

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

1st Revised Page 19

ISSUED: MAY 24, 2002

EFFECTIVE: JULY 1, 2002

SECTION 300 - RULES AND REGULATIONS APPLICABLE TO CARGO

APPLICATION

ITEM

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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ISSUED: JUNE 5, 2017

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SECTION 300 - RULES AND REGULATIONS APPLICABLE TO CARGO

APPLICATION

ITEM

FREE TIME AND PIER DEMURRAGE RULES

(C) (A) (N) 320

The waterfront warehouses, docks and piers and other properties under the control 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 and other facilities are not intended to be used for the storage of freight.**

Cargo that is discharged into or onto the waterfront or other 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 and/or landed to place of rest 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 into closed or shedded piers, and also when discharged and/or landed to place of rest in the open. 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, at the sole discretion of the Port Director, cargo may be assigned space for an additional period of up to 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.

Exception 3: To encourage business, wind energy cargo may, at the sole discretion of the Port Director, be assigned Free Time of up to thirty (30) days, inclusive of Saturdays, Sundays & Holidays. The Free Time accorded under provisions of this exception will be strictly 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.

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Exception 4: Free Time on inbound or outbound Project Cargo will be twenty (20) days.

Exception 5: Vehicles which are inbound or outbound cargo will be allowed Free Time of forty-five (45) days.

(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 the right in its sole discretion 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 or other storage facility outside the Galveston Wharves, open or covered, if space is available, especially if such cargo interferes with or prevents the loading or discharging of new and/or additional cargo onto or from the facilities of the Galveston Wharves.
- (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 or other storage facilities outside the Galveston Wharves 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.
- (8) **The pier demurrage charges as described in Item 550 of this Tariff will apply to all cargo remaining on the facilities of the Galveston Wharves beyond the allowed Free Time described in this Item above.**

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- (9) Unless otherwise specified in Item 550 of this Tariff, unless arrangements for the use of space on the facilities of the Galveston Wharves in excess of allowed Free Time are made with the Port Director in writing in advance of cargo arriving at the Galveston Wharves, pier demurrage charges for cargo remaining on Galveston Wharves facilities beyond such allowable Free Time will double at the beginning of each succeeding calendar month following the expiration of allowed Free Time.

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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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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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)**

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

2nd Revised Page 24-A has been deleted

END OF SECTION 300