

Port of Houston Authority

Tariff No. 8

January 1, 2025

***Rates, Rules, and Regulations Governing the Houston
Ship Channel and the Public Owned Wharves***

Issued by:

Port of Houston Authority
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**PORT OF HOUSTON
TARIFF NO. 8**

Section One: Definitions and Abbreviations

Page No. 7

Note: The definitions included in Section One will also apply to Port of Houston Tariff Nos. 14, 15, & 18 unless specifically described differently in those tariffs.

| | | |
|------------------------------|---|-----------------|
| SUBRULE NO. 001 | | Original |
| <u>Agent or Vessel Agent</u> | Any party who acts on behalf of another party, including but not limited to, the party who submits the application to the PHA for a Vessel's berth. | |
| SUBRULE NO. 002 | | Original |
| <u>Berth</u> | The water area at the edge of a wharf, including mooring facilities, used by a Vessel while docked. | |
| SUBRULE NO. 003 | | Original |
| <u>Bonded Storage</u> | Storage accomplished under bond payable to the United States Treasury Department until cleared for entry by the United States Customs. | |
| SUBRULE NO. 004 | | Original |
| <u>Checking</u> | The service of counting and checking cargo against appropriate documents for the account of the cargo or the Vessel, or other person requesting same. | |
| SUBRULE NO. 005 | | Original |
| <u>Container</u> | A standard (ISO) seagoing container 20 feet in length or over. | |
| SUBRULE NO. 006 | | Original |
| <u>Day</u> | A consecutive 24-hour period or fraction thereof. | |
| SUBRULE NO. 007 | | Original |
| <u>Dockage</u> | A charge assessed against a Vessel for berthing at a wharf, pier, bulkhead structure or bank, or for mooring to a Vessel so berthed. | |
| SUBRULE NO. 008 | | Original |
| <u>Executive Director</u> | The person authorized by the Port Commission of the Port of Houston Authority to act and perform and discharge all of the duties, powers, and functions that the chief executive officer, executive director, and general manager of the Port of Houston Authority is, or may be, authorized to perform, by law of by the direction of the Port Commission. | |
| SUBRULE NO. 009 | | Original |
| <u>Free Time</u> | The specified period during which cargo may occupy space assigned to it on terminal property, including off-dock facilities, 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. | |

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TARIFF NO. 8**

Section One: Definitions and Abbreviations

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SUBRULE NO. 010 **Original**

Gross Registered
Tonnage

Tonnage of the Vessel as shown in Lloyd's Register of Shipping; however the Port Authority reserves the right to admeasure any Vessel where deemed necessary, and use such measurement as the basis of the charge.

SUBRULE NO. 011 **Original**

Handling

The service of physically moving cargo between point of rest and any place on the terminal facility, other than the end of ship's tackle.

SUBRULE NO. 012 **Original**

Individual
Steamship Line

An individual steamship line has all of the following attributes: (a) It operates through one agency in the Port of Houston; (b) it has one billing address; (c) it has control of cargoes whose volumes are said to qualify for discounts; (d) it has a unified administration and management, and (e) it is not created through slot charters, joint services or Vessel sharing agreements.

SUBRULE NO. 013 **Original**

Liner Service

Vessels making regularly scheduled calls for the receipt and delivery of cargo and passengers at this port.

SUBRULE NO. 014 **Original**

Loading &
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.

SUBRULE NO. 015 **Original**

Marginal Tracks

Railroad tracks on the wharf apron within reach of ship's tackle.

SUBRULE NO. 016 **Original**

Overtime

Work performed on PHA Holidays and during any hours other than straight time hours of 8:00 A.M. to 12:00 Noon and 1:00 P.M. to 5:00 P.M. on Monday through Friday.

SUBRULE NO. 017 **Original**

Pallet

The term "pallet" when applicable in this tariff in connection with unit loads, means expendable pallets constructed in such a manner to permit normal handling with fork-lift trucks and without damage to the cargo.

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**PORT OF HOUSTON
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Section One: Definitions and Abbreviations

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SUBRULE NO. 018

Original

PHA Holidays

As applied within this tariff, the term "PHA Holidays" includes the following named days.

New Year's Day
Martin Luther King Day
Presidents Day
Good Friday
Memorial Day
Juneteenth Day
Independence Day
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve Day
Christmas Day

SUBRULE NO. 019

Original

Point of Rest

The areas of the terminal facility which are assigned for (1) the tender of delivery to the consignee of inbound cargo after delivery from the Vessel and (2) the receipt of outbound cargo from the shipper prior to loading on the Vessel.

SUBRULE NO. 020

Original

Port of Houston
Authority

The Port of Houston Authority of Harris County, Texas is a political subdivision of the State of Texas and a body politic. The terms Port of Houston Authority, Port Authority, Port of Houston, PHA and Port are synonymous with the Port of Houston Authority of Harris County, Texas.

SUBRULE NO. 021

Original

Shed and/or Wharf
Use Hire

A charge assessed against a Vessel for loading or discharging cargo, and utilizing either (1) a wharf shed or sheds and/or (2) the wharf for the assembly or distribution of 100 tons or more of such cargo.

SUBRULE NO. 022

Original

Shipside

The location of cargo within reach of ship's tackle or in berth space, in accordance with the customs and practices of this port.

SUBRULE NO. 023

Original

Storage

Inbound or outbound cargo which remains on any part of the terminal after the expiration of free time, whether or not specific arrangements with the Port Authority have been made, shall be considered cargo in Storage, including, without limitation, cargo on the wharves, shipside, closed or covered, open or ground, bonded, or in refrigerated facilities.

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**PORT OF HOUSTON
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Section One: Definitions and Abbreviations

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SUBRULE NO. 024

Original

Straight Time

Wage scale applicable to work performance during the hours:

8:00 AM to 12:00 Noon

1:00 PM to 5:00 PM

Except: Saturdays, Sundays, and PHA Holidays.

SUBRULE NO. 025

Original

Transshipped Cargo

Cargo landed from a Vessel and reloaded on a Vessel without being removed from the wharves.

SUBRULE NO. 026

Original

Ton

A unit of weight of 2,000 pounds or, for commodities designated as weight or measure, one (1) cubic meter, whichever tonnage value produces the greater revenue for commodities rated as weight or measure commodities.

SUBRULE NO. 027

Original

Traffic

(1) Intracoastal Traffic: All traffic among or between interior points or ports served by canals and rivers and such points or ports and any other point or port in the United States.

(2) Coastwise Traffic: All traffic between ports on the same coast of the United States.

(3) Intercoastal Traffic: All traffic between ports on different coasts of the United States.

(4) Import Traffic: All traffic moving from ports outside the United States to the Port of Houston.

(5) Export Traffic: All traffic moving from the Port of Houston to ports outside the United States.

SUBRULE NO. 028

Original

Unitized

Shipments either pre-palletized, skidded, crated, boxed or conditioned to permit free access of fork-lift tines during loading and unloading operations so as not to require additional labor in handling.

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**PORT OF HOUSTON
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Section One: Definitions and Abbreviations

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SUBRULE NO. 029

Original

User

A User of the facilities or waterways covered by this tariff shall include, without limitation (1) parties or entities such as any Vessel, Vessel Operator, rail carrier, lighter operator, trucker, shipper or consignee, freight handler, stevedore or other person owning or having custody of cargo moving over the facilities or waterways of the Port of Houston Authority, or who use or trespass upon any of the Port of Houston Authority waterways, properties, facilities, or equipment, or to whom or for whom any service, work, or labor is furnished, performed, done or made available by or on the waterways, properties or facilities of the Port of Houston Authority and (2) the agents, servants, representatives, and/or employees of said parties.

SUBRULE NO. 030

Original

Vessel

Every description of water craft or other artificial contrivance, whether self-propelled or non-self-propelled, used, or capable of being used, as a means of transportation on water, and shall include in its meaning the owner, disponent owner, and/or charterer thereof.

SUBRULE NO. 031

Original

Vessel Operator

The party identified as the applicant in the Berth Application and Acceptance of Financial Responsibility submitted on behalf of a Vessel to the Port of Houston Authority.

SUBRULE NO. 032

Original

Waterways

Those waterways subject to the jurisdiction of the Port of Houston Authority as currently defined in [Subrule No. 047](#) of Tariff No. 8.

SUBRULE NO. 033

Original

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 alongside of which Vessels may lie or which are suitable for and are used in the loading, unloading, assembling, distribution, or handling of cargo.

SUBRULE NO. 034

Original

Wharfage

A charge assessed against the cargo or Vessel on all cargo, empty containers, and bunker fuel 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.

SUBRULE NO. 035

Original

Wharf Demurrage

A charge assessed against cargo remaining in or on terminal facilities after the expiration of free time unless arrangements have been made for storage.

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SUBRULE NO. 036

Original

Abbreviations:

| | |
|---------|--|
| ¢ | - Cents |
| \$ | - Dollar |
| % | - Percent |
| (A) | - Increase |
| (C) | - Change in wording which results in neither increase nor reduction |
| (I) | - New Item or Addition |
| (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 | - International Standardization Organization |
| Lbs. | - Pounds |
| 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 Conference |

SUBRULE NO. 046 – Gulf Seaports Marine Terminal Conference

Original

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

Participating Members

- a. Board of Commissioners of the Port of New Orleans
- b. Board of Commissioners of Lake Charles Harbor and Terminal District
- c. Greater Baton Rouge Port Commission
- d. Orange County Navigation and Port District of Orange, Texas
- e. Mississippi State Port Authority at Gulfport
- f. Port of Beaumont Navigation District of Jefferson County, Texas
- g. Port Commission of the Port of Houston Authority of Harris County, Texas
- h. Board of Trustees of the Galveston Wharves
- i. Alabama State Docks Department – Port of Mobile
- j. South Louisiana Port Commission, La Place, Louisiana
- k. Board of Navigation and Canal Commissioners of the Brownsville Navigation District of Cameron County, Texas
- l. Board of Commissioners of the Port of Port Arthur Navigation District of Jefferson County, Texas
- m. Board of Commissioners of the Tampa Port Authority of Hillsborough County, Florida
- n. Port Freeport, Texas
- o. Panama City Port Authority
- p. Port of Corpus Christi Authority
- q. Port of Pensacola
- r. Port of Pascagoula
- s. Manatee County Port Authority of Palmetto, Florida
- t. St. Bernard Port, Harbor and Terminal District, Chalmette, Louisiana
- u. Plaquemines Port, Harbor & Terminal District, Louisiana

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.

SHIPPER'S REQUESTS AND COMPLAINTS

Shippers, or other Users of the facilities and services of the members of said Conference, desiring to present requests of 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 of the date and time of the proposed meeting and if said shipper and complainant desires to be heard, he shall make request therefore upon the Conference Chairman in advance of the meeting.

Allen Moeller
Conference Chairman
Membership Admission:
P. O. Box 70
Pascagoula, MS 39568

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**PORT OF HOUSTON
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Section Two: General Rules and Regulations

Page No. 14

SUBRULE NO. 047 – Jurisdiction

Original

The Port Commission of the Port of Houston Authority, hereinafter called Port Authority, has jurisdiction over and control of the use of the Houston Ship Channel from its beginning in Galveston Bay to the Turning Basin, at Houston, Texas, and all navigable streams tributary thereto in Harris County, Texas, hereinafter called waterways; and jurisdiction over and control of the use of all wharves, sheds, warehouses, grain elevators, freight handling machinery and equipment, and all other property, equipment, and facilities owned and operated by it, hereinafter called facilities, and has the power to regulate and fix charges for the use of such waterways and facilities.

SUBRULE NO. 048 – Application of Tariff and Enforceability

Original

1. Rates, charges, classifications, practices, rules, and regulations contained in this tariff shall apply equally to all Users of and on all traffic on the waterways and facilities of the Port Authority, and, if adopted by private terminals located on the Houston Ship Channel, may also be applicable to such privately owned terminals, and the tariff shall apply on the effective date shown, or, with respect to any amendments to this tariff, on the effective date of such amendments. This tariff does not supersede any federal, state, or local laws that are otherwise applicable.
2. Notwithstanding any provisions in any carrier's bill of lading, or in any other contract to which the Port Authority is not both a signatory and a party, the Port Authority's liability for any cause whatsoever shall be as set forth in this tariff and in any other of its governing tariffs, and applicable law, and, if a suit or complaint of any kind whatsoever respecting such liability is brought or filed, it shall be heard and determined only in the United States, and in a federal or state court, or federal or state agency, whose venue and jurisdictional requirements are satisfied.
3. Notwithstanding any provisions in any carrier's bill of lading, or in any other contract to which the Port Authority is not both a signatory and a party, the liability of any User for (1) any of the rates, charges, or fees set forth in this tariff, and (2) any damage or any cause of any kind whatsoever for which the Port Authority has redress under this tariff and any other of its governing tariffs, shall be as set forth in this tariff and any other of its governing tariffs, and applicable law, and, if a suit or complaint of any kind whatsoever respecting such liability is brought or filed by the Port Authority, it shall be heard and determined only in the United States, and in a federal or state court, or federal or state agency, whose venue and jurisdictional requirements are satisfied.

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SUBRULE NO. 049 – Liability and Arrangements for Payments of Charges

Original

1. General Provisions

- a. The use of the waterways and facilities under jurisdiction of the Port Authority shall constitute a consent to the terms and conditions of this tariff, and shall evidence (i) an acknowledgement and warranty to the Port Authority of all Vessels, their owners and agents, and other Users of such waterways and facilities that such User(s) is or are liable and responsible for the payment of all charges specified herein, and (ii) an agreement to pay all such charges.
- b. No User shall be permitted to utilize a lay berth or loading berth, or move cargo to or from ship's tackle, or otherwise load or discharge cargo to or from a Vessel until (i) an accurate and complete Berth Application has been filed pursuant to [Subrule No. 099](#) of this Tariff, (ii) it furnishes the Port Authority with proof of financial responsibility acceptable to the Port Authority, (iii) arrangements for payment have been made with the Port Authority as provided herein; and (iv) the permission of the Port Authority has been obtained. The Port Authority reserves the right to refuse permission to use its facilities in the event a User does not satisfy the conditions set forth in clauses (i) through (iii) in the previous sentence, or for any other just and reasonable cause not prohibited by law. Any User who utilizes a lay berth or loading berth, or who moves cargo to or from ship's tackle, or otherwise loads or discharges cargo to or from a Vessel, without filing a Berth Application in accordance with this paragraph b., and/or without fulfilling all of the other requirements of this paragraph b., shall be subject to a fee of \$500.00 to be paid by vessel owner or agent.
- c. Unless credit arrangements are made with the Port Authority as provided herein, amounts due to the Port Authority are payable in cash by advance deposit of an amount sufficient to satisfy anticipated charges; if additional charges are incurred, bills are due upon presentation by the Port Authority to the User(s). Additionally, the interest and posting provisions set forth below in paragraphs 2. b. and c. of this Subrule shall also be applicable to Users for whom no credit arrangements have been made. Such interest and posting provisions shall apply in respect of all charges assessed pursuant to this tariff.
- d. In the event User makes payment to Port Authority for any fee or charge by a check which is returned for any reason unpaid by any financial institution (the "Returned Check"), User shall be assessed a Returned Check fee in the amount of \$30.00, as well as any applicable bank fees caused by the Returned Check. User shall then be immediately liable for all amounts owed to Port Authority by said User at the time the Returned Check was returned unpaid. All amounts to be paid by User to Port Authority after receipt by Port Authority of a Returned Check shall be in the form of cash, cashier's check, or money order. A User who has paid by a Returned Check shall be liable for, and shall pay, reasonable attorneys' fees and court costs if required to collect the amounts owed by User to Port Authority.

SUBRULE NO. 049 – Liability and Arrangements for Payments of Charges – (Continued)

Original

- e. A User who moves cargo, equipment, or any other item (hereafter, “Property”) on to Port Authority premises thereby represents and warrants that said User is either the owner of the Property or the authorized agent of the owner with authority to move said Property on to Port Authority premises. If the User is the authorized agent, and not the owner, the User represents and warrants that said User has informed the owner of the terms of this tariff. A lien in favor of the Port Authority shall arise on all Property moved on to Port Authority premises to secure the payment of all fees, interest, penalties and other charges payable under this tariff. If there are carrier liens on cargo for unpaid charges for storage or other terminal charges established pursuant to 49 U.S.C. 80109, whether established by contract or by law, said carrier liens shall inure to the benefit of the Port Authority on cargo moved on to Port Authority premises, and the carrier shall be deemed to have assigned such liens to the Port Authority to secure the payment of all sums payable under this tariff.
- f. In no case will the Port Authority invoice, or otherwise assume responsibility, for collection of charges assessed by a transportation agency or steamship company.
- g. Steamship lines terminating a service to the Port Authority must make arrangements to satisfy all accrued charges for the line’s account, including estimated charges for the last Vessel call, prior to arrival of the last Vessel.

2. Deferred Payment

- a. In its discretion, and at its sole option, and subject to termination at its election, the Port Authority may at any time defer payment by any User pursuant to the provisions of this tariff, as amended or reissued, provided such User establishes and maintains its financial responsibility on terms acceptable to the Port Authority. Such terms may include the posting and maintaining of a surety bond with a corporate surety acceptable to the Port Authority in an amount not less than 125% of the maximum liability for (i) a single transaction, if the User uses the waterways or facilities for a single transaction, or (ii) more than a single transaction but less than a one year period, if the User shows that he will use the waterways or facilities for that duration; or (iii) each year that the User will utilize the waterways or facilities. The form and content of such bond must be acceptable to the Port Authority.

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SUBRULE NO. 049 – Liability and Arrangements for Payments of Charges – (Continued)

Original

- b. Any amounts outstanding or invoices remaining unpaid 30 days past date of same is subject to an interest charge of 12% per annum, calculated daily, for each day over 30 days until paid, or until such amounts are unpaid 60 days past date of invoice, whereupon they shall be subject to an interest charge of 18% per annum, calculated daily, until paid. Note: Notwithstanding the foregoing, with respect to invoices issued from April 29, 2020 through August 31, 2020 (or such earlier date as may be established by the Executive Director of the Port of Houston Authority in his discretion upon ten days' prior notice posted to <https://porthouston.com/tariffs/>), any amounts outstanding or invoices remaining unpaid 60 days past date of same is subject to an interest charge of 12% per annum, calculated daily, for each day over 60 days until paid, or until such amounts are unpaid 90 days past date of invoice, whereupon they shall be subject to an interest charge of 18% per annum, calculated daily, until paid.
- c. With respect to any User that has an amount outstanding or unpaid invoices outstanding for more than 90 days past date of presentation or invoice, the Port Authority may post that User's deferred payment position on its website. Such postings shall be made monthly. The posting shall be deleted at the Port Authority's next scheduled website posting, provided that User's balances 90 days past due have been paid by the end of the month in which the delinquent amount is currently posted.
- d. With respect to any User that has an amount in excess of \$20,000 outstanding for more than 120 days past date of presentation or invoice, the Port Authority may, in addition to the website posting referred to above, deny deferred payment for any future services unless and until cash is received by the Port Authority in advance of any use, scheduling, or ordering of Port Authority waterways, facilities, services, or labor, provided that deferred payment may be reinstated if the User has had no outstanding balance 60 or more days past due for a period of at least 60 days, such period to commence upon the first of the month in which there was no outstanding balance.
- e. With respect to any User that has an amount in excess of \$20,000 outstanding for more than 150 days past date of presentation or invoice, the Port Authority may, in addition to the website posting and the denial of deferred payment for any future services referred to above, deny the use of its waterways and facilities to said User, provided that said use may be reinstated upon payment of all 60 days or more past due balances and deferred payment may be reinstated if the User has had no outstanding balance 60 days or more past due for a period of at least 60 days, such period to commence upon the first of the month in which there was no outstanding balance.
- f. With respect to any User wherein deferred payment has been denied as provided above in subparagraph (d) twice during the period of said User's contract, license, or agreement with the Port Authority, or twice in any calendar year, the Port Authority may terminate or fail to renew said contract, license, or agreement.

SUBRULE NO. 049 – Liability and Arrangements for Payments of Charges – (Continued) **Original**

3. All amounts due the Port Authority, whether in fees, charges, penalties, or other classification, and whether or not subject to the deferred payment provisions hereof, when outstanding or unpaid 30 days past due of same, are subject to an interest charge of 12% per annum, calculated daily, for each day over 30 days, or until such amounts are unpaid 60 days past due, whereupon at that time, they shall be subject to an interest charge of 18% per annum, calculated daily, until paid. Any User that has an amount outstanding or unpaid for more than 90 days past due, whether or not subject to the deferred payment provisions hereof, may have its position respecting unpaid amounts due to the Port Authority posted on the Port Authority's website. That posting shall be deleted at the Port Authority's next scheduled website posting provided that the User's balances 90 days past due have been paid by the end of the month in which the delinquent amount is currently posted.
4. In the event that Property remains on Port Authority premises after payment is due and payable under the terms of this tariff but has not been made within 60 days of the due date, then said Property shall be deemed "Unauthorized Property" and the Port Authority may (1) notify either (a) the User who moved the Property on to said premises, or (b) the owner, or (c) both the User and the owner, and/or (2) may post a notice on the Property, stating that if all payments due are not made within 30 days, then the Port Authority may (A) foreclose on its lien on said Property to collect all charges in accordance with [Subrule 063](#) and applicable law, and (B) move such Property to a different place within Port Authority jurisdiction. All attorneys' fees and costs of court, in the event of a collection or foreclosure action, and all other costs and expenses in the event that Property is moved, shall be paid by the User.
5. All interest charges and other consequences set forth in this Subrule 049 may be waived by the Port Authority if there is a good faith dispute as to the amount outstanding, the User has attempted to resolve the dispute in a timely fashion, all amounts not in dispute have been promptly paid, or in other cases in which the User shows error on the part of the Port Authority as to amounts said to be overdue. When the Port Authority is required to bring suit against a User to collect its charges for services or other facilities it has furnished, it shall be entitled, in addition to any other relief granted by the court, to judgment for reasonable attorneys' fees and litigation costs, unless the User shows that there is a good faith dispute regarding the sums in question, and the customer has timely paid all sums due and owing the Port Authority which are not contested in good faith.

SUBRULE NO. 050 – Billing, Assessment, and Collection of Charges

Original

1. Freight Handling Machinery or Equipment. Users as defined herein, including, without limitation, Vessels, their owners and agents, and stevedores, will be liable and billed for freight handling machinery or equipment in accordance with the provisions of this tariff.
2. Dockage, Shed Hire, Water and Regulated Utilities and services, and/or Wharf Use. Users, including, without limitation, Vessels, their owners or agents, will be liable and billed for dockage, shed hire, and/or wharf use charges, and for provisions of water and related utilities and services accorded the Vessel.
3. Terminal Charges and Wharfage Charges. The payment of all terminal and wharfage charges, set forth herein, shall be guaranteed to the Port Authority by the Vessel, notwithstanding that they are ultimately liabilities of the owner of the cargo, and the use of Port Authority facilities by the Vessel shall be deemed an acceptance and acknowledgement of this guarantee. As compensation to the Vessel for collection and payment to the Port Authority of terminal and wharfage charges, the Port Authority shall pay a fee of four percent (4%) of the total terminal and wharfage charges incurred and billed to the Vessel, but said fee shall be paid only when (1) such charges are actually paid to the Port Authority by the Vessel for the account of a third party and (2) such cargo has actually been loaded aboard or discharged from a Vessel at Port Authority wharves. Wharfage charges on cargo shall be assessed on the basis of manifest weights, unless otherwise provided herein.
4. Loading, Unloading, and other Labor Charges. The party performing loading, unloading and other labor services is equally a User of Port Authority services and facilities, and shall invoice and collect loading, unloading and other labor charges, strictly in accordance and pursuant to the terms of this tariff, from the owner of the cargo or his authorized agent; shall pay over said charges to the Port Authority where so provided in this tariff; and shall not in any manner directly or indirectly, refund or remit in whole or in part, by any means or device, any of said charges to said owner of the cargo or his authorized agent.
5. Inbound Cargo-Wharf Demurrage charges. The owner of the cargo or its authorized agent will be jointly and severally liable for inbound cargo-wharf demurrage charges.
6. Outbound Cargo-Wharf Demurrage charges. The owner of the cargo or its authorized agent will be jointly and severally liable for outbound cargo-wharf demurrage charges, except as noted herein. When outbound cargo is on the wharves because it is intended to be loaded on a particular Vessel but such cargo is cut back or held on the wharves for the convenience or at the direction of such Vessel, (i) the Vessel shall immediately provide the Port Authority with an itemized list of the cargo on the wharves which was not lifted by the Vessel, and (ii) the wharf demurrage charges will be a joint and several liability of the Vessel. If cargo is not loaded on the Vessel for which it was originally intended: (i) wharf demurrage charges will continue to apply until the cargo is removed from the wharves; and (ii) if loaded on a subsequent Vessel, the wharf demurrage charges will be assessed against the original Vessel unless the Vessel has secured a release of said charges prior to the loading of the cargo on a subsequent Vessel.
7. Transshipped Cargo-Wharf Demurrage Charges. The outbound, subsequent Vessel to which the cargo is transshipped will be jointly and severally liable for transshipped cargo-wharf demurrage charges.
8. Any charges established by this tariff, or by any other tariff of the Port of Houston Authority for which this tariff is also a governing tariff, which result from delays caused by compliance with ISPS regulations or inspections, or other applicable governmental law or regulations, shall be for the account of the User(s), and such compliance will not furnish the basis for any deviations from the rates, terms and conditions set forth in tariffs of the Port of Houston Authority.

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SUBRULE NO. 051 – Port Security

Original

In order to fulfill its responsibilities for security, including but not limited to responsibilities mandated under the Maritime Transportation Security Act of 2002 and the US Coast Guard regulation 33 CFR Part 105, the Port Authority will assess against and collect from all Users of port premises (including, without limitation, Users of premises subject to the terminal use fees set forth in Subrules [134](#), [135](#), and [136](#)), services, or facilities, Port Security Fees as set forth herein. Such fees, in the amounts set forth below, shall be in addition to all other fees and charges due under this and other governing tariffs. Persons guilty of infractions of security, including but not limited to those shown below, are subject to disciplinary actions, as provided herein.

1. Fees

Vessels (including, without limitation, barges):

- Eight and three quarter percent (8.75%) of total dockage assessed per port call

Cargo: (applicable only to cargo loaded or discharged at Port Authority berths or wharves):

- Break-bulk.....\$0.2209 per Ton* (see note)
- Bulk Cargo (dry or liquid)..... \$0.0499 per Ton*
- Containers.....\$4.27 per loaded container
- Vehicles.....\$1.22 per unit
- Passengers.....\$1.22 per embarking passenger

Escort Credentials for escorting non-TWIC (Transportation Worker Identification Credential) personnel (not applicable to Port Authority employees):

- \$75 Initial fee for training, badge, and registration per escort credential holder;
- \$30 Badge replacement fee
- All persons seeking to obtain escort credentials shall follow the procedures established by the Port Authority, for all aspects of the escort program.

The Port Authority shall have all of the rights and remedies provided in this tariff and other governing tariffs for failure to pay amounts due the Port Authority in the event any User fails to timely pay the Port Security Fees set forth herein and, in addition, the Port Authority may (1) require from said User a deposit estimated to cover such fees in advance of using port premises, services or facilities, and/or (2) deny service to said User until said deposit is made and/or all prior amounts due are paid.

*Note: Ton is defined in this Tariff No. 8 as, “A unit of weight of 2000 pounds or, for commodities designated as weight or measure, one (1) cubic meter, whichever tonnage value produces the greater revenue for commodities rated as weight or measure commodities.”

SUBRULE NO. 051 – Port Security – (Continued)

Original

2. Applications for access (including electronic access) and other privileges on Port Authority restricted access property.

- a. All persons seeking to access, enter, or obtain escorting or other privileges on Port Authority property which has restricted access (that is, areas other than those for which only a current driver's license or other government-issued photo identification is required) must apply to the Port Authority's Department of Port Security and Emergency Operations Office ("PSEO") to receive proper security credentials.
- b. Attempting to gain entry or access to, or escorting privileges on, Port Authority property without proper identification or following proper procedures, including, without limitation,
 - (i) submitting false, incomplete, or misleading information in applying for entry permits or other access or escorting credentials;
 - (ii) failing to disclose completely and truthfully all information requested by the Port Authority in the process of granting access, entry and/or all other security identification;
 - (iii) failing to notify the Port Authority of any changes in the documentation originally submitted in respect of security access or privileges;

shall be considered infractions of the security provisions of the Port Authority.

3. Infractions

In addition to the infractions noted in 2 b. above, the following shall be considered infractions of the security provisions of the Port Authority, whether committed on restricted access areas or any other area or facility in or over which the Port Authority has jurisdiction:

- Bypassing established entry points;
- Breaching, circumventing, or not fully observing established security rules and procedures,
- Any other action which is a violation of any of the policies, standards, procedures, rules and regulations of the Port Authority, or other applicable federal, state or local laws or regulations, relating to security.

SUBRULE NO. 051 – Port Security – (Continued)

Original

4. Disciplinary action

- a. Failure to observe any provision(s) or rule(s) relating to security shall, in the discretion of the Port Authority's Director of Security, be cause for the imposition of the following disciplinary measures:
 - (i) 1st offense, up to 30 days electronic or other security permission suspended;
 - (ii) 2nd offense, up to 60 days electronic or other security permission suspended;
 - (iii) 3rd or subsequent offense, up to 365 days electronic or other security permission suspended or permanent revocation of security credentials, depending upon the seriousness of all of the offenses considered together. Additionally, when the offense is committed by a person with escort privileges and relates to the duties of providing escort services, such person shall attend TWIC escort training prior to potential reinstatement of escort privileges.
- b. Notwithstanding the series of disciplinary measures set forth in paragraph 4 a. above, any act which constitutes a first or second offense **and** which, in the reasonable discretion of the Port Authority's Director of Security, creates a substantial security hazard or breach shall be cause for imposition of the penalties applicable for a third or subsequent offense.
- c. Any of the disciplinary actions imposed pursuant to these regulations may be appealed within 60 days of imposition to a Security Appeals Committee which shall consist of the Chief Port Operations Officer, Chief Legal Officer, and Chief PSEO Officer, or the designee of any one or more of these, provided that such designee may not be the person who made the decision appealed from. Failure to give written notice of appeal to the Port Authority's Director of Security within the 60-day period constitutes a waiver of the right to appeal.

SUBRULE NO. 052 – Liability of Port Authority

Original

1. The Port Authority shall not be liable for any delay, damage, injury, or loss arising from strikes (of any person in their employ or in the service of others), nor for any causes arising therefrom, nor for any causes unavoidable or beyond its control, nor for tumult, insurrection, acts of God, breakdown of equipment or shut-off or failure of electric current, nor from any of the consequences of any of these contingencies.
2. In no case shall the Port Authority be liable in a sum in excess of \$1000 per package, non-packaged object, or freight unit for loss or damage to any cargo inside or not inside of any container, trailer, van, or other form of cargo unitization (all such forms hereafter referred to as "Container"), unless any party with a relationship to the cargo (including, without limitation, a steamship company, the shipper, consignee, or another transportation entity which will carry the cargo before or after ocean transportation or its or their agents) have, prior to the commencement of the services or facilities provided by the Port Authority, declared a higher value for the cargo inside or not inside any Container, and paid, in addition to the other charges for such services as set forth in this or other applicable tariffs, a premium computed at three percent (3%) of the declared value of such cargo inside or not inside any Container, and in such event the Port Authority shall be liable for the full declared value of such cargo for loss or damage caused by its failure to exercise due and proper care in performing the services or affording the facilities provided for herein. As used herein, the word package, non-packaged object, or freight unit shall mean, in the event at the time of damage the cargo (a) was intended to be shipped inside of (b) is inside of or (c) had been shipped inside of a Container, only that very Container, notwithstanding that more than one package or other unit of measurement will, may, or will not or may not be, or will not or may not have been, inside of that Container, and notwithstanding that, if more than one package or other unit of measurement were to be or had been inside of said Container, they would be, or were, listed on any pertinent bill of lading. In the event that any Container itself suffers damage, the Port Authority's liability shall be limited to an additional \$1000 per Container, unless a higher value has been declared for same and the three percent (3%) premium paid as set forth above. Nothing contained herein shall be deemed a waiver of any immunities to which the Port Authority may be entitled under applicable laws, nor shall anything contained herein be deemed to subject the Port Authority to liabilities for the actions of persons other than the agents and employees of the Port Authority.
3. In addition to the limitations set forth above in Paragraph 2, liability for cargo in Storage shall not cover losses generally covered by insurance, including, but not limited to, fire, theft, heating, frost, freezing, leakage, evaporation, natural shrinkage, wasting, decay, animals, insects, leakage, or discharge from fire protection, or the elements. Nothing contained herein shall be deemed a waiver of any immunities to which the Port Authority may be entitled under applicable laws, nor shall anything contained herein be deemed to subject the Port Authority to liabilities for the actions of persons other than the agents and employees of the Port Authority.
4. With respect to cargo or other property not owned by the Port Authority and on Port Authority premises covered by this Tariff No. 8, and in addition to the provisions of this Subrule 052, the Port Authority does not accept the care, custody, or control of such cargo or other property.

SUBRULE NO. 052 – Liability of Port Authority – (Continued)

Original

5. With respect to all damage or injury to persons or property, other than loss or damage covered by paragraphs 1, 2, and 3 above:
 - a. With respect to damages or injury to berths, wharves, transit sheds, mechanical equipment, or other assigned facilities, occurring during the tenancy, occupation, and/or use thereof by any User(s) to whom such facilities were (temporarily or permanently) assigned, such User(s) shall be responsible and liable to the Port Authority for all such damages or injury, without regard to who shall have caused the damage or injury, except for damage or injury caused by the negligence of the Port Authority, for which the Port Authority shall not be relieved.
 - b. With respect to damage or injury to rail equipment caused by the switching of such equipment, the applicable railroad shall be liable and responsible, except for damage or injury caused by the negligence of the Port Authority, for which the Port Authority shall not be relieved.
 - c. With respect to damage or injury to persons, including death and personal injury, arising out of, incident to, or resulting from, the use of the property of the Port Authority, the User(s) of such property agree to indemnify and save harmless the Port Authority from and against all losses, claims, demands, arbitrations, and suits for damage or injury, which indemnification shall cover court costs and attorneys' fees, except for damage or injury to persons caused by the negligence of the Port Authority, for which the Port Authority shall not be relieved.
 - d. In no event shall the Port Authority be responsible or liable for damage or injury to property which is not property of the Port Authority ("Non-Port Authority Property"), except for damage or injury caused by the negligence of the Port Authority, for which the Port Authority shall not be relieved. With respect to damage or injury to Non-Port Authority Property arising out of, incident to, or resulting from any User's actions or omissions, the User(s) whose actions or omissions gave rise to or resulted in the damage or injury, either in part or in whole, shall indemnify and save harmless the Port Authority from and against all losses, claims, demands, arbitrations, and suits for such damage or injury to property, which indemnification shall cover court costs and attorneys' fees, except for damage or injury to property caused by the negligence of the Port Authority, for which the Port Authority shall not be relieved.

6. The Port Authority shall have no liability and/or shall be discharged from all liability for damage or injury, whether apparent or concealed, to cargo, packaging of any kind, containers, equipment, facilities, or objects of any kind, or persons, unless notice in writing to the Port Authority is given of said damage or injury within 30 days of its occurrence and unless suit is brought within three years of its occurrence.

SUBRULE NO. 053 – Hazardous Commodities

Original

Section 1:

1. Cargoes classified as Hazardous Materials under 49 CFR Parts 171-180, or otherwise classified as explosive, dangerous, or hazardous by regulations of the Federal Government, or any State or Local Government, or by the Port Authority, shall hereafter be referred to as “hazardous cargo.”
2. For the protection and safety of the Port Authority, Users of its facilities, and the general public, the Port Authority reserves the right to issue such directives or regulations as it may deem necessary to insure the safe handling, stowing, loading, discharging, and transportation of hazardous cargo within the jurisdiction of the Port Authority.
3. Hazardous cargo must be in full compliance with all Governmental and Port Authority requirements governing the transportation thereof whenever located within Port Authority jurisdiction, and must remain in compliance therewith at all times. Any hazardous cargo arriving at marine terminals within the jurisdiction of the Port Authority without all documentation required for such cargo will be denied entry to all Port Authority terminals and facilities.
4. Prior to Vessel docking, all Vessels which come inbound into the jurisdiction of the Port Authority and which have on board any hazardous cargo shall submit to the Port Authority two copies of their inbound hazardous cargo manifest, as well as a listing of the hazardous cargo which shows, by cargo type, its weight, label, and the location at which it is stowed within the Vessel.
5. If any Vessels coming inbound into the jurisdiction of the Port Authority have on board over 10 tons of 1.4 or 1.5 Explosives, such Vessels must be cleared through both the Fire Department of the Port Authority and the local Captain of the Port at least twenty-four (24) hours prior to arrival. All proposed movements of such explosives will be coordinated with those offices, and all persons involved in such movements must comply with the directives of those offices. See sections 2 and 3 below for additional rules pertaining to these classifications and for additional rules pertaining to other classifications of hazardous cargo.
6. No tender of hazardous cargo to shippers, consignees, their agents or independent contractors, or other persons accepting such cargo in their behalf, shall be made within the jurisdiction of the Port Authority without prior notification to the Port Authority and compliance with all Port Authority directives prior to such tender.
7. The Port Authority may refuse the use of its facilities or waterfront for the handling, stowing, loading, discharging or transportation of any hazardous cargo which is considered by the Port Authority as offering undue risk.

Section 2: HANDLING/STORAGE OF CONTAINERIZED HAZARDOUS CARGO ON TERMINAL. Explosives IMO class 1.1, 1.2, 1.3 and fireworks, regardless of class, will not be handled at the Port of Houston whether loading, discharging or in transit. Explosives IMCO Class 1.4, 1.5 (not to include fireworks) will be handled 'truck-to-ship' or 'ship-to-truck' as above. Explosives will not be left overnight at any facility at the Port of Houston.

Ammonium Nitrate in any mode of packaging or transportation is strictly prohibited. Class 7 Radioactive Material is limited to Low Specific Activity (LSA) UN2912, UN2916, UN3321, UN3322, Surface Contaminated Objects (SCO) UN2913, Radioactive empties UN2908, and Radioactive material, Type A package, special form non fissile or fissile-excepted UN3332 in limited quantities. Radioactive materials must meet shipping and handling requirements of the International Maritime Dangerous Goods (IMDG) Code and 49 CFR, Parts 171-180.

SUBRULE NO. 053 – Hazardous Commodities – (Continued)

Original

Section 3: HANDLING/STORAGE OF BREAKBULK AND BULK HAZARDOUS CARGO. Red Label (Flammable Gas, Class 2, Flammable Liquid, Class 3), Poison Gas Label (Class 6), Yellow Label (Organic Peroxide Class 5), and Spontaneously Combustible materials shall not be placed in the sheds or warehouse. Such labeled commodities may be delivered to open wharves only after ship is in Port and then limited in quantity. (For the purpose of this Section, 'Red Label' is defined as a commodity having a Flash Point of 99 degrees F (37.2 degrees C) or below.) Poison Label (Class 6), materials may be placed in the shed or warehouse but extreme caution should be exercised particularly in the proximity of grain, coffee or other food items. Red/White striped (Flammable Solid Class 4) Yellow (Oxidizer, Class 5) and Black/White (Corrosive Label Class 8) may be stored in the warehouse. Explosives IMCO Class 1.1, 1.2, 1.3 and fireworks, regardless of class, will not be handled at the Port of Houston whether loading, discharging or in transit. Explosives IMCO Class 1.4, 1.5 (not to include fireworks) will be handled 'truck-to-ship' or 'ship-to-truck' as above. Explosives will not be left overnight at any facility at the Port of Houston.

Ammonium Nitrate in any mode of packaging or transportation is strictly prohibited. The shipping of radioactive material (Class 7) is limited to Low Specific Activity (LSA) N.O.S. and must meet shipping and handling requirements of the International Maritime Dangerous Goods (IMDG) Code or 49 CFR, Parts 171-180.

SUBRULE NO. 054 – Freight Handling

Original

1. These regulations apply to the handling, loading, and unloading of import, export, intercoastal, coastwise, intracoastal and local cargo (hereafter, "freight handling") at the facilities designated below. These regulations are in addition to, and do not supplant, the "Freight Handling Assignment Agreement" referred to in paragraph 2 below.
2. No person shall engage in freight handling at the facilities designated below unless that person (a) has in effect a valid stevedoring license issued by the Port Authority and (b) has been assigned permission to operate as a freight handler at the designated facility. Each assignee shall execute a "Freight Handling Assignment Agreement" which sets forth in detail the duties and responsibilities of each of the parties thereto, provided that a licensed stevedore who has obtained verbal permission from the Executive Director of the Port Authority or his authorized designee may provide freight handling services at Barbours Cut Terminal and at the Turning Basin Terminals in designated areas without executing a Freight Handling Assignment Agreement. Permission to perform such services may be terminated at any time without notice by the Executive Director of the Port Authority or his authorized designee.
3. Any person holding a valid stevedore license may apply for a freight handling assignment at the facilities noted below. An assignment shall be made only if the Port Authority determines, in the reasonable exercise of its judgment, that the applicant is able to meet the minimum tonnage and revenue generation requirements and is fit and able to operate in a safe and financially and legally responsible manner. If the facility is presently assigned, any new assignment may begin only after the termination of the prior assignment. If there are competing applicants for the same facility, the Port Authority shall assign the facility to that applicant whom, in the reasonable exercise of its judgment, provides the greatest advantage to the Port Authority and most furthers its public purposes. Additionally the Port Authority may take into consideration in making this judgment any relevant information, including the method of operation of the applicant, safety record, financial responsibility, and record of adherence to legal requirements. In making these judgments, the Port Authority may require the applicant to submit relevant information. Unless specifically authorized by the Port Commission, no freight handling assignment shall be made unless the applicant guarantees specific tonnage, revenue and income to the Port Authority as set forth in the "Freight Handling Assignment Agreement" to be executed by the applicant. Final decisions with respect to the issuance of freight handling assignment shall be made by the Port Commission.

SUBRULE NO. 054 – Freight Handling – (Continued)

Original

4. The Port Authority may determine to keep some facilities unassigned in order to facilitate general commerce. Such facilities may be temporarily assigned to a specific freight handler to accommodate one or more specific shipments. Such assignments when made may be reflected in a contract executed by the freight handler with the Port Authority or the freight handler may be merely required to remit to the Port Authority applicable tariff charges.
5. Standards of conduct and operation for all freight handlers.
 - a. All freight handlers and stevedores shall be required to adhere to the rates, rules, and regulations of this tariff in providing their services to the public, including, without limitations, the provisions of [Subrule No. 142.9](#).
 - b. All freight handlers and stevedores shall perform their functions in a manner that (1) promotes the health and safety of persons occupying or utilizing a crane cab, shed, area, or other facility to which they are assigned, and (2) assures the cleanliness and sanitary conditions of such crane cab, shed, area, or other facility. Additionally, these functions shall be performed in a manner that pays due regard for the cleanliness and sanitary conditions pertaining to each commodity that may be handled therein or thereon, due regard being had for the nature of such commodity. To ensure that these obligations are met, and to ensure the health and safety of all personnel, the Port Authority may install video cameras, which will film and preserve a record of the use of a crane cab, shed, area, or other facility. Any person (a) tampering with, obstructing the use of, or otherwise interfering with the utilization of said video camera or (b) responsible for unclean, unsafe, or unsanitary conditions, may be subject to disciplinary action by the freight handler or stevedore that employs said person and that employer shall be given a citation by the Port Authority which shall provide a record of the infraction. The first citation shall be considered a warning citation; any citation in addition to the warning citation issued within 365 days of the first citation shall impose a fine of \$5,000 upon the employing freight handler or stevedore for the offense in question.
 - c. In stevedoring and handling United States Department of Agriculture (“USDA”) cargoes, all freight handlers and stevedores shall adhere strictly to the cleanliness and other applicable standards required by USDA, whose regulations apply to all USDA cargoes handled at the Port of Houston.

SUBRULE NO. 054 – Freight Handling – (Continued)

Original

6. Consequences of Failure to Observe the Standards of Conduct and Operation for All Freight Handlers.
 - a. Any freight handler failing to observe the standards of conduct and operation set forth above in paragraph 5b or 5c shall be deemed a “delinquent freight handler”.
 1. The delinquent freight handler shall be given notice by the Port Authority or by the Individual Steamship Line, or its agents, or any other party who has an interest in the condition of the area, shed, or other facility, to commence remedying the condition immediately and to conclude the remedial operation with all deliberate speed.
 2. In the event the delinquent freight handler fails to proceed in the manner described in subparagraph (1) above, any party, including the Port Authority and any stevedore or other freight handler who assumes the duties of the delinquent freight handler with respect to the cargo or the area, shed, or facility, shall be entitled to:
 - a. Invoice the delinquent freight handler, or the owner of the cargo or its authorized agent for the full costs of assuming said duties, plus 20%, and
 - b. Additionally, invoice the delinquent freight handler, or the owner of the cargo or its authorized agent for all clean up or other necessary services rendered under the provisions of this or any other applicable tariff.

SUBRULE NO. 054 – Freight Handling – (Continued)

Original

3. All invoices rendered pursuant to subparagraph (2) above shall be paid promptly, provided that the delinquent freight handler or the owner of the cargo or its authorized agent shall be entitled to contest an invoice of a third party (that is, stevedore or other freight handler) with respect to necessity for the service or the amount charged, by written submission to the Chief Port Operations Officer of the Port Authority, or his designee, whose decision shall be final.
4. Depending upon the nature and gravity of the delinquency and notwithstanding any other notice periods in this or other applicable tariffs or in any Freight Handling Assignment Agreement or Amendment thereto, the Port Authority may issue a notice of revocation of the freight handling assignment agreement or other authorizing document upon 15 calendar days' notice. The delinquent freight handler shall be permitted to appeal the revocation within 10 calendar days of the notice of revocation by written submission to the Chief Port Operations Officer of the Port Authority, or his designee, whose decision shall be final.
 - b. If any freight handler fails to observe any other requirements set forth in this or other applicable tariffs, such conduct may constitute grounds for revocation of a freight handling assignment at any time, subject to a 30 days' notice requirement.
7. A freight handling assignment shall not be sold, transferred, assigned or otherwise used by anyone other than the assignee who is awarded the assignment. Any assignment shall automatically terminate on the date and time of any attempted sale, transfer, assignment or use of the assigned premises by another person or entity, unless the Port Authority has consented in writing thereto.
8. Any of the following shall constitute grounds for revocation of a freight handling assignment at any time, subject to a 30 days' notice requirement:
 1. failure to achieve guaranteed tonnage or revenue which is not due to any acts or omissions of the Port Authority;
 2. failure to timely pay all amounts owed the Port Authority;
 3. attempt to transfer a freight handling assignment to another party without the written permission of the Port Authority, in which case the 30 days' notice requirement does not apply; or
 4. expiration, termination or revocation of stevedoring license, in which case the 30 days' notice period may be shortened to coincide with the effective date of the expiration, termination, or revocation of the stevedore license.

SUBRULE NO. 054 – Freight Handling – (Continued)

Original

9. The following are the facilities to which these regulations apply:

Open Areas Nos. 1 through 4
Open Areas Nos. 8 and 9
Shed Areas Nos. 10 and 11
Open and Shed Areas Nos. 12 through 15
Open Areas Nos. 16 and 17
Shed Areas Nos. 18 and 19
Open Area No. 20
Shed Areas Nos. 21 and 22
Open Areas Nos. 23 through 26
Shed Areas Nos. 27 and 28
Open Area No. 29
Shed Areas Nos. 30 and 31
Open Area No. 32
Open & Shed Areas Nos. 41 through 45
Shed Area Nos. 46 & Open Areas Nos. 47 & 48
Manchester Shed No. 2

Jacintoport Terminal
Open and Shed Areas Nos. 1, 2 & 3

Care Terminal
Open & Shed Areas Nos. 1 & 2

SUBRULE NO. 055 – Staging Cargo and Storing Equipment

Original

1. The 36 acres of heavy duty paved area landward of Wharf No. 32 and Wharf No. 33 (known as 32-A/33-A) are designated for staging export and import cargo and storing equipment. Subject to the Port Authority's prior approval and assignment of a specific section or fraction thereof within 32-A/33-A, staging of cargo and storing equipment may be allowed for a period of time not to exceed six (6) months. The Port Authority reserves the right to determine best use of 32-A/33-A and to allocate and assign space in 32-A/33-A to maximize terminal efficiencies.
2. Shippers, receivers, or their representatives wanting to stage cargo at 32-A/33-A must make prior arrangements with the Port Authority for use of 32-A/33-A. Cargo so staged will be in the custody of the shipper of export cargo and the consignee of import cargo. The party having such custody shall be liable for any and all damages to such cargo, as well as any and all damages to persons, equipment, or any other property within the assigned area, and the assigned area itself, during the period of such custody.

SUBRULE NO. 055 – Staging Cargo and Storing Equipment – (Continued)

Original

3. Freight handlers, tenants, or other Users wanting to store equipment at 32-A/33-A must make prior arrangements with the Port Authority for use of 32-A/33-A. The party who arranges with the Port Authority to store equipment on a section or fraction thereof of 32-A/33-A shall be liable for any and all damages to such equipment, as well as any and all damages to persons and any other property within the assigned area, and the assigned area itself, during the period of storage.
4. Subject to the Port Authority's prior approval and designation of a specific section or fraction thereof within 32-A/33-A, [Subrule No. 137](#) of Tariff No. 8, setting out Free Time and Wharf Demurrage charges, shall not be applicable to cargo staged at 32-A/33-A. Free time for cargo and equipment will be determined by the Port Authority at the time arrangements are made for staging cargo or storing equipment. After expiration of such free time, charges will be assessed at the rate of 8.7578¢ per square foot per 30 day period with minimum invoice of \$875.78 per 30 day period or fraction thereof for each assigned section or fraction thereof of 32-A/33-A.
5. If a User fails to obtain the Port Authority's prior approval and designation of a specific section or fraction thereof within 32-A/33-A for staging cargo or storing equipment, [Subrule No. 137](#) of Tariff No. 8 setting out Free Time and Wharf Demurrage charges shall apply to the staging of cargo at 32-A/33-A and the rate set forth in subparagraph 4 above shall apply to the storing of equipment at 32-A/33-A, beginning on the date the equipment is first placed at 32-A/33-A, with no allowance for free time.
6. Unless otherwise provided by written agreement between the Port Authority and the User, any User staging cargo or storing equipment (hereafter, "Property") at 32-A/33-A shall remove all such Property from 32-A/33-A upon ten (10) days prior written notice by the Port Authority. The Port Authority may consent to extend that 10 day period for good cause. If a User fails to remove all such Property from 32-A/33-A before the expiration of the 10 day period or of any extension thereof granted by the Port Authority, then the rate for such use of 32-A/33-A shall be (1) 74 cents per day per ton plus \$1,000 per day for the first 30 days and (2) 74 cents per day per ton plus \$5,000 per day for the next 30 days. Following the 60 day period after written notice, if said Property still remains on Port Authority premises, the Port Authority shall have the right to move said Property in accordance with the provisions of this subrule. The provisions of [Subrule 063](#) of this Tariff relating to Unauthorized Property shall also apply.

SUBRULE NO. 056 – Painting or Erecting of Signs

Original

Painting or erecting signs on Port Authority property or structures is prohibited without prior approval of the Chief Port Operations Officer of the Port Authority, or his designee who shall also approve copy, design, material and method of erection.

SUBRULE NO. 057 – Compliance with Environmental Regulations; Smoking Prohibited

Original

1. All Users shall comply with all applicable environmental laws, rules or regulations that may be promulgated by federal, state, or local regulatory agencies, bodies, and by the Port of Houston Authority.
2. Smoking in the warehouse, grain elevator, transit sheds, on the wharves, or on Vessels is strictly prohibited.

SUBRULE NO. 058 – Responsibility for Cleaning of Property by User

Original

Cleaning charges for berth use are set forth herein in [Subrule No. 114](#). Users of all other Port Authority property are required to maintain same in a clean and orderly manner as may be prescribed or directed by the Port Authority. If User does not promptly and efficiently clean property in the manner prescribed or directed by the Port Authority after being given notice to do so, then the Port Authority shall order the work performed and User will be billed therefore at cost plus twenty percent. These charges set forth herein, when applicable, shall be in addition to the charges set forth in [Subrule No. 114](#) hereof.

SUBRULE NO. 059 – Responsibility for Property Damage

Original

1. When damage is caused to any of the property or any of the facilities of the Port Authority, the Users causing such damage (including, without limitation, said Users' agents, servants, representatives, and employees as defined in [Subrule No. 029](#) hereof) shall be held jointly and severally responsible for the cost of repairs, and they shall be billed thereto, and all shall be jointly and severally responsible for payment thereof. One or more invoices may be rendered to Users as costs are incurred, and said costs may include invoices from third parties as well as direct costs (including, without limitation, labor) of the Port Authority. All invoices shall include an override of 20% for Port Authority overhead. All invoices shall be paid within 30 days. If an invoice for reimbursement of property or facility damage remains unpaid by a User 15 days following the Port Authority's demand for immediate payment thereof, the Port Authority may deny use of its premises and facilities to such User until such payment has been made and arrangements, satisfactory to the Port Authority, have been made to guarantee prompt payment of any future amounts that may be due and owing to the Port Authority. When the damage is caused by a Vessel, the Port Authority shall be able to detain the Vessel until it has received a satisfactory guarantee for either the amount of the damage or for a reasonable estimate thereof.
2. In the event any of the invoices referred to in paragraph (a) above are not paid within 30 days, then the User (including, without limitation, Vessel owner or operator or any agent thereof), shall be liable for all legal costs and expenses of collection, including reasonable attorneys' fees, and including the costs of arresting and proceeding in rem against a Vessel. An adjustment of cost and expenses as described above, and including attorneys' fees, shall be made proportionally in the event that the liability of said User is determined to be less than the sum invoiced by the Port Authority in the aggregate, and, in the event that invoices have been paid by the User which are in excess of amounts eventually held to be due by the User to the Port Authority, then refunds of such amounts in excess shall be made by the Port Authority to the User.

SUBRULE NO. 060 – Responsibility for Fire Equipment

Original

The Port Authority will require the Users of the wharves to be responsible for all fire equipment; such as hose, nozzles, extinguishers, etc. and all such equipment found to be missing or destroyed upon inspection will be replaced by the Port Authority at cost plus twenty percent and billed against the User.

SUBRULE NO. 061 – Charges for Emergency Response Services

Original

When the Port Authority's Fire Department performs or has a contractor perform emergency response services including but not limited to services for spill clean-up and/or containment, then, in addition to all other charges that may be applicable in this Tariff, the cost plus 20% of the emergency services provided shall be billed to and paid by the User(s) identified as the responsible party or parties by the Port Authority (each of which is jointly and severally liable) to the Port Authority within thirty (30) days of invoice of same. Responsible parties may include without limitation a Vessel, the owner of a container, the party causing the emergency, the owner or manufacturer of the shipped product, the shipper, the Vessel's agent, and/or the emergency contact as identified in the shipping documents and/or the Material Safety Data Sheet for the product.

SUBRULE NO. 062 – Abandoning, Dumping, Discharging, etc. of Waste Matter

Original

All Vessels, their owners or agents, and other Users of Port Authority facilities shall comply with all federal, state or local regulations with regard to the placing or discharging into the Houston Ship Channel, Buffalo Bayou or White Oak Bayou or any of the tributaries thereof, 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 of such authorities.

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

SUBRULE NO. 063 – Property Placed or Remaining on Port Authority Premises Without Authorization or After Authorization has Expired (“Unauthorized Property”) Original

1. The following shall be deemed Unauthorized Property:
 - (a) All cargo, equipment, and/or any other items (“Property”) so deemed pursuant to Subrule 049 and all other applicable provisions of this or other applicable Tariffs;
 - (b) Containers which are removed from the wharf area pursuant to Subrule 070 and whose invoice is not paid within 30 days;
 - (c) Equipment or other property other than Containers, including but not limited to chassis; drums or boxes; and cargo loading, unloading, and moving equipment which is left or stored on Port Authority premises without written authorization from the Port Authority.
2. Any Property which is deemed Unauthorized Property shall be assessed a storage fee of \$.74 cents per day per ton plus \$1,000 per day for each day of the first 30 days it is on Port Authority premises as Unauthorized Property and \$.74 cents per day per ton plus \$5,000 for each day thereafter until the time that said Property is removed by the owner or the owner’s agent, or disposed of by the Port Authority, as provided for in this Tariff and under applicable law.
3. All costs, including without limitation court costs and attorneys’ fees, in connection with enforcing any lien on Property on Port Authority premises, and/or for sale of same or of any Unauthorized Property in accordance with applicable law, shall be for the account of the owner or agent of the owner. The Port Authority shall have the right to recoup from the sale of the Unauthorized Property all storage and other fees applicable under this Tariff and all related court costs and attorneys’ fees. Any amounts owing to the Port Authority over and above the moneys received for the sale of such Property shall, in accordance with applicable law and any applicable court decision, be owed, jointly and severally, by the User, owner, and agent of the owner who was responsible for payment of same under the terms of this Tariff. Any amounts exceeding amounts owed to the Port Authority under the terms of this Tariff, and also exceeding any applicable fees, court costs and attorneys’ fees, shall, in accordance with applicable law and any applicable court decision, be paid by the Port Authority to said owner or its authorized agent.

SUBRULE NO. 064 – Removal of Articles Dropped into Channel

Original

The dropping of cargo, scrap or any other articles in the channel is prohibited by law. Responsible parties shall be liable for the removal of any articles dropped in basin or channel and the Port Authority reserves the right to remove such articles on a basis of cost plus twenty percent at the expense of the responsible party.

SUBRULE NO. 065 – Fines and Penalties

Original

Should the Port Authority be subjected to a fine or fines, a penalty or penalties by the United States Coast Guard or any other federal authority, or any state or local authority, as a result of the conduct of any User, whether such conduct was by act or omission, the amount of such fine or fines, penalty or penalties, shall be billed to and paid by the User (or Users, each of which is jointly and severally liable) to the Port Authority within 30 days of invoice of same.

SUBRULE NO. 066 – Stevedore License

Original

Each company providing stevedore services and desiring to do business on or in connection with the facilities of the Port Authority shall file a completed Stevedore License Application accompanied by the necessary supporting information called for therein together with payment of the appropriate licensing fees. Such fees shall be as follows:

| | |
|--------------------|----------------|
| Original | Annual |
| <u>Application</u> | <u>Renewal</u> |
| \$2,500 | \$1,000 |

No company, whether currently doing business on or in connection with the facilities of the Port Authority or whether applying for authority to so perform, shall be permitted to conduct business thereon until such Stevedore License Application, accompanied by the appropriate application fee has been approved by the Port Authority. A copy of the application is available upon request to the Port Authority.

SUBRULE NO. 067 – Preventing, Detecting, Controlling, and Fighting of Fires

Original

BE IT ORDAINED BY THE PORT COMMISSIONERS OF THE PORT OF HOUSTON AUTHORITY:

PURPOSE: WHEREAS, under the provisions of Section 2, Chapter 117, Acts of the 55th Legislature of Texas, Regular Session 1957 as amended by Chapter 43, Acts of the 62nd Legislature, Regular Session 1971, and the Texas Special District Local Laws Code, Section 5007.007 (p) (2017), the Port of Houston Authority (formerly Harris County Houston Ship Channel Navigation District) is empowered to promulgate and enforce ordinances, rules and regulations in the manner provided by Chapter 486, Acts of the 57th Legislature, Regular Session, 1961, as amended, for the promotion of the safety of life and property on or adjacent to the waterways, channels and turning basins within its jurisdiction, including the Houston Ship Channel and those piers, wharves, landings, buildings, sheds or structures adjacent to such waterways, from damages by fire, explosion, and hazardous material incidents.

APPLICABILITY: This subrule applies to all Vessels, Users, facilities, and structures of any kind, including but not limited to berths, wharves, piers, and sheds, located within the jurisdiction of the Port Authority, including the Houston Ship Channel, in accordance with Chapter 43, Acts of the 62nd Legislature, Regular Session 1971 (the Act).

DEFINITIONS:

In addition to the Definitions set forth in Section One of this tariff, which apply herein, the following Definitions also apply.

Berth - The area of water at the side of a pier or wharf in which Vessels may remain afloat when moored.

Breakbulk Cargo - Commodities which are not transported in containers or trailers, and which are commonly packaged in bags, cartons, drums, crates etc, and palletized while awaiting transfer or storage.

Cargo - Cargo as used herein includes breakbulk cargo, liquid or liquefied cargo, containerized and trailerized cargo, cargo carried without mark or count, as well as the containers, trailers, or other materials which may contain them.

Facility - A marine terminal or any of its component parts, together or separately, including, but not limited to, berths, wharfs, staging areas, and sheds, within the jurisdiction of the Port Authority.

Fire Sprinklers - A complete system of waterlines and sprinkler heads designed to release water upon demand through various means to suppress a fire inside a building.

Firewalls - Substructure walls that have a fire resistance rating of four hours, normally constructed of reinforced concrete or other materials that have equivalent fire resistance.

Hazardous Material - Cargoes classified as "Hazardous Materials" under 49 CFR, Parts 171-180 or otherwise classified as explosive, dangerous, or hazardous by regulation of the Federal Government, or any State or Local Government, or by the Port Authority.

Marine Terminal - A facility comprising of one or more berths and adjacent areas used for the transfer of cargo from and to Vessel to and from land within the jurisdiction of the Port Authority.

Transit Shed - A transload facility located on a pier or wharf primarily used for transferring Breakbulk Cargo to and from ship to shore. The cargo may at times be temporarily stored in such facility for a short period of time, typically one to three days. Transit sheds are typically constructed of non-fire resistant material and are fitted with various large entryways. Transit sheds are continuously patrolled by fire and security personnel.

Warehouse - A building used for long-term storage of cargo in breakbulk form. Warehouses are typically built of substructure Firewalls and are normally not patrolled by fire and security personnel.

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SUBRULE NO. 067 – Preventing, Detecting, Controlling, and Fighting of Fires – (Continued)

Original

Section 1: SCOPE - All ordinances, rules, and regulations issued by the Port Authority relative to Fire Protection shall, in the event of conflict, take precedence over local or state law or charter provisions, or ordinances of any city, town or village relating to such subject matter, but if there is no conflict, all such provisions, ordinances, rules and regulations shall apply and shall be in addition to the ordinances, rules and regulations of the Port Authority.

This ordinance and regulations shall apply to: (1) all Vessels on the waterways, and (2) all Users and all facilities within the jurisdiction of the Port Authority, including but not limited to piers, wharves, landings, buildings, or other structures adjacent to such waterways or utilized by the Port Authority in providing services.

Section 2: RESPONSIBILITY OF VESSELS AND USERS - From time to time, the Port Authority, may prescribe special rules relating to fire protection of Vessels and facilities within its jurisdiction. However, nothing contained in any rules shall be construed as relieving the Vessels and Users of their primary responsibilities regarding fire prevention and safety.

Section 3: RIGHT TO INSPECT - No Vessel, User, or other person within the jurisdiction of the Port Authority shall prevent the Port Authority's Fire Chief or his delegees, deputies, or subordinates, from boarding or entering any Vessel or property for the purpose of performing and executing any and all duties conferred by this Ordinance.

Section 4: PENALTIES - Any person, corporation or association violating or failing to comply with any of the provisions of these ordinances, rules and regulations shall, upon conviction thereof, be punished by a fine not exceeding Five Thousand and No/100 (\$5000.00) Dollars for any one (1) offense or violation. Each day a violation of any of the provisions hereof continues, or is permitted to continue, shall constitute a separate offense.

Section 5: ARRANGEMENT OF CARGO, FREIGHT, MERCHANDISE OR MATERIAL - When in enclosed facilities, cargo, merchandise or materials shall be arranged by the person in charge thereof in the following manner for fire protection purposes: At least two feet of clear and open space shall be maintained between cargo, merchandise or other material piles and sides of the walls, Firewalls or fire stops of the facility. This distance shall be measured from the most prominent projection of the wall. There shall be maintained at least four feet of clear and open space around any fire alarm box, standpipe, fire hose or fire door. Fire extinguishers shall not be blocked and an aisle at least three feet in width shall run from the center aisle to such extinguishers. Flammable or combustible cargo, merchandise or material, not including bulk cargo, shall not be tiered higher than 12 feet. A clearance between the uppermost tier and the trusses, beams, girders, or other structural members shall be not less than 36 inches and between such upper level and sprinkler heads not less than 12 inches.

If, in order to control a fire should one occur, fire trucks would be required, a main aisle of at least 20 feet in width shall be maintained the entire length of the facility; if access by fire trucks would not be required, aisle width may be reduced to eight feet. Straight cross aisles, at least 5 feet wide shall be maintained at intervals not exceeding 75 feet and shall extend to the side of the facility.

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SUBRULE NO. 067 – Preventing, Detecting, Controlling, and Fighting of Fires – (Continued)

Original

Section 6: PACKAGED HAZARDOUS ('LABEL') MATERIALS - Each package, cylinder, pressure Vessel or container of hazardous ('label') material designated as such by the Department of Transportation shall be maintained, packaged and marked with the appropriate Department of Transportation classification and label in accordance with 49 CFR, Parts 171 - 180. At no time shall materials classed as Red Label, Poisonous Label ('Class A') or Organic Peroxides be stored or placed in a Warehouse, Transit Shed or other contiguous area, but it shall be stored on an open dock, Wharf or area to be designated by the Port Authority's Fire Chief or his delegees, deputies, or subordinates. Any damaged package, cylinder, pressure Vessel or container of Hazardous Material shall be immediately removed. Failure to comply with these requirements of this subrule, will subject the owner, handler, agent or consignee to the penalties prescribed in Section 4 and any other penalties allowed by law.

Each cylinder, pressure Vessel or container shall be marked that it has been designed, constructed, tested and maintained in accordance with the regulations of the Hazardous Materials Regulations Board, Department of Transportation, as contained in 49 CFR, Parts 171-180.

All empty cylinders, pressure Vessels or containers will be handled as appropriate for the 'label' material last contained unless there is attached thereto a certificate issued by proper authority that the cylinder, pressure Vessel or container has been cleaned, decontaminated or otherwise treated to render it safe for normal handling and storage.

Section 7: SMOKING AND OPEN FLAMES - It shall be unlawful for any person to smoke, or to carry or possess a lighted cigar, cigarette, pipe or match or any open flame, under, in, or upon any bulkhead, dock, pier, Wharf, cargo container, truck van, railroad car, landing, building, structure, grain elevator, workhouse, Transit Shed storage annex, unloading shed or any appurtenance thereto; or to smoke or carry or possess a lighted cigar, cigarette, pipe or match, or any open flame, on any deck or in the hold of any ship, lighter, barge or other floating Vessel, craft or equipment, whether the same is berthed or moored at a dock, pier, Wharf or landing or tied to another Vessel made fast thereto; or to cast off or throw from any such ship, lighter, barge or other floating Vessel, craft or equipment, any lighted cigar, cigarette, pipe or match or any flame. Those areas specifically designated and posted by proper authorities as "SMOKING AREAS" are exempt from the above provisions.

SUBRULE NO. 067 – Preventing, Detecting, Controlling, and Fighting of Fires – (Continued)

Original

Section 8: AUTOMOTIVE EQUIPMENT - Trucks, trailers, and other motor vehicles shall not remain or park upon a waterfront facility except (1) when actually waiting at shipside to load or discharge cargo, ship supplies or passengers and are attended by a driver; (2) when they are headed toward an unobstructed exit and attended by a driver; (3) when handled and stored as an item of cargo; or (4) when parked in a designated parking area. It shall be unlawful to park in areas marked "Fire Lane" at any time.

Automotive equipment used on the pier, such as lift trucks, tractors, mobile cranes, stackers or other internal combustion engine equipment shall be of such construction and state of repair, free from excess grease, oil or lint so as not to constitute a fire hazard. The refueling of such vehicles, automobiles and other vehicular cargo being discharged may be from an approved tank or gear truck or trailer, but must be at least 50 feet from any dock, the face of any pier or appurtenance thereto.

Exception: Mobile cranes engaged in the cargo operations of a Vessel are allowed to be fueled alongside the Wharf by a fuel vehicle. The fuel vehicle must be permitted by the City of Houston Fire Marshal's office. Additionally, the fuel vehicle must be in compliance with the U. S. Department of Transportation standards.

Section 9: TANK TRUCKS, TANK TRAILERS AND/OR GEAR TRUCKS - Tank trucks, tank trailers, gear trucks or other vehicles, apparatus or equipment when used for the transportation of flammable liquids within the jurisdiction of the Port Authority shall conform to the following requirements:

1. Tank trucks, tank trailers and/or gear trucks operating within the jurisdiction of the Port Authority shall be in compliance with all U.S.D.O.T. standards in effect at that time. LP gas trucks shall be considered to be in compliance with this section while permitted by a valid "Form 4 Card" issued under the rules of Docket 1 of the LP gas division of the Texas Railroad Commission.
2. Every tank truck, tank trailer and/or gear truck shall have a conspicuous sign on each side and rear composed of four (4) inch letters reading "FLAMMABLE" and a sign reading "NO SMOKING" composed of four (4) inch letters installed at the draw-off valves.
3. The responsible company or owning company name or corporate symbol is to be permanently displayed on each tank vehicle.
4. Trailers shall be firmly and securely attached to the vehicle drawing them with appropriate safety chains.
5. No tank or any part of any tank (not to include non-liquid-carrying appurtenances) shall extend beyond the chassis frame of the equipment being used to transport the flammable liquids. Draw-off valves or faucets which project beyond the frame shall be adequately protected.
6. Vehicles transporting flammable liquids shall not be equipped with artificial light of any kind other than electricity. All lighting and low tension wires shall be in conduit or seal-tight flexible conduit. Suitable fuses or other automatic overload protective devices shall be installed in all lighting and low tension circuits, except the ignition and starting motor circuits. All electric lights shall be adequately protected. All wiring shall be supported and protected from mechanical injury, chaffing and exposure or contact with oil, grease, gasoline or other compounds that tend to deteriorate the insulation, and shall be so located as to avoid damage to insulation from heat.

SUBRULE NO. 067 – Preventing, Detecting, Controlling, and Fighting of Fires – (Continued) Original

7. Each tank truck, tank trailer and/or gear truck shall be equipped and maintained with at least two (2) approved-type hand fire extinguishers suitable for extinguishing flammable liquid fires. They shall be kept in good operating condition at all times and located in an accessible place on the vehicle. Drip pans and absorbent shall be available at all times.
8. Every vehicle shall be equipped with a reliable system of brakes, lights and horn which shall conform to the laws of the State governing such vehicles.
9. All tank trucks, tank trailers and/or gear trucks shall be prohibited inside any building except while undergoing repairs unless the building is used exclusively for the storage of such vehicles. Delivery of flammable liquids shall be conducted outside of any building.
10. Smoking, flame, or fire is prohibited on or around tank trucks at all times while loading or unloading. The provisions of Section 7 hereof shall also apply to these vehicles.
11. Draw-off valves shall be equipped with a metal tag, plate or label on which is displayed, in letters not less than one-half (1/2) inch in height, the name of the particular product in the tank with which such draw-off valves are connected.
12. Tank vehicles shall not be operated unless they are in proper repair, devoid of accumulation of grease, oil or other flammables and free of leaks.
13. The driver, operator or attendant of any tank vehicle shall not leave the vehicle while it is being filled or discharged. Delivery hose, when attached to a tank vehicle, shall be considered to be a part of the tank vehicle.
14. Motors of tank vehicles or tractors shall be shut down when making or breaking hose connections. If loading or unloading is done without the use of a power pump, the tank vehicles or tractor motor shall be shut off throughout such operations.
15. The cargo tank shall be bonded to the fill pipe when loading. The bond-wire connection shall be made prior to commencing operations and shall be maintained in place during the entire operation.
16. During filling operations tank trucks shall have approved parking brakes in operation. During discharge operations approved parking brakes shall be in operation.

SUBRULE NO. 067 – Preventing, Detecting, Controlling, and Fighting of Fires – (Continued) Original

Section 10: WELDING OR HOT WORK - Oxyacetylene, electric, or any other welding or burning or other 'hot work' within the territorial jurisdiction of the Port Authority as set out in these regulations is permitted subject to the conditions set out herein and provided that a current permit issued by the USCG Captain of the Port is in the possession of the person on the job in charge of the operation and a permit has been issued by the Port Authority Fire Department. The provisions of 49 CFR 176.54 and 33 CFR 126.15(a) are applicable to Vessels and Facilities respectively. When welding, burning or other hot work is being performed, positive means shall be taken to confine heat, sparks or slag so as to protect immovable fire hazards. Suitable operable fire extinguishing equipment shall be in the immediate vicinity and ready for instant use.

Section 11: ACCUMULATION OF FLAMMABLE OR COMBUSTIBLE WASTE OR RUBBISH - The accumulation of wastepaper, boxes, logs, grass, straw, weeds, litter, oils, greases and other flammable or combustible waste or rubbish of any kind in, under or upon any Facility or Marine Terminal or the burning of such rubbish in an open fire, by the owner, lessee or operator of such facility or waterfront area is declared to be a fire hazard and unlawful. Each Day such violation continues or is permitted to continue shall constitute a distinct and separate offense

Section 12: HANDLING OF HAZARDOUS COMMODITIES - Red Label (Flammable Gas, Class 2, Flammable Liquid, Class 3), Poison Gas Label (Class 6), Yellow Label (Organic Peroxide Class 5), and Spontaneously Combustible materials shall not be placed in a Transit Shed. Such labeled commodities may be delivered to open wharves only after ship is in Port and then "in limited quantity". (For the purpose of this Section, 'Red Label' is defined as a commodity having a Flash Point of 99 Degrees Fahrenheit (37.2 Degrees Celsius) or below. Poison Label (Class 6), materials may be placed in a Transit Shed but extreme caution should be exercised particularly in the proximity of grain, coffee or other food items. Red/White striped (Flammable Solid Class 4) Yellow (Oxidizer, Class 5) and Black/White (Corrosive Label Class 8) may be stored in a Transit Shed. Explosives IMCO Class 1.1, 1.2, 1.3, and fireworks, regardless of class will not be handled at the Port of Houston whether loading, discharging or in transit. Explosives IMCO Class 1.4, 1.5 (not to include fireworks) will be handled 'truck-to-ship' or 'ship-to-truck' as above. Explosives will not be left overnight at any facility at the Port of Houston.

Any Vessels having onboard more than 10 tons of 1.4 or 1.5 Explosives must be cleared through the Port Authority's Fire Department and the local Captain of the Port, at least twenty-four (24) hours prior to its arrival. All proposed movement of explosives will be coordinated with those offices. Requirements covering the transportation of Hazardous Materials covered in 49 CFR, Parts 171-180 must be complied with on any cargo entering Port Authority property. All cargo entering the jurisdiction of the Port Authority must comply with the requirements of 49 CFR, Parts 171-180 and the International Maritime Dangerous Goods (IMDG) Code relating to the transportation of Hazardous Materials. Cargo arriving at Marine Terminals within the jurisdiction of the Port Authority without all documentation required by this tariff and by all applicable law will not be received into the terminal or offloaded from the Vessel on which it arrives.

Ammonium Nitrate in any mode of packaging or transportation is strictly prohibited. Class 7 Radioactive Material is limited to Low Specific Activity (LSA) UN2912, UN3321, UN3322, Surface Contaminated Objects (SCO) UN2913, Radioactive empties UN2908, and Radioactive material, Type A package, special form non fissile or fissile-excepted UN3332 in limited quantities. Radioactive materials must meet shipping and handling requirements of the International Maritime Dangerous Goods (IMDG) Code and 49 CFR, Parts 171-180.

SUBRULE NO. 067 – Preventing, Detecting, Controlling, and Fighting of Fires – (Continued)

Original

Section 13: MAINTENANCE OF LIQUID CARGO HANDLING EQUIPMENT - Cargo handling equipment shall be maintained in good operating condition at all times. Cargo hose shall not be used in a transfer operation in which pressures are such that leakage of cargo occurs. Cargo pump systems shall be tested at least once each year to determine that they function satisfactorily at and below the maximum allowable pressure of the safety relief valves. Pressure gauges shall be calibrated yearly and hoses and piping shall be hydrostatically tested at least once each year to one and one half times their maximum allowable working pressure. The maximum allowable working pressure shall be stenciled on the cargo hoses and piping. At facilities where incompatible cargoes are handled, the hoses and systems shall be clearly marked to specify the allowed products.

Section 14: CONTROL OF LIQUID CARGO TRANSFER SYSTEMS - Prior to performing bulk liquid and liquefied gas or other dangerous cargo transfer operations, the waterfront facility shall comply with all the requirements of the U.S. Coast Guard contained in 33 CFR, Parts 126, 154 and 156. While application to the Port Authority for separate permits is not necessary, it shall be incumbent upon the facility operator to notify the Port Authority Fire Department whenever a general permit has been terminated or suspended by the Captain of the Port and again when such permit has been reinstated.

The penalty for noncompliance with any of the provisions hereof shall be \$1000 per offense and each day of operation in noncompliance therewith shall constitute a separate offense.

SUBRULE NO. 067 – Preventing, Detecting, Controlling, and Fighting of Fires – (Continued)

Original

Section 15: CERTIFICATE OF INSPECTION, PERMITS, DOCUMENTS, CERTIFICATE AS TANKERMAN - No domestic Vessel, regardless of tonnage, size or manner of propulsion, and whether self-propelled or not, while within the jurisdiction of the Port Authority, shall have on board any flammable or combustible cargo or cargo of particular hazard in bulk until a certificate of inspection has been issued by the U.S. Coast Guard or Department of Transportation. Foreign Vessels carrying flammable or combustible cargo in bulk are accepted in U.S. ports if they are registered in a country signatory to the Safety of Life at Sea Convention (SOLAS). Foreign Vessels of a novel design carrying bulk liquid cargo of potential or unusual risk are allowed in U.S. ports only after having been inspected and issued a Letter of Compliance by the Coast Guard. This certificate shall be carried on board and shall show the grades of such cargo that the Vessel may have on board for transport. Except for military explosives, the amount of dangerous articles, substances or designated dangerous cargo on board the Vessel or present at the waterfront facility shall not exceed the maximum quantity permitted by the U.S. Coast Guard or the Department of Transportation.

Any permit issued based on the certificate of inspection shall be valid for the duration of the certificate of inspection on which such permit has been endorsed. Whenever it is found that a Vessel does not comply with the conditions upon which the permit was issued, all transfer operations will immediately cease, and the Vessel will be deemed in violation of the permit until such time, as ever, as the Coast Guard may determine that the Vessel is in compliance with the conditions of the permit. Shipping documents indicating the kinds, grades and approximate quantities of such liquid cargo shall be maintained on board.

Tankerman certificates issued by the Coast Guard stating the kinds of liquid cargo the holder is qualified to handle shall be maintained on board the Vessel or in possession of the “person in charge” (See 33 CFR 154, 155, and 156)

Section 16: DUTY TO NOTIFY: FIRE OR ACCIDENTAL DISCHARGE OF DANGEROUS CARGO OR OIL - In the event that any Vessel, Vessel Agent, or User has knowledge of the occurrence of a fire or the accidental discharge of dangerous cargo or oil, in any quantity, into the waters under the jurisdiction of the Port Authority, such Vessel, Vessel Agent, or User shall notify, as soon as practicable and by the quickest means available, the Port Authority’s Fire Chief, or if he is not available, his designee or superior, of such discharge. Such notification does not waive the responsibility of the Vessel, Vessel Agent, or User to also notify the U. S. Coast Guard in accordance with the provisions of the Federal Water Pollution Control Act, or to comply with all other provisions of federal, state, or local law. It shall be incumbent upon any Vessel, Vessel Agent, or User to have immediately available, or to have made arrangements to have immediately available, containment equipment that will prevent the spread of any accidental spill or discharge of dangerous cargo or oil.

SUBRULE NO. 067 – Preventing, Detecting, Controlling, and Fighting of Fires – (Continued) Original

Section 17: ADVANCE NOTICE OF ARRIVAL OF VESSELS - Whenever any domestic or foreign Vessel which is inbound into the jurisdiction of the Port Authority has on board certain hazardous cargo identified in 33 CFR, Part 160 or whenever there is a hazardous condition on board such a vessel or caused by such a vessel or its operation, the Vessel or Vessel Agent shall comply with 33 CFR, Part 160, and also notify the Port Authority at least twenty-four hours in advance of such ship's arrival. Upon arrival, it shall be the responsibility of the Vessel or Vessel Agent to remove any damaged cylinder, pressure Vessel or container from the Vessel and from the confines of the waterfront facility within twenty-four hours.

Section 18: WAREHOUSE FIRE AND SAFETY REQUIREMENTS - Except as specifically provided in this [Subrule No. 067](#), each Warehouse situated within the jurisdiction of the Port Authority shall be constructed and maintained in accordance with all federal, state, and city building and fire safety regulations.

Section 19: TRANSIT SHED FIRE AND SAFETY REQUIREMENTS - Except as specifically provided in this [Subrule No. 067](#), each Transit Shed situated within the jurisdiction of the Port Authority shall be constructed in accordance with all federal, state, and city building codes. Transit Sheds shall comply with all the federal fire and safety regulations. However, notwithstanding any contrary provision of this Tariff, any state law or local ordinance or regulation, Transit Sheds shall not be required to contain Firewalls or Fire Sprinkler systems.

Section 20: PREEMPTION - The provisions of this [Subrule No. 067](#) shall be cumulative of all other applicable federal, state, or local regulations regarding building and fire safety. However, pursuant to the authority granted the Port Authority by the Act, in the event that any state law or any local provision or ordinance, including any provision of the City of Houston Code, Building Code, or Fire Code, conflicts with any provision of this [Subrule No. 067](#), the provisions of this [Subrule No. 067](#) shall control and prevail.

Section 21: FIRE REGULATIONS – The rules and regulations of the 2015 International Fire Code (IFC) including all future amendments, revisions, restatements, and updates thereto, shall also apply to all facilities under the jurisdiction of the Port Authority, and all Users shall comply with the applicable requirements of the IFC.

The National Fire Protection Association (NFPA) 307 “Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves”, and NFPA 30 “Flammable and Combustible Liquids Code,” including all future amendments, revisions, restatements, and updates thereto, shall also apply to all facilities within the jurisdiction of the Port Authority and all Users shall comply with the requirements of this Standard.

The Port Authority's Fire Chief (Fire Chief) is authorized to interpret and enforce applicable provisions of the IFC, the NFPA 307 Standard, NFPA 30 Code, and the Port Authority's tariffs relating to fire prevention (collectively referred to as “Fire Regulations”). Any order, decision or determination made by the Fire Chief relative to the application and the interpretation of the Fire Regulations may be appealed to the Fire Safety Appeals Committee, which shall be comprised of the Chief Port Operations Officer, Chief Legal Officer, and Chief PSEO Officer, or the designee of any one or more of these, provided that such designee may not be the person who made the order, decision or determination being appealed, by giving written notice within 60 days of such order, decision, or determination to the Fire Chief. The written notice shall describe the particular order, decision, or determination and applicable Fire Regulation being appealed. The Fire Safety Appeals Committee shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Chief. Failure to give written notice of appeal to the Fire Chief within the 60-day period constitutes a waiver of the right to appeal.

SUBRULE NO. 068 – Health and Safety

Original

Section 1: SCOPE - All rules and regulations issued by the Port Authority with respect to Health and Safety are the minimum standards applicable for all facilities under the jurisdiction of the Port Authority; however, in the event the laws, rules and regulations established by federal, state and local authorities, or the specific rules and regulations in a Safety and Health Plan adopted by Users of Port Authority facilities for their own operations are more stringent than, or regulate matters not addressed by, the minimum rules and regulations established herein, the more stringent or comprehensive shall govern. In the event local law relating to traffic control on facilities and private roadways under the jurisdiction of the Port Authority conflicts with the Port Authority's tariff rules and regulations, the Port Authority's rules and regulations shall govern; otherwise all such health and safety laws, rules and regulations shall apply and shall be in addition to the rules and regulations of the Port Authority.

These rules and regulations shall apply to: (1) all Vessels docked at facilities under the jurisdiction of the Port Authority, and (2) all Users and all facilities within the jurisdiction of the Port Authority, including but not limited to piers, wharves, landings, buildings, transit sheds, private roadways, storage yards and other structures utilized by the Port Authority in providing services.

Section 2: RESPONSIBILITY OF VESSELS AND USERS - From time to time, the Port Authority may prescribe rules relating to health and safety within its jurisdiction. However, nothing contained in any rules shall be construed as relieving the Vessels and Users of their primary responsibilities regarding health and safety.

Section 3: RIGHT TO INSPECT - No User or other person within the jurisdiction of the Port Authority shall prevent the Port Authority Fire Department, Port Police, Safety, Security, or Risk Management, from entering any property for the purpose of confirming that the User or other person within the jurisdiction of the Port Authority is in compliance with the minimum safety rules and regulations that are established herein, provided that no such entering shall be prohibited by law.

Section 4: RIGHT TO INFORM - The Port Authority reserves the right to inform the United States Coast Guard of any health or safety risk or other nonconformity regarding any Vessel docked at Port Authority Facilities pursuant to Title 33 of the Code of Federal Regulations Part 96.

Section 5: GENERAL - Users shall comply with all applicable occupational health and safety standards set forth by federal, state and local law, and rules and regulations established in any Safety and Health Plan adopted by Users. Users shall conduct all operations in a manner to prevent risk to the health and safety of all persons and damage to all property and equipment. Users shall continuously monitor all persons, work, and equipment to assess and determine risks to health and safety. Users shall promptly mitigate and correct all such risks and conditions.

Users shall be responsible for the health and safety of their employees, contractors, vendors, and visitors allowed on Port Authority facilities and shall require that they act in conformity with the rules and regulations set forth herein.

Section 6: PERSONAL PROTECTIVE EQUIPMENT - Users' employees, contractors, vendors, and visitors shall wear appropriate Personal Protective Equipment (as hereinafter defined) in all operations areas as required by applicable safety rules and regulations. "Personal Protective Equipment" means all protective articles of clothing and other gear worn by persons performing a task or duty in order to reduce or eliminate the hazards of such task or duty. Personal Protective Equipment includes, but is not limited to, safety glasses, hard hats, reflective vests, and safety shoes.

SUBRULE NO. 068 – Health and Safety – (Continued)

Original

Section 7: SMART DEVICE USE – Smart Device Use (as hereinafter defined) by Users and their employees, contractors, vendors, and visitors while operating or performing maintenance or repairs on machinery and equipment is prohibited on Port Authority property. “Smart Device Use” means handheld phone calls, texting, or e-mailing or the active use of applications on “smart devices” such as mobile phones, tablets, smart watches, and similar electronics devices. The use of diagnostic smart device applications or operation of radio frequency devices other than a smart device shall not constitute a violation of this safety rule.

Section 8: HEALTH AND SAFETY MANUAL - Each User and its contractors, if applicable, shall provide the Port Authority a copy of its Health and Safety Manual or Health and Safety Plan upon request, and notify the Port Authority of its designated person who is responsible for the administration of its health and safety plan. All such health and safety manuals or plans shall include an Emergency Action Plan as required by 29 CFR 1917.30. The emergency action plan shall be in writing and shall describe those designated actions Users and Users’ employees must take to ensure safety from fire and other emergencies. The Port Authority’s Safety Manual is accessible at porthouston.com.

Section 9: CORRECTIVE ACTIONS - The Port Authority reserves the right to take corrective actions in the event any User or other person within Port Authority facilities violates or fails to comply with any of the provisions of these minimum safety rules, the Port Authority Safety Manual, and any applicable regulation.

SUBRULE NO. 069 – Vehicle Traffic and Vehicle Safety

Original

A. VEHICLE TRAFFIC

1. All persons within Port Authority jurisdiction shall comply with all posted speed limits and traffic signs while operating any motorized vehicle on Port Authority property. Any person operating a commercial vehicle within the jurisdiction of the Port Authority, which has had prior or shall have a subsequent operation on public roads, shall have a valid commercial driver’s license in effect at all times during the operation of such vehicle. Any person operating a commercial or other vehicle within the jurisdiction of the Port Authority in circumstances other than those set forth above shall have a valid state driver’s license in effect at all times during the operation of such vehicle.
2. Smart Device Use for any purpose other than navigational aids or use by emergency personnel operating in their official capacities is prohibited while operating a vehicle on Port Authority property.
3. The Port Authority Police and Safety Managers shall have the authority to issue a Notice of Safety Violation, in their sole discretion, to persons, drivers, and pedestrians who commit traffic offenses within the jurisdiction of the Port Authority, including, without limitation, driving an unsafe vehicle, driving in excess of posted speed limitations, failing to stop at stop signs, stop lights, or stop bars, failing to observe the right of way, failing to observe proper directional flows, Smart Device Use, and any other actions which endanger life or property. A copy of the Notice of Safety Violation shall be given to the driver of the vehicle, or to the pedestrian, and to the employer of the driver. Penalties for violations may be found within the Port Authority Safety Manual.

SUBRULE NO. 069 – Vehicle Traffic and Vehicle Safety – (Continued)

Original

4. If there is any accident involving a motorized vehicle within the jurisdiction of the Port Authority, the Port Authority, through its Port Police, may make an investigation to determine the cause of that accident. In the course of that investigation, the Port Authority shall have the right to interview any persons who were on the premises of the Port Authority or other Users having knowledge of any circumstances relating to the vehicle, the driver, or the accident. The Port Police may issue an Investigative Report, which determines the cause of the accident and may indicate fault or negligence of any User, its agents or employees, which caused or contributed to the accident. In the event fault or negligence is found, the Port Police may issue a Notice of Safety Violation.
5. If (a) a Notice of Safety Violation is given for the operation of an unsafe motorized vehicle, or if (b) an Investigative Report of the Port Police determines that a motorized vehicle was unsafe, the vehicle shall be barred from operating at the terminal until a report is filed with the Chief of Port Security & Emergency Operations that the vehicle has been repaired, with proof of the repair of the condition which was responsible for the Notice of Safety Violation or of the Investigative Report. Failure to file such a report with the Chief of Port Security & Emergency Operations and subsequent operation of that vehicle on Port Authority property shall constitute a subsequent Safety Violation of the driver operating the vehicle.
6. Any Notice of Safety Violation may be appealed to the Chief of Port Security & Emergency Operations, or his/her designee, within 30 days of the date it is given to the User, driver, or pedestrian. In such appeal, the appellant shall have the right to present any materials or statements pertinent to the matter at hand. The Chief of Port Security & Emergency Operations, or his/her designee shall make a final decision that may affirm, amend, or nullify determinations made in the Notice of Safety Violation, or may require that the matter be investigated further by the Port Police.
7. Port Authority Maintenance Department personnel may render assistance to a driver of a truck or other vehicle requesting assistance with a disabled vehicle located on Terminal and, in such instance, the driver's employer shall be deemed to have authorized such request, and the driver's employer and the owner of the vehicle, shall be deemed to have agreed to indemnify and save harmless the Port Authority from and against all losses, claims, demands, arbitrations, and suits for damage or injury, including court costs and attorneys' fees, arising out of, incident to, or resulting from the Port Authority Maintenance Department's actions or inactions, except for damage or injury to persons caused by the negligence of the Port Authority, for which the Port Authority shall not be relieved.

B. VEHICLE SAFETY COMPLIANCE STANDARDS APPLICABLE TO THE TURNING BASIN

1. Effective January 1, 2016 all (a) on-road and (b) off-road vehicles will be required to comply with the safety standards set forth herein.
2. On-road Vehicles.
 - (a) On- road vehicles are defined herein as all commercial motor vehicles (including but not limited to semi-trucks and all attached equipment including semitrailers) that are required to comply with the Federal Motor Carrier Safety Regulations ("FMCSR") and/or the Texas Motor Carrier Safety Regulations ("TxMCSR").
 - (b) All on-road vehicles must be in compliance with the safety standards relating to the inspection, repair, and maintenance of those vehicles as set forth in the FMCSR and/or the TxMCSR.

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SUBRULE NO. 069 – Vehicle Traffic and Vehicle Safety – (Continued)

Original

3. Off-road Vehicles.
 - (a) Off-road vehicles are defined herein as off-road drayage trucks, including but not limited to off-road terminal tractors, and off-road semi-trucks but excluding personal vehicles, cranes, and forklifts.
 - (b) Off-road vehicles shall be inspected, repaired, and maintained in compliance with, at User's option, (1) FMCSR and TxMCSR safety standards for on-road vehicles, or (2) applicable manufacturer specifications.
 - (c) Operators of off-road vehicles shall perform and document daily safety inspections of their vehicles. Documentation of such daily safety inspections shall be retained in the off-road vehicles and upon request, be made available to Port Police for review.
 - (d) Off-road vehicle owners will conduct annual inspections of their off-road vehicles and provide to the Port Authority either (i) documentation showing inspections/certifications in accordance with the FMCSR guidelines or (ii) self-reported documentation prepared by qualified mechanics and equivalent to that described in the FMCSR guidelines. Documentation must be submitted by March 1st of each calendar year for the previous calendar year to the Port Authority's Port Security and Emergency Operations ('PSEO') Department for every off-road vehicle used at the Turning Basin Terminal. As a reference, Form 396-7 (Driver's Vehicle Inspection Report) and Form 396-10 (Annual Vehicle Inspection Report) from the Texas Motor Carrier's Guide to Highway Safety may be used as guidance in preparing self-reports for off-road vehicles.

4. Other Vehicles: Automobiles, Motorcycles, Golf Carts, All Terrain Vehicles ("ATVs"); Bicycles.
 - (a) Unenclosed automobiles will not be permitted on Lower Level Road unless specifically approved in advance by the Port Authority Safety Department.
 - (b) Motorcycles are permitted on Upper Level Road but not on Lower Level Road.
 - (c) Golf Carts and ATVs are permitted on Upper Level Road and Lower Level Road if they
 - (i) are specifically approved in advance by the Port Authority Safety Department, (ii) have a slow-moving vehicle sign on the back of the vehicle, and (iii) have an amber strobe light on top of the vehicle.
 - (d) Operators of vehicles permitted entry to the Turning Basin under this section (4) shall also observe the requirements of Subrule B.3(c) above relating to daily safety inspections.
 - (e) Bicycles are not permitted anywhere on the Turning Basin Terminal.

C. PENALTIES

In addition to all other applicable penalties provided in this tariff or in law, failure to comply with the requirements set forth in the Subrule may result in a "Do Not Operate" tag being placed upon vehicles and/or equipment on Port Authority property. Vehicles and/or equipment so tagged must be removed from service and the premises until the failure is corrected and documentation showing full compliance with the standards set forth herein is provided to and accepted by the Port Authority's PSEO Department.

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SUBRULE NO. 070 – Lightering and Bunkering

Original

To insure safe and unimpeded Vessel movements on the Houston Ship Channel, lightering and bunkering operations are restricted at Port Authority Wharves 1, 2, 13, 14, 15, and at Manchester Terminal Company Berths A & B. When such operations are conducted at the aforesaid wharves and berths, the person arranging for lightering and/or bunkering is responsible for and must arrange to have a tugboat standing by to provide for movement of the barge/lighter within two hours after notification.

SUBRULE NO. 071 – Navigation Precautions

Original

To insure safety for waterfront facilities and ocean going Vessels transiting the Houston Ship Channel in the vicinity of Baytown Bend between buoys "109" and "114", such Vessels must have qualified crewmembers standing by the anchors in case emergency dropping of the anchors is required.

Inbound and outbound ocean going Vessels must have the anchors ready for "letting go" and necessary qualified personnel standing by from the time the Vessel passes abeam of the rear marker of Range "N" until passing abeam of buoy "111".

NOTE: Three pipeline crossings exist in the vicinity of the overhead power cables and are buried at depth ranging from -45' below mean low tide (MLT) to -55' below MLT.

Discretion must prevail and anchors dropped only in emergency situations.

SUBRULE NO. 072 – Weighing of Containers as Required by Regulation VI/2 of the International Convention for the Safety of Life at Sea (SOLAS)

Original

Regulation VI/2 of SOLAS requires that shippers verify the gross mass of packed containers (hereafter, the "VGM") to the vessel master and terminal representative prior to vessel loading. The Port Authority undertakes to weigh packed containers and supply certain container weight data, which the shipper(s) is deemed to have accepted, represented, and designated as the VGM of such containers, only at its Barbours Cut and Bayport Container Terminals, and only pursuant to the terms and conditions under which the Port Authority's undertaking is made as set forth in Port Authority Tariff Nos. 14 and 15. The Port Authority does not undertake any obligations required by SOLAS at any other Port Authority terminal, and third party users handling packed containers at other Port Authority terminals are solely responsible for compliance with SOLAS Regulation VI/2.

SUBRULE NO. 073 – Insurance Requirements for Trucks and Other Vehicles

Original

The minimum insurance requirements of all trucks and other vehicles entering Port Authority property shall be the same as those set forth in 49 CFR §387.303 (whether or not that regulation directly applies to such trucks or other vehicles) as issued, amended, and reissued from time to time. Additionally, all trucks and other vehicles must comply with all insurance requirements under Port Authority licenses, contracts, and leases, as well as under all federal and other applicable laws.

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**PORT OF HOUSTON
TARIFF NO. 8**

SUBRULE NO. 081 – Rental Rates for Heavy Duty Mobile Cranes Operating on Port of Houston Authority Property **Original**

1. Rates (Per Hour)

These rates apply only when cranes not owned by the Port Authority are used on Port Authority’s property and are the maximum allowable rates which the owner or the operator of such cranes may assess his customer, and will apply in addition to the loading and unloading charges as described in [Subrule No.144](#) thru [Subrule No. 207](#).

| | <u>Straight Time</u> | <u>Overtime</u> |
|-------------------------------|----------------------|-----------------|
| 45-Ton Capacity Crane | | |
| Two part line..... | \$195.07 | \$247.13 |
| Four part line..... | \$229.89 | \$281.92 |
| 50-Ton Capacity Crane | | |
| Two part line..... | \$217.12 | \$269.17 |
| Four part line..... | \$251.26 | \$299.76 |
| 60-Ton Capacity Crane | | |
| Two part line..... | \$235.96 | \$288.05 |
| Four part line..... | \$270.74 | \$322.78 |
| 75-Ton Capacity Crane | | |
| Two part line..... | \$266.67 | \$336.72 |
| Four part line..... | \$301.67 | \$353.78 |
| 80-Ton Capacity Crane | | |
| Two part line..... | \$278.68 | \$330.75 |
| Four part line..... | \$314.07 | \$366.12 |
| 90-Ton Capacity Crane | | |
| Two part line..... | \$295.73 | \$347.81 |
| Four part line..... | \$329.27 | \$381.38 |
| 100-Ton Capacity Crane | | |
| Two part line..... | \$312.85 | \$364.91 |
| Four part line..... | \$349.52 | \$401.54 |
| 115-Ton Capacity Crane | | |
| Two part line..... | \$345.32 | \$397.34 |
| Four part line..... | \$380.16 | \$432.19 |
| 125-Ton Capacity Crane | | |
| Two part line..... | \$365.91 | \$417.95 |
| Four part line..... | \$387.28 | \$453.17 |

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**PORT OF HOUSTON
TARIFF NO. 8**

| | |
|--|-----------------|
| SUBRULE NO. 081 – Rental Rates for Heavy Duty Mobile Cranes Operating on Port of Houston Authority Property – (Continued) | Original |
|--|-----------------|

1. Rates (Per Hour), (Cont'd.)

| | <u>Straight Time</u> | <u>Overtime</u> |
|-------------------------------|----------------------|-----------------|
| 140-Ton Capacity Crane | | |
| Two part line..... | \$396.97 | \$449.06 |
| Four part line..... | \$432.07 | \$484.13 |
| 150-Ton Capacity Crane | | |
| Two part line..... | \$416.41 | \$468.67 |
| Four part line..... | \$450.60 | \$504.00 |
| 165-Ton Capacity Crane | | |
| Two part line..... | \$448.90 | \$500.97 |
| Four part line..... | \$483.60 | \$535.67 |
| 185-Ton Capacity Crane | | |
| Two part line..... | \$479.28 | \$531.21 |
| Four part line..... | \$512.00 | \$563.59 |
| 200-Ton Capacity Crane | | |
| Two part line..... | \$502.02 | \$554.09 |
| Four part line..... | \$537.38 | \$589.47 |
| 250-Ton Capacity Crane | | |
| Two Part line..... | \$529.74 | \$581.77 |
| Four Part line..... | \$564.47 | \$616.54 |
| 300-Ton Capacity Crane | | |
| Two part line..... | \$556.13 | \$609.48 |
| Four part line..... | \$591.55 | \$643.61 |

Note: Capacity of crane under all conditions shall be capacity at radius being worked based on crane manufacturer's lifting charts.

Cranes worked in tandem shall each be charged individually at the same rates as above.

Exception: On lifts over 50 tons...rates on request.

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PORT OF HOUSTON
TARIFF NO. 8

Section Three: Rental and Use Charges for Equipment and Special Terminal Facilities

Page No. 53

**SUBRULE NO. 081 – Rental Rates for Heavy Duty Mobile Cranes Operating on Port of Houston Authority
Property – (Continued) Original**

Fractional hours: Charges are set forth herein on an hourly basis, but when the time for calculation of charges or credits is less than one full hour, each 15 minute period shall be equivalent to 25% of the hourly charge. Unless otherwise provided in any particular subrule, any time in excess of an hour or each such 15 minute period shall be charged as if it were the full 15 minute period, but, for the purpose of computing credits, no time which is less than the full 15 minutes shall be counted.

Minimum Charge: Three hours straight time at hook, tandem, or heavy lift rate as the case may be for initial order.

Four hours straight time at hook, tandem, or heavy lift rate as the case may be for initial order, applicable for Barbour's Cut Terminal.

Two hours straight time at hook, tandem, or heavy lift rate as the case may be following completion of any meal period.

2. Stand-by Charge

Stand-by charge of one-half applicable rental rate applies to equipment made idle by rainfall or other weather condition.

3. Credit for Breakdowns

Credit for breakdowns occasioned by mechanical failure of equipment, when not due to misuse, abuse, overloading or carelessness of User, shall be cumulated and allowed daily on each piece of equipment.

4. Delivery of Cranes

When any privately owned crane is delivered to User on Wharves located in the Turning Basin Terminal, Woodhouse Terminal, Care Terminal, or Jacintoport Terminal, it shall be delivered to begin work at 7:00 a.m. or 8:00 a.m., or 1:00 p.m. or 7:00 p.m. Any crane delivered at times other than above will be charged from the nearest earlier starting time, *except* when gang work starts at 10:00 a.m. or 3:00 p.m., cranes may be delivered for the starting time and charged from 10:00 a.m. or 3:00 p.m.

Cranes will be spotted as requested on original delivery. Any moving or re-spotting of a crane for the same assignment will be paid for by the User at a rate of \$129.65 per hour with any fraction of an hour being charged at the full hourly rate.

Users requesting cranes in locations requiring police escort will be billed for the escort service for both delivery and return of crane.

5. Charge for Special Rigging

Privately owned cranes will be delivered by the owner of the crane to User rigged in the manner requested. Any change in rigging during a given assignment will be paid for by the User at a rate of \$129.65 per hour with any fraction of an hour being charged at the full hourly rate.

No charge will be made for re-rigging a crane at the completion of any given assignment.

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**PORT OF HOUSTON
TARIFF NO. 8**

**SUBRULE NO. 082 – Procedures and Use Charges for Privately Owned Cranes Operating on Port of
Houston Authority Property Original**

1. Crane owners desiring to rent or operate their equipment on Port Authority wharves must apply for approval prior to moving equipment onto Port Authority property. Approval for each individual crane must be granted by the Port Authority's Director, General Cargo Terminals, or his designee. This approval will be considered official only when a set of "Rules Governing Privately Owned Cranes Working on Port Authority Property" is properly signed by the owner of the crane and the above-named Port Authority official or his designee. One copy of this signed approval will be filed in the Terminal Office, and one copy will be furnished to the crane owner.

2. Rules Governing Privately Owned Cranes Working on Port Authority Property
 - a. Each crane will be identified by a unique number. Numbers will be assigned by the Port Authority and clearly marked on the crane by the owner prior to entering Port Authority property. Privately owned crane operators must notify the Port Authority's terminal management when any crane previously issued a P-number is sold or decommissioned by no later than thirty (30) days after the date of sale or decommission.

 - b. All safety rules and regulations covering Port Authority crane operation are applicable to privately owned cranes, including:
 - i. 18,000 pounds load limit on 3/4 inch, two part, hoist lines.
 - ii. Cranes in close proximity must not swing loads over cab of adjacent cranes.
 - iii. All crane cables must be inspected for wear and damage on a daily basis.
 - iv. Tipping of crane, jacking of loads and pulling dangerous overloads will not be permitted.

Privately owned cranes must also comply with all provisions of 29 CFR Part 1919 and revisions as published by the Occupational Safety and Health Administration.

- c. Privately owned crane owners/operators must comply with the Public Wharf Characteristics published on the Port Authority's website (www.portofhouston.com), including without limitation, the dock weight limits contained therein.

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**PORT OF HOUSTON
TARIFF NO. 8**

SUBRULE NO. 082 – Procedures and Use Charges for Privately Owned Cranes Operating on Port of Houston Authority Property – (Continued) Original

- d. Repair of private cranes on Port Authority property is to be cleared with terminal management. Trash generated by authorized repair work, but left behind, will be cleaned up by Port Authority personnel and this cost plus 20% will be billed to the owner of the crane.
- e. Parking of cranes on Port Authority property is to be cleared with terminal management.
- f. Leaving cranes in a position which blocks rail tracks, gantry tracks and movement of other cranes at the end of each day's work is not permitted.
- g. Any crane failing to fulfill any of these conditions will be removed promptly from the Port Authority property and this cost plus 20% will be billed to the owner of the crane.

3. Rates

- a. Privately owned cranes used on wharves, tracks or property of the Port Authority will be charged \$53.97 per calendar day for each day or part thereof of crane usage.

SUBRULE NO. 083 – Charges for Extra Labor and Material Original

Where extra labor is used or where material is expended at the request of User in changing or moving equipment, such labor and material shall be charged at cost plus twenty percent or a flat rate price will be quoted by the Chief Port Operations Officer of the Port Authority, or his designee, upon application, if desired.

SUBRULE NO. 084 – States Sales Taxes and Fees on Equipment Rentals Original

The Port Authority shall assess and Users shall pay, on equipment rentals, all sales taxes that may be required by state government laws and regulations and a fee in lieu of local sales tax in the amount of two percent (2%) as may be required by local government contract.

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**PORT OF HOUSTON
TARIFF NO. 8**

Section Four: Rates, Rules, and Regulations Pertaining to Vessels

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SUBRULE NO. 099 – Arrangements for Berth and Duty to Work Overtime

Original

1. Vessels desiring a berth at the wharves shall, so far in advance of the date of docking as possible, file a Berth Application and Acceptance of Financial Responsibility form specifying the date of docking, sailing, and the nature and quantity of cargo to be handled; application for berth to be made to the Chief Port Operations Officer or his designee. As a part of its application for berth, the Vessel shall advise the Port Authority of the protection and indemnity association (P & I Club) which affords the Vessel indemnity coverage as well as the name and telephone number of the local legal representative thereof knowledgeable with regard to such coverage and shall also advise the Port Authority of the nature, amount, and current status of unpaid claims or liens against the Vessel, whether arising in or outside the United States, or state that no such unpaid claims or liens exist.
2. Berth assignments will be made to achieve maximum utilization of the Port of Houston Authority's facilities. Any berthed Vessel wanting to disable its engine or to take any other action that would affect its ability to maneuver properly or impede its ability to vacate must request permission verbally and in writing no later than 24 hours prior to commencing such action; the Port Authority in its reasonable discretion may disallow such action as necessary to achieve maximum utilizations of its facilities. A berthed Vessel must inform the Port Authority immediately upon finding that it is unable to maneuver properly or is otherwise impeded in its ability to vacate its berth.
3. Whenever there are other Vessels waiting to load or unload cargo at any dock, a Vessel already in berth will work overtime at its own expense when requested to do so by the Chief Port Operations Officer or his designee. Any Vessel refusing to work overtime at Vessel's expense shall, at Vessel's expense, vacate the berth on order of the Chief Port Operations Officer or his designee. The berth shall then be assigned to the next awaiting Vessel which is agreeable and willing to work cargo on overtime. The Vessel ordered to vacate a berth for refusing to work cargo on overtime will be reassigned to the berth when next vacant ahead of other waiting Vessels (a) when said Vessel is either willing to work overtime, or (b) when, in the opinion of the Chief Port Operations Officer or his designee, there is no further need for overtime work. Any vessel failing to vacate its berth when so ordered for failure to work overtime shall be subject to all of the charges, expenses, and consequences set forth in [Subrule No. 100](#) hereof.

SUBRULE NO. 100 – Vessels Required to Vacate Berth

Original

1. The Port Authority may order a Vessel to vacate a berth, to change berths, or to shift position at a wharf when (1) the Vessel refuses to work overtime at its own expense when directed to do so by the Chief Port Operations Officer or his designee (as provided in [Subrule No. 099](#)); (2) the Vessel is not actually engaged or is no longer engaged in loading or discharging cargo; (3) another Vessel holding an agreement granting the preferential use of that berth at that time presents itself at the berth; (4) the Vessel's presence presents a potential hazard to the berth, the Port Authority's facilities, or the property or persons of others; (5) the Vessel is performing shipyard maintenance or repair or the Vessel's maneuverability is impaired; or (6) there exists any other cause that in the reasonable discretion of the Port Authority requires the berth to be vacated.

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SUBRULE NO. 100 – Vessels Required to Vacate Berth – (Continued)

Original

2. The Port Authority may, in its discretion, refuse the use of any facility of the Port Authority to the Vessel until all additional dockage charges, fees, expenses and liabilities have been paid by the Vessel. An order to vacate shall be given on reasonable notice but not less than four hours' time shall be allotted for the Vessel to vacate the berth, or two hours, which can be extended, in the reasonable discretion of the Port Authority, for barges and tugs not loading or discharging cargo at Port Authority berths or wharves (see [Subrule No. 110.B.](#)) Any Vessel failing to vacate its berth within the time ordered shall be subject to payment of additional dockage charges at the rate of \$5000.00 per hour or fraction thereof. If legal action is required to remove any Vessel which fails to vacate a berth when so ordered by the Port Authority, the Vessel shall be liable for, and shall pay, all legal expenses, including reasonable attorneys' fees.

SUBRULE NO. 101 – Speed Limit on Houston Ship Channel

Original

Vessels navigating the Houston Ship Channel shall adhere to all applicable federal, state, and local laws and regulations governing speed limits on the Houston Ship Channel.

SUBRULE NO. 102 – Display of Lights

Original

All Vessels or barges shall display lights from sunset to sunrise while lying at any wharf or dock; Vessels to conform to navigation rules applying when anchored in the channel; and barges to display white lights visible all around the horizon, located at least eight feet above water line on their outside or channel corners.

SUBRULE NO. 103 – Reporting of Collisions

Original

In the event of a collision between a Vessel and any wharf, dock, pier, or facility owned by Port Authority, a written report of such collision shall, within twenty-four hours thereof, be furnished to the Executive Director of the Port Authority by: (1) the pilot of each Vessel; (2) the master, owner or agent of each Vessel; and (3) if applicable the operator of said dock or facility, provided that in the case of a minor collision where a Vessel is under way and proceeding to the open sea, there being no need of repair, said report may be mailed by the master of said Vessel from the next port which it passes, and provided further that, in all cases of collision, no report from any of the parties specified above shall relieve any other party of the duty of rendering his report within the specified time. Each party charged herein with the responsibility to report a collision shall be liable to a penalty of \$1000 per day for each day of failure to report, provided that such penalties shall cease the day that the collision is reported by any of such parties.

SUBRULE NO. 104 – Fire Alarms

Original

In the event of fire occurring on board any Vessel in the Port of Houston, except Vessels under way, such Vessels may 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 a substitute for, but may be used in addition to, other means of reporting a fire. The words, "prolonged blasts" used in this rule shall mean a blast of from four to six seconds.

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SUBRULE NO. 105 – Harbor Fee

Original

All Vessels 250 feet and over and loaded barges entering the jurisdictional limits of the Port Authority, (See [Subrule No. 047](#) of this Tariff No. 8), except as provided in [Subrule No. 107](#), shall be assessed a Harbor Fee to assist in defraying administrative expenses incurred by the Port Authority, relating to safety, fire prevention and suppression with the objective of preventing fires; aiding Vessels in distress; and aiding in the extinguishing of fire in Vessels and equipment and cargoes aboard such Vessels, upon wharves, and in other facilities in the harbor. Vessels leaving and reentering the jurisdictional limits of the Port Authority will be assessed additional harbor fees for each reentry.

Fee per Vessel

Vessel 250 feet and over in length including all integrated tug/barges of this overall length.....\$813.40

*Loaded Barge \$41.54

*This charge applies to loaded barges only, and will be assessed for each movement, including each movement to or from a barge fleeting area, within the jurisdictional limits of the Port Authority (See [Subrule No. 047](#) of this Tariff 8).

The fee is a charge for the Vessel owner; or towing company owner; or for the disponent owner, operator and/or charterer of the Vessel or towing company.

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SUBRULE NO. 106 – Harbor Fee, Obligations of Towing Companies

Original

1. All towing companies performing towing services within the jurisdictional limits of the Port Authority (See [Subrule No. 047](#) of this Tariff No. 8) shall file a completed Towing Company Registration on a form to be supplied by the Chief Port Operations Officer or his designee. Any company performing towing services within the jurisdictional limits referred to above which fails to file a completed Registration Form with the Port Authority shall be subject to a fine of \$1,000 per day for each day it performs such towing services without having on file the completed Registration Form.
2. All towing companies performing towing services within the jurisdictional limits of the Port Authority (See [Subrule No. 047](#) of this Tariff No. 8) will be billed in accordance with [Subrule No. 105](#) for payment of the Harbor Fee applicable to the towed Vessel or barge based upon daily vessel traffic information made publicly available by the U.S. Coast Guard on its website. Payment of the Harbor Fee shall be made to the Port Authority within thirty (30) days of invoice of same and any amounts outstanding or invoices remaining unpaid past the due date shall be subject to interest charges as set forth in [Subrule No. 049](#) of this Tariff No.8. Nothing herein shall be construed to prevent towing companies from seeking recovery of Harbor Fee payments made to the Port Authority from the towed Vessel or barge for whose account the towing services were performed.
3. Towing companies may appeal assessment of the Harbor Fee within 30 days of date of invoice to the Port Authority's Fire Chief, or his designee, provided that such designee may not be the person who made the decision being appealed. In such appeal, the appellant shall have the right to present any materials or information pertinent to the matter at hand. The Port Authority in its reasonable discretion shall make a final decision that may affirm, modify, or nullify the Harbor Fee previously assessed. In the event of an appeal based upon a discrepancy between the records of the appellant and the records of the U.S. Coast Guard pertaining to appellant's movement of vessels, the records of the U.S. Coast Guard shall be determinative of the matter and the Port Authority's decision based upon such records shall be determinative and final of the matter being appealed. Failure to appeal timely shall result in waiver of the right to appeal.
4. Upon demand by the Executive Director of the Port Authority, or his designee, and upon reasonable notice, the Port Authority will have the right to inspect all books and records kept in the ordinary course of business, including tax returns, of any towing company performing towing services within the jurisdictional limits of the Port Authority. Any company performing towing services within the jurisdictional limits referred to above which fails to provide the Port Authority access to its books and records kept in the ordinary course of business within ten (10) business days of the Port Authority's request to access such records shall be subject to a fine of \$1,000 per day commencing on the eleventh business day after the Port Authority's request and continuing each day thereafter until access is granted.
5. All fees, penalties, and fines set forth in this rule may be collected by the Port Authority in any court of competent jurisdiction, and the towing company against whom a judgment is rendered shall be responsible for all court costs, including reasonable attorneys' fees.

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SUBRULE NO. 107 – Vessels Exempted from Harbor Fee

Original

1. Government Vessels not engaged in carrying cargo, troops, or supplies.
2. Private, non-commercial pleasure craft
3. Tugboats (exception not applicable to integrated tug/barges).

SUBRULE NO. 108 – Special Charges for Services

Original

If any of the services, enumerated in [Subrule No. 105](#), should be rendered by the Port Authority to a Vessel which is exempt from the payment of the Harbor Fee, or rendered for the protection of bulkheads, piers, wharves, landings, approaches, buildings, appurtenances or other property of third persons, such services (including the cost of labor and materials used) shall be charged to the Vessel receiving such services, or to the owner of such bulkheads, piers, wharves, landings, approaches, buildings, appurtenances, or other property, in accordance with prices fixed by this Port Authority.

SUBRULE NO. 109 – Cargo and Bunker Fuel Tonnage Statements Required

Original

1. Vessels and Vessel agents using Port of Houston Authority wharves shall present certified copies of manifest or documentation deemed acceptable by Port Authority, including all changes and supplements thereto, of bunker fuel tonnage and cargo loaded or unloaded on forms and in the manner prescribed by Port Authority.

Certified copies of manifests on inward cargo shall be presented not later than 10 working days after arrival of Vessel at wharf.

Certified copies of manifests on outward cargo and/or bunker fuel tonnage shall be presented not later than 10 working days after sailing.

Failure to file certified copies of manifests and statements of cargo, including bunker tonnage, within the time specified will disqualify the Vessel and her agents from recovering the 4% discount on terminal and wharfage charges specified in [Subrule No. 050](#).

Vessel and Vessel agents who submit certified copies of manifests and statements of cargo later than thirty (30) calendar days will lose all deferred payment privileges extended under [Subrule No. 049](#).

In order to receive the reduced wharfage rates per Tariff No. 8, USDA cargo must be declared in the Statement of Cargo Report under in [Subrule No. 142](#).

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SUBRULE NO. 109 – Cargo and Bunker Fuel Tonnage Statements Required – (Continued) Original

2. Vessels and Vessel agents shall, within five days after date of sailing of any Vessel using the Houston Ship Channel, report to the Port of Houston Authority all cargo loaded or discharged at all points on the Houston Ship Channel. Such report shall show units, packages, commodities, tonnage, origin, destination, and all other information that the Port of Houston Authority may deem necessary for the compilation of commercial statistics.

3. Vessels, Vessel agents, and masters, and all other Users of the facilities, shall be required to permit access to manifests of cargo, railroad documents and all other documents for the purpose of audit for ascertaining the correctness of reports filed; or securing necessary data to permit correct estimate of charges.

SUBRULE NO. 110 – Dockage Rates on Vessels Original

- A. Applicability, Rates and Rules for Dockage on all Vessels excluding barges of 300 feet or less accompanied by tugs and not loading or discharging cargo at Port Authority berths or wharves. (See B)

1. Dockage charges are applicable on all Vessels, and the daily rates are set forth in the table below. The rate to be applied will be determined by multiplying the Length Overall (LOA) in feet by the rate in cents per foot or per meter. The table establishes the dockage charge per 24 hour day, and the minimum charge shall be one day; for periods in excess of one day see notes below. If there are differences in rounding between dockage in feet versus dockage in meters, the charge for dockage in feet shall prevail. The computation of rates is subject further to all of the provisions set forth below in this subrule.

| Vessel Length in Feet | | |
|-----------------------|----------|---------------|
| LOA Categories | | Rate per Foot |
| 0 | 199 | \$3.12 |
| 200 | 399 | \$4.10 |
| 400 | 499 | \$5.58 |
| 500 | 599 | \$7.51 |
| 600 | 699 | \$8.72 |
| 700 | 799 | \$11.05 |
| 800 | 899 | \$13.29 |
| 900 | And Over | \$15.94 |

| Vessel Length in Meters | | |
|-------------------------|----------|----------------|
| LOA Categories | | Rate per Meter |
| 0.0 | 60.7 | \$10.23 |
| 60.7 | 121.6 | \$13.48 |
| 121.6 | 152.1 | \$18.32 |
| 152.1 | 182.6 | \$24.57 |
| 182.6 | 213.1 | \$28.59 |
| 213.1 | 243.5 | \$36.30 |
| 243.5 | 274.0 | \$43.69 |
| 274.0 | And Over | \$52.27 |

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SUBRULE NO. 110 – Dockage Rates on Vessels – (Continued)

Original

- a. A period for the purpose of billing is twenty-four hours of uninterrupted berth occupancy from the time of dockage. The first twenty-four hour period shall be billed at the full rate for that period whether or not the Vessel leaves the berth before the expiration of twenty-four hours. After the first twenty-four hour period, any period of 12 hours or less shall be billed at one-half the applicable rate; any period in excess of 12 hours, whether or not the Vessel occupies the berth for the full succeeding twenty-four hour period, shall be charged at the applicable rate for a full twenty-four hour period.
 - b. The rates for dockage after the first twenty-four hour period are as follows: second twenty-four hour period, same as first twenty-four hour period; third twenty-four hour period, ninety percent of first twenty-four hour period; fourth twenty-four period, seventy-five percent of first twenty-four hour period; fifth twenty-four hour period, sixty percent of first twenty-four hour period; sixth and succeeding twenty-four hour periods, fifty percent of first twenty-four hour period.
2. Rates for dockage periods in excess of thirty (30) days will be handled in each case by the Chief Port Operations Officer of the Port Authority, or his designee, upon application in advance.
 3. To reduce night transits on the Houston Ship Channel and enhance safety, Vessels will be allowed to dock without charge from 1800 hours to 0600 hours. However, if Vessel cargo operations begin before 0600 hours, then normal dockage charges will apply starting at the docking time. If no Vessel cargo operations begin before 0600 hours, then dockage charges begin at 0600 hours.

4. Charges

Dockage shall be charged on the overall length of the Vessel as shown in Lloyd's Register of Shipping. If length is not shown in Lloyd's Register, the Ship's Certificate of Register showing length will be accepted. In all cases, the Port Authority reserves the right to measure any Vessel when deemed by it to be necessary and to use such measurements as the basis of the charge. When necessary to measure a Vessel, the linear distance in feet shall be determined from the most forward point on the bow of the Vessel to the after-most part of the stern of the Vessel, measured as parallel to the base line of the Vessel.

5. Shifting

- a. Dockage shall be charged on the basis of uninterrupted straight running time while at any Port Authority wharf. Shifting of a Vessel (except barges) from one Port Authority wharf directly to another Port Authority wharf, will not interrupt the straight running time except as noted below.*

*Note: Shifting to a Port Authority wharf at Public Grain Elevator No. 2, Woodhouse Terminal, Bulk Materials Handling Plant, Sims Bayou, or San Jacinto Barge Terminal will interrupt the straight running time and result in the commencement of a new time period for assessments of dockage charges.

- b. If a vessel shifts from a Port Authority wharf to a non-Port Authority wharf, the Vessel voyage will be deemed completed for purposes of calculating dockage charges, and the Vessel's subsequent arrival at any Port Authority wharf will result in the commencement of a new time period for assessment of dockage charges.

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SUBRULE NO. 110 – Dockage Rates on Vessels – (Continued)

Original

6. Exemptions.

Dockage shall not be charged on:

- a. Government Vessels visiting the Port of Houston as a part of celebrations, at the discretion of the Executive Director.
- b. Pleasure craft not carrying passengers for hire, docking solely to load or discharge passengers and promptly vacating berth, provided such charge is expressly waived by the Executive Director.

7. Special Rules and Charges during Waterfront Strike or Work Stoppage of Waterfront Labor. When due to a general waterfront strike or work stoppage of waterfront labor engaged in handling cargo, a Vessel cannot move from berth, the dockage will be assessed at a rate of 60 percent of the normal applicable dockage rate per day during such strike or work stoppage.

B. Applicability of Rates to Barges of 300 feet or less accompanied by tugs and not loading or discharging cargo at Port Authority berths or wharves.

The following rate applies to these barges: \$174.22 per day or any portion thereof.

SUBRULE NO. 110A – Vessels Subject to Daylight Transit Restrictions

Original

A. The Houston Pilots have established certain Working Rules, including Navigation Safety Guidelines, relating to restricted daylight operations of larger Vessels (as defined by those Rules) on the Houston Ship Channel during specified hours. A credit, as provided herein will be applied to those Vessels whose operations meet the following criteria:

1. The transit of such Vessel on the Houston Ship Channel was restricted to daylight hours by the Houston Pilots' Working Rules;
2. The completion of such Vessel's cargo operations must fall between the hours of 4 p.m. and midnight on the day prior to the Vessel's departure from the berth or between midnight and 6 a.m. on the day of departure from the berth; and
3. Such Vessel must depart the berth within 24 hours after the completion of cargo operations.

B. The credit will equal the difference between the actual time of departure and the completion of cargo operations, not to exceed 12 hours.

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SUBRULE NO. 111 – Charge for Water

Original

1. Water will be supplied to Vessels only through hoses provided by each Vessel.
2. Except for water supplied at the Industrial Park, the charges for water at the following facilities are as follows:

| | <u>Turning Basin</u> | <u>Jacintoport</u> | <u>Woodhouse</u> |
|---|----------------------|--------------------|------------------|
| a. Hook-up charge to meter, if performed between the hours of 8:00 a.m. to 5:00 p.m., Monday through Fridays, except PHA Holidays | \$149.85 | \$46.28 | \$149.85 |
| b. Hook-up charge to meter, all other times | \$352.08 | \$85.27 | \$352.08 |
| c. Charge per each 1,000 gallons of water | \$5.78 | \$12.79 | \$8.19 |
3. For water supplied at the Industrial Park, where a meter is installed, the charges shall be \$4.33 per 1,000 gallons, minimum charge of \$25.00 per month whether or not water is used.
4. If facilities are connected to the sanitary sewer system, there will be an additional charge of \$6.13 per 1,000 gallons.
5. If the Port of Houston Authority supplies a User with fittings or equipment necessary to take on fresh water, and that User fails to return the equipment, the User shall be charged \$58.00 each for 2 ½ inch Fitting Adapter and \$150.00 for each 50 foot section of hose with couplings.

SUBRULE NO. 112 – Shed and/or Wharf Use Hire

Original

Application

1. Vessels loading or discharging cargo, and utilizing wharf shed or sheds and/or wharf for the assembly or distribution of 100 tons or more of such cargo, will be assessed a shed and/or wharf use hire charge.

Exception: Barges utilizing wharves or wharf sheds in connection with the carriage by barge of empty or loaded containers between Port Authority owned docks or facilities will not be assessed a shed and/or wharf use hire charge.

2. Charge

The charge shall be a one- time charge equivalent to the first day's dockage set out in [Subrule No.110](#) of this Tariff.

Shed and/or wharf use hire shall be charged on the overall length of the Vessel as shown in Lloyd's Register of Shipping. However, the Port Authority reserves the right to measure any Vessel when deemed by it to be necessary, and to use such measurements as the basis of the charge.

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SUBRULE NO. 113 – Fire or Water Damaged Cargo

Original

Landing of fire or water damaged cargo on the facilities is a special operation, subject to special regulation by the Chief Port Operations Officer of the Port Authority, or his designee, and subject to charges listed below:

1. Dockage and shed and/or wharf use hire shall apply on all Vessels at regular tariff rates.
2. Electric current, A. D. T. service and water charges will be quoted by the Chief Port Operations Officer of the Port Authority, or his designee, upon application for same.
3. Regular tariff charges for wharfage shall apply, subject, if applicable, to tariff provisions for cargo transhipped or reshipped.
4. Wharf demurrage rates, rules, and regulations set forth in [Subrule No. 137](#) will apply, except that after the expiration of the first seven-day period, the daily rate per ton for all subsequent days shall be double the daily rate per ton for each day of that first seven day period.
5. All car loading/unloading services will be performed at double the published tariff rate whenever the Party assigned the responsibility of providing loading and unloading service is called upon to pay double hourly rate for labor for the handling of damaged cargo.
6. All other services not covered by the regular tariff shall be subject to special contract.

SUBRULE NO. 114 – Charge for Cleaning of Berth

Original

1. Charge

- a. A charge of \$455.02 will be assessed each Vessel loading and/or discharging cargo in excess of 500 tons on, to, or across wharves for the cleaning of berth assignments, including space utilized in transit sheds, on open wharves and in transfer of cargo across, from or to wharf apron, but not including such other areas used by Port Authority permission, assignment or lease.
- b. A charge of \$333.44 will be assessed each Vessel loading and/or discharging 500 tons or less of cargo on, to or across wharves for the cleaning of berth assignments, including space utilized in transit sheds, on open wharves and in transfer of cargo across, from or to wharf apron, but not including such other areas used by Port Authority permission, assignment or lease.

2. Exceptions

Does not apply to:

- a. Vessels loading and/or unloading liquid cargo only, through pipe lines.
- b. Vessels loading and/or unloading containers only.
- c. Ro-Ro Vessels loading and/or unloading vehicles only.

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SUBRULE NO. 114 – Charge for Cleaning of Berth – (Continued)

Original

3. Shifting

Cleaning charge will be assessed for the call of a Vessel at any wharf or wharves operated by the Port Authority in the course of a single voyage. No additional charge will be assessed when Vessel is shifted from one wharf to another. (Departure from the Port for any period will constitute a voyage.)

4. Removal of Dunnage and Trash

When cleaning required to restore Vessel assignment to normal condition exceeds that cleaning which would usually attend to the cargo loaded or discharged, provisions of [Subrule No. 058](#) apply.

- a. Loading, hauling, and disposal of loaded dumpsters of dunnage or trash.

Per 40 cubic yard roll off dumpster \$324.42

- b. Relocating 40 cubic yard roll off dumpster to be fumigated, if required (per unit)..... \$78.83

- c. Equipment Rental:

Lift Machine (8,000 to 10,000 lb. capacity)\$17.53 per hour

Sweeper Machine\$36.25 per hour

J-Loader\$42.35 per hour

- d. Labor Rate: The current hourly rate with benefits for Supervisor or Sweeper Operator used in the cleanup operation.

Special Note: The Port of Houston Authority will, upon request by the Vessel Agent, supply up to four (4) 40 cubic yard roll off dumpsters for the purpose of CBP Agriculture required fumigations. Any additional units required will be supplied by the Vessel Agent. These additional units can be loaded by PHA labor at the above labor and equipment rates, or by any licensed Stevedore.

SUBRULE NO. 115 – Electric Current Supply

Original

Electric current normally will be supplied direct to Users by the electric provider, except in cases where this would be impractical. In such cases, the Port of Houston Authority will supply electric current, pursuant to request to and arrangements with the Chief Port Operations Officer or his designee.

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SUBRULE NO. 116 Rental of Offices, Gear Room, etc.

Original

Where available, offices will be assigned to steamship agents in the wharf shed regularly assigned to them.

Stevedores and others desiring offices, gear rooms, or floor space for similar or other purposes shall make application to the Chief Port Operations Officer of the Port Authority, or his designee, who will establish rentals therefore, if he approves such application.

If Stevedores or others are using space without proper authorization, they shall be liable for and billed for such past usage at the rate of 10 cents per square foot per day of each unauthorized usage, and shall also be subject to immediate eviction from all of the premises of the Port Authority.

The following monthly billing rates shall apply:

- 1. Warehouse Office\$1.03 per sq. foot per month
- 2. Security Cages\$0.38 per sq. foot per month
- 3. Privately Owned Buildings (includes electricity)\$0.59 per sq. foot per month

SUBRULE NO. 117 – Mobile Equipment Washdown Facility

Original

Use of the Mobile Equipment Washdown Facility shall be available only to those owners or lessees who have signed a User's Agreement. All Conditions stated in this tariff shall apply.

Operation of the Mobile Equipment Washdown Facility must be performed by an employee of the owner or lessee of the equipment to be cleaned who:

- 1. Has received training for operation of the Mobile Equipment Washdown Facility by a Port of Houston Authority approved training provider; and
- 2. Is on the Port of Houston Authority list of employees authorized by the employer to use the Mobile Equipment Washdown Facility. The Port of Houston Authority list of authorized employees will be maintained in the Operations Division.

Usage Fee (For the first four hours) \$287.51
For every hour or fraction thereof over four hours..... \$71.88

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SUBRULE NO. 127

Original

Designated freight handlers, in their capacity as unloaders of railroad cars, motor vehicles, or other conveyances delivering cargo to Port Authority transit sheds and wharves, shall give to the Port Authority, to the delivering carrier, and to the steamship company, receipts for cargo placed on the terminal, and the steamship company shall be responsible for such cargo from time of placement on the terminal by the designated freight handlers.

EXCEPTION: Upon prior arrangement with the Chief Port Operations Officer or his designee, cargoes moving on charter arrangement and single shipments of bagged rice, bagged grain and grain products and certain Relief and United States Department of Agriculture shipments, from one shipper or shipper's agent to one destination, may be unloaded prior to firm booking on a specific Vessel. When so permitted the cargo will remain in the care, custody and control of the shipper until booked on a named Vessel at which time the steamship company shall issue a receipt for the shipment and assume responsibility for same.

If cargo is placed on a Vessel's berth between 8:00 a.m. and 5:00 p.m. a receipt for such cargo shall be issued prior to 6:00 p.m. that same day. If cargo is placed on that berth between midnight and 8:00 a.m. a receipt for such cargo shall be issued prior to 9:00 a.m. the same day. If cargo is placed on that berth between 5:00 p.m. and midnight, a receipt for such cargo shall be issued the following day no later than 9:00 a.m.

SUBRULE NO. 128

Original

Shipments delivered to the Port Authority premises in railroad cars may not be accepted by the User of Port Authority facilities until the Vessel on which the shipment is to be transported has been assigned a berth.

Motor vehicles delivering cargo to the Port Authority wharves shall make prior arrangements for unloading.

SUBRULE NO. 129

Original

1. Prior to entering transit facilities of the Port Authority, trucks delivering cargo for shipment outbound from Port Authority wharves must have instructions specifying the Vessel on which the cargo will be transported.
2. Trucks carrying freight from freight handling areas must leave a properly completed and signed Port Authority Gate Pass describing the types and quantities of cargo exiting the terminal at the Port Authority's exit gate.
3. Trucks receiving cargo subject to [Subrule 137, subparagraph 3.a.](#) (hereinafter referred to as "Direct Discharge Steel") must follow the procedures below to prevent traffic congestion on Port Authority wharves.
 - a. Each truck waiting alongside a Vessel discharging Direct Discharge Steel must be attended by a driver. Trucks not in compliance with this rule may be removed from Port Authority property.
 - b. Each stevedore discharging Direct Discharge Steel will determine the optimum number of trucks required to be alongside a Vessel for the receipt of Direct Discharge Steel and to communicate and coordinate with the trucking companies to ensure that only those trucks immediately needed for receipt of Direct Discharge Steel are on the wharf.

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Section Four: Rates, Rules, and Regulations Pertaining to Vessels

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SUBRULE NO. 130

Original

1. Orders for Empty Cars

Orders for empty cars for loading must be placed through the Operations Department of the Port Authority. Loading of cars not ordered by the Port Authority will not be permitted.

2. Carding of Cars by Railroads

Cars will be handled in accordance with instructions shown on cars.

Cards attached to loaded cars must show contents, consignee and point of delivery. Those attached to empty cars must show commodity, by whom and at what point they are to be loaded.

Cars not properly carded cannot be accepted.

3. Furnishing by Railroads of Billing or Transfer Sheets

All cars delivered to the Port Authority must be accompanied by billing or transfer sheets showing the same information called for in "Carding Cars," and in addition thereto, the car numbers and initials.

4. Classification and Delivery of Cars

All cars delivered to the Port Authority for loading or unloading must be classified and delivered in wharf lots; such deliveries must be made on such tracks and at such locations as designated by the Port Authority on switch list.

Loaded or empty cars are to be delivered into the property only when ordered through the Port Authority.

5. Bad Order or Over or Improperly Loaded Cars

All cars placed by the railroad will be accepted as good-order cars and will be loaded or unloaded, except that cars improperly loaded will not be handled at regular tariff rates.

The railroad agent will be called and special contract entered into covering the unloading of improperly loaded cars.

Charges for Unloading published in this tariff include the removal from rail cars, the lading, blocking, bracing, strapping, paper or debris of any kind which is not a part of the car or its equipment.

6. Railcar storage in the Turning Basin Terminals:

Railcars may be stored on Port Authority tracks by prior arrangement for specified periods. Cars stored on Port Authority tracks will be relocated by the User if requested by the Port Authority to meet the operational needs of the Port Authority.

Railcars stored in the Turning Basin Terminals will be assessed a fee of \$56.34 per calendar day or fraction thereof per railcar.

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**PORT OF HOUSTON
TARIFF NO. 8**

SUBRULE NO. 131 – Reserved

Original

SUBRULE NO. 132 – Segregation of Cargo

Original

1. Cargo Discharged from or Received for Vessels
 - a. Vessels discharging cargo at Port Authority wharves must tender such cargo in separate lots as identified by applicable ocean bills of lading and marks.
 - b. The party assigned responsibility for Loading and Unloading shall have the right of refusal to handle cargo not properly segregated by Vessel, but may, upon its election and at specific request of Vessel, perform segregation at actual cost of such service, plus 20 percent.
 - c. 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.
 - d. Split deliveries of partial lot cargoes will be performed by the party assigned responsibility for Loading and Unloading at a charge of \$19.49 for each delivery out of each ocean bill of lading. Such charge will be borne by party requesting the service.

SUBRULE NO. 133 – Special Services

Original

1. Any labor or material required for special services not covered in this tariff shall be provided at actual cost plus twenty percent, or flat rate prices will be quoted by the Party providing services upon application.
2. Opening and Closing of Cases, Cartons, Crates, Boxes, Bags or Other Packages for U.S. Government Inspection

Freight handlers provided to assist and facilitate U.S. Department of Agriculture and U.S. Customs inspections by operating and/or closing cases, etc. will assess the following charges:

Per U.S. Customs or U.S. Department of Agriculture Entry:

| | |
|---|----------|
| 30 minutes or less:..... | \$63.00 |
| More than 30 minutes but one hour or less:..... | \$125.96 |
| Each additional hour or portion thereof: | \$125.96 |

If labor and/or equipment is used in moving cargo in order for the U.S. Customs or U. S. Department of Agriculture to inspect same, the charges for such labor and/or equipment will be billed in accordance with the provisions of subparagraph (1) above.

3. Opening and Closing of Containers for U.S. Government Inspection

To furnish freight handlers and equipment to assist U.S. Department of Agriculture and U.S. Customs in opening and/or closing containers for the purpose of facilitating U.S. Government inspection, such services will be charged for on the following basis:

Per U.S. Customs or U.S. Department of Agriculture Entry:

| | |
|--|----------|
| For 30 minutes or less | \$98.86 |
| For in excess of each 30 minutes to and including one hour | \$197.73 |

For excess of one hour, charges will be billed on the one hour basis for each such additional hour or portion thereof.

Any labor and/or equipment used in moving containers in order to accomplish inspections will be billed under the provisions of Paragraph (1).

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**PORT OF HOUSTON
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SUBRULE NO. 134 – Vehicle Cargo Terminal Use Fee

Original

1. For shipments consisting of one individually and privately owned vehicle, a charge under either [Subrule No. 144](#), or [Subrule No. 201](#), whichever is applicable, will be assessed; no additional wharfage or terminal use charges shall apply.
2. For all shipments of automobiles, trucks, or other vehicles, other than those described in subparagraph (1) above, in addition to all other applicable wharfage and terminal use charges, there shall be a charge of \$4.51 per vehicle.

SUBRULE NO. 135 – Gate Security Charge

Original

When (a) a berth is requested or assigned to a Vessel which requires the use of a gate not regularly manned, or not manned during any portion of the time for which it will be used, or (b) a User requests such a gate, then the User shall make application for that gate on a form to be executed by the User or by the Port Authority upon information required by the Port Authority and provided by the User. A charge in the amount of \$50.99 per hour, minimum charge of two hours, shall be assessed. A current list of available gates identifying those which are not regularly manned and times of manning of all other gates shall be supplied upon request to any User.

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**PORT OF HOUSTON
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Section Four: Rates, Rules, and Regulations Pertaining to Vessels

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SUBRULE NO. 136 – Terminal Use Fee / Stuffing and Stripping

Original

All cargo which is not subject to wharfage charges under Section 5 of this Tariff 8 but is stuffed or stripped into or from containers on Port Authority property or facilities shall be assessed and shall pay a charge of \$57.20 per container.

SUBRULE NO. 137 – Free Time and Demurrage Charges

Original

The following Free Time and Demurrage Charges shall apply:

1. Computation

- a. Demurrage charges will be calculated for the period that the property remains on the wharves and premises of the Port Authority after the expiration of any applicable free time periods.
- b. Saturdays, Sundays and PHA Holidays will not be excluded in the computation of free time and wharf demurrage charges.
- c. Any fractional part of twenty-four (24) hours will be counted as one day.
- d. Any fractional part of one ton (2,000 lbs.) will be counted as one ton. In the case of commodities designated as weight or measure, one (1) cubic meter shall be used as a measurement ton for the calculation of charges based upon tons. The Port Authority will use whichever tonnage value produces the greater revenue for designated weight or measure commodities.

2. Commencement and Termination of Free Time and Demurrage for Inbound and Outbound Cargo and Transshipped Cargo

- a. On Inbound (non-transshipped) cargo, free time commences on the day following the day that the Vessel has completed discharge; wharf demurrage charges apply after the expiration of free time and terminate the day before the day that the cargo is removed from the wharves and premises of the Port Authority.
- b. On Outbound (non-transshipped) cargo, free time commences on the day that the truck or rail car has completed discharge and placed the cargo on the wharves or premises in an assigned berth; wharf demurrage charges apply after the expiration of free time and terminate the day before the day that the cargo is loaded on a Vessel (whether or not that Vessel is the Vessel to which the cargo was originally assigned).
- c. On all transshipped cargo, free time commences on the day the Vessel completes discharge; wharf demurrage charges apply after the expiration of free time and terminate the day before the day that the cargo is loaded on a Vessel (whether or not that Vessel is the Vessel to which the cargo was originally assigned).

3. Free Time

- a. Inbound non-transshipped steel, not palletized or skidded, intended for direct discharge as shown on documentation submitted to the Port Authority (“Direct Discharge Steel”): Fifteen (15) days.
- b. Single consignments of one commodity not covered by 3. a. above of two thousand (2,000) Tons or more on one bill of lading from one shipper to one consignee:
 - (i) Inbound cargo forty-five (45) days
 - (ii) Outbound cargo forty-five (45) days

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SUBRULE NO. 137 – Free Time and Demurrage Charges – (Continued)

Original

- c. Thirty (30) days on transshipped cargo;
- d. Ten (10) days on (i) inbound breakbulk cargo that is not transported to or from a Port Authority wharf by a Vessel and (ii) inbound containers discharged from Vessels and transported to a transit shed on Port Authority premises for unstuffing;
- e. Three (3) business days following completion of a Vessel's discharge for inbound containers discharged from Vessels, grounded or on chassis, loaded or empty, and not transported to a transit shed on Port Authority premises for stuffing;
- f. Ten (10) days on outbound breakbulk cargo that is not transported to or from a Port Authority wharf by a Vessel and (ii) outbound containers stuffed at a transit shed on Port Authority premises to be loaded on a Vessel;
- g. Outbound containers, grounded or on chassis, fully loaded or empty or to be stuffed prior to loading on a Vessel, may be placed in the wharf area to which the lifting Vessel is assigned for a maximum of three (3) business days in advance of the Vessel's arrival at berth, provided that sufficient area is available to accommodate the placement of such containers without causing Terminal congestion. Any containers so placed and not exported on a lifting Vessel must be removed within three (3) business days of the Vessel's departure;
- h. Thirty (30) days on all inbound cargo not covered above; and
- i. Thirty (30) days on all outbound cargo not covered above.

4. Charges

- a. The following charges shall be assessed for demurrage after expiration of free time:
 - 1) Containers which are in the wharf area in excess of the free time permitted by this Subrule No. 137 will be charged a fee of \$14.14 per day per container, and the cost of such removal plus 20% will be billed and paid by the User (or Users, each of which is jointly and severally liable) to the Port Authority within 30 days of invoice of same.
 - 2) On all other cargo –
 - (a) Thirty-six cents (36¢) per day, per ton for the first seven (7) days;
 - (b) Forty-five cents (45¢) per day, per ton for the next thirteen (13) days;
 - (c) Seventy-four cents (74¢) per day, per ton for the twenty-first (21st) day and for each day thereafter.
- b. The minimum charge for all demurrage will be \$15.00 per Bill of Lading.
- c. If there are differences in rounding between charges per short ton and charges per metric ton, the charge per short ton shall prevail.

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**PORT OF HOUSTON
TARIFF NO. 8**

SUBRULE NO. 137 – Free Time and Demurrage Charges – (Continued)

Original

5. Reports

- a. Within one (1) day after the expiration of free time, stevedores shall submit a written report to the Port Authority of all cargoes subject to subparagraph 3.a. above (“Direct Discharge Steel”) which they are handling and which remain on Port Authority wharves after the expiration of the applicable fee time period.
- b. No later than the 5th Day of each month, stevedores shall submit a written report to the Port Authority of all cargoes (i) not covered by subsection 5.a. above and (ii) which they are currently handling and which remain on Port Authority wharves in excess of the applicable free time period.

6. Option of Movement to Storage

Upon expiration of free time, Port Authority at its option, may move, or cause to be moved cargo from its transit facilities to licensed public storage. Transfer charges to storage will be assessed at the applicable rate.

7. Rules and Charges During Waterfront Strike or Work Stoppage of Waterfront Labor

If and only if demurrage has not commenced and the cargo is in its free time period, the computation of free time shall be suspended during a general waterfront strike or work stoppage in freight handling which prevents the removal of the cargo from Port Authority premises, but shall recommence immediately after such strike or work stoppage is over. Demurrage charges shall continue to accrue under the rates provided herein during the period of any such strike or stoppage.

SUBRULE NO. 138 – Marking or Re-marking of Freight

Original

1. General provisions.

All services provided herein apply to weights at time of loading or unloading. Each service will be performed one time only per package, unless more times are required, in which case the charge shall apply each time the service is performed. Shipper must furnish: (1) any rubber stamp required which is in excess of 4” by 6”; and (2) the stamps, hook tags or gummed labels, and stencils.

2. Minimum charge.

The minimum charge per bill of lading will be: \$30.00

3. Rates per package, per service

| | <u>Packages weighing 115 lbs. gross or less</u> | <u>Packages weighing more than 115 lbs. gross</u> |
|---|---|---|
| Stamping..... | 14¢ | 29¢ |
| Applying hook tags or gummed labels | 17¢ | 35¢ |
| Stenciling and/or killing marks | 17¢ | 35¢ |

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SUBRULE NO. 138 – Marking or Re-marking of Freight – (Continued)

Original

4. Additional charges for stenciling.

If stencils are not furnished by the shipper but are furnished by the Freight Handler, there will be an additional charge of 14¢ per letter of each stenciling.

5. Additional charges for killing marks.

If marking or the killing of marks is to be performed after cargo is in a place of rest in a shed, a rehandling charge based on the unloading charge for the commodity will be made for the rehandling which will be in addition to the marking or killing of marks charge.

6. Killing Marks

Charges for killing marks will be the same as for stenciling as outlined in Paragraph (3) above.

If marking or the killing of marks is to be performed after cargo is in a place of rest in a shed, a rehandling charge based on the unloading charge for the commodity in Section Five will be made for the rehandling operation in addition to the marking or killing of marks charge.

7. Minimum Charge

Minimum charge\$30.00

SUBRULE NO. 139 – Reserved

Original

**PORT OF HOUSTON
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SUBRULE NO. 140 – Charges for Weighing of Commodities

Original

1. Weighing Individually
Uniform packages weighing 205 pounds gross or less, at time of loading or unloading....200¢ per package

2. Weighing In Drafts
At time of loading or unloading.....Applicable car loading. Unloading rate set forth in Section Five

3. Re-Handling for Weighing
In addition to weighing charges, when the service is performed after commodity is at a place of rest in shed, a re-handling charge will be assessed at the applicable loading-unloading rate as published in Section five.

4. Minimum Charge
The minimum charge per bill of lading will be.....\$30.00

**PORT OF HOUSTON
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SUBRULE NO. 141 – Loading, Unloading, and Handling of Cargo

Original

1. Service Included in Loading-Unloading Rates

Rates named herein cover only the labor and clerical expense incident to unloading or loading freight and receiving from or delivering same to steamship agents, sealing cars, stacking freight which has been unloaded, except as otherwise provided, reporting seals and condition of freight to party for whose account handled and bracing or stacking freight which is to be loaded.

2. Charge for Special Service

Cargo will be accepted at the rates named in this tariff for loading and unloading only in the regular course of business. All cargo will be handled in the order of its receipt, so far as conditions or circumstances will permit.

All overtime work will be performed at the overtime rate in the applicable labor agreement.

Additionally, payment of minimum guarantees and/or dead time for labor at cost plus twenty percent will be the responsibility of the party requesting overtime service.

The party responsible for ordering or canceling overtime service must make the proper arrangements with the party responsible for handling the cargo prior to 4:30 p.m. each day.

3. Special Service Charge for Handling Damage Free Equipment

Whenever the party assigned responsibility of loading and unloading is required to unload or load rail cars or trucks, vans, or trailers designated as DF (damaged free) vehicles, there will be a charge of 90¢ per ton of 2,000 pounds in addition to the loading and unloading charge named herein as compensation for work performed in handling bracings which are part of the vehicles.

4. Rules and Charges for Loading of Cargoes Which Require Special Construction Bracing and/or Staking Into or Onto Cars or Trucks

Instructions and orders for cargoes which require special construction, bracing, and/or staking to load into or onto cars or trucks must be delivered prior to the loading operation. In addition to all other applicable charges, the rates for such loading operation shall include the cost (including purchase price, delivery, and/or handling), plus 15%, for all materials required to perform the loading operation, plus the cost of labor, plus 20%, required for preparation of all such materials.

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SUBRULE NO. 142 – Application of Wharfage and Loading/Unloading Rates

Original

Classification by Analogy Not Permitted

Rates hereinafter named apply on the specific commodities and in the specific packaging shown and cannot be applied to analogous articles or packaging.

The rate applicable to commodities not specifically named, or not specifically named in the specific packaging shown, or designated by U. S. Customs as General Order, will be the rate shown by the designation: 'All Commodities Not Otherwise Specified' or 'Commodities N.O.S.'.

2. Application of Carload Rates

Carload rates named herein apply to actual weight of consignments in railroad cars classed and defined as carload in applicable tariffs of the transporting railroad company. (Consignments in railroad cars transported at per-car charge or in switching service will also be rated on the carload basis.)

3. Minimum Charge

Cargo loaded or unloaded from or to any conveyance will be subject to a minimum handling charge of \$37.00 and a minimum wharfage charge of \$15.00.

4. Rates Applicable to Damaged Shipments

Whenever the applicable labor agreement so requires, the loading or unloading of damaged freight will be performed at the applicable overtime labor rate for such services.

**PORT OF HOUSTON
TARIFF NO. 8**

| | |
|--|-----------------|
| SUBRULE NO. 142 – Application of Wharfage and Loading/Unloading Rates – (Continued) | Original |
|--|-----------------|

5. Wharfage Rates Applicable to Vessel and Non-Vessel Cargo, Excluding Barge Container Cargo

- a. Cargo shall be considered to have earned wharfage when placed upon the wharf, and wharfage will be collected whether or not eventually loaded on a Vessel.
- b. On outbound cargo, the wharfage rate in effect at the time the lifting Vessel sails is the applicable wharfage rate, excluding USDA export Food Aid shipments.
- c. On inbound cargo, the wharfage rate in effect at the time the discharging Vessel sails is the applicable wharfage rate.
- d. For non-vessel cargo that neither enters nor exits the terminal by Vessel, the wharfage rate in effect at the time the cargo exits the terminal is the applicable wharfage rate.

5A. Wharfage Rates Applicable to Empty or Loaded Containers Transported by Barge

- a. Empty or loaded containers transported by barge that meet the following three conditions will follow the wharfage applicability provisions set forth in section b. of this paragraph 5A:
 - i. The containers are transported by barge only;
 - ii. The barge is transporting empty or loaded containers exclusively; and
 - iii. The containers are transported between two Port Authority owned facilities without intervening stops at terminal facilities that are not owned by the Port Authority (excepting barge fleeting areas while awaiting the next berth)
- b. The wharfage rate specified in [Subrule No. 156](#) will be waived on the empty and loaded containers meeting the conditions set forth in paragraph a. above, provided that if a container is stuffed or stripped of cargo utilizing Port Authority wharves or transit shed, each such operation shall incur a charge that shall be equivalent to the Terminal Use Hire fee then in effect as provided in [Subrule No. 136](#) of this tariff.
- c. All barge movements of empty or loaded containers not meeting the conditions set forth in paragraph a. above shall be assessed wharfage as specified in [Subrule No. 156](#) of this tariff.

6. Wharfage Rate Applicable to Export USDA Shipments

The wharfage rate in effect at the time the lifting Vessel sails is the applicable rate for USDA export Food Aid shipments except in the following instance:

When (1) a bid to a USDA invitation is made on the basis of then current wharfage rates; (2) at the time the bid is made, there has been no Port Commission action giving notice of a future wharfage rate increase; and (3) the awarded cargo is lifted on a vessel that sails after the future rate increase has been put into effect per tariff publication, then the applicable wharfage rate shall be the rate in effect at the time the bid was made and awarded.

Note: The foregoing exception does not apply to USDA pre-position cargo or commercial food shipments.

**PORT OF HOUSTON
TARIFF NO. 8**

SUBRULE NO. 142 – Application of Wharfage and Loading/Unloading Rates – (Continued) Original

7. Wharfage Charge Applicable to Transshipped Cargo and to Cargo Handled on Offshore Side of Vessel Moored at a Public Wharf

- a. When cargo is discharged by a Vessel to a wharf for transshipment by a Vessel, and (a) is transshipped within 30 days; (b) the same shipper and consignee appear on the bill of lading of the Vessel to which the cargo is transshipped as appeared on the bill of lading covering the shipment prior to discharge to the wharf; and (c) the cargo has not been removed from the wharf while awaiting transshipment, then wharfage will be charged once and paid by the discharging Vessel.
- b. When cargo is discharged by a Vessel to a wharf for transshipment by a Vessel, and (a) the same shipper and consignee appear on the bill of lading of the Vessel to which the cargo is transshipped as appeared on the bill of lading covering the shipment prior to discharge to the wharf, and (b) the cargo has been removed to a PHA leased area and then moved back to the wharf while awaiting transshipment, then wharfage will be charged once and paid by the discharging Vessel.
- c. In all other cases pertaining to transshipment by Vessel after discharge that are not covered by either subsection (a) or subsection (b) above, wharfage will be charged twice, once to the discharging Vessel and once again to the Vessel to which the cargo is loaded for transshipment. Each such Vessel shall be responsible to pay the applicable wharfage charges.
- d. In computing wharfage, the applicable rate shall be the rate in effect on the day on which the cargo is first placed on the wharf by the discharging Vessel.
- e. Cargo transferred to or from the offshore side of a Vessel while such Vessel is moored to any PHA wharf will be assessed wharfage at the charges applicable had such cargo either been placed upon such wharf, or passed on, over or between the wharf and the Vessel.

**PORT OF HOUSTON
TARIFF NO. 8**

SUBRULE NO. 142 – Application of Wharfage and Loading/Unloading Rates – (Continued)

Original

8. Explanation of Terms

a. Combination Articles

Unless there is a specific rate in the Commodity Rates Section for articles which have been combined or attached to each other, the rate for such articles shall be the highest rate for any one of the articles combined or attached.

b. Parts or Pieces Constituting Complete Article

Parts or pieces constituting a complete article, all from the same shipper to the same consignee on the same bill of lading, will be charged at the rate for a complete article.

c. Knocked-down Articles

Rates on articles knocked down (K.D.) apply only when article is taken apart in such manner as to materially reduce space utilized. Merely separating article into parts without reducing bulk does not constitute knocking down or entitle article to K.D. rate.

d. Drums or Barrels, Definition of:

Drums or barrels are defined as straight-sided cylindrical containers of not less than 5 gallons capacity, with ends (heads) of equal diameter and with or without bail or handle.

9. Rates, charges and regulations relating to loading and unloading contained in Section Four hereof are maximum allowable rates which may be assessed. Freight Handlers, as identified in [Subrule No. 054](#) of this tariff, are authorized to perform loading and unloading services at rates not to exceed the published maximum.

**PORT OF HOUSTON
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SUBRULE NO. 143 – Fuel Surcharge Calculation

Original

For the purpose of offsetting variations in the price of diesel fuel, freight handlers will collect a fuel surcharge on all cargo that is subject to loading and unloading charges published in this Tariff in accordance with the following schedule.

| Average national retail price for a gallon of diesel fuel | Fuel Surcharge Percentage |
|---|---------------------------|
| Less than \$2.00 | 0% |
| Equal to \$2.00 and less than \$2.25 | 2.25% |
| Equal to \$2.25 and less than \$2.50 | 2.50% |
| Equal to \$2.50 and less than \$2.75 | 2.75% |
| Equal to \$2.75 and less than \$3.00 | 3.00% |
| \$3.00 and Over | 3.25% |

1. The fuel surcharge is determined by the weekly average national retail price of diesel fuel published by the Department of Energy. The fuel surcharge is the percentage in effect on the day of loading or unloading of the freight.
2. The applicable percentage will be applied to freight handlers' invoiced loading and unloading charges.
3. The fuel surcharge is to be assessed in addition to all other applicable loading and unloading charges.

Exception 1: The fuel surcharge will not be applicable to cargo that is self-driven or self-loading or unloading.

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| LOADING, UNLOADING, AND WHARFAGE CHARGES | | | | | |
|--|---|------------|---|------------|---------------------------------|
| ALL HANDLING charges and WHARFAGE charges are in cents per short tons of 2,000 pounds or metric tons of 1,000 kilos and apply to all shipments at actual weight, except as otherwise noted. | | | | | |
| Commodity | Loading or Unloading Except as Noted | | Wharfage Export/Import, Intercoastal Coastwise & Intracoastal | | |
| | Original | M/T | S/T | M/T | S/T |
| All commodities not otherwise specified | | 3288 | 2981 | 442 | 402 |
| <p>When Unitized units (see definition of Unitized) do not exceed 25 feet in length (will not apply where other specific unitized provisions are applicable) in a manner to permit handling by lift truck equipment, the following rates will apply.</p> <p><u>Weight Per Unit Including Pallet or Skid:</u></p> | | | | | |
| 227 kg. - 453 kg..... | | 2224 | 2018 | | |
| 500 lbs. - 999 lbs. | | | | | |
| 454 kg. - 725 kg..... | | 2091 | 1897 | | |
| 1,000 lbs. - 1,599 lbs. | | | | | |
| 726 kg. - 970 kg..... | | 1884 | 1710 | | |
| 1,600 lbs. - 1,999 lbs. | | | | | |
| 908 kg. - 2,722 kg..... | | 1712 | 1552 | | |
| 2,000 lbs. - 6,000 lbs. | | | | | |
| Over 2,722 kg..... | | 1401 | 1272 | | |
| Over 6,000 lbs. | | | | | |
| All commodities heavy lift charges (See Subrule No. 145) | | | | | See Specific Commodity Rates |
| <p>All commodities not otherwise specified, in drums, when handled with drum handling attachment lift truck equipment, based on drum handling attachment capacity or two drums:</p> | | | | | |
| 227 kg. - 453 kg..... | | 2290 | 2078 | | |
| 500 lbs. - 999 lbs. | | | | | |
| 454 kg. - 725 kg..... | | 2157 | 1958 | | |
| 1,000 lbs. - 1,599 lbs. | | | | | |
| 726 kg. - 970 kg..... | | 1884 | 1710 | | |
| 1,600 lbs. - 1,999 lbs. | | | | | |
| 908 kg. - 2,722 kg..... | | 1712 | 1552 | | |
| 2,000 lbs. - 6,000 lbs. | | | | | |
| All commodities, heavy lift charges (See Subrule No. 145) | | | | | See Specific Commodity Rates |
| <p>Note:When there is not a specific commodity wharfage charge provided in this tariff, use "All Commodities," N.O.S.</p> | | | | | |

**PORT OF HOUSTON
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| LOADING, UNLOADING, AND WHARFAGE CHARGES | | | | | |
|---|---|------------|---|------------|------------|
| ALL HANDLING charges and WHARFAGE charges are in cents per short tons of 2,000 pounds or metric tons of 1,000 kilos and apply to all shipments at actual weight, except as otherwise noted. | | | | | |
| Commodity | Loading or Unloading Except as Noted | | Wharfage Export/Import, Intercoastal Coastwise & Intracoastal | | |
| | | | | | |
| SUBRULE NO. 144 – (Continued) | Original | M/T | S/T | M/T | S/T |
| All commodities not otherwise specified, in woven polypropylene or other suitable shipping bags fitted with loops on top of bag in a manner to permit handling by lift truck equipment. | | | | | |
| <u>Weight per unit including shipping bag:</u> | | | | | |
| 907 kg. - 2,722 kg. | | 2157 | 1958 | 442 | 402 |
| 2,000 lbs. - 6,000 lbs. | | | | | |
| All commodities, not otherwise specified, in bulk through pipeline, including to or from Vessels moored on offshore side | | | | | |
| Exception 1: Bunker fuel and lubricating oils for Vessels, in bulk | | None | | 176 | 159 |
| Exception 2: Vessel waste products, i.e. oily waste, waste water (slops)..... | | None | | 38 | - |
| All commodities not otherwise specified, handled as dry bulk cargo, at a general cargo wharf, directly to or from truck | | | | | |
| Exception 1: Inbound oats handled in bulk directly to truck. | | None | | 215 | 194 |
| All commodities coming to rest on the wharves, exclusive of transshipment, received for Vessel or discharged from a Vessel on wharf without prior or subsequent unloading/loading services will be assessed a charge of 31¢ cwt. for receiving or delivering cargo without loading or unloading. | | | | | |
| Note: When there is not a specific commodity wharfage charge provided in this tariff, use "All Commodities, N.O.S." | | | | | |

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| LOADING, UNLOADING, AND WHARFAGE CHARGES | | | | |
|---|---|---|-----------|-----------|
| ALL HANDLING charges and WHARFAGE charges are in cents per short tons of 2,000 pounds or metric tons of 1,000 kilos and apply to all shipments at actual weight, except as otherwise noted. | | | | |
| Commodity | Loading or Unloading Except as Noted | Wharfage Export/Import, Intercoastal Coastwise & Intracoastal | | |
| SUBRULE NO. 145 – Heavy Lift Charges | | Original | | |
| <p>On shipments containing any package or piece weighing more than 4,536 kg., (10,000 pounds) all such packages or pieces will be subject to the following charges per net ton, and will apply in addition to the loading and unloading charges shown herein:</p> <p>Over 5 short tons and up to 20 short tons, inclusive.....\$5.00 Over 20 short tons and up to 35 short tons, inclusive.....\$7.87 Over 35 short tons and up to 100 short tons, inclusive.....\$15.03 Over 4.54 M/T and up to 18.14 M/T, inclusive\$5.52 Over 18.14 M/T and up to 31.57 M/T, inclusive\$8.66 Over 31.75 M/T and up to 90.72 M/T, inclusive\$16.58</p> <p>When there are minor differences in rounding between heavy lift charges in short tons and kilo tons, short tons shall prevail</p> | | | | |
| Agricultural Implements (See Subrule No. 201) | | | | |
| SUBRULE NO. 146 | | Original | | |
| | MT | ST | MT | ST |
| Aircraft and Aircraft Parts: | 4147 | 3762 | 858 | 777 |
| Automobiles (See Subrule No. 201) | | | | |
| SUBRULE NO. 146-A | | Original | | |
| | MT | ST | MT | ST |
| Aluminum: Unwrought ingot or billot..... | 3288 | 2981 | 350 | 317 |
| SUBRULE NO. 147 | | Original | | |
| Beans, Peas, Lentils, Dried: | | | | |
| In packages weighing not less than: | | | | |
| 23 kg. or more than 50 kg. | | | | |
| 50 lbs. or more than 100 lbs. | | | | |
| Minimum 2 railcars or 4 trucks..... | 1453 | 1318 | 442 | 402 |
| Less than 2 railcars or 4 trucks..... | 2157 | 1993 | 442 | 402 |
| SUBRULE NO. 148 (Reserved) | | | | |
| SUBRULE NO. 149 (Reserved) | | | | |
| SUBRULE NO. 150 | | Original | | |
| Carbon Black: | | | | |
| In packages, 23 kg. (50 lbs.) and over | 3521 | 3194 | 442 | 402 |
| In packages, not otherwise specified..... | 3914 | 3553 | 442 | 402 |

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| LOADING, UNLOADING, AND WHARFAGE CHARGES | | | | | |
|---|---|---|---|------------|------------|
| ALL HANDLING charges and WHARFAGE charges are in cents per short tons of 2,000 pounds or metric tons of 1,000 kilos and apply to all shipments at actual weight, except as otherwise noted. | | | | | |
| Commodity | Loading or Unloading Except as Noted | | Wharfage Export/Import, Intercoastal Coastwise & Intracoastal | | |
| SUBRULE NO. 151 | Original | M/T | S/T | M/T | S/T |
| Caustic Soda, in bulk through pipeline..... | | None | | 102 | 91 |
| SUBRULE NO. 152 | Original | | | | |
| Cement, Viz: Hydraulic, Masonry, Mortar, Natural or Portland, and Cement Plaster, in packages or woven polypropylene or other suitable shipping bags fitted with loops on top of bag in a manner to permit handling by lift truck equipment..... | | 3287 | 2980 | 238 | 217 |
| SUBRULE NO. 153 | Original | | | | |
| Chemicals, not otherwise specified: In packages..... | | 3287 | 2980 | 442 | 402 |
| SUBRULE NO. 154 (Reserved) | | | | | |
| SUBRULE NO. 155 (Reserved) | | | | | |
| SUBRULE NO. 156 | Original | | | | |
| Container (See Notes below) | | 906 per ton of 2,000 lbs. 914 per MT | | 442 | 402 |
| <p>Note 1: Container must be constructed in a manner that will permit handling from either side by forklift and/or crane equipment.</p> <p>Note 2: Not applicable on shipments of household goods moving in packing vans or packing cases.</p> <p>Note 3: Loaded containers will be charged loading or unloading and wharfage at the rates specified, based on the weight of the products only, providing gross and tare weights are shown on the documents requesting the handling.</p> <p>Note 4: Empty containers will be charged loading or unloading and wharfage at the rates specified, based on the actual weight of such container.</p> <p>Note 5: Cargo loaded or unloaded from or to any conveyance will be subject to a minimum handling charge of \$37.00 and a minimum wharfage charge of \$15.00.</p> | | | | | |

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| LOADING, UNLOADING, AND WHARFAGE CHARGES | | | | | |
|--|---|------------|---|------------|------------|
| ALL HANDLING charges and WHARFAGE charges are in cents per short tons of 2,000 pounds or metric tons of 1,000 kilos and apply to all shipments at actual weight, except as otherwise noted. | | | | | |
| Commodity | Loading or Unloading Except as Noted | | Wharfage Export/Import, Intercoastal Coastwise & Intracoastal | | |
| SUBRULE NO. 157 | Original | M/T | S/T | M/T | S/T |
| Copper, Viz.: Anodes, Bars, Ingots, Pigs, Slabs, Smelter and Sulphate | | 2530 | 2296 | 442 | 402 |
| When unitized in units not exceeding 10 feet in length in a manner to permit handling by lift truck equipment: | | | | | |
| Weight Per Unit Including Pallet or Skid | | | | | |
| 227 kg. - 453 kg. | | 2017 | 1823 | 442 | 402 |
| 500 lbs. - 999 lbs. | | | | | |
| 454 kg. - 725 kg. | | 1811 | 1643 | 442 | 402 |
| 1,000 lbs. - 1,599 lbs. | | | | | |
| 726 kg. - 907 kg. | | 1692 | 1536 | 442 | 402 |
| 1,600 lbs. - 1,999 lbs. | | | | | |
| 908 kg. - 2,722 kg. | | 1435 | 1303 | 442 | 402 |
| 2,000 lbs. - 6,000 lbs. | | | | | |
| Over 2,722 kg. | | 1196 | 1085 | 442 | 402 |
| Over 6,000 lbs. | | | | | |
| SUBRULE NO. 158 (Reserved) | | | | | |
| SUBRULE NO. 159 | | | | | |
| Original | | | | | |
| Fertilizer, Liquid In bulk, through pipeline | | None | | 102 | 91 |
| SUBRULE NO. 160 (Reserved) | | | | | |

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| LOADING, UNLOADING, AND WHARFAGE CHARGES | | | | |
|---|---|------------|---|------------|
| ALL HANDLING charges and WHARFAGE charges are in cents per short tons of 2,000 pounds or metric tons of 1,000 kilos and apply to all shipments at actual weight, except as otherwise noted. | | | | |
| Commodity | Loading or Unloading Except as Noted | | Wharfage Export/Import, Intercoastal Coastwise & Intracoastal | |
| SUBRULE NO. 161 (Reserved) | M/T | S/T | M/T | S/T |
| SUBRULE NO. 162 | Original | | | |
| Grain and grain products (not otherwise shown) consisting of not more than 25% of other ingredients, viz.: Barley, Corn, Darso, Feterita, Hegari, Kaffir Corn, Milo, Maize, Oats, Rye, Wheat, Flour and Bulgar in sacks weighting not less than 50 lbs. and not more than 110 lbs. | | | | |
| Minimum 2 rail cars or 4 trucks..... | 1453 | 1318 | 442 | 402 |
| Less than 2 rail cars or 4 trucks..... | 2157 | 1958 | 442 | 402 |
| Not otherwise specified, in packages | 2401 | 2177 | 442 | 402 |
| Grain and grain products consisting of not more than 25% of other ingredients, in bags on marine type pallets, when unloading from flatbed trucks only and subject to the following conditions shown in Note 1, 2, and 3 | 998 | 904 | 442 | 402 |
| Note 1: Subject to minimum shipments of 91 M/T of 1,000 kgs. And must consist of full truckloads from on shipper at one origin to one consignee. | | | | |
| Note 2: Subject to minimum of 1361 kg. (3,000 lbs.) per pallet of minimum dimensions of 48" x 54". | | | | |
| Note 3: Truck must be loaded in a manner which will permit direct side unloading with lift truck equipment; otherwise unitized rates under Cargo N.O.S. rate will apply. | | | | |
| SUBRULE NO. 163 (Reserved) | | | | |
| SUBRULE NO. 164 (Reserved) | | | | |
| SUBRULE NO. 165 (Reserved) | | | | |
| SUBRULE NO. 166 (Reserved) | | | | |

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| LOADING, UNLOADING, AND WHARFAGE CHARGES | | | | | | |
|--|---|-----------------|---|------------|------------|------------|
| ALL HANDLING charges and WHARFAGE charges are in cents per short tons of 2,000 pounds or metric tons of 1,000 kilos and apply to all shipments at actual weight, except as otherwise noted. | | | | | | |
| Commodity | Loading or Unloading Except as Noted | | Wharfage Export/Import, Intercoastal Coastwise & Intracoastal | | | |
| | SUBRULE NO. 167 | Original | M/T | S/T | M/T | S/T |
| Iron or Steel Articles: | | | | | | |
| Chain Iron in Coils, Ingot, Nails in Boxes or Kegs, Pig Iron, Railway Equipment, Wire in Coils, Staples | | | 3053 | 2768 | 293 | 264 |
| Bars, Billets & Blooms | | | 1626 | 1472 | 293 | 264 |
| Steel Slabs | | | 793 | 721 | 209 | 188 |
| Steel: Pipe, Beams, Structure and Plate: Bundled or Loose | | | | | | |
| To/From Railcar | | | 3053 | 2768 | 293 | 264 |
| To/From Truck | | | 2389 | 2166 | 293 | 264 |
| Steel Sheets, in Coils, Banded or Secured: | | | | | | |
| Non-Skidded 227 kg. – 907 kg. | | | 1626 | 1472 | 293 | 264 |
| Non-Skidded 500 lbs. – 1,999 lbs. | | | | | | |
| Non-Skidded 908 kg. – 5,443 kg. | | | 961 | 873 | 293 | 264 |
| Non-Skidded 2,000 lbs. – 11,999 lbs. | | | | | | |
| Non-Skidded 5,444 kg. and over | | | 795 | 721 | 293 | 264 |
| Non-Skidded 12,000 lbs. and over | | | | | | |
| Skidded | | | 1129 | 1023 | 293 | 264 |
| Steel Sheets, Packaged Skidded | | | 795 | 719 | 293 | 264 |
| Wire Rods, in Coils | | | | | | |
| 680 kg. – 1,360 kg. | | | 1337 | 1212 | 293 | 264 |
| 1,500 lbs. – 2,999 lbs. | | | | | | |
| 1,361 kg. and over | | | 998 | 904 | 293 | 264 |
| 3,000 lbs. and over | | | | | | |
| Except Barge Shipments of Iron or Steel Articles of domestic origin | | | Apply applicable rate | | 214 | 193 |
| SUBRULE NO. 168 (Reserved) | | | | | | |
| SUBRULE NO. 169 (Reserved) | | | | | | |

**PORT OF HOUSTON
TARIFF NO. 8**

| LOADING, UNLOADING, AND WHARFAGE CHARGES | | | | |
|---|---|------|---|-----|
| ALL HANDLING charges and WHARFAGE charges are in cents per short tons of 2,000 pounds or metric tons of 1,000 kilos and apply to all shipments at actual weight, except as otherwise noted. | | | | |
| Commodity | Loading or Unloading Except as Noted | | Wharfage Export/Import, Intercoastal Coastwise & Intracoastal | |
| | M/T | S/T | M/T | S/T |
| SUBRULE NO. 170 (Reserved) | | | | |
| SUBRULE NO. 171 (Reserved) | | | | |
| SUBRULE NO. 172 (Reserved) | | | | |
| SUBRULE NO. 173 (Reserved) | | | | |
| SUBRULE NO. 174 | Original | | | |
| Lumber, all kinds (except Balsa Wood or Plywood) and Railroad Ties: | | | | |
| 1. To or from railroad open top cars and open top trucks | 3687 | 3346 | 442 | 402 |
| 2. To or from closed cars and closed trucks, bundles with not less than 4 pieces to the bundle | 4514 | 4094 | 442 | 402 |
| 3. To or from railroad flatcars and flatbed trucks, banded together in units, not exceeding 20 feet in length and secured in a manner to permit handling by lift truck equipment, in packages weighing: | | | | |
| 227 kg. - 453 kg. | 2672 | 2423 | 442 | 402 |
| 500 lbs. - 999 lbs. | | | | |
| 454 kg. - 725 kg. | 2157 | 1958 | 442 | 402 |
| 1,000 lbs. - 1,599 lbs. | | | | |
| 726 kg. - 907 kg. | 1877 | 1702 | 442 | 402 |
| 1,600 lbs. - 1,999 lbs. | | | | |
| 908 kg. - 2,722 kg. | 1712 | 1552 | 442 | 402 |
| 2,000 lbs. - 6,000 lbs. | | | | |
| Machinery: Self-Propelled (See Subrule No. 201) | | | | |

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| LOADING, UNLOADING, AND WHARFAGE CHARGES | | | | |
|--|---|------------|---|------------|
| ALL HANDLING charges and WHARFAGE charges are in cents per short tons of 2,000 pounds or metric tons of 1,000 kilos and apply to all shipments at actual weight, except as otherwise noted. | | | | |
| Commodity | Loading or Unloading Except as Noted | | Wharfage Export/Import, Intercoastal Coastwise & Intracoastal | |
| | M/T | S/T | M/T | S/T |
| SUBRULE NO. 175 (Reserved) | | | | |
| SUBRULE NO. 176 (Reserved) | | | | |
| SUBRULE NO. 177 (Reserved) | | | | |
| SUBRULE NO. 178 Original | | | | |
| Molasses, Blackstrap, Glucose and Syrup in Bulk, through privately owned pipeline..... | None | | 102 | 91 |
| SUBRULE NO. 179 (Reserved) | | | | |
| SUBRULE NO. 180 Original | M/T | S/T | M/T | S/T |
| Paper, Kraft, and/or Wrapping, Pulpboard or Fibreboard: In rolls: Weight per roll: 454 kg. - 725 kg. 1,000 lbs. - 1,599 lbs. | 1840 | 1670 | 355 | 321 |
| 726 kg. - 907 kg. 1,600 lbs. - 1,999 lbs. | 1608 | 1460 | 355 | 321 |
| 908 kg. - 2,722 kg. 2,000 lbs. - 6,000 lbs. | 1372 | 1243 | 355 | 321 |
| Over 2,722 kg..... Over 6,000 lbs. | 1297 | 1173 | 355 | 321 |
| Not otherwise specified | 2224 | 2018 | 442 | 402 |
| Bleachboard, Coated or Uncoated: In Rolls: | Apply applicable rate | | 257 | 234 |
| SUBRULE NO. 181 Original | | | | |
| Paper, Printing or Newspaper | 1741 | 1581 | 355 | 321 |
| In rolls, average weight per roll not less than 680 kg. (1,500 lbs.), minimum shipment per Vessel 2,000 short tons..... | 1007 | 934 | 355 | 321 |
| SUBRULE NO. 182 (Reserved) | | | | |
| SUBRULE NO. 183 (Reserved) | | | | |
| SUBRULE NO. 184 (Reserved) | | | | |

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| LOADING, UNLOADING, AND WHARFAGE CHARGES | | | | | |
|---|---|------------|---|------------|------------|
| ALL HANDLING charges and WHARFAGE charges are in cents per short tons of 2,000 pounds or metric tons of 1,000 kilos and apply to all shipments at actual weight, except as otherwise noted. | | | | | |
| Commodity | Loading or Unloading Except as Noted | | Wharfage Export/Import, Intercoastal Coastwise & Intracoastal | | |
| SUBRULE NO. 185 | Original | M/T | S/T | M/T | S/T |
| Petroleum and Petroleum Products: Additives for lubricating and fuel oils: | | | | | |
| Oil, Crude, Fuel and Gas: In bulk, truck and railcar Deliveries | | | | | |
| | None | | | 442 | 402 |
| Oil, Lubricating or refined: In bulk, truck and railcar Deliveries | | | | | |
| | None | | | 442 | 402 |
| SUBRULE NO. 186 (Reserved) | | | | | |
| SUBRULE NO. 187 (Reserved) | | | | | |
| SUBRULE NO. 188 (Reserved) | | | | | |
| SUBRULE NO. 189 | | | | | |
| Original | | | | | |
| Poles and Pilings, Wooden | | | | | |
| | | 3801 | 3448 | 442 | 402 |
| SUBRULE NO. 190 | | | | | |
| Original | | | | | |
| Rails, Railway Track, Iron and Steel, and Fittings, unloaded from open top railway cars or trucks and when rails are loaded on car or truck with 3 or more slats of 1" or more thickness between layers of rails..... | | | | | |
| | | 3151 | 2860 | 442 | 402 |
| SUBRULE NO. 191 (Reserved) | | | | | |

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| LOADING, UNLOADING, AND WHARFAGE CHARGES | | | | |
|--|--------------------------------------|------|---|-----|
| ALL HANDLING charges and WHARFAGE charges are in cents per short tons of 2,000 pounds or metric tons of 1,000 kilos and apply to all shipments at actual weight, except as otherwise noted. | | | | |
| Commodity | Loading or Unloading Except as Noted | | Wharfage Export/Import, Intercoastal Coastwise & Intracoastal | |
| | M/T | S/T | M/T | S/T |
| SUBRULE NO. 192 | Original | | | |
| Rice and Rice Products: In packages weighing not less than 50 pounds and not more than 110 lbs. | | | | |
| Minimum 2 railcars or four trucks..... | 1453 | 1318 | 442 | 402 |
| Less than 2 railcars or four trucks..... | 2157 | 1958 | 442 | 402 |
| Rice, in bags on marine type pallets, when unloading from flatbed trucks only and subject to the following conditions shown in Note 1, 2, and 3..... | 998 | 904 | 442 | 402 |
| Note 1: Subject to minimum shipments of 227 M/T (250 tons) of 1,000 kilos (2,000 lbs.) and must consist of full truckloads from one shipper at one origin to one consignee. | | | | |
| Note 2: Subject to a minimum of 1,361 kilos (3,000 lbs.) per pallet of minimum dimensions of 48" x 54". | | | | |
| Note 3: Truck must be loaded in a manner which will permit direct side unloading with lift truck equipment; otherwise unitized rates under Cargo N.O.S. rate will apply. | | | | |
| SUBRULE NO. 193 | Original | | | |
| Scrap metal, Iron or Steel in bulk direct from railcars, trucks, or barge to Vessel | None | | 276 | 250 |
| SUBRULE NO. 194 (Reserved) | | | | |
| SUBRULE NO. 195 (Reserved) | | | | |
| SUBRULE NO. 196 | Original | | | |
| Tallow, inedible, through pipeline..... | None | | 129 | 115 |
| SUBRULE NO. 197 (Reserved) | | | | |
| SUBRULE NO. 198 (Reserved) | | | | |
| SUBRULE NO. 199 (Reserved) | | | | |
| SUBRULE NO. 200 | Original | | | |
| Vegetable Oils, Viz.: Copra, Cottonseed, Linseed, Peanut, Sesame, Soy Bean, and Velvet Bean Oil: In bulk, through pipeline..... | None | | 145 | 134 |

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| LOADING, UNLOADING, AND WHARFAGE CHARGES | | | | | |
|--|---|---|------|-----|-----|
| ALL HANDLING charges and WHARFAGE charges are in cents per short tons of 2,000 pounds or metric tons of 1,000 kilos and apply to all shipments at actual weight, except as otherwise noted. | | | | | |
| Commodity | Loading or Unloading Except as Noted | Wharfage Export/Import, Intercoastal Coastwise & Intracoastal | | | |
| | | M/T | S/T | M/T | S/T |
| SUBRULE NO. 201 | Original | | | | |
| Vehicles, Machinery (self propelled), Automobiles, Trucks, Trailers, Utility Vehicles, Military Ordinance Vehicles, Agricultural Machinery, (Tractors, Combines, etc.) | | | | | |
| Driven On/Off Land Carrier Equipment..... | | 1692 | 1536 | 863 | 783 |
| Minimum Charge: \$ 69.41 | | | | | |
| Maximum Charge: \$224.98 | | | | | |
| Lift On or Lift Off Carrier Equipment | | 4049 | 3674 | 863 | 783 |
| Knock Down, Parts..... | | 3287 | 2980 | 626 | 567 |
| Wharfage Exceptions: | | | | | |
| 1. Agricultural Machinery | | Apply Applicable rates | | 442 | 402 |
| 2. Used Grading or Road Making Machinery being returned to the United States, (import only) | | Apply Applicable rates | | 442 | 402 |
| 3. Front End Loaders with Backhoe Attachments. This Wharfage rate is applicable to single shipments consisting of 700 units or more. | | Apply Applicable rates | | 576 | 567 |
| Additional Charges: | | | | | |
| The following additional charges may apply to the handling of vehicles: | | | | | |
| 1) A charge of \$46.43 per vehicle will be made when necessary to drain or add fuel or water or disconnect or connect battery cable to vehicles, whether vehicles have been imported or will be exported. | | | | | |
| 2) A charge of \$45.23 per vehicle will be made if the Customs stamped or perforated title is not surrendered to the freight handler at the time of delivery. (Export vehicles only). | | | | | |
| 3) A charge at labor cost, plus 20% for overhead, will be made for any special services required, including, but not limited to: repairs, resolution of mechanical problems, battery charging, etc. | | | | | |
| 4) For all shipments of automobiles, trucks, or other vehicles, other than those described in subparagraph (1) above, in addition to all other applicable wharfage and terminal use charges, there shall be a charge of \$4.51 per vehicle. | | | | | |
| Detached implements, apparatus or attachments for vehicles will incur a separate handling charge based on the appropriate rate. However, if physically attached to the vehicle at the time of loading or unloading, it will be considered part of the unit and no additional charges will apply. | | | | | |

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| LOADING, UNLOADING, AND WHARFAGE CHARGES | | | | | |
|--|---|--|---|---|------------|
| ALL HANDLING charges and WHARFAGE charges are in cents per short tons of 2,000 pounds or metric tons of 1,000 kilos and apply to all shipments at actual weight, except as otherwise noted. | | | | | |
| Commodity | Loading or Unloading Except as Noted | | Wharfage Export/Import, Intercoastal Coastwise & Intracoastal | | |
| SUBRULE NO. 202 | Original | M/T | S/T | M/T | S/T |
| Wind power generating equipment including but not limited to Turbines, Towers, Hubs, Blades, Nacelles and other components. Wind power equipment is designated as a weight or measure commodity, whichever creates the greatest wharfage | | 3288 | 2981 | 364 per short ton (Weight) or 198 per cubic meter (Measure) | |
| <u>Exception:</u> (Freight Handling Only) | | | | | |
| Loading or Unloading of Wind power blades | | 355 per short ton weight or measure | | same as above | |
| SUBRULE NO. 203 (Reserved) | Original | M/T | S/T | M/T | S/T |
| SUBRULE NO. 204 | Original | M/T | S/T | M/T | S/T |
| Wood, Plywood or Doorskins..... | | Apply Applicable rates | | 123 | 111 |
| SUBRULE NO. 205 | Original | M/T | S/T | M/T | S/T |
| Wood, Fibreboard, unitized in units not exceeding 10 feet in length, in a manner to permit handling by forklift truck equipment: Weight per unit including pallet: | | | | | |
| 1,000 lbs. - 1,599 lbs. 454 kg. - 725 kg. | | 2157 | 1958 | 442 | 402 |
| 1,600 lbs. - 1,999 lbs. 726 kg. - 907 kg. | | 1877 | 1702 | 442 | 402 |
| 2,000 lbs.- 6,000 lbs. 908 kg. - 2,722 kg. | | 1793 | 1552 | 442 | 402 |
| Not otherwise specified | | 3287 | 2980 | 442 | 402 |
| SUBRULE NO. 206 | Original | M/T | S/T | M/T | S/T |
| Woodpulp, wrapped in bundles..... | | 2157 | 2015 | 311 | 282 |
| SUBRULE NO. 207 | Original | M/T | S/T | M/T | S/T |
| Wool..... | | 3383 | 3068 | 442 | 402 |

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