

***CAR ALLOCATION PROGRAM (CAPS)  
KYLE FREIGHT TARIFF 14004***

**KYLE FREIGHT TARIFF 14004  
CAR ALLOCATION PROGRAM (CAPS) TARIFF**

**CONTAINING RULES & REGULATIONS  
GOVERNING  
CAR ALLOCATION PROGRAM**

**ISSUED: April 1, 2024    EFFECTIVE: April 1, 2024**

*\*This tariff supersedes and replaces in its entirety the prior KYLE Freight Tariff 4004 series.*

*Issued by and on behalf of the KYLEs referenced herein:  
Commercial Support Department  
Genesee & Wyoming Railroad Services, Inc.  
13901 Sutton Park Drive South  
Jacksonville, FL 32224*

***CAR ALLOCATION PROGRAM (CAPS)***  
***KYLE FREIGHT TARIFF 14004***

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***CAR ALLOCATION PROGRAM (CAPS)  
KYLE FREIGHT TARIFF 14004***

***SECTION I: GENERAL RULES***

# ***CAR ALLOCATION PROGRAM (CAPS)***

## ***KYLE FREIGHT TARIFF 14004***

### **GENERAL RULES:**

#### **GOVERNING TARIFFS:**

This tariff is governed, except as otherwise provided, by OPSL (Official Railroad Station List) 6000-Series, STCC (Standard Transportation Commodity Code) 6001-Series, UFC (Uniform Freight Classification) 6000-Series and BOE (Bureau of Explosives) 6000-Series.

#### **ITEM 1000 CLASSIFICATION GOVERNING:**

The term “Uniform Freight Classification” when used herein means:  
Freight Tariff Uniform Freight Classification 6000-Series

#### **ITEM 1005 REFERENCE TO: TARIFFS, ITEMS, NOTES, RULES, ETC.:**

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.

#### **ITEM 1010 CONSECUTIVE NUMBERS:**

Where consecutive numbers are represented in this tariff by the first and last numbers connected by the word “to” or a hyphen, they will be understood to include both numbers shown. If the first number only bears a reference mark such reference mark also applies to the last number shown and to all numbers between the first and last numbers.

#### **ITEM 1015 METHOD OF CANCELLING ITEMS OR CHANGE IN PROVISION(S):**

This tariff will be amended by showing a revised Issued and Effective date. Revisions to this publication will be made from time to time by reissuing the tariff in its entirety and will be available on the website in the latest amended form. ([www.gwrr.com](http://www.gwrr.com))

#### **ITEM 1020 TARIFF APPLICATION:**

This tariff applies on a bid process ordering/guarantee system (CAPS) serving as an option to the general car ordering system.

#### **ITEM 1025 ALLOCATED CARS:**

Each month KYLE shall make available for CAPS, under the terms and conditions of this tariff, up to sixty-five percent (65%) of its total fleet of covered hopper cars.

#### **ITEM 1030 NON-ALLOCATED CARS:**

Each month KYLE shall make available a minimum of thirty-five (35%) of its total fleet of covered hopper cars for request for placement in the normal course of business, not subject to allocation pursuant to this tariff.

#### **ITEM 1035 CAPS, DEFINED:**

An anticipated loading in an allocated covered hopper car, as requested in Customer’s bid and awarded by KYLE, shall be manifested by a CAPS contract.

# ***CAR ALLOCATION PROGRAM (CAPS)***

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### **ITEM 1040 SHIPPING PERIODS:**

First day of a month through last day of a month.

### **ITEM 1045 COMMODITIES:**

Farm Products (STCC: 01-xxx-xx) or Food and Kindred Products (STCC: 20-xxx-xx).

### **ITEM 1050 CUSTOMER:**

Shippers having elevators or other facilities served by KYLE and tendering shipments of the Commodities to the KYLE, or to third parties for billing.

### **ITEM 1055 TARIFF RATE:**

The rate governing the shipment on the date of the shipment.

### **ITEM 1060 THIRD PARTY OR PARTIES:**

Party other than the Customer, nor the KYLE.

### **ITEM 1065 FORCE MAJEURE:**

- A. In the event Customer or KYLE is unable to meet its obligations under this tariff as a result of Acts of God, war, insurrection, strikes, derailments, or any like causes beyond its control, the obligations of those parties affected by the force majeure condition shall be suspended for the duration of same. PROVIDED HOWEVER, that the parties shall make all reasonable efforts to continue to meet their obligations for the duration of the force majeure condition, and PROVIDED, FURTHER, that the party declaring force majeure shall notify the other party promptly by facsimile or phone of when the force majeure begins, the nature of the force majeure condition and when the condition is terminated.
- B. The suspension of any obligations owing to force majeure shall neither cause this tariff to be extended nor affect any rights accrued under this tariff prior to the force majeure condition.

### **ITEM 1070 OTHER GOVERNING PROVISIONS:**

This tariff governs only CAPS. All other provisions, governing the shipments, including but not limited to rates, switching, demurrage, surcharges, and other accessorial provision, shall be published in the applicable tariffs, rate publications or similar documents on the date of shipment and/or services.

### **ITEM 1075 SHIPPING ZONES:**

The Shipping Stations specified in the applicable auction in the on-line bid and auction system.

***CAR ALLOCATION PROGRAM (CAPS)  
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***SECTION II: PROVISIONS SPECIFIC  
RULES & BID PROCEDURE***

# ***CAR ALLOCATION PROGRAM (CAPS)***

## ***KYLE FREIGHT TARIFF 14004***

### **ITEM 2000 SPECIFIC RULES AND BID PROCEDURE:**

Subject to the general rules, regulations and provisions as outlined in Section I - General Rules.

- A. Requests for CAPS shall be submitted through the online bidding system available in the customer portal. Any awarded CAPS cars will be evidenced by the CAPS contract and distributed upon award of CAPS cars.
- B. Bids are to be awarded through the online bidding system.
- C. Cars will be offered on the 1<sup>st</sup> Monday of every month with bids closing on the 1<sup>st</sup> Thursday of every month. Cars will be awarded by the 2<sup>nd</sup> Monday of every month. If the Monday is a Holiday, this will push back a day for both the bid's due and the bid's awarded.
- D. Bids shall be in the amounts of whole dollars per car.
- E. Bids are on a single car basis only.
- F. KYLE reserves the right to accept or reject any bids. Bids will only be accepted from the KYLE on-line Customers (no third parties).
- G. KYLE or its third-party administrator reserves the right to accept requests for CAPS fewer in number than had been requested by Customer in its bid.
- H. Customer must notify KYLE of requested car placement date (and location if more than one is applicable) of all awarded CAPS cars within forty-eight (48) hours of cars being awarded.
- I. KYLE reserves the right to spot cars for loading prior to want date(s).
- J. Customer may transfer CAPS awarded cars between their own served facilities located on KYLES rail line.
- K. If KYLE does not constructively or actually place cars at the Customers facility/facilities designated by the Customer during the shipping period designated by the Customer, KYLE shall pay Customer 125% of the bid; each car not placed.
- L. KYLE shall not be under obligation to pay the 125% bid penalty for any CAPS cars placed after the shipping period if Customer does not notify KYLE of requested car placement date and location within the forty-eight (48) hour time period of CAPS cars being awarded.
- M. CAPS awarded cars may not be traded or assigned.
- N. If any bid is selected and CAPS cars are awarded and Customer cancels a car order or fails to advise KYLE where and when to place cars, Customer shall still be obligated to pay the total amount owed in the CAPS contract.
- O. Bids will accepted and awarded through the online bidding system. KYLE may choose to alter auction schedules or include additional auctions to accommodate demand.

# CAR ALLOCATION PROGRAM (CAPS) KYLE FREIGHT TARIFF 14004

**ITEM 2005 CAPS CONTRACT:**

CAPS CONTRACT					
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">SUBJECT</th> <th style="width: 50%;">ITEM</th> </tr> <tr> <td style="text-align: center;">CAPS Contract</td> <td style="text-align: center;">2000</td> </tr> </table>	SUBJECT	ITEM	CAPS Contract	2000
SUBJECT	ITEM				
CAPS Contract	2000				
Customer: _____					
Railroad: _____					
Customer Address: _____					
Customer Phone #: _____ Customer Fax #: _____					
Customer Representative: _____					
Auction Name: _____ Bid Number: _____					
Car Quantity Awarded: _____					
Awarded Bid Price Per Car: \$ _____ .00 Total Amount Owed: \$ _____ .00 (whole dollars per car)					
<ul style="list-style-type: none"> <li>• Authorized Customer Representative Signature: <u> /s/ [Name] _____</u> Date: _____ (Auction Ended)</li> <li>• Authorized Railroad Representative Signature: <u> /s/ [Name] _____</u> Date: _____ (Auction Ended)</li> </ul>					
Car Type: _____					
Delivery Date*: _____					
<p><small>*Awarded cars will be delivered in accordance with the Customer's subsequent order, subject to payment of applicable invoice. <b>Customer shall reference the Bid Number above on all orders to ensure prompt delivery.</b></small></p>					

Terms & Conditions of the CAPS bidding system and the applicable railroad tariff are incorporate by reference into this CAPS Contract: RAILROAD TARIFF NO., AS APPLICABLE: KYLE Cap Freight Tariff 14004, RCPE Cap Freight Tariff 14004, HESR Cap Freight Tariff 14004.

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