

CLACKAMAS VALLEY RAILWAY, LLC

FREIGHT TARIFF CVLY 8000-A (Cancels Freight Tariff CVLY 8000)

NAMING
RULES, CHARGES AND REGULATIONS
GOVERNING SWITCHING
ALSO
MISCELLANEOUS RULES AND CHARGES
FROM, TO, AND WITHIN
THE STATIONS
OPERATED BY
AND FOR ACCOUNT
CLACKAMAS VALLEY RAILWAY, LLC

LOCAL TARIFF

This tariff is also applicable on intrastate traffic, except where expressly provided to the contrary in connection with particular rates and provisions contained herein.

ISSUED: August 1, 2025

EFFECTIVE: September 1, 2025

ISSUED BY

D. J. Fellon, President
Progressive Rail Inc.
21778 Highview Ave.
Lakeville, MN 55044

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For explanation of abbreviations and reference marks not explained herein, see Item 99999, this tariff.

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RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS – GENERAL	RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS – GENERAL
ITEM 1 [A] CANCELLATION NOTICE FT CVLY 8000-A cancels FT 8000 in its entirety. Provisions formerly published in FT CVLY 8000 and not brought forward in FT CVLY 8000-A are hereby canceled.	ITEM 50 HAZARDOUS FREIGHT Shipments of hazardous freight under this tariff are subject to regulations of the U.S. Department of Transportation as shown in Bureau of Explosives, STB BOE 6000–series, C. Keller, Agent.
ITEM 10 DESCRIPTION OF GOVERNING CLASSIFICATION The term “Uniform Freight Classification” when used herein means Uniform Freight Classification 6000-series	ITEM 60 METHOD OF CANCELLING ITEMS As this tariff is supplemented, numbered items with lettered suffixes cancel correspondingly numbered items in the original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequences starting with A. For example: Item 100-A cancels Item 100 and Item 200-B cancels Item 200-A in a prior supplement, which in turn cancelled Item 200.
ITEM 20 STATION LISTS AND CONDITIONS This publication is governed by the Official Railroad Station List, OPSL 6000–series, issued by RAILINC, Agent.	
ITEM 30 CAPACITIES AND DIMENSIONS OF CARS For marked capacities, lengths, dimensions, and cubical capacities of freight cars, see Official Railway Equipment Register, RER 6414–series, R.E.R. Publishing Corporation, Agent.	
ITEM 40 REFERENCE TO TARIFFS, ITEMS, NOTES, RULES Where reference is made in this tariff to tariffs, items, notes, rules, circulars, etc., such references are continuous and include supplements to and successive issues of such tariffs, and reissues of such items, notes, rules, circulars, etc.	

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RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS – UNLIMITED	RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS – UNLIMITED
ITEM 100 LIMITATIONS All cars delivered to CVLY are received only on the condition that there is room for them upon the tracks to which they are consigned, and the cars are subject to delays incident in switching and unavoidable causes. Cars with bulged sides, excessive dimensions, or leaning cars that cannot be placed where consigned because of sharp curves or danger of striking structures, will be placed upon the nearest acceptable track for loading and/or unloading.	ITEM 115 [C] [I] COLLECTION OF CHARGES All charges are due in US currency within 15 days of invoice date. All invoices are subject to a 3% per month finance charge if unpaid within 30 days of the date of the invoice. In the event of a dispute, shippers shall provide written notice within 30 days from the date of the bill, specifying the bill number and the basis for the dispute. Customers responsible for original charges shall also be responsible for all additional collection costs, including attorney fees and court costs, if CVLY is required to collect in this manner. CVLY may at its sole discretion require prepayment of services.
ITEM 110 [A] INVOICE DISPUTE PROCEDURES In the event that a Customer disputes any charges incurred, the following procedures must be applied: A. A dispute with an invoice must be submitted within ten (10) calendar days from the date of the invoice. If a dispute is not received within this time, the bill will be considered correct and must be paid. B. A dispute about an invoice must be submitted on CVLY's online Customer Dispute form at: https://form.jotform.com/91756129015154, and a CVLY Accounting Representative will contact you. C. Amounts in dispute will not be considered past due until ten (10) days after the dispute resolution is concluded by CVLY. D. Disputes received after the ten (10) day provision will be subject to a \$200.00 research fee.	Customers may remit charges to CVLY via electronic methods; however, customers shall bear all related charges assessed by customer's financial institutions. Electronic remittances will be made in conformance with instructions provided by CVLY. Customers will be assessed a \$50.00 service charge or the maximum allowed by law on all checks returned unpaid by a customer's financial institution for non-sufficient or uncollected funds. Additionally, interest charges, as described in this item, will be assessed if returned check results in charges collected by CVLY outside of credit terms. CVLY shall not accept responsibility for failure by customer to provide purchase order numbers or similar customer internal documentation authorizing CVLY to provide services. CVLY shall attempt to provide customers with information used in customer's internal accounting processes but inability to provide requested information or the inability to comply with customer's internal documentation procedures will in no way remove customer's obligation to pay charges within credit terms assessed pursuant to applicable tariffs or contracts.
	ITEM 120 [C] MILEAGE ALLOWANCE When loaded or empty private cars are handled by CVLY, mileage payments will not be allowed except by written agreement. When loaded or empty railroad-controlled cars are handled by CVLY in switching service consigned to customers located within a switching district, mileage payments will not be allowed.

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RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS – UNLIMITED	RULES AND OTHER GOVERNING PROVISIONS RULES AND REGULATIONS – UNLIMITED
ITEM 140 RELEASE OF OPEN TOP LOADS Customers must arrange with CVLY for an inspection of shiftable, open-top loads prior to their release. Open top loads must be loaded in conformance to the OTLRM.	ITEM 170 [I] INTERCHANGE ERROR MOVEMENTS When empty or loaded cars are received from a foreign carrier without proper forwarding paperwork, the cars will be returned to the delivering carrier or forwarded to the proper carrier, within the same switching district, at a charge of \$500.00 per car. Charge for this service will be assessed against the carrier delivering the cars to CVLY. Bad order cars set out on CVLY tracks for repair by foreign carrier's repair crews will be considered cars without proper forwarding paperwork for the purpose of this item. When empty or loaded cars are received from a foreign carrier at the incorrect station and CVLY physically handles the cars for whatever reason, a charge of \$500.00 per car will be assessed against the carrier delivering the cars to CVLY. CVLY shall not be liable for any setback, switching, or linehaul charges assessed another carrier resulting from billing errors by a customer or by a carrier which is not affiliated with CVLY.
ITEM 145 [C] ORDERING CARS Customers shall order from CVLY all cars desired for loading on tracks of CVLY or industry tracks connected to CVLY and should specify class of car, lading, weight, destination, route, and want date. CVLY requires car orders to be submitted by customers via an approved electronic method supported by CVLY.	ITEM 180 [A] IMPROPER OR UNFIT CARS FURNISHED FOR LOADING BY CONNECTING FOREIGN RAILROAD A charge of \$500.00 will be assessed against the railroad furnishing the car, when an empty car is received from a connecting foreign railroad for loading by an industry located on the CVLY and is refused by the industry because the car is unsuitable for loading or is not of the proper type ordered. Such a charge will be in addition to all other charges that may apply.
ITEM 150 [I] CARS ORDERED BUT NOT USED When, on behalf of a customer, CVLY orders a car from a foreign carrier for loading and the customer refuses or rejects the car for reasons other than car is unfit for loading, a charge equal to the supplying carrier's car cancellation charge plus 5 percent will be assessed to the customer ordering the car from CVLY. Additionally, when a car has been switched or placed by CVLY and customer subsequently rejects the car for reasons other than the car is unfit for loading, a switching charge of \$500.00 will be assessed to the customer ordering the car from CVLY or a foreign carrier. Demurrage rules, charges, and regulations will apply to rejected cars in the same manner as other cars as published in CVLY 6004-series.	
ITEM 160 CARS ORDERED BUT NOT USED IN SUPPLYING CARRIER LINEHAUL When, on behalf of a customer, CVLY orders a car from a foreign carrier for loading and customer loads and routes the car in such a manner that the supplying carrier is not in the linehaul, a charge equal to the supplying carrier's car offline use charge plus 5 percent will be assessed to the customer ordering the car from CVLY.	
For explanation of abbreviations and reference marks not explained herein, see Item 99999, this tariff.	

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SECTION 1 DIVERSION OR RECONSIGNMENT	SECTION 1 DIVERSION OR RECONSIGNMENT
ITEM 200 [A] DEFINITIONS The term DIVERSION / RECONSIGNMENT means any order received by CVLY that requires any change in the original shipping document of a shipment involving: 1. The name of the Consignor. 2. The name of the Consignee. 3. The destination. 4. The route. 5. A request to stop a car for the purpose of delivery or re-forwarding. Destination for the purpose of this section means the destination on the bill of lading, or if such destination is served by a terminal yard, the terminal yard will be considered the destination.	ITEM 220 NON-APPLICATION Diversions will NOT be permitted under the following conditions: A. After the car has been interchanged to a participating carrier for the line-haul movement or switching to the consignee. B. After the car is placed at destination on CVLY. Any instructions effecting the movement of the car after placement at destination will constitute a new movement, subject to switching or line-haul charges as the case may be. C. Traffic moving under Confidential Contract unless permitted under the provisions of the governing Contract. D. On movements that require CVLY to perform an out-of-line movement. These shipments will be executed as shipments terminating and originating at the diverted station and will be subject to all applicable freight charges. E. To a station or to a point of delivery against which an embargo is in force. F. For requests to change the name of the freight payer. This Tariff will NOT supersede the provisions of any governing contract or tariff that may prevent the car from being diverted.
ITEM 210 [A] CONDITIONS A. Provisions of this Section will apply only to cars that are in CVLY's possession. B. Orders for diversions will only be accepted from: Consignor, Consignee, Freight Payer, or authorized representatives of the Consignor, Consignee, Freight Payer affected under these provisions. C. Diversion Charges will only apply if the diversion is accomplished. D. 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 movement. E. Diversion requests will only be processed when requests are received by the CVLY via an approved electronic method supported by CVLY. CVLY reserves the right to refuse the diversion request if charges accruing against the consignment are not guaranteed to the satisfaction of CVLY.	
For explanation of abbreviations and reference marks not explained herein, see Item 99999, this tariff.	

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SECTION 1 DIVERSION OR RECONSIGNMENT	SECTION 2 MISCELLANEOUS RULES AND CHARGES
ITEM 230 [A] RAILROAD RESPONSIBILITY TO AFFECT DIVERSION A. CVLY will make every effort to affect a diversion when a car is in CVLY possession and written instructions are provided. B. CVLY will NOT be responsible for failure to effect diversion after a car has been interchanged to a connecting carrier. C. CVLY will NOT be responsible for executing a diversion order on a specific day or at a specific time of day. D. CVLY will NOT be responsible for additional charges incurred when a diversion cannot be accomplished. E. CVLY will NOT be responsible for any charges accruing on cars delivered to connecting carriers.	ITEM 1010 [C] [I] CHARGES FOR MOVEMENT OF REVENUE EMPTY CARS A Charge \$500.00 per car will be assessed for transportation of empty freight cars moving on their own wheels. Exception 1 - This item will not apply to empty cars that are consigned to customers on CVLY lines for the purpose of loading. Exception 2 - This item will not apply to empty cars received in line-haul movements from another railroad with which the CVLY has an agreement covering charges for empty equipment.
ITEM 240 [A] DIVERSION CHARGES / CHANGES A Diversion Charge of \$550.00 per car will be assessed on any diversion accomplished (See Notes). Note 1 - Diversion charges do not include the cost of any additional switching, demurrage, line-haul or other applicable charges that may accrue as a result of the diversion. Charges are in addition to the applicable price publications and rate authorities. Note 2 - Requests to cancel a previous order affecting destination or route will be accepted when provided by authorized parties, provided the car has not reached the billed destination or been interchanged to another carrier. A Diversion Charge will be assessed for such cancellation/change. Only one (1) change in destination or route will be permitted. If the requested change would require CVLY to perform an out-of-line movement, it will not be permitted. Such requests will be executed as a shipment terminating and originating at the diverted station and will be subject to all applicable freight charges.	ITEM 1020 [C] [I] LOADS REQUIRING CLEARING OF ADJACENT TRACKS Loaded cars that because of excessive width or length require clearing tracks adjacent to the track on which said load moves will be assessed a charge of \$475.00 for each track cleared.
	ITEM 1030 IDLER OR TRAILER CARS Idler or trailer cars may be required by the engineering and/or operating departments of CVLY, if in their judgment an idler or trailer car is required for safe operation. Idler or trailer cars will be subject to the same charges, rules, and regulations as are applied to loaded cars.
	ITEM 1040 ARTICULATED CARS Each unit of articulated cars, loaded or empty, will be subject to all rules, regulations, and charges as applied to a single railcar.
For explanation of abbreviations and reference marks not explained herein, see Item 99999, this tariff.	

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SECTION 2 MISCELLANEOUS RULES AND CHARGES	SECTION 2 MISCELLANEOUS RULES AND CHARGES
ITEM 1050 [C] [I] SPECIAL TRAIN SERVICE Special train charges are \$90.00 per mile, with a minimum charge of \$5,500.00, in addition to freight and other applicable charges and will be charged to the customer requesting the special train. Special train charges must be prepaid unless agreed otherwise by previous agreement.	ITEM 1080 [C] [A] RELOADING EQUIPMENT Customers may not reload cars made empty by them without first obtaining permission from CVLY. A Charge of \$575.00 per car will be assessed if Customer does not obtain written permission to reload a car from CVLY. Exception: This item will not be applicable to private cars that the customer owns or leases.
ITEM 1060 [I] FAILURE TO STOW LOAD SECUREMENT DEVICES When a customer releases empty cars for movement from industry or team tracks and doors, hatches, chains, cables, or other similar devices are not properly secured, and must be secured by CVLY employees for safe movement, a charge of \$300.00 per car will be assessed to the customer that released the car for movement. This item does not apply when said devices, because of mechanical defect, cannot be operated as designed, provided that CVLY has been informed of the defect at or prior to the release of the car. This item will not obligate CVLY to stow load securement devices. CVLY may, at its sole discretion, consider the car or track inaccessible if load securement devices are not properly stowed or secured. Loaded cars and hazardous materials cars will not be moved unless all load securement devices are properly secured by customer.	ITEM 1100 [C] CARS LOADED IN VIOLATION OF CAR DISTRIBUTION RULES A charge of \$575.00 per car will be assessed against the industry and/or carrier who violates the car distribution orders. This charge will be assessed for each occurrence and will be in addition to all other applicable charges.
ITEM 1070 [I] REMOVAL OF SWITCH STANDS Loads that because of excessive width or length require the removal of switch stands, signals, or signs will be assessed a charge of \$1,500.00 for each switch stand, signal, or sign removed. This item will also be applicable for removal of switch stands, signals, or signs for customer purposes other than clearing loads.	ITEM 1110 FOREIGN CARS LEASED BY ONLINE CUSTOMERS Customers must immediately inform CVLY of cars leased from a foreign railroad for the customer's exclusive use. When online customers of CVLY lease foreign railroad cars for their exclusive use, hourly payments will not be allowed.
	ITEM 1120 DEMURRAGE All cars handled under this tariff will be subject to the demurrage rules, charges, and regulations published in CVLY 6004-series.
For explanation of abbreviations and reference marks not explained herein, see Item 99999, this tariff.	

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SECTION 2 MISCELLANEOUS RULES AND CHARGES	SECTION 2 MISCELLANEOUS RULES AND CHARGES
ITEM 1130 [C] [I] SUBMITTING SHIPPING INSTRUCTIONS Shipping instructions for loaded or empty cars will be submitted by customers via an approved electronic method supported by CVLY. Approved methods include EDI 404 or electronic Bill of Lading provided by CVLY-approved software. A charge of \$50.00 per submission by CVLY on behalf of the Customer will be assessed for each submission made by a non-approved method. This charge will be assessed to the payer of freight regardless of the party submitting the shipping instructions. Shipping instructions submitted by telephone will not be accepted.	ITEM 1180 [I] CARS DELIVERED TO CONNECTING CARRIERS AND SUBSEQUENTLY REQUESTED RETURNED BY CUSTOMER When cars are released empty or loaded by a customer and are interchanged by CVLY to a connecting carrier and are subsequently requested to be returned by customer, a charge equal to the connecting carrier's error return charge plus \$300.00 will be assessed to the customer requesting the car to be returned. This service will only be available if connecting carrier is able to return the car. Requests for cars to be returned must be made in writing by Customer to CVLY.
ITEM 1135 SWITCHING ORDERS Instructions for the release or requests for placements of loaded or empty cars or other similar events will be submitted by customers via electronic method supported by CVLY. Approved methods include EDI 404 or electronic messaging provided by CVLY Internet accessed software. A charge of \$20.00 will be assessed for each manual or facsimile submission. This charge will be assessed to the customer located on CVLY. Switching orders submitted by telephone will not be accepted.	ITEM 2000 [C] [I] SPECIAL SWITCHING OR UNSCHEDULED SERVICE Special switching or unscheduled service requiring assignment of a locomotive and crew to supplement regularly scheduled switching or train service will be performed only on a customer's request submitted 24 hours in advance. A Charge of \$5,500.00 for the first 8 hours or fraction thereof and \$687.50 for each additional hour, or fraction thereof, will be assessed. A charge of \$450.00 will be assessed for each additional locomotive required. This charge will not apply to additional locomotives that are required to replace locomotives originally assigned due to mechanical defects, track restrictions, carrier convenience, etc. These charges are in addition to other applicable transportation and accessorial charges. Hours will be computed from the time the locomotive and crew are on duty until the special switching service has been performed and the locomotive and crew have returned to the point where they began duty (including convenience of CVLY). Special switching or unscheduled train service is subject to the availability of CVLY personnel and equipment.
ITEM 1170 [C] CARS REQUIRED TO BE SWITCHED FROM TRAINS When cars released empty or loaded by a customer that have been subsequently built into a CVLY train for delivery to a connecting carrier but must be switched out of the train, a charge of \$300.00 per car will be assessed to the customer. This item will be applicable to cars that will not be accepted in interchange by connecting carriers for reasons not attributable to either the CVLY or connecting carriers. Such reasons include but are not limited to: Car subject to embargo, customer lacks credit with connecting carrier, shipping instructions on car not properly submitted or have been canceled by customer, private car is over age, private car not listed properly in UMLER, or for any other cause under the control of the customer.	ITEM 2010 [C] SWITCHING EQUIPMENT BETWEEN INDUSTRY AND CVLY FACILITY When customer owned or controlled cars or locomotives are handled by CVLY between industry on CVLY and a facility on CVLY for purposes of repairs or inspection, a charge of \$300.00 per car will be assessed.
For explanation of abbreviations and reference marks not explained herein, see Item 99999, this tariff.	

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SECTION 2 MISCELLANEOUS RULES AND CHARGES	SECTION 2 MISCELLANEOUS RULES AND CHARGES
ITEM 2040 [I] INTRA-PLANT SWITCHING A charge of \$350.00 per car will be assessed for each movement of cars that have been placed for loading or unloading and subsequently switched at the request of a customer from one location to another location on the same track or from one track to another track within the same industry. Such charges will be assessed against the customer requesting the switch. Intra-plant switching is at the convenience of CVLY and will be performed during the normal course of operations. Exception: This item will not be applicable when such movement is incidental and necessary in connection with the removal or placement of other loaded or empty cars.	ITEM 2070 [I] SWITCH ORDERED BUT UNABLE TO BE PERFORMED When a switch is ordered but is unable to be performed by CVLY because of a Customer condition, a charge of \$400.00 per car will be assessed to the customer requesting the switch. Customer conditions that may render a switch unable to be performed include, but are not limited to: Car not loaded/unloaded as indicated on release, load securement devices not properly stowed, unsafe customer track condition, car damaged by customer, presence of customer placed blue flag, red board or similar signage, locked gates/doors, track full, or any other condition for which CVLY has no control. This item will be applicable to any of the following switch orders: Release load, release empty, intra-plant, intra-terminal, inter-terminal, turning of a car, placement requests, or any other similar switching request.
ITEM 2050 [I] INTRA-TERMINAL SWITCHING A charge of \$400.00 per car will be assessed for each movement of cars that have been placed for storage, loading or unloading and subsequently switched at the request of a customer from one track to another track within the switching limits of a single station. Such charges will be assessed against the customer requesting the switch. Intra-terminal switching is at the convenience of CVLY and will be performed during the normal course of operations.	ITEM 2080 [C] [I] TURNING OF CARS TO PERMIT LOADING/UNLOADING A charge of \$400.00 per loaded or empty car will be assessed to the Customer ordering a car turned. Turning of Car Charges will be in addition to any other switching charges. If the car ordered to be turned is not at a station where turning facilities are available and must be moved out of route, then an additional Inter-Terminal Line-Haul Charge will apply. Turning of Cars will only be performed where facilities are available, is at the convenience of CVLY, and will be performed during the normal course of operations.
ITEM 2060 [C] [I] INTER-TERMINAL LINE-HAUL A charge of \$450.00 per car will be assessed for each movement of cars that have arrived at a station on CVLY for placement and subsequently switched at the request of a customer to another station on CVLY. Such charges will be assessed against the customer requesting the switch. Inter-terminal Line-Haul movements are at the convenience of CVLY and will be performed during the normal course of operations.	ITEM 2090 [A] CARS RELEASED IN ERROR If Customer releases car, loaded or empty, in error either it is determined by CVLY that the car is not ready to pull and/or the car is returned to Customer, a Charge of \$300.00 will be assessed. Customer will also be responsible for any and all other charges associated with returning a car to the Customer.
For explanation of abbreviations and reference marks not explained herein, see Item 99999, this tariff.	

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SECTION 3 OVERLOADED OR IMPROPERLY LOADED CARS	SECTION 3 OVERLOADED OR IMPROPERLY LOADED CARS
ITEM 2100 [A] DEFINITION OF OVERLOADED OR IMPROPERLY LOADED CAR OVERLOADED CAR An overloaded car is defined as a car for which either the net weight is in excess of the car's stenciled load limit or the gross weight is in excess of the track weight limit at any point along the route of movement. Note - Applies to cars overloaded in excess of 1,000 lbs. above allowed weight restrictions. IMPROPERLY LOADED CAR An improperly loaded car is defined as a car in or on which lading has not been loaded in accordance with AAR standard loading practices, Official Railway Equipment Register exceptions or individual railroad practices or exceptions.	ITEM 2120 [A] OVERLOADED CARS DISCOVERED AT DESTINATION If an overloaded car is delivered to destination and is not detected while enroute, whether the overloaded condition is discovered prior to delivery or not, or if the out turn weights are used for the assessment of freight charges and the car or cars are subsequently determined to be overloaded, a \$1,500.00 Charge for Overloaded or Improperly Loaded Cars will be assessed against the Shipper responsible for loading the car.
ITEM 2110 [A] OVERLOADED OR IMPROPERLY LOADED CARS DISCOVERED AT ORIGIN OR ENROUTE A. Overloaded or Improperly Loaded Cars as described in Item 2100, when discovered at origin will be: 1. Returned to the shippers track or 2. Returned to the connecting line tendering such cars to CVLY. The shipper shall be assessed the intra-plant switching or intra-terminal line-haul charge, plus a \$1,500.00 Charge for Overloaded or Improperly Loaded Cars. B. CVLY may elect to stop an overloaded or improperly loaded car enroute and hold it on a track where partial unloading or adjustment of the load may be accomplished. It will be the responsibility of the shipper to partially unload or adjust the car at his expense. CVLY will not furnish any personnel, equipment or machinery that may be necessary to partially unload or adjust the overloaded or improperly loaded car. Shipper responsible for loading the car shall be assessed all Charges.	ITEM 2130 [A] DEMURRAGE ON OVERLOADED OR IMPROPERLY LOADED CARS Overloaded or improperly loaded cars discovered at origin or enroute shall be placed on demurrage immediately following notification to the consignor or owner of the overloaded or improperly loaded condition. No free time will be allowed on cars held due to overloading or improper loading.

SECTION 4 MISCELLANEOUS PROVISIONS	EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS
ITEM 2200 [A] BANKRUPTCY OR INSOLVENCY A. In the event Shipper files or is the subject of a filed petition in bankruptcy and Shipper has a transportation contract or other agreement with CVLY (collectively "Agreement"), Shipper will, as soon as practicable: 1. Identify CVLY as a "Critical Vendor" of essential services as that term is interpreted and understood within the context of a bankruptcy proceeding; and, 2. Identify any Agreement with CVLY under which there remains continuing unperformed obligations; and, 3. Choose to elect to either assume or reject such Agreements identified pursuant to paragraph (2) above within (60) days of the date of the filing of the Shipper's petition in bankruptcy. B. In the context of a bankruptcy proceeding, no Agreement identified under paragraph (2) may be assigned without CVLY's consent, unless CVLY is given adequate assurance of future performance by the assignee. Such adequate assurance will include, but not necessarily be limited to, a deposit with CVLY as security for the timely payment of switching and line-haul charges an amount equal to the average thirty (30) day accrual for such charges as or security guarantees in form and substance satisfactory to CVLY from one or more persons who satisfy CVLY's standard of creditworthiness.	ITEM 99999 [C] EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS AAR - Association of American Railroads BOE - Bureau of Explosives CFR - U.S. Code of Federal Regulations EDI - Electronic Data Interchange Etc. - Et cetera FT - Freight Tariff OR - Oregon OPSL - Official Railroad Station List, RAILINC, Agent CVLY - Clackamas Valley Railway, LLC RER - Official Railway Equipment Register (R.E.R. Publishing Corporation, Agent) STB - Surface Transportation Board UFC - Uniform Freight Classification U.S. - United States of America [A] Addition [C] Change [I] Increase [R] Reduction
For explanation of abbreviations and reference marks not explained herein, see Item 99999, this tariff.	