
RULES AND REGULATIONS

RULE: 0. A TITLE

EFFECTIVE: 10/21/99 FILING: 10/21/99

CITY COUNCIL OF THE CITY OF RICHMOND
TARIFF NO. 3
NAMING
RATES, CHARGES, RULES AND REGULATIONS
APPLYING AT:
MUNICIPAL TERMINALS
OF
THE CITY OF RICHMOND, CALIFORNIA

ISSUED BY:

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RULES AND REGULATIONS

RULE: 34. TERMINAL TARIFFS

EFFECTIVE: 03/01/94 FILING: 01/07/94 (I)

SEE SUBRULES

RULES AND REGULATIONS

RULE: 34.01 SECTION 1 – DEFINITION OF TECHNICAL TERMS -

EFFECTIVE: 03/01/94 FILING: 02/09/94 (C)

ITEM 01100 ASSEMBLED CARGO

Any commodity or commodities, from one shipper to one consignee, moving on one vessel.

ITEM 01105 BULK CARGO OR IN BULK OR IN BULK

Commodities, which by nature of their unsegregated mass, are usually handled by shovels, scoops, buckets, forks, magnets or mechanical conveyers, and which are loaded or unloaded and carried without wrappers or containers and received and delivered by carriers without transportation mark or count. (Will not apply when subject to piece count).

ITEM 01110 CAPTAIN OF THE PORT

U.S. Coast Guard Officer Commanding a Captain of the Port (Marine Safety) Zone as specified in 33 CFR Part 3.60. The Captain of the Port Zone for San Francisco comprises the land masses and waters of California North of Santa Barbara, Kern and San Bernardino Counties and selected parts of Nevada and Utah. For the purposes of this tariff, the Captain of the Port is the Captain of the Port Zone for San Francisco.

ITEM 01115 CAR LOADING AND CAR UNLOADING SERVICES

Indirect Transfer. The services performed in loading or unloading cargo between wharf premises and railroad cars. The services include ordinary breaking down, sorting and stacking.

Direct Transfer. The operation of transferring cargo with vessel's gear, shore side crane or other mechanical equipment in a direct or continuous movement between vessel or vessel's equipment and open top railroad car or other vehicle.

ITEM 01120 CITY COUNCIL

- (a) The City Council of the City of Richmond, a municipal corporation of the State of California, also herein referred to as the Port of Richmond, and shall be understood as being interchangeable with the term "City of Richmond, the said Council being the legislative body of said city with authority to set for and represent it in all matters pertaining to the operation and governing of the Port and its facilities. The Port Director is and shall be in respect to the matters herein

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mentioned the chief executive and administrative officer of such Council. Whenever the term “Port Director” is used in this tariff, it shall include their duly automated designee.

(b) Wherever the terms “Port of Richmond” or “Port” appear in this tariff such terms shall mean the City of Richmond, the City of Richmond City Council, and the officers, employees, and agents of the City of Richmond.

ITEM 01125 CORRELATION OF FEDERAL MARITIME COMMISSION DEFINITIONS

Section 533.6 (d) of Part 533, Subchapter B, Chapter IV of Title 46 CFR (General Order 15) contains definitions of certain terminal services. Pursuant to the provisions of Section 533.6 (a) of said Part, the definitions of Section 533.6 (d) and the correlated definitions contained in this tariff are as follows:

FEDERAL MARTIME COMMISSION				PORT OF RICHMOND
533.6	(d)	(1)	(Dockage)	01135
533.6	(d)	(2)	(Wharfage)	01220
533.6	(d)	(3)	(Free Time)	01140
533.6	(d)	(4)	(Wharf Demurrage)	01230
533.6	(d)	(5)	(Wharf Storage)	01235

ITEM 01130 DIRECT

A continuous operation between barge, car or truck and vessel when performed by vessel’s stevedores.

ITEM 01135 DOCKAGE

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

ITEM 01140 FREE TIME

The specified number of days during which merchandise may occupy space assigned to it without being subject to wharf demurrage or storage charges.

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ITEM 01145 HAZARDOUS MATERIALS

For the purpose of this tariff, Hazardous Materials and/or Dangerous Cargoes are defined as materials which have been designated by the U.S. Department of Transportation (DOT), The International Maritime Organization (IMO), the City of Richmond Fire Chief, Captain of the Port or any other Federal, State or Municipal regulatory agency, as capable of posing a risk to health, safety or property when transported or stored, or which qualify as hazardous by reason of their characteristics and as dangerous and/or hazardous and referenced in the governing publications listed in Item 03125.

ITEM 01150 HOLIDAYS

The following days (See Note)

January 1 st	New Year's Day
January 15 th	known as "Martin Luther King's Birthday"
February 12 th	known as President's Day
July 4 th	Independence Day
July 28 th	known as "Harry Bridges" Birthday
The First Monday in September	
September 9 th	known as "Admission Day"
The Second Monday in October	known as "Indigenous Peoples Day"
The Fourth Monday in October	known as "Veteran's Day"
Thanksgiving Day	
December 24 th	known as Christmas Eve
December 25 th	known as Christmas Day
December 31 st	known as New Year's Eve Day

And any other legal holiday that may be proclaimed by State or Federal authority.

NOTE: When any holiday falls on Sunday, the Monday following will be observed as the holiday.

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ITEM 01155 INBOUND MERCHANDISE

That which is being or has been discharged from a vessel.

ITEM 01160 MERCHANDISE

Includes, but is not limited to merchandise, commodities, goods, wares, freight, liquids, articles and materials of every kind whatsoever, including bulk materials, cargo containers as described in Item 01210 of Port of Richmond Tariff No. 3, live animals, vessel's stores, supplies and bunkers.

ITEM 01165 OCP TERRITORY - (OVERLAND COMMON POINTS)

OCP Territory is defined as origins or destinations in the United States located in North Dakota, South Dakota, Nebraska, Colorado, New Mexico and States east thereof and points in Canada east of the Saskatchewan/Manitoba Boundary Line.

ITEM 01170 OUTBOUND MERCHANDISE

That which is being or has been assembled and is awaiting loading to a vessel.

ITEM 01175 PACKAGE

The producer's or manufacturer's type of packaging which may be used to contain merchandise. The package may be a carton, bag, barrel, drum, crate, bale, box, bundle, pail, flask or basket. Merchandise may be conveyed in its package or as packages in a "Cargo Van" (defined in item 01210) or as Unitized Cargo (defined in Item 01205).

ITEM 01180 PIPELINE

In items made subject to this Item the rates specified will apply only when the commodity involved is handled through a stationary pipeline direct between vessel and shore storage facilities or private loading or unloading facilities.

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ITEM 01185 PORT DIRECTOR

Whenever this tariff gives or vests in the Port Director power or authority to do or perform any act, his designee shall have like power and authority, and any action taken by the designee under or pursuant to this tariff shall be of the same force and effect as if taken by the Port Director.

ITEM 01190 SERVICE CHARGE

Whenever the terms “Service Charge” or “Service Charges” appear in this tariff, such terms shall be deemed to mean “Service and Facilities Charges” as provided in Item 05100.

ITEM 01195 TON

- (a) The term “Weight Ton means 1,000 kilograms, gross weight, unless otherwise specified.
- (b) The term “Measurement Ton” means one (1) cubic meter, unless otherwise specified. Measurement Tons may be based on Water Carrier cargo freight bills and/or ship’s manifest or computed by using the full outside dimensions on all sides of the package, unless otherwise specified.
- (c) The term “Revenue Ton” when used as a basis for assessing charges or recording tonnage, is defined as either a weight ton (1,000 kilograms), a measurement ton (1 cubic meter), or commodity rate factor ton or combination thereof.

ITEM 01200 TRANSFERRED CARGO

Cargo received at the Port of Richmond terminal from rail car, truck or other land vehicle and removed from a Port of Richmond terminal by rail car, truck, or other land vehicle.

ITEM 01205 UNITIZED CARGO

Cargo secured to pallets, platforms, or skids, when the individual component shipping packages are banded or otherwise securely held together to form a single unit that has been prepared by

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the shipper, in order to facilitate weighing not less than 2,000 pounds nor more than 4,500 pounds and which can be handled with mechanical equipment. The weight of the pallets, platforms or skids will be excluded when computing the weight on which charges are assessed.

ITEM 01210 VANS, CARGO OR CONTAINERS

“Cargo Vans” or “Containers” shall mean a single rigid non-disposable, intermodal dry cargo, insulated, refrigerated, flat, liquid tank or open-top container, demountable, having not less than 6.37 cubic meters capacity, certified and marked in accordance with international regulatory conventions, furnished or approved by an ocean carrier specifically and primarily for the ongoing transport of merchandise aboard its vessels.

ITEM 01215 WHALE-BACKS

Whale-backs mean carrier’s specially constructed steel pallets, suitable for mechanical forklift handling.

ITEM 01220 WHARFAGE

A charge assessed against the merchandise (see Item 08100), calculated in accordance with the wharfage charges named in this tariff for passage of that merchandise onto, over, through or under wharves or wharf premises (see below changed Item 01225), or between vessels or overside vessels (to or from barge, lighter, or water) when berthed at wharves or wharf premises, or when moored in a slip adjacent to a wharf or wharf premise. Wharfage is solely the charge for use of wharves or wharf premises and does not include charges for any service or facility.

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ITEM 01225 WHARF AREA (PREMISES)

The term “wharf area” as used in this tariff is defined to mean any pier, wharf, bulkhead, bulkhead wharf, quay wharf, seawall, seawall structure, embankment, thoroughfare and other Port terminal facility areas, alongside of which vessels may lie or which are suitable for and are to be used in the loading, unloading, assembling, distribution or handling of merchandise.

ITEM 01230 WHARF DEMURRAGE

The charge assessed against merchandise which remains on the wharf premises after the expiration of the free time allowed.

ITEM 01235 WHARF STORAGE

The charge assessed against freight after expiration of free time when it has been declared and accepted for storage. Declaration and acceptance for storage may be upon either a daily or monthly basis at the discretion of the port facility.

ITEM 01240 CLASSIFICATION OF TRADES

For the purpose of applying certain rates and provisions of this tariff, vessels and the cargo which they handle are classified according to trades in which the vessels are engaged and the cargo transported (See Note 1). Such classifications are as follows:

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Alaskan- This classification covers Service Between the Port of Richmond and Ports in Alaska.

Coastwise - This classification covers Service between the Port of Richmond and Ports located on the Pacific Coast in California, Oregon, Washington and British Columbia.

Hawaiian - This classification covers Service between the Port of Richmond and Ports in the Hawaiian Islands.

Inland Waterway – This classification covers Service between the Port of Richmond and Points on San Francisco Bay and inland waterways tributary thereto, but not via Pacific Ocean.

Intercoastal - This classification covers Service between the Port of Richmond and Ports in the Continental United States on the Gulf of Mexico or the Atlantic Coast, including ports in Puerto Rico.

Transpacific – This classification covers Service between the Port of Richmond and Ports west of 170th Meridian of West Longitude and east of 40th Meridian of East Longitude.

Foreign – This classification covers Service between the Port of Richmond and Points other than described above.

Offshore – This classification covers Service between the Port of Richmond and Other than Coastwise and Inland Waterway.

Note 1: When transshipment is submitted for direct call of vessel the charge on cargo so handled shall be the same as that applicable to cargo handled on direct vessels.

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ITEM 01245 METRIC CONVERSION TABLE

When freight charges are computed by the vessel using the metric system and are shown on the manifest on the basis of either weight (metric tons of 2204.6 pounds) or measurement (cubic meters of 35.315 cubic feet), the metric tons shall be converted to measurement tons of 40 cubic feet using the conversion factors shown below:

To find Metric Tons given Short Tons, Multiply Short Tons by 0.9072

To find Short Tons given Metric Tons, Multiply Metric Long Tons by 1.1023

To find Metric Tons given Long Tons, Multiply Long Tons by 1.0160

To find Long Tons given Metric Tons, Multiply Metric Tons by 0.9842

To find Kilos given Pounds, Multiply Pounds by 0.4536

To find Pounds given Kilos, Multiply Kilos by 2.2046

To find Cubic Meters given Measurement Tons, Multiply Measurement Tons by 1.1332

To find Measurement Tons given Cubic Meters, Multiply Cubic Meters by 0.0283

To find Cubic Meters given MFBMs (Ft. B.M. in thousands), Multiply MFBMs by 2.36

To find MFBMs (Ft. B.M. in thousands) given Cubic Meters, Multiply Cubic Meters by 0.4243

Metric Equivalents:

1 Kilo = 2.2046 Pounds

1 Pound = 0.4536 Kilos

1 CWT (US – 100 Pounds) = 45.359 Kilos or 0.4536 Metric

1 CWT (British - 112 Pounds) = 50.802 Kilos or 0.0508 Metric Tons

1 Bushel Grain (US) = 60 Pounds = 27.216 Kilos

1 Cubic Meter = 35.315 Cubic Feet

1 Cubic Foot = 0.0283 Cubic Meters

1,000 Ft. B.M.= 423.792 Ft. B.M.

1 Cubic Meter = 423.792 Ft. B.M.

1 Barrel (US - 42 Gallons) = 158.987 Liters

ITEM 02100 APPLICATION OF RATES, RULES AND REGULATIONS

Except as otherwise provided in individual items, the applicable rates, charges, rules and regulations under this tariff shall be those in effect at the time the charges accrue.

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ITEM 02105 APPLICABILITY OF RATES AND CHARGES

The Port Director reserves the right to interpret and determine the applicability of the rates provided for herein and to assess the charges or fees in accordance with any such interpretation and determination, and the Port Director reserves the right to determine the applicability of any rule or regulation as provided herein and to enforce any such rule or regulation in accordance with any such interpretation or determination.

ITEM 02110 COMPLIANCE WITH GOVERNMENT REGULATIONS

Any users of the Port Terminals shall at all times, at their own expense, operate or use the Port premises in a clean, wholesome and sanitary condition and in compliance with any and all present and future laws, ordinances and general rules or regulations related to sanitation, pollution or public health, safety or welfare and shall obey and comply with all applicable laws, rules and regulations adopted by federal, state, local or other governmental bodies or departments or officers thereof.

ITEM 02115 DEMMURAGE ON CARS

Unless the Port or the individual terminal operator is directly responsible for delay in loading or unloading cars, neither the Port nor the terminal operator will assume any responsibility for demurrage charges which may accrue against such cars.

ITEM 02120 ESTIMATED WEIGHTS – PETROLEUM AND PETROLEUM PRODUCTS

When not shipped in containers, and when actual weight or specific gravity is not obtainable, Kerosene and lighter Petroleum Products shall be subject to estimated weight of 6.6 pounds per gallon; all other Petroleum Products shall be subject to estimated weight of 7.4 pounds per gallon.

ITEM 02125 INSURANCE

Users shall procure and maintain at their expense, or, upon its failure to do so, Port of Richmond may at the expense of user obtain and keep in force at all times during the terms of the agreement the following insurance:

- (1) Public Liability and Property Damage. Broad form comprehensive public liability and property damage insurance with users normal limits of liability but not less than One Million Dollars (\$1,000,000.00) for injury or death to one person, One Million Dollars (\$1,000,000.00) for each accident or occurrence

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Involving property damage. Each such policy shall contain an endorsement stating:

- (i) Notwithstanding any inconsistent statement in the policy to which this endorsement is attached, or any endorsement or certificate now or hereafter attached hereto, it is agreed that the Port of Richmond, Council of the City of Richmond, their officers, agents and employees, are additional insureds hereunder, with the provision that such coverage will not extend to that percentage portion of the action resulting from the Port's own negligence, and that coverage is provided for all operations, uses, occupations, acts and activities of the insured under agreement and/or this Tariff, and any amendments, modifications, extensions, or renewals of any agreement under this Tariff, regardless of whether such operations, uses, occupations, acts and activities occur on the premises or elsewhere within the Port of Richmond, and regardless of whether liability is attributable to the insured, or the additional insured, or a combination of both;
- (ii) The policy to which this endorsement is attached shall not be cancelled or reduced in coverage until after the Port Director has been given sixty (60) days' prior written notice by registered mail addressed to Port Operations, P.O. Box 4046, Richmond, CA 94804;
- (iii) The coverage provided by the policy to which this endorsement is attached is primary coverage and any other insurance carried by Port of Richmond is excess coverage.

(2) Fire Legal Liability. In addition to and concurrently with the aforesaid insurance coverage, users shall also secure and maintain, either by an endorsement thereto or by a separate policy, fire legal liability insurance with a minimum limit of Twenty-Five Thousand Dollars (\$25,000.00) covering legal liability of user for damage or destruction to the works, structures, and improvements owned by Port of Richmond; provided, that said minimum limit of shall be subject to adjustments by Port Director to conform with the deductible amount of the fire insurance policy maintained by Port of Richmond upon thirty (30) days' prior written notice thereof to user at any time during the term of this agreement.

(3) Fire and Extended Coverages Insurance. User shall secure, and shall maintain at all times during the life of any agreement, under this tariff, fire and extended coverage insurance with waiver of

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subrogation in favor of Port covering ninety percent (90%) of the replacement value of the works, structures, and improvements erected by users on the premises, with such provision in the policies issued to cover the same, or in riders attached thereto as will provide for all losses over \$50,000 to be payable to the Port of Richmond to be held in trust for reconstruction. In the event of loss or damage by fire to any of such structures or improvements, users shall undertake replacement or reconditioning within said period of ninety (90) days, such proceeds shall be released by the Port of Richmond to user as payments are required for said purposes. Upon the completion of such replacement or reconditioning to the satisfaction of the Port Director, any balance thereof remaining shall be paid to said user forthwith. In the event user fails to undertake such replacement or reconditioning within said period of ninety (90) days, such proceed shall be retained by Port of Richmond.

- (4) Notice of Cancellation. Each insurance policy above shall provide that it will not be cancelled or reduced in coverage until Port of Richmond has been given sixty (60) days' prior written notice by registered mail addressed to Port Operations, P.O. Box 4046, Richmond, CA 94804.
- (5) Copies of Policies. One certified copy of each policy shall be furnished Port of Richmond, and the form of such policy shall be subject to the approval of the Port Director.
- (6) Renewal of Policies. At least sixty (60) days prior to the expiration of each policy, users shall furnish to the Port Director a certificate or certificates showing that the policy has been renewed or extended or, if new insurance has been obtained, one certified copy of each new policy shall be furnished to the Port Director. If users neglect or fail to secure or maintain the required insurance, or if user fails to submit copies thereof as required above, Port of Richmond, may at its option and at the expense of user, obtain such insurance for user.
- (7) Modification of Coverage. The Port Director, at his discretion based upon recommendation of independent insurance consultants to Port of Richmond, may increase or decrease amounts and types of insurance coverage required hereunder at any time during the term hereof by giving ninety (90) days' prior written notice to user.

ITEM 02130 LIGHTS AT NIGHT

All vessels, barges, etc. while anchored or moored in the Port of Richmond Harbor must show lights in accordance with applicable federal, state, and municipal laws, rules and regulations.

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ITEM 02135 MANIFESTS AND STATEMENTS

- (a) The owner, agent, master or other person in charge of a vessel or cargo, not later than 45 days after the date of the vessel's departure from any terminal or facility shall deliver to the Port Director a full and correct statement, signed and certified on forms furnished by the Port Director, of all merchandise of every kind discharged from and/or loaded on such vessel at such terminal or facility, specifying the character and quantity of each kind of such merchandise, as per this tariff, and such other information as may be specified on such forms, including, but not limited to, the total number of vans discharged and/or loaded.
- (b) The owner, agent, master or other person in charge of a vessel or cargo shall within the time specified in Paragraph (a) of this item, furnished to the Port Director those portions of the vessel's manifest and other documentation that are reasonably necessary in the determination of the Port Director to verify the information provided in said paragraph. The Port Director reserves the right to audit all manifests and to use such audits as a basis for charges. Tariff charges based on supplemental reports or audits shall be subject to delinquency payments specified in this tariff.
- (c) A steamship line shall, upon request of the Port Director, provide to the Port full and complete copies of that line's tariff(s).

ITEM 02140 NON-LIABILITY FOR LOSS OR DAMAGE

- (a) The Port will not be responsible for loss or damage caused by fire, frost; heating; leakage; evaporation; natural shrinkage; wastage or decay; animals; rats; mice or other rodents; moths; weevils or other insects; leakage or discharge from fire protection system; breakdown of plant, machinery or equipment; floats, logs, or piling required in breasting vessels away from wharves or piers; dampness; riots or strikes of any persons in its employ or in the service of others or for any consequences arising therefrom; insurrection; war; shortage of labor; insufficient notification; the elements, or any causes unavoidable or beyond its control and in particular (but without limitation) the Port will not be responsible for loss or damage to goods or property which are stored in open or uncovered areas.
- (b) In instances in which the terminal's negligence causes or contributes to the cause of any liability as set forth in this item or any other item in this tariff, the obligation to exculpate or indemnify

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and hold harmless the terminal pursuant the item shall be limited to that portion of the liability on a percentage basis, which is not attributable to the terminal's negligence.

ITEM 02145 NON LIABILITY FOR SHIPPER'S FAILURE TO RESERVE SPACE OR CARRIER'S FAILURE TO LOAD GOODS

The Port will not be liable for loss, damage or delay arising from failure of the shipper to arrange for space on the transporting vessel, or from the failure of any carrier to load and transport good on the particular date or vessel designated by the shipper or owner of such goods. In the event of any such failure, such goods shall be held subject to all of the applicable charges and provisions of this tariff.

ITEM 02150 PAYMENT OF CHARGES

- (A) Use of the Port terminals or facilities by any person pursuant to this tariff shall constitute acceptance of the provisions of this tariff and on agreement upon the part of such user that he is responsible for and shall pay all charges assessed in accordance with this tariff.
- (B) All charges for services rendered or for the use of any terminal facility are due and payable as they are incurred. The Port Director may, at his discretion, require that charges, which are assessed against the vessel, its owners, operators, or agents be paid before the vessel leaves its berth. The Port Director may also require that charges accrued against cargo be paid before delivery of such cargo from the terminal.
- (C) For the purpose of enforcing the payment of charges named in this tariff, on cargo handled over or stored on municipal facilities, the Port may take possession of such cargo and may remove and store the same at the risk and expense of the owner or consignee thereof or may sell the goods at public auction or thereof or may sell the goods at public auction or pursue such other remedies as may be provided by law.
- (D) All charges that remain due and unpaid for a period of forty-five days (45) after they are incurred shall be subject to a delinquency payment, for violation of this item and for damages, equal to six one hundredths of one percent (.06%) of said charges per day for each day from a date forty-five (45) days after they are incurred until the charges have been paid. Said delinquency payment is in addition

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to all other remedies that the Port may have that are provided by this tariff or otherwise by law to enforce payment of charges that have been incurred and have not been paid.

ITEM 02155 PENALTY FOR UNAUTHORIZED USE OF PORT FACILITIES

No person shall collect any toll, wharfage, dockage or other tariff charge, or land ships at or remove any property upon or from any of the wharves, piers, docks, landings or other facilities owned or operated by the Port without being authorized by it to do so. Any person, vessel, or its owners, agents or operators using any unassigned wharf or other wharf area without first securing an assignment thereof from the Port shall be subject to the specific tariff charges named herein.

1. Vessels shall not engage in activities (including, without limitations, spray painting, sand blasting, blowing of stack, funnels or exhaust pipes, or other releases of particulate matter) on land or at sea that creates a significant risk of injury or damage to the premises or property owned or possessed by any tenant or its customers or which otherwise may materially interfere with the tenant's or customer's operations in the Port of Richmond.

ITEM 02160 PERSONS ON BOARD VESSELS TO ACT ON ORDERS TO PORT DIRECTOR

- (a) Vessels must at all times have on board at least one person in charge with authority to take such action in any emergency as may be demanded by the Port Director.
- (b) A vessel must shift or go into the stream at its own expense, when so ordered by the Port Director, who shall have the power to enforce removal at the expense of the vessel.

ITEM 02165 REMOVAL OF PERISHABLE OR UNDESIRABLE CARGO OR MATERIALS

- (a) The Port Director may, at his discretion, cause the removal of perishables, cargo which is liable to damage other cargo, bulky freight or other undesirable cargo or material, with or without notice, to another location within the terminal or facility or to private facilities at the risk and expense of the owner.
- (b) The assignee under a wharf assignment or space assignment with the Port is responsible for removal of rubbish, dunnage and other waste material from the assigned area; otherwise it will be removed by the Port Director's Designee at the expense of the assignee.

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ITEM 02170 RESPONSIBILITY FOR CHARGES TERMS AND CONDITIONS OF PAYMENT

Use of Port facilities or service is conditioned upon satisfactory assurance to the Port that applicable charges will be paid when due. All charges are due and payable as they accrue or on completion of service or use.

The Port may require payment of charges in advance as follows:

1. By the vessel, its owners or agents before vessel is assigned a berth and commence its loading or unloading operations.
2. By the cargo owner, shipper or consignee before cargo leaves the custody of the terminal.
3. For all charges on perishable cargo or cargo of doubtful value and household goods.

Payment terms are cash unless the Port customer, prior to the use of Port facilities or services, has established credit worthiness or has posted adequate security acceptable to the Port and has thereby been relieved of cash payment requirements by the Port.

The provisions of this rule shall govern the terms of payment by, and liability of an agent acting on behalf of a disclosed principal for charges owing from said principal as a user or port facilities, not withstanding any other provisions to the contrary in this tariff or in any form issued pursuant to this tariff or any form issued pursuant to this tariff.

ITEM 02175 SHIPPERS' REQUESTS AND COMPLAINTS

- (a) Requests and complaints from shippers on matters relating to the rates, rules and regulations contained in this tariff must be made to the Port Director.
- (b) The Port of Richmond is a member of the California Association of Port Authorities, 1510-14th Street, Sacramento, California 95814. A shipper may refer to the Association any request or complaint not satisfied by the Port of Richmond by submitting all available data in writing to the Association.

ITEM 02180 SPECIAL WATCHMEN SERVICE

- (a) When, due to rules and regulations of Federal, State, or Local authorities, the Port Director is requested or required to provide Special Watchman Service in connection with cargo moving through its facilities, the Port Director may arrange for and assess the cost of such watchman service to the carrier handling such cargo.

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(b) When Special Watchman Service is requested by the carrier, shipper, or consignee, in connection with cargo being handled at the terminal, the Port Director may arrange for and assess the cost of such Watchman Service to the party requesting the service.

ITEM 02185 USE OF HANDLING EQUIPMENT

- (a) The user will provide all necessary operators and perform all stevedoring.
- (b) The user will provide buckets, electromagnets, spreaders, and other supplemental equipment which may be required.
- (c) The user will perform all necessary rigging and unrigging of buckets, electromagnets, spreaders, and other supplemental equipment at his own expense.
- (d) Maximum rated capacity will not be exceeded.
- (e) Handling equipment is presumed to be in good operating condition when turned over to user, but the Port of Richmond does not warrant the mechanical condition thereof. The Port of Richmond will not be responsible for delays caused user by breakdown of equipment, by shut-off of electric current, or other causes. The Port of Richmond reserves the right to stop operation of the equipment at any time to require repairs that appear, in the opinion of the Port Director, to be necessary.
- (f) Handling equipment turned over to user is under user's supervision, direction, and control, and user assumes sole responsibility and liability for injury to or death of any person or damage to or destruction of property, including employees and property of the Port of Richmond, incident to, arising out of, or cause by user's possession, use or operation of handling equipment and shall protect, indemnify and save harmless the Port of Richmond, the Council, and their officers and employees from and against any and all suits, claims, demands, loss, expense and liability of any kind or nature whatsoever for said injury to or death of persons or damage to or destruction of property, and that may be, in whole or in part, incident to, arise out of, or be caused, directly or indirectly, through negligence or otherwise by the user's possession, use or operation of said handling equipment, whether by user, its officers, agents or employees, or by any person or persons acting with the knowledge and consent, express or implied of user, and the use of handling equipment shall constitute acceptance and acknowledgement by the user of this

RULES AND REGULATIONS

RULE: 34.02 SECTION 2 - GENERAL RULES AND REGULATIONS -

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liability and obligation. In instances in which the Port's negligence causes or contributes to the cause of any such liability as hereinabove set forth, user's obligation to exculpate or indemnify and hold harmless the Port pursuant to this item shall be limited to that portion of the liability, on a percentage basis, which is not attributable to the Port's negligence.

- (g) All persons desiring to use handling equipment, shall, as far in advance of the date of use, nature and quantity of cargo to be handled, and the estimated length of use and nature of use. Users will be scheduled for the equipment in the order of their applications, but the schedule will be modified as necessary for the Temporary Wharf Assignments by the actual availability of a vessel at the berth and by the availability of cargo in port area. User shall, in the use of equipment, conduct its operations expeditiously and shall cease use and return the equipment to the control of the Port of Richmond without delay upon conclusion of the authorized use thereof. The Port Director reserves the right to order the user to cease use of the handling equipment immediately whenever, in his opinion, the user is not using said handling equipment in accordance with the terms of the assignment, or whenever necessary for the best interests of the port. The Port of Richmond will not be responsible for delays to vessels, land transportation equipment or cargo for any cause whatsoever. Whenever another vessel is standing by, awaiting the use of a berth where handling equipment is located, the vessel on berth will be required to work overtime at her own expense until loading or discharging has been completed. Any vessel on berth which refuses to work overtime shall vacate the berth upon order of the Port Director. When a vessel loses her right to a berth by refusing to work overtime, such vessel will forfeit her turn and go to the bottom of the list of vessels scheduled and available.
- (h) Any and all vessels at a berth where handling equipment is located, after completion of loading or discharging, will be required to vacate the berth. However, at the discretion of the Port Director, two hours' grace may be allowed after completion of loading or discharging before sailing, and all vessels finishing loading or discharging after midnight shall be allowed to remain on berth until six o'clock that morning. Should any vessel fail to vacate the berth under the above conditions, the Port Director shall have the right, authority and privilege to move the vessel at the vessel's risk and expense.

The Port of Richmond reserves the right to refuse the handling of any commodity which, in its opinion, is not suitable for the handling equipment.

RULES AND REGULATIONS

RULE: 34.02 SECTION 2 - GENERAL RULES AND REGULATIONS –

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ITEM 02190 U. S. GOVERNMENT CARGO

Cargos for the account of the United States of America or its individual agencies will be subject to contract rules and regulations quoted by the Port of Richmond.

U.S. Government cargo is defined as cargo where title has passed to the U.S. Government, and U.S. Government bears direct responsibility for the payment of marine terminal rates and charges.

ITEM 02195 U.S. GOVERNMENT SPONSORED CARGO

U.S. Government Sponsored Cargo is defined as cargo moving under U.S. Government contracts, where the shipper bears direct responsibility for the payment of all charges until title passes to the U.S.

Government. Cargo moving under this definition is considered commercial cargo, and subject to published tariff rates and charges for commercial cargo.

RULES AND REGULATIONS

RULE: 34.03 SECTION 3 - HAZARDOUS MATERIALS RULES AND REGULATIONS -

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ITEM 03100 ACCIDENT REPORTING REQUIREMENTS

- A. All accidents involving dangerous spills of corrosives, explosives or other flammable or dangerous cargoes must be reported immediately to:
 - (1) National Response Center (800) 424-8802
 - (2) United States Coast Guard Captain of the Port San Francisco Bay (415) 437-3073
 - (3) City of Richmond Fire Department Dispatcher (510) 307-8031
 - (4) Port of Richmond (510) 215-4600
 - (5) CHEMTRIC (CHEMICAL HAZARDS) 800-424-9300
 - (6) Nuclear Regulatory Commission (800) 424-8802
- B. Any person in charge of a vessel or a facility as soon as knowledge of any discharge of oil or a hazardous substance from that vessel or facility in violation of the Federal Water Pollution Control Act (33 U.S. Code) or accidental release of dangerous cargo, shall report the same immediately to:
 - (1) National Response Center (800) 424-8802
 - (2) United States Coast Guard Captain of the Port of San Francisco Bay (415) 437-3073
 - (3) City of Richmond Fire Department, Dispatcher (510) 307-8031
 - (4) Port of Richmond (510) 215-4600
- C. Vessels enroute to the Port of Richmond which have a hazardous condition shall not proceed into the Port Area until notifying the Captain of the Port, the City of Richmond Fire Chief and the Port of Richmond's Port Department about the nature of the hazardous condition present. Vessels with hazardous conditions shall follow the directions outlined by the Captain of the Port, City of Richmond Fire Chief and the Port of Richmond. "Hazardous Condition" means any condition that could adversely affect the safety of the vessel, the Port of Richmond terminals or shore area or environmental quality of the Port's waters. This condition includes but is not limited to fire, explosion, leakage or damage of the vessel or dangerous cargoes transported by the vessel.

ITEM 03105 BULK DANGEROUS CARGOES

- A. Bulk dangerous cargos shall not be transported or transshipped from one tank or container to another in the Port Area without first receiving permission from the City of Richmond Fire Chief and the Port Director of the Port of Richmond or his designee.
All transfers of bulk liquid or gaseous dangerous cargo or products, including ship's stores and bunkers and lubricating oils, shall be in accordance with the following federal regulations as applicable:

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RULE: 34.02 SECTION 2 - HAZARDOUS MATERIALS RULES AND REGULATIONS -

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33	CFR	125 - 126	(WATERFRONT FACILITY REGULATIONS)
33	CFR	151 - 159	(POLLUTION REGULATIONS)
46	CFR	30 - 39c	(TANK VESSEL REGULATIONS)

- B. The transfer of chlorine from one shipping package to another is prohibited.

ITEM 03110 DANGEROUS CARGO HANDLING AND STORAGE ON DOCK

- A. Except as otherwise provided in this tariff, it shall be unlawful for any person to permit dangerous cargo to remain overnight on any dock, wharf or bulkhead area or in any transit shed, whether publicly or privately owned, in the Port Area, unless such person shall first have applied for and been issued a Port of Richmond HAZARDOUS or RADIOACTIVE MATERIALS HANDLING PERMIT and unless such cargo is properly packaged and stowed in approved intact, fully enclosed cargo tanks or containers, as defined in Item 01210 or in a covered transit shed or warehouse equipped with adequate firefighting equipment as determined by the City of Richmond Fire Chief. All dangerous cargo shall be stowed so as to ensure the cargo is readily accessible to personnel responding to emergencies. Placards or labels indicating the cargo's hazard class shall be readily visible. When stowed in cargo containers the doors shall be readily accessible for opening.
- B. The City of Richmond Fire Chief and the Port of Richmond shall be notified when the amount of dangerous cargo stowed in containers at a facility exceeds 10% by volume, or in the case of break bulk, when 10% of the total weight of cargo on the facility is dangerous.

ITEM 03115 DISCHARGE AND DUMPING PROHIBITED

- A. It shall be unlawful for any person, firm or corporation, to discharge, pump, deposit or dispose of, or to cause or suffer to be discharged, pumped, deposited or disposed of, or pass or allow to escape in or into or upon the waters of the Richmond Harbor areas any soil, spirits, or flammable liquid, or any crude petroleum, coal tar, or refuse or residuary product of coal tar, petroleum, asphalt, bitumen, or other carbonaceous material or substance, or any compound thereof, or any other pollutant material or substance, or any bilge water containing any of said materials or substances.

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RULE: 34.03 SECTION 3 - HAZARDOUS MATERIALS RULES AND REGULATIONS -

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- (B) Terminal operators and any other person, firm, corporation or (changed) entity assigned a Port of Richmond Marine Terminal Facility that receives oily waste from vessels shall provide a terminal waste reception facility within the Port Area and shall obtain and maintain a current "Certificate of Adequacy" issued by the Captain of the Port to cover such operations. Such operations shall comply with all federal, state and municipal regulations concerning such facilities. (C) The terminal operator or other authorized operator of a Terminal Waste Reception Facility is required to present such current "Certificate of Adequacy" upon request, to Coast Guard, Fire Department and/or Port representatives.

ITEM 03120 FACILITIES REQUIREMENTS

All waterfront facilities and terminals on Port of Richmond property, prior to handling dangerous cargoes, shall meet all conditions of a "Designated Waterfront Facility" as prescribed in "Handling of Explosives or Other Dangerous Cargoes within or Contiguous to Waterfront Facilities" (33 CFR 126). The terminal operator is responsible to ensure adequate operational and safety requirements in compliance with this tariff and all applicable federal, state and municipal regulations.

ITEM 03122 SEWAGE DISPOSAL

- A. It shall be unlawful to throw, discharge or deposit, or cause, suffer, or procure to be thrown, discharged or deposited, either from or out of any vessel, or from the shore, wharf, manufacturing establishment, or mill of any kind, any sewage or refuse, as described in the City of Richmond's Municipal Code, Chapter 5.08. "Sewage" means any condition that could adversely affect the Port of Richmond's terminals or shore area, or environmental quality of the Port's waters.
- B. When disposal of sewage is required from a vessel berthed at any Port of Richmond facility, the following disposal companies may be utilized:
- | | |
|------------------------------|----------------|
| Erickson, Inc. | (510) 235-1393 |
| H & H Environmental Services | (415) 543-4835 |

RULES AND REGULATIONS

RULE: 34.03 SECTION 3 - HAZARDOUS MATERIALS RULES AND REGULATIONS -

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Or any other company designated by the Port Director.

ITEM 03125 GOVERNING PUBLICATIONS

In addition to any State and Municipal or Port Regulations, the following publications specifically regulate the handling and storage of hazardous and dangerous cargoes:

10 CFR	0	-	199	NUCLEAR REGULATORY COMMISSION.
33 CFR	125	-	126	FACILITY REGULATIONS
33 CFR	151	-	159	POLLUTION (MARPOL 73/78 RULE)
40 CFR	116	-	117	ENVIRONMENTAL PROTECTION AGENCY REQUIREMENTS
40 CFR	140	-		MARINE SANITARY STANDARDS
40 CFR	260	-	280	HAZARDOUS WASTE: GENERATORS OF HAZARDOUS WASTE
40 CFR	302	-	305	OIL AND HAZARDOUS SUBSTANCES
46 CFR	30	-	39	TANK VESSELS
46 CFR	146	-	154(A)	HAZARDOUS CARGOES
49 CFR	100	-	195	HAZARDOUS MATERIALS
49 CFR	420	-	453	CARGO CONTAINERS "DANGEROUS GOODS" INTERNATIONAL MARITIME ORGANIZATION (IMCO OR
33 USC				IMO) DANGEROUS GOODS CODE ACT.
46 USC	170			HAZARDOUS ARTICLES
46 USC	391A			HAZARDOUS ARTICLES

ITEM 03130 HAZARDOUS AND DANGEROUS CARGO

Hazardous and Dangerous Cargo Prohibited. Except as otherwise provided in this tariff it shall be unlawful for any person, firm, association, or corporation to handle, transport, load, discharge, stow or retain any class of explosives, hazardous or other dangerous cargo, as defined the Government

RULES AND REGULATIONS

RULE: 34.03 SECTION 3 - HAZARDOUS MATERIALS RULES AND REGULATIONS -

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Publications in Item 03125, and any applicable Federal, State or Municipal laws or regulations, to remain overnight on any deck, wharf, bulkhead area or in any transit shed, whether publicly or privately owned, or within such places and in such manner except as may be approved by the Captain of the Port, the City of Richmond Fire Chief and the Port Director of the Port of Richmond or his designee, the Governing Publications in Item 03135 HOT WORK PROHIBITED

ITEM 03135 HOT WORK PROHIBITED

- A. Hot work is any operation involving oxyacetylene or electric welding, burning, cutting or other heat producing activities.
- B. No hot work shall be conducted on any waterfront facility or vessel moored thereto in the Port Area when dangerous cargo is present unless a properly executed and valid Richmond Fire Department Welding and Hot-Work Permit is on file at the terminal and advance notification has been given to the Captain of the Port, the City of Richmond Fire Chief and the Port of Richmond.

ITEM 03140 LABELING, PACKAGING AND DOCUMENTATION REQUIREMENTS

In order to comply with the United States Department of Transportation Regulations (49 CFR, Parts 100-195) the following data are required for the delivery of hazardous cargoes to any terminal within the Port Area of the City of Richmond:

- (1) Complete shipper's name and address, and, when possible, the telephone number for emergencies
- (2) Carrier's name and address
- (3) Complete consignee's name and address, to include the overseas port of destination on exports.
- (4) Proper DOT or IMO shipping name; i.e., the technical name of the cargo being shipped as listed in 49 CFR and IMO.
- (5) Hazard Class of the material being shipped.
- (6) Kind and number of container, applicable container number(s), number of packages, individual weights and total weight.
- (7) Labels required.

RULES AND REGULATIONS

RULE: 34.03 SECTION 3 - HAZARDOUS MATERIALS RULES AND REGULATIONS -

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- (8) Shippers Certification: A shipper's certification must appear on every bill of lading or shipping document provided. The correct wording of this certification is as follows:

THIS IS TO CERTIFY THAT THE ABOVE-NAMED MATERIALS ARE PROPERLY DESCRIBED, CLASSIFIED, PACKAGED, MARKED AND LABELED, AND ARE IN PROPER CONDITION FOR TRANSPORTATION ACCORDING TO THE APPLICABLE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION.

The certification is to be accompanied by a legible signature of the person certifying above and the typed name and title of the signatory.

- (9) Properly documented special instructions, exceptions, or exemption information, if required.

ITEM 03145 RIGHTS OF REFUSAL

- A. The Port Director of the Port of Richmond is hereby authorized and empowered to refuse permission to any vessel carrying explosives, hazardous or other dangerous cargo to berth at any dock, wharf, bulkhead area or alongside any transit shed, whether publicly or privately owned, or to any person, firm, association or corporation transporting explosives, hazardous or dangerous cargo to or storing such materials at any dock, wharf, bulkhead area or in any transit shed, whether publicly or privately owned, within the Port Area, or on any property under the control or jurisdiction of the Port of the City of Richmond whenever, in his sole judgment, such berthing or use of Port Area would be dangerous or hazardous.
- B. The Port Director of the Port of Richmond or his designee may, at any time, cause any dangerous cargoes to be removed at the expense of the vessel, cargo owner or assignee.

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RULES AND REGULATIONS

RULE: 34.03 SECTION 3 - HAZARDOUS MATERIALS RULES AND REGULATIONS -

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ITEM 03150 TECHNICAL ADVICE: HANDLING AND PACKAGING, CHEMICAL HAZARDS, CLEAN-UP PROCEDURES

Questions concerning procedures for handling or packaging, chemical hazards and Clean-up procedures may be referred to the following industry sponsored organizations:

- (1) For information on handling and packaging of dangerous materials:
Material Transportation Bureau
- (2) For information on chemical hazard and clean-up procedures:
CHEMTREC (800) 424-9300

ITEM 03155 VARIANCES FROM PORT REGULATIONS APPLYING TO DANGEROUS CARGOES

Request for variance of any requirements outlined in this tariff pertaining to the handling of dangerous cargos shall be directed to the Port Director of the Port of Richmond or his designee.

RULES AND REGULATIONS

RULE: 34.04 SECTION 4 - SERVICE AND FACILITIES RULES APPLICATION -

EFFECTIVE: 03/01/94 FILING: 01/07/94 (I)

ITEM 04100 APPLICATION

The charge assessed against vessels, their owners, agents or operators (See Note 2) which load or discharge cargo at the terminal for the use of terminal working areas in the receipt and delivery of cargo to and from vessel and for service in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo: (See Note 1)

- (a) From vessels to consignees, their agents or connecting carrier, or
- (b) From shippers, their agents or connecting carrier, to vessels.

The foregoing does not include any services or facilities the charge for which is included in wharfage, dockage, wharf demurrage, wharf storage or other individual charges.

No person other than the Terminal shall be permitted to perform the services covered by this definition.

Note 1: Service and Facilities Charge does not include any cargo handling, loading nor unloading operations, nor any labor other than that which is essential to performing the service.

Note 2: Where the contract of affreightment establishes the responsibility as between the parties thereto for the payment of the service and facilities charge named in this tariff, such charge shall be billed to and paid by whomever shall be determined to be responsible under the contract of affreightment, but the full amount of such charge shall be billed to and paid by the vessel, its owners, agents or operators, to the terminal. Allocation or adjustment of this charge between vessel and cargo shall be made solely by the parties to the contract of affreightment, in accordance with terms of such contract. The term "Contract of Affreightment" as used herein shall mean tariff, ocean rate or any other arrangements under which the vessel transports cargo.

RULES AND REGULATIONS

RULE: 34.05 SECTION 5 - SERVICE AND FACILITIES CHARGES -

EFFECTIVE: 03/01/94 FILING: 01/07/94 (I)

Rates are in cents per ton of 1,000 Kilograms.

ITEM 05100

Liquids in bulk from or to vessel or barge,

Rates ----- N.O.S.

1.90

RULES AND REGULATIONS

RULE: 34.06 SECTION 6 - DOCKAGE: RULES AND REGULATIONS -

EFFECTIVE: 03/01/94 FILING: 01/07/94 (I)

ITEM 06100 APPLICATION OF DOCKAGE RATES AND CHARGES

- (a) Except as otherwise provided, dockage charges shall be assessed against all vessels in all trades at the full dockage rates provided in Item No. 07100.
- (b) One-half of the full dockage shall be assessed against all vessels, when berthed offshore of a vessel that is paying full dockage.
- (c) When a vessel is charged dockage for a period of 24 hours or more at wharf owned or operated by, or under lease, assignment, or franchise from, the Port of Richmond, it may use the same or, upon prior approval from the Port Director, any other wharf in the Port of Richmond area during the remainder of that same period for which charged, without further charge, regardless of how often it may leave or return.
- (d) Vessels docked at non-operative facilities will be assessed one-half of full dockage rates named in this tariff, except vessels that require the use of the berth, wharf and/or facility for other than cargo operations may be assessed full dockage rates.

06105 BASIS FOR COMPUTER DOCKAGE CHARGES

- (a) Dockage shall be based on overall length of the vessel as shown in Lloyd's Register. If the length is not shown in Lloyd's Register, the ship's Certificate of Registry showing length of vessel will be accepted.
- (b) Vessels for which the overall length is not available in either Lloyd's Register or the Certificate of Registry will be measured at the direction of the Port Director, by a bonafide Marine Survey or Naval Architect, and either lettered, numbered, or named and registered with the Port so that identification may be easily established; otherwise, such vessels shall be denied the use of the wharves and other facilities provided by the Port of Richmond. When necessary to measure a vessel, the linear distance in meters shall be determined from the most forward point on the bow of the vessel to the aftermost part of the stern of the vessel, measured as parallel to the base line of the vessel.
- (c) In computing dockage charges based on overall length of vessel, the following will govern the disposition of fraction:
 - Less than one-half (.5) meters, discard.
 - One-half (.5) meters or more, increase to the next whole figure.
- (d) When a vessel changes its position from an outside to an inside berth, or vice-versa, or

RULES AND REGULATIONS

RULE: 34.06 SECTION 6 - DOCKAGE: RULES AND REGULATIONS -

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otherwise changes its status so that it would be liable to pay dockage at a different dockage rate, the dockage due under the changed status shall be assessed from the time such change takes effect.

(e) Vessels on regular day schedules leaving from and returning to the wharf shall not be assessed more than one full day's dockage in any 24-hour period.

ITEM 06110 DOCKAGE OF NON-OPERATIVE VESSELS

Application to berth a non-operative vessel at Port facilities shall be made to the Port Director upon forms provided by the Port. The Port Director may allow a non-operative vessel to berth at Port facilities upon receipt of application, subject to the provisions of this tariff, and to the charges, rates, rules and regulations applicable thereto. The berthing of such non-operative vessel shall be limited to mooring only and shall not include any other use of the berth, wharf, and/or facility by the applicant and shall be subject to the condition that the Port and its officers, agents and employees shall not be liable for any injury to or death of any person or damages to property of any kind whatsoever, whether the person or property of the applicant, its agent or employees, or third persons, from any cause while in or on the berthing area or occasioned by any use or occupancy of the berthing area of any activity carried on by the applicant in connection therewith, and that the applicant will indemnify and save harmless the Port, its officers, agents and employees from all liabilities, charges, expenses (including counsel fees) and costs on account of or by reason of any such injury, death claim, suit or loss however occurring or damages growing out of the same.

ITEM 06115 DOCKAGE PERIOD

- (a) Dockage shall commence upon a vessel when made fast to a wharf, pier, seawall structure or bank, or mooring to a vessel so berthed, and shall continue until such vessel is completely freed from and has vacated the berth.
- (b) No deductions shall be made for Sundays, Holidays, or because of the weather conditions.

ITEM 06120 FREE DOCKAGE

Free dockage will be accorded vessels when in the discretion of the Port Director, conditions may warrant the temporary suspension of regular dockage charges against:

RULES AND REGULATIONS

RULE: 34.06 SECTION 6 - DOCKAGE: RULES AND REGULATIONS -

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- (a) Combat or training vessels, including vessels auxiliary thereto, of the United States of America or of any other nation.
- (b) Vessels that are engaged exclusively in exhibitions whose sole purpose is the promotion of trade.
- (c) Vessels owned or operated by the State of California.
- (d) Training vessels owned or operated by charitable organizations.

RULES AND REGULATIONS

RULE: 34.07 SECTION 7 – DOCKAGE -

EFFECTIVE: 12/01/99 FILING: 12/21/99 (C)

ITEM: 07100 DOCKAGE RATES ON VESSELS ENGAGED IN ALL TRADES

Overall Length of Vessel in Meters

<u>OVER</u>	<u>BUT NOT</u> <u>OVER</u>	<u>CHARGE FOR FIRST 24-HOUR PERIOD OR</u> <u>PART THEREOF (I) 2%</u>
0	30	\$108
30	45	\$153
45	60	\$211
60	75	\$319
75	90	\$435
90	105	\$683
105	120	\$977
120	135	\$1,319
135	150	\$1,714
150	165	\$2,154
165	180	\$2,648
180	195	\$3,191
195	210	\$3,783
210	225	\$4,422
225	240	\$5,111
240	255	\$5,852
255	270	\$6,645
270	285	\$7,483
285	300	\$8,371
300	315	\$9,309
315	330	\$10,296
330	345	\$11,333
345	360	\$12,421
360	375	\$13,553
375	390	\$14,740
390		(1)

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RULE: 34.07 SECTION 7 - DOCKAGE -

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- (1) Dockage charges for vessels over 390 meters in overall length shall be \$13,231 per day plus \$37 dollars per day for each meter of overall length or fraction thereof in excess of 390 meters.
- (2) Charges beyond the first 24 hours shall be assessed in whole six-hour increments at twenty-five percent (25%) of the full rate for each subsequent six-hour period.

RULES AND REGULATIONS

RULE: 34.08 SECTION 8 - WHARFAGE RULES AND REGULATIONS -

EFFECTIVE: 07/01/96 FILING: 06/27/96 (C)

ITEM 08100 APPLICATION OF WHARFAGE RATES

- (a) Except as otherwise provided in this tariff, wharfage, as defined in Item No. 01220, shall be assessed in addition to other charges named in this tariff.
- (b) Wharfage rates applicable will be those in effect on the date that vessel commences discharging or loading of cargo.
- (c) Except as otherwise provided in this tariff, wharfage rates shall be assessed as follows:
 - (1) Containerized Cargo and Empty Shipping Containers:
 - (a) Wharfage will be assessed on cargo in containers according to the commodity description, rate basis and the provisions specified in Items 10100 through 10700.
 - (b) Commodities not specifically named in this section will be subject to the Cargo N.O.S. rate basis specified in Item 10200
 - (2) Non-Containerized Cargo:
 - (a) Wharfage will be assessed charges in cents per 1,000 kilograms or cubic meter as specified in Items 09100 through 09215; or according to the vessel's manifest, on whichever basis the water freight charges are assessed.
 - (b) On cargo moving on other than a weight or measure basis (i.e. per package, per unit, combination weight and measure basis, etc.) wharfage will be assessed in cents per 1,000 kilograms or cubic meter, whichever will result in the greater revenue.
 - (c) Commodities not specifically named in this section will be subject to the Cargo N.O.S. rate in Item 09105.
 - (d) Cargo which is not covered by a regular commercial shipping line's manifest and is not moving under regularly established commercial rates published in commercial tariffs, but is moving to or from ports that are served by vessels operating in regular trade routes under commercial tariffs, shall be assessed wharfage on the same basis as the freight charges on such cargo would have been assessed on vessels operating in such regular trade routes under commercial tariffs.
 - (e) Transferred cargo is defined in Item 01200, received at a Port of Richmond terminal facility will be assessed the applicable wharfage on the basis as cargo moving by vessel at the rate of \$137.00 per twenty-foot equivalent container unit (TEU) prior to leaving

RULES AND REGULATIONS

RULE 34.08 SECTION 8 - WHARFAGE RULES AND REGULATIONS -

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the Port terminal. Transferred cargo moving by land vehicle from one Port of Richmond Terminal facility to another will be assessed only one wharfage charge of \$136.00 per TEU which will be assessed at the final Port of Richmond terminal, unless a Port of Richmond wharfage charge is not applicable at that terminal in which event the charge will be assessed at the first terminal. However, transferred cargo may be assessed the lower rates in Items 10100 and 10300 through 10700 when the owner, agent or other person in charge of such cargo provides the Port written verification that the commodities are those specifically named in those items.

- (f) Transshipped cargo discharged and assessed applicable wharfage at one Port of Richmond terminal facility and directly reloaded to a vessel at the same or another Port of Richmond terminal will be assessed the applicable wharfage at the initial discharge only. The applicable wharfage on transshipped cargo will be assessed in accordance with Items 10100 through 10700 whether assessed at the initial discharge, or at the final Port of Richmond terminal because no wharfage charge was applicable at the initial terminal. Transshipped commodities will be subject to Port audit and verification. In the event such audit finds the transshipped commodities are not specifically named under Items 10100 and 10300 through 10700 then wharfage will be assessed under the rates for Cargo, N.O.S. in Item 10200. When transshipment is substituted for direct call of vessel, the charges on cargo so handled will be the same as that applicable to cargo handled on direct call.

ITEM 08110 MANIFESTS AND STATEMENTS

- (a) The owner, agent, master, or other person in charge of a vessel or cargo shall deliver to the Port Director, or his designee, not later than 45 days after the date of the vessel's departure a full and correct statement (signed and certified on forms furnished by the Port) of wharfage assessed and collected on all cargo of every kind discharged from and or loaded to such vessel at such terminal, specifying the character and quantity of each kind of such cargo as identified in

RULES AND REGULATIONS

RULE: 34.08 SECTION 8 - WHARFAGE RULES AND REGULATIONS –

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this tariff, and such other information as may be specified on such forms, including, but not limited to the total number of loaded and empty containers. For the purpose of consideration of wharfage corrections the owner, agent, master, or other person in charge of a vessel or cargo must deliver corrections to cargo information previously submitted or additional information previously unavailable, not later than 120 days after the date of the vessel's departure.

- (b) The owner, agent, master or other person in charge of a vessel or cargo, in addition to providing full and correct statements, shall within the time specified above, deliver to the Port Director, or his designee, those portions of the vessel manifest and or bills of lading that are reasonably necessary to verify the information provided on said documents.
- (c) In addition to the statements and documents required to be submitted under paragraphs (a) and (b) above, use of any Port facility by the owner, agent, master or other person in charge of a vessel or cargo shall constitute authorization for the release of operational information pertaining to such vessel activity, as may be reasonably required from time to time by the Port Director, or his designee, to verify cargo loaded and or discharged at the Port of Richmond.
- (d) Neglect or refusal by any person to comply with the provisions in paragraphs (a), (b) and (c) of this Item; or, deliberately falsifying statements and documents by any person may, at the discretion of the Port Director, result in such persons being subject to the penalties prescribed in law and in this tariff. In addition, any person who fails to submit a statement of charges within the times provided herein shall pay to the Port the sum of one hundred seventy-seven dollars (\$177.00) for each wharfage statement that the Port Director, or his designee is required to prepare as a result of the non-compliance with the provisions of paragraphs (a), (b) and (c) above.

RULES AND REGULATIONS

RULE: 34.08 SECTION 8 - WHARFAGE RULES AND REGULATIONS –

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ITEM 08115 PAYMENT OF WHARFAGE CHARGES

1. Wharfage charges assessed pursuant to this tariff are due and payable as incurred and shall be paid by the vessel so assessed, through its master, owner, agent, or other person duly authorized to do so, in accordance with the provisions specified in Item 02150.
2. When it is requested that wharfage charges be assessed and collected directly from the cargo owner or federal agency, and, when satisfactory guarantee of payment is given to the Port of Richmond, the wharfage charges will be assessed and collected from the cargo owner or federal agency making the request, pursuant to all applicable terms and conditions of this tariff.

ITEM 08125 FREE WHARFAGE

No wharfage will be assessed on:

- (a) Handling and stevedoring tools, equipment, appliances, and supplies taken on wharf premises for the sole purpose of loading and or discharging a vessel.
- (b) Personal baggage of passengers (excluding household goods and automobiles) when carried on same vessel as passenger and on which no revenue is collected by the water carrier.
- (c) Cargo which a vessel discharges and reloads prior to departure, in order to load or discharge other cargo (overstowed or restowed cargo).
- (d) Water carrier owned or controlled vans when shipped free of freight charges (excluding empty cargo vans which are transshipped under a water carrier bill of lading and assessed freight charges).
- (e) Ballast in bulk, which is not manifested as cargo, has no commercial value and is handled direct between vessel and barge or shore tank.

RULES AND REGULATIONS

RULE: 34.09 SECTION 9 - WHARFAGE RATES NON-CONTAINERIZED CARGO –

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Rates are in cents per 1,000 KGs or Cubic Meter as manifested, except as noted.

ITEM 09100

Aluminum Cans, empty, new (Per Cubic Meter) 441

ITEM 09102

Boats, including launches, skiffs and yachts (Per Cubic Meter)422

When Shipped in cradles or on trailers, the dimension of cradle or trailer shall be included in overall measurement.

ITEM 09105

Cargo, N.O.S. including vessel's stores and supplies 675

ITEM 09110

Cargo, in bulk, viz.: (not in containers)

Beans, Copra, Cottonseed, Feed, Grain or Grain Products, Peas, Pellets
(Alfalfa or Beet Pulp), Safflower Seed, Seeds, Soybeans.251

Scrap Metal 223

ITEM 09115

Cargo, in bulk, N.O.S.167

ITEM 09120

Cargo or Merchandise, bulk, moving in containers (Per 1,000 Kilograms)681

RULES AND REGULATIONS

RULE: 34.09 SECTION 9 - WHARFAGE RATES NON-CONTAINERIZED CARGO –

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ITEM 09125

Buildings, Modules, and other units designed for general warehouse type storage, other than knocked down; empty, moving in multiple units of 10 or more per vessel, and equipped with corner castings capable of being loaded and discharged by shoreside container gantry cranes.

NOTE: With prior written request and Port Director approval, prototype units moving in smaller quantities may be subject to the rates as listed in this item.

Per Unit Overall Length 0 to 7 meters \$103 Per Unit Overall Length
Over 7 meters \$188.00 Per Unit

ITEM 09130

Coffee, green, in bags, per ton of 1,000 kilograms 674

ITEM 09135

Fuel, bunker or petroleum products, for use of vessel to which initially delivered

From barge to vessel 91
From car or truck to vessel 163

ITEM 09145

Liquids, N.O.S. in bulk from or to vessel through
pipeline (See Exceptions) 190

EXCEPTIONS: Bunker Fuel and/or No. 2 Diesel Oil

Per barrel of 159 liters \$2

Petro-Chemicals and Aquatic Ammonia, but

excluding petroleum and other petroleum products. 190

RULES AND REGULATIONS

RULE: 34.09 SECTION 9 - WHARFAGE RATES NON-CONTAINERIZED CARGO -

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ITEM 09150

Livestock or other animals per head 631

ITEM 09155

Lumber and Forest Products (see Note 1), viz.:

Ash, Hickory, Oak, Mahogany and all other hardwood lumber, logs (see Exception) and timber
 (see Note 2)

(Per 1,000 Ft. B.M.) 1,151

EXCEPTION: Eucalyptus Logs
 (Per 1,000 Kilograms) 477

Cedar, Fir, Pine, Redwood, Spruce and all
 Other softwood lumber, logs and timber (See Note 2).
 See Exceptions including laths and ties (Per 1,000 Ft. B.M.) 967

EXCEPTION: Timber, Sawn (Pinus Radiata)
 Inbound Only (Per Cubic Meter) 337

Dunnage and Ship Lining (Per 1,000 Ft. B.M.) 990
 Piles and poles, per lineal meter 53

Wood Chips, in bulk, per Bone Dry Unit (BDU) for each consecutive 12-month period
 Commencing September 1, 1995:

1 to 60,000 BDU (Per BDU) 870
 60,001 to 120,000 (Per BDU) 657
 Over to 120,000 BDU (Per BDU) 491

RULES AND REGULATIONS

RULE: 34.09 SECTION 9 - WHARFAGE RATES NON-CONTAINERIZED CARGO -

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Note 1: The same rate will apply whether articles are discharged or loaded overside vessel directly to or from the water in any slip, dock, basin or canal.

Note 2: If freighted by vessel on other than a B.M. basis, the Merchandise, N.O.S. rate shall Apply

ITEM 09165

RESERVED

ITEM 09165

Metals, loose, in bundles, coils or packages, viz.: Angles, bars, beams, billets, blanks, bolts, bridge sections, channels, finished or unfinished fabricated structures, ingots, nails, nuts, pigs, pilings, pipe, plate, rails, rods, screws, sheets, slabs, structural, tie plates, tin plate, unfinished shapes, washers and wire, including barbed wire . . (See Note) 506 Note: For wharfage assessed on angles, bars, beams, channels, pipe and plate (excluding coils or plate packaged as rolled coils) a minimum charge per bill of lading of \$117.00 is applicable.

Steel viz.: (See Exception)

Coils, Minimum 1,000 tons, one consignor, one consignee, one vessel 617

Wire Rod, in bundles or coils, minimum 500 tons,
one consignor, one consignee, one vessel 616

Exception: From one consignor to one consignee for each consecutive 12 month period commencing July 1, 1994:

60,001 to 100,000 tons 546
100,001 to 130,000 tons 491
Over 130,000 tons 466

RULES AND REGULATIONS

RULE: 34.09 SECTION 9 - WHARFAGE RATES NON-CONTAINERIZED CARGO -

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ITEM 09170

Packages, shipping, empty, SU or KD, N.O.S. second hand (used), not including bags or sacks, per ton of 1,000 kilograms or 1 cubic meter whichever yields the greater revenue (see Note)

NOTE: Will not apply on Coastwise, Inland Waterway and Intercoastal trades \$397

ITEM 09175

Paper and Paper Products, N.O.S.

Not in Containers \$674

ITEM 09180

Racks, KD, empty, viz.:

Used Automobile Parts Racks or Engine Racks; Being

Returned to Origin (Per 40 Foot Container) \$157

ITEM 09185

United States Mail, per ton 1,000 kilograms \$1,181

ITEM 09190

Vans, Cargo, shipping empty, as described in Item No. 01201 per schedule below (see Exception)

Charge per Van:

Overall Length 0 - 7 Meters \$15.61 Per Van

Overall Length 7 -9 Meters \$17.69 Per Van

RULES AND REGULATIONS

RULE: 34.09 SECTION 9 - WHARFAGE RATES NON-CONTAINERIZED CARGO -

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Overall Length Over 9 Meters \$23.46

EXCEPTION: No wharfage will be charged on steamship carrier owned or controlled vans when shipped free of freight charges.

ITEM 09195

Vehicles, motor, self propelling, viz.:

(See Exception)

Automobiles, pleasure or passenger, including pick-up trucks or chassis, not exceeding 10 passengers per vehicle:

Each Vehicle \$28.51

NOTE 1 \$ 8.09

When privately owned, per vehicle \$31.14

NOTE 1 \$ 9.23

EXCEPTION: Does not include agricultural, earth moving or road making vehicles.

NOTE 1: Received from rail car, truck or other land vehicle and removed by rail car, truck or other land vehicle.

ITEM 09200

Vehicles, Commercial, including chassis, freight trailers, freight semi-trailers, agricultural, earth moving or road-making equipment,

per ton of 1,000 kilograms \$20.79

See NOTE 1, Item 09195 \$17.51 each

ITEM 09205

Vehicles, viz:

RULES AND REGULATIONS

RULE: 34.09 SECTION 9 - WHARFAGE RATES NON-CONTAINERIZED CARGO -

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Trucktractors, only, with or without fifth wheel, excluding chassis, vans or trailer attachments,
Per ton of 1,000 kilograms 1422

ITEM 09210

Vehicles, empty, other than self-propelling, viz.:
Trailers, House or Vacation, Mobile, S.U.; with
or without wheels, per cubic meter 548

ITEM 09215

Wood and Wood Products, N.O.S., not in containers 674

RULES AND REGULATIONS

RULE: 34.10 SECTION 10 - WHARFAGE RATES CONTAINERIZED CARGO -

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ITEM 10100

RATE BASIS A: \$86 PER TEU or:

CONTAINERS

LENGTH

IN METERS	0 - 7M (20 FT.)	7 - 9M (24 FT.)	9 - 13M (40 FT.)	OVER 13M (45 FT.)
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PER CONTAINER

RATE	\$106	\$126	\$207	\$234
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Except as otherwise provided, the application per TEU rates expressed as dollars per TEU for commodities listed in this subsection.

COMMODITIES ASSESSED RATE BASIS A:

Animal Feed and Miscellaneous Grains, viz:

Hay N.O.S., baled, pelletized or cubed, used for animal feed; oilseeds, safflower seed; rapeseed; castor seed

Borates; Borax

Boric Acid

Cargo, N.O.S., Containerized, in bulk Cereal, viz:

Wheat in bags or in bulk; Rice

Coal

Cocoa Beans

RULES AND REGULATIONS

RULE: 34.10 SECTION 10 - WHARFAGE RATES CONTAINERIZED CARGO –

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Coffee, green, in bags

Coke

Cotton, viz:

Cotton or Cotton Linters, baled

Dried Leguminous Vegetables, viz:

Beans; Peas; Lentils

Earth, Stone and similar products, viz:

Asbestos, crude; Concrete; Bricks; Stones, Diatomaceous

Earth; Tiles (asphalt, ceramic, composition, marble);

Magnesite (magnesium oxide); Asphalt; Gilsonite (uintaite); Granite; Clay

Fertilizer or Fertilization Materials N.O.S.

Food and Food Preparations for Human Consumption, viz:

Fresh/Frozen, including: Fish; Shellfish; Meat; Poultry; Fruits; Vegetables

Fruit, Dried, including nuts

Fruit, Tropical, N.O.S., viz:

Canned or Preserved, including juice or concentrate, with or without other ingredients

Grains for Human Consumption, viz:

Cereal Grains; Corn; Oats

Hide and Skins: Raw, undressed, N.O.S.

Household Goods or Personal Effects, N.O.S. used, not new, packed in containers or
Lift vans suitable for forklift loading and

RULES AND REGULATIONS

RULE 34.10 SECTION 10 - WHARFAGE RATES CONTAINERIZED CARGO –

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handling (includes private vehicles in mixed container loads with personal effects) in the domestic trade only

Lumber and Forest Products; Sawn. Viz:

Hardwood and softwood, Burls, untreated, including: Poles, Piles, Pests, Pulpwood, Sawlogo, Ties, Veneer, Logo, Woodchips, Woodpulp, Woodsticks

Lumber, Sawn, loose or in bundles; Sawn Building Lumber (Note 1)

Note 1: Timber, Sawn (Pinus Radiator), inbound only in 40 foot containers \$154.00 per 40 ft. container
Metals and Manufactures thereof: Articles, loose, in bundles, coils or packages, viz:

Angles; Bars; Beams; Billets; Blankets; Blisters; Blooms; Bolts; Bridge Sections; Cans, Aluminum, new, empty; Channels, Finished or Unfinished Fabricated Structures; Foil, Aluminum; Ingots; Nails; Nuts; Pigs; Pilings; Pipe; Plate; Rails; Rods; Screws; Sheets; Slabs; Structures; Tie Plates; Tin Plate; Unfinished Shapes; Washers and Wire, including barbed wire; Scrap Metal, N.O.S., including scrap batteries.

Nursery Stock, Live; including plants, trees, bulbs and root systems, under temperature control

Paper and Paper Products, in rolls only, viz:

Boxboard; Cardboard; Kraftboard; Linerboard; Newsprint; Paperboard; Sacking Paper

Racks, KD, empty, viz:

Used Automobile Parts Racks or Engine Racks being returned to origin in 40 ft. containers
\$170 per 40 ft. container

United States Mail

Waste and Scrap of Plastic

Waste Paper and Scrap of Paper, N.O.S.

ITEM 10200

CARGO NOT OTHERWISE SPECIFIED: \$172 PER TEU OR:

RULES AND REGULATIONS

RULE: 34.10 SECTION 10 - WHARFAGE RATES CONTAINERIZED CARGO –

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CONTAINER LENGTH:	0 - 7M	7 - 9M 9	9 - 13M	OVER 13M
IN METERS	(20 FT.)	(24 FT.)	(40 FT.)	(45 FT.)
Per container Rate	\$173	\$194	\$348	\$391

Except as otherwise provided, the application per TEU rates expressed as dollars for commodities listed in this subsection.

COMMODITIES ASSESSED:

Cargo, N.O.S.: Containerized (including vessel stores and supplies as well as containerized loads of mixed commodities)

ITEM 10300

Vehicles, viz: Automobiles, Pickup trucks or Chassis, Pleasure, Non-commercial not to exceed ten (10) passengers per vehicle, S.U.on wheels

\$66 per Container

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RULE: 34.10 SECTION 10 - WHARFAGE RATES CONTAINERIZED CARGO –

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ITEM 10400

Commercial Vehicles; Wheeled or Tracked, including chassis, freight trailers, lift-trucks, agricultural, earth moving, or road making equipment (Subject to NOTE 1) \$129.00 per TEU; or: Container Size

0 - 7M	\$152
7 - 9M	\$183
9 - 13M	\$302
OVER 13M	\$339

ITEM 10500, 10600, 10700

Vans, Containers, empty, as described in Item 01210
(Subject to NOTE 1)

Overall Length, in meters		ITEM NUMBER
0 - 7	\$17 per container	10500
7 - 9	\$28 per container	10600
OVER 9	\$32 per container	10700

NOTE 2: No Wharfage is assessed on water carrier owned or controlled vans shipped free of freight charges. (This NOTE 1 does not apply on empty cargo vans transshipped under a water carrier's bill of lading which are assessed freight charges).

RULES AND REGULATIONS

RULE: 34.11 SECTION 11 - WHARF DEMURRAGE & STORAGE: RULES & REGULATIONS -

EFFECTIVE: 01/01/95 FILING: 11/09/94 (C)

Rates provided in this Section will not apply on bulk commodities (as defined in Item 01105) handled mechanically through specialized facilities.

ITEM 11100 APPLICATION OF RATES

(A) APPLICATION OF WHARF DEMURRAGE AND/OR WHARF STORAGE RATES:

Wharf Demurrage and Wharf Storage as defined in Items 01230 and 01235 will be assessed charges on the same basis as Wharfage is assessed.

(B) WHARF DEMURRAGE (as defined in Item 01230):

At the expiration of free time, the wharf demurrage rates shown in individual items of this tariff will apply on freight remaining on terminal premises, unless and until arrangements for storage have been made with the Port of Richmond, and/or Terminal Operator

(C) WHARF STORAGE (as defined in Item 01235)

Upon prior application and acceptance of property for storage, rates applicable to such service shall be subject to the following provisions:

(1) Daily Storage

- (a) Daily storage applies for a 24-hour period, or fraction thereof, commencing with midnight of one day to midnight of the following day and includes Saturdays, Sundays, holidays.
- (b) Merchandise that has been accepted for daily storage can later be accepted for monthly storage effective with the date of acceptance for monthly storage.

(2) Monthly Storage:

- (a) Except as otherwise provided in Sub-Paragraph 2) hereof, monthly storage periods shall extend from a date in one calendar month to, but not including the same date of the next and all succeeding calendar months; but if there is no corresponding date in the next succeeding calendar month, it shall be extended to and include the last day of that month. When the last day of the final storage month falls on Sunday or a legal holiday, the storage month shall be deemed to expire on the next succeeding business day.
- (b) Upon agreement between the terminal and the owner of the merchandise or his agent, monthly storage charges will not be computed under the provisions of Sub-

RULES AND REGULATIONS

RULE: 34.11 SECTION 11 - WHARF DEMURRAGE & STORAGE: RULES & REGULATIONS –

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Paragraph 1) hereof but will, instead be computed on the first of month balance system as follows:

- (1) When the storage period commences on or before the fifteenth day of the month, a full month's storage shall be assessed for that month. A full month's storage shall be charged on the merchandise on hand on the first day of the following month and for each succeeding month thereafter.
- (2) When the storage period commences after the fifteenth day of the month, storage charges for one-half month shall be assessed for that month. A full month's storage shall be charged on the merchandise on hand on the first day of the following month and for each succeeding month thereafter.
- (c) Merchandise accepted for monthly storage cannot revert to daily storage.

ITEM 11105 ACCEPTANCE OF FREIGHT FOR STORAGE

- (a) Acceptance of freight for storage is at the option or convenience of the terminal operator.
- (b) When terminal space is available for monthly storage, freight may remain where already placed or may be moved and stored elsewhere on terminal premises at the option of the terminal operator. All freight accepted for monthly storage shall be assessed both the monthly storage rates and the receiving and delivery rates shown in the individual items of this tariff and shall be subject to the rules provided herein for monthly storage.

ITEM 11110 COMPUTATION OF FREE TIME

- (1) Acceptance of freight for storage is at the option or convenience of the terminal operator.
 - (a) On Outbound cargo, at the first midnight after it is unloaded from barges, rail cars, vessels, or vehicles, or otherwise placed on wharfing facilities.
 - (b) On Inbound cargo, at the first midnight after the date vessel completes discharging.
- (2) Free time terminates at midnight of the final day of the free time period or upon the removal of the cargo from wharfing facilities whichever occurs first.
- (3) The days during the loading or discharging operations of the vessel shall not be counted as wharf demurrage days on cargo actually loaded to or discharged from such vessels.

RULES AND REGULATIONS

RULE: 34.11 SECTION 11 - WHARF DEMURRAGE & STORAGE: RULES & REGULATIONS –

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ITEM 11115 DISPOSITION OF MERCHANDISE AFTER EXPIRATION OF FREE TIME

Freight remaining on terminal premises after expiration of free time (see Item No. 11120), and freight shut out at clearance of vessel may, at the discretion of the terminal operator, be allowed to remain where situated, be piled or repled to make space, be transferred to other locations on terminal premises, or be removed to public or private warehouse, with all expenses and risk of loss and damage for account of the owner, shipper, consignee or carrier as responsibility may appear.

ITEM 11120 FREE TIME/ASSEMBLY TIME

A. FREE TIME:

Unless otherwise provided, the free time periods allowed, exclusive of Saturdays, Sundays and holidays, shall be the follows:

<u>TRADE</u>	<u>INBOUND</u>	<u>OUTBOUND</u>
Inland Waterway	5 days	5 days
Intercoastal	5 days	10 days
Foreign and Offshore (see Note)	7 days	10 days

Cargo transhipped between vessels involving a long and a short free time period shall be allowed the longer free time period, but in no case shall such cargo be allowed the aggregate of the inbound and outbound free time periods.

EXCEPTION: (a) Outbound cargo (merchandise), upon approval of the Port Director, may remain on wharves, premises or facilities of the Port at owner's risk at no charge for a period of time not to exceed ten (10) working days beyond the allowable free time if the vessel for which the cargo was originally intended is unable to call as scheduled because of stress of weather, accident, breakdown or other emergency. Thereafter, wharf demurrage shall be assessed against such cargo (merchandise) unless or until the cargo (merchandise) is accepted for wharf storage. This exception does not apply on cargo (merchandise) which wharf demurrage or storage charges have accrued prior to the original scheduled call date of the vessel.

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RULE: 34.11 SECTION 11 - WHARF DEMURRAGE & STORAGE: RULES & REGULATIONS-

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(b) The Port Director may extend the allowable free time on any merchandise if terminal operations or movement of merchandise are interrupted by war, earthquake, flood, fire, riot, or any unusual occurrence which, in the judgment of the Port Director, warrants the extension of such free time.

NOTE: Includes Alaskan, Hawaiian and Trans-Pacific Trades as set forth in Item 01240.

B. ASSEMBLY TIME:

Upon Shipper's/Consignee's request and subject to terminal space availability, the Port Director may grant time up to 20 days exclusive of Saturday, Sunday and holidays beyond regular free time allowance provided for in this tariff for assembling cargo lots aggregating 200 revenue tons or more which constitutes an export/import shipment for loading or unloading from a specifically named vessel.

ITEM 11125 MINIMUM CHARGE

- (a) WHARF DEMURRAGE: The minimum charge shall be \$19.
- (b) DAILY STORAGE: When freight is stored on a daily storage basis for a period of less than 5 days, a minimum of 5 days storage will be assessed at the rates shown in individual items, subject to a minimum charge of \$18.00 per month or fraction thereof on each invoice.
- (c) MONTHLY STORAGE: The minimum storage charge shall be \$25 per month or fraction thereof.

ITEM 11130 STORAGE UNDER STRIKE CONDITIONS

Cargo which cannot be removed from the Port due to a general waterfront strike of five calendar days or more, or work stoppage of waterfront labor engaged in handling cargo which curtails Port operations for five calendar days or more will be subject to the following:

- (a) Cargo on Free Time: Strikebound cargo will be continued on free time until the maximum free time allowed under this tariff has expired. The Exception in Item 11120 will not be applicable in the computation of free time under the provisions of this item. Upon expiration of free time, storage charges will be assessed under the provisions of Paragraph (b) of this item.

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RULE: 34.11 SECTION 11 - WHARF DEMURRAGE & STORAGE: RULES & REGULATIONS-

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- (b) Cargo on Demurrage or Storage: Cargo on Demurrage, Daily Storage, or Monthly Storage under the storage rates in this section, whichever results in the lowest charge during any calendar month in which the strike is in effect.
- (c) Charges Applicable After Strike Ends: Strikebound cargo remaining on hand the first day of the first calendar month following the end of the strike will be subject to Daily Storage, unless prior arrangements have been made with the Port for Monthly Storage.

ITEM 11135 TRANSFER OF OWNERSHIP

Wharf demurrage charges, storage charges and receiving and delivery charges, are for the account of the cargo and any transfer of ownership after the cargo is received on the terminal will not entitle cargo to additional free time by reason of such transfer of ownership.

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RULE: 34.12 SECTION 12 - WHARF DEMURRAGE & STORAGE –

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ITEM 12100 PER CONTAINER WHARF DEMURRAGE RATES

(See Item 11100)

Wharf Demurrage Rates on per-container basis are assessed on a daily basis including Saturdays, Sundays and Holidays as noted below:

CONTAINER OUTSIDE LENGTH IN METERS OVER BUT NOT OVER	DEMURRAGE CHARGE PER DAY FIRST FIVE DAYS	DEMURRAGE CHARGE PER DAY EACH ADDITIONAL DAY
0 - 7.0	\$19	\$35
7.0 - 9.0	\$20	\$41
9.0 - 11.9	\$32	\$59
11.9 - 13.0	\$35	\$63
13.0 or Over	\$46	\$85

Non-Containerized and Breakbulk Cargo Demurrage Rates: (See Item 11100). Wharf Demurrage Charges on cargo not in containers will be assessed on a daily basis, including Saturdays, Sundays and Holidays as noted below:

ITEM 12105 NON-CONTAINER WHARF DEMURRAGE RATES

In Cents Per Ton of 1,000 Kilograms or 1 Cubic Meter or other unit on the same basis as wharfage is assessed, except as otherwise shown. Includes Saturdays, Sundays, and Holidays.

COMMODITY	CHARGE PER DAY FOR FIRST 5 DAYS	CHARGE PER DAY FOR EACH ADDITIONAL DAY
CARGO NOS LUMBER, PER 1,000	52	101

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RULE: 34.12 SECTION 12 - WHARF DEMURRAGE & STORAGE –

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COMMODITY	CHARGE PER DAY FOR FIRST 5 DAYS	CHARGE PER DAY FOR EACH ADDITIONAL DAY
Feet B.M., or fraction thereof	52	101
Vehicles, motor, on wheels or treads, as described in Item Nos. 09195, 09200, 09205 and 09210 Per vehicle	147	290

ITEM 12110 PER CONTAINER WHARF STORAGE RATES

(See Item 11100)

Wharf Storage Rates on a Per Container basis are assessed on a daily basis, including Saturdays, Sundays and Holidays or on a monthly basis as noted below:

CONTAINER OUTSIDE LENGTH IN METERS OVER BUT NOT OVER	DAILY STORAGE RATE PER DAY OR FRACTION THEREOF	MONTHLY STORAGE RATE PER MONTH OR FRACTION THEREOF
0 - 7.0	\$ 121	
7.0 - 9.0	121	121
9.0 - 11.9	1	175
11.9 - 13.0	169	196
13.0 or Over	20	271

RULES AND REGULATIONS

RULE: 34.12 SECTION 12 - WHARF DEMURRAGE & STORAGE –

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COMMODITY STORAGE RATES

COLUMN A – Daily Storage Rates, per day or fraction thereof, Saturdays, Sundays and holidays, inclusive.
COLUMN B – Monthly Storage Rates, per month or fraction thereof.

COMMODITY	A	B
ITEM 12115 Cargo, NOS per 1,000 kilograms or 1 cubic meter whichever produces the greater revenue.	39	432
ITEM 12120 Cargo, NOS, per 1,000 kilograms Or 1 cubic meter whichever produces the greater revenue – when held in uncovered areas (see Note 1). NOTE 1: When outside uncovered storage is requested by shipper or consignee of goods. Will not apply where commodity rates are specifically named for either covered storage.	28	331
ITEM 12125 Asbestos, in bags	22	235
ITEM 12130 Beans, Cocoa, in bags.	29	279

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RULES AND REGULATIONS

RULE: 34.12 SECTION 12 - WHARF DEMURRAGE & STORAGE –

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ITEM 12135

Canned Goods, N.O.S (Except
dried, dehydrated or frozen).
In cases or cartons.

28 247

ITEM 12140

Coffee, green, in bags, per
Ton of 1,000 kilograms

30 N/A

ITEM 12145

Cotton, Cotton Linters,
Compressed, in bales

31 388

ITEM 12150

Fertilizers, N.O.S.

21 210

ITEM 12155

Fruit, dried, in bags or cases

26 246

ITEM 12160

Iron or Steel Articles, NOS.,
when held in uncovered areas

26 199-203

Iron or Steel Sheets, loose,
in packages, or in rolls

31 199-203

Iron or Steel Pipe, NOS

31 333-340

ITEM 12165

Liquor, i.e., Alcoholic Beverages

40 438

RULES AND REGULATIONS

RULE: 34.12 SECTION 12 - WHARF DEMURRAGE & STORAGE –

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ITEM 12170

Lumber, per 1,000 feet B.M.,
In uncovered areas 55

ITEM 12175

Lumber, per 1,000 feet B.M., in uncovered
areas 31 310

ITEM 12180

Milk, or Milk Products, dried 30

ITEM 12185

Ore and Ore Concentrates, in
packages – when held in
uncovered areas 26 203

ITEM 12190

Paper and Paper Articles,
viz.:

Bags
Boxes, Fiber, Corrugated, K.D. 44 216
Folded 51 587
Napkins, Towels
Newsprint, in rolls pulpboard, 61 980
in rolls 20 203
Tissues, NOS, including toilet
paper 50 587

Waste, in machine compressed
bales, or bundles 33 294

RULES AND REGULATIONS

RULE: 34.12 SECTION 12 - WHARF DEMURRAGE & STORAGE –

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Wrapping paper 46 506

ITEM 12195

Petroleum and Petroleum

Outbound Products, in packages
only

29 268

ITEM 12200

Pipe, asbestos, and/or cement
When held in uncovered areas

29 268

ITEM 12205

Plywood or Veneer, N.O.S., in
Packages

46 520

ITEM 12210

Rice

41 311

ITEM 12215

Sugar, N.O.S., in sacks

29 269

ITEM 12220

Tin Plate

259 221

ITEM 12225

Vehicles, Commercial (as described
in item 09200), per unit

91 --

RULES AND REGULATIONS

RULE: 34.12 SECTION 12 - WHARF DEMURRAGE & STORAGE –

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ITEM 12230

Vehicles, Motor, on wheels

not boxed (as described in Item 09195, per unit:

(a) When stored in closed areas	169	420
(b) When stored in open areas, on terminal, per vehicle	87	
(c) When stored in open areas off terminal per vehicle	65	

ITEM 12235

Vehicles, trucktractors (as
Described in item 092051),
Per units:

159

ITEM 12240

Wire or Strapping in cartons,
boxes, crates, on skids, or
on reels

29

246

ITEM 12245

Yachts and Small Boats
(applicable Intercoastal Trade
only):
For the first 14 calendar days
after expiration of free time

82

N/A

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RULES AND REGULATIONS

RULE: 34.12 SECTION 12 - WHARF DEMURRAGE & STORAGE –

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For each day exceeding 14 calendar days	153	N/A
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RULES AND REGULATIONS

RULE: 34.13 SECTION 13 - CRANE RENTAL, RULES AND RATES -

EFFECTIVE: 01/01/95 FILING: 11/09/94 (C)

ITEM 13100 EQUIPMENT RENTAL

Crane and equipment listed below, when available, will be rented at the convenience of the Terminal. Rates named apply per hour or fraction thereof and do not include cost of operator. To determine hours of usage, all operating time will be counted.

Equipment rental starts and terminates when the extra labor service starts and terminates. All labor costs will be assessed by the stevedore.

DESCRIPTION	RATE PER HOUR
Yard Gantry Crane (Bridge type)	\$470
Vessel Gantry Crane	\$470

ITEM 13105 VESSEL GANTRY CRANE – RENTAL OTHER THAN CONTAINERS

Vessel Gantry Crane when available, will be rented at the convenience of the Terminal.

Rate named applies per hour or fraction thereof and does not include cost of operator. To determine hours of usage, all operating time is counted.

All labor costs will be assessed by the stevedore.

RATE: \$143

RULES AND REGULATIONS

RULE: 34.14 SECTION 14 - MISCELLANEOUS CHARGES -

EFFECTIVE: 01/01/95 FILING: 11/09/94 (C)

(Rates in cents per unit shown, except as otherwise provided)

DESCRIPTION OF SERVICES RENDERED

ITEM 14100 ELECTRIC CURRENT

All electric current furnished by the Port to vessels or equipment for power or ship lighting must pass through the meters of the Port and will be supplied at cost plus a service charge of \$31.00. There will be a seven dollar (\$7.00) minimum charge per month.

The charges for connecting lighting or power circuits, submeters or providing any other connections or equipment shall be actual charges plus a service charge of \$31.00 or 15% whichever is greater.

EXCEPTIONS: Ships moving, of their own volition, from one pier to another requiring light or power connections shall be charged for such connections as provided above. However, ships berthed for repairs and moved by order of the Port Director will not be required to pay additional service charges but shall in lieu thereof, pay time and material charges and/or submeter charges.

Electric Cable Rental Rates (in cents per foot, per day or fraction thereof including Saturdays, Sundays and Holidays), (see Note):

First 15 days	.18 cents
Each day thereafter	.09cents

NOTE: Power cables are precut in 250 foot increments. Ships will be charged according to the incremental length required.

ITEM 14110 WATER

The charge for water furnished to vessels shall be as follows:

For the first 1,000 cubic feet	
per 100 cubic feet, (see Note 1)	\$12
For all over 1,000 cubic feet,	
per 100 cubic feet	\$14

RULES AND REGULATIONS

RULE: 34.14 SECTION 14 - MISCELLANEOUS CHARGES -

EFFECTIVE: 01/01/95 FILING: 11/09/94 (C)

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NOTE: 1 Minimum Charge \$14 per vessel

(2) Water delivered through pipelines at the port with billing thereof performed by the port will be assessed charges in accordance with the charges assessed by the East Bay Municipal Utility District plus a service charge of \$39 or 15% whichever is greater.

RULES AND REGULATIONS

RULE: 34.15 SECTION 15 - ASSIGNMENT OF AREA –

EFFECTIVE: 01/01/95 FILING: 11/09/94 (C)

ITEM 15100 ASSIGNMENT OF AREA; DEFINITION OF

“ASSIGNMENT OF AREA” shall mean the granting of temporary use of Port Operations’ land or facilities to an assignee. These areas include land or facilities subject to long term contracts by Port Operations.

ITEM 15105 ASSIGNMENT OF AREA: HOW ASSIGNED

The Port Director may make assignments of area upon forms provided by the Port subject to the charges, rules and regulations of the Port applicable thereto, including those set forth in other sections of this tariff, and to such terms and conditions as may be contained in any such agreement.

ITEM 15110 ASSIGNMENT OF AREA; RULES AND REGULATIONS

- (a) Charges for the assignment of area are in addition to other charges named in this tariff.
- (b) Charges shall be payable monthly in advance and shall be computed on the following basis:
 - (1) Monthly assignment periods shall operate on a calendar-month basis.
 - (2) Assignments which commence on any day other than the first day of a calendar month shall be prorated on a daily basis to the first day of the following calendar month, and such prorated charges shall be payable in advance.
 - (3) Where an assignment commences in the second half of one calendar month, the prorated charges for such portion of the calendar month, plus assignment charges for the following calendar month, shall be payable in advance.
- (c) The minimum assignment period shall be for a period of not less than one calendar month or thirty consecutive calendar days.
- (d) The Assignee may terminate the assignment on not less than ten days’ written notice.
- (e) The Port Director may terminate assignments without compensation to the Assignee, and order the Assignee to vacate the assigned area, upon not less than ten days’ written notice.
- (f) Assignments shall not be transferred.
- (g) The right to measure and remeasure premises, whenever, it is deemed necessary, is reserved by the Port Director, and the measurement or remeasurements made by the Port Director shall be

RULES AND REGULATIONS

RULE: 34.15 SECTION 15 - ASSIGNMENT OF AREA –

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used for the purposes of determining the kind and size of any additional area occupied, and Assignee shall be assessed charges at a penalty rate of TRIPLE the scheduled rate for such additional area occupied without prior approval of the Port Director.

ITEM 15115 ASSIGNMENT OF COVERED, UNCOVERED AND WATER AREA; CHARGES FOR
Charges for the assignment of covered, uncovered and water area are for area occupancy only; alterations, improvements, cleaning, damage, maintenance and utility costs are in addition and shall be borne by the Assignee.

ITEM 15120 SPACE ASSIGNMENT RATES

Type of Area	Cents Per Square Foot per Month (Except as Noted) (Subject to Note 1)
A Covered	17
B Uncovered, Paved (Subject to Note 2)	10
Unpaved (Subject to Note 2)	9

Minimum Charge - \$229.00 per month per assignment of covered area; \$110.00 per month per assignment of uncovered area.

C Office Space	
(1) Office Space, NOS	.72 Office
(2) Space, NOS, Air Conditioned	.84

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RULES AND REGULATIONS

RULE: 34.15 SECTION 15 - ASSIGNMENT OF AREA –

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(3) Terminal Office Building 1.39

NOTE 1: If the assignment is terminated by the Port Director, charges for the termination month will be prorated on a daily basis.

NOTE 2: In addition to the above rates, uncovered fenced areas will be assessed ½ cent per square foot.

RULES AND REGULATIONS

RULE: 34.16 SECTION 16 - SYMBOLS AND TARIFF AVAILABILITY –

EFFECTIVE: 03/01/94 FILING: 02/09/94 (RCI)

ABBREVIATIONS

A.M.	Before Noon
Bbls	Barrels
B.M.	Board Measure
Cu. Ft	Cubic Feet
E.G. or e.g.	For Example
Etc	And so on
Ft	Feet
Gals	Gallons
I.e.	That is
In	Inches
K.D.	Knocked Down
K.D.F.	Knocked Down Flatt
KG(s)	Kilograms
KM (s)	Kilometers
Lbs	Pounds
LT (s)	Liters
M	Meters
M.T.	Metric Tons
No	Number
N.O.S.	Not otherwise specified in this tariff
Pkg	Package
P.M.	After Noon
S.U.	Set Up
Viz	Namely
W/M	Weights or Measurement
%	Percentum

FILING/AMENDMENT TYPE

(A) Increase

RULES AND REGULATIONS

RULE: 34.16 SECTION 16 - SYMBOLS AND TARIFF AVAILABILITY –

EFFECTIVE: 03/01/94 FILING: 02/09/94 (RCI)

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- (B) Change resulting in neither increase or decrease in rates or charges
- (C) Expiration (also use (A) if the deletion results in the application of a higher “cargo n.o.s.” or similar rate).
- (D) New or Initial matter.
- (E) Reduction
- (F) Special Case matter filed pursuant to Special Permission, Special Docket or other Commission direction.
- (G) Terminal Rates, charges or provisions or canal tolls over which the Carrier has no control
- (H) Withdrawal of an erroneous filing on the same filing date.

ACCESS TO TERMINAL TARIFF INFORMATION

A. General

Pursuant to 46 CFR 514.8 (k) (v), the official version of this Tariff is the version of any and all tariff objects published and effective on a specific date in the ATFI central site computer or the ATFI archives. Individual tariffs are accessible by registered ATFI interactive retrievers and by the public at terminals in the Commission’s Tariff Control Center.

B. TARIFF AVAILABILITY

1. This Tariff is open for public inspection at the Terminal address as shown in the AFTI Organization Record or on the title page of the paper version of this tariff.
2. In the event of a major emergency at ATFI where the ATFI host processor is inaccessible due to an equipment breakdown, the official Tariff is that noted above which is available to subscribers at the above noted address.
3. The Tariff subscription fee is \$367.00 per year.