

*PORT OF PORT ARTHUR
NAVIGATION DISTRICT*

*TARIFF NO. 002
CANCELS
TARIFF 1-C*

*RATES, CHARGES, RULES,
REGULATIONS
AND
SERVICES AVAILABLE AT
PUBLIC WHARVES*

*ISSUED BY THE BOARD OF COMMISSIONERS
OF THE
PORT OF PORT ARTHUR NAVIGATION DISTRICT
OF JEFFERSON COUNTY, TEXAS*

REVISED DATE: August 1, 2020

ISSUED: DECEMBER 6, 1993

EFFECTIVE: JANUARY 9, 1994

PORT OF PORT ARTHUR
TARIFF NO. 002

46th Revised Page No. A

CHECK SHEET

As contained in this tariff identify the extent of revisions for each such page. The list of pages set forth below reflects current status of all such revised pages.

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PORT OF PORT ARTHUR
TARIFF NO. 002

4th Revised Page No. 2,034,001
TO: TARIFF DESTINATION SCOPE

FROM: TARIFF ORIGIN SCOPE

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4th Revised Page No. 2,034,002
TO: TARIFF DESTINATION SCOPE

FROM: TARIFF ORIGIN SCOPE

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Issued: July 27, 2020

Effective: August 1, 2020

PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION ONE

3rd Revised Page No. 2,034,003

RULES

RULE 34:

SUBRULE 1:

GULF SEAPORTS MARINE TERMINAL CONFERENCE
Federal Maritime Commission Agreement 224-200163
Approved December 2, 1988
Participating Members

- (1) Board of Commissioners of the Port of New Orleans
- (2) Board of Commissioners of the Lake Charles Harbor and Terminal District
- (3) Greater Baton Rouge Port Commission
- (4) Orange County Navigation and Port District of Orange, Texas
- (5) Mississippi State Port Authority at Gulfport
- (6) Port of Beaumont Navigation District of Jefferson County, Texas
- (7) Port of Houston Authority of Harris County, Texas
- (8) Board of Trustees of the Galveston Wharves
- (9) Alabama State Docks Department, Port of Mobile
- (10) South Louisiana Port Commission, LaPlace, Louisiana
- (11) Board of Navigation and Canal Commissioners of the Brownsville Navigation District of Cameron County, Texas
- (12) Board of Commissioners of the Port of Port Arthur Navigation District of Jefferson County, Texas
- (13) Board of Commissioners of the Tampa Port Authority of Hillsborough County, Florida
- (14) Port of Pensacola, Pensacola Florida
- (15) Panama City Port Authority
- (16) Brazos River Harbor Navigation District of Brazoria County, Texas
- (17) Port of Corpus Christi Authority
- (18) Board of Commissioners of the Jackson County Port Authority (Port of Pascagoula)
- (19) Manatee Port Authority, Palmetto, Florida
- (20) St. Bernard Port, Harbor and Terminal District, Chalmette, La.
- (21) Port of West St. Mary, Franklin, La.

NOTICE: The Gulf Seaports Marine Terminal Conference agreement permits the participating members to discuss and agree upon port terminal rates, charges, rules, and regulations. Any such rates, charges, rules, and regulations adopted pursuant to said agreement, shall be published in the respective tariffs of said members and so identified by proper symbol and explanation.

SHIPPERS' REQUESTS AND COMPLAINTS: Shippers, or other users of the facilities and services of the members of said Conference, desiring to present requests or complaints with respect to any such rates, charges, rules, and regulations adopted pursuant to said Conference agreement, should submit the same, in writing to the Chairman of the Conference, at the address below, giving full particulars, including all relevant facts, conditions, and circumstances pertaining to the request or complaint. Should further information be required by the Conference for full consideration of the request or complaint, the Conference Chairman will so advise by mail. The said Chairman will notify such shipper or complainant of the docketing of the matter and the date and time of proposed meeting and if said shipper and complainant desires to be heard, he shall make request upon the Chairman in advance of the meeting.

(C) Allen Moeller, Conference Chairman
P.O. Box 70
Pascagoula, MS 39586

PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION TWO

1st Revised Page No. 2,034,004

RULES

RULE 34:

	SUBJECT: DEFINITIONS:	ITEM
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SUBRULE 3:	(*) BONDED STORAGE: Storage accomplished under bond payable to the United States Treasury Department until cleared for entry by the United States Customs	105
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SUBRULE 7:	DOCKAGE: The charge assessed against a vessel for berthing at wharf, pier, or bulkhead structure, or bank or for mooring to a vessel so berthed.	125
SUBRULE 8:	FREE-TIME: The specified period during which cargo may occupy space assigned to it on terminal property free of wharf demurrage or terminal storage charges immediately prior to the loading or subsequent to the discharge of such cargo on or off the vessel.	130
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Issued: November 1, 2004

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PORT OF PORT ARTHUR
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SECTION TWO

1st Revised PAGE NO. 2,034,005

RULES

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SUBRULE 17:	(*) SHIPSIDE: The location of cargo within reach of ship's tackle within berth space, in accordance with the customs and practices of this port.	175
SUBRULE 18:	SHED-DEMURRAGE: A charge assessed against cargo remaining in transit sheds beyond free time allowed.	180
SUBRULE 19:	TON: A unit of weight of 2,000 pounds.	185
SUBRULE 20:	UNITIZED: The term "unitized", when applicable in this tariff in connection with loading and unloading means shipments of commodities, either pre-palletized, skidded, crated, boxed, or packaged to permit free access of forklift tines.	190
SUBRULE 21:	(*) USER: A user of the facilities owned, leased, and/or controlled by the Port Arthur Port Authority shall include any vessel or person using any Port of Port Arthur properties, facilities, or equipment, or to whom or for whom any service, work, or labor is furnished, performed, done, or made available by Port Arthur Port Authority, or any person owning or having custody of cargo moving over such facilities.	195

PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION TWO

FIRST PAGE NO. 2,034,006

RULES

RULE 34:	SUBJECT: DEFINITIONS:	ITEM
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SUBRULE 23:	AGENT OR VESSEL AGENT: The party or entity which submits the application for berth.	205
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SUBRULE 25:	(*) WHARFAGE: A charge assessed against the cargo or vessel on all cargo passing or conveyed over, onto or under wharves, or between vessels (to or from barge, lighter or water) when berthed at wharf or when moored in slip adjacent to wharf. Wharfage is solely the charge for use of wharf and does not include charges for any other service.	215
SUBRULE 26:	(*) WHARF: Any wharf, pier, quay, landing, or other stationary structure to which a vessel may make fast or which may be utilized in the transit or handling of cargo or passengers and shall include other port terminal facility areas along side of which vessels may lie or which are suitable for and are used in the loading, unloading, assembling, distribution, or handling of cargo.	220

SUBJECT: METRIC CONVERSION TABLE

SUBRULE 27:	The following table is published for convenience and as a guide for measurement conversion when necessary.	225
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<u>To Find</u>	<u>Given</u>	<u>Multiply</u>
Metric Tons	Short Tons	Short Tons by 0.907
Short Tons	Metric Tons	Metric Tons by 1.1023
Metric Tons	Long Tons	Long Tons by 1.016
Long Tons	Metric Tons	Metric Tons by 0.984
Kilos	Pounds	Pounds by 0.4536
Pounds	Kilos	Kilos by 2.2046
Cubic Meters	Measurement Tons (40 Cu. Ft.)	Measurement Tons by 1.133

(Cont'd)

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PORT OF PORT ARTHUR
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SECTION TWO

ORIGINAL PAGE NO. 2,034,007

RULES

RULE 34: (Cont'd)

SUBJECT: METRIC CONVERSION TABLE

SUBRULE 27: (Cont'd)

Measurement

Tons (40 Cu. Ft.) Cubic Meters Cubic Meters by 0.883

Cubic Meters MFBMs (Ft.B.M.
 in thousands) MFBMs by 2.36

MFBMs (Ft.B.M. Cubic Meters Cubic Meters by 0.424

in thousands)

Metric Equivalentts

1 Kilo - 2.2046 Pounds

1 Metric Ton - 1,000 Kilos

1 Pound - 0.4563 Kilos

1 CWT (U.S. - 100 Pounds) - 45.359 Kilos or 0.04536 Metric Tons

1 CWT (British - 112 lbs.) - 50.802 Kilos or 0.0508 Metric Tons

Bushel Grain (U.S.) - 60 Pounds - 27.216 Kilos

1 Cubic Meter - 35.315 Cubic Feet

1 Cubic Foot - 0.0283 Cubic Meters

1,000 Ft.B.M. - 83.33 Cubic Feet

1 Cubic Meter - 423.792 Ft.B.M.

1 Barrell (U.S. - 42 Gallons) 158.987 Liters

SUBJECT: ABBREVIATIONS AND/OR SYMBOLS

SUBRULE 28:	c	-	Cents	230
	\$	-	Dollar	
	%	-	Percent	
	(A)	-	Addition	
	(C)	-	Change in wording which results in neither increase nor reduction	
	(I)	-	Increase	
	(N)	-	New Item	
	(R)	-	Reduction	
	Cont'd	-	Continued	
	Cu. Ft.	-	Cubic Feet	
	cwt	-	Hundred pound weight	
	FMC	-	Federal Maritime Commission	
	FTZ	-	Foreign Trade Zone	
	GRT	-	Gross registered ton	
	ISO	-	Intl. Standardization Organization	
	Lbs.	-	Pounds	
	LCL	-	Less than carloads	
	LOA	-	Length-over-all	
	MFB	-	Thousand board feet	
	MT	-	Metric ton	
	NOS	-	Not otherwise specified	
	O/T	-	Other Than	
	(*)	-	The rate, rule, or regulation bearing this	

reference mark is published pursuant to agreement of
Gulf Port Members of the Gulf Seaports Marine Terminal
Conf. (See Page 2,034,001).

Issued: December 6, 1993

Effective: January 9, 1994

PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION THREE

4th Revised Page No. 2,034,008

RULES

RULE 34:

	SUBJECT: APPLICATION	ITEM
SUBRULE 29:	ACCESS TO SHIPPING DOCUMENTS: Shippers, vessels, owners, and agents will permit the Port Authority access to manifests, loading or discharge lists, rail or motor carrier freight bills or any pertinent documents for the purpose of audits to determine the accuracy of reports filed or for obtaining necessary information for correct billing of charges. They shall, within five (5) days after vessel sails, furnish the Port Authority with information on all cargo loaded or discharged as well as any other information which might be required for the accurate billing of cargo and vessel charges.	235
SUBRULE 30:	APPLICATION FOR BERTH: All steamships, their owners, or Agents, desiring a berth at the wharves shall, as far in advance of the date of docking as possible, make application in writing for same on forms prescribed, specifying the date of booking, sailing, and the nature and quantity of cargo to be handled. Application for berth to be made to the Port Authority, and will be construed by the Port Authority to mean that all rules and regulations will be complied with regardless of date of application. It shall not be incumbent upon the Port Authority to have bills for port charges signed by Masters of vessels following the request by Steamship Agent for berthing space. The Port of Port Arthur does not guarantee berth conditions to be suitable for the vessel or nature of the cargo to be loaded or discharged, and those desiring a berth should inspect the berth prior to vessel arrival to avoid delays or conflicts and use discretion when making application. Berth allocations and assignments shall be at the sole discretion of the Port of Port Arthur. The Port of Port Arthur may at any time, and from time to time, taking into consideration its customer base, types of cargo, contractual obligations, the size and frequency of vessels calling upon the Port, and such other considerations as the Port of Port Arthur may in its sole discretion deem necessary and appropriate, reconfigure and/or re-designate Port berths, including without limitation revising the Port numbering system and/or the designated lengths of the berths.	240
(A)		241
SUBRULE 30A:	VESSELS REQUIRED TO USE TUGS: All vessels docking or undocking at Port Authority berths will be required to use tug assistance, unless specifically exempted by the Port Authority Director of Operations. Failure to comply with this requirement could result in denial of a berth.	

PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION THREE

1st Revised Page No. 2,034,008A

RULES

RULE 34: (Cont'd)

SUBJECT: APPLICATION

ITEM

SUBRULE 31:

INDEMNIFICATION:

245

Each user of Port Authority facilities, equipment or property shall indemnify and hold harmless the Port Authority and its agents, employees, officers, commissioners, contractors, and representatives from and against all claims, damages (including but not limited to consequential damages), losses and expenses, including death and illness and personal injury, and damage to or loss of property and equipment, including attorney's fees and court costs arising out of or resulting from or incident to such user's operations on Port authority property, use of Port Authority facilities, and operation or use or possession of Port Authority cranes or other equipment. In any and all claims against the Port Authority, or any of its agents, or employees or officers or commissioners or contractors or representatives, by any employee of the user, anyone directly or indirectly employed by the user, or anyone for whose acts the user may be liable, the indemnification obligation under this paragraph shall not be limited in any way by any limitation on the amount or types of damages, compensation, or benefits payable by or for the Port Authority under workers' compensation acts, disability benefit acts, or other employee benefit acts.

This provision does not relieve the Port of Port Arthur from liability for its own negligence nor limit its liability in cases of its own negligence.

SUBRULE 32:

COMPLAINTS:

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All protests or complaints of any character whatsoever must be addressed to the Port Director.

SUBRULE 33:

DOCKAGE RULES: Dockage will be charged from the time a ship, boat, or barge makes fast to the wharf until the vessel vacates the berth. Shifting from one berth to another will not interrupt the time. Port Authority reserves the right to admeasure any vessel and use that measurement as the basis for dockage.

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(C)

Dockage will be charged for inland barges discharging or loading cargo directly to or from ship. For dockage charges, see Item No. 525.

PORT OF PORT ARTHUR
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SECTION THREE

3rd Revised Page No. 2,034,009

RULES

RULE 34: (Cont'd)

	SUBJECT: APPLICATION	ITEM
SUBRULE 34:	DUMPING OF OIL AND REFUSE:	260
	<p>(1) (A) It shall be unlawful to throw, discharge or deposit, or cause, suffer, or procure to be thrown, discharged or deposited, either from or out of any ship, barge or other floating craft of any kind, or from the shore, wharf, manufacturing establishment or mill of any kind, any refuse matter or other substance of any kind or description whatever into the waters of the harbor; and it shall be unlawful to deposit, or cause, suffer or procure to be deposited, material of any kind in any place, or on the bank of any water, where the same shall be liable to be washed into such water, either by ordinary or high tide, or by storms, or floods or otherwise, whereby navigation within the corporate limits of the harbor shall or may be impeded or obstructed; provided that nothing herein contained shall extend to, or apply, to or prohibit operations in connection with the improvement of the Port of Port Arthur or the construction of public works considered necessary and proper by the Port Authority and provided further that nothing herein contained shall extend to, apply to, or prohibit the depositing of any material aboved mentioned in such navigable waters within such limits as may be defined, and under such conditions as may be prescribed by the proper Officer of the United States Corps of Engineers.</p>	
	<p>(B) It shall be unlawful for any person to pump, discharge, or deposit, or to cause to permit to be pumped, discharged or deposited or to pass or allow to escape in or into the waters of the harbor any oil, spirits or inflammable liquid, or any coal tar, or refuse, or other refuse, or other carbonaceous material or substance, or any product or compound thereof, or any bilge water containing any of said materials or substances.</p>	
	<p>(C) The Port Authority assumes no liability whatsoever for any handling of cargo, fuel, bunkers or other materials of any kind whatsoever either to or from any vessels of any kind at Port Authority Facilities, and all parties involved in such operations shall be held fully liable at all times for compliance with all current (Cont'd)</p>	

PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION THREE

3rd Revised Page No. 2,034,010

RULES

RULE 34: (Cont'd)	SUBJECT: APPLICATION	ITEM
SUBRULE 34:	<p data-bbox="402 390 1377 422">DUMPING OF OIL AND REFUSE: (Cont'd)</p> <p data-bbox="402 428 1377 548">ordinances, statutes, laws and regulations of the City of Port Arthur, Jefferson County, the State of Texas, the Federal Government and any official Agencies thereof.</p> <p data-bbox="402 590 1377 1010">2. (A) The National Committee for the Prevention of Marine Pollution (NCPMP) has issued regulations to implement requirements for waste oil reception facilities. These regulations are contained in the International Convention for the Prevention of Pollution from ships (MARPOL) 73/78, Annex 1, Regulation 12. Regulation 12 requires marine terminals and ports handling tankers or ocean going ships of over 400 gross tons to have facilities for receiving vessel oil waste and slops, which MARPOL requires these vessels retain on board in lieu of discharging overboard at sea.</p> <p data-bbox="402 1052 1377 1104">(B) The Port Authority has obtained the services through contractual agreement of:</p> <p data-bbox="672 1115 1377 1241">Carotex, Inc. 1500 IntraCoastal Port Arthur, Texas 77642 Tel. (409) 962-0251</p> <p data-bbox="402 1251 1377 1304">a company approved by the U.S. Coast Guard to provide these facilities.</p> <p data-bbox="402 1346 1377 1629">(C) It is the responsibility of the vessel directly or through its agent to provide a minimum of twenty-four (24) hours advance notice, giving the amount and the waste that will be discharged upon arrival. The notice shall be given to the company approved by the U.S. Coast Guard to receive waste from vessels at the Port, who will have the facilities available for the discharge of oily residues.</p>	260

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TARIFF NO. 002

SECTION THREE

3rd Revised Page No. 2,034,011

RULES

RULE 34 (Cont'd)

SUBJECT: APPLICATION

ITEM

SUBRULE 35:

DISPOSAL OF GARBAGE: Annex V of the International Maritime Organization requires the proper disposal of garbage designated as contaminated by the Animal and Plant Health Inspection Service of the U.S.D.A.

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The Port is required to provide a ship's representative with a list and means of contacting all APHIS approved reception facilities in the area. Ship representatives are required 24 hours before entering port, to advise the Port of this special need. This also applies to medical wastes, hazardous wastes and those wastes co-mingled which require special handling.

The Port of Port Arthur is responsible for providing adequate reception facilities using its own resources or that of a third party such as a garbage trucking firm or barge company which complies with all applicable federal, state, and local laws, regulations or ordinances, including without limitations, 33 U.S.C. 1901 et seq. (The Act to Prevent Pollution from Ships); Pub. L. 100-200, including Title II (Marine Plastic Pollution and Research Control Act of 1987); regulations of the United States Coast Guard of the U.S. Department of Transportation 33 CFR. Parts 151, 155, and 158, 46 CFR Part 25 and regulations of the U. S.]Department of Agriculture 9 CFR Part 94.5, and 7C CFR Part 330.400.

Although there may be other approved facilities in the future, at the present time we have contracted with the following firm for servicing vessels and is the only firm licensed to perform services at our facility:

Triangle Marine Services
7548 Highway 87
Port Arthur, Texas 77642
Phone: (409) 679-4608

It is the responsibility of the vessel directly or through its agent to provide a minimum of twenty-four (24) hours advanced notice to the above named firm for services and direct payment for those services rendered.

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SECTION THREE

8th Revised Page No. 2,034,012

RULES

RULE 34: (Cont'd)	SUBJECT: APPLICATION	ITEM
SUBRULE 36:	<p data-bbox="396 296 1364 359">FIRE PROTECTION: Smoking is prohibited on facilities except in designated areas.</p> <p data-bbox="396 380 1364 474">The handling of explosives over port facilities requires advance notice and approval by appropriate regulatory agencies.</p> <p data-bbox="396 495 1364 590">Storage and use of fuel for machines and equipment is permitted only as designated by the port director.</p> <p data-bbox="396 611 1364 869">When welding, cutting, burning, heating or other hot work is to be done on vessels or on wharves at port facilities, a gas free certificate issued by a marine chemist must be obtained and a copy filed with the operations manager prior to commencing work. Fire watch rules of the Port Arthur Fire Department, copies of which are available from the port operations office, must be observed.</p>	270
SUBRULE 37:	<p data-bbox="396 890 1364 953">FREE-TIME: Thirty (30) days in sheds and on open wharfs. Fifteen (15) days on the upper open dock area.</p> <p data-bbox="245 957 367 991">(C) Free time begins immediately upon placement on port facilities and each 24 hours or part thereof constitutes a day's time, weekends and holidays not excluded.</p> <p data-bbox="396 1073 1364 1136">Exception: Project Cargo less than 5,000 lbs. - Free Time does not apply.</p> <p data-bbox="396 1157 1364 1188">Note: Storage and/or long term lease to be negotiated.</p> <p data-bbox="396 1209 1364 1268">After expiration of free time, demurrage will be assessed at rates shown in item No. 520.</p>	275
SUBRULE 38:	<p data-bbox="396 1289 1364 1320">GENERAL RULES APPLYING TO MACHINERY:</p> <p data-bbox="396 1325 1364 1446">All vessels, their owners, agents or stevedores, or others, hereinafter called "USER", using cranes or other equipment on the wharves are subject to the following conditions:</p> <ol data-bbox="667 1478 1364 1881" style="list-style-type: none"><li data-bbox="667 1478 1364 1600">(1) The Port Authority acts solely as the agent of the USER in engaging operators of cranes and other equipment.<li data-bbox="667 1625 1364 1881">(2) Cranes and other equipment are under the USER's supervision and orders, and USER accepts sole responsibility and liability for any damage or injury to property or persons caused by the operation, including damage to Port Authority property. (Cont'd)	280

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PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION THREE

2nd Revised Page No. 2,034,013

RULES

RULE 34: (Cont'd)

	SUBJECT: APPLICATION	ITEM
SUBRULE 38: (Cont'd)	GENERAL RULES APPLYING TO MACHINERY: <p>(3) User is required to show proof of adequate insurance protecting the operators of cranes and other equipment, the Port Authority and others from personal injury or property damage occasioned by the operation, use or possession of cranes and equipment.</p> <p>(4) The user will satisfy himself of the physical condition and capacity of cranes and other equipment and competency of the operators.</p> <p>(5) The Port Authority is not responsible for delays caused by breakdown of cranes or other equipment.</p> <p>(6) The Port Authority reserves the right to refuse to rent its cranes or other equipment, or to terminate its use or lease at any time.</p> <p>(7) Credit will be allowed for breakdowns occasioned by mechanical failure of Port Authority equipment when not due to misuse, abuse, overloading or carelessness of user. Credit will be cumulative and allowed on the basis of actual time lost.</p>	280

PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION THREE

2nd Revised Page No. 2,034,014

RULES

RULE 34: (Cont'd)

	SUBJECT: APPLICATION	ITEM
SUBRULE 39:	HARBOR OBSTRUCTIONS:	285

No piles shall be driven, nor shall any platform be erected, nor shall any filling in, or construction, repairs, alterations, removals, dredging or demolition of any kind be made on any part of the waterfront under the jurisdiction of the Port Authority without written approval therefor being first hand and obtained from the Port Authority and Engineers, United States Army. Upon information of the sinking of any boat, barge or other vessel in the channel-way of the Sabine Neches Canal or its navigable tributaries, within the jurisdiction of the Port Authority, or in any of the docks thereof, the Port Authority shall give written notice to the Owner, Master, or such other Agent having charge thereof to raise and remove such obstruction within fifteen (15) days after the date of said notice, under a penalty of \$100.00 payable to the Port Authority, and in case of refusal or neglect of the parties interested as aforesaid, to raise and remove any such obstruction within the time specified in said notice, it shall be the further duty of said Port Authority to have it raised and removed at the expense of the Owner, Master or Agent and the said boat, barge or other vessel, together with the cargo thereof shall be subject to a lien in the hands of said Port Authority until the expenses of the removing and raising shall be fully paid to it; and the said Port Authority is hereby authorized to sell at Public Auction to the highest bidder, for cash, all such property or so much thereof as is necessary to pay all the expenses of raising and removing, together with the penalty aforesaid and the cost of sale, and shall return the surplus, if any, of such sale to such person or persons as shall be legally entitled to receive the same.

The Port Authority before proceeding to sell such property as aforesaid, shall give ten days notice by printed hand bill, to be posted in conspicuous places, some of them in the immediate neighborhood of said locality, setting forth a full description of said property to be sold together with the same time and place of selling same.
(Cont'd)

PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION THREE

4th Revised Page No. 2,034,015

RULES

RULE 34: (Cont'd)	SUBJECT: APPLICATION	ITEM
SUBRULE 39:	HARBOR OBSTRUCTIONS: (Cont'd) Should the sum realized from such sale be insufficient to pay all of the expense of said sale, then and in such case, said Port Authority shall require the Agent or Owners to pay the deficit.	285
SUBRULE 40:	HEALTH REGULATIONS: The Port facilities shall comply with all United States Public Health Service Regulations applying at this Port.	290
SUBRULE 41:	SUBRULE 41: INSURANCE	295

Unless otherwise agreed upon by the Port of Port Arthur, each User shall provide and maintain at its own expense minimum insurance coverage as set forth below as is necessary to protect against all claims for damages, risks of losses and contractual indemnities covered by this Tariff, and shall secure and maintain policies with the minimum limits and other requirements set forth below.

All insurance must be written by an insurer licensed to conduct business in the State of Texas unless otherwise permitted by the Port of Port Arthur and be policies of insurance satisfactory to the Port of Port Arthur. Any insurer must waive its rights of subrogation against the Port of Port Arthur as obligated by written contract to provide such waiver, but only to the extent of such obligation and only with respect to operations by or on behalf of the User at the facilities of the Port of Port Arthur. The Port of Port Arthur must be named as an additional insured on each necessary policy of insurance. Any required policy of insurance shall provide that any change restricting or reducing coverage or any cancellation shall not be valid as respects the Port of Port Arthur's interest therein until the Port of Port Arthur has received 30 days' notice in writing of such such change or cancellation.

The Port of Port Arthur reserves the right to demand that any insurer furnish to the Port certificates of insurance reflecting insurance coverage in accordance with the requirements of this Tariff. However, failure of the Port of Port Arthur to demand such certificates shall not be deemed a waiver of the User's obligation to provide insurance coverages as prescribed in this Tariff. In the event that the User fails to perform any of its obligations hereunder with respect to insurance, with or without the knowledge or consent of the Port, then the User shall itself be an insurer to the extent it has failed to perform such obligations.

Each User shall be solely responsible for obtaining , at its own expense, any insurance covering any loss or damage to the User's cargo or the User's other property.

The following are the minimum insurance coverages required under this item:

(Cont'd)

PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION THREE

Original Page No. 2,034,015A

RULES

RULE 34: (Cont'd)

SUBJECT: APPLICATION

ITEM

SUBRULE 41: INSURANCE: (Cont'd)

295

1. Standard Texas Worker's Compensation Insurance as required by law and applicable regulations to cover employees of the User engaged in the performance of all work at the Port of Port Arthur.
2. Employer's Liability Insurance including Occupational Disease with limits not less than the following:
 - a) per accident \$1,000,000
 - b) per occurrence \$1,000,000
 - c) disease \$1,000,000
3. U.S. Longshoremen's and Harbor Worker's Act and Admiralty Coverage (if any operation involves the use of any thpe of watercraft, all or some of the following coverage may be required).
 - a) In the event the User is required to provide coverage pursuant to this section such insurance on waterborne vessels shall comply with the following requirements:
 - (1) If the User uses a chartered waterborne vessel in the operations hereunder, the User shall provide Certificates of Insurance evidencing that the User has procured Charter's Legal Liability Insurance, including full Maritime Employers Liability and Collision and Tower's Liability, covering bodily injury and property damage with a combined single limit of at least \$1,000,000 or the value of the Vessel, whichever is greater;
 - (2) If the User uses an owned waterborne vessel in the operation hereunder, the User shall provide Certificates of Insurance evidencing that the User has procured Hull and Machinery Insurance, including full Collision and Tower's Liability and protection and Indemnity Insurance (including crew) covering bodily injury and property damage, each with a combined single limit of at least \$1,000,000 or the value of the vessel, whichever is greater.
4. Commercial General Liability on Comprehensive Form ("XCU")
 - a) Insurance policies shall be written on an "occurrence form" rather than a "claims made form" and shall include:
 - (1) Broad Form Property Damage,
 - (2) Operations - Premises Liability,
 - (3) Independent Contractors Liability - Broad Form,
 - (4) Coverage must contain a "Borrowed Servant" endorsement providing that a claim brought against the Port by an employee of the User as "borrowed servant" will be treated as a claim against the User,
 - (5) Personal Injury Liability extending to claims arising from employees of the User,
 - (6) Completed Operations and Products Liability,
 - (7) Deletion of the exclusions applying to explosions, collapse and underground (XCU) hazards, and
 - (8) Deletion of the exclusions applying to User's liability with respect to having Care, Custody, or Control of any port property or premises.
 - b) Insurance policies shall reflect limits of liability of not less than the following:
 - (1) Combined Single Limit \$1,000,000

(Cont'd)

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PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION THREE

7th Revised Page No. 2,034,016

RULES

RULE 34: (Cont'd)

SUBJECT: APPLICATION

SUBRULE 41:

INSURANCE: (Cont'd)

- | | |
|---|-------------|
| (2) General Aggregate | \$2,000,000 |
| (3) Products - Completed Operations Aggregate | \$1,000,000 |
| (4) Personal and Advertising Injury | \$1,000,000 |
| (5) Each Occurrence | \$1,000,000 |
| (6) Fire Damage (Any One Fire) | \$500,000 |

5. Comprehensive Automobile Liability (Owned, hired and non-owned vehicles)
Combined Single Limit \$1,000,000
6. Contractual Liability Insurance covering the indemnity provision of the Tariff in same amount and coverage as provided for Commercial General Liability Policy.
7. Owner's Protective Liability naming the Port, its officers, agents and employees as insured in the same amount and coverage as provided for Commercial General Liability Policy.
8. Umbrella Policy \$5,000,000 (applicable to comprehensive general liability, employer's liability, automobile liability and admiralty/marine coverages, if applicable).

SUBRULE 41A:

RESPONSIBILITY FOR PROPERTY DAMAGE

296

(A) Users of the facilities of the Port Authority shall be held responsible for all damage to property of the Port Authority or for claims of property damage made against the Port Authority by any user of the Port's facilities occasioned by them, and any such damage shall be repaired, with the costs of the repairs billed against the user responsible for such damage at cost plus twenty percent (20%). Users of the facilities of the Port Authority shall be responsible for any and all expenses incurred by the Port Authority in investigating incidents of potential damage to property of the Port Authority or in investigating claims of damage to property made by any user of the Port's facilities, regardless of whether any damage is actually discovered as a result of the investigation. This shall include, but is not limited to, expert and legal expenses and fees incurred by the Port Authority in conducting inspections of potential damage.

(B) In any legal action brought by the Port Authority to enforce the terms of this tariff, including any action to recover for damages to property of the Port Authority or a user of the Port's facilities, or expenses related to or incurred in the investigation of potential damage to property of the Port Authority, or a user of the Port's facilities, caused in whole or part by a user of the facilities, the Port Authority shall be entitled to recover from the user its attorney fees, costs and expenses reasonably incurred in connection with such legal action.

PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION THREE

1st Revised Page No. 2,034,017

RULES

RULE 34: (Cont'd)

	SUBJECT: APPLICATION	ITEM
SUBRULE 42:	<p>LINE HANDLING: The service of line handling for mooring, unmooring, and shifting of vessels is performed by the Port of Port Arthur. Charges for these services are published in Item No. 550.</p> <p>Vessel's agents must place an order with the Port at least two hours in advance and specify the time and wharf at which line handling is required. Orders may be cancelled up to two hours prior to the time at which the service is required, or charges will be assessed.</p> <p>The steamship owner or charterer is responsible for payment of all charges for line handling, and billing will be against the vessel.</p> <p>All charges not paid by the vessel, its owner or charterer will be billed to the vessel agent.</p>	300
SUBRULE 43:	<p>LOADING OR UNLOADING: The service of loading/unloading cargo to/from rail cars and trucks will be performed by the Port Authority or its authorized contractors. The Port requires scheduling in advance of all receipts and delivery of breakbulk cargo by rail cars or trucks. Cargo to be loaded or unloaded on Saturday, Sunday or Monday must be scheduled by 3:00 p.m. the preceding Friday. Trucks that arrive after their scheduled time slot or without a scheduled time slot will be considered unscheduled and may not be serviced immediately. The Port will make every attempt to serve unscheduled or late trucks during the day of arrival, but this cannot be guaranteed.</p> <p>The Port Authority reserves the right to require overtime if loading or unloading of cars or trucks cannot be performed during straight time. Additional services performed in overtime status are published in Subrule 93.</p>	305
SUBRULE 44:	<p>PALLETS: The Port Authority's loading/unloading contract stevedore is required to furnish pallets on which cargo will be placed in transit sheds.</p> <p>The stevedore named to load the cargo aboard ship will then have use of the pallets and is responsible for returning empty pallets to the shed.</p>	310

PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION THREE

2nd Revised Page No. 2,034,018

RULES

RULE 34: (Cont'd)	SUBJECT APPLICATION	ITEM
SUBRULE 44:	PALLETS: (Cont'd) To reimburse loading/unloading contractors for stacking cargo in ship's berth and for use of pallets, a charge will be assessed by the contractor against the stevedore for loading the vessel. Charges will be invoiced to the stevedore loading the vessel with appropriate invoices submitted by the loading/unloading contractor. Payment of charges will be required within ten (10) days after receipt of invoices. Invoices outstanding in excess of thirty (30) days will result in loss of credit and all future shipments will require payment in advance of release of cargo to loading stevedore. See Item No. 505 for pallet charges.	310
SUBRULE 45:	PARKING AREA: Personal vehicles will not at anytime be allowed to be parked inside the transit shed. Parking of personal vehicles will be confined to designated areas so as to not interfere with cargo operations as determined by Port Authority. Violations of this rule will eliminate the privileges of individuals parking personal vehicles within the fence line of the Port facility.	315
SUBRULE 45A:	SMOKING: It shall be unlawful for any person to smoke or to light any match upon or in any Port facility where such is prohibited by the Port of Port Arthur, the Port Arthur Fire Department or the United States Coast Guard. Smoking will only be permitted in Port Authority designated areas.	316
SUBRULE 46:	LIABILITY FOR CARGO AND OTHER PROPERTY: (A) Except in cases of its own liability, the Port Authority shall not be liable for any loss or damage to any cargo handled over or through its facilities or store in its facilities resulting from fire, water, collapse of buildings, sheds, platforms or wharves, settling of floors or foundations, breakage of pipes or for loss or damage caused by rats, mice, moths, weevils, or other animals or insects, frost or the elements, nor shall it be liable for any delay, loss or damage resulting from strikes, tumult, insurrection or acts of God. (B) The Port Authority is not a common carrier and does not accept care, custody or control of any cargo or other property while on or in the wharves, docks, transit sheds, warehouses or other facilities managed and controlled by the Port, nor engaged in warehousing or issue warehouse receipts.	320

PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION THREE

2nd Revised Page No. 2,034,019

RULES

RULE 34: (Cont'd)	SUBJECT: APPLICATION	ITEM
SUBRULE 47:	QUOTATIONS OF SPECIAL CHARGES RULES OR REGULATIONS: The Port Authority may quote special charges, rules, or regulations to government agencies or charitable organizations which will be duly filed with the Federal Maritime Commission as required under the Shipping Acts of 1916 and 1984.	325
SUBRULE 48:	ENFORCEMENT OF TARIFF: In any legal action brought by the Port Authority to enforce the terms of this tariff, including any action to recover damages to property of the Port Authority, caused in whole or in part by a user of the facilities, the Port Authority shall be entitled to recover from the user its attorney fees, costs and expenses reasonably incurred in connection with such legal action.	330
SUBRULE 49:	RESPONSIBILITY FOR CLEANING FACILITIES: All users of Port Authority facilities are held responsible for cleaning the facilities after using them. The Port Authority reserves the right to clean and sweep such facilities, and charges for the service are based on the amount of cargo loaded or discharged. See Item No. 470 for charges.	335
SUBRULE 50:	RULES FOR CARGO RECEIPTS AND RESPONSIBILITY OF STEAMSHIP OWNER AND/OR THEIR AGENT FOR CARGO Cargo placed in ship's berth shall be considered in full custody of the Steamship Owner and/or agent until removed. This applies to both inward and outward cargo, regardless of whether same has been duly receipted for, to its owners by the steamship carriers or their agent. (A) Steamship owners and/or their agents are expected to furnish the service of dock clerks to owners of cargo for same when it is received and unloaded by the Port Authority. In the absence of such service, the provisions of Subrule 46, Item 320 shall govern. (B) When outward cargo for a specified vessel arrives and is unloaded by the Port Authority prior to request for assignment of berth as provided in Subrule 30, Item 240 such cargo will (Cont'd)	340

PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION THREE

2nd Revised Page No. 2,034,020

RULES

RULE 34: (Cont'd)	SUBJECT: APPLICATION	ITEM
SUBRULE 50: (Cont'd)	RULES FOR CARGO RECEIPTS AND RESPONSIBILITY OF STEAMSHIP OWNER AND/OR THEIR AGENT FOR CARGO be held at the sole risk and responsibility of the lifting vessel, its Owners and/or Agent, regardless of when berth is requested or assigned and subject to the same conditions defined in Paragraph (A) hereof.	340
SUBRULE 50A: (N)	SEGREGATION OF CARGO: 1. Vessels discharging cargo at Port Authority wharves must tender such cargo in separate lots as identified by applicable ocean bills of lading and marks. 2. The Port Authority shall have the right of refusal to handle cargo not properly segregated by Vessel, but will upon its election and at specific request of Vessel, perform segregation at actual cost of such service, plus 20 percent 3. Further segregation performed to comply with loading and/or delivery instructions will be performed at expense of party requiring same at actual cost of such service plus 20 percent.	341
SUBRULE 50B:	DEMURRAGE OR DETENTION: The Port Authority is not responsible for any delays, detention or demurrage on railcars, vessels, or trucks. Parties responsible for ordering and/or scheduling vessels, railcars or trucks shall be responsible for the payment of rail demurrage, vessel demurrage or truck detention, which is caused by or arises out of, directly or indirectly, the ordering and/or scheduling of vessels, railcars or trucks, and such parties will indemnify and hold harmless the Port for any rail demurrage, vessel demurrage or truck detention, and related costs and expenses, including attorney's fees court costs, caused by or arising out of such parties' ordering and/or scheduling of vessels, railcars or trucks. Nothing contained herein shall be deemed to exculpate or relieve the Port from liability for its own negligence. (Issued in compliance with FMC Regulation 46 CFR §525.2 (a) (1)).	342
SUBRULE 51:	Cancelled. For rules and rates governing Port Arthur International Seafarer's Center, please see Subrule 95.	
SUBRULE 52:	SHED HIRE: Shed/wharf hire will not be charged: (1) Vessels not loading or discharging cargo. (2) When cargo is loaded/discharged directly to/from ships or barges and cars or trucks.	350
SUBRULE 53:	STEVEDORES: Stevedoring companies desiring to operate over the public wharves must file an application with the Port Authority and must furnish Certificates of Insurance on their Workemens' Compensation and Employers' Liability; Automobile Bodily Injury and Property Damage, Comprehensive General Liability and U.S. Longshoremen and Harbor Workers Act. The Port Authority reserves the right to establish minimum coverage limits. Rules and conditions are on file in the Port Authority office. Stevedores operating over the public wharves will be assessed a dock operation charge, which is in addition to wharfage, handling and any other charges provided herein, and will be required to post a franchise fee. The dock operations charge will be assessed according to the aggregate total of cargo handled, import, export or domestic. Franchise fee and dock operating charges are not yet in effect.	355
SUBRULE 54:	STEVEDORE EQUIPMENT: Stevedores are responsible for cleaning up their work areas and keeping these areas in a safe, clean condition. If not practical to remove forklifts, cranes and others equipment daily, this equipment will be stored and maintained in an area designated by the Port Authority.	360

PORT OR PORT ARTHUR
TARIFF NO. 002

SECTION THREE

3rd Revised Page No. 2,034,021

RULES

RULE 34: (Cont'd)

	SUBJECT: APPLICATION	ITEM
SUBRULE 55:	STORAGE: The Port Authority does not engage in the business of storing or housing any cargo. The Port Authority will not permit cargo to remain on its premises for an unlimited time regardless of such rates and charges published herein. The Port Authority reserves the right to take and retain possession of all cargo until charges are paid in full, and also reserves the right to sell cargo for unpaid terminal charges according to law. The Port Authority shall not be responsible or liable for any direct or consequential damages to cargo resulting from exercising its rights under this provision.	365
SUBRULE 55A	OUTSIDE STORAGE OF CARGO: When in the judgement of Port Authority it becomes necessary to relieve actual or threatened congestion of Port Authority warehouse facilities, the Port Authority reserves the right to place cargo outside of its warehouse facilities at the sole risk and responsibility of the owner and/or owner's representative of the cargo. In addition, the provisions outlined in Item 365 will apply.	365A
SUBRULE 56:	DELETED	370
SUBRULE 57:	VESSELS REQUIRED TO WORK OVERTIME: When in the Port Director's judgment, it becomes necessary to expedite the business of the port or to relieve actual or threatened congestion, the Port Director may order a vessel to work overtime at the expense of the vessel to the extent required to achieve these purposes. Failure of a vessel to work overtime to the extent ordered by the Port Director shall subject the vessel, its owners, charterers and agents to additional dockage charges of \$500.00 per hour or fraction thereof. If a vessel elects to vacate its berth prior to complying in full with the Port Director's order concerning overtime work, the vessel shall continue to be assessed the aforementioned dockage charges to the same extent as though the vessel had not vacated its berth, and such charges shall continue until the vessel returns to berth (Cont'd)	375

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PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION THREE

5th Revised Page No. 2,034,022

RULES

RULE 34: (Cont'd)	SUBJECT: APPLICATION	ITEM
SUBRULE 57:	VESSELS REQUIRED TO WORK OVERTIME (Cont'd) and commences overtime work as ordered by the Port Director.	375
SUBRULE 57A:	BARGES REQUIRED TO MAINTAIN TUG ASSISTANCE Barges when moored alongside vessel engaged in direct cargo transfer must maintain tug assistance while involved in this activity at the expense of the owner operator.	376
SUBRULE 57B:	BARGES MOORED ALONGSIDE VESSELS BERTHS 1 & 2 (N): To ensure safe and unimpeded vessel movements on the waterway in front of the Port of Port Arthur, barge operations will be restricted at Port Authority Berths 1 & 2. Barges will not be permitted to moor alongside vessels in Berths 1 & 2 for the purpose of conducting any activity.	377
SUBRULE 58:	WORKING HOURS: The regular working hours of the Port Authority are from 8:00 a.m. to 12 Noon and from 1:00 p.m. to 5:00 p.m. Monday through Friday, holidays excepted. Services performed during these hours will be billed at applicable straight time charges, except as otherwise shown.	380
SUBRULE 58A:	USE OF PORT FACILITIES: Any stevedoring company or contractor wishing to operate private equipment over Port docks or within the terminal/berth area will be required to meet the following criteria: (1) The stevedoring company or contractor shall furnish to the Port Director, Certificates of Insurance on their Workmens' Compensation and Employer's Liability and other insurance as described in Item 295. (2) The stevedoring company or contractor agrees to provide adequate and experienced waterfront supervision to ensure that its employees follow the safety rules and regulations of the Port as they pertain to their cargo operations. (3) The stevedoring company or contractor shall furnish longshoreman equipment for cargo handling that is in proper working condition, i.e. brakes, hydraulics, tires, etc. All equipment used for cargo handling will be appropriate for that specific job or task. (4) Any equipment used for cargo handling that is found not to be in proper operating condition shall be red-tagged by port representative, removed from port property immediately and shall not be returned for use until satisfactory evidence of repairs is received by the Port Director. (5) No stevedoring company or contractor will be permitted to repair or perform maintenance on equipment on either front or back apron area. All equipment repairs must be performed in area designated by the Port Director. (Cont'd)	381

PORT OR PORT ARTHUR
TARIFF NO. 002

SECTION THREE

2nd Revised Page No. 2,034,022A

RULES

RULE 34: (Cont'd)

SUBJECT: APPLICATION	ITEM
SUBRULE 58A: USE OF PORT FACILITIES (Cont'd)	381
<p>(6) The stevedoring company or contractor recognizes and agrees that its use of port facilities is a limited privilege which carries responsibility and liability of repairing and/or replacing all equipment owned or leased by the Port and which are damaged and/or destroyed by the stevedore's or contractor's employees. The stevedoring company or contractor also has the responsibility of reporting such damage and/or destruction immediately after the accident.</p>	
<p>(7) Any stevedoring company or contractor found not complying with these conditions willfully or through negligence shall be placed on notice to rectify the situation. Failure to do so may result in their ability to operate within the Port facilities being cancelled thirty (30) days from date of notice issued by the Port Director.</p>	
<p>(8) These conditions are made part of the agreement to allow stevedoring company or contractor to perform work at port facilities.</p>	
SUBRULE 58B: PAYMENT OF CHARGES: (N)	382
<p>The Port Authority does not recognize the numerous shippers, receivers or consignees and cannot attempt to collect or assist in collecting any port invoices or bills which may be passed on to shippers and consignees by the vessel, its Owners and/or Agent. Such bills are due when presented to the vessel and must be paid regardless of when the vessel, its Owners and/or Agents are reimbursed.</p>	
<p>The Port Authority reserves the right to estimate and collect in advance all charges which may accrue against vessels, their Owners and/or Agents, or against cargo loaded or discharged by such vessels, or from other users of the facilities of the Port Authority, whose credit has not been properly established with the Port Authority or who are habitually on the Delinquent List. Use of such facilities may be denied until such advance payments or deposits are made.</p>	
SUBRULE 58C: UNCLAIMED CARGO OR MERCHANDISE (N)	383
<p>The Port Authority reserves the right to sell for accrued charges any cargo or merchandise which is unclaimed or refused by consignees, shippers, owners of agents, after due notice has been mailed or delivered to such known parties. Any excess funds received as a result of such sale will be remitted to the last owner of record upon submission of appropriate proof of ownership and released.</p>	

PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION FOUR

16th Revised Page No. 2,034,023

RULES

RULE 34: (Cont'd)						
SUBJECT: HANDLING AND WHARFAGE CHARGES IN CENTS PER 2000 LBS. OR METRIC TONS OF 1000 KILOS EXCEPTED AS NOTED:						
						ITEM
COMMODITY		LDG/UNLDG		WHARFAGE		
		M/T	S/T	M/T	S/T	
SUBRULE 59: DELETED						385
SUBRULE 60: (A) Automobiles and trucks (passenger and freight) tractors, trailers, crated or uncrated, bodies and parts:						390
(I)		18.72	16.98	2.22	2.01	
(B) When rolled or towed on or off flatbed or multilevel railcars or highway trucks without use of crane:						
		14.90	13.52	2.22	2.01	
SUBRULE 61: All bagged commodities for human consumption:						395
	Pounds	Kilos				
(I)	Not over 52	23.59	8.89	8.06	1.70	1.53
	Over 52	23.59	8.29	7.52	1.70	1.53
All other bagged commodities:						
	Not over 52	23.59	13.24	12.01	1.70	1.53
	Over 52	23.59	8.71	7.90	1.70	1.53
SUBRULE 61A: Metal articles, unitized or palletized for forklift handling:						396
(I)			5.96	5.41	1.49	1.35
SUBRULE 62: Bulk cargoes: dry:						400
(I)					1.76	1.60
SUBRULE 63: Bulk cargo: liquid						405
(I)				3.04	2.76	
SUBRULE 64: Commodities not otherwise shown, loose or in packages:						410
(I)			24.38	22.12	3.75	3.40
	On Pallets or pre unitized:					
	500 -1500 lbs.	226.8 - 680.4 kgs.	14.33	13.00	2.68	2.43
	1501 & Over	680.4 & Over kgs	13.69	12.42	2.68	2.43

Note 1: Not subject to Item 550.

Note 2: Not applicable on vans, automobiles, trailers, including military ordnance vehicles.

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PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION FOUR

14th Revised Page No. 2,034,024

RULES

RULE 34 (Cont'd):

SUBJECT: HANDLING AND WHARFAGE CHARGES IN CENTS PER
2000 LBS. OR METRIC TONS OF 1000 KILOS
EXCEPT AS NOTED:

ITEM

	COMMODITY	LDG/UNLDG		WHARFAGE		
		M/T	S/T	M/T	S/T	
SUBRULE 65:	Construction, mining and road building machinery, parts and related components, backhoes, bulldozers, construction dump trucks, truck and crawler drilling units, wheeled scrapers, parts and components or miscellaneous commodities comprising part of a project: (See Subrule 64)					415
	Not subject to Item 550.					
(I)	Self-propelled cargo, received/delivered by driver to/from point of rest:	111.24		3.00	2.72	

SUBRULE 66: Containerized Cargo: 420

The following charges apply on containers or chassis, not exceeding:
45 feet in length or loaded in excess of rated capacity:

		PER UNIT	PER UNIT
(I)	Lifting from land transport & placing on dock:	69.00	22.00
	Lifting from dock to land transport:	69.00	22.00
	Lifting direct from rail to truck or from truck to rail:	91.00	22.00

Note: Rates also apply on empty containers.

Stuffing Containers:

Cost plus 20%

ILA guarantee/standby time
will apply in addition to above rates.

SUBRULE 67: DELETED 425

SUBRULE 68: DELETED 430

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PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION FOUR

16th Revised Page No. 2,034,025

RULES

RULE 34 (Cont'd):

SUBJECT: HANDLING AND WHARFAGE CHARGES IN CENTS PER
2000 LBS OR METRIC TONS OF 1000 KILOS EXCEPT
AS NOTED:

ITEM

COMMODITY	LDG/UNLDG		WHARFAGE		
	M/T	S/T	M/T	S/T	

SUBRULE 69: FOREST PRODUCTS: 435

Note 1: The following rates apply only when cargo is presented for loading/unloading in condition that allows normal forklift handling. If the load shifts in transit, is not properly secured, banded, stripped or for whatever reason is not able to be handled by normal forklift means, the entire car or truck will be set aside and handled at actual cost plus 20%.

Note 2: If removal of lifting bands/wires are required, prior to loading to truck or railcar, an additional charge of \$1.03 per short ton applies for disposal thereof.

(N)	Timber Mats - Throughput rate per railcar / rail to truck			900.00	per railcar
	Export Paper Products:				
(I)	On skids or pallets:	6.78	6.15	1.72	1.56
	Rolls	7.61	6.90	1.72	1.56
	Export Wood Products:				
(I)	Unitized suitable for machine handling	6.56	5.95	1.72	1.56
	Imported Paper Products:				
(I)	On skids, pallets or rolls	7.61	6.90	1.72	1.56
(I)	Newsprint	7.61	6.90	1.72	1.56
	Tissue/Copy Paper				
(I)	skids, pallets or rolls	9.56	8.49	1.72	1.56
	Imported Wood Products:				
(I)	Unitized suitable for machine handling	7.84	7.11	1.72	1.56
	Forest Products, i.e., sticker/pallet stock, pinus, etc. less than six feet and/or over 250 piece count per bundle:			cost plus 20%	
	Fibrewood, Gypsum Board, Hard Board, Landscape Timber, Lumber, Plywood, Particleboard, Wafer Board, Wall Board				
	In bundles for machine handling				
(I)	From/To flat bed trucks or rail flat cars.....	7.84	7.11	1.72	1.56
(I)	From/To vans or rail box cars.....	11.10	10.07	1.72	1.56

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PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION FOUR

19th Revised Page No. 2,034,026

RULES

RULE 34:(Cont'd)

SUBJECT: HANDLING AND WHARFAGE CHARGES IN CENTS PER
2000 LBS. OR METRIC TONS OF 1000 KILOS EXCEPT
AS NOTED:

ITEM

COMMODITY	LDG/UNLDG		WHARFAGE	
	M/T	S/T	M/T	S/T

SUBRULE 69: (Cont'd)

FOREST PRODUCTS

Surcharge for readjusting truck weight to
meet compliance with DOT regulations: \$100.00 per truck

(I)	Woodpulp, loose bales: Unitized, not less than 2000 pounds unit	9.94	9.02	1.72	1.56
	2000 pounds unit	7.64	6.93	1.72	1.56
	In rolls:	6.69	6.07	1.72	1.56

SUBRULE 69 A: DELETED 436

SUBRULE 70: PROJECT CARGO, VIZ: 440

(I)	Including but not limited to: Contractor Equipment, Cranes, Machinery, Materials, Supplies, Tractors, Trucks, Vehicles	16.24	14.73	3.04	2.76
-----	---	-------	-------	------	------

(I)	Drive in and drop or winch off: Per Unit		216.00	3.04	2.76
-----	---	--	--------	------	------

(I)	Preunitized or palletized: suitable for forklift handling	11.14	10.11	3.04	2.76
-----	--	-------	-------	------	------

All heavy lift charges to capacity of port owned equipment (150,000 pounds)
are included in rates provided.

Note: Rates in this item apply only when delivery orders, instructions or
other international documents specify that cargo is a designated
project or part of such project.

(I)	Note: Fifteen (15) days free time. After expiration of free time, \$.55 per ton per day				
-----	--	--	--	--	--

SUBRULE 71: IRON OR STEEL OR ALUMINUM ARTICLES VIZ: 445

(I)	Beams, Billets, Blooms, Coils, Ingots, Rebars, Slabs	8.12	7.37	2.51	2.28
-----	---	------	------	------	------

1) Applies from area of open dock
referred to as asphalt area.

Pipe, loose no to exceed 40
feet in length:

Pipe in bundles not to exceed 40
feet in length:

(N)	Pipe over 40 feet must call Port for rates.				
-----	---	--	--	--	--

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PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION FOUR

17th Revised Page No. 2,034,027

RULES

RULE 34 (Cont'd)

SUBJECT: HANDLING AND WHARFAGE CHARGES IN CENTS PER
2000 LBS. OR METRIC TONS OF 1000 KILOS EXCEPT
AS NOTED:

	COMMODITY	LDG/UNLDG		WHARFAGE		ITEM
		M/T	S/T	M/T	S/T	
SUBRULE 71: (Cont'd)						
	Cargo transferred between vessels/ barges, rail cars/trucks and not coming to rest on dock:			3.29	2.98	
(I)	Piling, Plate, Wire Rod Coils			Contact Port for Rates		
	Scrap Iron			3.56	3.23	
	Sheets In Coils	8.28	7.51	3.04	2.76	
	Sheets In Packages	9.23	8.37	3.04	2.76	
	Railway rails:					
	Loose:	19.49	17.68	3.04	2.76	
	Bundled and strapped, not to exceed 40' in length:	7.45	6.76	3.04	2.76	
	Exceeding 40' in length:	11.39	10.33	3.04	2.76	
	Structural	13.96	12.66	3.04	2.76	
Note 1: The Above Rates Apply Only When Cargo Is Presented For Loading/Unloading In Condition That Allows Normal Forklift Handling						

SUBRULE 72: Marble, granite, onyx or stone in blocks 450

(I) Pieces or slabs 6.18 5.67 2.04 1.85
Not subject to Item 550

SUBRULE 73: Military Vehicles and Ordnance Cargo Only, Viz: 455

(I) Tracked Vehicles: Under 50,000 lbs. \$ 88.58 ea. \$ 2.10
Over 50,000 lbs. \$ 259.56 ea. \$ 2.10

Construction equipment:
Driven to/from rail or truck \$ 63.86 ea. \$ 2.10
Lifted to/from rail or truck \$ 91.67 ea. \$ 2.10

Military Vehicles, N.O.S.
Driven to/from rail or truck
0 - 200 units \$ 31.93 ea. \$ 2.10
201 units & over per day \$ 31.93 ea. \$ 2.10
Lifted to/from rail or truck \$ 79.31 ea. \$ 2.10

Towed to/from rail or truck \$ 63.86 ea. \$ 2.10

Trucks, HUMVEES and light wheeled
vehicles, driven in/out of port (convoy):
1 - 50 units per day \$ 18.54 ea. \$ 2.10
51 units and over per day \$ 18.54 ea. \$ 2.10

Drive-in/Drop-off: Winch-on/Winch off \$ 23.69 ea. \$ 2.10

Privately owned vehicles(POV) per piece:
Loaded/Unloaded to/from car carriers
only \$ 41.20 \$ 3.61
Loaded/Unloaded to/from containers
only \$ 126.69 \$ 3.61

PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION FOUR

4th Revised Page No. 2,034,027A

RULES

SUBRULE 73:			455
(I)	Skid motorcycles	112.54 ea.	2.15
	Unskid motorcycles	61.68 ea.	2.15
	Wash POV	29.87 ea.	2.15
	Household goods/personal effects/ military machinery and equipment: In boxes or crates suitable for forklift handling	12.36 ea.	2.15
	Stuffed, with forklift, into military van or conex	191.58 ea.	2.15
	Stuffed, with forklift, in 20' container	215.27 ea.	2.15
	Stuffed, with forklift, in 40' container	309.00 ea.	2.15
	Note 1: See item 475 for securing mili .		
	Container, van, conex throughput	67.98 ea.	2.15
	Chassis receipt/dely	22.66 ea.	2.15
	Container, van on chassis	50.47 ea.	2.15
	Segregate containers	37.08 ea.	2.15
	Aircraft, driven or towed on/off receiving/ delivering carrier, flown in or out of terminal	28.84 ea.	2.15
	Lift on/off receiving /delivering carrier	191.58 ea.	2.15
	Boxed/crated parts	7.73 ea.	2.15
	Tow machine to move military aircraft and vehicles : Cost plus twenty (20%) percent		
	Note 2: Ten (10) days free time. After expiration of free time, \$12.00 per day.		

SUBRULE 74: DELETED 460

SUBRULE 75: DELETED 465

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PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION FIVE

13th Revised Page No. 2,034,028

RULES

RULE 34 (Cont'd)		ITEM
SUBJECT: MISCELLANEOUS CHARGES		
SUBRULE 76: CLEANING: VIZ		470
(A) 0 tons & under 2500 tons:	1236.00	
2500 tons & under 5000 tons:	1339.00	
5000 tons & under 7500 tons:	1442.00	
7500 tons & under 10,000 tons:	1545.00	
10,000 tons & under 15,000 tons:	2060.00	
15,000 tons & under 20,000 tons:	2575.00	
20,000 tons & under 25,000 ton:	3605.00	
25,000 tons & under 30,000:	4635.00	
30,000 tons & over	6180.00	
SUBRULE 77: MISCELLANEOUS SERVICES:		475
Loading/unloading charges published in this tariff do not include the services of sorting, marking, replacing bands, blocking, bracing, securing, or furnishing dunnage or other materials used in performing these services. If required and authorized by the shipper or his agent, the labor and materials used in performing these services will be billed at actual cost plus 20%.		
SUBRULE 78: TERMINAL USAGE:		480
The Port Authority will assess and collect a terminal and maintenance charge of \$2.00 per car for each and every line haul rail car and a similar charge of \$.50 per car for each and every railroad car in switch movement other than reciprocal switch movement, that is loaded or unloaded, which charges shall be assessed against all authorized contractors, stevedores, steamship agents, railroads, or lessees of Port property, engaged in loading and unloading such cars on port property trackage.		
SUBRULE 79: CANCELLATION OF ORDERS:		485
When application has been made for use of any freight handling equipment, and order has been cancelled, after such equipment has been made ready for use, the minimum charge for such equipment shall apply.		
SUBRULE 80: TIME BEGINS AND ENDS:		490
Orders for equipment must be for a specific time and will be filled in on the order received. The charge for rental of freight handling equipment shall begin when the (Cont'd)		

Issued: November 1, 2018

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PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION FIVE

12th Revised Page No. 2,034,029

RULES

RULE 34 (Cont'd)

SUBJECT: MISCELLANEOUS CHARGES

ITEM

SUBRULE 80: TIME BEGINS AND ENDS

490

(Cont'd) equipment is ordered and shall end when equipment is turned back to the Port Authority. When equipment is ready but is not used, called for or ordered out, charge shall begin at the time the equipment is specified to be ready.

SUBRULE 81: RENTAL OF EQUIPMENT

495

The Port authority will rent the following equipment at charges shown. A fractional hour shall constitute a full hour.

Traveling Gantry Crane, 75 ton capacity:

(l)	Standard Time (ST) per hour:	600.00
	Overtime (OT) per hour:	650.00
	Minimum charge: 2 Hours	
	Standard Time	1200.00
	Overtime	1300.00

Crane rental includes fuel, operator and rigging.

Lift Fork Trucks or Tractors:

1. The Port Authority does not engage in the rental of this type of equipment.
2. Lift or fork trucks or tractors working aboard vessels at Port of Port Arthur shall be fueled by diesel fuel only. Gasoline or other fuels for this type of equipment while working aboard vessels shall be prohibited.

SUBRULE 82: OFFICE RENTAL:

500

The Port Authority provides offices for the use of stevedores working on its wharves. Rental for the use of these offices is at \$80.00 per day. Persons using these offices are responsible for all long distance phone calls, for any damages, and for picking up and returning office keys and telephones.

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PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION FIVE

29th Revised Page No. 2,034,030

RULES

RULE 34 (Cont'd)		ITEM
SUBJECT: MISCELLANEOUS CHARGES		505
SUBRULE 83: CHARGES FOR THE USE OF PALLETS:		505
(I)	To reimburse loading/unloading contractor for stacking cargo in ship's berth and for use of pallets, a charge of \$2.06 per ton will be assessed by the contractor against the stevedore.	
SUBRULE 84: ELECTRICITY		510
(I)	In order to facilitate the loading/unloading of cargo at night, the Port Authority will impose a charge for the use of electric lights. The steamship owner or charterer is responsible for payment of all charges for electricity and billing will be against the vessel. Usage will be billed at \$56.00 plus \$0.86 per kilowatt hour.	
SUBRULE 85: MINIMUM CHARGES		515
(I)	Per Shipment:	
	Wharfage:	108.00
	Loading/Unloading	108.00
SUBRULE 86: SHED AND WHARF DEMURRAGE		520
(I)	After expiration of Free Time (see Item 275): \$0.55 per net ton per day.	
	MINIMUM CHARGE	\$150.00 per day (PROJECT CARGO see Item 440)
SUBRULE 87: DOCKAGE CHARGES:		525
	(A) Dockage shall be charged on the overall length of the vessel/barge as shown in the current issue of Lloyd's Register of Shipping. If length is not shown in Lloyd's Register, the Ship's Certificate of Register showing the length will be accepted. Except as otherwise provided, dockage will be assessed on a twenty-four (24) hour day or fraction thereof as follows:	
(I)	LOA IN FEET	RATE PER FOOT
	0-199	\$ 3.39
	200-399	\$ 4.44
	400-499	\$ 6.32
	500-599	\$ 8.27
	600-699	\$ 9.46
	700-799	\$ 12.19
	800-899	\$ 14.66
	900-Over	\$ 17.55
	LOA IN METERS	RATE PER METER
	0-60.66	\$ 11.15
	60.96-121.62	\$ 14.58
	121.90-152.10	\$ 20.73
	152.40-182.58	\$ 27.12
	182.88-213.06	\$ 31.04
	213.36-243.54	\$ 40.00
	243.84-274.02	\$ 48.03
	274.32-Over	\$ 57.58

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PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION FIVE

21th Revised Page No. 2,034,031

RULES

RULE 34 (Cont'd)	SUBJECT: MISCELLANEOUS CHARGES	ITEM																						
SUBRULE 87: (Cont'd)	DOCKAGE CHARGES: (B) Barges 300 feet or less waiting for loading or discharging cargo at Port Authority docks will be charged \$27.00 per day per barge. (D) Vessels not working cargo and subject to availability of berth, and to giving way to working vessels will be charged 75% of the rates shown in Paragraph (A).	525																						
SUBRULE 88:	DELETED	530																						
SUBRULE 89:	SHED/PIER HIRE: Shed/pier hire will be based on the aggregate quantity or cargo loaded or discharged as follows: <table style="width: 100%; border: none;"> <tr><td style="width: 80%;">Under 500 tons</td><td style="text-align: right;">\$ 515.00</td></tr> <tr><td>500 tons and under 1,000 tons</td><td style="text-align: right;">\$ 670.00</td></tr> <tr><td>1,000 tons and under 2,500 tons</td><td style="text-align: right;">\$ 876.00</td></tr> <tr><td>2,500 tons and under 5,000 tons</td><td style="text-align: right;">\$ 1,185.00</td></tr> <tr><td>5,000 tons and under 7,500 tons</td><td style="text-align: right;">\$ 1,494.00</td></tr> <tr><td>7,500 tons and under 10,000 tons</td><td style="text-align: right;">\$ 1,803.00</td></tr> <tr><td>10,000 tons and under 15,000 tons</td><td style="text-align: right;">\$ 2,060.00</td></tr> <tr><td>15,000 tons and under 20,000 tons</td><td style="text-align: right;">\$ 2,575.00</td></tr> <tr><td>20,000 tons and under 25,000 tons</td><td style="text-align: right;">\$ 5,150.00</td></tr> <tr><td>25,000 tons and under 30,000 tons</td><td style="text-align: right;">\$ 7,725.00</td></tr> <tr><td>30,000 tons and over</td><td style="text-align: right;">\$ 10,300.00</td></tr> </table>	Under 500 tons	\$ 515.00	500 tons and under 1,000 tons	\$ 670.00	1,000 tons and under 2,500 tons	\$ 876.00	2,500 tons and under 5,000 tons	\$ 1,185.00	5,000 tons and under 7,500 tons	\$ 1,494.00	7,500 tons and under 10,000 tons	\$ 1,803.00	10,000 tons and under 15,000 tons	\$ 2,060.00	15,000 tons and under 20,000 tons	\$ 2,575.00	20,000 tons and under 25,000 tons	\$ 5,150.00	25,000 tons and under 30,000 tons	\$ 7,725.00	30,000 tons and over	\$ 10,300.00	535
Under 500 tons	\$ 515.00																							
500 tons and under 1,000 tons	\$ 670.00																							
1,000 tons and under 2,500 tons	\$ 876.00																							
2,500 tons and under 5,000 tons	\$ 1,185.00																							
5,000 tons and under 7,500 tons	\$ 1,494.00																							
7,500 tons and under 10,000 tons	\$ 1,803.00																							
10,000 tons and under 15,000 tons	\$ 2,060.00																							
15,000 tons and under 20,000 tons	\$ 2,575.00																							
20,000 tons and under 25,000 tons	\$ 5,150.00																							
25,000 tons and under 30,000 tons	\$ 7,725.00																							
30,000 tons and over	\$ 10,300.00																							
SUBRULE 90:	WATER SERVICE Installation, straight time (I) Installation, over time Per 1,000 gallons	\$ 115.00 \$ 130.00 \$ 7.20 540																						
SUBRULE 91:	LINE HANDLING CHARGES: Mooring/Unmooring: Per Service: Straight time Overtime: Standby time, beyond first hour: Overtime: Shifting between berths: Straight time: Overtime:	\$ 500.00 \$ 625.00 \$ 500.00 \$ 625.00 Per Shift \$ 675.00 \$ 925.00 545																						

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PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION FIVE

12th Revised Page No. 2,034,032

RULES

RULE 34 (Cont'd)

SUBJECT: MISCELLANEOUS CHARGES

ITEM

SUBRULE 92:

550

(N)

STOCK TRANSFER FEE

\$1.00

Per Ton

SUBRULE 93: OVERTIME:

555

Work performed on overtime will be billed at 150% of regular charges, plus appropriate labor guarantees. Double time will be charged for work performed during meal hours: 12:00 Noon to 1 P.M.; 6 to 7 P.M., 12 Midnight to 1 A.M., and 6 to 7 A.M. on the basis of 200% of regular charges, plus appropriate labor guarantees.

SUBRULE 94: PRIVATELY OWNED CRANES:

560

(I)

Privately owned cranes may be used only by permission of the Port Director. When such equipment is used, the following charges will apply:

Privately Owned Cranes, per hour:

\$ 32.00

SUBRULE 95: PORT ARTHUR INTERNATIONAL SEAFARER'S CENTER

565

Assessments levied by the Port Arthur International Seafarer's Center represent the charges of that non-profit organization for cultural and recreational services, and facilities without discrimination to seamen of all countries. The owner, operator or charterer of ships utilizing Port facilities will be assessed a fee of \$100.00 per vessel call.

SUBRULE 96: DELETED

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PORT OF PORT ARTHUR
TARIFF NO. 002

SECTION FIVE

12th REVISED PAGE NO. 2,034,033

RULES

RULE 34 (Cont'd)

SUBJECT: MISCELLANEOUS CHARGES

ITEM

SUBRULE 97: PORT SECURITY SURCHARGE

570

A security surcharge will be assessed against and collected from all vessels, barges and cargo interest utilizing services and facilities at the Port of Port Arthur in accordance with the notice filed with the Federal Maritime Commission by the Gulf Seaports Marine Terminal Conference.

The security surcharge is assessed to recover costs incurred for security assessments, security plans, equipment purchase, installation and maintenance and staffing required to implement and maintain surveillance and access controls mandated by the Maritime Transportation Security Act of 2002 and U.S. Coast Guard regulation 33 CFR 105.

The security surcharge will be assessed against vessels and barges as a percentage of total dockage charged, and as a tonnage fee against cargo, with the exception of containers, which will be assessed on a per unit basis. The security surcharge will be assessed in addition to all other fees which may be due under this tariff, as follows:

- (I) VESSELS and BARGES; **10.11 (%)** Percent of total dockage assessed per port call

CARGO (to be billed to the party paying wharfage):

	S/T	M/T
(I) * Breakbulk	\$0.21	\$ 0.23
* Bulk	\$ 0.048	\$ 0.052
* Liquid bulk	\$ 0.048	\$ 0.052
* Containers	\$ 4.47 per loaded box	
* Vehicles	\$1.01 per vehicle	
*Passengers	\$ 1.01 per passenger	

Users of Port of Port Arthur services or facilities who withhold, refuse or otherwise fail to pay properly assessed security surcharges, shall be subject to all the collection terms and procedures contained in item 240 of this tariff. In addition, at the sole discretion of the Port of Port Arthur, such users may be denied service or required to deposit estimated port charges in advance of using port authority facilities or receiving services.

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RULES

RULE 34 (Cont'd)

SUBJECT: LICENSE AND PERMITS

ITEM

SUBRULE 98: STEVEDORE LICENSE

575

I. **GRANTING LICENSES**-Any sole proprietorship, firm, corporation or other person or entity desiring to perform stevedoring operations over the public wharves of the Port of Port Arthur (the "Port of Port Arthur" or the "Port") must hold a Stevedore License issued by the Board of Commissioners of the Port of Port Arthur Navigation District of Jefferson County, Texas (the "Board"). To qualify for a Stevedore License, an applicant must fulfill the requirements set forth in the Port of Port Arthur Stevedore License Policy (the "Stevedore Policy") and adhere to all Port rules and regulations as specified in this Item and Tariff. The Port of Port Arthur has no obligation to issue a Stevedore License or renewal thereof and does not guarantee work will be provided or obtained as a result of issuance of a License. As used in this item "stevedore" or "stevedoring" includes persons, firms, corporations or other business entities engaged in the activity of loading and/or unloading commercial cargo vessels or barges, excluding bulk liquid cargo, in or on the public wharves, docks, terminals, or facilities of the Port of Port Arthur. The permission granted by a Stevedore License to move cargo at the Port of Port Arthur's facilities is nonexclusive of other operators, may be limited at the Port of Port Arthur's discretion to specified facilities, and is for the benefit of the Port of Port Arthur and the public interest.

II. **CONDITIONS**

- A. Stevedore License will be granted solely for the purpose of conducting stevedoring operations, which shall entail activities related to the movement of cargo through, over or onto the public wharves of the Port of Port Arthur for the purpose of loading or unloading vessels and no sole proprietorship, firm corporation or the other person or entity shall be allowed to conduct said stevedoring operations without being granted a Stevedore License.
- B. The Stevedore License is a nonexclusive license and shall be granted for a period of one year. This license may be renewed on an annual basis provided the licensee pays the specified annual fee and exhibits the capability to provide competent and effective stevedoring operations while continuing to comply with the requirements stated in the rules and regulations contained in this Tariff and the Stevedore Policy. Annual stevedore license renewals shall be approved by the Board.
- C. The Port shall prescribe the quality and manner in which Port-owned property and equipment shall be used. The licensee shall perform all cleanup work after conducting stevedoring operations, in accordance with this Tariff.

PORT OF PORT ARTHUR
Tariff No. 002

SECTION SIX

ORIGINAL PAGE NO. 2,034,035

RULES

RULE 34 (Cont'd)

SUBJECT: LICENSE AND PERMITS

ITEM

SUBRULE 98: Stevedore License
(Cont'd)

575

- D. The licensee shall store, clean, maintain and repair all forklifts or other equipment on property other than Port of Port Arthur property. If this is impracticable, Port property may be designated and leased for such purposes and all storage and maintenance of equipment will be confined to those Port areas exclusively. In such a case the lessee will be responsible for obtaining a Storm Water Discharge Permit and adhere to all other Federal, State and local rules, regulations, and ordinances pertaining to its use of the leased premises.
- E. Licenses may not be leased, assigned, pledged or otherwise encumbered.
- F. A license may be renewed for additional one (1) year periods provided the licensee (i) pays the Annual Fee, (ii) exhibits the capability to provide competent and effective stevedoring services, (iii) has shown not only the provision of quality services but also has continued to enhance business opportunities for the Port, (iv) has maintained all equipment to prevent oil and/or hydraulic leaks and damages to Port property or customer cargo and property, (v) has complied with the REQUIREMENTS provided in this item and the Stevedore Policy, and (vi) has complied with all the rules and regulations contained in the most current edition of the Tariff of the Port of Port Arthur.
- G. The Port shall have the power to prescribe rules and regulations governing Stevedore Licenses in addition to and/or replacing those stated in the Stevedore Policy either through revision of the Port of Port Arthur Tariff or in writing to licensees.
- H. The Port Director may reject any application or revoke or suspend a license for noncompliance with the requirements listed in this Item or the Stevedore Policy or for noncompliance with the rules and regulations set forth in the Port of Port Arthur Tariff. The Port Director may also suspend a license in instances where the stevedore is more than 120 days past due in payment of invoices to the Port. If there exists a dispute as to the validity of any invoice issued to a Licensee, then Licensee shall pay the invoiced amount to the Port pending resolution of the dispute and, upon final resolution, the Port will refund any credits or overpayments due to the Licensee. Such rejection, revocation or suspension is subject to appeal to the Board at the next regularly scheduled Board meeting.

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(Cont'd)

III.

REQUIREMENTS

- A. An applicant must establish that it is trustworthy and operates in a competent, effective and professional manner. The Port will determine if the applicant fulfills this requirement by reviewing the submitted application and performing a background investigation as deemed appropriate by the Port.
- B. An applicant must establish that it is financially sound and has demonstrated financial responsibility in conducting its operations. The Port will consider financial reports and information submitted with the application along with information received from an appropriate background investigation in determining the applicant's sufficiency in fulfilling this requirement.
- C. An application for a Stevedore License must identify business to be handled in the Port and the business development applicant will undertake to continue to ensure the licensees will conduct stevedoring operations over the public wharves of the Port of Port Arthur. The Stevedore License provides the licensee with the opportunity to conduct business operations over the public wharves of the Port of Port Arthur, and the Port anticipates that applicants will utilize the license to enhance and expand business in the Port. In the annual review for renewal of the Stevedore License, the Port will evaluate the business operation, services and business development undertaken by the licensee during the previous license period(s).
- D. An applicant shall fully comply and maintain compliance with, during the term of its license (if awarded) or renewal thereof, all Federal, State and Local laws applying to applicant's operations under this license, including, but not limited to compliance with Subtitle B, Regulations Related to Vessels, Chapter 2351 Stevedores, of the Texas Occupations Code, as amended.
- E. An applicant shall submit and maintain a Safety Plan covering its operations under the license (if awarded), or renewal thereof, within the Port of Port Arthur.
- F. Prevailing Wage Rates: Licensed stevedores will pay wages and provide benefits to its employees working at the Port's facilities which are at least equal to the then prevailing wages and benefits paid to ILA Labor from Deep Sea Local #25 and Clerks Local #1924. Such wages and benefits must be paid through the Central Payroll System of the West Gulf Maritime Association.

RULES

RULE 34 (Cont'd)

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G. Payment of License Fees:

- 1 The "License Fee" is an initial fee which must be paid before a license will be granted. In addition to the License Fee, the renewal fee or "Annual Fee" is due before the licensee may conduct any stevedoring operations at the Port of Port Arthur. The Annual Fee will then become due on or before December 1 for renewal of each year thereafter. An applicant must pay the following fees:
License Fee..... \$10,000
Annual Fee..... \$ 2,500

The Port reserves the right to modify or adjust the License and Annual Fees through this Tariff.

- 2 The original License Fee is waived for any Stevedore who has been performing stevedore services at the Port of Port Arthur for at least the previous five (5) years. Annual fees will be prorated for all Stevedores for the effective year of this policy, calendar year 2010, only.

H. An applicant shall submit any other information or data that shall reasonably be required by the Port.

IV. INSURANCE

A. All Stevedore License applicants shall provide and maintain minimum insurance coverage as set forth below. All insurance must be written by an insurer licensed to conduct business in the State of Texas and be policies of insurance satisfactory to the Port of Port Arthur.

B. Prior to beginning work, the licensee shall furnish to the Port of Port Arthur a Certificate of Insurance verifying coverages, limits and provisions outlined below. The insurance shown below is the minimum coverage to be provided. Licensee should carry additional insurance which it deems appropriate.

C. The licensee shall establish and maintain these minimum insurance requirements or equivalent coverage in force during the term of the license. The Port retains the right to establish insurance coverage requirements in addition to those specified below.

RULES

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- 1 Standard Texas Worker's Compensation Insurance as required by law and applicable regulations to cover employees of the Licensee engaged in the performance of all work at the Port of Port Arthur.
- 2 Stevedore Legal Liability Insurance with limits not less than the following:
 - a) per accident \$1,000,000
 - b) per occurrence \$1,000,000
 - c) disease \$1,000,000
- 3 Employer's Liability Insurance including Occupational Disease with limits not less than the following:
 - a) per accident \$1,000,000
 - b) per occurrence \$1,000,000
 - c) disease \$1,000,000
- 4 U. S. Longshoremen's and Harbor Worker's Act and Admiralty Coverage (if any operation involves the use of any type of watercraft, all or some of the following coverages may be required)
 - a) In the event the Licensee is required to provide coverage pursuant to this section such insurance on waterborne vessels shall comply with the following requirements:
 - (1) If the Licensee uses a chartered waterborne vessel in the operations hereunder, the Licensee shall provide Certificates of Insurance evidencing that the Licensee has procured Charter's Legal Liability Insurance, including full Maritime Employers Liability and Collision and Tower's Liability, covering bodily injury and property damage with a combined single limit of at least \$1,000,000 or the value of the vessel, whichever is greater;
 - (2) If the Licensee uses an owned waterborne vessel in the operations hereunder, the Licensee shall provide Certificates of Insurance evidencing that the Licensee has procured Hull and Machinery Insurance, including full Collision and Tower's Liability and protection and Indemnity Insurance (including crew) covering bodily injury and property damage, each with a combined single limit of at least \$1,000,000 or the value of the vessel, whichever is greater.

RULES

RULE 34 (Cont'd)

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- 5 Commercial General Liability on Comprehensive Form
- a) Insurance policies shall be written on an "occurrence form" rather than a "claims made form" and shall include:
- (1) Broad Form Property Damage;
 - (2) Operations - Premises Liability;
 - (3) Independent Contractors Liability-Broad Form;
 - (4) Coverage must contain a "Borrowed Servant" endorsement providing that a claim brought against the Port by any employee of the Licensee as "borrowed servant" will be treated as a claim against the Licensee;
 - (5) Personal Injury Liability extending to claims arising from employees of the Licensee;
 - (6) Completed Operations and Products Liability;
 - (7) Deletion of the exclusions applying to explosions, collapse and underground (XCU) hazards; and
 - (8) Deletion of the exclusions applying to Licensee's liability with respect to having Care, Custody, or Control of any port property or premises.
- b) Insurance policies shall reflect limits of liability of not less than the following:
- (1) Combined Single Limit \$1,000,000
 - (2) General Aggregate \$2,000,000
 - (3) Products - Completed Operations Aggregate \$1,000,000
 - (4) Personal and Advertising Injury \$1,000,000
 - (5) Each occurrence \$1,000,000
 - (6) Fire Damage (Any One Fire) \$500,000
- 6 Comprehensive Automobile Liability(Owned,hired and non-owned vehicles) Combined Single Limit \$1,000,000
- 7 Contractual Liability Insurance covering the indemnity provision of this Policy and/or the Port's Tariff in same amount and coverage as provided for commercial General Liability Policy.
- 8 Owner's Protective Liability naming the Port, its officers, agents and employees as insured in the same amount and coverage as provided for Commercial General Liability Policy.

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RULE 34 (Cont'd)

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- 9 Umbrella Policy \$5,000,000 (applicable to comprehensive general liability, employer's liability, automobile liability and admiralty/marine coverages, if applicable).
- D The policy should be written as an "occurrence" policy on ISO 1986 form or provide equivalent coverage. If the policy is other than on ISO 1986 form, it must be on "occurrence" form and provide all of the coverages described here in above.
- E Other Insurance Provisions:
- 1 Additional Insured - The Port of Port Arthur Navigation District of Jefferson County, Texas shall be named as an additional insured on each required policy of insurance.
- 2 Waiver of Subrogation - Any insurer of a licensee waives its rights of subrogation against the Port of Port Arthur Navigation District of Jefferson County, Texas as obligated by written contract to provide such waiver, but only to the extent of such obligation and only with respect to operations by or on behalf of the licensee at the facilities of the Port of Port Arthur.
- 3 Notice of Cancellation -Licensee shall maintain such insurance in force during the life of the License and no modification or change of insurance shall be made without thirty (30) days advance written notice to the Port.

V. APPLICATION PROCEDURES

- A. All applicants must:
- 1) Fully complete and submit the Application for Stevedore License at the Port of Port Arthur Navigation District of Jefferson County, Texas, which can be obtained from the Port of Port Arthur by calling 409-983-2011 or from the Port's website at www.portofportarthur.com.
- 2) Submit the latest financial report or other pertinent financial information with application. Other pertinent financial information shall include information sufficient for the Port to make an informed determination as to the financial status of the licensee as deemed appropriate by the Port.

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SECTION SIX

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- 3) Submit a Certificate of Insurance providing proof that the required insurance coverages have been established and are being maintained.
- 4) Submit payment of appropriate License Fee.
- 5) Submit a Safety Plan covering stevedoring operations under the license.
- 6) Furnish proof of applicant's compliance with Subtitle B, Regulation Related to Vessels, Chapter 2351 Stevedores, of the Texas Occupations Code, as amended.
- 7) Provide a pay wage scale and benefit information pertaining to employees performing stevedoring operations in the Port of Port Arthur.
- 8) If applicable, submit any additional information reasonably requested by the Port.
- 9) Execute a copy of this Stevedore License Policy designating agreement comply with and be governed by all the provisions contained in this policy and the Tariff of the Port of Port Arthur.

B. Submittal of the above listed information must be done at least 20 days prior to the date to the applicant wishes to perform stevedoring operations at the Port of Port Arthur. This time limit may be waived at the discretion of the Port Director.

VI. **NOTIFICATION**-Upon receipt of all required information and documentation from the applicant, the Port will notify the applicant in writing within 45 days of the acceptance or rejection of the Stevedore License application. If a license is awarded, the Port will provide the licensee with a "Stevedore License" at that time, and upon payment of the Annual Fee, the licensee may commence stevedoring operations at the Port of Port Arthur anytime thereafter.

VII. **LICENSEES SHALL BE BOUND BY TERMS OF THIS ITEM**

- A. All applicants (or licensees) shall be bound by the terms of this Item and the Stevedore Policy and further agrees to maintain full compliance with the terms of the rules and regulations of the Port of Port Arthur Navigation District of Jefferson County, Texas and the provisions of the Port of Port Arthur Tariff No. 002, changes thereto, and reissues thereof during the term of the license (if awarded or renewed), with the understanding that failure to maintain said compliance may result in suspension or revocation of the license (if awarded or renewed) or any renewals thereof.
- B. If there are any conflicts between the terms of the Stevedore Policy and the Tariff of the Port of Port Arthur, then the provisions of the Tariff shall control.

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