

Kansas City Southern



TARIFF 9213-H Revision 4

(Cancels and Supercedes KCS 9213-H Revision 3)

(Changes to Items 100, 300, 700 and 1050*)

CONTAINING

RULES, REGULATIONS AND CHARGES

GOVERNING

DIVERSION OF FREIGHT

AT ALL POINTS

ON

THE KANSAS CITY SOUTHERN RAILWAY COMPANY

(* This Revision contains minor format and wording changes that do not affect charges.)

APPLICABLE TO INTERSTATE AND INTRASTATE TRAFFIC

**FOR BILLING AND CAR INQUIRY,
PLEASE CONTACT CUSTOMER SERVICE AT 1-800-468-6527**

**ISSUE DATE: May 22, 2019
(except as otherwise noted)**

EFFECTIVE DATE: July 1, 2019

KCS DIVERSION AND RECONSIGNMENT TARIFF 9213-H**Publication Availability****Item 100****KCS WEB SITE**

This publication is now available on the Internet for viewing or sending directly to your printer. The KCS Home Page address is <http://www.kcsouthern.com>. On the Home Page click the “Customer Resources” link, then choose the “Accessorial Services” link and click the “U.S. - KCS 9213H” link. [NC]

An annual \$100.00 subscription fee will be assessed for those who wish to receive a hard copy. If you are not prepared to obtain a copy of this publication directly from the KCS web site, a hard copy 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. [I]

Customer Service
The Kansas City Southern Railway Company
427 West 12th Street
Kansas City, MO 64105-1403

TABLE OF CONTENTS	ITEM
Publication Availability	100
Change in Provisions	110
Notification of Changes	120
Credit Terms	130
Explanation of Abbreviations	140
General Application	200
Glossary of Terms	300
Notifying KCS of Diversion/Reconsignment	400
Diversion Request on Empty Private Cars	500
Order for Diversion/Reconsignment	600
Non-Acceptance of Orders for Diversion/Reconsignment	700
KCS Responsibility to Effect Diversion/Reconsignment	800
Multiple Car Shipments	900
Diversion/Reconsignment Charges on Carload	1000
Reconsignment Charges to TOFC/COFC	1050
Overcharge Claims	1100
Cancellation of Waybill by KCS	1050

KCS DIVERSION AND RECONSIGNMENT TARIFF 9213-H

CHANGE IN PROVISION(S)	ITEM 110
<p>KCS reserves the right at any time to change the provisions of this Diversion and Reconsignment Tariff; provided, however, any such change shall be effective only with regard to any transportation services provided under this Tariff for freight tendered after the effective date of the changes. KCS will make available on its web site this Tariff in its latest amended form. Shipper should review this Diversion and Reconsignment Tariff before tendering freight to KCS. Revisions to this publication will be made from time to time by reissuing the publication in its entirety.</p>	
NOTIFICATION OF CHANGES	ITEM 120
<p>Charges published herein are subject to increase by republication.</p>	
CREDIT TERMS	ITEM 130
<p>Charges that accrue per this Tariff are due and payable according to KCS' Credit Terms, as stated in KCS Rules Publication 9011 or KCS Rules Publication 9012, whichever is applicable. [NC]</p>	
EXPLANATION OF ABBREVIATIONS [NC]	ITEM 140
<p>AAR – Association of American Railroads KCS – The Kansas City Southern Railway Company [I] – Denotes increase in rates [R] – Denotes reduction in rates [NC] – Denotes change resulting in neither increase nor reduction in rates</p>	
GENERAL APPLICATION	ITEM 200
<p>A. Except as provided in Paragraph B below, the provisions of this Tariff apply:</p> <ol style="list-style-type: none"> 1. When KCS is the origin line haul carrier and car has departed the origin loading facility when served by KCS; or 2. When KCS has taken physical possession of the car from either a switching carrier or a connecting line haul carrier. <p>B. The provisions of this Tariff are not applicable on the following:</p> <ol style="list-style-type: none"> 1. Coal shipments moving in unit trains; and 2. Empty private cars diverted to a private repair facility. <p>C. If a single diversion order, given at one time, contains a request for more than one change in the billing/shipping document, only one charge will be assessed. The applicable charge will be for the change subject to the highest charge.</p>	

GENERAL APPLICATION**ITEM 200 (continued)**

- D. When the party requesting a diversion asks that it be accomplished after the party is made aware that the applicable diversion provisions have not been met or that the line haul transportation price does not authorize diversions, the shipment will be subject to the combination of rates for a shipment terminating and originating at the diversion points.
- E. Unless specified at the time of diversion, the Payor of Freight shown on the waybill shall be the party responsible for diversion charges and payment of any hold charges and/or demurrage or storage charges that may be applicable and incurred to accomplish the final delivery.
- F. All charges named in the Tariff are stated in United States Dollars.
- G. All charges for the shipment, whether accrued or accruing, must be paid or guaranteed to the satisfaction of KCS before the car is diverted.
- H. KCS will not be responsible for any charges accruing on cars delivered to connecting railroads, other than the absorption of reciprocal switching charges that is authorized by KCS switching absorption provisions.

GLOSSARY OF TERMS**ITEM 300**

TERM	DEFINITION
CARE OF PARTY	A party other than the consignee designated on the bill of lading as the entity entitled to receive delivery of the goods from the carrier at destination.
CONSIGNEE	The party designated on the bill of lading as the entity entitled to receive delivery of the goods from the carrier.
CONSIGNOR	The party designated on the bill of lading as the entity which has caused the goods to be consigned into transportation.
DESTINATION	Billing destination, or if such destination is serviced by a terminal yard, then such terminal yard will be considered as the destination.
DIVERSION	A change in billing/shipping instructions that changes the route and/or destination of a freight car. Changes which constitute a diversion include: <ul style="list-style-type: none"> a. change in destination; b. a change in route; c. a cancellation of a previous diversion order; d. the cancellation of an original shipping document after the car has been pulled from industry or team tracks; e. the addition of a Mexican Customs Broker, US Freight Forwarder, US Customs Broker and/or Canadian Customs Broker; f. Waybill correction as defined in Item 300
NORMAL BUSINESS HOURS	Normal business hours are from 8:00 a.m. to 5:00 p.m. Central Time on Monday through Friday, except for holidays. "Holidays" shall include Thanksgiving, Christmas Day and New Year's Day.
PAYOR OF FREIGHT	The responsible party listed on the waybill for payment of the line haul freight charges.

GLOSSARY OF TERMS	ITEM 300 (continued)
PRIVATE CAR	A car, which is not owned or leased by a railroad.
RAILROAD-CONTROLLED CAR	Any car other than a Private Car.
RECONSIGNMENT	A change in billing/shipping instructions that does not affect the physical train [NC] movement or route of a freight car. Changes which constitute a reconsignment include: <ul style="list-style-type: none"> a. a change in the Consignee, Care of Party, or Payor of Freight; b. a change from prepay to collect or vice versa; c. a change in the original shipping documents in conjunction with an overcharge claim per item 1100.
RULE 11 PAYOR OF FREIGHT	The legal entity listed on the waybill that is responsible for the payment of line haul freight charges on a Rule 11 shipment.
WAYBILL CORRECTION	A correction to a waybill includes: <ul style="list-style-type: none"> a. correcting a seal number, reference number, quantity count or package type; b. adding or removing equipment from a multi-car bill, the net weight on a weight agreement or shipper's certified weights movement c. adding or correcting a beneficial owner, notify party, account of party, ship from party or ultimate Consignee. <p>If any of the above events occur, the customer must issue a Diversion.</p> <p>A waybill correction cannot be completed on a closed or cancelled waybill. Non-revenue empties that are railroad-controlled cars cannot be corrected.</p>
WAYBILL CANCELLATION	A waybill cancellation is accomplished if: <ul style="list-style-type: none"> a. the equipment has not been pulled from the industry or has been interchanged from a connecting carrier; b. the industry's cut-off time has not passed.

NOTIFYING KCS OF DIVERSION/RECONSIGNMENT	ITEM 400
A Diversion or Reconsignment request will only be processed when a request is submitted to KCS, by the following methods: <ul style="list-style-type: none"> a. KCS' Shipment Tracking tool on the Internet http://www.kcsouthern.com; b. Call to KCS' Customer Service Center (CSC) at telephone # (800) 468-6527. c. Email to KCS' Customer Service Center (CSC) as csolutions@kcsouthern.com. 	

DIVERSION REQUEST ON EMPTY PRIVATE CARS	ITEM 500
Request for diversion on an empty Private Car(s) is subject to the provisions of this Tariff except that Paragraph F in Item 700 does not apply. See KCS Circular 3700 for further information regarding movement of empty cars.	

ORDERS FOR DIVERSION/RECONSIGNMENT**ITEM 600**

Orders for diversions or reconsignments will only be accepted from:

- a. Payor of Freight;
- b. authorized representative/agent of the Payor of Freight;
- c. Consignee, when issuing instructions for delivery to a KCS-served or open industry within the switch limits of the billed destination of record at the time of the diversion request; or
- d. car owner or lessee on non-revenue moves of empty railway cars.

NON-ACCEPTANCE OF ORDERS FOR DIVERSIONS/RECONSIGNMENTS**ITEM 700**

KCS will not accept orders for diversions or reconsignments:

- a. after car has been interchanged to a connecting line haul carrier;
- b. after car has been interchanged to a switching railroad;
- c. after arrival of the car at billed destination by KCS; [I], [NC]
- d. on "Order Notify" bill of lading consignments;
- e. on orders to change the status of shipment from a "Straight" bill of lading consignment to an "Order Notify" bill of lading consignment;
- f. that require KCS to perform backhauls or out-of-line hauls;
- g. to a station or to a point of delivery against which an embargo is in force;
- h. if the car is in an interchange block; or
- i. if the car is a non-revenue empty Railroad-Controlled Car;

Notwithstanding the above, KCS reserves the right to accept or reject a diversion or reconsignment request for any reason.

KCS RESPONSIBILITY TO EFFECT DIVERSIONS/RECONSIGNMENTS**ITEM 800**

KCS will make a diligent effort to effect desired diversion or reconsignment when the car is in KCS' possession, except under the following conditions:

- A. KCS will not assume any responsibility for effecting a diversion at a specified location:
 1. After a car has been classified or assembled into a train for outbound movement. In this situation, a car may be diverted at the next classification yard or interchange location and the diversion will be governed by the rules and charges herein at that location.
 2. After a car has been placed in "pre-blocked" or "run-through" train service. In this situation, a car may be diverted:
 - a. When billed to a KCS destination, after the car reaches the "pre-blocked" destination or the destination of the "run-through" train or the billed destination, as the case may be, and the diversion will be governed by the rules and charges herein at that location; or
 - b. When billed to a non-KCS destination, after the car reaches the "pre-blocked" destination or the destination of the "run-through" train and the diversion will be governed by the rules and charges herein at that location, except if the car is not scheduled to be reclassified prior to interchange to the connecting railroad, the car may not be diverted.

KCS RESPONSIBILITY TO EFFECT DIVERSIONS/RECONSIGNMENTS ITEM 800 (continued)

When a car has been placed in “pre-blocked” train service for delivery to another carrier at a KCS destination for that carrier’s performance of reciprocal switching service.

- B. KCS will not be responsible for executing a diversion/reconsignment order on a specified day or time of day.
- C. KCS will not be responsible for increased charges when the diversion/reconsignment cannot be accomplished at the desired locations.
- D. An order for diversion which specifies that a through rate is to be protected will not be construed as obligating KCS to protect other than the lawful rates and charges under these diversion rules.
- E. KCS will not assume any responsibility for effecting a diversion at a specified location if orders are received outside of normal business hours as defined in Item 300 of this Tariff.

MULTIPLE CAR SHIPMENTS**ITEM 900**

- A. Multiple car shipments comprised of more than one car tendered on one bill of lading on one day from one shipper at one origin to one consignee at one destination for movement under line haul rates or charges specifically providing for application on multiple car shipments, will be subject to the diversion rules and charges provided herein. Separation of the multiple car shipment by diversion will not be allowed, except by rate item authorization or as provided in Paragraph B.
- B. If one or more cars of a multiple car shipment go “bad order” after departing the origin station, they may be diverted at the customer’s option. Such cars will be subject to the diversion rules and charges as provided herein. The multiple car freight rate originally assessed on the whole shipment will apply on the remaining cars that are not accorded diversion. On prepaid shipments, the freight bill/charges should be “paid short” citing the diversion as authority. The freight bill is not to be returned for correction.

DIVERSION/RECONSIGNMENT CHARGES ON CARLOAD**ITEM 1000**

Diversion or reconsignment will only be allowed when the applicable price authority permits diversion or reconsignment and the shipment is in the possession or under control of KCS.

Shipments diverted or reconsigned under this process will be assessed the following charges: (Request for diversion or reconsignment must be made as shown in Item 400 of this tariff.)

Cars diverted or reconsigned prior to arrival of car at billed destination shall be charged a rate of \$300 per car, as well as the otherwise applicable tariff charge for the move. [NC]

Diversion or reconsignment request will ONLY be accepted on cars that are physically on the KCS.

Diversion or reconsignment request will ONLY be accepted as provided for in Item 600.

RECONSIGNMENT CHARGES ON TOFC/COFC**ITEM 1050**

Only one request for reconsignment of a TOFC/COFC shipment will be permitted and only to change the name of the Consignee or the delivery address at original billed destination, subject to the following conditions and charges:

- a. carrier will make diligent effort to execute a request for reconsignment, but will not be responsible if such service is not effected;
- b. no Reconsignment will be made on "In Bond" shipments;
- c. shipments reconsigned will be subject to the same free time and detention rules and charges as if the shipment had not been reconsigned.

Reconsignment Charge on TOFC/COFC Units:

\$100 per change, effective July 1, 2019 [R]

OVERCHARGE CLAIMS**ITEM 1100**

When an overcharge claim is submitted based on an addition or change to the original shipping document, a charge of \$225 per car will apply. An overcharge claim will only be accepted when it is submitted in writing along with a signed amendment to the original bill of lading. In the event the claim is honored, this charge will be withheld from the overcharge amount.

Overcharge claims are to be sent to the following address:

Kansas City Southern Railway Company
Revenue Accounting – Overcharge Claims
P O Box 219335
Kansas City, MO 64121-9335

CANCELLATION OF A WAYBILL BY KCS**ITEM 1150**

When a request for pull is made by the shipper and upon the crew's arrival it is determined the car is not ready to pull, a cancellation charge of \$200 per car will be assessed. The shipper will be responsible for the cancellation charge and is payable in US funds.

THE END