

PORT OF BROWNSVILLE
Tariff 6 – FMC-T6
SECTION TWO – RULES, REGULATIONS & CHARGES PERTAINING TO CARGO

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ITEM 200 – CARGO DOCUMENTATION

1. Cargo Manifest

- a. All Responsible Parties, as identified in Item 300, shall furnish within five (5) days following a vessel's sailing a manifest of the cargo loaded onto and/or discharged from the vessel.

Cargo Manifest
Required Elements

Vessel Name or Barge and Tug
Commodity (ies)
Number of Units
Weight in Metric Tons
Cargo in Barrels, if Tanker
Country of Origin and Country of Destination
Discharge Port (outbound) and/or Loading Port (inbound)

- b. Cargo manifests must be submitted in .pdf format and must be attached to the Visit record for the vessel in the KleinPort System.

2. Bill of Lading

- a. A Bill of Lading must be posted to the Cargo Record for the vessel in the Klein Port System by the stevedore or lessee-receiver for all cargo loaded and/or discharged by them within 5 days following a vessel's sailing. In the absence of a Bill of Lading, cargo-related charges will be invoiced to the Responsible Party (as identified in Item 300).
- b. Each Bill of Lading must carry a unique Bill of Lading Number. This number will be comprised of the Trip Reference Number followed by a sequence number which identifies the stevedore and the particular lot of cargo. For export cargo or for non-waterborne cargo, the stevedore will assign a bill of lading number.
- c. A separate Bill of Lading may be posted for each cargo or for each cargo owner.
- d. In order for cargo to be credited to a specific cargo owner for consideration for an incentive agreement, the owner must be identified in the Bill of Lading. A copy of the current incentive letter must be submitted with the Bill of Lading within the deadline for the receipt of cargo documentation in order for the incentive to be applied to the cargo.

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ITEM 200 – CARGO DOCUMENTATION (CONTINUED)

- e. Bill of Lading requirements:

Bill of Lading Requirements

Vessel Name or Barge and Tug
Trip Reference Number
Bill of Lading Reference Number
Cargo Owner
Operation (Load/Discharge)
Operation Date
Type of Commodity (Break Bulk/Bulk/Liquid Bulk)
Commodity
Number of Units
Weight in Metric Tons
Cargo in Barrels, if Tanker
Storage Location
Identification of Transshipped Cargo, if applicable

3. Any user who shall have outstanding vessel-related invoicing for failure to submit the required cargo documentation within 5 days following the departure of a vessel shall be denied berth assignment for any succeeding vessel(s) and/or storage space for any succeeding cargo operation(s) until user is in compliance.

ITEM 205 - LIABILITY FOR LOSS OR DAMAGE

1. The District does not act as custodian of cargo at its public facilities. Cargo is received for the account of a vessel by its owners, agents, and/or authorized representatives and the District shall not be responsible for injury to, or loss of, any freight being loaded or unloaded at the public wharves, nor for any delay to same; nor for injury to or loss of freight on its wharves or in its sheds by fire, leakage, or discharge of water from fire protection sprinkler system; collapse of building, shed platforms, wharves, subsidence of floors or foundations; breakage of pipes, nor for loss or injury caused by rats, mice, moths, weevils or other animals or insects, frost, or the elements; nor for damages to third parties; nor shall it be liable for any delay, loss or damage arising from combinations of strikes, tumult, war, invasion, insurrection, riot or acts of God; or from any of the consequences of any of these contingencies.
2. The provisions of this item are subject to Item 75.

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ITEM 215 – CERTAIN DANGEROUS CARGOS (CDC’S)

1. Commodities classified as explosive “Certain Dangerous Cargos (CDC’s)” by the United States Coast Guard, including nitrates and nitrate fertilizers, will be accepted when shipped and handled in compliance with the rules and regulations of the United States Coast Guard. These commodities will be subject to all the rules and regulations of federal, state, and municipal governments for handling via District facilities. Arrangements for handling must be made with the District in advance of coming on to District property.
2. All commodities in this classification will be handled at double the applicable rates for loading and unloading.

ITEM 220 - CLEANLINESS OF PREMISES

Users of District property, including docks, transit sheds and storage patios, will be required to maintain same in an orderly manner as prescribed by the Harbormaster. If a user does not properly clean property used within 24 hours of the completion of operations, the Harbormaster may order the work performed and the user will be invoiced in accordance with Items 145, 150, and 160. In the event that a user requires more than 24 hours to clean the property, the user may make a written request of the Harbormaster for this additional time. It may be necessary for the material on the dock to be accumulated in an area designated by the Harbormaster should traffic or weather conditions warrant. Any authorization for additional time under this Item must be in writing. (See Also Item 370)

ITEM 225 - USE OF OIL DOCKS

In order to minimize fire hazards and prevent property damage, the rules set forth below must be strictly observed by all users of Oil Docks:

1. Immediately upon completion of loading or discharging cargoes or ballast on any Oil Dock, all hose must be disconnected from header valves and all openings blind flanged.
2. All hose sections must be drained thoroughly. No petroleum products of any nature, or ballast, shall be allowed to spill on the dock structure.
3. All hose must be separated, blind flanged, and placed out of the way on lines coming up to the Oil Dock parallel to the ramp.
4. Every user of any Oil Dock facility must maintain an authorized and competent representative on the Oil Docks in responsible charge of the shore facilities in accordance with applicable U.S. Coast Guard regulations from the time a vessel starts work, until all hose has been disconnected and stored as required in preceding paragraphs of this item. Failure to provide a representative will be cause for the Harbormaster's Office to close the facility without notice.

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ITEM 225 - USE OF OIL DOCKS (CONTINUED)

5. If user of an Oil Dock facility does not observe these regulations, the Harbormaster shall arrange for securing hoses and manifolds, emptying containment basins and cleaning decks, the expense to be borne by the user in accordance with Items 160 and 220 of this Tariff.

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ITEM 230 - RAILROADS

1. Switching within the port area and the port lead track is performed by the Brownsville & Rio Grande International Railroad (BRG), and reciprocal switching connections are maintained with the following trunk line railroads:

Kansas City Southern de Mexico	011(52818)305-7900 (Monterrey, N. L. , México)
Union Pacific Railroad Company	(800) 877-0531
Burlington Northern Santa Fe Railroad	(800) 345-2311

2. BRG tariffs may be obtained from Brownsville & Rio Grande International Railroad general office, located at 12650 Highway 48, Brownsville, Texas, 78523, Telephone (956) 831-7731.

ITEM 235 - CAR AND TRUCK LOADING AND UNLOADING

The docks are for the handling of cargo to/from vessels, and the District reserves the right to control the loading and unloading of all freight handled on these facilities. The service of loading and/or unloading will be performed by authorized stevedores/contractors.

ITEM 240 - UNAUTHORIZED USE OF SPACE

Stevedores and others desiring temporary floor space for their equipment shall make application to the Harbormaster. Stevedores and others using space without authorization from the Harbormaster are subject to immediate ejection from the premises of the District.

ITEM 245 - RAILCAR SPOTTING ORDER

1. Steamship agents, operators, stevedores, and others desiring to handle cargo from or to railcars on dockside tracks shall make application to the Harbormaster on a Car Spotting Order. Car Spotting Orders for leased premises shall be submitted directly to the Brownsville & Rio Grande International Railroad Office.
2. Users shall not operate off-track vehicles of any kind on the ballast, ties or rails of the District's track or the drains through the District's property in such a manner as to damage the track structure or impair the drainage of said track. Damage done to the drains, ballast, ties or rails by users operating off-track vehicles will be invoiced to the user.

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ITEM 250 - WHARFAGE EARNED

Freight placed on a wharf shall be considered to have earned wharfage when placed upon the wharf. Wharfage will be collected on it whether or not it is eventually loaded on a vessel.

ITEM 255 - FREE TIME AND PENALTY STORAGE

Free Time and Penalty Storage Rates:

Storage Location	Waterborne Cargo		Non-Waterborne Cargo	
	Free Time	Penalty Storage Rate After Expiration of Free Time (per metric ton per day)	Free Time	Penalty Storage Rate (per metric ton per day, unless otherwise noted)
Covered Storage - General Cargo Sheds	30 Days	11.03¢	None	12¢
Open Docks and Dock-side Patios	30 Days	2.21¢	None	12¢
Off-Dock Patios	60 Days	2.21¢	None	12¢
Unimproved Bank Space	30 Days	16.54¢/30 days	None	12¢
Containers, Loaded and Empty, on Open Docks, Dock-side Patios and Off-Dock Patios	N/A	N/A	None	\$5.00 per container per day

Exception:

Free time may be extended from the Tariff stipulation above at the discretion of the Port Director either on single consignments of one commodity of one thousand (1,000) metric tons or more or for specific cargoes on a volume basis over a certain period of time upon written request received at least 24 hours prior to the expiration of the free time period. The Port Director will take into consideration the availability of storage space before allowing this additional free time.

ITEM 257 - REQUIREMENT FOR END-OF-MONTH INVENTORY

1. Each stevedore licensed to operate at the Port of Brownsville shall be required to submit an end-of-month inventory reflective of the last day of each calendar month for any and all cargo and commodities remaining in storage in the transit sheds or on the outside storage areas of the Port of Brownsville. This report must include documentation of all non-waterborne cargo passing through the Port of Brownsville during the calendar month being reported. Licensees shall submit said inventory reports to the District's KleinPort System no later than the fifth day (calendar day) of the following month.

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ITEM 257 - REQUIREMENT FOR END-OF-MONTH INVENTORY (CONTINUED)

2. An Import/Export/Non-Waterborne Cargo Inventory shall be submitted listing all commodities on hand, broken down by Bill of Lading number. This cargo inventory submission shall be submitted in a .csv file (MicroSoft Excel) no later than the fifth calendar day of the month and must be posted to the KleinPort System, and at a minimum, shall provide:
 - A. Account: Cargo Owner Code
 - B. Commodity: Commodity Code
 - C. Unit: Number of Units (each/pkgs/bbls)
 - D. Weight: Weight in Metric Tons
 - E. Volume: Volume in Cubic Meters (if appropriate)
 - F. Bill of Lading Number
 - G. Reference: Optional Field
 - H. Received: Date(s) Received
 - I. Released: Date(s) Released
 - J. Source: Cargo Source (Vessel, Truck, Rail)

3. Stevedores may choose to submit cargo inventory reports more frequently than at the end of each month.

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ITEM 257 - REQUIREMENT FOR END-OF-MONTH INVENTORY (CONTINUED)

4. These inventory reports will be used to verify the District's records prior to the issuance of penalty storage invoices, and therefore the information must be accurate and must be submitted to the District as required. Failure to submit the inventory reports as required by the fifth calendar day of the month will serve as a waiver of the stevedore's rights to dispute the quantities that the District uses as the basis for the issuance of penalty storage invoices for the cargos not reported.

5. Failure to comply with the reporting provisions of this Tariff Item may result in exclusion of the stevedore from payment of the District's fee under Tariff Item 110, paragraph 10 for prompt payment of invoices billed on behalf of third parties. **Such exclusion will be irrevocable.** Penalties for delinquent payment of invoices will still apply.

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ITEM 260 - STORAGE OF CARGO ON WHARVES

The District does not engage in the business of storage or housing of property on its wharves, and will not be responsible for loss or damage to property remaining thereon. All property landed or received on any of the wharves is thereafter at the risk of the owner, and will be subject to Free Time and Storage Charges as set forth in this Tariff. Vessel owners, operators, stevedores and agents will be held responsible for the collection of storage charges accruing hereunder.

The provisions of this Item are subject to Item 75.

ITEM 265 - OPTION TO REMOVE CARGO

The District, through its Harbormaster, in order to expedite the flow of traffic through the Port or to respond to threatening emergency conditions, may move, or cause to be moved, cargo from its docks, transit sheds, and adjoining open storage areas to any other storage area at cargo's expense, without liability for any damage to the cargo, even if caused by the sole negligence of the District.

ITEM 270 - COMPUTING TIME

1. Outbound Cargo: Time runs from the day cargo is placed on the wharves, and ends with and includes the day receiving vessel goes on dockage. The day cargo is placed on the wharves, and the day receiving vessel goes on dockage shall each be counted as full days.
2. Inbound Cargo: Time will begin the first day following the date the discharging vessel vacates berth, and will continue to, and include, the day cargo is removed from the wharf.
3. Time will run continuously, including Saturdays, Sundays, and Holidays.

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ITEM 274 - LOADING AND UNLOADING SERVICES

1. Loading and unloading refers to the service of unloading freight from, or loading freight onto railcars or trucks, performed by authorized stevedoring contractors at wharves.
2. Loading and unloading charges will be quoted by stevedoring companies upon request.

ITEM 275 - WHARFAGE CHARGES

All rates and charges herein are per metric ton of 2,204.6 lbs., except as otherwise provided in individual instances.

MINIMUM WHARFAGE CHARGE FOR EACH INDIVIDUAL WHARFAGE LINE ITEM ON AN INVOICE: \$10.00

VOLUME INCENTIVE WHARFAGE RATES - In order to attract cargoes to the Port of Brownsville, and as an incentive for volume cargoes, the Port Director is authorized by the Board of Commissioners to negotiate a reduced wharfage charge for specific cargoes on a volume basis.

PART A.

All commodities, not otherwise specified, and commodities loaded in Containers or Vans.

COMMODITY	WHARFAGE
All commodities, not otherwise specified.	1.37
All commodities, not otherwise specified: Pre-palletized on wing-type pallets, minimum base dimensions 36" x 48" x 66", height not to exceed 60", including pallet, minimum weight 1,500 lbs., maximum weight 4,000 lbs. Wharfage charges will be on net weight of pallet and lading, as per individual commodity items in Part B herein	1.37

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ITEM 275 - WHARFAGE CHARGES (CONTINUED)

PART B.

COMMODITY	WHARFAGE
Aggregates N.O.S. In bulk, via open docks	.35
Abrasives In bulk, via open docks In bulk, via sheds	1.09 1.37
Alloy: ferro-manganese, ferro-silicon silico-manganese In bulk or bag, via open docks In bulk or bags, via sheds	1.09 1.37
Aluminum, ingots, bars or slabs	1.00
Automobiles & Trucks (see Vehicles)	
Bauxite In bulk, via open docks	1.09
Beef Products, Frozen	1.20
Cement or Cement Plaster In sacks or barrels	1.37
Cement In bulk via open docks In bulk via sheds	1.09 1.37
Chemicals, N.O.S. In drums or packages In bulk via sheds	1.37 1.48
Chemicals, N.O.S.; Butane, Caustic Soda/Sodium Hydroxide In bulk via liquid docks	.28
Chrome Ore In bulk, via open docks In bulk, via sheds	1.09 1.37

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ITEM 275 - WHARFAGE CHARGES (CONTINUED)

COMMODITY	WHARFAGE
Citrus Pulp Pellets	1.37
Clay	
In bulk, via open docks	1.09
In bulk, via sheds	1.37
Celestite	
In bulk, via open docks	1.09
In bulk, via sheds	1.37
Coal	
In bulk, via open docks	.71
In bulk, via sheds	1.37
Copper Concentrates	
In bulk via sheds	1.37
Cotton, Cotton Linters, Cottonseed Hull, Fiber Shavings, Motes or Second Cut Linters, per bale	.29
Cotton Linter Pulp	
In packages	1.37
Cottonseed	
In bulk, via open docks	1.09
In bulk, via sheds	1.37
Fertilizer, NOS	
In bags or bulk, via open docks	1.37
In bags or bulk, via sheds	1.75
Fish and Seafoods	
Shellfish, viz: Shrimp, Oysters	
Fresh (Main Harbor Only)	8.37
Frozen, packaged	2.08
Finfish	
Fresh	1.37
Frozen	1.37
Fluorspar	
In bulk, via open docks	1.09
In bulk, via sheds	1.37
Fruits	1.37
Glass, recyclable (cullet)	
In bulk, via open docks	1.09
In bulk, via sheds	1.37
Grain, viz: Barley, Corn, Oats, Rye, Sorghums, Wheat or Soybean	
In sacks or packages	1.37
In bulk, from or to open cars/closed cars, shipside, via open docks	1.09
In bulk, via Elevator	.40
Grain Products	
In bulk, via Elevator	.40

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ITEM 275 - WHARFAGE CHARGES (CONTINUED)

COMMODITY	WHARFAGE		
Iron and Steel Articles: Coils, Plate, Billet, Slabs, Cobble, Wire Rod, Wire	1.00		
Iron and Steel Articles: Pig Iron	1.00		
Iron and Steel Articles: Steel Scrap	1.00		
Lead, Pig or Bars	1.37		
Livestock, per head	1.48		
Machinery <i>(for Heavy Lift/Project Cargo see specific rate at the end of this table)</i>	1.37		
Magnesite			
In bulk, via open docks	1.09		
In bulk, via sheds	1.37		
Magnesium Oxide			
In bulk, via open docks	1.09		
In bulk, via sheds	1.37		
Manganese Ore and Ferro Manganese			
In bags or bulk, via open docks	1.09		
In bags or bulk, via sheds	1.37		
Meal or Cake, Oilseed, Linseed, Peanut, Sesame, Soya Bean	1.37		
Mono Ammonium Phosphate			
In bulk, via open docks	1.09		
In bulk, via sheds	1.09		
Nitrates			
In bulk or bag, via open docks or sheds	1.75		
Oil, all kinds			
In barrels, drums or cases	1.37		
Oils, except petroleum			
In bulk, via liquid docks	.29		
Ores and Concentrates, N.O.S.			
In bulk, from or to open cars/closed cars, shipside, via open docks	1.00		
In bulk, from or to open cars/closed cars, shipside, via sheds	1.37		
Petroleum, viz: Crude Oil, Naphtha (I), Refined Petroleum Products & Natural Gas Liquids, per barrel			
In bulk, via liquid docks	2016	2017	2018
	.065	.08	.095
Petroleum Coke or Foundry Coke			
In bulk, via open docks	1.09		
In bulk, via sheds	1.37		
Phosphate, or Phosphate Rock, including Acid Phosphate			
In bulk, loaded from wharf	1.09		

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ITEM 275 - WHARFAGE CHARGES (CONTINUED)

COMMODITY	WHARFAGE
Rubber, crude – crates, on pallets or skids	
Crates not to exceed 2,500 lbs per crate	1.50
Crates over 2,500 but not to exceed 2,900 lbs per crate	1.77
Sand	
In bulk, via open docks	1.09
In bulk, via sheds	1.37
Stone, (Jetties Granite) and Shell for Port construction projects	
In bulk	0.61
Soda Ash	
In bulk, via open docks	1.37
In bulk, via sheds	1.48
Sodium Sulfate	
In bags or bulk, via open docks or via sheds	1.75
Direct to lessee site	1.37
Sugar	
In sacks or barrels	1.37
Sulphur	
In sacks	1.37
In bulk, via open docks	1.09
In bulk, via sheds	1.48
In liquid bulk, via liquid docks	0.29
Tractors – See Vehicles	
Turpentine	
In barrels or packages	1.37
In bulk, via liquid docks	0.51
Vegetables	
Fresh, in bags, crates or packages	1.37
Vehicles, viz: Automobiles, Airplanes, Tractors, Trailers, and Trucks	
Set up on wheels	2.58
Knocked down, crated or boxed	1.92
Parts, boxed or crated	1.37
Wind Turbines	The greater of 2.75 per metric ton or 1.50 per cubic meter
Wines and Liquors	1.37
Wood, Lumber, and Timber <i>(checking logs, piling, poles or lumber, additional charge)</i>	1.37
Zinc Concentrate <i>(restricted to direct transfer to/from carriers; commodity shall not be dumped, stockpiled or stored on docks)</i>	
In bulk, via open docks	1.09
Zinc, Ingots, Bars or Slabs	1.00

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ITEM 275 - WHARFAGE CHARGES (CONTINUED)

Heavy Lift/Project Cargo Charges

The following heavy lift/project cargo charges shall be assessed on each single piece or package of <u>cargo weighing in excess of or equal to 5 m/t</u> , only when such cargo is loaded or unloaded to and from railroad cars, and trucks.	\$10.00 m/t
The following heavy/project cargo charges shall be assessed on each single piece or package of <u>cargo weighing less than 5 m/t</u> , only when such cargo is loaded on unloaded to and from railroad cars, and trucks.	\$ 5.00 m/t

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ITEM 277 - SECURITY SURCHARGE - CARGO

1. A security surcharge, as described in this Tariff Item, shall be assessed against and collected from all vessels, barges and cargo interests (see also Tariff Item 347) utilizing services or facilities at the Port of Brownsville in accordance with the notice filed with the Federal Maritime Commission by the Gulf Seaports Marine Terminal Conference.
2. The security surcharge is assessed to recover costs incurred for security assessments, security plans, equipment purchase, installation and maintenance and staffing required to implement and maintain surveillance and access controls mandated by the Maritime Transportation Security Act of 2002 and U. S. Coast Guard regulation 33 CFR 105.
3. The Security Surcharge – A security surcharge fee will be assessed against cargo and passengers, on a per unit basis. The security surcharge will be assessed in addition to all other fees which may be due under this Tariff as follows:

Security Surcharge - Cargo

(to be billed to the party paying the wharfage):

• Break-bulk (I)	\$ 0.04 per metric ton
• Bulk (I)	\$ 0.04 per metric ton
• Liquid Bulk (I)	\$ 0.04 per metric ton
• Containers	\$ 2.600 per box
• Vehicles	\$ 5.000 per vehicle
• Heavy Lift/Project Cargo	\$ 0.130 per metric ton
• Passengers	\$ 1.00 per passenger
• NOS	\$ 0.130 per metric ton

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ITEM 277 - SECURITY SURCHARGE – CARGO (CONTINUED)

4. Users of the District's services or facilities who withhold, refuse or otherwise fail to pay properly assessed security surcharges, shall be subject to all the collection terms and procedures contained in Item 115 – Collection Policy of this Tariff. Additionally, at the sole discretion of the Brownsville Navigation District, such users may be denied service or may be caused to deposit estimated port charges in advance of using District facilities or receiving services (Item 110 – Payment of Charges and Responsibility Therefore: Extensions of Credit and Liens).

ITEM 278 – USAGE OF CRANES FOR HANDLING OF CARGO

Routine Crane Work: Rubber-tired truck cranes will be allowed on the docks for routine bucket and lift work under the following conditions:

1. The District reserves the right to suspend any cargo handling operation deemed unsafe or damaging due to the cranes or other equipment, or the operation thereof, which appears to unreasonably endanger District property or any persons. No cargo, goods or merchandise shall be moved across or upon, placed upon or allowed to remain upon any dock, pier, wharf, platform, bulkhead, within transit sheds or other place in such quantity or such manner to be damaging to District facilities. All cargo handling operations shall be performed in a manner and with equipment satisfactory to the District, but the District assumes no responsibility for the performance of such operations.
2. The following safety rules and regulations covering District crane operation are applicable to privately owned cranes, including:
 - A. Cranes in close proximity must not swing loads over cab of adjacent cranes.
 - B. All crane cables must be inspected for wear and damage on a daily basis.
 - C. Tipping of cranes, jacking of loads and pulling dangerous overloads will not be permitted.
 - D. All crane activities will be performed in a safe and responsible manner.
3. Leaving cranes in a position which blocks rail tracks and movement of other cranes at the end of each day's work is not permitted.
4. All cranes must meet all Bureau of Labor Standard requirements as called for in Federal Register, Volume 33 - Number 152, Part II, and Federal Register, Volume 34 - Number 42, Part II.
5. The operation of cranes shall be subject to all the requirements of Item 128.

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ITEM 279 - WHARFAGE CHARGE FOR LOADING AND UNLOADING CONTAINERS

All Loaded Containers: 20 ft. and 40 ft. Containers	\$25.00 per container
All Empty Containers: 20 ft. and 40 ft. Containers	\$ 2.00 per container

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ITEM 280 - PROVISIONS GOVERNING THE USE OF THE PORT OF BROWNSVILLE MOBILE HARBOR CRANE

DEFINITIONS	
THE APPLICATION FOR USAGE	The <i>Application for Mobile Harbor Crane Usage Form</i> which is to be submitted by a customer who requires the use of the Crane.
ATTACHMENT	One of three forms of rigging that are available on the Crane: the spreader, the orange-peel grapple and the clam-shell grab.
CONTINUING ASSIGNMENT	The use of the Crane on a single vessel by a single stevedore on more than one calendar day.
THE CRANE	The Port of Brownsville Mobile Harbor Crane
THE DISTRICT	The Brownsville Navigation District
SINGLE ASSIGNMENT	Usage of the Crane by a single User for a single vessel (or barge) on a single day.
START TIME	The date and time specified in the application for usage as the date and time that the Crane is requested to be made ready for the User.
THE USER	The customer who has submitted an application for use and who has been granted the use of the Crane. The User must be a licensed stevedore at the Port of Brownsville.

1. GENERAL

- A. All rental and use of the Crane shall be upon and subject to the following conditions and charges, the rental and use of which shall constitute an agreement with the District to pay such charges and be bound by such conditions.

- B. Only operators employed by the Brownsville Navigation District are authorized to operate the Crane. Employees of the User are prohibited from operating the Crane.

2. APPLICATION FOR USAGE REQUIRED

- A. Reservations for the usage of the Crane are to be made in writing on the *Application for Mobile Harbor Crane Usage Form* that is available from the Harbormaster's Office. This application for usage will state the time that the Crane is requested, the exact location on Dock 15 where it is to be spotted, which attachment the Crane is to be rigged with and the estimated duration of time that the Crane will be used. A separate application for usage will be required for each single assignment. Continuing assignments will require that a new application for usage be submitted by 4:00 p.m. of the current working day for the subsequent working day. Application for usage for continuing assignments will be given priority over requests for single assignments.

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- B. Applications for usage will be reviewed by the Harbormaster and the assignment of the Crane will be made based on the scheduled vessel traffic at Dock 15 and other factors to best utilize the facilities at the Port of Brownsville. Assignments for Crane usage will be confirmed by 4:30 p.m. of the day prior to the start time. Emergency or urgency assignments may be approved by the Port Director of his/her designee.
- 3. CONDITION AND RESPONSIBILITY FOR RENTED EQUIPMENT** - The Crane is presumed to be in good operating condition when assigned to User; but the District 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. The District will not be responsible for delays caused User by breakdown of equipment, by shut-off of electric current or other causes. The District reserves the right to stop operation of the Crane at any time to make repairs that appear to be necessary.
- 4. RESPONSIBILITY FOR DAMAGES**
- A. The District retains the liability for all losses, claims, demands, and suits for damage, including death and personal injury, and including court costs and attorney's fees, incident to or resulting from the operation to the Crane arising out of the sole negligence of the District except for those which are caused by negligence on the part of the stevedore, vessel owner, vessel operator, vessel charterer, agent or cargo owner. These exceptions include, but are not limited to, improperly loaded cargo, cargo in excess of rated capacity loaded in containers or in bundles, unsafe vessel conditions or unsafe cargo handling practices.
- B. Stevedores must maintain the minimum liability coverages required by Tariff Item 128, STEVEDORE AND FREIGHT HANDLERS LICENSE, and required provisions therein, and must maintain current, acceptable proofs of insurance on file with the Director of Cargo Services.
- 5. CONTAINERS/CARGO LOADED IN EXCESS OF RATED CAPACITY** - The Rates, Rules, Regulations and Charges published in this section of this Tariff ARE NOT applicable to Standard Seagoing Containers loaded in EXCESS of their Rated Capacity. The District will not permit the Crane to be used in any way to lift, move or transport a container that is loaded in excess of the container's rated capacity. Should the Crane be used to lift, move or transport a container/cargo which is loaded in excess of the rated capacity, the party or parties causing such unauthorized use shall be held liable for all losses, claims, demands, and suits for damage, including death and personal injury, and including court costs and attorney's fees, incident to or resulting from such unauthorized use.

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6. COMPUTATION OF RENTAL CHARGE

- A. Charge for rental of the Crane shall begin at the time specified as the start time on the application for use and shall end when the User notifies the District that the Crane is no longer needed. When the Crane has been ordered, and is ready, but is not being used, the rental charge shall begin at the time the Crane was specified to be ready. Fractional hours shall be charged in fifteen-minute periods.
- B. A 30-minute break for the District's operator(s) may be taken after 4 hours of usage. This break shall not be included in the computation of time. The District is not responsible for any charges that the User accrues during this break.
- C. A standby charge of \$125.00 per hour applies to Crane made idle by rainfall or other weather conditions. The District has the right to determine when weather conditions are unsafe for the operation of the Crane.
- D. Should the District declare that an Assignment is to be abandoned due to rainfall or other weather conditions, the minimum charge and the cancellation charge shall be waived, and the User invoiced for the actual time accrued.
- E. Credit for breakdowns occasioned by mechanical breakdown of the Port's Crane, when not due to misuse, abuse, over-loading or carelessness of the User, shall be allowed daily in fractional hours of 15 minutes. No credit shall be allowed for less than 15-minute periods.

- 7. CANCELLATION OF ORDERS AND RESERVATIONS** - When an application for use has been submitted and confirmed and the order is canceled after 4:00 p.m. on the day prior to the start time specified in the application, there shall be a cancellation charge equal to two hours at the applicable per hour rate of the Crane. When the Crane is in use by a User who makes an application for use for a continuing assignment of the Crane on the following day that is confirmed and subsequently canceled after 4:00 p.m. on the day prior to the start time, the same minimum charge shall be made.

8. MOBILE HARBOR CRANE RATE

Rate	\$380.00 per hour (I)
	\$650.00 per hour for heavy lift or project cargos (I)
	\$420.00 per hour overtime (I)
	\$725.00 per hour overtime for heavy lift or project cargos (I)

Overtime rate is in effect from Midnight to 8:00 am and 5:00 pm to midnight, Monday through Friday, all day Saturday and Sunday, and all day on Holidays as per Item 165 of this Tariff.

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This rate includes the rental of the Crane, the Crane Operator(s), and all fuel and other supplies required to operate the crane. Rental rate also includes the use of one of the attachments to the crane.

The following minimums shall apply:

Deep Sea Vessel and Ocean-Going Barges – 4 hours Crane Rental
Intercoastal Barges – 2 hours Crane Rental

- 9. LATEST ORDERING TIME FOR MOBILE HARBOR CRANE** - The latest ordering time for the use of the Crane is 4:00 p.m. on the day prior to the start time. The Harbormaster will review all applications for use received in a timely manner, and will confirm assignments for Crane usage by 4:30 p.m. on the day prior to the start time. Applications for usage will be accepted after the latest ordering time if the Crane has not otherwise been assigned, however, the District is not able to guarantee that the Crane will be rigged and spotted by the start time requested in a late application for usage.

Cancellations of confirmed applications for usage after the latest ordering time are subject to a cancellation charge as specified above.

- 10. DELIVERY OF THE CRANE** - The Crane is located on Dock 15 at the Port of Brownsville. Spotting stations will be designated by the Harbormaster on the dock. The Crane will be spotted as requested in the application for usage. Any time required for the moving or re-spotting of the Crane for a single or continuing assignment will be included in the rental period.
- 11. CHARGE FOR SPECIAL RIGGING** - The Crane will be rigged with the attachment requested on the application for usage. Any time required for a change in the rigging during a single or continuing assignment will be included in the rental period. There will be a re-rigging charge of \$150.00 assessed for each change in the attachments during a single or continuing assignment.
- 12. CHARGE FOR RE-RIGGING** - No charge will be made for re-rigging the Crane at the completion of any given assignment.
- 13. CREDIT AND COLLECTION OF CHARGES** - The District will issue an invoice to the User for the total hours the Crane is used for a single vessel on a single call in port. Invoices are due upon presentation, and are delinquent 30 days after invoice date. Applications for usage will not be accepted from Users who have delinquent invoices for crane usage.

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ITEM 283 - CARGO TRANSSHIPPED AND RESHIPED

1. Cargo discharged from vessels and remaining on the wharf for transshipment by vessel will be assessed wharfage on the inward movement only if reshipped in thirty (30) days under the same ownership. If cargo remains on the wharves more than thirty (30) days, inward and outward wharfage will be assessed. The day on which cargo is placed on the wharves shall be counted as the first day, and the day the cargo is lifted shall not be counted.
2. Petroleum Products discharged from vessels and transshipped by vessel will be assessed wharfage on the inward movement only if reshipped by the same ownership. This applies ONLY to petroleum products inbound and/or their derivatives outbound.

ITEM 285 - CARGO TRANSFER CHARGE

The transfer of non-waterborne cargo between modes shall not be allowed on District property, other than on wharves, docks, and property leased by the District to a lessee.

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ITEM 287 - PARKING

1. No vehicle or freight handling equipment shall be parked or otherwise be left unattended on the docks or within the transit sheds in the District unless in an area designated by the Harbormaster for such parking.
2. Vehicles and/or machines left in unauthorized areas may be towed away and such vehicles shall be reclaimed only on settlement of charges with the towing company and any additional, applicable, charges.

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ITEM 293 - DISPOSING OF WASTE MATTER

1. **WATER POLLUTION:** It is strictly prohibited to deposit, place, or discharge into the surface waters or ground waters under the jurisdiction of the District any matter which is capable of polluting, defiling, or clogging those waters, or which would be violation of local, state and/or federal law.
2. **AIR POLLUTION:** It is prohibited to allow uncontrolled emissions into the atmosphere from a vessel, building, or other appurtenance within boundaries controlled by the District which would violate local, state and/or federal law.

ITEM 295 - SMOKING AND OPEN FIRES

1. Smoking and open fires in the warehouses, transit sheds, on the wharves, or on vessels is strictly prohibited.
2. All vessels shall have signs displayed about the deck, written in the language of the country to which the ships belongs, which states that smoking is prohibited.
3. Ship's officers will be responsible for enforcement of this order among ship's crew. Stevedoring contractors will be responsible for enforcement of this order among labor handling cargo.