

CSX

TRANSPORTATION

TARIFF CSXT 4735-D

(Cancels CSXT 4735-C, IN FULL)

CONTAINING

**UNIT TRAIN PRICES ON
TIDEWATER DOMESTIC COAL
FOR MOVEMENT BEYOND VIA WATER
TRANSPORT**

**BITUMINOUS COAL
(STCC 11 212)**

TIDEWATER DOMESTIC COAL

Always show the Tariff Number as the authority for all shipments made using the prices contained herein

ISSUED: DECEMBER 9, 2008

EFFECTIVE: JANUARY 1, 2009

CSX TRANSPORTATION
Marketing Services
6737 Southpoint Drive South
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CSX TRANSPORTATION TARIFF CSXT 4735-D

SECTION 1 - PUBLICATION INFORMATION

PLAN OF TARIFF

This Tariff is published in several Sections, as follows:

- **SECTION 1 - PUBLICATION INFORMATION**
 - **SECTION 2 - PARTICIPATING CARRIERS**
 - **SECTION 3 - GOVERNING RULES**
 - **SECTION 4 - COLUMN DEFINITIONS**
 - **SECTION 5 - PRICES**
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CONTACT PERSONNEL

We will be delighted to assist you with information on this and any of our other Price Lists.
Please call us at:

CSXT Utility North Coal Marketing
Telephone – (904) 359-3202

APPLICATION OF TARIFF

Provisions published in this tariff apply on Local or Joint-line shipments of Prepared Bituminous Coal (STCC 11 212). Such shipments must be transferred to barges or vessels for final delivery to continental United States of America locations.

Shipments made under the prices in this tariff are governed by the rules and are subject to the provisions and charges described in tariffs CSXT 8100-Series, CSXT 8200-Series and CSXT Fuel Surcharge Publication 8661-Series (including, but not limited to, the Coal Train Reservation System and the late payment Finance Charge), as amended from time to time, except where specific rules, regulations, prices, etc., are published in this tariff.

CURRENCY

Prices in this tariff are stated in U.S. dollars and cents and are payable in same.

INTRASTATE APPLICATION OF TARIFF

This tariff applies on Interstate traffic and on intrastate traffic in all States in the United States served by CSXT, including the District of Columbia.

**CSX TRANSPORTATION
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SECTION 2 - PARTICIPATING CARRIERS

ABBREVIATION

NAME OF CARRIER

BEEM Beech Mountain Railroad Company

CSXT CSX Transportation

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SECTION 3 - GOVERNING RULES

ITEM 300 – Governing Publications

Shipments made under the prices in CSXT Circulars and Tariffs are governed by the rules and are subject to the provisions and charges described in tariff publications, including, but not limited to:

Governing Publications	Publication Numbers	Application
Official Station List Tariff	OPSL Tariff 6000 Series	<ol style="list-style-type: none"> 1. Railroad Freight Stations and station information; via: new station additions; station abandonment and station updates. Provisions that apply to abandoned stations are cancelled effective with the date of abandonment 2. Prepay requirements 3. Acceptance and delivery of freight 4. Facility changes
CSXT Switching and Accessorial Services Coal/Coke/Accessorial Services Price Catalog	CSXT Tariff 8100 - Series CSXT Tariff 8200 – Series (Note 1)	<ol style="list-style-type: none"> 1. Demurrage provisions and charges 2. Switching services and charges 3. Ancillary terminal service provisions and charges 4. Credit Term, Payment of Charges and Finance Charge 5. * Fuel Surcharge Notice
HDF CSXT Fuel Surcharge Publication	8661-A	Fuel Surcharge
Official Railway Equipment Register	Filed Quarterly	Car Sizes and Capacities
Standard Transportation Commodity Code Publication	STCC Tariff 6001 - Series	Seven-digit product class code number, for the proper shipping name, classification and identification of a commodity
Directory of Hazardous Materials Shipping Descriptions No.- Series	Latest No.- Series	Seven-digit hazardous code number, for the proper shipping name, hazard classification and identification of a commodity
Uniform Freight Classification	UFC Tariff 6000 - Series	Rules and Regulations for railroad shipments
Bureau of Explosives	BOE Tariff 6000 - Series	Hazardous Materials Regulations of the Department of Transportation

Note 1 - Except for Diversion and Reconsignment, prices **will not apply** on shipments accorded transit privileges of any kind including stop-off to load/unload.

*** Fuel surcharges as provided for in CSXT Fuel Surcharge Publication 8661-Series as of the date of shipment tender shall apply**

ITEM 305 – 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 amendments, supplements to rules, etc. in effect on the date of tender.

ITEM 310 – Transfer Between Connecting Carriers

The joint rates published herein include all charges for switching, drayage or other transfer services at intermediate interchange points on shipments handled through and not stopped for special services at such intermediate interchange points.

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SECTION 3 - GOVERNING RULES

ITEM 315 – Consecutive Numbers

Consecutive numbers, represented in this tariff by the first and last numbers connected by the word “To” or a hyphen, will be understood to include both of the numbers shown.

If only the first number 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 320 – National Service Order Tariff

This Tariff is subject to provisions of various Surface Transportation Board Service Orders and General Permits as shown in Tariff National Service Order 6100-Series.

ITEM 325 – Proportional Application of Prices

Prices published in CSXT 4735-Series apply between origins and destinations published herein. Prices contained herein are NOT applicable as proportional prices for use in constructing all rail combination prices.

ITEM 330 – Method of Canceling Items

As this tariff is supplemented, numbered items with letter suffixes cancel correspondingly numbered items in the original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequence starting with A.

Example: Item 445-A cancels Item 445, and Item 365-B cancels Item 365-A in a prior supplement which, in turn cancelled Item 365.

ITEM 335 – Method of Denoting Reissued Matter in Supplements

Matter brought forward without change from one supplement to another will be designated as “Reissued” by a reference mark in the form of a square enclosing a number, the number being that of the supplement in which the reissued matter first appeared in its currently effective form. To determine its original effective date, consult the supplement in which the reissued matter first became effective.

ITEM 340 – Definition of Ton

The term “ton”, when used in this tariff, means a net ton of 2,000 pounds.

ITEM 345 – Car Type

Prices in this tariff apply when loaded in unequipped Gondola or Hopper cars.

ITEM 350 – Emergency and Internal Routing

When in the case of pronounced traffic congestion (not an embargo), washout, wreck or similar emergency, or through Carrier’s error, Carrier forwards shipments via other junction points of the same Carrier or via lines of other Carriers parties to the tariff, the price to apply will be that specified in this tariff, but not higher than the price applicable via the initial route of movements.

Prices or Routes published herein, To, From or Via stations on CSXT, while on the rails of CSXT, are applicable only over the shortest distance between stations where transportation is performed by CSXT, except as otherwise specifically authorized by other agreement(s), or unless handled out of route for Carrier’s convenience.

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SECTION 3 - GOVERNING RULES

ITEM 355 – Participating Carrier Publications

Shipments made under the prices in this tariff are subject to applicable rules of each participating carrier while on that carrier's lines.

ITEM 360 – Loss and Damage Liability of Carrier

The Carrier shall be liable for claims only if Carrier negligence is shown by the claimant to be the proximate cause of the loss or damage.

Carrier liability for shortage of goods shall be conditioned upon evidence of unauthorized entry into the rail car while in the possession of the Carriers.

Carrier shall not be liable for special or consequential damages, including market decline claims, product deterioration, or other such claims based on delay in transportation, nor shall Carrier be liable for punitive damages or attorney fees.

Carrier liability for damages or shortages is contingent upon Carrier or its Agent receiving immediate notification of all noted visible damages and/or shortages discovered during unloading of rail car. Damage or shortages discovered other than between 8:00 A.M. and 5:00 P.M. Monday through Friday, are subject to reporting no later than 24 hours following unloading from rail car, Saturdays, Sundays and Holidays excluded.

Concealed damage must be reported immediately upon discovery and made available for inspection at point of delivery. Damage may be reported to: (800) 432-1032.

Failure of the shipper to comply with packing requirements of the Uniform Freight Classification and Association of American Railroads' loading provisions shall be a defense to any claim for damage.

Any claim for loss or damage shall be filed within nine (9) months of the date the shipment was delivered, or in the case of failure to make delivery, then within nine (9) months after a reasonable time for delivery. Any lawsuit or other action for the enforcement or liability for loss or damage shall be instituted within one year after the railroad first declines the claim.

Loss and Damage Claims should be in writing and filed with:

Director – Freight Claims
CSX Transportation, Inc. – J815
P.O. Box 44085
Jacksonville, FL 32231-4085
Telephone: (904) 279-6331 or (800) 327-9715

ITEM 365 – Overcharge Claims

Claims for overpayment of charges must be in writing and received by Carrier(s) no later than three years after delivery or tender of shipment. Any lawsuit for overpayment of charges must be filed within:

- A. Three years after delivery or tender of delivery of shipment or
- B. Six months from the date of Carriers "disallowance" of the last time filed claim, whichever occurs later.

For overcharge claim information pertaining to a participating carrier other than CSXT, contact that Carriers' sales office.

To inquire on CSXT overcharge claims, contact: Manager – Overcharge Claims
CSX Transportation, Inc. – J605
6735 Southpoint Drive S, 2nd Floor
Jacksonville, FL 32216-6177
Telephone: (904) 279-4764

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SECTION 3 - GOVERNING RULES

ITEM 370 – Private Piers

Prices to Private Piers **do not include** transfer of Coal from car to barges, vessels or to storage. Private Piers are not operated by the Carrier and owners of Coal must make their own arrangements for handling through these facilities with the Private Pier owners.

ITEM 375 – Switching at Private Piers

When loaded cars from any loading point are tendered to the carrier blocked in shipments of a minimum of thirty (30) cars, the consignor must certify the total number of cars included in the blocked shipment by notation on the mine card bill submitted for each car in the shipment. If the blocked shipment becomes separated, the Carrier will restore them or an equivalent number of the same "Class" of cars, without charge to the consignee, before delivery. If the consignee requests the blocked shipments be switched before delivery, a charge of \$50.00 per car for each car will be assessed.

When shipments of less than a minimum of thirty (30) blocked cars are tendered the railroad from any loading point which subsequently results in a request for switching before delivery to the consignee, a charge of \$50.00 per car for each car involved in the switching will be assessed.

Switching of cars separated from a Unit Train of 7,000 net tons or more will be provided, without charge to the consignee, before delivery.

ITEM 380 – Terminal or Transit Privileges or Services

Shipments made under the prices contained herein are entitled also to terminal and transit services and privileges and are subject to the charges, allowances, rules and regulations legally applicable thereto, as provided in separately published tariffs.

EXCEPTION

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**.

ITEM 385 – Mileage Payment

No mileage allowance payments will be made on shipments moving under this tariff in shipper owned or leased cars.

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SECTION 4 - COLUMN DEFINITIONS

This Section provides the Column definitions and conditions for the Prices in Section 5.

Column Heading:

COLUMN 1

- Price applies on minimum trainload shipments of 7,000 net tons from one mine.
- Price applies only when one “class” of coal per trainload consignment is tendered in a block.
- Price includes the service of weighing by the carrier.

Column Heading:

COLUMN 2

- Price applies on minimum trainload shipments of 10,000 net tons from one mine.
- Price applies only when one “class” of coal per trainload consignment is tendered in a block.
- Price includes the service of weighing by the carrier.

Column Heading:

COLUMN 3

- Price applies on minimum trainload shipments of 15,000 net tons from one mine.
 - Price applies only when one “class” of coal per trainload consignment is tendered in a block.
 - Price includes the service of weighing by the carrier.
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SECTION 5 - PRICES

For application of Columns, see Column Definitions in Section 4
Unit Train Rates (*) below are in Dollars per Net Ton

Destination		(A) ITEM 500 MARYLAND Baltimore Piers Chesapeake Bay Piers / CNX Marine Terminal Private Pier		(A) ITEM 510 VIRGINIA Newport News Private Piers Pier IX / Dominion Terminal		
Rate District No.	Origin Rate District Name (Note)	Column 1 7,000 Ton Unit Train	Column 2 10,000 Ton Unit Train	Column 1 7,000 Ton Unit Train	Column 2 10,000 Ton Unit Train	Column 3 15,000 Ton Unit Train
01	Belington	\$ 27.66	-	\$ 37.08	-	-
03	Cumberland Piedmont E.	\$ 24.30	-	\$ 33.72	-	-
04	Cumberland Piedmont W.	\$ 24.30	-	\$ 33.72	-	-
05	Fairmont	\$ 27.66	-	\$ 37.08	\$ 36.48	-
09	Gauley North	\$ 27.66	-	\$ 37.08	\$ 36.48	-
11	Grafton	\$ 27.66	-	\$ 37.08	-	-
15	Mountain	\$ 24.30	-	\$ 33.72	\$ 33.12	-
17	Big Sandy	\$ 41.62	\$ 41.02	\$ 32.30	\$ 31.70	\$ 30.45
18	Kanawha	\$ 37.42	\$ 36.82	\$ 28.10	\$ 27.50	\$ 26.25
19	New River	\$ 36.73	\$ 36.13	\$ 27.41	\$ 26.81	\$ 25.56
22	Clinchfield	\$ 42.08	\$ 41.48	\$ 32.76	\$ 32.16	\$ 30.91
25	Elkhorn	\$ 41.03	-	\$ 31.71	-	-
26	Harlan	\$ 47.93	-	\$ 38.61	-	-
27	Hazard	\$ 42.85	-	\$ 33.53	-	-
28	Jellico-Middlesboro	\$ 45.97	-	\$ 36.65	-	-
32	Southwest Virginia	\$ 49.84	-	\$ 40.52	-	-
38	BEEM	\$ 27.66	-	\$ 37.08	-	-
40	MGA	\$ 26.70	\$ 26.10	\$ 36.12	\$ 35.52	-

(A) - Increase

(Note) - As defined in Tariff CSXT 8200 Series

* Certain trainload sizes and associated rates may not be available at all origins within a rate district due to operating limitations or requirements. The Unit Train rates above apply from fast load origins defined in Tariff CSXT 8200 Series, Item 5150, note 3. The rates from Trainload Origins defined in Tariff CSXT 8200 Series, Item 5150, note 4 shall be \$0.30 higher than the rates show above.

THE END