

Kansas City Southern



TARIFF 9213-G

(Cancels and Supercedes KCS 9213-F and TM 8407-D Items 11 & 50)

CONTAINING

RULES, REGULATIONS AND CHARGES

GOVERNING

DIVERSION OF FREIGHT

AT ALL POINTS

ON

THE KANSAS CITY SOUTHERN RAILWAY COMPANY

APPLICABLE ON INTRASTATE TRAFFIC

ISSUED BY:

**BRANDON L. STEENSON
MANAGER SALES AND MARKETING CONTRACTS
P O BOX 219335
KANSAS CITY, MO 64121-9335**

ISSUE DATE: OCTOBER 6, 2006

EFFECTIVE DATE: NOVEMBER 1, 2006

KANSAS CITY SOUTHERN

TABLE OF CONTENTS	PAGE
--------------------------	-------------

Table of Contents	2
Index of Items – Alphabetical Order	3
Item 100 – KCS Web Site	4
Item 110 – Method of Canceling Items	4
Item 120 – Notification of Changes	5
Item 130 – Credit Terms	5
Item 140 – Explanation of Abbreviations	5
Item 200 – General Application	6
Item 300 – Glossary of Terms	7
Item 400 – Notifying KCS of Diversion	8
Item 500 – Diversion Requests on Empty Private Cars	8
Item 600 – Orders for Diversion	9
Item 700 – Non-Acceptance of Orders for Diversion	9
Item 800 – KCS Responsibility to Effect Diversions	10
Item 900 – Multiple Car Shipments	11
Item 1000 – Diversion Charges	12
Item 1050 – Diversion Charges TOFC/COFC	12
Item 1100 – Overcharge Claims	13
Item 1150 – Cancellation of Shipping Documents - Not in Carrier Possession	13

KANSAS CITY SOUTHERN

KCS 9213-G

PAGE 3

INDEX OF ITEMS – ALPHABETICAL ORDER	PAGE
--	-------------

Cancellation of Shipping Documents - Not in Carrier Possession – Item 1150	13
Credit Terms – Item 130	5
Diversion Charges – Item 1000	12
Diversion Charges TOFC/COFC – Item 1050	12
Diversion Requests on Empty Private Cars – Item 500	8
Explanation of Abbreviations – Item 140	5
General Application – Item 200	6
Glossary of Terms – Item 300	7
Index of Items – Alphabetical Order	3
KCS Responsibility to Effect Diversions – Item 800	10
KCS Web Site – Item 100	4
Method of Canceling Items – Item 110	4
Multiple Car Shipments – Item 900	11
Non-Acceptance of Orders for Diversion – Item 700	9
Notification of Changes – Item 120	5
Notifying KCS of Diversion – Item 400	8
Overcharge Claims – Item 1100	13
Orders for Diversion – Item 600	9
Table of Contents	2

KANSAS CITY SOUTHERN

KCS 9213-G

PAGE 4

ITEM 100 - KCS WEB SITE

This publication is now available on the Internet for viewing or sending directly to your printer. The KCS Home Page address is <http://www.kcsi.com>. From the Home Page click the 'For Customers' link, then choose 'Doing Business With KCS' link and click the 'Accessorial Charges' link. KCS has provided a link to the Adobe Homepage so that Acrobat Reader software can be downloaded onto your computer allowing you to print a copy on your personal computer.

If you are not prepared to obtain a copy of this publication directly from the KCS web site, a hard copy will be mailed to you, provided you furnish, to the address shown below, a formal written request for a printed copy. This formal request is required on an annual basis in accordance with the Surface Transportation Board's policy decision under Ex Parte 528, Disclosure, Publication and Notice of Change of Rates and Other Service Terms for Rail Common Carriage.

Manager Sales & Marketing Contracts
Kansas City Southern
P O Box 219335
Kansas City, MO 64121-9335

ITEM 110 – Method of Canceling Items

As this tariff is supplemented, numbered items with letter suffixes will be used in alphabetical sequence starting with A. Example: Item 1010A cancels Item 1010, and Item 1010B cancels Item 1010A in a prior supplement, which in turn cancelled item 1010.

ITEM 120 – Notification of Changes

1. As items in this tariff are revised, the remarks “**Increase**”, “**Reduction**” or “**Change in Wording**” will be shown in parenthesis to the right of the effective date of the item.

Example:

Item 600 – Orders for Diversion
Issued November 18, 2000 – Effective December 1, 2000 (**Change in Wording**)

2. In addition, the effective date of the revised item will be added in parenthesis to the Table of Contents on page 1 to identify which item[s] have been changed.

Example:

Item 600 – Orders for Diversion (**Effective 12/01/2001**)

3. The paragraph that has been changed within the item will contain one of the following reference marks placed at the end of the paragraph or within the table at the point of change.
[I] Denotes increase.
[C] Denotes changes in wording which result in neither increase nor reductions in charges.
[R] Denotes reduction.

Example:

Loading is the complete or partial loading of a car in conformity with KCS loading and clearance rules, advice that car is available for movement, and the furnishing of forwarding instructions. [C]

Item 130 – Credit Terms

Charges that accrue per this Tariff are due and payable according to KCS's Credit Terms, as stated in KCS Rules Publication 9011-Series.

Item 140 – Explanation of Abbreviations

AAR – Association of American Railroads
KCS – The Kansas City Southern Railway Company

Item 200 – General Application

- A. Except as provided in Paragraph B below, the provisions of this Tariff apply:
 - 1. When KCS is the origin line haul carrier and car has departed the origin loading facility when served by KCS; or
 - 2. When KCS has taken physical possession of the car from either a switching carrier or a connecting line haul carrier.
- B. The provisions of the Tariff are not applicable on the following:
 - 1. Coal shipments moving in unit trains; and
 - 2. Empty private cars diverted to a private repair facility.
- C. If a single diversion order, given at one time, contains a request for more than one change in the billing/shipping document, only one charge will be assessed. The applicable charge will be for the change subject to the highest charge.
- D. When the party requesting a diversion asks that it be accomplished after he or she is made aware that the applicable diversion provisions have not been met or that the line haul transportation price does not authorize diversions, the shipment will be subject to the combination of rates for a shipment terminating and originating at the diversion points.
- E. The party issuing the diversion order is responsible for payment of any hold charges and/or demurrage or storage charges that may be applicable and incurred to accomplish the final delivery.
- F. All charges named in the Tariff are stated in United States Dollars.
- G. All charges for the shipment, whether accrued or accruing, must be paid or guaranteed to the satisfaction of KCS before the car is diverted.
- H. KCS will not be responsible for any charges accruing on cars delivered to connecting Railroads, other than the absorption of reciprocal switching charges that are authorized by KCS switching absorption provisions.

Item 300 – Glossary of Terms

CONSIGNEE: The party designated on the bill of lading as the entity entitled to receive delivery of the goods from the carrier.

CONSIGNOR: The party designated on the bill of lading as the entity which has caused the goods to be consigned into transportation.

DESTINATION: Billing destination, or if such destination is serviced by a terminal yard, then such terminal yard will be considered as the destination.

DIVERSION: A change in billing/shipping instructions that changes the route and/or destination of a freight car. Changes which constitute a diversion include:

- ...A change in destination;
- ...A change in route;
- ...A cancellation of a previous diversion order;
- ...The cancellation of an original shipping document after the car has been pulled from industry or team tracks.

FREIGHT PAYOR: The party responsible for payment of the line haul freight charges to the billed destination of record at the time of the diversion request.

NORMAL BUSINESS HOURS: Normal business hours are from 8:00 a.m. to 5:00 p.m. Central Time on Monday through Friday, except for holidays. "Holidays" shall include Thanksgiving, Christmas Day and New Year's Day.

PRIVATE CAR: A car which is not owned or leased by a railroad.

RAILROAD CONTROLLED CAR: Any car other than a private car.

RECONSIGNMENT: A change in billing/shipping instructions that does not affect the physical movement or route of a freight car. Changes which constitute a reconsignment include:

- ...A change in the Consignee, Care of Party, or Freight Payor;
- ...A change from prepay to collect or vice versa;
- ...A change in the original shipping documents in conjunction with an overcharge claim per item 1100.

KANSAS CITY SOUTHERN

KCS 9213-G

PAGE 8

Item 400 – Notifying KCS of Diversion/Reconsignment

- A. Diversion or reconsignment request will ONLY be processed when request are received by KCS in writing, electronically, via facsimile or phone.
- B. Verbal orders can be phoned to the number shown below and must be immediately followed by submitting written confirmation to the address or via fax as shown below.

Kansas City Southern
Customer Service Center – Billing Department
4601 Shreveport Blanchard Hwy.
Shreveport, LA 71107-5797
Phone No: (800) 468 – 6527
Fax No: (800) 874-7088

- C. Prior to KCS approving a diversion or reconsignment request from an authorized representative/agent of the Freight Payor, the party making the request must include in its fax or written confirmation a statement reading:

“As an authorized representative/agent of the Freight Payor, I have the Freight Payor’s authority to request a diversion/reconsignment on the involved carload(s) of freight”.

Item 500 – Diversion Request on Empty Private Cars

Request for diversion on empty private cars are subject to the provisions of this Tariff except that Paragraph F in item 700 does not apply. See KCS Circular 37 for further information regarding movement of empty cars.

Item 600 – Orders for Diversion/Reconsignment

Orders for diversions or reconsignments will only be accepted from:

- A. Freight Payor;
- B. Authorized representative/agent of the Freight Payor;
- C. Consignee, when issuing instructions for delivery to a KCS served or open industry within the switch limits of the billed destination of record at the time of the diversion request; or
- D. Car owner or lessee on non-revenue moves of empty railway cars.

Item 700 – Non-Acceptance of Orders for Diversions/Reconsignments

KCS will not accept orders for diversions or reconsignments:

- A. After car has been interchanged to a connecting line haul carrier;
- B. After car has been interchanged to a switching railroad;
- C. After actual placement of the car at billed destination by KCS;
- D. On “Order Notify” bill of lading consignments;
- E. On orders to change the status of shipment from a “Straight” bill of lading consignment to an “Order Notify” bill of lading consignment;
- F. That require KCS to perform backhauls or out-of-line hauls;
- G. To a station or to a point of delivery against which an embargo is in force.

KCS reserves the right to accept or reject a diversion or reconsignment request for any reason.

KANSAS CITY SOUTHERN

KCS 9213-G

PAGE 10

Item 800 – KCS Responsibility to Effect Diversions/Reconsignments

- A. KCS will make a diligent effort to effect desired diversion or reconsignment when the car is in KCS' possession.
- B. KCS will not assume any responsibility for effecting a diversion at a specified location under the following conditions:
 - 1. After a car has been classified or assembled into a train for outbound movement. In this situation, a car may be diverted at the next classification yard or interchange location and the diversion will be governed by the rules and charges at that location.
 - 2. After a car has been placed in "pre-blocked" or "run-through" train service. In this situation, a car may be diverted:
 - a. When billed to a KCS destination, after the car reaches the "pre-blocked" destination or the destination of the "run-through" train or the billed destination, as the case may be, and the diversion will be governed by the rules and charges at that location; or
 - b. When billed to a non-KCS destination, after the car reaches the "pre-blocked" destination or the destination of the "run-through" train and the diversion will be governed by the rules and charges at that location, except if the car is not scheduled to be reclassified prior to interchange to the connecting railroad, the car may not be diverted.
 - 3. When a car has been placed in "pre-blocked" train service for delivery to another carrier at a KCS destination for that carrier's performance of reciprocal switching service.
- C. KCS will not be responsible for executing a diversion/reconsignment order on a specified day or time of day.
- D. KCS will not be responsible for increased charges when the diversion/reconsignment cannot be accomplished at the desired locations.
- E. An order for diversion which specifies that a through rate is to be protected will not be construed as obligating KCS to protect other than the lawful rates and charges under these diversion rules.
- F. KCS will not assume any responsibility for effecting a diversion at a specified location if orders are received outside of normal business hours as defined in Item 300 of this Tariff.

Item 900 – Multiple Car Shipments

- A. Multiple car shipments comprised of more than one car tendered on one bill of lading on one day from one shipper at one origin to one consignee at one destination for movement under line haul rates or charges specifically providing for application on multiple car shipments, will be subject to the diversion rules and charges provided herein. Separation of the multiple car shipment by diversion will not be allowed, except by rate item authorization or as provided in Paragraph B.

- B. If one or more cars of a multiple car shipment go “bad order” after departing the origin station, they may be diverted at the customer’s option. Such cars will be subject to the diversion rules and charges as provided herein. The multiple car freight rate originally assessed on the whole shipment will apply on the remaining cars that are not accorded diversion. On prepaid shipments, the freight bill/charges should be “paid short” citing the diversion as authority. The freight bill is not to be returned for correction.

Item 1000 – Diversion & Reconsignment Charges

Diversion or reconsignment will only be allowed when the applicable price authority permits diversion or reconsignment and the shipment is in the possession or under control of KCS. Shipments diverted or reconsigned under this process will be assessed the following charges: (Request for diversion or reconsignment must be made in form outlined in Item 400 of this tariff.)

Cars diverted or reconsigned prior to arrival of car at billed destination shall be charged a rate of \$225 per car as well as the otherwise applicable tariff charge for the move.

Diversion or reconsignment request will ONLY be accepted on cars that are physically on the KCS.

Diversion or reconsignment request will ONLY be accepted as provided for in item 600.

Item 1050 – Diversion Charges on TOFC/COFC Shipments

Only one request for reconsignment of a TOFC/COFC shipment will be permitted and only to change the name of the consignee or the delivery address at original billed destination, subject to the following conditions and charges:

- A. A request for reconsignment must be made and confirmed in writing.
- B. Carrier will make diligent effort to execute a request for reconsignment, but will not be responsible if such service is not affected.
- C. No reconsignment will be made on "In Bond" shipments.
- D. Shipments reconsigned will be subject to the same free time and detention rules and charges as if the shipment had not been reconsigned.

Diversion Charge on TOFC/COFC Units: \$225.00 per change

Item 1100 – Overcharge Claims

When an overcharge claim is submitted based on an addition or change to the original shipping document, a charge of \$225 per car will apply. An overcharge claim will only be accepted when it is submitted in writing along with a signed amendment to the original bill of lading. In the event the claim is honored, this charge will be withheld from the overcharge amount.

Overcharge claims are to be sent to the following address:

Kansas City Southern
Revenue Accounting – Overcharge Claims
P O Box 219335
Kansas City, MO 64121-9335

Item 1150 – Cancellation of Shipping Documents – Not in Carrier Possession

When original shipping documents are cancelled and the car has not been pulled from the origin industry or team track, a charge of \$200 per bill of lading should apply. The party requesting the cancellation will be responsible for the cancellation charge.

The End