

LEASING  
EXHIBIT D – INSURANCE REQUIREMENTS

**Brownsville Navigation District  
INSURANCE REQUIREMENTS  
Level Three**

These requirements are applicable to lessees who meet the following criteria and who have employees who are not officers or family members:

- Lease sites of more than 5 acres but less than 20 acres (all sites for a particular lessee will be combined for comparison to this qualification)
- Lessees of lease sites of less than 20 acres who operate tanks that contain lubricants, solvents, greases, or fuel oils for the fishing and/or shrimp industry.
- Lessees of lease sites of less than 20 acres who perform commercial ship maintenance repairs for the fishing and/or shrimp industry.
- Lessees who do not perform ship breaking/recycling.
- Lessees who do not receive, process or store scrap materials

<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

<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	\$ 3,000,000 Each occurrence
b. Property Damage	\$ 3,000,000 Each aggregate
c. Alternate to a. & b.	Combined single limit of \$ 3,000,000

<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	

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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>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)	\$ 2,000,000 Each occurrence
Water Pollution Liability	\$ 5,000,000 Each occurrence
<i>Additional Limits for Storage Tank Liability (if storage tanks are located on the lease site)</i>	
Above-Ground Storage Tank Liability (per tank) <i>(if storage tanks are located on the lease site)</i> <small>All underground and above-ground storage tanks need to be included for coverage.</small>	\$ 2,000,000 Each occurrence
Underground Storage Tank Liability – must satisfy state and federal financial assurance requirements, if applicable, and can be endorsed onto an Environmental Site Policy	\$ 5,000,000 Each occurrence, however, this must satisfy state and federal financial assurance requirements

<b>Proof of Insurance Required</b>
Certificates of insurance and endorsements 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>
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.

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**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.*