

RailUSA, LLC

NOTICE OF CHANGES EFFECTIVE October 1, 2020

DEMURRAGE

Current Language: “DEMURRAGE: Demurrage is a charge for detaining a railcar. Railroads charge demurrage as an incentive for Customers to load and unload cars promptly, to prevent congestion in railroad terminals caused by idle cars, and ultimately to improve the utilization. Reduced dwell translates into faster, more reliable cycle times and better service.”

New Language: “DEMURRAGE: Demurrage is a charge for detaining a railcar. Railroads charge demurrage as an incentive for Customers to load and unload cars promptly, to prevent congestion in railroad terminals caused by idle cars, and ultimately to improve the utilization. Reduced dwell translates into faster, more reliable cycle times and better service. Demurrage is charged on Railroad controlled equipment while the car is physically on the railroad, whether it is located on Railroad owned or Industry owned property. Demurrage is charged on Shipper-controlled equipment while it is physically on the railroad and located on Railroad owned property. Demurrage time is computed from the first 12:01am after actual or constructive placement, whichever comes first, until the car is released via a loaded waybill or empty release. Demurrage time excludes Saturdays, Sundays, and holidays. Demurrage charges are billed monthly and are net of Free Time.”

DEMURRAGE DAY

Current Language: “DEMURRAGE DAY: A twenty-four (24) hour period, or fraction thereof, commencing at the first 12:01 AM after day of placement.”

New Language: “DEMURRAGE DAY: A twenty-four (24) hour period, or fraction thereof, commencing at the first 12:01 AM after day of placement. (free time). Railroads subscribing to the RUSA 8100 Tariff allow 24 hours of Free Time.”

FREE TIME

Current Language: “FREE TIME: The time allowed for the unloading or loading of cars. Will consist of 1 day (24 hours) for both loading for unloading. Time will be computed from actual or constructive placement, whichever comes first. For purposes of computing free time, Saturdays, Sundays and holidays will be included.”

New Language: “The time allowed for the unloading or loading of cars that is not chargeable. Free Time will consist of 1 day (24 hours) for both loading for unloading. Free Time is the first 24-hour period of Demurrage, computed from the first 12:01am after actual or constructive placement, whichever comes first. For purposes of computing free time, Saturdays, Sundays, and holidays will be excluded, meaning they are not chargeable.”

RAILROAD PROPERTY *New Item*****

New Language: "RAILROAD PROPERTY: No one outside of approved employees and contractors, including Customers, is allowed to enter, perform any switching or otherwise access or operate on any tracks owned by RailUSA and its subsidiaries. If anyone accesses Railroad Property, they assume all risk of loss and indemnifies RailUSA and its subsidiaries against all damage, cost, liability, judgement, and expense, including attorney's fees, in connections with any personal injury or death of any persons or loss of/damage to any property, whether employees or property of either Customer, RailUSA or it's subsidiaries, or third persons, sustained, incurred, arising, or growing our of operations by Customer or its Agents upon Railroad Property."

SIDETRACK *New Item*****

New Language: "**SIDETRACK:** Privately owned tracks that connect to Customer facilities. Most customers facilities are accessed via Sidetracks. In the absence of a private sidetrack agreement or track lease, the following terms and conditions governs the use of the Sidetracks.

Access Right: When a Customer orders or accepts a shipment, they are representing that they own or have the right to grant RailUSA and its subsidiaries access to the Sidetrack(s) and property leading to and withing the Customer facility. This allows RailUSA and its subsidiaries to proceed unimpeded over Sidetracks.

- The Railroad will use the Sidetrack(s) to deliver any railcar directed to the Customer's facility by a valid Shipping Instruction

Maintenance: Customers must, at their own expense, inspect, maintain, and renew Sidetracks consistent with normal operations, and in accordance with:

- The Federal Railroad Administration's Track Safety Standards (49 C.F.R. Part 213)
- Railroad Worker Safety Regulations (29 C.F.R. Part 214)

RailUSA can perform the required inspections and minor tracks repairs, for a fee, upon request.

In addition, Customers must keep Sidetracks free from debris, weeds, potholes, excavations, ice, snow, temporary or permanent structures and poles, and any other obstructions (i.e. parked vehicles)."

CHARGE ITEM: Monthly Sidetrack Inspection \$150.00 per month, per industry location

THIS PAGE INTENTIONALLY

LEFT BLANK

ISSUED BY: Cassie Dull – Chief Commercial Officer
RailUSA, LLC
1515 South Federal Highway, Suite 404
Boca Raton, FL 33432
www.railusa.net