

# BNSF 9300-B Weighing Book

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### 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 1010A cancels Item 1010, and Item 1010B cancels Item 1010A in a prior supplement, which in turn cancelled Item 1010.

### Notification of Changes

I – Denotes increase

R – Denotes decrease

C – Denotes change in wording which results in neither increase nor decrease in charges

### 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.

### Explanation of Abbreviations

AAR	Association of American Railroads
BNSF	BNSF Railway Company
NIST	National Institute of Standards and Technology
RP	Rail Patron

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## Item 100 – General Application

1. The rules and charges provided herein are the separately established rules and charges for BNSF.
2. These rules do not change or amend the rules, minimum weights, or estimated weights provided in tariffs, and shall be applicable only to the assessment of freight and/or weighing charges.
3. Except as otherwise provided by this book, weighing charges, rules and regulations apply whenever BNSF is requested to weigh a car.
4. For switching charges applicable in connection with weighing cars see BNSF Rules Book 6100-Series.
5. When the request for BNSF to weigh a car is not part of the original Bill of Lading and BNSF is the origin line haul carrier and car has departed the origin facility served by BNSF, or if BNSF has taken physical possession of the car from either a switching carrier or a connecting line haul carrier, the request will be considered a diversion and the rules and charges in BNSF's Diversion Book 6200-Series will be applicable in addition to any applicable weighing charge in this book.
6. If the payer of the weighing charge is a non-credit customer, BNSF will not be required to perform weighing when the weight is not required for the assessment of freight charges.
7. BNSF will not be liable for any charge, except those which BNSF is responsible for under AAR Car Service Rule 11, resulting from BNSF's inability to weigh a car or if BNSF inadvertently does not weigh a car.
8. Scales used for determining weights for the assessment of freight charges or for determining actual tare weight of freight cars shall be maintained, tested, and operated in accordance with NIST Handbook 44 and AAR Scale Handbook.

## Item 200 – Glossary of Terms (C)

**CLEAN EMPTY CAR:** A car that has had the entire lading of the car removed, including all packing and debris resulting from the lading.

**EXCESSIVE LADING:** Any weight in a car that exceeds that car's total capacity (load limit plus tare weight), as determined by the owner of the equipment under the restrictions set forth in AAR Interchange Rules.

**TARE WEIGHT:** The weight of a clean empty car.

**MARKED TARE:** The tare weight of the car stenciled on the side of the car.

**SHIPPER:** As used in this publication, the term "shipper" means a customer, rail patron, shipper, or consignor or any other party who loads a railcar on behalf of such persons or entities.

## Item 300 – Application of Estimated Weight in the Event of Strike

In the event of a strike, bills of lading on shipments for line haul movement via BNSF must show shipper's actual or estimated weight. Line haul shipments will be charged at the shipper's actual or estimated weight, when charges are based on weight, subject to applicable minimum weight. When actual scale weight is available, such scale weight, subject to applicable minimum weight, will apply.

## Item 400 – Application of Estimated Weight for Rates

When a customer has requested a shipment to be weighed by the railroad and the railroad does not weigh the car, estimated weights will have to be used when freight charges are based on weight. BNSF will estimate the weights to rate the shipment in the following order:

1. If the rate authority applies on a single minimum weight, that minimum weight will be used.
2. If the rate authority contains no minimum weight or multiple minimum weights, the average historical weight based on commodity and specific car type will be used.
3. If neither 1 nor 2 apply, 95% of the specific car type capacity will be used.

## Item 500 – Rules for Weighing Loaded Cars

Unless otherwise provided in writing, the following rules will govern all requests for BNSF to weigh loaded or empty cars.

- A. If a weight agreement is in effect, or if the applicable BNSF freight rates are stated in dollars per car, BNSF will not be required to weigh a car for the assessment of freight charges.
- B. BNSF will weigh a car provided it is practical to do so and scales are available.
- C. When BNSF is the originating and terminating line haul carrier:
  1. BNSF will weigh shipment for assessment of BNSF freight charges without charge.
  2. BNSF will weigh shipment for other than assessment of BNSF freight charges with charge when the request is made by the shipper, consignee, or payer of the freight charges if BNSF scale is at origin or destination, or is a hump scale in the direct route.
- D. When BNSF is the originating and not the terminating line haul carrier:
  1. BNSF will weigh the shipment for assessment of BNSF freight charges without charge.
  2. BNSF will weigh the shipment for other than the assessment of BNSF freight charges if BNSF scale is at origin or is a hump scale in the direct route.
- E. When BNSF is not the originating but is the terminating line haul carrier:
  1. BNSF will weigh shipments for the assessment of BNSF freight charges:
    - a. Without charge if the foreign carrier delivering the shipment is not responsible for furnishing weights to BNSF.
    - b. With charge provided for under AAR Car Service Rule 11 if the foreign carrier delivering the shipment is responsible for furnishing weights to BNSF.
  2. BNSF will weigh shipment for other than the assessment of BNSF freight charges with charge when the request is made by the consignee, payer of BNSF freight charges, or foreign road if the BNSF scale is a hump scale in the direct route or there is a scale at destination.
- F. When BNSF is the intermediate line haul carrier or intermediate switching carrier, BNSF will not weigh the shipment.
- G. When BNSF is weighing in conjunction with intra-terminal switching, BNSF will weigh the shipment (loaded or empty) with charge if a BNSF scale is available.
- H. When BNSF is weighing in conjunction with inter-terminal switching:
  1. When BNSF is either the originating or the terminating switch carrier, BNSF will weigh the shipment with charge when the request is made by the consignee, payer of BNSF freight charges, or foreign road, if there is a BNSF scale within the terminal switching limits.
  2. When BNSF is the intermediate switching carrier BNSF will not weigh the shipment.

### Item 600 – Rules for Weighing Empty Cars

BNSF will weigh empties at its convenience if BNSF scale is at origin or destination, or there is a hump scale in the direct route. The applicable charge in Item 900 will be assessed.

### Item 700 – Rules for Reweighing Loaded and Empty Cars

Reweighing will be performed when requested provided it is practical to do so and scales are available. Charges in Item 900 will be applicable on all reweighing except no charge is applicable when:

- A. Both weighings are of the same shipment or of an empty car where both weighings were accomplished prior to car being reloaded; and
- B. Both weighings are being performed by BNSF on BNSF scales; and
- C. The subsequent weight information is used for the assessment of freight or switching charges; and
- D. The difference between the original shipment or tare weight and the subsequent shipment or tare weight is in excess of 1% of the original shipment or tare weight; and
- E. The equipment being weighed is other than tank equipment, or the weight of the product being weighed is not subject to change from its inherent nature.

### Item 800 – Weight to Govern and Tolerance

- A. Weights subject to change from the inherent nature of the commodity should not be changed, except, if an obvious error is discovered. Each case should be dealt with based upon its own individual merits.
- B. Where carload freight, the weight of which is not subject to change from its inherent nature, is check-weighed or reweighed, no correction will be made in the billed weight unless the difference between the original net weight and the net weight obtained by reweighing exceeds plus or minus one percent of the original billed weight in which case the original billed weight will be changed.
- C. When the actual tare of a clean empty car has been ascertained on a scale certified in accordance with NIST Handbook 44 and AAR Scale Handbook immediately before loading or immediately after unloading, it shall be used in lieu of the marked tare. On privately owned equipment, use of the actual weight of a car in lieu of the marked tare will not eliminate the charges due according to Item 900.

### Item 900 – Charges for Weighing or Reweighing Car

- A. The charge for weighing either an empty or loaded car on a BNSF scale is \$500.00 per car. This charge will be assessed against the party requesting the weighing, and will include switching between BNSF yard tracks only.
- B. No weighing charge is applicable when BNSF provides switching services in conjunction with weighing a car on a non-BNSF scale.
- C. If BNSF and the party requesting weighing agree in writing that a car must be taken out-of-route or backhauled to weigh, or sent to a scale located outside of the switch limits, a charge of \$1.24 per road mile, subject to a minimum charge of \$500.00 per car, will be assessed in addition to all other charges. Mileage will be for the round-trip from the station at which the car is located to the scale and return. To determine miles, refer to BNSF Carload Shipping Advisor at [www.BNSF.com](http://www.BNSF.com).

### Item 1000 – Use of Consignor’s or Consignee’s Weights

- A. Consignor’s or Consignee’s weights of property can be accepted and applied by BNSF, in lieu of BNSF’s requirement to weigh a car, only when a Weight Agreement contract (see Sample in Item 1100) has been executed with BNSF or if authorized by another carrier in writing, and they are a customer of that carrier, and the shipment originates or terminates on that carrier. Weight information will be applied to all waybills and weight certificates.
- B. When investigations, through examination of the consignor’s or consignee’s records or reweighing, discloses error in weights or description shown on original billing, the charges shall be adjusted to the proper basis.
- C. Please refer to the Sample Lading Weight and Description Agreement in Item 1100 for more information concerning the application of weights under weight agreements.

### Item 1100 – Sample Lading Weight and Description Agreement

This agreement is entered into by and between \_\_\_\_\_ “Rail Patron” (RP) and BNSF.

BNSF will accept the weights and descriptions on shipping orders, bills of lading or weight certificates for goods herein specified, or for all goods shipped if none are specified, as the basis for assessing freight charges. It is further agreed that:

- 1. The RP shall provide BNSF with the correct gross weights and correct descriptions of commodities on shipping orders, bills of lading, or weight certificates. When such weights are obtained on track scales, the correct gross, tare and net weights shall be provided.
- 2. When weights are based on averages, the RP shall notify BNSF when any change is made which will affect a weight arrived at by use of an average. This includes changes made in package or material or in the original design of and/or use of scales.
- 3. The RP will test, maintain, and operate all scales used in determining weights in accordance with the rules approved by the association of American Railroads, AAR Scale Handbook, and/or the National Institute of Technology, Handbook 44, and will allow the BNSF to inspect and test them. Copies of all scale test reports and/or documentation used in determination of average weights should be forwarded to the following address:

Auxiliary Pricing Services  
BNSF Railway Co.  
3001 Lou Menk  
Ft. Worth, TX 76161

- 4. The RP will allow BNSF to inspect the documents necessary to verify the weights and/or descriptions used on shipping orders, bills of lading, or weight certificates.
- 5. Undercharges caused from incorrect weights and/or improper descriptions, will be promptly paid by the RP. Overcharges will be promptly paid upon receipt of an appropriate claim.
- 6. Shipments made under this agreement will be subject to rates, charges, minimum and estimated weights prescribed by classifications, exceptions thereto, tariffs, or rules of the carriers interested.

### Item 1100 – Continued...

7. This agreement may be cancelled on ten days' notice in writing to either party; it being understood that the RP shall permit check of business and pay undercharges on all shipments made prior to cancellation.
8. RP agrees that it will defend, indemnify and hold harmless BNSF from any claim for damages asserted by any party on the basis that the lading description and/or lading weight as set forth on the shipping order, bill of lading and/or weight certificate provided by RP does not accurately state the description and/or weight of the lading as tendered to BNSF for transport.

This agreement applies on shipments of \_\_\_\_\_ inbound/outbound at  
\_\_\_\_\_.

### Item 1200 – Overloaded Loaded Cars

- A. An overloaded car is defined as:
  1. A railcar for which the net weight (actual weight of freight including all other materials incidental to the movement of the goods) is in excess of load limit. (As listed in Universal Machine Language Equipment Register- UMLER.)
  2. The gross weight combined weight of railcar and freight (including all other material incidental to the movement of the goods) is in excess of the track weight limitations.
- B. Shipper is responsible for the removal and disposal of the excess portion of the lading of the car and loading adjustment. BNSF is not responsible for proper loading or unloading of or damage or loss to/of lading during or as a result of the removal of excess materials from an overloaded car. All charges referred to are published as a deterrent to the unsafe practice of overloading rail cars and are not connected in any way with the line-haul transportation charges. These charges are NOT freight or "other lawful charges" within the meaning of Section 7 of the Bill of Lading, and the execution of Section 7 will not in any way relieve the shipper from the responsibility for the charges referred to.
- C. If the Shipper does not produce a certified weight document, in a form acceptable to BNSF, indicating that the excess tonnage has been removed from each car, charges for weighing each overloaded car, as found in Item 900 of this book, including applicable switch charges as found in BNSF Switch Book 8005-Series, will be assessed against the shipper in addition to all other charges named in this book.
- D. Cars billed overloaded can be rejected and put back into placement status. Cars found to contain excess lading at origin will remain on continuous demurrage under the provisions found in BNSF Demurrage Book 6004-Series.
- E. Cars found to be overloaded:
  1. If found, after having been removed from industry or railroad tracks where loaded, car will be subject to inspection. Shipper will be notified and will be subject to a charge of \$1,500 per car.
  2. A railcar that is required to be reduced will not be allowed to go forward. Shipper will be notified and be required to reduce the excess lading from the car at the operating convenience of BNSF. There will be a charge of \$1,500 per car in addition to continuous demurrage until the required reduction is completed.
  3. Overloaded cars of Grain and Grain Products will be handled in accordance with BNSF overload policy as set forth herein and in accordance with BNSF 4022 and 4023.
  4. Tank cars containing hazardous material found to be overloaded:



Item 1200 – Continued...

- A. All hazardous tank cars will be handled in accordance with BNSF 4980, Item 212 and FRA Regulations.
  - B. For cars scaling greater than 1% overloaded, customer must secure a Federal Railroad Administration One Time Movement Approval (OTMA-2).
  - C. If the OTMA-2 is rejected by the FRA and/or the car is overloaded greater than 5%, customer must reduce the car using BNSF-approved contractors at the customer's expense.
- F. If the Shipper fails or refuses to arrange to have the excess lading removed from each car within 120 hours from the date and time of notification, BNSF may, at its discretion, arrange for removal and disposal of the excess portion to allow the car to continue safely to the destination. The shipper will pay the actual cost of removal and disposal to the party reducing the car.
- 1. If Shipper has not commenced reducing the excess portion from each car after 240 hours from the date and time of notification, the lading in the car will have been deemed abandoned and the contents may be sold via private sale or at auction without periodical publication. Proceeds from the sale will be used to satisfy charges due BNSF. Shipper will be responsible for any outstanding charges or costs not covered by the proceeds from the sale. BNSF reserves the right to bid at any sale.