

**PORT OF CORPUS CHRISTI AUTHORITY  
OF NUECES COUNTY, TEXAS**

**SUPPLEMENT No. 6 To  
TARIFF 100-A & Bulk Terminal Tariff 1-A  
Cancels Supplement No. 5**

**NOTICE TO ALL PORT USERS:**

**SECURITY SURCHARGE**

At the December 9, 2008 Port Commission meeting, the Commissioners approved a Security Surcharge of 10.0% effective January 1, 2009 on all wharfage and dockage.

**Approved by Port Commission on March 8, 2011:  
Security Surcharge of 7.5% effective April 1, 2011 on all wharfage and dockage**

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**BY AUTHORITY OF THE PORT COMMISSION**

**JOHN P. LARUE  
EXECUTIVE DIRECTOR**

222 POWER STREET  
PO BOX 1541  
CORPUS CHRISTI, TX 78403

**PORT OF CORPUS CHRISTI AUTHORITY  
OF NUECES COUNTY, TEXAS**

**TARIFF 100-A**

**Effective May 1, 1999  
(Cancels Tariff 100)**

**NAMING**

Rates, Rules and Regulations  
Applying on the Public and Private Wharves

**BY AUTHORITY OF THE PORT COMMISSION**

**JOHN P. LARUE  
EXECUTIVE DIRECTOR**

222 POWER STREET  
PO BOX 1541  
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ORIGINAL TITLE PAGE EFFECTIVE MAY 1, 1999

## Tariff 100-A Section One

<b>Abbreviations, Definitions &amp; Symbols</b>	<b>Item No.</b>	<b>Revision</b>	<b>Effective</b>
<a href="#">Agent or Vessel Agent</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Authority or Port Authority</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Barge, Ocean</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Barge, Inland Waterway</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Berth</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Bonded Storage</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Cargo</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Checking</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Coastwise Traffic</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Container</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Cubic Meter</a>	<a href="#">100</a>	Original	15-Apr-13
<a href="#">Day</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Dockage</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Export Traffic</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Free Time</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Handling</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Harbormaster</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Heavy Lift</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Import Traffic</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Inner Harbor</a>	<a href="#">100</a>	1st Revised	8-Sept-09
<a href="#">Intercoastal Traffic</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Intracoastal Traffic</a>	<a href="#">100</a>	Original	15-July-10
<a href="#">Liner Service</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Loading and Unloading</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Marginal Tracks</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Metric Ton</a>	<a href="#">100</a>	Original	15-Apr-13
<a href="#">Net Ton</a>	<a href="#">100</a>	Original	15-Apr-13
<a href="#">N. O. S.</a>	<a href="#">100</a>	Original	15-July-10

<a href="#">Point of Rest</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Port Commission</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Port Employee</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Refinery Terminal Fire Company</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Shed and/or Wharf Use Hire</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Ship</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Shipside</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Terminal Facilities</a>	<a href="#">100</a>	1 <sup>st</sup> Revision	1-Jan-10
<a href="#">Terminal Storage</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Ton</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Transferring</a>	<a href="#">100</a>	Original	1-Jan-10
<a href="#">Transfer Facilities</a>	<a href="#">100</a>	Original	1-Jan-10
<a href="#">Usage</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">User</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Vessel</a>	<a href="#">100</a>	1st Revised	8-Sept-09
<a href="#">Waterways</a>	<a href="#">100</a>	1st Revised	8-Sept-09
<a href="#">Wharf</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Wharfage</a>	<a href="#">100</a>	Original	1-May-99
<a href="#">Wharf Demurrage (Penalty)</a>	<a href="#">100</a>	Original	1-May-99

## Section One

### ABBREVIATIONS, SYMBOLS AND DEFINITIONS

#### ITEM 100

Unless otherwise provided elsewhere herein, the following Abbreviations, Symbols and Definitions apply.

#### ABBREVIATIONS

\$ - U.S. Currency	% - Percent
CBM or cbm – Cubic Meter	CWT - Hundredweight or Per 100 Pounds
CuFt - Cubic Foot	ft - feet

DWT - Deadweight Ton	FMC - Federal Maritime Commission
FTZ - Foreign Trade Zone	LBS or lbs - Pounds
GRT - Gross Registered Ton	LOA - Length Overall
ISO - International Standards Organization	NOS - Not Otherwise Specified
MBF - Thousand Board Feet	O/T - Other Than
MT or mt – metric ton	

**SYMBOLS**

- (A) Denotes Increase
- (C) Denotes Change in Wording Resulting in Neither Increase Nor Decrease in Rates or Charges
- (D) Denotes Deletion
- (E) Denotes Expiration
- (G) Denotes General Increase or Decrease
- (I) Denotes New or Initial Matter
- (N) Denotes Reissued Matter
- (R) Denotes Reduction

**DEFINITIONS**

AGENT or VESSEL AGENT - The party or entity which submits the application for a berth.

AUTHORITY or PORT AUTHORITY - Port of Corpus Christi Authority of Nueces County, Texas (A Political Subdivision of the State of Texas).

BARGE, OCEAN - A non self-propelled vessel used on ocean waters.

BARGE, INLAND WATERWAY - A non self-propelled vessel used on inland waterways.

BERTH - The water area at the edge of a wharf, including mooring facilities, used by a vessel while docked.

BONDED STORAGE - Storage accomplished under bond payable to the United States Treasury Department until cleared by the United States Customs Service.

CARGO - Anything being transported to, from or in the jurisdiction of the Port Authority and involving use of the Terminal, public or private docks.

CHECKING - The service of counting and checking cargo against appropriate documents for the account of the cargo or the vessel or other person requesting same.

COASTWISE TRAFFIC - All traffic between any two Atlantic or Gulf Coast ports of the United States.

CONTAINER - A standard (I.S.O) marine container 20 feet in length or longer.

CUBIC METER – A unit of volume of 35.3 cubic feet.

DAY - A consecutive period of 24-hours or fraction thereof.

DOCKAGE - The charge assessed against a vessel for berthing at a wharf, pier, bulkhead, or bank, or for mooring to a vessel so berthed.

EXPORT TRAFFIC - All traffic moving from the continental United States to port not within the continental United States.

FREE TIME - The specific period during which cargo may occupy space assigned to it on terminal property free of wharf demurrage or terminal storage charges, immediately prior to the loading or subsequent to the discharge of such cargo on or off vessels.

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.

HARBORMASTER - The person designated Harbormaster by the Port Authority and such persons, assistants or representatives.

HEAVY LIFT - The service of providing heavy lift cranes and equipment for lifting cargo.

IMPORT TRAFFIC - All traffic moving from not within the Continental United States to the continental United States.

INNER HARBOR - The waters of the channel, basins and canals west of the high-level Harbor Bridge at Corpus Christi and also the canals in Rincon Industrial Park. See also Item 674

INTERCOASTAL TRAFFIC - All traffic between Atlantic and Gulf ports of the United States and West Coast of the United States.

INTRACOASTAL TRAFFIC – All traffic along the Atlantic and Gulf ports of the United States.

LINER SERVICE - Vessels making regularly scheduled calls for the receipt and delivery of cargo at the Port of Corpus Christi.

LOADING AND UNLOADING - The service of loading or unloading cargo between any place on the terminal and railroad cars, trucks, or any other means of land transport, to or from the terminal facility.

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

METRIC TON – A unit of weight of 2,204.6 pounds.

NET TON – A unit of weight of 2,000 pounds.

N.O.S – Not Otherwise Specified.

POINT OF REST - The area on the terminal facility which is assigned for the receipt of inbound cargo from the vessel and from which inbound cargo may be delivered to the consignee, and that area which is assigned for the receipt of outbound cargo for vessel loading.

PORT COMMISSION - The governing body of the Port of Corpus Christi Authority of Nueces County, Texas.

PORT EMPLOYEE - Employees and servants of the Port Authority.

REFINERY TERMINAL FIRE COMPANY - A private, non-profit company, which owns and operates firefighting equipment and provides fire protection services.

SHED AND/OR WHARF USE HIRE - A charge assessed against a vessel for loading or discharging cargo and utilizing wharf sheds and/or wharf for the assembly or distribution of cargo.

SHIP - Any self-propelled vessel suitable for use on ocean waters.

SHIPSIDE - The location of cargo within reach of ship's tackle or in the berth space, in accordance with the customs and practices in the Port of Corpus Christi.

TERMINAL FACILITIES - Any wharves, docks, sheds, warehouses, land, transfer facilities, grain elevators, cotton compresses, structures, freight handling machinery, equipment and appliances of all kinds, railroad tracks and roadways, situated within jurisdiction of and owned or leased by Authority. (C) 1-1-2010

TERMINAL STORAGE - The service of providing warehouse or other terminal facilities for the storage of inbound or outbound cargo after the expiration of free time, including wharf storage, shipside storage, closed or covered storage, open or ground storage, bonded storage, and refrigerated storage, after storage arrangements have been made.

TON - A unit of weight of 2,000 pounds (short ton or net ton), or 2,204.6 pounds (metric ton).

TRANSFERRING – Moving cargo from one rail car to another, from a rail car to a truck, or from a truck to a rail car. (I) 1-1-2010

TRANSFER FACILITIES – Any trackage, land and/or roadways that the Port Authority provides to a User for Transferring cargo. (I) 1-1-2010

USAGE - The use of the terminal facilities by any rail carrier, lighter operator, trucker, shipper or consignee, their agents, servants and/or employees, when they perform their own car, lighter or truck loading and unloading.

USER - Any person or entity using Terminal Facilities or to whom or for whom any service, work or labor is furnished, performed, done or made available by the Port Authority, or any person or entity owning or having custody of cargo moving over such facilities.

VESSEL - Any vessel used for the transportation by water of marine cargo, whether self-propelled or non self-propelled and shall include in its meaning the owner thereof. See also Item 674 (C) 9-8-2009

WATERWAYS - The Corpus Christi Ship Channel, LaQuinta Channel with its tributary channel known as Jewel Fulton Canal, the Inner Harbor and the canals in Rincon Industrial Park, the channels connecting them with the Corpus Christi Ship Channel, and all other channels or canals within the jurisdiction of the Port Authority. See also item 674 (C) 9-8-2009

WHARF - Any wharf, pier, quay landing or other stationary structure to which a vessel may make fast or which may be used in the transit or handling of cargo or passengers including other terminal facilities alongside which vessels may lie, or which are suitable for and are used in the loading, unloading, assembling, distribution or handling of cargo.

WHARFAGE - A charge assessed against the cargo or vessel on cargo passing or conveyed over, onto or under wharves or between vessels (to or from barge, lighter or water) when berthed at a wharf or when moored in a slip adjacent to a wharf within jurisdiction of the Authority. Wharfage is solely the charge for use of a wharf and does not include charges for any other service.

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

**END OF SECTION ONE**



## Tariff 100-A Section Two

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## Section Two

### MISCELLANEOUS CHARGES AND TARIFF PROVISIONS

#### ITEM 200 (C) Eff. 6-1-2012

#### RESPONSIBILITY FOR PAYMENT OF CHARGES; EXTENSION OF CREDIT; LIENS

The owner, shipper or consignee of the cargo is responsible for charges for (a) Wharfage, (b) Wharf Demurrage and (c) loading and unloading (if not absorbed by the ocean carrier); the Port Authority, however, cannot recognize the numerous shippers or consignees who may be responsible for certain Port Authority charges; therefore, such charges must be collected for, and remitted to, the Port Authority by the vessel for whom the cargo was received, loaded to, or unloaded from, her owners and agents, or other duly authorized person renders the vessel's owners and agents, or other authorized person, jointly and severally liable, as guarantors, for payment of the Wharfage, Demurrage and Loading and Unloading Charges.

Unless credit for its charges has been extended by the Port Authority, all Port Authority invoices for its charges pursuant to this tariff or other agreement are due and payable in United States currency thirty (30) days after the invoice date. Payment for all charges must be remitted according to stated terms regardless of when the vessel, her Owners and/or Agents are reimbursed. If payment is not made by the person or persons, or entity or entities, to whom credit has been extended by the Port Authority according to the terms of such credit extension, then such person or persons, entity or entities may be, following the failure to properly make payment, placed on a cash payment basis and on a published delinquent party list by the Port Authority. The Port Authority reserves the right to estimate the amount of and collect in advance charges pursuant to this tariff which may accrue against the vessel, its Owners and/or Agents, or against cargo received for, loaded to, or discharged from a vessel using the Terminal Facilities.

The vessel, her owners and agents must make timely payment of Port Authority charges pursuant to this tariff regardless of when, or if, the same are reimbursed by others for such charges.

The Port Authority may at any time, or from time to time, extend credit to any User or other person or entity engaging in business with the Port Authority pursuant to this tariff, as amended, upon terms agreed upon between them, or such person or entity may be authorized to use Terminal Facilities by providing a surety bond issued by a corporate surety company on a form agreed upon by the Port Authority which surety bond may cover one transaction or transactions occurring during a stated period of time, but in every case must be for an amount equal to 125% of the maximum Port Authority charges to be covered by the surety bond. If a limit of credit established by the Port Authority, or the limit of the surety bond, is reached, the Port Authority may require additional security for the extension of, or addition to, the limit of credit or the surety bond.

If credit has not been extended to a person or entity responsible for the payment of Port Authority charges pursuant to this tariff, then the Port Authority may estimate the amount of, and collect in United States currency for, in advance of the use of Terminal Facilities, all charges which may be expected to accrue against a vessel, her owners and agents, or against cargo received for, loaded to, or discharged from a vessel using the Terminal Facilities and use of the Terminal Facilities may be denied by the Port Authority until an advance payment, or a deposit toward payment, of the estimated charges is made. The Port Authority may, from time to time after a vessel commences to use the Terminal Facilities, revise its estimate of charges to be accrued, and require additional advance payment, of deposit, for the vessel,

her owners and agents, and if the same is not promptly paid, terminate the vessel's use of the Terminal Facilities.

The Port Authority has a lien, maritime or otherwise, against the vessel responsible for charges incurred pursuant to this tariff, as amended. Presentation by the Port Authority of its invoices to the vessel's owners, agents, stevedores or other representatives is done as a matter of accommodation and convenience and does not constitute a waiver of the Port Authority liens against the vessel for its charges.

**ITEM 205  
APPLICATION AND INTERPRETATION OF TARIFF**

Rates, rules and regulations contained in this tariff shall apply equally to all Users of the waterways and Terminal Facilities on the effective date shown in this tariff or amendments thereto.

The use of the waterways and facilities under the jurisdiction of the Port Authority is consent to the terms and conditions of this tariff, and amendments hereto, and an agreement on the part of all such Users to pay all charges based upon this tariff, and amendments thereto, and to be governed by all rules and regulations herein contained.

**ITEM 210 (C) Eff. 6-1-2012  
CARGO STATEMENT, WHARFAGE TRANSACTION FORM, SHIP'S MANIFEST AND ACCESS TO RECORDS REQUIRED**

All vessels, their owners and/or agents using Terminal Facilities or private dock facilities for delivering or receiving cargo shall file with the Port Authority's accounting department a wharfage transaction form. Such wharfage transactions shall be reported on a processed wharfage transaction form provided by the Port Authority.. The Port Authority's form is to be accompanied with certified Manifests and Bills of Lading in either printed or electronic form, showing the weight, measurements and description of all cargo loaded or unloaded. Any other data required for proper statistical information may be requested by the Port Authority.

The wharfage transaction form on inbound cargo must be filed not later than ten (10) consecutive days (Saturday, Sunday and Holidays included) after arrival of the vessel. The wharfage transaction form on outbound cargo must be filed not later than 10 (ten) consecutive days (Saturday, Sunday and Holidays included) after vessel sailing.

All invoices are due and payable thirty (30) days after the invoice date. Payment for all charges must be remitted according to stated terms regardless of when the vessel, her Owner and/or Agents are reimbursed. Any invoice remaining unpaid forty five (45) days after the invoice date will be considered delinquent. Continued failure to comply with terms set forth herein may result in being placed on a cash payment basis and on a delinquent party list by the Port Authority.

All Users of private and public port facilities as noted above shall be required to permit Port Authority representatives reasonable access to manifests of cargo, receiving reports and all other documents necessary for the purpose of audit for ascertaining the correctness of wharfage transaction reports filed or securing necessary data to permit estimate of wharfage transaction charges.

Failure to file the Port Authority's wharfage form and certified documentation within the time specified may constitute cause for suspension of berth assignment, suspension of credit, or suspension of other vessel privileges until such failure is remedied.

The Port Authority reserves the right to estimate the amount of and collect in advance charges pursuant to this tariff which may accrue against vessels, its Owners and/or Agents, or against cargo received for, loaded to, or discharged from a vessel using the Terminal Facilities.

**ITEM 215**

**WHARFAGE CHARGES ON CARGO NOT SHIPPED BY WATER**

Cargo placed on a wharf shall be considered to have incurred wharfage charges when placed on the wharf whether or not such cargo is eventually loaded on a vessel.

**ITEM 220**

**CHARGES OF CORPUS CHRISTI INTERNATIONAL SEAMEN'S CENTER**

Dues and assessments levied by the Corpus Christi International Seamen's Center, a schedule of which is on file with the Port Authority, represent the charges of that non-profit organization for recreational, cultural, etc., services and facilities available without discrimination to seamen of vessels of all countries visiting the Port of Corpus Christi.

**ITEM 225 (A) Eff. 10-1-2013**

**WATER**

A charge for water shall be made at \$8.00 per 1,000 gallons. An additional charge of \$25.00 for each connection at Terminal Facilities will also be assessed.

**ITEM 230 (C) Eff. 6-8-2012**

**BUNKERS, FUEL OIL, TANK TRUCK TO VESSEL**

Bunkers and fuel oil may be delivered by tank truck upon prior application to the Harbormaster who will designate time and place on the docks that deliveries can be made. A charge of \$25.00 per tank truck delivery per vessel will be made. Bunkering vessels from trucks is not permitted at Port Authority oil docks during cargo transfer.

**ITEM 235**

**ELECTRICITY**

Electricity will be supplied to User directly by Central Power and Light Company. In cases where it would be impractical to do so, the Port Authority may supply electricity, if possible, pursuant to prior arrangements with the Harbormaster.

**ITEM 240**

**CHARGE FOR SPECIAL SERVICES**

Any labor or material required for special services not specifically covered herein may be, upon written application, provided at actual cost plus twenty percent, or flat rate prices may be quoted by the Executive Director or his designated representative. Such quotations include, but are not limited to, establishment of new or initial rates and charges, and changes in existing rates and charges. The Port Authority reserves the right to quote rates or to provide special services at its convenience and has no obligation or duty to quote on or render such service.

**ITEM 245**

**LOADING AND UNLOADING OF RAIL CARS AND MOTOR TRUCKS**

The service of loading and unloading rail cars and motor trucks is performed by stevedoring and freight handling firms licensed to work at the Port of Corpus Christi. The Port Authority also reserves the right to perform rail car and truck loading and unloading services. A current list is available on the Port's website at [www.portofcorpuschristi.com](http://www.portofcorpuschristi.com)

**ITEM 255**

**FUMIGATION REQUIREMENTS**

Bagged agricultural products that remain in Port Authority transit sheds for a period of forty-five days must be fumigated within 10 days thereafter, which fumigation must be repeated within 10 days after each successive forty-five day period that the cargo remains in the transit sheds.

All expense of fumigation is for the account of the cargo owner, shipper, consignee or whoever has care, custody and control of the cargo.

If fumigation is not performed as required herein, the Port Authority may fumigate such bagged agricultural products and bill the cargo owner, shipper, consignee or whoever has care, custody and control of the cargo for the cost for such fumigation. The Port Authority has a lien on such cargo for all its costs of fumigation, which are not paid.

**ITEM 260  
HOLIDAYS FOR PORT AUTHORITY EMPLOYEES**

- New Year's Day (January 1)
- President's Day ( 3rd Monday in February)
- Good Friday (Friday before Easter)
- Memorial Day (last Monday in May)
- Fourth of July
- Labor Day (1st Monday in September)
- Thanksgiving Day (4th Thursday in November)
- Friday after Thanksgiving
- Christmas (December 25)

When a holiday falls on Saturday, it will be observed on the preceding Friday. When a holiday falls on Sunday, it will be observed on the following Monday.

**ITEM 265  
TRANSSHIPMENT OR RESHIPMENT OF CARGO**

Cargo discharged from vessels for the transshipment to a vessel over the Port Authority's General Cargo Docks, having paid inward wharfage, if reloaded within thirty days will be given free wharfage on the outward movement. Time will be computed from the first 7:00 a.m. after completion of discharge to 7:00 a.m. of the day loading begins.

**ITEM 270  
SHED AND/OR WHARF USE HIRE**

Vessels loading or discharging cargo and using wharf sheds and/or wharf for assembly or distribution of such cargo will be assessed a shed and/or wharf use charge based on the quantity of cargo loaded or discharged as follows: [See Exceptions]

- |  |          |
|--|----------|
| 1) Under 500 net tons                      | \$125.00 |
| 2) 500 net tons and under 1,000 net tons   | \$225.00 |
| 3) 1,000 net tons and under 5,000 net tons | \$400.00 |
| 4) 5,000 net tons and over                 | \$525.00 |

Exceptions

- [1] Will not apply at the Bulk Terminal.
- [2] Will not apply on cargo handled directly between vessels and rail cars or trucks.
- [3] Will not apply to vessels loading or discharging liquid cargo through pipelines.
- [4] Will not apply to vessels loading grain.
- [5] Will not apply on cargo handled over open wharves.

**ITEM 275 (A) Eff. 2-1-2005**

**CHARGE FOR CLEANING WHARVES AND SHEDS**

Vessel owners, operators, agents and other Users assigned to use wharves and transit sheds of the Port Authority are responsible for cleaning the property assigned for their use. If User does not clean the Port Authority property assigned for use, the Port Authority will provide labor and equipment to clean such property and charge the responsible person or entity cost plus twenty-percent, minimum \$200.00, per wharf or shed or portion thereof. See also Item 240 herein.

**ITEM 280**

**FREE TIME AND STORAGE (C) (A) Eff. 5-10-2011**

All cargo, except dry bulk commodities, handled over the Port Authority's general cargo wharves, placed in open storage areas or on other Authority property, shall be subject to the free time and storage charges set forth in this item. The Authority does not engage in the business of storage or warehousing of property on its wharves and except for damage or injury particularly caused by its own negligence, Authority is not responsible for loss or damage to property remaining thereon. All property landed or received on any of Authority's wharves, open storage areas or other Authority property, is placed there at the risk of the owner thereof, and Authority has the right to remove any or all of such property to any part of the wharves, open storage areas or other Authority property, at its convenience and at the risk and expense of the owner, or such property may be removed and stored elsewhere, without notice, and at the risk and expense of the owner, and Authority will retain possession of all property so removed until all charges are paid. Dry bulk commodities may be accepted by Authority subject to negotiation of free time and storage.

"FREE TIME": The period during which cargo or other property may occupy space on Port Authority wharves, open storage areas or other Authority property, assigned to it, free of storage charges immediately prior to loading or discharging such cargo. All Saturdays, Sundays and holidays are included in computing free time. Free time does not apply on shipments not loaded on or discharged from a vessel. The free time and storage stated herein is subject to available space and arrangements prior to cargo or other property arrival at Terminal Facilities. Users shall provide Authority with notice of intent to store cargo or other property beyond the free time stated in this item, and such notice shall also state the date by which all cargo or other property will be removed.

**PART ONE- ON-DOCK FREE TIME AND STORAGE ALL CARGO EXCEPT DRY BULK**

On-dock storage charges on all inbound and outbound cargo are the responsibility of the cargo owner, shipper, receiver or their agents, individually and collectively. On-dock free time and storage charges are as follows:

Free Time - All Cargo 30 Days - Free time begins the first 7:00 a.m. after cargo is placed on the wharf and ends when all cargo is removed from the wharf.

Covered Storage Charges (Except Cotton) - After expiration of free time, storage charges apply per square foot per 30-day period or fraction thereof as follows:

On-dock covered storage ..... \$0.75 per square foot

Off- dock covered storage.... \$0.50 per square foot

Storage Charges - Cotton and Cotton Linters in bales - After expiration of free time \$0.10 per bale per 24-hour period or fraction thereof.

**PART TWO - OPEN STORAGE**

Authority may offer long-term storage subject to prior request and available space of \$2,500.00 per acre (or fraction thereof) per month.

**ITEM 285 (C) Eff. 10-15-2013**

**ASSIGNMENT OF BERTH AND CONDITIONS OF ASSIGNMENT**

Vessel owners or their agents desiring a berth for vessels of any kind at any Authority Terminal Facility must as far in advance as possible of the date of docking, make application in writing for same to the Harbormaster on a form prescribed by the Authority specifying the date of docking, sailing and the nature and quantity of cargo to be handled.

Assignment of berth to vessels will be on first-come first-served basis. The Harbormaster maintains a record of arrival times for all vessels, which is used for berth assignments. Arrival time for ships and ocean barges will be at the time of anchorage on the bar or at the time a vessel crosses the bar and declares to be ready in all respects to commence operations. Arrival time for inland waterway barges to queue for Port public docks will commence upon arrival at mile marker 512 of the Gulf Intracoastal Waterway (GIWW).

To expedite the handling of vessels (See Note 1) and avoid congestion when there are more vessels to be assigned to specific berths than can be accommodated at one time, vessels already in berth may be ordered by the Harbormaster to work continuously at their own expense. A vessel refusing to work continuously may be ordered to vacate its berth. Failure of a vessel to vacate its berth so ordered shall subject vessel owners or their agents to payment of an additional dockage charge at the rate of six hundred dollars (\$600.00) per vessel per hour or fraction thereof. Assessment of this additional dockage charge shall not affect the right of the Port Authority to effect removal of such vessels at the cost, risk and expense of the vessel owners or their agents. **When a vessel refuses to vacate its berth when ordered to do so under the provisions of this item, its owners or agents, individually and collectively, will indemnify and hold harmless the Port Authority against all claims by incoming vessels assigned to the same berth for delay caused by failure of the vessel to vacate the berth.**

An inland waterway barge or barges (see note 1) assigned to occupy a berth for loading or unloading will have the right to finish loading or unloading. However, if ordered by the Harbormaster to work continuously and to vacate the berth when loading or unloading is finished such barge or barges will be subject to the additional dockage and other provisions of stated in this Item.

Ships, ocean barges and inland waterway barge tows of not less than four barges have preference at all Port Authority berths over tows of less than four inland waterway barges.

Vessels awaiting berth will load or unload in turn. Port Authority management has the right to change the turn of vessels when confronted with congestion, the urgent need to load or unload a particular cargo, or to otherwise facilitate operations. The Port Authority is not responsible for delays to vessels at or seeking berths regardless of the cause of such delay.

**NOTE 1:** *For the purpose of applying the provisions of this item, inland waterway barge tows of not less than four barges will be treated the same as ships and ocean barges for berth turn.*

**ITEM 286**

**PALLET USE CHARGES (N) Effective July 8, 2003**

A supply of serviceable cargo pallets is available for use by Freight Handlers and Stevedores. To avoid congestion these pallets must be used until the supply is exhausted, after which additional pallets owned or furnished by the Freight Handler or Stevedore performing the work may be used. If a party other than the owner of these pallets is using the pallets, the party shall pay a charge of \$2.50 per net ton for Pallet Use to the pallet owner.

In the case of cargo pallets removed from the shed and taken alongside the vessel or into the hold of the vessel, the party using the pallets is required to return them immediately into the shed adjacent to the

vessel's berth in an acceptable manner or place them in locations as directed by the Director of Operations or his designated representative.

The party or parties using cargo pallets, other than their own, will be held responsible to the pallet owner for lost or damaged pallets while in their possession and/or use. Pallets shall be returned to owner in a clean and acceptable condition. In the case of damage to pallets by a party or parties using pallets other than their own, the cost of repairing or replacing said pallets will be assessed against and collected from such party by the owner of the pallets.

**ITEM 287**

**RECEIVING AND STACKING CARGO IN TRANSIT SHEDS**

For the service of checking, receiving and stacking cargo, the stevedore unloader will charge three and one-half cents (\$0.035) per 100 pounds to the stevedore loading the vessel.

**ITEM 288 (C) (8-11-2010)**

**FACILITY USE FEE**

Upon request by a User, the Port Authority will attempt to provide the User with suitable Transfer and/or storage Facilities for cargos arriving by rail or truck, if any are available, which is not guaranteed,. The Rail Company User may enter into a non-exclusive track use agreement with the Authority before using the Authority's Transfer Facilities; this agreement may include a track use fee and a short-term storage option. A Facility User Fee will equal the quantity of the transferred cargo multiplied by the Authority's then current wharfage rate for the type of cargo. Authority is not responsible for, nor will it provide, any transfer services.

**END OF SECTION TWO**



**Tariff 100-A Section Three**

<a href="#">Dockage Charges</a>	<a href="#">300</a>	12 <sup>th</sup> Revision	Jan 1, 2014 (A)
<a href="#">Harbor Safety Fee</a>	<a href="#">301</a>	4 <sup>th</sup> Revision	Jan 1, 2014 (R)

**Section Three**

**DOCKAGE CHARGES**

**ITEM 300**

**DOCKAGE CHARGES**

Dockage charges apply to vessels moored to any Port Authority Terminal Facility property or moored to vessels so berthed, except the Bulk Terminal.

UNLESS OTHERWISE PROVIDED DOCKAGE RATES AND MINIMUM CHARGES COMPUTED PER 24-HOUR PERIOD OR FRACTION THEREOF.

**PART ONE – SELF-PROPELLED VESSELS AND SEA GOING BARGES**

- A. DOCKAGE FOR SELF-PROPELLED VESSELS, SEA GOING DRY CARGO BARGES, SEA GOING TANK BARGES OVER 360 FEET LOA, INTEGRATED TUG BARGES (ITB), AND ARTICULATED TUG BARGES (ATB) WILL BE CHARGED ON VESSEL'S LENGTH OVERALL (LOA) AS SHOWN IN LLOYDS REGISTER OF SHIPS AT THE FOLLOWING RATES. DOCKAGE FOR ITB AND ATB VESSELS WILL BE INCLUSIVE OF THE TUG.

LOA IN FEET	DOCKAGE RATE PER FOOT (R)
0 – 199	\$2.67
200 – 399	\$3.51
400 – 499	\$4.95
500 – 599	\$6.66
600 – 699	\$7.63
700 – 799	\$9.83
800 – 899	\$11.84
900 & OVER	\$14.14

LOA IN METERS	DOCKAGE RATE PER METER (R)
0 – 60.65	\$8.75
60.96 – 121.61	\$11.49
121.92 – 152.09	\$16.25
152.4 – 182.57	\$21.84
182.88 – 213.05	\$25.00
213.36 – 243.53	\$32.23
243.84 – 270.02	\$38.80
274.32 & OVER	\$46.41

Due to differences in rounding between feet and meters, dockage will be calculated and charged on the basis of feet.

- B. Dockage for non self-propelled Inland Waterway Dry Cargo Barges: \$150.00 per 24-hour period or fraction thereof. **See Notes 1 and 2 (A)** 1-1-14
- C. Dockage for Ocean Going and Inland Waterway Tank Barges 360 ft or less LOA will be charged the following rates per function per 24-hour period or fraction thereof. **See Notes 1 and 2 (A)** 1-1-2014

Loading, Unloading, Standby	
max 200' LOA	\$150.00
>200'- 360' LOA	\$225.00
>360' LOA	per LOA dockage table (A)

## **PART TWO (D)**

Provisions Deleted

## **PART THREE – MOORING OF DRILLING RIGS AND RELATED OFFSHORE EQUIPMENT**

Dockage rates for mooring drilling rigs and related offshore equipment will be quoted on request.

## **PART FOUR – CRUISE AND RELATED VESSELS (D)**

Provisions Deleted

**PART FIVE – VESSELS IN REPAIR STATUS (D) 1-1-2010**

Provisions Deleted

**PART SIX – DOCKAGE FOR ALL VESSELS AT THE BULK TERMINAL (C) 6-1-2012**

Provisions of Part Six deleted. See Port of Corpus Christi Bulk Terminal Tariff 1-A for rates and terms.

**NOTES APPLICABLE TO ITEM 300:**

**NOTE 1: (N)** Dockage rates in this Item will be based on the length overall (LOA) of vessels as shown in **Lloyds Register of Ships or Waterborne Transportation Lines of the United States** (U.S. Army Corps of Engineers), including changes thereto and reissues thereof, or as determined by the Port Authority. The Port Authority has the right to admeasure any vessel and use such measurements as the basis for determining dockage charges.

**NOTE 2:** Agents of vessels shall be responsible for payment of, and will be billed for, all charges accrued by a vessel or for which the vessel ultimately becomes liable, as well as for all charges for services of any nature to the cargo which may be performed at the specific request of such agents for the vessel. Because the Port Authority cannot recognize the many parties involved in barge transportation, the owner of each barge moving into, from or within the jurisdictional boundaries, is responsible for all dockage charges accrued by a barge. Prior to accruing dockage charges, the Port Authority may be instructed to invoice dockage charges to another responsible party who shall guarantee payment in writing of the assignment of responsibility.

**ITEM 301**

**HARBOR SAFETY FEE (R) (1-1-14)**

All commercial ships and barges entering or operating in the Authority's Waterways shall be assessed a Harbor Safety Fee (HSF), as provided herein, to assist in defraying the administration, maintenance and operation expenses of a fire response vessel and marine patrol vessels, including personnel and equipment. For the purposes of the Harbor Safety Fee, the "Authority's Waterways" means, collectively, the Corpus Christi Ship Channel, the La Quinta Channel, the Jewel Fulton Canal and the Rincon Canals.

For commercial ships and barges entering the Authority's Waterways the HSF is as follows:

Ships.....\$1,153.00  
Barges.....\$ 132.00

The HSF for entering the Authority's Waterways will be billed upon departure.

For commercial cargo barges that are in the Authority's Waterways for a period of thirty (30) consecutive days or more without leaving the Authority's Waterways, an HSF of \$530.00 will be assessed for each continuous 30-day period. The HSF for each continuous 30-day period will be billed monthly.

If any marine firefighting services should be rendered by Authority to any ship or barge, or rendered for the protection of bulkheads, piers, wharves, landings, appurtenances or other property of third persons, such services, including the 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 the fees to be quoted by the Port Authority.

**END OF SECTION THREE**

**Tariff 100-A**

**Section Five**

<b>Loading, Unloading and Wharfage Charges</b>	<b>Item no.</b>	<b>Revision</b>	<b>Effective</b>
<a href="#"><u>Cargo N.O.S.</u></a>	<a href="#"><u>500</u></a>	10th Revision	Jan 1, 2014
<a href="#"><u>Dry Bulk, Liquid Bulk and Gaseous Bulk</u></a>	<a href="#"><u>501</u></a>	8th Revision	Jan 1, 2014
<a href="#"><u>Automobiles</u></a>	<a href="#"><u>508</u></a>	5th Revision	Jan 1, 2014
<a href="#"><u>Beans, Lentils and Peas, Dry in Sacks or Packages</u></a>	<a href="#"><u>510</u></a>	6th Revision	Jan 1, 2014
<a href="#"><u>Containerized Cargo (D) Item Deleted</u></a>	<a href="#"><u>519</u></a>	1 <sup>st</sup> Revision	Nov 10, 2009
<a href="#"><u>Cotton and Cotton Linters in Bales</u></a>	<a href="#"><u>521</u></a>	6th Revision	Jan 1, 2014
<a href="#"><u>Flour or Bulger in Sacks or Packages</u></a>	<a href="#"><u>523</u></a>	8th Revision	Jan 1, 2014
<a href="#"><u>Grain in Sacks or Packages</u></a>	<a href="#"><u>524</u></a>	7th Revision	Jan 1, 2014
<a href="#"><u>Grain and Grain Products in Sacks or Packages</u></a>	<a href="#"><u>525</u></a>	8th Revision	Jan 1, 2014
<a href="#"><u>Grain in Bulk</u></a>	<a href="#"><u>526</u></a>	6th Revision	Jan 1, 2014
<a href="#"><u>Iron and Steel Articles</u></a>	<a href="#"><u>528</u></a>	10th Revision	Jan 1, 2014
<a href="#"><u>Machinery &amp; Machinery Parts, N.O.S.</u></a>	<a href="#"><u>534</u></a>	8th Revision	Jan 1, 2014
<a href="#"><u>Military Cargo</u></a>	<a href="#"><u>535</u></a>	10th Revision	Jan 1, 2014
<a href="#"><u>Milk, Dehydrated or Powdered, in Sacks or Packages</u></a>	<a href="#"><u>536</u></a>	8th Revision	Jan 1, 2014
<a href="#"><u>Offshore Oil and Gas Drilling and Production Platforms, Jackets, Spars and Related Structures</u></a>	<a href="#"><u>537</u></a>	4th Revision	Jan 1, 2014
<a href="#"><u>Passengers</u></a>	<a href="#"><u>538</u></a>	5th Revision	Jan 1, 2014
<a href="#"><u>Project Rates</u></a>	<a href="#"><u>540</u></a>	12th Revision	Jan 1, 2014
<a href="#"><u>Proppants, Ceramic, Oil or Gas Well Fracturing in Bags or Super Sack</u></a>	<a href="#"><u>541</u></a>	5th Revision	Jan 1, 2014
<a href="#"><u>Refrigerated Cargo</u></a>	<a href="#"><u>542</u></a>	6th Revision	Jan 1, 2014
<a href="#"><u>Rice and Rice Products in Sacks or Packages</u></a>	<a href="#"><u>543</u></a>	8th Revision	Jan 1, 2014
<a href="#"><u>Rigs, Drilling</u></a>	<a href="#"><u>544</u></a>	6th Revision	Jan 1, 2014
<a href="#"><u>Sand, Aggregates, Gravel Caliche and Limestone in bulk handled over Inner Harbor Terminal Facilities except the Bulk Terminal</u></a>	<a href="#"><u>545</u></a>	7th Revision	Jan 1, 2014
<a href="#"><u>Vegetable Oil, Edible</u></a>	<a href="#"><u>548</u></a>	5th Revision	Jan 1, 2014
<a href="#"><u>Vehicles</u></a>	<a href="#"><u>549</u></a>	7th Revision	Jan 1, 2014
<a href="#"><u>Vessels, Pressure, Refining or Processing, Iron or Steel</u></a>	<a href="#"><u>551</u></a>	7th Revision	Jan 1, 2014
<a href="#"><u>Wind Turbines and Components</u></a>	<a href="#"><u>555</u></a>	6th Revision	Jan 1, 2014

## Section Five

### LOADING, UNLOADING AND WHARFAGE RATES

ALL WHARFAGE charges are in cents per net tons of 2,000 pounds or metric tons of 2,204.6 pounds and apply to all shipment at actual weight, except as otherwise noted.

A minimum wharfage charge of \$35.00 is charged on all cargo.

As provided in Item 245 herein loading and unloading of rail cars and trucks is performed by firms licensed to work at the Port of Corpus Christi. These firms should be contacted for rate and service quotations. A current list is available on the Port's website, [www.portofcorpuschristi.com](http://www.portofcorpuschristi.com). (C) 1-1-2010

ITEM No / COMMODITY	LOADING / UNLOADING	WHARFAGE
<b>ITEM 500</b> (C) 4-15-2013; (A) 1-1-2014 All Cargo N. O. S.		\$3.22 net ton or \$2.85 cbm
<b>ITEM 501</b> Wharfage on all dry bulk and liquid bulk cargo transferred across Port Authority wharves and docks, unless otherwise specified herein:  A. (A) 1-1-2014 All dry bulk, except bulk grain.  B. (A) 1-1-2014 All liquid bulk cargo including but not limited to crude and refined petroleum, petroleum products, petrochemicals, chemicals and other bulk liquids except liquefied natural gas (LNG)  C. (A) 1-1-2014 Natural Gas in liquid (LNG) or gaseous form		\$1.33 net ton/\$1.47 metric ton  Base Rate (R) – Eff. 1-1-2014 \$0.0937 per 42 gal barrel.  \$0.0274 per thousand cubic feet gaseous or liquid equivalent.
<b>ITEM 508</b> Automobiles (See Item 549)		
<b>ITEM 510</b> (A) 1-1-2014 Beans, Lentils and Peas, dry in sacks or packages (See Items 286-287)		\$0.64 net ton \$0.68 metric ton

<b>ITEM 519 (D) 11-10-09</b> Containerized Cargo - Item Deleted		
<b>ITEM 521 (A) 1-1-2014</b> Cotton and Cotton Linters in Bales		\$0.57 per bale
<b>ITEM 523 (A) 1-1-2014</b> Flour or Bulgar in sacks or packages (See Items 286-287)		\$1.47 net ton \$1.61 metric ton
<b>ITEM 524 (A) 1-1-2014</b> Grain, Barley, Corn, Darso, Feteria, Hegari, Kaffir, Milo, Oats, Rye, Wheat and other whole grains in sacks or packages (See Items 286-287)		\$1.47 net ton \$1.61 metric ton
<b>ITEM 525 (A) 1-1-2014</b> Grain and Grain Products consisting of not more than 25 percent of other ingredients, in sacks or packages (See Item 287)		\$1.47 net ton \$1.61 metric ton
<b>ITEM 526 (A) 1-1-2014</b> Grain in bulk loaded over any Authority Terminal Facility except the Bulk Terminal		\$0.29 net ton
<b>ITEM 528 (A) 1-1-2014</b> Iron and Steel Articles NOS  Pig Iron, Hot Briquette Iron, Direct Reduced Iron, Bars, Billets, Slabs, Plate loaded to or from open rail cars or trucks  Coils on Skids  Pipe loaded to or from open rail cars or trucks  Scrap Metal		\$2.10 net ton - \$2.32 metric ton  \$2.10 net ton - \$2.32 metric ton  \$2.10 net ton - \$2.32metric ton  \$2.10 net ton - \$2.32 metric ton  \$1.67 net ton - \$1.85 metric ton

<p><b>ITEM 534 (C) 4-15-2013; (A) 1-1-2014</b> Machinery &amp; machinery parts, NOS</p> <p>Machinery, agricultural, self-propelled, non self-propelled, implements and parts.</p> <p>Machinery, grading, earth moving or road building: Set Up or Knocked Down &amp; Parts</p>		<p>\$3.22 net ton or \$2.85 cbm</p> <p>\$3.22 net ton \$3.56 metric ton</p> <p>\$3.22 net ton \$3.56 metric ton</p>
<p><b>ITEM 535 (A) 1-1-2014</b> Military cargo, including wheeled and tracked vehicles, military ordinance and equipment</p> <p>Helicopters</p>		<p>\$6.07 net ton \$6.70 metric ton</p> <p>\$117.18 each</p>
<p><b>ITEM 536 (A) 1-1-2014</b> Milk, dehydrated or powdered, in sacks or packages</p>		<p>\$1.71 net ton \$1.88 metric ton</p>
<p><b>ITEM 537 (A) 1-1-2014</b> Offshore oil and gas drilling and production platforms, jackets, spars and related structures.</p>		<p>\$3.22 net ton \$3.56 metric ton</p>
<p><b>ITEM 538 (A) 1-1-2014</b> Passengers, per person:</p>		<p>Disembarking from ship to shore \$5.86</p> <p>Embarking from shore to ship \$5.86</p> <p>In transit \$5.86</p>
<p><b>ITEM 540 (A) 1-1-2014</b></p> <p>Project Rates - Applicable only to materials and equipment to be employed in the construction or one-time development of a named facility used for a major governmental, charitable, manufacturing, resource development, public utility or public service purpose and also including disaster relief projects. Either the shipper or consignee and none of the materials must undertake such construction or development or equipment shall be for the purpose of resale or other commercial distribution.</p>		
<p>Project Cargo N.O.S.(C) 4-15-2013; (A) 1-1-2014</p> <p>HRSG Modules (A) 1-1-2014</p>		<p>\$3.22 net ton or \$2.85 cbm</p> <p>\$3.21 net ton \$3.55 metric ton</p>
<p><b>ITEM 541 (A) 1-1-2014</b> Proppants, Ceramic, Oil or Gas Well Fracturing in Bags or Super Sacks</p>		<p>\$1.57 net ton \$1.73 metric ton</p>

<b>ITEM 542 (D) 1-1-2014</b> Refrigerated Cargo – Item Deleted		
<b>ITEM 543 (A) 1-1-2014</b> Rice and rice products in sacks or packages (see Item 286-287)		\$1.47 net ton \$1.61 metric ton
<b>ITEM 544 (C) 4-15-2013; (A) 1-1-2014</b> Rigs, drilling, all kinds, including parts and accessories		\$3.22 net ton or \$2.85 cbm
<b>ITEM 545 1-1-2014</b> Sand, aggregates, gravel caliche and limestone in bulk handled over Inner Harbor Terminal Facilities except the Bulk Terminal		\$1.33 net ton \$1.47 metric ton
<b>ITEM 548 (A) 1-1-2014</b> Vegetable oil, edible, for human consumption, in tins or drums, for export only, sponsored by the U.S. Dept. of Agriculture, or donated by charitable organizations for relief purposes only		\$1.42 net ton \$1.56 metric ton
<b>ITEM 549 (A) 1-1-2014</b> Vehicles: Automobiles, automobile trucks, freight and passenger, tractors and trailers.		\$5.56 net ton \$6.13 metric ton
<b>ITEM 551 (A) 1-1-2014</b> Vessels, pressure, refining or processing, iron or steel		\$3.99 net ton \$4.39 metric ton
<b>ITEM 555 (A) 1-1-2014</b> Wind Turbines and Components		\$3.11 net ton or \$1.68 cbm

**END OF SECTION FIVE**



## Tariff 100-A Section Six

<b>Rules and Regulations</b>	<b>Item no.</b>	<b>Revision</b>	<b>Effective</b>
<a href="#">Access to Port Property</a>	<a href="#">669</a>	4th Rev	Apr 15, 2009
<a href="#">Authority of Harbormaster to Act in Emergencies</a>	<a href="#">640</a>	Original	May 1, 1999
<a href="#">Authority to Board Vessels</a>	<a href="#">601</a>	Original	May 1, 1999
<a href="#">Berthing of Vessels Abreast</a>	<a href="#">610</a>	Original	May 1, 1999
<a href="#">Best Management Practices to Prevent Pollution of Harbor Waterways from Storm Water and Other Sources</a>	<a href="#">654</a>	Original	May 1, 1999
<a href="#">Bunkering from Tank Trucks</a>	<a href="#">639</a>	2 <sup>nd</sup> Rev (C)	June 8, 2012
<a href="#">Bunkering of Vessels</a>	<a href="#">622</a>	1st Revision	July 15, 2001
<a href="#">Cargo Pumps at Shore Terminals Serving Terminal Facilities Must be Equipped with By Passes</a>	<a href="#">657</a>	Original	May 1, 1999
<a href="#">Cleaning of Boiler Tubes by Blowing Prohibited</a>	<a href="#">619</a>	Original	May 1, 1999
<a href="#">Diesel of Gasoline Powered Equipment or Vehicles Prohibited on Docks During Loading or Unloading</a>	<a href="#">666</a>	Original	May 1, 1999
<a href="#">Discharging and Loading of Barges With Liquid Bulk at Oil Docks</a>	<a href="#">668</a>	Original	May 1, 1999
<a href="#">Discharge of Waste of Any Kind or Form Including Dirty Ballast Prohibited</a>	<a href="#">618</a>	Original	May 1, 1999
<a href="#">Environmental Responsibility of Users</a>	<a href="#">676</a>	Original	July 10, 2012
<a href="#">Environmental Management System</a>	<a href="#">677</a>	Original	July 10, 2012
<a href="#">Explosives "Class A" and Military Explosives</a>	<a href="#">627</a>	Original	May 1, 1999
<a href="#">Firefighting Services Available</a>	<a href="#">655</a>	Original	May 1, 1999
<a href="#">Handling of Dry Bulk Commodities Left on Terminal Facilities</a>	<a href="#">632</a>	Original	May 1, 1999
<a href="#">Handling of Hazardous Material</a>	<a href="#">628</a>	Original	May 1, 1999
<a href="#">Hazardous Conditions</a>	<a href="#">641</a>	Original	May 1, 1999
<a href="#">Hatches and Ullage Holes Required to be Closed While Vessels Load or Unload</a>	<a href="#">644</a>	Original	May 1, 1999
<a href="#">Hose Connections Used by Mobile Transfer Facilities</a>	<a href="#">649</a>	Original	May 1, 1999
<a href="#">Investigation of Suspicious Activities</a>	<a href="#">675</a>	Original	Sep. 8, 2009
<a href="#">Jurisdiction of Port of Corpus Christi Authority of Nueces County, Texas, Port Commission</a>	<a href="#">600</a>	1st Revision	Sept 15, 2004

<a href="#">Liability for Damage to Port Authority Property</a>	<a href="#">615</a>	Original	May 1, 1999
<a href="#">Limits of Liability</a>	<a href="#">671</a>	Original	May 1, 1999
<a href="#">Lines required for Emergency Use</a>	<a href="#">621</a>	Original	May 1, 1999
<a href="#">Loading, Unloading Directly To, From or Between Tank Vessels Prohibited</a>	<a href="#">651</a>	Original	May 1, 1999
<a href="#">Loading or Unloading During Storms</a>	<a href="#">650</a>	Original	May 1, 1999
<a href="#">Loading or Unloading Not Permitted While Tugs or Towboats Alongside Vessel</a>	<a href="#">648</a>	Original	May 1, 1999
<a href="#">Manning of Vessels</a>	<a href="#">603</a>	Original	May 1, 1999
<a href="#">Marine Patrol Division</a>	<a href="#">673</a>	Original	Sep. 8, 2009
<a href="#">Mooring Structures</a>	<a href="#">605</a>	Original	May 1, 1999
<a href="#">Observance of Loading and Stacking Limitations at Public Facilities</a>	<a href="#">629</a>	Original	May 1, 1999
<a href="#">Obstruction or Removal of Firefighting Apparatus Prohibited</a>	<a href="#">624</a>	Original	May 1, 1999
<a href="#">Oil Pollution Act of 1990, Texas Oil Spill Prevention Response Act of 1991</a>	<a href="#">670</a>	Original	May 1, 1999
<a href="#">Operation of Winches Prohibited While Vessels are Loading or Unloading Flammable Materials</a>	<a href="#">652</a>	Original	May 1, 1999
<a href="#">Permit Requirements When Making Repairs or Other Operation Including Welding, Burning or Other Similar Operations</a>	<a href="#">620</a>	Original	May 1, 1999
<a href="#">Pleasure Craft and Amphibious Aircraft Prohibited in Inner Harbor</a>	<a href="#">616</a>	1st Revision	(D) Sep. 8, 2009
<a href="#">Preventing Spillage of Various Materials into the Inner Harbor</a>	<a href="#">631</a>	Original	May 1, 1999
<a href="#">Procedures for Dockmen to Follow in Case of Fire or Ruptured Hose</a>	<a href="#">647</a>	Original	May 1, 1999
<a href="#">Proper and Safe Mooring of Vessels</a>	<a href="#">604</a>	Original	May 1, 1999
<a href="#">Quality and Testing of Cargo Hoses</a>	<a href="#">658</a>	Original	May 1, 1999
<a href="#">Repairs to Vessels and/or Port Facilities During Loading or Unloading</a>	<a href="#">645</a>	Original	May 1, 1999
<a href="#">Reporting Accidents</a>	<a href="#">611</a>	Original	May 1, 1999
<a href="#">Reporting Defective Aids</a>	<a href="#">617</a>	Original	May 1, 1999
<a href="#">Responsibility for Injury or Loss of Cargo</a>	<a href="#">606</a>	Original	May 1, 1999
<a href="#">Responsibility for Oil Dock Operation</a>	<a href="#">643</a>	Original	May 1, 1999
<a href="#">Responsibility for Preparing Tank Vessels for Safe Loading and Unloading</a>	<a href="#">642</a>	Original	May 1, 1999

<a href="#">Responsibility for Raising Sunken Vessels</a>	<a href="#">662</a>	Original	May 1, 1999
<a href="#">Responsibility for Reporting Hazardous Cargo</a>	<a href="#">626</a>	Original	May 1, 1999
<a href="#">Restriction on the Operation of Non-Commercial Vessels and Tempering with Commercial Vessels or Docks</a>	<a href="#">674</a>	Original	Sep. 8, 2009
<a href="#">Right to Move Vessels</a>	<a href="#">602</a>	Original	May 1, 1999
<a href="#">Safe and Strong Gangway</a>	<a href="#">612</a>	Original	May 1, 1999
<a href="#">Shifting Vessels Ahead or Astern Around Other Vessels Requires Pilot</a>	<a href="#">663</a>	Original	May 1, 1999
<a href="#">Shifting Vessels Ahead or Astern With Lines</a>	<a href="#">633</a>	Original	May 1, 1999
<a href="#">Signal to be Used in Case of Fire</a>	<a href="#">625</a>	Original	May 1, 1999
<a href="#">Smoking and Open Fires Prohibited</a>	<a href="#">630</a>	Original	May 1, 1999
<a href="#">Speed of Vessels in Inner Harbor</a>	<a href="#">607</a>	Original	May 1, 1999
<a href="#">Stevedore and Freight Handlers License</a>	<a href="#">667</a>	1 <sup>st</sup> Revision	Sept 13, 2011
<a href="#">Storage of Equipment and Materials for Handling Cargo in or on Public Port Facilities</a>	<a href="#">634</a>	Original	May 1, 1999
<a href="#">Storing Cargo on Roadways and Streets Prohibited</a>	<a href="#">637</a>	Original	May 1, 1999
<a href="#">Swimming and Fishing Prohibited</a>	<a href="#">613</a>	1st Revision	Sept 15, 2004
<a href="#">Tankermen Required to Load or Unload Unmanned Tank Barges</a>	<a href="#">664</a>	Original	May 1, 1999
<a href="#">Use of Anchors Forbidden While Vessels are Berthed</a>	<a href="#">623</a>	Original	May 1, 1999
<a href="#">Use of any Device other than Standard Devices</a>	<a href="#">638</a>	Original	May 1, 1999
<a href="#">Use of Compressed Air to Discharge Cargo Hose Prohibited</a>	<a href="#">659</a>	Original	May 1, 1999
<a href="#">Use of Fire Extinguishers and Mufflers on Cargo Handling Power Equipment</a>	<a href="#">635</a>	Original	May 1, 1999
<a href="#">Use Of Firearms And Other Prohibited Items</a>	<a href="#">614</a>	1st Revision	Nov 12, 2008
<a href="#">Use of Public Port Facility for Turning Vessels Prohibited</a>	<a href="#">609</a>	Original	May 1, 1999
<a href="#">Use of Public Port Facility to Reduce Speed of Vessels Prohibited</a>	<a href="#">608</a>	Original	May 1, 1999
<a href="#">Unauthorized Releases on Port Property</a>	<a href="#">672</a>	Original	April 12, 2005
<a href="#">Vapor-Proof Flashlights Required</a>	<a href="#">653</a>	Original	May 1, 1999

## Section Six

### RULES AND REGULATIONS

#### **ITEM 600 (C) 9-15-2004**

#### **JURISDICTION OF THE PORT COMMISSION OF THE PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY, TEXAS**

The geographical boundaries of the Port Authority are co-extensive with Nueces and San Patricio Counties, Texas, and the Port Authority through the Port Commission exercises jurisdiction over the waterways and public port facilities and all vessels using the waterways. The Port Commission has the power and authority to regulate and fix charges for the use of the Terminal Facilities.

The Port Commission is authorized to make and enforce rules and regulations to facilitate navigation and commerce, and to ensure safe and equal conveniences to every User. All vessels using the waterways shall conform to these rules and regulations. These rules and regulations are to apply within the Port's jurisdictional waters unless otherwise stated herein. All Users of the Terminal Facilities, by their use, consent to be bound by Tariff 100-A including these rules and regulations as they exist or may be amended from time to time.

Refusal or failure to comply with these rules and regulations may result in an order to vacate a Terminal Facility, or to cease loading or unloading or any other order deemed necessary or advisable by the Executive Director, Port Commission or Harbormaster.

#### **ITEM 601**

#### **AUTHORITY TO BOARD VESSELS**

Any vessel within Port Authority jurisdiction must permit port employees to board the vessel at any time to carry out Port Authority business.

#### **ITEM 602**

#### **RIGHT TO MOVE VESSELS**

Whenever, in the opinion of the Harbormaster it is deemed necessary, or advisable in order to facilitate navigation and commerce, or for the protection and safety of a vessel or vessels or other property, that any vessel in the waterways be moved or the position thereof changed, the Harbormaster may order and enforce the removal or shifting of such vessel at the vessel's expense to such place as may be assigned for the vessel. Written or oral notice of any order may be given the master or another person in charge of the vessel, who shall comply with the order. In case of failure or neglect to comply with such order, the Harbormaster has the right to cause the vessel to be moved or removed as ordered at the expense and risk of the vessel and her owners, agents and charterers.

#### **ITEM 603**

#### **MANNING OF VESSELS**

All self-propelled vessels in the Port's jurisdictional waters shall be manned at all times by at least one person with authority to take charge of the vessel and carry out the orders of the Harbormaster to act in case of emergency. Such vessel shall also be manned at all times by and with a sufficient crew to take any action required by the Harbormaster or in an emergency, unless the vessel is in lay-up status.

#### **ITEM 604**

#### **PROPER AND SAFE MOORING OF VESSELS**

Vessels moored to any Terminal Facility shall use a sufficient number of lines in good condition and of adequate size and strength to assure that the vessel is properly and safely moored and the vessel shall be breasted against the breasting structure as closely as possible with mooring lines taut at all times.

At Terminal Facilities mooring lines shall be placed only on structures provided for the purpose of mooring vessels and shall not be made fast in any way to any other portion of the Terminal Facility including supporting piles or fender piles.

**ITEM 605  
MOORING STRUCTURES**

The Port Authority provides and maintains mooring structures at each dock it owns. The Port Authority hereby expressly disclaims any representation or warranty of suitability or adequacy of its mooring structures for use by a vessel. The Port Authority or port employees will not be liable for damages resulting from the failure of any mooring structure found by a vessel or her crew unless caused by the negligence of the Port Authority. All defects or inadequacies in mooring structures at a Terminal Facility must be promptly reported to the Harbormaster.

**ITEM 606  
RESPONSIBILITY FOR INJURY OR LOSS OF CARGO**

Except for damage or injury caused by its negligence, the Port Authority will not be responsible for the injury or loss of any cargo being loaded or unloaded at the Terminal Facilities, or while on wharves or in warehouses awaiting shipment or delivery, and will not be responsible for any delay to same; nor will the Port Authority be responsible for injury to or loss of cargo at its Terminal Facilities caused by fire, smoke, leakage or discharge of water from fire protection sprinkler systems; collapse of building, shed, wharves, subsidence of floors or foundations; breakage of pipes, nor for loss or injury caused by rats, mice, moths, weevils or other animals or insects, frost or the elements, nor shall it be liable for any delay, loss or damage arising from combination of strikes, tumult, insurrection, or acts of God; nor from any of the consequences of any of these contingencies unless the same is caused by Authority's negligence.

**ITEM 607  
SPEED OF VESSELS IN THE INNER HARBOR**

Vessels entering the Inner Harbor may not exceed a safe maneuvering and steerage speed and will not create any unusual wake. Vessels violating the speed restriction described herein are liable for any damage to any Terminal Facility caused by unusual wake.

**ITEM 608  
USE OF TERMINAL FACILITY TO REDUCE SPEED OF VESSELS PROHIBITED**

Vessels may not make fast, tie or fasten lines of any kind or size to any part of a Terminal Facility for the purpose of reducing the vessel's speed, and they will be held responsible for any damage caused by doing so.

**ITEM 609  
USE OF TERMINAL FACILITY FOR TURNING VESSELS PROHIBITED**

The use of any part of any Terminal Facility to turn vessels is prohibited, and violators will be held responsible for any damage caused by doing so.

**ITEM 610  
BERTHING OF VESSELS ABREAST**

Ships or Ocean Barges must not berth abreast of another vessel at any Transfer Facility or private port facility without written permission from the Harbormaster. Barges must not berth abreast in the canals in Rincon Industrial Park without written permission from the Harbormaster. Barges in the Port of Corpus Christi must berth in accordance with the Harbormaster's instructions.

**ITEM 611  
REPORTING ACCIDENTS**

Any fire, accident, pollution, or other casualty of any kind whatsoever, occurring on a dock or involving a vessel, or onboard a vessel on the waterways, whether within or outside the Inner Harbor, must be

reported immediately to the Harbormaster by telephone, radio or by other means available. Oil and chemical spills entering or having the potential to enter navigable waters must be reported immediately to the Harbormaster as stated in Item 670 herein.

A collision between vessels or a collision between a vessel and stationary object, must be reported to the Harbormaster and Authority in a written report of same within 72-hours of the event, be furnished to the Authority's executive director separately by the pilot and the master, owner or agent of the vessel, provided, however, in the case of a minor collision where a vessel is underway and proceeding to the open sea, there being no need of repair, said report may be mailed by the master of the vessel from the next port at which it calls, and provided further that, in all cases of collision, a report by the vessel's master, owner or agent does not relieve the pilot of his duty to report within the specified time.

**ITEM 612**

**SAFE AND STRONG GANGWAY**

Ships and all Barges must have a safe, strong and properly secured gangway of adequate length to permit the safe passage of persons to and from the vessel. If the Authority questions the safety of a gangway, the U. S. Coast Guard shall make the determination of adequacy.

**ITEM 613 (C) 9-15-2004**

**SWIMMING AND FISHING PROHIBITED**

Swimming, snorkeling, recreational scuba diving and fishing within the limits of the Inner Harbor are prohibited. Violators will be subject to prosecution.

**ITEM 614 (I) (C) 11-12-2008**

**POSSESSION OF FIREARMS AND OTHER PROHIBITED ITEMS**

- A. **Except as otherwise provided herein, all persons entering upon Port of Corpus Christi Authority property, Terminal Facilities or within designated secure/restricted areas may not be in possession of any one, or combination of, the following items, for any reason;**
1. Clubs
  2. Explosive weapons
  3. Firearms of any type
  4. Illegal knives
  5. Knuckles
  6. Machine guns
  7. Switchblade knives
  8. Hoax bombs
  9. Zip guns
- B. With regard to paragraph items A.1 through A.9 of Item 614, the respective definitions provided in Texas Penal Code, Chapter 46.01, apply for purposes of legal significance and prosecution.
- C. Alcoholic Beverages, as defined by Texas Alcoholic Beverage Code, Title 1, Chapter 1, Sec. 1.04(1), are prohibited on Port property, Terminal facilities, or within Secure/restricted areas, except as provided herein:
1. Item 614(C) does not apply to vessel crewmembers provided that the Master/Captain of the respective vessel, or their designated authorized representative has communicated authorization for crewmembers to bring alcoholic beverages aboard the respective vessel; such authorization will be provided to the Port of Corpus Christi Authority Harbormasters office, or the Port of Corpus Christi Authority Security Command Center.

2. Item 614(C) does not apply when the possession of Alcoholic Beverages has been specifically authorized by the Port of Corpus Christi Authority Executive Director, or his authorized designated representative.
- D. Illegal drugs, narcotics, and controlled substances, as defined and as deemed unlawful by provisions of the Texas Health and Safety Code, and amendments thereto, are prohibited on Port Property, Terminal Facilities, or within Secure/Restricted areas.
- E. Additional Exceptions to the application of Item 614.
1. Federal, State, and Local law enforcement officials, acting in the actual discharge of their official duties, and/or when authorized by statute, are exempt from the provisions in Item 614.
  2. With the exception of Item 614E(3), individuals authorized to carry a concealed handgun under the authority of Texas Government Code, subchapter H, chapter 411, are exempt from the application of Item 614A(3), in that they may possess only that firearm that has been authorized by statute. Individuals possessing a firearm under this exemption may be directed to secure their firearm in Port approved lock cabinets when operations on Port property involve the applicability of any Federal or State statute prohibiting the presence of firearms, or when such individuals are in the immediate vicinity of an operation on Port Authority property where spark producing equipment is prohibited due to the danger of explosion.
  3. In accordance with Texas Penal Code sections 46.035 b(6), individuals authorized, by Texas Government Code subchapter H section 411, to carry a concealed handgun are prohibited from carrying or possessing that handgun, or any other firearm, at any meeting of the Port of Corpus Christi Authority Port Commission, or at any other meeting of a governmental entity on Port of Corpus Christi Authority property. Additionally, Texas Penal Code section 30.06, Trespass by Holder of License to Carry Concealed Handgun applies to individuals in violation of this prohibition.
  4. For purposes of the application of Item 614, the term "Port of Corpus Christi Authority Property" is exclusive of any individuals or property afloat on the waters or waterways within the jurisdiction, or otherwise under the control of the Port of Corpus Christi Authority. Applicable Federal, State, and Local statutes and regulations that address the possession of unlawful items shall be enforced by the appropriate Federal, State, and Local law enforcement and regulatory authorities.

## **ITEM 615**

### **LIABILITY FOR DAMAGE TO PORT AUTHORITY PROPERTY**

Users causing damage to or destruction of Port Authority property shall be liable to the Port Authority for all costs, including attorney's fees, of repair or replacement of all property damaged or destroyed.

If damage is caused to any Terminal Facility or other property of the Port Authority, the User to whom such Terminal Facility or other property has been assigned must make a written report of the occurrence to the Authority's Executive Director, including the date and time the damage occurred, a description thereof, the names, addresses and business connections of such User, and the parties, or persons causing such damage, as well as the names, addresses, and business connections of witnesses to the occurrence, and all other available pertinent facts and information with respect thereto. Such report shall be made within 48-hours following the occurrence that causes the damage; however, a verbal report shall be made immediately to the Harbormaster.

**ITEM 616 (D) 9-8-2009**

**PLEASURE CRAFT AND AMPHIBIOUS AIRCRAFT PROHIBITED IN THE INNER HARBOR**

The provisions of Items 673, 674 and 675 apply.

**ITEM 617**

**REPORTING DEFECTIVE AIDS TO NAVIGATION**

Except in Rincon Canal, the U. S. Coast Guard maintains lights and aids to navigation located along the Corpus Christi Ship Channel and its navigable tributary channels. Lights that are not burning or aids that are damaged or not in their proper position will be reported to the office of Captain of the Port, U. S. Coast Guard, Corpus Christi, Texas or to the Harbormaster's office.

U.S. Coast Guard Corpus Christi	Telephone 361-939-2251
Harbormaster's Office	Telephone 361-882-1773 or
	361-882-4932 (Emergencies)

All aids to navigation discrepancies in the Rincon Canal must be reported to the Harbormaster.

**ITEM 618**

**DISCHARGE OF ANY WASTE, INCLUDING DIRTY BALLAST, PROHIBITED**

The discharge of waste of any kind or form whatsoever, including dirty ballast, garbage and plastic into the waterways or upon any Terminal Facility or private port facility is prohibited unless permitted under Annexes I, II or V or MARPOL (International Convention for the Prevention of Pollution from Ships).

**ITEM 619**

**CLEANING OF BOILER TUBES BY BLOWING PROHIBITED**

Vessels propelled by steam are prohibited from cleaning boiler tubes by blowing them down while in the jurisdiction of the Port Authority.

**ITEM 620**

**PERMIT REQUIREMENTS WHEN MAKING REPAIRS OR OTHER ACTIVITIES INCLUDING WELDING, BURNING, RIVETING OR OTHER SIMILAR OPERATIONS**

Activities in the Port of Corpus Christi such as repairs or operations involving welding, burning, riveting or other fire producing actions or hotwork is not permitted on any tank vessel (tank ship or tank barge) until (a) an inspection has been made to determine that such activities can be undertaken safely and (b) a hotwork permit has been issued by the U.S. Coast Guard Captain of the Port. The inspection must be made by a certified marine chemist and a certificate issued by the chemist certifying the vessel is safe and free of gas and stating the number of hours that such activities are expected to take. Such activities may not begin until a berth is assigned by the Harbormaster. Areas on vessels requiring a hotwork permit for repairs or alterations includes but are not limited to:

1. Within or on the boundaries of cargo tanks which have been used to carry flammable or combustible liquids, gases, or chemicals in bulk, or within spaces adjacent to such cargo tanks; or
2. Within or on the boundaries of fuel tanks, or within spaces adjacent to such fuel tanks; or
3. To pipe lines, heating coils, pumps, fittings or other appurtenances connected to such cargo or fuel tanks; or
4. In pump rooms.

Activities such as those stated in the first paragraph of the Item including "hotwork" on freight or non-tank vessels not carrying explosives or dangerous cargoes does not require a "hotwork" permit, nor will the Coast Guard issue a permit in such cases. However, all such "hotwork" should be carried out under the supervision of qualified vessel personnel, and be in keeping with good marine practice. The Coast Guard



Captain of the Port has the right to require a permit for non-tank vessels in special circumstances. Also, a "hotwork" permit may be required on any vessel conducting repairs or alterations while at a Terminal Facility where dangerous cargo or explosives are located, loaded or discharged.

"Hotwork" on all Terminal Facilities under the jurisdiction of the Port Authority where there is handling, storing, stowing, loading, discharging or transporting of oil or hazardous materials does not require a hotwork permit issued by the U. S. Coast Guard. However, all "hotwork" on public oil and cargo docks that are a part of Authority's Terminal Facilities must comply with the requirements of 33 Code of Federal Regulations 154.735. The Harbormaster's office must be advised of any activities involving welding, burning or "hotwork".

**ITEM 621**

**LINES REQUIRED FOR EMERGENCY WORK**

At the discretion of the Harbormaster, all self-propelled vessels berthed at any Terminal Facility or private port facility may be required to place wire lines, forward and aft on the offshore side of the vessel, extending down to a point just above the water, for use in towing the vessel in case of emergency.

**ITEM 622 (C) 5-10-11**

**BUNKERING OF VESSELS AT PUBLIC DOCKS**

Vessels at public docks may be bunkered from barges or fixed dock valves, manifolds or piping provided the Harbormaster is notified in advance of same and U. S. Coast Guard regulations for oil transfer are complied with. Bunkering of ships from a barge is prohibited when the ship is loading or unloading cargo with a flashpoint of 105 degrees (F) or less.

**ITEM 623**

**USE OF ANCHORS FORBIDDEN WHILE VESSELS BERTHED**

Except in an emergency at the direction of the ship's master or pilot, ships may not use anchors while berthed at any Terminal Facility. Anchors must be in their raised position while the vessel is moored to a Terminal Facility. The Harbormaster shall be notified immediately if an anchor is released into the water.

**ITEM 624**

**OBSTRUCTION OR REMOVAL OF FIRE FIGHTING APPARATUS PROHIBITED**

Except for use to fight a fire, no person shall obstruct or interfere with the access to, nor in any manner, disturb any fire extinguisher, fire hose, fire hydrant or any other fire fighting appliance installed in or upon any Terminal Facility.

**ITEM 625**

**SIGNAL TO BE USED IN CASE OF FIRE**

In the event of fire on board any vessel, the vessel shall sound a continuous blast of the whistle for a period of not less than 10 seconds as an alarm indicating a fire on board or at the Terminal Facility or private port facility to which the vessel is moored. Such signal shall be repeated at intervals to attract attention, but it shall not be considered as a substitute for, but shall be used in addition to, other means of reporting a fire. This signal shall not be used for any other purpose.

To communicate with the Refinery Terminal Fire Company, the City Fire Department and Harbormaster to report a fire, call the following telephone numbers:

<b>Refinery Terminal Fire Company</b>	<b>882-7801</b>
<b>City Fire Department</b>	<b>911</b>
<b>Harbormaster</b>	<b>882-1773</b>

The Harbormaster's office may notify by radio on the following marine frequencies:

**Channel 12 - 156.6 MHz and Channel 16 - 156.8 MHz**  
**Call letters KQ796 HARBOR**

**ITEM 626**

**RESPONSIBILITY FOR REPORTING HAZARDOUS CARGO**

Except for tank vessels designed for transporting flammable materials, the master of any vessel entering the Port shall advise the Harbormaster immediately upon docking of hazardous cargo aboard the vessel, including any gunpowder, dynamite or other explosives, or flammable materials stating the quantity and the location of each in the vessel. The master shall comply with any instructions issued by the Harbormaster pertaining to such cargo and the handling thereof.

**ITEM 627**

**EXPLOSIVES CLASS "A" AND MILITARY EXPLOSIVES**

For the protection and safety of Nueces County, Texas, and its inhabitants, and any Terminal Facility or private port facility, as well as vessels and all other watercraft, the transportation, handling, loading, discharging or stowage of commercial Class "A" explosives or military explosives, (except small arms ammunition without explosive bullets) is subject to the following rules and regulations.

1. Unless the Harbormaster has issued it a permit after being provided a written application and copy of the vessel's manifest, no vessel (other than United States Government vessels) entering the Inner Harbor may have onboard explosives in quantities exceeding 1,000 pounds net explosive content.
2. Users must file with the Harbormaster a copy of the U. S. Coast Guard permit to handle, stow, load, discharge, or transport explosives unless the U. S. Coast Guard Captain of the Port has waived permit requirements by letter to the Harbormaster.
3. Explosives booked for loading onboard a vessel for outward movement by water and approved by the Harbormaster may not be brought into any Terminal Facility for loading onboard a vessel prior to the sailing date of such vessel. Handling of such cargo to or from, on or across, such Terminal Facility shall be a continuous operation from land transport to the vessel. Inbound explosives must be moved directly to land transport and removed from Port Authority property without delay. Under no circumstance will such cargo be permitted to be stored on any Terminal Facility.
4. The Harbormaster is the representative of the Port Authority to cooperate with the Coast Guard for supervision of the movement of explosives between land transport and the vessel.
5. In all cases, the handling of such Explosives is subject to (a) directives, rules or regulations issued by the Harbormaster; and (b) all applicable federal and state laws, municipal ordinances, and any rules and regulations issued pursuant thereto.
6. The Port Authority may refuse the use of its waterways and Terminal Facilities for handling, explosives which are considered by the Harbormaster as constituting undue risk to a Terminal Facility or the citizens of Nueces County, Texas.

**ITEM 628**

**HANDLING OF HAZARDOUS MATERIALS**

Materials classified as hazardous by the U. S. Coast Guard or the U. S. Department of Transportation will be accepted by the Port Authority for handling in waterborne commerce only if such materials and the manner in which they will be handled comply with U.S. Coast Guard and U. S. Department of Transportation rules and regulations governing the transport or handling of hazardous materials and all OSHA applicable federal and state laws and municipal ordinances, and any rules and regulations issued pursuant thereto.

For the protection and safety of the citizens of Nueces County, Texas, and the Terminal Facilities or private port facilities the Harbormaster may issue such directives concerning the safe handling of hazardous materials within or upon the Waterways.

The Port Authority may refuse the use of its Waterways or its Terminal Facilities for the handling of hazardous materials, which are considered by the Harbormaster as constituting undue risk to a Terminal Facility or the citizens of Nueces County, Texas.

**ITEM 629**

**OBSERVANCE OF LOAD AND STACKING LIMITATIONS AT TERMINAL FACILITIES**

Any User desiring to use a Terminal Facility for the handling of cargo of a kind that might exceed Terminal Facility load limits or stacking limitations or in any way might damage or endanger such Terminal Facility, must first obtain written permission or special instructions, from the Harbormaster.

**ITEM 630**

**SMOKING AND OPEN FIRES PROHIBITED**

Except in designated smoking areas, smoking or open fires, matches or cigarette lighters are prohibited at any Terminal Facility. All vessels at Terminal Facilities shall display suitable signs about the deck, written in language to which the ship belongs, as well as in English, stating the areas where smoking is not allowed. It shall be the master's responsibility to see that the crew, workers and others on board the vessel comply with this regulation.

**ITEM 631**

**PREVENTING SPILLAGE OF VARIOUS MATERIALS INTO THE INNER HARBOR**

The Harbormaster may require vessels loading or unloading dry bulk commodities in the Inner Harbor to stretch protective cloth, plastic or other similar materials or devices between the dock and the vessel to prevent spillage of such materials into the Inner Harbor.

**ITEM 632**

**HANDLING OF DRY BULK COMMODITIES LEFT ON TERMINAL FACILITIES**

Users handling dry bulk commodities at Terminal Facilities must, at their cost, remove as directed by the Harbormaster, all such commodities left at the Terminal Facility. If the same are not promptly removed, the Harbormaster may have the commodities removed and all costs thereof, plus 20%, will be charged to the User.

**ITEM 633**

**SHIFTING VESSELS AHEAD OR ASTERN WITH LINES**

Vessels may be shifted ahead or astern with lines at a Terminal Facility and without a pilot, only if the Harbormaster is so notified in advance of shifting and approves shift.

**ITEM 634**

**STORAGE OF EQUIPMENT AND MATERIALS FOR HANDLING CARGO IN OR ON TERMINAL FACILITIES**

Storage of equipment or materials (except flammable materials) in or on a Terminal Facility if necessary for handling cargo is permitted only on a temporary basis in areas designated or approved by the Harbormaster. The Harbormaster may direct in writing conditions for stored equipment or materials to be moved from a storage area, and if such direction is not complied with the Harbormaster may remove all equipment and materials from the area in question and store same at the expense of the owner of the equipment or materials.

**ITEM 635**

**USE OF FIRE EXTINGUISHERS AND MUFFLERS ON CARGO HANDLING POWER EQUIPMENT**

All cargo handling equipment powered by internal combustion engines working in or on a Terminal Facility must be equipped with proper spark arrestor mufflers and National Fire Protection Association

approved fire extinguishers which must be readily accessible in the area where such equipment is working or attached to such equipment. Powered cargo handling equipment must not be fueled on any Terminal Facility where cargo of flammable or explosive nature is being handled or stored. All fueling must be done in areas approved by the Harbormaster.

**ITEM 637**

**STORING CARGO ON ROADWAYS AND STREETS PROHIBITED**

Cargo may not be stored on any public roadway or street adjacent to or near any Terminal Facility unless permitted by the Harbormaster.

**ITEM 638**

**USE OF ANY DEVICE OTHER THAN DEVICES PROVIDED FOR OPENING TERMINAL FACILITY DOORS IS PROHIBITED**

Terminal Facility doors are equipped with door opening devices. Opening doors by any other means such as forklifts, cranes, levers, etc., is prohibited. Users shall report any inoperative door to the Harbormaster. Users failing to comply with this rule will be responsible for damage caused by failure to do so.

**ITEM 639**

**BUNKERING FROM TANK TRUCKS (C) 6-8-2012**

Bunkers and fuel oil delivery by tank truck will be permitted at any public dry cargo Terminal Facility only by written permission of the Harbormaster and at a place or places designated and approved by the Harbormaster for such purposes. Trucks must be grounded before loading begins. Bunkering is not permitted at any Terminal Facility designated as an oil dock during cargo transfer operations. Bunkering of fueling may not proceed until the U.S. Coast Guard declaration of inspection (DOI) had been properly completed and signed. All bunkering operations shall comply with the provision of the Items 649 herein.

**ITEM 640**

**AUTHORITY OF HARBORMASTER TO ACT IN EMERGENCIES**

Notwithstanding anything in this tariff to the contrary, the Harbormaster has the ability to take any action deemed necessary or advisable by the Harbormaster to prevent or handle emergencies.

**ITEM 641**

**HAZARDOUS CONDITIONS**

If hazardous conditions of any kind develop during any loading, unloading or any other type of operation at any Terminal Facility or private port facility, operations shall cease immediately and the Harbormaster shall be notified.

**ITEM 642**

**RESPONSIBILITY FOR PREPARING TANK VESSELS FOR SAFE LOADING AND UNLOADING**

During loading or unloading of tank vessels at any Terminal Facility designated as an oil dock, a ship's officer, or certified tankerman who is properly licensed and qualified and familiar with the loading or unloading operations must be on duty at all times. A sufficient number of experienced crewmembers must also be on duty at all times for the safe loading or unloading of cargo.

Prior to and during all cargo and fuel transfer operations, all scuppers must be properly plugged and sea valves closed and sealed. The ship's officer, or tankerman, in charge must be a licensed officer or certified tankerman and must inspect the vessel to assure that it is ready for loading or unloading. Loading or unloading shall not begin until a representative of the User loading or unloading the vessel has given approval to start, the required means of communication has been established, and the U.S. Coast Guard declaration of inspection (DOI) has been properly completed and signed.

**ITEM 643****RESPONSIBILITY FOR OIL DOCK OPERATION**

Any user of any public port facility designated as an oil dock for loading or unloading vessels, (which loading and unloading shall include the operation of valves and displacing of pipe lines or transfer of products between owners) shall be responsible for having dock personnel experienced in handling flammable materials present at the public port facility at all times during transfer and/or loading or unloading.

**ITEM 644****HATCHES AND ULLAGE HOLES REQUIRED TO BE CLOSED WHILE VESSELS ARE BEING LOADED OR UNLOADED.**

During the loading or unloading of tank vessels or tank barges at Terminal Facilities, all hatch covers must be closed. All ullage openings except those in tanks being loaded or unloaded must be properly plugged during cargo transfer operations. Approved flame screens must be in ullage openings during loading or unloading except while sampling, checking or topping off the tanks. Unless the vessel is gas-free, all hatches and ullage openings must be closed when any tug boat or other vessel is alongside and shall not be opened until danger of sparks or other sources of ignition no longer exist.

**ITEM 645****REPAIRS TO VESSELS AT TERMINAL FACILITIES DURING LOADING OR UNLOADING**

Repairs to a vessel at a public port facility designated as an oil dock during loading or unloading of the vessel is limited to minor repairs. Such repairs may not be made without written approval of the Harbormaster, and if required, the Coast Guard Captain of the Port will issue a "hotwork" permit. During such repairs the main propulsion plant of the vessel may not be disabled, and must be able to propel the vessel upon order of the Harbormaster.

**ITEM 647****PROCEDURES FOR DOCKMEN TO FOLLOW IN CASE OF FIRE OR RUPTURED HOSE**

In case of fire, ruptured hose or major leak at any Terminal Facility designated as an oil dock, the dockmen shall immediately stop cargo operations.

**ITEM 648****LOADING OR UNLOADING NOT PERMITTED WHILE TUGS OR TOWBOATS ARE ALONGSIDE VESSEL (C) 5-10-11**

Except as permitted by the Harbormaster, tugboats, towboats or supply vessels are not be permitted alongside a tank ship at any Public Terminal Facility designated as an oil dock while the vessel is loading or unloading. Other vessels may be permitted alongside for bunkering as provided in Item 622 herein.

**ITEM 649****HOSE CONNECTIONS USED TO TRANSFER OIL, ETC., TO A SHIP (C) 5-10-11**

Hoses used to transfer oils, lubricants or chemicals to a ship from a Mobile Transfer Facility may not have any joints or connections over, on, or under the water. Hoses used for this purpose must be of high quality, in good repair, comply with applicable U. S. Coast Guard regulations at 33 Code of Federal Regulations 154. Portions of the hose may be suspended over the water, float on the water, or submerged as long as the hose is one continuous length in the area over, on, or under the water.

**ITEM 650****LOADING OR UNLOADING DURING STORMS**

In addition to requirements contained in the applicable U. S. Coast Guard regulations, the Harbormaster may direct the discontinuance of loading or unloading at any Terminal Facility or private facility designated as an oil dock during electrical storms, high winds, or at any time during inclement weather.

**ITEM 651**

**LOADING OR UNLOADING TO, FROM OR BETWEEN TANK VESSELS PROHIBITED**

Direct loading or unloading of cargo from tank barge to tank ship, tank barge to tank barge, tank ship to tank barge, or tank ship to tank ship is prohibited at any Terminal Facility designated as an oil dock unless approved in writing by the Harbormaster.

**ITEM 652**

**OPERATION OF WINCHES PROHIBITED WHILE VESSELS ARE LOADING OR UNLOADING FLAMMABLE MATERIALS**

Vessel winches may not be operated during the loading or unloading of flammable materials at any Terminal Facility or private port facility designated as an oil dock unless the winches are of the type designed to handle lines or hoses necessary to load or unload flammable materials.

**ITEM 653**

**VAPOR PROOF FLASHLIGHTS**

Vapor proof flashlights approved by the Mine Safety and Health Administration (MSHA) and required by the U. S. Coast Guard must be used exclusively aboard tank vessels or tank barges on any Terminal Facility or private port facility designated as an oil dock when flammable materials are being loaded or unloaded.

**ITEM 654**

**BEST MANAGEMENT PRACTICES TO PREVENT POLLUTION OF HARBOR WATERWAYS FROM STORM WATER AND OTHER SOURCES**

Users must take every possible precaution to prevent pollution of the Waterways. POCCA requires that Best Management Practices (BMPs) be observed to prevent pollution of the Waterways from storm water or other port sources.

By memorandum, the Executive Director shall specify those BMPs that are to be employed by POCCA, its lessees, and those who operate on or use Terminal Facilities. A copy of the Executive Director's Memorandum shall be available for inspection at POCCA's Administrative Offices at 222 Power Street, Corpus Christi, Texas 78401, and may be amended from time to time as Authority deems necessary or convenient.

**ITEM 655**

**FIRE FIGHTING SERVICES AVAILABLE**

Fire fighting services are available from the Refinery Terminal Fire Company, a non-profit corporation which owns and operates firefighting equipment and maintains limited supplies of chemicals for extinguishing petroleum fires and equipment and materials for fighting other kinds of fires.

Upon written request directed to the Refinery Terminal Fire Company by the master, agent or other person in charge of any vessel, the fire fighting services of the Refinery Terminal Fire Company will be requested for the vessel by the Harbormaster. If such services are rendered, the vessel, her owners and charterers must pay the Refinery Terminal Fire Company for the fire protection services rendered.

The Authority may, in the interest of public safety of its Waterways, its Terminal Facilities, or other vessels on the Waterways when determined by Authority's Executive Director or Harbormaster, request the Refinery Terminal Fire Company render fire fighting services for any vessel, her owners, agents, or charterers. If such services are rendered, the vessel, her owners, agents, and charterers must pay to the Port Authority the cost incurred by it for the services rendered by the Refinery Terminal Fire Company.

The services of the Refinery Terminal Fire Company may also be used if the Authority's Executive Director or Harbormaster deems it necessary or advisable in the interest of public safety for the citizens or

property of Nueces County, Texas, Authority employees, Users or the general public on or near a Terminal Facility or other property owned by the Port Authority when there is a fire or hazard involving public or privately owned vehicles or other types of equipment or property of any kind. If such service is rendered the owner or operator of the vehicle or any other type of equipment or property must pay the cost of fire services of the Refinery Terminal Fire Company.

Nothing contained herein shall be construed as obligating the Port Authority to furnish or render fire fighting services or to collect charges incurred for such services. The Port Authority is not responsible for the failure or refusal of the Refinery Terminal Fire Company or any other party to render such services and is not responsible for their errors and omissions.

**ITEM 657**

**CARGO PUMPS AT SHORE TERMINALS SERVING TERMINAL FACILITIES MUST BE EQUIPPED WITH BYPASSES**

Pumps used for transfer of cargo between shore and vessels berthed at any Terminal Facility designated as an oil dock which are capable of building up pressure in excess of 125 pounds per square inch on the cargo hose must be equipped with bypasses, relief valves, or other approved means of preventing excessive pressure on the cargo hose due to closed valves or obstructions in the hose. Pressure relief devices shall be set to function so that the designed pressure strength of the cargo hose will not be exceeded. Relief devices must be tested at least once a calendar year and written certification made that such devices are functioning properly.

**ITEM 658**

**QUALITY AND TESTING OF CARGO HOSES**

U. S. Coast Guard rules and regulations require that cargo hoses used at Terminal Facilities and private port facilities designated as oil docks be stenciled with the name of the product for which the hose may be used, the maximum allowable working pressure, and the hose marked for identification. The date of manufacture and date of last test may be omitted if the information is recorded at the facility of the person or entity using the hose. Coast Guard rules state that the test pressure must not be stenciled on the hose. Supports for cargo hoses shall be provided which will prevent chafing or kinking of the hose during cargo transfer operations. Users must comply with these rules.

**ITEM 659**

**USE OF COMPRESSED AIR TO DISPLACE CARGO HOSE LIQUIDS PROHIBITED**

The use of compressed gas, including compressed air, is not permitted to displace the liquid in cargo hoses in service at any Terminal Facility designated as an oil dock.

**ITEM 662**

**RESPONSIBILITY FOR RAISING SUNKEN VESSELS**

All vessels entering the waterways must be seaworthy and not in danger of sinking. It is the responsibility of vessel owners, their charterers and agents to see that the vessel captain and crew abide by all rules and regulations promulgated by the U.S. Coast Guard and take every safety precaution possible to prevent the vessel's sinking. However, if for some reason a vessel sinks while in the waterway, it shall be the responsibility of the owner, charterer and agent to raise and remove the vessel from the Waterways without delay. In the event the owner, charterer and agent fails to raise a vessel, the Port Authority may raise the vessel and store same, and the owner, charterer and agent will be liable for all costs of doing so.

**ITEM 663**

**SHIFTING VESSELS AHEAD OR ASTERN AROUND OTHER VESSELS REQUIRES PILOT**

Vessels berthed at any Terminal Facility may be shifted ahead or astern around another vessel or other vessels only with a pilot onboard and only if the Harbormaster is notified in advance and approves the vessel shifting in writing.

**ITEM 664**

**TANKERMAN REQUIRED TO LOAD OR UNLOAD UNMANNED TANK BARGES**

A certified tankerman is required onboard unmanned tank barges at all times while loading or unloading at any Terminal Facility or private port facility designated as an oil dock.

**ITEM 666**

**DIESEL OR GASOLINE POWERED EQUIPMENT OR VEHICLES PROHIBITED ON OIL DOCKS DURING LOADING OR UNLOADING**

Diesel or gasoline powered equipment or vehicles will are not permitted on any Terminal Facility or private port facility designated as an oil dock during ship or barge loading or unloading.

**ITEM 667 (I) 12-1-2011**

**STEVEDORE AND/OR FREIGHT HANDLING LICENSE**

**1. LICENSE REQUIRED**

From January 1, 1991, no person, firm, corporation or other business entity shall operate as or carry on the business of a stevedore or freight handler at the Port of Corpus Christi unless and until there shall first have been obtained from the Port Authority a license authorizing such stevedoring or freight handling activity. As used in this Item, "stevedore" or "stevedoring" includes persons, firms, corporations or other business entities and their subsidiaries, engaged in the activity of loading and/or unloading commercial cargo vessels, excluding bulk liquid cargo; "freight handler" or "freight handling" includes persons, firms, corporations or other business entities and their subsidiaries, engaged in physically loading or unloading railcars or trucks or engaged in any other cargo handling operations, except bulk liquid cargo, in or on the Terminal Facility of the Authority. As used in this Item 667, "stevedore", "stevedoring", "freight handler", and "freight handling" shall not include loading or unloading cargo to or from a site situated within the jurisdiction of Authority, and leased by Authority to a lessee and the loading or unloading is done by lessee's employees.

**2. APPLICATION FOR LICENSE**

Application for (i) a stevedore and freight handling license, or (ii) a freight handling license, with accompanying fee shall be submitted to the Port Authority. Copies of the Application Form are available upon request. Licensing fees are specified in Paragraph 5 of this Item. Initial license and subsequent renewals shall be in effect for one calendar year from January 1 through December 31. New applications may be submitted and new licenses may be issued during a calendar year, however: fees shall not be prorated for part of a year and renewals shall be as provided in Paragraph 4 of this Item 667.

**3. CONSIDERATION OF APPLICATION**

The Port Authority shall review the application and may require additional information. If, after review of an application by the Port Authority, the applicant is found to be a competent operator with past practices which demonstrate a commitment to safe and efficient performance of stevedoring and/or freight handling, and skill, experience, equipment and personnel necessary to do so, the applicant will be so notified by the Port Authority and a license issued to the applicant. Applicants not found will be so notified.

**4. ISSUANCE OF LICENSE AND RENEWAL**

Issuance of a license shall be evidenced by the dated signature of a duly authorized Port Authority representative on the Application Form. Acceptance of a license shall signify consent of the licensee to comply with various tariffs of the Port Authority the Rules and Regulations of the Port Authority contained in Tariff 100-A.

Licenses will be issued for a period of one year from January 1 through December 31. The Port Authority will mail and/or electronically send notices of renewal, including invoices for the Annual Renewal Fee, to all licensees, on or about December 1 of each year. The renewal period shall extend from the postmark or electronic date on which the renewal notice is mailed or electronically sent through the last day of



January of the year of renewal. A license will automatically expire unless the Port Authority receives the application for renewal with renewal fee no later than the last day of January of the year of renewal. Failure to renew within the prescribed time will require the filing of a new original application including original application fee if the person, firm, corporation or other business entity desires to continue providing stevedoring or freight handling services at the Port of Corpus Christi.

A license may be revoked or renewal denied if the licensee fails to comply with the Authority's tariff, including but not limited to the Rules and Regulations of the Port Authority contained in Tariff 100-A, is no longer in business or has been inactive continuously for six months immediately preceding notice of revocation or denial of renewal, unless good cause is shown for inactivity.

## 5. LICENSE FEES

Resident Stevedores and Freight Handlers (Notes 1,2,3,4)	ORIGINAL APPLICATION FEE \$5,000.00	ANNUAL RENEWAL \$1,000.00
Non-Resident Stevedores and Freight Handlers (Notes 2,3,4)	ORIGINAL APPLICATION FEE \$5,000.00	ANNUAL RENEWAL \$1,000.00

Resident Freight Handlers (Notes 1,2,3,4)	ORIGINAL APPLICATION FEE \$3,000.00	ANNUAL RENEWAL \$600.00
Non-Resident Freight Handlers (Notes 2,3,4)	ORIGINAL APPLICATION FEE \$3,000.00	ANNUAL RENEWAL \$600.00

Note 1: *As used in this Item, "Resident Stevedores and Freight Handlers" include only those persons, firms corporations or other business entities that operate as a stevedore or freight handler in or on the Terminal Facilities of the Port Authority on a regular, recurring basis, and maintain full time offices, staff and equipment in Corpus Christi, Texas.*

Note 2: *As used in this Item, "Non-Resident Stevedores and Freight Handlers" includes all other persons, firms, corporations or other business entities not defined in Note 1 above.*

Note 3: *Application fees are non-refundable and will not be prorated for fractional parts of a year, except as provided in Paragraph 6 of this Item.*

Note 4: *Non-Resident Stevedores and Freight Handlers are required to provide a local telephone number and a local representative who may be contacted while stevedoring or freight handling operations are being conducted. The name of the representative and the phone number shall be provided to the Harbormaster's office prior to commencement of any stevedoring or freight handling operations.*

## 6. LICENSES ARE NON-TRANSFERRABLE

A license may not be transferred, assigned or otherwise used by anyone other than the licensee named in the license without prior written approval of the Port Authority. Any person, firm, corporation or other business entity acquiring a going business from a licensee hereunder may qualify for a license upon written application to the Port Authority. If, after review of an application by the Port Authority, the applicant is found to be a competent operator with past practices which demonstrate a commitment to safe and efficient performance of stevedoring and/or freight handling, and skill, experience, equipment and personnel necessary to do so, the Port Authority may grant a transfer of license and in its sole discretion may waive the license application fee. Any attempt to transfer or assign a license contrary to this provision may be cause for revocation of the license.

## 7. STEVEDORE AND/OR FREIGHT HANDLER INSURANCE

Without limiting the indemnity obligations or liabilities of licensee, or its insurers, provided in THIS Tariff 100-A, licensee agrees at all times its Stevedore and/or Freight Handlers license is in effect to carry and maintain at its sole expense policies of insurance ("the Policies") of the types and in the minimum amounts as follows:

- A. For all its employees engaged in performing work, workers' compensation required by the Texas Workers' Compensation Code, and employer's liability insurance with limits of at least \$500,000.00 each employee accident and disease, or such similar insurance which is in accordance with state and federal law applicable to said employees. If there is an exposure of injury to employees under the US Longshoreman's and Harbor Worker's Compensation Act, the Jones Act or under the laws, regulations or statutes applicable to maritime employees, coverage shall be included for such injuries or claims.
- B. Commercial General Liability (CGL) coverage (including "contractually assumed liability" coverage) with policy limits of at least \$1,000,000.00 per occurrence and \$2,000,000.00 general aggregate at the Leased Premises
- C. Business Auto Liability coverage for all owned and non-owned vehicles, with a policy limit of \$1,000,000.00 (Combined Single Limit.)
- D. Umbrella liability coverage limits of not less than \$5,000,000.00 over and above the underlying primary coverage limits stated in subparagraph A, B and C in this Section.
- E. Dependant on the pollution potential of the proposed operation, a Pollution Legal Liability policy with a limit of not less than \$5,000,000.00 per occurrence may be required.

Further, Authority shall be furnished, to the attention of Authority's Director of Operations, prior to licensee being issued its license, as proof of the insurance required of licensee a certificate or certificates of insurance (and the endorsements required in this paragraph 7. shall be attached to the certificate or certificates of the insurance) describing the Policies, which certificates must be acceptable, in their form and content, to PCCA. Each of the Policies will be endorsed to (a) (except for Workers' Compensation and employer's liability insurance) name Authority, its Commissioners, officers, officials, employees and agents as an additional insured (b) provide that it will not be suspended, voided, canceled or reduced in coverage or limits without thirty (30) days' prior written notice to Authority, Attention: Director of Operations, and (c) provide that notwithstanding any language in any policy of insurance held by Authority ("Authority Insurance") to the effect that the Authority Insurance is primary, the policy or policies held by licensee are primary coverage and the Authority Insurance is non-contributory so that Authority Insurance will not share with the Policies.

In addition, the Policies shall be endorsed to provide as follows (or an ISO form endorsement containing the equivalent wording may be used): "Underwriters or the company or companies issuing this policy agree that, if the named insured is required, by written contract, to name any other person, firm or organization as an additional insured on this policy for claims arising out of acts, or the failure to act, by the named insured, then such other person, firm or organization shall automatically be deemed to be an additional insured under this policy without any further action, but only to the extent required under said written contract." Licensee shall deliver to Authority certificates of renewal at least thirty (30) days prior to

the expiration date of each of the Policies and copies of new policies at least thirty (30) days prior to terminating any of the Policies. The deductible or self-insured retention for each of the Policies must be stated in the certificate of insurance provided to Authority if either exceeds \$50,000.00; and, in such event, Authority may decline to issue the applicant's license, without any liability on the part of Authority to licensee. The company writing each of the Policies must possess a current rating with A.M. Best Company of at least A: VI. If licensee neglects or refuses to provide any insurance required herein, or if any insurance is canceled, Authority may procure such insurance at licensee's expense, and Authority is entitled to reimbursement from licensee for all amounts spent to procure and maintain the insurance, with interest on such expense at a rate of 10% annually from the date licensee receives Authority's notice of payment until reimbursement.

**As a condition to the issuance of a license, licensee waives every claim which arises or may arise in its favor against Authority during the existence of licensee's license or any renewal or extension thereof for any and all claims against it, or for loss of, or damage to, any of its property covered by applicable insurance policies, to the extent that such claim, loss or damage is covered or recoverable under said insurance policies. Said waiver shall be in addition to, and not in limitation or derogation of, any other waiver or release contained in this Tariff 100-A with respect to any loss of or damage to licensee's property. Licensee agrees to immediately give to each insurance company which has issued to it policies of insurance applicable to provisions of this Item 667 of Tariff 100-A written notice of the terms of the waiver set forth in this paragraph 7. and to have said insurance policies properly endorsed, if necessary, to prevent the invalidation of said insurance coverage by reason of said waiver; and licensee will provide to Authority a copy of said endorsement or endorsements or evidence that such endorsement is not necessary to prevent the invalidation of the insurance coverage by reason of such waiver.**

**ITEM 668**

**DISCHARGING AND LOADING OF BARGES WITH LIQUID BULK AT OIL DOCKS**

A. Simultaneous barge operations, by a single User only, are permitted when:

1. Both barges are discharging; or
2. Both barges are loading; or
3. Discharging of one barge and loading of the other barge with crude oil or products exceeding a flashpoint of 105 degrees F is occurring.

**EXAMPLES OF PRODUCTS**

GREATER THAN 105 DEGREES F.	105 DEGREES F. OR LESS
Gas Oil	Benzene
No. 6 Oil	Raffinate
Slurry	Pentane
Low Sulphur Wax	Naphtha
Residual	Crude Oil

B. Nothing in the above shall prohibit a User from establishing specific procedures for loading and discharging crude oil or products with a flashpoint higher than 105 degrees F. All Users shall provide the Harbormaster's office with a Material Safety Data Sheet (MSDS) for all crude oil or products regularly handled at Terminal Facilities. The MSDS shall contain the flashpoint of the crude oil or product. When the flashpoint of a product is unknown or is other than specified in the MSDS, the flashpoint provided by test results of the User shall be used.

C. The number of tankermen required for simultaneous barge operations shall be that required by the U.S. Coast Guard.

ITEM 669 (C) (R) 04-15-2009

## ACCESS TO PORT AUTHORITY PROPERTY

### PART ONE - RESTRICTED ACCESS

#### A. Definitions:

1. **Escort:** an individual, who has been issued a TWIC, who engages in escorting, as defined, and who assumes the responsibility for accompanying authorized non-TWIC holder(s) into a secure area.
2. **Escorting:** ensuring that the escorted individual is continuously accompanied while within a secure area in a manner sufficient to observe whether the escorted individual is engaged in activities other than those for which escorted access was granted.
3. **Restricted Area:** the infrastructure or locations identified in an area, vessel, or facility security assessment or by the operator that require limited access and a higher degree of security protection.
4. **Secure Area:** the area over which an owner/operator has implemented security measures for access control, and includes restricted areas within secure areas.
5. **Transportation Worker Identification Credential (TWIC):** a Government issued, biometric, photo identification card issued to qualified individuals only after a criminal background check has been done. This card is required for any individual to gain unescorted authorized access to the secure areas of a vessel or facility regulated by 33CFR101-105.

B. To promote public safety and efficient operations, the Port Authority may restrict access to part of or all Terminal Facilities and other Designated Secure and Restricted Areas within its jurisdiction. Users, however, are responsible for the security of any area of a Terminal Facility in which the User's cargo or other personal property owned or controlled by it is situated. The Port of Corpus Christi Authority is not responsible to Customers, or any other users, for providing escorts to their non-TWIC holding personnel. The User and/or Customer is responsible for providing TWIC holding escorts to accompany and/or monitor, as applicable, their non-TWIC holding personnel.

C. Before being authorized to escort a non-TWIC individual, the TWIC-holding escort must have prior authorization to enter a Port facility (i.e. gatelist, company letterhead document). Each authorized escort must complete the "Escort Agreement" form provided at the guard shack. Each escort will be given a copy of the "Escort Rules". TWIC Escorts shall comply with all rules pertaining to escorting non-TWIC individuals. The host POCCA User Company assumes the liability of penalties levied against POCCA as they relate to the failure of the respective escort to comply with escorting responsibilities mandated by applicable sections of 33CFR105.

D. Docks, piers, and wharves, within secure areas, are restricted areas. Warehouses, designated open cargo storage areas adjacent to, or otherwise within the same immediate area of restricted areas, are designated secure areas. The Engineering Chart/Map Room, and the Harbor Master Office in the Operations Annex are both designated as secure and restricted areas. A Transportation Workers Identification Credential (TWIC) is required for

unescorted access to these secure and restricted areas at all times. The Computer systems network server room, and systems technician operations offices in the Administration building are designated secure and restricted areas. The remaining spaces within the Administration/Annex buildings are designated Public Access areas.

## **PART TWO – PERMIT REQUIRED TO ENTER UPON PORT AUTHORITY PROPERTY**

(Subject to PARTS THREE, FOUR, FIVE AND SIX of this item)

The security measures for control of access to Port Authority Property listed below are intended to fulfill the following purposes:

- Deter the unauthorized introduction of dangerous substances and devices, including any device intended to damage or destroy persons, vessels, facilities or ports.
- Secure dangerous substances and devices that are authorized by the Port Authority and the owner or operator to be on the facility; and Control access to the facility.

### **1. PHOTO IDENTIFICATION CARD**

- A. Except as otherwise noted in this paragraph, all persons requiring unescorted access to secure areas must possess a TWIC, before such access is granted. Federal officials are not required to obtain or possess a TWIC/Port ID card. Except in cases of emergencies or other exigent circumstances, in order to gain unescorted access to a secure area, a federal official must present his/her agency's official credential. Law enforcement officials, in the actual discharge of their official duty, at the State or Local level are not required to obtain or possess a TWIC/Port ID card to gain unescorted access to secure areas. Emergency responders at the State, or local level are not required to obtain or possess a TWIC/Port ID card to gain unescorted access to secure areas during an emergency situation.**
- B. At most Port facilities access to the facility is gained either through either the guard manually logging the individual, or by the individual scanning their Port ID card against a card reader. The Port does not yet have TWIC card readers installed at facilities. It is anticipated that TWIC card readers will be installed at access control points in the future. Until that time, individuals who want to avoid the logging-in process may obtain a PORT ID in accordance with procedures contained herein. The Port will issue identification cards keyed by color to specific secure areas. Identification cards will be issued to all Port employees. Identification cards will be issued to tenants, contractors who (1) require regular, unrestricted access to secure areas and to persons who regularly conduct commercial activities and commerce at the Port, (2) desire card scan access to the facility. Prior to a non-Port employee obtaining an identification card, the individual must present a valid TWIC, and be authorized by a company who is approved to conduct business within the specified area(s) for which access is requested.**

- C. All persons seeking a Port ID card authorizing unescorted access to secure areas must present their TWIC for inspection before being issued a Port ID. Inspection must include:
1. A match of the photo on the TWIC to the individual presenting the TWIC;
  2. Verification that the TWIC has not expired; and
  3. A visual check of the various security features present on the card to determine whether the TWIC has been tampered with or forged.
- D. If an individual cannot present a TWIC because it has been lost, damaged or stolen, and he or she has previously been granted unescorted access to the facility and is known to have had a valid TWIC, the individual may be given unescorted access to secure areas for a period of no longer than 7 consecutive calendar days if:
1. The individual has reported the TWIC as lost, damaged or stolen to TSA as required in 49 CFR 1572.19(f); and
  2. The individual can present another identification credential that meets the requirements of 33CFR101.515; and
  3. There are no other suspicious circumstances associated with the individual's claim of loss or theft
- E. If an individual cannot present his or her TWIC for any other reason, he or she may not be granted unescorted access to the secure area. The individual must be under escort at all times when inside of a secure area.
- F. With the exception of Federal, State and Local Officials and Law Enforcement/Emergency responders previously granted access according to this Tariff, all persons granted unescorted access to secure areas of the facility must be able to produce his or her TWIC upon request.
- G. Personal vehicles that require access to secure areas of the Port will be issued a decal that will permit them to remain, within authorized areas, on the facility without challenge.
- H. TWIC cards expire on the 5th anniversary from date of issue. Port ID cards will expire and must be reissued annually. Vehicle decals will expire annually.
- I. Newly-hired Port employees may be granted entry to secure areas of the facility for up to 30 consecutive calendar days prior to receiving their TWIC, provided all of the requirements, listed below, have been met, and provided the new hire is accompanied by an individual with a TWIC while within the secure areas of the facility. In the event the new hire does not receive his or her TWIC by the end of that 30-day period, authorization for extended access may be obtained, through the Port Facility Security Officer (FSO), from the USCG Captain of the Port, Corpus Christi, Texas.
- A new hire may be granted access to secure areas if:

1. **The new hire has applied for a TWIC in accordance with 49CFR1572 by completing the full enrollment process, paying the user fee, and is not currently engaged in a waiver or appeal process.**
2. **The FSO, or designated representative, will have the new hire sign a statement affirming this, and the statement must be retained until the new hire receives a TWIC. The FSO, or designated representative, will enter the following information on the new hire into the Coast Guard Homeport website (<http://homeport.uscg.mil>)**

## 2. APPLICATION PROCESS

All individuals requiring issuance or renewal of a Port Authority ID must appear in person at the Port Police and Security Headquarters, 1002 East Port Avenue, Corpus Christi, Texas 78401.

At time of application, applicants must present the following documentation:

1. A current and valid Transportation Workers Identity Credential (TWIC)
2. A letter, on company letterhead, from a company authorized to conduct business at the Port, stating that the applicant is employed by the company and listing the Secure areas of the Port where the individual is authorized access. Port employees are not required to have a letter.

Specified secure areas are:

- o **Yellow** Administration/Annex complex secure areas.
- o **Green** Southside Cargo Terminal (Cargo Docks 8, 14 & 15)
- o **Red** Avery Point (Oil Docks 3, 4, 7 & 11)
- o **Violet** Viola Point (Oil Docks 8, 9, & 10)
- o **Black** Bulk Material Docks (BMD), but not including bulk material pads separate from the dock
- o **Brown** Northside Cargo Terminal (Oil Docks 1, 2, Cargo Docks 9 & 10)

Colors indicate codes on the ID card authorizing access into those designated areas.

Payment will be acceptable only in cash, cashier's check, money order or company check in the amount of the Identification Card Fee. Companies who have an account in good standing with the Port of Corpus Christi may authorize billing the company for the ID Card Fee.

Port Authority ID cards are valid for one year from date of issuance, provided employment with the original company is continuous. If an ID card holder changes employers, the ID card will be invalid. ID card holders must re-apply for a Port Authority card annually or upon a change of employer.

### TEMPORARY WORKERS

In certain authorized operations involving the movement of commerce within secure areas, temporary workers may be authorized to obtain a Port ID, without producing proof of activating the TWIC enrollment process, but they may not be permitted to enter secure areas without first complying with TWIC regulations involving escort and/or monitoring, as applicable.

- Was convicted or found not guilty by reason of insanity within the previous 7 years of a felony listed in 49 CFR Parts 10, 12 or 15 or;
- Has been released from incarceration within the preceding 5 year period for committing a felony described above or;
- May be denied admission to the United States or removed from the United States under the Immigration and Nationality Act or;
- Otherwise poses a terrorism security risk.

The Chief of Police and Security, or the designated representative, will issue a Port ID card to all temporary workers meeting the qualifications.

If an applicant is denied an ID card due to adverse information on the criminal history check, the applicant's employer may only be informed whether or not the individual has been issued the Identification Card.

Port Authority ID cards or denials will normally be issued within 24 hours (one working day) following the application process.

#### **ACCESS BADGE COLOR CODES:**

Access to specific Secure Areas will be designated by color codes on the ID Card. Specific Secure Area Designations are:

- **Yellow** – Administration/Annex complex Secure Areas designated in Part One of of this item.
- **Green** – Southside Cargo Terminal (Cargo Docks 8, 14 & 15)
- **Red** – Avery Point (Oil Docks 3, 4, 7 & 11)
- **Violet** – Viola Point (Oil Docks 8, 9, &10)
- **Black** – Bulk Material Docks (BMD), but not including bulk material pads separate from the dock
- **Brown** – Northside Cargo Terminal (Oil Docks 1, 2, Cargo Docks 9 & 10)

#### **APPLICATION FEES**

Application fee for ID cards or renewals or for replacing lost, stolen or mutilated ID cards will be Ten Dollars (\$10.00). (R) 1-1-2009

Application fees shall be collected at time of application. Fees must be paid prior to processing. There shall be no waiver of fees. Fees must be paid by company check, money order, cashier's check or cash. No personal checks or credit cards will be accepted.



## **SHIPS' CREW MEMBERS AND OTHER SEAGOING PERSONNEL**

Ships' crew members and other seagoing personnel, associated with vessels calling at Terminal Facilities may be permitted access to Terminal Facilities, without a Port Authority ID Card, for purposes of performing their assigned work on the dock immediately adjacent to the vessel. Otherwise, Ships' crew members and other seagoing personnel will comply with TWIC requirements addressing unescorted access.

## **VISITOR PASSES**

Visitor passes will be issued to casual visitors at Access Control Points upon presentation of a photo ID issued by a city, state or federal agency and upon verification that the person has not been issued or denied a Port Identification Card.

Visitors must be escorted while in secure areas. Escorts must remain with their visitors while in secure areas.

Persons who have been issued a TWIC, but do not have such card(s) in their possession may apply for temporary access at the Access Control Point. A visitor pass may be issued upon presentation of a photo ID issued by a city, state or federal agency individuals in this circumstance will be required to comply with TWIC regulations relating to escorts.

Vehicle and visitor passes will be retrieved when the vehicle/person departs from the terminal facilities.

## **PART THREE – OPERATION OF MOTOR VEHICLES ON PORT PROPERTY**

(Subject to Item 666 herein)

All vehicles entering upon Port Authority property are subject to search. If the driver of a vehicle refuses to permit a search, access will be denied.

Only authorized vehicles, in accordance with PART SIX, may be operated in or on Terminal Facilities. If, in the judgment of the Port Authority, the use, driving, operating or parking of a motor vehicle does, will or could interfere with the efficient and safe operations of Terminal Facilities, then designated Port representatives, including the Port Authority's security and police personnel, may order such vehicles out of the area or off Terminal Facilities. The Port Authority may order the removal of vehicles not in compliance with this provision, and in such event all towing and storage will be charged to the owner of the vehicle.

Certain areas have been or may be designated for parking and are or will be so marked. Automobiles or other vehicles must park in these areas. Automobiles or other vehicles that are not parked in designated parking areas may be subject to removal as noted above.

## **PART FOUR – RESONSIBILITY FOR PERSONAL INJURY, DEATH OR LOSS AND DAMAGE TO PERSONAL PROPERTY**

(See Item 606 herein)

Except for personal injury, death or loss and damage to personal property caused by its own negligence, the Port Authority will not be responsible for personal injury, death or loss and damage to personal property of persons or entities that are granted permission to enter upon Port property as provided in this Item. **Persons who are granted permission to enter upon Port property as provided in this Item agree to defend, indemnify and save harmless the Port of Corpus Christi Authority of Nueces**

**County, Texas, its Port Commissioners, employees, servants, agents and representatives from and against all losses, claims, demands and suits for losses and damages to property, death and personal injury, including court costs and attorneys' fees incident to or resulting from their activity or operation at any Terminal Facility or on the Waterways.**

#### **PART FIVE – VEHICLE PERMITS**

Only vehicles clearly marked as being:

- Port Authority owned;
- Official government vehicles;
- Personal vehicles having a Port Authority issued decal;
- Clearly marked contractor or vessel servicing company vehicle actively engaged in loading or unloading cargo, servicing a vessel or requiring access for some other legitimate and authorized purpose, will be permitted to drive into secure areas.
- Taxicabs and other conveyances-for-hire must have a decal prior to being permitted access into secure areas.

For purposes of this section, "clearly marked" means company signage on the vehicle that is printed legibly, and that is of font size that would permit a reasonable person to easily read the information from at least 15' from the side of the vehicle.

Decals for personal vehicles owned by Port Authority personnel must be authorized by the Director of the Department. There will be no charge for decals issued to Port Authority personnel.

Registration Fee for decals is Ten Dollars (\$10.00).

Persons desiring a vehicle decal must submit an application, with the appropriate application fee, to the Port Authority Police and Security Department. The application must be accompanied by current proof of liability insurance as required by applicable Texas law, proof of current registration and a letter, on company letterhead, explaining why the vehicle must be used for entry into secure areas.

Upon request of Port representatives, including Port Security and Police Officers, vehicle operators may be required to provide proof of liability insurance and registration as required by applicable Texas law. *Failure to furnish satisfactory proof of liability insurance may result in autos and carriers being denied access to or upon Terminal Facilities.*

Vehicles must also have a current and valid inspection sticker. Vehicles without a current and valid inspection sticker will be denied access to Secure Areas.

Application fees must be paid by company check, money order, cashier's check or cash. Companies that have an account in good standing with the Port Authority may authorize billing. No credit cards or personal checks will be accepted.

Vehicle decals are not transferable from one vehicle to another. Vehicle decals are valid for one year. Vehicles whose liability insurance expires within the year may obtain one renewal at no charge. Vehicle decals must be affixed to the front windshield of the authorized vehicle in a position where it can be clearly seen. When a vehicle is sold, traded, destroyed or the owner no longer is employed or associated with the Port Authority, the decal must be removed and returned to the Port Authority Police Department.

**The Port will recognize vehicle access decals or "rear view mirror hangers" issued by designated Port Industries or other Texas Ports if a Memorandum of Understanding between the Port and the**

Port Industry or Texas Port for mutual recognition of vehicle access control is signed by both parties. The driver of the vehicle must also be authorized access into the area where entry is desired.

#### **ITEM 670**

##### **OIL POLLUTION ACT OF 1990 - TEXAS OIL SPILL PREVENTION ACT OF 1991**

Users must comply with the applicable provisions of the Oil Pollution Act of 1990 (OPA) and the Texas Oil Spill Prevention Act of 1991 (TOSPPRA), and any federal rules or regulations promulgated thereunder, with respect to any and all operations conducted at or on the Transfer Facilities designated as oil docks. Upon reasonable request from the Port Authority, Users shall furnish proof of compliance. The failure of any User to be in compliance with OPA or TOSPPRA may result in the User being denied access to the Terminal Facilities until User provides satisfactory proof of compliance. User must comply with all terms and conditions of the User's Agreement covering a Terminal Facility regardless of whether such User is a "Frequent User" or "Occasional User" as those terms are defined in the User's Agreement for such Terminal Facility.

With respect to Users' compliance with OPA and TOSPPRA, User is responsible for discharges or any pollution resulting from its operations at a Terminal Facility. **Except for its own negligence, the Port Authority assumes no responsibility for spills or any pollution caused by any User, and any such User shall indemnify, hold harmless and defend the Port Authority from any loss, cost, expense, damage, judgment or other liability resulting from spills or pollution caused by a User.**

All spills of oil or chemicals into the Inner Harbor or other navigable waters of the United States within Nueces County, Texas, shall immediately be reported to the Harbormaster. The person or entity responsible for such spill must also make the proper spill notifications to federal and state authorities.

#### **ITEM 671**

##### **INDEMNITY**

Users by their use of the Terminal Facilities or Waterways consent to release and discharge Authority from liability for, and assume the risk of loss or damage to, the property of the User, and the personal injury or death of any person employed by the User, and agree to defend, indemnify, reimburse and hold harmless Authority, its agents, servants, employees and Port Commissioners, from all claims, causes of action, demands, damages and liabilities of any kind or character, including but not limited to claims, causes of action, demands, damages and liabilities in any matter resulting from, arising out of or caused, in whole or in part, by User's fault of any kind, including but not limited to willful misconduct, negligence, gross negligence, deliberate acts, strict liability in tort, breach of warranty, express or implied, or breach of any term or condition of the Authority's tariff, as amended, including that caused by any of the activities of User's agents, contractors, employees, invitees or licensees directly or indirectly related to use of the Terminal Facilities or Waterways by the User, save and except such damages as may be caused by the negligence of the Authority, its agents, contractors, employees, invitees or licensees, it being intended that the User will indemnify Authority for the User's proportionate fault, including but not limited to negligence, which causes such damages. Should the User fail or refuse after written notice to participate in the settlement of a claim for damages, then Authority may settle with the claimant without prejudice to Authority's indemnity rights set forth herein, it being agreed that a settlement after notice to the User will constitute a settlement of the proportionate fault, including but not limited to negligence of both the User and Authority, which settlement may later be apportioned between Authority and the User.

#### **ITEM 672 (I) 4-12-05**

##### **UNAUTHORIZED RELEASES ON PORT PROPERTY**

Users are responsible for the cleanup of any vapor, liquid, or solid materials accidentally or intentionally released, whether spilled, leaked, pumped, poured, emitted, emptied, discharged, released, injected,

escaped, leached, placed, left, dumped or disposed of, on Port Authority property without the Port Authority's prior written consent. Any such release is referred to herein as an "Unauthorized Release." **Except for its own negligence, the Port Authority assumes no responsibility for any Unauthorized Release by any User, and the User responsible for an Unauthorized Release will indemnify, hold harmless and defend the Port Authority from any loss, cost, expense, damage, judgment or other liability resulting from such Unauthorized Release.** Cleanup of all Unauthorized Releases must comply with applicable local, state, and federal regulations. Where no cleanup regulations apply, cleanup activities shall be to the standards established by the Port Authority in its sole discretion. Documentation of such cleanup shall be provided to the Port Authority at its request.

All Unauthorized Releases shall immediately be reported to the Port Authority. The User responsible for an Unauthorized Release must also make the proper notifications to the appropriate local, state, and federal authorities and to the Port Police Department at (361) 882-1182. Unauthorized Releases not reported to the Port Authority shall be investigated by the Port Police Department and the responsible User identified. Upon the occurrence of an Unauthorized Release, the Port Authority may initiate cleanup activities deemed at its discretion as necessary to protect human health and prevent additional property damage. The User responsible for an Unauthorized Release will reimburse the Port Authority for all cleanup costs incurred by the Port Authority in connection with such Unauthorized Release, and will pay an additional amount to the Port Authority equal to 20% of such reimbursement.

#### **ITEM 673 (I) 9-8-2009**

##### **MARINE PATROL DIVISION**

- A. Since September 11, 2001, the Port Authority has been implementing a system of layered security, law enforcement measures, and response capabilities to enhance the integrity of its critical infrastructure. These efforts have enhanced the safety of the Port of Corpus Christi, the industries surrounding the Port of Corpus Christi, and the Coastal Bend community as a whole. National Security Presidential Directive 41, Homeland Security Presidential Directive 13 (NSPD-41/HSPD-13) and the State of Texas Homeland Security Strategic Plan 2005-2010 address concerns and vulnerabilities that exist which terrorists, foreign and domestic, may seek to exploit. The Texas maritime domain remains one of those areas of vulnerability. To better mitigate that vulnerability, the Port Commission has established the Marine Patrol Division of the Port Authority's Police Department.
  
- B. The mission of the Marine Patrol Division is as follows:
  1. Protect, secure, and defend the ship channels and waterways in the jurisdiction of the Port Authority (see Item 600) and the facilities served by those ship channels and waterways;
  2. Promote the health, safety, and general welfare of any person using the ship channels and waterways in the jurisdiction of the Port Authority;
  3. Prevent terrorist attacks on ship channels and waterways in the jurisdiction of the Port Authority and the facilities served by those ships channels and waterways.
  4. Collaborate and work in partnership with those local, state, and federal public safety agencies that have concurrent jurisdiction with the Port Authority over the ship channels and waterways in the Port Authority's jurisdiction to protect, secure and defend these ship channels and waterways.

To meet this mission, Port Police Officers in the Marine Patrol Division will patrol the ship channels and waterways within the Port Authority's jurisdiction on a regular basis using marine

patrol craft as directed by the Port Authority's Executive Director, Director of Operations, and Police Chief. Port Police Officers are appointed by the Port Commission and must be state certified Texas peace officers.

- C. Port Police Officers in the Marine Patrol Division have the same powers and duties as a peace officer described by Article 2.12 of the Texas Code of Criminal Procedure, including the powers of arrest described in the Texas Penal Code, Texas Code of Criminal Procedure, Texas Transportation Code, and Texas Water Code. In exercising these duties and powers of arrest, Port Police Officers are bound by both the U.S. Constitution and the State of Texas Constitution.
- D. The Marine Patrol Division's primary areas of focus will be the following channels and waterways within the jurisdiction of the Port Authority—Inner Harbor of the Port of Corpus Christi, Corpus Christi Ship Channel, Rincon Canals, La Quinta Channel, Jewell Fulton Canal, Gulf Intracoastal Waterway, Lydia Ann Channel, and the area of the Port Aransas jetties. All other adjoining and adjacent waterways within the Port Authority's jurisdiction remain areas of authorized marine patrol activities, but are secondary areas with regard to routine marine patrols.
- E. Item 674 provides specific information pertaining to operation of non-commercial vessels, as defined therein, within the Corpus Christi Ship Channel and adjoining waterways. Item 674 also describes areas within the Port Authority's jurisdiction where non-commercial vessel traffic is prohibited.

**ITEM 674 (I) 9-8-2009**

**RESTRICTIONS ON THE OPERATION OF NON-COMMERCIAL VESSELS AND TAMPERING WITH COMMERCIAL VESSELS OR DOCKS**

- A. Definitions: (applicable to only Items 674 and 675)
  - 1. **Commercial Vessel:** any vessel engaged in a commercial trade or that carries passengers for hire.
  - 2. **Inner Harbor:** that part of the Corpus Christi Ship Channel extending westward from the east vertical plane of the Harbor Bridge to the shoreline at the west end of the channel.
  - 3. **Intentionally:** a person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.
  - 4. **Non-Commercial Vessel:** any vessel used for pleasure or other non-commercial activities, including without limitation pleasure boats, fishing boats, non-commercial small boats, and other recreational watercraft such as canoes, kayaks, rowboats, sailboats, sailboards, jet skis, rafts, tubes, and amphibious aircraft.
  - 5. **Recklessly:** a person acts recklessly, or is reckless, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all circumstances as viewed from the actor's standpoint.
  - 6. **Vessel:** any watercraft or barge used or capable of being used for transportation on water.
  - 7. **Waterways within the Jurisdiction of the Port Authority:** the Corpus Christi Ship Channel, the portions of the Gulf Intracoastal Waterway and Lydia Ann Channel within the geographical boundaries of the Port Authority, the La Quinta Channel, the Jewell

Fulton Canal and the Rincon Canals.

B. Prohibited Activities:

1. No person may launch or attempt to launch a non-commercial vessel into the waters of the Inner Harbor without the permission of the Port of Corpus Christi Harbormaster and/or the U.S. Coast Guard Captain of the Port Corpus Christi; or
2. No person may operate a non-commercial vessel on the waters of the Inner Harbor without the permission of the Port of Corpus Christi Harbormaster and/or the U.S. Coast Guard Captain of the Port Corpus Christi.
3. No person may intentionally or recklessly operate a non-commercial vessel on the waterways within the jurisdiction of the Port Authority in a manner that causes interference with the safe movement of a commercial vessel on these waterways. This would usually be indicated by causing the commercial vessel to sound the danger signal (repeated blasts of the ship's whistle or horn, with a minimum of five short blasts).
4. No person may intentionally or recklessly operate or maneuver a non-commercial vessel on the waters of the Corpus Christi Ship Channel in a manner that requires governmental authorization without that authorization.
5. No person may intentionally or recklessly abandon a non-commercial vessel in the Corpus Christi Ship Channel.
6. No person may intentionally or recklessly affix or attempt to affix any physical item to any part of a commercial vessel or dock on the waterways within the jurisdiction of the Port Authority without authorization from the Master of the commercial vessel, or owner of the dock, the Master's or owner's designated representative, or any lawful local, county, state, or federal authority.

C. Penalties:

A person who violates or fails to comply with any provision of this Item 674 commits an offense that is a misdemeanor punishable by a fine of not more than \$500 for each offense.

**ITEM 675 (I) 9-8-2009**

**INVESTIGATION OF SUSPICIOUS ACTIVITIES**

- A. The Port Authority recognizes and values the importance of both the area's recreational boating and fishing community as well as the attractiveness of our waters to tourists, both foreign and domestic. The economy of the Coastal Bend region derives a significant benefit through such tourism. Tourism, coupled with the significance of the Port Authority's involvement in global maritime transportation systems, creates a potential target for terrorists.

Personnel from the Port Police and Security Department are tasked with first-responder duties related to the deterrence, detection, prevention, and initial response to terrorist activity involving the Port Authority, which includes activities related to the planning and preparatory stages of a terrorist act. The planning and preparatory stages typically involve surveillance, sketching, videotaping, and photographing of specific critical infrastructure such as facilities, docks, vessels, security systems, and other relevant information.

B. Definitions:

1. **Suspicious Activity:** an activity or behavior engaged in by a person that, while in and of itself is not an apparent violation of any law or regulation, does present a concern for the safety of another or the safety of the property of another that, through an objective assessment of the totality of the circumstances, warrants inquiry by a public safety official or law enforcement officer with local, county, state, or federal authority.
2. **Field Interview:** an interaction between a Port Police Officer and another person based on consent (consensual encounter) and which is terminable by either party.
3. **Temporary Detention:** A detention of a person when a Port Police Officer observes specific and articulable events which give rise to a reasonable suspicion that illegal activity may be in progress, giving rise to the necessary detention and questioning of the person.

C. Port Police will respond to and investigate reports of suspicious activities that are related to or directed toward the Port Authority or industries in the Port of Corpus Christi, whether directly or indirectly, under the following guidelines:

1. A report of suspicious activity in and of itself does not mandate the temporary detention or field interview of a person.
2. Port Police Officers will, whenever practical, gather enough information to construct a totality of information to determine the reasonableness of concluding that the activity or behavior is suspicious before actually making contact with the person engaged in the activity or behavior.
3. Port Police Officers will not arrest an individual for failure to comply with a field interview unless a violation of the law has occurred or the circumstances authorize an arrest under Article 14.03(a)(1) of the Texas Code of Criminal Procedure.

D. Suspicious activity or behavior may involve and include, but is not limited to:

1. Casing access control points to facilities, critical infrastructure, and waterways;
2. Engaging in surveillance of personnel, facilities, critical infrastructure, and waterways;
3. Sketching of facilities or critical infrastructure;
4. Videotaping or photographing specific critical infrastructure (e.g., the support structure of the harbor bridge);
5. Making false emergency reports to first responders to determine response time and the number of units that respond;
6. Making ready to enter the Inner Harbor with scuba or snorkel related equipment; or
7. Walking toward the Inner Harbor from the area of the Nueces River while carrying a small kayak.

E. In and of itself, suspicious activity or behavior does not typically include:

1. A person taking a single distant or near photograph of a passing commercial vessel;
2. A group or individual near the Harbor Ferry dock taking a picture of the Harbor Ferry or of various tourist views from a point of view in that area or in similar areas;
3. A vessel operator who has legally anchored the vessel in an authorized area upon the waterways within the Port Authority's jurisdiction;
4. A person lawfully fishing upon the waterways within the Port Authority's jurisdiction; or
5. Any other activity or behavior that, lacking any other information, a reasonable person or a seasoned, trained, experience law enforcement officer would deem as not rising to the level of suspicious conduct, activity, or behavior.

**ITEM 676 (I) 7-10-2012**

**ENVIRONMENTAL RESPONSIBILITY OF USERS**

Users operations at the Terminal Facilities will not violate any applicable federal, state, or local laws or regulations pertaining to health or the environment. Users must take all necessary precautions at Users' expense to prevent pollution from Users' activities at the Terminal Facilities, including, without limitation, nuisance dust and storm water pollution. Users' will obtain all required permits for Users operations prior to commencing such operations and will maintain these permits throughout the duration of such operations.

**ITEM 677 (I) 7-10-2012**

**ENVIRONMENTAL MANAGEMENT SYSTEM**

The Authority has an Environmental Management System in place at the Bulk Terminal, Maintenance Facility, and the Public Cargo Docks and Laydown Areas. Users conducting activities in these areas will comply with the applicable requirements of the Environmental Management System. Details of the Environmental Management System are available for review at the Authority's Administrative Offices at 222 Power Street, Corpus Christi, Texas 78401, and may be amended from time to time as Authority deems necessary or appropriate.

**END OF SECTION SIX**