

MONTREAL, MAINE & ATLANTIC RAILWAY, LTD.

FREIGHT TARIFF MMA 8000

(For Cancellation, See Page 3)

LOCAL AND JOINT FREIGHT TARIFF

PUBLISHING

RULES AND CHARGES

ON

SWITCHING

AT STATIONS ON

MONTREAL, MAINE & ATLANTIC RAILWAY, LTD.

ISSUED : September 12, 2007

EFFECTIVE: October 3, 2007

ISSUED BY
MONTREAL, MAINE & ATLANTIC RAILWAY, LTD.
15 Iron Road, Hermon, ME 04401

PLAN OF TARIFF

THE APPLICATION OF THIS TARIFF WILL BE GOVERNED BY THE PRECISE TERMS AND CONDITIONS STATED ELSEWHERE HEREIN AND NOT BY THIS "PLAN OF TARIFF"

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C A N C E L A T I O N N O T I C E

This tariff cancels:

Tariff
BAR 8000-E

Extent of Cancellation
Rules and Charges for Accessorial
Services transferred to MMA 9001

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MONTREAL, MAINE & ATLANTIC RAILWAY, LTD.
15 Iron Road, Hermon, ME 04401

PLAN OF TARIFF

EXPLANATION OF ABBREVIATIONS

| <u>ABBREVIATION</u> | <u>EXPLANATION</u> |
|---------------------|---|
| MMA | MONTREAL, MAINE & ATLANTIC RAILWAY, LTD. |
| JCT | JUNCTION |
| ME | MAINE |
| NSO | NATIONAL SERVICE ORDER |
| OPSL | OFFICIAL LIST OF OPEN AND PREPAY STATIONS (STATION LIST PUBLISHING COMPANY, AGENT) |
| RR | RAILROAD |
| RPS | RAILROAD PUBLICATION SERVICE |
| UFC | UNIFORM FREIGHT CLASSIFICATION (UNIFORM CLASSIFICATION COMMITTEE, AGENT) |

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SECTION 1

RULES, REGULATIONS AND CHARGES

GOVERNING

SWITCHING

AT STATIONS

ON

MONTREAL, MAINE

&

ATLANTIC RAILWAY, LTD.

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**SECTION 1
RULES, REGULATIONS AND CHARGES GOVERNING
SWITCHING**

ITEM 1000

DESCRIPTION OF GOVERNING CLASSIFICATION AND EXCEPTIONS

The term "Uniform Freight Classification" when used herein means Freight Tariff UFC 6000 series

ITEM 1010

STATION LISTS AND CONDITIONS

This tariff is governed by OPSL 6000 series to the extent shown below:

- A. For additions and abandonment of stations and except as otherwise shown herein, for prepay requirements, changes in names of stations, restrictions as to acceptance or delivery of freight and changes in station facilities.
- B. When a station is abandoned as of a date specified in the above named tariff, the rates from and to such stations, as published in this tariff, are inapplicable on and after that date.

ITEM 1020

EXPLOSIVES, DANGEROUS ARTICLES

For rules and regulations governing the transportation of explosives and other dangerous articles, also specifications for shipping containers and restrictions governing the acceptance and transportation of explosives and other dangerous articles, refer to BOE 6000 series.

ITEM 1030

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

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

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**SECTION 1
RULES, REGULATIONS AND CHARGES GOVERNING
SWITCHING**

ITEM 1040

CONSECUTIVE NUMBERS

1. Where consecutive numbers are represented in this tariff by the first and last numbers connected by the word "to" or a hyphen, they will be understood to include both of the numbers shown.
2. 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 numbers.

ITEM 1050

CAPACITIES AND DIMENSIONS OF CARS

For marked capacities, lengths, dimensions and cubic capacities of cars, see Official Railway Equipment Register. (RER 6413 series)

ITEM 1060

NATIONAL SERVICE ORDERS

This tariff is subject to provisions of Tariff NSO 6100 series.

ITEM 1070

REVISION NUMBERS

This tariff will be amended by reprinting the page and showing a revised page number. Revision numbers will be used in consecutive numerical order beginning with the "1ST Revised Page". A revised page cancels any uncancelled revised or original pages that bear the same page number.

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**SECTION 1
RULES, REGULATIONS AND CHARGES GOVERNING
SWITCHING**

ITEM 1080

DEFINITION OF TERMS USED IN CONNECTION WITH CHARGES NAMED HEREIN

CONSTRUCTIVE PLACEMENT

When, due to some inability on the part of the consignor or consignee, a car cannot be placed for loading or unloading at a point previously designated by the consignor or consignee, and is placed elsewhere, it is considered as being under constructive placement and subject to demurrage rules and charges, the same as if it were actually placed at the designated point.

INDUSTRIAL TRACK

A track serving a particular industry, whether located upon the property of MMA or upon property owned or leased by the industry.

INTERCHANGE TRACKS

Interchange tracks are tracks on which cars are interchanged between MMA and connecting lines.

INTERMEDIATE SWITCHING

A switching movement between interchange tracks of one carrier to interchange tracks of another carrier within the switching limits of the same station.

INTERSTATE TRAFFIC

Traffic moving from a point in one state or province to a point in another state or province, or a shipment moving from a point in a state or province to another point in the same state or province but moving outside the state or province while in transit.

INTER-TERMINAL SWITCHING

A switching movement between an industrial track or a team track on the tracks of MMA and an industrial track or team track on connecting lines of traffic having origin and destination within the switching limits of the same station or industrial switching district. Charges of connecting carriers will be in addition to charges provided herein.

(item continued on following page)

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**SECTION 1
RULES, REGULATIONS AND CHARGES GOVERNING
SWITCHING**

ITEM 1080 (continued)

DEFINITION OF TERMS USED IN CONNECTION WITH CHARGES NAMED HEREIN

INTRASTATE TRAFFIC

Traffic moving from a point in a state or province to another point in the same state or province that does not move outside of the state or province while in transit.

INTRA - PLANT SWITCHING

A switching movement from one track to another or between two locations on the same track within the confines of the same (single) plant.

LINE HAUL

Movement between stations that are not located within the switching limits of the same station.

RECIPROCAL SWITCHING

An arrangement between carriers servicing the same station or switching district where the carrier physically serving the industry performs switching service for loading or unloading on behalf of the other carrier on shipments having an immediately preceding or following line-haul movement via the other carrier. For points in Canada subject to Statutory Canadian Transport Agency Zone Switching, service will be performed subject to applicable C.T.A rules and regulations. (See Section 3 of this document)

TEAM TRACK

A track or tracks assigned by MMA for use of the general public.

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**SECTION 1
RULES, REGULATIONS AND CHARGES GOVERNING
SWITCHING**

ITEM 1100

CHARGES ON LOADED AND EMPTY CARS

CARS ORDERED AND NOT USED

1. Except as otherwise provided, the charges published in this tariff include:
 - A. The switching of an empty car to be loaded and the return of the same car loaded.
 - B. The switching of loaded car for unloading and the return of the same car empty.
2. Unless otherwise specified, if a car moves fully or partially loaded in each direction, switching charges will be assessed in each direction.
3. Except as otherwise provided, if an empty car is ordered and the service of switching and placing it has been performed, and the car is subsequently released back to carrier without being loaded, \$350 per car, in addition to applicable demurrage and detention charges, will be assessed against the party ordering but not using the equipment. (See Exceptions)
4. For movement of empty cars not covered by Paragraphs 1 and 3 of this item, the charge will be \$350 per car.

DELINQUENT PAYMENT

5. Whenever MMA issues a bill or bills for cars ordered but not used that remains unpaid after a period of 90 days or more from the date of the bill, MMA may, on not less than 10 business days notice, require the customer to provide MMA with an irrevocable letter of credit or enter into another payment security program.
6. Under this program, customer must make available to MMA a sum of money or security sufficient to cover charges for cars ordered not used that may reasonably be expected to be levied against each car destined for delivery to customer prior to delivery of that car based on customer's traffic volume and level of delinquency for the previous year. The amount to be required will be determined by a review of previous levels of cars ordered but not used charges billed by MMA against customers account. .

(item continued on following page.)

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**SECTION 1
RULES, REGULATIONS AND CHARGES GOVERNING
SWITCHING**

ITEM 1100 (Cont.)

CHARGES ON LOADED AND EMPTY CARS

7. Refusal or failure of customer to enter such a payment security program will result in the issuance of an embargo against acceptance by MMA of any or all traffic to be handled for customer's account.

EXCEPTIONS

1. The charge will not apply if release of the empty car results from carrier's failure or inability to place or constructively place the car ordered on the day for which it was requested. Carrier will have fulfilled its obligation of furnishing the car on the day for which ordered if the car is available for loading on the day before or the day after the day for which it was ordered.
2. The charge will not apply if the party ordering the car advises MMA within twenty-four (24) hours of actual placement, that the car is refused or rejected because it is not in proper condition for loading; was, not the proper type ordered; or the loading of which would be in violation of any outstanding car service orders or loading rules.
3. The charge will not apply on special type flat cars with mechanical designation "FD", FG", "FW" or "FM" listed in Tariff RPS 6470 series, or other applicable tariffs, for which charges are provided therein.

ITEM 1120

EMPTY CARS RETURNED UNFIT FOR LOADING

When an empty car is received from a connecting carrier for loading by an industry located on the MMA, and is refused by the industry because the car is not in proper condition to load and must be returned to the connecting carrier, a charge of \$450.00 per car will be assessed against the connecting carrier. The charge will be made for one direction only.

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MMA 8000

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**SECTION 1
RULES, REGULATIONS AND CHARGES GOVERNING
SWITCHING**

ITEM 1130

CARS HELD FOR DIVERSION OR RECONSIGNMENT ON MMA

Except as otherwise provided, cars received from and/or delivered to connections, which are held for diversion or reconsignment on tracks of the MMA awaiting placement on consignee's private or assigned siding served by MMA, and which are diverted or reconsigned to destinations on roads other than MMA beyond the original destination will be subject to reciprocal switching charge, in each direction, between interchange with connections and the original consignee's private or assigned siding. No switching charge will be assessed on the outbound movement when MMA is accorded the outbound line-haul movement.

ITEM 1140

HAZARDOUS WASTE

When switching service provided in this tariff is performed by MMA on cars containing hazardous waste, the provisions of Tariff MMA 9001 series will apply.

ITEM 1150

SWITCHING WITHOUT CHARGE

No charge will be made for the initial switch to or from tracks of private or assigned sidings served by MMA or interchange tracks of industries connected with MMA when the switching service immediately precedes or follows a revenue line-haul over MMA. Additional charges will apply to subsequent switches within industry or switching limits.

ITEM 1160

CAR DEMURRAGE RULES AND REGULATIONS

Except where otherwise provided, all cars handled under the provisions of this tariff will be subject to demurrage and storage rules and charges as provided in Tariff MMA 6004 series.

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**SECTION 1
RULES, REGULATIONS AND CHARGES GOVERNING
SWITCHING**

ITEM 1170

FREIGHT TRAFFIC RECONSIGNEED VIA SWITCHING ROAD

When cars are switched from connections, placed for delivery to consignees, and later reconsigned for line-haul via MMA, subject to joint through rate from original point of shipment to ultimate destination, the same charge will be made for return of car to terminal yard as for original movement from connecting road, providing specific charge is not already in effect.

ITEM 1180

PREPAYMENT OF CHARGES

1. All charges under this tariff must be prepaid or arrangements made to MMA satisfaction.
2. No charge of any kind will be advanced on line-haul cars switched to connecting lines nor will line-haul cars bearing advance charges be accepted from connecting lines for handling under the provisions of this tariff.

ITEM 1190

SHIPMENTS REQUIRING TWO OR MORE CARS

Except as otherwise provided, when shipments are loaded in so called articulated cars (two or more units permanently or temporarily joined together), or when a shipment requires two or more cars for transportation; switching charges will be assessed for each car.

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**SECTION 1
RULES, REGULATIONS AND CHARGES GOVERNING
SWITCHING**

ITEM 1200

SWITCHING SERVICE WHERE NO CHARGES ARE PROVIDED HEREIN

Where no switching charge is provided in this tariff, switching service will not be performed.

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SECTION 2

**INDUSTRIAL
SWITCHING
CHARGES**

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MMA 8000

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SECTION 2

INDUSTRIAL SWITCHING

INTRA-PLANT, INTRA-TERMINAL, AND INTER-TERMINAL SWITCHING CHARGES

ITEM 2000

INTRA-PLANT, INTRA-TERMINAL, AND INTER-TERMINAL SWITCHING CHARGES- GENERAL

Does not apply to origin turnovers except when such turnovers involve movement to another carrier for road haul movement. Origin turnovers subject to MMA 6004 Items 600, 1000, and 1100.

Except as otherwise provided, MMA will assess a switch charge of \$175 per car for switching.

ITEM 2010

CHARGE FOR CARS WITH FOUR OR MORE THAN FOUR AXLES

1. Charges for I switching service at points on MMA are restricted to cars having no more than four axles.
2. When cars with more than four axles are switched the charge for such service will be 200% of the charge for the same service applicable on cars with four axles or less.

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SECTION 3

RECIPROCAL SWITCHING CHARGES

RECIPROCAL SWITCHING CHARGES
CANADA

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**SECTION 3
RECIPROCAL SWITCHING CHARGES
CANADA**

NOTE: Reciprocal switching in Canada is conducted in accordance with Canada Transportation Agency Rules and Regulations as promulgated from time to time.

ITEM 3000

CANADA

| To/from customers in Zone: (see Note 1) | Rates in Canadian dollars per car | |
|---|-----------------------------------|---|
| | 59 or less cars per shipment | 60 or more cars in single shipment (see Note 2) |
| 1 | \$185.00 | \$50.00 |
| 2 | \$200.00 | \$60.00 |
| 3 | \$240.00 | \$75.00 |
| 4 | \$315.00 | \$90.00 |

EXPLANATION OF NOTE

Note 1 – Zones 1, 2, 3 and 4 include customer's sidings located wholly or partially within the distances stated below, measured along the line of MMA tracks from interchange of the connecting carrier for whom the inter-switching is performed:

| | |
|--------|--|
| Zone 1 | 6.4 kilometers (3.98 miles) |
| Zone 2 | 10.0 kilometers (6.21 miles) |
| Zone 3 | 12.43 kilometers (12.43 miles) |
| Zone 4 | 30.0 kilometers (18.64 miles) See Note 3 |

Note 2 – Charges apply only when in cuts of not less than sixty (60) cars destined to or originating from a single shipper at a siding.

Note 3 -- When a siding is located wholly or partially within Zone 4 and the point of connection with the siding is more than 40 kilometers (24.86 miles) from the interchange along the line of MMA tracks, an additional charge of \$3.75 per car, and \$1.45 per car block will be assessed for each car inter-switched. This charge will be computed on the distance from the point located 40 kilometers (24.86 miles) beyond the interchange to the point of connection with the siding on the line of MMA tracks.

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