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**PORT OF BROWNSVILLE****Tariff 6 – FMC-T6****SECTION THREE – RULES, REGULATIONS AND CHARGES PERTAINING TO VESSELS**

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**ITEM 300 – NOTICE OF ARRIVAL AND BERTH APPLICATION**

1. The District requires an application for channel transit and berth for all vessels prior to entering the Brownsville Ship Channel from the sea or from the Gulf Intercoastal Canal. The *Notice of Arrival/Berth Application* (“Application”) must be submitted to the District electronically using the KleinPort System. The following are the parties responsible (“Responsible Parties”) for submitting the *Notice of Arrival/Berth Application*.
  - A. **Motor Vessels, Tankers and Ocean-Going Barges** – The Steamship Agent for the vessel. The *Notice of Arrival/Berth Application* must be submitted as far in advance of arrival as possible, but no later than 24 hours prior to entering the Brownsville Ship Channel.
  - B. **Dry Cargo River Barges** – The Freight Handler and Stevedore for the barge. The *Notice of Arrival/Berth Application* must be submitted as far in advance of arrival as possible, but no later than 1 hour prior to entering the Brownsville Ship Channel from the Gulf Intercoastal Waterway.
  - C. **Liquid Cargo River Barges** – The terminal operator for the barge. The *Notice of Arrival/Berth Application* must be submitted as far in advance of arrival as possible, but no later than 1 hour prior to entering the Brownsville Ship Channel from the Gulf Intercoastal Waterway.
  - D. **Rigs, Scrap Vessels or Barges bound for Lessee Sites** – The Lessee. The *Notice of Arrival/Berth Application* must be submitted as far in advance of arrival as possible, but no later than 24 hours prior to entering the Brownsville Ship Channel.
  - E. **Foreign Flag Fishing Vessels** – The agent for the vessel. The *Notice of Arrival/Berth Application* must be submitted as far in advance of arrival as possible, but no later than 1 hour prior to entering the Brownsville Ship Channel from the Gulf Intercoastal Waterway.
  - F. **Vessel Movement between Port of Brownsville lease sites** – The destination lessee. The *Notice of Arrival/Berth Application* must be submitted as far in advance of arrival as possible, but no later than 1 hour prior to entering the Brownsville Ship Channel from the Gulf Intercoastal Waterway.
  - G. **U. S. Flag Vessels Other than Cargo Vessels, Including Tugs (but excluding Harbor Tugs)** – Captain of the Vessel. The *Notice of Arrival/Berth Application* must be submitted as far in advance of arrival as possible, but no later than 1 hour prior to entering the Brownsville Ship Channel from the Gulf Intercoastal Waterway.
2. **Exception:** U.S. flag fishing vessels bound to Fishing Harbor shall be exempt from filing Notice of Arrival/Berth Application, however; any vessel transiting the Brownsville Ship Channel must call the Harbormaster’s Office and receive authorization for transit.
3. User access to the KleinPort System will be assigned to each company authorized to submit a *Notice of Arrival/Berth Application* (Responsible Parties) by the District.

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**ITEM 300 – NOTICE OF ARRIVAL AND BERTH APPLICATION (CONTINUED)**

4. All information required to complete the on-line *Notice of Arrival/Berth Application* must be entered into the system in order for the District to accept the application. This information includes:
  - A. Vessel Information:
    1. Vessel Name
    2. Ship Agent (vessels)/Barge Owner (barges)
    3. Flag
    4. IMO (as appropriate)
    5. GRT (as appropriate)
    6. LOA
    7. Beam
  - B. Visit Information:
    1. Vessel Name
    2. Inbound and Outbound Draft (forward and aft)
    3. Last Port of Call and Next Port of Call
    4. Requested Berth
    5. Estimated Date and Time of Arrival and Departure
    6. Agent (vessels)/Barge Owner (barges) and Contact Name/Number
    7. Nominate Primary Stevedoring Company and Contact Name/Number
    8. Nominated Line handlers
    9. Trade Route
    10. Cargo Type and Approximate Quantity
    11. Hazardous Material Information
    12. Services Requested While in Port
5. The *Notice of Arrival/Berth Application* will be reviewed by the District's Harbormaster's Office and notice of the application's approval or rejection will be issued to the Responsible Party by email.

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**ITEM 305 - PRIORITY OF BERTH**

1. Berthing space will be assigned by the Harbor Master on a first-come first-served basis, according to the actual arrival time of the vessel, regardless of whether the vessels be self-propelled or under tow. Arrival time for all vessels is the time the vessel actually arrives at the sea buoy off-shore of the entrance to the Port of Brownsville Ship Channel.
2. In no case shall the loading or unloading of a self-propelled vessel or a barge be interrupted as long as cargo for that self-propelled vessel or barge is available and loading or unloading is continuous (weather permitting).
3. Vessels requesting berthing space for loading or unloading cargo shall receive priority over vessels requesting berthing space for the sole purpose of receiving bunker fuel, regardless of the order in which the requests are received.

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**ITEM 310 - PRIORITY OF CHANNEL TRANSIT**

Where the size of the vessels involved requires a clear channel for safe transit, the Harbor Master will observe the following priorities in accepting vessels for berth or departure.

1. -Drilling rigs with “scheduled” arrival or departure;
2. Inbound vessels ready and able to work, including tankers;
3. Outbound vessels;
4. Scrap vessels, or vessels in tow.

**ITEM 315 - COMMUNICATION CLEARANCE PRIOR TO CHANNEL TRANSIT**

All commercial vessels wishing to transit the Brownsville Ship Channel shall be required to receive a clearance for transit from the Harbor Master Office at the Port of Brownsville. A minimum four-hour (4 hours) notification by radio, telephone, or telex is required on vessels coming in from sea.

**ITEM 320 - SPEED LIMIT**

Speed regulations in the Ship Channel and Turning Basin are prescribed by the United States Corps of Engineers in Title 33 Code of Federal Regulations Section 207.180 (e) (4).33 CFR 207.180 (e) (4) states:

"Speeding in narrow sections is prohibited. Official signs indicating limiting speeds shall be obeyed. Vessels shall reduce speed sufficiently to prevent damage when passing other vessels or structures in or along the waterway."

**ITEM 322 - PILOTAGE REQUIRED**

Any vessel not specifically exempted by State statute from pilotage shall, at Harbor Master's discretion, be required to employ a Pilot while shifting in or transiting the Brownsville Ship Channel.

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**ITEM 325 - PILOTAGE**

Pilot services are provided by the Brazos Santiago Pilots, please visit

<http://www.portofbrownsville.com/wp-content/uploads/2017/01/Pilot-Tariff-Rates-Item-325.pdf>

for the detailed pilot rate schedule.

For additional information you may visit [www.brazossantiagopilots.com](http://www.brazossantiagopilots.com)

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**ITEM 326 – PILOT DISPATCHING RULES**

The traffic for the Port of Brownsville and Port Isabel is currently covered by 2 pilots. In general, only 1 pilot will be on call. The pilots are currently dispatched through the Port of Brownsville Harbormasters office. “The Board” at the Harbormasters office must be kept up to date, in order for the pilots and the Pilot Boatman to schedule rest time and time off. A second pilot will be available only if traffic on “The Board” warrants.

1. Notice of Arrival

- a. In general arrivals must be posted on “the Board” in similar order that is required by **Title 33CFR Part 160.212 Notice of Arrival**. The sooner the notice the better for all parties concerned. When a vessel is on “the board” the arrival time should be adjusted when information is available.
- b. Arrival Pilot Ordering
- c. During the hours of 0700 to 1800 hours, the pilot will need a minimum 4 hour notice for an arrival or vessel at anchor.
- d. During the hours of 1800 to 0700 hours, the pilot will need a minimum 6 hour notice for an arrival or vessel at anchor.
- e. If a request to board earlier is made, the pilot will make an effort to do so at his option. The more informed the pilot is of tentative plans by agents, owners, and terminal managers the more likely a pilot will be able to board on short notice.

2. Departures Pilot Ordering

- a. If a pilot is kept informed of tentative plans to sail then the pilot will need a minimum 2 hour notice to sail.
- b. If there is a tentative plan for a vessel sailing between the hours of 2200 to 0400 the agent, owner, or terminal manager must inform the harbormaster of such plans between the hours of 1600 to 1800. This notice is to insure that the pilot gets adequate rest before working. If no tentative notice is given than the pilot will need a 4 hour notice to sail.

3. Rigs

- a. Ocean Drilling rigs requiring 2 pilots will require a minimum 4 day notice for an arrival, departure or shift.

4. Scrap Ships

- a. Scrap Ship arrivals shall follow the guidelines set for normal vessel arrivals.
- b. Scrap ships requesting to shift or sail will require a 24 hour notice.

5. In Closing

- a. The pilots will make all efforts to work with agents, owners, and the ports to maximize movements and minimize delays. The pilots reserve the right to adjust arrival and sailing pilot boarding times to avoid going over allowable working hours per **CFR 46 USC Section 8104**.

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**ITEM 330 - TUGBOAT SERVICE**

Tugboat service is provided by private operators. Charges will be quoted upon request.

See Item 401 - Harbor Tug Operators License.

**ITEM 335 - LINE HANDLING**

Line handling for mooring, unmooring and shifting commercial vessels at Brownsville Navigation District facilities, except the Fishing Harbor and leased facilities, shall be performed by Line Handling companies, who have received a permit issued by the District, as independent contractors, whose names, telephone numbers and rates will be furnished upon request through the Harbormaster's Office.

See Item 455 - Line Handling Permit.

**ITEM 338 – BROWNSVILLE INTERNATIONAL SEAFARERS' CENTER**

Assessments levied by the Brownsville International Seafarers' Center represent the charges of that non-profit organization for cultural and recreational services, and facilities without discrimination to seamen of all countries. The owner, operator or charterer of ships utilizing Port facilities will be assessed a fee of \$80.00 per vessel call.



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**ITEM 340 - HARBOR FEE**

All vessels engaged in foreign, coastwise, intercoastal or intracoastal trade that enter the Port of Brownsville Ship Channel shall be assessed a Harbor Fee. This charge is to assist in defraying the expense for the maintenance and regulating of the turning basin and ship channel.

All Commercial Vessels, Self-propelled or not Self-propelled, except river barges, not otherwise provided for, per call	\$150.00
All Commercial Vessels, Self-Propelled or not, except river barges, calling at the Bulk Cargo Dock, per call	\$200.00
River barges, per call (shifting to a fleeting area ends a call)	\$100.00
Mexican Fishing Vessels	\$65.00
A Harbor Fee for LASH and SEABEE barges shall be charged as follows:	
Vessel under 75 feet in length, per call	\$ 40.00
Vessel 75 feet and under 100 feet in length, per call	\$ 50.00

A Harbor Fee shall not be assessed against fishing vessels registered in the United States.

Vessels entering the Port of Brownsville Ship Channel that are bound to or from the Port of Port Isabel only will not be assessed a Harbor Fee.

A Harbor Fee shall not be assessed against a tug calling at the Port of Brownsville for the sole purpose of towing vessels or barges in or out of the Port of Brownsville.

River barges that are considered to be “tag-along” barges which are in the Port of Brownsville as a part of a tow and which do not load or unload cargo in the Port will not be assessed a Harbor Fee.

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**ITEM 342 - SAFE HARBOR FEE**

In the event that threatened weather conditions make it unsafe for a vessel to remain in the Gulf of Mexico, the Port of Brownsville will offer Safe Harbor on a space-available basis. Vessels will be required to contact the Captain of the Port to request Safe Harbor and the following provisions will be followed:

1. It will be the Captain of the Port's sole determination of the implementation of a Safe Harbor event for the Port of Brownsville.
2. Once the Captain of the Port has identified a Safe Harbor event, vessels may request Safe Harbor by contacting the Harbormaster's Office. Vessels, with the exception of fishing vessels, will be required to be represented in the Port of Brownsville by a licensed Steamship Agent. A Berthing Request will be required.
3. The vessel will be given instructions as to its berthing assignment and any other considerations due to conditions in the harbor once it receives clearance to enter the Ship Channel.
4. Once the vessel has been moored at the Port of Brownsville, they must complete the *Safe Harbor Checklist* immediately. Each crewmember that will be remaining on board the vessel must complete the *Notice To Crew of Vessel in Safe Harbor at the Port of Brownsville*. A copy of the vessel's property and liability insurance certificates must be submitted to the Harbormaster's Office. The Brownsville Navigation District d/b/a the Port of Brownsville is to be named as an additional insured on the certificate.
5. The Port of Brownsville will waive harbor fee and dockage charges during the Safe Harbor Period. Vessels will be assessed a Safe Harbor Fee as follows:

**SAFE HARBOR FEE            \$100.00**

6. Vessels will be assessed charges at Tariff rates for any Port services provided while the vessel is in Port at Safe Harbor.
7. The Captain of the Port will determine when the Safe Harbor Event has concluded and the Harbormaster will notify the vessels in Port for Safe Harbor that they are to vacate their berth. Due to the number of vessels that may be in Port for Safe Harbor, vessels will be given a reasonable period of time to depart. Vessels that remain at their berths will be notified of the time at which they are being removed from Safe Harbor status, and will begin accruing dockage charges.
8. Vessels that remain in Port beyond Safe Harbor will be assessed all applicable Tariff charges, including Harbor Fee, for the Port call beyond the Safe Harbor.

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**ITEM 345 - DOCKAGE**

1. A charge against all vessels, including scrap vessels, rigs, river barges, and ocean-going barges, for mooring at District facilities not leased or located at the Fishing Harbor, assessed per day of twenty-four (24) hours or fraction thereof, calculated from time first line is made fast until last line is let go, less thirty (30) minutes of grace.
2. Shifting from one berth to another does not interrupt time.
3. Dockage shall be charged on the highest Gross Registered Tonnage of the vessel as shown in *Lloyd's Register of Shipping*, unless otherwise specified. However, the District reserves the right, without question, to admeasure any vessel when deemed necessary by the District, and to use ad-measurement as the basis for the charge.

	Docks 1-4, 7, 8, 10- 13, 15 & 16 <i>(per GRT)</i>	Oil Docks 1,2,3, 5 & 6 Liq. Cargo Dock & Express Dock <i>(per GRT)</i>	BC Dock  <i>(per GRT)</i>	Unimproved Bank Space  <i>(per LOA)</i>	
Vessel is on berth and ready to load/unload cargo or to receive bunkers, stores or other services (I) \$100.00 minimum	2016 \$.16	2017 \$.17	2018 \$.18	\$0.25 \$100.00 Min	N/A
Vessel is fitting for grain or waiting for berth to load/unload cargo or to receive stores or other services	\$0.05 \$50.00 Min.	\$0.05 \$50.00 Min.	\$0.05 \$50.00 Min.	\$0.05 \$50.00 Min.	
Vessel is at layberth for lay-up or for repairs for vessel not waiting to load/unload cargo or to receive stores or other services (Must be approved by the Harbormaster)	\$0.09 \$100.00 Min.	\$0.09 \$100.00 Min	\$0.09 \$100.00 Min	\$0.09 \$25.00 Min	
Scrap vessel is at layberth waiting to be scrapped at the Port of Brownsville	\$0.09 \$100.00 Min.	\$0.09 \$100.00 Min	\$0.09 \$100.00 Min	\$0.09 \$25.00 Min	
Drilling Rigs	\$0.09 \$100.00 Min.	\$0.09 \$100.00 Min	\$0.09 \$100.00 Min	\$0.09 \$25.00 Min	
Vessel in Port to receive bunkers only – 1 <sup>st</sup> 24 hours only	\$0.075 \$100.00 Min.	\$0.075 \$100.00 Min	\$0.125 \$100.00 Min	\$0.045 \$25.00 Min	
Barge in Port for bunkering operations only and tied to a vessel	N/C	N/C	N/C	N/C	
River Barges (I) (Charge per 24 hours or fraction thereof)	2016 \$80.00	2017 \$85.00	2018 \$90.00	\$50.00	

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**ITEM 345 – DOCKAGE (CONTINUED)**

4. Layberth status must be requested in advance in writing, and must be approved, in writing by the Harbormaster. A change from regular dockage status to layberth dockage or from layberth dockage status to regular dockage status interrupts time.
5. At Harbormaster's discretion, any vessel at layberth may be required to maintain on board person or persons responsible for the safety and security of the vessel. Vessel owner shall present evidence of adequate liability insurance for the layberth period. Compliance with U.S. Coast Guard Guidelines for the Lay-up of Vessels in U.S. Waters is required.
6. No port service shall be provided other than those utility services which may be already on site. Owner shall provide all other mooring facilities (anchors, deadmen, chains, cables, etc.) required in addition to any facilities already on site. Vessel shall satisfy the Coast Guard's requirements for safety and pollution control.
7. Tariff Items 375 and 380 shall apply to vessels at layberth.
8. The District reserves the right to refuse to allow any vessel the use of public wharves or property of the District.
9. Dockage charges at the Fishing Harbor docks not leased or at the Barge Fleeting Area will be assessed at \$50.00 per 24-hour period, or fraction thereof, less 30 minutes grace. Dockage charges at the Fishing Harbor and the Barge Fleeting Area are payable in advance.
10. Any vessel docked at an un-leased facility at the Fishing Harbor without the prior approval of the Harbormaster will be subject to removal by the District. Actual charges for towing plus storage charges of \$150.00 per 24-hour period, of fraction thereof, and accrued dockage charges, will be assessed prior to the return of any vessels so seized.
11. Dockage shall not be assessed against a tug calling at the Port of Brownsville for the sole purpose of towing vessels or barges in or out of the Port of Brownsville.
12. River barges that are considered to be "tag-along" barges which are in the Port of Brownsville as a part of a tow and which do not load or unload cargo in the Port will not be assessed dockage charges.

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**ITEM 347 - SECURITY SURCHARGE - VESSELS**

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 277) 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 – Vessels will be assessed against vessels and barges as a percentage of total dockage charged. The security surcharge will be assessed in addition to all other fees which may be due under this Tariff as follows:

**Vessels and Barges: 8.75 (I) percent of total dockage assessed per port call.**

4. Users of the Port of Brownsville 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 caused to deposit estimated port charges in advance of using port authority facilities or receiving services (Item 110 – Payment of Charges and Responsibility Therefore: Extensions of Credit and Liens).

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**ITEM 350 - BALLAST DISCHARGE**

1. The District offers ballast discharge at the regulated facilities in the Port of Brownsville. Vessels wishing to use these facilities are responsible for supplying their own connections and transportation for discharge
2. These facilities are available upon application to the Harbor Master's Office. The charge for use of ballast discharge lines is as follows:

Discharge of Ballast, Bilge and Other Permitted Oily Waste Waters

1 - 1,000 Bbls.	\$ 3.50/Bbl.
in excess of 1,000 Bbls.	\$ 4.50/Bbl.

3. The Brownsville Navigation District may require tank gauging, scale tickets, and specific chemical analysis of products offered for disposal.
4. Charges are calculated per generator, per calendar day.

**ITEM 355 - POTABLE WATER**

Potable water is supplied to vessels and barges by the District under the following conditions and rates:

1. Connection/Disconnection charges:
  - A. Straight Time Connections/Disconnections - \$125.00 per connection/disconnection if connection and disconnection are requested to be made during normal working hours (0800 – 1600 Monday thru Friday, excepting holidays listed in Item 165 of this Tariff).
  - B. Overtime Connections/Disconnections - \$200.00 per connection/disconnection if either a connection or a disconnection is requested at any other time.
  - C. Connections/Disconnections not made by District personnel - \$500.00
2. Rates: \$ .937 per metric ton.
3. All connections to District potable water lines will be made and broken by District personnel only.
4. Users will furnish necessary hose to reach the closest District ships water service line connection and any special couplings necessary to adapt to NPT fittings.
5. Hoses may be rented from the District at a rate of \$25.00 per hose/per port call.
6. District hoses that are not removed by District personnel that are damaged or lost will be charged to the vessel's agent at \$100.00 per hose plus applicable sales tax. This charge is not subject to the District's materials overhead charge as per Item 150.

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**ITEM 360 - ELECTRICITY**

Electric current will be supplied to the user directly by the Public Utilities Board of Brownsville through their own meter at the then current rates. The installation must be made in accordance with the National Electric Code, arranged through the Harbormaster's Office, approved by the Director of Engineering Services, and made by a licensed electrician.

In no instance will a vessel be allowed to connect to the District's electrical power.

**ITEM 365 - BUNKERING AND SHIP STORES**

1. Truck deliveries may be made at all docks upon prior application to the Harbormaster. The Harbormaster shall designate time and the area within which deliveries may be made. No deliveries will be allowed which will be in conflict with any insurance, fire or Port Security regulations.
2. Wharfage charges will be assessed against the supplier who shall furnish the Harbormaster with statement showing date, name of vessel, and the quantity and kind of bunkers or stores supplied.
3. For those vessels receiving bunkers while in the Port of Brownsville, wharfage charges will be assessed against the ships stores at the rate of \$150.00 per port call.
4. For those vessels receiving ships stores while they are receiving or discharging cargo, there will be no charge. For those vessels receiving ships stores during a port call in which no cargo was received or discharged, wharfage charges will be assessed against the ships stores at the rate of \$150.00 per port call.

**ITEM 370 - SWEEPING AND DUNNAGE REMOVAL**

1. Dunnage and residual materials from cargo operations must be removed from the docks and sheds at the end of each day's cargo operations by the stevedore handling the cargo. Dunnage will not be allowed to be accumulated on District facilities. Agents and/or stevedores may make arrangements with the Harbormaster for a location for a container for the purpose of collecting dunnage and other waste materials for removal from the docks and sheds.
2. Docks and sheds must be left clean for the next user of the facilities. In no instance shall dunnage or residue from a cargo remain on a dock or in a storage area more than 24 hours without written authorization from the Harbormaster. The District will remove dunnage and residue from cargo remaining on a dock or in a storage area after 24 hours from the completion of cargo operations. Should it be necessary for the District to remove dunnage and/or residual materials from docks and/or storage areas, this will be done at the expense of the stevedore who failed to remove the materials from the Port's facilities.

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**ITEM 370 - SWEEPING AND DUNNAGE REMOVAL (CONTINUED)**

3. Any charges for dunnage removal and/or cleaning performed under this Item will be at the District's standard labor and equipment rates, as specified in Items 145, 150 and 160 of this Tariff, and landfill charges will be invoiced at the City of Brownsville's posted tipping rate. (See also Item 220)

**ITEM 373 - LIABILITY FOR DAMAGES**

1. The Harbormaster will assign berths to vessels, but this assignment is without warranty as to the adequacy of the facilities or water depth alongside. In consideration for the rates charged at Port Brownsville, vessels using the facilities accept responsibility for all damage caused by them, reasonable wear and tear excepted, and any such damage shall be repaired and the vessel billed the cost of replacement.
2. In the event of a collision between any vessel and a District facility, a collision between two vessels or a grounding, resulting in possible damage, a written report including date, name of vessel, owner/operator of vessel, time of the occurrence, and the District facility involved, will be filed by the Captain.
3. This notice of Damage is to be filed with the Harbormaster's office while the vessel is in port unless the vessel is underway and proceeding to open sea. In such case, the Captain shall mail the report from the next port of call.
4. The Pilot shall immediately report the incident to the Harbormaster and shall submit a written report of the incident to the Harbormaster's office within twenty-four hours from the time of the incident



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**ITEM 375 - SECURING OF VESSEL**

If, in the opinion of the Harbormaster, a vessel is insecurely moored, he may order a change in mooring lines or additional or stronger lines, at the risk and expense of the vessel, by giving notice to the Master or person in charge. If they cannot be located, the Harbormaster shall have the right to have the vessel so moored at vessel's expense without liability for any damage to the vessel or gear, even if caused by the sole negligence of the District.

**ITEM 380 - REMOVAL OF VESSELS**

If, at the discretion of the Harbormaster, a berth must be vacated for any reason, the Harbormaster may order any vessel to be moved at the expense and risk of the vessel by giving notice to the Master or person in charge. If they cannot be located, the Harbormaster shall have the right to have the vessel so moved at the expense and risk of the vessel without liability for any damage to the vessel or gear, even if caused by the sole negligence of the District.

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**ITEM 381 - VACATING BERTH**

1. In order to expedite the accommodation of self-propelled vessels or barges when there are more vessels assigned to specific berths than can be berthed at one time, self-propelled vessel(s) and/or barge(s) already on berth shall, upon order of the Harbor Master, be required to work overtime at their own expense. A vessel refusing to work overtime shall promptly vacate the berth. Failure of a vessel to vacate its berth when so ordered shall not affect the right of the Brownsville Navigation District to effect removal of such vessel at cost, risk and expense of the vessel, her owner, charterer or agent.
2. Where any such vessel refuses to vacate its berth when ordered to vacate under provisions of this item, its owner and/or agents, individually and collectively, shall be bound to indemnify and hold harmless the Brownsville Navigation District against any and all claims by incoming vessels assigned to the same berth, which are delayed by the failure of a vessel to vacate.
3. When it would be possible to shift a vessel already on berth to another berth to accommodate another vessel desiring to utilize the occupied berth, the Harbormaster may order the vessel to shift only if the vessel being accommodated agrees to pay all costs incurred by the vessel already on berth as a result of the shift. These additional costs may include, but not be limited to, tug fees, pilotage, line handling, dockage, additional labor and equipment costs, and additional trucking costs. This agreement must be in writing, and must be signed by the agent for the vessel as well as the master of the vessel. No shifting will be ordered under this Paragraph without this written agreement.
4. This item is subject to the limitation of Item 305(2).

**ITEM 385 - FIRE SIGNAL**

In the event of fire occurring on board any vessel in the Brownsville Harbor, except vessels under way, such vessels shall sound five prolonged blasts of the whistle or siren as an alarm indicating fire on board or at the dock to which the vessel is moored. Such signal shall be repeated at intervals to attract attention, and is not a substitute for, but shall be used in addition to other means of reporting a fire. The words "prolonged blast" used in this rule shall mean a blast of from four to six seconds duration.

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**ITEM 390 - SALVAGE OF SUNKEN VESSELS**

1. It shall be the primary responsibility of the vessel owner and/or his insurer to salvage and/or adequately remove vessels which sink or otherwise obstruct vessel traffic while transiting or when moored at shore side facilities appurtenant to the Brownsville Ship Channel, Turning Basin, or Port of Brownsville Fishing Harbor.
2. Vessel Owner and/or his insurer and the vessel's agent shall immediately meet with the Harbormaster to inform the District of the efforts to be undertaken to salvage and/or remove a vessel which has sunk in the in the waters of the Port of Brownsville or otherwise obstructs vessel traffic in the Port of Brownsville. This notification must include a timeline for the salvage and/or removal efforts. Should the proposed efforts be unsatisfactory to the Harbormaster, or should the vessel owner and/or his insurer or agent fail to make contact with the Harbormaster, or in the opinion of the Harbormaster said vessel constitutes a hazard to the waters or facilities of the Port of Brownsville, arrangements must be made for the vessel's immediate removal by the vessel's owner and or his insurer or the vessel's agent. Should the District not receive a satisfactory proposal, or should the proposed removal efforts not be carried out as promised, the District may make arrangements for the removal of the vessel at the vessel owner's and/or his insurer or the vessel's agent's risk and expense without liability for any damage to the vessel or gear, even if caused by the sole negligence of the District.
3. Should a vessel sink while moored at facilities owned by the District but under exclusive lease to a second party, that lessee shall be responsible for its salvage and/or adequate removal in the event the owner and/or his insurer fails to salvage and/or remove such vessel. Lessee shall salvage and/or remove such vessel within thirty (30) days after District requests such salvage and/or removal by the lessee, unless in the discretion of the Harbormaster said vessel constitutes a hazard or impediment to navigation, or presents a hazard to the waters or facilities of the Port of Brownsville, in which event arrangements shall be made for its immediate removal by lessee or by the District at the Lessee's risk and expense.