

**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 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

EFFECTIVE: JULY 1, 2001

BNSF PRIVATE CAR STORAGE BOOK 6005

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Item 100 – BNSF Web Site

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. BNSF is also exploring ways to send interested parties an Email message whenever an amendment or reissue of this Book takes place. 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 \$100 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 120 – Notification of Changes

1. 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)**

2. 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)**

3. 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 135 – Security Deposit

Carrier has the right to demand that a rail customer (consignor, consignee or other party responsible for the payment of storage), not extended credit by the Carrier and/or with a history of delinquency or non-payment of storage charges not in bona fide dispute, deposit with the Carrier money or security adequate to pay an average monthly storage bill calculated over the past six months. (1) The deposit may be satisfied with cash, letter of credit, surety bond or other appropriate instrument. Carrier will determine the suitability of the security tendered. (All instruments on deposit are hereinafter referred to as 'security').

If a storage bill not in bona fide dispute is not paid when due, immediately thereafter Carrier will satisfy the bill by application against the security on deposit. Thereafter, the rail customer will be required to reinstate the value of the security to its former level or to another level equivalent to its average monthly storage charge.

Should demand be made upon a rail customer for the deposit or maintenance of security as heretofore stated and should the rail customer refuse or fail to so deposit or maintain the security, Carrier may refuse to provide any further rail service until the deposit requirement is fulfilled. If service is refused, Carrier will issue an embargo against all rail transportation by Carrier to and from that rail customer.

No interest will be paid by Carrier on any security deposited with it. It is within the discretion of the Carrier to determine when creditworthiness of the rail customer no longer necessitates the imposition of a security deposit. If rail service to the customer is permanently discontinued, upon satisfaction of all storage bills the security on deposit will be released and returned.

(1) New rail customers will be required to deposit security equal to an anticipated average monthly storage bill.

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Item 140A – Index of Terms, Issued August 10, 2001 – Effective September 1, 2001 (Change in Wording) (Increase)

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.

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. (C)

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 because of any condition attributable to the loader, unloader, consignee, car owner or lessee, such car will be held on BNSF tracks and notice will be given to the loader, unloader, consignee or car owner that the car is held awaiting disposition instructions.

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, 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.

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.

(Item continued on next page)

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Item 140A – Index of Terms (continued)

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	Third Monday of May
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

When these dates occur on a Sunday, the following Monday will be observed as the holiday.

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.

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

(Item continued on next page)

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Item 140A – Index of terms (continued)

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. (A)

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.

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 or unloader 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.

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.

(Item continued on next page)

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Item 140A – Index of Terms (concluded)

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.

TSD Agreement Holder: A Transload, Storage & Drayage (TSD) Agreement Holder is a company holding an executed TSD Agreement to perform transloading, storage and drayage service on behalf of BNSF.

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 150A – General Application, Issued August 10, 2001 – Effective September 1, 2001
(Increase)*

- A. Application at all points on the BNSF in the United States and Canada.
 - 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. (A)
 - 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 or unloaders, car owners or lessee, private railcar repair facilities, 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. Covered hopper cars for transportation of Grain and Grain Products, as defined in BNSF 4022 and 4023 Series and Sugar (STCC 20-621 and 20-629).
 - 8. Cars for loading or unloading by TSD Agreement holders.
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Item 160A – Billing Plan, Issued August 10, 2001 – Effective September 1, 2001 (Increase and Change in Wording)

- A. Settlement of charges for customers will be made, at the option of BNSF, as charges accrue or on a calendar month basis on:
 - 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. (A)
 - 2. Closing Event:
 - a. The event in a car cycle that closes the cycle and results in computation of time and applicable charges. (A)
 - B. The provisions of B. have been eliminated. (C)
 - C. Charges will be calculated based on provisions of Items 1200, 1300, 1400, 1500 and 1600.
 - D. Except for refused cars, charges will be assessed against the loader, unloader or private repair facility. On refused cars, the charges will be assessed against the owner or lessee of record in UMLER (Universal Machine Language Equipment Register).
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BNSF PRIVATE CAR STORAGE BOOK 6005

SECTION 1

*Item 1000A – Private Car Storage, Issued August 10, 2001 – Effective September 1, 2001
(Change in Wording)*

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

Item 1100 - Notification

A. Notification to loader, unloader, car owner or lessee, or private rail car repair facility.

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 private rail car repair facility which 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 or unloader which 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) Diversions:

(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. 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.

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Item 1100 – Notification (concluded)

3. Notification will contain the following:

(a) Car initial and number.

(b) Commodity; and

(c) Car location.

B. All notifications to BNSF are effective upon receipt.

Item 1200 – Loaded and Empty Cars Held for Initial Placement on Private Tracks

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. Storage will be computed from the second 12:01 a.m. (Saturdays, Sundays & holidays within the calculation to the second 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. Each chargeable day, or fraction thereof, will be assessed at a rate of \$25.00. Charges will accrue on all Saturdays, Sundays and holidays subsequent to the first chargeable day.

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Item 1300A – Cars Held for Loading on Railroad Controlled or Public Delivery Tracks, Issued August 10, 2001 – Effective September 1, 2001 (Change in Wording)

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 customers. Notice may be given to BNSF stating forwarding instructions will authorize release. (C)
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. Charges will be assessed from the second 12:01 a.m. (Saturdays, Sundays and 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.
 2. On a reloaded car, charges will be assessed from the second 12:01 a.m. (Saturdays, Sundays and holidays within the calculation to the second 12:01 a.m. will be excluded) after advice is received that the car is empty until the car is released as a load.
 3. Each chargeable day, or fraction thereof, will be assessed at a rate of \$25.00. Charges will accrue on all Saturdays, Sundays and holidays subsequent to the first chargeable day.
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Item 1400 – Cars Held for Unloading on Railroad Controlled or Public Delivery Tracks

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. Charges will be assessed from the second 12:01 a.m. (Saturdays, Sundays and 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 unloaded.
 2. Each chargeable day, or fraction thereof, will be assessed at a rate of \$25.00. Charges will accrue on all Saturdays, Sundays and holidays subsequent to the first chargeable day.
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BNSF PRIVATE CAR STORAGE BOOK 6005

Item 1500 – Cars Held for Purposes Other Than Loading, Unloading or Initial Placement

Applicable to loaded or empty private cars held while awaiting proper disposition from the loader, unloader, car owner or lessee, private rail car repair facility 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. (Inclusive of Saturdays, Sundays and holidays).
 - 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 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 (Including Saturdays, Sundays and holidays), or fraction thereof, will be assessed at a rate of \$25.00.
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Item 1600 – Refused Cars

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

Computation and Charges:

- A. Charges will be assessed on the following from the second 12:01 a.m. (Saturdays, Sundays and holidays within the calculation to the second 12:01 a.m. will be excluded):
 - 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. Each chargeable day, or fraction thereof, will be assessed at a rate of \$25.00. Charges will accrue on all Saturdays, Sundays and holidays subsequent to the first chargeable day.
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BNSF PRIVATE CAR STORAGE BOOK 6005

SECTION 2

Item 2100 – Charges on Cars Containing Explosives or Hazardous Materials

- A. Any 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 \$25.00 per day storage charge named in Section 1 of this Book.
 - B. Explosives are defined as Class A, B, and C explosives as named in Part 172, commodity list, Tariff BOE 6000-Series.
 - C. 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.
 - D. The daily charge in Paragraph A is in addition to the \$25.00 charge named in Items 1200, 1300, 1400, 1500 and 1600.
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BNSF PRIVATE CAR STORAGE BOOK 6005

SECTION 3

Item 3100 – Claim Handling

In order to be allowed relief, a claim must be presented to BNSF at the address shown below, in writing, with supporting documentation, within 30 days of the billing date, 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:

BNSF Demurrage Accounting
12th Floor
176 East Fifth Street
St. Paul, MN 55101
Fax: (651) 298-7787

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 paragraphs 3.
3. Relief of storage charges caused by bunching will only be granted under the following conditions:
 - (a) Cars Tendered For Loading or Unloading.
 - (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, A.3.a.4 and A.3.a.5.
 - (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, A.3.a.4 and A.3.a.5.
 - (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.

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Item 3100 – Claim Handling (continued)

- (4) Cars arriving at the serving yard or destination point on holidays will not be considered bunched when tendered for delivery on the first day thereafter.
 - (5) If the total cars shipped in one calendar day, from the same or different points having similar transit times, are in excess of consignee's track capacity, they will not be considered bunched if they arrive at the serving yard or destination point on the same day.
 - (6) Claims for bunching will only be accepted by BNSF for review if received in writing, per the above time limits, supported by a statement certifying the car initial and number, date and point of shipment, the date of arrival at the common point, date of arrival at destination point, and date shipments are tendered for delivery, for each car involved in the bunching claim.
 - (7) The following formula will be used to determine the amount of storage that would have accrued but for such error:
 - (a) One credit will be allowed for each 24-hour period of actual time that elapses between the date and time from the BNSF origin or arrival at the BNSF common point for each car delayed until the balance of the shipment departs from the BNSF common point to the BNSF destination.
 - (b) Bunching for loading and unloading must be calculated separately.
- B. Acts of God: In the event it is impossible for a loader or unloader 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 Interference: 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. Storage days will be charged at the rate of \$15.00 per day.
 2. Charges on cars containing explosives or hazardous materials, as named in Item 2100 of this Book, will be \$15.00 per day.

The end