

Do not issue certificates without accurate weights.

Do not issue certificates as a “favour” to others.

Certification does not relieve loader of proper weight distribution within the Intermodal Unit.

In case of difficulties, consult a senior manager or director, or your regular claims contact at your TT Club office.

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4

Overweight Intermodal Units

The United States Federal Highway Administration implemented the Federal Motor Carrier Safety Regulations; General; Intermodal Transportation Regulation on 11 April 1997.

This Regulation, part of the Intermodal Safe Container Transportation Act, passed into Federal Law on 29 December 1994 and was subsequently amended by the 104th Congress. Following the amendment, it now requires a person or organisation tendering a loaded container or trailer to a first carrier for intermodal transportation to provide certification of the gross cargo weight of each unit that is to be carried by road in the United States of America, where this exceeds 29,000 pounds (13,154 Kilo) by means of an "Intermodal Certification".

The Intermodal Certification may accompany the Intermodal Unit or be transferred, either in writing or electronically, by each carrier to a subsequent carrier but should be with the Unit for carriage on the U.S. highways. The certification is required to be completed in the English language, and detail the following in respect of each unit and its cargo:

- The title "Intermodal Certification"
- Intermodal Unit identification number
- Actual gross cargo weight (the total weight of the cargo and its immediate packaging (including pallets but excluding the weight of the container and/or trailer)
- A reasonable description of the cargo (as it may be used in a bill of lading)
- Identity of the certifying party
- Date of certification or of transfer of the data in the certification to another document.

Certification may be made in writing or electronically and the bill of lading may be used as the certification as long as it contains the required data listed above on one page. In addition, we suggest that the seal number, where applicable, should also be shown in the certification.

The U.S. highways carrier is required to retain copies of certifications, where provided, for a

minimum period of one year. Certification is required for all Intermodal Units to be carried on the U.S. highways. A container or trailer without certification will be presumed to be below the 29,000 pound weight threshold for certification.

Where a road vehicle is proved to be overweight, the State Police Authority can impose fines on, or require a bond to be posted by the U.S. highway carrier. If fines are imposed or bonds posted, the highway carrier, under this Regulation, has a right of recourse and can exercise a lien on the goods for the repayment of the imposed bond or fines. Where this applies, the U.S. highway carrier may refuse to move the goods in order to force the owner, or beneficial cargo owner to reimburse the fines or bond value, legally however, the party transferring inaccurate information, or failing to transfer the information at all, is the liable party.

This Regulation, and the required certificate, is intended to assist the United States Federal Highway Administration reduce the amount of illegal overweight vehicles on the U.S. highways. Non-compliance resulting in fines will have a negative impact on commercial relationships.

We recommend that certificates are issued for all Intermodal Units destined for the United States of America.

Advice to Members regarding Intermodal Certification

There may be occasions where a cargo consolidator or transport operator is deemed to be the organisation issuing the original certificate. In this circumstance it would be advisable to ensure that an effective indemnity is obtained from the person supplying the weight information in order to complete the certificate accurately (this may already be in applicable trading conditions or the contract of carriage).

The certificate should accompany the unit on the U.S. highway sector-highway carriers can exercise a lien on a unit that does not have the certificate and is found to be overweight. The certificate may

be received and passed on to carriers electronically, however, the U.S. highway carrier should have the certificate in written form. When a written certificate is converted into electronic form, the person performing the conversion must certify to its accuracy.

Where the certificate is passed to successive carriers, the forwarding of the certificate does not constitute an affirmation by the forwarding carrier that the information contained in the certificate is correct.

Certificates may be incorporated into other shipping documents (bills of lading, trailer interchange receipts etc.) providing the title "Intermodal Certification" appears with the detail and all the certificate information appears on the same page. The party transferring the information from one document to another or to/from electronic means shall state on the forwarded certificate the date on which it was transferred and the identity of the party who performed the transfer.

The monetary penalties that will be imposed upon U.S. highway carriers for road violations will vary depending on the type of violation and the state in which it occurs.

Generally, where the Member is innocently responsible for an overloading, the Association will cover most costs for reimbursement of the U.S. haulier's lien when claimed by the Member's customer.

Additional Information arising from the amendment by the 104th Congress and the subsequent Security Act.

- The use of the terms FAK or Freight All Kinds to describe the contents of any container or trailer is prohibited.
- The issuance of a certificate does not replace the requirements for proper loading in containers or trailers in order to comply with the various bridge weight laws in the United States of America.

Further information, and additional copies, can be obtained from the TT Club's regional centres:

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