

FMC PRIVATE RAIL CAR POLICY

FMC ships certain commodities in its owned or leased rail cars to customer's private tracks. FMC has adopted the following policy with respect to customer's use, storage and handling of FMC's owned or leased rail cars (private cars):

1. Customer is allowed 5 Detention-free days for FMC private cars held on customer's private tracks commencing with the first calendar day of actual or constructive placement, whichever occurs sooner. Should customer fail to release and ship the car prior to or at the expiration of the free days, customer will pay to FMC the sum of \$50 for each calendar day or fraction thereof during which such failure shall continue.
2. Should any car arrive at the customer's destination in a damaged or defective condition, customer will immediately notify FMC and an authorized railroad agent at destination describing the damage.
3. Customer is responsible for, and assumes liability for the loss of, damage to, or destruction of any FMC car, including the fittings and appurtenances, occurring after an FMC car has been actually or constructively delivered to customer and while the car is in customer's care, custody and control.
4. All mileage allowances and any other form of compensation allowed private car owners shall accrue to and be collected and retained by FMC for its sole benefit and use. Customer shall not negotiate and apply a zero mileage allowance rail rate (contract, tariff, or WEB page) for shipments in FMC private cars without the prior written permission of FMC.
5. This policy applies only to FMC owned or leased rail cars. In the event that cars owned or leased by a railroad ("free runners") are shipped to a customer, the customer should consult the railroad's terms and conditions.
6. Customer is responsible for and must pay railroad demurrage if an FMC private car is held on railroad owned tracks (subject to the railroad's demurrage rules).

By accepting FMC private cars into its facility, customer acknowledges to FMC that it understands and agrees to abide strictly with this policy. If customer has any questions regarding the application of this policy to its facility and operations, please contact your FMC Account Manager.