

NORFOLK SOUTHERN RAILWAY COMPANY

VISION: BE THE SAFEST, MOST CUSTOMER-FOCUSED AND SUCCESSFUL
TRANSPORTATION COMPANY IN THE WORLD

SUPPLEMENT 4

TO

FREIGHT TARIFF NS 6004-C

SUPPLEMENT 1, 2, 3, and 4 CONTAIN ALL CHANGES

DEMURRAGE RULES AND
CHARGES

STORAGE RULES AND
CHARGES

Applying at all NS points in the United States and other points as specifically provided herein.

Also at points on other roads
(See Item 4)

ISSUED November 15, 2012

EFFECTIVE January 1, 2013

ISSUED BY
D.D. Fisher, Director-Marketing Services
NORFOLK SOUTHERN RAILWAY COMPANY
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RULES AND OTHER GOVERNING PROVISIONS

ITEM 200-B - GLOSSARY OF TERMS:

1. **Actual Placement:** When a car is placed in an accessible position for loading or unloading or at a point designated by Consignor or Consignee.
2. **Assignee:** A shipper who has requested and has been assigned cars to a specific pool of cars for their use.
3. **Assigned Car:** A car of any ownership specifically requested and assigned to a shipper from a pool of assignment service cars.
4. **Car Days:** A twenty four (24) hour period or fraction thereof commencing 0000 hours (Local Time) after actual or constructive placement until the car is released and available to NS.
5. **Closed Gate:** When a car cannot be placed on Consignee's siding at time of arrival due to siding having a locked gate-, door and/or standing instructions not to place any cars unless the Consignee first contacts NS for placement instructions. All cars are constructively placed at time of arrival.
6. **Consignee:** The party to whom a shipment is consigned or the party entitled to receive the shipment.
7. **Consignor:** The party in whose name cars are ordered.
8. **Constructive Placement:** When a car cannot be actually placed because of any condition attributable to the Consignor or Consignee, such car will be held at an available hold point and notice will be given the Consignor or Consignee that the car is held awaiting instructions. However, cars actually placed on customer siding will be considered constructively placed and no notification provided. Car Days will begin if instructions to NS are not received before 0000 hours (See Car Days), of day following notification.
9. **Credit Day:** Non-chargeable day. Credits can only be earned on those cars released to carrier for further disposition.
10. **% Cutoff Time:** The designated time prior to a service window in which a switch request must be submitted in order to be fulfilled for the Consignor/Consignee to receive a switch during that service window.
11. **▲ Electronic Means:** Any approved electronic device (i.e. AccessNS, email, telephone, facsimile) used to communicate to Operations & Service Support (OSS) the disposition of a car.
12. **Forwarding Instructions:** A bill of lading or other suitable order containing all the necessary information to transport the shipment to final destination. Bill of lading or other suitable order must be given to NS via electronic data interchange or facsimile to the Agency Operations Center at 1-800 580-6092.
13. **Grain Unit:** 45 cars or more railroad cars, moving under one Bill of Lading or Waybill.
14. **Grain Unit Car Day:** A twenty four (24) hour period or fraction thereof commencing at the time of actual placement of all cars in the grain unit, (minimum of 45 cars).
15. **Holidays:** The following days will be considered NS Holidays: New Year's Eve Day, New Year's Day, Labor Day, President's Day, Good Friday, Thanksgiving Day, The Day After Thanksgiving, Memorial Day, Christmas Eve Day, Christmas Day, Independence Day.
16. **Hold Point:** The rail station where Assigned Cars are made available to the shipper.
17. **Lease Track:** Track (s) assigned to a user by written agreement. Lease Track will be treated the same as private track.
18. **Loading:** The complete or partial loading of a car in conformity with NS loading and clearance rules, and the furnishing of forwarding instructions.
19. **% LOPA:** Local Operating Plan Adherence (LOPA) measures the compliance to the instructions in the customer work order. In the event of non-compliance in the form of a car specific service interference attributed to issues for which the customer is responsible, the customer will receive a LOPA failure notification.
20. **NOPA:** A courtesy notification that a consignee's rail car has arrived to the serving yard and is either available for ordering in (closed gate) or will be placed on the following service day (open gate).
21. **NS Track:** All tracks which NS provides for its own uses and purposes and other tracks located inside of its right-of-way or yards and terminals.
22. **Open Gate:** When a Consignee does not place any restrictions (physical or otherwise) on NS to place cars on their siding upon arrival.
23. **Origin Turnover:** Origin Turnover occurs when a car is loaded, and Consignor authorizes the carrier to accept shipping instructions from another party, while the car is still at origin.
24. **Ordered Placed:** The date and time that a car is to be placed on a private track.
25. **Originating Storage:** Originating storage occurs when a private car has been pulled loaded and is held on railroad owned tracks awaiting forwarding instructions.
26. **Private Car:** A car bearing other than railroad reporting marks and which is not a Railroad Controlled Car.
27. **Private Track:** Trackage assigned for individual use including privately owned or leased tracks.
28. **Public Delivery Track:** Any accessible track open to the general public for loading or unloading.
29. **Railroad-Controlled Cars:** a car with railroad reporting marks.
30. **Reload:** When the same car is completely unloaded and then replaced with a revenue load. Reloading will be expressed (with cars unloading demurrage) from the date of tender to the date forwarding instructions are received.
31. **Service Window:** The designated block of time within a service day that NS has agreed to physically pull and place a customer's car's.
32. **Stopped in Transit:** When cars are held enroute because of any condition attributable to the Consignor or Consignee, or owner of the lading.
33. **Storage Day:** A 24 hour period, or part thereof.

Concluded on next page.

For explanation of reference marks, see concluding page of this supplement.

ITEM 200-B - GLOSSARY OF TERMS (Concluded):

34. **Tender:** When NS gives notification that a car is available for unloading or loading by either actual or constructive placement to Consignor or Consignee.
 35. **Time:** Local time is applicable. Time is expressed on the basis of the 24-hour clock. (EXAMPLE: 12:01 AM is expressed as 0001 hours.)
 36. **Unloading:** The complete unloading of a car and notice from the Consignee that the car is empty and available to NS.
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ITEM 300-A - NOTIFICATION TO CUSTOMERS BY NS:

1. The following notifications (including by Electronic Means) will be furnished as indicated:

Cars to be Delivered to Private Tracks

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

Cars to be Delivered to Public Tracks

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

Refused Carload Freight

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

2. Notification information provided:

- (a) Car Initial and Number
- (b) If contents transferred enroute, NS will furnish car initial and number of the original car and replacement car.

3. Methods and procedures for notification:

Notification may be sent or given by telephone communication or Electronic Means, (see Electronic Means, Item 200). When Consignor or Consignee utilizes an electronic or mechanical device (either in written, oral or keyed data form) notification left on such device will be considered as having been given to Consignor or Consignee, as of the date and time transmitted. ▲ The Consignor/Consignee is responsible for providing NS with the correct contact or contacts for notification purposes.

ITEM 350-A - NOTIFICATION TO NS:

- (a) After Constructive placement Consignor/Consignee will have until 0000 hours (See Car Days, Item 200) of the next day to furnish required instructions or information.
 - (b) % If the Consignor/Consignee receives a local operating plan adherence (LOPA) failure notification, the Consignor/Consignee then must resubmit order/release instruction.
 - (c) Notification by Electronic Means (see Electronic Means, Item 200) will be considered as having been received by NS at date and time Consignee or Consignor furnishes forwarding instructions or notification that car is available for movement.
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For explanation of reference marks, see concluding page of this supplement.

ITEM 400 - A - SITUATIONS WHEN RELIEF IS PERMISSIBLE:

- ▲ Relief may be requested online using Thoroughbred Pacesetter if the accrued car days are disputed within 5 calendar days from the date the cars are released.

- ▲ **1. Weather Interference:** When because of earthquakes, tornadoes, hurricanes, floods or heavy snow, the operations of the Consignor or Consignee are disrupted, the demurrage/storage calculations will be adjusted to account for the disruption, provided the disruption exceeds (2) days in duration. Any cars under Constructive Placement (PCON) on the day of a disruption will also have car days adjusted to account for the disruption, if the disruption is affecting the ability to actually place the car that is under PCON.

- % **2. Frozen or Congealed Lading:** When at the time of placement, lading is frozen or congealed so as to require heating, thawing, or loosening to unload, Railroad will grant 1 credit for each day a car under actual placement that has its lading heated, thawed or loosened, with a maximum of 2 credits. All cars under Constructive Placement (PCON) at the time the lading contained in a car that has been actually placed is heated, thawed or loosened will receive an adjustment to car days to correspond with the cars that are actually placed, to the extent that the car(s) under PCON are in that status due to insufficient space at customer's facility .

A Consignee desiring additional credits for unloading shall, prior to the expiration of (10) car days, after the date on which the car was released, send or give NS a written statement certifying the car initial and number, that the lading required heating, thawing or loosening. NS will not provide relief for the day on which a car was actually unloaded as certified.

- 3. Strike Interference:** When it is impossible to load or unload or receive cars from or make cars available to NS because of strike interference at the point where the loading, or unloading or receipt of cars is to be accomplished, demurrage days will be charged at the rate of \$30.00 per day during the period of strike interference, provided:
 - (a) The disruption exceeds five (5) days in duration during one calendar month: and
 - (b) No Management personnel or reduced work force is available to perform work.

The provisions of this item will not apply to Cars for unloading when waybills are dated four (4) days after the beginning of strike interference, and Cars for loading when ordered after the beginning and prior to the ending of strike interference.

ITEM 600-C - RULES GOVERNING CARS HELD FOR LOADING:

Release: (see Notes 1 and 2 below)

- (a) A car is released as of the date and time NS receives advice that the car is available and forwarding instructions are provided.
- (b) When Consignor does its own switching, the time a car is held for loading will commence once empty car(s) are placed on interchange tracks, and will continue until (i) car(s) are returned to an industrial interchange track, and (ii) NS receives forwarding instructions,
- (c) Cars found to be overloaded or improperly loaded while at origin will not be considered released until the load has been adjusted.

Note 1: Railroad Controlled Cars loaded and turned over to a third party at the same origin will be governed by this rule. Shippers may invoke this rule by tendering an ORIGIN TURNOVER FORM to Norfolk Southern. This form is available at the Norfolk Southern web site WWW.NSCORP.COM or by calling the Norfolk Southern Agency Operations Center at 800-854-2780.

% Note 2: The Consignor/Consignee shall adhere to the established cutoff times and have all switch requests submitted accordingly.

Concluded on next page.

For explanation of reference marks, see concluding page of this supplement.

ITEM 600-C - RULES GOVERNING CARS HELD FOR LOADING (Concluded):

Computation:

- (a) Car Days will be computed from the first 0000 hours (See Car Days, Item 200) after Tender (i) until released with forwarding instructions for Railroad Controlled Cars, or (ii) until placement is made for Private Cars. In the case of Private Cars, the separate calculation for originating storage charges will be computed from the time that the loaded car is pulled and held on railroad controlled tracks by NS without forwarding instructions to time of receipt of required forwarding instructions.
- (b) On cars placed prior to date for which ordered, Car Days will be computed from the first 0000 hours of the day for which the car was ordered until the car is released.
- (c) Empty cars placed without being ordered, will be considered as having been ordered and actually placed on that day.

Credits:

- (a) One (1) Credit Day will be earned for each Railroad controlled car released for which forwarding instructions have been received.
 - (b) Five (5) Credit days will be earned for each empty private car under constructive placement.
 - (c) Zero (0) credits will be earned for each loaded private car pulled for which forwarding instructions have not been received.
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ITEM 650 - A - RULES GOVERNING CARS HELD FOR UNLOADING:

Release: (see Note below)

- (a) A car is released as of the date and time NS receives advice that the car is empty, and is available.
- (b) Cars placed on interchange tracks of a Consignee that performs its own switching must also be returned to the same industrial interchange track for release.
- (c) A car is released when the same car is unloaded and reloaded, when forwarding instructions are received.
- (d) If a customer advises NS that an empty car is available to be pulled, but when NS arrives to pull the car and a release order has not been provided by customer, the empty pull timestamp represents release.

% Note 1: The Consignor/Consignee shall adhere to the established cutoff times and have all switch requests submitted accordingly.

Computation: Car Days will be computed from the first 0000 hours (See Car Days, Item 200) after tender until release.

Credits:

- (a) Two (2) Credits Days will be earned for each car released from unloading.
 - (b) One (1) additional Credit Days will be provided when the same car is reloaded with a revenue load. (Ex: When car is held for revenue loading after being emptied, in one continuous transaction, a total of three (3) Credit Days will be earned.
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For explanation of reference marks, see concluding page of this supplement.

ITEM 700-B – RULES GOVERNING CARS HELD FOR PURPOSES OTHER THAN LOADING OR UNLOADING:

This Item applies to cars held:

- (a) On orders of the Consignor or Consignee.
- (b) While awaiting Disposition from the Consignor or Consignee.
- (c) As a result of conditions attributable to the Consignor or Consignee.

Note: Does not apply to origin turnovers.

Disposition: That information, which allows NS to either tender or release the car from the Consignor's or Consignee's account.

Release: Date and time that NS receives advice that the car is released and forwarding instructions are given on cars.

Computation: Car Days will be computed from the first 0000 hours: (See Car Days, Item 200).

- (a) After Tender until Release, on cars: (1) Partially unloaded. (2) Reconsigned.
- (b) After tender until date of refusal on refused loaded cars (Consignee).
- (c) % After arrival at final online destination until date of credit approval/received payment on non-credit cars.

Credits: No Credit Days will be earned for a car that is released.

ITEM 850-A - RULES GOVERNING ORIGIN TURNOVERS:

Origin Turnover:

An origin turnover occurs when a notification, submitted at origin by the party responsible for loading a railcar, informs NS that the party responsible for loading has completed the loading and is 'turning over' the railcar and its lading to another party. The party designated on the Origin Turnover becomes the Consignor and will be responsible for submitting final destination forwarding instructions to Norfolk Southern before the railcar is pulled. (See publication NS 8002-A, Item 6030). The party responsible for loading may submit an Origin Turnover using Norfolk Southern's internet based Diversion and Reconsignment application. Origin Turnovers will also be accepted via facsimile or in writing at the address shown below:

- ▲ Norfolk Southern OSS Administration – Origin Turnovers
1200 Peachtree Street, NE
Box 118
Atlanta, Georgia 30309
Phone: (404) 589-6108
FAX: (404) 589-6682

There is no charge for origin turnovers submitted through Norfolk Southern's internet based Diversion and Reconsignment application. When submitted via facsimile or in writing, the charge will be \$198.00 per car which will be due from the party executing the origin turnover.

For explanation of reference marks, see concluding page of this supplement.

EXPLANATION OF REFERENCE MARKS

- # - Matter formerly shown and not brought forward is hereby eliminated, account obsolete.
- ▲ - Change in wording which results in neither increase nor reduction in charges.
- ◆ - Increase.
- % - Addition.

- THE END -