



NOTICE N-4

“Railway Fees Tariff”

Effective Date: **February 1, 2020**

*This Notice is issued pursuant to section 49 of
Part I of the Canada Marine Act, Chapter 10,
46-47 Elizabeth II, 1997-98.*

NOTICE N-4
“Railway Fees Tariff
for Montreal Port Authority Facilities”
Effective on February 1, 2020

1. General

- (1) This Notice can be cited as the **Railway Fees Tariff**.
- (2) This Notice is subject to the definitions given under Section 11.

2. Extent

Switching fees are applicable for each movement of a unit of rolling stock, including re-switching of railway cars, by the Authority railway whenever:

- (a) such movement is requested by the connecting railway or another issuer of a service order as defined in subsection 11 (2);
- (b) such movement is thought necessary by the Authority for reasons of productivity or security.

3. Fees

The fees are as set out in Schedule I.

4. Calculation of Fees

- (1) Fees will be calculated on the basis indicated in Schedule I.
- (2) Switching fees for railway companies' rolling stock received at the Montreal Port Authority's railway interchange zone:
 - (a) switching fees are determined by the efficiency with which the incoming trains have been marshalled (Train Quality);
 - (b) the efficiency with which an incoming train has been marshaled is based on the difference between the number of blocks in the train and the number of receiving terminals at the port;

4 Calculation of Fees (Cont'd)

- (c) six different levels identified as 0 to 5 are assigned. Level 0 corresponds to the most efficiently marshaled train, and level 5 corresponds to the least efficiently marshaled train. Level 5 is assigned to all trains for which the difference between the number of blocks and the number of receiving terminals is equal to or greater than five;
 - (d) accordingly, a train comprising three blocks intended for three receiving terminals would be assigned level 0; a train comprising four blocks intended for three receiving terminals would be level 1; a train comprising five blocks intended for three receiving terminals would be level 2; and so on.
- (3) Dwell time fees applicable to rolling stock that remains at the interchange zone for more than 12 hours while waiting to be removed by the connecting railway, are based on the additional hours during which the rolling stock remains at the interchange.

Dwell time fees will be collected only when the monthly average waiting time for rolling stock at the interchange exceeds 12 hours.

The Port Authority will immediately notify the connecting railway of the arrival of rolling stock at the interchange zone, either by means of electronic communication, written or by fax.

- (4) Dwell time fees applicable to rolling stock that remains at the Port Authority network for more than the allowed waiting time on the network, while waiting for a service order to be issued by the connecting railway or another issuer of a service as defined in subsection 11 (2), are based on the additional hours during which the rolling stock remains on the network.

Dwell time fees will be collected only when the waiting time for rolling stock on the network (excluding the interchange zone and terminals) exceeds:

- (a) 216 hours for the container port cars;
- (b) 96 hours for the other port cars;
- (c) 96 hours for the industrial cars and all other rolling stock not otherwise specified cars.

The Port Authority will immediately notify the connecting railway of the arrival of rolling stock at the interchange zone, either by means of electronic communication, written or by fax.

5. Accrual and Payment of Fees

- (1) Railway fees are claimable upon rendering of the service.
- (2) All fees referred to in subsection (1) must be paid within 30 days of the date of invoice. Where fees are not paid within the said period, a compound interest of 1½% (18% per year) is payable monthly.
- (3) Railway fees prescribed by this notice are claimable from the connecting railway or the terminal as soon as they are incurred.
- (4) Re-switching fees are charged to the issuer of a service order who transmits his written request to the Port Authority railway service yard master. At all times, the issuer of a service order is responsible for the payment of railway fees, even if the requested service is for the benefit of a third party.
- (5) Fees prescribed by this notice are in addition to fees prescribed in any other notice, or that may be owing to the Authority.
- (6) Railways fees and interest charges are also payable by Her Majesty in right of Canada or a province.
- (7) Prescribed fees are payable to the Authority.

6. Service Orders

- (1) All service orders issued by the connecting railway or the terminal operator as issuer of a service order must be issued in writing and transmitted to the office of the yard master of the Authority's railway service. The number, initials and destination of each car or unit must be stated.
- (2) For every dimensional load car, the shipping document shall accompany the service order and be transmitted to the office of the yard master of the Authority's railway service.
- (3) All the service orders, including those related to the transportation of dangerous goods shall be transmitted prior to any performance of service.

7. Placing Cars

Every car to or from which goods are to be handled directly from or to any shed or vessel shall be deemed to have been properly placed for loading or unloading when placed at any point in any order on any track opposite the shed or berth to which it is ordered.

8. Return of Rolling Stock

The Authority may, at any time it deems expedient, return any rolling stock on Authority railway to the connecting railway from which that rolling stock was received.

9. Explosives or Other Dangerous Goods

No person shall authorize or carry on the delivery to or loading on Authority railway of any explosives, flammables or other dangerous goods of such kind or quantity as should reasonably be known to him to constitute a serious danger to life or property without first obtaining permission from the Authority.

10. Conditions of Service

- (1) The Authority does not undertake to supply empty cars nor to accept any service order for loaded or empty cars and shall assume no liability in this regard.
- (2) The Authority does not assume liability for any fee imposed in respect of empty cars.
- (3) The Authority does not assume any responsibility for failure to perform or for delay or interruption in the performance of any service.

11. Definitions

In this Notice,

- (1) “*Authority*” means the Montreal Port Authority as defined under Section 2 and Section 8 of Part I of the Canada Marine Act and letters patent issued on March 1st, 1999;
- (2) “*issuer of a service order*” means railway companies, stevedoring companies and any company benefiting from an industrial siding or any other company which, in exceptional circumstances, may be authorized by the Authority;

11. Definitions (Cont'd)

- (3) “*Authority property*” means any property under the administration, management or control of or under lease from or to the Authority;
- (4) “*harbour*” or “*Port of Montreal*” legal and physical designation of all real properties that the Montreal Port Authority manages, holds or occupies as set out in Appendix A entitled “Description of Navigable Waters” and Appendix B entitled “Description of Federal Real Property” of its Letters Patent issued on March 1st, 1999, as stipulated in the Canada Marine Act;
- (5) “*Authority railway*” means the railway lines and other railway facilities under the administration, management or control of, or operated by, the Authority;
- (6) “*holiday*” means each of the following days: New Year's Day, Good Friday, Victoria Day, St. John the Baptist Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day and Boxing Day;
- (7) “*interchange*” means any point of interchange, as fixed by the Authority, between Authority railway and other railways;
- (8) “*rolling stock*” includes every:
 - (a) fully or partially loaded railway car;
 - (b) railway car used as an idler;
 - (c) empty railway car except:
 - i) an empty railway car received from an interchange to be loaded at the port or returned to an interchange after being unloaded at the port;
 - ii) any other empty railway car that, in the opinion of the Authority, should be switched without fee; and
 - (d) non-freight unit.
- (9) “*Re-switching*” means:
 - (a) movement of loaded railway cars from one terminal to another terminal, excluding railway car movements from one terminal to another terminal in order to maximise their capacity utilisation;

11. Definitions (Cont'd)

- (b) movement of railway cars from one track to another in the same terminal;
 - (c) switching of specific railway cars in a batch ("*cherry picking*");
 - (d) switching out of railway cars to be replaced by others in the same batch;
 - (e) switching of "B.O.", meaning a railway car requiring repairs, identified by the connecting railway and that must be removed from a batch;
 - (f) any other specific request for additional movements by an issuer of a service order.
- (10) "*non-freight unit*" means a unit that moves on Authority railway on its own wheels, whether or not under its own power, and that is not solely utilized for the carriage of freight;
- (11) "*industrial siding*" means a railway siding on or off Authority property maintained for the exclusive use of a company that is not leasing wharf space from the Authority;
- (12) "*industrial movement*" means receiving or delivering a railway car from or to an industrial siding;
- (13) "*industrial car*" means:
- (a) a railway car engaged in an industrial movement; or
 - (b) a railway car used in the transportation of goods unloaded from or to be loaded on a vessel that did not or will not use Authority property.
- (14) "*port movement*" means a movement other than an "*industrial movement*";
- (15) "*port car*" means a railway car engaged in a port movement and in the transportation of goods unloaded from or to be loaded on a vessel that did or will use Authority property;
- (16) "*container*" means a standard, permanent type container twenty (20) foot long and over used for the movement of cargo as a unit;
- (17) "*dimensional load car*" means a loaded car where the width of the transported material is more than that of the car and/or the total height, including the height of the car, is more than 6.1 metres (20 feet) and/or that requires a special clearance;

-
- (18) “*special equipment car*” means a railway car equipped with more than four axles that is not elsewhere defined;
 - (19) “*spine car*” means a railway car of more than one platform coupled in a unit on a permanent basis and whose platforms can not be uncoupled, said spine car not carrying containers stacked two high;
 - (20) “*double stack car*” means a railway car carrying containers loaded two high;
 - (21) TEU (or twenty-foot equivalent unit) is a unit of measurement equivalent to one 20-foot shipping container.

MONTREAL PORT AUTHORITY
Railway Fees Tariff
Notice N-4
SCHEDULE I
Railway Fees

Item							
1.	Switching fees:						
	(1) Rolling stock not otherwise specified						
	Description					Fee	
	dimensional load cars, special equipment cars, non-freight units (including locomotive as a cargo, scale cars, business cars), passenger cars, per car.					\$660.28	
	(2) Port cars and Industrial cars						
	(a) Direction: Inward						
	Description	Fee					
		Train Quality					
		0	1	2	3	4	5
	(i) container port cars, per TEU of capacity	\$15.86	\$17.17	\$18.39	\$20.38	\$21.71	\$25.07
	(ii) other port cars, per car	\$62.30	\$67.65	\$72.46	\$80.43	\$85.79	\$99.14
	(ii) industrial cars, per car	\$123.16	\$133.83	\$144.50	\$160.54	\$171.20	\$197.92
	(b) Direction: Outward						
	Description					Fee	
	(i) container port cars, per TEU of capacity					\$16.81	
	(ii) other port cars, per car					\$66.90	
	(iii) industrial cars, per car					\$135.46	

Effective date: **February 1, 2020**

MONTREAL PORT AUTHORITY
Railway Fees Tariff
Notice N-4
SCHEDULE I (Cont'd)
Railway Fees

Item		
2.	Re-switching fees:	
	Description	Fee
	(i) port cars, per car	\$66.90
	(ii) industrial cars, per car	\$135.46
	(iii) dimensional load cars, special equipment cars, non-freight units (including locomotive as a cargo, scale cars, business cars), passenger cars, per car.	\$660.28
3.	Dwell time interchange zone fees:	
	Dwell time fees collected when the rolling stock average waiting time at the interchange exceeds 12 hours per month.	
	Description	Fee
	(i) container port cars, per TEU of capacity and per additional hour	\$0.32
	(ii) other port cars, per car and per additional hour	\$0.91
	(iii) industrial cars and all other rolling stock not otherwise specified, per car and per additional hour	\$1.82
4.	Dwell time fees on MPA's network (excluding interchange zone):	
	Dwell time fees collected when the rolling stock exceeds the allowed waiting time on MPA network are as following :	
	Description	Fee
	(i) container port cars, per TEU of capacity and per additional hour or part thereof when the rolling stock exceeds 216 hours on MPA network	\$0.32
	(ii) other port cars, per car and per additional hour or part thereof when the rolling stock exceeds 96 hours on MPA network	\$2.80
	(iii) industrial cars and all other rolling stock not otherwise specified, per car and per additional hour or part thereof when the rolling stock exceeds 96 hours on MPA network	\$2.80

Effective date: **February 1, 2020**