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300719

June 5, 2020

VIA ELECTRONIC FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings
June 5, 2020
Part of
Public Record

Re: Docket No. EP 759 – Demurrage Billing Requirements
Supplemental Notice of Proposed Rulemaking

Dear Ms. Brown:

Enclosed please find Comments of BNSF Railway Company in Response to the Board's Supplemental Notice of Proposed Rulemaking decided on April 30, 2020 in the above-referenced docket.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Mulligan".

Jill Mulligan

Enclosure

**Before the
SURFACE TRANSPORTATION BOARD**

Ex Parte No. 759

DEMURRAGE BILLING REQUIREMENTS

**COMMENTS OF BNSF RAILWAY COMPANY IN RESPONSE TO
THE SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING**

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Dated: June 5, 2020

Attorneys for BNSF Railway Company

BNSF Railway Company (“BNSF”) submits these comments in response to the Supplemental Notice of Proposed Rulemaking (“*SNPRM*”) served in this proceeding by the Surface Transportation Board (“STB”) on April 30, 2020. The *SNPRM* supplements the Notice of Proposed Rulemaking (“*NPRM*”) the STB issued in this proceeding on October 7, 2019. In the *NPRM*, the STB proposed minimum requirements for information to be included on or with demurrage invoices from Class I carriers. *NPRM* at 8-10. In the *SNPRM*, the STB proposed additional minimum requirements for information provided on or with demurrage invoices. *SNPRM* at 5-10. The STB also requested comments on actions that Class I carriers take to ensure the accuracy of demurrage invoices. *SNPRM* at 11.

The *NPRM* and *SNPRM* are the product of the STB’s desire to ensure that rail users have ready access to sufficient data that will allow them to understand the bases for demurrage charges, to identify charges that may not be valid and, where appropriate, to change their internal practices and procedures to avoid or minimize future demurrage charges. *SNPRM* at 4. BNSF agrees that these are valid issues. In fact, as described below in BNSF’s Comments, BNSF’s existing data management and reporting practices in the demurrage area were designed in a way that ensures that BNSF’s customers do have access to all such information.

As BNSF has previously explained to the STB in connection with the STB’s investigation into demurrage issues, we take seriously our obligations as a common carrier and our role as a business partner to our customers. *Hearing Testimony of BNSF Railway*, submitted in EP 754 on May 8, 2019. Our procedures for handling demurrage reflect the responsibilities we have toward our customers and our strong desire to improve the rail service we provide in partnership with our customers. BNSF appreciates the opportunity to provide the STB additional detail about our transparent and accessible approach to sharing shipment and demurrage information with

customers, our processes for ensuring demurrage invoice accuracy, and our commitment to working with customers to minimize or eliminate demurrage charges.

As explained below, BNSF has invested heavily to develop a suite of tools that already provides our customers all of the information that the *NPRM* and *SNPRM* propose to require on or with demurrage invoices. We describe these tools in detail below. However, BNSF does not believe it would be a productive or appropriate exercise for the STB to manage demurrage invoices and prescribe a new and different format that BNSF must use to provide data duplicative of what we already provide across our various customer tools. BNSF has particular concerns about the Board's proposal for including the original estimated time of arrival ("ETA") and interchange date and time on demurrage invoices. Those data are already available to BNSF's customers in tools that have been developed over time to meet our customers' business needs and in response to their feedback. For the reasons described herein, it would be misleading and confusing to include those data on demurrage invoices because it would create the incorrect appearance that the data have outsized significance in assessing the validity of a demurrage charge and represents a departure from the core principles of common carrier service.

BNSF discusses these issues further below.

I. BNSF's data relating to shipments and demurrage are detailed, transparent, and readily accessible to BNSF's customers.

As BNSF explained to the STB in connection with last year's demurrage hearing, BNSF has invested heavily in providing customers with a number of methods for managing traffic flows through access to timely and relevant data. All BNSF customers have access to the BNSF.com secure customer portal. Through this portal, BNSF offers a suite of tools for customers to order and release equipment, trace individual shipments in real time as they move across the BNSF network, pay bills, dispute charges, and perform other administrative activities. These tools have been developed and enhanced by BNSF as the needs of our customers have evolved and as better technology to meet those needs has become available; customer feedback on emerging information needs and user experience is a part of the continuous improvement process we have in place around those tools. The information generated by these tools, as relevant to the *NPRM* and *SNPRM*, is available to the customer in machine-readable format. In addition, BNSF's ebusiness support team assists customers in learning about the suite of tools available to them and tailoring the available tools to customers' specific needs in managing their unique business.

Three specific data systems allow BNSF customers to manage their shipments and understand demurrage charges. These three systems are sophisticated, user friendly, and flexible to meet individual customer needs. BNSF describes these systems below to show the STB the depth and quality of data that are already being made available to BNSF's customers.

A. Rail Central

The first of these tools is Rail Central, which gives customers access to real time information on their active inventory 24 hours a day, seven days a week. Rail Central allows customers to view and create highly detailed and to-the-minute customized reports on the status of their shipments. A wide range of detailed data are available in Rail Central, including data that are relevant to understanding and potentially avoiding demurrage charges and managing their

shipments. The following list demonstrates the breadth of demurrage-related data that a customer can choose to include in a Rail Central report: unique car identifying information; car kind; loaded/empty status; commodity; origin station and state; shipper, consignee, and care of parties; current location; track; an ETA that continuously updates; and event code, date, and status (including date and time of interchange). Rail Central also acts as a two-way interface between the customer and BNSF, allowing customers to request action from BNSF by, for example, releasing, ordering in or diverting particular cars.

The screenshot below provides a sample report generated within Rail Central. The column headers are an example of the types of information that a customer can choose to include in a Rail Central report. (Information that could identify a particular shipper has been redacted.)

The customer can choose to include current location information in the report.

Interchange time and location also can be included in a Rail Central report. As an example, the highlighted car originated in Palling, BC and was given to BNSF in interchange in Superior, WI as noted by the "RR" event code.

ETA for en route cars can be displayed.

Customer "A"

Unit	Car Kind	Load Empty	Commodity	Origin	Shipper	Current Location	Track	Event Code	Event Code - Status	ETA	Event Date
	F18	L	LUMBER	SARDIS, BC		BRIDGEPORT, NE		PS	PS	06-08 18:39 Mon	06-01 12:38 Mon
	F18	L	LUMBER	ABERDEEN, WA		BRIDGEPORT, NE		PS	PS	06-08 18:39 Mon	06-01 12:38 Mon
	F18	L	LUMBER	WHITNEY, WA		BRIDGEPORT, NE		PS	PS	06-08 18:39 Mon	06-01 12:38 Mon
	F18	L	LUMBER	TIBBETS, BC		KAN CITY, KS	2053	TA	WO	06-10 18:39 Wed	06-01 06:12 Mon
	F18	L	LUMBER	COLVILLE, WA		SPOKANE, WA	1615	TA	WO	06-10 18:39 Wed	05-30 11:51 Sat
	F18	L	WDPROD	NEWBERRY, MI		GALESBURG, IL	2009	TA	WO	06-10 18:39 Wed	06-01 00:27 Mon
	F18	L	LUMBER	SARDIS, BC		SPOKANE, WA	1615	TA	WO	06-10 18:39 Wed	05-30 16:46 Sat
	F18	L	LUMBER	NEWWESTMINSTER, BC		SPOKANE, WA	1615	TA	WO	06-10 18:39 Wed	05-31 21:15 Sun
	F18	L	LUMBER	TACOMA, WA		PASCO, WA		TD	WO	06-10 18:39 Wed	06-01 11:41 Mon
	F18	L	LUMBER	NAPAVINE, WA		SPOKANE, WA	1615	TA	WO	06-10 18:39 Wed	05-30 17:53 Sat
	F18	L	WDPROD	DULUTH, MN		NORTHTOWN, MN	3003	TA	WO	06-10 18:39 Wed	05-31 08:41 Sun
	F18	L	LUMBER	ARLINGTON, VA		SPOKANE, WA	1615	TA	WO	06-10 18:39 Wed	05-29 10:26 Fri
	F18	L	LUMBER	CENTRALIA, WA		PASCO, WA		TD	WO	06-10 18:39 Wed	06-01 11:41 Mon
	F18	L	LUMBER	PALLING, BC		SUPERIOR, WI	4028	RR	RH	06-11 18:39 Thu	05-31 21:04 Sun
	ACF	L	BLDPPR	CONSTANTINE, MI		KAN CITY, KS	4021	TA	WO	06-11 18:39 Thu	06-01 01:43 Mon
	F18	L	LUMBER	ARLINGTON, VA		ARLINGTON, VA	1308	RI	RL	06-11 18:39 Thu	06-01 06:06 Mon
	F18	L	LUMBER	MADRAS, OR		FRANKFORD, CA		TA	WO	06-11 18:39 Thu	06-01 10:44 Mon

A customer can choose to have Rail Central reports automatically emailed to them at specific intervals, as frequently as every three hours, or the customer can instantly generate a report directly from the BNSF portal. We often see that customers like to receive automatically generated reports each morning covering all cars in the BNSF system so that they can readily view their inventory at the beginning of the day. The reports are all available as machine-readable data—the emailed report is an Excel spreadsheet, and the reports can be exported from the customer portal in CSV, text, Excel, or PDF format.

As explained above, Rail Central reports are highly customizable. The most common report generated by customers is the carload report, which displays the demurrage-related data shown in the screenshot above. The screenshot below shows the Report Wizard page that is contained within Rail Central, through which customers can easily create customized reports on active shipments.

Report Wizard - Google Chrome

bnsfweb.bnsf.com/bnsf.was6/railcentral/wiz/CREATE

Report Wizard

Report Search
Outstanding Reports
Maintenance

Recipient History
Report History

Create New Report
Copy Report

Required

EXIT

NEXT

Type Account Role Fields Filters Sorts/Totals Schedule Summary

Create Report
Please enter a report title (no special characters allowed), then select a template if you wish to use a predefined report with different criteria already preset. Otherwise, use No Selected Templates to build a new report from scratch. Press the "Next" button to continue.

Title:

Type: CARLOAD

Templates:

- No selected templates ---
- Bad Order Equipment Report
- Basic Carload
- Empties Enroute to IP Trinity MS
- Equipment Pool Id Report

In addition to receiving or downloading customized reports, customers can use the Rail Central database at any time to obtain data on particular shipments or summary information on the status of their shipments. The data in Rail Central are updated in real time to facilitate customer planning. The following screenshot shows how customers can view summary information within Rail Central. As shown in the screenshot, customers can see, among other information, projected arrival dates and the projected number of car arrivals, total cars in the pipeline, car orders, and car placements. This portion of Rail Central gives customers an overall snapshot of the status of their active shipments.

Once in Rail Central customer can see projected arrival dates as well as other status projections.

Summary of cars in pipeline

PIPELINE CARS ON HAND

DATA	ARRIVALS	RELEASES	CONSTR PLACE	ORDERED	ACTUAL PLACE	PIPELINE CARS AT DESTN
Current	0	0	0	0	5	5
Forecasted						
Today	0	0	0	2	5	7
2020-06-02	0	3	0	0	3	6
2020-06-03	4	3	0	4	0	7
2020-06-04	5	0	0	5	4	9
2020-06-05	7	3	0	7	6	16
2020-06-06	0	9	0	7	0	16
2020-06-07	0	9	0	7	0	16
2020-06-08	4	0	0	4	7	11
2020-06-09	0	3	0	0	8	11
2020-06-10	10	3	0	10	5	18
2020-06-11	4	3	0	4	12	19
2020-06-12	0	3	0	0	13	16
2020-06-13	0	16	0	0	0	16

Summary of cars in pipeline

Days Served	Mon	Tue	Wed	Thu	Fri
Total Cars in Pipeline	41				
Total Industry Capacity	16				
Load/Unload Capacity	3				
Historical Dwell Days	3				
Cars Offline	0				
Demurrage MTD	\$0.00				
Click here to view Demurrage details					

Contact Details

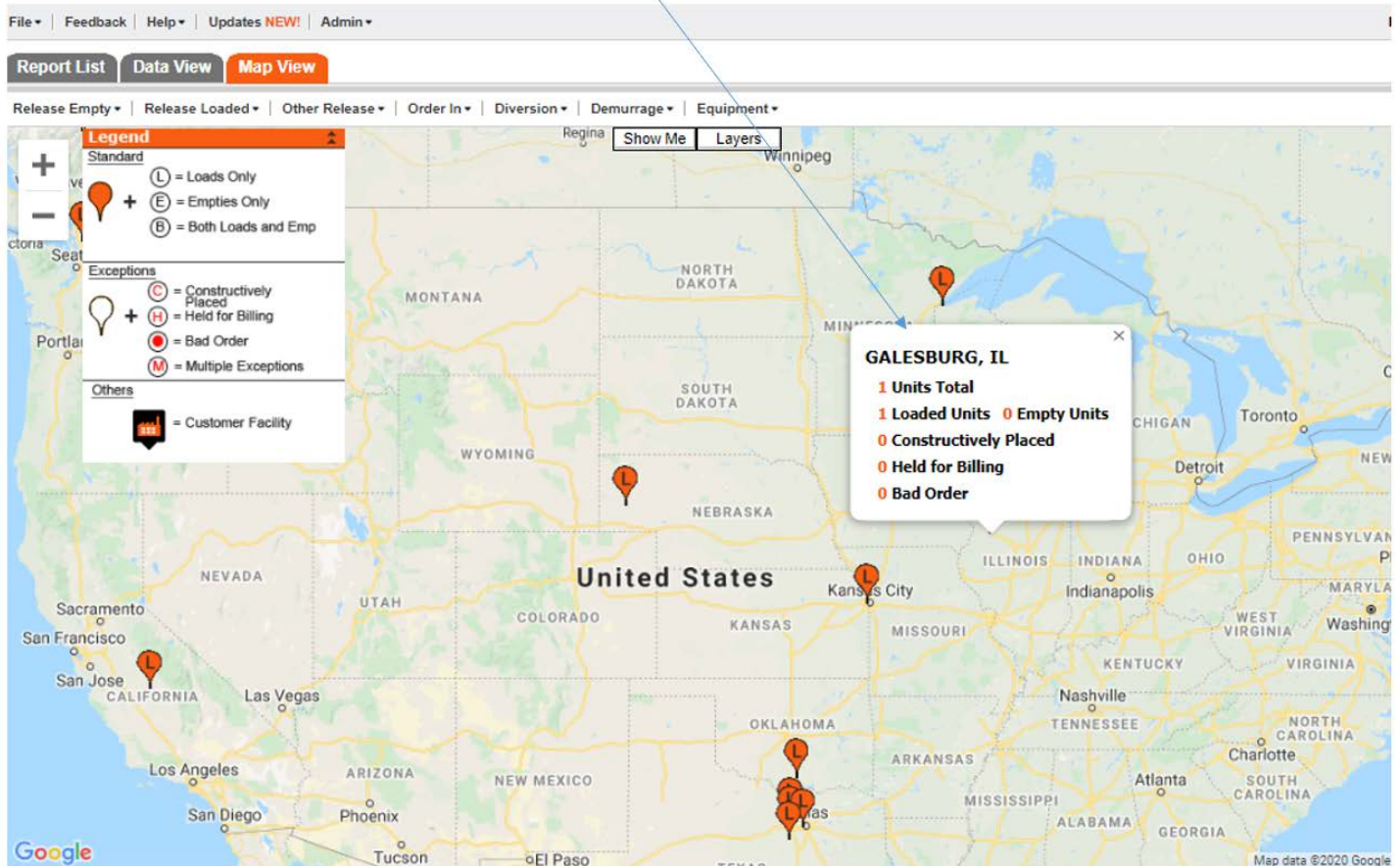
ZTS	Contact Person
4312	
4320	

View Message Board Information

Summary	Update Date/Time	Open Date	Open Time	Level	Assigned To
No open messages exist					

In addition to data reports, customers can view active shipments in a map view, which allows customers to see actual car locations and click on each car location for more details on the specific car.

A Map View is available for cars en route. By clicking on the car location a pop up window gives more information on the car.



B. Track Your Shipment

A second tool that complements Rail Central is the Track Your Shipment tool. This tool is also available on the BNSF portal. With Track Your Shipment, any party to a waybill can drill down in more detail as to the status of specific cars or trains. Rail Central thus provides a detailed overview of shipments, while Track Your Shipment provides a more granular look at particular cars. As the screenshot below shows, the party can search for the status of their shipments by unit

or by train and a summary of status information is displayed. The screenshot below shows summary information for three selected cars (the car ID has been redacted to avoid confidentiality concerns). The shipper can then choose to view more detailed information such as waybill details (for example, origin, destination, shipper, consignee, care of party), shipment details, trip plan, equipment characteristics, commodity, and unit history.

Track Your Shipment

By Unit
By Train
Preferences

You can enter up to 300 units, Grain Shuttle Permit Numbers, or Automotive VINs (last 8 characters) For Intermodal Units, do not use leading zeroes. (Example: BNSZ002364)

Select Previous Tracking

Track By:

- ☒ Unit
- ☐ Unit with Prior Commodity
- ☐ Automotive VIN (last 8 characters)
- ☐ Grain Shuttle Permit Number

Options:

Normal

Output Type:

Normal

Include:

- ☒ Basic Information
- ☐ Check For Waybill
- ☐ Check For Scale Weight
- ☒ Foreign Line Information

Track As:

- ☐ Equipment Owner

RESET

TRACK

Track Your Shipment Results

PRINT

EXPORT

Click on the corresponding link to view additional information

Equipment ID	Ld Emp	Current Event					BO Code	BNSF Destination				
		Location	EVT	Date	Time	Carrier		Location	EVT	Date	Time	
	E		TD	06/03/2020	05:29	BNSF			AP	06/04/2020	02:30	
	in Train: X Next Event Code: TA Next Event Location: Next Event Date/Time: 06/03/2020 08:08:00 Est Time of Arrival: 06/04/2020 02:30											
	E		PS	06/03/2020	07:43	BNSF			AP	06/04/2020	18:35	
	in Train: X Next Event Code: TD Next Event Location: Next Event Date/Time: 06/03/2020 09:50:00 Est Time of Arrival: 06/04/2020 18:35											
			TA	06/02/2020	23:55	BNSF			AP	06/05/2020	17:15	
	X		TD									
	Next Event Code: TD Next Event Location: Next Event Date/Time: 06/05/2020 09:00:00 Est Time of Arrival: 06/05/2020 17:15											

I want to view...

- Waybill Details
- Shipment Details
- Trip Plan
- Equipment Characteristics
- Unit History

Indicates Interchange Point

One feature of this tool that is particularly relevant to demurrage planning is the ability of a customer to access trip plan details for a particular shipment by clicking on a specific car number. The trip plan projects the movement of individual cars through multiple locations, including interchanges. The trip plan provides an original ETA when first generated. But as the car moves across the network, the estimated time and date of events, including arrival, are updated. Thus, as a car approaches a destination, the estimates become increasingly relevant for planning purposes.

Once an event, such as an interchange, occurs, the trip plan shows the actual date and time that event occurred. The following screenshot provides a sample trip plan. Projected date/time is shown in red font, and once the event occurs, the actual event date/time is shown in black. (Once again, shipper-identifying information has been redacted.)

Route

[Click here to go to Shipment Details.](#)

Road

Jct

Road

Jct

Road

Jct

Road

Jct

Road

Jct

Road

BNSF

Trip Plan

[Click here to go to Shipment Details.](#)

[Click here to view Event Code.](#)

Event Name	Train ID	Station	Actual Date/Time
Released Empty			2020-06-01 13.05.00
Cutoff			2020-06-04 13.14.00
Modify Active ED/EDO WB Record			2020-06-01 13.05.00
Train Departure	X		2020-06-01 15.55.00
Passing	X	FRESNO CA	2020-06-01 19.53.00
Passing	X	BAKERSFIE CA	2020-06-01 23.44.00
Passing	X	KERJCT CA	2020-06-01 23.49.00
Passing	X	MOJAVE CA	2020-06-02 03.01.00
Passing	X	BARSTOW CA	2020-06-02 07.10.00
Train Arrival	X	NEEDLES CA	2020-06-02 16.12.00
Train Departure	X	NEEDLES CA	2020-06-02 16.47.00
Passing	X	WILJCT AZ	2020-06-03 03.54.00
Passing	X	WINSLOW AZ	2020-06-03 06.43.00
Passing	X	GALLUP NM	*2020-06-03 09.50.00
Passing	X	BELEN NM	*2020-06-03 15.12.00
Passing	X	CLOVIS NM	*2020-06-03 21.46.00
Passing	X	AMASYARD TX	*2020-06-04 02.13.00
Passing	X	WELLINGTO KS	*2020-06-04 10.21.00
Passing	X	NEWTON KS	*2020-06-04 16.19.00
Passing	X	HUTCHINSO KS	*2020-06-04 17.08.00
Train Arrival	X		*2020-06-04 20.33.00
Switch			*2020-06-04 20.33.00
Place to Load			*2020-06-04 20.58.00

* Red Font indicates projected date and time based upon historical run times.

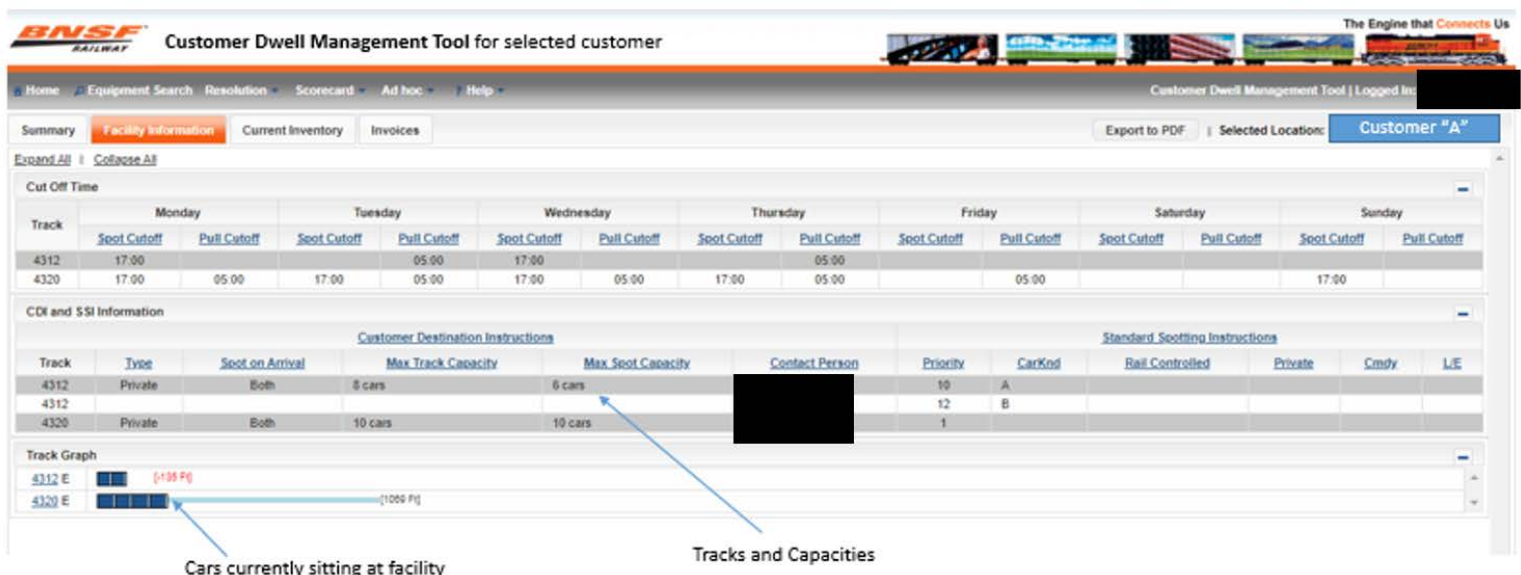
BNSF Destination				
Code	Location	EVT	Date	Time
		AP	06/04/2020	02:30
Est Time of Arrival: 06/04/2020 02:30				
		AP	06/04/2020	18:35
Est Time of Arrival: 06/04/2020 18:35				
		AP	06/05/2020	17:15
Est Time of Arrival: 06/05/2020 17:15				

Like Rail Central reports, Track Your Shipment information can be exported from the portal in a machine-readable format.

C. Customer Dwell Management Tool

The Rail Central and Track Your Shipment tools described above give BNSF's customers access to real-time data on their shipments as they move across BNSF's network. They can use these data to track and manage their inventory and support their business planning. BNSF's Customer Dwell Management Tool ("CDMT") dovetails with Rail Central and Track Your Shipment, allowing customers to manage units once they arrive at a local serving yard or at the customer's facility. The CDMT contains three main categories of customer information: (1) facility information, (2) current inventory, and (3) demurrage invoices.

The facility tab contains information on the capabilities and layout of the specific facility, including information such as how many car spots are available at a facility.



The CDMT current inventory tab summarizes the status of the customer's current inventory of cars that are either in the local serving yard or at the customer's facility. A hyperlink to Rail Central is also provided in the CDMT current inventory tab so that customers can easily switch to view the status of their moving shipments. Notably, the current inventory tab shows estimated

demurrage charges as they accrue and allows a customer to dispute a charge even before the invoice is sent out.

Customer Dwell Management Tool for selected customer

The screenshot displays the BNSF Customer Dwell Management Tool (CDMT) interface for a selected customer, "Customer 'A'". The interface features a top navigation bar with the BNSF logo and the tagline "The Engine that Connects Us". Below the navigation bar, there are tabs for "Summary", "Facility Information", "Current Inventory", and "Invoices". The "Current Inventory" tab is active, showing a "Track Inventory Summary" table. The table lists various inventory categories and their counts: "Cars at Your Facility - 6", "Cars Ordered for Placement - 1", "Cars Constructively Placed and Not Ordered for Placement - 0", "Cars in Leased Status - 0", "Cars Released, Pulled and Held for Billing - 0", and "Cars Currently Future Ordered For Placement - 0". A hyperlink at the bottom of the table reads "To view cars enroute to your facility, you will need to access Rail Central". A blue arrow points from the text "Customer Dwell Management Tool for selected customer" to the "Customer Dwell Management Tool" text in the top right corner. Another blue arrow points from the text "Current local inventory is segmented by status within CDMT. Hyperlink to Rail Central for cars en route." to the hyperlink at the bottom of the table.

Track Inventory Summary	
Cars at Your Facility - 6	+
Cars Ordered for Placement - 1	+
Cars Constructively Placed and Not Ordered for Placement - 0	+
Cars in Leased Status - 0	+
Cars Released, Pulled and Held for Billing - 0	+
Cars Currently Future Ordered For Placement - 0	+
To view cars enroute to your facility, you will need to access Rail Central	

Current local inventory is segmented by status within CDMT. Hyperlink to Rail Central for cars en route.

The CDMT demurrage invoice tab provides detailed data underlying individual demurrage invoices and historical data regarding demurrage experience. The screenshot below shows that a customer can view summary information from historical demurrage invoices on one page and can click on specific invoices to view more detailed information.

Customer Dwell Management Tool Invoices Landing Page

The screenshot displays the BNSF Customer Dwell Management Tool Invoices Landing Page. The page features a navigation bar with links to Home, Equipment Search, Resolution, Scorecard, Ad hoc, and Help. The main content area is divided into tabs: Summary, Facility Information, Current Inventory, and Invoices. The Invoices tab is selected, showing a summary of demurrage invoices for Customer "A".

The summary table includes the following columns: Select Export, Accrued Billing Month, Cnsg/Shpr, Pending Invoice, Running Charges, Cars / Trains on Bill, Pend Inq, Res / Inq, and Cld / Inq. The data shows invoices for Jun 2020 and May 2020.

Below the summary table is a detailed table of invoices. The columns are: Select Export, Billing Month, Cnsg/Shpr, Luxi/ Dem Cd, Invoice #, Invoice Date, \$ TSS Billed, \$ Billed, \$ Adjusted, \$ Paid, \$ Open Balance, Cars / Trains on Bill, Pend Inq, Res / Inq, and Cld / Inq. The data spans from Jul 2019 to Apr 2020.

Annotations on the screenshot include:

- A link: "Click here to view open invoices greater than 12 months"
- An arrow pointing to the "Last 12 months demurrage charges" section.
- An arrow pointing to the "Status of any disputed invoices" section.

The CDMT allows customers to generate a detailed demurrage report for individual invoices that contains, among other items, the following information that the Board identified in the *NPRM* and *SNPRM* as potentially important for purposes of assessing the validity of demurrage charges: date waybill was created; load/empty status; commodity (if loaded); shipper and consignee parties; date/time of actual placement; date/time of constructive placement; date/time of notification of constructive placement; release of car; date range (billing cycle) covered by the invoice; and date and time each car was ordered in. The screenshot below shows a sample report

generated within the CDMT for a particular invoice (identified in the upper left-hand corner of the screen). The column headers show the level of detail that can be obtained in a CDMT report.

Customer Dwell Management Tool Invoice Details Page for selected month

Cars can be disputed one at a time or entire invoice

Car details can be exported going back 12 months

Dispute Status

Event dates and times

Adjustments on a car by car basis

Select Invoice	Dispute Status	Cnsg/Shor	CarKind	Init	Nbr	Wt Dt	Arrival Dt	CP Dt	Ord Dt	PI Dt	RI Dt	Yd Dys	Ind Dys	Unld Cr	SF Crds	Pvt Sto	Pre Bll Adj Amt	Post Bll Adj Amt	Tot Chrg
NA	Resolved		F18				2019-11-27	2019-11-29	2019-12-02	2019-12-02	2019-12-03	3	1	-2	0	\$0.00	\$0.00	\$300.00	\$0.00
NA	Resolved		F18				2019-11-27	2019-11-29	2019-12-02	2019-12-02	2019-12-03	3	1	-2	0	\$0.00	\$0.00	\$300.00	\$0.00
NA	Resolved		FB7				2019-11-27	2019-11-29	2019-12-02	2019-12-02	2019-12-03	3	1	-2	0	\$0.00	\$0.00	\$300.00	\$0.00
NA	Resolved		F18				2019-11-27	2019-11-29	2019-12-02	2019-12-02	2019-12-03	3	1	-2	0	\$0.00	\$0.00	\$300.00	\$0.00
NA	Resolved		F18				2019-11-27	2019-11-29	2019-12-02	2019-12-02	2019-12-03	3	1	-2	0	\$0.00	\$0.00	\$300.00	\$0.00
NA	Resolved		F18				2019-11-27	2019-11-29	2019-12-02	2019-12-02	2019-12-03	3	1	-2	0	\$0.00	\$0.00	\$300.00	\$0.00
NA	Resolved		F18				2019-12-13	2019-12-13	2019-12-16	2019-12-18		0	2	-2	0	\$0.00	\$0.00	\$0.00	\$0.00
NA	Resolved		F18				2019-12-13	2019-12-13	2019-12-16	2019-12-18		0	2	-2	0	\$0.00	\$0.00	\$0.00	\$0.00
												18	10	-16	\$0.00	\$0.00	\$1,800.00	\$0.00	

Demurrage invoices are automatically emailed to customers as PDFs, but customers can easily export invoices and CDMT reports in machine-readable format from the BNSF portal.

In addition, disputing demurrage charges is also facilitated by the CDMT. As noted above, the CDMT provides customers with immediate access to all demurrage invoices generated in the last 12 months. Customers can click on an invoice to initiate a dispute over a demurrage charge, track communications with members of BNSF's internal teams about a particular demurrage charge, provide additional information, and track ultimate resolution of the dispute. The following screenshot shows the dispute details screen within the CDMT, where customers can view details on pending and resolved disputes. In this example, the customer has no pending disputes and one

resolved dispute for the selected invoice. The customer can view the description the customer provided of the dispute, the dispute date/time, BNSF's response, the response date/time, and the BNSF contact person who resolved the dispute.

Customer Dwell Management Tool Dispute Details and Communication.
Actual texts from customer and BNSF Analyst are available for up to 12 months.

The screenshot displays the BNSF Customer Dwell Management Tool interface. At the top, the BNSF logo and tagline "The Engine that Connects Us" are visible. The navigation bar includes links for Home, Equipment Search, Resolution, Scorecard, Ad hoc, and Help. The user is logged in as "Customer 'A'".

The main section is titled "Dispute Details" and shows information for Invoice # 623028004, Invoice Date: 2020-01-08, Plant: Unloading-Straight Plan, and Billing Period: December 2019. An "Export to PDF" button is located on the right.

Below this, there are two sections: "Pending Disputes" and "Worked Disputes".

Pending Disputes: This section has a table with columns: History, Init, Nbr, Dispute Date, Adjustment Reason, Dispute Text, and Status. It currently shows "No Records Available".

Worked Disputes: This section has a table with columns: History, Init, Nbr, Dispute Date, Adjustment Reason, Dispute / Response Details, Status, Reason Code, and Adj. Amt. It contains one record:

History	Init	Nbr	Dispute Date	Adjustment Reason	Dispute / Response Details	Status	Reason Code	Adj. Amt
1	LW	879850	2020-01-15	Service Issue	Click Icon to View Details	RESOLVED	24	\$300.00

Below the table, there are fields for "Dispute:" and "Dispute Date/Time:" which are redacted with black boxes. There are also fields for "Response:" and "Response Date/Time:" which are also redacted. A "Close" button is at the bottom.

II. BNSF takes measures to ensure that demurrage charges are only assessed when appropriate.

As discussed in BNSF's prior comments and testimony at the demurrage hearing last year, BNSF's commitment to its customers and to efficient overall network operations does not end at the suite of tools and communication methods described above that ensure that customers have access to data relating to demurrage. BNSF has also developed internal processes to ensure that demurrage invoices are accurate. Using these tools and processes, BNSF works with many customers on an individual basis to reduce or eliminate demurrage.

BNSF's internal demurrage processes consist of several interconnected elements. The first involves multiple internal analysts who conduct rigorous reviews of demurrage before invoices

are issued to ensure that billing is only occurring in appropriate circumstances. Three departments support this process—Equipment System and Support, Merchandise Service Design, and Revenue Management. In total, more than 15 specialists are currently involved in ensuring that demurrage bills are accurate before they are even sent to the customer. An important part of the analysts' work is to look for any anomalies in demurrage charges that occur on an individual customer basis. For example, if a customer experiences an unusual increase in demurrage charges in a given month, the team proactively conducts a careful review to ensure that the charges are appropriate. In such cases, the demurrage specialists also determine whether any adjustments are warranted, and they apply such adjustments before a bill is issued.

A second element of this pre-bill review process is to determine whether railroad performance contributed to particular demurrage charges. The same specialists described above conduct this railroad performance review as part of their review of any anomalies in demurrage charges. When an anomaly is detected, the specialists conduct a detailed review of railroad data that is regularly provided to them, such as data on missed switches or significant and unusual events like flooding. The specialists also talk to local operations personnel and speak directly to the customer to understand the situation on the ground. With this information, the specialists are able to determine whether an adjustment to demurrage is required or appropriate. In addition to this manual review, BNSF has developed technology to account for circumstances in which we miss a switch, and not charge demurrage to a customer in that instance.

Finally, every year BNSF's equipment and marketing teams perform hundreds of deep-dive facility reviews to assist customers in analyzing the root causes of demurrage and the steps a customer can take to reduce or eliminate demurrage exposure. These interactions provide meaningful opportunities for receivers to understand the circumstances contributing to demurrage

at their individual facilities and make better choices about pipeline management and internal asset and capacity management.

III. The STB should not require that original ETA and date and time of interchange be included on demurrage invoices.

BNSF believes that it is appropriate for the STB to ensure that sufficient data are available to rail customers to advance the legitimate objectives of demurrage. However, BNSF does not believe that the STB should manage the details of individual railroad demurrage data systems or invoices. In particular, BNSF opposes the proposal that an original ETA and date and time of interchange be included on or with the demurrage invoice. Such a requirement would be counterproductive as it would create confusion over the relevance of such data and potentially encourage unnecessary disputes over appropriate demurrage charges.

As described above, BNSF provides extensive real-time data on the movement of a customer's inventory across BNSF's rail network. These data include the estimated time of arrival of particular shipments. And as noted above, the ETA is set out in the Rail Central and Track Your Shipment databases. The ETA is generated by BNSF's internal trip plan model, which accounts for a range of traffic and movement characteristics. An ETA is assigned at the beginning of a movement. But in recognition of the inherent variability of traffic movements across the rail network, particularly carload traffic, the trip plan and ETA data are constantly updated so that customers have the data they need. What customers need for their own internal planning is the most current and accurate data that are available as the shipment moves across the system, not historical data. Customers are free to keep a historical record of the original ETA and any updates as a car moves across the network, but that original ETA is not meaningful to the customer in its demurrage planning.

If the original ETA were the only data available to a customer, it might have some relevance to demurrage planning by the customer. But BNSF purposefully updates the ETA as

the shipment moves across the system so that the customer has a better understanding and more accurate expectation of the arrival of a car. The historical estimates are quickly overtaken by actual events. To require that the original ETA be included on or with a demurrage invoice would appear to give that data meaning and significance it does not have in the real world. It would also potentially create unnecessary confusion over a railroad's service obligations, which are based on a broad and flexible reasonableness standard.

Nor does the original ETA give a shipper any meaningful information about the possible causes of demurrage. ETAs are, by definition, no more than estimates of expected movement across a system that is highly variable. Innumerable circumstances could cause changes to the original ETA of a particular movement, including industry behavior at origin or destination (if cars must be held en route). Take the following simple example:

BNSF's customers in a terminal area must notify BNSF by 7:00 a.m. how many cars are available to be picked up on that day. In this example, a particular customer submits active waybills for two cars by 7:00 a.m., thereby prompting BNSF's systems to create trip plans for those cars. The trip plans contain the original ETA issued for this movement. BNSF arrives at the customer's facility, and the customer has two additional cars available on its outbound tracks that have been waybilled and released *after* 7:00 a.m. but are nonetheless ready to move. In the interests of efficiency, BNSF picks up all four cars. But the trip plan for the two original cars and the two additional cars (which BNSF did not anticipate moving when the waybills were submitted earlier in the day) will be different, and therefore each set of two cars will have different *original* ETAs even though as a practical matter the four cars will be moving together. After pick up, the trip plan will be updated, and the ETAs will converge.

In this example, the fact that each set of two cars has a different original ETA is irrelevant to the shipper's demurrage planning. The four cars were effectively provided to BNSF for pick

up at the same time, and it is likely that they will move across the network together even though the two sets of cars had different original ETAs. If the four cars are then delivered at the same time, this is a consequence of the way they were tendered and clearly is not evidence of a railroad-caused bunching of cars. The fact that the two sets of cars had different original ETAs would not be meaningful information in determining why the four cars were delivered together.

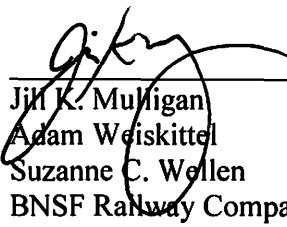
Simply stated, original ETA is a directional estimate—a single and less meaningful data point for customers broadly managing their traffic flows. For some shippers, it could be helpful to know the original ETA assigned at the beginning of a movement, but it is not and should not be a metric used to draw any conclusions about a carrier’s performance or the legitimacy of a demurrage charge.

Similar issues arise with the proposed requirement to include interchange date and time information on demurrage invoices. If a BNSF customer has concerns about an upstream carrier’s performance—for example, if a customer believes that an upstream carrier is causing bunching (see *SNPRM* at 6)—and the customer thinks that interchange data would help it better understand the performance issues, the customer already has access to BNSF reports containing interchange date and time information that are generated during the movement. (As noted above, interchange date and time can be identified in Rail Central reports.) The customer can easily save these reports directly from the customer portal or set up automatic, periodic emails of the reports. But a requirement that interchange date and time be included on or with demurrage invoices would give a false prominence to the data, suggesting that it can be used to assess the validity of a carrier’s demurrage charge. Like the original ETA, interchange date and time has no direct bearing on the validity of a particular demurrage charge so it should not be required to be included on the demurrage invoice.

IV. Conclusion

In closing, BNSF appreciates the opportunity the Board has provided to share how our tools already provide our customers with all of the information proposed in the *NPRM* and *SNPRM*. BNSF does not believe it would be a productive or appropriate exercise for the STB to manage demurrage invoices and prescribe a new and different format that BNSF must use to provide data duplicative of what we already provide across our customer tools. Moreover, as detailed herein, original ETA and interchange time and date have no direct bearing on the validity of a particular demurrage charge, and therefore should not be required on a demurrage invoice.

Respectfully submitted,



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Dated: June 5, 2020

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