
NS 9328-C
CANCELS
NS 9328-B

NORFOLK SOUTHERN RAILWAY COMPANY

THOROUGHbred BULK TRANSFER

**FREIGHT TARIFF NS 9328-C
CANCELS
FREIGHT TARIFF NS 9328-B**



**BULK TRANSFER TARIFF
PROVIDING SERVICE
ON
DRY AND LIQUID COMMODITIES
AT STATIONS NAMED IN ITEM 110**

BULK RAIL –TRUCK TARIFF

Governed by the Uniform Freight Classification UFC Series, See Item 5

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**Issued By
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TARIFF NS 9328-C

**RULES AND OTHER GOVERNING PROVISIONS
GENERAL RULES AND REGULATIONS**

PARTICIPATING CARRIER

ABBREVIATION

NS

NAME OF CARRIER

NORFOLK SOUTHERN RAILWAY COMPANY

ITEM 5

GOVERNING CLASSIFICATION AND EXCEPTIONS

Governed by the provisions of UFC 6000 Series, Uniform Classification Committee, Agent, and NS Conditions of Carriage No. 1. (When shipments are made in Tank Cars, they will be subject to Rule 35 of the UFC except as to minimum weight, which will be shown in individual rate items.)

ITEM 15

EXPLOSIVES, DANGEROUS ARTICLES

For rules and regulations governing the transportation of Explosives and other Dangerous Articles by freight, also specifications for shipper's containers and restrictions governing the acceptance and transportation of Explosives and other Dangerous Articles, see Bureau of Explosives Tariff BOE 6000 Series.

ITEM 20

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

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

(B) Where reference is made in this tariff to another tariff by number, such reference applies also to such tariff to the extent it may be applicable on intrastate traffic.

ITEM 60

NATIONAL SERVICE ORDER

This Tariff is subject to provisions of various Surface Transportation Board Service Orders and General Permits as shown in National Service Order Tariff NSO 6100 Series.

ITEM 75

METHOD OF CANCELLING ITEMS

As this tariff is supplemented, numbered items with letter suffixes will be used in alphabetical sequence starting with A. Example: Item 445-A cancels Item 445 and Item 365-B cancels Item 365-A in a prior supplement, which in turn cancelled Item 365.

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ITEM 100

METHOD OF DENOTING REISSUED MATTER IN SUPPLEMENTS

Matter brought forward without change from one supplement to another will not be designated as "Reissued" by a reference mark. To determine its original effective date, consult the supplement in which the reissued matter first became effective.

ITEM 110

APPLICATION

The provisions of this tariff will apply on Dry and Liquid commodities, in bulk, at designated Thoroughbred Bulk Transfer (TBT) facilities at the following locations:

Alabama	Mobile
Delaware	Edgemoor
Florida	Jacksonville Miami
Georgia	Atlanta (Doraville) Augusta Dalton
Illinois	Chicago
Indiana	Whiting
Kentucky	Louisville
Maryland	Baltimore
Michigan	Detroit (Willis) Grand Rapids
New Jersey	Elizabeth Paterson
New York	Buffalo
North Carolina	Charlotte (Pineville) Winston-Salem Fayetteville

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ITEM 110 (Concluded)

Ohio	Cincinnati (Clare) Cincinnati (Norwood) Cleveland (Euclid) Columbus (Fisher Road) Columbus (Frebis Avenue)
Pennsylvania	Bethlehem Pittsburgh (Crafton)
South Carolina	Greer Spartanburg
Tennessee	Chattanooga
Virginia	Richmond (Petersburg)

Each TBT listed above is operated by an independent terminal operator (the "Terminal Operator"). The purpose of this tariff is to advise NS shippers of the services they may expect when utilizing a TBT and the services of a Terminal Operator, but arrangements for service at a TBT should be made between the shipper and the Terminal Operator.

Upon request of the shipper, the terminal services named herein will be performed on carload shipments in bulk as described herein (See Note 1), which move in NS line haul service to or from the above terminals, subject to the charges, rules and regulations published herein.

To arrange for terminal services specified in Item 115 at locations specified above, Shipper will notify terminal before actual shipment of product is made, advising the terminal of the commodity and the car number to be shipped.

NOTE 1: TBT facilities will handle Dry and Liquid Commodities in bulk when appropriate infrastructure and equipment for handling such Commodities are available. The Terminals will require shipper to provide Material Safety Data Sheets (MSDS) and will keep same on file at the terminal; product Handling Protocol for hazardous materials and such other information as may be required, including the need for special transfer equipment, personal protective equipment (PPE), pollution control, etc., prior to shipment of the commodity. NS reserves the right to refuse any commodity at its TBT facilities.

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ITEM 112

MOTOR CARRIER ACCESS

A shipper may retain a motor carrier to load or unload Commodity at TBT. In order to load or unload Commodity at a TBT, a motor carrier must execute an indemnity agreement among the motor carrier, NS and the Terminal Operator, covering the motor carrier's activities while at the TBT. When this agreement is fully executed, a motor carrier is "pre-approved". Carriers and their employees operating at TBT site are required to conform to all such rules and procedures. A separate indemnity agreement must be executed at each location that the Operator is different.

All pre-approved motor carriers may deliver to or pull loads from a Thoroughbred Bulk Transfer Terminal. Motor carriers may be required to assist in the connection and loading or unloading of the trailer. The motor carrier will be responsible for its equipment at all times and the driver must remain with the vehicle while loading or unloading. The motor carrier will comply with all required safety procedures, which will include the removal of vehicle keys while loading Hazmat products. Authorized terminal personnel will load or unload all hazardous materials.

A motor carrier that is not pre-approved will not be allowed to enter a TBT, and the motor carrier driver must have a valid CDL (Commercial Driver's License) in his/her possession while conducting activities at the TBT.

Concerning self-loading, an administration charge of \$75 per trailer will be assessed to the shipper, if the motor carrier is not the Terminal Operator. This charge applies to the self-loading of dry and non-hazardous liquid products. (See Note 1) The motor carrier should only charge the shipper a transfer fee only with no administration charges.

NOTE 1: For the purposes stated herein, "self loading" shall be defined as a motor carrier using equipment affixed to its equipment to perform the physical transfer of Commodity. Self-loaders must also supply all hoses, fittings, etc. in addition to appropriate spill containment for the transfer of Commodity.

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ITEM 115

A. BASIC SERVICES INCLUDED IN A TRANSFER

Unless otherwise agreed upon by the Terminal Operator and the customer, a transfer conducted at a TBT will include the following at no additional cost:

1. Weigh empty trailer.
2. Inspection of terminal transfer equipment for cleanliness. This does not include self-load equipment.
3. Verification of motor carrier's shipment documentation.
4. Sample contents of one compartment of non-hazardous rail car. Samples are to be taken from the bottom of the railcar. (Unless agreed upon by the shipper and terminal operator).
5. Perform non-self load transfer at negotiated charge.
6. Sample contents of inbound loaded non-hazardous trailer.
7. Seal loaded trailer and railcar from which product was removed.
8. Weigh loaded trailer.
9. Provide driver with scale ticket and product sample only if requested by the shipper or beneficial owner.

The Shipper and the Terminal Operator may agree upon the performance of services in addition to those listed above, at rates to be negotiated by the parties.

B. APPLICATION OF TERMINAL SERVICES

1. Prior to acquiring terminal services at a Thoroughbred Bulk Transfer facility listed in Item 110, shipper or beneficial owner must provide said terminal an MSDS covering the commodity to be handled, and, for hazardous materials a Handling Protocol outlining hazards and procedures for safe handling.
2. Norfolk Southern, through an Independent Contractor, will perform the services named herein on carload shipments of Commodity in bulk, subject to charges, rules and regulations published herein. Norfolk Southern reserves the right to refuse to handle any Commodity at its sole discretion.
3. All commodities must have MSDS sheet and on file at the terminal prior to arriving for terminal services. For shipments of hazardous materials a Handling Protocol must be on file at the terminal prior to arriving for terminal services, Commodity(s) arriving at a terminal before receipt of an MSDS and Handling Protocol (as applicable) will be held subject to Track Occupancy Charges as specified in Item 140 and no transfers will be accomplished until this information arrives.
4. Commodity(s) that Norfolk Southern declines to handle under the charges, rules and regulations published herein may, at Norfolk Southern's sole discretion, be handled under a separately negotiated contract.
5. Terminal services are restricted to carloads received or forwarded in Norfolk Southern line haul service, none of the facilities listed in Item 110 are open to any type of switching.

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ITEM 115 (Continued)

C. UNLOADING OF RAIL CARS

Subject to the maximum transfer charges set forth below, charges for unloading of railcars to trucks and unloading trucks to railcars at a TBT will be determined on an individual basis by the Terminal Operator. The handling characteristics of the commodity, manpower requirements and the transfer equipment required will determine the charges. Any truck detention charges incurred during the loading or unloading process and any overtime charges (Item 150) will be the responsibility of the shipper. However, charges for the services listed below shall be no greater than that set forth below. Further, any shipper may at any time communicate with NS or the Terminal Operator if it believes the transfer charges to be non-competitive based on market conditions.

D. MAXIMUM TRANSFER CHARGES

Applicable on shipments transferred **from rail car to truck** at the facilities listed in Item 110.

On commodities transferred in bulk, the following charges, subject to a minimum weight of 45,000 pounds per truckload per transfer, will be assessed for transfer at all Thoroughbred Bulk Transfer facilities.

DRY BULK

	<u>Per 100 pounds</u>
Mechanical Conveyor or Auger Transfers	\$0.32
Plastics (STCC 28-211-XX)Transfers	\$0.32
Pressure Differential Transfers	\$0.32
Other dry Bulk Products	\$0.39
Hazardous Solids (Other than flammables)	\$0.45
Self- Loading [Non-hazardous products only]	\$75.00 per trailer

LIQUID BULK

	<u>Per 100 pounds</u>
Non-hazardous Liquids	\$0.32
Hazardous Liquids (Other than flammables)	\$0.45
Flammables	(Individually Priced)

NOTE 1: The 49 Code of Federal Regulations, Table 172.101 (Hazardous Material Table), as may be revised from time to time, will be used to determine if a product is hazardous. NS reserves the right to refuse to handle ANY commodity at a TBT. Only authorized Terminal Operator personnel may transfer hazardous commodities.

NOTE 2: Multiple commodities may be loaded in a compartmentalized trailer for a charge of \$60.00 for each additional commodity or compartment loaded.

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**RULES AND OTHER GOVERNING PROVISIONS
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ITEM 115 (Concluded)

E. BILLING OF CHARGES

Unless arrangements to the contrary are made prior to shipment, charges for terminal services described herein will be billed to the shipper or beneficial owner by the Terminal Operator, except that Track Occupancy Charges (Item 140) will be charged, established and billed by NS through its third party billing agents.

If credit privileges are granted (a determination made on an individual basis), terms for the payment of Track Occupancy Charges will be 15 days from the invoice date.

ITEM 125

TERMINAL SERVICES

I. COMMODITY SAMPLING and INSPECTION

Transfer charges in Item 115 include the visual inspection of the exterior of the railcar, and the exterior of the trailer.

NS and/or the Terminal Operator reserves the right to take samples of any commodity transferred at TBT facilities for its own purposes.

Top sampling of railcars must be agreed upon in advance by Shipper and Terminal Operator. Sample containers provided by shipper at no cost to Terminal Operator.

II. WEIGHING OF TRUCKS

When scale weights are desired, one complete set of weights will be provided at no charge. If additional weights are requested, the Terminal Operator will perform these at charge of \$25.00.

III. TANK CAR HEATING CHARGE

A charge of \$55.00 per car per hour or fraction thereof will apply at TBTs where services are available.

IV. RECIRCULATION CHARGE

Subject to the availability of personnel and equipment at individual TBTs, liquid commodities will be circulated in tank cars for a charge of \$25.00 per hour or fraction thereof.

V. INERT GAS

Upon request and subject to the availability of personnel, inert gas **supplied by the shipper or beneficial owner** will be applied at a charge of \$35.00 per application.

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ITEM 125 (Concluded)

VI. SPECIAL SERVICES

Services beyond the scope of those customarily provided by a terminal will be priced on an individual basis.

VII. PACKAGING

Charges for this service must be negotiated with the individual terminals.

ITEM 130

TERMINAL LIABILITY

I. LOSS OF WEIGHT

Allowable transfer losses will be one percent (1%) of the weight of the commodity on a six-month (January-June, and July-December) cumulative basis per shipper, per TBT, and such loss will be considered standard operating loss not assessable against NS or the Terminal Operator (See note)

NOTE 1: Greater loss allowances may be required as a condition of acceptance for specific products when handling characteristics preclude complete unloading of the trailer or the railcar.

II. LIABILITY LIMITS

The liability of NS and/or the Terminal Operator with respect to activities in which each is engaged at TBTs shall be limited to the negligence of NS and the Terminal Operator in the performance of the services described in this tariff. Furthermore, neither NS nor the Terminal Operator shall be liable for consequential, indirect, special or punitive damages, interest, attorneys fees, or any amount in excess of product or car owner's actual loss concerning the commodity shipped or the equipment utilized.

III. CLAIMS

Only one claim for loss, damage and/or injury may be filed for each rail car handled under this tariff. No claim will be paid which is filed more than nine (9) months after product delivery or release of car from the terminal.

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ITEM 140

TRACK OCCUPANCY CHARGES, DEMURRAGE, AND RELATED CHARGES

A. PRIVATE CAR TRACK OCCUPANCY CHARGES

To the extent applicable, this item will apply on private cars (See Notes 1 and 2) constructively placed or actually placed at a TBT in lieu of demurrage provisions in Tariff NS 6004-Series. Track occupancy charges will be billed to shipper or beneficial owner of the Commodity on behalf of NS by or through its third party billing agent.

Once a rail car is constructively or actually placed (See Note 2), "free time" (Including Saturdays, Sundays and Holidays) will be allowed as follows:

<u>Car Type</u>	<u>Free Days</u>	<u>Days 11 through 40</u>	<u>All Subsequent Days</u>
Covered Hopper Cars	10	\$15 per day	\$90 per day
Tank Cars	10	\$15 per day	\$90 per day

B. RAILROAD CAR DEMURRAGE

All railroad owned or controlled cars (See Notes 1 and 2) will be subject to demurrage under the provisions of Tariff NS 6004-A. Demurrage charges will be billed to the shipper or beneficial owner of the Commodity.

C. NOTES AND OTHER CHARGES

- NOTE 1:** A private car is a railcar bearing other than railroad reporting marks
- NOTE 2:** Constructive placement is the date the railcar is available to be switched into the TBT Terminal. Actual placement is the date the railcar was physically placed in the TBT Terminal.
- NOTE 3:** When a railcar is constructively or actually placed at a TBT and subsequently reshipped without any transfers having been made, a facility charge of \$500 will be assessed to the party issuing the reshipping instructions, in addition to all other applicable charges.
- NOTE 4:** At any time following actual placement of a railcar on a TBT facility, if 30 consecutive days pass without product being removed from a railcar, NS reserves the right to remove such car(s) from the TBT. The shipper of the railcar shall pay a charge of \$500 for this removal. This charge will be assessed each time a railcar sits for 30 consecutive days without product being removed and it becomes necessary to move the railcar. Track Occupancy Charges per this item will continue to accrue until such time as the car released empty.
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ITEM 150

HOURS OF SERVICE & OVERTIME CHARGES

Normal working hours at the TBT Terminals are from 7:00 A.M. to 6:00 P.M., exclusive of Saturdays, Sundays and Holidays (See Item 185).

When service is required prior to 7:00 A.M. or after 6:00 P.M., arrangements must be made with the Terminal Operator in advance. All loadings, unloadings, & services must be scheduled before 5 p.m. of the day before the day that loading, unloading, & service is needed. Every attempt will be made to accommodate emergencies and requested times, but loading spots and other circumstances may require occasional modifications of requested times. When loading, unloading, & services are to begin after 5 p.m., written authorization for overtime to complete the process (if required) must be submitted before the process begins. The charge for services before or after normal working hours will be at a rate of \$55 per person per hour or fraction thereof, in addition to all other applicable charges (See Exception).

For safety reasons, TBT procedures require that at least two (2) terminal operator people be present during the transfer of any non-self load products. A truck driver on site qualifies as one of these people only if the product is a non-hazardous product. For self-load products only one (1) terminal operator employee is required or one (1) qualified truck driver will satisfy the safety requirement.

When service is requested at the TBT on Saturdays, Sundays or Holidays (See Item 185), or when terminal personnel are required to make an extra trip to the terminal rather than performing continuous service, arrangements must be made in advance with the Terminal Operator. The charge for this service will be \$55 per hour per person subject to a four (4) hour minimum per person, in addition to all other applicable charges for service provided.

Authorization for overtime must be received in writing from the party responsible for paying terminal service charges.

EXCEPTION: No additional charges will be assessed if the motor carrier is at the TBT and ready for loading before 4:30 P.M., and the delay causing the overtime is the fault of the Terminal Operator.

ITEM 160

ORDER PLACING

The shipper or beneficial owner will be responsible for providing TBT with the name of the motor carrier authorized to transport the product, along with product transfer instructions. Such instructions may be initiated verbally but must be confirmed via facsimile, written communication, or through electronic means. Neither NS nor the Terminal Operator will be responsible for any problems concerning the shipment and performance of terminal services when the Terminal Operator has not received facsimile confirmation, or electronic communication covering each separate trailer from or to which Commodity is transferred.

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ITEM 165

RAIL CAR ARRIVING AT TERMINAL WITHOUT FULL WRITTEN DESCRIPTION OF LADING

Any railcar arriving at a TBT without full written description of lading will be held at shipper's expense awaiting adequate and proper description or further instructions on disposition of lading. If such written description shows that the commodity is not one approved for transfer, that railcar will be released to shipper for disposition, subject to all applicable terminal charges, along with any other charges to which NS might be entitled.

ITEM 185

HOLIDAYS

Wherever in this tariff reference is made to "Holidays" it means the following:

New Years Day	Thanksgiving Day
President's Day	Thanksgiving Friday
Good Friday	Christmas Eve
Memorial Day	Christmas Day
Independence Day	New Years Eve
Labor Day	

(See Note)

NOTE: In the event one of the above Holidays occurs on a Sunday, the following Monday will be considered as the Holiday for the purpose of this tariff.

ITEM 190

EXPLANATION OF ABBREATIONS

<u>ABBREVIATION</u>	<u>EXPLANATION</u>
BOE	Bureau of Explosives
CDL	Commercial Driver's License
MSDS	Material Safety Data Sheet
NS	Norfolk Southern Railway Company
NSO	National Service Order
PPE	Personal Protective Equipment
RER	Railway Equipment Register
STB	Surface Transportation Board
STCC	Standard Transportation Commodity Code
TBT	Thoroughbred Bulk Transfer
UFC	Uniform Freight Classification Committee, Agent

THE END