

Provision Title: ITEM 9622.01 GRAIN TRAIN LAY DOWN CHGS-SYST EQUIP

Provision Category:

Item Number: 9622

GENERAL RULE ITEM 9622.01

Provisions of this item apply to loaded and empty Unit Trains of commodities as identified in the list shown above.

As used in this item, Customer means a shipper, consignor, consignee, send freight party, care of party or the agent of any of the foregoing.

Customer must provide not less than 72 hours notice to UP for assignment of a Unit Train symbol. All requests for unit train symbols must be submitted to UP's NCSC at 800-365-4240. In the event a Customer fails to obtain a Unit Train symbol as outlined in this paragraph, free time will not apply. UP will hold the Unit Train and assess a Unit Train Lay-Down Charge, which will continue to accrue, until UP is able to provide a train crew and locate sufficient power to dispatch the Unit Train.

If the Unit Train is held for more than 6 hours due to:

- A. UPs inability to depart from origin with the Unit Train,
- B. Destination facility's inability to accept the Unit Train,
- C. Interchange point's inability to accept the Unit Train, or
- D. Customer, or its authorized representative, requesting UP hold the Unit Train short of any location, for any reason

Then Customer will be assessed a Unit Train Lay-down Charge beginning from when a train is first held as follows:

1. \$2,000.00 for the first 24 hours or fraction thereof the Unit Train is held plus an additional \$7,000.00 if the Unit Train is held longer than 24 hours; and
2. \$600.00 per each hour or fraction of an hour the Unit Train is held.

For trains that move in line haul service as a Unit Train but contain blocks of cars originating at multiple origins (also known as a sweep train) or destined to multiple destinations or interchange points (also known as an exploder train), a Unit Train Lay-down Charge may apply to each block of cars at any location, origin, destination or interchange point. The system car Lay-down Charge will apply to any Unit Train that contains at least 1 (one) railroad-owned or leased car.

The Unit Train Lay-down Charge will continue to accrue until UP receives notice from Customer to deliver the Unit Train to the billed destination facility.

Example(s):

At 1500 hours on Wednesday, UP receives a request to hold a Unit Train, or at that time UP determines that the billed destination facility is unable to accept the Unit Train, and a notice of release or request for placement is not received from the Customer until 2200 hours Wednesday, the Unit Train Lay-down Charge will be \$6,200.00 or (7 hours X \$600.00 = \$4,200.00, plus \$2,000.00).

At 1500 hours on Wednesday, UP receives a request to hold a Unit Train, or at that time UP determines that the billed destination facility is unable to accept the Unit Train, and a notice of release or request for placement is not received from the Customer until 1700 hours Saturday, the Unit Train Lay-down Charge will be \$53,400.00 or (74 hours x \$600.00 = \$44,400.00, plus \$2,000.00 for first 24 hours, plus additional \$7,000.00 if train is held longer than 24 hours).

Unit Train Demurrage Charge(s) will be payable to UP in accordance with the terms and conditions outlined in Rule 62 of the Uniform Freight Classification 6000-series, as amended from time to time.

purposes of this item, a Unit Train shall mean a connected and consecutive set of railcars that were tendered for movement in service other than manifest.

However, if the delay is due to a Loading Disability any Unit Train Lay-down Charge will not apply.

For the purpose of this item, "Loading Disability" shall mean any of the following events which are beyond the control of Shipper and/or Shipper's Agent and directly results in the inability to load a Unit Train at Origin or unload at Destination:

- a. An act of God
- b. Strike
- c. Lockout or other labor disturbance
- d. Riot or other civil disturbance
- e. Snow and/or ice accumulation sufficient to immobilize Unit Train operations and prevent loading or unloading of such Unit Train
- f. Governmental acts or regulations
- g. Mechanical or electrical breakdown
- h. Explosion or fire in a Loading Facility then being utilized by Shipper