



# PORT CORPUS CHRISTI®

## TARIFF 200

(Cancels and replaces Tariff 100-A and Bulk Terminal 1-A)

### **NAMING:**

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

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

**Security Surcharge of 10.0% on all wharfage and dockage**

**BY AUTHORITY OF THE PORT COMMISSION  
SEAN STRAWBRIDGE  
CHIEF EXECUTIVE OFFICER**

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Effective January 1, 2021

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## SECTION 1 - ABBREVIATIONS, HOLIDAYS & DEFINITIONS

### ITEM 1.101 - Abbreviations

\$	US Currency
%	Percentage
BMT	Bulk Materials Terminal
BMD1	Bulk Materials Dock #1
BMD2	Bulk Materials Dock #2
BMD3	Bulk Materials Dock #3
CBM or cbm	Cubic Meter
FT or ft	Feet
FMC	Federal Maritime Commission
FTZ	Foreign Trade Zone
GRT	Gross Registered Tons
ISO	International Standards Organization
LBS or lbs	Pounds
LOA	Length Overall
MT	Metric Ton
NOS	Not Otherwise Specified
NRT	Net Registered Ton
PCCA	Port of Corpus Christi Authority of Nueces County, Texas
TWIC	Transportation Worker Identification Credential

### ITEM 1.102 - Holidays for Port Authority Employees

(Formerly Item 260)

New Year's Day (January 1)  
Martin Luther King Day (3<sup>rd</sup> Monday in January)  
President's Day (3<sup>rd</sup> Monday in February)  
Spring Holiday (Friday before Easter)  
Memorial Day (last Monday in May)  
Fourth of July  
Labor Day (1<sup>st</sup> Monday in September)  
Thanksgiving Day (4<sup>th</sup> Thursday in November)  
Friday after Thanksgiving Day  
Christmas (December 25)

Holidays falling on Saturday will be observed on the preceding Friday. Holidays falling on Sunday will be observed on the following Monday.

### ITEM 1.103 - 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.

BULK MATERIALS TERMINAL – All property, facilities, equipment, machinery and wharves owned and/or operated by Authority and commonly referred to as the Bulk Terminal.

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.

DOCK – 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.

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

ESCORT - An individual, who has been issued a TWIC, engages in escorting, as defined in the Maritime Transportation Security Act (MTSA), 33 C.F.R. § 101-107, and assumes the responsibility for accompanying authorized non-TWIC holder(s) into a TWIC secure area.

ESCORTING – Ensuring that the escorted individual is continuously accompanied while within a TWIC 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.

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. All Saturdays, Sundays and holidays are included in computing free time.

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 2.603

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.

NOT OTHERWISE SPECIFIED (N.O.S.) – commodities not specifically named elsewhere in the tariff.

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.

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. Such construction or development must be undertaken by either the shipper or consignee and none of the materials or equipment shall be for the purpose of resale or other commercial distribution.

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

RESTRICTED AREA - The infrastructure or locations identified in an area, vessel, or facility security assessment or by the owner/operator that require limited access and a higher degree of security protection.

**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.

**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 or TRANSLOADING** – Moving cargo from one rail car to another, from a rail car to a truck, or from a truck to a rail car.

**TRANSFER FACILITIES** – Any trackage, land and/or roadways that the Port Authority provides to a User for Transferring cargo.

**TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL (TWIC)** - A common identification credential for all personnel requiring unescorted access to secure areas of MTSA-regulated facilities and vessels, and all mariners holding Coast Guard-issued credentials. Individuals who meet TWIC eligibility requirements are issued a tamper-resistant credential containing the worker's biometric (fingerprint template) to allow for a positive link between the card and the individual.

**TWIC SECURE AREA** - The area over which an owner/operator has implemented security measures for access control and includes restricted areas requiring TWIC.

**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 Waterways, 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 or waterways.

**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 2.603.

**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 2.603.

**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**

## SECTION 2 – RULES AND REGULATIONS

### 2.100 GENERAL RULES AND REGULATIONS

#### **ITEM 2.101 - Jurisdiction of The Port Commission of the Port of Corpus Christi Authority of Nueces County, Texas**

(Formerly Item 600)

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 200 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 Chief Executive Officer, Port Commission or Harbormaster.

#### **ITEM 2.102 - Application and Interpretation of Tariff**

(Formerly Item 205)

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 provisions of this tariff do not apply to bulk grain handled at the Corpus Christi Public Elevator.

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.

No User shall be permitted to utilize a lay berth or loading berth, or move cargo to or from ship's tackle, or otherwise load or discharge cargo to or from a Vessel until:

- (i) an accurate and complete Berth Application has been filed pursuant to Item 2.205,
- (ii) it furnishes the Port Authority with proof of financial responsibility acceptable to the Port Authority,
- (iii) arrangements for payment have been made with the Port Authority as provided herein; and
- (iv) the permission of the Port Authority has been obtained

The Port Authority reserves the right to refuse permission to use its facilities in the event a User does not satisfy the conditions set forth in clauses (i) through (iii) in the previous sentence, or for any other just and reasonable cause not prohibited by law.



**ITEM 2.103 - Liability for Damage to Port Authority Property**  
(Formerly Item 615)

When damage is caused to any of the property or any of the facilities of the Port Authority, the Users causing such damage (including, without limitation, said Users' agents, servants, representatives, and employees as defined in Item 1.103) shall be held jointly and severally responsible for the cost of repairs, and they shall be billed thereto, and all shall be jointly and severally responsible for payment thereof. One or more invoices may be rendered to Users as costs are incurred, and said costs may include invoices from third parties as well as direct costs (including, without limitation, labor) of the Port Authority. All invoices shall include an override of 20% for Port Authority overhead. All invoices shall be paid within 30 days. When the damage is caused by a Vessel, the Port Authority shall be able to detain the Vessel until it has received a satisfactory guarantee for either the amount of the damage or for a reasonable estimate thereof.

In the event any of the invoices referred to above are not paid within 30 days, then the User (including, without limitation, Vessel owner or operator or any agent thereof), shall be liable for all legal costs and expenses of collection, including reasonable attorneys' fees, and including the costs of arresting and proceeding in rem against a Vessel.

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 Chief Executive Officer, 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 2.104 - Responsibility for Damages**  
(Formerly Item 304 in BMT Tariff 1-A)

It is understood an agreed that Equipment will be operated under the direction and control of the User and that the User shall be responsible for the operation thereof, and the User assumes all risk for injuries or damages which may arise or grow out of the use or operation of the Equipment.

A charge for the service of Equipment operators is made by Authority as part of the charge for use of the Equipment and it is understood as part of this agreement that Authority acts solely as agent of the User in engaging Equipment operators employed by Authority, such operators shall be under the direction and control of the User and the operators shall be considered as the agent or servant of the User and User shall be responsible for the acts of such operator during the time of Equipment rental or lease. The User shall make a thorough inspection and be satisfied as to the physical condition and capacity of the Equipment as well as the competency of the operator before commencing any use of the Equipment, there being no representation or warranties with reference to such matters.

User assumes sole responsibility and liability for any damage or injury to property (including property of the Port Authority and Equipment itself) and for injury to or death of any person whomsoever (including property of Authority) occasioned by, incident to, arising out of, or connected with the possession, use and operation of Equipment by User and any operator furnished to User. User agrees to protect, indemnify and save Authority harmless from and against any and all liability and expense for or in respect to any claims, demands and suits for damages which may be made or brought against Authority arising out of the use and operation of the Equipment by User, including the acts or omissions of the operator of the Equipment.

This item is not to be construed as requiring any User to indemnify the Port Authority for that portion or percentage of such claim or damage, if any, caused by the negligence of the Authority.

### **ITEM 2.105 – Indemnity**

(Formerly Item 671)

**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 2.106 - Responsibility for Injury or Loss of Cargo**

(Formerly Item 606)

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.

## **2.200 TERMINAL OPERATIONS**

### **Item 2.201 - Authority to Board Vessels**

(Formerly Item 601)

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

### **ITEM 2.202 - Right to Move Vessels**

(Formerly Item 602)

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 2.203 - Manning of Vessels**

(Formerly Item 603)

All self-propelled vessels in the Port Authority'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 2.204 - Proper and Safe Mooring of Vessels**

(Formerly Item 604, and Item 312 in BMT Tariff 1-A)

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.

Vessels docking or undocking at Terminal Facilities are responsible for all labor to attend and handle lines required to make fast or release the vessels.

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 2.205 - Assignment of Berth and Conditions of Assignment**

(Formerly Item 285)

Vessel owners or their agents desiring a berth for vessels of any kind at wharves must, as far in advance as possible of the date of docking, file a Berth Application and Acceptance of Financial Responsibility ("Berth Application") form specifying the date of docking, sailing, and the nature and quantity of cargo to be handled. The Berth Application shall be filed with the Harbormaster or their designee. In addition, vessel owners or their agents loading or discharging general cargo must, as far in advance as possible of the date of docking, file a General Cargo Wharfage Statement ("Wharfage Statement") form attaching manifests or bills of lading as supporting documentation. The Wharfage Statement should be submitted with the Berth Application. Qualified Barge Tows (see Note 1) will be classified as ships for purposes of berth assignments per Harbormaster discretion. 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 Qualified Barge Tows and other 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 at berth may be ordered by the Harbormaster to work continuously at their own expense. A vessel refusing or unable to work continuously may be ordered to vacate its berth by the Harbormaster, regardless of the reason for the vessel's refusal or inability to work continuously, including circumstances which are beyond its control. Failure of a vessel to vacate its berth when ordered to do so shall subject the vessel owners or their agents to payment of an additional dockage charge at the rate of one thousand dollars (\$1,000.00) 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 their 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 Qualified Barge Tows have preference at all Port Authority berths over tows of less than four inland waterway barges.

Port Authority may, in its discretion, change the berth assignments 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, Qualified Barge Tows will be treated the same as ships and ocean barges for berth assignments. A "Qualified Barge Tow" means (1) an inland waterway barge tow of not less than four barges which gives its written notice of arrival requesting to be classified as such to the Harbormaster's Office as far in advance as possible prior to its arrival at Mile Marker 512 of the Gulf Intracoastal Waterway (GIWW); (2) enters the Inner Harbor as a unit and remains a unit in the Inner Harbor until all of its cargo operations are completed; (3) hires a tug that will remain with the barges throughout dock occupancy in the Inner Harbor to conduct barge shifting; (4) pays Dockage per Item 300 D.*

#### **ITEM 2.206 - Berthing of Vessels Abreast** (Formerly Item 610)

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 2.207 - Mooring Structures** (Formerly Item 605)

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 2.208 - Speed of Vessels in The Inner Harbor** (Formerly Item 607)

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 2.209 - Reporting Defective Aids to Navigation**

(Formerly Item 617)

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	361-939-6393
PCCA Harbormaster's Office	361-882-1773
PCCA Harbormaster – Emergencies Only	361-882-4932

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

**ITEM 2.210 - Use of Terminal Facility to Reduce Speed of Vessels Prohibited**

(Formerly Item 608)

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 2.211 - Use of Terminal Facility for Turning Vessels Prohibited**

(Formerly Item 609)

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 2.212 - Loading and Unloading of Rail Cars and Motor Trucks**

(Formerly Item 245)

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 2.213 - Fumigation Requirements**

(Formerly Item 255)

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 (45) 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 2.214 - Permit Requirements When Making Repairs or Other Activities Including Welding, Burning, Riveting or Other Similar Operations**  
(Formerly Item 620)

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:

- 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
- Within or on the boundaries of fuel tanks, or within spaces adjacent to such fuel tanks; or
- To pipelines, heating coils, pumps, fittings or other appurtenances connected to such cargo or fuel tanks; or
- 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 2.215 - Shifting Vessels Ahead or Astern with Lines**  
(Formerly Item 633)

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 the shift.

**ITEM 2.216 - Shifting Vessels Ahead or Astern Around Other Vessels Requires Pilot**  
(Formerly Item 663)

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 2.217 - Lines Required for Emergency Work**  
(Formerly Item 621)

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 2.218 - Washing of Vessels**  
(Formerly ITEM 320 in BMT Tariff 1-A)

General washing of vessels berthed at the Terminal Facilities is prohibited. However, Director of Operations may permit limited washing down upon request provided the work is performed in a manner so that no splash or flow of water is allowed to get on Bulk Materials Terminal equipment, the wharf surface or enter the ship channel.

**ITEM 2.219 - Use of Anchors Forbidden While Vessels Berthed**  
(Formerly Item 623)

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 2.220 - Responsibility for Reporting Hazardous Cargo**  
(Formerly Item 626)

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 2.221 - Explosives Class "A" and Military Explosives**  
(Formerly Item 627)

For the protection and safety of Nueces and San Patricia Counties, and their 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.

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.

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.

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.

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.

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.

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 or San Patricia Counties, Texas.

#### **ITEM 2.222 - Handling of Hazardous Materials**

(Formerly Item 628)

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 and San Patricio Counties, 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 and San Patricio Counties, Texas.

#### **ITEM 2.223 - Observance of Load And Stacking Limitations at Terminal Facilities**

(Formerly Item 629)

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 2.224 - Smoking and Open Fires Prohibited**

(Formerly Item 630)

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 2.225 - Bunkering of Vessels at Public Docks**

(Formerly Item 622)

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 2.226 - Bunkering from Tank Trucks**

(Formerly Item 639)

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 2.231 herein.

#### **ITEM 2.227 - Responsibility for Preparing Tank Vessels for Safe Loading and Unloading**

(Formerly Item 642)

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 2.228 - Responsibility for Oil Dock Operation**

(Formerly Item 643)

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 2.229 - Hatches and Ullage Holes Required to Be Closed While Vessels Are Being Loaded Or Unloaded**

(Formerly Item 644)

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 tugboat or other vessel is alongside and shall not be opened until danger of sparks or other sources of ignition no longer exist.

#### **ITEM 2.230 - Repairs to Vessels at Terminal Facilities During Loading Or Unloading**

(Formerly Item 645)

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 2.231 - Loading or Unloading Not Permitted While Tugs or Towboats are Alongside Vessel**  
(Formerly Item 648)

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 2.224 herein.

**ITEM 2.232 - Hose Connections Used to Transfer Oil, etc., to a Ship**  
(Formerly Item 649)

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 2.233 - Loading or Unloading To, From or Between Tank Vessels Prohibited**  
(Formerly Item 651)

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 2.234 - Operation of Winches Prohibited While Vessels Are Loading or Unloading Flammable Materials**  
(Formerly Item 652)

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 2.235 - Cargo Pumps at Shore Terminals Serving Terminal Facilities Must be Equipped with Bypasses**  
(Formerly Item 657)

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 2.236 - Quality and Testing of Cargo Hoses**  
(Formerly Item 658)

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 2.237 - Use of Compressed Air to Displace Cargo Hose Liquids Prohibited**  
(Formerly Item 659)

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 2.238 - Responsibility for Raising Sunken Vessels**  
(Formerly Item 662)

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 fail 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 2.239 - Tankerman Required to Load or Unload Unmanned Tank Barges**  
(Formerly Item 664)

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 2.240 - Diesel or Gasoline Powered Equipment or Vehicles Prohibited on Oil Docks During Loading Or Unloading**  
(Formerly Item 666)

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 2.241 - Discharging and Loading of Barges with Liquid Bulk at Oil Docks**  
(Formerly Item 668)

- A. Simultaneous barge operations, by a single User only, are permitted when:
- Both barges are discharging; or
  - Both barges are loading; or
  - Discharging of one barge and loading of the other barge with crude oil or products exceeding a flashpoint of 105° Fahrenheit is occurring.

<b>Examples of Product Flashpoints</b>	
<b>Flashpoint Greater than 105° Fahrenheit</b>	<b>Flashpoint Less than 105° Fahrenheit</b>
Gas Oil No. 6 Oil Slurry Low Sulphur Wax Residual	Benzene Raffinate Pentane Naphtha 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 2.242 - Stevedore and/or Freight Handling License**  
(Formerly Item 667)

**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 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 2.242 "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.

**APPLICATION FOR LICENSE**

Application for (i) a stevedore and freight handling license, or (ii) a freight handling license only, 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 2.242.

**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 staff, 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 staff and a recommendation to issue a license to the applicant will be made by staff to the Port Commission in an open meeting. If the Port Commission approves, a license will be issued to the applicant. Applicants found by the Port Authority staff to be unacceptable will be so notified. An applicant found to be unacceptable by the Port Authority staff may appeal that finding to the Port Commission in an

open meeting, and the Port Commission on its own motion could authorize the issuance of the requested license in spite of staff's finding.

**ISSUANCE OF LICENSE AND RENEWAL**

If the Port Commission approves this application, the Port Authority will issue a license to the applicant to perform the services described herein; provided, however, the Port Commission may limit the approved services in any way it deems necessary or appropriate. Issuance of a license shall be evidenced by the dated signature of a duly authorized Port Authority representative on the Application Form. If the license is granted, the applicant hereby agrees to perform the approved services in accordance with the various tariffs of the Port Authority and the Rules and Regulations of the Port Authority contained in Tariff 200.

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 the 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 200, 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. No stevedoring or freight handling operations may be undertaken by a licensee while their license is expired, is suspended, or has been revoked, or while action is pending on a new original application.

**LICENSE FEES**

	<b>Application Fee</b>	<b>Annual Renewal</b>
Resident Stevedore and Freight Handler (maintains a full-time staff and office in Corpus Christi, TX)	\$5,000.00	\$1,000.00
Non-resident Stevedores and Freight Handler	\$5,000.00	\$1,000.00
Resident Freight Handlers (maintains a full-time staff and office in Corpus Christi, TX)	\$3,000.00	\$600.00
Non-resident Freight Handlers	\$3,000.00	\$600.00

Application fees are non-refundable and will not be prorated for fractional parts of a year.

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.

**LICENSES ARE NON-TRANSFERRABLE**

A license may not be transferred, assigned or otherwise used by anyone other than the licensee named in the license. Any attempt to transfer or assign a license contrary to this provision may be cause for revocation of the license.

## STEVEDORE AND/OR FREIGHT HANDLER INSURANCE

Without limiting the indemnity obligations or liabilities of licensee, or its insurers, provided in this Tariff 200, 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:

- For all its employees engaged in performing work, workers' compensation required by the **Texas Workers' Compensation Code**, and employer's liability insurance with at least a \$500,000 limit for each accident, for bodily injury by accident, and at least a \$500,000 limit for each employee for bodily injury by 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, the Federal Employer's Liability Act, or other laws, regulations or statutes applicable to maritime employees, Licensee shall extend its insurance coverage to provide insurance against the liabilities imposed under the applicable Acts or other laws.
- **Commercial General Liability (CGL)** coverage (including "contractually assumed liability" coverage) on an occurrence basis with policy limits of at least \$1,000,000 per occurrence and with general aggregate limits of at least \$2,000,000.
- **Business Auto Liability** coverage for all owned and non-owned vehicles, with a policy limit of not less than \$1,000,000 per occurrence for bodily injury and property damage.
- **Umbrella liability coverage** limits of not less than \$5,000,000 over and above the underlying primary coverage limits stated in subparagraphs B and C, above.
- Dependent on the pollution potential of the proposed operation, **Pollution Legal Liability** insurance covering bodily injury, property damage and other losses caused by pollution conditions resulting from licensee's operations, including pollution of any body of water, with a limit of not less than \$5,000,000 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 the Authority. 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 (collectively, the "Authority Parties") 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, (c) waive subrogation in favor of the Authority Parties, and (d) 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 have a Financial Strength Rating of no less than "A-" and a Financial Size Category rating of at least "VI" by A.M. Best Company. 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 2.241 of Tariff 200 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.**

#### STEVEDORE AND/OR FREIGHT HANDLER ENVIRONMENTAL

Licensee must have an Environmental Management System (EMS) in place on and after January 1, 2017. Authority will assist licensee in developing and implementing an EMS upon licensee's request. Licensee shall provide documentation of a fully implemented EMS program for all operations occurring at or on Authority property. Documentation at a minimum shall include a list of team members and an organizational chart to show roles and responsibilities within the organization, a description of the Plan-Do-Check-Act process, and documented procedures for legal and other requirements and compliance, setting environmental priorities and objectives and targets, document control and record management, training and competence, communication, emergency preparedness and response, management programs for set priorities including monitoring and measurement, internal audit, non-conformity, corrective and preventative actions, and management review. In lieu of providing EMS program documentation, Licensee at its own expense may obtain external certification of the EMS to the ISO 14001:2015 standard and provide documentation of certification to the Authority. A document with a summary of the annual management review which includes, but is not limited to, details on environmental improvements made during the previous calendar year, listing of identified non-conformances and associated corrective actions, results of the internal audit and/or external audit, and initiatives recommended by management for the coming year shall also be provided to the Authority prior to Dec 31 of each year.

At a minimum, licensee's EMS shall comply with Authority's EMS requirements which are outlined in the *EMS Compliance Requirements for Port Users Environmental Performance* located on the Authority website at [www.portofcorpuschristi.com](http://www.portofcorpuschristi.com). Quarterly, licensee will be graded on the environmental performance at the Authority's public docks and laydown yards and leased properties. Performance will be rated using the Port Corpus Christi Environmental Performance Score Card. Licensee's right to use the Authority's public docks and laydown yards will be determined by licensee's maintenance of a quarterly score of 80% or better and an overall annual average of at least 85%.

#### **ITEM 2.243 - Preventing Spillage of Various Materials into the Inner Harbor**

(Formerly Item 631)

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 2.244 - Handling of Dry Bulk Commodities Left on Terminal Facilities**

(Formerly Item 632)

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 2.245 - Charge for Cleaning Wharves and Sheds**

(Formerly Item 275)

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 3.401 herein.

#### **ITEM 2.246 - Facility Use Fee**

(Formerly Item 288)

Upon request by a User, the Port Authority will attempt to provide the User with suitable Transfer and/or storage Facilities for cargos moving 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. Tariff 200 Section III Security Surcharge will apply. Authority is not responsible for, nor will it provide, any transfer services.

#### **ITEM 2.247 - Storage of Equipment and Materials for Handling Cargo In or On Terminal Facilities**

(Formerly Item 634)

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 Director of Operations. The Director of Operations 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 Director of Operations 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 2.248 - Storing Cargo on Roadways and Streets Prohibited**

(Formerly Item 637)

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



## **ITEM 2.249 - Use of Any Device Other Than Devices Provided for Opening Terminal Facility Doors Is Prohibited**

(Formerly Item 638)

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 2.250 – Ship or Vessel Agent License**

### **LICENSE REQUIRED**

Beginning May 1, 2021, no person, firm, corporation or other business entity shall operate as or carry on the business of a ship or vessel agent at the Port of Corpus Christi unless and until there shall first have been obtained from the Port Authority a license authorizing such ship or vessel agent activity. As used in this Item, “ship agent” or “vessel agent” includes persons, firms, corporations or other business entities and their subsidiaries, duly appointed and authorized as representatives acting on behalf of a steamship line or lines with the legal authority to bind the owner, financially and otherwise, or other vessel owners, and attending to all matters relating to the vessels owned by their principals, in or on the public wharves, docks, terminals, or facilities of the Port Authority.

### **APPLICATION FOR LICENSE**

Application for a ship agent license and the accompanying fee shall be submitted to the Port Authority. Copies of the Application Form are available upon request. Licensing fees are specified in Section 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 Section 4 of this Item 2.250.

### **CONSIDERATION OF APPLICATION**

A. The Port Authority shall review the application and may require additional information. If, after review of an application by Port Authority staff, the applicant is found to be a competent ship agent with past practices which demonstrate a commitment to safe and efficient performance, the applicant will be so notified by Port Authority staff and a recommendation to issue a license to the applicant will be made by staff to the Port Commission in an open meeting. If the Port Commission approves, a license will be issued to the applicant. Applicants found by Port Authority staff to be unacceptable will be so notified. An applicant found to be unacceptable by Port Authority staff may appeal that finding to the Port Commission in an open meeting, and the Port Commission on its own motion may authorize the issuance of the requested license despite staff's finding.

B. Applicants must meet the following requirements:

1. Satisfactory credit history and adequate capital structure so as to sustain the applicant's operations within the Port of Corpus Christi. This requirement shall be subject to the Indemnity and Payment Bond requirement in Section 8 below.
2. Submission of a completed application in which applicant agrees to remain in good standing with the Port Authority by complying with the rules and regulations of the Port Authority and the provisions of the Port Authority's tariff and any subsequent revisions thereof, by meeting the appropriate insurance requirements of the Port Authority, and by maintaining credit worthiness with the Port Authority.
3. Proof of adequate insurance coverage as required in Section 7 of this Item 2.250.

4. Demonstrate the applicant is capable of meeting the “prompt service” requirements in Section 9 of this Item 2.250.
5. Applicant shall provide in its application the name, address, telephone number, and fax number of a person who shall have the authority to accept notices from the Port Authority, and to act as agent for service of process in judicial or administrative matters, on behalf of the applicant.
6. Applicant shall provide a current Certificate of Good Standing from the state in which it is organized and evidence that it registered to do business in the State of Texas.

**ISSUANCE OF LICENSE AND RENEWAL**

If the Port Commission approves the application, the Port Authority will issue a license to the applicant to perform the services described herein; provided, however, the Port Commission may limit the approved services in any way it deems necessary or appropriate. Issuance of a license shall be evidenced by the dated signature of a duly authorized Port Authority representative on the Application Form. If the license is granted, the applicant hereby agrees to perform the approved services in accordance with the Rules and Regulations of the Port Authority contained in Tariff 200.

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 November 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 December 31 of the then current year. A license will automatically expire unless the Port Authority receives the application for renewal with the renewal fee no later than December 31 of the then current year. 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 ship agent services at the Port of Corpus Christi.

A license may be revoked or renewal denied if the licensee fails to comply with the requirements of this tariff item, including but not limited to the Rules and Regulations of the Port Authority contained in Tariff 200, 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, has failed to maintain adequate insurance as required by this tariff item, or has failed to maintain an adequate credit history (the existence of delinquent accounts with the Port Authority may be deemed to represent an inadequate credit history). No ship agent services may be undertaken by a licensee while their license is expired, is suspended, or has been revoked, or while action is pending on a new original application.

**LICENSE FEES**

Vessel Agent License	ORIGINAL APPLICATION FEE \$2,500.00	ANNUAL RENEWAL \$1,000.00
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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.

**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 the written consent of the Port Authority. Any attempt to transfer or assign a license contrary to this provision may be cause for revocation of the license.

## SHIP AGENT INSURANCE

Without limiting the indemnity obligations or liabilities of licensee, or its insurers, provided in this Tariff 200, licensee agrees at all times its 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 Act, and employer's liability insurance with at least a \$500,000 limit for each accident, for bodily injury by accident, and at least a \$500,000 limit for each employee for bodily injury by 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, the Federal Employer's Liability Act, or other laws, regulations or statutes applicable to maritime employees, Licensee shall extend its insurance coverage to provide insurance against the liabilities imposed under the applicable Acts or other laws.
- B. Commercial General Liability (CGL) coverage (including "contractually assumed liability" coverage) on an occurrence basis with policy limits of at least \$1,000,000 per occurrence and with general aggregate limits of at least \$2,000,000.
- C. Business Auto Liability coverage for all owned and non-owned vehicles, with a policy limit of not less than \$1,000,000 per occurrence for bodily injury and property damage.

Further, Port Authority shall be furnished, to the attention of Port Authority's Risk Manager, 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 Section 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 the Port Authority. Each of the Policies will be endorsed to (a) (except for Workers' Compensation and employer's liability insurance) name Port Authority, its Commissioners, officers, officials, employees and agents (collectively, the "Authority Parties") 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 Port Authority, Attention: Risk Manager, (c) waive subrogation in favor of the Authority Parties, and (d) provide that notwithstanding any language in any policy of insurance held by Port 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 Port 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 Port Authority if either exceeds \$50,000.00; and, in such event, Port Authority may decline to issue the applicant's license, without any liability on the part of Port Authority to licensee. The company writing each of the Policies must have a Financial Strength Rating of no less than "A-" and a Financial Size Category rating of at least "VI" by A.M. Best Company.

**As a condition to the issuance of a license, licensee waives every claim which arises or may arise in its favor against Port 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 200 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 2.250 of Tariff 200 written notice of the terms of the waiver set forth in this Section 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 Port 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.

#### INDEMNITY AND PAYMENT BOND

All licensees must submit an Indemnity and Payment bond made payable to the Port Authority in the amount of \$25,000. This bond will be redeemable by the Port Authority in the event that the licensee has any undisputed invoice that is unpaid 60 days past the invoices date.

#### RESPONSIBILITY FOR PROMPT AGENCY SERVICES

Ship Agents are required to provide a local telephone number and make available one or more local representatives (in Nueces County or San Patricio County) at all times when a ship agent is providing services to a vessel at Port of Corpus Christi. The name of the representative(s) and the phone number(s) shall be provided to the Harbormaster's office prior to commencement of any ship agent services. Local representatives are expected to be available to assist vessels 24 hours a day. Repeated failure to provide prompt vessel attendance may result in suspension and/or revocation of a license.

### **2.300 SAFETY AND EMERGENCY**

#### **ITEM 2.301 - Authority of Harbormaster to Act In Emergencies**

(Formerly Item 640)

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 2.302 - Hazardous Conditions**

(Formerly Item 641)

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 2.303 - Loading or Unloading During Storms**

(Formerly Item 650)

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 2.304 - Reporting Accidents**

(Formerly Item 611)

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 2.502 herein.

An allision 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 Chief Executive Officer separately by the pilot and the master, owner or agent of the vessel, provided, however, in the case of a minor allision 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 allision, 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 2.305 - Obstruction or Removal of Fire Fighting Apparatus Prohibited**

(Formerly Item 624)

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 firefighting appliance installed in or upon any Terminal Facility.

**ITEM 2.306 - Signal to Be Used in Case of Fire**

(Formerly Item 625)

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:

PCCA Police Department	361-882-1182
Refinery Terminal Fire Company	361-882-7801
City of Corpus Christi Fire Department	911
Harbormaster's Office	361-882-1773
Harbormaster's Office – Emergency Only	361-882-4932

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 KKQ796 HARBOR**

**ITEM 2.307 - Procedures for Dockmen To Follow In Case Of Fire Or Ruptured Hose**

(Formerly Item 647)

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 2.308 - Vapor Proof Flashlights**

(Formerly Item 653)

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 2.309 - Safe and Strong Gangway**  
(Formerly Item 612)

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 2.310 - Use of Fire Extinguishers and Mufflers on Cargo Handling Power Equipment**  
(Formerly Item 635)

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 Director of Operations.

**2.400 ACCOUNTING**

**ITEM 2.401 - Responsibility for Payment of Charges; Extension of Credit; Liens**  
(Formerly Item 200)

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 2.402 - Cargo Statement, Wharfage Transaction Form, Ship's Manifest And Access to Records Required**  
(Formerly Item 210)

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 Harbormaster a General Cargo Wharfage Statement. 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 General Cargo Wharfage Statement on inbound cargo must be filed not later than ten (10) consecutive days (Saturday, Sunday and Holidays included) after arrival of the vessel. The General Cargo Wharfage Statement 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 thirty (30) 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 General Cargo Wharfage Statements filed or securing necessary data to permit estimate of wharfage charges.

Failure to file the Port Authority's General Cargo Wharfage Statement 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 2.403 - Wharfage Charges on Cargo Not Shipped by Water**

(Formerly Item 215)

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 2.404 - Charges of Corpus Christi International Seamen's Center**

(Formerly Item 220)

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.

### **2.500 ENVIRONMENTAL**

#### **ITEM 2.501 - Best Management Practices to Prevent Pollution Of Harbor Waterways from Storm Water and Other Sources**

(Formerly Item 654)

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

By memorandum, the Chief Executive Officer shall specify those BMPs that are to be employed by PCCA, its lessees, and those who operate on or use Terminal Facilities. A copy of the Chief Executive Officer's Memorandum shall be available for inspection at PCCA'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 2.502 - Oil Pollution Act of 1990 - Texas Oil Spill Prevention Act of 1991**

(Formerly Item 670)

Users must comply with the applicable provisions of the Oil Pollution Act of 1990 (OPA) and the Texas Oil Spill Prevention Act of 1991 (TOSPRA), 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 TOSPRA 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 TOSPRA, 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 or San Patricio Counties, 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 2.503 - Environmental Responsibility of Users**

(Formerly Item 676)

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 2.504 - Environmental Management System**

(Formerly Item 677)

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.

#### **ITEM 2.505 - Discharge of Any Waste, Including Dirty Ballast, Prohibited**

(Formerly Item 618)

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 2.506 - Cleaning of Boiler Tubes by Blowing Prohibited**

(Formerly Item 619)

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

#### **ITEM 2.507 - Spill Prevention Measures For VLCC Loading And Unloading Operations**

(Formerly Item 678)

All Very Large Crude Carriers (VLCC) shall use appropriate containment for the vessel (i.e. spill containment boom) during loading and unloading operations for the purpose of preventing liquid bulk cargo spills from impacting the adjacent waterways. These controls must remain in place until all loading and unloading activities for the vessel are complete.

#### **ITEM 2.508 – Unauthorized Releases on Port property**

(Formerly Item 672)

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.

## **2.600 PORT SECURITY**

### **ITEM 2.601 - Access to Port Authority Property** (Formerly Item 669)

#### **PART ONE - RESTRICTED ACCESS**

To promote public safety and efficient operations, the Port Authority may restrict access to part of or all Terminal Facilities and other designated TWIC 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 is located. The Port Authority is not responsible for providing escorts to non-TWIC holding personnel of Users. The User is responsible for providing TWIC holding escorts to accompany and/or monitor, as applicable, their non-TWIC holding personnel.

Before being authorized to escort a non-TWIC individual, the TWIC-holding escort must have prior authorization from the Port Authority to enter a Port facility (e.g. gate list, company letterhead document). Each authorized escort must complete the "Escort Agreement" form provided at the guard station. 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 TWIC escort and its employer assume all liability for penalties levied against the Port Authority for failure of the respective escort to comply with escorting responsibilities mandated by 33 C.F.R. §105 and other applicable U.S. Coast Guard requirements.

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 TWIC secure areas. A TWIC is required for unescorted access to these TWIC secure and restricted areas at all times.

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

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.

### **TWIC/PHOTO IDENTIFICATION CARD**

Except as otherwise noted in this paragraph, all persons requiring unescorted access to TWIC secure areas must possess, and present, a TWIC, before such access is granted. Federal officials are not required to obtain or possess a TWIC card. Except in cases of emergencies or other exigent circumstances, in order to gain unescorted access to a TWIC 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 to gain unescorted access to TWIC secure areas. State and local emergency responders are exempt from the requirement to have a TWIC when they are responding to an emergency.

At most Port Authority facilities, access to the facility is gained either through a guard manually logging the individual, or by the individual scanning their TWIC against a TWIC reader. In order to use TWIC readers, individuals must enroll their TWIC into the Port Authority Access Control System (instructions provided below). If an individual has not enrolled his or her TWIC with the Port Authority, the individual will be required to present their TWIC, and one additional acceptable form of identification to the security guard at the access control point to the facility before access will be given. See 33 C.F.R. § 101.515. Individuals may enroll their TWIC into the Port Authority AMAG Access Control System. There is no fee for such enrollment.

To enroll a TWIC with the Port Authority, the individual must meet with the Port Access & Administrative Specialist at the Port Security Command Center, 1002 E. Port Avenue, Corpus Christi, Texas, 78401 (no appointment is needed). The individual must have a signed company letterhead document reflecting the request for authorization to enter a certain facility (or facilities), as well as the period of time (days/hours of the day) that entry will be necessary. Individuals desiring to enroll their TWIC with the Port Authority must know their TWIC Personal Identification Number (PIN) to be able to enroll their TWIC. NOTE: If the PIN has been forgotten, the individual must request the Transportation Security Administration (TSA) TWIC Office to reset their PIN. When an individual has successfully enrolled their TWIC into the Port Authority Access Control System, the TWIC is the only identification that will be required to be presented by that individual to gain authorized and unescorted access to a Port Authority facility, in most cases. Port employees are issued Port Identification cards, in addition to their TWIC (if the employee is required to have a TWIC).

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 TWIC secure areas for a period of no longer than seven (7) consecutive calendar days, or in accordance with the most current U.S. Coast Guard guidance, if the following requirements are met:

- The individual has reported the TWIC as lost, damaged or stolen to TSA as required in 49 C.F.R. § 1572.19(f); and
- The individual can present another identification credential that meets the requirements of 33C.F.R. § 101.515; and
- There are no other suspicious circumstances associated with the individual's claim of loss or theft.

If an individual cannot present his or her TWIC for any other reason, he or she may not be granted unescorted access to the TWIC secure area. The individual must be under TWIC escort, as described above, at all times when inside of a TWIC secure area.

With the exception of Federal, State and Local Regulatory & Law Enforcement/Emergency responders, all persons granted unescorted access to TWIC secure areas of the facility must be able to produce his or her TWIC upon request.

Personal vehicles that require access to TWIC secure areas of the Port Authority may be issued a decal, for a fee, that will permit them to remain within authorized areas on the facility. Vehicle decals expire, and must be renewed, annually. See Part Four.

TWIC cards expire on the 5th anniversary from date of issue. Individuals must renew their TWIC enrollment in the Port Access Control System annually. Port Authority employee ID cards expire, and must be renewed, annually.

33 C.F.R. § 105.257 entitled "Security Measures for newly-hired employees" applies to Port Authority personnel only. The Port Authority has an internal policy that addresses 33 C.F.R. § 105.257. Tenant/Customer/Visitor newly-hired employees without a TWIC, require a TWIC escort in accordance with 33 C.F.R. § 105 and this Tariff Item.

### **PART THREE –SEAFARER ACCESS & VISITOR PASSES**

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

Ships' crew members and other seagoing personnel calling at Terminal Facilities may be permitted access to Terminal Facilities, without a TWIC, for purposes of performing their assigned work on the dock immediately adjacent to the vessel. Otherwise, Ships' crew members and other seagoing personnel must comply with TWIC regulations. The Port Authority Facility Security Officer (FSO), through his/her designated representative, will ensure the vessel Master or Vessel Security Officer (VSO), and ship's agent be made aware of approved, no cost means of seafarer access between the vessel and the facility Access Control Point (gate).

#### **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 received Port Security authorization to enter a facility. Visitors must be escorted by a TWIC holder while in TWIC secure areas. Escorts must remain with their visitors while in TWIC secure areas. Vehicle and visitor passes must be surrendered/retrieved when the vehicle/person departs from the terminal facilities.

### **PART FOUR – OPERATION OF MOTOR VEHICLES ON PORT AUTHORITY PROPERTY**

All vehicles entering upon Port Authority property are subject to security screening at any time while on the facility. If the driver of a vehicle refuses to permit such security screening, access will be revoked and/or denied.

Only authorized vehicles 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, or will interfere with the efficient and safe operations within Terminal Facilities, then designated Port Authority representatives, including the Port Authority's security and police personnel, may order such vehicle(s) out of the area, or may order the removal of the vehicle from the Terminal Facility. 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 so marked. Automobiles or other vehicles must be parked 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 is subject to Item 2.239 entitled Vehicles Prohibited on Docks During Loading or Unloading.

#### **PART FIVE– AUTHORIZED VEHICLES**

Only the following vehicles will be permitted to drive into TWIC secure areas:

- Port Authority owned;
- Official government vehicles;
- Personal vehicles displaying a Port Authority issued decal; or
- Clearly marked contractor or vessel servicing company vehicle actively engaged in loading or unloading cargo, servicing a vessel or requiring access for some other authorized purpose

Taxicabs and other conveyances-for-hire must display a Port Authority vehicle 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 employed personnel must be authorized by the Director of the Port department that the Port employee has been assigned to. There is no charge for decals issued to Port Authority personnel.

Registration Fee for a vehicle decal is Ten Dollars (\$10.00). The fee may only be paid by cash or by a company issued check. Persons desiring a vehicle decal must present a company letterhead document that reflects the company authorization for the individual to be issued a vehicle decal. That authorization may be contained in the same company letter requesting authorization be granted for the individual(s) to enter a restricted/TWIC secure Terminal Facility. Port Security staff will require the individual to provide proof of motor vehicle liability insurance and proof of state vehicle registration, and, if applicable, state inspection, as required by the applicable laws of the State of Texas. *Failure to furnish satisfactory proof of liability insurance may result in denial of access to or upon restricted/TWIC secure Terminal Facilities.*

Vehicle decals are non-transferable. 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 Authority may recognize vehicle access decals or “rear view mirror hangers” issued by designated Port Industries or other Texas Ports.

#### **PART SIX – PROHIBITED ITEMS**

In accordance with the Maritime Transportation Security Act of 2002 and Title 33, U.S. Code of Federal Regulations (CFR) Part 105, the possession of firearms, ammunition, personal chemical dispensing devices, tire deflation devices, or other devices designed or adapted primarily to inflict bodily injury or serious bodily injury are prohibited within any Port of Corpus Christi Authority (PCCA) secure/restricted area, as defined in the PCCA Facility Security Plan and approved by USCG Sector Corpus Christi.

Individuals requesting access to a PCCA secure/restricted area who are in lawful possession of a firearm, or other device, will be required to secure the firearm or device in a lockable storage locker at the primary

access control point to that secure/restricted area. The firearm, or other device, shall be returned to the individual when the individual leaves the secure/restricted area.

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 this Part Six.

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; Part Six, Section D, 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.

Part Six, Section D, does not apply when the possession of Alcoholic Beverages has been specifically authorized by the Port of Corpus Christi Authority Chief Executive Officer, or that individual's authorized designated representative.

Illegal drugs, narcotics, and controlled substances, as defined and as deemed unlawful by provisions Texas Health and Safety Code, and amendments thereto, are prohibited on PCCA property, Terminal facilities, or within PCCA secure/restricted areas.

#### **ITEM 2.602 - Port Police Land and Marine Patrol Divisions** (Formerly Item 673)

### **PART ONE – PORT OF CORPUS CHRISTI POLICE DEPARTMENT**

Since September 11, 2001, the Port of Corpus Christi Authority has implemented a system of layered security, law enforcement measures, and response capabilities to enhance the integrity of its critical infrastructure and key resources (CI/KR) throughout the PCCA. 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 2015-2020 address, among other critical concerns, the vulnerabilities that exist which terrorists, foreign and domestic, may seek to exploit. Notwithstanding the vulnerabilities that exist through landside access to CI/KR, the Texas maritime domain remains one of those areas of vulnerability. To better mitigate those vulnerabilities, the Port Commission in 2004 established the Port of Corpus Christi Police Department as an essential element of the federal, state, and local layered security posture throughout the Port of Corpus Christi Authority. The Port of Corpus Christi Police Department is mandated by the Port Commission to maintain strong participative partnerships with all respective federal, state and local law enforcement and regulatory agencies.

### **PART TWO – PORT POLICE OFFICER POWERS AND DUTIES**

PCCA Police Officers are licensed by the Texas Commission on Law Enforcement (TCOLE) and 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, and Texas Transportation Code, and Texas Water Code. See TEX. WATER CODE § 60.077. 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.

### **PART THREE – LAND PATROL DIVISION**

The mission of the Land Patrol Division is as follows:

To protect, patrol, and defend, in collaboration with federal, state, and local law enforcement partners, the landside public access routes to Critical Infrastructure/Key Resources (CI/KR) throughout City of Corpus Christi Industrial District No. 1 and defined Industrial Districts outside of Nueces County with a direct nexus to the Maritime Transportation System (MTS) that transit the Corpus Christi Ship Channel, La Quinta Channel, Gulf Intracoastal Waterway (within Nueces and San Patricio Counties, Texas), Rincon Channel, and the Corpus Christi Inner Harbor.

To provide, when requested, first response law enforcement service to all businesses, including members of Port Industries of Corpus Christi. First response law enforcement services include, but are not limited to, the following:

- reported/suspected violations of applicable federal, state, or local (Port Tariff) laws whether criminal or civil;
- reported/suspected incidents involving public breach of the peace;
- reported/suspected incidents involving criminal incidents relating to crimes against person(s) or property;
- reported/suspected incidents involving “active shooter”; and
- reported/suspected incidents that the requesting party believes require the presence of a Texas certified peace officer. (e.g. Port Police Officer, Municipal Police Officer, Sheriff’s Deputy, State Trooper, State Game Warden, etc.).

Port Police Officers shall perform their duties in accordance with all applicable federal, state, and local laws.

#### **PART FOUR – MARINE PATROL DIVISION**

The mission of the Marine Patrol Division is as follows:

- Protect, secure, and defend the ship channels and waterways in the jurisdiction of the Port Authority (see Item 1.101) and the facilities served by those ship channels and waterways;
- Promote the health, safety, and general welfare of any person using the ship channels and waterways in the jurisdiction of the Port Authority;
- Prevent terrorist attacks on ship channels and waterways in the jurisdiction of the Port Authority and the facilities served by those ship channels and waterways; and
- 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 Chief Executive Officer (CEO), Chief Operating Officer (COO), and PCCA Police Chief.

The Marine Patrol Division’s primary area of responsibility (AOR) is as follows: Inner Harbor of the Port of Corpus Christi, Corpus Christi Ship Channel to the Port Aransas Jetties, Rincon Canals, La Quinta Channel, Jewell Fulton Canal, and the Gulf Intracoastal Waterway. All other adjoining and adjacent waterways within the Port Authority’s jurisdiction remain areas of authorized marine patrol activities, but are secondary AOR’s with regard to routine marine patrols.

Item 2.307 provides specific information pertaining to operation of non-commercial vessels, as defined therein, within the Corpus Christi Ship Channel and adjoining waterways. Item 2.307 also describes areas within the Port Authority’s jurisdiction where non-commercial vessel traffic is prohibited.

## ITEM 2.603 - RESTRICTIONS ON THE OPERATION OF NON-COMMERCIAL VESSELS AND TAMPERING WITH COMMERCIAL VESSELS OR DOCKS

(Formerly Item 674)

Definitions: (applicable to only Items 2.603 and 2.604)

- **Commercial Vessel:** any vessel engaged in a commercial trade or that carries passengers for hire.
- **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.
- **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.
- **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.
- **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.
- **Vessel:** any watercraft or barge used or capable of being used for transportation on water.
- **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.

Prohibited Activities:

- 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
- 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.
- 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).
- 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.
- No person may intentionally or recklessly abandon a non-commercial vessel in the Corpus Christi Ship Channel.
- 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.

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 2.604 - Investigation of Suspicious Activities (Formerly Item 675)

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.

Definitions:

- **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.
- **Field Interview:** an interaction between a Port Police Officer and another person based on consent (consensual encounter) and which is terminable by either party.
- **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.

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:

A report of suspicious activity in and of itself does not mandate the temporary detention or field interview of a person.

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.

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.

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

- Casing access control points to facilities, critical infrastructure, and waterways;
- Engaging in surveillance of personnel, facilities, critical infrastructure, and waterways;
- Sketching of facilities or critical infrastructure;
- Videotaping or photographing specific critical infrastructure (e.g., the support structure of the harbor bridge);
- Making false emergency reports to first responders to determine response time and the number of units that respond;
- Making ready to enter the Inner Harbor with scuba or snorkel related equipment; or
- Walking toward the Inner Harbor from the area of the Nueces River while carrying a small kayak.
- In and of itself, suspicious activity or behavior does not typically include:

- A person taking a single distant or near photograph of a passing commercial vessel;
- 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;
- A vessel operator who has legally anchored the vessel in an authorized area upon the waterways within the Port Authority's jurisdiction;
- A person lawfully fishing upon the waterways within the Port Authority's jurisdiction; or
- 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 2.605 - Fire Fighting Services Available**

(Formerly Item 655)

Firefighting 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 firefighting 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 Chief Executive Officer or Harbormaster, request the Refinery Terminal Fire Company render firefighting 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 Chief Executive Officer or Harbormaster deems it necessary or advisable in the interest of public safety for the citizens or property of Nueces or San Patricio Counties, 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 firefighting 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 2.606 - Swimming and Fishing Prohibited**

(Formerly Item 613)

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

#### **ITEM 2.607 - Use of Unmanned Aircraft Prohibited Over Port of Corpus Christi Authority (PCCA) Property**

(Formerly Item 614)

Definitions:

**Unmanned Aircraft System:** Includes the unmanned aircraft (UA) and all of the associated support equipment, control station, data links, telemetry, communications and navigation equipment, etc., necessary to operate the unmanned aircraft. The UA is the flying portion of the system, flown by a pilot via a ground control system, or autonomously through use of an on-board computer, communication links and any additional equipment that is necessary for the UA to operate safely.

**Critical Infrastructure Facility:** any one of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the attention of intruders, and indicate that entry is forbidden:

- a petroleum or alumina refinery;
- an electrical power generating facility, substation, switching station, or electrical control center;
- a chemical, polymer, or rubber manufacturing facility;
- a water intake structure, water treatment facility, wastewater treatment plant, or pump station;
- a natural gas compressor station;
- a liquid natural gas terminal or storage facility;
- a telecommunications central switching office;
- a port, railroad switching yard, trucking terminal, or other freight transportation facility;
- a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;
- a transmission facility used by a federally licensed radio or television station;
- a steelmaking facility that uses an electric arc furnace to make steel; or
- a dam that is classified as a high hazard by the Texas Commission on Environmental Quality;

**Prohibition:**

In accordance with Texas Government Code, Chapter 423, Section 423.0045 "Offense: Operation of Unmanned Aircraft over Critical Infrastructure Facility," a person commits an offense if the person intentionally or knowingly: (1) operates an unmanned aircraft over a critical infrastructure facility and the unmanned aircraft is not higher than 400 feet above ground level; (2) allows an unmanned aircraft to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or (3) allows an unmanned aircraft to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility. TEX. GOV'T CODE § 423.0045(b).

Exemptions provided for in Texas Government Code § 423.0045(c) are applicable to this Item 614.

Violations of Texas Government Code, Chapter 423, will be investigated and presented to the respective County District Attorney's Office for prosecution.

Application for approval to operate a UA over PCCA property may be made to the PCCA Chief Executive Officer, or designated representative, by submitting a completed application found on the PCCA Website, or available at the PCCA Police & Security Dept. 1002 E. Port Ave. Corpus Christi, Texas 78401. The application may be found at [www.portofcorpuschristi.com](http://www.portofcorpuschristi.com), Police/Security menu tab, "Unmanned Aircraft Operation Application." Simply follow the instructions provided therein.

The application will be reviewed and responded to within a reasonable period of time.

**END OF SECTION TWO**

## SECTION 3 - RATES

### 3.100 DOCKAGE

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

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, including tug, as listed in **Lloyds Register of Ships (new IHS-Sea-web) or USCG Port State Information Exchange for barges**, 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.

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 3.101 Dockage for All Docks, Except Bulk Materials Terminal Docks

LOA IN FEET	DOCKAGE RATE PER FOOT
0 – 199	\$3.09
200 – 399	\$4.06
400 – 499	\$5.73
500 – 599	\$7.72
600 – 699	\$8.83
700 – 799	\$11.36
800 – 899	\$13.70
900 – 999	\$16.36
1,000 – 1,099	\$21.35
1,100.00 and over	\$26.35

LOA IN METERS	DOCKAGE RATE PER METER
0 – 60.95	\$10.13
60.96 – 121.91	\$13.31
121.92 – 152.39	\$18.79
152.40 – 182.87	\$25.32
182.88 – 213.35	\$28.96
213.36 – 243.83	\$37.29
243.84 – 274.31	\$44.93
274.32 – 304.48	\$53.66
304.49 – 334.96	\$70.05
334.97 and over	\$86.44

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

Dockage for non-self-propelled Inland Waterway Dry Cargo Barges: \$173.51 per 24-hour period or fraction thereof.

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.

<b>LOA IN FEET</b>	<b>DOCKAGE RATE PER VESSEL</b>
Max 200	\$173.51
201 – 360	\$260.27
361 and over	Per LOA dockage table

Dockage for Qualified Barge Tows (see Item 2.205, Note 1): \$2,428.25 per 24-hour period or fraction thereof.

**Item 3.102 Harbor Safety Fee**

(Formerly Item 301)

All commercial ships and barges entering or operating in the Authority’s Waterways shall be assessed a Harbor Safety Fee (HSF) on each visit, 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.

The HSF for entering the Authority’s Waterways will be billed on 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 \$678.34 will be assessed for each continuous 30-day period. For ocean-going 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 \$5,908.93 will be assessed for each continuous 30-day period. The HSF for each continuous 30-day period will be billed monthly.

<b>HARBOR SAFETY FEE - PER VISIT</b>	
Ships and ocean-going barges	\$1,477.23
Barges	\$169.59
<b>HARBOR SAFETY FEE - CONTINUOUS 30-DAY PERIOD</b>	
Ocean-going Barges – continuous 30-day period	\$5,908.93
Barges – continuous 30-day period	\$678.34

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.

## PART TWO – MOORING OF DRILLING RIGS AND RELATED OFFSHORE EQUIPMENT

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

### 3.200 WHARFAGE

(Formerly Items 501-555 in Tariff 100)

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.

As provided in Item 2.212 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).

ITEM No	Commodity	Wharfage
ITEM 3.201	All Cargo N.O.S.	\$3.72 net ton or \$3.30 cbm
ITEM 3.202	All dry bulk, except bulk grain	\$1.54 net ton or \$1.70 metric ton
<b>PETROLEUM</b>		
ITEM 3.210	Crude unrefined	\$0.1084 per 42-gal barrel
ITEM 3.211	Refined petroleum	\$0.1084 per 42-gal barrel
ITEM 3.212	Petrochemicals	\$0.1084 per 42-gal barrel
<b>NATURAL GAS LIQUIDS</b>		
ITEM 3.220	C1 Methane	\$0.1084 per 42-gal barrel
ITEM 3.221	C2 Ethane	\$0.1084 per 42-gal barrel
ITEM 3.222	C3 Propane	\$0.1084 per 42-gal barrel
ITEM 3.223	C4 Butane	\$0.1084 per 42-gal barrel
ITEM 3.224	C5 Pentane	\$0.1084 per 42-gal barrel
ITEM 3.225	Natural Gas in liquid (LNG) or gaseous form	\$0.6540 per cubic meter
<b>CHEMICALS</b>		
ITEM 3.230	Chemicals	\$0.1084 per 42-gal barrel
ITEM 3.231	Monoethylene Glycol (MEG)	\$1.08 per 42-gal barrel

<b>AGRICULTURE</b>		
ITEM 3.240	Beans, Lentils and Peas, dry in Sacks or Packages	\$0.74 net ton or \$0.81 metric ton
ITEM 3.241	Cotton and Cotton Linters in Bales	\$0.66 per bale
ITEM 3.242	Flour or Bulgar in sacks or packages	\$1.71 net ton or \$1.88 metric ton
ITEM 3.243	Grain, Barley, Corn, Darso, Feteria, Hegari, Kaffir, Milo, Oats, Rye, Wheat and other whole grains in sacks or packages	\$1.71 net ton or \$1.88 metric ton
ITEM 3.244	Grain and Grain Products consisting of not more than 25 percent of other ingredients, in sacks or packages	\$1.71 net ton or \$1.88 metric ton
ITEM 3.245	Grain in bulk loaded over any Authority Terminal Facility except the Bulk Terminal	\$0.35 net ton or
ITEM 3.246	Milk, dehydrated or powdered, in sacks or packages	\$1.98 net ton or \$2.19 metric ton
ITEM 3.247	Rice and rice products in sacks or packages	\$1.82 net ton or \$2.01 metric ton
ITEM 3.248	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	\$1.64 net ton or \$1.81 metric ton
<b>AGGREGATES (except at the Bulk Materials Terminal)</b>		
ITEM 3.260	Cement in Bags or Super Sacks	\$1.82 net ton or \$2.00 metric ton
ITEM 3.261	Sand, aggregates, gravel caliche and limestone in bulk handled over Inner Harbor Terminal Facilities	\$1.54 net ton or \$1.70 metric ton
ITEM 3.262	Proppants, Ceramic, Oil or Gas Well Fracturing in Bags or Super Sacks	\$1.82 net ton or \$2.01 metric ton
<b>IRON AND STEEL</b>		
ITEM 3.270	Iron and Steel Articles N.O.S.	\$2.43 net ton or \$2.68 metric ton
ITEM 3.271	Pig Iron, Hot Briquette Iron, Direct Reduced Iron, Bars, Billets, Slabs, Plate loaded to or from open rail cars or trucks	\$2.43 net ton or \$2.68 metric ton
ITEM 3.272	Coils on Skids	\$2.43 net ton or \$2.68 metric ton
ITEM 3.273	Pipe	\$2.43 net ton or \$2.68 metric ton
ITEM 3.274	Scrap Metal	\$1.93 net ton or \$2.12 metric ton
<b>ALL OTHER</b>		
ITEM 3.280	Barite in Bags or Super Sacks	\$1.82 net ton or

		\$2.01 metric ton
ITEM 3.281	Helicopters	\$135.55 each
ITEM 3.282	Lumber	\$3.72 net ton or \$3.30 cbm
ITEM 3.283	Machinery & machinery parts N.O.S	\$3.72 net ton or \$3.30 cbm
ITEM 3.284	Machinery, agricultural, self-propelled, non self-propelled, implements and parts	\$3.72 net ton or \$4.11 metric ton
ITEM 3.285	Machinery, grading, earth moving or road building: Set Up or Knocked Down & Parts	\$3.72 net ton or \$4.11 metric ton
ITEM 3.286	Military cargo, including wheeled and tracked vehicles, military ordinance and equipment	\$7.04 net ton or \$7.75 metric ton
ITEM 3.287	Offshore oil and gas drilling and production platforms, jackets, spars and related structures	\$3.72 net ton or \$4.11 metric ton
ITEM 3.288	Project Cargo N.O.S.	\$3.72 net ton or \$3.30 cbm
ITEM 3.289	Project Cargo HRSG Modules	\$3.72 net ton or \$4.11 metric ton
ITEM 3.290	Rigs, drilling, all kinds, including parts and accessories	\$3.72 net ton or \$3.30 cbm
ITEM 3.291	Vehicles: Automobiles, automobile trucks, freight and passenger, tractors and trailers	\$6.43 net ton or \$7.09 metric ton
ITEM 3.292	Vessels, pressure, refining or processing, iron or steel	\$4.62 net ton or \$5.09 metric ton
ITEM 3.293	Wind Turbines and Components	\$3.60 net ton or \$1.94 cbm

### 3.300 BULK MATERIALS TERMINAL USAGE FEES

All items in 3.400 contain rates, rules, regulations and conditions applicable to the handling of dry bulk commodities at the Bulk Materials Terminal, specifically docks BMD1 and BMD2, and liquid bulk commodities at BMD3. The provisions of 3.400 do not apply to bulk grain handled at the Corpus Christi Public Elevator.

#### ITEM 3.301- Bulk Material Terminal Dockage

(Formerly ITEM 210 in BT Tariff 1-A)

Dockage rates apply to all vessels loading or unloading and not standing by at the Authority's Bulk Materials Terminal docks, or moored to vessels so berthed. Dockage applies per 24-hour period or fractional part thereof. For self-propelled ships and ocean-going barges, charges will be based on the highest gross tonnage published in **Lloyds Register of Ships (new IHS-Sea-web)**. For inland waterway barges, charges will be based on the highest net tonnage shown in the USCG Port State Information Exchange for barges.

Standby dockage for ships and barges doing business at the Bulk Materials Terminal shall be 28 cents (\$0.28) per GRT for ships and NRT for barges. Ships and barges on standby at the Bulk Materials Terminal and not doing business at the Bulk Materials Terminal will be billed for dockage at the same rates stated in Item 3.301.



	<b>GRT</b>	<b>NRT</b>
Dockage	\$0.54	\$0.54
Standby Dockage	\$0.28	\$0.28

**ITEM 3.302 - Wharfage at BMD 1 and BMD 2**

(Formerly Item 200 in BMT Tariff 1-A)

Unless otherwise provided herein, wharfage on dry bulk commodities handled at the Bulk Materials Terminal shall be:

<b>Wharfage at BMD1 and BMD2</b>		
	<b>NET TON</b>	<b>METRIC TON</b>
All dry bulk commodities N.O.S.	\$1.54	\$1.70
Due to differences in rounding between short tons and metric tons, charges will be calculated and assessed in short tons of 2,000 Lbs.		

**ITEM 3.303 - Wharfage at BMD 3**

(Formerly Item 200 in BMT Tariff 1-A)

<b>CHARGES at BMD 3</b>	<b>BARREL</b>	<b>HOUR</b>
Liquid bulk cargo wharfage	\$0.15	
Operator Fee	\$0.02	
Dockman Fee		\$46.50
Dockman fee applies, if vessel is berthed at Bulk Dock 3 earlier than three (3) hours prior to start of unloading operation and if vessel remains berthed at Bulk Dock 3 after three (3) hours following completion of unloading operation.		

**ITEM 3.304 - Charges for Use Of Traveling Gantry Crane (BMD1)**

(Formerly Item 342 in BMT Tariff 1-A)

<b>COMMODITY</b>	<b>SHORT TON</b>	<b>METRIC TON</b>
Barite Ore	\$1.24	\$1.36
Bauxite	\$1.35	\$1.49
Chrome Ore	\$1.24	\$1.36
Coal	\$1.11	\$1.23
Copper Ore & Concentrates	\$1.35	\$1.49
Frac/Silica Sand	\$1.35	\$1.49
Furnace Slag	\$1.30	\$1.43
Iron Ore & Pellets	\$1.24	\$1.36
Limestone	\$1.24	\$1.36
Meals & Grains (including corn and sorghum)	\$1.92	\$2.11

Metallurgical Coke	\$1.24	\$1.36
Petroleum Coke	\$1.11	\$1.23
Rutile	\$1.35	\$1.49
Prilled Sulfur	\$1.35	\$1.49
Wood chips, wood pellets, wood briquettes and other wood-based energy products	\$1.92	\$2.11
Due to differences in rounding between short tons and metric tons, charges will be calculated and assessed in short tons of 2,000 Lbs.		

**Note 1:** Where in the opinion of Director of Operations there is a potential for a reduction in productivity, or a potential for or damage to plant and equipment resulting from a condition or conditions beyond the control of the Port, the published rates in this Item will not apply. In such cases, the Director of Operations will quote a handling rate and such rate shall apply in lieu of the published rate in this Item. Examples of situations or conditions which may reduce productivity or cause damage include but are not limited to characteristics of the commodity; vessel configuration; and Users' ability to deliver to or receive cargo from BMD1 equipment.

**Note 2:** The provisions of Note 2 of this Item will apply for use of the Traveling Gantry Crane (BMD1) for loading or unloading bulk commodities located in tank spaces of ships and barges.

**ITEM 3.305 - Charges for Use of Radial Ship Loader (BMD2)**

(Formerly ITEM 344 in the BMT Tariff 1-A)

COMMODITY	SHORT TON	METRIC TON
Coal	\$1.62	\$1.79
Iron Ore Fines	\$1.56	\$1.73
Petroleum Coke	\$1.56	\$1.73
Prilled Sulfur	\$1.35	\$1.49
Woodchips, including pellet woodchips & wood briquettes	\$1.92	\$2.11
Due to differences in rounding between short tons and metric tons, charges will be calculated and assessed in short tons.		

**Note 1:** Where in the opinion of Director of Operations there is a potential for a reduction in productivity, or a potential for or damage to plant and equipment resulting from a condition or conditions beyond the control of the Port, the published rate in this Item will not apply. In such cases the Director of Operations will quote a handling rate and such rate shall apply in lieu of the published rate in this Item. Examples of situations or conditions which may reduce productivity or cause damage include, but are not limited to characteristics of the commodity; vessel configuration; and Users' ability to deliver to or receive cargo from BMD2 equipment.

**Note 2:** The loading rates in this Item apply on bulk commodities, which will readily flow through the system. Users are responsible for any additional handling or necessary processing for any product which will not readily flow from rail car or motor carrier equipment through the grating at the rail car/truck dump.

**ITEM 3.306 - Terminal Use Fee**

(Formerly ITEM 205 in BT Tariff 1-A)

All cargo moved through the Bulk Materials Terminal public pad by rail or truck, for which no Bulk Materials Terminal wharfage charges apply other than the use of the Bulk Materials Terminal rail dump, shall be assessed a terminal use charge of:

	NET TON	METRIC TON
Terminal use charge	\$1.25	\$1.38
Security Surcharge will apply.		

**ITEM 3.307 - Unloading of Rail Cars at BMD2**

(Formerly Item 346 in BMT Tariff 1-A)

For the service of unloading bottom dump rail cars through the car dump at Bulk Dock 2, the following charge will apply and is in addition to all other applicable charges.

**\$0.77 per ton**

**ITEM 3.308 - Storage of Rail Cars at Bulk Materials Terminal**

(Formerly Item 348 in BMT Tariff 1-A)

Loaded or empty rail cars will be placed in storage at the Bulk Materials Terminal facility after one (1) day of free time and will be charged a storage rate of \$75.00 per car per day. Time will be computed from the first 07:00 hrs. thereafter.

**ITEM 3.309 - Switching of Rail Cars at Bulk Materials Terminal**

(Formerly Item 350 in BMT Tariff 1-A)

For the service of switching/moving/spotting rail cars at the Bulk Materials Terminal with usage of a rail switch engine, the following charges will apply and are in addition to all other applicable charges.

	Hour
Straight Time 0800 to 1200 and 1300 to 1700 Monday through Friday	\$156.00
Overtime 0100 to 0600, 0700 to 0800, 1700 to 1800, and 1900 to 2400 Monday through Friday, and on Saturdays and Sundays except where double time applies	\$260.00
Double Time Applies during the following meal periods on any day: 2400 to 0100, 0600 to 0700, 1200 to 1300, and 1800 to 1900, and on Port Authority holidays named in Item 1.102	\$364.00

**ITEM 3.310 – Right to Refuse Use**

(Formerly Item 310 in BMT Tariff 1-A)

The Port Authority reserves the right to refuse to handle any commodity, which, in its opinion, is not suitable for handling through the Bulk Terminal.

**3.400 MISCELLANEOUS FEES**

**ITEM 3.401 - Rates for Special Services**

(Formerly Item 240 in Tariff 100, and Item 120 in BMT Tariff 1-A)

Any labor or material required for special services not specifically covered herein may be provided at actual cost plus twenty percent (20%), or flat rate prices may be quoted by the Chief Executive Officer or his

designated representative, upon application. Authority reserves the right to provide special services at its convenience and will not assume any responsibility or liability whatsoever for failure to quote on or render such service.

The Chief Executive Officer or his designated representative is authorized to quote rates on other than labor or material not specifically covered herein, upon application. Such quotations include, but are not limited to, establishment of new or initial rates and charges and changes in existing rates and charges. Authority reserves the right to quote rates at its convenience and will not assume any responsibility or liability whatsoever for failure to do so.

#### **ITEM 3.402 - Water**

(Formerly Item 225)

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 3.403 - Bunkers, Fuel Oil, Tank Truck to Vessel**

(Formerly Item 230)

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 3.404 – Electricity**

(Formerly Item 235)

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 3.405 - Free Time and Storage**

(Formerly Item 280, and Item 211 in BT Tariff 1-A)

All cargo, including dry bulk commodities, handled over the Port Authority's general cargo wharves, Terminal Facilities, Bulk Materials Terminal, 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 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 3.406 - 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.

**END OF SECTION THREE**