

PORT FREEPORT

***TARIFF NO. 005
(CANCELS TARIFF NO. 4)***

***RATES, CHARGES, RULES,
REGULATIONS
AND
SERVICES AVAILABLE AT
PUBLIC WHARVES***

***ISSUED BY
PORT FREEPORT***

FROM: TARIFF ORIGIN SCOPETO: TARIFF DESTINATION SCOPETABLE OF CONTENTS

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FROM: TARIFF ORIGIN SCOPE

TO: TARIFF DESTINATION SCOPE

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RULES

RULE 34:

GULF SEAPORTS MARINE TERMINAL CONFERENCE

Federal Maritime Commission Agreement 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 and Terminal District
- (3) Greater Baton Rouge Port Commission
- (4) Orange County Navigation and Port District of Orange, Texas
- (5) Mississippi State Port Authority at Gulfport
- (6) Port of Beaumont Navigation District of Jefferson County, Texas
- (7) Port of Houston Authority of Harris County, Texas
- (8) Board of Trustees of the Galveston Wharves
- (9) Alabama State Docks Department, Port of Mobile
- (10) South Louisiana Port Commission, LaPlace, 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 Pensacola, Pensacola, FL
- (15) Panama City Port Authority
- (16) Port Freeport of Brazoria County, Texas
- (17) Port of Corpus Christi Authority
- (18) Board of Commissioners of the Jackson County Port Authority (Port of Pascagoula)
- (19) Manatee Port Authority, Palmetto, Florida
- (20) St. Bernard Port, Harbor and Terminal District, Chalmette, LA
- (21) Port of West St. Mary, Franklin, LA

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.

SHIPPERS' REQUESTS AND COMPLAINTS: Shippers, or other users of the facilities and services of the members of said Conference, desiring to present requests or 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 and complainant desires to be heard, he shall make request upon the Chairman in advance of the meeting

John Roby
 Conference Chairman
 c/o Port of Beaumont
 P.O. Drawer 2297
 Beaumont, TX 77704

SECTION ONE

RULES

RULE 34:

SUBJECT: PRELIMINARY:**JURISDICTION OF THE PORT FREEPORT**

(A) The Navigation and Canal Commissioners of the PORT FREEPORT, of Brazoria County, Texas, have jurisdiction over and control of navigable waters of Port Freeport.

(B) The Commissioners constitute the Pilot Board for the appointment of and operations of the Port Freeport Pilots. The Pilots, operating as the BRAZOS PILOTS, are appointed by the Governor of Texas upon recommendation of the Pilot and Canal Commissioners (Port Freeport Commissioners). The Commissioners have designated the Port Director as Chief Inspector of Pilots. Pilotage rates are uniform. The Pilots are under the supervision of the Commissioners.

(C) The Commissioners have jurisdiction over and control of the use of all facilities owned by Port Freeport and over any facilities operated by Port Freeport.

(D) The Commissioners have the authority to regulate and fix charges for the use of such waterways and facilities.

APPLICATION

(A) The Rates, Rules and Regulations contained in this Tariff shall apply equally to all users of the waterways and facilities of the Port Freeport and shall apply on all traffic on the waterways and facilities from the effective date shown in this Tariff and on all amendments thereto.

(B) Amendments shall be issued to cover needed changes in this Tariff. However, this Tariff is subject to change at the discretion of the Navigation and Canal Commissioners.

(C) The use of the waterways and facilities under the jurisdiction of the Port Freeport shall constitute a consent to the terms and conditions of this Tariff, and evidences an agreement on the part of all vessels, owners.

(D) This tariff is made available to the public and is accessible on the Port Freeport Homepage, at www.portfreeport.com, pursuant to the Shipping Act of 1984, as amended, and 46 C.F.R. Section 525.2, and by hard copy upon request to the Port Freeport

ITEM 100

Issued: Dec. 30, 1993

Effective: Jan. 29, 1994

ITEM 105

Issued: Dec. 18, 2003

Effective: Jan. 1, 2004

RULES

RULE 34:

SUBJECT: ABBREVIATIONS

¢	Cents
\$	Dollar
%	Percent
(A)	Addition
(C)	Change in wording which results in neither increase or reduction in rates
(I)	Increase
(N)	New item
(R)	Reduction
Cu. Ft	Cubic feet
cwt	Hundred pound weight
FMC	Federal Maritime Commission
FTZ	Foreign Trade Zone
GRT	Gross registered ton
ISO	International Standardization Organization
KG	Kilogram
Lbs	Pounds
LOA	Length-over-all
MBF	Thousand board feet
MT	Metric ton
NOS	Not otherwise specified
O/T	Other than
(*)	The rate, rule, or regulation bearing this reference mark is published pursuant to agreement of Gulf Port Members of the Gulf Seaports Marine Terminal Conference

DEFINITIONS

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 calculated from the time the last line is secured.

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 Port Freeport facility designated or allotted by Port Freeport for use 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.

ITEM 110

Issued: Dec. 30, 1993

Effective: Jan. 29, 1994

ITEM 115

Issued: Dec. 30, 1993

Effective: Jan. 29, 1994

ITEM 120

Issued: Dec. 30, 1993

Effective: Jan. 29, 1994

ITEM 125

Issued: Dec. 30, 1993

Effective: Jan. 29, 1994

ITEM 130

Issued: Dec. 30, 1993

Effective: Jan. 29, 1994

SECTION TWO**RULES**

RULE 34:

SUBJECT: DEFINITIONS**BOGIE**

The term "bogie" as used in this tariff means a wheel assembly with or without chassis constructed to accept mounting of containers and equipment with a device for coupling to a self-powered tractor for movement.

BONDED STORAGE (*)

Storage accomplished under bond payable to the United States Treasury Department until cleared for entry by the United States Customs.

CARGO

Any commodity (dry bulk, liquid bulk, autos, baled, palletized, bagged, containerized, crated, etc.) imported, exported, domestic or stored at the Port facilities carried by vessel, truck, rail or barge.

CHASSIS

A wheel assembly constructed to accept mounting of containers and equipment with a device for coupling to a self-powered tractor for movement.

CHECKING (*)

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

CONTAINER (*)

A standard ISO seagoing container 20 feet in length or over.

COST PLUS

Any operation not covered by Port Freeport Tariff is usually performed on a cost plus 20% supervision basis.

DAY (*)

A consecutive 24-hour period or fraction thereof.

DOCKAGE (*)

The charge assessed against a vessel for berthing at a wharf, pier, bulkhead structure, or bank or for mooring to a vessel also berthed.

ITEM 135

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 140

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 142(N)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 145

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 150

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 155

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 157(N)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 160

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 165

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

SECTION TWO**RULES**

RULE 34:

SUBJECT: DEFINITIONS**FEDERAL MARITIME COMMISSION (FMC)**

Agency, which administers various federal statutes regarding ocean shipping, ports and marine terminals.

FOREIGN TRADE ZONE (FTZ)

Designated areas, approved by the Federal government, considered outside the Customs territory of the United States.

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.

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.

HAZARDOUS MATERIAL (HAZMAT)

Any of a list of materials, compiled by the Federal government and considered to be health/safety hazards.

HOLIDAYS

New Year's Day	January 1
Martin Luther King Jr.'s Birthday	3 rd Monday in January
President's Day	3 rd Monday in February
Good Friday	
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Columbus Day	2 nd Monday in October
Veteran's Day	November 11
Thanksgiving Holidays	4 th Thursday in November and 4 th Friday in November
Christmas	December 25

A) On holidays observed by ILA, all Loading/Unloading will be performed at overtime rates.

B) No work shall be performed on Labor Day or Christmas Day except in cases of fire or when property is in danger.

C) When scheduled holidays fall on Saturdays, the previous Friday will be recognized as the holiday and when the scheduled holiday falls on Sunday, Monday will be recognized as the holiday.

D) No work will be performed between 4:00 p.m. and 7:00 p.m. on election days.

ITEM 166(N)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 167(N)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 170

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 175

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 177(N)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 180

Issued: May 23, 2002
Effective: June 1, 2002

SECTION TWO**RULES**

RULE 34:

SUBJECT: DEFINITIONS**LINER SERVICE (*)**

Vessels making regularly scheduled calls for the receipt and delivery of cargo and/or passengers

LOADING OR 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.

LO/LO

This abbreviation stands for Lift-on/lift-off. Cargo or containers are lifted onto or off a vessel by crane

MANIFEST

An itemized list of all cargo loaded or unloaded from a vessel.

MARGINAL TRACKS (*)

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

DELETE**PALLETS**

The term "pallet" when applicable in this tariff in connection with unit loads, means expendable pallets constructed in such a manner to permit normal handling with forklift trucks and without damage to the cargo.

POINT OF REST (*)

The area of the terminal facility 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.

ITEM 185

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 190

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 193(N)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 194(N)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 195

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 200

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 205

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 210

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

RULES

RULE 34:

SUBJECT: DEFINITIONS**PROJECT CARGO**

A project, consisting of separate and differing items, various lengths, widths, and weights, nos; to be stored, loaded, discharged over various time period.

RO/RO

The abbreviation stands for roll-on/roll off. Cargo is loaded onto a trailer, which has wheels and can be towed onto or off a vessel.

SHED HIRE

A charge assessed against a vessel for providing a wharf shed for assembling and distributing cargo.

SHIP SIDE (*)

The location of cargo within reach of ship's tackle or in berth space, in accordance with the customs and practices of this port.

STEVEDORES

Companies which employ labor and contract with vessels for handling of cargo on vessels and at waterside.

STORAGE

The service of providing terminal facilities for the storing of inbound or outbound cargo after the expiration of free time, including wharf storage, shipside storage, closed or covered storage, bonded storage and refrigerated storage, after storage arrangements have been made.

STRIPPING CONTAINERS

Unloading cargo from containers.

STUFFING CONTAINERS

Loading cargo into containers.

TARIFF

A publication issued by Port Freeport and filed with the Federal Maritime Commission, which sets up the definitions, rates, rules and regulations for the Port in general or for a particular function of the Port.

ITEM 212(N)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 213(N)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 215

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 220

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 222(N)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 225

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 230

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 235

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 237(N)

Issued: April 26, 2007
Effective: June 1, 2007

SECTION TWO

RULES

RULE 34:

SUBJECT: DEFINITIONS**TERMINAL**

Use of the word "terminal" in this tariff means the facilities of Port Freeport.

TERMINAL STORAGE (*)

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

THROUGHPUT CHARGES

Provide equipment and labor necessary to receive from inland carrier to point of rest or deliver from point of rest to inland carrier and the equipment necessary for the handling and movement to or from vessel side. The amount of equipment to service a vessel is provided at the discretion of the terminal operator subject to availability.

TON

Subject to a specific exception, the term "ton" as used in the tariff refers to a unit weight of 2,000 pounds.

TRAFFIC (Explanation of Terms)

- A) **INTRACOASTAL TRAFFIC:** All traffic between interior points served by canals and rivers within the state of Texas. (Including intra-ports)
- B) **COASTWISE TRAFFIC:** All traffic between any two ports of the United States.
- C) **INTERCOASTAL TRAFFIC:** All traffic between Atlantic and Gulf ports of the United States and the West Coast of the United States.
- D) **IMPORT TRAFFIC:** All traffic moving from any foreign ports to the continental United States.
- E) **EXPORT TRAFFIC:** All traffic moving from the continental United States to foreign ports.

TRANSSHIPPED CARGO

Cargo landed from a vessel and reloaded on a vessel without being removed from the wharves.

ITEM 240

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 245

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 250

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 255

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 260

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 265

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

SECTION TWO

RULES

RULE 34:

SUBJECT: DEFINITIONS**UNITIZED**

The term "unitized" when applicable in this tariff in connection with loading and unloading, means shipments of commodities, either prepalletized, skidded, crated, boxed, or packaged to permit free access of forklift trucks.

USER (*)

A user of the facilities owned, leased, and/or controlled by the Port Freeport shall include any vessel or person using any Port of Freeport properties, facilities, or equipment, or to whom or for whom, any service, work, or labor is furnished, performed, done, or made available by Port Freeport, or any person owning or having custody of cargo moving over such facilities.

VESSEL

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.

WHARF (*)

Any wharf, pier, quay, landing, or other stationary structure to which a vessel may make fast or which may be utilized in the transit or handling of cargo or passengers and shall include other port terminal facility areas alongside of which vessels may lie or which are suitable for and are used in the loading, unloading, assembling, distribution, or handling of cargo.

WHARF DEMURRAGE (*)

A charge assessed against cargo remaining in or on terminal facilities after the expiration of free time, unless previous arrangements have been made for storage.

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 wharfs 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.

ITEM 270

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 275

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 280

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 285

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 290

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 295

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

SECTION THREE**RULES**

RULE 34:

SUBJECT: WATERWAY REGULATIONS**CARGO STATEMENTS**

All vessels, their owners and agents shall, within five days after date of sailing of any such vessel, report to this Port Freeport, all cargo loaded and unloaded at all locations within this Port Freeport. Such reports to show units, packages, commodities, tonnage and origin and destination. Any other data required for proper statistical information may be requested by the Port Director on forms furnished by his office.

Failure to file certified copies of manifests within the time specified shall constitute, in opinion of the Port Freeport, cause for suspension of credit or other privileges of the vessel until such failure is remedied.

DISPOSAL OF REFUSE

Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL) and the United States Coast Guard's Implementing Regulations (33 CFR parts 151 158) require that reception facilities be available for those vessels which have indicated to the Port Freeport in advance, the need to dispose of ship generated refuse.

The Port Freeport will obtain through agreement, a company acceptable to the United States Coast Guard to provide these facilities.

It is the responsibility of the vessel to provide ships agent(s) a minimum of twenty-four (24) hours advance notice, the amount of refuse that will be discharged upon vessel arrival.

BALLAST, RUBBISH, TRASH

It is strictly prohibited to throw or discharge ballast, rubbish, gray water, sludge, dunnage, ashes or anything into the waterways. Applicant will be in compliance at all times with applicable federal, state and local laws and regulations and international treaties and conventions related to safety and environmental protection of the marine environment, including, but not limited to, federal, state and local regulations regarding the discharge of ballast water. Any tools, materials, equipment, dropped overside, are to be reported. Vessels requiring ballast disposal service shall make necessary arrangements with the Director of Operations.

Priority of berth space for such operations shall be solely at the discretion of the Director of Operations. Should any vessel, its owners or agents, stevedore, or other user of the facilities abandon any drums, boxes or other containers of cargo upon Port Freeport property and not remove same therefrom within 48 hours after notification by the Port Freeport of the location of such items, same will be removed by the Port Freeport, its employees or contractors, and the cost of such removal plus twenty percent shall be billed to the vessel, its owners or agents, stevedore or freight handler or other user of the facilities which shall be deemed by its failure to remove same to have agreed to the payment for same.

ITEM 300

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 305

Issued: Dec. 1, 1995
Effective: Jan. 1, 1996

ITEM 310

Issued: Dec. 18, 2003
Effective: Jan. 1, 2004

SECTION THREE**RULES**

RULE 34:

SUBJECT: WATERWAY REGULATIONS**SIGNS**

Painting or erecting signs on Port Freeport structures is prohibited. Signs may be erected on Port Freeport structures or property only after submission to the Port Director of design, materials, fastenings, and method of erection, and upon written permission from the Port Director.

SPEED LIMIT

This Tariff adopts the rules and regulations of the Secretary of the Army as they apply to the waterways of this District. A portion of which is quoted as follows:

(A) "A vessel shall reduce its speed sufficiently to prevent any damage when approaching another vessel in motion or tied up, a wharf or other structure, works under construction, plant engaged in river and harbor improvement, levees withstanding flood waters, or any other manner of structures or improvements likely to be damaged by collision, suction, or wave action." (33 CFR 207.180 (E) (4), Navigation Regulations)

(B) "Speed of vessels passing floating plant working in channels. Vessels shall reduce their speed sufficiently to insure the safety of both the plant and themselves, and when passing within 200 feet of the plant, their speed shall exceed 5 miles per hour. While passing over the lines of the plant, propelling machinery shall be stopped." (33 CFR 80.27, Rules of the Road)

COLLISIONS

In the event of collision between any craft or vessel with another craft or vessel, or between a craft or vessel and any wharf, dock, pier, bridge system, a written report shall be submitted to the Port Director, Port of Freeport," by the pilot and the master, owner, agent or operator of said dock facility," and such report shall be filed within 24 hours of the time of the collision.

Any vessel or craft, proceeding to sea after a collision or accident, shall mail, through its master, from its next port of call, a report on such occurrence. The pilots are to report details of grounding, collisions, accidents and incidents of interest to the Port Director.

BERTH APPLICATIONS AND ARRANGEMENTS (*)

All vessels, or their agents, charterers or owners, desiring a berth at the wharves of the Port Freeport shall make application for such berth on prescribed forms, such to show date of arrival, departure, and nature and quantity of cargo to be handled and other information needed. All such applications to be filed with the Director of Operations, at least (72) hours prior to vessel arrival. (Cont'd)

ITEM 315

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 320

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 325

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 330

Issued: Apr. 27, 2006
Effective: June 1, 2006

SECTION THREE**RULES**

RULE 34:

SUBJECT: WATERWAY REGULATIONS**BERTH APPLICATIONS AND ARRANGEMENTS (*)**

(Cont'd)

As a part of its application for berth, the vessel, its owners or agents, shall advise the Port Freeport 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 Port Freeport, 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 Port Freeport 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.

The signed application and berth assignment form shall constitute a contract, subject to the rates, rules, and regulations, and provisions contained in this tariff between Port Freeport and Canal Commissioners of the Port Freeport and the vessel, her agents, charterers, and owners.

Vessels of lines with regularly scheduled service shall be given first preference over all other applications for berths. Vessels calling on regularly unscheduled basis shall be given second preference in applications for berth. All other applications for berth shall be on a first-come first-served basis. Use of berth for lay berth purposes shall be at the discretion of the Port Freeport Management. Whenever other vessels are waiting to load or unload cargo and there is the need for the vessel already in berth to work overtime to minimize further delay, such vessels, their agents, charterers, and owners will work overtime at their own expense when requested to do so by the Director of Operations.

Any vessel, her agents, charterers, and owners refusing to work overtime at her agents, charterers and owners expense shall at their expense vacate the berth on order of the Director of Operations. The berth shall then be assigned to the next waiting vessel in turn whose agents, charterers, and owners are agreeable and willing to work cargo on overtime. The vessel ordered to vacate a berth for refusing to work cargo on overtime, will be reassigned to the berth ahead of other waiting vessels when willing to work on overtime or when there is no further need for overtime work.

Any vessel having completed loading and unloading cargo shall on request of the Director of Operations vacate the berth immediately.

Any vessel, her agents, charterers, and owners failing to timely vacate its berth when so ordered, shall be subject to payment of additional dockage charges at the rate of \$750.00 per hour or fraction thereof.

ITEM 330

Issued: Apr. 27, 2006

Effective: June 1, 2006

SECTION THREE

RULES

RULE 34:

SUBJECT: WATERWAY REGULATIONS

BERTH APPLICATIONS AND ARRANGEMENTS (*)

(Cont'd)

Assessment of the additional dockage charge shall not affect the right of the Port Freeport to remove such vessel at cost, risk, and expense of her agent, charterer, and owner.

The Port Freeport at its sole discretion may deny the right to moor a vessel at the Port Freeport docks when Port Freeport deems it necessary for reasons of safety.

The Port Freeport may order a vessel to leave its docks when in its sole discretion it deems it necessary for reasons of safety. In that case the Port will refund that portion of dockage fees already collected but not earned.

SOVEREIGN IMMUNITY

To the extent Owner or Operator of vessel ("LINE") has or hereafter may acquire any immunity from jurisdiction of any court or from any legal process, LINE hereby waives such immunity and agrees not to assert, by way of motion, defense or otherwise, in any suit, action or proceeding, the defense or claim of sovereign immunity or any claim that LINE, its vessel or cargo is not personally subject to the jurisdiction of the applicable Courts by reason of sovereign immunity or otherwise, or that LINE, vessel or cargo is immune from any legal process (whether through service of notice, attachment or arrest prior to judgment, attachment in aid of execution, or otherwise) with respect to itself or its property, or that the suit, action or proceeding is brought in an inconvenient forum, or that the venue of the suit, action or proceeding is improper, or that this Tariff may not be enforced in or by such courts.

ITEM 330

Issued: Apr. 27, 2006

Effective: June 1, 2006

SECTION FOUR**RULES**

RULE 34:

SUBJECT: REGULATIONS ON USE OF FACILITIES**BUNKERS AND BUNKERING**

(A) When bunkers are pumped from barge or tank truck to vessel, a charge of \$.08 per barrel will be assessed. Dockage will be charged on barge at regular rates. A minimum charge of \$19.00 will be assessed on tank trucks.

(B) CANCEL

(C) To comply with U.S. Coast Guard Regulations, advance notification of vessel to vessel transfers (for vessels with a capacity of 250 barrels or more) including transfers between vessels at a dock or pier, are to be reported by the lightering or bunkering vessel, and such vessel must submit a four (4) hour advance notification to the Coast Guard, Marine Safety Office by telephone at (979) 766-3686, via facsimile at (979) 766-3689 or by radio over VHF-FM Channel 83.

CLEANLINESS OF PREMISES

(A) Steamship agents and operators and other users of the wharves, sheds and other property of the Port Freeport shall be held responsible for cleaning of the property which they have been allowed to use or assigned or leased to them, including adjacent aprons and gutter, as directed by the Director of Operations.

(B) If such user does not properly clean the wharf or property he has been using, the Director of the Operations Department shall order the property cleaned and bill the user responsible:

- 1) An assessment of \$100.00 per each 1,000 cargo tons with a \$140.00 minimum, or
- 2) Cleanup cost plus twenty percent (20%) whichever is greater.

(C) Trash or rubbish, which has been swept up by user, will be hauled away and the user billed at actual labor cost plus twenty percent (20%).

SAFETY

(A) Users shall comply with all safety standards and accident prevention regulations promulgated by federal, state or local authorities having jurisdiction and shall at all times conduct all operations in a manner to avoid the risk of bodily harm to any persons and the risk of damage to any property, equipment or material. Users shall continuously inspect all work, materials and equipment to discover and determine any conditions, which might involve such risks and shall be solely responsible for discovery, determination and correction of any such conditions and shall continue to be responsible until all work is completed.

(B) Users are responsible for actions of omissions or commission by its representatives, personnel, agents, contractors and vendors and their respective employees and shall be liable and shall promptly remedy damage or loss to property as a result of such acts. Users shall be fully responsible for the safety and health protection of its representatives, employees, agents, contractors, vendors and their respective employees and visitors it brings on site.

ITEM 335(I)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 340(I)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 345

Issued: July 27, 2006
Effective: Sept. 1, 2006

SECTION FOUR

RULES

RULE 34:

SUBJECT: REGULATIONS ON USE OF FACILITIES

SAFETY (Cont'd)

(C) Users shall conduct a site safety orientation for new hires and a regular periodic training meeting for employees or personnel working on or using the Port Freeport's facilities. The Port Freeport has the right to monitor such meetings. Further, Users shall provide suitable training about, but not be limited to, safe work practices, safety policies and rules, personal protective equipment requirements and hazardous materials. Contractors and vendors shall provide specialized training to personnel engaged in risky and non-routine tasks.

(D) Users' employees, agents, contractors and visitors are required to wear appropriate personal protective equipment per safety rules and regulations.

(E) Users shall upon request provide the Port Freeport with a copy of its Safety Policy and Safety Procedures Manual and shall designate an individual onsite that is responsible for the administration of its safety program and shall provide the Port Freeport with the individual's identity and contact information.

(F) All serious accidents on the Port Freeport's facilities are to be reported to the Port Freeport immediately upon occurrence. The Port Freeport is to be provided with a written accident investigation report about all serious accidents resulting in fatality, lost time, when personnel are hospitalized as a result of a single incident or when serious equipment or property damage occurs within ten (10) days of the day of the accident.

(G) The Safety requirements set out herein are only minimum requirements and the User should take all precautions necessary to prevent bodily injury or property damage. In the event the Port Freeport observes any unsafe practice, it may stop the User's work. The Port Freeport does not assume Users responsibility for the safety and health of its personnel and the discovery and/or elimination of hazards, which could possibly cause accidents or damage. Users agree to indemnify and hold harmless the Port Freeport from and against all losses, claims, demands and suits for damages including court costs and attorney fees resulting from or relating to that Users' compliance or failure to comply with this Item 345.

(H) Users are obligated to bind its Contractors, representatives, vendors, suppliers, agents and their respective employees to the provisions set forth in this Item 345 as well as all applicable provisions set forth in this Subcontract.

DAMAGE TO PROPERTY OF PORT FREEPORT

Users of the facilities of the Port Freeport shall be held responsible for all damage to the property of the Port Freeport occasioned by them, and any such damage shall be responsible for such damage billed against the user responsible for such damage at cost plus twenty percent (20%). For limits of liability on the Port Freeport, see Subrule 81, item 495.

ITEM 345

Issued: July 27, 2006
Effective: Sept. 1, 2006

ITEM 350

Issued: Dec. 1, 1994
Effective: Jan. 1, 1995

SECTION FOUR

RULES

RULE 34:

SUBJECT: REGULATIONS ON USE OF FACILITIES

DAMAGE OR LOSS AND LIABILITY (*)

Except as may be caused by its own negligence, but without waiving any of the Port Freeport's legal rights to immunity, the Port Freeport shall neither be responsible for injury to, or loss of, any cargo being loaded or unloaded at its public wharves; nor any delays, injury to, or loss of, cargo on its wharves or in its sheds, by fire, leakage, or fire protection devices; acts of terrorism, storms or hurricanes; nor collapse of building, wharves, floors, or foundations; nor breakage of pipes; nor loss or injury caused by rats, mice, weevils, moths, animals, birds, insects; neither frost nor the elements; nor any delay, loss or damage arising from combination of strikes, tumult, insurrections, or acts of God, or force majeure.

Liability for loss or damage as a result of switching operations on the leased tracks of the Port Freeport is set forth in contract between Port Freeport and Union Pacific Railroad.

Any loss or damage which may be caused by the acts of the Port Freeport employees or equipment, shall be agreed upon in writing at the place and time of the loss or damage, and in no event will any claim whatsoever be accepted for such damage unless the claim is made within 30 days of the occurrence.

Except as may be caused by the acts of the Port Freeport's own negligence, but without waiving any of the Port Freeport's legal right to immunity, users agree to indemnify and save harmless the Port Freeport from and against all losses, claims, demands, and suits for damages, including death and personal injury, and including court costs and attorney's fees, incident to, or resulting from their operations on the property of the Port Freeport and the use of its facilities.

In the event suit should be brought by or against the Port Freeport in a court of competent jurisdiction to collect any monies due, enforce any provision or remedy any default under this tariff by User or Users of the public facilities of the Port Freeport, 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. For limits of liability on Port Freeport, see Subrule 81, item 495.

DELINQUENT LIST

The Port Freeport reserves the right at any time or times and without notice to deny the use of its facilities to any user who or which is delinquent in payment of its accounts for more than thirty (30) days; such denial may be continued until such accounts are fully paid up and in current status.

ITEM 355(C)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 360

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

SECTION FOUR

RULES

RULE 34:

SUBJECT: REGULATIONS ON USE OF FACILITIES

FIRE PREVENTION

(A) Smoking and open flames: It is unlawful to smoke, weld or have open flames in the sheds or within 50' of the piers.

(B) Vehicle Parking: Automobiles, trucks, trailers or other motor vehicles shall not park on the waterfront facilities, or in sheds except while waiting to load or discharge cargo, ship supplies, or passengers when attended by a driver, or when handled or stored as cargo, or when parked in a designated area.

(C) Refueling on docks or piers: It is unlawful to refuel vehicles, automobiles or other vehicular cargo within 50' of sheds or pier. Exception: Mobile cranes working cargo are allowed to be refueled alongside the wharves by a fuel vehicle permitted by the City of Freeport Fire Marshal. The fuel vehicle must be in compliance with all Department of Transportation standards.

FUMIGATION REQUIREMENTS

All commodities bagged or packaged that are subject to insect/pest infestation, which remain in transit sheds for a period of 45 days, or show signs of infestation before 45 days, must be fumigated immediately and each 45-day period thereafter as long as the cargo remains in the transit sheds.

Fumigation expense 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, the Port Freeport reserves the right to fumigate such commodities and bill the cargo owner, shipper consignee or whoever has care custody and control of the cargo.

HANDLING of HAZARDOUS COMMODITIES

Shipments of articles classified as explosive or dangerous in applicable regulations of the Department of Transportation will be permitted only upon full compliance with such regulations by shippers, their agents, and the agencies of transportation. Conformance shall be made also to such further rules or regulations as may be issued by other state, federal or municipal authorities.

For the protection and safety of the Port Freeport, users of its facilities, and the general public, rights are reserved to issue such directives or regulations as may be deemed necessary by the Port Freeport to insure safe handling, stowing, loading, discharging, or transportation of explosives or dangerous articles within confines of Port Freeport facilities or waterfront. Notification is required prior to tender of explosives or dangerous articles. (Cont'd)

ITEM 365

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 370

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 375

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

SECTION FOUR**RULES**

RULE 34:

SUBJECT: REGULATIONS ON USE OF FACILITIES**HANDLING of HAZARDOUS COMMODITIES (Cont'd)**

The master, agent, or person in charge of any domestic or foreign vessel which is inbound into the jurisdiction of the Port Freeport, which has on board any hazardous commodities so classified in applicable regulations of the Department of Transportation, shall submit a listing of the weight of such commodity, its label and the location at which it is stowed within the vessel to a representative of the Port Freeport upon arrival at the wharf.

The Port Freeport may refuse the use of its facilities or waterfront for the handling, stowing, loading, discharging or transportation of such explosives or dangerous articles, which are considered by the Port Director as offering undue risk or exposure to such risk.

INSURANCE (*)

(A) All vehicles entering Port premises may be required to show proof of automobile liability insurance as required by the State of Texas. Vehicles not in possession of proof of insurance will not be permitted to enter Port premises until proof of insurance coverage is produced.

(B) Steamship agencies and subcontractors working for them, stevedoring companies and subcontractors working for them, doing business on or in connection with the facilities of the Port Freeport shall keep in full force and effect, the following coverage. The coverage designated by an asterisk (*) must name the Port Freeport as an additional Insured, and must contain a subrogation waiver in favor of the Port Freeport.

*1. General Liability insurance covering claims for personal injury, death and property damage and its operations to be carried out upon or in connection with the public facilities of the Port Freeport. The limits of general liability shall not be less than a combined single limit of \$1,000,000 per occurrence, subject to a \$2,000,000 general aggregate limit, and providing a deductible not to exceed \$25,000.

*2. Automobile liability, including coverage for all owned, non-owned and hired vehicles, with a minimum combined bodily injury and property damage limits of \$1,000,000

3. Workers' Compensation Coverage (with U.S. Long-shoremen and Harbor Workers Act coverage if workers are working aboard a vessel and/or performing Longshore duties) at statutory limits.

*4. Employer's liability insurance with limits of no less than \$1,000,000.

*5. Umbrella or Excess Liability insurance with limits of \$5,000,000 per occurrence and annual aggregate, except automobile liability, which is not subject to an aggregate, to apply in excess of insurance provided for in items (B) 1., (B) 2. and (B) 4. above.

ITEM 375

Issued: Dec. 30, 1993

Effective: Jan. 29, 1994

ITEM 380

Issued: April 15, 2004

Effective: June 1, 2004

SECTION FOUR

RULES

RULE 34:

SUBJECT: REGULATIONS ON USE OF FACILITIES

INSURANCE (*) (Cont'd)

The Policy or Policies shall be endorsed to provide that thirty (30) days prior written notice shall be given to the Board of Commissioners of the Port Freeport in the event of cancellation or material changes in the policy. Such insurance should be placed in a company or companies having a current Best's General Policyholders Rating of A+ or A or their equivalents, and a copy of the Policy or Policies of Insurance, or Certificate or Certificates of Insurance shall be delivered to the Board of Commissioners of the Port Freeport. Certificate or Certificates of Insurance so furnished shall certify that the Policy or Policies comply with the requirements of this item. The Port Freeport reserves the right to change established minimum coverage limits for special situations.

C. All others (contractors, subcontractors, suppliers and services, etc.) working for the Port Freeport shall have and keep in effect. The coverage designated by an asterisk (*) must name the Port Freeport as an additional Insured, and must contain a subrogation waiver in favor of the Port Freeport.

*1. General Liability insurance covering claims for personal injury, death and property damage and its operations to be carried out upon or in connection with the public facilities of the Port Freeport. The limits of general liability shall not be less than a combined single limit of \$1,000,000 per occurrence, subject to a \$2,000,000 general aggregate limit, and providing a deductible not to exceed \$25,000.

*2. Automobile liability, including coverage for all owned, non-owned and hired vehicles, with a minimum combined bodily injury and property damage limits of \$1,000,000.

3. Workers' Compensation Coverage (with U.S. Long-shoremen and Harbor Workers Act coverage if workers are working aboard a vessel and/or performing Longshore duties) at statutory limits.

The Policy or Policies shall be endorsed to provide that thirty (30) days prior written notice shall be given to the Board of Commissioners of the Port Freeport in the event of cancellation or material changes in the policy. Such insurance should be placed in a company or companies having a current Best's General Policyholders Rating of A+ or A or their equivalents, and a copy of the Policy or Policies of Insurance, or Certificate or Certificates of Insurance shall be delivered to the Board of Commissioners of the Port Freeport. Certificate or Certificates of Insurance so furnished shall certify that the Policy or Policies comply with the requirements of this item. The Port Freeport reserves the right to change established minimum coverage limits for special situations.

D. Certificates of insurance evidencing that all of the listed coverages are in force and effect must be provided directly by the issuing company or its agent. Evidence must be provided showing that the agent is licensed in Texas. Liability policies must provide for deductible rather than retention.

ITEM 380

Issued: April 15, 2004
Effective: June 1, 2004

SECTION FOUR

RULES

RULE 34:

SUBJECT: REGULATIONS ON USE OF FACILITIES

PORT SECURITY MEASURES

(A) Port Freeport (the "Port") may, from time to time, implement and enforce such security measures, procedures, policies and regulations, and furnish and maintain such services and devices for the protection of persons and property on or about the channels, waterways, docks, slips and other facilities and improvements owned, operated or controlled by Port as Port deems reasonably necessary, including specifically, and without limitation, those required by 33 CFR section 105, as amended, and other applicable federal, state and local laws and regulations regarding maritime security ("Port Security Measures"). The Port may institute tariffs to cover the cost of Port Security Measures to be paid by the Users who shall be liable for such charges as set out in the tariff.

(B) Users and its agents, employees, contractors and invitees shall comply with any and all Port Security Measures in effect or as levied from time to time by the Port. Should any of these parties cause the Port to be levied a fine due to act or omission, physically or verbally, of agents, employees, contractors or invitees, User shall be responsible for such fine.

(C) Any and all Port Security Measures are for the protection of the channels, waterways and the terminal in general; in the event that User requires additional security for the User's cargo and/or property, User shall provide such security at User's sole cost and expense. Under no circumstances shall the Port be responsible for or liable to User or any other person, for losses due to theft or burglary or for vandalism of its cargo or property.

ITEM 385(N)

Issued: August 16, 2007

Effective: September 1, 2007

SECTION FOUR

RULES

RULE 34:

SUBJECT: REGULATIONS ON USE OF FACILITIES

PORT SECURITY FEES

In order to fulfill our responsibilities for security, including but not limited to responsibilities mandated under the Maritime Transportation Security Act of 2002 and the US Coast Guard regulation 33CFR 105, the Port Freeport will assess a Port Security Fee as set forth herein. Such fee, in the amounts set forth below, shall be in addition to all other fees and charges due under this tariff:

Vessels (including, without limitation, barges):

Six and one-half Percent (6.5%) of total dockage assessed per port call

Cargo:

Break-bulk	\$0.13 per ton
Bulk Cargo (dry or liquid)	\$0.03 per ton
Containers	\$2.22 per loaded container
Vehicles	\$1.15 per unit
Passengers	\$1.15 per embarking passenger

PAYMENT OF BILLS (*)

(A) All charges incurred under provisions of this tariff are due upon presentation and shall be payable within thirty (30) days from the date of the bill or invoice.

Late Charges: Interest at a rate of one and one half percent (1½%) per month or the maximum legal percentage allowed by the state of Texas, will be assessed on the balance due on invoices more than thirty (30) days old, calculated on a daily basis, for each day over 30 days, and the amount of such penalty shall be added to the amount due each month until the amount of arrearage is paid. In addition, any party owing the invoice or any part thereof shall pay and be responsible for paying, jointly and severally, all of the Port Freeport's costs and expenses in collecting the invoice including reasonable attorney's fees.

(B) Presentation of bills to owners and agents of vessel or to stevedores is done as a matter of accommodation and convenience, and shall not constitute a waiver of the lien for charges furnished the vessel for which the Maritime Law gives a lien.

(C) The Port Freeport does not recognize the numerous shippers or consignees and cannot attempt to collect or assist in collecting storage and similar bills which may be passed on to shipper and consignees by the vessel, its owners and agents, such bills are due when presented and must be paid regardless of when the vessel, its owners and agents are reimbursed. (Cont'd)

ITEM 390(I)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 395

Issued: April 27, 2006
Effective: June 1, 2006

SECTION FOUR**RULES**

RULE 34:

SUBJECT: REGULATIONS ON USE OF FACILITIES**PAYMENT OF BILLS (*) (Cont'd)**

(D) Bills must be paid when presented, and errors if any, will be rectified by the Port Freeport. Claims in excess of \$5,000.00 will require specific approval of the Board before refund is made.

(E) The Port Freeport reserves the right to estimate and collect in advance all charges which may accrue against vessels, their owners and agents, or against cargo loaded or discharged by such vessels, or from other users of the facilities of the Port Freeport, whose credit has not been properly established with the Port Freeport or who are habitually on the delinquent list. Use of facilities may be denied until such payments or deposits are made.

(F) The Port Freeport reserves the right to apply any payment received against the oldest bills rendered against vessels, their owners and agents, or other users of facilities, except that payment made on behalf of specific vessels and/or owners will be applied, as specified by the payor.

(G) Vessels, their owners and agents by the loading of cargo to the wharves, or the unloading of cargo from the wharves, thereby contract to pay all penalty charges then accrued or which may accrue on such cargo, as well as any charges which may accrue from the removal of such cargo to another part of the wharves, for storage thereon. These charges shall be assessed against the vessels, their owners and agents responsible for such cargo and making use of berth under permit issued by the Director of Operations.

(H) Steamships, their owners and agents shall make collection of penalty charges before releasing merchandise. The amount of accrued penalty charges may be obtained from the Director of Operations.

(I) Penalty charges shall be invoiced separately on individuals lots segregated on the floor. Penalty charges shall be billed at the end of each calendar month, unless accrued charges are less than \$35.00, until cargo is removed, when final bill will be rendered. Penalty charges may be billed more often if deemed advisable. Minimum invoice shall be \$35.00; except that where penalty charges have been previously billed, final bill shall be for actual accrued penalty charges. Also see Subrule 69 part (D).

RECORDS ACCESS

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

ITEM 395

Issued: April 27, 2006
Effective: June 1, 2006

ITEM 400

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

SECTION FOUR

RULES

RULE 34:

SUBJECT: REGULATIONS ON USE OF FACILITIES

STEVEDORE CONTRACTOR LICENSE

ITEM 405

Issued: April 27, 2006
Effective: June 1, 2006

No Person, partnership, venture, corporation or other entity who does not hold a valid Stevedore License that is in force and effect shall operate as stevedore at facilities owned or leased or otherwise within the managerial control of the Port Freeport.

(A) After February 1, 1994, stevedore contractors whether currently performing or desiring to perform stevedore services at Port Freeport facilities, are required to file an application for a Stevedore Contractor's license. All stevedoring companies are subject to the following conditions:

(1) The stevedore company must file application with the \$2000.00 fee along with certificates of insurance for workmen's compensation, and employers' liability, general automobile liability, comprehensive, and personal injury insurance, and U.S. Longshoremen and Harbor Workers Act. The application will be subject to approval by the Board of Commissioners. The Port Freeport reserves the right to establish minimum coverage limits.

(2) Issuance, Duration and Expiration of Licenses

Issuance of a license shall be evidenced by the dated signature of the Port Freeport's Executive Director or his designee on the original or renewal application form after the Board of Commissioners has approved or renewed the license.

Stevedore Licenses shall be issued only to be effective during a given calendar year.

Every Stevedore License shall automatically expire on December 31 of the calendar year in which the license was in effect and thereafter is invalid and without effect, unless the Board of Commissioners approves a renewal of the license for the following calendar year.

Without the Board of Commissioners approval, no action or inaction of the Port Freeport staff shall operate to revive an expired or terminated Stevedore License.

Stevedore Licenses that have not been renewed on or prior to December 31 are expired and holders of such licenses must file an application for a new license.

The expiration or termination of a Stevedore License shall be without prejudice to the option of the license holder to file an application for a new Stevedore License.

3) Requirements for License Approval

No Stevedore License shall be approved unless the proposed license holder is shown to be a financially and legally responsible operator, who is ready and able competently to perform stevedoring services, taking into account the management, ownership and control of the license holder.

Financially responsible operators are those who regularly comply with their contractual undertakings and legal obligations, are not in default and have no material history of default in their obligations, and who at all times maintain in force and effect the insurance required of holders of a Stevedore License.

SECTION FOUR

RULES

RULE 34:

SUBJECT: REGULATIONS ON USE OF FACILITIES

STEVEDORE CONTRACTOR LICENSE (Cont'd)

Legally responsible operators are those who regularly comply with and who have no history of violation of material federal and state statutes, including those statutes having particular applicability to those in the stevedoring business, as well as the Tariffs of the Port Freeport.

Competent operators are those whose past practices demonstrate their commitment to safe and efficient performance of stevedoring services for others and who possess the skill, experience, equipment and personnel necessary to do so.

(4) Annual Renewal of Licenses

No Stevedore License shall be renewed except upon the filing with the Port Freeport of a fully completed renewal application, including proof of required insurance, payment of the required renewal license fee of \$750.00 and the approval of the renewal by the Board of Commissioners.

(5) Consideration of Original and Renewal Applications

The Port Freeport shall review each original or renewal application, may require the applicant to submit additional information, and may consider additional information obtained through an investigation or submitted by the public that bears on an applicant's responsibility or competence.

The Port Freeport's staff shall make a written recommendation to the Board of Commissioners on each original and renewal application received.

All original and renewal applications shall be acted upon by the Board of Commissioners at the publicly posted meetings. Notice of such action shall be posted in accordance with the Texas Open Meetings Act.

Original or renewal applicants who are the subject of a negative recommendation, and License holders that are the subject of a recommendation of revocation or suspension, shall be given notice of the substance and grounds for the recommendation and may address the Board of Commissioners in public session.

All original and renewal applications for a Stevedore License filed with the Port Freeport, written materials obtained or received by the Port Freeport in connection with its consideration of an application, and the written recommendations of the Port Freeport staff to the Board of Commissioners, shall be considered public records, with the exception of an applicants customer or other proprietary information that is exempted from disclosure by the Texas Public Information Act.

(6) Denial or Revocation of License

The Board of Commissioners may deny, revoke or decline to approve or renew a Stevedore License if the license holder does not meet all of the requirements for license approval, or has made material misrepresentation on an original or renewal application, or has been convicted of a material criminal offense. A material criminal offense is one that directly relates to the competence, duties and responsibilities of the Stevedoring License holder.

ITEM 405

Issued: April 27, 2006
Effective: June 1, 2006

SECTION FOUR**RULES**

RULE 34:

SUBJECT: REGULATIONS ON USE OF FACILITIES**STEVEDORE CONTRACTOR LICENSE (Cont'd)****ITEM 405**

Issued: April 27, 2006

Effective: June 1, 2006

(7) Automatic Termination of License

For Attempted Transfer of License. A Stevedore License shall not be sold, transferred, assigned or otherwise used by anyone other than the license holder named in the license application. A license holder's Stevedore License shall automatically terminate on the date and time of any attempted sale, transfer, assignment or use of the license by another person or entity.

For Change in Control. Stevedore Licenses are issued upon the assumption that the management and control of the license holder is as stated in the application. In the event of the change of control of a Stevedore License holder, or of that part of a license holder's stevedoring business conducted at the Port Freeport's facilities, the license holder's Stevedoring License shall automatically terminate on the date and time of the change.

Change control means, as pertinent to the license holder, the sale of a controlling interest of the stock of a privately held corporation holding the license, or the merger of a privately or publicly held corporate license holder with another corporate entity, or the sale of a controlling interest in a business.

(8) Stevedore Insurance

Every holder of a Stevedore License shall maintain the following insurance continuously in force and effect:

1. General Liability insurance covering claims for personal injury, death and property damage and its operations to be carried out upon or in connection with the public facilities of the Port Freeport. The limits of general liability shall not be less than a combined single limit of \$1,000,000 per occurrence, subject to a \$2,000,000 general aggregate limit, and providing a deductible not to exceed \$25,000, and must name the Port Freeport as an additional insured, and must contain a subrogation waiver in favor of the Port Freeport. Liability coverages must afford "occurrence" coverage.
2. Automobile liability, including coverage for all owned, non-owned and hired vehicles, with a minimum combined bodily injury and property damage limits of \$1,000,000, and must name the Port Freeport as an additional insured, and must contain a subrogation waiver in favor of the Port Freeport. Liability coverages must afford "occurrence" coverage.
3. Employer's liability insurance with limits of no less than \$1,000,000, and must name the Port Freeport as an additional insured, and must contain a subrogation waiver in favor of the Port Freeport. Liability coverages must afford "occurrence" coverage.
4. Stevedore's Legal Liability insurance with limits of no less than \$1,000,000, and must name the Port Freeport as an additional insured, and must contain a subrogation waiver in favor of the Port Freeport. Liability coverages must afford "occurrence" coverage.

U.S. Longshoremen & Harbor Workers and Texas Workers Compensation at statutory limits, and must contain a subrogation waiver in favor of the Port Freeport.

SECTION FOUR**RULES**

RULE 34:

SUBJECT: REGULATIONS ON USE OF FACILITIES**STEVEDORE CONTRACTOR LICENSE (Cont'd)**

5. Umbrella or Excess Liability insurance with limits of \$5,000,000 per occurrence and annual aggregate, except automobile liability, which is not subject to an aggregate, to apply in excess of insurance provided for in items (8) 1., (8) 2., (8) 3, and (8) 4. above, and must name the Port Freeport as an additional Insured, and must contain a subrogation waiver in favor of the Port Freeport. Liability coverages must afford "occurrence" coverage.

All of the listed coverages shall contain a provision to the effect that the insurer shall not cancel or materially amend the policy without first giving the Port Freeport thirty days prior written notice of intent to cancel or amend.

Such insurance should be placed in a company or companies having a current Best's General Policyholders Rating of A+ or A or their equivalents.

Certificates of insurance evidencing that all of the listed coverages are in force and effect must be provided directly by the issuing company or its agent. Evidence must be provided showing that the agent is licensed in Texas. Liability policies must provide for deductible rather than retention.

(B) Stevedore company employees are subject to all rules and regulations of the Port Freeport and those local, state, and federal regulations pertaining to workers and safety. Stevedore companies are responsible for their employee's safety and conduct while working at the Port Freeport. The Port Freeport must be informed by the stevedore company when any employee is dismissed from work. Dismissed employees must leave the Port Freeport premises immediately and remain the responsibility of the stevedore company until they leave.

C) PORT SERVICE CHARGE

The Port Freeport will provide service to open/close transit shed doors, clean and maintain rest rooms and furnish janitorial supplies, ice and office space in warehouses for stevedores working vessels. A charge of \$.30 per short ton of manifested cargo will be billed to vessel stevedore.

(D) Stevedoring Companies operating at the Port Freeport are responsible and liable for all damages to the facilities, equipment and cargos in the sheds. Damages must be reported in writing after each accident.

(E) Stevedore companies are responsible for keeping work areas safe and litter free. Machines used by stevedores must be in a safe condition and free from oil or fuel leaks. Stevedore equipment, supplies, and dunnage are not permitted to remain in sheds upon completion of each vessel without permission.

ITEM 405

Issued: April 27, 2006

Effective: June 1, 2006

SECTION FOUR

RULES

RULE 34:

SUBJECT: REGULATIONS ON USE OF FACILITIES

STEVEDORE CONTRACTOR LICENSE (Cont'd)

(F) Stevedore companies operating at the Port Freeport facilities are required to have a drug and alcohol policy in force when a stevedore license is issued. This policy must be available for inspection by the Port Freeport when requested.

WELDING/HOT WORK

Welding, oxyacetylene, electric or other "hot work" at Port Freeport facilities is permitted subject to the conditions set out by the U.S. Coast Guard Captain of the Port and the conditions set out in the Welding and Hot Work Permit issued by the Port Freeport. A copy of the permit issued by the Port Freeport must be in the possession of the person on the job in charge of the operation and that person must and cause all others to fully comply with all applicable codes and industry standards and with all applicable federal, state and local laws, rules and regulations. Hot work will not be permitted when conditions are deemed to be hazardous to Port Freeport facilities. Suitable fire extinguishing equipment shall be available in the hot work area ready for instant use.

Service Fee - \$60.00

SECTION 5 SUBJECT: VESSEL REGULATIONS

DOCKAGE ON ALL VESSELS (*)

Basis of Charges: A) Dockage shall be based on the length overall of the vessel as shown in the most current Lloyd's Register of Ships. The Port Freeport reserves, without question, the right to admeasure any vessel when deemed necessary, and use such measurement as the basis of the charge.

Time Begins: B) Dockage on all vessels (except as shown herein) shall be charged from the time a vessel makes fast to a wharf or occupies the berth immediately alongside until it is freed from and vacates such berth or wharf. Each succeeding twenty-four hour period after the actual time of docking shall be considered a full day.

Dockage Rate: C) Dockage on all vessels except as otherwise provided in this item shall be charged on the length overall of vessels in feet (meters) shown in Lloyd's Register of Ships and shall be on the following basis:

Length Overall of Vessel in Feet		Rate per Foot Per 24 hr day
<u>Over</u>	<u>Not Over</u>	
0	199	2.25
200	399	2.85
400	499	3.95
500	599	5.40
600	699	6.40
700	799	7.95
800	899	9.65
900	And Over	11.45

ITEM 405

Issued: April 27, 2006
Effective: June 1, 2006

ITEM 410(I)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 415(I)

Issued: April 26, 2007
Effective: June 1, 2007

SECTION FIVE

RULES

RULE 34:

SUBJECT: VESSEL REGULATIONS

DOCKAGE ON ALL VESSELS (*) (Cont'd)

Length Overall of Vessel in Meters		Rate per Meter Per 24 hr day
<u>Over</u>	<u>Not Over</u>	
0	60.66	7.40
60.96	121.62	9.45
121.92	152.10	13.00
152.40	182.58	17.65
182.88	213.06	20.95
213.36	243.54	26.15
243.84	274.02	31.60
274.32	And Over	37.60

ITEM 415(I)

Issued: April 26, 2007
Effective: June 1, 2007

(D) After the 24-hour period, any period of berth occupancy of twelve hours or less will be billed at one half of that day's dockage. Approval or disapproval will be given on an individual ship basis by the Director of Operations.

(E) Barges berthed at the barge dock No. 4 will be charged at a rate of \$135.00 per 24-hour period. No more than two barges are permitted at the barge dock at one time.

(F) With Advanced written application and when proper berthing space is available, vessels calling for the purpose of repair or lay-berth, the following dockage rates will be assessed:

Day 1 – 7	75% of Tariff Dockage
Day 8 – day of sailing	50% of Tariff Dockage

(G) Dockage on barges, intercoastal or river barges shall be charged at the length overall (LOA) rate of the vessel, with a minimum of \$135.00 per 24 hour period.

(H) CANCEL

(I) Drilling rigs berthed at Dock Nos. 1, 2, 3, 4 or 5 will be charged double the per foot rate.

(J) Any vessel berthed in an unauthorized manner or unassigned berth, without submission and approval of a berth application or that has been shifted without the approval of the Director of Operations shall be subject to a payment of dockage in an amount equal to twice the published rate. Such vessel may be moved at the Director of Operations' request to a properly designated berth without notice at the owner's risk and expense.

SECTION FIVE

RULES

RULE 34:

SUBJECT: VESSEL REGULATIONS

DOCKAGE ON ALL VESSELS (*) (Cont'd)

(K) The Port Freeport, subject to suitable ship traffic conditions and with written authorization, will assess charges for semi-submersible/heavy-lift vessel-related loading/unloading, dockage and fleeting activities in the Upper Turning Basin and Harbor as follows:

1. A charge of \$11,000 will be assessed the semi-submersible or heavy-lift vessel for the first 24 hours and each successive 24 hour period or fraction thereof of operation, beginning with the commencement of ballasting and terminating when the ballasting operation is complete.
2. Dockage as specified in Paragraph (C) of this item with a minimum charge of \$2,000 will be charged for each 24 hour period in advance of or following the activities as itemized in Par. (K) 1.

(L) Work boats and off-shore boats which lift supplies or load fuel will be charged a rate of \$300.00 per day or fractional part thereof.

(M) Dockage shall not be charged on the following:

1. Government vessels visiting the Port as part of celebrations at the discretion of the Port Director.
2. Pleasure craft not carrying passengers for hire, docking to load or discharge passengers and promptly vacating berth, provided such charge is expressly waived by the Port Director.

(N) Dockage for vessels using Port Freeport's facility for the sole purpose of receiving bunkers will be assessed at one-half (1/2) of the applicable dockage rate for the first 24 hrs. If additional time is needed, dockage will revert to lay berth dockage rate.

SHED HIRE

(A) This charge will not apply against vessels loading or discharging cargo direct from car, truck or barge to vessel.

(B) Shed hire shall be charged against a vessel loading or discharging cargo based on the quantity of cargo loaded or discharged as follows:

(1) Up to 500 net tons	\$330.00
(2) 501 to 1,000 net tons	\$460.00
(3) 1,001 to 5,000 net tons	\$610.00
(4) 5,001 net tons and over	\$890.00

PILOTAGE RATES

For pilot rates contact: Brazos Pilot Association
 2502 Deep Sea Drive
 Freeport, Texas 77541
 (979) 233-1120

ITEM 415(I)

Issued: April 26, 2007
 Effective: June 1, 2007

ITEM 420(I)

Issued: April 26, 2007
 Effective: June 1, 2007

ITEM 425

Issued: Dec. 1, 1997
 Effective: Jan. 1, 1998

RULES

RULE 34:

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RULES

RULE 34:

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SECTION SIX**RULES**

RULE 34:

SUBJECT: SPACE RENTALS, FREE TIME, AND PENALTIES**CONDITIONS GOVERNING MERCHANDISE**

The Port Freeport does not engage in the warehousing of property on its wharves or premises. All property landed or received on the wharves or premises of the Port Freeport is thereafter at the risk of the owner, except as provided in Item 375. The quoting of penalty rates does not imply that the Port Freeport will permit property to remain on its wharves any particular time. The Port Freeport reserves the right to remove any or all such property to any other part of the wharves or premises, or remove and place in storage elsewhere at the risk and expense of the owner; and the Port Freeport may retain possession of the property until all charges are paid in full and may sell the cargo for such unpaid charges in accordance with state law.

Steamships, their owners and agents, or others having property on the wharves or premises shall be required at all times to have a watchman protecting such property.

FREE TIME

(A) **INBOUND CARGO:** The free time allowance on inbound cargo placed in the transit shed shall be thirty (30) days beginning with the next day after vessel completes discharging cargo.

(B) **OUTBOUND CARGO:** The free time allowance on outbound cargo placed in the transit sheds shall be thirty (30) days. Free time begins with the day on which cargo is placed on the wharves.

Exception No. 1: On export cargo and shipments when conditions permit, additional free time as determined by the Port Director will be allowed.

(C) **OPEN STORAGE:** Free time allowance on inbound or outbound cargo shall be thirty (30) days free time. Arrangements for the use of this facility must be made with the Port Director in advance of cargo arrival at Freeport.

(D) **PENALTY CHARGES:** A charge assessed against shipments, which remain in the sheds, wharves, and open area after the expiration of free time. Penalty begins with the day following the expiration of free time and ends with the next day preceding the removal of the cargo. This charge shall be as follows:

Private Automobiles: After 15 days free time:

Next 7-day period or fractional part thereof - \$1.50

Thereafter, per day - \$1.50

Transit Shed Storage: After expiration of free time:

1st 7-day period or fractional part thereof- \$.30NT

2nd 7-day period or fractional part thereof - \$.40NT

3rd 7-day period and thereafter, or fractional part thereof - \$.80NT

Open Storage:

Each seven (7) days or fractional part thereof - \$.20ST

ITEM 430

Issued: Dec. 30, 1993

Effective: Jan. 29, 1994

ITEM 435(C)

Issued: April 26, 2007

Effective: June 1, 2007

SECTION SIX

RULES

RULE 34:

SUBJECT: SPACE RENTALS, FREE TIME, AND PENALTIES

SECTION 7 SUBJECT: EQUIPMENT CHARGES

DAMAGE BY EQUIPMENT

Equipment with lugs or steel treads must be kept off concrete wharf by suitable mats. The Director of Operations is to specify such protection. Failure to so provide shall make User liable for damages.

EQUIPMENT CHARGES

(A) The following equipment is available for rental at rates as follows:

- (1) Forklift Machine - 5,000 to 6,000 lb. capacity - \$ 18.00/hour (a)
- (2) Forklift Machine - 15,000 lb. capacity - \$ 33.00/hour (a)
- (3) Forklift Machine - Hyster 440/40,500 lb. capacity - \$135.00/hour (a)
- (4) Container Handler - See Item 610
- (5) Forklift Machine 8,000 lb capacity - \$23.00/hour (a)
- (6) Electric Forklift Machine 6,000 lb. with attachment - \$21.00/hour (a)
- (7) Power Sweeper - \$31.00/hour (a)
- (8) Yard Truck - \$31.00/hour
- (a) Two (2) hour minimum

(B) **PALLETS:** The Port Freeport will furnish pallets in good order when requested by customers. Pallet use rate is \$1.05 per 2,000 lbs. Before return, user will clean pallets of all foreign material and repair all damaged boards and runners with comparable dimension hardwood. If pallets are not cleaned or repaired, the cost of cleaning and repairing will be assessed the user plus 20%.

(C) **PALLETS MOVING BEYOND PORT LIMITS:**

1. When pallets are to be moved beyond the boundaries of the Port Freeport by vessel or by truck, an additional fee for rental will be assessed the user. The fee is \$2.50 per pallet, per month. First and last month fee to be paid in advance. Before their return, user will clean pallets of all foreign material and will repair all damaged pallets with comparable dimension hardwood. Any and all pallet losses will be charged the user at full replacement price plus 20%. The Port Freeport has the right to recall all pallets after the first 90-day period has expired.

ITEM 440

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 445(I)

Issued: April 26, 2007
Effective: June 1, 2007

SECTION SEVEN

RULES

RULE 34:

SUBJECT: EQUIPMENT CHARGES**(D) Multi-Purpose Crane**

1. The Ports multi-purpose mobile crane no. 1 will be made available at a charge to stevedores, agents and owners of any vessel which has been assigned to a berth for the loading and/or unloading of 20', 40', 43' or 45' containers, breakbulk or bulk cargo.

2. The multi-purpose crane rental charge for loading or unloading cargo:
 \$345.00 per hour s/t
 \$375.00 per hour o/t

Exception: For heavy lifts over length, height and not other wise specified, crane rental charge for loading or unloading:

 \$545.00 per hour s/t
 \$600.00 per hour o/t

The Port will furnish a qualified crane operator trained and/or certified by the crane manufacturer and/or a certified crane instructor.

Billing shall be in half hour increments, subject to the following:

a. There shall be a minimum charge of two hours rental for servicing vessels.

b. Crane time shall be computed from the time the crane is ordered to be available (start-up time), until crane is dismissed. Standby time shall be charged at the rate of \$120.00 per hour.

c. Parties desiring to rent the crane shall make application no later than 12 hours prior to start up time.

d. Parties canceling crane use application within four hours of start up time shall be assessed one hour of crane rental.

3. a. The renting or use of Ports crane by the user shall be subject to the Port's rates, rules and regulations as listed in Port's Tariff, the renting or use of which shall constitute an agreement with the Port to pay such charges and be bound by such conditions.

b. The Ports crane is presumed to be in good operating condition when turned over to user, but Port does not warrant the mechanical conditions of the crane, and its sole responsibility shall be to furnish mechanics believed competent to make such repairs as are called to it's attention. The Port reserves the right to stop operation at any time to make repairs that appear to be necessary.

c. The Port will not permit its crane in any way to lift, move or transport a container, which is loaded in excess of the containers rated capacity. Parties causing such unauthorized use shall be held liable for all losses, claims and demands; incidental to or resulting from such unauthorized use.

ITEM 445(I)

Issued: April 26, 2007

Effective: June 1, 2007

SECTION SEVEN**RULES**

RULE 34:

SUBJECT: EQUIPMENT CHARGES**REMOVAL OF OBJECTS FROM CHANNEL**

Stages and/or save-all nets must be used to prevent cargo or equipment from falling into the channel. In the event contractors, stevedores, Channel or others responsible do not set stages or save all nets properly, the Port Freeport reserves the right to stop loading or unloading of vessel until stages are properly placed. Contractors, stevedores, or others shall be liable for the removal of any articles dropped in basin or channel and the Port Freeport reserves the right to remove such articles, on a basis of cost plus 20 per cent, at the expense of contractor, stevedore or others responsible for the vessel.

RESPONSIBILITY OF USER ON EQUIPMENT RENTED FROM PORT FREEPORT

(A) All steamships, their owners, agents and stevedores, or others hereinafter called User, renting or using freight handling machinery or equipment on Port Freeport's property, shall be under and subject to the following conditions and charges. The renting or use of Port's property which shall constitute an agreement with the Port Freeport to pay such charges and be bound by such conditions.

(B) Condition of, and Responsibility for Leased Equipment:

Port Freeport freight handling machinery is presumed to be in good operating condition when turned over to User; but Port Freeport does not warrant the mechanical condition thereof, and its sole responsibility shall be to furnish mechanics believed competent to make such repairs as are called to its attention. Port Freeport will not be responsible for delays caused User by breakdown of equipment, by shut-off of electric current, or other causes. Port Freeport reserves the right to stop operation of its freight handling machinery at any time to make repairs that appear to be necessary.

(C) By receiving possession thereof, User of Port Freeport's freight handling machinery agrees that upon termination of the period of use it will be returned to Port Freeport in the same condition as when received, ordinary wear and tear alone accepted.

(D) Cranes and/or other equipment is under the User's orders and supervision and User accepts sole responsibility and liability for any damage or injury of whatever nature to property or persons caused by the operation of such cranes and/or equipment, including damages to Port Authority property. User agrees to hold harmless and fully indemnify Port Authority from any and all liability from personal injuries or property damage occasioned by the operations, use or possession of such cranes and/or other equipment. For limits of liability on the Port Freeport, see Subrule 81, item 495.

ITEM 450

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 455

Issued: April 17, 2003
Effective: June 1, 2003

SECTION SEVEN**RULES**

RULE 34:

SUBJECT: EQUIPMENT CHARGES**USE OF PRIVATELY OWNED CRANES**

Privately owned cranes may be used on the property of the Port Freeport only by permission of the Director of Operations.

A charge of \$125.00 per day or part thereof applies for crane usage on port property.

SECTION 8 SUBJECT: CHARGES FOR ELECTRIC CURRENT, LIGHTS, ICE AND WATER**ELECTRIC CURRENT**

Electric Current Supplied: Electric current normally would be supplied direct to users by the Reliant Energy-HL&P, except in cases where this would be impractical. In such cases, the Port Freeport will supply electric current, pursuant to request to and arrangements with Port Freeport's Director of Operations.

ICE

Contact the Director of Operations for availability of ice.

WATER

(A) A charge for water shall be made of \$5.90 per 1,000 gallons.

(B) Minimum sale of water to be \$40.00 per service for ships.

(C) Service Charge:

For each connection - \$38.00

For each connection when on overtime - \$73.00

For hoses supplied - \$60.00

(D) A watchman will be required and provided at rate shown for special watchman when water is supplied on overtime.

SECTION 9 SUBJECT: MISCELLANEOUS**PATROL SERVICES AND WATCHMAN**

(A) Patrol service shall be provided as follows:

\$75.00 per day and charge will be assessed against the vessel.

ITEM 460

Issued: April 28, 2005
Effective: June 1, 2005

ITEM 465

Issued: Aug. 30, 1996
Effective: Oct. 1, 1996

ITEM 470

Issued: Dec. 1, 1995
Effective: Jan. 1, 1996

ITEM 475(I)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 480(I)

Issued: April 26, 2007
Effective: June 1, 2007

SECTION NINE**RULES**

RULE 34:

SUBJECT: MISCELLANEOUS**PATROL SERVICES AND WATCHMAN (Cont'd)**

(B) When a special watchman is required because of the nature of the commodity, such will be furnished at \$34.00 per hour for straight time; overtime hours, \$42.00 per hour.

OFFICE SPACE

Stevedores and/or others desiring office space, gear rooms or floor space shall contact the Director of Operations.

SECTION 10 SUBJECT: SPECIAL SERVICES**COMMODITIES REQUIRING SPECIAL BRACING**

Commodities in cars requiring special construction, bracing, and staking in accordance with the railroad car inspector's orders, which instructions and orders must be delivered prior to the loading operation, will be loaded into, or on, cars at the rates specified herein to which will be added the cost of all materials plus 20 per cent for purchasing and handling, and the cost of labor preparing material for application plus 20 per cent.

LIMITS OF LIABILITY

No provisions contained in this tariff shall limit or relieve the Port Freeport from liability for its own negligence, nor require any person(s), vessels, or lessees to indemnify or hold harmless the Port Freeport from liability for its own negligence.

INCIDENTAL SERVICES

(A) Any labor or material required for blocking, bracing, strapping, securing, including stuffing/stripping or other special services not covered in this tariff shall be provided at actual cost plus twenty per cent (20%) with a minimum charge of \$35.00, or flat rate prices will be quoted by the party providing services upon application.

(B) To furnish freight handlers to assist U. S. Department of Agriculture and U. S. Customs in opening and/or closing packages for the purpose of facilitating U. S. Government inspection, such services will be charged at actual cost + 20%.

ITEM 480(I)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 485

Issued: Dec. 1, 1995
Effective: Jan. 1, 1996

ITEM 490

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 495

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 500

Issued: April 28, 2005
Effective: June 1, 2005

SECTION TEN

RULES

RULE 34:

SUBJECT: SPECIAL SERVICES

INCIDENTAL SERVICES (Cont'd)

(C) DELETE

TRUCK SCALE

The Port Freeport maintains, for use of its clients, a 70', 100,000 lb. capacity platform truck scale. The Port Freeport has Weigh masters licensed by the State of Texas. One copy of weight certificates will be supplied, with additional copies up to three (3) at 25¢ extra. Charges for use of the scale are:

Charge Per Truck - \$9.00

(A) Due to Texas Statute effective September 1983 forcing additional responsibility and liability on loaders of trucks, effective immediately, when trucks are loaded by labor directly employed by the Port Freeport it shall be mandatory those trucks weigh on Port premises before cargo release is given allowing trucks to depart Port facilities.

SECTION 11 SUBJECT: LOADING/UNLOADING REGULATIONS

GENERAL AUTHORITY

(A) The Port Freeport, publisher of this tariff, is the official contractor for the loading and unloading of all cars or trucks received at its terminals.
(Cont'd)

ITEM 500

Issued: April 17, 2003
Effective: June 1, 2003

ITEM 505

Issued: May 23, 2002
Effective: June 1, 2002

ITEM 510

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

RULES

RULE 34:

SUBJECT: LOADING/UNLOADING REGULATIONS**GENERAL AUTHORITY (Cont'd)**

(B) The docks are for the handling of intracoastal, coastwise, intercoastal, import and export cargoes exclusively. The Port Freeport reserves the right to control the loading and unloading of all freight handled on these facilities, and the rates to be charged. The Port Freeport will perform themselves or through their authorized agents the loading and unloading of all freight at the rates named in this tariff. Subsequent handling of freight from a point of rest constitutes an additional handling subject to handling charges provided in this tariff for loading or unloading.

(C) All users of these facilities must comply with this tariff and no user of these facilities will be permitted to deviate from the rates, rules and regulations herein prescribed unless specifically allowed by the Port Director.

APPLICATION OF TIME

All times covered herein apply to guaranteed times. Straight time applies from 8:00 a.m. to 12:00 noon, and 1:00 p.m. to 5:00 p.m., except on Saturdays, Sundays, and labor holidays. Local Union guarantee shall apply for all call outs.

Overtime applies from 1:00 a.m. to 6:00 a.m., 7:00 a.m. to 8:00 a.m., 5:00 p.m. to 6:00 p.m., and 7:00 p.m. to 12:00 midnight, except on Saturdays, Sundays, and labor holidays.

Double time applies from 6:00 a.m. - 7:00 a.m.; 12:00 noon - 1:00 p.m.; 6:00 p.m. - 7:00 p.m.; 12:00 midnight - 1:00 a.m.. Meal Overtime and hour to be paid at double the commodity rate with minimum of one hour to be paid. Double the commodity rate to continue until men are relieved.

Where fractional hour requires full hour charge, fractional hour straight time or overtime will be applied to fill out fractional hour overtime or double time on a continuous period of operation.

APPLICATION OF RATES

The rates named herein apply on the specific commodities and in the specific packaging shown and cannot be applied to analogous articles of packaging.

BAD ORDER OR OVERLOADED/IMPROPERLY LOADED CARS

All cars placed by the railroad will be accepted as good-order cars and will be loaded or unloaded except that cars improperly loaded will not be handled at regular tariff rates. The person responsible for loading/unloading the car will be called and special contract entered into covering the unloading of improperly loaded cars.

ITEM 510

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 515

Issued: April 17, 2003
Effective: June 1, 2003

ITEM 520

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 525

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

RULES

RULE 34:

SUBJECT: LOADING/UNLOADING REGULATIONS**CARGO RECEIPT FROM STEAMSHIP CLERKS**

The Port Freeport is the unloader of all cars, trucks and other carriers delivering freight cargo to its transit sheds and wharves. Steamship companies shall receipt for such cargo on a daily basis.

LOADING AND UNLOADING TRUCKS

Motor trucks delivering direct to transit shed or receiving cargo in transit shed shall be charged the loading and/or unloading rates in this tariff.

MINIMUM INVOICE

The minimum charge for loading, unloading or wharfage shall be \$35.00.

ORDERS FOR EMPTY CARS

Orders for empty cars for loading must be placed through the Director of Operations of the Port Freeport. Loading of cars not ordered by the Port Freeport will not be permitted.

REHANDLING COMMODITIES

Commodities loaded or unloaded, which must be rehandled will have this service performed only at the regular tariff rates.

SERVICE INCLUDED AT RATES NAMED

Rates named herein cover only the labor and clerical expense incident to unloading from or loading freight into cars or trucks and receiving from or delivering same to steamship agents, sealing cars, stacking freight unloaded, except as otherwise provided, reporting seals and condition of freight to railroad.

SHIPMENTS FOR CONSIGNEES NOT ON WHARVES

Shipments will not be accepted when consigned in care of wharves for consignees not located thereon.

SPECIAL SERVICE

Cars will be accepted at the rates named in this tariff for loading or unloading in the regular course of business only. All cars will be

ITEM 530

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 535

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 540

Issued: April 28, 2005
Effective: June 1, 2005

ITEM 545

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 550

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 555

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 560

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 565

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

SECTION ELEVEN**RULES**

RULE 34:

SUBJECT: LOADING/UNLOADING REGULATIONS**SPECIAL SERVICE (Cont'd)**

handled in the order of their receipt, so far as conditions or circumstances will permit. The Port Freeport will not undertake to render special service except at its convenience, nor will it assume any responsibility whatsoever for failure to render such service when requested to do so.

SECTION 12 SUBJECT: WHARFAGE APPLICATION AND REGULATIONS**APPLICATION OF SPECIFIC RATES**

Specific rates apply only on commodities specifically named moving in the manner specifically named. Classification of a commodity as being similar to a named commodity for application of rate is not permitted. Likewise a rate applying on a named commodity "in sacks" only, will not apply to the same commodity "in barrels" or otherwise. All commodities not specifically named and not in specified packaging will take the "not otherwise specified rate" (N.O.S.).

BULK COMMODITIES

A. Bulk commodities, dry, import or export will be charged a wharfage rate of \$0.58 per 2,000 pounds.

B. Bulk commodities, liquid, import or export will be charged a wharfage rate of \$0.66 per metric ton.

DELETE

RESPONSIBILITY FOR PAYMENT

All vessels and their owners receiving any commodity on a wharf or in a transit shed, or loading or unloading any commodity while at a wharf, thereby contract to pay and are responsible for the wharfage on such commodities, at the rate provided herein, to be collected either from vessels, their owners, or their agents.

ITEM 565

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 570

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

ITEM 575(I)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 580

Issued: April 27, 2006
Effective: June 1, 2006

ITEM 585

Issued: Dec. 30, 1993
Effective: Jan. 29, 1994

RULES

RULE 34:

SUBJECT: LOADING/UNLOADING REGULATIONS**TERMINAL USE CHARGES**

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

(A) On cargo handled on marginal tracks direct to or from vessel, on which loading or unloading charges are not applicable, and on railroad equipment on its own wheels; a terminal use charge will be assessed at \$21.00 per car.

(B) A terminal use charge of \$.42 per ton will be assessed on commodities handled to or from open-top motor trucks, tank trucks, or special type motor trucks on wharf aprons.

(C) A terminal use charge of \$.73 per ton will be assessed on commodities handled to or from terminal sheds to or from motor trucks and/or railroad cars.

(D) A terminal use charge of \$1200 / day will be assessed for occupying dock apron and preventing vessel operations.

(E) A charge of \$3,200 dollars per acre or portion there of will be assessed on a per month basis against cargo landing in designated storage area and / or located on leased space after the lease has been terminated. This includes any commodity / cargo imported, exported and domestic requiring storage on Port facilities. Designation of area will be determined by availability and discretion of Executive Port Director.

ITEM 586(N)

Issued: August 16, 2007
Effective: October 1, 2007

RULES

RULE 34:

**SUBJECT: CONTAINER AND CONTAINERIZED CARGO
RULES, REGULATIONS & RATES**

ADDITIONAL SERVICES

- (A) CANCEL
- (B) CANCEL
- (C) CANCEL
- (D) CANCEL
- (E) CANCEL
- (F) CANCEL
- (G) CANCEL
- (H) Drayage of containers within the Terminal - \$36.00 charge

FREE TIME AT PARKING OR OPEN STORAGE

Free Time allowance is restricted to units that are interchanged by the Port Freeport.

- (A) Loaded Containers with or without chassis 3 days.
- (B) Empty Containers with or without chassis 3 days.
- (C) Empty Chassis 3 days.

Free time begins on the day of receipt of the container & chassis.

GENERAL RULES & REGULATIONS ON CONTAINERS, CONTAINERIZED, & RO-RO CARGO

Facility use and services will be provided at tariff rates, rules and regulations equal in terms and applications to all users. Use of the facilities shall constitute a consent to conditions herein contained, evidencing thereby agreement on the part of all vessels, roll-off cargo their owners and agents, and other users however described to pay all charges specified and be governed by all such rules and regulations. Except as to this specific provisions provided in this Section, governing rules, regulations, and charges are set forth in other portions of this tariff. For volume rates per container unit, stuffing or stripping cargo, contact Director of Operations. Stevedoring services, rates and charges are provided by others and are not included as part of this tariff.

ITEM 590

Issued: April 15, 2004
Effective: June 1, 2004

ITEM 595

Issued: May 23, 2002
Effective: June 1, 2002

ITEM 600

Issued: Dec. 1, 1996
Effective: Jan. 1, 1997

SECTION THIRTEEN**RULES**

RULE 34:

**SUBJECT: CONTAINER AND CONTAINERIZED CARGO
RULES, REGULATIONS & RATES****LOADING/UNLOADING OF 20', 40' & 43' CONTAINERS
TO/FROM CHASSIS**

Twenty foot (20'), forty foot (40') and forty-three foot (43') containers loaded or unloaded to/from chassis without interchange through the port, will be charged \$42.00 per lift.

RENTAL OF CONTAINER HANDLER

A. Straight Time	\$135.00 per hour
B. Overtime	\$160.00 per hour

STORAGE CHARGES

All containers and chassis stored in the parking or storage area in excess of the number allowed free time as shown in Item 595 will be charged a daily storage charge of \$2.55 per unit per day.

THROUGHPUT CHARGES ON CONTAINERS

Container unloaded from stevedore trailer into storage yard and loaded to truck carrier, including interchange.

Loaded or empty, straight time or overtime - \$75.00 per unit

Container unloaded from truck carrier into storage yard and load to stevedore trailer, including interchange.

Loaded or empty, straight time or overtime - \$75.00 per unit

Inspection and interchange only.

Loaded or empty, straight time or overtime - \$30.00 per unit

ITEM 605

Issued: April 15, 2004

Effective: June 1, 2004

ITEM 610

Issued: April 15, 2004

Effective: June 1, 2004

ITEM 615

Issued: April 15, 2004

Effective: June 1, 2004

ITEM 620

Issued: April 15, 2004

Effective: June 1, 2004

RULES

RULE 34:

**SUBJECT: CONTAINER AND CONTAINERIZED CARGO
RULES, REGULATIONS & RATES****WHARFAGE EXCEPTION ON CONTAINERS**

Wharfage on all containerized cargo or empty containers moved through the terminal:

\$1.90 Per 2000 Pounds

(A) This charge is assessed on the total weight of cargo in the container or on the weight of the empty container and is in addition to all other applicable charges.

(B) Containerized cargo received into Port Freeport's Container Terminal by rail or truck, and subsequently forwarded from the terminal by rail or truck for movement beyond Freeport, is subject to the wharfage charge applicable on export or import containerized cargo.

SECTION 14 SUBJECT: SEGREGATION OF SHIPMENTS**SHIPMENTS REQUIRING SEGREGATION****(A) CARGO DISCHARGED FROM VESSELS:**

1. Vessels discharging cargo for handling by Port Freeport must tender such cargo in separate lots as identified by applicable ocean bills of lading.

2. Cargo tendered for loading which has been segregated and palletized according to marks by vessel, or its agent must have all such identifying marks clearly visible to Port Freeport checkers without unloading the pallets; otherwise, Port Freeport will not be responsible for misloading into or on rail cars or trucks.

3. On request, and at the expense of the party requiring the service, Port Freeport will segregate cargo on its docks, wharves, or piers prior to loading into rail cars or trucks. The charges for such services are the same as for unloading set forth in other items to this tariff.

B) CARGO RECEIVED FOR VESSELS

1. On receipt of request prior to unloading, and at the expense of the party requiring the service, Port Freeport will segregate the cargo by mark, into two or more lots, on one pier, wharf or dock, at time of unloading from rail cars or trucks. The charge is the actual cost plus 20 percent.

**(C) TRANSHIPPED CARGO CONSOLIDATION AND
SEGREGATION:**

1. On request, and at the expense of party requesting the service the Port Freeport will consolidate or segregate the cargo into lots or move it into a warehouse. The charge for such service will be actual cost plus 20 percent.

ITEM 625(I)

Issued: April 26, 2007

Effective: June 1, 2007

ITEM 630

Issued: Dec. 30, 1993

Effective: Jan. 29, 1994

RULES

RULE 34:

SUBJECT: LOADING/UNLOADING & WHARFAGE CHARGES

RATES IN CENTS PER 2,000 LBS, EXCEPT AS NOTED

When a commodity does not appear under a specific heading, refer to "All commodities not otherwise specified."

All commodities as described below when boxed, crated, bundles, unitized and suitable for handling by forklift machine:

(See Notes 1 & 2)

	<u>Unloading/Loading</u>	<u>Wharfage</u>
500 - 1999 lbs.	765	190
2000 - 3999 lbs	685	190
4000 - 6000 lbs	595	190

All commodities not otherwise specified when loaded in bags or other packages:

Over 40 lbs	1737	190
Under 40 lbs	1840	190

All packages or units Heavy Lifts: (See Note 3)

6000 - 14,999 lbs	990	190
15,000 - 40,000 lbs	745	190

Note 1 Must be loaded in a safely secured manner that can be handled as a single unit by use of a fork lift machine.

Note 2 Does not apply to vans, automobiles, tanks, trucks, or tractors, including military ordnance or other military vehicles.

Note 3 Heavy lifts subject to additional charges per agreement with Director of Operations.

ITEM 635(I)

Issued: April 26, 2007

Effective: June 1, 2007

RULES

RULE 34:

SUBJECT: LOADING/UNLOADING & WHARFAGE CHARGES

RATES IN CENTS PER 2,000 LBS, EXCEPT AS NOTED

AUTOMOBILES, AUTOMOBILE TRUCKS, TRAILERS OR TRACTORS: SET-UP, LOADING/UNLOADING FROM/TO STEAMSHIP CONTAINERS

	LOADING/UNLOADING	WHARFAGE Export/Import, Intercoastal, Coastwise & Intracoastal
LOADING	\$210 PER UNIT	\$6.20 PER UNIT
UNLOADING	\$ 105 PER UNIT	\$6.20 PER UNIT

ITEM 640(I)

Issued: April 26, 2007
Effective: June 1, 2007

BAGGED AGRICULTURAL PRODUCTS (FOR HUMAN OR ANIMAL CONSUMPTION) SPONSORED BY US DEPARTMENT OF AGRICULTURE OR DONATED BY CHARITABLE ORGANIZATIONS FOR RELIEF PURPOSES:

	LOADING/UNLOADING	WHARFAGE Export/Import, Intercoastal, Coastwise & Intracoastal
LOADING	650	90
UNLOADING	530	90

ITEM 645(I)

Issued: April 26, 2007
Effective: June 1, 2007

CHEMICALS, IN BAGS OR DRUMS, UNITIZED, PALLETIZED OR OTHERWISE SUITABLE FOR HANDLING BY MECHANICAL EQUIPMENT

	LOADING/UNLOADING	WHARFAGE Export/Import, Intercoastal, Coastwise & Intracoastal
LOADING	420	190
UNLOADING	420	190

ITEM 650(I)

Issued: April 26, 2007
Effective: June 1, 2007

CLOTHES, GARMENTS, WEARING APPAREL:

	LOADING/UNLOADING	WHARFAGE Export/Import, Intercoastal, Coastwise & Intracoastal
IN BOXES	1290	190

ITEM 655(I)

Issued: April 26, 2007
Effective: June 1, 2007

FERTILIZER AND FERTILIZER MATERIAL;IN BAGS AND PACKAGES

	LOADING/UNLOADING	WHARFAGE Export/Import, Intercoastal, Coastwise & Intracoastal
	1010	190

ITEM 660(I)

Issued: April 26, 2007
Effective: June 1, 2007

RULES

RULE 34:

SUBJECT: LOADING/UNLOADING & WHARFAGE CHARGES

RATES IN CENTS PER 2,000 LBS, EXCEPT AS NOTED

FRUIT, UNITIZED, PALLETIZED, OR OTHERWISE SUITABLE FOR HANDLING BY MECHANICAL EQUIPMENT, NOT OTHERWISE SPECIFIED:

LOADING/UNLOADING	WHARFAGE Export/Import, Intercoastal, Coastwise & Intracoastal
410	190

GRAIN, GRAIN PRODUCTS, IN PACKAGES (INCLUDING FLOUR, BULGUR)

LOADING/UNLOADING	WHARFAGE Export/Import, Intercoastal, Coastwise & Intracoastal
680	190

GRAIN, GRAIN PRODUCTS, (CONSISTING OF NOT MORE THAN 25% OF OTHER INGREDIENTS)

LOADING/UNLOADING	WHARFAGE Export/Import, Intercoastal, Coastwise & Intracoastal
680	190

IRON OR STEEL: PIPE, BEAMS, STRUCTURAL AND PLATE: BUNDLED OR LOOSE

	LOADING/UNLOADING	WHARFAGE Export/Import, Intercoastal, Coastwise & Intracoastal
To/From Truck	760	190
To/From Railcar	1515	190

IRON OR STEEL ARTICLES, NOS: BARS, BILLETS, BLOOMS, INGOTS, RODS, WIRE IN COILS, BOLTS, NAILS, NUTS, SCREWS IN BOXES OR KEGS

	LOADING/UNLOADING	WHARFAGE Export/Import, Intercoastal, Coastwise & Intracoastal
To/From Truck	760	190
To/From Railcar	1515	190

ITEM 665(I)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 670(I)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 675(I)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 680(I)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 685(I)

Issued: April 26, 2007
Effective: June 1, 2007

SECTION FIFTEEN

RULES

RULE 34:

SUBJECT: LOADING/UNLOADING & WHARFAGE CHARGES

RATES IN CENTS PER 2,000 LBS, EXCEPT AS NOTED

STEEL SHEETS, IN COILS, BANDED OR SECURED

	TO/FROM TRUCK LOADING/UNLOADING	WHARFAGE Export/Import, Intercoastal, Coastwise & Intracoastal
Non-Skidded		
up to 12,000 lbs	760	190
over 12,000 lbs	635	190
Skidded	760	190

ITEM 690(I)

Issued: April 26, 2007
Effective: June 1, 2007

**METAL, ALUMINUM, MAGNESIUM, INGOTS AND BARS,
VIZ: UNITIZED OR PALLETIZED FOR MECHANICAL
HANDLING**

	LOADING/UNLOADING	WHARFAGE Export/Import, Intercoastal, Coastwise & Intracoastal
	450	190

ITEM 695(I)

Issued: April 26, 2007
Effective: June 1, 2007

PAPER AND PAPER PRODUCTS, IN ROLLS OR IN BALES

	LOADING/UNLOADING	WHARFAGE Export/Import, Intercoastal, Coastwise & Intracoastal
	380	190

ITEM 700(I)

Issued: April 26, 2007
Effective: June 1, 2007

**PLYWOOD, LUMBER, UNITIZED ON FLATBED TRUCKS
SUITABLE FOR FORKLIFT HANDLING FROM EACH
SIDE, NO SEGREGATION**

	LOADING/UNLOADING	WHARFAGE Export/Import, Intercoastal, Coastwise & Intracoastal
	380	190

ITEM 701(I)

Issued: April 26, 2007
Effective: June 1, 2007

**RESINS, SYNTHETIC, UNITIZED, PALLETIZED,
SUITABLE FOR HANDLING BY MECHANICAL
EQUIPMENT**

	LOADING/UNLOADING	WHARFAGE Export/Import, Intercoastal, Coastwise & Intracoastal
	405	190

ITEM 705(I)

Issued: April 26, 2007
Effective: June 1, 2007

SECTION FIFTEEN

RULES

RULE 34:

SUBJECT: LOADING/UNLOADING & WHARFAGE CHARGES

RATES IN CENTS PER 2,000 LBS, EXCEPT AS NOTED

RICE:

	LOADING/UNLOADING	WHARFAGE Export/Import, Intercoastal, Coastwise & Intracoastal
IN PACKAGES, AND BAGS	680	190

**RICE, GRAIN AND GRAIN PRODUCTS: PALLETIZED,
VIZ:**

	LOADING/UNLOADING	WHARFAGE Export/Import, Intercoastal, Coastwise & Intracoastal
FROM FLATBED TRUCKS	360	190

(SUBJECT TO FOLLOWING CONDITIONS)

(A) Subject to a minimum of 3,000 lbs. and a maximum of 3,600 lbs. per pallet of minimum dimensions of 48" x 60" x 5".

(B) Truck must be loaded in a manner which will permit direct side unloading with fork lift trucks, otherwise rates under Item 710 (Rice), or Item 670 or 675 (Grain) will apply.

(C) Consignments must consist of full truckload from one consignor at one origin to one consignee, subject to arrangements for handling made with the Port Director in advance of cargo arrival.

(D) Shipments must be unloaded in lots of at least 5 truckloads per day between the hours of 8:00 a.m. and 5:00 p.m. Time and one-half rates apply after 5:00 p.m.

(E) Shipments, which by some fault of packaging tumble and require rehandling will be charged the regular handling charge, other than palletized.

SUBJECT: PROJECT CARGO

Project Cargo –Not Specified

Project cargo will be charged a wharfage rate of \$2.50 per 2,000 pounds.

NOTE: Loading / Unloading subject to additional charges per agreement with Director of Operations.

ITEM 710(I)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 715(I)

Issued: April 26, 2007
Effective: June 1, 2007

ITEM 720(N)

Issued: April 26, 2007
Effective: June 1, 2007