



Ship Type: All Trade Area: USA

Bulletin 335 - 12/03 - New Rule Concerning the Usage of Container Seals - USA

We would like to advise Members that as from 1st January 2004, BNSF (Burlington Northern Santa Fe Railway), operator of one of the largest railway networks in North America that moves more intermodal traffic than any other rail system in the world, will enforce changes to the rule governing barrier seal application.

Shippers must comply with these in order for BNSF to consider accepting responsibility for contamination or adulteration due to seal exception within intermodal equipment. The rule change is detailed in item 58 (Shipper's Responsibility) and item 64 (Lading Claims and Filing Procedures) of the [BNSF Intermodal Rules and Policies Guide](#).

The following prerequisites of the rules must be complied with:

1. The shipper is responsible to properly block, brace, equally distribute the weight, and load the contents in the equipment. BNSF is not responsible for loss or damage to lading and/or equipment caused by load shifting. (See more in section 2 of Item 58.)
2. The shipper must provide seals on doors, hatches, covers and all openings used for loading and/or unloading of all loaded vehicles. However, to claim rail carrier responsibility for product contamination or adulteration, the shipper is responsible to protect the safety and integrity of its lading, including, but not limited to, the application of commercial barrier seals with an imprinted seal number to prevent unauthorized access to the lading. A minimally acceptable barrier seal will be composed of braided steel strands (high-tensile strength steel cable) totaling one-eighth (1/8) inch in diameter, or its equivalent bolt type seal.
3. For lading loss, the claimant must be able to provide documentary evidence that the required seals were applied properly and immediately after completion of loading. 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:
 - third (neutral) party inspection, and/or
 - manual log entry signed by the person applying the seal and verified by another person, and/or
 - videotape, to include the equipment initial and number.

The shipper must call attention to any evidence of unauthorised entry or damage by notifying BNSF hub personnel and providing for proper notation on the inspection report before the vehicle is removed from the BNSF premises. (See Item 38: Vehicle Inspections.)

4. If damage or unauthorised entry to the vehicle is noted at destination i.e. a seal is missing, defective, or tampered with, the receiver must report the exception and all known related facts to the BNSF Inspection Service Bureau (+1 800 333 4686) immediately and allow reasonable time to inspect the vehicle while it is still loaded. However, failure of BNSF to inspect the vehicle and lading will not be considered a waiver of any defenses BNSF may have to a claim or suit.
5. If all of the foregoing prerequisites are satisfied and a seal exception has been evidenced to have occurred during BNSF possession, 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 or unfit for human or animal consumption, or has been otherwise damaged in transit. 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 lading 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 determined by BNSF.

6. All other claims for lading loss or damage will be governed, or continue to be governed, by the terms and conditions as stated in the BNSF Intermodal Rules and Policies Guide.

In the event of noncompliance, the shipper will be financially liable for any loss or damage to the lading.

We advise Members of the above new rule and to inform their operation departments accordingly.

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