

BRC 9128-U
(Cancels BRC 9128-T)

**THE BELT RAILWAY COMPANY OF CHICAGO
LOCAL FREIGHT TARIFF 9128-U
(CANCELS FREIGHT TARIFF BRC 9128-T)**

COVERING

RULES AND CHARGES – Issued April 1st, 2017

Governing the Diversion of Reconsignment of Freight and Holding of Cars for Surrender of Bills
of Lading or Written Orders.

Issued By:

M. MARTINEZ

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ITEM	SUBJECT	RULES AND CHARGES
5	APPLICATION	<p>(a) All carload traffic, including empty equipment on its own wheels when moving on revenue billing, except as stated under caption "EXCEPTIONS", may be diverted or reconsigned, or held for surrender of bills of lading or written orders, as provided in Items 105, 110, on this line, subject to the following rules, regulations and charges.</p> <p>(b) These rules apply to a car which is in the possession of this line, or while on its public delivery or other tracks, or while the car is on private or assigned sidings connected with this line.</p> <p>(c) When an order under these rules is received by this line, diligent effort will be made to locate the car and effect the change desired while on this line, but such line will not be responsible for failure to effect the change ordered unless such failure is due to the error or negligence of its employees.</p> <p>(d) Freight will be considered as loaded on or in one car when:</p> <ul style="list-style-type: none">(a) the length of same requires the use of more than one car or(b) two cars are furnished in lieu of a single car ordered by the shipper, or(c) The applicable classification of tariffs lawfully on file with the Interstate Commerce or state Commissions authorize the application of carload rates on freight in excess of full carloads. <p>(e) If an order is received by this line and is subsequently changed or canceled by the consignor, consignee, owner or carrier delivering the car to the BRC in switch movement before the car has been moved in execution of the order, it will not constitute a diversion or reconsignment order under these rules, and only the order governing and the charge applicable to the subsequent order under which the car is moved will be applied.</p>
10	DEFINITION OF TERMS	<p>The term "Diversion" or "Reconsignment" means:</p> <ul style="list-style-type: none">(a) a change in the name of the consignee;(b) a change in the name of the consignor;(c) a change in the destination;

		<p>(d) a change in the route at the request of the consignor, consignee, or owner;</p> <p>(e) any other instructions given by consignor, consignee, owner or carrier delivering the car to the BRC in switch movement necessary to effect delivery and requiring an addition to or a change in billing or an additional movement of the car, or both.</p>
15	CONDITIONS	<p>The services herein authorized are subject to the following conditions:</p> <p>(a) That shipment has not broken bulk except such as incident to an inspection thereof (see NOTE); NOTE.--The term "broken bulk" as used herein is not to be construed as applying to the removal of samples of the lading of the cars for such purposes as inspection, grading or testing (provided such samples are not removed from the premises or property of this line), nor to carload shipments stopped in transit under tariff authority to partly unload or to complete loading.</p> <p>(b) An order for diversion or reconsignment will not be accepted under these rules at or to a station or to a point of delivery against which an embargo is in force, but a shipment made under an authorized permit is not subject to this condition;</p> <p>(c) On a "Straight" bill of lading consignment, the original bill of lading should be surrendered or other proof of ownership established. Except as otherwise provided in Item 105, on a shipment consigned "To Order" an order to divert or reconsign under these rules will not be effective until the original bill of lading is surrendered for cancellation, endorsement, or exchange, or in its absence, satisfactory bond of indemnity executed in lieu thereof, or other approved security given;</p> <p>(d) A request for diversion or reconsignment must be made or confirmed in writing, and an order for diversion or reconsignment which specified that through rate is to be protected will not be construed as obligating carriers to protect other than the lawful rate and charges under these rules. (See Item 30); When an order for diversion or reconsignment requires the application of a rate and/or route which cannot be</p>

		<p>lawfully applied via the point at which the diversion or reconsignment is made, prompt notice shall be given to the party requesting the diversion or reconsignment; and unless such order also contains the alternative of forwarding car as originally billed the car will be stopped for orders subject to the provisions of Item 60;</p> <p>(e) That no back haul is involved except as expressly provided in Item 95;</p> <p>(f) All charges against the property, whether accrued or accruing under these rules or otherwise, must be paid, or guaranteed to the satisfaction of the carrier, by the party or parties requesting the diversion or reconsignment before car is diverted or reconsigned.</p>
20	EXCEPTIONS	<p>NO DIVERSION OR RECONSIGNMENT CHARGE WILL BE MADE:</p> <p>(a) For a single diversion or reconsignment if order for such diversion or reconsignment is received by local freight agent at initial billing point in time to permit instructions to be given to yard employees before car leaves the yard at such initial billing point;</p> <p>(b) Where the car is placed for delivery at destination, and an order for the delivery of the contents thereof to other than the billed consignee is or has been presented to and accepted by the agent of this line at destination, and no additional movement of the car is required;</p> <p>(c) Where a change in route is made necessary by embargo placed against the billed destination or route thereto subsequent to acceptance of the car by carrier at point of origin;</p> <p>(d) Where all charges have been paid to billed destination and delivery accepted, and a new bill of lading (not an exchange bill of lading) issued to a new destination on basis of the rate (not proportional reshipping, or transshipping rate applicable on traffic originating beyond the new point of origin) applicable from the new point of origin shown in the new bill of lading, and without any carrier or agent of the carrier acting for the shipper. Such transaction will not be considered as a diversion or reconsignment under these rules.</p> <p>(e) When the combination of tariff rates applicable on a</p>

		shipment terminating at and on a shipment originating at the point of diversion or reconsignment is charged.
25	TRANSFER OF WAYBILLS	Transfers and waybills covering a car diverted or reconsigned under these rules, also freight bills where the reconsignment charge is to be collected from the consignee, should bear separate notation stating where and when the diversion or reconsignment was effected, and what charges, if any were assessed.
30	APPLICATION OF FREIGHT RATES	Where the through rate is authorized under rules, it is the applicable rate (local rate, joint rate, or combination of rates including intermediate rates) in effect on date of shipment from point of origin over the route of movement via the diversion or reconsignment point to final destination. (See Item 45).
35	DEMURRAGE AND TRACK STORAGE	Cars stopped, diverted or reconsigned under these rules also will be subject to demurrage and track storage charges lawfully in effect at the point where stopping, diversion or reconsignment is accomplished.
40	SWITCHING CHARGES	<p>If an order under these rules is effected after arrival of a car at the billed destination and after such car has been delivered to a connecting road, which necessitates the return of the car to this line or the movement to another or different connecting line, the published switching charge (see Note) of such connecting road or roads will be in addition to the other charges provided herein.</p> <p>Where the combination of local or proportional rates is applied to and from the diversion or reconsignment point, switching charges at such point will be added or absorbed to the same extent as is authorized in connection with the rate to and the rate from the diversion or reconsignment point.</p> <p>NOTE.--This carrier will assess a charge of \$222.00 per car when it has no published switching charge for a switching service which it performs in the necessary movement of a diverted or reconsigned car handled under the diversion or reconsignment rules of connecting road-haul carriers; and such charge will accrue to this carrier.</p>
45	CHANGE IN DESTINATION	(a) Only one change in destination at the applicable rate (see Item 30) from point of origin to final destination

		<p>will be permitted by this line under these rules, and then only provided the car has not had a previous change in destination while on the line of other carriers after leaving the initial billing point (see Item 60).</p> <p>(b) Except as provided in paragraph (c) of this rule, if, after car has had one change in destination after leaving the initial billing point, the destination is again changed upon request of consignor, consignee, or owner, the shipment will be treated as a new shipment from the point at which the second or subsequent change in destination is accomplished and will be subject to the tariff rates to and from such point applicable on a shipment terminating at and on a shipment originating at such point, plus all charges previously accrued.</p> <p>(c) If a car is stopped short of the billed destination after it has had one change in destination, it will be subject to the tariff rates applicable on a shipment terminating at and on a shipment originating at the point at which the first change in destination was accomplished, plus all charges previously accrued.</p> <p>(d) If a car which has had one previous change in destination is stopped at a point short of the billed destination for the purpose of partial unloading under proper tariff authority, and is there completely unloaded, the transaction will not be considered as a second change in destination under paragraph (b) or (c) of this rule, but a charge of \$111.00 per car will be assessed, plus all charges previously accrued, and the point of unloading will be considered the final destination in rating the shipment.</p>
50	CHANGE IN NAME OF CONSIGNOR	A change in the name of the consignor with no other change in billing instructions will be permitted at a charge of \$111.00 per car.
55	DIVERSION OR RECONSIGNMENT IN TRANSIT	If a car is diverted or reconsigned in transit prior to arrival at original destination, the through rate (Item 30) will be applied, plus a charge of \$111.00 per car for such service.
60	STOPPING IN TRANSIT	(a) Except as otherwise provided in Item 45, if on request of consignor, consignee or owner, a car is stopped for orders for the purpose of delivery or diversion or reconsignment or reforwarding prior to the

		<p>arrival at original billed destination, a charge of \$111.00 per car will be made for such service and the point where the car is stopped will be considered the original destination of the freight, and notice will be sent, or given, to the party (at the post office address designated by him) on whose order car is held. If the car is subsequently forwarded from point at which held, the provisions of Items 70 and/or 95, as the case may be, will also be applied. The service of stopping as provided in this rule will not prevent one change of destination under the provisions of Item 45.</p> <p>(b) If, after arrival at billed destination, car is withheld from placement on request of consignor, consignee, or owner, no charge will be made for such service but the point at which car is held will be considered the destination of the car and notice will be sent, or given, to the party (at the post office address designated by him) on whose order car is held. If the car is subsequently placed for unloading, or is forwarded from the point at which held, the provisions of Item 70 will also be applied. The service of withholding from placement as provided in this rule will not prevent one change in destination under the provisions of Item 45.</p> <p>(c) If a car is stopped or held by this line without specific instructions from the consignor, consignee, or owner, for the purpose of obtaining diversion or reconsignment orders, at any point intermediate to the destination to which the car is consigned, no charge will be made for the stop, but the point at which car is stopped or held will be considered as the destination of the car and any diversion or reconsignment effected at the request of consignor, consignee, or owner will be made under the provisions of Items 70, and/or 95, as the case may be, except that if the consignor, consignee or owner requests that the car be forwarded over the same route and to the same consignee and destination as originally billed and it is actually so forwarded, such forwarding will not be considered as a diversion or reconsignment under these rules.</p>
70	DIVERSION OR RECONSIGNMENT	If a car is diverted or reconsigned on orders placed with local freight agent, or other designated officer, after

	BEFORE PLACEMENT	arrival of the car at billed destination, but before placement for unloading, the through rate (Item 30) will be applied and a charge of \$222.00 per car will be made for such service.
75	METHOD OF CANCELING ITEMS	As this tariff is supplemented, numbered items with letter suffixes cancel correspondingly numbered items in the original tariff or in a prior supplement. Letter suffixes will be used in alphabetical sequence starting with A. Example: Item 100-A cancels Item 100, and Item 200-B cancels Item 200-A in a prior supplement, which in turn canceled Item 200.
85	DIVERSION OR RECONSIGNMENT AFTER PLACEMENT	If a car has been placed for unloading at original billed destination and is subsequently forwarded without being unloaded, it will be subject to the published tariff rates/charges applicable for both the shipment terminating on the BRC and also the shipment originating on the BRC.
95	BACK-HAUL RULE	(a) Before Placement: If a car is diverted or reconsigned before placement for unloading, the through rate (Item 30) will be applied from original shipping point to final destination which would apply in the absence of the out-of-line service, plus the applicable rates (or back-haul rates, if any), to cover the back-haul service in each direction, plus charge of \$222.00 per car, but not in excess of the full combination of tariff rates applicable on a shipment terminating at and on a shipment originating at the point of diversion or reconsignment, without the addition of diversion or reconsignment charge. (b) After Placement: If a car has been placed for unloading at original billed destination and is forwarded therefrom without being unloaded, it will be subject to the tariff rates applicable on a shipment terminating at and on a shipment originating at the point of diversion or reconsignment.
105	“ORDER-NOTIFY” SHIPMENTS HELD FOR SURRENDER OF BILL OF LADING AT DESTINATION	Except on cars consigned to or ordered for delivery on public delivery tracks, shipments covered by "Order" or "Order-Notify" bills of lading placed on hold tracks and held only for surrender of bill of lading (without involving any change in or addition to original billing

		<p>instructions) and necessitating subsequent movement of the car to place of delivery, will be subject to the following:</p> <p>(a) No charge will be made if bill of lading is surrendered to local freight agent or other authorized representative at destination direct by consignee or owner, or indemnity bond executed in lieu thereof or other satisfactory assurance given carrier (see Note 2) in time to permit instructions to move the cars to be given to the yard employees prior to the expiration of 24 hours after the first 7:00 A.M. after the day on which notice of arrival is sent, or given to the consignee or party entitled to receive same. (See Exceptions 1 and 2 and Notes 1, 2, and 3).</p> <p>(b) A charge of \$222.00 per car will be made if bill of lading is not surrendered to local freight agent or other authorized representative at destination direct by consignee or owner, or indemnity bond executed in lieu thereof, or other satisfactory assurance given carrier (see Note 2) in time to permit instructions to move the car to be given yard employees prior to the expiration of 24 hours after the first 7:00 A.M. after the day on which notice of arrival is sent, or given, to the consignee or party entitled to receive same. (See Exceptions 1 and 2 and Notes 1, 2, and 3).</p> <p>EXCEPTION 1.-If bill of lading or indemnity bond or other satisfactory assurance in lieu of the original bill of lading is not surrendered to local freight agent or other authorized representative at destination direct by consignee or owner, but is surrendered to agent at billing point or other authorized representative at other than destination, the following charges will be assessed:</p> <p>(a) If bill of lading or indemnity bond or other satisfactory assurance in lieu of the original bill of lading is surrendered in time to permit instructions to be transmitted so as to reach yard employees at destination prior to the expiration of 24 hours after the first 7:00 A.M. after the day on which notice of arrival</p>
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		<p>is sent, or given, to the consignee or party entitled to receive same, \$111.00 per car. (See Note 1).</p> <p>(b) If bill of lading or indemnity bond or other satisfactory assurance in lieu of the original bill of lading is not received in time to permit instructions to be transmitted so as to reach yard employees at destination prior to the expiration of 24 hours after the first 7:00 A.M. after the day on which notice of arrival is sent, or given, to the consignee or party entitled to receive same \$222.00 per car. (See Note 1.).</p> <p>EXCEPTION 2.-When a single change in the name of the consignor and/or consignee at destination (and/or a single change in or a single addition to the designation of place of delivery at destination) is made after arrival at destination, and bill of lading is surrendered at the time such order is given, the provisions of this rule will not apply except as provided in Exception 1. Rules and charges provided in Item 70 will apply.</p> <p>NOTE 1.-In computing time, Sundays and legal holidays (National, State and Municipal), but not half-holidays, will be excluded. When a legal holiday falls on Sunday, the following Monday will be excluded.</p> <p>NOTE 2.-When the original bill of lading covering an "Order-Notify" shipment is not available, the shipment may be delivered upon an indemnity bond (either individual or blanket), or other satisfactory security in lieu of the bill of lading; provided that where a bond is executed a condition of the same shall be that the bill of lading will be obtained and surrendered immediately upon receipt of advice by the party executing the same that the bill of lading is available.</p> <p>It is not intended that the provisions of this Note will in any way modify the application of Rule 7 of the Uniform Freight Classification UFC 6000-Series, issued by National Railroad Freight Committee, Agent.</p> <p>NOTE 3.-This rule applies on all freight shipped at</p>
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110	<p>SHIPMENTS ON STRAIGHT BILLS OF LADING HELD AT DESTINATION FOR SURRENDER OF BILL OF LADING OR WRITTEN ORDER</p>	<p>Except on cars consigned to or ordered for delivery on public delivery tracks, shipments covered by straight bills of lading showing consignment to one party with instructions therein, or on which instructions are otherwise given to:</p> <ul style="list-style-type: none">(1) Notify or advise another party and deliver only upon surrender of written order, or(2) Deliver only upon surrender of the original bill of lading, or when(3) Consigned in any other manner which imposes upon the carrier the obligation not to make delivery except upon surrender of original bill of lading or written order (placed on hold tracks and held only for surrender of bill of lading, or written order), as the case may be (without involving any change in or addition to original billing instructions) and necessitating subsequent movement of the car to place of delivery, will be subject to the following:<ul style="list-style-type: none">(a) No charge will be made if bill of lading or written order, as the case may be, is surrendered to local freight agent or other authorized representative at destination direct by consignee or owner, or indemnity bond executed in lieu thereof or other satisfactory assurance given carrier (see Note 2) in time to permit instructions to move the car to be given the yard employees prior to the expiration of 24 hours after the first 7:00 A.M. after the day on which notice of arrival is sent, or given, to the consignee or party entitled to receive the same. (See Exceptions 1 and 2 and Notes 1, 2, and 3).(b) A charge of \$222.00 per car will be made if bill of lading or written order, as the case may be, is not surrendered to local freight agent or other authorized representative at destination direct by consignee or

		<p>owner, or indemnity bond executed in lieu thereof or other satisfactory assurance given carrier (see Note 2), in time to permit instructions to move the car to be given yard employees prior to the expiration of 24 hours after the first 7:00 A.M. after the day on which notice of arrival is sent, or given, to the consignee or party entitled to receive same. (See Exceptions 1 and 2 and Notes 1, 2, and 3).</p> <p>EXCEPTION 1.-If bill of lading or written order, as the case may be, or indemnity bond or other satisfactory assurance in lieu of the original bill of lading, or written order, is not surrendered to local freight agent or other authorized representative at destination direct by consignee or owner, but is surrendered to agent at billing point or other authorized representative at other than destination, the following charges will be assessed:</p> <p>(a) If bill of lading or written order, as the case may be, or indemnity bond or other satisfactory assurance in lieu of the original bill of lading or written order, is surrendered in time to permit instructions to be transmitted so as to reach yard employees at destination prior to the expiration of 24 hours after the first 7:00 A.M. after the day on which notice of arrival is sent, or given, to the consignee or party entitled to receive same, \$111.00 per car. (See Note 1).</p> <p>(b) If bill of lading or written order, as the case may be, or indemnity bond or other satisfactory assurance in lieu of the original bill of lading or written order is not received in time to permit instructions to be transmitted so as to reach yard employees at destination prior to the expiration of 24 hours after the first 7:00 A.M. after the day on which notice of arrival is sent, or given, to the consignee or party entitled to receive same, \$222.00 per car. (See Note 1).</p> <p>EXCEPTION 2.-When a single change in the name of consignor and/or consignee at destination and/or a single change in or a single addition to the designation of place of delivery at destination is made after arrival at destination, and bill of lading, or written order is</p>
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		<p>surrendered at the time such order is given, the provisions of this rule will not apply except as provided in Exception 1. The rules and charges provided in Item 70 will apply.</p> <p>NOTE 1.-In computing time, Sundays and legal holidays (National, State and Municipal), but not half-holidays, will be excluded. When a legal holiday falls on Sunday, the following Monday will be excluded.</p> <p>NOTE 2.-When the original bill of lading or written order covering a shipment as described above is not available, the shipment may be delivered upon an indemnity bond (either individual or blanket), or other satisfactory security in lieu of bill of lading or written order; provided that where a bond is executed a condition or the same shall be that the bill of lading or written order will be obtained and surrendered immediately upon receipt of advice by the party executing the same that the bill of lading or written order is available.</p> <p>NOTE 3.-This rule applies on all freight shipped at carload, less than carload or any quantity rating when a car is provided for the movement or delivery of such shipments, when consigned to or ordered for delivery to other than public delivery tracks, and where such freight is actually delivered in such car, to one consignee at one destination, regardless of the weight thereof.</p>
130	ITEMS AND/OR PROVISIONS NOT BROUGHT FORWARD	Items and/or provisions previously shown and not brought forward are canceled.