

EAST OHIO VALLEY RAILWAY LLC.

FREIGHT TARIFF EOVR 8000 F C
(CANCELS ALL PREVIOUS FREIGHT TARIFF EOVR 8000)

**ALL-RAIL
PROPORTIONAL SWITCHING TARIFF
APPLYING ON TRAFFIC BETWEEN STATIONS ON
East Ohio Valley Railway LLC.
AND
INTERCHANGES WITH**

NORFOLK SOUTHERN RAILWAY COMPANY

SWITCHING TARIFF

Governed, except as otherwise provided herein, by the Uniform Classification (See Item 105).

NOTICE

The provisions published herein, if effective, will not result in an effect on the quality of the human environment.

ISSUED: 12/1/2025

EFFECTIVE: 1/1/2026

ISSUED BY
JW Burwinkel
Chief Commercial Officer
900 Thompson Run Road
Monroeville PA, 15146

MADE IN U.S.A

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CANCELLATION NOTICE

Rates and charges shown in Tariff EOVR 8000, cancelled by this issue, and not brought forward herein are cancelled account obsolete.

ISSUED

12/1/2025

EFFECTIVE

1/1/2026

Issued by JW Burwinkel, 900 Thompson Run Road Monroeville PA, 15146

ITEM 50
CHECK SHEET OF PAGES

All of the pages contained in this tariff are listed consecutively by number. The pages to the tariff, and the supplements to the tariff, listed on this page, bear issued dates, which are the same as, or are prior to, the issued date of this page. "0" in the revision column indicates an original page.

REVISION	PAGE	REVISION	PAGE

ITEM 100
EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS

ABBREVIATION	EXPLANATION
BOE	Bureau of Explosives
Jct.	Junction
NS	Norfolk Southern Railway Company
NSO	National Service Order
OPSL	Official Railroad Station List
RER	The Official Railway Equipment Register
RIC	RAILINC, Agent
STCC	Standard Transportation Commodity Code
UFC	Uniform Freight Classification (National Railroad Freight Committee, Agent)
EOVR	East Ohio Valley Railway

REFERENCE MARK	EXPLANATION
I	To denote increases.
C	To denote changes in wording which result in neither increases nor reductions in charges.
R	To denote reductions.
N	To denote new items.
X	Not Subject to Fuel Surcharge
(3)	On shipments moving on heavy-duty flat cars as described in Freight Tariff RIC 6740 series and Schnabel-type cars, an additional charge of \$2,444 per car will be assessed.

For explanation of Abbreviations/Reference Marks, see Item 100.

ISSUED 12/1/2025

EFFECTIVE

1/1/2026

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RULES AND OTHER GOVERNING PROVISIONS

GENERAL RULES AND REGULATIONS

ITEM	SUBJECT	APPLICATION
101	EOVR CONDITIONS OF CARRIAGE	Switching and other services provided under this publication are subject to the rules and provisions of EOVR Conditions of Carriage No. 1 series, including the EOVR Liability provisions of Rules 200, 250, and 265. EOVR Conditions of Carriage No. 1 series is available via the Internet on the EOVR website at www.transtarrail.com under Customer Circulars. If you do not have access to the Internet, please contact EOVR Marketing at (412) 584-6169 to request copy of EOVR Conditions of Carriage.
103	SECURITY DEPOSITS FOR PAYMENT OF ACCESSORIAL CHARGES IN CONNECTION WITH CARS FOR DISMANTLING OR SCRAPPING	<p>A security deposit to insure payment of accessorial charges in connection with switching and/or storage of Cars, railway freight, moving for dismantling or scrapping, moved on own wheels, that may accrue will be required from every Consignor, Consignee, or agent thereof who fails to pay accessorial charges after specific written demand referring to this tariff provision.</p> <p>A deposit must be paid, by wire transfer, before any freight car is delivered to such Consignor, Consignee, or agent thereof. A deposit on one unit of equipment is not transferable to another.</p> <p>A deposit for each car shall be in the minimum amount of two hundred dollars (200.00) or up to the maximum amount of accessorial charges accrued on any one car during the preceding twelve (12) months.</p> <p>In the case of a Consignor, Consignee, or agent thereof receiving multiple cars, the total amount required to be deposited shall not exceed the lesser of the amount of existing past accessorial charges accrued by the Consignor, Consignee, or agent thereof due or \$25,000.</p> <p>Once the Consignor, Consignee, or agent thereof has paid all outstanding accessorial charges and has given assurance to the satisfaction of the Carrier's credit office that future accessorial charges will be paid within the credit period prescribed in EOVR Conditions of Carriage No. 1 series, the Carrier will refund the balance of the deposit to the Consignor, Consignee, or agent thereof by the 5th day of the month following that in which the equipment is released to the Carrier after deducting any and all unpaid accessorial charges.</p> <p>Security deposits will no longer be required after the Consignor, Consignee, or agent thereof has paid all outstanding accessorial charges and has given assurance to the satisfaction of the Carrier's credit office that future accessorial charges will be paid within the credit period prescribed in EOVR Conditions of Carriage No. 1 series.</p>

For explanation of abbreviations/reference marks, see Item 100.

ISSUED

12/1/2025

EFFECTIVE

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RULES AND OTHER GOVERNING PROVISIONS

GENERAL RULES AND REGULATIONS

ITEM	SUBJECT	APPLICATION
105	DESCRIPTION OF GOVERNING CLASSIFICATION	The term "Uniform Classification" when used herein means Tariff UFC 6000 series, issued by National Railroad Freight Committee, Agent.
110	STATION LIST AND CONDITIONS	<p>This tariff is governed by Tariff OPSL 6000 series, issued by RAILINC, Agent, to the extent shown below.</p> <p>PREPAY REQUIREMENTS AND STATION CONDITIONS</p> <p>For additions and abandonments 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.</p> <p>GEOGRAPHICAL LIST OF STATIONS</p> <p>For geographical locations of stations referred to in this tariff.</p>
115	EXPLOSIVES, DANGEROUS ARTICLES	For rules and regulations governing the transportation of explosives and other dangerous articles by freight, also specifications for shipping containers and restrictions governing the acceptance and transportation of explosives and other dangerous articles, see Tariff BOE 6000 series.
120	REFERENCE TO TARIFFS, ITEMS, NOTES, RULES, ETC.	<p>(a) Where reference is made in this tariff to tariffs, items, notes, rules, etc., such references are continuous and include supplements to and successive issues of such tariffs and reissues of such items, notes, rules, etc.</p> <p>(b) Where reference is made in this tariff to another tariff by tariff number, such reference applies also to such tariff to the extent it may be applicable on intrastate traffic.</p>
125	TERMINAL OR TRANSIT PRIVILEGES OR SERVICES	<p>Shipments made under the rates contained in this tariff are entitled also to terminal or transit services and privileges, and are subject to the charges, allowances, rules and regulations legally applicable thereto, as provided in separately-published, lawfully-filed tariffs.</p> <p><u>EXCEPTION</u></p> <p>When provisions of this tariff specifically cover any such charge, allowance, rule or regulation, corresponding or conflicting provisions in such separate tariffs will not apply.</p>
140	CONSECUTIVE NUMBERS	Where consecutive numbers are represented herein by the first and last numbers connected by the word "to" or a hyphen, they will be understood to include both the numbers shown and all of the numbers between. If the first number only bears a reference mark, such reference mark also applies to the last number shown and all of the numbers between.
145	CAPACITIES AND DIMENSIONS OF CARS	For marked capacities, lengths, dimensions and cubical capacities of cars, refer to The Official Railway Equipment Register, issued by R.E.R. Publishing Corporation, Agent.
160	NATIONAL SERVICE ORDER TARIFF	This tariff is subject to provisions of various Surface Transportation Board Service Orders and General Permits as shown in Tariff NSO 6100 series, Railroad Publication Services, Agent.

For explanation of abbreviations/reference marks, see Item 100.

ISSUED 12/1/2025

EFFECTIVE

1/1/2026

Issued by JW Burwinkel, 900 Thompson Run Road Monroeville PA, 15146

RULES AND OTHER GOVERNING PROVISIONS
SPECIAL RULES AND REGULATIONS-UNLIMITED

ITEM	SUBJECT	APPLICATION
200	APPLICATION OF RATES	<p><u>Inbound Traffic</u> – Switching charges in this tariff will apply on shipments originating beyond point of interchange with carriers named in Items 255.</p> <p>Outbound Traffic – Switching charges in this tariff will apply in or on equipment furnished from immediately available sources on the EOVR. Requests for equipment by ownership will be considered only when the EOVR does not have, immediately available, suitable equipment of the size, type and capacity requested.</p> <p>When charges published herein are not absorbed in whole, the balance of such unabsorbed charges will be in addition to the line-haul rates applicable.</p>
210	CAR DEMURRAGE RULES AND CHARGES	The car demurrage rules and charges, as provided in Tariff EOVR 6004 series, will govern on all cars handled or switched under this tariff.
215	CHARGES FOR SPECIAL FREIGHT TRAIN SERVICE	<p>The charge for special freight train service will be based on the rate of \$30.00 per train mile or fraction thereof, via route of movement, subject to a minimum of 100 miles, which will be in addition to all other charges associated with the shipment. Advance notification for special train is required.</p> <p>If and when an Idler car is necessary, an additional charge of \$750 per car will be assessed.</p>
240	EXEMPT COMMODITIES AND EQUIPMENT	Except as otherwise provided in Exempt Circulars and Quotations, this tariff does not apply to commodities, equipment and services exempted from regulation by the Surface Transportation Board under the various subject numbers of Ex Partee 346.
241	PAYMENT TERMS	<p>All credit customers must pay charges in accordance with the terms established by the billing carrier. When the EOVR is the billing carrier, the credit period is fifteen</p> <p>(15) days, including Saturdays and Sundays and legal holidays and shall begin on the day following presentation of the freight bill. The term “freight bill” as used in this item includes paperless documents, billing by electronic data interchange (EDI), and invoice less procedures.</p> <p>Presentation of the freight bill shall be deemed to have been made: (a) upon mailing of acceptance check, draft, or money order when paying by mail, and (b) upon receipt of funds in the carrier’s bank account when paying via electronic transmission.</p>
242	FINANCE CHARGES	The EOVR may assess a finance charge of 1.5% per month on unpaid bills for freight and miscellaneous charges, including demurrage, switching and weighing, which are past due its credit terms. Any invoice not paid within ten (10) calendar days after its respective date will be considered late, and the party responsible for payment shall be assessed finance charges as described herein.
243 X	INTERCHANGE ERROR DELIVERIES	Cars, empty or loaded, delivered to EOVR in error, will be returned to the delivering carrier at a charge of \$488 per car. EOVR will make every reasonable effort to comply with connecting carriers’ administrative procedures with respect to securing authorization in connection with return of such cars. But, if the service of returning cars is, in fact, provided by EOVR due to connecting-carrier error, charge remains applicable in the event any particular aspect of administrative procedure unilaterally established by connecting carrier is not fulfilled.
ISSUED	12/1/2025	EFFECTIVE 1/1/2026
Issued by JW Burwinkel, 900 Thompson Run Road Monroeville PA, 15146		

RULES AND OTHER GOVERNING PROVISIONS
SPECIAL RULES AND REGULATIONS-LIMITED

ITEM	SUBJECT	APPLICATION	
244	INTERCHANGE ERROR CARS UNFIT FOR LOADING	Cars, empty or loaded, delivered to EOVR unfit for loading, will be returned to the delivering carrier at a charge of \$550 per car. EOVR will make every reasonable effort to comply with connecting carriers' administrative procedures with respect to securing authorization in connection with return of such cars. But, if the service of returning cars is, in fact, provided by EOVR due to connecting-carrier error, charge remains applicable in the event any particular aspect of administrative procedure unilaterally established by connecting carrier is not fulfilled.	
245	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, \$450 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.	
246	INTRA-PLANT (A)	A switching movement from one track to another or between two locations on the same track within the confines of the same (single) plant	\$265
247	INTRA-TERMINAL	A switching movement from Railroad property track to Customer Track and the reverse.	\$424
248	SPECIAL SWITCHING SERVICE	Requests of industry for special movement of car or cars, necessitating crew being taken from previously assigned work or requiring the assigning of a new crew to perform special move, will be performed at a charge per hour. This charge is in addition to the applicable switching rate published herein. Time and charges will be computed from the time such locomotive and crew is ordered from its regularly assigned duties until it returns to its regular assignment.	\$424
249	TEMPORARY STORAGE AND SUBSEQUENT SWITCHING	After a private or rail owned car has been placed into Constructive Placement (PCON) or placed into temporary storage (STEA) for customer convenience then a switching charge will be assessed when car is ordered out of PCON or STEA status by customer. Switch fee will be determined based on distance between temporary storage location and customer's plant as follows: Between .5 miles and 5 miles □ \$150 per car From 5.1 miles to 10 miles □ \$250 per car From 10.1 miles to 20 miles□ \$350 per car In excess of 20 miles □ \$450 per car	

ISSUED 12/1/2025

EFFECTIVE 1/1/2026

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RULES AND OTHER GOVERNING PROVISIONS
SPECIAL RULES AND REGULATIONS-LIMITED

ITEM	SUBJECT	APPLICATION
250	SPECIAL TRAIN SERVICE	Requests for special movement of car or cars, necessitating crew being taken from previously assigned work or requiring the assigning of a new crew to perform special move, will be performed at a charge per hour. This charge is in addition to the applicable switching rate published herein. Time and charges will be computed from the time such locomotive and crew is ordered from its regularly assigned duties until it returns to its regular assignment. \$400.00 per hour of fractions thereof.
251	RULE GOVERNING IMPROPERLY LOADED / OVERLOADED CARS	<p>Unless special loading, bracing, and blocking for a particular shipment is approved in advance and in writing by an authorized official, it is the duty of the consignor or owner of the shipment (the "Shipper") to ensure that its shipment complies with all applicable Association of American Railroads rules, circulars, pamphlets and/or general information series publications and with all applicable loading pamphlets, diagrams, manuals, publications, and/or procedures (collectively, the "Loading Requirements"). Railroad cannot and does not routinely inspect shipments to determine compliance with these Loading Rules in light of the various different requirements does so in general terms and Railroad takes no responsibility for hidden or latent non-compliance with the Loading Requirements or patent non-compliance with the Loading Requirements which because of the unique characteristics of the shipment are not readily recognizable except to a person expert to the particular shipment. Railroad has the right to inspect, weigh and reject shipments at origin for not complying with the Loading Requirements.</p> <p>Railroad may elect to stop en route: 1) any car that does not comply with the Loading Requirements, or 2) a trainload shipment that includes one or more improperly loaded car(s), and hold the individual car or the entire train on a track or tracks where the load re-blocking, re-bracing or transloading may be accomplished. It will be the responsibility of the Shipper to re-block, re-brace or transload the lading at its expense. Railroad will not furnish any personnel, equipment or machinery that may be necessary to properly secure a load. Upon request and order of consignor or consignee prior to departure of train from a classification yard, a car or cars, already classified on basis of prior orders, will be reclassified for diversion by reissued switching orders differing from original delivery orders.</p> <p>Charges for each such car will be assessed as follows: 1. Per car handling charge for each improperly loaded car. 2. Subject to demurrage and storage provisions published in tariff 6004-Series.</p>
ISSUED	12/1/2025	EFFECTIVE 1/1/2026
Issued by JW Burwinkel, 900 Thompson Run Road Monroeville PA, 15146		

\$ 2,000

RULES AND OTHER GOVERNING PROVISIONS
SPECIAL RULES AND REGULATIONS-LIMITED

ITEM	SUBJECT	APPLICATION	
255	INTERCHANGE WITH NORFOLK SOUTHERN RAILWAY COMPANY	(Applicable only when specific reference is made to this item) The East Ohio Valley Railway has direct connection with Norfolk Southern Railway Company at the following interchange points: Clarington, OH	
256	DIVERSION OR RECONSIGNMENT CHARGES	A diversion charge will be assessed against the party requesting diversion including any change to the original shipping document, including but not limited to: 1. A change in the party responsible for payment of transportation charges (freight payer) of a shipment. 2. A change of the shipment from "Prepay" to "Collect" or the reverse. 3. A change in the description of the commodity shipped. 4. A change in routing, consignee, or destination.	\$318
257	CHARGES FOR CARS REQUIRING SWITCHING - TURNING TO PERMIT LOADING OR UNLOADING	When a customer request that EOVR turn a car(s), the party requesting the service will pay EOVR {subject to FSC} for each car that EOVR turns.	\$530
258	DIVERTED AT INTERCHANGE STATIONS	If after receiving a car in interchange from a connection carrier, EOVR is requested to return the car to the same carrier or give the car to another carrier at the interchange station, prior to the car departing the interchange station in EOVR line-haul service or placing the car at an industry, charges for handling the car.	\$477
259	CARS REQUESTED BY SPECIFIC NUMBER	When a customer requests that the railroad place a specific car number to an industry ("cherry-picking") or a first in/first out demand, a charge will be charged to the requestor. This charge applies regardless of car ownership and whether the cars are stored or held on railroad tracks or customer leased tracks.	\$180
260	RELEASED BEFORE READY OR AVAILABLE	A charge will be assessed when a car is released by the shipper, but for reasons not attributed to the railroad, cannot be pulled. As example: Customer releases a car as empty, railroad arrives to pull the car, and product is still being transferred, track is locked, gate is closed.	\$371
261	INCOMPLETE BILLING	When on Shipper's orders, a rail car is released from an industry on EOVR, or received at interchange from a connecting Carrier with incomplete billing or non-compliant billing and is deemed insufficient to continue movement, the Shipper or Carrier (erring party) will be assessed a charge and all applicable demurrage, storage or detention charges will apply until such time as the Shipper or the Carrier provides complete Bill of Lading instructions which will allow the railcar to continue movement. □	\$424
262	EQUIPMENT DAMAGED WHILE LOADING/UNLOADING	Upon inspection by EOVR, if a railroad-supplied car requires repairs due to damages attributable from loading or unloading, other than usual wear and tear, a fee may be assessed.	\$1,060

ISSUED 12/1/2025

EFFECTIVE 1/1/2026

PROPORTIONAL SWITCHING RATES

SECTION 1

TRAFFIC INTERCHANGED BETWEEN THE EAST OHIO VALLEY RAILWAY AND:
 NORFOLK SOUTHERN RAILWAY COMPANY (See Item 255),
 ORIGINATING AT OR DESTINED TO PUBLIC TEAM TRACKS, SIDINGS AND INDUSTRIES
 LOCATED ON OR CONNECTED WITH THE EAST OHIO VALLEY RAILWAY AT ALL STATIONS

ITEM	APPLICATION	RATES IN DOLLARS PER CAR, EXCEPT AS NOTED
420 X	FREIGHT CARS, EMPTY, Railway Standard Gauge, on own wheels, of Private or of Railroad ownership, moved at request of industry not in connection with a loaded revenue movement (See Note)..... NOTE – Includes cars used as idlers when required to make shipments safe for transportation.	\$348
440	CHLORIDE {28-12XX}	\$1,233
480	LOCOMOTIVES OR LOCOMOTIVE CRANES, moved on own wheels, but not under own power.....	\$2,250
500	MISCELLANEOUS MACHINERY OR PARTS	\$2,295
510	SCRAP {40-21XX}	\$1,215
520	IRON OR STEEL {33-12XX}	\$1,215
521	PELLETS {32-95XX}	\$1,095
530	SAND {14-41XX}.....	\$1,095
531	SAND UNIT TRAINS {14-41XX}.....	\$852 OVER 90 CARS
580	TRAFFIC, ALL OTHER, except Iron Ore and Coke, and except as otherwise provided in Items 420 to 575.....	\$1,460

For explanation of abbreviations/reference marks, see Item 100.

ISSUED 12/1/2025

EFFECTIVE 1/1/2026

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THE END