

**THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
BNSF PRIVATE CAR STORAGE BOOK 6005**

**NAMING
PRIVATE CAR STORAGE
RULES AND CHARGES
AS PROVIDED IN SECTION 1, 3, 4 and 5 HEREIN
AND
HAZARDOUS CHARGES
AS PROVIDED IN SECTION 2 HEREIN**

**APPLYING AT
POINTS ON THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
IN THE UNITED STATES AND CANADA**

ALSO APPLICABLE ON INTRASTATE TRAFFIC

ISSUED: MAY 25, 2001

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BNSF PRIVATE CAR STORAGE BOOK 6005

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Item 100A – BNSF Web Site – Issued September 4, 2007 – Effective October 1, 2007

This Book is now available on the Internet for viewing or sending directly to your printer. The BNSF Home Page address is <http://www.bnsf.com>. BNSF has provided a link to the Adobe Homepage so that Acrobat Reader software can be downloaded onto your computer allowing you to print a copy on your Personal Computer. (C) Our ultimate goal is to have you, the user of the Book, obtain your copy of the printed information contained in this Book directly from the BNSF web site. Effective January 1, 2002, an annual \$500 subscription fee will be assessed for those who wish to receive a hard copy through the mail.

If, at this time, you are not prepared to obtain a copy of this Book directly from the BNSF web site, then a hard copy of this Book will be mailed to you, provided you furnish, to the address shown below, a formal written request for a printed copy. This formal request is required on an annual basis in accordance with the Surface Transportation Board's policy decision under Ex Parte 528, Disclosure, Publication, and Notice of Change of Rates and Other Service Terms for Rail Common Carriage.

If your company is already using the Internet and you visit the BNSF web site, your comments regarding access to the Book would be appreciated. If you are not currently using the Internet, your comments regarding the above concept would also be appreciated. All comments should be directed to:

Manager Auxiliary Prices
The Burlington Northern and Santa Fe Railway Company
P. O. Box 961069
Ft. Worth, TX 76161-0069

Item 110 – Method of Canceling Items

As this Book is supplemented, numbered items with letter suffixes will be used in alphabetical sequence starting with A. Example: Item 1100-A cancels Item 1100, and Item 1100-B cancels Item 1100-A in a prior supplement, which in turn canceled Item 1100.

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Item 120A – Notification of Changes, Issued March 8, 2004 – Effective April 1, 2004

As items in this Book are revised, the remarks “Increase, Reduction or Change in Wording” will be shown in parenthesis to the right of the Effective Date of the item.

Example:

Item 1200 – Loaded and Empty Cars Held for Initial Placement
Issued November 18, 2001 – Effective December 1, 2001 **(Change in Wording)**

In addition, the Effective Date of the revised item will be added in parenthesis to the Table of Contents on Page 1 to identify which item(s) have been changed.

Example:

Item 1200 – Loaded and Empty Cars Held for Initial Placement **(Effective 12/01/2001)**

The paragraph or table that has been changed within the item will contain one of the following reference marks placed at the end of the paragraph or within the table at the point of change.

- (A) Denotes increase.
- (C) Denotes changes in wording which result in neither increase nor reduction in charges.
- (R) Denotes reduction.

Example:

Loading is the complete or partial loading of a car in conformity with BNSF loading and clearance rules, advice the car is available for movement, and the furnishing of forwarding instructions. **(C)**

Item 130 – Credit Terms

Charges that accrue per this Book are due and payable according to BNSF's Credit Terms, as stated in BNSF Rules Book 6100 Series.

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Item 135C – Security Deposit – Issued January 29, 2007 – Effective February 19, 2007

Carrier has the right to demand that a rail customer, responsible for the payment of demurrage, which has a history of delinquency or non-payment of demurrage charges, not in bona fide dispute, provide assurance for the timely payment of those charges. Such “assurance” will be required in one of the following forms: (1) Payment upon incurrence of the charges by MasterCard or Visa credit card, or (2) by deposit with BNSF of cash, letter of credit, surety bond or other suitable guarantee in an amount equal to average monthly demurrage bill, as calculated over the past six months. Carrier will determine the suitability of the security tendered. All instruments on deposit are hereinafter referred to as “security”.

If the credit card privilege is abused through a customer’s refusal to pay charges not in bona fide dispute, Carrier has the right to refuse further extension of the credit card option and to require thereafter the deposit of security. If a demurrage bill incurred by a customer subject to the aforesaid security deposit requirement, not in bona fide dispute, is not paid when due, immediately thereafter, Carrier will satisfy the bill by drawing against the security

Because deposits are established due to delinquencies or non-payment of demurrage charges, no interest will be paid by Carrier on any security deposited with it. It is within the discretion of the Carrier to determine when issues of delinquency have been resolved and when the rail customer is no longer required to maintain a security deposit. Should rail service to the customer no longer be required, the security on deposit will be released and returned, upon satisfaction of all outstanding demurrage bills. Credit card information will be required for each transaction and credit card information will not be retained by the carrier.

Item 138 – Credit Revocation Administrative Fee for Cash Customers – (Issued January 29, 2007 – Effective February 19, 2007) (Item Cancelled in it’s entirety)

Item 139 – Congestion Resulting from Rail Customer May Result in an Embargo – Issued January 29, 2007 – Effective February 19, 2007

“If a rail customer’s excessive retention of rail cars (whether or not related to the customer’s credit card/security deposit experience) results in operational congestion as determined by the carrier of the customer’s and/or the Carrier’s rail tracks. Carrier may impose an embargo against the customer’s receipt of further railcars until the congestion is eliminated.”

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Item 140F – Index of Terms – Issued September 4, 2007 – Effective October 1, 2007

ACTUAL PLACEMENT: When a car is placed in an accessible position for loading or unloading, or at a point designated by the consignor or consignee or party loading or unloading the car.

BNSF: The Burlington Northern and Santa Fe Railway Company.

CASH CUSTOMER: Any customer notified by BNSF that they have been placed on cash status for non-payment of miscellaneous charges.

CHARGEABLE DAY: A twenty-four (24) hour period, or fraction thereof.

CLOSING EVENT: The event in a car cycle that closes the cycle and results in the computation of time and applicable charges.

CONSIGNEE: The party designated on the bill of lading as the entity entitled to receive delivery of the car from the carrier.

CONSIGNOR: The party designated on the bill of lading as the entity that has caused the car to be consigned into transportation.

CONSTRUCTIVE PLACEMENT: When a car, including order notify and in-bond shipments, cannot be actually placed or delivered because of any condition attributable to the loader, unloader or consignee, car owner or lessee, such car will be held on BNSF tracks and notice will be given to the loader, unloader or consignee or car owner that the car is held awaiting disposition instructions.

CREDIT: A non-chargeable demurrage day granted for an originating BNSF revenue line-haul service.

DISPOSITION: Information, including forwarding instructions and/or release, which allows the railroad to either tender or release the car.

EMPTY RELEASE INFORMATION: Advice by unloader or consignee, given to an authorized representative of BNSF RR, that a car is partially or completely unloaded and available to BNSF.

FORWARDING INSTRUCTIONS: A bill of lading, or other suitable instructions, given to an authorized representative of BNSF that contains all of the necessary information which allows for the immediate movement under either line haul or switching rates of BNSF.

When "forwarding instructions" are furnished covering line haul movement, this information must include the shipper, consignor, consignee, destination, route, commodity description, whether prepaid or collect, and full instructions relative to stop-offs.

Advice received by BNSF to move a car from a shipper's loading or storage track to BNSF yard or hold track to be held for "forwarding instructions", whether furnished by the party loading the car or another party, or a bill of lading or an order consigning the car to an Agent of BNSF which has no beneficial interest in the lading, does not constitute "forwarding instructions" or a release from storage.

(Item continued on next page)

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Item 140F – Index of Terms (continued)

A bill of lading, or other suitable order, covering car(s) requiring clearance from all carriers in the routing will not constitute “forwarding instructions” until clearance is received from all carriers in the routing.

HOLIDAYS: Holidays shall include the following:

In the United States

New Year's Day	January 1
Martin Luther King Day	Third Monday of January
Presidents Birthday	Third Monday of February
Good Friday	Friday before Easter Sunday
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	First Monday of September
Thanksgiving Day	Fourth Thursday of November
Friday after Thanksgiving	Fourth Friday of November
Christmas Eve	December 24
Christmas Day	December 25
New Year's Eve	December 31

In Canada

New Year's Day	January 1
Good Friday	Friday before Easter Sunday
Victoria Day	Monday preceding May 25
Canada Day	July 1
Civic Holiday	First Monday of August
Labour Day	First Monday of September
Thanksgiving Day	Second Monday of October
Remembrance Day	November 11
Christmas Day	December 25
Boxing Day	December 26

IDLER CAR: An empty car used to protect overhanging loads, or used between cars loaded with long material.

INITIAL PLACEMENT: The actual placement, immediately subsequent to arrival or interchange receipt at destination, of a private car on private tracks.

LEASED TRACK: A track assigned to a user through a written lease agreement and is considered the same as a private track for storage purposes.

LOADER: Party physically loading the car.

LOADING: The loading of a car in conformity with BNSF loading and clearance rules, advice that the car is available for movement, and the furnishing of forwarding instructions.

(Item continued on next page)

BNSF PRIVATE CAR STORAGE BOOK 6005

Item 140F – Index of terms (continued)

LUX CODE: A code used by BNSF to separate storage transactions and sub-transactions.

NOTIFICATION: When required, notification will be furnished in writing, electronically or verbally to the party entitled to receive notification.

MONTH END RECORD: A record for a private car that is in constructive placement status awaiting disposition or order for placement at midnight on the last day of each month resulting in the computation of time and applicable charges.

ORDER IN CUSTOMER: A customer who, by prior arrangement, has notified BNSF that cars shall not be placed, or considered to be placed, for loading or unloading, until BNSF has received an order for placement from said customer. Until such order for placement is received, cars will be on constructive placement.

ORDER IN TIME: In order for a car on constructive placement to be spotted at a customer's facility, the party entitled to receive the car must order the car for placement. This order in request must be made in accordance with the instructions provided by BNSF on the Constructive Placement Notice. The date and time that BNSF receives the order for placement will be considered the Order In Time and this time will be made part of that car's storage record.

OTHER THAN PUBLIC DELIVERY TRACK: Any trackage assigned for individual use, including privately owned or leased tracks.

PRIVATE CAR: A car that is not a railroad controlled car.

PRIVATE TRACK: Any track, which is not owned or leased by a railroad.

PUBLIC DELIVERY TRACK: Any track for use by the general public for loading and unloading, i.e., Team Track.

RAILROAD CONTROLLED CAR: A car bearing other than railroad reporting marks provided to a railroad directly by car companies or others for use by a railroad in serving any of its customers.

RAILROAD CONTROLLED TRACK: Any track not defined as a leased track or private track.

REFUSED CAR: A car refused without being loaded or unloaded.

RELEASE: The following will constitute Release:

1. Except as otherwise provided in this Book, the term "release" means the notification received from loader, unloader or consignee that loading or unloading of a car has been completed and the car is available for movement.
2. When equipment is requested to be placed on a track and specific spot where an existing car is residing, the residing car will be considered released loaded or unloaded and available for movement.

(Item continued on next page)

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Item 140F – Index of Terms (concluded)

RESHIPPED/RESHIPMENT: The entire original shipment is forwarded in the same car to another destination.

SPOT ON ARRIVAL: BNSF, without notification, will place cars for loading or unloading immediately upon their availability for placement.

SPOT ON ARRIVAL CUSTOMER: A customer who has not requested to be an Order In Customer will be considered a Spot On Arrival Customer. If constructive placement of a car is necessary, the car will not be placed for loading or unloading until BNSF RR has received an order for placement from the Spot On Arrival Customer.

STCC: Standard Transportation Commodity Code.

STORAGE DAY: A twenty-four (24) hour period, or fraction thereof.

TIME: Local time applicable.

UNLOADER: Party physically unloading a car.

UNLOADED/UNLOADING: The complete or partial unloading of a car and advice the car is available for movement and the furnishing of forwarding instructions when required.

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Item 150E – General Application – Issued September 4, 2007 – Effective October 1, 2007

- A. Application at all points on the BNSF in the United States and Canada or at points on connecting carriers where through agreements, BNSF maintains demurrage rules and changes.
 - B. The disposition of a car at its point of detention determines the purpose for which the car is held and the rules applicable thereto.
 - C. The rate in effect on the date of a car's month end record or closing event will be used to calculate charges named in this Book.
 - D. Rates and charges in this Section are stated in money of the United States and are payable in United States dollars or its equivalent.
 - E. All privately owned cars, including idler cars, held for or by loaders, unloaders or consignees, car owners or lessee are subject to the rules and charges in this Book, except the following:
 - 1. Cars for loading or unloading of BNSF company material.
 - 2. Cars of refused or unclaimed freight to be sold by BNSF for the time held beyond legal requirements.
 - 3. Loaded or empty private cars held on private tracks.
 - 4. Cars used for the purpose of testing loading and unloading procedures, new types of dunnage, or new types of equipment as authorized by BNSF.
 - 5. All bi-level and/or tri-level equipment used in transportation of motor vehicles.
 - 6. Empty cars of private ownership that are railroad controlled.
 - 7. Provisions of 7 have been eliminated.
 - 8. Carloads of broken or crushed stone (STCC 14219XX) held for unloading and billed under the provision of Section 3, BNSF Price List 90064.
 - 9. Cars held for placement to private repair facilities.
-

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Item 160G – Billing Plan – Issued April 9, 2007 – Effective May 1, 2007

- A. Settlement of charges for customers will be made on a calendar month basis on all cars with a closing event during the calendar month or cars with month end records.
 - 1. Month End Record:
 - a. Private car(s) in constructive placement status that have been assessed month end record charges will be carried forward to the following month for the applicable charges until closing event.
 - b. Month end records do not close out time and charges of a closing event.
 - c. Private cars affected by month end records will continue time and charges in effect at 0001 hours on the first day of the month following month end record.
 - 2. Closing Event:
 - a. The event in a car cycle that closes the cycle and results in computation of time and applicable charges.
 - B. The provisions of B. have been eliminated.
 - C. Charges will be calculated based on provisions of Items 140, 1200, 1300, 1400, 1450, 1500, 1600, 1700, 1800 and Sections 2, 3 and 4.
 - D. On refused loaded cars, charges will be assessed against the loader, unloader or consignee. On refused empty cars, the charges will be assessed against the owner or lessee of record in UMLER (Universal Machine Language Equipment Register) until disposition on the car is received. When car lessee is not shown in UMLER, car owner may provide the name of the lessee/responsible party which will be considered disposition on the car.
 - E. Storage charges will be assessed against the consignor or consignee and they will be responsible for payment of such charges.
 - F. The Shipper (Consignor) is responsible for the designation of the bill of lading or other forwarding direction given to BNSF of an appropriate entity to be identified as the Consignee, which by its authorization to such identification and by its participation in the receipt and handling of the lading becomes a party to the shipment. If the designated Consignee alleges that it is not responsible at law for destination demurrage attributable to the shipment because it is not a party to the transportation contract or consignee has address or operation outside the US, then BNSF shall have recourse against the Shipper (Consignor) for such demurrage charges plus ten percent thereon as an extraordinary administrative cost of collection.
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SECTION 1

Item 1000B – Private Car Storage, Issued March 8, 2002 – Effective April 1, 2002

The rules and charges in this Section apply to all loaded and empty private cars held on railroad track (Exception, see Item 150, paragraph E).

Item 1100D – Notification – Issued September 4, 2007 – Effective October 1, 2007

- A. Notification will be delivered to the loader/unloader/in-care-of/or similar party as the Agent for the Consignor or Consignee, car owner or lessee.
1. The following notification will be furnished as indicated:
 - (a) Cars held for initial placement on private tracks:
 - (1) Notice of constructive placement shall be sent or given if a car is held on tracks of BNSF at an available hold point or at billed destination due to any condition attributable to the loader, unloader or consignee who prevents BNSF from making actual placement.
 - (b) Cars for public delivery tracks:
 - (1) Notice of constructive placement shall be sent or given if a car is held on tracks of BNSF at an available hold point or at billed destination due to any condition attributable to the loader, unloader or consignee who prevents BNSF from making actual placement.
 - (2) Notice will be given to the party entitled to receive notification when a car is actually placed.
 - (c) Refused cars:
 - (1) When a car is refused, BNSF will give notice of such refusal to the consignor, owner or lessee.
 - (d) Freight Payor or Party Entitled to Received Notice:
 - (1) Notice will be sent or given if a car is held on tracks of BNSF awaiting proper disposition in connection with diversion requests.
 - (2) Notice will be sent or given if a car is held on tracks of BNSF awaiting payment of any lawful charges.
 - (e) Cars held for delivery to a connecting carrier:

(Item continued on next page)

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Item 1100D – Notification (concluded)

- (1) Notice of constructive placement shall be sent or given if a car is held on tracks of BNSF at an available hold point or billed destination due to any condition attributable to loader, unloader or consignee who prevents BNSF from making interchange to the connecting carrier.
 2. When notification is required, the following effective dates and times will govern.
 - (a) U. S. Mail – The date and time mailed by BNSF.
 - (b) Electronically or verbally – the date and time sent or given, as recorded by BNSF.
 3. Notification will contain the following:
 - (a) Car initial and number.
 - (b) Car location.
- A. All notifications to BNSF are effective upon receipt.
-

Item 1200C – Loaded and Empty Cars Held for Initial Placement on Private Tracks, Issued October 11, 2007 – Effective October 12, 2007

Applicable to loaded and empty private cars held for initial placement.

- A. Loaded and empty private cars, consigned or ordered for delivery to private tracks, which first must be held on railroad tracks under constructive placement are subject to storage provisions and charges as provided in this Book.
 - B. Notifications given between 12:01 a.m. and 5 p.m. Monday through Friday, storage will be computed from the first 12:01 a.m. (holidays within the calculation to the first 12:01 a.m. will be excluded) after notification of constructive placement of loaded or empty cars, while held on railroad tracks, until request for placement on private or leased tracks is received.
 - C. Notifications given on Saturday and Sunday or between 5:01 p.m. and 12:00 a.m. Monday through Friday, storage will be computed from second 12:01 a.m. (holidays within the calculation to the second 12:01 a.m. will be excluded) after notification of constructive placement for loaded or empty cars, while held on railroad tracks, until request for placement on private or leased tracks is received.
 - D. Each chargeable day, or fraction thereof, will be assessed at the applicable rate in Items 1700 and 1800. When empty cars are held short of the waybill destination the rate that will apply will be the rate applicable for the destination.
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BNSF PRIVATE CAR STORAGE BOOK 6005

***Item 1300E – Cars Held for Loading on Railroad Controlled or Public Delivery Tracks,
Issued October 11, 2007 – Effective October 12, 2007***

Applicable to empty private cars held for loading:

A. Release:

1. Date and time that BNSF receives forwarding instructions and advice that a car is available for movement and payment of any accrued charges from non-credit or cash customers. Notice may be given to BNSF stating forwarding instructions will authorize release.
2. Cars found to be improperly loaded at origin will not be considered released, as described in paragraph A.1., until the load has been properly adjusted and clearance, if necessary, has been obtained.

B. Computation and Charges:

1. For notification or placement occurring between 12:01 a.m. and 5 p.m. Monday through Friday charges will be assessed from the first 12:01 a.m. (holidays within the calculation to the first 12:01 a.m. will be excluded) after actual or constructive placement of a car until the car is released.
 2. Notifications given on Saturday and Sunday or between 5:01 p.m. and 12:00 a.m. Monday through Friday, charges will be assessed from second 12:01 a.m. (holidays within the calculation to the second 12:01 a.m. will be excluded) after actual or constructive placement of a car until the car is released. Notification of constructive placement for loaded or empty cars, while held on railroad tracks, until request for placement on private or leased tracks is received.
 3. On a reloaded car, charges will be assessed from the first 12:01 a.m. (holidays within the calculation to the first 12:01 a.m. will be excluded) after advice is received that the car is empty until the car is released as a load.
 4. Provisions of 4 have been eliminated.
 5. Each chargeable day, or fraction thereof, will be assessed at the applicable rate in Items 1700 and 1800. When empty cars are held short of the waybilled destination the rate that will apply will be the rate applicable for the destination.
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Item 1400C – Cars Held for Unloading on Railroad Controlled or Public Delivery Tracks – Issued October 11, 2007 – Effective October 12, 2007

Applicable to loaded private cars held for unloading:

A. Release:

1. Date and time that BNSF receives advice that a car is empty and available for movement.
2. When a car is unloaded and then reloaded, empty release information must be furnished. If not furnished, charges will be continuous until forwarding instructions are received.

B. Computation and Charges

1. For notification or placement occurring between 12:01 a.m. and 5 p.m. Monday through Friday charges will be assessed from the first 12:01 a.m. (holidays within the calculation to the first 12:01 a.m. will be excluded) after actual or constructive placement of a car until the car is unloaded.
2. For notifications or placement occurring Saturday and Sunday or between 5:01 p.m. and 12:00 a.m. Monday through Friday, charges will be assessed from the second 12:01 a.m. (holidays within the calculation to the second 12:01 a.m. will be excluded) after actual or constructive placement of a car until the car is released.
3. Provisions of 3 have been eliminated.
4. Each chargeable day, or fraction thereof, will be assessed at the applicable rate in Items 1700 and 1800.

Item 1450A – Loaded and Empty Cars Held for Delivery to Connecting Carrier – Issued September 4, 2007 – Effective October 1, 2007

Applicable to loaded and empty private cars held for delivery to connecting carrier.

- A. Loaded and empty private cars, consigned or waybilled for delivery to connecting carrier, which first must be held on railroad tracks under constructive placement are subject to storage provisions and charges as provided in this Book.

Storage will be computed from the first 12:01 a.m. after notification of constructive placement of loaded or empty cars, while held on railroad tracks, until request for delivery to connecting carrier is received.

- B. Provisions of B have been eliminated.
- C. Each chargeable day, or fraction thereof, will be assessed at the applicable rate in Items 1700 and 1800. When empty cars are held short of the waybill destination the rate that will apply will be the rate applicable for the destination.
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Item 1500B – Cars Held for Purposes Other Than Loading, Unloading or Initial Placement – Issued September 4, 2007 – Effective October 1, 2007

Applicable to loaded or empty private cars held while awaiting proper disposition from the loader, unloader or consignee, car owner or lessee or, in connection with a loaded car diversion request, the freight payor or his authorized representative.

Computation and Charges:

- A. Charges will be assessed on the following from the first 12:01 a.m.
1. After notification of constructive placement or actual placement until disposition advice is received on:
 - (a) Cars diverted or reshipped.
 - (b) Cars held for surrender of Order Notify Bills of Lading.
 - (c) Cars waiting for payment of accrued charges.
 - (d) Cars, held on BNSF tracks, moving from the United States to Canada, or from Canada to the United States, or from Mexico to the United States, that require customs entry and/or government inspection. Cars will be considered released at the time customs clearance is obtained.
 - (e) Cars held for any other purpose, except as covered by Items, 1200, 1300, 1400, 1450 and 1600 which is not attributable to BNSF.
 2. After a private car is received by BNSF until date and time of disposition on:
 - (a) Private cars received from connecting carriers.
 - (b) Private cars returned to BNSF tracks.
- B. Each chargeable day or fraction thereof, will be assessed at the applicable rate in Items 1700 and 1800.
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BNSF PRIVATE CAR STORAGE BOOK 6005

Item 1600B – Refused Cars – Issued September 4, 2007 – Effective October 1, 2007

Applicable to loaded and empty private cars held on BNSF tracks while awaiting proper disposition from the loader, unloader or consignee, or car owner or lessee.

Computation and Charges:

- A. Charges will be assessed on the following from the first 12:01 a.m.
 - 1. After constructive placement until date and time of refusal.
 - 2. After notification is given to the party entitled to receive notification until date of disposition
 - B. Provisions for B eliminated.
 - C. Each chargeable day, or fraction thereof, will be assessed at the applicable rate in Items 1700 and 1800.
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BNSF PRIVATE CAR STORAGE BOOK 6005

Item 1700D - Calculation of Storage Charges & Applicable Credits – Issued September 4, 2007 – Effective October 1, 2007

Table 1 - Reference Item 1200
(Loaded and Empty cars held for initial placement on private tracks)

Row	LUX Code	Car Types	Applicable Credits	Chargeable Amount (per day)
1	A	Loaded Private Cars	0	\$75.00
2	B	Empty Private Cars	0	See Item 1800

Table 2 - Reference Item 1300
(Car held for loading on railroad controlled or public delivery tracks)

Row	LUX Code	Car Types	Applicable Credits	Chargeable Amount (per day)
1	C	Empty Private Cars	0	See Item 1800

Table 3 - Reference Item 1400
(Car held for unloading on railroad controlled or public delivery tracks)

Row	LUX Code	Car Types	Applicable Credits	Chargeable Amount (per day)
1	D	Loaded Private Cars	0	\$75.00

Table 4 - Reference Item 1500
(Cars held for purposes other than loading, unloading or initial placement)
Reference Item 1450 (Cars held for delivery to connecting carrier)

Row	LUX Code	Car Types	Applicable Credits	Chargeable Amount (per day)
1	1	Loaded Private Cars	0	\$75.00
2	E	Empty Private Cars	0	See Item 1800

Table 5 - Reference Item 1600
(Refused cars)

Row	LUX Code	Car Types	Applicable Credits	Chargeable Amount (per day)
1	2	Loaded Private Cars	0	\$75.00
2	F	Empty Private Cars	0	See Item 1800

(Item continued on next page)

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Item 1700D - Calculation of Storage Charges & Applicable Credits (Concluded)

Note 1 eliminated.

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Item 1800F - Geographical Rates Applicable to Empty Private Cars - (Issued December 4, 2007 – Effective December 5, 2007) (Reduction)

(Applicable only when reference is made to this Item)

State or Province	Rate	Stations
Alabama	\$75.00	All
Alberta	\$20.00	All
Arkansas	\$75.00	All
Arizona	\$75.00	All
British Columbia	\$75.00	All
California	\$75.00	All
Colorado	\$75.00	All
Idaho	\$20.00	All except Hauser
	\$75.00	Hauser
Illinois	\$75.00	All
Iowa	\$20.00	All stations except as follows
	\$75.00	Argyle, Burlington, Cedar Rapids, Clinton, Coon Rapids, Corning, Council Bluffs, Creston, Dayman, Des Moines, Dubuque, Eddyville, Fairbank, Ft Madison, Island Park, Keokuk, (R) Ottumwa, Red Oak, Shenandoah, Sioux City
Kansas	\$75.00	All
Kentucky	\$75.00	All
Louisiana	\$75.00	All
Manitoba	\$75.00	All
Minnesota	\$75.00	All stations except as follows
	\$20.00	Bellingham, Louisburg, Nassau, Simplot, Soo Line Junction
Mississippi	\$75.00	All
Missouri	\$75.00	All
Montana	\$20.00	All stations except as follows
	\$75.00	Billings, Great Falls, Havre, Shelby, Sidney, Sweetgrass, Whitefish
Nebraska	\$75.00	All
Nevada	\$75.00	All
New Mexico	\$75.00	All stations except as follows
	\$20.00	Aleman, Alivio, Berino, Crocker, Cutter, Dona Ana, Elmendorf, Engel, Grama, La Joya, Las Cruces, Lava, Leasburg, Limitar, Medler, Pope, Sabinal, San Acacia, San Antonio, San Marcial, Socorro, Tiffany, Tonuco, Tyrone
North Dakota	\$20.00	All stations except as follows
	\$75.00	Antelope, Antelope Valley Station, Beulah, Bismarck, Burleigh, Dengate, Duke Spur, Eagle Nest, Fargo, Fife, Glenharold, Grafton, Glen Ullin, Hankinson, Hazen, Hebron, Hensler, Judson, Knife River Spur, Lyons, Mandan, McKenzie, New Salem, North Almont, Price, Republic, Richardton, Sanger, Stanton, Sunny, Sweet Briar, Taylor, Walhalla, Wahpeton, West Fargo, Zap
Oklahoma	\$75.00	All
Oregon	\$75.00	All

(Item continued on next page)

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Item 1800F - Geographical Rates Applicable to Empty Private Cars (Continued)

State or Province	Rate	Stations
Saskatchewan	\$20.00	All
South Dakota	\$20.00	All stations except as follows:
	\$75.00	Aberdeen, (R), Groton, Hudson, Huron, Loomis, Marion, Milbank, Mina, Redfield, Scotland, Sioux Falls, Watertown, Wentworth
Tennessee	\$75.00	All
Texas	\$75.00	All stations except as follows:
	\$20.00	Anthony, Canutillo, Montoya, Vinton, White
Utah	\$75.00	All
Washington	\$75.00	All
Wisconsin	\$75.00	All
Wyoming	\$75.00	All stations except as follows
	\$20.00 (R)	Arminto, Baroid, Basin, Bishop, Bonneville, Bridge Jct, Bucknum, Casper, Clayton, Cody, Coospur, Cowley, Dave, Dornick, Douglas, Durkee, Frannie, Garland, Gate, Glen Rock, Greybull, Himes, Kane, Kirby, Laurel, Limestone, Lovell, Lucerne, Lysite, Madden, Magnet Cove, Manderson, Orin, Powder River, Powell, Pulliam, Quality, Ralston, Sage Creek, Spence, Stucco, Thermopolis, Thornton, Worland

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SECTION 2

Item 2100A – Charges on Cars Containing Explosives or Hazardous Materials, Issued March 8, 2002 – Effective April 1, 2002

Any loaded car containing Explosives or Hazardous Materials that is held on BNSF tracks, including public delivery tracks, is subject to a charge of \$75.00 per day. The \$75.00 per day charge will be in addition to, and run concurrent with, the applicable per day storage charge named in Section 1 of this Book.

Explosives are defined as Class A, B, and C explosives as named in Part 172, commodity list, Tariff BOE 6000-Series.

Hazardous Materials are defined as “Hazardous Wastes” and “Hazardous Substances” as named in Hazardous Materials Regulations of the U. S. Department of Transportation in 40 Code of Federal Regulations (CFR) 260 through 263 and 49 CFR 171.8 or successor thereof.

The daily Explosives or Hazardous Materials charge in Paragraph A is in addition to the applicable rate named in Items 1700 and 1800.

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SECTION 3

Item 3100F – Claim Handling – Issued September 10, 2007 – Effective October 1, 2007

In order to be allowed relief, a claim must be presented to BNSF within 60 days of the billed date as shown below. Any claims not filed within 60 days of the billing date will be declined.

Edemurrage Claims:

Claims can be filed electronically utilizing BNSF eDemurrage tool (register at www.bnsf.com). No processing fee for filing electronically.

Written Claims:

Written claims must be supported by documentation stating fully the conditions for which relief is claimed, identifying contested cars by car initial, car number and location. Claims are to be sent to the following address. Claims sent to BNSF will be subject to a processing fee of \$50 for each disputed bill.

BNSF Demurrage Accounting
11th Floor
176 East Fifth Street
St. Paul, MN 55101

Response to Claims:

If BNSF fails to respond to an electronic claim within 30 days from the date of receipt, BNSF will accept the dispute as submitted and credit the account for the value of the disputed amount.

A. Improper Charges

1. If, by error, storage charges are improperly assessed, charges will be adjusted to the amount that would have accrued but for such error.
2. Bunching will not be considered railroad error and no allowance will be made except as provided for in paragraph 3.
3. Relief of storage charges caused by bunching will only be granted under the following conditions:
 - (a) Cars Tendered For Loading or Unloading.

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(Item continued on next page)

Item 3100E – Claim Handling (continued)

- (1) When, as a result of an act or neglect of BNSF, cars originating at the same point on different dates, moving via the same route and consigned to one consignee at one point are bunched and tendered for delivery by BNSF in accumulated numbers, the consignee shall be allowed such credits as he would have been entitled to had the cars not been bunched, except as shown in Paragraph A.3.a.3 through A.3 a.6.
- (2) When, as a result of an act or neglect of BNSF, cars originating at different points and transported via the same route from a BNSF intermediate common point to destination, are bunched after interchange or arrival at the BNSF common point (in which event the date of interchange or arrival of the cars at the BNSF common point will govern in determining the bunching instead of the date of shipment) and are tendered for delivery by BNSF in accumulated numbers, the consignee shall be allowed such credits as he would have been entitled to had the cars not been bunched, except as shown in Paragraph A.3.a.3 through A.3 a.6.
- (3) Cars arriving at the serving yard or destination point on different days will not be considered bunched when tendered for delivery on the next scheduled switch day.
- (4) Cars arriving at the serving yard or destination point on holidays will not be considered bunched when tendered for delivery on the next scheduled switch day.
- (5) Cars moving with a transportation service plan will not be considered bunched when the cars arrive at the serving yards within 48 hours of scheduled service plan.
- (6) At time of arrival at serving yards of the alleged bunched cars, customers can not have more cars in CP status than the daily average number of cars released during the prior 7 days period.
- (7) Claims for bunching will only be accepted by BNSF for review if received in writing, supported by a statement certifying the car initial and number, date and point of shipment and date and time forwarding directions were furnished, the date and time of interchange or arrival at the BNSF common point and date shipments are tendered for delivery, for each involved in the bunching claim. Example claim for as follows:

Car Number	Origin or Common Point	Date & Time Forwarding direction furnished or arrival at common point or interchange	Date shipment tendered for delivery
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- (8) Bunching for loading and unloading must be calculated separately.

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(a) Item eliminated.

(b) Item moved.

(Item continued on next page)

Item 3100E – Claim Handling (concluded)

- B. Acts of God: In the event it is impossible for a loader, unloader or consignee to get to a car or to load or to unload a car due to acts of God, including, but not limited to flood, storm, earthquake, tornado, or to other severe weather or climatic conditions, the storage directly chargeable thereto will be adjusted, provided the impediment is at least two (2) days in duration.
- C. Strike or Lockout Interference Storage Relief: When it is impossible for a customer to load or unload or receive cars from or make cars available to BNSF because of strike interference at the point where the loading or unloading is to be accomplished, the following will apply during the strike interference:
1. If duration of strike is less than two days, no relief will be granted.
 2. No relief will be granted on cars diverted to a strike or lockout point subsequent to the first 12:01 AM following the day strike or lockout was declared.
 3. No relief will be granted for cars billed subsequent to the first 12:01 AM following the day strike or lockout was declared.
 4. Relief rates apply from the first 12:01 AM after strike or lockout was declared. Relief rate stops when cars are released, diverted or reshipped.
 5. If strike or lockout is caused by parties other than BNSF, charges are as follows:
 - a. Storage days will be charged at the rate of \$40.00 per day.
 - b. Hazardous storage charges as defined in Item 2100 will remain \$75.00 per day.

Item 3200 – Arbitration Rules – Issued September 4, 2007 – Effective October 1, 2007

All disputes, claims, questions or controversies arising out of any charges assessed under the provisions of this book in the transportation of Grain or Grain Products shall be resolved by binding arbitration under the Arbitration Rules of the National Grain and Feed Association unless the parties agree to some other arbitration procedure.

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**SECTION 4 – HAZARDOUS MATERIAL – INHALATION HAZARD
AND EXPLOSIVES Issued April 9, 2007 – Effective May 1, 2007**

***Item 4000A – Definition of Inhalation Hazard and Explosives – Issued September 4,
2007 – Effective October 1, 2007***

This section covers hazardous commodities that are designated toxic/poison inhalation hazard, inhalation hazard and explosives. List of STCC number shown in Item 4900. Section 1, Items 1200 to 1700; Section 2 and 3 do not apply to this Section. In the event of a conflict between items in Section 4 and with other parts of this Book, Section 4 will take precedence.

Item 4050 – Loaded Private Cars Held on Private Tracks

- A. Cars will be pulled when loading is completed and in conformity with BNSF loading and clearance rules, advice cars are available for movement and forwarding instruction have been furnished.
 - B. Cars placed on industrial interchange tracks of a loader doing their own switching, including those tracks of an industrial switch line acting as Agent of loader, must also be returned to the industrial interchange track for release and forwarding instruction furnished.
-

Item 4100 – Loaded Private Cars Held for Initial Placement of Private Tracks

- A. Loaded private cars, consigned or ordered for delivery on private tracks, which first must be held on railroad tracks under constructive placement are subject to charges as provided in this Section.
 - B. Storage will be computed from the first hour after notification of constructive placement was sent or given for loaded car and continue until request for placement on private tracks is received.
 - C. Each chargeable hour or fraction thereof, will be assessed the applicable rate as defined in Item 4900.
-

***Item 4150 – Loaded or Empty Private Cars Cannot Be Placed on Railroad Controlled
or Public Deliver Tracks Loading and Unloading***

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BNSF will not allow the loading or unloading of any commodities listed in this Section on any team track or public delivery track owned or leased by BNSF.

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Item 4200 – Loaded Private Cars Held for Delivery to Connecting Carrier

- A. Loaded private cars, consigned or waybilled for delivery to connecting carrier, which first must be held on railroad tracks under constructive placement, are subject to storage provisions and charges as provided in this Section.
- B. Storage will be computed from the first hour after notification of constructive placement was sent or given for loaded car and continue until accepted for delivery by connecting carrier.
- C. Each chargeable hour or fraction thereof will be assessed at applicable rates as defined in Item 4900.

Item 4300 – Loaded Private Cars Held for Purposes Other Than Unloading or Initial Placement

Applicable to loaded private cars held on railroad track awaiting proper disposition from the loader, car owner or lessee or in connection with a loaded car diversion request, the freight payor or his authorized representative.

- A. Charges will be assessed on the following from first hour after notification or notification of constructive placement is sent or given and continue until disposition is received:
 - 1. Cars diverted or reshipped
 - 2. Car held for surrender of Order Notify Bill of Lading.
 - 3. Cars waiting for payment of accrued charges.
 - 4. Car, held on BNSF tracks, moving from the United States to Canada, or from Canada to the United States or from Mexico to the United States, or from United States to Mexico that require customer entry and/or government inspection. Car will be considered release at time customer clearance is obtained.
- B. Charges will be assessed from the first hour, without notification after private car is received from connecting carrier or removed from private tracks on orders until date and time disposition is received.
- C. Each chargeable hour or fraction thereof will be assessed at the applicable rates in Item 4900.

Item 4400 – Refused Loaded Private Cars

Loaded private cars rejected by the consignee will not be removed from consignee tracks until proper forwarding instruction are received.

In the event, loaded rejected private cars are removed from consignee private tracks and must be held on BNSF controlled tracks awaiting disposition will be subject to the following:

- A. Charges will be assessed from the first hour after notification of constructive placement or notification is sent or given to party entitled to receive same and continue until forwarding instructions are received.
- B. Each chargeable hour or fraction thereof will be assessed at the applicable rates in Item 4900.

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Item 4500 – Loaded Private Cars Held 15 Days After Notification or Constructive Placement

Loaded private cars held more than 15 days (See Note 1) after constructive placement or notification and refused cars will be subject to the following:

- A. On day 16 after constructive placement or notification (See Note 1), shipper of record will be contacted for disposition. If disposition is not received within 5 days (See Note 1) cars will be subject to provisions in paragraph C.
- B. On day 5 after notification of refusal (See Note 1), cars will be subject to provisions in paragraph C.
- C. After the expiration of 5 or 21 days (See Note 1), carrier may exercise one of the following options:
 1. Car may be reverse routed back to the shipper. Shipper will be responsible for all storage or other charges accrued at hold point and freight charges to return car to origin.
 2. Car may be considered abandoned. Car owner and lessee of record will be given a certified letter advising car is being held for disposition. Car owner or lessee of record will be responsible for all accrued storage and other charges. If disposition is not received within 5 business days, car and contents may be sold at auction without periodical publication. Proceeds from the sale will be used to satisfy all charges including cost of disposal. Shipper will be responsible for any cost not covered by the proceeds from the sale. Carrier reserves the right to bid at the sale.

(Note 1 – If any of the specified days shown in this item occur on a weekend or holiday, the first business day after the weekend or holiday will become the specified last day.)

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Item 4800 – Storage Charges - Issued September 4, 2007 – Effective October 1, 2007

Charges will start on the first hour after notification. Total hours will be divided by 24 to determine number of days. Charges will be assessed for each day or fraction of a day including Saturday, Sunday, and holidays.

Table 1 – Reference to items
(Loaded private cars held on railroad controlled tracks)

Row	Lux Code	Car Type	Applicable Credits	First Chargeable Day	Subsequent Chargeable Days
1	A	Loaded Private Cars Containing Inhalation Hazard Materials or Explosives	0	\$500.00	\$1,000.00

In addition to the above charges, consignees or consignors will be liable for all Federal, State, Local penalties or fines which may be assessed for the holding of private cars on railroad controlled tracks when party to the bill of lading has impeded delivery of the car. Consignees or consignors will be responsible for any cost incurred by BNSF for providing protection or surveillance of any commodity listed in this Section while held on Railroad property.

Item 4900 – List of Standard Transportation Commodity Codes Numbers (STCC)

For a list of applicable STCC numbers for commodities covered by this Section, see Item 1150-Series of BNSF Rules Book 6100A -Series

The end