

**CG Railway, Inc. Tariff No. 01a**

<a href="#">Item 1(C)</a>	<a href="#">Title Page</a>
<a href="#">Item 2(C)</a>	<a href="#">Geographical Location</a>
<a href="#">Item 3(C)</a>	<a href="#">Rail Connections</a>
<a href="#">Item 4</a>	<a href="#">Application of Tariff</a>
<a href="#">Item 5</a>	<a href="#">Interpretation of Tariff</a>
<a href="#">Item 6(I)</a>	<a href="#">Explanation of Reference Marks</a>
<a href="#">Item 7(I)</a>	<a href="#">Overloading/Improper Loading of Cars</a>
<a href="#">Item 8(I)</a>	<a href="#">Weighing Light/ Heavy</a>
<a href="#">Item 9(I)</a>	<a href="#">Special Switching Request</a>
<a href="#">Item 10(I)</a>	<a href="#">Holding for Orders/ Instructions</a>
<a href="#">Item 11</a>	<a href="#">Diversions/Re-consignment/ Customs Hold</a>
<a href="#">Item 12</a>	<a href="#">Stenciling and Placarding</a>
<a href="#">Item 13</a>	<a href="#">Domestic Switching Services</a>
<a href="#">Item 14</a>	<a href="#">Demurrage Schedule</a>
<a href="#">Item 15</a>	<a href="#">Rates and Charges for Individual Commodities</a>
<a href="#">Item 16</a>	<a href="#">Original Fuel Surcharge</a>
	<a href="#">New Fuel Surcharge</a>

CGR Tariff NO. 1-A

CG Railway, Inc.  
Charges, Rules and Regulations  
Governing  
Demurrage, Fuel Surcharge, Switching and Rail/Marine Terminal Services  
On  
All Freight In or On Rail Cars  
Between

Mobile, Alabama and Coatzacoalcos, Mexico  
(CG Railway Tariff No. 1-A cancels CG Railway Tariff No. 1 in its entirety)

Issued January 28, 2003 Effective February 17, 2003  
Tariff Published and Maintained at  
Suite 18290  
11 North Water St.

Mobile, AL

**Item 1(C) Geographical Location**

CG Railway operates Rail Marine Terminal Facilities located at Mobile, Alabama and Coatzacoalcos, Mexico connected via Rail Marine Vessel Services operated on a scheduled basis between the two ports.

**Item 2(C) Rail Connections**

Mobile, Alabama	Coatzacoalcos, Mexico
CSXT	Ferrosur (FSRR)
BNSF	FSRR - Has direct connections with FCCM, FXE, and

NS

TFM

CN

KCS

TASD

AGR

### **Item 3(C) Application of Tariff**

CG Railway under this tariff provides for the movement of Rail Traffic via a rail/water route between origins and destinations in the United States and Canada and origins and destinations in Mexico through the North American Port of Mobile, Alabama and the Mexican Port of Coatzacoalcos. Services performed by CG Railway are subject to Federal, State and Municipal laws and regulations such as embargoes, quarantines and service orders. Provisions of this Tariff apply only to cars that are in CG Railway's account as a line haul carrier.

All tariffs and rules of each handling carrier shall apply while on the tracks of that carrier, including but not limited to customs matters and claim liabilities.

### **Item 4 Interpretation of Tariff**

CG Railway is Author and Interpreter of this tariff any supplements thereto and revisions thereof.

### **Item 5 Explanation of Reference Marks**

Reference Mark	Explanation
(I)	Denotes Increase
(D)	Denotes Decrease
(C)	Denotes a change in wording which results in neither an Increase or Decrease in charges
(NEW)	Denotes a new or initial matter

### **Item 6(I) Overloading/Improper Loading of Cars**

CG Railway will not accept in interchange from shippers, receivers or connection railroads for movement over and on the tracks or operation of CGR, railcars that are loaded in excess of the stenciled load limit as shown on the car, or if the gross

weight (combined weight of railcar and freight including all other material incidental to the movement of goods) is in excess of the track weight limitations at any point along the route of movement. In the absence of such stenciled load limit, the loading capacity of the car as delineated in the Official Railway Equipment Register issued by the Railway Equipment and Publication Company will govern.

Cars found to be overloaded/improperly loaded will be subject to a switching charge of three hundred and fifty-five dollars (\$355.00) per car. A car that is found overloaded beyond tolerances or improperly loaded will not be allowed to go forward until the condition is rectified. The removal and disposal of the overloaded portion of the contents of the car and the cost of load adjustment in addition to any additional switching charges necessary to effect removal, disposal, or adjustment is entirely the responsibility of the shipper.

The applicable demurrage rate shall be assessed if the car is held on CG Railway past the first subsequent 7:00 am after notification by CG Railway to the shipper of the overloaded or improperly loaded condition.

#### **Item 7(I) Weighing Light/ Heavy**

CG Railway upon request will provide for weighing of railcars either light or heavy prior or subsequent to loading or discharge of vessel. Charges for such services shall be three hundred and fifty-five dollars (\$355.00) per car.

#### **Item 8(I) Special Switching Request**

CG Railway upon specific request and contingent upon operational viability may provide special switching services in connection with its rail Marine Operations. Such services will be provided only when operationally feasible and will be performed at a rate of three hundred dollars (\$300.00) per car.

#### **Item 9(I) Holding for Orders/ Instructions**

CG Railway upon specific request will hold railcars for subsequent instructions. (i.e. diversions, re-consignment, transloading and transshipment). Such request shall be subject to a special switching charge of three hundred, fifty dollars (\$350.00) per car plus the applicable demurrage charge commencing the first 7:00 am after the car is ordered held for instructions.

#### **Item 10(I) Diversions/ Re-consignment/ Customs Hold**

(a) CG Railway will provide diversions and re-consignment service upon request from shipper, receivers and connections relative to traffic tendered for transportation prior or subsequent to loading or discharge of ocean leg. In order to effect a diversion, instructions must be received in time to permit the change to be accomplished before the car reaches destination or is interchanged with another carrier participating in the line haul movement. Charges for such service shall be two hundred dollars (\$200.00) per car. The applicable demurrage rate shall be assessed if the car is held on CG Railway past the first subsequent 7:00

am while awaiting re-consignment or diversion instructions.

(b) Cars requiring customs inspections shall be subject to all applicable switching charges involved in addition to the demurrage charge delineated above.

(c) In the event necessary customs documentation and information in a complete and timely manner, but in no event later than twenty-four (24) hours prior to next vessel departure after receipt by CG Railway, has not been provided, the applicable demurrage rate shall be assessed if the car is held by CG Railway awaiting proper documentation starting with the first 7:00 am after receipt.

#### **Item 11 Stenciling and Placarding**

All traffic tendered CG Railway for Transportation requiring special placarding or stenciling shall have the applicable designations and identifications in place before acceptance by CG Railway. Upon request and if operationally feasible CG Railway will install applicable placarding at a charge of two hundred dollars (\$200.00) per car.

#### **Item 12 Domestic Switching Services**

Upon request CG Railway may arrange domestic switching services from and to industries in the Mobile, Alabama Commercial Area. Charges for these services will be quoted on request.

#### **Item 13 Demurrage Schedule**

Demurrage assessed by CG Railway shall commence on all cars the first 7:00am subsequent to receipt of any rail traffic to be held for orders or special movements requiring additional transportation arrangements. The applicable demurrage schedule shall be as follows and is assessed per day or a fraction thereof.

- \$30.00 For each of the first two (2) chargeable days
- \$40.00 For each of the next two (2) chargeable days
- \$60.00 For each subsequent day

#### **Item 14 Rates and Charges for Individual Commodities**

Handled in Rail Marine Transportation between Mobile, Alabama and Coatzacoalcos, Mexico.

All applicable rates quoted on request. CG Railway reserves the right to contract for volume carriage based on a designated minimum volume of rail traffic within a specified period of time.

#### **Item 15 Original Fuel Surcharge**

In the event the price of West Texas Intermediate Crude Oil, as published in the Wall Street Journal, commencing January 1, 2003 equals or exceeds \$28.00

dollars per barrel for thirty (30) consecutive days, CG Railway will apply a fuel surcharge to the line haul freight charge(s) in effect on the date the fuel surcharge is applied, herein after referred to as the "Base Freight Charge(s)". The fuel surcharge shall be applied according to the following schedule.

West Texas Intermediate Crude Oil (Price per barrel)	Cumulative Fuel Surcharge (Percentage)
under \$28.00	0%
\$28.00 - \$32.99	2%
\$33.00 - \$37.99	4%
\$38.00 - \$42.99	6%
\$43.00	8%

Each \$5.00 per barrel increase thereafter an additional 2%

The price of West Texas Intermediate Crude Oil must be equal or exceed a given bracket for thirty (30) consecutive days for the surcharge under that bracket to be applicable. If the price of West Texas Intermediate Crude Oil ceases to be available from the Wall Street Journal or some other readily accessible source, a substitute to measure will be utilized.

Customers will receive notice of any fuel surcharge prior to its application. Any fuel surcharge applied to the line haul freight charge(s) will be removed or reduced when the price which triggers a specific surcharge bracket for thirty (30) consecutive days. Reductions will be made promptly after they become applicable. In no case will the freight charge(s) be reduced below the Base Freight Charges(s) nor will the application or removal of the fuel surcharge be retroactive.

### **Item 16 New Fuel Surcharge**

In light of the STB's decision on January 26, 2007, and in compliance to said decision, CGR is introducing a new Fuel Surcharge Tariff 01a - Item 16 effective April 26, 2007. Please see the terms of CGR's new Fuel Surcharge below:

(a) Effective April 26, 2007 CGR will be changing to a mileage based Fuel Surcharge tariff for all new publishings . We will be using a rail-mileage calculation from a third party software  
ALK Technologies - PC Miler.

(b) The new FSC will be calculated monthly. It will be based on the average price of "US No. 2

Diesel Retail Sales by all Sellers On Highway Diesel" as determined by the US

month of  
February.

(c) Our Fuel surcharge will be .02 cent per rail mile for every .04 cents per gallon by which the HDF average price for the Calendar month 2 months prior to the calendar month of shipment exceeds \$1.99 per gallon .

HDF Average Price

Cents Per Gallon	Cents Per Mile
0 - 199.9	0
200.0 - 203.9	2
204.0 - 207.9	4
208.0 - 211.9	6
212.0 - 215.9	8
216.0 - 219.9	10
220.0 - 223.9	12
224.0 - 227.9	14
228.0 - 231.9	16
232.0 - 235.9	18
236.0 - 239.9	20
240.0 - 243.9	22
244.0 - 247.9	24
248.0 - 251.9	26
252.0 - 255.9	28
256.0 - 259.9	30
260.0 - 263.9	32
264.0 - 267.9	34
Each 4 Cents Per Gallon Increase Thereafter	An Additional 2 Cents