

BOARD OF TRUSTEES  
OF THE GALVESTON WHARVES  
Tariff Circular No. 6

# ***PORT OF GALVESTON***

***(BOARD OF TRUSTEES OF THE GALVESTON WHARVES)***



## **TARIFF CIRCULAR NO.6**

**(CANCELS TARIFF CIRCULAR NO.5)**

### **NAMING RULES AND REGULATIONS GOVERNING**

**DOCKAGE, SHED HIRE, AND OTHER SERVICES AND CHARGES APPLYING  
AT THE FACILITIES OF THE GALVESTON WHARVES**

Issued by:  
Port Director  
P.O. Box 328  
Galveston, Texas 77553

General Office:  
Shearn Moody Plaza, 8<sup>th</sup> Floor  
123 Rosenberg  
Galveston, Texas 77550

43rd Revision- July 25, 2011

**BOARD OF TRUSTEES  
OF THE GALVESTON WHARVES  
Tariff Circular No. 6**

**CHECK SHEET  
43<sup>rd</sup> Revised Page A**

Pages 1 to 16-A inclusive of this tariff are in effect on the dates shown on individual pages. Original and revised pages as named below contain all changes from the original tariff that are in effect on the date hereof.

<u>PAGE NO.</u>	<u>REVISION NO.</u>	<u>ITEM NO. REFERENCE</u>	<u>BOARD APPROVED</u>	<u>EFFECTIVE DATE</u>
A	43 <sup>rd</sup> Revision	Check Sheet	7/25/2011	08/01/2011
A-1	43 <sup>rd</sup> Revision	Check Sheet Continued	7/25/2011	08/01/2011
B	42 <sup>nd</sup> Revision	Table of Contents – 1 <sup>st</sup> page	6/27/2011	06/01/2011
C	42 <sup>nd</sup> Revision	Table of Contents – 2 <sup>nd</sup> page	6/27/2011	06/01/2011
D	42 <sup>nd</sup> Revision	Table of Contents – 3 <sup>rd</sup> page	6/27/2011	06/01/2011
E	43 <sup>rd</sup> Revision	Table of Contents – 4 <sup>th</sup> page	7/25/2011	08/01/2011
1	1 <sup>st</sup> Revision	(C) (GS) 101	03/28/2005	04/01/2005
1-A	2 <sup>nd</sup> Revision	101 Shipper's Request & Complaints	06/27/2011	03/28/2011
2	Original	105 Definitions	03/01/2000	04/01/2000
2-A	Original	105 Definitions	03/01/2000	04/01/2000
2-B	Original	105 Definitions & Abbreviations	03/01/2000	04/01/2000
3	1 <sup>st</sup> Revision	106,107	12/16/2002	01/01/2003
3-A	5 <sup>th</sup> Revision	108,109,110	12/15/2010	12/15/2010
3-B	5 <sup>th</sup> Revision	110, Stevedore License	12/15/2010	12/15/2010
3-C	10 <sup>th</sup> Revision	110 Stevedores, 111 Other Licenses	12/15/2010	12/15/2010
3-D	6 <sup>th</sup> Revision	111, Note A, Note B	12/17/2007	12/17/2007
3-E	4 <sup>th</sup> Revision	111, Note B – Continued -	12/17/2007	12/17/2007
3-F	5 <sup>th</sup> Revision	111, Note C, Note D,	12/17/2007	12/17/2007
3-G	5 <sup>th</sup> Revision	111, Note D, Note E	12/17/2007	12/17/2007
3-H	4 <sup>th</sup> Revision	111, Pmt of Fees & Definitions (1-6)	12/17/2007	12/17/2007
3-I	3 <sup>rd</sup> Revision	111, Definitions – Cont. – (7-11)	12/17/2007	12/17/2007
3-J	1 <sup>st</sup> Revision	111, Definitions – Cont. – (11-20)	12/17/2007	12/17/2007
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4	1 <sup>st</sup> Revision	113, 116, 119	05/24/2002	07/01/2002
5	3 <sup>rd</sup> Revision	122, 125, 128	05/27/2010	05/27/2010
6	1 <sup>st</sup> Revision	131, 134, 135	05/24/2002	07/01/2002
7	1 <sup>st</sup> Revision	137, 140, 143, 146, 149, 152	05/24/2002	07/01/2002
8	1 <sup>st</sup> Revision	155, 158, 161	05/24/2002	07/01/2002
9	2 <sup>nd</sup> Revision	164, 167, 170, 173, 176	06/27/2011	06/27/2011
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13	Original	198	03/01/2000	04/01/2000
14	Original	205, 210, 215, 220, 230	03/01/2000	04/01/2000
15	1 <sup>st</sup> Revision	240, 250	05/24/2002	07/01/2002

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19	1 <sup>st</sup> Revision	305, 310	05/24/2002	07/01/2002
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23	2 <sup>nd</sup> Revision	340	06/27/2011	06/01/2011
24	3 <sup>rd</sup> Revision	345 (C) & ) - Designated Areas	09/28/2009	09/28/2009
24-A	2 <sup>nd</sup> Revision	345 (C) – THIS PAGE DELETED	09/28/2009	09/28/2009
25	10th Revision	410 (I) ,(C)	11/19/2010	01/01/2011
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25-B	6 <sup>th</sup> Revision	420 (C), 425(I),430(I),435(I),440(I)	11/19/2010	01/01/2011
26	6 <sup>th</sup> Revision	Continued 440 (I) Section (C),	11/19/2010	01/01/2011
27	4 <sup>th</sup> Revision	(C) 445,(D) 450, 455	03/24/2008	03/24/2008
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34	Original	610 (c), (d), (e), (f)	05/24/2002	07/01/2002
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36	1 <sup>st</sup> Revision	615 (b), (c), (d), (e)	01/24/2011	01/24/2011
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1<sup>st</sup> Revised Page 1

ISSUED: MARCH 28, 2005

EFFECTIVE: APRIL 1, 2005

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SECTION 100 - GENERAL INFORMATION, RULES AND REGULATIONS

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APPLICATION

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**GULF SEAPORTS MARINE TERMINAL CONFERENCE**

**(C) (GS) 101**

(Federal Maritime Commission Agreement No. 224-200163,  
Approved December 2, 1988.)

Participating Members:

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

NOTICE: The Gulf Seaports Marine Terminal Conference Agreement permits the participating members to discuss and agree upon port terminal rates, charges, rules and regulations. Any such rates, charges, rules, and regulations, adopted pursuant to said agreement, shall be published in the respective tariffs of said members and so identified by proper symbol and explanation. (See Item 105, page 3.)

**Item No. 101 continued on the next page.**



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SHIPPER'S REQUESTS AND COMPLAINTS:

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

Allen Moeller, Conference Chairman  
C/o Jackson County Port Authority  
P.O. Box 70  
Pascagoula, Mississippi 39568-0070

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SECTION 100 - GENERAL INFORMATION, RULES AND REGULATIONS

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**DEFINITIONS**

**105**

Words and terms used in this tariff, and all other Galveston Wharves' tariffs, are defined as follows:

- (GS) **AGENT OR VESSEL AGENT:** The party or entity, which submits the application for berth.
- ARRIVAL AT BERTH:** The time at which an incoming vessel moors to her berth.
- (GS) **BERTH:** The water area at the edge of a wharf, including mooring facilities used by a vessel while docked.
- BERTH SPACE:** The area within the Galveston Wharves facility designated or allotted by the Galveston Wharves for the receipt and accommodation of freight for export pending arrival of the vessel to which such freight is consigned and for the receipt and accommodation of import freight pending delivery or tender of delivery by the steamship company to the owner or consignor thereof.
- (GS) **BONDED STORAGE:** Storage accomplished under bond payable to the United States Treasury Department until cleared for entry by the United States Customs.
- (GS) **CHECKING:** The service of counting cargo against appropriate documents for the account of the cargo or the vessel, or other person requesting same.
- (GS) **CONTAINER:** A standard (I.S.O.) seagoing container 20 feet in length or over.
- (GS) **DAY:** A consecutive 24-hour period or fraction thereof.
- DEPARTURE FROM BERTH:** The time at which an outgoing vessel leaves her berth.
- (GS) **DOCKAGE:** The charge assessed against a vessel for berthing at a wharf, pier, bulkhead structure, or bank or for mooring to a vessel so berthed.
- (GS) **FREE TIME:** The specified period during which cargo may occupy space assigned to it on terminal property free of wharf demurrage or terminal storage charges immediately prior to the loading or subsequent to the discharge of such cargo on or off the vessel.
- FREIGHT HANDLER:** Any stevedore or other entity that has executed a written agreement with the Galveston Wharves to perform loading/unloading rail cars and motor trucks within the premises of the Galveston Wharves (previously called "Outside Contractor").

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- (GS) **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.
- HEAVY LIFT:** The service of providing heavy lift cranes and equipment for lifting cargo.
- (GS) **LINER SERVICE:** Vessels making regularly scheduled calls for the receipt and delivery of cargo and/or passengers.
- (GS) **LOADING & UNLOADING:** The service of loading or unloading cargo between any place on the terminal and railroad cars, trucks, or any other means of land conveyance to or from the terminal facility.
- (GS) **MARGINAL TRACKS:** Railroad tracks on the wharf apron within reach of ship's tackle.
- PIER ASSIGNMENTS:** The wharves and sheds may be preferentially assigned. Preferential assignments will not be considered absolute to the total exclusion of other vessels, which the Galveston Wharves may deem proper to assign to such space. It shall be understood, however, that the Galveston Wharves will not undertake to make use of such preferentially assigned space for other vessels, except when the same, in its opinion, is not being made use of by the party to whom it is assigned, or when the Galveston Wharves deems that any particular necessity demands it.
- (GS) **POINT OF REST:** The area of the terminal facilities, which is assigned for the receipt of inbound cargo from the ship and from which inbound cargo may be delivered to the consignee and that area of the terminal facility which is assigned for the receipt of outbound cargo from shipper for loading of vessel.
- SHED HIRE:** A charge assessed against vessels for the use of covered Wharves or piers based upon the gross registered tonnage of vessels. This charge is in addition to the dockage charge. The vessel, their owners, or their agents, are responsible for the charge.
- (GS) **SHIPSIDE:** The location of cargo within reach of ship's tackle, or in berth space, in accordance with the customs and practices of this port.
- (GS) **TERMINAL STORAGE:** The service of providing warehouse or other terminal facilities for the storage of inbound or outbound cargo after expiration of free time, including wharf storage, shipside storage, closed or covered storage, opened or ground storage, bonded storage, and refrigerated storage, after storage arrangements have been made.
- (GS) **TON:** A unit of weight of 2,000 pounds.

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- USAGE:** The use of terminal facility by any rail carrier, lighter operator, trucker, shipper, or consignee, their agents, servants and/or employees, when they perform their own car loading unloading, lighter loading unloading, or truck loading unloading or the use of such facilities for any other gainful purpose for which a charge is not otherwise specified.
- USER, DEFINITION OF:** A user of the facilities managed and controlled by the Board of Trustees of the Galveston Wharves shall include, but not be limited to:
1. Any steamship agency and/or stevedoring company doing business on or in connection with such facilities.
  2. Any person, partnership, corporation or other entity doing business on or in connection with such facilities.
  3. Any Person, partnership, corporation, or other entity owning or having custody of cargo on or moving over such facilities.
- (GS) **VESSEL:** Includes within its meaning every description of water craft or other artificial contrivance whether self-propelled, or non-self-propelled used, or capable of being used, as a means of transportation on water, and shall include in its meaning the owner thereof.
- VOYAGE:** For the purpose of this tariff circular, a vessel's voyage is completed when she departs from ports known as the Galveston District.
- (GS) **WHARF:** Any wharf, pier, quay, landing, or other stationary structure to which may be utilized in the transit or handling of cargo or passengers and shall include other port terminal facility areas along side of which vessels may lie or which are suitable for and are used in the loading, unloading, assembling, distribution, or handling of cargo.
- (GS) **WHARF DEMURRAGE:** A charge assessed against cargo remaining in or on terminal facilities after the expiration of free time unless arrangements have been made for storage.
- (GS) **WHARFAGE:** A charge assessed against the cargo or vessel on all cargo passing or conveyed over, onto, or under wharves or between vessels (to or from barge, lighter or water), when berthed at wharf or when moored in slip adjacent to wharf. Wharfage is solely the charge for use of wharf and does not include charges for any other service.

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BOARD OF TRUSTEES  
OF THE GALVESTON WHARVES  
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1<sup>st</sup> Revised Page 3

ISSUED: DECEMBER 16, 2002

EFFECTIVE: JANUARY 1, 2003

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SECTION 100 - GENERAL INFORMATION, RULES AND REGULATIONS

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**ITEM 105 Continued:**

**(GS) ABBREVIATIONS:**

C	-Cents
\$	-Dollar
%	-Percent
(A)	-Addition
(C)	-Change in wording which results in no increase or reduction
(I)	-Increase
(N)	-New Item
(R)	-Reduction
Cont'd	-Continued
Cu. Ft.	-Cubic Feet
cwt	-Hundred-Pound Weight
FMC	-Federal Maritime Commission
FTZ	-Foreign Trade Zone
GRT	-Gross Registered Ton
ISO	-International Standardization Organization
Lbs.	-Pounds
LOA	-Length - Over - All
MFB	-Thousand Board Feet
MT	-Metric Ton
NOS	-Not Otherwise Specified
(GS)	-The Rate, Rule, or Regulation bearing this reference mark is published pursuant to agreement of members of the Gulf Seaports Marine Terminal Conference.

**COMPLIANCE WITH THE LAW**

**(N) ITEM 106**

All common carriers, vessels, their owners and/or agents, forwarders, tenants and any other "users" of the facilities of the Galveston Wharves shall fully comply with all Federal, State, County and City laws, statutes, ordinances, rules and regulations applicable to the Galveston Wharves, the facilities or any activities of the Galveston Wharves.

**CONSENT TO THE TERMS OF THE TARIFF**

**(N) ITEM 107**

The use of the facilities under the jurisdiction of the Galveston Wharves shall constitute a consent to the terms and conditions of this Tariff and evidences an agreement on the part of all vessels, their owners, agents, and other "users" of such facilities to pay all charges specified in this Tariff, to be governed by all rules and regulations herein contained, to abide by local rules and regulations as set forth by the Board of Trustees of the Galveston Wharves and to be responsible for the disciplining of any infractions thereof by such person and / or such firms and their employees, and all claims, damages .... et cetera.

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5<sup>th</sup> Revised Page 3-A

ISSUED: DECEMBER 15, 2010

EFFECTIVE: DECEMBER 15, 2010

SECTION 100 - GENERAL INFORMATION, RULES AND REGULATIONS

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**ACCESS TO PORT PROPERTY**

**(N) 108**

To promote public safety and efficient operations, the Galveston Wharves may restrict access to its facilities. As used in this item, "facilities" includes all land, buildings, offices, open and covered cargo areas, wharves and slips; also equipment, machinery, railroad right-of-way and roadways, which are owned, controlled or operated by the Galveston Wharves. Authorized persons only are permitted on Galveston Wharves Properties and Facilities; all others will be considered trespassers subject to prosecution and penalties in accordance with the laws and ordinances of the City of Galveston and the State of Texas.

**PROHIBITION OF SOLICITATION AND UNAUTHORIZED VENDING**

**(N) 109**

The Rules and Regulations of the Galveston Wharves prohibit solicitation of any kind or the vending or promotion of any product or service on the facilities of the Galveston Wharves without the prior authorization from the Galveston Wharves, which may include the issuance of a license from the Galveston Wharves in accordance with Items No. 110 and No. 111. "Solicitation" shall include the passing out of literature, waybills or flyers and/or verbal communication for the purpose of promoting a product or service.

**STEVEDORE LICENSE**

**(C) 110**

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

	Original Application	Annual
All Purpose / General Cargo	\$ 7,500	\$1,000
Bulk Cargo Only	\$ 6,000	\$ 500

From and after July 1, 1989, no User performing stevedoring services, whether currently doing business on or in connection with the facilities of the Board of Trustees of the Galveston Wharves or whether applying for authority to so perform, shall be permitted to conduct stevedoring services thereon until such Stevedore License Application, accompanied by the appropriate application fee and supporting documentation have been received and approved by the Board of Trustees of the Galveston Wharves. A copy of the Stevedore License Application is available upon request to the Board of Trustees of the Galveston Wharves at the Port offices.

As a condition to the receipt and continuation of such license, User performing stevedoring services shall keep in full force and effect all insurance covering its operations, to be carried out upon or in connection with the facilities of the Board of Trustees of the Galveston Wharves, as required by Item 179 and Section 600 of this Tariff Circular No. 6, as may be amended from time to time.

**Item No. 110 continued on the next page.**

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5<sup>th</sup> Revised Page 3-B

ISSUED: DECEMBER 15, 2010

EFFECTIVE: DECEMBER 15, 2010

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SECTION 100 - GENERAL INFORMATION, RULES AND REGULATIONS

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**Consideration of Applications**

- (a) All applications, whether Original or for Renewal, shall be accompanied by the filing fee specified in this section of the Tariff and all documentary evidence requested on the application form in support of applicant's eligibility. The failure to fully and accurately complete all questions on the application form will result in rejection of the application. The Port Director or his delegate shall review the applications and may require applicant to furnish additional information. If after review, in the opinion of the Port Director, the applicant has established that it is competent and well qualified to perform the duties of licensee; that such services are required for the advancement of public shipping; and that the applicant is ready, willing and able to perform the service, the Port Director or his delegate may then post notice of the consideration of the application by the Board of Trustees of the Galveston Wharves at a public meeting.
- (b) Following such notice of consideration of the Stevedore License Application at a public meeting, the Board of Trustees of the Galveston Wharves will consider the information supplied in the Stevedore License Application, the report of the Port Director or his delegate concerning due diligence regarding such application and the recommendations of the Port Director, and shall grant or deny the application. The application may be granted with such limitations or restrictions as deemed appropriate by the Board of Trustees of the Galveston Wharves.

**Issuance and Term of License**

The term of each original stevedore license will become effective upon approval of an application by the Board of Trustees and will expire the following December 31. The term of each renewal stevedore license will be in accordance with the provisions noted herein. All original and renewal stevedore licenses may be limited to a specific location as determined by the Board of Trustees of the Galveston Wharves. The acceptance of a license shall signify agreement of the Licensee to be governed by all tariffs, policies, rules and regulations of the Galveston Wharves.

**License Renewal**

Licenses shall be renewable on an annual basis for the period January 1<sup>st</sup> through December 31<sup>st</sup>. Requests for renewal of licenses shall be in writing using the Stevedore License Renewal Application Form provided by the Galveston Wharves. The Port Director or his delegate shall mail notices of renewal, including Stevedore License Renewal Application forms and invoices for the Annual Renewal Fee, to all current holders of Stevedore Licenses on or about November 1 of each year. Such requests for renewal and all responsive information must be delivered to the Port offices of the Galveston Wharves not later than December 1st of each year preceding the year in which the license is sought in order to assure consideration by the end of the year. All applications for renewal of Stevedore License received by the specified annual deadline will be reviewed by the Port Director or his delegate and then considered by the Board of Trustees of the Galveston Wharves at a public meeting, as defined in the section above, "Consideration of Applications", prior to the end of each December.

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10<sup>th</sup> Revised Page 3-C

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The request for renewal may be granted or denied, or granted with such limitations and restrictions deemed appropriate by the Board of Trustees of the Galveston Wharves.

If such request for renewal and responsive information, along with the annual license fee, is not received by the deadline described above, the license will expire at midnight, December 31<sup>st</sup>.

In the event of expiration or termination of a stevedore license, the Board of Trustees may, as deemed appropriate, notify all known customers of the stevedore and other users of the Port of Galveston of the respective stevedore license expiration or termination.

A licensee wishing to reinstate its Stevedore License after expiration or termination must submit a new application in its entirety, accompanied by the respective application processing fee, unless the Board of Trustees of the Galveston Wharves, in its discretion, waives this requirement.

**Non-Transferability of License**

No license shall be transferred or assigned to or otherwise used by any person other than the named licensee without the prior written approval of the Galveston Wharves. Any person, firm, corporation or other business entity properly acquiring all or substantially all of the stevedoring business assets from a licensee hereunder may qualify for a license by conforming to the Stevedore License Application requirements of this Tariff Item.

**OTHER LICENSES AND PERMITS**

**(C)(A)(I) 111**

**Port and Cruise Terminal Use and Parking Permits and Fees**

Applications for Port Use Permits are to be submitted to the Galveston Wharves using Application Forms, which are available at the Offices of the Galveston Wharves. An initial fee of \$250.00, and annual renewal fee of \$50.00, is required for the following categories of business, other than marine terminal operators or stevedores as described in the above item, conducting activities on or in connection with the property of the Galveston Wharves:

1. Commercial Business Entities not operating under a Lease Agreement, Berthing Agreement, Operating Agreement, Operating or Terminal Services Agreement or Concession Agreement with the Galveston Wharves or the Galveston Port Facilities Corporation
2. Persons owning and/or operating Commercial Passenger Vehicle, Bus, , Limousine and Taxicab Service, Persons owning and/or operating Courtesy Vehicle, Shuttle or Bus Service, providing access for people to the Galveston Wharves and the Cruise Ship Terminal Complex (Not operated or controlled by or under contract for transportation services with the Galveston Wharves) (Notes A, C, D & E)
3. Mobile Food and/or Merchandise Vendors
4. Common Carriers by Water of Passengers (Water Taxi Service)
5. Persons performing Oil Waste, Bilge Water and Gray Water Removal Service
6. Persons performing Sanitary and Solid Waste Removal Services
7. Person performing the services of Line Handling for vessels.
8. Persons operating Pneumatic Trucks handling Plastic Polymer Pellets

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6<sup>th</sup> Revised Page 3-D

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In addition to the application and Port Use Permit fee, all applications must be accompanied by a Certificate of Insurance showing proof of insurance, not less than that required in Item 600 of this Tariff, and meeting all other requirements found in Item 600 of this Tariff, except as noted in "Note B", below. The Insured party must be the same name as the Applicant and the Taxpayer Identification registered with the Texas Secretary of State and the Texas Comptroller of Public Accounts for the named business entity. The City of Galveston and the Board of Trustees of the Galveston Wharves must also be named as "Additional Insureds" with Waiver of Subrogation.

Port Use Permits are to be issued for a period of one (1) year beginning January 1<sup>st</sup> and ending December 31<sup>st</sup>. New businesses requiring Port Use Permits within three months of the above expiration date will be issued such permits to extend the following year,

**Note A.** A separate Port Use Permit must be obtained for each of the business categories, named above, in which any business entity is engaged.

**Note B.** Initial and annual permit fee for Persons, as defined herein, who are independent owners of single taxicab vehicles, as defined herein, Mobile Food and/or Merchandise Vendors and Line Handling Companies will be \$50. Certain liability and other insurance requirements contained in Tariff Item 600 may be modified for the above users as deemed necessary based on review of the applicant and type of business. The following insurance requirements defined in the City of Galveston Ordinances, as may be amended from time to time, which are applicable to Commercial Vehicles for Hire, are incorporated into this Tariff Circular and apply to the respective types of vehicles referenced in the ordinance section heading (See also: [www.cityofgalveston.org](http://www.cityofgalveston.org)).

**Sec. 35-54. Insurance-taxicabs.**

Every holder of a license to operate a taxicab service pursuant to the provisions of this chapter shall maintain in full force and effect at all times a policy or policies of automobile liability and property damage insurance, with an insurance company or companies authorized to do business in Texas, covering each vehicle so used, in an amount not less than the minimum coverage required by state law. No taxicab permit shall be issued or renewed unless the applicant has obtained for the vehicle involved an automobile liability insurance policy with an insurance company or companies authorized to do business in Texas with minimum limits as prescribed pursuant to state law. The applicant prior to issuance or renewal of the permit shall furnish satisfactory proof of such coverage. Said policy shall contain a clause requiring thirty (30) days notice be given to the city prior to cancellation. If such notice of cancellation is given by the insurance company, the licensee shall obtain new insurance before meeting the requirements of this section prior to the expiration of the 30-day period; if the license fails to do so his permit shall be immediately revoked.

(Ord. No. 02-058, § 3, 6-27-02)

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4<sup>th</sup> Revised Page 3-E

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**Sec. 35-55. Insurance-limousines.**

Every holder of a license to operate a limousine service pursuant to the provisions of this chapter shall maintain in full force and effect at all times a policy or policies of automobile liability and property damage insurance with an insurance company or companies authorized to do business in Texas, covering each vehicle so used, in an amount not less than five hundred thousand dollars (\$500,000.00) combined single limits. No limousine permit shall be issued or renewed unless the applicant has obtained for the vehicle involved an automobile liability insurance policy with an insurance company or companies authorized to do business in Texas with the required coverage. An applicant prior to the issuance or renewal of annual permit shall furnish satisfactory proof of such coverage. The holder shall furnish proof of such coverage by filing with the director a valid certificate of insurance, or in lieu thereof a true multiple original of any such policy. The policy shall contain a clause requiring thirty (30) days' notice be given to the city prior to cancellation. If the insurance company gives such notice of cancellation, the holder shall obtain new insurance before the expiration of the 30-day period; if the holder fails to do so his permit shall be immediately revoked.

(Ord. No. 02-058, § 3, 6-27-02)

**Sec. 35-56. Insurance-buses and shuttles.**

Every holder of a license to operate a bus or shuttle vehicle service pursuant to the provisions of this chapter shall maintain in full force and effect at all times a policy or policies of automobile liability and property damage insurance with an insurance company or companies authorized to do business in Texas, covering each vehicle so used, in an amount not less than five hundred thousand dollars (\$500,000.00) combined single limits. No bus or shuttle vehicle permit shall be issued or renewed unless the applicant has obtained for the vehicle involved an automobile liability insurance policy with an insurance company or companies authorized to do business in Texas with the required coverage. An applicant prior to the issuance or renewal of annual permit shall furnish satisfactory proof of such coverage. The holder shall furnish proof of such coverage by filing with the director a valid certificate of insurance, or in lieu thereof a true multiple original of any such policy. The policy shall contain a clause requiring thirty (30) days' notice be given to the city prior to cancellation. If the insurance company gives such notice of cancellation, the holder shall obtain new insurance before the expiration of the 30-day period; if the holder fails to do so his permit shall be immediately revoked.

(Ord. No. 02-058, § 3, 6-27-02)

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5<sup>th</sup> Revised Page 3-F

ISSUED: DECEMBER 17, 2007

EFFECTIVE: DECEMBER 17, 2007

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<p><b>Note C.</b> In addition to the annual Port Use Permit fee, ground transportation companies, as defined herein, accessing Cruise Terminal 1/ Texas Cruise Ship Terminal on Galveston Island®, or Cruise Terminal 2 / Texas Cruise Ship Terminal at Pier 27, collectively the Cruise Ship Terminal Complex, shall be subject to the following decal and/or access fees for each vehicle that shall have such access:</p>	
<p><u>Type of Vehicle and Vehicle Seating Capacity:</u></p>	<p><u>Decal and Access Charge:</u></p>
<p>Bus, Commercial Passenger Vehicle, or Courtesy Vehicle with Seating Capacity of greater than fifteen (15) persons <b>(**Except as noted in Notes D &amp; E, below)</b></p>	<p>\$10.00 per decal per vehicle, annually and \$50.00 per Access/Trip</p>
<p>Commercial Passenger Vehicle, Courtesy Vehicle, Shuttle or Limousine with Seating Capacity of fifteen (15) persons <b>(**Except as noted in Notes D &amp; E, below)</b></p>	<p>\$10.00 per decal per annually and \$20.00 per Access / Trip</p>
<p>Commercial Passenger Vehicle, Courtesy Vehicle or Shuttle with Seating Capacity of up to fourteen (14) persons <b>(**Except as noted in Notes D &amp; E, below)</b></p>	<p>\$10.00 per decal per vehicle, annually and \$10.00 per Access / Trip</p>
<p>Limousine or Taxi and Taxicabs with Seating Capacity of nine (9) to fourteen (14) persons <b>(**Except as noted in Notes D &amp; E, below)</b></p>	<p>\$10.00 per decal per vehicle, annually and \$10.00 per Access / Trip</p>
<p>Limousines with Seating Capacity of not more than eight (8) persons</p>	<p>\$10.00 per decal per vehicle, annually</p>
<p>Taxi and Taxicabs with Seating Capacity of not more than eight (8) persons</p>	<p>\$7.50 per decal per vehicle, annually</p>
<p><b>Note D.</b> Those <b>Off-Port Parking Users</b>, as defined herein, in operation and accessing the Texas Cruise Ship Terminal on Galveston Island®, or the Texas Cruise Ship Terminal at Pier 27, collectively the Cruise Ship Terminal Complex, as of August 15, 2006 shall, in lieu of the Access/ Trip fee, be subject to a monthly Access Fee equal to the amount of \$8.00 per parking space located in the Off-Port Parking User's parking facility, with number of billable parking spaces to be confirmed by</p>	

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5<sup>th</sup> Revised Page 3-G

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**Note D.**

the Galveston Wharves. The \$8.00 Access Fee will be effective on and after August 15, 2006. Commencing on August 15, 2011, the monthly Access Fee will be adjusted on that date and on each anniversary of such date (each an "Adjustment Date") to reflect increases in the Consumer Price Index for All Urban Consumers (CPI-U) for Houston-Galveston-Brazoria, Texas, All Items (1982-84 = 100) published by the Bureau of Labor Statistics of the United States Department of Labor (the "Index"). If the Index is converted to a different standard reference base or otherwise revised, the determination of the Index will be made with the use of such conversion factor, formula, or table for converting the Index as may be published by the agency or authority that establishes the Index or, if one is not published by such agency or authority, then with the use of such conversion factor, formula, or table as may be published by any nationally recognized publisher of similar statistical information. If the Index ceases to be published, then within 30 days after such Index ceases to be published the Wharves will substitute a new index of similar type to be used as the Index for determining future monthly Access Fee escalation. On each Adjustment Date, Access Fees will be recalculated to be equal to a number equal to the product of the Access Fee in effect the day before the Adjustment Date multiplied by a fraction, the numerator of which is the Index number for the last reporting period before the Adjustment Date and the denominator of which is the Index number for the last reporting period before (i) the Effective Date (with respect to the first adjustment of Access Fee) or (ii) the immediately preceding Adjustment Date (with respect to each subsequent adjustment), whichever is applicable. If the product is greater than the Access Fee in effect the day before the then current Adjustment Date, the Off-Port Parking User must pay the greater amount until the next Adjustment Date. Access Fee as calculated in this Tariff Item must never be less than the amount of the initial Access Fee set forth above. The Galveston Wharves will provide all Off-Port Parking Users to whom the Access Fee applies with notice of each adjustment to Access Fee and the calculation of the adjustment no later than 30 days prior to each Adjustment Date.

**Note E.**

**Parking Fees** - Those **Charter Bus Owners and Operators**, as defined herein, in operation and accessing the Texas Cruise Ship Terminal on Galveston Island®, or the Texas Cruise Ship Terminal at Pier 27, collectively the Cruise Ship Terminal Complex, as of December 17, 2007 shall, in lieu of the payment of Initial Application and Renewal Fees for Port Use Permits, Decal Fees and/or the Access/ Trip fee, be subject to a Parking Fee equal to the amount of \$50.00 per each use of any bus parking space located in the Cruise Ship Terminal Complex. Charter Bus Operators must provide sufficient advance notification to the Port, Attention of the Director of Administration, in advance of arrival at the Port to allow for review of the existence and sufficiency of the required insurance. Additionally, payment shall be made by check on arrival at the Cruise Ship Terminal Complex, unless prior acceptable payment arrangements have been made in advance with the Port.

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4<sup>th</sup> Revised Page 3-H

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**Payment of Fees:**

Payment of fees for initial application for Port Use Permit and for renewal of Port Use Permits is due upon submission of the application for such permit in person or by mail at the Administrative Offices of the Port of Galveston. Extension of Credit, issuance of invoices for payment of fees and payment of all fees other than application fees due to the Galveston Wharves will be made in accordance with the provisions of Section 100 of Tariff Circular No. 6, Items No. 192, 194, 196 and 198. Decals will be mailed to Port Use Permit applicants, at the mailing address noted on the application, upon approval of the Port Use Permit application by the Galveston Wharves.

Suspension or Revocation of Port Use Permits will be in accordance with the terms of Item #112 of Tariff Circular No. 6, as it may be amended from time to time.

**Definitions:**

- (1) **ACCESS** means to enter upon premises owned, operated or controlled by the Board of Trustees of the Galveston Wharves.
- (2) **BUS** means a motor vehicle operated for commercial purposes that:
  - (A) has manufacturer's rated seating capacity of more than fifteen (15) passengers (including the driver); and
  - (B) is used for the transportation of people.
- (3) **BUS SERVICE** means the business of offering or providing transportation of people for hire by bus, whether the fare is paid by individuals boarding the bus or by contract with or for a specified group or people, when:
  - (A) a driver or referral to a driver is furnished as part of the service; and
  - (B) the service is offered either as a charter bus service or a special bus service.
- (4) **CHARTER BUS SERVICE** means a bus service for the transport of people belonging to a specified group that is offered only upon a prearranged basis, the prearrangement being made at least one hour in advance of the time the transportation is to begin.
- (5) **COMMERCIAL BUSINESS ENTITY** means any Person, as defined in this section, engaged in commercial, industrial or institutional operations in connection with which money or anything of value is paid, demanded or expected by passengers, customers, or other users, but does not include the federal government of the United States, the State of Texas, the City of Galveston, the Galveston Wharves or any of their departments, agencies or political subdivisions (unless they provide, as their primary function, ground transportation of passengers in exchange for fares or charges).
- (6) **COMMERCIAL PASSENGER VEHICLE** means a vehicle not otherwise defined in this Tariff while it is used, or offered (orally or in a writing or sign) to be used, to transport one or more people, on land, either:
  - (A) in exchange for a fare, charge, or other thing of value (paid, demanded, or expected for the transportation service, in whole or in part, directly or indirectly, by the person transported or by another person, or otherwise); or

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(B) in connection with the operations of a commercial business entity, regardless of whether a fare, charge, or other thing of value is paid, demanded or expected for the transportation service.

It shall be a presumption that a vehicle bearing the name, trade name, common name, emblem, trademark or other identification of a commercial business entity and being used to transport a passenger is a commercial passenger vehicle.

(7) **COURTESY VEHICLE** means a commercial passenger vehicle that meets all of the following criteria at all times when it is operated on property owned, leased or controlled by the Galveston Wharves:

(A) The vehicle is owned or provided by one or more commercial business entities that: (i) arrange for the vehicle to provide transportation only incidentally to the commercial business entities' primary businesses or activities, which may, for example, be off-port car rental user, off-port parking user, lodging, air transportation, special events or medical care; (ii) provide the vehicle, by purchase or lease or by contracting with another party (which party may or may not be primarily in the business of providing ground transportation); and (iii) all sign the application for the Port Use License and/or Port Use Permit for Vehicle, as applicants or co-applicants.

(B) The vehicle is provided for the exclusive use of officers, agents, employees, customers or invitees of any of the commercial business entities.

(C) There is no fare, charge or thing of value paid, demanded or expected from the people transported, directly or indirectly, for transportation, and this is effectively communicated to the traveling public. (Example: An increase in the charge for lodging or for an event could be an indirect charge, if related to transportation.)

(8) **GROUND TRANSPORTATION COMPANY** means any Person (other than the Galveston Wharves or any Person or entity under contract to provide transportation services for the Galveston Wharves) owning or operating the following types of vehicles as defined in this section: commercial passenger vehicle, bus, bus service, charter bus, courtesy vehicle, shuttle, limousine, taxi or taxicab service.

(9) **LIMOUSINE** means a motor vehicle operated for commercial purposes that shall not have a taximeter, which is a luxury sedan with a manufacturer's rated seating capacity of not more than fifteen (15) passengers that is used for the transportation of people.

(10) **OFF-PORT PARKING USER** means a commercial business entity which provides or arranges for one or more commercial passenger vehicles, courtesy vehicles, buses or shuttles, however owned or operated, to pick up or drop off passengers within a terminal complex of the Galveston Wharves in connection with the operations of a business of the user involving the parking of motor vehicles of any type at a facility located outside of the boundaries of property owned, operated or controlled by the Galveston Wharves.

(11) **OFF-PORT RENTAL CAR USER** means a commercial business entity which provides or arranges for one or more commercial passenger vehicles, courtesy vehicles, buses or

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shuttles, however owned or operated, to pick up or drop off passengers within a terminal complex of the Galveston Wharves in connection with a business of the user involving the renting of motor vehicles, all under circumstances where the user does not have a contract or lease with the Galveston Wharves for the use of counter space within the terminal complex.

(12) **ON-PORT RENTAL CAR USER** means a commercial business entity which may provide or arrange for one or more commercial passenger vehicles, courtesy vehicles, buses or shuttles, however owned or operated, to pick up or drop off passengers within a terminal complex of the Galveston Wharves in connection with a business of the user involving the renting of motor vehicles, under circumstances where the user has a contract or lease with the Galveston Wharves for counter space, kiosk or other location within the terminal complex.

(13) **OPERATE** means to drive or to be in control of a taxicab, limousine, bus, courtesy vehicle, shuttle or commercial passenger vehicle.

(14) **OWNER** means the person to whom state license plates for a vehicle were issued.

(15) **OPERATING AUTHORITY** means written permission or licensing granted on an annual basis by the Port Director under this section.

(16) **OPERATOR** means the owner of a taxicab, limousine, bus, courtesy vehicle, shuttle or commercial passenger vehicle; or the holder of a taxicab, limousine, bus, courtesy vehicle or shuttle operating authority.

(17) **PERSON** means any natural person or any entity, whether organized for profit or not, that is a corporation, limited or general partnership, limited liability company, sole proprietorship, real estate investment trust, joint venture, joint stock company, cooperative, association, bank, trust, insurance company or other legal entity or combination organized pursuant to or recognized under the laws of Texas or any other state or country.

(18) **PORT USE PERMIT** means a valid (not suspended or revoked) and unexpired permit issued by the Port Director pursuant to this Tariff Item. A Port Use permit contains terms and conditions as described herein, or as may be amended from time to time. A Port Use Permit grants privileges (e.g., using Galveston Wharves property for commercial purposes, supplying services at the Galveston Wharves (Port of Galveston) for which fees are imposed. Both Port Use Permits and the more specialized contracts or leases mentioned in this Tariff are types of contracts.

(19) **SHUTTLE** means a van-type motor vehicle operated for commercial purposes that shall not have a taximeter, that has a manufacturer's rated seating capacity of not less than eight (8) passengers and not more than fifteen (15) passengers and is used for the transportation of people.

(20) **TAXI OR TAXICAB** means a chauffeured motor vehicle, but not including limousines, that is equipped with a taximeter, and that has a typical rated passenger capacity of eight (8) passengers or less, used for the transportation of passengers for hire over the public streets of the city that typically operates on irregular routes, irregular schedules, and a call and demand

**Item No. 111 continued on the next page.**

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1<sup>st</sup> Revised Page 3-K

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basis, and irrespective of- whether or not the operations extend beyond the city limits, at rates for distance traveled, or for waiting time, or for both, or at rates per hour, per day, per week, or per month and such vehicle is routed under the direction of the passenger hiring the same. Special Note: Taxi or Taxicab with seating capacity of greater than eight (8) passengers will be assessed a trip charge as Indicated in "Note C" of this Tariff Item.

(21) **TAXICAB, LIMOUSINE, BUS OR SHUTTLE SERVICE** means a passenger transportation service operated for hire that uses any one or more of the following vehicle types: taxicabs, limousines, buses, or shuttles in the operation of the service and includes (but is not limited to) a facility from which the service is operated; taxicabs, limousines, buses, or shuttles used in the operation; and a person who owns, controls, or operates the service.

(22) **TAXIMETER** means a device that mechanically or electronically computes a fare based upon the distance traveled, the time the taxicab is engaged, and any other basis for charges which are specified in the operating authority or rate ordinance pertaining to the holder.

(23) **TERMINAL COMPLEX** means that area within the boundaries of property owned, leased or controlled by the Galveston Wharves located within 400 feet of a passenger terminal building (or any part thereof). The Port Director may promulgate a map or other description of a terminal complex, and it shall be a presumption that the boundaries of the terminal complex are as so promulgated by the Port Director.

**REVOCATION OF LICENSES**

**112**

**Revocation of Stevedore Licenses and Other Licenses**

The Galveston Wharves reserves the right to suspend, revoke, or deny renewal of a Stevedore License, previously granted and issued under Tariff Item No. 110 – STEVEDORE LICENSE, or of any Other License previously granted and issued to Port Users under Tariff Item No. 111 – OTHER LICENSES, upon written notice to the licensee based on any of the following:

- (1) Failure of the licensee to adhere to the terms and conditions of its license, including without limitation, violations of the Tariff, policies, rules and regulations of the Galveston Wharves (including insurance and bonding requirements), and all fire, safety, environmental or other applicable Federal, State or local laws and regulations;
- (2) Failure of licensee to discharge its financial obligations to the Galveston Wharves, which shall include failure to adhere to the terms of payment of all charges and fees due and payable in accordance with the terms of Section 100 of the Board of Trustees of the Galveston Wharves Tariff Circular No. 6, as it may from time to time be amended.
- (3) The submittal by the licensee of false or misleading information to the Galveston Wharves;
- (4) Neglect of duty, incompetence, inefficiency, or other act or acts detrimental to the interest of the Galveston Wharves or the public; or
- (5) Such other factors relating to the interests of the Galveston Wharves or the public as



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the Galveston Wharves may deem proper.

1<sup>st</sup> Revised Page 4

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EFFECTIVE: JULY 1, 2002

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**STRAIGHT TIME - GALVESTON WHARVES EMPLOYEES**

**(C) 113**

**Straight Time - Work Performed During the Hours of:**

0800 Hours to 1200 Hours  
and  
1300 Hours to 1700 Hours

Except as otherwise provided by the International Longshoremen's Association National Agreement, those periods of time set aside for meal hours are as follows:

<u>FROM</u>	<u>TO</u>
Midnight	0100 Hours
0600 Hours	0700 Hours
1200 Hours	1300 Hours
1800 Hours	1900 Hours

**STRAIGHT TIME - INTERNATIONAL LONGSHOREMEN'S ASSOCIATION**

**116**

**Straight Time - Work Performed During the Hours of:**

0800 Hours to 1200 Hours  
and  
1300 Hours to 1700 Hours

Except as otherwise provided by the International Longshoremen's Association National Agreement, those periods of time set aside for meal hours are as follows:

<u>FROM</u>	<u>TO</u>
Midnight	0100 Hours
0600 Hours	0700 Hours
1200 Hours	1300 Hours
1800 Hours	1900 Hours

**OVER TIME - GALVESTON WHARVES EMPLOYEES**

**(C) 119**

Straight time charges, shown in this tariff, apply only when the service is performed from 0800 hours to 1700 hours on each day except Saturdays, Sundays & Holidays, or during meal hours as defined in this tariff. When work is requested to be performed during other than straight time hours, overtime rates and charges will apply.

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**OVER TIME AND DOUBLE TIME - INTERNATIONAL LONGSHOREMEN'S ASSOCIATION**

**122**

Straight time charges, shown in this tariff, apply only when the service is performed from 0800 hours to 1700 hours on each day except Saturdays, Sundays & Holidays, or during meal hours as defined in this tariff. When work is requested to be performed during other than straight time hours, overtime or double time rates and charges will apply. The provisions of the specific ILA agreement will be applicable.

**GALVESTON WHARVES HOLIDAYS**

**(C) 125**

The following holidays are observed by Galveston Wharves employees:

New Year's Day	
Martin L. King's Birthday	
President's Day	Thanksgiving Day
Good Friday	Friday following Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Labor Day	New Year's Eve

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

**HOLIDAYS FOR FREIGHT HANDLERS AND LONGSHORE LABOR:**

**128**

The following holidays are observed by the I.L.A.

New Year's Day	Emancipation Day
Martin L. King's Birthday	Independence Day
President's Day	Labor Day
Texas Independence Day	Veteran's Day
Good Friday	Thanksgiving Day
Memorial Day	Christmas Day

No work shall be performed on Labor Day or Christmas Day.

Holidays falling on Sunday will be observed on the following Monday.

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**WELDING AND HOT WORK PERMITS REQUIRED ON GALVESTON WHARVES  
PROPERTY**

**(C) 131**

All portable cutting, welding, and other hot work for maintenance, construction, or modifications shall be administered safely. ***The Galveston Wharves will issue permits only to those that provide adequate insurance as described in Section 600 of this Tariff***, gas-free certificates, confined space management and full compliance to all applicable regulations. All documentation must be filed with the Director of Safety (409-766-6172) prior to permits being issued. The charge for issuing a welding/hot work permit shall be in the amount of \$25.00 (Twenty-Five Dollars).

**PAINTING AND SANDBLASTING**

**(C) 134**

No sandblasting or painting shall be performed on the Galveston Wharves properties or on vessels docked at the Galveston Wharves facilities without written approval from the Galveston Wharves Operations Department. Any person or company desiring to perform such activities shall make a request for authorization in writing. The request shall contain a detailed description of the activities to be performed and materials to be used. It shall also contain a permit from the Texas Natural Resource Conservation Commission for the outlined activities or a statement from the agency stating that no permit is required for the proposed activities. Any permits required from other governmental entities shall also be provided.

***The Galveston Wharves requires that any person or company desiring to perform such activities obtain insurance as described in Section 600 of this Tariff.***

Upon receipt of all the above required information and assurance that the activities can be accomplished without danger to the environment or damage to Galveston Wharves facilities the Operations Department will authorize the activity in writing.

**NO FIREARMS**

**135**

In accordance with the policy adopted by the Board of Trustees of the Galveston Wharves, the possession, carrying and/or concealing of any weapon, firearm, or handgun on premises owned or operated by the Galveston Wharves is strictly prohibited, except by those persons specifically authorized in writing by the Port Director to carry firearms, or by law enforcement officials authorized by law to carry or possess a weapon.

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**RESPONSIBILITY FOR CHARGES, ETC.**

**137**

The use of waterways and facilities under jurisdiction of the Board of Trustees of the Galveston Wharves shall constitute consent to the terms and conditions of this tariff and evidences an agreement on the part of all vessels, their owners and agents, and other Users of such waterways and facilities, to pay all charges specified, including any and all damages to property as provided in Item 161, or reissues, and to be governed by all rules and regulations contained in this tariff.

**DUMPING INTO WATERS**

**(C) 140**

The dumping of oil, oily waste, grease or other objectionable matter into the waters adjacent to the Galveston Wharves or anywhere in the Galveston Channel is prohibited by National, State and City laws and ordinances.

**MOTOR VEHICLES ON WHARVES OR PIERS**

**143**

No person shall drive or operate or cause to be driven or operated any vehicle onto or upon any wharf or pier when, in the discretion of the Galveston Wharves, such vehicle will damage the wharves, warehouses, piers or aprons or in any manner interfere with the efficient operation of such facilities.

**VEHICLE LIABILITY INSURANCE**

**(C) 146**

As a condition to entry and presence of any motor vehicle on Galveston Wharves' property, the Operator must be able to demonstrate compliance **with the provisions of Item 610(d) of this Tariff.**

The Galveston Wharves reserves the right to assure that all motor vehicles and operators thereof entering or present on Galveston Wharves properties are in compliance with such provision.

**NO SMOKING**

**149**

No person shall smoke upon the piers or wharves, nor in the warehouses, sheds or other structures of the Galveston Wharves; nor shall any person smoke upon any truck, float, automobile or vehicle of any kind when using structures aforesaid.

**FIRE FIGHTING APPARATUS, ETC.**

**152**

No person shall obstruct or interfere with the free and easy access to, or remove or in any way disturb, any fire extinguisher, fire hose, fire hydrant or any other fire-fighting appliance or apparatus installed in or upon any wharf or pier.

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**WATCH SERVICE**

**(C) 155**

The rates published herein do not provide for and the Board of Trustees of the Galveston Wharves does not perform watch service for the use and benefit of the Users of the Galveston Wharves (Port of Galveston).

**CRANE USAGE**

**158**

Privately owned cranes may be used on Galveston Wharves' property only by prior authorization of the Port Director, and/or Chief Harbormaster. Unauthorized cranes will be subject to removal by the Galveston Wharves at owner's expense.

Note:

Cranes on steel crawler tracks are prohibited on pier or other hard surfaced areas unless on protective pads at all times, while moving or standing.

**DAMAGE TO PROPERTY**

**(C) 161**

**(a)** All vessels, their owners, charters and their agents, and all other Users of the facilities of the Board of Trustees of the Galveston Wharves shall be responsible for the expense of replacement or repair of any facility damaged as a result of their use or occupancy thereof, whether or not such damage is caused by negligence or by the operation and conduct of third parties participating with them in their use or occupancy including, but not limited to, tugs and pilots. The expense of replacement or repair will be billed against the User (or Users jointly) for such damages as herein stated at cost. ***Each User must indemnify the Board of Trustees of the Galveston Wharves and the City of Galveston in accordance with the provisions of Section 600 of this Tariff.***

**(b)** The discharge of heavy articles or the stacking of freight in such quantities as will cause excessive weight upon the piers, aprons or wharves will not be permitted without prior written authority of the Board of Trustees of the Galveston Wharves and then only at sole risk of the vessels, their owners or agents, or owner of the property so discharged.

**(c)** The Harbormaster may detain any vessel or other watercraft responsible for damage to the facilities, until sufficient security has been posted for the amount of damage.

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2<sup>nd</sup> Revised Page 9

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**ELECTRIC CURRENT AND LIGHTS**

**(C) 164**

Electric current normally will be supplied direct to Users by Houston Lighting and Power Company, except in cases where this would be impractical. In such cases, the Galveston Wharves will supply electric current, pursuant to request to and arrangements with the Harbormaster, and re-bill to User accordingly.

**LIST OF RAILROADS SERVING THE GALVESTON WHARVES**

**(C) 167**

Burlington Northern Santa Fe Railroad  
Galveston Railroad, LP GVSR #567  
Union Pacific Railroad

**DEMURRAGE OR DETENTION**

**170**

Except when it is caused by its own negligence, Galveston Wharves will not be responsible for any demurrage or detention on railcars or trucks.

**INDEMNITY**

**(C) 173**

All vessels, their owners or agents, and all other Users of the facilities of the Board of Trustees of the Galveston Wharves agree to indemnify and save harmless the Board of Trustees of the Galveston Wharves and the City of Galveston *in accordance with the provisions of Section 600 of this Tariff.*

**LITIGATION EXPENSE**

**176**

In the event suit should be brought by the Board of Trustees of the Galveston Wharves through the City of Galveston in a court of competent jurisdiction to collect any monies due, enforce any provisions or remedy any default under this tariff by User or Users of the facilities of the Board of Trustees of the Galveston Wharves, which suit results in a final judgment, then the prevailing party shall be entitled to recover of and from the non-prevailing party, in addition to the usual court costs, reasonable attorney's fees.

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**INSURANCE**

**(C) 179**

Each Steamship Agency, Stevedoring Company and General User doing business on or in connection with the facilities of the Board of Trustees of the Galveston Wharves shall provide insurance as required by Section 600 of this Tariff Circular No. 6. As their first Effective Date, the **Insurance requirements of Section 600** of this Tariff Circular No. 6 supersede those insurance requirements set forth in the "Minimum Insurance Requirements for General User of Galveston Wharves Facilities", previously approved by the Board of Trustees of the Galveston Wharves and effective on November 22, 1999. If there is a conflict with the terms of this Tariff Circular No. 6 and the previous "Minimum Insurance Requirements for General User of Galveston Wharves Facilities:", Tariff Circular No. 6 will preside.

**CARE, CUSTODY AND CONTROL OF CARGO**

**181**

The rates published in this tariff do not provide for, and the Board of Trustees of the Galveston Wharves does not accept care, custody and control of the any cargo or other property while on or in the wharves, docks, transit sheds, warehouses or any other facilities managed and controlled by the Board of Trustees of the Galveston Wharves.

**LIABILITY FOR LOSS OR DAMAGE TO FREIGHT OR CARGO**

**183**

Except as may be caused by its own negligence, Galveston Wharves shall not be liable for damage to or loss of any freight or cargo being loaded or unloaded at the facility; nor for damage to or loss of freight or cargo on or in its facilities from any cause whatsoever, including but not limited to fire, rain, floods, leakage or discharge of water from fire protection sprinkling systems, collapse of buildings, sheds, platforms, wharves, subsidence of floors or foundations, breakage of pipe; nor for loss or damage caused by pilferage or theft, rats, mice, moths, weevils, or other animals or insects, frost or the elements, contamination or shrinkage; nor shall Galveston Wharves and/or the City of Galveston be liable for any delay, loss or damage arising from strikes, tumult, insurrections or Acts of God, or any other causes whatsoever; nor from any of the consequences of these contingencies.

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**LESSEE RESPONSIBILITY**

**(C) 186**

When cranes, derricks, hoists, conveyors, lift trucks, tractors and other equipment used in the moving or lifting of cargoes (hereinafter called "Leased Equipment") are rented or leased to others (hereinafter called "Lessee"), it is expressly understood that such Leased Equipment will be operated under the direction and control of Lessee, and the Lessee shall be responsible for the operation thereof and assume all risks for injuries or damages which may arise or grow out of the use or operation of said Leased Equipment.

Each Lessee, by acceptance of such Leased Equipment, agrees to fully protect, indemnify, reimburse and save harmless the Board of Trustees of the Galveston Wharves and the City of Galveston ***as required by the provisions of Section 600 of this Tariff.***

It is hereby understood and agreed that in the event Lessee uses the operator of said unit employed by the Galveston Wharves, such operator shall be under the direction of the Lessee and the operator shall be considered as the agent or servant of the Lessee and Lessee shall be responsible for the acts of such operator during time of rental or lease. It is incumbent upon the Lessee to make a thorough inspection and satisfy himself as to the physical condition and capacity of the unit, as well as the competency of the operator, there being no representation or warranties with reference to such matters.

**LIMITATION OF LIABILITY OF CITY AND MEMBERS OF THE BOARD OF TRUSTEES**

**189**

The City of Galveston shall never be liable to respond in damages or make indemnity or compensation of any character from any source other than the income and revenues arising from the operation of the property operated by the Board of Trustees of the Galveston Wharves by reason of, or due to, or caused by the operation of the Galveston Wharves, the members of the Board of Trustees of the Galveston Wharves, either singularly or collectively, shall not be personally liable to anyone by reason of, or due to, or caused by the management of Galveston Wharves.



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EFFECTIVE: APRIL 1, 2000

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**EXTENSION OF CREDIT**

**192**

- (A) The Board of Trustees of the Galveston Wharves will extend credit to any User of the facilities pursuant to provisions of this tariff, or amendments to or reissues thereof, upon application for credit and demonstration of financial responsibility and credit worthiness by applicant User through current financial statements certified by an independent certified public accountant or other acceptable evidence of financial responsibility any by furnishing at least three satisfactory credit references.
- (B) The Board of Trustees of the Galveston Wharves will also extend to any User who will post and maintain a single transaction, a period, or an annual, surety bond in the form and content and with corporate surety acceptable to the Board of Trustees of the Galveston Wharves in an amount equal to the one hundred twenty-five percent (125%) of maximum liability on such single transaction, or equal to an estimated period, or estimated annual maximum, liability (such maximum liability to be determined by Galveston Wharves.
- (C) Users receiving credit under the provisions of this Item 192 agree to be bound by all of its provisions.
- (D) Extension and continuation of existing lines of credit shall be conditioned upon the payment of invoiced charges by the last day of the month following the month in which the invoice was issued.
- (E) The Board of Trustees of the Galveston Wharves reserves the right to suspend or cancel privileges previously granted to Users who violate the provisions of this Item 192
- (F) Users who have not established a line of credit with the Board of Trustees of the Galveston Wharves should make written application for credit to the Director of Finance, Galveston Wharves, P.O. Box 328, Galveston, Texas 77553-0328 (phone: 409-766-6146) at least fifteen (15) days prior to requesting any use or service of the Galveston Wharves or incurring any charges.

**PAYMENT OF CHARGES**

**194**

- (A) All invoices covering charges in this tariff are due and payable upon presentation unless satisfactory credit arrangements have been made as provided in Item No. 192.
- (B) The Board of Trustees of the Galveston Wharves reserves the right to estimate and collect in advance all charges which may accrue against vessels, their owners and/or agents, other Users of the Facilities, or against cargo loaded or discharged by such vessels or other Users of facilities, whose credit has not been properly established with the Board of Trustees of the Galveston Wharves, or who have habitually been on the delinquent list. Use of the facilities may be denied unless such advance payments or deposits are made.

**Item No. 194 continued on the next page.**

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(C) The Board of Trustees of the Galveston Wharves reserves the right to apply any payment received against the oldest bill rendered against vessels, their owners and/or agents, or other Users of the facility. **(C)**

(D) Should there be any question with regard to the validity of any invoice issued by the Board of Trustees of the Galveston Wharves, or the accuracy thereof, such matters must be reduced to writing and addressed to the Director of Finance, Galveston Wharves, P.O. Box 328, Galveston, Texas, 77553, within twenty (20) days after the invoice is presented for payment. Errors will be rectified by adjustment or amendment to the invoice based on information received and facts determined. Any invoice not questioned within the twenty (20) day period will be considered valid and final.

**DELINQUENT INVOICES**

**196**

Any invoice issued by the Galveston Wharves, which is unpaid 30 days after the date the invoice is issued, shall become delinquent.

As to any invoices which are or shall become delinquent on or after 30 days from the effective date of this amendment, an interest charge of 12% per annum of the amount of such invoice shall be due and owing from the date of delinquency until paid.

Such interest charge shall compensate the issuer of this tariff for loss of use of such delinquent amount, and shall be calculated on a daily basis based upon a per-annum basis of 365 days.

If an invoice is disputed in accordance with Item 194(D), then such interest shall be due and owing on the correct amount of such disputed invoice from the date of delinquency until paid. If it is later determined by court action or otherwise that the User paying such disputed invoice has overpaid, such User shall then be reimbursed the amount of such overpayment at the rate of 12% per-annum, calculated on a daily basis as provided herein.

\*\*\*\*\*  
**Item issued pursuant to Gulf Seaports Marine Terminal Conference,  
FMC Agreement No. 224-200163**  
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**DELINQUENT LIST**

**198**

All vessels, their owners and/or agents, stevedoring companies, or other Users of the Facilities of the Board of Trustees of the Galveston Wharves whose account becomes delinquent as set forth in Item No. 196 may be placed on the delinquent list and may be denied further use of the facilities until all such charges together with any other charges due shall have been paid.

Users whose accounts remain on the delinquent list and unpaid for more than thirty (30) days may be placed on "cash in advance" status, as provided in Item No. 194 (D).

**END OF SECTION 100**

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SECTION 200 - RULES AND REGULATIONS APPLICABLE TO VESSELS AND RELATED  
ACTIVITIES

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<b>TIME RATES AND CHARGES BECOME EFFECTIVE</b>	<b>205</b>
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All charges shown in this Tariff become effective (except as otherwise provided) on arrival of a vessel at any wharf or mooring. Time to be computed from the actual hour of berthing and each succeeding twenty-four (24) hours or fraction thereof, after hour of berthing will be considered a full day.

<b>STRAIGHT RUNNING TIME</b>	<b>210</b>
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Vessels berthing at wharves or mooring of Galveston Wharves and paying charges as shown herein, will be considered on the same voyage even though departing for ports of Houston, Texas City, or Baytown, Texas.

The running time will cease when vessel departs from wharves or mooring of Galveston Wharves and time taken up where left off upon return of vessel.

<b>ADMEASUREMENT OF VESSEL - L.O.A. OR G.R.T.</b>	<b>215</b>
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Dockage shall be charged on the length overall (L.O.A.) or gross registered tonnage (G.R.T.), where stated herein, of the vessel as shown in Lloyd's Register of Shipping. Where additional L.O.A.'s or G.R.T.'s are assigned to certain vessels, the highest of all such lengths or tonnages shown in Lloyd's Register of Shipping shall be applicable in determining length, overall or gross tonnage for the purpose of assessment of dockage charges under this Tariff Circular. However, the Galveston Wharves reserves without question, the right to admeasure any vessel when deemed necessary, and use such measurements as basis of the charge.

<b>CLEANLINESS</b>	<b>220</b>
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Steamship agents, owners, charterers, and other Users of the facilities of the Galveston Wharves are responsible for cleaning the facilities assigned for their use. If User does not clean the Galveston Wharves facilities assigned for use within 48 hours of the completion of use, or sooner if so notified by the Harbormaster, the Galveston Wharves will provide labor and equipment to clean such facilities, and bill the User in accordance with Tariff Item 580.

<b>DUNNAGE MUST BE REMOVED PROMPTLY</b>	<b>230</b>
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Dunnage discharged from vessels onto docks or into warehouses must be removed from the docks or warehouses within forty-eight (48) hours after discharge.

If not removed within forty-eight (48) hours, Galveston Wharves will move it with its own labor to storage back of the waterfront and bill the steamship agent or owner of the vessel for cost of moving same, in accordance with Tariff Item 580.

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1<sup>st</sup> Revised Page 15

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SECTION 200 - RULES AND REGULATIONS APPLICABLE TO VESSELS AND RELATED  
ACTIVITIES

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**UNUTILIZED PRIVATELY OWNED EQUIPMENT AND/OR FACILITY** **240**

Any unutilized privately owned equipment and facilities on property under the management of the Galveston Wharves, not covered by a written agreement or other items on this tariff, shall be assessed a storage charge in accordance with Item No. 460 of this Tariff No. 6.

**APPLICATION FOR BERTH** **(C) 250**

Vessels, their owners, charters and agents desiring a berth at any Galveston Wharves facility must apply to the Harbormaster, Telephone: (409) 766-6115 on forms furnished by his office in advance of date for receiving cargo on not less than forty-eight (48) hours in advance of date for discharging cargo.

The Harbormaster will confirm a berth assignment by returning a signed copy of said form to the applicant.

The signed application form and grant of berth assignment shall constitute a contract, subject to the rates, rules and regulations and provisions contained in this tariff and the ordinances and Code of the City of Galveston by and between the Board of Trustees of the Galveston Wharves and the vessel, her owner, charterer and agents, jointly, severally, and in solido.

As a part of its application for berth, the vessel, its owners or agents, shall advise the Galveston Wharves, Harbormaster, of the Protection and Indemnity association (P & I Club) which affords the vessel indemnity coverage as well as the name and telephone number of the local legal representative thereof knowledgeable with regard to such coverage.

Any damage caused by the vessel to the wharf or any installation or equipment which is the property of the Galveston Wharves, whether it be through incompetence or carelessness on the part of the pilot or officer of the ship carrying out operations or for any other reason, shall be the responsibility of the Master and of the owners of the ship causing the damage. The Galveston Wharves shall be able to detain the ship until it has received a satisfactory guarantee for the amount of the damage caused or a reasonable estimate thereof.

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1<sup>st</sup> Revised Page 16

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SECTION 200 - RULES AND REGULATIONS APPLICABLE TO VESSELS AND RELATED  
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**CARGO STATEMENTS REQUIRED**

**(C) 260**

(A) Certified Statement of Cargo:

All vessels, their owners and/or agents using the facilities of the Board of Trustees of the Galveston Wharves shall file with the Billing Department of the Galveston Wharves a certified statement of cargo accompanied by a manifest, which must be amended to include all changes and supplements thereto, covering all cargo loaded and unloaded. Such statement of cargo shall be reported on the forms and in the manner prescribed by the Port Director. A supply of the prescribed form may be obtained from the Galveston Wharves Billing Department.

The Statement of Cargo on inbound cargo must be filed not later than ten (10) days after the arrival of the vessel.

The Statement of Cargo on outbound cargo must be filed not later than ten (10) days after sailing.

Failure to file certified Statement of Cargo within the time specified shall constitute cause for suspension of preferential berth assignment, suspension of credit, or suspension of other vessel privileges until such failure is remedied.

(B) Certified Pier Demurrage Statements:

All vessels, their owners and/or agents using the facilities of the Board of Trustees of the Galveston Wharves shall file with the Billing Department of the Galveston Wharves a Certified Statement of Pier Demurrage on all outbound cargo loaded from such facilities. Such Certified Statement of Pier Demurrage must be filed on the forms and in the manner prescribed by the Port Director. A supply of the prescribed form may be obtained from the Galveston Wharves Billing Department.

In lieu of filing a Certified Statement of Pier Demurrage, the vessel, its owner and/or agent, may file a certified copy of the vessel's manifest of outbound cargo and copies of all Receiving Reports on cargo loaded aboard the vessel along with a sworn statement certifying that the copies furnished are true and correct copies of the Receiving Reports.

**Item No. 260 continued on the next page.**

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2<sup>nd</sup> Revised Page 16-A

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The Certified Statement of Pier Demurrage, or in lieu thereof, copies of Receiving Reports and manifest of outbound cargo, must be filed not later than ten (10) days after sailing. Failure to file Certified Statement of Pier Demurrage, or Receiving Reports and manifest, within time specified shall constitute cause for suspension of preferential berth assignment, suspension of credit, or suspension of other vessel privileges until remedied.

( C ) Access to Manifests, Etc.

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

**OILY WASTES DISPOSAL**

**(C) 270**

Under the provisions of Annex I of the International Convention for the Prevention of Pollution (MARPOL 73/78) and the United States Coast Guard implementing regulations, Part 158 of Title 33 of Code of Federal Regulations (33CFR 158), all terminals and ports which receive tankers or other oceangoing vessels of 400 gross tons or more must make provisions for adequate oily waste reception facilities.

The Galveston Wharves will make available upon request a list of those companies that are approved to contract for their services at the Galveston Wharves for the reception of oily waste and are subject to the applicable regulations for the transfer of oil (33 CFR 154-156):

**For Information Please Contact:**

**United States Coast Guard Marine Safety Unit Texas City (409) 978-2730  
Galveston Wharves Harbormaster (409) 766-6115**

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1<sup>st</sup> Revised Page 17

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**DISPOSAL OF SHIP GENERATED WASTES**

**280**

Under the provisions of Annex V of the International Convention for the Prevention of Pollution (MARPOL 73/78) port reception facilities for ship's garbage and separation on board vessels of various kinds of waste are required. Garbage is defined as "all kinds of victual domestic and operational waste, excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously and periodically."

The rules require terminals and ports to ensure the availability of facilities to receive ship-generated garbage. The Galveston Wharves will make available upon request a list of those companies that are approved to contract their services at the Galveston Wharves for the receipt of ship-generated garbage and are subject to the applicable regulations for the collection and disposal of such wastes (33 CFR Parts 1515, 155, and 158.46 CFR part 25. USDA Title 7 CFR 330.400 and Title 9 CFR 94.5).

**For Information Please Contact:**

***United States Department of Agriculture Galveston Office (409) 766-3634  
Galveston Wharves Harbormaster (409) 766-6115***



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**This item deleted in its entirety.**

**END OF SECTION 200**

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SECTION 300 - RULES AND REGULATIONS APPLICABLE TO CARGO

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**RESPONSIBILITY FOR PAYMENT OF CHARGES**

**(C) 305**

( a ) A request for service of any kind warrants to Galveston Wharves that the person or firm issuing the request is liable and responsible for payment of the charges therefor. Except as otherwise provided herein, all charges shall be due from and payable by the person or firm requesting the service to be performed.

Exception:

When specified at time request for service is made, Galveston Wharves will at its option and convenience, invoice charges in the first instance to OTHER NAMED PERSONS or firms (see Note); however, if said invoices are not paid within thirty (30) days from date of invoice, the charges become immediately due and payable by the person or firm requesting the service.

*Note: Galveston Wharves will not honor request to invoice charges to private or contract carriers.*

( b ) Vessel owners and their agents whose vessels discharge or receive cargo while moored to a pier, dock or wharf thereby contract to pay the applicable wharfage charges thereon, except as provided in Notes A & B.

Note A:

Wharfage charges on cargo handled under the provisions of EXCEPTION to Paragraph (a) of Item 440 are due and payable by the person or firm requesting the service to be performed.

Note B:

Outbound wharfage on cargo other than cotton and cargo in containers will be invoiced to shipper or owner of cargo or his agent, and are due and payable by the party responsible for forwarding cargo through the facilities of The Galveston Wharves.

**INSURANCE**

**(C) 310**

The wharfage charges provided for herein do not include any expense for insurance covering owner's interest in the property, nor will such insurance be effected by Galveston Wharves under its policies. **All insurance must comply with the requirements set forth in Section 600 of this Tariff.**

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**APPLICATION OF WHARFAGE CHARGES**

**(C) 315**

( a ) Except as otherwise provided, cargo moved over or under, or placed upon a dock, wharf, pier or property of the Galveston Wharves, including cargo transferred directly between trucks or rail freight cars and ocean vessels or barges, is subject to the wharfage charges named herein according to the character of the traffic and commodity classification.

Exceptions:

Cargo unloaded from trucks or rail freight cars on a dock, wharf, pier, or property of Galveston Wharves and subsequently reloaded into trucks or rail freight cars for movement beyond Galveston is subject to the import or export charges, whichever is higher.

Cargo unloaded from trucks, vans or rail freight cars on a dock, wharf, pier or property of Galveston Wharves and subsequently moved from the Galveston Wharves by other than water will be subject to assessment and collection of regular wharfage charges prior to movement from Galveston Wharves facilities.

( b ) Cargo discharged or received over the offshore side of the vessel or barge moored to a dock, wharf, or pier is subject to the same wharfage charges as would apply had it moved over a dock, wharf or pier.

( c ) Cargo discharged from a vessel to a dock, wharf or pier for transshipment by vessel is subject to both inward and outward wharfage charges according to the character of the traffic and the commodity classification; EXCEPT, if the cargo is reloaded within fifteen (15) days (see Note) and has not changed ownership, only the applicable inward or outward wharfage charge will apply, whichever is higher.

Note

*The day on which the cargo is placed on a dock, wharf or pier shall be counted as the first day and the day on which the cargo is lifted shall NOT BE COUNTED in computing the time.*

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SECTION 300 - RULES AND REGULATIONS APPLICABLE TO CARGO

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**PIER DEMURRAGE RULES**

**(C) 320**

The waterfront warehouses, docks and piers of the Galveston Wharves are designed primarily for use in handling of cargo interchanged between the railroads, trucks and water carriers, on the one hand, and vessels and barges, on the other, and these waterfront facilities are not intended to be used for the storage of freight.

Cargo that is discharged into or onto the waterfront facilities of the Galveston Wharves from railroad cars, trucks and/or water carriers, shall be subject to the following provisions:

(a) FREE TIME LIMITATIONS:

On outbound cargo intended for delivery to water carriers, fifteen (15) running days, Saturdays, Sundays & Holidays being included, will be allowed free when such cargo is discharged into closed or shedded piers, and also when discharged in the open. (See Exceptions 1, 2, & 3). Free time will begin the day after the day that the cargo is fully received.

On inbound cargo, fifteen (15) running days, Saturday, Sundays & Holidays being included, will be allowed free when such cargo is discharged from vessels or barges. Free time will begin the next day after the day the vessel or barge completes discharging such inward cargo. (See Exception 1, 2, & 3). Cargo discharged from vessels and later reloaded aboard the same or other vessels shall be subject to the free time applying on outbound cargo.

Exception 1: To encourage business, cargo may be assigned space for an additional period of thirty (30) days (45 days total), inclusive of Saturdays, Sundays & Holidays. The free time accorded under provisions of this exception will be subject to availability of suitable open space and to the making of arrangements for the use thereof in advance of cargo arriving at the Galveston Wharves.

Exception 2: NON-SHIPMENT BY WATER - Cargo delivered to or on the facilities of the Galveston Wharves for water transportation that is not ultimately shipped by water, and is removed from the Galveston Wharves, is subject to wharf demurrage charges with no free time allowance, commencing with the date of arrival at the facilities of the Galveston Wharves.

**Item No. 320 continued on the next page.**

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( c ) PIER DEMURRAGE RULES:

Inbound or outbound cargo remaining on the property of the Galveston Wharves after the expiration of free time will be subject to the following rules:

- ( 1 ) Pier demurrage charges on outbound cargo will be considered as for the account and responsibility of the vessel, their owners or agents, individually or collectively.
- ( 2 ) Pier demurrage charges on inbound cargo will be considered as for the account and responsibility of the owner of the cargo, the shipper, the receiver or their agents, individually or collectively.
- ( 3 ) Galveston Wharves reserves right to allow cargo to remain at initial point of rest, or move it at the risk and expense of the owner to another location on Galveston Wharves, or to a public or licensed warehouse, if space is available.
- ( 4 ) Cargo subject to pier demurrage and/or drayage charges will not be released until satisfactory arrangements have been made by the owners, or their agents, with Galveston Wharves for payment of said charges.
- ( 5 ) Cargo placed in public or licensed warehouses under the provisions of Paragraph (3) is subject to a lien by Galveston Wharves for payment of accrued charges.
- ( 6 ) For special provisions due to strike interference, see Item 555.
- ( 7 ) Pier demurrage on cotton unloaded, but not in the care, custody, and control of a steamship agent, will be billed to the owner, shipper, or freight forwarder of the cotton.

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SECTION 300- RULES AND REGULATIONS APPLICABLE TO CARGO

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**CARGO RECEIPT FROM STEAMSHIP COMPANIES**

**325**

Steamship companies shall receipt daily for cargo unloaded by the "FREIGHT HANDLER" from rail cars, trucks and drays, except for cotton delivered to and receipted for by the Galveston Wharves. With respect to such cotton, the steamship companies shall receipt for such cotton on the day it is tendered to them by the "FREIGHT HANDLER".

Cargo placed in a ship's berth from 8:00am to 5:00pm shall be receipted for promptly and on the day it is unloaded, and before 6:00pm. Cargo placed in a ship's berth from 5:00pm to 8:00am shall be receipted for not later than the following morning and before 9:00am.

Steamship companies shall be responsible for cargo placed in the ship's berth by "FREIGHT HANDLER" and receipted for, or if not immediately accepted and receipted for by the water carriers or their agents, when the freight has been fully tendered by the "FREIGHT HANDLER" in the customary manner.

**FUMIGATION**

**330**

Bagged agricultural products that remain in transit sheds of Galveston Wharves for a period of forty-five (45) days must be fumigated at that time; and again after each forty-five (45) day period thereafter, as long as the cargo remains in the transit sheds.

All expense of fumigation will be 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 Galveston Wharves reserves the right to fumigate such bagged agricultural products for the account of the cargo owner, shipper, consignee, or whoever has care, custody and control of the cargo, for the cost therefor.

**CONTROL OF HANDLING LOADING AND UNLOADING**

**335**

Without preference or discrimination, and in order to promote the orderly receipt and dispatch of railroad cars and motor vehicles, the Galveston Wharves reserves the right to control the loading and unloading of all freight handled on its facilities and the rates to be charged.

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2<sup>nd</sup> Revised Page 23

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SECTION 300 - RULES AND REGULATIONS APPLICABLE TO CARGO

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**HANDLING OF HAZARDOUS MATERIALS**

**(C) 340**

Materials classified as hazardous by the U. S. Coast Guard or the U. S. Department of Transportation will be accepted by the Galveston Wharves 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 Galveston, Users of the facilities, and the terminal facilities of the Galveston Wharves, the Harbormaster and/or the City of Galveston Fire Marshall may issue directives and instructions to insure the safe handling, stowing, loading, discharge, and/or transportation of hazardous materials and explosives.

The master, agent, or person in charge of any vessel scheduled to use the facilities of the Galveston Wharves shall advise the Harbormaster of any hazardous cargo aboard the vessel, including any gunpowder, dynamite, or other explosives, stating the quantity of 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.

The Galveston Wharves may refuse the use of its facilities for the handling of such explosives, hazardous and dangerous materials which are considered by the Harbormaster as constituting undue risk to its' terminal facilities, their Users, and/or the citizens of Galveston.

**\* Wharfage charges that may accrue for cargo under this item are subject to double the applicable Wharfage rates as described on Page 29-A of this Tariff.**

For Information and Procedures Please Contact:

**City of Galveston Fire Marshal - (409) 797-3870**

**United States Coast Guard Marine Safety Unit Texas City (409) 978-2730**

**Galveston Wharves Harbormaster - (409) 766-6115**

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3<sup>rd</sup> Revised Page 24

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**SECTION 300 - RULES AND REGULATIONS APPLICABLE TO CARGO**

**APPLICATION**

**ITEM**

**LIMITATION ON RECEIVING COTTON IN SHIP'S BERTH**

**(C) 345**

No more than 10,000 bales of cotton and/or linters in bales shall be placed in any one sprinkled fire division of the Galveston Wharves, such fire divisions being defined in this item. Any User of the Galveston Wharves receiving such cotton and/or linters, in bales into a transit shed shall, upon demand of the Galveston Wharves, have drayed from the dock all bales in excess of the maximum bales allowed as listed for each pier section below.

Such User, whether vessels, their owners, charterers and/or agents, receiving such excess cotton and/or linters in bales shall be assessed and pay a five dollar (\$5.00) per bale per day penalty for the violation of this Tariff item, such daily penalty to be assessed on the date demand is made for the removal of such excess bales, with a five dollar (\$5.00) per bale penalty for each day or part of a day thereafter until such excess bales have been drayed or otherwise removed from the dock.

All cotton placed in transit shed must comply with the requirements of the United States Coast Guard Waterfront Facilities Regulations including, but not limited to, height of pile, aisle, door and fire appliance clearance, etc.

For the purpose of this item, a sprinkled fire division is the area inside pier transit sheds which is separated by firewalls from the remainder of the shed, and which has permanent overhead sprinkling system.

In those sprinkled transit sheds without firewalls, the entire shed is one sprinkled fire division.

The designated areas that are sprinkled fire divisions are shown below:

The following designated areas are sprinkled fire divisions: **(C)**

<b>Pier</b>	<b>Sec.</b>	<b>Sq. Ft. of Area</b>	<b>Maximum Bales Allowed</b>
15	A11	84,916	10,000
37	A11	75,000	10,000

**2<sup>nd</sup> Revised Page 24-A has been deleted**

**END OF SECTION 300**



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10<sup>th</sup> Revised Page 25

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SECTION 400 - CHARGES APPLICABLE TO VESSELS AND RELATED ACTIVITIES

APPLICATION	ITEM
<b>DOCKAGE</b>	<b>(I) (C) 410</b>

Except as otherwise provided herein, or as otherwise specified in Leases, Operating and Berthing Agreements or Terminal Services and Rate Agreements with the Galveston Wharves, all vessels docking at any dock, pier, wharf or mooring facility of the Galveston Wharves shall pay for use of said docks, piers, wharves, or mooring facilities. Rates in this item are based upon a period of twenty-four (24) hours or fractional part thereof unless otherwise stated. Dockage charges as follows for all vessels: (See exceptions).

<u>VESSEL LENGTH OVERALL</u> <u>IN FEET</u>	<u>DOCKAGE PER FOOT</u> <u>PER DAY</u>
1 - 199	\$ 2.36
200 - 399	\$ 3.08
400 - 499	\$ 4.21
500 - 599	\$ 5.65
600 - 699	\$ 6.59
700 - 799	\$ 8.34
800 - 899	\$10.05
900 & OVER	\$12.03

**EXCEPTIONS:**

Barges shall be assessed as follows

A. TWENTY-TWO CENTS (\$0.22) per Gross Registered Ton (GRT) of vessel per day or fraction thereof, or the applicable vessel length overall (LOA) rate above, whichever is greater.

AA. (R)(N)(A) Inland Waterway Barges-Non Self-Propelled – Non Self-Propelled Inland Waterway (River) Hopper Barges (covered or open) moored at Galveston Wharves facilities will be charged at the following Dockage Rates: \$59.00 per day.

**Item No. 410 continued on the next page.**

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7<sup>th</sup> Revised Page 25-A

ISSUED: NOVEMBER 19, 2010

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SECTION 400 - CHARGES APPLICABLE TO VESSELS AND RELATED ACTIVITIES

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B. Long-term dockage rate applications will be approved in advance by the Port Director. Long-term dockage is defined as docking for five days or more at any dock, pier, wharf, or mooring facility of the Galveston Wharves.

\*\*\*\*\*

Method of assessing dockage on basis of Length Overall (LOA), and Dockage Rates have been adopted pursuant to action taken by Gulf Seaports Marine Terminal Conference, FMC Agreement No. 224-200163.

\*\*\*\*\*

C. In order to enhance safety and efficiently handle cargo operations, the following shall apply to any vessel working cargo and assessed dockage under terms of the above schedule of rates. Any vessel loading or discharging cargo that arrives at its cargo berth during the daylight hours the day before beginning cargo operations shall be assessed dockage under terms of the above schedule of rates except for the following: If the last day of dockage is six (6) hours or less, then the rate shall be 25% of the Tariff. If the last day of dockage is twelve (12) hours or less, then the rate shall be 50% of the Tariff. If the last day of dockage is twelve (12) hours or more, then the full Tariff rate shall apply. If vessel immediately starts cargo operations upon arrival, then the above exception shall not apply.

D. See Items 415 - 455 for applicable dockage charges on other vessels

**LAY GRAIN VESSELS**

**(I) (C) 415**

Vessels (Including Oceangoing Barges) berthed at any wharf or mooring, or made fast to vessel so berthed, for the purpose of fitting up or waiting to load bulk grain only will be assessed the following dockage charge:

TWENTY-ONE CENTS (\$0.21) PER GROSS REGISTERED TON (GRT) PER DAY OR FRACTION THEREOF FOR THE FIRST DAY AND FOURTEEN CENTS (\$0.14) PER GROSS REGISTERED TON (GRT) PER DAY OR FRACTION THEREOF FOR DAYS THEREAFTER.

**VESSELS BERTHED ALONGSIDE**

**(C) 420**

Vessels berthed alongside or abreast of another vessel, moored at berth for the purpose of discharging cargo into said berthed vessel, shall be assessed dockage at the above applicable length overall (LOA) at 100% of the rates for the first two twenty four (24) hour periods. Dockage assessment for the third twenty-four hour period will be at ninety percent (90%), fourth twenty-four period will be at seventy-five percent (75%), fifth twenty-four period at sixty percent (60%), sixth and succeeding twenty-four hour periods of uninterrupted berth occupancy at fifty percent (50%) of applicable rates set out above.

**Item No. 425 continued on the next page.**

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6<sup>th</sup> Revised Page 25-B

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SECTION 400 - CHARGES APPLICABLE TO VESSELS AND RELATED ACTIVITIES

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APPLICATION

ITEM

**DRILLING RIGS**

**(I) 425**

Dockage for drilling rigs will be assessed at FOUR DOLLARS and THIRTY-NINE CENTS (\$4.39) per running foot of wharf used per day or fraction thereof.

**VESSELS REQUIRING SPECIAL SERVICES**

**(I) (C) 430**

All vessels berthed at any wharf or mooring which require Special Services will be subject to dockage charges of FORTY-SIX CENTS (\$0.46) Per Gross Registered Ton (GRT) per day or fraction thereof.

**OFFSHORE TENDERS, RESEARCH VESSELS, TOW BOATS & OTHER SIMILAR CRAFT**

**(I) 435**

Dockage charges on offshore tenders, research vessels and other similar craft having LOA of 399 Feet or less will be assessed on length of vessel at THREE DOLLARS and ONE CENT (\$3.01) per foot per day or fraction thereof. Such vessels having an LOA of greater than 399 feet will be assessed Dockage in accordance with the rates listed in Item No. 410 above.

**VACATION OF BERTH**

**(I) 440**

(A) In order to expedite the handling of vessels, when there are more vessels assigned to specific berths than can be accommodated at one time, vessels already in berth shall, upon order of the Harbormaster, be required to work overtime at their own expense. A vessel refusing to work overtime shall promptly vacate its berth. Failure of a vessel to vacate its berth when so ordered shall subject the vessels, owner, charterer or agent to the payment of an additional dockage charge at the rate of SIX HUNDRED NINETY-SEVEN DOLLARS (\$697.00) per hour or fraction thereof. Assessment of this additional dockage charge shall not affect the right of Galveston Wharves to effect removal of such vessel at cost, risk and expense of vessel, her owner, charterer or agent.

(B) When any vessel has been assigned a berth under the provisions of Item Nos. 410, 415, 420, 425, 430, and 435, as amended, of this tariff and the said berth is required by the Harbormaster for other public purposes, in the sole judgment of the Harbormaster, such vessel shall, upon order of the Harbormaster, immediately vacate said berth. Any such vessels failing to so vacate such berth shall be assessed an additional dockage charge at the rate of SEVEN HUNDRED SEVENTEEN DOLLARS (\$717.00) per hour or fraction thereof. Assessment of said additional dockage charge shall not affect the right of Galveston Wharves to effect removal of such vessel at cost, risk and expense of vessel, her owner, charterer or agent.

**Item No. 440 continued on the next page.**

BOARD OF TRUSTEES  
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6<sup>th</sup> Revised Page 26

ISSUED: NOVEMBER 19, 2010

EFFECTIVE: JANUARY 1, 2011

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SECTION 400 - CHARGES APPLICABLE TO VESSELS AND RELATED ACTIVITIES

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APPLICATION

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(C) When any such vessel refuses to vacate its berth when ordered to vacate under provisions of this item, its owner and/or agents, individually and collectively, shall be bound to indemnify and hold harmless the Galveston Wharves against any and all claims by incoming vessels assigned to the same berth which are delayed by the failure to the vessel to vacate.

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4<sup>th</sup> Revised Page 27

ISSUED: MARCH 24, 2008

EFFECTIVE: MARCH 24, 2008

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SECTION 400- CHARGES APPLICABLE TO VESSELS AND RELATED ACTIVITIES

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APPLICATION

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**BOARDING AND MOVING OF VESSELS**

**(C) 445**

If any person having charge of any vessel, within the harbor and corporate limits of the City of Galveston, Texas, shall refuse or neglect to remove or regulate the same, after having been notified to do so by the Harbormaster, the Harbormaster shall have the power and authority to go aboard such vessel, with such assistance as he may think necessary, and remove or otherwise regulate such vessel to such point or in such a manner as he may think just and proper for the better accommodation of other shipping in the harbor and corporate limits of the City of Galveston, Texas.

Such person in charge shall, in addition to any other penalty by law, be liable for all expense incurred by the Harbormaster in his removal of such vessel. Such expense may be sued for and recovered for the use of the City before any court of competent jurisdiction. (Code of the City of Galveston, Article II, Section 11-4).

**ITEM DELETED (3/24/08)**

**(D) 450**

**GOVERNMENT VESSELS**

**455**

At the discretion of the Port Director, Government vessels not engaged in commerce may be exempted from the charges shown herein.

BOARD OF TRUSTEES  
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4<sup>th</sup> Revised Page 28

ISSUED: MAY 24, 2004

EFFECTIVE: MAY 24, 2004

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SECTION 400 - CHARGES APPLICABLE TO VESSELS AND RELATED ACTIVITIES

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**UNUTILIZED EQUIPMENT / FACILITY CHARGE**

**460**

Any unutilized privately owned equipment and facilities on property under the management of the Galveston Wharves, not covered by a written agreement or other items on this tariff, shall be assessed a storage charge of \$ 0.01 per square foot per calendar day or fraction thereof until removed from the premises or a written agreement is executed covering said equipment and facilities. The charge shall be based on the total area occupied inside the perimeter drawn around such equipment and facilities.

**OUTBOUND AND INBOUND CARGO (SHED HIRE)**

**465**

Where shedded piers or wharves are occupied, vessels using same for inbound and/or outbound cargo shall pay a one-time charge of TEN AND ONE-HALF CENTS (\$0.105) per gross registered ton of vessel.

**RESPONSIBILITY TO SECURE SHEDS**

**470**

Users of any transit shed shall be required to close all doors at the end of each working day.

If User does not close all doors at the end of each day's working operation, Galveston Wharves will order out special labor to secure the sheds and User will be billed at cost plus twenty percent (20%).

**WAREHOUSE RENTAL**

**(C) 472**

To encourage the movement of cotton through the facilities of The Galveston Wharves, The Galveston Wharves will provide warehouse space for cotton consigned to local cotton warehouse operators, which do not have written agreements with the Galveston Wharves, based on availability, on a month-to-month basis, in warehouses as designated by the Port Director in advance. The charges for warehouse space shall be \$0.0625 per square foot per month, paid in arrears, for any section of warehouse space occupied during any portion of the previous calendar month.

The Galveston Wharves will provide warehouse space for other users of the Galveston Wharves, which do not have written agreements with the Galveston Wharves, based on availability, on a month-to-month basis, in warehouses so designated by the Port Director in advance. The charges for warehouse space shall be \$0.125 per square foot per month, paid in arrears, for any section of warehouse space occupied during any portion of the previous calendar month.

**Item No. 472 Continued on the next page.**

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6<sup>th</sup> Revised Page 28-A

ISSUED: MARCH 27, 2006

EFFECTIVE: APRIL 1, 2006

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SECTION 400 - CHARGES APPLICABLE TO VESSELS AND RELATED ACTIVITIES

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ITEM

**Continued - Item No. 472**

The Port of Galveston, as grantee/operator of FTZ No. 36, has FTZ warehouse space available for its customers. Monthly charges for FTZ warehousing space are as follows:

\$0.31 per square foot per month or \$310, whichever is greater.

Contact the Port's Governmental Affairs Manager for FTZ warehousing requests."

**\*Subject to minimum insurance requirements described in Section 600 of this Tariff.**

**WATER FURNISHED TO VESSELS**

**(C) (I) 475**

(A) During regularly scheduled working hours, Monday through Friday, from 8:00 A.M. to 5:00 P.M., orders to furnish water to vessels will be accepted from steamship agents only. Orders for water submitted during these hours, will be made to the Operations Department at telephone numbers **(409) 766-6115 or 766-6118**. Vessels, which do not have agents, must use the procedure listed above.

(B) Orders for water to be furnished to vessels, which are made outside the above-listed regularly, scheduled working hours can be placed with the Operations Officer on duty or with the Watch Supervisor of the Galveston Wharves Police at **(409) 766-6176 (24 Hours)**.

(C) It will be necessary for an officer of the vessel, which has requested water to sign a water receipt prior to the water hook-up. If a vessel officer is not available, or refuses to execute a water receipt, then water will not be furnished.

**(D) Charge for water furnished vessels shall be made at \$3.20 per 100 cubic feet, or fraction thereof, plus a minimum hook-up charge per vessel as follows:**

**8:00 A.M. to 5:00 P.M., Monday through Friday**

**\$135.37**

**At All Other Times and Holidays**

**\$203.07**

**CRUISE TERMINAL SECURITY FEE**

**(N) 480**

All Cruise Ships and Day Cruise Vessels berthing at the Texas Cruise Ship Terminals on Galveston Island®, Terminal One or Terminal Two, or any other berth under the control of the Galveston Wharves, for the purpose of embarking or disembarking passengers, and not having regularly scheduled service to or from those berths under the terms of a Berthing Agreement or Operating Agreement with the Galveston Wharves, shall be subject to a Cruise Terminal Security Fee of \$1,500 per port call day, in addition to the normal passenger service fees and dockage as required by the tariff. This fee shall be assessed to provide for Cruise

**Item No. 480 continued on the next page.**

BOARD OF TRUSTEES  
OF THE GALVESTON WHARVES  
Tariff Circular No. 6

8<sup>th</sup> Revised Page 28-B

ISSUED: JUNE 27, 2011

EFFECTIVE: JUNE 27, 2011

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SECTION 400 - CHARGES APPLICABLE TO VESSELS AND RELATED ACTIVITIES

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APPLICATION

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Ship Terminal Security personnel for passenger and traffic control in the areas and roadways adjacent to the cruise terminal, as required for such vessels in accordance with the Port Security Plan of the Galveston Wharves. Individual cruise lines and day cruise companies will be responsible for providing internal building security, including screening personnel to operate x-ray and metal detection devices, and other personnel as necessary to meet the Cruise Terminal Security Plan requirements contained in the Port Security Plan of the Galveston Wharves.

**SECURITY SURCHARGE – First Effective April 1, 2005**

**(C)(I)(GS) 485**

A security surcharge, as described in this Tariff item, shall be assessed against, and collected from, all vessels, barges and cargo interests utilizing services or facilities at the Galveston Wharves (Port of Galveston) in accordance with notice filed with the Federal Maritime Commission by the Gulf Seaports Marine Terminal Conference.

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

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

**VESSELS and BARGES:** Six and a half percent (6.5%) of total Dockage assessed per port call

**CARGO:**

- General Cargo / Break-bulk           \$ 0.14 per ton
- Bulk   \$ 0.03 per ton
- Liquid bulk                               \$ 0.03 per ton
- Containers                               \$ 2.80 per box
- Vehicles                                  \$ 1.00 per Vehicle
- Passengers                               \$ 1.00 per Passenger

Users of the Galveston Wharves (Port of Galveston) services or facilities who withhold, refuse or otherwise fail to pay properly assessed security surcharges, shall be subject to all the collection terms and procedures contained in Sections 194, 196 and 198 of this Tariff. Additionally, at the sole discretion of the Galveston Wharves (Port of Galveston), such users may be denied service or required to deposit estimated port charges in advance of using port authority facilities or receiving services.

**Item No. 485 continued on the next page.**



BOARD OF TRUSTEES  
OF THE GALVESTON WHARVES  
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2<sup>nd</sup> Revised Page 28-C

ISSUED: JULY 30, 2007

EFFECTIVE: OCTOBER 1, 2007

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SECTION 400 - CHARGES APPLICABLE TO VESSELS AND RELATED ACTIVITIES

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APPLICATION

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This security surcharge first became effective on April 1, 2005, and shall remain in effect until revised, rescinded or cancelled by the Galveston Wharves (Port of Galveston).

**CHARGES OF GALVESTON SEAMEN'S CENTER**

**(C) 490**

Fees and assessments levied by the Galveston Seamen's Center, a schedule of which is on file with the Galveston Wharves, 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 Galveston Wharves.

**END OF SECTION 400**

BOARD OF TRUSTEES  
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1<sup>st</sup> Revised Page 29

ISSUED: MAY 24, 2002

EFFECTIVE: JULY 1, 2002

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SECTION 500 - CHARGES APPLICABLE TO CARGO AND PASSENGERS

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APPLICATION

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**LOADING AND UNLOADING SERVICES**

**(C) 505**

The service of loading and unloading rail cars and motor trucks is performed by freight handlers and stevedores licensed by the Board of Trustees of the Galveston to perform such services at its terminal facilities. Current licensed freight handlers and stevedores are listed in Appendix B.

These firms should be contacted for rate and service quotations.

**U.S. GOVERNMENT P. L. 480 BAGGED CARGO**

**507**

Rates quoted upon request by Galveston Wharves Marketing Department

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OF THE GALVESTON WHARVES  
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7<sup>th</sup> Revised Page 29-A

ISSUED: JULY 25, 2011

EFFECTIVE: AUGUST 1, 2011

SECTION 500 - CHARGES APPLICABLE TO CARGO AND PASSENGERS

APPLICATION	ITEM
<b>WHARFAGE CHARGES</b>	<b>(C)(N) 510</b>

Unless otherwise provided herein, the rates stated below are in U. S. dollars per net ton (short ton) of 2,000 pounds and per metric ton of 2204.6 pounds. Due to differences in rounding between net tons (short tons) and metric tons, charges billed by the Galveston Wharves will be calculated and invoiced based on net tons (short tons). A minimum wharfage charge of \$25.00 is charged on all cargo.

\* **Incentive Rate** – Any finished wood products loaded/unloaded to/from Ro-Ro vessels at the Pier 37Ro-Ro facility, with regular scheduled service at the Galveston Wharves, will be assessed wharfage at the rate of \$0.65 per short ton or \$0.72 per metric ton.

Commodity	Per Short Ton	Per Metric Ton	Item No.
Commodities, NOS	\$1.91	\$2.11	511
Bulk Commodities, NOS	\$1.25	\$1.38	512
Container Cargo	\$2.27	\$2.50	513
Ro-Ro Cargo * See Incentive Rate Above	\$2.37	\$2.61	514
Bagged Food Commodities	\$0.10	\$0.11	515
Fresh Fruits or Vegetables	\$1.60	\$1.76	516
Cotton (per bale) (\$0.15 Until 12/31/00)	\$0.40	N/A	517
Iron and Steel Articles	\$1.65	\$1.82	518
Scrap Steel N.O.S.	\$1.25	\$1.38	519
Lumber, Plywood, etc.	\$1.65	\$1.82	520
Paper, Linerboard, Newsprint, etc.	\$1.65	\$1.83	521
Petroleum or Chemical Products(in bulk between barge and vessel or truck) (per barrel of 42 gallons)	\$0.065	N/A	522
Bunker Fuel (by pump direct from barges or trucks of owner) to vessels for bunkering purposes (per barrel of 42 gallons)	\$0.01	N/A	523
Project Cargo N.O.S.	\$2.50 or \$1.00/CBM Whichever is greater	\$2.76 or \$1.00/CBM Whichever is greater	524
Wind Turbines, Towers and Components Free Time on Project Cargo will be 20 days, with Pier Demurrage following expiration of Free \$0.50 per short ton per day. Free Time on Wind Power cargo will be 30 days, with Pier Demurrage following expiration of Free time \$0.11 per square foot of space used per month. Storage of Project cargo in off-wharf uplands areas will be charged at the rate of \$0.062 per square foot of occupied space per month.	\$2.75 or \$1.50/CBM Whichever is greater	\$3.03 or \$1.50 /CBM Whichever is greater	525
Livestock, Viz: Calves, Goats, Sheep and Hogs Colts and Donkeys Horses, Mules and Cattle	<u>Per Head</u> \$0.75 \$1.25 \$1.50	N/A	526

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9<sup>th</sup> Revised Page 29-B

ISSUED: JANUARY 22, 2007

EFFECTIVE: FEBRUARY 1, 2007

**SECTION 500 - CHARGES APPLICABLE TO CARGO AND PASSENGERS**

APPLICATION	ITEM
<b>PASSENGER SERVICE CHARGE</b>	<b>(I) 540</b>
For passengers embarking or disembarking over the Galveston Wharves facilities, the following charges will be assessed:	
<b>All Passengers embarking</b>	<b>\$5.20 per passenger</b>
<b>All Passengers disembarking</b>	<b>\$5.20 per passenger</b>
<b>For passengers in transit</b>	<b>\$4.89 per passenger</b>

Note:

A. This item will not apply to cargo vessels embarking or disembarking five (5) passengers or less.

B. The vessel will be responsible for payment of these charges.

**PASSENGER VEHICLE PARKING** **(C) (A)(R) 545**

The Galveston Wharves has designated areas for parking privately owned vehicles of passengers using the cruise ships calling at the Galveston Wharves. The charges for parking are for vehicles occupying a **single standard-car parking space (8.5 ft. x 18 ft.)** and double the charge per day for larger-sized vehicles, such as buses and large campers, occupying two or more parking spaces. The charges for parking are at the following flat rate schedule **and include applicable State of Texas sales tax:**

One Day - \$10.00	Eight Days - \$75.00, Covered - \$85
Two Days - \$20.00	Nine Days - \$80.00, Covered - \$90
Three Days - \$30.00	Ten Days - \$80.00, Covered - \$95
Four Days - \$45.00, Covered - \$55	Eleven Days - \$85.00, Covered - \$100
Five Days - \$50.00, Covered - \$60	Twelve Days - \$90.00, Covered - \$105
Six Days - \$60.00, Covered - \$70	
Seven Days - \$70.00, Covered - \$80	

Note: The charge for Uncovered Parking beyond the above schedule will be \$5.00 per day additionally. Example: Thirteen Days = \$95.00, etc. The charge for Covered Parking used for ten (10) days or more will be \$15.00 in addition to the daily parking charge.

**Parking Discounts – A \$5.00 discount will be applied to the above Uncovered Parking rates when parking is pre-booked “On-Line”** (over the Internet) using the Port of Galveston Internet Site at: <http://www.portofgalveston.com/cruiseinformation/parking.html> or <http://secure.portofgalveston.com>. This discount applies when parking is pre-booked for One (1) to Nine (9) vehicles per booking. When parking is pre-booked for Ten (10) or more vehicles at one time, then a “Group Parking Discount” may apply. This offer is only accepted at Port of Galveston Official Cruise Ship Parking Lots when paying in advance and is limited to one discount per vehicle, per cruise.

**Group Parking Discounts – A \$10.00 discount will be applied to the above noted Uncovered Parking rates when parking is pre-booked and paid in advance** for Ten (10) vehicles or more at one time. **Payment must be received at least 10 business days prior to cruise day.** For assistance receiving this discount, contact the Port of Galveston for information by phone at 409-765-9321 or via e-mail at: [parking@portofgalveston.com](mailto:parking@portofgalveston.com).

**Item No. 545 continued on the next page.**

BOARD OF TRUSTEES  
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1<sup>st</sup> Revised Page 29-C

ISSUED: SEPTEMBER 25, 2006

EFFECTIVE: OCTOBER 1, 2006

SECTION 500 - CHARGES APPLICABLE TO CARGO AND PASSENGERS

APPLICATION	ITEM
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This Group Discount offer is only accepted at Port of Galveston Official Cruise Ship Parking Lots when paying in advance and is limited to one discount per vehicle, per cruise on groups of 10 or more cars.

**Covered parking is not available by pre-payment. Limited covered parking is available on a *First Come, First Served* basis at the above noted parking rates.**

**Travel Agents - Free** Cruise Parking will be provided for Travel Agents upon presentation of official **I.A.T.A.** or **CLIA** identification confirming this status and a Photo I.D. This parking offer is only applicable to the actual travel agent cardholder.

**Disabled Veterans and Purple Heart Recipients - Free** Cruise Parking will be provided for Disabled Veterans and Purple Heart Recipients upon presentation of official identification confirming this status.

**Electricity Charges for Recreational Vehicles (RVs) in Cruise Ship Parking Lots -** Electricity Hook-up stations are available for Recreational Vehicles desiring to hook-up to electricity during the time that vehicles are parked in Port of Galveston Cruise Ship Parking Lots. The Charge for the use of electricity hook-ups will be \$10 per cruise, per vehicle, in addition to daily parking rates applicable to the vehicle as noted above.

**NON-PASSENGER VEHICLE PARKING**

The Galveston Wharves has designated areas for parking privately owned vehicles. The charges for parking are for vehicles occupying a **single standard-car parking space (8.5 ft. x 18 ft.)** and double the charge per day for larger-sized vehicles, such as buses and large campers, occupying two or more parking spaces. The charges for parking are at the following rate schedule **and include applicable State of Texas sales tax:**

- Parking for special events - \$ 8.00 Per Day
- Parking for vessel crew / staff - \$15.00 Per Week

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Original Page 30

ISSUED: MARCH 1, 2000

EFFECTIVE: APRIL 1, 2000

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SECTION 500 - CHARGES APPLICABLE TO CARGO AND PASSENGERS

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APPLICATION

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**PIER DEMURRAGE CHARGES:**

**550**

After expiration of free time, the following pier demurrage charges will be assessed on cargo discharged into closed or shedded piers or warehouses or in open space.

( 1 ) On cargo except cotton and/or cotton linters, TEN CENTS(\$0.10) per net ton for each period of seven (7) days or fraction thereof.

( 2 ) On cotton and/or cotton linters charges will be as follows:

TWO CENTS (\$0.02) per bale per day for first sixty (60) days after completion of free time. SEVEN CENTS (\$0.07) per bale per day or each succeeding day until removed.

**INTERFERENCE DUE TO STRIKES**

**555**

When it is impossible to remove cargo from Galveston Wharves' piers or transit sheds because of strike interference, cargo on piers or in transit sheds within the free time period will be allowed additional free time equal to period of such interference.

Inbound cargo in transit sheds on which free time has expired at beginning of such interference will be assessed pier demurrage during period of interference at rate of five cents (\$0.05) per net ton per day.

Outbound cargo in transit sheds on which free time has expired at beginning of such interference will be assessed pier demurrage during period of interference at rate of ten cents (\$0.10) per net ton for each period of seven (7) days or fraction thereof except cotton and cotton linters which will be assessed three and one-half cents (\$0.035) per bale per day.

Cargo in open area on which free time period has expired at beginning of such interference will be assessed pier demurrage during period of interference at rate of ten cents (\$0.10) per net ton for each seven (7) days or fraction thereof.

The first and last day on which any strike interference occurred; such day will be included in the above special provisions.

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Original Page 31

ISSUED: MARCH 1, 2000

EFFECTIVE: APRIL 1, 2000

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SECTION 500 - CHARGES APPLICABLE TO CARGO AND PASSENGERS

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APPLICATION

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**CARGO NOT HANDLED BY "FREIGHT HANDLER"**

**560**

Charges quoted herein are in addition to wharfage and such other charges as may accrue under the terms of this tariff.

Terminal charge of TWENTY CENTS (\$0.20) per cwt. Will be assessed cargo (exclusive of trans-shipped) transferred between vessel and wharf without prior or subsequent loading or unloading services of "FREIGHT HANDLER" or other physical handling by its employees.

**CARGO PALLETS USER CHARGE**

**570**

The Galveston Wharves subject to availability will furnish wooden cargo pallets and the following rules, regulations, and charges therefor:

(A) When cargo pallets are taken from inside the shedded piers to alongside the vessel, or lifted into the hold of the vessel, or used in any other operation for receipt or delivery of cargo by the contracting vessel loading or unloading stevedore, they shall pay the Galveston Wharves a User charge of SEVENTY-FIVE CENTS (\$0.75) per net ton of cargo loaded on each of said pallets. This User charge of SEVENTY-FIVE CENTS (\$0.75) per net ton of cargo per pallet will be assessed and collected by Galveston Wharves from the contracting vessel loading stevedore using said pallets in the handling of export and outbound coastwise or intracoastal cargo: the same charge of SEVENTY-FIVE CENTS (\$0.75) per net ton of cargo per pallet will be assessed against and collected from the contracting vessel unloading stevedore using said pallets in the handling of import and inbound coastwise or intracoastal cargo, either from the hold of the vessel, or from alongside the vessel, to a place of delivery inside the shedded piers, or to railroad cars or trucks. The same charge of SEVENTY-FIVE CENTS (\$0.75) per net ton of cargo per pallet will be assessed against the contracting vessel loading or unloading stevedore using pallets at any facility of Galveston Wharves in container stuffing or stripping operations.

(B) In case of loaded cargo pallets removed from the shedded piers and taken alongside the vessel, or into the hold of the vessel, the party using the pallets is required to return them immediately into the shedded pier adjacent to the vessel's berth in an acceptable manner and place them in locations as directed by the Harbormaster or his assistant.

**Item No.570 is continued on the next page.**

BOARD OF TRUSTEES  
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1<sup>st</sup> Revised Page 31-A

ISSUED: MAY 24, 2002

EFFECTIVE: JULY 1, 2002

**SECTION 500 - CHARGES APPLICABLE TO CARGO AND PASSENGERS**

APPLICATION	ITEM
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(C) In case of import and inbound coastwise or intracoastal cargo handled on pallets from the vessels to inside the shedded piers, such inbound loaded pallets shall be properly piled or stacked in the pier by the party using said pallets.

(D) The party, or parties, using cargo pallets owned by the Galveston Wharves will be held responsible for the loss of or damage to said pallets while in their possession and/or use. In the case of loss, while in the possession or use of any party, the party using same shall pay the Galveston Wharves for the cost of replacing said pallets. In case of damage to pallets by party using same, the cost of repairing or replacing said pallets will be assessed against and collected from party using same.

**(C)**

(E) Each party, or parties, using cargo pallets owned by Galveston Wharves' shall indemnify Galveston Wharves and the City of Galveston and hold same harmless from any claim for death, personal injury or property damage resulting from, or caused by, such pallets or their use by such parties while in their possession, control and/or use **as described in Section 600 of this Tariff.**

**RECEIVING AND STACKING CARGO IN TRANSIT SHED FROM RAILCARS 575**

All bagged cargo received in transit sheds from railcars will be checked and received by Freight Handler and stacked in shed as ordered by the Harbormaster. The Galveston Wharves will furnish pallets when required. Stevedore named to load vessel shall have use of any pallets furnished by Galveston Wharves, and the Stevedore is responsible for returning empty pallets to shed. (See Item 570).

For the service of checking, receiving, and stacking cargo, the freight Handler will assess a charge of SIXTY CENTS (\$0.60) per 2,000 pounds against the Stevedore loading the vessel. The Stevedore loading or unloading vessel and using pallets will be responsible for cargo User pallet charge (See Item 570).

*NOTE: This charge only applies when the Freight Handler and the Stevedore are not the same!*

**SPECIAL SERVICES**

**580**

Any labor or material required for special services not covered in this Tariff shall be provided at actual costs plus 20% or flat rate prices will be quoted by the Port Director or Director of Operations upon application.

Costs of material is subject is applicable state and city sales tax.



BOARD OF TRUSTEES  
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1<sup>st</sup> Revised Page 31-B

ISSUED: AUGUST 25, 2008

EFFECTIVE: SEPTEMBER 1, 2008

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SECTION 500 - CHARGES APPLICABLE TO CARGO AND PASSENGERS

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APPLICATION

ITEM

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**SERVICES PROVIDED BY PORT OF GALVESTON POLICE DEPARTMENT (A) 585**

Galveston Wharves (Port of Galveston) Police Department assists Port tenants, customers and other Port Users by providing police vehicle escorts and traffic control services within the Galveston Wharves Property and along the outside boundary of the Port between the East and West Ends of the Galveston Wharves' property (such as the movement of forklifts, heavy equipment, cranes and other equipment and cargo). Traffic control is also provided by the Port of Galveston Police Department outside of Galveston Wharves' (Port of Galveston) Gate locations to assist over-sized and "Permit" Loads in gaining access to the public streets and highways.

The Galveston Wharves (Port of Galveston) Police Department will supply escort and traffic control services, as noted in the above paragraph, which are outside of normal patrol and security duties, subject to the availability of personnel. At such times that the Port of Galveston Police services are provided as above, charges will be billed by the Galveston Wharves to the party requesting the services (e.g. Stevedore, Trucking/Drayage Company, Shipping Line, etc.). The charge for the Port Police Escort and Traffic Control services will be ONE HUNDRED TWENTY-FIVE DOLLARS (\$125.00) per officer supplied to perform the services.

Charges quoted herein are in addition to Wharfage, Storage Fees, Pier Demurrage and such other charges as may accrue under the terms of this Tariff.

Galveston Wharves (Port of Galveston) Police Department also assists Port tenants, customers and other Port Users by processing and providing Port Access Badges for personnel who require regular entry and access to Port of Galveston facilities. In order to recover administrative costs related to the issuance of the Badges the following charges will apply:

Issuance and Renewal of Port Access Badges:

Original Port Access Badge and each Original Duplicate Port Access Badge: \$15 each.

Re-issuance of a Port Access Badge not yet expired and reported as "lost": \$10 each.

Renewal of Port Access Badge at regular expiration date: \$5 each.

Port employees will be allowed one Original Port Access Badge and each regularly scheduled Badge renewal without payment of the fees.

**END OF SECTION 500**

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SECTION 600 – INDEMNIFICATION AND INSURANCE

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**INDEMNIFICATION REQUIREMENTS**

**(N)605**

Except as otherwise provided in any written agreement between the User and the Galveston Wharves, every User of Galveston Wharves Property must, to the fullest extent allowed by law, indemnify, defend, and hold harmless the Galveston Wharves as follows:

(a) Marine Terminal Operations. When the Galveston Wharves is performing marine terminal operations (as defined by federal law), each User INDEMNIFIES and HOLDS HARMLESS the Galveston Wharves, its trustees, officers, agents and employees, and the City of Galveston, its officers, agents and employees (collectively, the "Indemnified Persons"), against all costs and expenses, including, without limitation, attorneys' fees and costs of investigation and defense, as well as legal liability, whether from suit, judgment, settlement or otherwise arising out of any or all claims for injury to any Person or property, including but not limited to injuries resulting in death, arising from, or caused by, or incident to any wrongful or negligent act or omission of the User, its agents, invitees, servants and employees upon Galveston Wharves Property, or arising or resulting from any defective or unsafe condition for which the User is responsible, or of any apparatus, equipment or other property of the User, or in any other manner arising out of any action or inaction of the User.

(b) Other Operations. In all situations other than when the Galveston Wharves is performing marine terminal operations (as defined by federal law), each User INDEMNIFIES and HOLDS HARMLESS the Indemnified Persons, against all costs and expenses, including, without limitation, attorneys' fees and costs of investigation and defense, as well as legal liability, whether from suit, judgment, settlement or otherwise arising out of any or all claims for injury to any Person or property, including but not limited to injuries resulting in death, arising from, or caused by, or incident to any wrongful or negligent act or omission of the User, its agents, invitees, servants and employees upon Galveston Wharves Property, or arising or resulting from any defective or unsafe condition for which the User is responsible, or of any apparatus, equipment or other property of the User, or in any other manner arising out of any action or inaction of the User. **IN ADDITION THE COVENANTS AND AGREEMENTS CONTAINED IN THIS PARAGRAPH ARE VALID AND ENFORCEABLE REGARDLESS OF WHETHER ANY INDEMNIFIED PERSON IS NEGLIGENT OR WHETHER ANY INDEMNIFIED PERSON WAS IN ANY MANNER RESPONSIBLE FOR THE NEGLIGENT OR WRONGFUL ACT OR OMISSION OR THE DEFECTIVE OR UNSAFE CONDITION WHICH MAY HAVE CAUSED THE INJURY OR CLAIM.**

(b) Indemnity for Noncompliance with Insurance Requirements. User INDEMNIFIES and HOLDS HARMLESS the Galveston Wharves from any loss it may suffer due to User's failure to comply with any insurance requirements contained in this Tariff or any other agreement between User and the Galveston Wharves, including the requirement for obtaining waivers of subrogation, and due to any insurance coverage being invalidated because of User's failure to comply with the terms, conditions and warranties of any Required Policy **(defined in Item 610 below)**.

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SECTION 600 – INDEMNIFICATION AND INSURANCE

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**INSURANCE REQUIREMENTS FOR ALL USERS**

**(N)610**

Except as otherwise provided in any written agreement between the User and the Galveston Wharves, every User of Galveston Wharves Property must comply with the following insurance requirements when present on Galveston Wharves Property:

(a) Commercial General Liability Insurance. User must maintain Commercial General Liability Insurance, including Pollution Liability coverage, covering the Galveston Wharves and User for liability for property damage, bodily injury, personal injury and death. The insurance provided under this section must be in the amount of not less than \$1,000,000 per occurrence for property damage and pollution, and not less than \$1,000,000 per occurrence for personal injury, bodily injury or death. In the event that User is engaged in any way in the performance of stevedoring services on or in connection with the facilities of the Galveston Wharves, User must, in addition to the above noted Pollution Liability coverage, maintain General Liability/Premises Operations Insurance covering the Galveston Wharves and User for liability for property damage, bodily injury, personal injury and death. The insurance provided under this section must be in the amount of not less than \$5,000,000 combined single limits per occurrence for property damage, personal injury, bodily injury or death. Such policy must name the Galveston Wharves (and any successor or assign designated by the Galveston Wharves) and the City of Galveston as additional insured's. Additionally, each policy must contain an endorsement waiving all rights of subrogation against the Galveston Wharves and the City of Galveston, and their respective agents and employees.

(b) Workers Compensation. User must maintain Workers Compensation Insurance to protect against claims under Texas Workers Compensation laws as well as all Federal acts applicable to User's operations on Galveston Wharves Property, including but not limited to U. S. Longshoremen and Harborworkers Act, Jones Act and Federal Employers' Liability Act (F.E.L.A.). The limit of liability for such coverage must at least meet applicable statutory requirements and, Alternate Employer endorsement for the Galveston Wharves and the City of Galveston must be included in each policy. Additionally, each policy must contain an endorsement waiving all rights of subrogation against the Galveston Wharves and the City of Galveston, and their respective agents and employees.

(c) Employers' Liability. User must maintain Employers' Liability Insurance in the minimum amount of \$1,000,000 per occurrence for personal injury, bodily injury, or death to any employee of User who may bring a claim outside the scope of the Texas Workers Compensation laws or federal acts applicable to User's operations on Galveston Wharves Property. This insurance must contain all endorsements necessary to cover

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maritime operations and, where applicable, stevedore and longshore operations, including Original admiralty benefits and damages under the Jones Act and benefits and damages under the U. S. Longshoremen and Harborworkers Act, in the minimum amount of \$1,000,000 per occurrence. Additionally, each policy must contain Alternate Employer endorsement for the Galveston Wharves and the City of Galveston and an endorsement waiving all rights of subrogation against the Galveston Wharves and the City of Galveston, and their respective agents and employees.

(d) Automobile Insurance. User must maintain Automobile Liability Insurance coverage on all its owned or rented vehicles that enter Galveston Wharves Property in the minimum amount of (i) \$1,000,000 combined single limit coverage per occurrence for all vehicles used for commercial purposes, and (ii) the applicable statutory minimums for vehicles not used for commercial purposes. Such commercial policy must name the Galveston Wharves (and any successor or assign designated by the Galveston Wharves) and the City of Galveston as additional insured's. Additionally, each policy with respect to commercial vehicles must contain an endorsement waiving all rights of subrogation against the Galveston Wharves and the City of Galveston, and their respective agents and employees.

(e) Umbrella/Excess Liability Insurance. User must maintain Umbrella/Excess Liability Insurance. The insurance provided under this section must be in the amount of not less than \$5,000,000 per occurrence and be excess over all underlying insurance coverage in this Tariff. Such policy must name the Galveston Wharves (and any successor or assign designated by the Galveston Wharves) and the City of Galveston as additional insured's.

(f) Waiver of Subrogation. The Galveston Wharves and User agree to waive any and all rights of recovery, claims, actions or causes of action against the other, its agents, officers and employees for any injury, death, loss or damage that may occur to any Person or to Galveston Wharves Property, or any personal property of such party on Galveston Wharves Property, by reason of fire, windstorm, earthquake, flood or any other risks, or any other cause which is insured under the insurance policy or policies that either party is required to provide or maintain under this Tariff, to the extent and only to the extent of any proceeds actually received by the Galveston Wharves or User, respectively, with respect thereto, regardless of cause or origin, including negligence of either party hereto, its agents, officers or employees, and each party covenants that no insurer will hold any right of subrogation against the other. If such waiver is not obtained, the party failing to do so indemnifies the other party for any claim by an insurance carrier arising out of subrogation.

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<p>(g) <u>Insurance Requirements.</u> The phrase "<u>Required Policy</u>" means each policy of insurance required to be maintained by User under the terms of this Tariff. Each Required Policy must be placed in/written by a company or companies satisfactory to the Galveston Wharves, but in all events by a company or companies having a current A.M. Best Company General Policyholders Rating of A+ or A and with an A.M. Best Company Financial Rating of not less than XII (or a similar rating by a comparable service selected by the Galveston Wharves should A.M. Best Company cease providing such ratings) and be licensed to do business in Texas or, if the aforesaid is not available, by a company qualified to do business as a non-admitted insurer in Texas under current Texas surplus lines requirements. All Required Policies may contain a deductible of not more than \$25,000. Such policies must be endorsed so as to require 30 days prior written notice to the Galveston Wharves in the event of cancellation, material change, or intent not to renew. Required Policies must contain cross-liability clauses, when applicable and available. User must deliver to the Galveston Wharves a Certificate of Insurance (evidence of coverage) for any Required Policy no later than the first date any insurance policy is required hereunder. <u>The required evidence of coverage must always be deposited with the Galveston Wharves.</u> If User fails to do so, such failure may be treated by the Galveston Wharves as a default by User and the Galveston Wharves, in addition to any other remedy under this Tariff, may purchase and maintain such Required Policy and User must immediately reimburse the Galveston Wharves for any premiums paid or costs incurred by the Galveston Wharves in providing such insurance.</p>	
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All required Certificates of Insurance must be issued ("Policy Holder" endorsement) to:

The Board of Trustees of the Galveston Wharves and The City of Galveston  
P.O. Box 328  
Galveston, Texas 77553

**ADDITIONAL INSURANCE REQUIREMENTS FOR CERTAIN USERS (C)615**

Except as otherwise provided in any written agreement between the User and the Galveston Wharves, certain Users of Galveston Wharves Property must comply with the following insurance requirements:

(a) Liquor Liability Insurance. If User is engaged in any way in the sale of alcoholic beverages, either for consumption of alcoholic beverage on or off Galveston Wharves Property, User must maintain Liquor Liability Insurance with limits of not less than \$1,000,000 per occurrence. If written on a separate policy from the Commercial General Liability policy required in this Tariff, such policy must name the Galveston Wharves (and any successor or assign designated by the Galveston Wharves) as an additional insured.

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<p>(b) <u>Garagekeeper's Liability Insurance.</u> If User is engaged in any way in the performance of automobile valet services, User must maintain Garagekeeper's Legal Liability Insurance coverage in the minimum amount of \$1,000,000 combined single limit coverage per occurrence. Additionally, each policy must contain an endorsement waiving all rights of subrogation against the Galveston Wharves and the City of Galveston, and their respective agents and employees.</p>	
<p>(c) <u>Protection &amp; Indemnity Insurance.</u> If User operates a vessel calling at Galveston Wharves Property, User must maintain Protection and Indemnity (P&amp;I) Insurance coverage in form and substance acceptable to Wharves in the minimum amount of \$5,000,000 combined single limit coverage per occurrence. Additionally, each policy must contain an endorsement waiving all rights of subrogation against the Galveston Wharves and the City of Galveston, and their respective agents and employees.</p>	
<p>(d) <u>Property Insurance.</u> If User is the sole occupant or user of any structure on Galveston Wharves Property, User must insure all structures so occupied or used, any other improvements, and any personal property (including, but not limited to, furniture and fixtures, Electronic Data Processing (EDP) equipment, inventory or stock) located or being constructed in the structure(s) against loss or damage by fire, hurricane, windstorm, flood, earthquake and all other risks with "all risks" endorsement or its equivalent. The insurance must be paid for by User and must be in amounts not less than the full actual replacement value of all the structure(s), any other improvements, and any personal property being insured, and must have a replacement cost endorsement or similar provision. The actual replacement value must be confirmed from time to time by the insurer, at the Galveston Wharves' request. User agrees to employ an appraiser approved by the Galveston Wharves to review, at least annually, the Property Insurance covering the structure(s), any other improvements, and any personal property located or being constructed in the structure(s) to determine the full replacement value thereof. User agrees to increase the policy limits, if necessary, to an amount equal to the full replacement value as determined by the appraiser. User is solely responsible for the payment of any appraiser fees and policy premium increases.</p>	
<p>(e.) <u>Stevedore's Legal Liability Insurance.</u> If User is engaged in any way in the performance of stevedore services and/or operations on or in connection with the facilities of the Board of Trustees of the Galveston Wharves, User must comply with requirements outlined in Exhibit A to this Tariff Item.</p>	

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(f.) Longshore and Harborworkers Insurance. If User is engaged in any way in the performance of stevedore services and/or operations on or in connection with the facilities of the Board of Trustees of the Galveston Wharves, User must maintain Insurance to protect against claims under all Federal acts applicable to User's operations on Galveston Wharves Property, including but not limited to the U. S. Longshoremen and Harborworkers Act. The requirements stated in Exhibit A to this Tariff Item will be applicable. The limit of liability for such coverage must at least meet applicable statutory requirements. Such policy must name the Galveston Wharves (and any successor or assign designated by the Galveston Wharves) and the City of Galveston as additional insured's. Additionally, each policy must contain an endorsement waiving all rights of subrogation against the Galveston Wharves and the City of Galveston, and their respective agents and employees.

(g.) Terminal Operators Liability Insurance. If User is engaged in any way in as an operator of Terminal Facilities on or in connection with the facilities of the Board of Trustees of the Galveston Wharves, User must maintain Terminal Operators Liability Insurance coverage in the minimum amount of \$1,000,000 combined single limit coverage per occurrence, and \$2,000,000 in General Aggregate. Such policy must name the Galveston Wharves (and any successor or assign designated by the Galveston Wharves) and the City of Galveston as additional insured's. Additionally, each policy must contain an endorsement waiving all rights of subrogation against the Galveston Wharves and the City of Galveston, and their respective agents and employees.

**EXCEPTIONS TO INSURANCE REQUIREMENTS FOR CERTAIN USERS (N)620**

The Board of Trustees of the Galveston Wharves reserves the right to make from time to time certain exceptions to the insurance requirements described in this Section. Without limiting the authority of the Board described in the previous sentence, the following Users of Galveston Wharves Property are permitted to carry the following insurance coverage in lieu of the coverage described in Item 610 and 615 of this Tariff, except as otherwise provided in any written agreement between the User and the Galveston Wharves:

(a) Office Users. Any User of Galveston Wharves Property used solely for office purposes is not required to insure the building in which the premises is located. However, Property Insurance covering loss or damage by fire, hurricane, windstorm, flood, earthquake and all other risk with "all risks" endorsement or its equivalent must be maintained on all of the User's personal property on the premises, including without limitation all furniture, fixtures, inventory, stock, and equipment of every nature. The insurance must be paid for by the User and must be in amounts not less than the full actual replacement value of the personal property on the premises, and must have a replacement cost endorsement or similar provision. The actual replacement value must be confirmed from time to time by the insurer, at the Galveston Wharves' request. In addition, such Users are not required to carry Umbrella/Excess Liability Insurance of the type described in Item 610(e).

**Section 600, Exhibit A continued on next page.**