

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

2ND Revised Page 1

ISSUED: APRIL 4, 2012

EFFECTIVE: APRIL 4, 2012

SECTION 100 - GENERAL INFORMATION, RULES AND REGULATIONS

APPLICATION

ITEM

GULF SEAPORTS MARINE TERMINAL CONFERENCE
(Federal Maritime Commission Agreement No. 224-200163,
Approved December 2, 1988.)

(C) (GS) 101

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 Port Authority
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. Panama City Port Authority.
15. Port of Pensacola.
16. Brazos River Harbor Navigation District of Brazoria County, Texas.
(Port Freeport, Texas)
17. Board of Commissioners of the Jackson County Port Authority
(Port of Pascagoula, Mississippi)
18. Manatee County Port Authority of Palmetto, Florida.
19. St. Bernard Port, Harbor & Terminal District, Chalmette, Louisiana.
20. Plaquemines Port, Harbor, and Terminal District

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.

BOARD OF TRUSTEES
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3rd Revised Page 1-A

ISSUED: APRIL 25, 2016

EFFECTIVE: MAY 01, 2016

SECTION 100 - GENERAL INFORMATION, RULES AND REGULATIONS

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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:

Bill Inge, Conference Chairman
C/o Alabama State Port Authority
P.O. Box 1588
Mobile, Alabama 36633

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ISSUED: MARCH 1, 2000

EFFECTIVE: APRIL 1, 2000

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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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EFFECTIVE: APRIL 1, 2000

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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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1st Revised Page 3

ISSUED: DECEMBER 16, 2002

EFFECTIVE: JANUARY 1, 2003

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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.

BOARD OF TRUSTEES
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5th 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.

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5th Revised Page 3-B

ISSUED: DECEMBER 15, 2010

EFFECTIVE: DECEMBER 15, 2010

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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 1st through December 31st. 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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ISSUED: APRIL 25, 2016

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SECTION 100 - GENERAL INFORMATION, RULES AND REGULATIONS

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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 31st.

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

(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 and annual renewal fee are required for the following categories of business 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.
Initial Application Fee: \$300.00 Annual Renewal Fee: \$75.00
2. Commercial Passenger Vehicle Services or Transportation Network Companies with more than two (2) vehicles 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)
Initial Application Fee: \$300.00 Annual Renewal Fee: \$75.00
3. Commercial Passenger Vehicle Services or Transportation Network Companies with two (2) or fewer vehicles 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)
Initial Application Fee: \$120.00 Annual Renewal Fee: \$50.00

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BOARD OF TRUSTEES
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8th Revised Page 3-D

ISSUED: SEPTEMBER 22, 2014

EFFECTIVE: SEPTEMBER 22, 2014

SECTION 100 - GENERAL INFORMATION, RULES AND REGULATIONS

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4. Mobile Food and/or Merchandise Vendors Initial Application Fee: \$120.00 Annual Renewal Fee: \$50.00	
5. Common Carriers by Water of Passengers (Water Taxi Service) Initial Application Fee: \$300.00 Annual Renewal Fee: \$75.00	
6. Organizations performing Oil Waste, Bilge Water and Gray Water Removal Service Initial Application Fee: \$300.00 Annual Renewal Fee: \$75.00	
7. Organizations performing Sanitary and Solid Waste Removal Services Initial Application Fee: \$300.00 Annual Renewal Fee: \$75.00	
8. Organizations performing the services of Line Handling for vessels. Initial Application Fee: \$300.00 Annual Renewal Fee: \$75.00	Persons operating
9. Pneumatic Trucks handling Plastic Polymer Pellets Initial Application Fee: \$300.00 Annual Renewal Fee: \$75.00	

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 1st and ending December 31st. New businesses requiring Port Use Permits within three months of December 31 will be issued permits which will be effective until December 31 of 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. 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). The Port reserves the right to modify certain liability and other insurance requirements as deemed necessary based on a review of the applicant and type of business. License holders and Port Use Permit holders shall, in addition to the notice-to-the-City requirement in the City Ordinance, notify the Port in all instances in which the Ordinance requires notice to the City.

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

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ISSUED: SEPTEMBER 22, 2014

EFFECTIVE: SEPTEMBER 22, 2014

SECTION 100 - GENERAL INFORMATION, RULES AND REGULATIONS

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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)

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

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9th Revised Page 3-F

ISSUED: APRIL 25, 2016

EFFECTIVE: MAY1, 2016

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(\$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)

Sec. 35-339. Insurance-transportation network companies

- (a) A holder must provide the director with proof of insurance which complies with Chapter 1954 of the Texas Insurance Code for every vehicle used to provide transportation network services within the city. A holder must notify the director within 48 hours of any change in insurance policy or status for each vehicle.
- (b) A driver must provide the director with proof of insurance which complies with Chapter 1954 of the Texas Insurance Code for his or her listed vehicle. A driver must notify the director within 48 hours of any change in his or her insurance policy or status.
- (c) A transportation network vehicle must have proof of insurance which complies with Chapter 1954 of the Texas Insurance Code located within the vehicle to pass the required city inspection and at anytime it is in service. It is the driver's duty to comply with this subsection.

(Ord. No. 16-010, § 4, 1-28-16)

Note C. 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:

Type of Vehicle and Vehicle
Seating Capacity:

Decal and Access Charge:

**Charter Bus Owners and Operators
(**Except as noted in Notes D & E, below)**

\$60.00 Parking Fee

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10th Revised Page 3-G

ISSUED: AUGUST 28, 2018

EFFECTIVE: OCTOBER 1, 2018

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Commercial Passenger Vehicle, Courtesy Vehicle, Shuttle or Limousine with Seating Capacity of fifteen (15) persons or more (**Except as noted in Notes D & E, below)	\$25.00 per decal per vehicle annually and \$30.00 per Access / Trip
Commercial Passenger Vehicle, Courtesy Vehicle, Shuttle or Limousine with Seating Capacity of less than fifteen (15) persons (**Except as noted in Notes D & E, below)	\$15.00 per decal per vehicle, annually and \$20.00 per Access / Trip
Taxicabs with City of Galveston Permit	\$7.50 per decal per vehicle, annually
Transportation Network Companies with City of Galveston Permit and Operating Authority	\$20.00 per decal per vehicle, annually \$20.00 per Access / Trip

Note D. Prior to October 1, 2014, those **Off-Port Parking Users**, 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, 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 periodically by the Galveston Wharves. In addition, Off-Port Parking Users shall pay a decal fee of \$15.00 per decal per vehicle annually. This Access Fee and decal fee will be effective until October 1, 2014.

Beginning on October 1, 2014, all Off-Port Parking Users, as defined herein, shall be governed by the Provisions of **Note C** above.

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 July 1, 2014 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 \$60.00 per each use of any bus parking space located in the Cruise Ship Terminal Complex. Charter Bus Owners and 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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BOARD OF TRUSTEES
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ISSUED: APRIL 25, 2016

EFFECTIVE: MAY 1, 2016

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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 completed application for such permit in person, e-mail 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 issued to the person at the time the application is delivered to the Port or 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) **BILLABLE PARKING SPACES** means the number equal to the maximum parking capacity of the off-port parking user's lot.
- (3) **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.
- (4) **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.
- (5) **CHARTER BUS OWNER AND OPERATOR** means the Owner or Operator of a Charter Bus Service.
- (6) **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.
- (7) **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).

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(8) **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
- (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.

(9) **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.)

(10) **CRUISE SHIP 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 Cruise Ship Terminal Complex is also known and referred to as the Texas Cruise Ship Terminal on Galveston Island® or the Texas Cruise Ship Terminal at Pier 27. 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.

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(11) **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, transportation network company.

(12) **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.

(13) **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.

(14) **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 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.

(15) **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.

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

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

(18) **OPERATOR** means a Person who operates a taxicab, limousine, bus, courtesy vehicle, shuttle, commercial passenger vehicle or transportation network company vehicle; or the holder of a taxicab, limousine, bus, courtesy vehicle, shuttle or transportation network company operating authority.

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

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(20) **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.

(21) **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.

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

(23) **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 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.

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

(25) **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.

(26) **TRANSPORTATION NETWORK COMPANY** means an entity that uses a digital network or software application service to connect passengers to transportation network services provided by transportation network drivers.

(A) "Holder" means a transportation network company with operating authority under Article IV, Chapter 35 "Vehicles for Hire" of the Code of the City of Galveston 1982, as amended.

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(27) **TRANSPORTATION NETWORK DRIVER** means an individual who operates a motor vehicle that is: (a.) Owned, leased, or otherwise authorized for use by the individual; and (b) Used to provide transportation network services.

(A) "Driver" means a transportation network driver with a valid city chauffeurs license.

(28) **TRANSPORTATION NETWORK SERVICES** means transportation of a passenger between points chosen by the passenger and prearranged with a transportation network driver through the use of a transportation network company's digital network or software application. The term includes services beginning from the acceptance of a request for transportation received through the transportation network company's digital network or software application service and terminating when the passenger exits the transportation network driver's vehicle.

REVOCAION 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 the Galveston Wharves may deem proper.

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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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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.

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

1st Revised Page 12

ISSUED: DECEMBER 18, 2014

EFFECTIVE: JANUARY 18, 2015

SECTION 100 - GENERAL INFORMATION, RULES AND REGULATIONS

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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

(A) (I) 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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OF THE GALVESTON WHARVES
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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.	
(E) This Tariff provision relates to the recovery of charges and/or fees incurred by the Galveston Wharves from the use of a credit card by entities making payment to the Galveston Wharves. The Board of Trustees of the Galveston Wharves reserves the right to apply a cost recovery and administrative fee of three percent (3%) to all invoices for charges and fees incurred under the terms of this Tariff Circular No. 6 by vessels, their owners and/or agents, or other Users of the Galveston Wharves facilities, or to other indebtedness incurred by any entity to the Galveston Wharves, of more than three hundred dollars (USD \$300.00) and paid with, or by the use of, a credit card. Cruise ship passengers paying for cruise parking may be exempted from this provision. (N)	

DELINQUENT INVOICES

(GS) 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**

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

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ISSUED: MARCH 1, 2000

EFFECTIVE: APRIL 1, 2000

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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