

Item 2250D - Rule Governing Barrier Seal Application – Issued July 29, 2004 – Effective August 1, 2004

The rule establishes the prerequisites for a party to claim rail carrier responsibility/liability for lading contamination, adulteration or shortage due to a seal exception, and will apply on the following car types: Box Cars with AAR Mechanical designation beginning with X, Covered Hoppers with AAR Mechanical designation of LO and Tank Cars with AAR Mechanical designation of T. With the exception of paragraph 3 herein, this item does not apply on the transportation of perishable commodities moving in refrigerated equipment.

1. The shipper is responsible to protect the safety and integrity of its lading, including, but not limited to, the application of barrier seals to railroad cars to prevent unauthorized access to its lading. A minimally-accepted barrier seal will be composed of braided steel strands (high-tensile strength steel cable) totaling one-eighth (1/8) inch in diameter. For all Agricultural Product shipments the minimally-accepted barrier seal will be composed of braided steel strands (high-tensile strength steel cable) totaling one-sixteenth (1/16) inch in diameter. Agricultural Products will include shipments covered under the following tariffs and ethanol (STCC 2818446, 2818445 and 2818419): BNSF 4022, BNSF 4023, BNSF 4024, ATSF 51463, BNSF 56750, BNSF 56975, BNSF 90004, BNSF 90021, BNSF 90023, BNSF 90024, BNSF 80001, BNSF 90022-Series AND BNSF 90029-Series.
 2. A cargo loss claimant must be able to provide documentary evidence that the required seals were applied properly and immediately after completion of loading to all loading and/or unloading devices on the railcar. Proof must be established by furnishing date and time of completion of loading, seal number, seal location, and date and time of seal installation, by one or more of the following methods:
 - (a) third (neutral) party inspection, and/or
 - (b) manual log entry signed by the person applying the seal and verified by another person, and/or
 - (c) video tape, to include the railroad car number.
 3. If a seal is missing, defective, or tampered with, the receiver/consignee must report the exception and all known facts relating thereto to BNSF Inspection Service Bureau (1-800-333-4686) within four (4) hours of actual placement of the railcar.
 4. If all of the foregoing prerequisites are satisfied, BNSF will accept responsibility for the condition of the lading at destination. Acceptance of this responsibility will not constitute any admission or acknowledgement by BNSF that the lading is contaminated, adulterated or unfit for human or animal consumption. The lading may be rejected to BNSF for disposal in a manner deemed appropriate by BNSF. Salvage value obtained by BNSF will be remitted to a claimant in reduction of its cargo loss claim. Alternatively, if a claimant will not allow BNSF to take possession and dispose of the lading in mitigation of the loss, BNSF's liability will be limited to the original value of the shipment less the highest value the lading has in a secondary market as reasonably determined by BNSF. BNSF shall, upon written request from shipper, supply documentation sufficient to show the basis for BNSF's determination. If the shipper disputes the determination, BNSF and shipper will meet to discuss the issue. If the parties agree, a neutral third party may make the determination.
 5. All other claims for lading loss or damage will be governed, or continue to be governed by the applicable rules, terms and conditions as stated in their governing contract of carriage.
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