



UP CIRCULAR MPS 3-A

(Revision 2)

Applying On

General Rules & Charges for UP Mechanical Refrigeration Cars

Governed, except as otherwise provided herein, by UFC 6000, OPSL 6000
and UP 6004-series

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UPMPS 3-A



UPMPS 3-A

CIRCULAR ITEM CHECKLIST

Item Number	Item/Rule Description	Version	Effective Date	Expiration Date
4	EXPLANATION OF ABBREVIATIONS	A	05/01/2007	12/31/2100
5	GOVERNING RULES	A	05/01/2007	12/31/2100
100	GENERAL	A	01/01/2008	12/31/2100
125	PAYMENT TERMS	A	01/01/2008	12/31/2100
150	CONDITIONS OF FREIGHT NOT GUARANTEED		04/01/2006	12/31/2100
151	TRANSACTION TAXES		08/01/2009	12/31/2100
700	APPLICATION		04/01/2006	12/31/2100
705	FROZEN - RULE 705		04/01/2006	12/31/2100
710	NON-FROZEN RULE 710		04/01/2006	12/31/2100
725	DETENTION	B	01/01/2008	12/31/2100
730	EXTENDED USE CHARGE		01/01/2008	12/31/2100
800	CHARGES FOR MPS	B	09/15/2008	12/31/2100
905	BILLS FOR SERVICE	B	09/15/2008	12/31/2100

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UPMPS 3-A



UPMPS 3-A

Item: 4-A
EXPLANATION OF ABBREVIATIONS

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ABBREVIATION	EXPLANATION
AAR	Association of American Railroads
ISS	Interline Settlement System
MPS	Mechanical Protective Service
OPSL	<i>Official Railroad Station List (formerly known as Open and Prepaid Station List)</i>
STCC	Standard Transportation Commodity Code
UFC	Uniform Freight Classification
UP	Union Pacific Railroad Company



UPMPS 3-A

Item: 5-A
GOVERNING RULES

GOVERNING RULES

This Publication governed, except as otherwise specifically provided herein, by the provision of the publications below as amended from time to time:

[c]

Official Railroad Station List	OPSL 6000-series
Official Railway Equipment Register	RER-series
Standard Transportation Commodity Code	STCC 6001-series
Uniform Freight Classification	UFC 6000-series
Union Pacific Railroad Company Accessorial Tariff	UP 6004-series

In the event of any conflict between the terms of this Publication and the publications referenced above, the provisions of this Publication shall govern.



UPMPS 3-A

Item: 100-A
GENERAL

GENERAL

This Circular contains the rules and charges that apply on shipments of refrigerated commodities which are transported in Union Pacific Railroad owned or controlled mechanical refrigeration cars.

NOTE: All references in this Circular to "mechanical cars" shall be interpreted to mean all Union Pacific Railroad owned or controlled mechanical refrigeration cars including, but not limited to cars with the following marks: ARMN AND UPFE.

Union Pacific Railroad reserves the right to adjust its charges for detention and mechanical protective service, from time to time. Union Pacific Railroad will give no less than twenty (20) days prior notice of any changes.

The charges published in this Circular are in U. S. Dollars and are independent of all freight, demurrage, diversion, reconsignment, switching or other charges.



UPMPS 3-A

Item: 125-A
PAYMENT TERMS

PAYMENT PROCEDURES

The provisions of Rule 62, Uniform Freight Classification 6000-series that are in effect on the waybill date will be applied to shipments made under the terms and conditions of this publication.

Claims for overpayment (including duplicate payments) for freight charges must be filed in writing within twelve (12) months from the date of the original freight bill. Suits for recovery of overpayments of freight charges may NOT be instituted later than (12) months from the date of the original freight bill. Overpayment claims or lawsuits for less than \$100.00 per freight bill shall NOT be filed and no claim shall be paid if overpayment is found to be under \$100.00 per freight bill.



UPMPS 3-A

Item: 150
CONDITIONS OF FREIGHT NOT GUARANTEED

CONDITIONS OF PERISHABLE FREIGHT NOT GUARANTEED

Union Pacific Railroad, by furnishing mechanical protective service as provided herein, does not undertake to overcome the inherent tendency of perishable commodities to deteriorate or decay, but merely to retard such deterioration or decay insofar as may be accomplished by reasonable mechanical protective service of the kind and extent requested.



UPMPS 3-A

Item: 151
TRANSACTION TAXES

TRANSACTION TAXES

Where pricing documents make reference to this Circular contain intrastate rates and those states impose state transaction taxes on intrastate traffic (such as Arizona and New Mexico), then, in addition to payment of transportation prices, Customer agrees to pay Railroad a sum equal to the applicable state transaction tax as it may be adjusted from time to time.



UPMPS 3-A

Item: 700
APPLICATION

APPLICATION

The rules and charges published in this Circular cover Mechanical Protective Service (MPS) and apply on shipment of frozen and non-frozen commodities in mechanical cars.

When shipments of perishable freight are tendered for movement in mechanical cars, shipper must specify the class of protective service required as provided in Rule 705 or Rule 710.

When shipments are received without instructions as the level of MPS desired, Carrier will endeavor to obtain the required instructions. If such instructions cannot be obtained, shipment shall be subject to the provisions under Rule 705 if the commodity shipped is a frozen commodity, or to the provisions required under Rule 710 if the commodity shipped is other than a frozen commodity.

"Mechanical Protective Service" (MPS) means protection furnished the lading by or through the operation of the mechanical unit in a car. When shipper instructions on a Bill of Lading, Transportation Agreement or shipping order for MPS specify an optimum temperature lower than 25 degrees above zero Fahrenheit, rules applicable to frozen commodities, Rule 705, will apply. When shipper instructions for MPS specify temperature 25 degrees Fahrenheit above zero or higher, rules applicable to non-frozen commodities, Rule 710 will apply.



UPMPS 3-A

Item: 705
FROZEN - RULE 705

FROZEN COMMODITIES - RULE 705

On frozen commodities transported under MPS, the charges published in Item 800 of this Circular will apply plus all other charges specifically provided in applicable individual rules set forth in this Circular.

Shipper must place on shipping order, and billing carrier must place on waybill, the following notation:

"Mechanical Protective Service - Frozen Commodity, Rule 705 Maintain Temperature of Zero Degrees Fahrenheit or Lower."

The following instruction must also be placed on waybill when appropriate:

"Special Instructions: Commodity temperature at time of loading _____degrees Fahrenheit.
Carrier not obligated to reduce this temperature enroute."



UPMPS 3-A

Item: 710
NON-FROZEN RULE 710

NON-FROZEN COMMODITIES - RULE 710

On non-frozen commodities transported under MPS, the charges as published in Item 800 of this Circular will apply plus all other charges specifically provided in applicable individual rules set forth in this Circular.

Shipper must place on shipping order, and billing carrier must place on waybill, the following notation:

"Mechanical Protective Service - Non-Frozen Commodity, Rule 710, Precooled Load, Optimum Temperature Inside Car _____Degrees Fahrenheit."

or

"Mechanical Protective Service - Non-Frozen Commodity, Rule 710, Non-Precooled Load, Optimum Temperature Inside Car _____Degrees Fahrenheit."

The following instructions must also be placed on waybill when appropriate:

"Special Instructions: Commodity temperature at time of loading _____ degrees Fahrenheit. Carrier not obligated to reduce this temperature enroute."

NOTE: The lowest optimum temperature allowable on non-frozen commodities will be 25 degrees above zero Fahrenheit.



UPMPS 3-A

**Item: 725-B
DETENTION**

ITEM CANCELLED - SEE ITEM 730



UPMPS 3-A

Item: 730
EXTENDED USE CHARGE

Extended Use Fee

The following applies at all stations in the United States, Canada and Mexico when mechanical cars are provided.

1. Origin Extended Use Fee: For shipments being loaded at origin, 24 hours with the refrigeration unit on after Actual Placement (AP) will be provided to load Union Pacific Railroad owned or controlled mechanical refrigeration cars. If the refrigeration unit has been turned on for 24 consecutive hours without release from origin an extended use fee of **\$100.00/day** will apply.
 - a. For Shipments originating in the states of ID, OR and WA during the months of December, January and February, 36 hours of loading time with the refrigeration unit on will be provided before the extended use fee applies.
2. Offline Destination Extended Use Fee: For shipments being unloaded at destination at a non-UP served location, 48 hours with the refrigeration unit on after Actual Placement (AP) or Constructive Placement (CP) will be provided to unload Union Pacific Railroad owned or controlled mechanical refrigeration cars. If the refrigeration unit has not been turned off after 48 hours an extended use fee of **\$100.00/day** will apply.
 - a. For Shipments that are destined to Union Pacific destinations, the extended use fee will be included in the charges for demurrage as outlined in the UP6004 circular.
3. Cash Customers: For all shipments being held for cash payment, a charge of **\$100.00/day** will apply for extended use of refrigeration equipment.
4. Empty Release with Refrigeration Unit On: For all Union Pacific Railroad owned or controlled mechanical refrigeration cars that are released empty with the refrigeration unit on, a flat fee for extended use of **\$225.00/per car** will apply.
5. Any diversion or rebill of a mechanical refrigerated cars will be subject to item 6050-series, UP 6004. Diversion on railroads other than Union Pacific will NOT be allowed.



UPMPS 3-A

Item: 800-B
CHARGES FOR MPS

CHARGES FOR MPS

The following rates apply when a mechanical car is ordered and Union Pacific Railroad is included as a road haul carrier:

Applicable on all mechanical cars. The MPS charge will follow the schedule below and will be included in the published or quoted rate.

From Group	Group 1	Group 2	Group 3	Group 4
To Group				
Group 1	\$750	\$800	\$900	\$950
Group 2	\$800	\$750	\$850	\$900
Group 3	\$900	\$850	Not Applicable	Not Applicable
Group 4	\$950	\$900	Not Applicable	Not Applicable

Group 1- Arizona, Alberta, British Columbia, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming.

Group 2- Arkansas, Illinois, Iowa, Kansas, Louisiana, Manitoba, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, Saskatchewan, South Dakota, Texas, Wisconsin and all Mexico States.

Group 3- Alabama, Georgia, Indiana, Kentucky, Michigan, Mississippi, Ohio, Ontario, Tennessee, West Virginia

Group 4- District of Columbia, Connecticut, Delaware, Florida, Maine, Maryland, Massachusetts, New Brunswick, New Hampshire, New Jersey, New York, North Carolina, Nova Scotia, Pennsylvania, Prince Edward Island, Quebec, Rhode Island, South Carolina, Vermont, Virginia and all Mexico States



UPMPS 3-A

Item: 905-B
BILLS FOR SERVICE

BILLS FOR SERVICE

1. The handling railroad is responsible for the inspection, servicing and repair of loaded "ARMN" marked cars in their possession, therefore, it is their decision as to whether or not they dispatch their own qualified mechanics, call a 'Carrier Transicold' representative, or request assistance from UPRR or our contractor, to make repairs. Since "ARMN" marked cars are equipped with 'Carrier Transicold' refrigeration equipment, our recommendation is to have repair work performed by authorized 'Carrier Transicold' personnel, however, in case of emergency, and when necessary to protect a shipment, it is permissible to have repairs made by any qualified mechanic.
2. Refrigerant, anti-freeze and supplies for, and repairs to, MPS units shall be billed as set forth in AAR interchange rules. Bills may be submitted through the AAR billing system, or when work is performed by authorized 'Carrier Transicold' personnel, the vendor may submit the billing directly to Midlands Carrier Transicold, however, any charges for labor, material or supplies that is not billable under AAR rules, or not related to the mechanical defect or cause of failure, may be billed back to the handling railroad, unless work has been authorized by Union Pacific Railroad or Midlands Carrier Transicold.
3. The handling railroad is responsible for the pre-trip inspection made prior to releasing mechanical cars for loading for the purpose of testing diesel/refrigeration unit to determine that it is functioning satisfactorily or in need of repairs, and bills may be rendered against Union Pacific Railroad on the basis of \$25.00 per car. Billing to be supported by complete waybill information i.e., car initial/number, origin city and state, destination city and state, MPS Rule number, commodity and route.
4. Bills for fuel oil and kerosene must be rendered against Union Pacific Railroad on the basis of actual fuel cost. No bills for fuel will be honored by Union Pacific Railroad if not received by Union Pacific Railroad within 120 days from the date of the fueling service. In addition, Union Pacific Railroad will not pay for fuel supplied to empty cars unless the car is reloaded by the handling railroad.
5. Bills for fuel supplied mechanical cars must show car initial and number, service date, city/state, gallons of fuel supplied, price per gallon, miscellaneous charges, and amount due. Such bills to be supported by information relating to whether equipment was empty or loaded at time of service performed. The above information must be submitted in the format shown in the following table. Send electronic copies of bills to jncrawfo@up.com

RR NAME	INVCE NO	INVCE DATE	FUEL SUP-PLIER	FUEL DATE	FUEL LOC CITY/ST	CAR INT	CAR NO	GAL PUMP ED	P/P GAL	TAXES/ MISC CHGS	TOTAL CHGS	LOAD MT
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For optimum operating results, the following schedule should be observed when it is necessary to supply fuel to a mechanical car:

FROM: March 16 to September 15 APPLY No. 2 Diesel Fuel
FROM: September 16 to March 15 APPLY No. 1 Diesel Fuel

6. Union Pacific Railroad will be responsible for bills for dry ice supplied to Union Pacific Railroad owned or controlled equipment only when:
 - A. Car is subsequently repaired; or
 - B. Lading is subsequently transferred to another car; or

C. After car has arrived at final destination.

7. Bills involving AAR repairs, per paragraph 2 above, should be billed through normal AAR channels.
8. Fuel tickets are subject to audit upon request. Fuel tickets must be retained for a period of three (3) years and should include complete car number, date of fueling, location of fueling (city/state), number of gallons pumped, price per gallon and any miscellaneous charges. Fuel tickets must be electronically metered.
9. Fuel invoice discrepancies will be handled in accordance with AAR Rule 112. H of the AAR Office manual.