



Association of American Railroads
Safety and Operations • Business Services
425 Third Street, SW • Washington, D.C. 20024

CIRCULAR No. TD-1

IN EFFECT AS OF JANUARY 1, 2021
EXCEPT AS NOTED
CODE OF CAR SERVICE RULES/CODE OF CAR HIRE RULES

PREAMBLE

The Rules contained herein do not foreclose subscribers from entering into other agreements which may differ from these rules.

Note: Substantive changes are highlighted in **yellow**.

TO: TRANSPORTATION OFFICERS--ALL RAILROADS

The following instructions shall govern the placing and handling of embargoes:

This circular provides instructions for the placing of embargoes and for the handling of embargoed traffic. It does not establish standards for determining whether an embargo is lawful or unlawful. The party placing an embargo is responsible for compliance with all applicable laws and regulations.

I. DEFINITIONS

- A. An embargo is a method of controlling Traffic movements when, in the judgment of the serving railroad, an actual or threatened Physical or Operational Impairment, of a temporary nature, warrants restrictions against such movements.
- B. For the purpose of this Circular, "Traffic" is defined as follows:
 - 1. Loaded and revenue empty freight cars, trailers, and/or containers.
 - 2. In the case of a disaster in which damage or destruction of railroad facilities such bridge fires, accidents, or the imminent occurrence of such a physical impairment (for example, the approaching hurricane, rising floodwaters) all rail equipment including railroad and privately-owned freight cars, trailers, and/or containers.
 - 3. In the case of government action or civil activism actions that render facilities impractical or impossible to reach all rail equipment including railroad and privately-owned freight cars, trailers, and/or containers.
 - 4. Empty privately-owned equipment may be embargoed in the case where an individual customer is experiencing congestion and alternate empty disposition is not received as outlined in [AAR Circular OT-57](#). Railroad owned or controlled non-revenue, empty freight cars, trailers, and/or containers may not be embargoed due to congestion.

II. PROHIBITIONS

- A. It is prohibited to issue embargoes:
 - 1. As a permanent measure to control traffic.
 - 2. At the request of a consignee.
 - 3. As a commercial measure to control the routing of Traffic to or via any particular gateway, railroad, or destination which is not related to the existence of the impairment.
 - 4. Against acceptance of Traffic on specified days.
 - 5. Limiting the amount of Traffic to be accepted daily or periodically.
 - 6. Against Traffic consigned to the United States Government, its authorized agents, or officers, except when the Physical or Operational impairment prevents movement of such Traffic.
 - 7. Against a consignor or consignee for failure to pay freight charges and/or demurrage.
 - 8. Enforce terms of a contract or interchange agreement between railroads.
 - 9. De-market traffic.
 - 10. Restrict business growth.

- B. It shall not be permissible to maintain an embargo against:
 - 1. Traffic for railroads or parts thereof, or stations, which are being abandoned or to which service is being discontinued, except as a temporary measure, to be kept in effect only until appropriate revisions of pricing documents of affected stations can be accomplished.
 - 2. Acceptance of Traffic by reason of weight or clearance limitations, except as a temporary measure, pending publication of restrictions in Official List of Open and Prepay Stations / Railinc Centralized Station Master Notes.

III. PROCEDURE

When necessary to restrict Traffic movements, for periods in excess of 24 hours, an embargo must be used. It is the responsibility of a Railroad experiencing an Operational or Physical Impairment to place its own embargo rather than wait for such action by its connections. An embargo placed against an individual consignee is applicable to Traffic consigned, re-consigned, or intended, as well as Traffic billed "shippers order", for that consignee.

- A. Carriers placing, amending, or canceling an embargo must notify the AAR and use the AAR Embargo and Permit System. The Association of American Railroads will transmit via email or XML notices of embargoes placed, amended, or cancelled to each full member railroad's designated embargo officer named in the AAR electronic Embargo Officer Registration File, to the Surface Transportation Board and the American Short Line and Regional Railroad Association. The AAR will provide an electronic subscription service for daily embargoes to other interested parties upon request. Instructions to submitters are contained in www.aar.org under RR Industry Info -Embargoes site.
- B. Each railroad shall designate an officer to issue and receive embargoes, whose name and address must be published in the Official Railway Equipment Register, the AAR Embargo/OPSL Permit System application at <https://embargo.railinc.com/#/home>, and the AAR electronic Embargo Officer Registration File.
- C. Embargoes against a consignee shall be placed by the railroad performing the switching service or by a connecting road haul carrier for traffic it delivers to the switching carrier for that consignee. If served by more than one road, a consignee may be embargoed by each such road.
- D. If in the judgment of the Association of American Railroads an emergency exists, it may issue an embargo without a prior request by the serving or switching carrier(s) involved. The AAR will contact the affected railroads in advance of issuing the embargo.
- E. The Association of American Railroads will issue an embargo at the request of the Surface Transportation Board.
- F. Embargoes will remain in effect until cancelled, but unless cancelled, will automatically expire one year after effective date of issuance. (See [VIII. REISSUANCE](#)).
- G. An embargo shall contain the following information, as necessary to ensure the embargo will be properly applied: (i) if the embargo is station specific, a list of the affected stations, by Freight Station Accounting Code as defined in the Railinc [Centralized Station Master \(CSM\)](#); (ii) if the embargo is directed at a gateway or territory, a description of the affected gateway or territory by city, state, or province, (iii) commodities embargoed and their [Standard Transportation Code\(s\)](#) (or state "all commodities"); (iv) if the embargo is customer specific the railroad embargo officer must supply by [Customer Identification File \(CIF\)](#) Number, the customers consigned, re-consigned or intended to be embargoed; (v) embargo cause; and (vi) any exceptions to the embargo.

IV. EFFECTIVE DATE

The body of the embargo shall state a specific date, not earlier than date submitted via the AAR Embargo and Permit System to the Association of American Railroads, on which the embargo is to become effective.

- A. An embargo may be "effective immediately" only if it is due to the issuance of a security alert requiring an embargo; the inability of the consignee to receive a shipment due to the closure of the facility in response to a local, state, or federal government order; the sudden occurrence of a Physical Impairment that would make the rendering of service impossible or highly impracticable (e.g., natural disasters, damage or destruction of railroad facilities such as bridge fires, accidents, spontaneous labor or civil activism action(s) rendering a location or facility inaccessible); or the imminent occurrence of such a Physical Impairment (e.g., approaching hurricane, rising floodwaters). An "effective immediately" embargo may not be issued for other Physical Impairments or for Operational Impairments of any kind.
 - 1. An "effective immediately" embargo shall become effective at the time it is made available to other railroads on the AAR Embargo and Permit System (the "Effective Time").
 - 2. An origin road may not accept Traffic to or via an embargoed location after the Effective Time. This does not preclude bilateral agreements between carriers that could allow traffic to move using an alternate route.
 - 3. The serving road is not obligated to accept loaded or revenue empty traffic from connections which is intended for interchange to the serving road after the Effective Time. This does not preclude bilateral agreements between carriers that could allow traffic to move using an alternate route.

- B. An Embargo other than an "Effective Immediately Embargo" becomes effective 11:59 P.M. of the date specified and no Traffic will be accepted for movement except as specified in Paragraph [IV.B.1](#) below:
 - 1. An origin road will accept loaded traffic for movement to or via embargoed locations not to exceed 48 hours after the effective date of the embargo and then only for Traffic loaded or in the process of loading prior to the effective date of the embargo. Empty cars, trailers, and/or containers in route to shippers loading facilities do not qualify as being in the process of loading.
 - 2. The serving road will accept loaded Traffic from connections which was originated in accordance with the provisions of Paragraph [IV.B.1](#).

V. AMENDMENTS AND CANCELLATIONS

Amendments or parts thereof reducing restrictions and embargo cancellations become effective immediately on submission to the Association of American Railroads and reviewed by the AAR administrator unless otherwise specified therein. Amendments or parts thereof increasing restrictions will have an effective date subject to Section IV-A or IV-B (as applicable) of this Circular.

- A. When an embargo is amended, the portions of the original restrictions remaining in effect shall be considered continuous in application. Amendments shall be consecutively numbered and, in each case, shall state the reason for the change.
- B. Railroads will cancel embargoes immediately upon removal of cause for which embargo was issued.

VI. PERMITS

- A. An embargo may contain provision for a permit system to provide controlled movement of Traffic, including permits for special emergency situations where there is public necessity for special transportation relief. Where a permit system is used, the embargo will contain the name and contact information for the party responsible for the issuance of permits.
- B. Railinc, acting as the agent for the Association of American Railroads and for the railroads submitting embargoes will maintain an electronic AAR Embargo and Permit System to forward Embargo Numbers and Embargo Permit Numbers reported in an EDI 417 Transportation Waybill to railroads listed in the routing.
- C. When a permit number is used to move a shipment; the shipper is required to furnish the Embargo Number and Permit Number in accordance with ANSI EDI 404 (Bill of Lading) Guidelines. The Embargo Number must be transmitted in the N901 EN Qualifier and the Permit Number must be transmitted in the N902 EB Qualifier. Failure to provide this information will result in shipments being held or billing rejected.

VII. WATER CARRIERS

Water carriers listed in [Appendix A](#) of the Association of American Railroads Circular TD-1, have agreed to transmit embargoes, amendments, or cancellations thereof, issued by them to the Association of American Railroads and to connecting rail carriers. In turn, the Association of American Railroads shall transmit embargo notices to the water carriers. Water carrier embargo notices transmitted to the Association of American Railroads shall be issued in the name of the originating water carrier. Embargoes issued by such water carrier will be observed by the railroads in the same manner as those issued by railroads. In the event of failure of the water carrier to receive Traffic currently, and to issue formal embargo notice, it shall be incumbent on connecting rail carriers to issue individual embargoes covering the Traffic involved, in the same manner as against individual receivers.

VIII. REISSUANCE

Each embargo will automatically expire one year after the effective date of issuance unless request is made to the Association of American Railroads for re-issuance.

By direction of,

Nichole Fimple

AVP Business Services/Executive Dir. Rules and Standards
Association of American Railroads

Legal Disclaimer

Any actions taken in reliance on or pursuant to this Circular are subject to Railinc's Terms of Use, as set forth in <https://public.railinc.com/terms-use>, and all applicable AAR rules.

Circular TD-1—Appendix A.
Water Carriers Which Have Agreed to Exchange Embargo
Information through Embargo Headquarters

Nichole Fimple, AVP Business Services/Executive Dir. Rules and Standards, Association of American Railroads
425 3rd St SW #1000, Washington, D.C. 20024
CSC@Railinc.com

Name of Line, Title of Designated Embargo Officer and Address

Alaska-British Columbia Transportation Co.

E. D. Anderson, Mgr. of Pricing
P.O. Box 2287
Seattle, Wash. 98111

American Commercial Barge Line Co.

W. A. Kernan, Vice President--Traffic
1701 East Market St.
Jeffersonville, Ind. 47130

Arnold Freight Company

Paul W. Brown, President
303 Ferry Ln
St Ignace, Mich. 49781

Boyer Towing, Inc.

Albert Halvorsen, President
Route 7, Box 7824
Bainbridge Island, Wash. 98110

Canada Steamship Lines, Ltd.

R. J. Paquin, Frt. Traf. Mgr.
P.O. Box 100, Montreal, Que.

Federal Barge Lines

H. E. Mueller, Traf. Mgr.
611 E. Marceau St.
St. Louis, Mo. 63111

Foss Launch & Tug Co.

C. J. Harrison, T.M.
660 West Ewing Street
Seattle, Wash. 98119

The Intercoastal Steamship Freight Association

D. R. Sloane, Chairman
17 Battery Place
New York, N.Y. 10004

Includes:

Calmar Steamship Corp.
Pope & Talbot, Inc.
Sea-Land Service, Inc.
States Marine Lines, Inc.
United States Lines, Inc.
Weyerhaeuser Company

Kingcome Navigation Co., Ltd.

North Foot of Columbia
Vancouver, B.C.

Mississippi Valley Barge Line Co.

M. J. Kimutis, Traf. Mgr.
411 N. Seventh St.
St. Louis, Mo. 63101

Northern Navigation Co.

(See *Canada Steamship Lines, Ltd.*)

Norfolk, Baltimore & Carolina Line, Inc.

E. J. Tunney, Gen. Traf. Mgr.
937 Water St., Norfolk, Va.

Peninsular & Occidental Steamship Co.

K. A. Osborne, V.P. & G.M.
P.O. Box 1349, Miami, Fla. 83101

Puget Sound Freight Lines

L. S. Carlander, V.P. Traffic
P.O. Box 24526
Seattle, Wash. 98124

River Lines, Inc.

W. Larrimore, T.M.
Wigle & Larrimore
260 California St.
San Francisco, Calif. 94111

Seaspan International, Ltd.

W. G. Sutherland, Mgr. Rail
Offices: 10 Pemberton Ave. North Vancouver,
B.C. V7P 2R1

345 Harbour Rd. Victoria, B.C.

Seatrain Lines, Inc.

J. Hodgson, Jr., G.T.M.
595 River Rd., Edgewater, N.J. 07020

TMT Trailer Ferry, Inc.

A. H. F. Dimmling, Mgr. of Intermodal Oprns.
P.O. Box 2110
Jacksonville, Fla. 32203

Union Mechling Corp.

R. M. Tyrie, G.T.M.
1 Oliver Plaza
Pittsburgh, Pa. 15222

Western Transportation Co.

R. F. Ditewig, T.M.
550 N.W. Front Ave.
Portland, Ore. 97209