

# WHEELING AND LAKE ERIE RAILWAY COMPANY

## FREIGHT TARIFF WE 9005-A

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CANCELS FREIGHT TARIFF WE 9005  
AND ALL SUPPLEMENTS THERETO

### TERMINAL FREIGHT TARIFF

PROVIDING SERVICE  
ON  
BULK TRANSFER  
OF  
DRY AND LIQUID COMMODITIES  
AT STATIONS LISTED HEREIN

### BULK RAIL – TRUCK TARIFF

Governing except as otherwise provided herein, by Classification and exceptions thereto as shown in Item 5.  
For explanation of abbreviations and reference marks, see last page of Tariff

**ISSUED: January 1, 2010**

**EFFECTIVE: March 1, 2010**

ISSUED BY:

CHARLENE FLACK  
DIRECTOR MARKETING SERVICES  
WHEELING & LAKE ERIE RAILWAY COMPANY  
100 EAST FIRST STREET  
BREWSTER, OHIO 44613

Tariff WE 9005-A

ABBREVIATION		CARRIER
WE.....		WHEELING AND LAKE ERIE RAILWAY COMPANY
NS.....		NORFOLK SOUTHERN CORPORATION
RULES AND OTHER GOVERNING PROVISIONS GENERAL RULES AND REGULATIONS		
ITEM	SUBJECT	APPLICATION
5	GOVERNING CLASSIFICATION	Governed by Tariff UFC 6000-Series
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.
20	REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.	Where reference is made in this Tariff to tariffs, notes, rules, etc. such reference is continuous and includes supplements to and successive issues thereof.
50	NATIONAL SERVICE ORDER TARIFF	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.
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 which , in turn, cancelled Item 365.
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 where item first became effective.
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RULES AND OTHER GOVERNING PROVISIONS GENERAL RULES AND REGULATIONS		
ITEM	SUBJECT	APPLICATION
110	APPLICATION	<p>The provisions of this tariff will apply on Dry and Liquid commodities, in bulk, at designated Wheeling and Lake Erie Transfer facilities at the following stations:</p> <p><b>OHIO Akron, Barberton, Brewster, Brittain Yard, and Massillon</b></p> <p><b>PENNSYLVANIA Hickory, Monessen, Rehoboth, and Rook</b></p> <p>The WE <u>upon request of shipper</u>, performs the terminal services named herein on carload shipments (See Note A) in bulk as described herein, which move in linehaul service to or from the above terminals subject to the charges, rules, and regulations published herein. Shipper will notify terminal before actual shipment of products is made, informing the terminal about the number of carloads to be shipped. Shipper shall receive from terminal contractor, order number (which will be included on waybill) allowing car (s) to be shipped to that terminal. Applicable only on shipments transferred at terminals enumerated in this item.</p> <p><b>NOTE A</b> – The WE will handle Dry and Liquid commodities, in bulk, at terminals where facilities and suitable equipment are available for handling such commodities. 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. WE reserves the right to refuse any commodity at its transfer facilities.</p>
115	TRANSFER	<p><b>APPLICABLE ON SHIPMENTS TRANSFERRED AT STATIONS LISTED IN ITEM 110 ONLY.</b></p> <p>On commodities handled in bulk distribution service, the following charges, (except on returned materials) will be assessed (unless other arrangements are made directly with the WE or Terminal Operator) for transfer of materials at terminals where facilities and suitable transfer equipment are available from rail to truck, storage to silos. These transfer charges will be collected when the car has been released empty or when rebilled. In the event car is rebilled partially unloaded, shipper will pay transfer charge on actual weight transferred.</p> <p><b>Plastics, Synthetic, Dry (STCC 28-211) 13 cents per 100 pounds (See Note 1)</b></p> <p><b>Plastics, Synthetic, Dry (STCC 28-211) 21 cents per 100 pounds</b></p> <p>Terminals will make every reasonable effort to empty each car as completely as possible using normal transfer procedures. Terminals will not however, be responsible for residue that clings to the car and cannot be removed by normal terminal procedures.</p> <p><b>NOTE 1</b> – The transfer charges, described herein, apply only on shipments originating on the NS Railway or received by the NS at Chicago, IL, East St Louis, IL Kansas City, MO, New Orleans, LA, or Memphis, TN and interchanged to the WE Railway at either Bellevue or Canton, OH</p>
125	COMMODITY SAMPLING AND INSPECTION	<p>Transfer charges in Item 115 include the visual inspection of car or truck and commodity to be transferred.</p> <p>The WE reserves the right to take samples of commodities transferred for carrier's own purpose. These samples will be retained for a period of three months. If a beneficial owner of the commodity transferred desires</p>

		additional samples for its own purposes, Terminals will provide one such sample for each rail car without charge and will charge \$10.00 plus shipping costs, for each additional sample procured and supplied.
130	LOSS OF WEIGHT	Allowable transfer losses will be one (1) percent of weight of commodity on annual cumulative basis per shipper, per terminal, and such loss will be considered standard operating loss not accessible against the carriers party to this tariff. (See Note) <b>NOTE</b> – Greater loss allowance may be required as a condition of accepting specific products where characteristics preclude complete unloading of car.
140	DETENTION, DEMURRAGE AND TRACK OCCUPANCY CHAR	This item will apply in lieu of provisions in Tariff WE 8001-Series to the extent applicable. Notice of arrival of car at the terminal shall be sent or given to Consignee or party entitled to receive same by the carrier’s agent. Notice will be given in writing if the Consignee or party entitled to receive same shall file in writing a request to receive such form of notice prior to arrival of shipment at the terminal. Car will be deemed released upon written notification to local agent. On shipments of commodities, dry or liquid, in rail cars placed at rail terminal, the following free time of 48 hours, excluding Saturdays, Sundays or Holidays (See item 185) shall be allowed. On <b>EMPTY CARS</b> placed to be loaded the following free time of ten (10) days, excluding Saturdays, Sundays or Holidays (See Item 185) shall be allowed. Free time shall commence from the first 10:00 AM after placement and after telephone/written notice of arrival is given (See Note 2). After expiration of free time allowed, the following charges shall be assessed for each subsequent 24-hour period or fraction thereof.  Privately-owned Equipment (See Notes 1 and 3) terminal facility and track occupancy charges except shipments transferred from rail cars on private sidings, terminal facility and track occupancy charges will apply. <b>FIRST 30 DAYS -- \$3.00 PER CAR PER DAY OR FRACTION THEREOF</b> <b>NEXT 30 DAYS -- \$4.00 PER CAR PER DAY OR FRATION THEREOF</b> <b>SUBSEQUENT DAYS -- \$5.00 PER CAR PER DAY OR RACTION THEREOF</b> <b>NOTE 1</b> – A private car is a car bearing other than railroad reporting marks and which is not a railroad-controlled car. A railroad-controlled car is a car provided by the railroad directly by car companies or others for the indiscriminate use by the railroad in serving any of its customers, the control of the use and further use of such cars in the hands of the railroad.  <b>NOTE 2</b> – Time will be computed from the first 10:00 AM after placement in railroad’s terminal, and after notice of arrival is given. If a car is not placed within 24 hours from the first 10:00 AM after notice of arrival has been given, time will be computed from the first 10:00 AM after notice of constructive placement is given.  <b>NOTE 3</b> – When car is reshipped without any transfers having been made, a facility charge of \$80.00 will be assessed in addition to any other applicable charge.
155	PLACING OF ORDERS	Where telephone, fax or email is available at terminal, shipper will be responsible for placing orders and will be responsible for any error or misunderstanding of orders.

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RULES AND OTHER GOVERNING PROVISIONS GENERAL RULES AND REGULATIONS		
ITEM	SUBJECT	APPLICATION
160	RAIL CAR ARRIVING AT TERMINAL WITHOUT FULL WRITTEN DESCRIPTION OF LADING	Any car arriving at terminal without full written description of lading will be held at shipper's expense awaiting adequate and proper description of lading. If written description shows commodity is not one approved for transfer, car will be released to shipper subject to all applicable terminal charges.
180	RAIL CARS PLACED FOR RETENTION	<p>When rail cars are retained after unloading, their initial contents for use in receiving commodities brought into the terminal by truck and later transferred from rail to truck, the charges will be as follows:</p> <p><b>(1) Dry or liquid bulk products – (See Note A) 22 cents per 100 pounds transferring from rail car.</b>  <b>-- (See Note A) 22 cents per 100 pounds transferring from rail car to truck.</b></p> <p><b>(2) Any charges made by trucker for detention will be billed to the shipper in addition to all terminal charges.</b></p> <p><b>(3) Any overtime incurred will be charged at the rate of \$28.00 per man hour or fraction thereof (See Exception). Two hour minimum, plus all other applicable charges.</b></p> <p><b>(4) Track storage charges as provided in Item 140 will apply.</b></p> <p><b><u>EXCEPTION</u></b> – When it is requested that service be performed on Saturday, Sunday or Holiday or when terminal personnel are required to make extra trip to the terminal rather than performing continuous service, arrangements must be made with terminal operator in advance. The charge for service will be \$28.00 per man hour, with a minimum of eight (8) hours per man in addition to all other applicable charges.</p> <p><b>NOTE A</b> – Subject to a minimum of 45,000 pounds per truckload.</p>
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ITEM	SUBJECT	APPLICATION
185	HOLIDAYS	<p>Whenever reference is made to "Holidays" in tariff, it shall mean only the days listed below. In the event one of these "Holidays" occurs on Sunday, the following Monday will be considered as the Holiday. The dates for the "Holidays" will be provided by Federal Law except where individual States decree otherwise.</p> <p><b>NEW YEAR'S DAY</b>                      <b>DAY AFTER THANKSGIVING</b>  <b>MEMORIAL DAY</b>                      <b>CHRISTMAS EVE</b>  <b>INDEPENDENCE DAY</b>              <b>CHRISTMAS DAY</b>  <b>LABOR DAY</b>                              <b>NEW YEAR'S EVE</b>  <b>THANKSGIVING DAY</b></p>
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EXPLANATION OF ABBREVIATIONS	
ABBREVIATIONS	EXPLANATION
BOE.....	Bureau of Explosives
NSO.....	National Service Order
UFC.....	Uniform Freight Classification.
STCC.....	Standard Transportation Commodity Code
WE.....	Wheeling and Lake Erie Railway
NS.....	Norfolk Southern Corporation
<p><b>ISSUED: January 1, 2010</b> <span style="float: right;"><b>EFFECTIVE: March 1, 2010</b></span></p>	

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