

LEASING  
EXHIBIT D – INSURANCE REQUIREMENTS

**Brownsville Navigation District  
INSURANCE REQUIREMENTS  
Level Five**

These requirements are applicable to lessees of all business types who have lease sites that are:

- Lessees who operate liquid bulk terminals
- Lessees who perform ship breaking/recycling or ship repairs
- Lessees who receive, process or store scrap materials
- Lessees who handle hazardous materials
- Pipeline or transmission line operators

<b>Workers' Compensation</b>	
a. Employer's Liability	\$1,000,000 limit
b. Longshoremen and Harbormaster's Act (if applicable)	Statutory
c. Jones Act (if applicable) <small>Jones Act coverage may be included in the P &amp; I policy, if required.</small>	\$1,000,000
Waiver of Subrogation Endorsement in favor of the Brownsville Navigation District d/b/a The Port of Brownsville for this policy must be submitted.	

<b>Comprehensive General Liability</b>	
Comprehensive General Liability including Broad Form Liability, Personal Injury Liability, Contractual Liability, Products/completed operations Liability and including coverage for:	
(1) Explosion, collapse, and underground, and	
(2) For goods, vessels and property of whatever description belonging to others while in the care, custody, and control of the lessee.	
An acceptable option would be Warehouse Legal and/or Wharfingers Legal Liability coverage.	
a. Bodily Injury	\$ 25,000,000 Each occurrence
b. Property Damage	\$ 25,000,000 Each aggregate

<b>Comprehensive Automobile Liability</b>		
a. Bodily Injury	\$ 1,000,000 each person	\$ 1,000,000 each occurrence
b. Property Damage	\$ 1,000,000 each occurrence	
c. Alternate to a. & b.	Combined single limit of \$ 1,000,000	
Automobile Liability Coverage to include any auto.		

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<b>Protection and Indemnity (P &amp; I)</b>	
If a vessel is to be used by the lessee, P & I must be provided to include the vessel and the crew.	\$1,000,000 limit,
<b>Vessels/Rigs/Barges brought into the Port of Brownsville to be scrapped or to be repaired must have P &amp; I coverage for the duration of the port call. Proof of this insurance is to be submitted with the Berth Application.</b>	
Towers' and Charterer's Liability must be provided as appropriate.	

<b>Pollution Liability Insurance</b>		
If applicable, the following types of Pollution Liability Insurance are required depending on operations:		
	Environmental Site Liability (property/location specific – must include coverage for above-ground storage tanks and systems)	\$ 10,000,000 Each occurrence
	Water and/ or Shipyard Pollution Liability	\$ 10,000,000 Each occurrence
Additional Limits for Storage Tanks ( <i>if storage tanks are located on the lese site</i> )		
	Above-Ground Storage Tank Liability	
	• Up to 500,000 bbl. capacity	\$ 2,000,000 Each occurrence
	• 500,000 to 1,000,000 bbl. capacity	\$ 5,000,000 Each occurrence
	• 1,000,000 and over capacity	\$ 10,000,000 Each occurrence
X	Underground Storage Tank Liability – must satisfy state and federal financial assurance requirements, if applicable, and can be endorsed onto an Environmental Site Policy	\$ 10,000,000 Each occurrence, however, this must satisfy state and federal financial assurance requirements

<b>Proof of Insurance Required</b>
Certificates of insurance must be submitted to the District's Real Estate Services Department as proof of insurance.

<b>Additional Insured, Waiver of Subrogation and Notice of Cancellation or Change Endorsements</b>
All policies shall be endorsed to name the Brownsville Navigation District d/b/a Port of Brownsville 1000 Foust Road, Brownsville, TX 78521 as an additional insured and shall be endorsed to require that the insurance will not be cancelled or changed without giving the District 30 days prior written notice. All policies must be endorsed with a Waiver of Subrogation in favor of the District.

<b>Endorsements Required</b>
Copies of endorsements regarding deductible and/or self-insurance and the required additional insured and notice of cancellation or change notices must be submitted. Copies of all endorsements that limit coverage or impose exclusions to coverage must also be submitted.

<b>Notes</b>
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The above minimum requirements may be covered exclusively by primary insurance or may be covered by a combination of primary and umbrella liability insurance.

Each Lessee is responsible for any and all damage to their property, whether that property is owned, non-owned, hired, leased, borrowed, loaned or rented.

**The District reserves the right to request a copy of any and all insurance policies for review.**

*The requirements and limits in this document are acceptable for the lessee at the time of the preparation of the lease. The District reserves the right to amend these requirements in agreement with policy.*