

***PORT OF PORT LAVACA/ POINT COMFORT***

***TARIFF NO. 003***

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

***NOTE: This tariff cancels Port of Port Lavaca/ Point Comfort Tariff No. 002 filed electronically with the FMC under ATFI.***

***ISSUED BY PORT OF PORT LAVACA/ POINT COMFORT  
CALHOUN COUNTY PORT AUTHORITY  
P.O. DRAWER 397  
POINT COMFORT, TEXAS 77978***

***Tel: (361) 987-2813***

***Fax: (361) 987-2189***

***ISSUED: MAY 12, 1999***

***EFFECTIVE: JUNE 15, 1999***

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SECTION ONE

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RULES

Rule 34:

	SUBJECT: GENERAL INFORMATION	ITEM
SUBRULE 1:	DEFINITIONS:	100
	The following definitions will apply to this tariff and will supersede all the others that may be in conflict:	
	(1) PORT AUTHORITY: This shall mean the Port of Port Lavaca/ Point Comfort.	
	(2) DOCKAGE: The charge assessed against a vessel for berthing at a wharf, pier, or bulkhead structure, or bank or for mooring to a vessel so berthed.	
	(3) WHARFAGE: A Charge assessed against the cargo or cargo owner 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.	
	(4) FREE TIME: The specified period during which cargo may occupy space assigned to it on terminal property free of wharf demurrage or terminal storage immediately prior to it loading or subsequent to the discharge of such cargo on or off the vessel	
	(5) WHARF: Any wharf, either open or shedded, belonging to or operated by the Port of Port Lavaca/ Point Comfort.	
	(6) WHARF DEMURRAGE: A charge assessed against cargo remaining in or on terminal facilities after the expiration of free time, unless previous arrangements have been made for storage.	
	(7) TERMINAL STORAGE: The service of providing warehouse or other terminal facilities for the storing of inbound or outbound cargo after the expiration of free time, including wharf storage, shipside storage, closed or covered storage, open or ground storage, bonded storage, and refrigerated storage, after storage arrangements have been made.	
	(8) HANDLING: The service of physically moving cargo between points of rest and any place on the terminal facility, other than the end of ship's tackle.	

ISSUED: May 15, 1999

EFFECTIVE: June 15, 1999

RULES

Rule 34:

	SUBJECT: GENERAL INFORMATION	ITEM
SUBRULE 1:	<p>DEFINITIONS: (Cont'd)</p> <p>(9) LOADING AND UNLOADING: The service of loading or unloading cargo between any place on the terminal and railroad cars, trucks, lighters, or barges, or any other means of conveyance to or from the terminal facility.</p> <p>(10) USAGE: The use of terminal facility by any rail carrier, lighter operator, trucker, shipper, or consignee, their agents, servants and/or employees, when they perform their own car, lighter, or truck loading or unloading, or the use of said facilities for any gainful purpose for which a charge is not otherwise specified.</p> <p>(11) CHECKING: The service of counting and checking cargo against appropriate documents for the account of the cargo or the vessel, or other person requesting same.</p> <p>(12) HEAY LIFT: The service of providing heavy-lift cranes and equipment for the assembly or distribution of cargo.</p> <p>(13) SHED AND/OR WHARF USE HIRE: The charge assessed against a vessel loading or discharging cargo and utilizing wharf shed or sheds and/or wharf for the assembly or distribution of cargo.</p> <p>(14) BPC shall mean BP Chemicals, Inc.</p> <p>(15) OPERATOR FEE: The fee to be received by BPC for operating the facility shown in the Terminal Storage Agreement dated 12/22/98. The operator fee per short ton is to be adopted by the Port Authority prior to July 1<sup>st</sup> of each year, for the forthcoming fiscal year and as amended throughout the fiscal year.</p> <p>(16) THIRD PARTY USER: This is a party other than BPC, who may load, unload or store ammonia and/or acrylonitrile through the facility as defined in the Terminal Storage Agreement dated 12/22/98.</p> <p>(17) STORAGE FEE: The fee to be paid each month by BPC and/or Third Party Users to the Port Authority for use of the facility as defined in the Terminal Service Agreement dated 12/22/98. Exhibit "D". The storage fee per short ton is to be adopted by the Port Authority prior to July 1<sup>st</sup> of each year for the forthcoming Port Authority fiscal year and as amended throughout the fiscal year.</p>	100

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RULES

Rule 34:

	SUBJECT: GENERAL INFORMATION	ITEM
SUBRULE 1:	<p>DEFINITIONS: (Cont'd)</p> <p>(18) THIRD PARTY USE OF AMMONIA/ ACTYLONITRILE FACILITY: A bonafide third party user shall be required to submit to the Port Authority, a written offer for the use of the ammonia/ acrylonitrile storage tanks. A written offer must include the specifications of the product, the amount of the product, and an estimated tenure of product storage.</p> <p>(19) THIRD PARTY USER PENALTY FEE: The fee of \$5.00 per short ton per day, plus actual vessel demurrage cost incurred by BPC if the third party user fails to remove the stored ammonia and/or acrylonitrile within the same period stated in its written offer.</p> <p>(20) AMMONIA SPECIFICATIONS: As shown on page No. 4.</p> <p>(21) ACRYLONITRILE SPECIFICATIONS: As shown on page No. 4.</p>	100
SUBRULE 2:	<p>JURISDICTION: The Port of Port Lavaca/ Point Comfort has jurisdiction over, and control of the use of, the Matagorda Ship Channel, all the waterfront and slips, turning basin, wharves, landings and appliances of all kinds whatsoever within the Port of Port Lavaca/ Point Comfort; and shall make and enforce such rules and regulations necessary to promote order and facilitate traffic and business and to secure safety and equal conveniences to every user thereof; and all parties or persons and all watercraft of any kind whatsoever must conform to the rules and regulations of the Port of Port Lavaca/ Point Comfort when within the territory under its jurisdiction.</p>	105
SUBRULE 3:	<p>PILOT BOARD: The Port of Port Lavaca/ Point Comfort Board of Commissioners also constitutes the Board of Pilots Commission in and for the Calhoun County Navigation District of Calhoun County, TX for the governing of any and all pilots operating within its jurisdiction.</p>	110
SUBRULE 4:	<p>APPLICATION OF TARIFF AND AMENDMENTS:</p> <p>The rates, rules and regulations contained in this tariff shall apply equally to all users of the waterways and facilities, and shall apply on all traffic on the waterways and facilities from the date this tariff on any amendments shall be issued to cover changes in this Tariff, but this Tariff is subject to change without notice.</p>	115

ISSUED: May 15, 1999

EFFECTIVE: June 15, 1999



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Rule 34:

	SUBJECT:	GENERAL INFORMATION	ITEM
SUBRULE 5:	CONSENT TO TERMS OF TARIFF:	The use of the waterways and facilities under the jurisdiction of the Port of Port Lavaca/ Point Comfort shall constitute a consent to the terms and conditions of this tariff, and all evidence and agreement on the part of all vessels, owners and/ or agents, and other users of the facilities, to abide by the rules, regulations and charges specified in this tariff and all amendments and reissued tariffs and to be governed by all rules and regulations contained herein and in all amendments and/or reissues thereof. The Navigation District shall be sole judge as to interpretation of this tariff.	120
SUBRULE 6:	SPEED LIMIT:	This tariff adopts the rules and regulations of the Secretary of the Army as they apply to the waterways of this District. A portion of which is quoted as follows: (A)"A vessel shall reduce its speed sufficiently to prevent any damage when approaching another vessel in motion, or tied up, a wharf or other structure, works under construction, plant engaged in river and harbor improvement, levees withstanding flood waters, or any other manner of structures or improvements likely to be damaged by collision, suction, or wave action." (33 CFR 207.180 (E) (4, Navigation Regulations).	125
SUBRULE 7:	DISCHARGING OF OILS, WASTER, BALLAST, RUBBISH INTO TURNING BASIN OR CHANNEL:	No vessel within the limits of the port shall throw, or allow to be thrown any scraps, refuse or debris of any sort which might pollute, defile, or clog the waters of the turning basin or ship channel. This especially applies to oil, and the Masters Federal Laws in such cases, and to this end, it is recommended that all vessels when pumping fuel from one tank to another have all scuppers securely stopped so that overflow will not find its way into the harbor or ship channel.	130
SUBRULE 8:	LIGHTS:	All vessels or barges shall display lights from sunset to sunrise while laying at any wharf or dock, or lying at anchor within the turning basin; vessels to conform to navigation rules, when anchored in the channel, and barges to display white lights visible all around the horizon at least eight feet above the water line on their outside or channel corners.	135

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Rule 34:

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SUBRULE 9:	COLLISIONS: In the event of collision between any craft or Vessel with another craft or vessel, or between a craft or vessel and any wharf, dock, pier, bridge system, a written report shall be submitted to the Port Director, "by the pilot and the master, owner, agent or operator of said dock or facility, setting forth the time, place, cause, nature and consequences of such collision, provided that in the case of a minor collision, where the vessel is under way as said report may be mailed by the master of said vessel from the next port at which vessel calls and provided further that the collision report of an owner shall not in any case relieve the pilot of the duty of rendering his report within the time herein specified.		140
SUBRULE 10:	CARGO STATEMENTS: All vessels, their owners and agents shall, within five days after date of sailing of any such vessel, report to this Port of Port Lavaca/ Point Comfort, all cargo loaded or discharged at all points within the Port of Port Lavaca/ Point Comfort Harbor and/or Ship Channel. Such report shall be certified to by a duly authorized person as being true and correct and according to ship's actual manifest and shall show the following, separated as to loading or discharging ports: (A) Name of Vessel; (B) Date of Arrival; (C) Date of Departure; (D) Number of Packages or Units; (E) Identifying Marks; (F) Weight in short tons; (G) Origin of Outbound Cargo; (H) Port of Discharge of Outbound Cargo; (I) Loading Port of Inbound Cargo; (J) Destination of Inbound Cargo; (K) Port of and Final Discharge Port of Transshipped Cargo.  Owners and agents shall be required to also furnish any other information which the Port Director may deem necessary for the purpose of identifying the cargo and for issuing billing against cargo and/or vessel, and for properly compiling commercial statistics, or for other purposes deemed necessary by the Port Director for conduct of its affairs.		145
SUBRULE 11:	REMOVAL OF SHIPS: All vessels entering the Port will be Assigned a berth, or mooring place by the Port Director, or his designee, which shall not be changed without his sanction. Whenever it is deemed necessary or advisable the Port Director may order any vessel or craft to shift her berth to any other berth or place. Due notice of this shall be given to the Master or person in charge, who shall take immediate steps to comply with the order, and in case of failure or neglect to comply with the order, the Port Director shall have the right to cause vessel or craft to be moved as ordered and at the expense and risk of the craft in question.		150

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Rule 34:

	SUBJECT: GENERAL INFORMATION	ITEM
SUBRULE 12:	<p>HARBOR AND SAFETY REQUIREMENTS</p> <p>All vessels or crafts shall at all times be properly made fast in the berth of place assigned them using good and sufficient moorings which shall be to satisfaction of the Port Director who at any time shall have the right to demand that more or stronger moorings be put out, or that the same be changed or moved as may be deemed advisable or necessary; and all such vessels or crafts shall in all other respects comply with Harbor Regulations of the Port Lavaca/ Point Comfort Port Authority, copy of which may be obtained from the Port Director.</p>	155
SUBRULE 13:	<p>FIRE SIGNAL: In the event of fire occurring on board any vessel in the harbor except vessels under way, such vessels shall sound five prolonged blasts of the whistle or siren as an alarm indicating fire on board or at the dock to which the vessel is moored. Such signal shall be repeated at intervals to attract attention, and is not substitute for but shall be used in addition to another means of reporting a fire. The words "prolonged blast" used in this rule shall mean a blast of from four to six seconds' duration.</p>	160
SUBRULE 14:	<p>VHF RADIO COMMUNICATIONS</p> <p>The Port of Port Lavaca/ Point Comfort is a multi-user facility and for the safety of port, vessel and other entity representatives on public port premises, the following VHF radio communications policy shall be mandatory:</p> <p>The Port of Port Lavaca/ Point Comfort is licensed to operate on two frequencies: (1) Channel 16- hailing/ all calls; (2) Channel 07-inner harbor communications.</p> <p>All vessels in port and port users on port premises will monitor VHF Channel 07 for vessel, cargo, and emergency communications. Port users will conduct business on VHF Channel 07 on port premises, and will identify themselves as "COMPANY NAME" operator or "FACILITY NAME" calling other party. Examples are as follows" "Formosa and/or BP operator on Liquid Pier North calling Motor tanker X", "Motor Tanker X calling Formosa and/or BP operator on Liquid Pier South", or "Port Operations Tower calling barge X"</p>	165
SUBRULE 15:	<p>ARRANGEMENTS FOR BERTH: All steamships, tankers, and Barges, or their owners or agents, desiring a berth at the public facilities of the Port shall, as far in advance of the date of docking as possible, but not less than 48 hours prior to anticipated vessel arrival, make application for berth in writing on forms prescribed, specifying the date of docking, sailing, show the nature and quantity of cargo to be transferred, and provide proof of P &amp; I Club coverage. The application for berth must be submitted to the Port Director.</p>	170

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RULES

Rule 34:

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**SUBJECT:** RULES AND REGULATIONS GOVERNING USE OF FACILITIES ITEM

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**SUBRULE 16:** RESPONSIBILITY FOR LOSS OR DAMAGE 175

(A) The Port of Port Lavaca/ Point Comfort will not be responsible for the injury or loss of any freight being loaded or unloaded at the public wharves, or while on wharves or in warehouses awaiting shipment or delivery, and will not be responsible for any delay to same; nor for injury to or loss of freight on its wharves or in its sheds by fire, leakage, or discharge of water from fire protection sprinkler system; collapse of building, shed platforms, wharves; subsidence of floors or foundations; breakage of pipes; nor for loss or injury 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 arising from combinations of strikes, tumult, insurrection, or acts of God; nor from any of the consequences of any of these contingencies. Steamship companies arranging to use the wharves shall be required to furnish watchmen service at all times when they have a vessel at the wharves. Users of its facilities agree to indemnify and save harmless the Port of Port Lavaca/ Point Comfort from and against all losses, demands, and suits for damages, including death and personal injury, and including court costs and attorneys' fees, incident to or resulting from their operations on the property of the Port of Port Lavaca/ Point Comfort.

(B) No provisions in this tariff shall limit or relieve the Port of Port Lavaca/ Point Comfort from liability for its own negligence, nor require any persons, vessels, or operators to indemnify or hold harmless the Port of Port Lavaca/ Point Comfort from liability for its own negligence.

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**SUBRULE 17:** PAYMENT OF CHARGES AND RESPONSIBILITY 180

THEREFORE: EXTENSIONS OF CREDIT AND LIENS

Wharfage, demurrage, car loading and unloading (when not absorbed by the ocean carrier) are due from the owner, shipper or consignee of the cargo, and shall be collected for and on behalf of the Port of Port Lavaca/ Point Comfort by the vessel discharging or unloading the cargo, or for which the cargo was received, through the vessel's owner, agent or other person duly authorized to do so, and such vessel and its owner and agent, jointly and severally, shall guarantee and be liable for the payment of such charges to the Port of Port Lavaca/ Point Comfort whether or not collected by such vessel or its owner or agent. The use of the wharf or other terminal facility by the vessel or its owner or agent shall constitute acceptance and acknowledgement of this agency, guaranty and liability.

(Cond'd)

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RULES

Rule 34:

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SUBRULE 17:	PAYMENT OF CHARGES AND RESPONSIBILITY	180
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(Cont'd)

THEREFORE: EXTENSIONS OF CREDIT AND LINES

All bills rendered by the Port of Port Lavaca/ Point Comfort for wharfage, dockage, wharf demurrage, shed and/or wharf use hire; charges for providing water and electricity; charges for equipment rental; charges for cleaning wharves and sheds; charges for terminal storage, special services, other services and claims; or for any causes whatsoever, are due and payable in cash upon presentation, unless arrangements for extension of credit are made. All payment is required within thirty days of invoice date. When credit arrangements have been made, any agents, owners, persons, firms or corporations receiving bills and failing to make full payment after presentation within the time permitted under the credit arrangements may be placed upon a cash basis.

The Port of Port Lavaca/ Point Comfort does not recognize the numerous shippers or consignees and cannot attempt to collect or assist in collecting any port invoices of bills which may be passed on to shippers and consignees by the vessel, its owners and agent. Such bills must be paid regardless of when the vessel, its owner and agents are reimbursed. Any errors in billing will be rectified by the Port of Port Lavaca/ Point Comfort.

The Port of Port Lavaca/ Point Comfort reserves the right to estimate and collect in advance, all charges which may accrue against vessels, their owners and agents, or against cargo loaded or discharged by such vessels, or from other users of the facilities of the Port of Port Lavaca/ Point Comfort whose credit has not been properly established with the Port of Port Lavaca/ Point Comfort. Use of such facilities may be denied until such advance payments or deposits are made.

The Port of Port Lavaca/ Point Comfort, at its option and subject to termination at its election, may at any time and from time to time extend credit to any user or other person conducting business with the Port of Port Lavaca/ Point Comfort under the provisions of this tariff or amendments or reissues thereof by such user or other person establishing and maintaining financial responsibility acceptable to the Port of Port Lavaca/ Point Comfort, or by posting and maintaining a single transaction or a period or an annual surety bond in form and content and with corporate surety acceptable to the Port of Port Lavaca/ Point Comfort in an amount equal to 125% of maximum liability on a single transaction or equal to an estimated period or estimated annual maximum liability. Further extension of credit may be suspended or terminated by the Port of Port Lavaca/ Point Comfort subject to

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1<sup>st</sup> Revised Page No. 10

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SUBRULE 17: (Cont'd)	<p>PAYMENT OF CHARGES AND RESPONSIBILITY THEREFORE: EXTENSIONS OF CREDIT AND LIENS the establishment of added or extended credit acceptable to the Port of Port Lavaca/ Point Comfort. The Port of Port Lavaca/ Point Comfort reserves the right to apply any payment received against the oldest bills rendered against vessels, their owners and agents, or other users of the facilities. Presentation of bills to owners and agents of vessels or to stevedores is done as a matter of accommodation and convenience and shall not constitute a waiver of the liens for charges furnished a vessel for which the maritime law gives the lien.</p>	180
SUBRULE 18:	<p>DELINQUENT LIST: All vessels, their owners, agents, or other users of the facilities of the Port of Port Lavaca/ Point Comfort must pay their invoices within thirty (30) days of the date of the invoice, or be placed on a Delinquent List and be placed on a cash basis, or be denied further use of facilities by the Port Director until cargo reports have been filed and all overdue charges thereon, together with any other charges accruing to the Port of Port Lavaca/ Point Comfort, shall have been paid.</p>	185
SUBRULE 19:	<p>CLEANLINESS OF PREMISES Steamship agents, stevedores and other users of the Port of Port Lavaca/ Point Comfort cargo wharves, docks and facilities are held responsible for the proper cleaning of any property assigned to an used by them. The Port of Port Lavaca/ Point Comfort will clean and sweep such premises at a charge of cost plus 20%, with a minimum charge of \$35.00.</p>	190
SUBRULE 20:	<p>DAMAGE TO PROPERTY OF THE NAVIGATION DISTRICT Vessels, persons, firms or corporations damaging the facilities of the Port of Port Lavaca/ Point Comfort will be held responsible for all damage to such facilities occasioned by them or individuals or equipment under their supervision. Any such damage will be repaired and the full replacement costs thereof billed against the vessel, party or parties responsible.  The Port of Port Lavaca/ Point Comfort will notify the responsible vessel, party or parties when damage is reported or discovered. And said vessel, party or parties will have a reasonable period thereafter, not to exceed 20 days, in which to acknowledge responsibility, request adjustment, notify the insurance carrier, request a survey of damages, or otherwise provide for the repair of said damage.  After expiration of 20 day period and in the absence of such acknowledgement and provisions for repair, repairs will be effected and the responsible vessel, party or parties billed accordingly; provided, however, all emergency repairs may be made immediately and the responsible vessel, part or parties billed therefore.</p>	195

ISSUED: May 15, 1999

EFFECTIVE: January 1, 2004

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1<sup>st</sup> Revised Page No. 11

RULES

Rule 34:

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SUBRULE 21:	<p>SIGNS: Painting signs on any Port of Port Lavaca/ Point Comfort structures is prohibited. Signs may be erected upon Port of Port Lavaca/ Point Comfort structures or property only with the prior written approval of the Director of the Port, who shall also approve copy, design, material and method of erection.</p>	200
SUBRULE 22:	<p>UNAUTHORIZED USE OF SPACE</p> <p>Port users desiring office, gear rooms or floor space for similar or other purposes shall make application to the Port Director, who will establish rentals pursuant to Port of Port Lavaca/ Point Comfort policy.</p> <p>Port users and others using space unauthorized are subject to immediate ejection from the premises of the Port of Port Lavaca/ Point Comfort and space so occupied shall be charged at the cost of ¼ ¢ per square foot per day. Cargo so placed so as to obstruct doors or fire-fighting equipment shall be subject to removal by the Port of Port Lavaca/ Point Comfort, and the party responsible shall pay the full cost of removal.</p>	205
SUBRULE 23:	<p>NO SMOKING OR OPEN FIRES</p> <p>The smoking of pipes, cigars, cigarettes, except in designated areas, or the use of open lights or fires, or the carrying of loose matches or the lighting or carrying of any lamp, light, lantern or torch which burns kerosene, gasoline, oil, gas or acetylene, on or in docks, sheds, wharves, railroad cars, and other property within the jurisdiction of the Port of Port Lavaca/ Point Comfort, or on the deck or holds of any vessel at the docks is strictly prohibited, as the entire Port is designated a non-smoking area.</p>	210
SUBRULE 24: PART ONE	<p>INSURANCE</p> <p>LIABILITY AND PROPERTY INSURANCE</p> <p>All persons and entities doing business on or in connection with the facilities of the Port of Port Lavaca/ Point Comfort shall keep in full force and effect Public Liability and Property Damage Insurance covering its operations to be carried out upon and in connection with the Public Facilities of the Port of Port Lavaca/ Point Comfort. The limits of liability shall be \$2,000,000 general liability and personal injury coverage in the amount of \$1,000,000 per occurrence. The policy or policies shall contain a clause that the insurer will not cancel or change the insurance without first notifying in writing the Port of Port Lavaca/ Point Comfort at least thirty (30) days in advance. The policy shall specify that the Port of Port Lavaca/ Point Comfort be added as an additional insured on each policy. Such insurance shall be placed in a company or companies having a current Best's General Policyholders Rating of A+ or A and Best's Financial rating of at least XII, or their equivalents, and a copy of the Policy or policies of Insurance, or Certificates of Insurance shall be delivered to the Port Director of the Port of Port Lavaca/ Point Comfort. Certificate of Insurance so furnished shall certify that the Policy or Policies comply with the requirements of this item.</p>	215

PORT OF PORT LAVACA/ POINT COMFORT  
TARIFF NO. 003

SECTION TWO

1<sup>st</sup> Revised Page No. 12

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Rule 34:

SUBJECT:	RULES AND REGULATIONS GOVERNING USE OF FACILITIES	ITEM
SUBRULE 24	INSURANCE (Cont'd)	215
PART TWO	VEHICLE LIABILITY INSURANCE All vehicles entering the Port Premises will be required to show proof of automobile liability insurance as required by the State of Texas. All vehicles not in possession of proof of liability insurance will not be allowed to enter Port premises until such proof of coverage is produced.	
PART THREE	WORKERS COMPENSATION INSURANCE Workers' Compensation Coverage (with U.S. Longshoremen and Harbor Workers Act coverage, if workers are working aboard a vessel and/or performing longshore duties) of \$500,000 must be carried. Each port user will provide, when required, certification of Jones Act/ U.S. Longshoremen and Harbor Workers Act coverage in addition to statutory Workers Compensation coverage.	
PART FOUR	VESSEL AGENTS/ PORT USERS INSURANCE Vessel agents and port users are request to advise companies whom the contract with to provide supplies and/or services on public port premises to furnish the Port Authority, in advance of their arrival, with certification of their insurance coverage. Entities without proper insurance certification cannot be allowed to access to the public port facilities until proper insurance certification has been received.	
SUBRULE 25:	NO PARKING Vehicles, automobiles, trucks and self-propelled mechanical handling equipment shall not be parked or left unattended on the docks at the Port of Port Lavaca-Point Comfort unless in an area designated for such parking, or as authorized by the Port Director.  Vehicles so left in unauthorized areas may be towed away and impounded by Port of Port Lavaca/ Point Comfort and such vehicles shall be reclaimed only on payment of \$25.00 towing fee.	220
SUBRULE 26:	HANDLING OF HAZARDOUS COMMODITIES Shipment of articles classified as explosive or dangerous by the U.S. Coast Guard will be accepted only after a cull compliance by shippers or delivering carrier with the rules and regulations of the Department of Transportation governing the transportation of such articles. Wharfage and handling facilities will not be provided except under special arrangements.  Acids, oils and empty gasoline or distillate drums must be removed from the wharves at once. The storage, keeping or use of gasoline, distillate, or other liquid petroleum products on property under control of the Port of Port Lavaca/Point Comfort, except at	225

(Cont'd)

ISSUED: May 15, 1999

EFFECTIVE: January 1, 2004

PORT OF PORT LAVACA/ POINT COMFORT  
TARIFF NO. 003

SECTION TWO

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SUBJECT:	RULES AND REGULATIONS GOVERNING USE OF FACILITIES	ITEM
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SUBRULE 26:	HANDLING OF HAZARDOUS COMMODITIES	225
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(Cont'd)

such localities may be specifically designated therefor, is strictly prohibited, and at such localities as may be designated for the same shall not be handled except between sunrise and sunset; and vessels will be allowed to take on board gasoline or distillate only between 8:00 AM and 5:00 PM, and when vessel is otherwise ready to depart. Delivery must be made direct from trucks to the vessel and the trucks will not be allowed to wait on the wharves.

Conformance should be made also so such further rules or regulations as may be issued by other state, federal or municipal authorities.

For the protection and safety of the Port of Port Lavaca/ Point Comfort, users of its facilities, and the general public, rights are reserved to issue such directives or regulations as may be deemed necessary be the Port of Port Lavaca/ Point Comfort to insure safe handling, stowing, loading, discharging or transportation of explosives or dangerous articles within confines of Port of Port Lavaca/ Point Comfort facilities or waterfront. Notification is required prior to ender of explosives or dangerous articles.

The Port of Port Lavaca/ Point Comfort may refuse the use of its facilities or waterfront for the handling, stowing, loading, discharging or transportation of such explosives or dangerous articles which are considered by the Port Director as offering undue risk or exposure to such risk.

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SUBRULE 27:	CAR AND TRUCK LOADING AND UNLOADING	230
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The docks are for the handling of cargo to or from vessels, and the Port of Port Lavaca/ Point Comfort reserves the right to control the loading or unloading of all freight handled on these facilities. The rates to be charged for loading and/or unloading rail cars or trucks at public shipside terminals, except those loaded into or loaded from warehouses located on port property other than shipside, are subject to the Port of Port Lavaca/ Point Comfort tariff.

The services of loading and unloading will be performed by the Port of Port Lavaca/ Point Comfort, or its authorized contractors at rates prescribed.

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SUBRULE 28:	CAR SPOTTING ORDER	235
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Steamship agents, operators, stevedores and others desiring to handle cargo from or to cars on Port of Port Lavaca/ Point Comfort railroad tracks shall make application to the Port Director on a Car Spotting Order, indicating thereon the party responsible for the shifting.

RULES

Rule 34:

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<b>SUBJECT:</b>	<b>RULES AND REGULATIONS GOVERNING USE OF FACILITIES</b>	<b>ITEM</b>
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<b>SUBRULE 29:</b>	<b>MARKING OR REMARKING FREIGHT</b>	<b>240</b>
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Marking or remarking of freight packages will be provided at cost plus 15%, or flat rate prices will be quoted upon application to the Port Director.

Application of hook tags will be at same rates as for marking. Rates for application of other types of tags will be by special arrangements. Stencils and tags are to be furnished by shipper or consignee at his expense.

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<b>SUBRULE 30:</b>	<b>ACCESS TO SHIPPING RECORDS</b>	<b>245</b>
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Vessels, their owners or Agents, Firms, Corporation or Individuals using the facilities of the Port of Port Lavaca/ Point Comfort, will be required to furnish manifests of cargo and any other data necessary to permit correct assessment of all charges.

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<b>SECTION THREE:</b>	<b>SUBJECT: CHARGES FOR USE OF FACILITIES</b>	
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<b>SUBRULE 31:</b>	<b>PILOTAGE RATES FOR MATAGORDA BAY FOR ALL VESSELS:</b>	<b>250</b>
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From Sea Buoy "MB" to Port of Port Lavaca / Point Comfort, or Alcoa docks, or any destination inward of Matagorda Bay buoy and back to sea:

Base Fee.....\$1269.67

Vessels shall also be charged a dead weight tonnage charge of \$0.0692 per deadweight ton computed using summer deadweight in metric tons.

Vessels shall also be charged a Draft Foot Charge: The SUM of vessels draft INBOUND and OUTBOUND to be charged at a rate of \$12.50 per foot.

Port Assessment (Communication Charge)...\$25.57

Boat Assessment Fee: \$300.00

Further Education and Training: \$27.97

**ALL OF THE ABOVE ARE ROUND TRIP CHARGES**

**VESSELS WITHOUT POWER AND/OR STEERING**

All vessels without power and/or steering will be charged double the charge for vessels with power and steering.

**SHIFTING:**

Within the Port Area or within the Alcoa Area: \$551.68.

From the Port to Alcoa or from Alcoa to Port ..\$1103.37

RULES

Rule 34:

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<b>SUBJECT:</b>	<b>RULES AND REGULATIONS GOVERNING USE OF FACILITIES</b>	<b>ITEM</b>
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<b>SUBRULE 31:</b>	<b>PILOTAGE RATES FOR MATAGORDA BAY</b>	<b>250</b>
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FOR ALL VESSELS: (Cont'd)

DETENTION

Awaiting arrivals sailings, shifts, or any other moves, \$252.32 per hour or fraction thereof after the first half-hour (30 minutes free time), but if vessel does not get underway within free time, detention starts from original time of order. Detention shall also be charged if pilot is unable to disembark the vessel within thirty (30) minutes after Finished with Engines (FWE)..

Arrivals: Detention will be charged if a revised arrival time is not received at least two (2) hours prior to last stated arrival time. If a vessel does not arrive within thirty (30) minutes of estimated arrival time, detention starts from the original arrival time.

If a vessel is required to anchor or stop in the channel during transit for any reason, detention shall be charged at the normal detention rate from time of anchoring or stopping until again underway.

First Line Ashore: Detention charges at the normal rate will be charged if the pilot is unable to disembark the vessel after one (1) hour from the first line.

CANCELLATION

Vessels shall be charged according to the normal detention rate, from the time the pilot departs for the vessel until his return.

SPECIAL SERVICES

The rates for any special or extra services not covered herein, including movement of unusual types of floating equipment such as drilling rigs, dry docks, etc. shall be by specific agreement made in advance of the movement.

PILOT CARRIED TO SEA

If Pilot is detained on board due to weather, safety or any other reasons, the pilot shall be paid \$272.78 per day plus first class transportation back to Victoria, Texas and reimbursed for transportation expenses from Victoria to Port Lavaca, Texas.

Payment: A hand bill will be given to the captain to give to the agent with all charges for round trip pilotage.

PAYMENT, IN FULL, IS REQUIRED BEFORE SAILING

Matagorda Bay Pilots Association can be reached at (361) 552-9988.

PORT OF PORT LAVACA/ POINT COMFORT  
TARIFF NO. 003

SECTION THREE

4th Revised Page No. 16

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Rule 34:

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<u>SUBJECT:</u>	<u>CHARGES FOR USE OF FACILITIES</u>	<u>ITEM</u>
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SUBRULE 32:	<p>MOORING, UNMOORING AND SHIFTING VESSELS</p> <p>The Port of Port Lavaca/ Point Comfort no longer performs the mooring and unmooring of vessels at the Port of Port Lavaca/ Point Comfort facilities. At this time, this service is offered by Point Comfort Mooring and Marine Services Inc. (361) 552-3292, as ordered by the vessel operators. Rates and service information may be obtained by contacting the above itemized companies.</p>	255
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SUBRULE 33:	<p>PORTABLE GANGWAY:</p> <p>A portable forty-two foot (42') aluminum gangway with safety net is available for use at the Port of Port Lavaca/ Point Comfort public berths. For rate and installation service information, contact Point Comfort Mooring &amp; Marine services, Inc. at (361) 552-3292, (361) 552-7666 or the 24 hour toll free service number (800) 933-3643.</p> <p>LPN GANGWAY FEES: A fee of \$150.00 will be charged for use of the LPN Gangway. LPN Gangway Shifting: A fee of \$75.00 will be charged for each gangway shift.</p>	260
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SUBRULE 34:	<p>DOCKAGE CHARGES: Dockage charges apply on vessels moored to any property of Port of Port Lavaca/ Point Comfort or for mooring to a vessel so berthed.</p>	265
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PART ONE:	<p>GENERAL CARGO, LIQUID BULK CARRIERS, DRY BULK COMMODITIES, MOLASSES AND OTHER COMMODITIES NOT COVERED BY PART TWO:</p> <p>Vessels mooring or tying up at public mooring facilities or the Port District shall be charged dockage on the basis of Length Overall (LOA) of vessel as shown in Lloyd's Register of Shipping.</p>	
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However, the Port District reserves the right to admeasure any vessel when deemed necessary, and use such measurements as the basis of the charge.

<u>LOA IN FEET</u>	<u>RATE PER FOOT</u>
0-199	\$525.00 per day minimum
200-299	\$2.81
300-399	\$2.92
400-499	\$3.41
500-599	\$4.79
600-699	\$4.90
700-799	\$7.58
800-899	\$8.53
900 & over	\$10.18

PORT OF PORT LAVACA/ POINT COMFORT  
TARIFF NO. 003

SECTION THREE

2nd Revised Page No. 17

RULES

Rule 34:

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<u>SUBJECT:</u>	<u>CHARGES FOR USE OF FACILITIES</u>	<u>ITEM</u>
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SUBRULE 34:	DOCKAGE CHARGES	265
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(Cont'd) Note: Minimum charges for any vessel will be \$262.50 per vessel per 24-hr. period.

PART TWO:

INLAND, LASH OR SEABEE BARGES, TUGS, TOWBOATS  
OR OTHER SMALL CRAFT:

Inland barges, LASH or SEABEE barges and other vessels shown in Part Two above mooring or tying up at public wharves or mooring facilities of the Port of Port Lavaca/ Point Comfort shall be subject to the following charges per day or fractional part thereof, including Saturday, Sundays, or Holidays. (Cont'd)

TUGS AND TOW BOATS	\$57.75 per day
<u>Length of Barge</u>	<u>Charge</u>
75 feet or less	\$46.20 per day
over 75 ft.-250 ft.	\$69.30 per day
over 250 ft.-350 ft.	\$80.85 per day
over 350 ft.	\$144.38 per day

PART THREE:

VESSELS MOORED FOR LAY BERTH OF MAKING REPAIRS

Vessels moored at any specifically assigned Port of Port Lavaca/ Point Comfort property for the purpose of lay berth or for making repairs will be subject to dockage charges as follows:

Ships of any kind- 5.78¢ per gross registered ton

Subject to a daily minimum charge of \$173.25. (See Note 1)

Tank barges not exceeding 350 feet in length- \$80.85 per day

Tank barges exceeding 350 feet in length- \$144.38

Other barges, 2¢ per net registered ton subject to a minimum charge of \$46.20 per day.

Charges apply per vessel per function or operation, at the same or different docks per 24-hour period of fractional part thereof.

PART FOUR:

Barges and Tugs berthed along the designated fleeting area before and/or after loading/unloading will be assessed a charge of 50% of the amount per day per vessel as contained in tariff Subrule 33, parts 2-3.

Note 1.

Charges will be based on the Net Registered Tonnage of the Vessel as shown in the U.S. Army Corps of Engineers Transportation Series 4 and 5 publications.

(Cont'd)

PORT OF PORT LAVACA/ POINT COMFORT  
TARIFF NO. 003

SECTION THREE

2<sup>nd</sup> Revised Page No. 18

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Rule 34:

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SUBJECT:	CHARGES FOR USE OF FACILITIES	ITEM
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SUBRULE 34:	DOCKAGE CHARGES	265
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(Cont'd)

Note 2.

The dockage fee is a charge for the account of the barge or towboat owner, operator, and/or chartered and will be billed by the Port Authority against information supplied to the Port Authority by the towing company. The information to be provided will be: (1) the name/designation of the barge, towboat (2) the date and time of each movement, and (3) the name and address of the entity responsible for the payment of charges accrued against the barge or towboat. Failure to provide this information will indicate that the towing company accepts responsibility for payment and collection of the fee.

PART FIVE: LASH barges using public docks for removing and installing hatch covers will be assessed a \$28.88 per occurrence charge.

PART SIX A Port Security Fee will be assessed to inland tug and barges.

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SUBRULE 35:	ELECTRICITY AND LIGHTS	270
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The dock is provided with flood lights and 120 volt outlets. The charge for floodlights for night work and 120 volt outlets will be \$3.00 per hour with a 2-hour minimum.

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SUBRULE 36:	POTABLE WATER	275
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Potable water is supplied by the Navigation District at the rate of \$1.75 per each 1000 gallons.

CONNECTION/SERVICE CHARGE: All water connections to ships, barges, tugs and trucks will be made by or under the supervision of Port of Port Lavaca/ Point Comfort personnel at a charge of \$25.00 per connection and services for tugs and barges, for connections and services to ships requiring 300' of hose or under will be charged \$50.00, or for ships requiring over 300' of hose \$100.00, Mondays through Fridays 7:00 a.m. to 5:00 p.m. For water services after these hours and on weekends, an additional overtime charge of \$35.00 for each man hour required for water service will be assessed.

Note: No connection will be made to fire hydrants for fresh water service.

RULES

RULE 34  
SUBRULE 37: BUNKERS AND SHIPS' STORES 280

Bunkering lines are installed at the dock. Deliveries may be made by tank trucks or barges upon prior application to the Port Operations Director, who shall designate time and the area within which deliveries may be made, provided further that no deliveries may be made which will be in conflict with any insurance, fire or Port Security regulations. Supplier shall furnish Port Operations Director with statement showing date, name of vessel, and quantity and kind of bunkers or stores supplied, and shall pay wharfage charges as follows:

SUBJECT: CHARGES FOR USE OF FACILITIES ITEM  
SUBRULE 37: BUNKERS AND SHIPS' STORES 280

Gasoline, Kerosene, Lubricating Oil and Light Diesel #1 or #2:  
Via pipe line or barge, per barrel.....4¢  
Via tank truck delivery, per barrel.....4¢  
Bunker "C" Heavy Marine Diesel and Residual Fuels:  
Via pipeline or barge, per barrel.....4¢  
Via tank truck delivery, per barrel.....4¢  
Minimum Charge of \$20.00 applicable on all bunkering.

VESSEL DELIVERIES LIQUID PIER FACILITY  
The Liquid Pier Facility is a Class I, Division I facility. Delivery of any and all supplies by vehicle directly to the vessel at the Liquid Pier North or South berths is prohibited during cargo transfers. Transfers will be permitted before or after the cargo transfer completed, if acceptable with the entity receiving or supplying cargo. It is the responsibility of the vessel agent to contact the cargo supplier/recipient to ascertain if a stores transfer will be before or after a cargo transfer. Delivery of unitized supplies that can be shuttled to the ship by hand truck dolly is permissible. Vessel Agents are encouraged to contact the Port Operations Department prior to any scheduled deliveries to ensure availability.

SECTION FOUR SUBJECT: WHARFAGE  
SUBRULE 38: DEFINITION OF WHARVES AND WHARFAGE 285

The term wharf as mentioned herein refers to any of the wharves, either open or shedded, belonging to or operated by the Port of Port Lavaca/Point Comfort.  
Wharfage is a charge on freight over a wharf, or transferred between vessels, or loaded from water over shipside, while vessel occupies berth at wharf. It does not include sorting, piling, weighing, handling, insurance, customs charge, revenue stamps or fees of any nature imposed by the State or Federal Government against the shipment or goods on the wharves, or receiving goods from or over the wharves, or delivering or receiving oil by pipe-line, or delivering or receiving goods from barges or other craft while said vessel is berthed at a wharf thereby contract to pay and are responsible for the wharfage on same, at the rate provided herein, to be collected either from vessel, its owners, agents, or the cargo owners.

PORT OF PORT LAVACA/ POINT COMFORT  
TARIFF NO. 003

SECTION FOUR

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RULES

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Rule 34:		
SUBRULE 38:	WHARFAGE EARNED:	290
Cont'd	Freight placed in a wharf shall be considered to have earned wharfage when placed upon the wharf and wharfage will be collected on it whether or not it eventually is loaded on a vessel.	

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SUBJECT:	WHARFAGE	ITEM
SUBRULE 40:	TRAFFIC TRANSSHIPPED OR RESHIPED Traffic discharged from vessels for transshipment by vessel or barge, having paid inward wharfage, and not having been removed from port premises, will be charged a wharfage rate of 10% of the inward wharfage on the outward movement.	295

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SUBRULE 41:	DEFINITIONS "TRAFFIC" (1) INTERCOASTAL CANAL TRAFFIC: All traffic between interior points served by canals and rivers.  (2) COASTWISE TRAFFIC: All traffic between any two or more Atlantic, Pacific or Gulf Ports of the United States.  (3) IMPORT TRAFFIC: All traffic moving from ports not within the continental United States to ports within the continental United States.  (4) EXPORT TRAFFIC: All traffic moving from the continental United States to ports not within the continental United States.	300
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SUBRULE 42:	STORAGE OF CARGO ON WHARVES The Port of Port Lavaca/ Point Comfort does not engage in the business of storage or housing of property on its wharves and will not be responsible for loss or damage to property remaining thereon. All property landed or received on any of the wharves is thereafter at the risk of the owner, and the Port of Port Lavaca/ Point Comfort reserves the right to remove any or all of such property to any part of the wharves as its convenience and at the risk and expense of the owner, or it may be removed and stored elsewhere than on the wharves, without notice and at the risk and expense of the owner, and the Port of Port Lavaca/ Point Comfort will retain legal possession of all property until all charges are paid.	305
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SUBRULE 43:	DEFINITION OF FREE TIME Free time is the maximum period allowed prior to vessel arrival and after vessel departure for assembling cargo for outbound movement by vessel or removing inbound cargo discharged from vessel, without assessment of penalty charges.  Free time does not apply on cargo not loaded on or discharged from a vessel.	310
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ISSUED: July 2, 2001

EFFECTIVE: July 15, 2001

## RULES

Rule 34:

SUBRULE 44:	DEFINITION OF PENALTY: Penalty is a charge assessed against cargo which remains on the wharves in excess of the free time allowed.	315
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SUBJECT:	WHARFAGE	ITEM
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SUBRULE 45:	DEFINITION OF DAY, MONTH DAY: For the purposes of all sections of Tariff, a day shall be considered as a twenty-four hour period beginning at 12:01 A.M. A fraction of a day shall be considered as a full day.	320
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MONTH: For the purpose of all sections of Tariff, the month referred to is that period beginning at 12:01 A.M. on the first day of the calendar month following spotting of the cargo for unloading and ending at 11:59 P.M. on the last day of the calendar month preceding loading out of the cargo.

SUBRULE 46:	DEFINITION OF TON For the purpose of all sections of this Tariff, the ton referred to is a short ton of 2,000 pounds.	325
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SUBRULE 47:	COMPUTING TIME In computing days on Outbound Cargo, time runs from day the cargo is placed on the wharves, and ends with and includes day receiving vessel goes on dockage. The day cargo is placed on the wharves, and the day receiving vessel goes on dockage shall each be counted as a full day.	330
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In computing days on Inbound Cargo, time will begin with the first day following date of vacating of berth by discharging vessel, and will continue to, and include, day cargo is removed from wharf.

Time will run continuously, including Sundays and holidays.

SECTION FIVE	SUBJECT: BULK MATERIALS HANDLING DOCK	
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SUBRULE 48:	FREE TIME AND PENALTY BULK CARGO FREE TIME: Inbound Cargo.....15 days Outbound Cargo.....30 days	335
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NOTE 1: Free time on outbound cargo may be extended upon application to the Port Director for the purpose of assembling cargo for a single shipment.

PENALTY: Inbound Cargo 10¢ per ton per day  
Outbound Cargo 06¢ per ton per day

Inbound Cargo remaining on port property in excess of 45 days after the expiration of free time will be charged at a rate of 30¢ per ton per day.

NOTE 2: Food commodities shipped under Title II, Public Law 480 will be allowed 30 days in which to assemble a single shipment.

PORT OF PORT LAVACA/ POINT COMFORT  
TARIFF NO. 003

SECTION FIVE

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RULES

Rule 34:

SUBJECT:	BULK MATERIALS HANDLING DOCK	ITEM
SUBRULE 49:	<p>SPECIAL SERVICES</p> <p>Any labor or material required for special services not covered in this Tariff shall be provided at actual cost plus 20%, or flat rate prices will be quoted by the Port Director upon application</p> <p>The Port of Port Lavaca/ Point Comfort will not undertake to render special services except at its convenience, nor will it assume any responsibility whatsoever for failure to render such service.</p>	340
SUBRULE 50:	<p>OVERTIME RATES</p> <p>The overtime wage rate for Port employees shall be \$35.00 per hour.</p>	345
SUBURULE 51:	<p>PUBLIC PORT FACILITIES</p> <p>The public port facilities of Port Lavaca/Point Comfort will be an entirely non-smoking facility.</p>	350
SUBRULE 52:	<p>RATES, RULES AND REGULATIONS</p> <p>Equipment: Belt Conveyor, Dump Pit, Capstan for moving vessel and Concrete.</p> <p>Use Charge: A single charge of 50¢ per ton of 2000 lbs. will be assessed for use of this facility subject to the following exception:</p> <p>Exception:</p> <p>1. Where the characteristics of the commodity are such as will, in the opinion of the management, prevent satisfactory rate of handling or result in damage to the conveyor or vessel, the published rate will not apply. A rate for handling such cargo will be provided upon request.</p> <p>Dockage:</p> <p>For dockage charges applicable to vessels at the Bulk Materials Handling Dock see Subrule 33 of this tariff.</p> <p>Equipment Operation:</p> <p>All equipment at this dock except the vessel being loaded will be operated by the Port of Port Lavaca/ Point Comfort.</p> <p>Delays:</p> <p>The Port of Port Lavaca/ Point Comfort will not be responsible for delays to vessels docked at or seeking berth at the Bulk Handling Dock regardless of the cause.</p>	355

RULES

Rule 34:

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<b>SUBJECT:</b>	<b>RATES RULES AND REGULATIONS</b>	<b>ITEM</b>
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<b>SUBRULE 53:</b>	<b>USE OF CRANES</b>	<b>360</b>
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The use of privately owned cranes or lift equipment on the property of the Port of Port Lavaca/ Point Comfort shall not be permitted except by special permission of the Port Director who will regulate its use. A charge shall be made for the use of wharves, tracks or property of the Port of Port Lavaca/ Point Comfort as follows:

Automotive Crane, Caterpillar or solid tires, per hour     \$2.50  
Automotive Crane, pneumatic tires, per hour                 \$2.00

The Port of Port Lavaca/Point Comfort provides a crane for loading and unloading ships stores and supplies at the Liquid Pier North and South berths at the following rates:

2,350 lb. capacity crane and operator \$50.00 per hr., 1 hour minimum.

Other Cranes, transfer equipment & hydraulic equipment:  
per hour.....\$3.00

Governing Conditions:

Fractional hours and Waiting Time- Fractional hours will be charged as a full hour. Waiting time will be charged as if working. Delays while Trimming, Switching, etc.- No credit will be allowed for time lost while trimming the ship, switching of cars or trucks, or any other operation in which the cranes remain idle on the wharf or dock.

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<b>SUBRULE 54:</b>	<b>HARBOR TUG SERVICE:</b>	<b>365</b>
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Point Comfort Towing, Inc. (361) 987-2515, provides resident harbor tug service (300 hp) at the Port of Port Lavaca/Point Comfort public facilities. Base rates as shown below:

Assist Docking Vessel.....\$3,050  
Assist Undocking Vessel..\$3,050  
Barge Shifting.....\$300 Per Barge

Additional harbor tug service is provided by Alco Marine (2,000 hp) (361) 987-2631 and King Fisher Marine Service, Inc. (1200 hp and 1000 hp) at (361) 552-6751.

RULES

Rule 34:

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SUBJECT:	WASTE REMOVAL	ITEM
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SUBRULE 55:	REMOVAL OF APHIS WASTE, OTHER FOREIGN GARBAGE AND NON-APHIS WASTE AND NON-APHIS WASTE GARBAGE:	370
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Definition:

"APHIS Waste" means garbage which is on or unloaded from any means of conveyance at a place which is subject to general surveillance for compliance by the Animal and Plant Health Inspection Service ("APHIS") of the United States Department of Agriculture. "APHIS Waste Garbage" means all waste material derived in whole or in part from fruits, vegetables, meats or other plant or animal (including poultry) material, and other refuse of any character whatsoever that has been associated with any such material on board any means of conveyance, and including food scraps, table refuse, galley refuse, food wrappers or packaging materials, and other waste material from stores, food preparation areas, passenger or crew's quarters, dining rooms, or any other areas on vessels, aircraft, or other means of conveyance.

Non-APHIS Waste and Non-APHIS Waste Garbage:

Non-APHIS Waste and Non-APHIS Waste Garbage in small quantities may be removed from all vessels and placed in a designated is not greater than one-half of the capacity of the shoreside refuse container provided by the Navigation District. Quantities greater than this amount must be placed in a container (or containers) which will be contracted for by the Navigation District. Such special refuse removal will be charged to the vessel by the Port of Port Lavaca/ Point Comfort at actual cost of the services plus 20%. The Port of Port Lavaca/ Point Comfort requires a minimum of 24 hours prior notification in order to arrange special refuse removal services.

APHIS Waste and APHIS Waste Garbage:

APHIS Waste and APHIS Waste garbage may be removed from vessels only in 3.3 cubic foot cardboard containers which are lined with 4 mil plastic liners (cardboard containers with liner will be furnished by the Port of Port Lavaca/ Point Comfort at no cost). The containers may be removed from the vessel only under the authorized supervision of a Port of Port Lavaca/ Point Comfort employee and will be clearly marked as follows:

FOREIGN GARBAGE

VESSEL NAME:

DOCKED AT

TIME/DATE REMOVED FROM VESSEL:

\_\_\_\_ OF CONTAINERS REMOVED FROM VESSEL

(Cont'd)

RULES

Rule 34:

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SUBJECT:	WASTE REMOVAL	ITEM
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SUBRULE 55: (Cont'd)	REMOVAL OF APHIS WASTE, OTHER FOREIGN GARBAGE AND NON-APHIS WASTE AND NON-APHIS GARGAGE: The minimum charge for APHIS Waste and APHIS Waste Garbage removal services at the Port of Port Lavaca/ Point Comfort is \$550.00. This minimum charge applies to the removal of from one (1) to twenty (20) 3.3 cubic foot containers. Each APHIS Waste and APHIS Waste Garbage 3.3 cubic foot container over twenty (20) will be charged at the rate of \$27.50 per container.	370
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Prohibited Material: All Waste (both APHIS and Non-APHIS), Waste Garbage (both APHIS and Non-APHIS) and refuse to be removed from vessels at the Port of Port Lavaca-Point Comfort specifically excludes radioactive, volatile, highly flammable, explosive, biomedical, toxic, infectious or hazardous material. The term "Hazardous material" shall include, but not be limited to, any amount of waste listed or characterized as hazardous by the United States Environmental Protection Agency or any state agency pursuant to the Resource Conservation and Recovery Act of 1976, as amended, or applicable state laws.

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SUBRULE 56:	ABANDONING, DUMPING, DISCHARGING, ETC. OF WASTE MATTER:	375
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(A) All vessels, their owners or agents, and other users of Port of Port Lavaca/ Point Comfort facilities shall comply with all federal, state or local regulations with regard to the placing or discharging into Port waters, either directly or through private or public sewers, any sanitary sewage, butcher's offal, garbage, dead animals, gaseous liquid or solid matter, oil, gasoline, residuum of gas, calcium carbide, trade waste, tar or refuse or any other matter covered by such laws or regulations of any such authorities.

(B) Vessels discharging oil from bilges or tanks into the aforementioned waters will be reported to the United States Coast Guard for prosecution under appropriate federal laws. Throwing ballast, rubbish, dunnage or any other mater into the aforesaid waters is strictly prohibited.

(C) Should any vessel, its owners or agents, stevedore, freight handler or other user of the facilities abandon any drums, boxes or other containers of cargo upon Port Authority property and not remove same therefrom within 48 hours after notification by the Port Authority, of the location of such items, same will be removed by the Port Authority, its employees or contractors, and the cost of such removal plus 20% shall be billed to the vessel, its owners or agents, stevedore or freight handler or other user of the facilities which shall have been deemed by its failure to remove same to have agreed to the payment for same.

RULES

Rule 34:

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SUBJECT:	WASTE REMOVAL	ITEM
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SUBRULE 57:	ACCIDENTAL DISCHARGE OF DANGEROUS CARGO OR OIL:	380
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(A) Any person in charge of vessel, or facility, as soon as he has knowledge of the accidental discharge in any quantity, of dangerous cargo or oil from such vessel or facility into the waters under the jurisdiction of the Port of Port Lavaca/ Point Comfort shall immediately notify the Port of Port Lavaca/ Point Comfort by the quickest means available. This does not waive the requirement for notification of the U.S. Coast Guard in accordance with the provisions of the Federal Water Pollution Control Act.

(B) It shall be incumbent upon any master owner or agent of any vessel or facility to equipment in order to prevent the spread of any accidental spill or discharge of dangerous cargo or oil.

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SUBRULE 58:	OIL POLLUTION ACT OF 1990 TEXAS OIL SPILL PREVENTION RESPONSE ACT OF 1991:	385
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User of Port Authority public docks (Users) shall comply with the provisions of the Oil Pollution Act of 1990 (OPA) and the Texas Spill Prevention Response Act of 1991 (TOSPR) and any final rules or regulations promulgated thereunder, with respect to any and all operations conducted at or on the Public Docks. Upon reasonable request from the Port Authority, Users shall furnish proof of compliance.

The failure of any User to be in compliance with OPA or TOSPR may result in the user being denied use of, or access to the Public Docks until User provides satisfactory proof of compliance.

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SUBRULE 59:	HANDLING OF HAZAROUS MATERIAL:	390
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(A), Materials classified as hazardous by the U.S. Coast Guard, or by the U.S. Department of Transportation will be accepted by the Port Authority for handling in waterborne commerce only if they are in full compliance with Coast Guard, and the Department of Transportation rules and regulations governing the handling of hazardous materials and with all federal and state laws and municipal ordinances and any rules and regulations issued pursuant thereto.

(B), Protection and safety of the waterways, port facilities, users and the general public, the right is reserved to issue such directives as may be deemed necessary by the Port Commission to ensure safe handling, stowing, loading, unloading, or transportation of hazardous materials within or upon the waterways. Written notice to the Director of Operations is required prior to the tender of hazardous materials.

PORT OF PORT LAVACA/ POINT COMFORT  
TARIFF NO. 003

SECTION SIX

1st revised Page No. 27

RULES

Rule 34:

SUBJECT: WASTE REMOVAL ITEM

SUBRULE 60: RESPONSIBILITY FOR REPORTING HAZARDOUS MATERIAL 395

The master of any vessel entering the Port shall furnish the Director of Operations immediately upon docking, a list of hazardous cargo aboard the vessel, including any gunpowder, dynamite, or other explosives, or flammable materials (except tank vessels designed for carrying such flammable materials) stating the quantity and the location of each in the vessel. The master shall abide by the Port Authority rules and regulations and any other instructions issued by the Director of Operations pertaining to such cargo and the handling thereof.

SECTION SEVEN SUBJECT: WAREHOUSING & MISCELLANEOUS SERVICES ITEM

SUBRULE 61: FORKLIFT/EQUIPMENT RENTALS: 400

The Port of Port Lavaca/ Point Comfort will provide forklift services and equipment rentals as follows.

- (1) 5000-lb. capacity fork lift with operator for \$35.00 per hour, subject to a 3-hour minimum
- (2) 5000-lb. capacity forklift for use in warehouse and surrounding apron area for \$12.50 per hour.
- (3) Hand Pallet Truck: \$25.00 per use.
- (4) Portable air compressor: \$20.00 per hour.
- (5) Miscellaneous Port Equipment: \$35.00 per hour

SUBRULE 62: SECURITY 405

The Port of Port Lavaca/ Point Comfort provides security service twenty-four (24) hours per day, seven days a week, 365 days a year. The port will assess a charge of \$31.63 per hour to each vessel berthed at the port dock for security service.

- 405BB S -Port Security Fee- Barge 1-6 \$ 31.63per Tow
- 405BSA S- Port Security Fee-Barge Fleeting Area \$15.81 per Tow
- 405CD S-Port Security Fee-Conveyor Dock \$31.63 per Tow
- 405GCD-S Port Security Fee-General Cargo Dock 31.63 per Tow
- 405MPD S Port Security Fee-Multi-Purpose Dock \$31.63 per Tow

SUBRULE 63: PENALTY CHARGES: 410

(A) All charges incurred under provisions of this tariff are due upon presentation and shall be payable within thirty (30) days from the date of the bill or invoice.

Late Charges: Interest at a rate of one and one half percent (1 1/2 %) per months or the maximum legal percentage allowed by the state of Texas, will be assessed on the balance due on invoices more than thirty (30) days old, calculated on a daily basis, for each day over 30 days, and the amount of such penalty shall be added to the amount due each month until the amount of arrearage is paid.

(Cont'd)

PORT OF PORT LAVACA/ POINT COMFORT  
TARIFF NO. 003

SECTION SEVEN

1<sup>st</sup> Revised Page No. 28

RULES

Rule 34:

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SUBJECT:	WAREHOUSING AND MISCELLANEOUS CHARGES	ITEM
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SUBRULE 63:	PENALTY CHARGES	410
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(Cont'd)

(B) The Port of Port Lavaca/ Point Comfort reserves the right to estimate and collect in advance all charges which may accrue against vessels, their owners and agents, or against cargo loaded or discharged by such vessels, or from other users of the facilities of the Port of Port Lavaca/ Point Comfort, whose credit has not been properly established with the Port of Port Lavaca/ Point Comfort or who are habitually on the delinquent list. Use of facilities may be denied until such payments or deposits are made.

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SUBRULE 64:	PUBLIC SCALE	415
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The scale at the Port of Port Lavaca/Point Comfort is operated by Texas Liquid Fertilizer. It is available for use Monday through Friday from 8:00 a.m. through 5:00 p.m. at the following rates:

Public Use: \$5.00 per ticket. For availability call (361) 987-2682

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SECTION EIGHT	SUBJECT: LOADING/UNLOADING AND WHARFAGE CHARGES	ITEM
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SUBRULE 65:	All handling charges are in cents per 100 pounds,	420
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except where otherwise provided, and apply for the service of unloading freight from or loading it into cars or trucks at wharves and piers.

When two or more articles having different loading or unloading rates are handled in mixed shipments, the charge on the total weight of the mixed shipment is the rate applicable to the article taking the highest rating.

All wharfage charges are in cents per 2000 lbs. except as otherwise noted.

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SUBRULE 66:	SUPPLIES: A flat fee of \$50.00 will be assessed on	425
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all transfer of supplies from public dock to boat/barge to vessel. This fee will be assessed on all vessels transferring supplies.



PORT OF PORT LAVACA/ POINT COMFORT  
TARIFF NO. 003

SECTION EIGHT

3<sup>rd</sup> revised Page No. 30

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Rule 34:

<u>SUBJECT:</u>	<u>LOADING/UNLOADING AND WHARFAGE CHARGES</u>	<u>ITEM</u>
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SUBRULE 71:	Commodities, all kinds:	450
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Loaded in reusable containers, packaged, loose or in bulk, (see exceptions):  
Container of maximum dimensions 40'11" in length, 8'6" in width, and 8' in height, gross weight 6,001 lbs. but not exceeding 70,000 lbs. (See Note 1)

Wharfage  
97

Loading/Unloading  
97

Containers loaded or unloaded direct from or to ship with ship's tackle or with crane equipment.

Wharfage  
97

Loading/Unloading  
97

Exception 1: Containers must be constructed in a manner that will permit handling from either side by fork-lift or crane equipment.

Exception 2: Non applicable on shipments of household goods moving in packing vans or crate.

Exception 3: Loaded containers will be charged wharfage at rates specified, based on weight of the products only.

Exception 4: Empty containers will be charged loading/unloading and wharfage at the above rates, based upon actual weight of the container.

Note 1: Containers exceeding the dimensions or weight specified will be subject to rates otherwise provided in Subrule 67.

SUBRULE 72:	DRY BULK CARGO: All loading and/or unloading will be handled by tenant of the Port of Port Lavaca/ Point Comfort and must be unloaded at Dock No. 2 using equipment owned by leaseholders of Port of Port Lavaca/ Point Comfort.	455
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<u>Wharfage</u>	
Export/Import, Intercoastal, Coastwise & Intracoastal	
Urea-Bulk and Dry fertilizer	44
Coal-Bulk	92
Cement, other Dry Bulk products	92
Construction Aggregate	92

SUBRULE 73:	SPECIAL NOTICE TO SHIPPERS: Charges for loading and unloading should be requested from stevedoring companies working the Port of Port Lavaca/Point Comfort since their rates are subject to change each year.	460
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The Port Director will assist in obtaining these costs.

PORT OF PORT LAVACA/ POINT COMFORT  
TARIFF NO. 003

SECTION EIGHT

1<sup>st</sup> revised Page No. 31

RULES

Rule 34: SUBJECT:	LOADING/UNLOADING AND WHARFAGE CHARGES	ITEM
SUBRULE 74:	Fertilizer and fertilizer material, viz:	465
In Packages:		76
Liquid, via pipeline		42
Unitized (See Subrule 66)		32
SUBRULE 75:	Grain, Viz:	470
	Barley, corn, darso, feteria, hegari, kaffir corn, milo, maize, oats, ryes, wheat and other grains.	
	In sacks or packages (See Note)	81
Note: On commodities shipped in polypropylene or plastic bags, a surcharge of \$.12 per ton of 2000 lbs. will be assessed in addition to the normal loading or unloading charges.		
SUBRULE 76:	Grain Products:	475
	(including but not limited to corn-soya milk) consisting of not more than 25% of other ingredients, viz: wheat flour, soy-fortified corn meal, soy-fortified rolled oats, soy-fortified bulgur, wheat soy blend, soy flour (defatted).	
	In bags or packages:	81
	In bulk (over Port of Port Lavaca/ Point Comfort wharf facility)	51
SUBRULE 77:	Iron and steel articles	480
	<u>Wharfage</u> Export/Import, Intercoastal, Coastwise & Intracoastal	
	Pipe in straight lengths (not fabricated, other than threaded) and pipe fittings, including boiler and tank plate, rail bolts and splices, wheels, rods, wire, in coils (unfinished not drawn through die)	81
Unitized commodities see Subrule 67.		
SUBRULE 78:	Junk, viz:	485
	Rags, waste; waste paper; scrap leather; scrap metals; scrap rope or twine; scrap rubber (scrap or waste pieces having value only for remelting or conversion purposes).	82
SUBRULE 79:	Machinery, viz:	490
	all pieces weighing less than 10,000 lbs.	
	Set-up	251 (Import/export, intercoastal) 176 (Intracoastal)
	Knocked Down	176
	Parts thereof	176
	all pieces weighing over 10,000 lbs., for full shipment.	252

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SECTION EIGHT

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<u>SUBJECT:</u>	<u>LOADING/UNLOADING AND WHARFAGE CHARGES</u>	<u>ITEM</u>
SUBRULE 80:	Paper, newsprint	82 495
SUBRULE 81:	Tie, Railroad, Viz: pine or hardwood	432 32 ea. (export & outbound intercoastal) 27 ea. (Intracoastal)
SUBRULE 82:	Vessels, pressure, refining, iron or steel	505 252

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