepting empty railway freight cars for movement under revenue billing, railroad agrees to give only such ordinary care as it gives to its own cars. Billing will be rendered against car owners for renewal, repair or replacement of any parts which may fail in ordinary handling and not as the result of derailment or accident. Billing will also be rendered for any changes made necessary to meet the requirements of federal law governing safety appliances.	
EQUIPMENT	ITEM 2100.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Equipment used for transportation of commodities subject to this publication shall be private or railroad owned or leased cars as described in the Official Railway Equipment Register or UMLER, the Universal Machine Language Equipment Register, which are one in the same.	
A. DME/ICE will provide equipment consistent with its common carrier obligations. DME/ICE reserves the right to furnish any type or size of equipment in order to fill car orders. DME/ICE does not guarantee car supply and will only furnish cars upon request, subject to availability and distribution considerations.	
B. The use of private equipment is limited to cars that have been authorized by DME/ICE to operate over the tracks of DME/ICE. DME/ICE reserves the right to reject private equipment that does not have OT-5 approval.	
1. Customer shall only tender loaded or empty private equipment that is in serviceable condition for the safe transportation of commodity over rail lines and free from material defects.	
2. Private equipment must be properly loaded, closed, secured and tendered to railroad in accordance with applicable rules and the provisions of this publication.	
3. Railroad shall not be liable to customer for defects in private equipment (other than defects which are the result of the negligent performance by railroad).	
UNAUTHORIZED USE OF EQUIPMENT (N)	ITEM 2110.00 A
ISSUED DATE: APRIL 9, 2009 EFFECTIVE DATE: MAY 1, 2009	
CHANGE: CHANGE IN WORDING	
A. When any rail equipment, owned, leased or controlled by DME/ICE, is loaded and routed via a railroad other than DME/ICE, a charge will be assessed to and payable by the party, person, firm or company responsible for loading such car.	
1 Charge: \$2000.00 per car.	
B. This charge shall not be assessed when the shipper has received prior approval from the DME/ICE car distributor at 866-618-0890.	
C. Does not apply for grain and grain products, for rules and charges refer to DME 4000-series, ICE 4024-series or ICE 4025-series.	
ORDERING EQUIPMENT FOR LOADING	ITEM 2115.00
ISSUED DATE: SEPTEMBER 8, 2008 EFFECTIVE DATE: SEPTEMBER 28, 2008	
NEW ITEM	
A. Car orders will be accepted only from the loading facility at which the car(s) will be physically loaded. Third party car orders will not be accepted.	
B. Car orders will be accepted via the following methods:	
1. By using the DME/ICE car order form and transmitted via facsimile to 605-782-1497 or emailed to mhayes@cedaramerican.com . Forms can be accessed on our websites: www.icerail.com or www.dmerail.com .	
2. By logging onto www.railconnect.com for internet car order system. For initial setup, contact Megan Hayes, phone: 605-782-1410.	
C. A want date must be specified on the car order form.	
D. The order number must be on the bill of lading.	
E. Orders for equipment shall not exceed the track capacity of the loading facility.	
F. Only one order form, per want date, will be accepted each day.	
G. Car orders will not be accepted from loader for days on which DME/ICE does not provide regular train service. For example, a loader which receives train service on Tuesday and Friday cannot submit orders for placement or want dates on Monday, Wednesday, or Thursday.	
EXCEPTION: This item does not apply on shipments of grain, grain products or scrap iron. For rules and charges for those commodities, please refer to tariffs DME 4000-Series, ICE 4024-Series, ICE 4025-Series or CARH 3003-Series.	

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 2
MISCELLANEOUS RULES AND CHARGES**

EMPTY CARS ORDERED, NOT USED	ITEM 2120.00 A
ISSUED DATE: DECEMBER 10, 2008 EFFECTIVE DATE: JANUARY 1, 2009	
CHANGE: WORDING AND CHARGE ADDITION	
<p>A. If a car order is placed for an empty car for loading and the service of constructive or actual placement has been performed and the car is subsequently released back to the railroad without being loaded and billed via DME/ICE, the inter-terminal, intra-terminal or intra-plant switching charge as published in CARH 8000-Series Switching Tariff, in addition to applicable demurrage charges, will be assessed for each car.</p> <p>EXCEPTION: Mechanical refrigerated cars will be assessed a charge of \$500.00 per car. (A)</p> <p>B. If requests are received to cancel the car order while car is enroute but has not yet been constructively or actually placed, the following charge will be assessed:</p> <p>1. Charge: \$80.00 per car.</p> <p>EXCEPTION: Mechanical refrigerated cars will be assessed a charge of \$500.00 per car. (A)</p> <p>C. Requests for cancellation of car orders shall be sent via facsimile to the DME/ICE Car Distributor: 605-782-1497.</p> <p>D. Charges shall be assessed to the party ordering the car.</p> <p>E. Does not apply for grain and grain products, for rules and charges refer to DME 4000-series, ICE 4024-series or ICE 4025-series.</p>	
EMPTY INDUSTRY OWNED OR LEASED CARS DELIVERED, NOT USED	ITEM 2140.00
ISSUED DATE: JANUARY 9, 2009 EFFECTIVE DATE: JANUARY 29, 2009	
NEW ITEM	
<p>A. If an empty industry owned or leased car is delivered to an industry track and subsequently released back to the railroad empty without being loaded and billed via DME/ICE, the following charge will be assessed:</p> <p>1. Charge: \$350.00 per car.</p>	
CARS UNABLE TO BE PLACED	ITEM 2160.00
ISSUED DATE: APRIL 9, 2009 EFFECTIVE DATE: MAY 1, 2009	
NEW ITEM	
<p>If DME/ICE is unable to deliver a car to a customer's facility for reasons such as, but not limited to, the facility being full or lack of access to the facility, the party requesting or requiring the service will be subject to switching charges as published in CARH 8000-Series Switching and Terminal Services Tariff.</p>	
CARS UNABLE TO BE PICKED-UP	ITEM 2170.00
ISSUED DATE: APRIL 9, 2009 EFFECTIVE DATE: MAY 1, 2009	
NEW ITEM	
<p>A. If DME/ICE is unable to pick-up a car from a customer's facility for reasons such as, but not limited to, the car not being ready or lack of access to the car at the requested time, the following penalty charge will be assessed:</p> <p>1. Charge: \$90.00 per car. Maximum Charge: \$1,000.00 per service.</p>	
CARS REQUESTING CHANGES TO SERVICES	ITEM 2180.00
ISSUED DATE: APRIL 9, 2009 EFFECTIVE DATE: MAY 1, 2009	
NEW ITEM	
<p>A. If DME/ICE receives a request for a change in services, we may be able to accommodate the change, subject to availability of resources and capacity. However, incremental switching charges may apply and the following penalty charge will be assessed:</p> <p>1. Charge: \$50.00 per car. Maximum Charge: \$900.00 per service.</p>	

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 2
MISCELLANEOUS RULES AND CHARGES**

LOADING AND UNLOADING OF CARS

ITEM 2200.00 A

ISSUED DATE: APRIL 9, 2009
EFFECTIVE DATE: MAY 1, 2009

CHANGE: INCREASE IN CHARGE

LOADING

Consignor/Loader is required to load cars, subject to Rule 27 of the UFC.

- A. For detailed instructions for loading cars please refer to the following:
 - 1. AAR Loading Rules, Pamphlets and General Information Series.
 - 2. The General Rules Covering Loading of Carload Shipments of Commodities in Closed Cars as published in AAR Circular No. 42-Series.
 - 3. Minimum Car Loading Requirements for Freight in General Purpose and Specially Equipped Boxcars as published in AAR Pamphlet No. 14.
 - 4. BOE 6000-Series for Hazmat Shipments.
- B. In no instance can the total weight of freight plus pallets and dunnage exceed the load limit weight stenciled on the car.
- C. Prior to loading, it will be the consignor's responsibility to ascertain consignee's facility has sufficient overhead and side clearances to accommodate any equipment.
- D. Consignor shall be responsible for any additional charges incurred on shipments prior to delivery to the consignee due to insufficient clearances, including applicable transfer, switching and demurrage charges.

UNLOADING

Consignee/Unloader is required to completely unload cars, applies to all equipment types, subject to Rule 27 of the UFC.

- A. Consignee or unloader is responsible for unloading the lading from the car, as well as non-railroad owned dunnage, pallets, slipsheets, blocking, bracing, strapping and all other non-railroad owned material that was part of the inbound shipment. All product must be completely cleaned out of the car.
- B. Consignee or unloader is responsible for closing of all hatches, gates, securing of interior equipment and closing of doors.
- C. Subsequent consignor or loader shall notify DME/ICE in writing or electronically that cars are unfit for loading due to cars not being completely unloaded by the last consignee. Digital photos of inside condition of car along with car numbers are appreciated.
- D. Upon written or electronic notification to the DME/ICE that a car or cars are being rejected for this purpose, demurrage shall cease and such cars shall be removed from the shipper premises.
- E. When DME/ICE cars are discovered to be in violation of Rule 27 regarding complete unloading, the following will apply:
 - 1. DME/ICE will move cars rejected under this rule to a point where cleaning can be accomplished.
 - 2. Cars which have been discovered containing items which make the car unfit for loading shall be subject to a car cleaning charge.
 - 3. The last known consignee/unloader shall be notified and the cars shall be held on demurrage with no free time or credits until cleaning, disposal and release to the DME/ICE has been accomplished.
 - 4. This charge shall be the responsibility of the last known consignee or unloader responsible for completely unloading the car.
 - a. Charge: **\$1760.00 per car. (I)**

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 2
MISCELLANEOUS RULES AND CHARGES**

UNSAFE OR IMPROPERLY LOADED CARS (N)	ITEM 2210.00 A
ISSUED DATE: APRIL 9, 2009 EFFECTIVE DATE: MAY 1, 2009	
CHANGE: ADDITION OF CHARGE, CHANGE IN WORDING.	
A car shall be considered improperly loaded when lading has not been loaded in accordance with AAR standard loading practices, Official Railway Equipment Register exceptions or individual railroad practices or exceptions. These occurrences will be assessed a penalty charge for the management and coordination of the existing and emergent problem, excluding other applicable charges. (A)	
1. Charge: \$1760.00 per car. (A) Charge for Hazardous Commodities (except as noted below): \$5,500.00 per car. (A) Charge for Hazardous Commodities listed in CARH 6004-Series Appendix A (TIH/PIH & Explosives): \$10,000.00 per car. (A)	
A. Improperly loaded cars will be returned to the shipper's track or returned to the connecting railroad tendering such cars to the DME/ICE.	
B. If a car is found to be improperly loaded, the shipper will incur all applicable charges to adjust or transfer plus a 25% surcharge. (A)	
C. DME/ICE may elect to stop an improperly loaded car enroute and hold it on a track where adjustment of the load may be accomplished. It will be the responsibility of the shipper to adjust the car at shipper's expense. DME/ICE will not furnish any personnel, equipment or machinery that may be necessary to properly secure a load.	
D. No free time will be allowed and demurrage will apply to all days held including holidays.	
OVERLOADED CARS	ITEM 2220.00 A
ISSUED DATE: APRIL 9, 2009 EFFECTIVE DATE: MAY 1, 2009	
CHANGE: INCREASE IN CHARGE	
Carload freight must be loaded in conformity with railroad rules and, unless otherwise provided in the Official Railway Equipment Register or tariffs of individual lines, carload freight must not be loaded in excess of the load limit stenciled on rail car, or the Maximum Gross Weight Limitation of the trackage that it travels over.	
A. When a car is discovered to be overloaded at origin, after car has left shippers siding, en route, or at destination on DME/ICE or connecting railroads, a penalty charge will be assessed against the party responsible for overloading the car. These penalties will also apply where a car has been delivered at destination and the out turn weights are used for the settlement of freight charges.	
1. Charge: \$1760.00 per car. (I)	
B. When cars are overloaded and such overloading is discovered at the point of origin, shipper will be required to unload the surplus and the penalty charge named herein will be assessed.	
C. Overload penalty charge includes switching charges from the scale track to an unloading track and return to the scale for re-weighing, if excess must be removed. Charge does not include connecting railroad switch charges or weighing charges, if any. Such charges will be in addition to the penalty charge named herein.	
D. When a car is found to be overloaded while en route, the billing agent will be requested to notify the shipper that the car is overloaded and lading must be transferred or reduced to maximum loading requirements. Disposition of the excess from overloaded cars will be the responsibility of the loading party.	
E. In cases where a car is overloaded and such overloading is not discovered until the car is unloaded at billed destination, freight charges for the entire movement from origin to billed destination will be assessed for the actual weight unloaded at destination, plus the penalty charge provided herein for the portion determined to be in excess of the stenciled load limit of the car used, or the Maximum Gross Weight Limitation of the trackage.	
F. 24 hours free time will be allowed on overloaded cars held en route for reduction (prior to actual placement at billed destination) while on DME/ICE, from the first 00:01, exclusive of Saturdays or Holidays after notification is given to the shipper that the car is being held until such time that the load is reduced and is ready for movement. After the expiration of free time, the car will be subject to demurrage as outlined in tariff CARH 6004-Series.	
G. If within 48 hours after notice is given, the shipper fails or refuses to arrange for reduction of lading per this rule, the DME/ICE will arrange for reduction of load so that it may be safely moved to destination. Charges for unloading, reloading, forwarding of excess freight, storage and/or demurrage will follow the shipment as advance charges to the party who originally loaded the car.	
H. The party responsible for loading the cars in excess of load limit of the car shall be responsible for any costs associated due to mechanical or structural damage to the cars as well as any and all costs associated to any incidents resulting from failure of the cars.	
I. The party responsible for loading the cars in excess of the Maximum Gross Weight Limitation of the trackage that car will be traveling over shall be responsible for any costs associated with damage to track and related structures caused by the excess loading of the cars.	

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 2
MISCELLANEOUS RULES AND CHARGES**

CARS FOUND NOT TO BE COMPLETELY UNLOADED	ITEM 2230.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Any non-hazardous commodity in carload lots, through no fault of DME/ICE, which is received by DME/ICE as an empty and is found to be a load, will, upon request of the customer, be returned to a specified point on the DME/ICE or to a junction with a connecting railroad tendering such cars to DME/ICE, subject to a charge via the route of movement.	
A. This charge will apply only in the absence of any specific point-to-point commodity rate.	
1. Charge: \$4.50 per mile. Minimum charge: \$450.00 per car.	
a. For computation of rail miles, refer to DME 6000-Series Distance Tariff and/or ICE 6200-Series Distance Tariff.	
B. The applicable intra-terminal switch charge as published in CARH 8000-Series Switching Tariff will apply for movement within the same switching district.	
EMPTY CARS RETURNED TO CONNECTING RAILROAD, UNFIT FOR LOADING	ITEM 2240.00
ISSUED DATE: EFFECTIVE DATE:	
When an empty car is received from a connecting railroad for loading by an industry located on the DME/ICE and the car is refused by the industry due to unsuitable loading conditions, the car must be returned to the connecting railroad. The inter-terminal switch charge as published in the CARH 8000-Series Switching Tariff shall be assessed against the connecting railroad.	
PALLETS AND DUNNAGE	ITEM 2250.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
PALLETS In calculating freight charges on shipments of articles loaded on pallets, actual weight of pallets will be deducted. The actual weight of pallets must be stated separately on the bill of lading.	
DUNNAGE Dunnage must be furnished and installed by the consignor if required to protect and make shipments secure for transportation. Dunnage does not include excelsior, hay, sawdust, shavings, shredded paper, straw packing cushions/pads or similar packing material. In calculating freight charges per shipment, actual weight of dunnage will be deducted up to a maximum of 2,000 pounds for each car in shipment. Any weight of such dunnage in excess of 2,000 pounds will be subject to the rate on the freight in the car and will be part of the weight of the shipment. Actual weight of dunnage must be separately stated on the bill of lading.	
EMPTY RETURN Conditions to qualify for the return of used pallets, pallet sides, posts, platforms, skids, tote bins, and other reusable shipping devices and dunnage at no charge:	
A. Applicable only in equipment returning to point of origin via reverse route. Inbound loaded car utilized for return of empty containers or pallets must be unloaded and then reloaded with empty containers or pallets without additional switching.	
B. Return movements must be from one consignee at one destination to original consignor at original point of origin.	
C. Customer is allowed to return at no charge: the empty used pallets, bins, and other reusable shipping devices and dunnage from no less than 5 inbound loads in one return load. No more than the total number of pallets, bins or other shipping devices or dunnage from the inbound loads will be accepted for the return shipment.	
D. The return of the empty used pallets, bins and other reusable shipping devices and dunnage must be made within 180 days from the date of the inbound load.	
E. The Bill of Lading that the customer tenders to railroad must identify the shipment as used, empty pallets, bins, other reusable shipping devices and dunnage using the applicable 7 digit Standard Transportation Commodity Code (STCC No.).	
F. The Bill of Lading MUST include:	
1. Equipment markings of each inbound loaded rail car.	
2. Shipment date of each inbound loaded railcar.	
3. Number of used empty pallets, bins, other reusable shipping devices and amount of dunnage associated with each identified inbound shipment.	
G. No transit or diversion privileges are permitted on the return movement.	

CARH 6000 RULES AND REGULATIONS PUBLICATION**SECTION 2
MISCELLANEOUS RULES AND CHARGES**

BULK COMMODITIES	ITEM 2260.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Services necessary for loading of bulk commodities in boxcars, including but not limited to coopering (making car suitable for transportation, includes sweeping and repairing of cracks and holes sufficient to prevent loss of lading) or purchase and installation of bulkheads and doors, must be provided by consignor at its own expense. Such temporary devices installed in boxcars will not be considered dunnage.	
RETURNED, REFUSED OR REJECTED SHIPMENTS	ITEM 2270.00
ISSUED DATE: EFFECTIVE DATE:	
When a given shipment has reached destination, but is refused or reject and not unloaded and is returned to the original shipping point (for reasons other than railroad's error), the return movement will be subject to the rate and minimum weight in the reverse direction in effect on date shipment is tendered for return, or to the rate normally applicable for such return movement if lower. In no case, however, shall charges for the return shipment exceed charges which would be applicable on the return movement without reference to this rule.	
A. Routing for the return movement will be applicable only via the reverse of the route over which the original shipment moved, except in the case of emergency routing orders.	
B. This rule will not apply on:	
1. Coal or Coke.	
2. Perishable traffic, requiring protective service.	
3. On commodities where a rejected shipment rule is specifically published to apply on such commodities.	
PERISHABLE SHIPMENTS	ITEM 2280.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
A. When perishable shipments are received from a connecting railroad for line-haul or placement to industry, the temperature must be within 10 degrees of tolerance to the temperature that is instructed on the waybill and fuel must be no less than 200 gallons with the motor running.	
B. When perishable shipments are received from industries and an empty car was furnished by a connecting railroad, the temperature must be within 10 degrees of tolerance to the temperature that is instructed on the waybill and fuel must be no less than 200 gallons with the motor running.	
C. If exception to the above are noted, do not refuel, do not attempt to start dead engine or take exceptions to high temperature, for our account. Contact connecting railroad and advise them of exception and car must be delivered to connecting railroad on first available interchange.	
1. Please call the number stenciled on the outside of the car or call the numbers listed below:	
a. For UP Equipment: 800-303-3440.	
b. For BNSF Equipment: Western Fruit Express 800-510-6586.	
SHIPMENTS REQUIRING PROTECTION FROM HEAT OR COLD	ITEM 2290.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Shipments requiring protection from heat or cold will be subject to the rates, rules, regulations and charges provided in individual railroad's price authorities. Charges will be in addition to the line-haul rates and charges published in tariffs, circulars, quotes or other similar price authorities.	

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 2
MISCELLANEOUS RULES AND CHARGES**

SAND, GRAVEL, CRUSHED STONE AND CINDERS	ITEM 2300.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Shipments of sand, gravel, crushed stone and cinders which are liable to become frozen in cars, will not be accepted by the railroads unless shippers or connecting railroads guarantee that all freight, demurrage and other charges that may accrue will be paid on such shipments, regardless of their condition when same are placed for unloading. A notation must be made on bill of lading.	
BRIDGES AND VIADUCTS	ITEM 2310.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
When cars are consigned for handling on specific side tracks and cannot be placed on such track on account of being too large to clear bridges, viaducts or abutments, they will be placed on the nearest available track to the track originally designated.	
INSPECTION OF FREIGHT	ITEM 2320.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
Railroads will receive lading from shipper as is, with no responsibility for making any determination as to whether the commodities are in good condition or properly packaged, braced, secured or loaded. No railroad shall have any liability for loss or damage to commodities packaged in a manner which does not conform to the requirements unless otherwise specifically provided in a quotation, exempt rate circular or similar pricing authority, subject to this publication.	

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**SECTION 2
MISCELLANEOUS RULES AND CHARGES**

SPECIAL TRAIN SERVICE	ITEM 2400.00 A
ISSUED DATE: APRIL 9, 2009 EFFECTIVE DATE: MAY 1, 2009	
CHANGE: INCREASE IN CHARGE	
Special train service is provided at the request of the consignor, consignee or authorized agent and shall be in addition to customary applicable freight charges.	
A. Charge: \$125.00 per mile. (I) Minimum charge: 200 miles. 1. For computation of rail miles, refer DME 6000-Series Distance Tariff and/or ICE 6200-Series Distance Tariff. 2. Charge is subject to CARH 9002-Series Fuel Surcharge Tariff.	
B. Requests for special freight train service must be made to DME/ICE Customer Service Center via e-mail at chiefservrep@cedaramerican.com or via facsimile device at 866-253-3250. 1. Requests must include all necessary information to facilitate the movement of the train. 2. DME/ICE reserves the right to restrict or modify any request for this service.	
C. DME/ICE will make normal operating and service stops in connection with this service.	
D. DME/ICE will inspect all running gear, draw bars, couplers and other parts covered by the current AAR code of rules governing condition and repair to freight and passenger cars in interchange service.	
E. DME/ICE will not be required to furnish electricity, air conditioning or other unusual services to any passenger type cars handled in Special Train Service, nor will it be required to furnish water to such cars.	
ATTENDANTS ACCOMPANYING SHIPMENTS	ITEM 2410.00 A
ISSUED DATE: APRIL 9, 2009 EFFECTIVE DATE: MAY 1, 2009	
CHANGE: CHANGE IN WORDING, DELETION OF CHARGE	
If attendants are reasonably required, arrangements must be made in advance between the party accompanying the freight shipment and the DME/ICE Customer Service Center. Requests must be sent via e-mail at chiefservrep@cedaramerican.com or via facsimile device at 866-253-3250. (N)	

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 3
DIVERSION AND CHANGE TO BILLING RULES AND CHARGES**

BILL OF LADING CHANGES AND CHARGES, PRIOR TO MOVEMENT OF CAR

ITEM 3000.00 A

ISSUED DATE: APRIL 9, 2009

EFFECTIVE DATE: MAY 1, 2009

CHANGE: INCREASE IN CHARGE

- A. While a shipment is still at origin and prior to movement, any changes made to the bill of lading and submitted by the consignee, consignor or owner are subject to a charge. The charge will be assessed against the party requesting the change to billing.
1. Charge: **\$131.00 per change, per bill of lading. (I)**
- B. Changes to the bill of lading must contain car initial, car number, changes requested and contact person making the changes.
- C. Changes to the bill of lading will only be processed when requests are received by the DME/ICE in writing via facsimile to:
1. DME/ICE Waybilling Center: 866-777-9941.
- D. Questions by phone regarding changes in billing should be directed to:
1. DME/ICE Waybilling Center: 888-358-7504.
- E. Changes in billing include, but not limited to, the following:
1. Change of consignor, consignee, freight payor or in-care of party.
 2. Change in destination.
 3. Change in route.
 4. Addition or subtraction of cars.
 5. Change of the car initial and/or car number.
 6. Change in payment terms.
 7. Change in commodity description (STCC code).
 8. Cancellation of original bill of lading.
- F. Change to billing charge does not include the cost of additional switching, demurrage/holding, line-haul or other applicable charges that accrue as the result in the change to billing.
- G. After the movement of a car has commenced, see Items 3010.00-3090.00.

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 3
DIVERSION AND CHANGE TO BILLING RULES AND CHARGES**

APPLICATION OF DIVERSION AND CHANGE TO BILLING RULES, AFTER MOVEMENT OF CAR

ITEM 3010.00 A

ISSUED DATE: SEPTEMBER 8, 2008
EFFECTIVE DATE: SEPTEMBER 8, 2008

ADDITION TO WORDING

After the movement of a car has commenced, any requests received by DME/ICE that require DME/ICE to make a change in the original bill of lading of any shipment will be subject to diversion or changes to billing rules and charges. For changes to billing submitted while a shipment is still at origin, prior to movement, see Item 3000.00.

- A. These provisions are applicable only when DME/ICE:
 - 1. Has possession of the car as a line-haul railroad or has advance waybilling information prior to receiving the car from a connecting railroad. (For provisions to apply when railroad receives a car in interchange from a connecting railroad and is requested to return the car to the same railroad or another railroad at the interchange location, see Item 2080.00).
- B. Requests for diversions or changes to billing will only be accepted from:
 - 1. Consignor, Consignee, Freight payor, another railroad participating in the line-haul movement or authorized representatives of the Consignor, Consignee, or Freight Payor, effected under these provisions.
- C. To execute a diversion or a change to billing, requests must be received in time to permit the change to be accomplished and prior to the car having been interchanged with another railroad participating in the line-haul movement or interchanged to a switching railroad.
- D. After a car has reached its billed destination on DME/ICE, diversion or changes to billing requests must be submitted prior to the car being:
 - 1. Interchanged to a switching railroad for delivery to the consignee.
 - 2. Actually placed or placed in an accessible position for unloading or at a point designated by the consignee, at the billed destination.
- E. Any requests affecting the movement of the car after actual placement will constitute a new movement, subject to switching or line-haul charges, as the case may be.
- F. Diversion requests must be received prior to the car reaching the billed destination, except as follows:
 - 1. A change in the consignee, if requested prior to the car being actually placed.
- G. Requests requiring DME/ICE to perform an out-of-line haul movement will be handled as a shipment terminating and originating at the diverted station and will be subject to all applicable freight charges.
- H. DME/ICE will **not** accept diversion requests to a station or to a point of delivery against which an embargo is in force.
- I. Order Notify Shipments:
 - 1. Diversion requests will **not** be accepted on "order notify" bill of lading consignments.
 - 2. Requests will **not** be accepted to change the status of a shipment from "Straight bill of lading" consignment to an "Order Notify" bill of lading consignment after the straight bill of lading has been executed.
- J. Railroad reserves the right to refuse the diversion request if charges accruing against the consignment are not guaranteed to the railroad's satisfaction.
- K. Diversion or changes to billing requests will only be processed when requests are received by railroad in writing via facsimile to DME/ICE Waybilling Center: 866-777-9941 **or by email to waybilling@cedaramerican.com. (A)**
- L. Questions regarding diversions or changes to billing should be directed to DME/ICE Waybilling Center: Telephone: 888-358-7504
- M. DME/ICE will allow for only one diversion per shipment.

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 3
DIVERSION AND CHANGE TO BILLING RULES AND CHARGES**

NON-APPLICATION OF DIVERSION RULES	ITEM 3020.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
<p>DME/ICE will not accept a diversion request that would change its participation in the route from a delivering railroad to an intermediate railroad on movements that DME/ICE receives from another line haul railroad.</p> <p>A. In the event that DME/ICE receives a diversion request as described above, it will be handled as follows:</p> <ol style="list-style-type: none"> 1. The movement will be considered as terminated at the station where the car is diverted and re-billed from there to affect the diversion request. DME/ICE will accept a new bill of lading for re-routing the car or will utilize the diversion request as a new bill of lading, subject to Exception. <ol style="list-style-type: none"> a. EXCEPTION: If the diversion station to the connecting railroad is also the interchange station, the movement will be considered as terminated at that station and the DME/ICE will interchange the car to the connecting railroad. The party requesting the diversion will be required to give billing instructions to the connecting railroad. 	
RAILROADS RESPONSIBILITY TO AFFECT DIVERSIONS	ITEM 3030.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
<p>A. DME/ICE will make a diligent effort to execute a desired diversion when the car is in its possession.</p> <p>B. DME/ICE will not be responsible for failure to execute a diversion after a car has been interchanged to a connecting railroad.</p> <p>C. DME/ICE will not be responsible for executing a diversion at a specific location under the following conditions:</p> <ol style="list-style-type: none"> 1. When a car has been classified or assembled into a train for outbound movement. In this situation, a car may be diverted at the next classification yard or interchange point and the diversion will be governed by the rules and charges at that location. <p>D. When a car has been placed in "pre-blocked" or "run-through" train service, car may be diverted:</p> <ol style="list-style-type: none"> 1. When billed to a DME/ICE station, after the car reaches the next classification yard or the billed destination, as the case may be, and the diversion will be governed by the rules and charges in effect at that location. 2. When billed to a non-DME/ICE destination, after the car reaches the next classification yard. If the car is not scheduled to be reclassified prior to interchange to the connecting railroad, the car may not be diverted under the rules and charges provided herein. <p>E. DME/ICE will not be responsible for executing a diversion request on a specific day or at a specific time of day.</p> <p>F. DME/ICE will not be responsible for additional charges incurred when a diversion request cannot be accomplished.</p> <p>G. DME/ICE will not be responsible for any charges accruing on cars delivered to connecting railroads, other than the absorption of reciprocal switching charges that are authorized by DME/ICE switching absorption provisions.</p>	
LINE HAUL FREIGHT CHARGES	ITEM 3040.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
<p>A. The through rate will be that rate which is applicable from origin to destination, via the diversion station, on the date the shipment is originally billed. Where no published rates are in effect at the diversion station and DME/ICE is required to provide line-haul service to affect a diversion request, charges shall be assessed against the party requesting the diversion:</p> <ol style="list-style-type: none"> 1. Charge: \$4.50 per rail mile. Subject to minimum charge of \$450.00 per car. <ol style="list-style-type: none"> a. For computation of rail miles, refer to DME 6000-Series Distance Tariff and/or ICE 6200-Series Distance Tariff. 	
TERMINAL SERVICES	ITEM 3050.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
<p>As a result of a diversion or a change to billing, DME/ICE will not be responsible for any charges accruing on cars delivered to connecting railroads, other than the absorption of reciprocal or intermediate switching charges that are authorized by the DME/ICE switching absorption provisions.</p>	

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 3
DIVERSION AND CHANGE TO BILLING RULES AND CHARGES**

ASSESSMENT OF DIVERSION AND CHANGE TO BILLING CHARGES, AFTER MOVEMENT OF CAR	ITEM 3060.00 A
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ISSUED DATE: APRIL 9, 2009
EFFECTIVE DATE: MAY 1, 2009

CHANGE: INCREASE IN CHARGE

After the movement of a car has commenced and the applicable diversion or change to billing provisions have been met and the line-haul transportation price authorizes such diversion or changes to billing, the following charges shall apply and will be assessed against the party requesting the change. Diversion and changes to billing charges do not include the cost of any additional switching, demurrage/holding, line-haul or other applicable charges that may accrue as a result of the diversion or change to billing.

- A. The following changes shall be subject to a diversion charge:
 - 1. Charge: **\$315.00 per car. (I)**
 Not to exceed: **\$2100.00 per bill of lading.**
 - a. A change in the name of the consignee or in-care of party.
 - b. A change in the destination.
 - c. A change in the route.
 - d. Change in previous diversion requests.
 - e. Cancellation of original bill of lading.
 - f. Empty cars, except tank cars, being handled in accordance with waybill instructions, diverted prior to arrival at destination or interchange point.

- B. The following changes shall be subject to a change to billing charge:
 - 1. Charge: **\$131.00 per bill of lading. (I)**
 - a. A change in the name of the consignor or freight payor.
 - b. A cancellation of previous diversion requests.
 - c. A change in payment terms.
 - d. A change in commodity description (STCC code).

- C. The following applies only in connection with Lumber (STCC 24 21X XX) and only if a change in the consignee and/or consignor is made:
 - 1. A diversion charge will **not** be assessed to the initial request if it is received prior to arrival of the shipment at the hold track. A second change in delivery request will be considered a diversion and shall be subject to a charge:
 - a. Charge: **\$315.00 per car. (I)**
 Not to exceed **\$2100.00 per bill of lading.**

CHANGE IN DIVERSION REQUEST	ITEM 3070.00 A
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ISSUED DATE: APRIL 9, 2009
EFFECTIVE DATE: MAY 1, 2009

CHANGE: INCREASE OF CHARGE

- A. Requests to cancel a previous diversion request or to change destination, consignee, or route, shall be subject to an additional charge:
 - 1. Charge: **\$315.00 per car. (I)**
 Not to exceed **\$2100.00 per bill of lading.**

- B. Only one change in destination or route will be authorized under these rules. Requests for additional changes will be executed as a shipment terminating and originating at the diversion station.

- C. Requests to cancel a previous diversion request effecting destination or route will be accepted only from authorized parties, provided the car has not reached the billed destination or been interchanged to a connecting railroad participating in the line-haul movement.

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 3
DIVERSION AND CHANGE TO BILLING RULES AND CHARGES**

HOLDING IN TRANSIT	ITEM 3080.00 A
ISSUED DATE: APRIL 9, 2009 EFFECTIVE DATE: MAY 1, 2009	
ITEM CANCELLED	
MULTIPLE CAR SHIPMENTS	ITEM 3090.00
ISSUED DATE: JUNE 11, 2008 EFFECTIVE DATE: JULY 1, 2008	
A. Multiple car shipments comprised of more than one car tendered on one bill of lading on one day from one shipper at one origin to one consignee at one destination for movement under line haul rates or charges specifically providing for application on multiple car shipments, shall be subject to the diversion rules and charges provided herein. Separation of the multiple car shipment by diversion will not be allowed, except by rate item authorization or as provided in Paragraph B.	
B. If one or more cars of a multiple car shipment go "bad order" after departing the origin station, they may be diverted at the customer's option. Such cars shall be subject to the diversion rules and charges as provided herein. The multiple car freight rate originally assessed on the whole shipment will apply on the remaining cars that are not accorded diversion.	

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 4
WEIGHING RULES AND CHARGES**

GENERAL APPLICATION		ITEM 4000.00
ISSUED DATE:	JUNE 11, 2008	
EFFECTIVE DATE:	JULY 1, 2008	
<p>Weighing charges in this Section apply at stations all on the DME/ICE where railroads have an available scale.</p> <p>A. Scales operated under this publication must conform to the requirements of the Association of American Railroads Scale Handbook.</p> <p>B. Weighing and reweighing will be performed where requested, provided it is practicable to do so and scales are available.</p> <p>C. Weighing charges will be assessed against the party requesting the weight.</p> <p>D. DME/ICE will not furnish weighing requests to other railroads on the behalf of a customer.</p> <p>E. When weights are required for the assessment of freight charges, no charge will be made by the DME/ICE for such weighing service, when weighing service can be reasonably accomplished. Does not apply to unit grain train shipments published in DME 4000-Series and ICE 4024-Series.</p> <p>F. Weighing charges in this Section include switching to the scale from DME/ICE track and from the scale back to DME/ICE track when the movement takes place entirely within the switching limits of that station. If, however, a car has been constructively placed at consignor's or consignee's siding, and is then removed at the request of the consignor or consignee for discretionary weighing, the move to and from the scale will not be included in the weighing charge. (Except as provided in Paragraph G).</p> <p>G. When cars weighed or reweighed by the DME/ICE and DME/ICE acts only as a reciprocal switch railroad, not participating in the line-haul, the charge in Item 4080.00, including any applicable switching charges will be assessed against the party requesting the weighing service, regardless of any variation in the weights.</p> <p>H. DME/ICE will not absorb weighing and switching charges in connection with each weighing service when industries are not located on DME/ICE nor will DME/ICE accept bills from connecting railroads for this service.</p> <p>I. When weights are requested on shipments that are rated on a "per car" basis, such weights will be furnished at the charges provided herein. In the event the authority for the line-haul charge is contained in a private document (contract, exempt quotation or any other non-public document), it will be the responsibility of the party requesting the weight to determine from the freight payor if the shipment is moving under a private per car charge. In the event subject freight moves on a per car charge, party requesting weights will pay applicable weighing charge.</p>		
ASCERTAINMENT OF WEIGHTS		ITEM 4010.00
ISSUED DATE:	JUNE 11, 2008	
EFFECTIVE DATE:	JULY 1, 2008	
<p>When scale weights are used for the assessment of freight charges, weighing will be performed by DME/ICE, when weighing service can be reasonably accomplished, its agent, or under railroad weight agreements.</p> <p>A. The assigned tare will be used to arrive at the net weight of the load, except as provided in Item 4020.00.</p> <p>B. Cars may be weighed at rest when:</p> <ol style="list-style-type: none">1. Uncoupled and free at both ends.2. Coupled at one end and free at the other end. <p>C. Cars may be weighed in motion, coupled or uncoupled, only upon a weighing system designed for weighing in this manner.</p>		
ASCERTAINMENT OF TARE WEIGHTS		ITEM 4020.00
ISSUED DATE:	JUNE 11, 2008	
EFFECTIVE DATE:	JULY 1, 2008	
<p>A. When the actual tare weight of a car has been determined, it shall be used to determine the net weight in lieu of the stenciled tare weight, subject to the following:</p> <ol style="list-style-type: none">1. Immediately before loading, all previous lading, packing or debris is to be removed, except when the shipment is subject to a destination weight agreement and except as provided in paragraph A2 of this item.<ol style="list-style-type: none">a. This provision does not have to be met with regard to scrap metal (STCC 40 211) loaded in gondolas.2. Immediately after unloading, all previous lading, packing or debris is to be removed. If the car is reloaded by the consignee, actual tare obtained in like manner may be used.<ol style="list-style-type: none">a. This provision does not have to be met with regard to scrap metal (STCC 40 211) loaded in gondolas. <p>B. The marked tare should be used to arrive at the net weight of the load, except as provided in paragraphs A1 and A2 of this item.</p> <p>C. Cars loaded with long material extending from one car to another may be weighed coupled at rest. They may also be weighed coupled in motion on scales of sufficient length to properly weigh together the coupled cars.</p>		

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 4
WEIGHING RULES AND CHARGES**

SCALE WEIGHT CERTIFICATE REQUIREMENTS		ITEM 4030.00
ISSUED DATE:	JUNE 11, 2008	
EFFECTIVE DATE:	JULY 1, 2008	
<p>A record will be kept on the scale weight certificate showing the following:</p> <ul style="list-style-type: none"> A. Car initial and number. B. Date and time of weighing. C. Condition of weather. D. Weighed at rest or in motion. E. Coupled at one end, coupled at both ends or uncoupled. 		
TOLERANCE AND ALLOWABLE TOLERANCE		ITEM 4040.00
ISSUED DATE:	JUNE 11, 2008	
EFFECTIVE DATE:	JULY 1, 2008	
<p>Tolerance is the difference in weights due to variation in scales or methods of weighing.</p> <ul style="list-style-type: none"> A. Allowable tolerance will be: <ul style="list-style-type: none"> 1. On loaded cars, 2% subject to a minimum of 1,000 pounds. 2. On empty cars, other than tank cars, 1,000 pounds. B. Tolerance will not apply on: <ul style="list-style-type: none"> 1. Empty tank cars. 2. Loaded cars moving under weight agreement, excluding cars on which track scale weights are used to compute line-haul freight charges. 3. Cars weighed coupled-in-motion. 		
WEIGHING AT NO CHARGE		ITEM 4050.00
ISSUED DATE:	JUNE 11, 2008	
EFFECTIVE DATE:	JULY 1, 2008	
<p>Charges for weighing will not be made under the following conditions:</p> <ul style="list-style-type: none"> A. When weights are used for the assessment of freight charges. B. When a consignor or consignee requests re-weighing of a car containing a commodity, which is not subject to shrinkage from its inherent nature, such re-weighing discloses an error in the billed weight of more than the allowable tolerance. C. On commodities subject to shrinkage, billed weight will not be changed, unless obvious error is discovered, in which case each situation will be dealt with on its own merits. D. When a consignee or consignor requested the weighing of an empty car and such weighing discloses an error in the marked tare weight in excess of the allowable tolerance. E. When a consignor or consignee requests the weighing at destination of both the loaded and empty car and the net weight thus obtained exceeds the previous net weight by an amount in excess of the allowable tolerance. F. Cars weighed in motion on privately owned scales are subject to the following: <ul style="list-style-type: none"> 1. Cars must remain coupled during weighing. 2. Movement of cars to or from the scales must be made over trackage normally used for the placement of loaded cars or removal of empty cars in connection with line-haul service or inter-terminal, intra-terminal or intra-plant switching service. 3. Requests will not be accepted to weigh cars by specific number. 4. Railroad will not maintain records of cars weighed. 		
WEIGHTS ON TANK CARS		ITEM 4060.00
ISSUED DATE:	JUNE 11, 2008	
EFFECTIVE DATE:	JULY 1, 2008	
<p>Weights and charges on commodities transported in tank cars will be based upon the full gallon capacity of the car used subject to Rule 35 of tariff UFC 6000-series, except when charges are in dollars and cents per car, charges in dollars and cents per car will apply.</p>		

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 4
WEIGHING RULES AND CHARGES**

WEIGHT AGREEMENTS	ITEM 4070.00 A
ISSUED DATE: APRIL 9, 2009 EFFECTIVE DATE: MAY 1, 2009	
CHANGE: CHANGE IN WORDING, DELETION OF CHARGE	
Weight agreements will be accepted by contract only. Please contact a DME/ICE marketing representative, for contact information please refer to Item 1.25 or go to our websites at www.dmerail.com or www.icerail.com . (N)	
CHARGES FOR WEIGHING OR REWEIGHING	ITEM 4080.00 A
ISSUED DATE: APRIL 9, 2009 EFFECTIVE DATE: MAY 1, 2009	
CHANGE: INCREASE IN CHARGE, REDUCTION, ADDITIONAL WORDING	
The following charges will apply each time a car is weighed or reweighed by the railroad in addition to applicable switching charges as published in the CARH 8000-Series Switching & Terminal Services Tariff , subject to <i>Notes 1, 2, 3</i> : (N)	
A. Private scales located at the industry of the party requesting the weighing: <ol style="list-style-type: none"> 1. Charge: \$115.00 per car. (R) 	
B. Private scales not located at the industry of the party requesting weighing: <ol style="list-style-type: none"> 1. Charge: \$440.00 per car. (I) 	
C. Railroad owned scales: <ol style="list-style-type: none"> 1. Charge: \$440.00 per car. (I) 	
<i>Note 1:</i>	When weighing is in connection with industrial switching, the inter-terminal, intra-terminal or intra-plant switching charge as published in CARH 8000-Series Switching Tariff will be in addition to the weighing charges named herein.
<i>Note 2:</i>	When a request is made to weigh a car at origin or destination in connection with a line-haul movement and a scale is not available, the car may be weighed at another location, provided the request is made in time and scales are available via the route of movement.
<i>Note 3:</i>	When the weighing service must be performed on scales located at points outside the route of line haul movement between the origin and destination, an additional charge shall apply to the weighing charge named herein: <ol style="list-style-type: none"> a. Charge: \$3.00 per rail mile, to and from scale. Minimum Charge: \$150.00 per car. <ol style="list-style-type: none"> 1) For computation of rail miles, refer to DME 6000-Series Distance Tariff and/or ICE 6200-Series Distance Tariff.

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 4
WEIGHING RULES AND CHARGES**

WEIGHING PERFORMED BY SWITCHING LINES FOR DME/ICE

ITEM 4090.00

ISSUED DATE: JUNE 11, 2008

EFFECTIVE DATE: JULY 1, 2008

The charge for weighing performed by a switching railroad not participating in the line-haul rate will be assumed by DME/ICE when:

- A. DME/ICE requests such weighing for the assessment of freight charges.
- B. DME/ICE requests such weighing at the request of the consignor or consignee to determine tolerance and the weighing results in a change in the assessed freight charge.

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 5
FREIGHT CLAIMS AND OVERCHARGE CLAIMS RULES**

RESTRICTED LIABILITY TRANSPORTATION SERVICE

ITEM 5000.00

ISSUED DATE: JUNE 11, 2008

EFFECTIVE DATE: JULY 1, 2008

The provisions of 49 U.S.C. Section 11706 do **not** apply to shipments which are governed by the terms of this publication.

- A. DME/ICE will **not** be liable for loss, damage or delay to lading caused by:
1. An act of God.
 2. A public enemy or terrorism.
 3. The authority of law.
 4. Riots.
 5. Labor strikes.
 6. Acts of civil disobedience.
 7. The inherent quality or characteristic in the commodity.
 8. Natural shrinkage.
 9. 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.
- B. DME/ICE shall **not** be liable for property transported until:
1. DME/ICE has taken physical possession of the car and a bill of lading has been executed by the shipper.
 2. After the car has been placed at the point at which a delivering railroad normally makes cars available to a receiver or a point otherwise agreed upon, and notice of arrival has been given.
- C. Shipper is responsible for proper and lawful packaging, loading, stacking, blocking, bracing and ventilation of the cargo. Shifting of a load enroute is, of itself, not evidence of DME/ICE mishandling. If a car without mechanical protection against heat and cold is requested by the shipper/consignor, DME/ICE is not responsible for the deterioration of the product which may occur because of temperature within the car. Shipper is responsible for affixing a seal to each car door or hatch.
- D. For shipments covered by perishable protective services as provided in price authorities, railroads do not have to raise or lower temperatures enroute.
- E. Shipper acknowledges and accepts the inherent tendency of perishable goods to deteriorate or decay. DME/ICE is not liable for the decline of goods as is reasonably expected to occur while enroute. DME/ICE is not liable for the decline of goods attributable to disease or decay within the goods when loaded.
- F. DME/ICE is not liable for the shortage of lading unless there is physical evidence of unauthorized forced entry into the car while in DME/ICE's possession. Shortage claims must be verified and supported by an actual tally of packages loaded at origin and an actual tally of packages unloaded at destination. Origin and destination seal records must be furnished.
- G. DME/ICE agrees to transport shipments with reasonable dispatch. DME/ICE does not guarantee rail service within any particular time frame. DME/ICE's maximum liability of cargo is the lower of its original cost or the cost of replacement. DME/ICE is not liable for special or consequential damages or for damages due to market decline. DME/ICE will not be responsible for any loss, damage or delay to cargo that occurs outside of the United States or Canada.
- H. A claimant must mitigate its damage by acceptance of damaged cargo unless evidence that the goods are totally worthless is presented. A claimant may not abandon damaged goods to DME/ICE when the damaged lading retains more than minimal value. Product that is abandoned to DME/ICE in an undamaged condition will be sold and the salvage proceeds only, less salvage expenses, will be remitted to the owner.
- I. There shall be no presumption of DME/ICE fault for the loss, damage or delay of cargo. The burden of proof to establish the culpability of DME/ICE is upon the claimant. DME/ICE is not liable for any loss, damage or delay of cargo, except where DME/ICE's intentional act or omission, gross negligence or simple negligence is the direct and proximate cause of the injury. If DME/ICE's act or omission is not the sole cause of the injury but contributes to the loss, damage or delay to the cargo, then DME/ICE will be liable only for that portion of the injury as corresponds to its comparative culpability.
- J. DME/ICE's maximum liability per car is \$250,000.00. DME/ICE will not be liable for damage where DME/ICE's liability is determined to be \$250.00 or less per car. No claim will be filed or paid for injury to lading of less than \$250.00 per car.

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 5
FREIGHT CLAIMS AND OVERCHARGE CLAIMS RULES**

FULL LIABILITY TRANSPORTATION SERVICE		ITEM 5010.00
ISSUED DATE:	JUNE 11, 2008	
EFFECTIVE DATE:	JULY 1, 2008	
A.	As an alternative to the preceding Restricted Liability provisions, DME/ICE offers Full Liability transportation subject to the terms and conditions of 49 U.S.C. Section 11706 (Carmack Amendment) at a rate or charge higher than that applicable to transportation under restricted liability terms. If the shipper elects to use the Carmack Amendment alternative, it must comply with all of the following procedures: <ol style="list-style-type: none">1. Shipper must notify their DME/ICE marketing representative no less than 72 hours before the shipment is released in order for the shipment to be subject to 49 U.S.C. Section 11706.2. The shipper must obtain a special DME/ICE price authority from their marketing representative that is no less than 250% of the otherwise applicable price authority. The price authority must reference 49 U.S.C. Section 11706.3. The shipping instructions must note that the shipment is moving under 49 U.S.C. Section 11706 liability terms and is subject to the special price authority.4. The shipment must be prepaid. Collect shipments are not accepted.5. Carmack Liability coverage is not available for shipments that originate in Mexico.	
B.	The shipper's failure to comply strictly with all of the requirements for transportation subject to 49 U.S.C. Section 11706 shall create a conclusive presumption that the shipment is intended for transport on the Restricted Liability terms of Item 5000.00.	
FILING OF CLAIM		ITEM 5020.00
ISSUED DATE:	JUNE 11, 2008	
EFFECTIVE DATE:	JULY 1, 2008	
A.	As a condition precedent to the recovery on any claim, DME/ICE must be notified promptly upon discovery of the injury to cargo and DME/ICE must be allowed to inspect the lading. The notification form is available at www.dmerail.com/Forms.html or www.icerail.com/Forms.html . Failure of DME/ICE to inspect the cargo will not constitute an admission of liability by DME/ICE or alter the burden of proof on claimant to establish the liability of DME/ICE.	
B.	If the location of the loss, damage or delay of cargo is known to the claimant, the claim must be filed with that railroad whose line the injury occurred. Otherwise, the claim should be filed with the destination railroad.	
C.	As a condition precedent for recovery against DME/ICE, a claim for loss, damage or delay of cargo must be filed within 9 months of the date of delivery or 9 months of the reasonably anticipated date of delivery if delivery is not made. Should DME/ICE decline a claim, suit thereon may not be brought more than 9 months after the date of DME/ICE written declination. All lawsuits arising out of this publication shall be filed within the state of South Dakota. All lawsuits shall be governed by the laws of the state of South Dakota. A lawsuit against DME/ICE based on indemnification must satisfy the previously stated time limitations for filing a claim and for initiating a lawsuit.	
D.	A claim must be in writing and must include the following documentation: <ol style="list-style-type: none">1. Information identifying the rail shipment, including car initial and number, shipper's/consignor's and consignee's/receiver's name, address and telephone number, shipping date and commodity.2. Origin records or certification on the condition and quantity of the lading at the time the goods were tendered to the origin railroad.3. Destination records or certification on the condition and quantity of the lading at the time the goods were received from the destination railroad.4. A demand for payment of a specific amount, with a statement of the formula or basis on which the damages are calculated, plus evidence in support of the calculation.5. Documentation as to disposition of damaged lading and the salvage proceeds received.	
E.	Claims filed with DME/ICE must be submitted to the address below using the Loss and Damage form available at www.dmerail.com/Forms.html or www.icerail.com/Forms.html .	
F.	A freight loss, damage or delay claim filed with ICE/DME must be sent to the Freight Claims Department via email at freightclaims@cedaramerican.com , via facsimile device at 605-782-1280 or mailed to: <p style="margin-left: 40px;">Freight Claims Department ICE/DME Railroads PO Box 1260 Sioux Falls, SD 57104-1260</p>	

CARH 6000 RULES AND REGULATIONS PUBLICATION

**SECTION 5
FREIGHT CLAIMS AND OVERCHARGE CLAIMS RULES**

FREIGHT DAMAGED IN TRANSIT BETWEEN STATIONS ON THE DME/ICE	ITEM 5030.00
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ISSUED DATE: JUNE 11, 2008
EFFECTIVE DATE: JULY 1, 2008

The following applies on freight shipments that are damaged in transit when moving via DME/ICE to or from stations on the DME/ICE:

- A. Shipments damaged in transit and refused by consignees will be, upon order of the DME/ICE Freight Claims Agent (e-mail freightclaims@cedaramerican.com), returned via the route and line over which such shipments moved, free of any charges or, at DME/ICE's option, be forwarded to such point on its lines that offer the best facilities or opportunities for advantageous disposal.
- B. Shipments refused by consignees owing to causes for which the DME/ICE is wholly responsible will be, upon order of the DME/ICE Freight Claims Agent, returned to shippers free of any charges in the same manner as provided for shipments damaged in transit.

BARRIER SEAL APPLICATION RULE	ITEM 5040.00
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ISSUED DATE: JUNE 11, 2008
EFFECTIVE DATE: JULY 1, 2008

The rule applies on the following car types: Boxcars, covered hopper cars and tank cars. With exception of paragraph C herein, this item does not apply on the transportation of perishable commodities moving in refrigerated equipment.

- A. It is the sole responsibility of the shipper to determine the type of protection necessary to protect the cargo. No railroad shall be liable for any shortage or damage of goods unless seals or security devices placed upon the car at origin are removed or broken before receiver is tendered the car.
- B. A cargo loss claimant must be able to provide documentary evidence that the required seals were applied properly and immediately after completion of loading to all loading and/or unloading devices on the railcar. Documentation of the application of seals or security devices at origin is the responsibility of the shipper. The seal number(s) on the original bill of lading or shipping instructions must be provided in any claim application.
- C. If a seal is missing, defective, or tampered with, the receiver must report the exception and all known facts relating thereto to ICE/DME customer service 800-658-3551 or 866-275-8396 within 24 hours of actual placement of the railcar.
- D. If all the forgoing prerequisites are satisfied, ICE/DME will accept responsibility for the condition of the lading at destination. Acceptance of this responsibility will not constitute any admission or acknowledgement by ICE/DME that the lading is contaminated, adulterated or unfit for human or animal consumption. The lading may be rejected to ICE/DME for disposal in a manner deemed appropriate by ICE/DME. Salvage value obtained by DME/ICE will be remitted to a claimant in reduction of its cargo loss claim. Alternatively, if a claimant will not allow ICE/DME to take possession and dispose of the lading in mitigation of the loss, ICE/DME will be limited to the original value of the shipment less the highest value the lading has in a secondary market as determined by ICE/DME.

OVERCHARGE, OVER COLLECTION OR DUPLICATE PAYMENT CLAIM PROVISIONS	ITEM 5050.00
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ISSUED DATE: JUNE 11, 2008
EFFECTIVE DATE: JULY 1, 2008

- A. DME/ICE will accept a whole or partial claim for overcharge, over collection or duplicate payment only if the claim is in writing and contains sufficient information for the DME/ICE to conduct an investigation, including the name of the claimant (which must be the freight payor), claim number, the amount of the claim, the freight bill, freight bill payment information and supporting documents which show among other things, that the DME/ICE collected all of the charges at issue and, in the case of overcharges, the rate, weight, commodity description and supporting price authority (contract, quote, tariff, etc.) claimed to be applicable.
- B. The claim must be filed within 3 years of the date of delivery or tender of delivery by the DME/ICE or delivering railroad of the subject shipment.
- C. Where the movement over the DME/ICE forms a segment of a through movement involving other railroads and time limitations for filing overcharge claims differ among the railroads involved in the through movement, the time limitation contained in the comparable offering of the origin railroad will apply for overcharge claims against DME/ICE if inconsistent with these Conditions of Carriage.
- D. The claim must be sent to the Manager of Revenue Accounting via email at mhollingshead@cedaramerican.com, via facsimile device at 605-782-1348 or mailed to:

Manager of Revenue Accounting
ICE/DME Railroads
PO Box 1260
Sioux Falls, SD 57104-1260

CARH 6000 RULES AND REGULATIONS PUBLICATION

EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS

ISSUED DATE:	JUNE 11, 2008	ITEM 10000.00
EFFECTIVE DATE:	JULY 1, 2008	

EXPLANATION OF ABBREVIATIONS:

AAR	Associations of American Railroads
ASLG	American Short Lines (And Regional Railroads Associations)
BOE	Bureau of Explosives
CARH	Cedar American Rail Holdings, Inc.
CFR	Code of Federal Regulations
DME	Dakota, Minnesota & Eastern Railroad
HMRC	Hazardous Material Regulations Code
ICE	Iowa, Chicago & Eastern Railroad
NSO	National Service Order
OPSL	Open and Prepay Station List
ORER	The Official Railway Equipment Register
STB	Surface Transportation Board
STCC	Standard Transportation Commodity Code
UFC	Uniform Freight Classification
U.S.C.	United States Code

EXPLANATION OF REFERENCE MARKS:

(A)	Addition
(C)	Correction
(D)	Deletion
(E)	Effective date
(I)	Increase
(R)	Reduction
<i>N1, N2</i>	<i>Note 1, 2, 3 etc.</i>
(N)	Change in wording which does NOT result in an increase or a reduction in rate, charge or service.
(X)	Expiration date
...	Intentionally left blank