No. 4360
Date: November 9, 1990
1:30 P.M.
Approved: Antonio J. Colorado
Secretary of State
By: Assistant Secretary of State

COMMONWEALTH OF PUERTO RICO
PUERTO RICO PORTS AUTHORITY
BOARD OF DIRECTORS

RESOLUTION NO. 90-07

Regulation to establish the General Structure of Rates, Fees, Rentals, and Other Charges during the period beginning July 1, 1990 and ending June 30, 1993 for the use of the facilities and services at rendered at terminals under the jurisdiction or owned and operated by the Puerto Rico Ports Authority and for the services rendered in the ports of Puerto Rico under its jurisdiction

WHEREAS, the Puerto Rico Ports Authority conducted an economic study regarding the rates, fees and rentals and other charges that were established by Resolution 83-03 of February 2, 1983, amended by Resolution No. 86-28 of August 21, 1986 which has been also subsequently amended and which refers to the adoption of the aforementioned fees and rentals and other charges with changes as of the date of the study or changes which might be made prior to the adoption of a final tariff structure.

WHEREAS, as result of the study made by the Ports Authority a new tariff for the application of regulations and of the rates, fees, rentals and other charges for the use of facilities and services at the ports and marine terminal facilities under the jurisdiction or owned and operated by the Puerto Rico Ports Authority was prepared.

WHEREAS, after the conduct of the study and pertinent analysis the Executive Director of Puerto Rico Ports Authority met with the Puerto Rico Ports Authority Board of Directors, and explained to them the desirability to adopt the attached tariff.

THEREFORE, BE IT RESOLVED

I. ADOPTION OF NEW TARIFF

Tariff No. M-1-2 attached herewith establishing the general structure of rates, fees, rentals, and other charges during the period begining July 1, 1990 and ending June 30, 1993 for the use of facilities and services rendered at the marine terminal facilities owned and/or operated by the Puerto Rico Ports Authority and general services provided by the Puerto Rico Ports Authority at the ports under its jurisdiction pursuant to the Works and Harbor at of Puerto Rico, but No. 151 of June 28, 1961 is hereby adopted.

II. EFFECTIVENESS

1. The provisions of this resolution are approved and shall come into effect as of July 1, 1990 in accordance with the Ports Authority Act of 1942, (23 L.P.R.A 331-354 as amended) and pursuant to the Shipping Act. of 1916 (46 USC App. 816820, 841 a), the Shipping Act of 1984 (46 U.S.C. App. 1709, 1714, 1716) and Part 515 of Federal Maritime Commission Regulations (46 CFR Ch. IV).

2. Resolution No. 81-22 of October 28, 1981, as amended, Resolution No. 82-3 of June 10, 1982, as amended, Resolution No. 83-03 of February 2, 1983 as amended, and Resolution No. 86-28 of August 21, 1986, as amended, will continue in effect until the date of effectiveness of this resolution in accordance with Federal Maritime Commission regulations when they will cease to be effective.

3. In accordance with the powers vested in the Puerto Rico Ports Authority Board of Directors by the Ports Authority Act of 1942, as amended, a public hearing shall be held with respect to the fees or charges authorized by the present resolution. This hearing will be of an informative, quasi-legislative character and will be held before a Hearing Officer

who will be appointed by the Puerto Rico Ports Authority Board of Directors. It is understood that after the hearing and submission of the Hearing Officer's Report, the Puerto Rico Ports Authority Board of Director according to the powers vested to it may confirm, alter, suspend or revoke such rates, fees or charges. The final approved tariff will be filed with the Federal Maritime Commission pursuant to the standing laws and regulations.

4. The Puerto Rico Ports Authority reserves its rights to amend the rates if during its period of effectiveness there are significant changes that it deems necessary and the Puerto Rico Ports Authority Board of Directors vests the Puerto Rico Ports Authority Executive Director to adopt any changes or alterations to to the tariff which do not represent a variation to the whole tariff structure which this resolution approves.

San Juan, Puerto Rico, this 21st. day of february, 1990.

PRESIDENT
BOARD OF DIRECTORS

Sub-SECRETARY
BOARD OF DIRECTORS

Certifico que la presente
es copia fiel y exacta de la
esolución Núm. 90-07
del 21 de Feb de 1990 .
Sub-Secretaria

Item	Definitions
1.0	DEFINITIONS- For the purpose of this tariff and its Rules and Regulations, the following terms shall have the following meanings and the use of the term in singular shall include the plural and viceversa.
1.1	Adjacent Islands- All the islands surrounding Puerto Rico and depending upon its government.
1.2	Calendar Day- The 24 hours from midnight to midnight.
1.3	Cargo- The goods, merchandise, or whatever is loaded, transported or conveyed in a ship whether in liquid, solid or in any other form.
1.4	Consignee-Agent- The person representing the owner or captain vessel in a town or at the place where certain work is done or the person to whom the cargo is consigned.
1.5	Container- A permanent type cargo-carrying unit designed to be transported directly and mechanically between vessels and other forms of transportation which has minimum dimensions of eight (8) feet in width, eight (8) feet in height, and twenty (20) feet in length, which is used for the movement of cargo as a unit. All other containers will be considered as general cargo.
1.6	CWT- Abbreviation for hundred weight. When used with respect to computation of wharfage or demurrage, means (1) by weight, per cwt, of 100 pounds; (2) by volume, per cwt. of two cubic feet; or (3) by boardfoot measurement in case of lumber, per 24 board feet being equivalent to a cwt. or two cubic feet.
1.7	Dock- Any structure used for the mooring of vessels or for the loading or unloading or unloading of persons or things. Also to mean port facilities and viceversa.
1.8	Dockage- The charge assessed against a vessel for berthing at or making fast to a wharf, pier or bulkhead structure or for mooring to another vessel so berthed.

Item	Definitions
1.9	Free Time- The period of time prior to the commencement of loading of a vessel, and the period of time following the completion of discharge by a vessel, when outbound and inbound freight, respectively, may be held in the transit area without payment of any fee except wharfage.
1.10	Gross Tonnage- (of a vessel)- This term is synonimous with Gross Register Tonnage. It is the cubic capacity in tons of 100 cubic feet of the various enclosed spaces of a vessel. It will normally be found in Lloyd's Register of Shipping in which the highest will be the official basis used in this tariff.
1.11	Landing Place- Any place where it is possible for a vessel to embark or disembark persons, or load and unload things, directly to or from land rather than by an intermediate water carrier.
1.12	Lighter- A barge, with no means of self-propulsion, used to transport cargo from point to point within a port. It is usually towed by a tug.
1.13	Marine Terminal- A development consisting of one or more piers, wharves, docks, bulkheads slips, basins, vehicular roadways, railroad connections, sidetracks, sidings or other building structures facilities or improvements, necessary or convenient to the accomodation of steamships or other vessels and their cargo and passengers.
1.14	Off-Shore Points- Points not located in Puerto Rico or its adjacent islands, or in the American Virgin Islands.
1.15	Pier- A structure extending into navigable water for use as a landing place, for persons or things.
1.16	Ports Authority- The Puerto Rico Ports Authority as created by an existing under the Puerto Rico Ports Authority Act of 1942, as amended (23 L.P.R.A. 331-352).

Item	Definitions
1.17	Port Services Charges- The charge assessed against a vessel for entering a port and receiving the benefit of general services rendered by the Ports Authority in regard to administering the Dock and Harbors Act of Puerto Rico through its infrastructure and including other aspects, as for example, contribution to maintenance dredging of channels and navigational areas which costs are not covered by the U. S. Corps of Engineers and not being part of berths or areas alongside the piers and construction of dykes where and when necessary, look out station, radio communication and harbor cleaning, where necessary.
1.18	Quay- Every structure, embankment or wall protecting from the sea and its waves that part of the waterfront which said structure, embankment or wall limits. Used interchangeably with "Dock".
1.19	Ship, Vessel or Boat- Any vehicle used for the transportation of persons or things on the water, to include the ship's owner, her Master and the agent or any of them.
1.20	Transit Area- The area covered or uncovered, bordering on the apron of a wharf, pier, or bulkhead structure within which a cargo is assembled for loading on a vessel, and to which it is discharged for delivery from a vessel.
1.21	Wharf- A structure built along or at an angle from the shore of navigable waters so that ships may lie alongside to receive and discharge cargo and passengers. Also piers, docks and bulkheads. Wharves, pier or bulkhead structures designed primary for the loading or off-loading of liquid cargo by pipeline shall refer to Yabucoa, Guayanilla, Tallaboa, Las Mareas and other piers used for the loading or off-loading of petroleum related products. The rest shall be considered dry cargo wharves, piers or bulkheads.

Item	Definitions
1.22	Wharfage- The charge assessed against cargo for the passage of that cargo on, over, under, or through any wharf premise, pier or bulkhead structure, inward or outward. It also includes the charge assessed against cargo passing or conveyed between vessels (to or from barge, lighter or water) or by pipeline when berthed at wharf or when moored in a slip adjacent to the wharf.
1.23	Wharf Demurrage or Demurrage- Assessed against cargo which remains in the transit area related to a wharf, pier, or bulkhead structure after the termination of the free time. Actually a penalty intended to urge for the prompt removal of the cargo from the pier premises.
1.24	Cruise or Passenger Ships- Means ships engaged in the transportation of passengers, with cabins, (carrying twelve or more passengers), or conducting cruises or tour services and not carrying cargo.
1.25	Ferryboats or Ferry- Vessels used for transporting passengers and or merchandise in regular periodic and continous sailings and which may at the same time render cargo services.
1.26	Explanation of Reference Marks or Abbreviations The following abbreviations or marks are intended to serve as reference of this Tariff: (R) = Reduction (I) = Increase (C) = Change in Wording or Expression (D) = Deletion (A) = Addition to Tariff (N) = Change in Item Number or Order

Item	Definitions
1.27	Ports under the Jurisdiction of the Puerto Rico Ports Authority Ports under the jurisdiction of the Puerto Rico Ports Authority mean all the ports of Puerto Rico according to the Docks and Harbor Act of Puerto Rico, No. 151 of June 28, 1968 (23 L.P.R.A. 2101-2801). The berths which are part of piers or maritime terminals property of persons or private entities who are not of the Puerto Rico Ports Authority are included solely for general regulation benefits which might be applicable with safety objectives, but not for dredging responsibility objectives nor safeguarding of property or which belong to the particular terminal or pier operator watchmen services objectives.

Item	Definitions
2.0	CONVERSION FACTORS

1 kilogram = 2.2046 pounds
1 pound = 0.45 kilograms
1000 kilograms = 2,204.6 pounds = 1 metric ton
1 metric ton x 0.91 = 1 short ton
1 metric ton x 1.02 = 1 long ton
1 cubic meter = 35.315 cubic feet (cubic meters x 35.315 = cubic feet) (1 cubic meter x 1.13 = 40 cubic feet)
40 cubic feet x 0.88 = 1. cubic meter)
1 centimeter = 0.3937 inches (centimeters x 0.3937 = inches (inches x 2.54 = centimeters)
1 meter = 39.37 inches (meters x 3.281 = feet) (feet x 0.3048 = meters)
1 cubic meter = 423.78 feet board measure (1000 feet board measure (FMB) = 2.36 cubic meters)
1 liter = 0.264 gallons (0.0063 bbls.)
1 barrel (42 gallons) - 159.09 liters
1 short ton = 2000 pounds
1 cwt = 100 pounds or 2 cubic feet or 24 board feet measurement of lumber
1 gallon fuel oil (Navy) = 7.89 pounds; 6.76 barrels per ton of 2,240 pounds; 331.4 pounds per barrel of 42 gals.
1 gallon fuel oil (Bunker "C") = 8.33 pounds; 6.40 barrels per ton of 2,240 pounds; 350 pounds per barrel of 42 gals.
1 gallon lubricating oil = 7.69 pounds; 6.94 barrels per ton of 2,240 pounds 322.8 pounds per barrel of 42 gals.
1 gallon diesel oil (Navy) = 6.96 pounds; 7.67 barrels per ton of 2,240 pounds; 292.2 pounds per barrel of 42 gals.
1 gallon diesel oil (Commercial) = 7.25 pounds; 7.36 barrels per ton of 2,240 pounds; 304.5 pounds per barrel of 42 gals.
1 gallon gasoline (Commercial) = 6.15 pounds; 8.66 barrels per ton of 2,240 pounds; 258.3 pounds per barrel of 42 gals.
1 gallon kerosene (Commercial) = 6.75 pounds; 7.91 barrels per ton of 2,240 pounds; 283 pounds per barrel of 42 gals.

Item	Rules and Regulations
3.0	APPLICATION OF RATES, RULES AND REGULATIONS The rates and regulations are applicable to the docks, landing places, marine terminals, quays, transit areas and wharves or any other facility used for loading and unloading and are property of the Ports Authority and to the ports under the jurisdiction of the Puerto Rico Ports Authority and shall apply equally to all users of the Ports Authority facilities and/or ports under its jurisdiction.
3.0.1	Consent to Terms of Tariff The use of the docks, landing places, marine terminals, quays, transit areas and wharves and any other facility of the Ports Authority or under its jurisdiction shall constitute a consent by the interest parties to abide by all the terms, conditions, rules regulations, penalties, rates and charges set forth in this tariff.
3.0.2	Use of Facilities The Ports Authority reserves its rights at any time or times and without notice to deny use of its facilities to any user who or which is delinquent in payment of its accounts for more than (30) days; such denial may be continued until such accounts are fully paid up and maintained in current status.
3.0.3	General Restrictions and Limitations The Ports Authority is not obliged to provide storage or accomodation for property which has not been transported, nor is intended to be transported by water to or from the port; nor is it obligated to provide dockage, wharfage, storage or other services beyond reasonable capacity of the facilities; nor is it obliged to provide extended storage for any property in the course of normal operations, beyond a period of time determined by the Director of the Authority.

Item	Rules and Regulations
	The Ports Authority is not obliged to accept any cargo, either inbound or outbound, which is not compatible with the accepted objectives of its facilities and the established assurances to the community. The refusal of any such cargo is discretionary with the Director of the Authority.
3.0.4	Disclaimer for Loss or Damage The Ports Authority does not accomplish unloading, loading or manipulation of cargo, does not carry inventory of cargo, nor inspections any cargo to see that it matches the shipping documents, nor conducts accounting of cargo deposit in its piers or terminals. In this regard the Authority shall not be responsible for any damages to freight being loaded, unloaded, handled, storaged, or otherwise present on its facilities, or for loss of any freight or for any delay to same, unless such cargo is receipted for or on its behalf except to the extent that such damages are accounted to result from its fault or negligence. The Ports Authority shall not be responsible for any loss or damage to freight on or in its facilities by reason of fire, leakage, evaporation, natural shrinkage, wastage, decay, animals, rats, mice, other rodents, moisture, the elements, discharge of water from sprinkler fire protection systems, or by or from any other cause, except to the extent that such loss or damage is accounted to result from its fault or negligence. The Ports Authority shall not be responsible for delays, losses, or damages arising from riots, strikes, or labor disturbances of any persons, or for any loss due to pilferage or thievery, or to any other cause, except that such delays losses or damages are accounted to result from its fault or negligence.

Item	Rules and Regulations
3.0.5	Access to Records All vessels, their owners and agents, and all other users of the facilities, shall be required to permit access to manifests of cargo, passengers, and all other documents for the purpose of audit for ascertaining the correctness of reports filed, or for securing necessary data to permit correct estimate of charges.
3.0.6	Indemnity Bond or a Letter of Credit Users of the Puerto Rico Ports Authority facilities are required to furnish the Authority with an Indemnity Bond or Letter of Credit, insuring the Authority against loss of any funds and indemnifying the Authority in full for the payment of bills that accrue as a result of dockage, cargo and passenger wharfage, water sales, storage, rentals, leases, warehousing, demurrage, electric current and any other charges that may accrue for services rendered by the Authority. The Ports Authority Director is authorized to determine and fix the amount of the required Indemnity Bond or Letter of Credit.
3.0.7	Insurance All users of the Ports Authority terminal facilities are required to carry bodily injury liability insurance and property damage liability insurance and to furnish certificates of insurance to the Director. Such insurance shall be in amounts not less than $500,000 combined single limit and for contract terminal operators not less than $1,000,000.

Item	Rules and Regulations
3.0.8	Pollution of Air, Water and Land It is unlawful for any person, firm or corporation to deposit, place or discharge into the waters of the port and facilities, any ballast, dunnage, sanitary sewage, butcher's offal, garbage, dead animals, gaseous liquid or solid matter, oil, gasoline, residium of gas, calcium, carbide, trade waste, tar or refuse, or any other matter which is capable of producing floating matter of scum on the surface of the water, sediment or obstruction on the bottom of the waters, or odors or gases of putrefaction, or in land. All vessels and all persons using Ports Authority facilities shall take every precaution to avoid pollution of the air and land. Authority air pollution control procedures will be strictly enforced. In addition to these regulations, all appropriate federal, state and local laws, rules and regulations pertaining to air and water pollution shall be rigidly observed.
3.0.9	General The Ports Authority shall control the allocation of all space, covered or open on its properties. All persons using Authority's property in any manner shall strictly coordinate with the Authority and comply with such allocation of space. The Authority may move freight or other articles, at owner's or agent's risk and expense, in order to enforce this Item. In all cases, the objective of space allocation is to insure maximum flexibility and utilization of available space, both covered and open, and the Authority shall be the sole judge in the matter.

Item	Rules and Regulations
3.0.10	Damages to Facilities All vessels, their owners or agents, and all other users of the facilities, shall be held responsible for all damage to the facilities occasioned by them. The Ports Authority might detain any vessel or other watercraft responsible for damage to the facilities until sufficient security has been given for the amount of damage. It shall be the responsibility of the users of the facilities to report any damage occasioned by them to the Ports Authority immediately. It shall be unlawful for any person to wilfully or carelessly destroy, damage, disturb, deface, or interfere with any buoy, float, life preserver, sign, notice or any other Ports Authority property whatsoever under the jurisdiction of the Authority. (a) Every person and every vessel responsible for any damage to any Authority's property of any kind or character under the jurisdiction of the Authority shall be held liable for and charged with the cost and expense of the replacement or repair of the property so damaged or destroyed. The expense of repairing said damage shall be charged against the person or vessel, or both responsible thereof. (b) In the event any damage is done to any wharf, wharf premises, facility or other property, owned by the Puerto Rico Ports Authority and in the possession of, or under the supervision, management or control of the Authority, the person or persons causing, responsible for, or in any way connected with such damage, and the person or persons to whom the wharf, wharf premises, facility or other property owner, operator, o agent of any vessel,

Item	Rules and Regulations
	vehicle, or other instrumentality involved in such damage, shall promptly file a full report thereof with the Ports Authority Executive Director stating the date and hour the damage ocurred, the names and address, or, if unknown, a description of witnesses and other persons, vessels or instrumentalities involved in the damage, as well as all other pertinent facts and information that may be available. It is unlawful for any person to refuse, neglect or fail to make or give any such report in the form and manner aforesaid, and, in addition to the general penalties prescribed in this Tariff, any such person who so refuses, neglects or fails, may be denied the use of wharf or other facility until the Authority has been fully reimbursed for any such damage.
3.0.11	Emergencies Anyone on the Authority's property at any time who becomes aware of an emergency situation of any nature shall notify a responsible Ports Authority representative by the fastest means, while taking such immediate direct action as may be appropriate. In case of fire on board a vessel docked in a Ports Authority facility such vessel should sound five (5) prolonged blasts of its whistle or siren, each blast to be from four to six seconds duration, to indicate a fire on board, or on the wharf at which the vessel is berthed. Such signal should be repeated at intervals to attract attention and be used as an additional method for reporting a fire.

Item	Rules and Regulations
3.0.12	Explosives, Inflammables, and Other Hazardous Materials Explosives, inflammable and other hazardous commodities or materials will not be handled over or received on the wharves or other facilities of the Ports Authority until and unless approval is obtained from the United States Coast Guard and the Ports Authority. Such approval must be obtained by filing with the Authority and the United States Coast Guard the form Application and Permit to Handle Hazardous Materials within at least 48 hours in advance to ship's arrival. Ships transporting such materials not to be discharged but berthed at Ports Authority facilities shall also with at least 48 hours in advance notify the U.S. Coast Guard and the Ports Authority such information regarding these types of commodities which shall also be specifically reported and included in the Docking Application and Permit. The Ports Authority may refuse the use of its facilities or waterfront for the handling, stowing, loading, discharging or transportation of such explosives or dangerous articles which are considered by the Ports Authority Director as offering undue risk or exposure to risk. Wherever a ship transporting explosives, inflamables or other hazardous materials is berthed at a Puerto Rico Ports Authority facility a copy of the Hazardous Cargo Manifest shall immediately or before ships arrival be filed with the Puerto Rico Ports Authority Maritime Bureau Operations Section.
3.0.13	Loitering on Ports Properties It is unlawful for any person to loiter on the properties of the Puerto Rico Ports Authority. It is unlawful for unauthorized persons to enter cargo movement or handling areas.

Item	Rules and Regulations
	Persons using the pier facilities will do so at their own risk, and the Puerto Rico Ports Authority will assume no responsibility for the ocurrence of injuries or damages resulting therefrom.
3.0.14	Hot Work Hot work is any operation involving oxyacetylene or electric welding, burning, cutting or other heat producing activities. Hot work shall not be conducted on any waterfront facility or vessel moored there to when dangerous cargo is presented unless a property executed and valid Coast Guard Welding and Hot Work Permit (Form-CG-4201) is on file at the pier and advance notification has been given to the Captain of the Port, U.S. Coast Guard and the Puerto Rico Ports Authority.
3.0.15	Signs Painting signs on structure or facilities belonging to the Puerto Rico Ports Authority is prohibited without prior approval. Signs to be erected on the port facilities shall be furnished by the port users and erected or displayed by the user after the Executive Director shall have approved the design, material and size of said signs. All signs will be uniform.
3.0.16	Smoking It is unlawful for any person to smoke or to light a match upon, or in, ay port facility when such act is prohibited by the Authority, the Commonwealth of Puerto Rico Fire Service or the U.S. Coast Guard.

Item	Rules and Regulations
3.0.17	Solicitation It is unlawful for any person to solicit or carry on any business on the Authority property without previously obtaining a permit from the Puerto Rico Ports Authority as required by this tariff or any other regulation.
3.0.18	Vehicles It is unlawful to park automobiles in any prohibited area or to park any automobile, truck, trailer or any other vehicles in loading zones for any longer period than is necessary to load or discharge cargo or passengers. All vehicles entering the port facilities not engaged in the transportation of cargo shall park in the areas designated by the Puerto Rico Ports Authority Maritime Bureau. It is unlawful for any motor vehicle to be stored on any wharf unless such vehicle shall have been first drained of all gasoline or other liquid petroleum products, except at such places as the Authority may designate.
3.0.19	Security Puerto Rico Ports Authority officer as well as those of the steamship companies, agents or stevedoring companies may inspect any vehicle at the entrance or exit of any of the pier facilities when they deem it pertinent. It is the responsibility of all Port users to furnish their own security when they have cargo, vessels, other property and/or responsibility on pier facilities. Watchmen so used must have identification from the Ports Authority Security Office. Such identification will be requested through the Security Chief who will maintain a list of all watchmen. All watchmen employed, whether armed or not, are required to understand and speak clearly understandable English.

Item	Rules and Regulations
	The personal safety provided by employed watchmen requires advance notice of such intended guard activity to the Dock Superintendent in charge of the applicable Transit Shed, the Duty Officer and the Ports Authority Security Chief or representative. The Ports Authority and its security personnel are not obliged in any manner for the custody of property, cargo, vehicles, vessels or facilities of the users in the premises of the Authority. Security watchmen and/or supervisors of the Authority will observe only for the security and protection of the Ports Authority properties and will cooperate in other aspects of law violations with the Puerto Rico Police. The Puerto Rico Police in a contract with the Ports Authority and through the Port Police will render a general police service like the one render to the community to prevent and avoid crimes and law violations as well as other general police actions.
3.0.20	<u>Radioactive and/or Missile Materials</u> No person shall store, keep, handle, use, dispense or transport at, in, or upon any facility or other property under the jurisdiction and control of the Puerto Rico Ports Authority, any special nuclear material, including, but not limited, to Uranium 233, Uranium 235, Plutonium 239, Plutonium 241; any source material, including, but not limited to, uranium and/or thorium; any irradiated fuel elements; any new reactor fuel or elements thereof; any radioactive material moving under special permit or escort without at least 48 hours prior written notice to and receipt of special permit from the United States Coast Guard and the Ports Authority Maritime Bureau provided, however, that only advance notice is required for the movement of medical or industrial isotopes other than those specifically included in the aforementioned, when packaged, marked, labled and limited as to quantity and radiation emissions in accordance with the United States Coast Guard regulations relating to the transportation of explosives and other dangerous articles.

Item	Rules and Regulations
	The requirements of this Item shall be in addition to all those laws and regulations promulgated by other governmental agencies excercising jurisdiction over radioactive and/or missile materials.
3.0.21	Empty Drums, Etc., Must Not Remain on Wharf Empty drums, tanks, barrels, and other containers, used for the storage or transportation of gasoline, distillate, kerosene, or other flammable products, shall not be allowed to remain on any wharf or landing area after sunset of the day received without securing special permission to so from the Chief Puerto Rico Ports Authority Maritime Bureau, subject to the approval of the U.S. Coast Guard and Chief Industrial Security of the Authority.
3.0.22	Fire Fighting Apparatus It is unlawful for any person to obstruct or interfere with the free and easy access to, or to use, remove or in any manner disturb, any fire extinguisher, fire hose, fire hydrant, or any part of any fire sprinkler system, or any other fire fighting appliance or apparatus installed in or upon any wharf, warehouse or other building, structure or premises under the jurisdiction of the Authority, except for the prevention of fire; provided, however, that nothing herein contained shall prevent making necessary repairs or tests by any person duly authorized to do so.
3.0.23	Spark Protector Necessary Every steam or spark producing engine when used upon any wharf or landing area, and every pile driver when working on or alongside any wharf, must have upon its smokestack a bonnet or spark catcher that will effectually prevent sparks from falling upon such wharf or upon the deck of any vessel. In operating any donkey or hoisting engine in or under any shed, there must be, provided by the owner or operator a bent or curved pipe, with spark arrestor, extending to the outside of the shed, and owners or operators of such engines must clean and remove all ashes, cinders and waste coming out of engines.

Item	Rules and Regulations
3.0.24	Persons not Allowed from Certain Premises It is unlawful that any person under the influence or apparently under the influence of intoxicating liquors to enter or be on any terminal or other premises where flammable or combustible liquid cargo is present or is being handled, and it is unlawful for any person on any such terminal or facilities to behave in a disorderly manner.
3.0.25	Sand for Absorbing Waste Oil Suitable sand shall be kept in buckets and used for absorbing waste oil which may fall upon the floors or wharves, and such sand, when saturated, shall be removerd to a safe place outside the wharf and facilities. It shall be the duty of persons holding berth assignments to comply with and enforce this role in the wharves assigned to them.
3.0.26	Speed Limit on Wharves Any person operating or driving a motor vehicle or other vehicle upon any wharf, or within any transit shed, warehouse, or enclosed marine terminal area, or in any other area where cargo is actually being handled, shall operate or drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and use of the wharf, transit shed, warehouse, enclosed marine terminal area or cargo-handling area, and it shall be unlawful for any person to operate or drive a motor vehicle or any other vehicle upon such wharf, transit shed, warehouse, enclosed marine terminal area, or cargo-handling area at such a rate of speed or in any manner so as to endanger the life, limb or property of any person, or to operate or drive any motor vehicle or any other vehicle on any such wharf, transit shed, warehouse, enclosed marine terminal area or cargo-handling area at a greater rate of speed than ten (10) miles per hour.

Item	Rules and Regulations
3.0.27	Inside Fencing All fencing inside transit sheds, warehouses and terminals must be authorized by the Ports Authority Director. All original fencing or subsequent modifications will be installed at the expense of the applicable port user. After installation, the fencing becomes a property of the Puerto Rico Ports Authority, and the Authority reserves its rights to require its removal by the party installing it, in the event of vacating the facility or for any other just cause.
3.0.28	Unlawful to Fish from or Use Any Berth, Wharf or Other Area Without Assignment or Other Permission It is unlawful for any person to fish from or otherwise use in any manner, or for any vessel or any owner, agent or operator thereof to use in any manner, any berth, wharf, wharf premise, or other area under the jurisdiction of the Authority without first securing an assignment or other permission to do so.
3.0.29	Making Fast or Remaining at Wharf Without Consent of the Authority It is unlawful for any person to make any vessel fast, or to cause or permit any vessel to be made fast, to any wharf, or to cause or permit any vessel to remain fastened to any wharf, or to be or remain moored immediately in front thereof, without the consent of Puerto Rico Ports Authority Maritime Bureau and it is unlawful for any vessel to remain fastened to any wharf, or to remain moored immediately in front thereof, after the consent to so remain fastened or moored has been revoked or withdrawn by the Authority. For the purpose of this Item, each period of 24 hours, or fraction thereof, during which any violation exists or continues, shall be considered a separate offense and shall be subject to the penalties provided in this Tariff for each such separate offense.

Item	Rules and Regulations
	Any vessel made fast to or moored in front of any wharf, or remaining fastrened to or moored in from of any wharf, in violation of this Item, shall be subject to removal by or at the orders of the Chief Puerto Rico Ports Authority Maritime Bureau and at the risk and cost of such vessel, its agent or owner, to such other place as the Chief Maritime Bureau may direct.
3.0.30	Vessels Extending Beyond a Pier or Occupying an Outside Berth Area Every vessel lying at any wharf whose stern or bow entends beyond the edge or end of any wharf, and every vessel lying alongside another vessel berthed at a wharf (outside berth), shall, while occupying such position be responsible for any and all damages to itself and to any other vessel.
3.0.31	Unloading Garbage from Vessels Prohibited It is unlawful to unload, remove or discharge, or cause, suffer or permit to be unloaded, removed or discharged, from any vessel in the Ports Authority facilities any garbage or refuse matter of any king; provided, however, that any garbage or any refure matter may be unloaded, removed, or discharged from any vessel into such other vessel or vessels or such other vehicle or vehicles as may be coordinated with the Ports Authority Maritime Bureau and his approval for the collection or disposal of garbage or refuse matter and after due assurance of complying with the United States Department of Agriculture, United States Coast Guard and any other local or federal agency regulations or federal and local laws.
3.0.32	Responsibility for Payment All bills are due upon presentation and, unless other arrangements with the Ports Authority are made, are payable, in cash, by the user, vessel, their owners, agents, stevedores or others. The Ports Authority will not permit the movement of cargo from or across or through its facilities or may withold permission to occupy or use, such facilities, appurternances and equipment; until all tariff rates and charges have been

Item	Rules and Regulations
	paid except that the Ports Authority may voluntarily extend credit arrangement to give settlement of aforesaid rates and charges. Vessels or authorized agents will not permit the movement of cargo direct to or from ships tackle and land and water carrier until the permission of the Authority as specified in this item has been obtained. Errors if any will be rectified by adjustment or amendment based on information received subsequent to the issuance of the original bill.
3.0.33	Time Limit for Filing Claims All claims against the Authority shall be filed with the Authority within a term of one year from the day the first bill or bills are presented. Claims against Puerto Rico Ports Authority will have a year prior to the filing of this tariff to be ratified. No refunds or adjustments will be made on any claims filed after this established time limit.
3.1	DOCKAGE
3.1.1	Any vessel berthing at or making fast to a Ports Authority wharf, pier or bulkhead structure, or mooring to another vessel so berthed, shall pay dockage at the rates named herein.
3.1.2	Dockage rates shall apply per gross register ton of the vessel as ascertained from Lloyds Register, ship license or certificate and the highest will be used to assess the rate.
3.1.3	The period of time for which dockage shall be assessed against a vessel shall commence when such vessel is made fast to a wharf, pier, or bulkhead structure, or to another vessel so berthed, and shall continue until such vessel is completely freed from and hs vacated such berth.
3.1.4	Dockage shall be assessed for each period of 24 hours or fraction thereof during which a vessel is at berth.

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3.1.5	No dockage will be assessed against:
3.1.5.1	A vessel while actively engaged on service during docking or undocking maneuvers as a tugboat when made fast to another self-propelled vessel which is being charged dockage. This exemption will not apply if the tugboat stays fast to the other vessel beyond the time of rendering services.
3.1.5.2	Combat or training vessels, including vessels auxiliary thereof, of the United States of America, or of any other nation, or any vessels of the Commonwealth of Puerto Rico, when in the opinion of the Executive Director of the Ports Authority conditions warrant the temporaty suspension of regular dockage charges.
3.1.5.3	Passengers or tourist ships starting services on cruises using the pier facilities of the Puerto Rico Ports at San Juan are exempted from dockage in their maiden trip. This exemption is granted to true maiden trips and is not applicable to ships changing agent, owner or name and already rendering or having rendered services to the Port of San Juan.
3.1.5.4	Vessels participating in regattas or maritime activities duly recognized by the Puerto Rico ports. In these cases the previous written approval by the Ports Authority Executive Director is required.
3.1.6	Any type of berthing not covered above will be assessed a fee of the Dockage, NOS Rate (Item 5.1.7), per gross registered ton per day or fraction-thereof.
3.1.7	When a vessel shifts berth by request of the Ports Authority, dockage will be assessed starting at the time the ship is made fast to the first wharf, pier or bulkhead until the time it leaves the last pier. If a ship shifts berth for her benefit or that of her agent, dockage will be assessed separately at each wharf, pier or bulkhead.
3.1.8	Vessels regularly serving Puerto Rico while on repairs or schedule maintenance when berthed at a Ports Authority facility will be assessed half dockage after proper arrangements for use of berth are made with Ports Authority Officers. Vessels not regularly serving Puerto Rico will similarly be assessed 60% of the regular dockage charge.

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3.1.8.1	When arrangements for a berth for maintenance or repairs are made, the vessels so authorized will be subject to shift berth as required by the Ports Authority if the berth is so needed.
3.2	WHARFAGE
3.2.0.1	Statements Required The owner, agent, master or other person in charge of a vessel or cargo must furnish to the Pier-Superintendent at the pier facility where such vessel is discharging or loading or Authority Billing Office, complete copies of the vessels manifest and/or bill of ladings or waybills, freight bills showing names of consignees or consignors and the weight and measurements of all freight or other such information data or documents as may be necessary to develop statistical records and insure the proper assessment of charges. All users of the ports and facilities under the jurisdiction of the Puerto Rico Ports Authority shall be required to permit access to their files and transportation documents necessary for the purpose of audit or ascertaining correctness of documents furnished.
3.2.0.2	Right to Refuse the Handling of Cargo The Puerto Rico Ports Authority reserves the right to deny the handling of any commodity through its facilities which is deem unreasonable (commodities which may constitute a hazard or creates situations affecting the operation or damaging or dirtying the facilities in an abnormal manner or creating pollution).
3.2.1	As established in this tariff wharfage rates shall apply either per hundredweight or per cubic foot of the cargo subject to wharfage charges so as to conform to the method used by the ocean carrier for its computation of freight charges (i.e. as freighted).

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3.2.2	When freight charges are computed by the ocean carrier and shown on the manifest or shipping documents on the basis of either weight or measurement, wharfage shall be assessed as so computed and manifested.
3.2.3	When the basis of the freight charge is not shown on a manifest or shipping document or when the basis of the freight charge is a unit other than weight or measurement (i.e. per package, etc.), wharfage shall be assessed on the basis of weight or measurement, whichever will yield the greatest revenue.
3.2.4	In the case that no information is provided as to cargo weight or measurement and it is difficult to determine the basis to assess the wharfage charge, a factor of 25 lbs. per cubic ft., will be used by the Authority for such determination. In this case the wharfage will be assessed on the result yielding the highest revenue.
3.2.5	Containers or flat-bed trailers held on the container company's holding area originally manifested for transhipment to other destinations without change in form or content, including both loaded and empty containers, shall be assessed wharfage only on the inbound movement providing these containers do not exceed ten (10) working days in the holding area. Those that exceed this period will be charged outbound wharfage at normal rates.
3.2.6	Cargo loaded on or discharged by vessel while berthed at a Ports Authority facility, to or from a barge, scow, or lighter, or another vessel alongside shall be assessed wharfage at one half of the rates presented above.
3.2.7	Cargo transferred from one vessel to another at a Ports Authority facility without change in form or content, including both loaded and empty containers, shall be assessed wharfage only on the inbound movement.

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3.2.8	Wharfage Exemptions
3.2.8.1	Ship's supplies and repair materials and supplies provided they are intended for the vessel's own use, consumption or repairs not including fuel.*
3.2.8.2	Cargo handling and stevedores' tools, pallets, equipment, and appliances which are taken on a wharf, pier or bulkhead structures for the purpose of loading or discharging a vessel then berthed at the facility. If such tools, equipment and appliances are left or remain at the pier after conclusion of operations they will be subject to demurrage starting twelve (12) hours after the conclusion of operations.
3.2.8.3	Passenger's baggage, provided it be carried on the same vessel as the passenger, and no revenue for its transporation is collected by the water carrier.
3.2.8.4	Petroleum and petroleum products in bulk which are pumped back from vessel to a tank at the same facility as originally loaded, if they have pay one wharfage charge when loaded from the tank to the vessel in the first place.
3.2.8.5	Ballast in bulk, which is not manifested as cargo, has no commercial value, and is handled directly between the vessel and a barge or tank.
3.2.8.6	Dunnage and ship lining used in the stowage or bracing of cargo which is discharged from and reloaded to the same vessel within 30 days.
3.2.8.7	Scrap dunnage or scrap ship lining discharge from a vessel, provided it has no commercial value, has been used on the vessel for dunnage or bracing of cargo, and is not to be reused for these purposes.
3.2.8.8	Cargo which a vessel discharges and reloads prior to departure in order to load or discharge other cargo.
3.2.8.9	On loaded containers as such, but only on the contents of such containers, which will be assessed wharfage.
	*This exemption is limited to not more than eight (8) long tons, (2240 lbs.) per ship. Over this amount regular wharfage will be assessed.

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3.2.8.10	Merchandise or cargo, including liquid products which are received in Puerto Rico or are sent from Puerto Rico to other countries for assistance purposes in natural disaster cases or of any other nature which are recognized by the Ports Authority Executive Director will be exempted of paying wharfage when this is recognized in writing by the Executive Director of the Puerto Rico Ports Authority.*
3.2.9	The Puerto Rico Ports Authority may initiate, without a resolution approved by the Puerto Rico Ports Authority Board of Directors, the adoption of changes for clarifications, improvements or additions to this tariff, which do not represent substantial variations and file such changes directly with the Federal Maritime Commission.**
3.3	SERVICE OR WHARFAGE FEE FOR VESSELS CARRYING PASSENGER OR CRUISE SHPS
3.3.1	Vessels carrying more than 12 revenue passengers or cruise ships which berth at a Ports Authority wharf, pier, or bulkhead structure shall pay a per passenger fee based on the revenue passengers or tourists whose names appear in the passengers or tourist list upon arrival of the vessel, and on the number of revenue passengers or tourists who initiate or terminate a voyage on the vessel.
3.3.2	The passenger fee shall not apply to those passengers or tourist disembarking in Puerto Rico from the same voyage of the same vessels on which they began their trip, provided they began their trip at a Ports Authority facility and were included in the number of passengers used to determine the passengers fees paid by the vessel at that time.

*Effective since September 18, 1989.
**Approved by the Secretary of Transportation and Public Works by Resolution No. 87-22 of May 20, 1987.

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3.3.3	The passenger fee shall be paid by the agent or representative of said ship in Puerto Rico within thirty days after date invoice. In case of ships whose owners have no agent in Puerto Rico, the charge shall be paid by the captain of the ship before said ship has departed. Any sum due for the passenger fees prescribed above which is not paid within the term fixed will accrue interest at the maximum legal rate of interest allowable under the laws of Puerto Rico.
3.3.4	The Executive Director of the Authority is empowered to establish such rules, standards, and procedures as he considers convenient and adequate to attain the highest efficiency and promptness in the collection of the fees prescribed above.
3.3.5	Passengers or tourist ships starting services or cruises using the pier facilities of the Puerto Rico ports at San Juan are exempted from passenger or wharfage fees in their maiden trip. This exemption is granted to true maiden trips and is not applicable to ships changing agent, owner or name and already rendering or having rendered services to the Port of San Juan.*
3.3.6	Ships and cargo of charitable institutions engaged to provide assistance to move from Puerto Rico to United States for a period for four (4) months beginning June 1987 are exempted from all ports and pier charges assessed by the Puerto Rico Ports Authority.

*Effective as of November 1, 1985.

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3.4	PORT SERVICES CHARGES Every vessel entering and using a port of Puerto Rico or adjacent islands will be assessed a charge on the basis of the gross tonnage of the vessel.
3.4.1	Port Services Charges shall not Apply to:
3.4.1.1	Every ship exclusively engaged in marine trade between Puerto Rican ports when holding an annual license issued by the Puerto Rico Ports Authority. This exemption does not apply for any occasion in which the ship is used for services in other than Puerto Rico ports. In these occasions such vessels will be charged at least for a day when departing and a day for arriving or for the whole time the loading and/or unloading operations are conducted if the vessel continues with such services.
3.4.1.2	Every minor vessel exclusively engaged in trade in a same port when holding an annual license issued by the Puerto Rico Ports Authority. This exemption does not apply for any ocassion in which the ship is used for services in other than Puerto Rico ports. In these occasions such vessels will be charged at least for a day when departing and a day for arriving or for the whole time the loading and/or unloading operations are conducted if the vessel continues with such services.
3.4.1.3	Every ship bringing its own catch of fish to be unloaded in Puerto Rico.
3.4.1.4	Every tourist ship known as cruise ship, passenger ships and ferryboats not carrying cargo. If carrying cargo exemption is limited to 50%.
3.4.1.5	Every ship entering ports exclusively for taking the necessary water, provisions or fuel in order to continue its voyage.

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3.4.1.6	Every ship entering port exclusively for making indispensable repairs in order to continue her particular voyage. Indispensable repairs mean those necessary to allow the normal seagoing movement of the ship such as repairs of the propellers, rudder, fuel or water supplies systems, generators, navigational lights, hull repairs which if not made will endanger the ship navigation. To qualify for this exemption the agent, master or owner of the ship shall provide evidence of proof and certify beforehand the repairs to be made and estimated termination time of the repairs to the pier control officer, pier superintendent or the Authority Maritime Bureau.
3.4.1.7	Any ship the property or under the control of the governments of the United States, Puerto Rico or foreign countries, not engaged in marine trade.
3.4.1.8	Every ship entering port with the purpose of loading or unloading persons or things in aid of persons injured by disasters which have occured in Puerto Rico or in any other country which may be exempted by the Executive Director of the Ports Authority.
3.4.1.9	Every vessel offering regular services at Puerto Rico ports while docked at a Ports Authority facility and conducting scheduled maintenance or repairs specially at these piers. Similarly vessels on irregular services and conducting maintenance will be assessed only 25% of the port service charge.
3.4.1.10	Every ship used for research and/or studies belonging to non-profit organizations and in non-revenue operations at the port.
3.4.2	Payment of the port services charges and of any fines which may have been imposed pursuant to the provisions of law of the captain, consignee, agent or person or master in charge thereof, shall be made at the corresponding offices of the Ports Authority although no request for payment is made.

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3.4.3	The vessel's gross tonnage shall be ascertained from Lloyd's Register,, the vessel's register, license or other official documents and, in the absence of such documents, upon a fair estimate made by the Ports Authority. Whenever there is more than one tonnage the Ports Authority will use the highest to apply the charges.
3.4.4	No vessel may leave port without first having paid the amount of the port services charges prescribed above and of any fines which may have been imposed pursuant to the provisions of law on the captain, consignee agent, or person or master in charge thereof; but in case any vessel should do so, the owner thereof, if he resides in Puerto Rico, or his consignee, agent or person in charge at the port at which such fees have accrued, shall be liable for the payment of such fees and of the fines imposed.
3.4.5	The Authority or his representative may detain any outgoing vessel until payment has been made of the port service charges prescribed above and of any fines which may have been imposed pursuant to the provisions of law on the captain, consignee, agent or person, or master in charge thereof.
3.5	FREE TIME AND DEMURRAGE
3.5.1	The payment of the wharfage rates prescribed in this tariff will entitle inbound cargo to the use of the transit area of a Ports Authority wharf, wharf premise, pier or bulkhead structure without additional charge during all or any part of the period during which the vessel on which it has moved is discharging cargo, and will entitle outbound cargo to the use of this area during all or any part of the period during which the vessel on which it is to move is loading cargo, plus a free-time period of fice (5) working days, except for the Ports Authority facilities at Mayaguez, where the free-time period is ten (10) working days except for the following:

Item	Rules and Regulations
3.5.1.1	Shipments of one commodity or one consignee, imported as well as exported, in excess of 3,000 tons and up to 4,999 short tons, a free-time period of six (6) working days, in excess of 5,000 short tons of the same commodity or for the same shipper, a free-time period of seven (7) working days.
3.5.1.2	Cargo not in containers, or loose, originally manifested for transhipment to other ports without change in form or contents paying only incoming wharfage, a free-time period of ten (10) working days. In case the transhipment is not made in ten (10) working days, and the cargo stays at a Ports Authority pier the free-time will be extended in five (5) additional working days with the condition of paying outgoing wharfage. Cargo for transhipment remaining in the pier in excess of fifteen (15) working days will pay demurrage according to the rate established in this Regulation and will pay in addition outgoing wharfage, if reembarked. If the cargo is not reembarked, it will be subject to the provisions of Items 3.5.8, and 6.2. If the cargo is lifted from the pier to a warehouse which does not belong to the Ports Authority during the period from the eleventh to the fifteenth days it will not b considered as transhipment cargo and will pay demurrage as if it were inbound cargo or over the regular free-time of five (5) working days. The steamship line will have the responsibility to present all documents evidencing that the shipment concerns transhipment cargo so that it will have the right which in this connection is established.

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3.5.1.3	Cargo in containers held in the pier (transit area) and/or the company's holding area originally manifested for transhipment to other destinations without change in form or content, including both loaded and empty containers, a free-time period of ten (10) working days. Cargo that exceeds this period and up to fifteen (15) working days will be charged an additional wharfage fee. Cargo remaining in the pier (transit area) in excess of fifteen (15) working days will pay demurrage according to the tariff in effect and will pay in addition outgoing wharfage for transhipment if reembarked as indicated in Item 5.2.9. The steamship line will have the responsibility to present all documents evidencing that the shipment concern is transhipment cargo so that it will have the right which in this connection is established.
3.5.1.4	Import cargo which requires clearance from Customs and the Departments of Health or Agriculture, a period of six (6) working days.
3.5.1.5	Export cargo to foreign countries, a period of six (6) working days. Cargo of federal or state government for purpose of education, health, public aid to attend emergency situation, when exceeding 1,000 tons a free-time period of seven (7) working days.
3.5.1.6	Cargo consigned to or to be shipped by an embassy or members of foreign diplomatic corps which is considered as diplomatic cargo, particularly furniture and household appliances or effects, up to a maximum of 4,000 pounds, a free-time period of fifteen (15) working days.
3.5.1.7	All cargo to be moved through the San Juan Free Trade Zone disregarding its volume and whether it is loose or containerized cargo and disregarding if it is transhipment cargo or not which later is going to be processed or enter the local trade will have a free-time period of ten (10) working days. This cargo will be subject to wharfage for inbound cargo and wharfage for outbound cargo when it is correspondingly shipped.

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3.5.2	Commencement of Free-Time Period The free-time period for incoming cargo will commence at the first midnight after the vessel from which it has been landed finished unloading, or vacates her berth, whichever happens first, and the free-time for outgoing cargo will commence on the first midnight after the merchandise is placed on the pier or pier premises. Free-time for cargo unloaded from a ship starting her operations at a pier and shifting to another to finished, will commence on the first midnight the ship finished operations in the second pier.
3.5.3	Cargo remaining in the transit area of a Ports Authority wharf, wharf premises, pier, or bulkhead structure after the close of its free-time period shall, at the option of the Ports Authority, be placed in public storage at the risk and expense of the goods, or assessed demurrage rates.
3.5.4	Outbound empty containers delivered to the transit area of a Ports Authority wharf, wharf premises, pier, or bulkhead structure prior to the time the vessel on which they are to move commences loading, and inbound empty containers remaining in such area after the vessel on which they have moved completes discharges, shall at the option of the Ports Authority, be placed in storage at the risk and expense of the owner or assessed demurrage as prescribed in Item 6.2.5 of this Tariff.
3.5.5	Cargo originally manifested to be transferred from one vessel to another at a Ports Authority facility without change in form or content, including both loaded and empty containers, shall be considered as inbound cargo and containers from the standpoint of its right of the Ports Authority to place it in storage and/or to assess demurrage.
3.5.6	Any cargo or container which is received and deposited in a pier and is not shipped will be subject to demurrage. This wil be assessed demurrage commencing at the time the cargo or container is deposited until it is dispatched.

Item	Rules and Regulations
3.5.7	Any cargo for which the basis to ascertain demurrage is not shown in the manifest or shipping documents will pay demurrage either per hundredweight or cubic feet whichever yields the highest revenue to the Ports Authority, applying instead Article 3.2.4 to the demurrage, if necessary.
3.5.8	Cargo Left on Demurrage, Cargo Damaged or Cargo Abandoned at the Docks
3.5.8.1	All cargo remaining at the docks is the responsibility in the first instance of the steamship line or in turn of the consignee or the agent of any of them who will answer to the Authority for any charges accrued, should the cargo be sent to public warehouses or remain abandoned at the pier.
3.5.8.2	The rates or charges owed to the Authority for demurrage constitute a first lien upon the cargo.
3.5.8.3	Whenever the cargo accrue demurrage for twenty (20) days, the Authority will notify the consignee, steamship line and agents that if the cargo is not removed within a period of ten (10) calendar days, the Authority will proceed to dispose of the cargo through public bids, sealed or by the procedure of voiced (auction) system which wil be announced in the local press. The money proceeding from the auction will be credited against all charges owed to the Authority including all expenses incurred by the Authority. The steamship line or consignee or the agent of any of them will be hold responsible for the payment of the charges not covered by the product of said auction. Any money in excess will be returned to the steamship line or consignee or the agent of any of them.

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3.5.9	Demurrage on Cargo sent to Bonded Warehouse
3.5.9.1	All cargo imported from foreign countries subject to the payment of federal custom tariffs and to be sent to bonded warehouses after the coordination between the Customs Inspector, the Authority Pier Attendant and the steamship line or agent will be dispatched from the pier accompanied with the official Bureau of Customs form which will be prepared by the steamship line and the Authority will, in turn, proceed to bill the steamship line the demurrage accrued as the responsible party.
3.5.9.2	Through the official Bureau of Customs form, the shipping line or its agent, in accordance with the contract established by the Docking Permit will require payment of the demurrage charges accrued from the consignee and the bonded warehouse designated by the Bureau of Customs will make sure that said cargo is not dispatched from its warehouse until the shipping line has been duly paid.
3.5.9.3	The public warehouse will respond to the shipping line of charges for demurrage of cargo dispatched from their warehouses when the warehouse has allowed its dispatch without due reimbursement to the shipping line.
3.5.10	Extensions of Free-Time Period
3.5.10.1	The free-time period can be extended whenever there is a just cause as determined by the authorized official to grant the extension as provided in Item (b) of this Article to that effect. Examples of just cause are storms, torrential rains, floods, fires, earthquakes, accidents at the piers, works at the piers undertaken by the Authority and which may prevent or cause difficulties for the picking up or delivery of the cargo. If and extension of free-time period is granted, it will be extended for the same number of days in which cargo could not be hauled away in cases of import cargo and for the number of days in which the vessel was unable to work cargo in cases of exports only through an application in writing made by the consignee, the steamship line or the agent, or by any of them. The Application must be sent to the Authority as soon as there is knowledge that a just cause exists.

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	b. In cases in which the period to be extended does not exceed five (5) working days and after the corresponding justification, authorization is given to the Chief of the Maritime Bureau of the Authority to approve such extensions. In excess of five (5) working days and up to a maximum of twenty (20) working days, free-time can only be extended with the approval of the Executive Director and in excess of twenty (20) working days, with the approval of the Puerto Rico Ports Authority Board of Directors.
3.5.10.2	When the free-time period expires a Friday, it will be extend until midnite of next sunday. If it expires the day before a holiday it will be extend until midnite of such holiday.
3.6	RULES FOR SERVICES OR MISCELLANEOUS USES
3.6.1	Water
3.6.1.1	Fresh water will be supplied to vessels as per established rate to recover all costs of rendering such services depending on whether the vessel uses or not its own hoses. Such rates will be established by cubic meter, plus charges per outlet and number of hoses used.
3.6.1.2	Vessels not equiped to take water by hose will be assessed the rates on a per drum of 55 gallons basis, the drum to be provided by the vessel.
3.6.1.3	All water hoses made available by the vessel must be free of leaks or Ports Authority hoses must be used.
3.6.2	Electricity Electricity will be supplied for the lighting of transit sheds at Ports Authority facilities upon request by the users at the rates and manner established in Item 5.6.1.
3.6.3	Use of Office and Telephone Any Captain, consignee, agent, person, shipping company, or owner of a vessel not having an office at a Ports Authority pier may use one to be assigned by the Pier Attendant or Ports Authority representative upon payment of the correponding charges as stated in Item 5.6.2. Telephone use is limited exclusively to local calls.

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3.6.4	Use of Cranes and Specialized Equipment
3.6.4.1	The Ports Authority does not provide use of cranes and loading or unloading equipment. Cranes and equipment left at the pier after the end of operations, at designated or non designated areas will be subject to penalty charges on a per calendar day basis. (Article 5.6.3)
3.6.4.2	The assessment of the penalty will commence the midnite of the next day the vessel finished the unloading operations and when the Pier Attendant observes that the crane is not being used in the receipt, delivery or moving of cargo in the pier. The penalty will be assessed to all cranes and equipment placed in the pier prior to 48 hour of ship loading operations unless such equipment is used for the relocation or receipt of cargo.
3.6.5	Collection of Overtime In all cases where Ports Authority personnel is used in periods over the regular working hours the Ports Authority shall be paid for the corresponding overtime in addition to the percentage of fringe benefits incurred by the Authority for the services of the pertinent employee.
3.7	ACCESS OF OFFICERS AND EMPLOYEES Every officer or employee of the Authority properly identified shall have the right of access to any vessel, wharf, or section of the Puerto Rico waterfront to conduct inspections and/or investigations to enforce the compliance of the provisions of this Regulations and no person shall obstruct or intervene in any form with such officers or employees in the performance of their duties of inspections, investigations or in their demand for the compliance of the provisions of the Law and this Regulation or in the discharge of any other duty or power vested by the Act and Regulations of the Authority.

Item	Rules and Regulations
4.0	LAND RENTALS AND LEASES
4.1	The Ports Authority may lease on a monthly basis with steamships lines serving the ports of Puerto Rico for the preferential and exclusive use of certain outside storage area. A sample of the lease is on file with the Federal Maritime Commission, and the same may be obtained at the Puerto Rico Ports Authority. All ship companies, agents or users will have equal access to these facilities, subject to availability and to the responsibility of the Puerto Rico Ports Authority to maxime the utilization and efficiency of its terminal facilities.
4.2	Land back of the berth and transit area at several Ports Authority marine terminals can be made available trough leases for acceptable uses such as public warehousing and water relate industries. The determination as to the acceptability of a proposed use of such land rests with the Executive Director of the Ports Authority.
4.3	The precise rental rate applicable to a particular parcel of such land will depend at each facility at which land is available on assessments of land values and taking into consideration the size of the particular parcel under consideration, its location in relation to the waterfront, the service highways, the existing utilities, and similar factors which have a direct bearing on rental value.
4.4	In accordance with Ports Authority policy, rental agrements, involving land at Ports Authority marine terminals, will provide for the re-establishment of the rental rate by the Ports Authority without limitation.

Item	Rates and Fees	
5.0	RATES AND FEES	
5.1	DOCKAGE	Dockage Rate Per Gross Register Ton Per 24 Hrs. or Fraction Thereof
5.1.2	Tanker vessels and tank barges while berthed at wharves, piers or bulkhead structures designed primarily for the loading or offloading or liquid cargo by pipeline.	$0.0732
5.1.3	All vessels while berthed at dry cargo wharves, piers or bulkhead structures in connection with the trade with off-shore points.	$0.1238
5.1.4	All vessels while berthed at dry cargo wharves, piers or bulkhead structures in connection with the trade with other Puerto Rico ports or the American Virgin Islands.	$0.09285
5.1.5	Dockage rates for tourist vessels known as "Cruise Ships" and for combination cargo-passenger vessels carrying more than 100 revenue passengers will be:	$0.0619
5.1.6	Vessels including those of non-profit organizations engaged in revenue producing activities while berthed.	$0.15
5.1.7	Dockage NOS.	$0.15
5.1.8	Application of the dockage rates prescribed above shall be subject to a minimum dockage of:	$10.30

Item	Rates and Fees		
5.2	Cargo which passes on, over, under or through any Ports Authority wharf, wharf premise, pier or bulkhead structure for loading to or after discharge from a vessel shall pay wharfage at the following rates:	Per CWT	Per Cubic Feet
5.2.1	Cargo using sheds at marine terminals and moving between Puerto Rico and the American Virgin Islands or other Puerto Rican ports.	$0.035	$0.018
5.2.2	Cargo using sheds at marine terminals and moving between Puerto Rico and points other than Puerto Rico and the American Virgin Islands or other Puerto Rican ports.	$0.046	$0.023
5.2.3	Cargo not using sheds at marine terminals and moving between Puerto Rico and the American Virgin Islands or other Puerto Rican ports.	$0.025	$0.013
5.2.4	Cargo not using sheds at marine terminals and moving between Puerto Rico and points other than Puerto Rico and the American Virgin Islands.	$0.032	$0.016
5.2.5	Wharfage for specific commodities will be:	Unit	Rate
5.2.5.1	Petroleum and related products handled in bulk via pipeline at wharves, piers, or bulkhead structure designed primarily for the loading or off-loading of liquid cargo in bulk.	42 gals.	$0.0143
5.2.5.2	Molasses	CWT	$0.0066
5.2.5.3	Lumber	M.F.B.M.	$1.83
5.2.5.4	Piles and Poles	M.F.B.M.	$2.22
5.2.5.5	Containers - Empty	EACH	$5.53

Item	Rates and Fees	Unit	Rate
5.2.5.6	Motorcycles, motor vehicles Up to 2,000 lbs.	EACH	$5.91
	Over 2,200 lbs. above rate, plus, in excess, per ton of (2,000 lbs.)	W/Ton	$4.94
5.2.5.6.1	Motorcycles and passenger vehicles to be transported on Cruise Ships, when the same are accompanied by the cruise passenger:		
	Outbound charge	EACH	$5.49
	No more than one (1) motorcycle or one (1) passenger vehicle is authorized per passenger. Additional motorcycles or vehicles in charge of one passenger will be assessed the rates of Item 5.2.5.6.		
	The Master of the cruise ship or her representative shall provide the Puerto Rico Ports Authority a manifest with information concerning the number of passengers and vehicles accompanied by cruise passengers with a complete description of the vehicles including mark, model, type, license plate and motor number.		
	Motorcycles and passenger vehicles when accompanied by a cruise passenger, and not considered to be a vehicle in a return trip, will pay the inbound normal wharfage charges.		

Item	Rates and Fees	Unit	Rate
	For verification purposes, vehicles discharged through the port facilities of the Puerto Rico Ports Authority, in their return trip will be exempted for the payment of the inbound wharfage charge, through the presentation of the shipping documents or manifest that will prove that such vehicles were originally shipped out through the port facilities of the Puerto Rico Ports Authority. In such cases the carrier shall provide copy of the documents of the vehicles when they were shipped out and copy of the manifest that specify that such vehicle were originally shipped out through the port facilities of the Puerto Rico Ports Authority. Trucks or containers loaded with cargo and shipped in a tourist or cruise ships will pay the wharfage rates normally assessed to the cargo. Loose cargo in cruise or passenger ships will pay the regular wharfage rates. Motorcycles and passenger vehicles brought in a passenger tourist ships that originate their trip at a port outside of Puerto Rico and that their owner provides evidence that same will be shipped back to their port of origin, will pay $5.00 at their arrival to Puerto Rico. At that moment a receipt will be provided so it can be credited for the outbound movement.		
5.2.5.6.2	Motorcycles and motor vehicles in ferry-boats or ferries embarking in the Port of Mayaguez to the Dominican Republic and which are accompanied by their owners as passengers traveling in this type of ships in accordance with Article 5.3.3.	EACH	$2.75

Item	Rates and Fees
5.2.5.6.3	No charge will be assessed to the vehicles mentioned in Article 5.2.5.6.2 when these are disembarked in the Port of Mayaguez and having departed directly from the Dominican Republic, with the understanding that ever vehicle accompanying a passenger on a round trip will pay the special charge hereby established only once when departing the Port of Mayaguez. Trucks or trailers shipped in ferryboats or ferries as cargo and/or with cargo will pay the regular wharfage charges assessed to this type of cargo the same as any loose cargo shipped in these types of ships. Any motor vehicle which accompanies a passenger in these types of ships which is disembarked at the Port of Mayaguez with the objective of not return will pay the charge established in Article 5.2.5.6.2.
5.2.5.6.4	Passenger vessels in service between the United States Virgin Islands and the Port of San Juan, Puerto Rico whose gross registered tonnage do not exceed four-hundred (400) tons and four-hundred (400) passengers may in the alternative to the provisions of Article 5.3.1 and 5.1.5 pay to the Authority a lump sum of three thousand three hundred dollars ($3,300) monthly to cover the passenger and dockage fees with the understanding that such vessels will use the piers facilities of the Authority to embark and disembark passengers during no more than five days of the week. Any additional docking day above the fifth day of the week by the ship used in the regular service as well as any additional trip by any additional vessel will be collected separately at the rate of $165 per trip.

Item	Rates and Fees	Unit	Rate
	In order to qualify and benefit from this provision, the agent, captain or owner of the vessel must submit to the Puerto Rico Ports Authority Statistical Office at the end of each month a certified statement showing the number of trips and passengers moved in and out during the month.		
5.2.5.7	Chassis, alone, not shipped as part of the container	EACH	$5.91
5.2.5.7.1	Chassis in bundles of two chassis, per bundle	EACH	$8.00
5.2.5.7.2	Chassis in bundles of three chassis, per bundle	EACH	$11.00
5.2.5.8	Livestock: Cattle, horse, mules, donkeys, ponies and all other animals NOS, per head		$2.50
5.2.5.9	Colts and calves, under one year, dogs, sheeps and goats, per head		$1.65
5.2.5.10	Animals: live, specially trained, circus show		
	In trailers, per trailer		$22.00
	In boxes or cage per cage or box		$11.00
	NOS; per 100 lbs.		$ 0.11
5.2.5.11	Stones in open exclusive use space of the Authority, to be used in the port area	CWT	$0.0165
5.2.6	Cargo, NOS	W/Ton	$1.83

Item	Rates and Fees	
		Per Weight Ton (2,000 lbs.)
5.2.7	Cargo moved in containers, using piers, with no sheds, except motor vehicles - moving in containers	$1.21
5.2.8	If such uses a transit shed for any purpose, it will be subject to an additional charge of:	$0.60
5.2.9	Transshipment cargo in containers using piers with no sheds except motor vehicles:	
5.2.9.1	If reembarked within ten (10) working days	$0.92
5.2.9.2	If reembarked within ten (10) and up to fifteen (15) working days additional charge of:	$0.041
5.2.9.3	If reembarked within fifteen (15) working days, in addition to (1) and (2) above, assessment of demurrage penalty	$0.92
5.2.9.4	If a transit shed is used for any purpose, an additional charge to the above, as determined	$0.60
5.2.9.5	Minimum per container	$5.53
5.2.9.6	Minimum wharfage per vessel	$35.00
5.3	Fees or Wharfage for Vessels Carrying Passenger on Cruise Ship	
	Per passenger, embarking, disembarking or in transit	$6.70
	Note: Embarking passengers returning in the same trip and in the same ship and disembarking at a Ports Authority facility will be charged only once. As per Item 3.3.2 of this tariff.	

Item	Rates and Fees	Unit	Rate
5.3.1	Cruise ships sheduled for two (2) port calls or more weekly (within a period of seven consecutive days) to the Port of San Juan shall be charged the following per passenger rates: a- Ships on their first port call shall be assesed the normal per passenger charge. b- Ships on their second port call during the same seven day period shall pay seventy percent (70%) of the normal per passenger charge. c- Ships on their third port call during the foregoing seven day period shall pay one third (1/3) of the prevailing passenger charge. d- Port calls in excess of three (3) in a seven day period will be assessed the per passenger charge as indicated in Paragraph "c" above.		
5.3.2	Cruise ships making more than 40 trips during twelve consecutive months will be assessed a per passenger rate of only $5.70 for each passenger carried in each trip over 40 trips based on $6.70 fee per passenger, and once the corresponding ship surpases the sum of 40 trips it will be reimbursed the amount of $1.00 accumulated by passenger.		
5.3.2.1	When there are more than one tourist, passenger, or cruise ship which belong to the same company (not agent) and jointly transporting more than 150,000 passengers, in the fiscal year commencing July 1st. these ships will be exempted of the payment of the passengers fees for each passenger over 150,000 passengers who paid the passengers fee.		

Item	Rates and Fees	Unit	Rate
5.3.2.2	In the case of passengers ferry services between the Port of San Juan and ports in the Virgin Islands the payment of a lump sum for passengers service charges may be agreed with the Authority of $202,370.00 annually, determined from the date the service is started, which will be paid quarterly in advance, disregarding the volume of passengers transported. In these cases the ship agent or ship company shall communicate in writing with the Ports Authority Executive Director as to agree and make use of this tariff. At all times in order to qualify for this tariff the ship agent or ship company will provide monthly to the Ports Authority the movement of passengers per outbound and inbound trip for statistical purposes.		
5.3.3	Passengers embarking by the Port of Mayaguez Pier facilities in ferryboats or ferries in round trips or return trips of a round trip from the Dominican Republic when such vessels make more than three trips in a period of seven days.*	EACH	$1.75
5.3.3.1	No charge will be assessed to disembarking passengers in the return of a round trip which has started at the Port of Mayaguez, but the passengers embarking in the Dominican Republic in a round trip will be subject to the regular charge when departing from the Port of Mayaguez. The ship and/or agent will have to submit the official passenger list or manifest at all instances, at departures and/or arrivals. *Returned persons or passengers to the Dominican Republic by U.S. Inmigration and Naturalization Service for being undocumented and ilegally having entered to Puerto Rico will be exempted of this charge after proper certified written notification by said federal agency.		

Item	Rates and Fees	
5.3.3.2	The provisions of Articles 3.3.2, 5.3 and 5.3.2 will not be applicable to ferryboats or ferries servicing between the Port of Mayaguez and the Dominican Republic.	
5.3.3.3	Cruise or passenger ships using Pier No. 8 will be assessed only 50% of the charges provided in Item 5.3. In these cases the provisions of Article 5.3.1, 5.3.2 and 5.3.2.1 will not apply.	
5.4	Port Services Charges	
	Port Services Charges are assessed to every vessel entering and using a port of Puerto Rico or adjacent islands, as follows:	Per Gross Register Ton Per Calendar Day or Fraction Thereof
	350 Gros Ton, or less	$ 0.08
	351 to 999 Gross Tons	0.06
	1,000 Gross Ton, or over	0.05
5.4.1	Port Service Charge Minimum	$10.25
5.5	Water Charges	
5.5.1	Fresh Water Services are as follows:	
5.5.1.1	Vessels equipped to take wate by hose at a rate of $1.75 per cubic meter with a minimum charge of $3.00 for each such vessel, plus a connection or outlet charge of $4.00. When the hose is supplied by the Ports Authority an additional $2.00 charge per hose segment.	
5.5.1.2	Vessels not equipped to take water by hose, a rate of $2.35 per drum of 55 gallons or less, the drum to be provided by the vessel.	

Item	Rates and Fees
5.6	Miscellaneous
5.6.1	Electricity Electricity will be supplied for the lighting of transit shed and open areas at Ports Authority facilities when requested by the users thereof. The charge for electricity thus supplied will be determined by applying a rate of $0.17 per kilowatt hour to the consumption as estimated by the Authority, which estimates will be controlling.
5.6.2	Use of Office and Telephone Any captain, consignee, agent, per on, shipping company, or owner of a ship not having an office at a Ports Authority pier may use one to be assigned by the Pier Attendant or Ports Authority representative. Upon a charge of $10.00 for the office and $5.00 for the use of telephone per ship. The telephone use is limited exclusively to local calls.
5.6.3	Use of Cranes and Specialized Equipment Cranes and equipment left at the pier after the end of operations, at designated or non designated areas will be assessed a fee of $25.00 per calendar day or fraction thereof. Agents or representatives will in addition be hold responsible for violations to any Ports Authority resolution or regulation concerning the leaving of equipment in the pier without the corresponding authorization.

Item	Rates and Fees		
6.0	PENALTIES		
6.1	General - For not Submitting Documents: All necessary billing documents must be filed either at the piers office or Authority Billing Office not later than five (5) working days after completing loading or unloading will be penalized with a one per cent charge for missing documents for every additional five day period or fraction thereof.		
6.2	For Demurrage Will be as Follows:	Per CWT	Per Cu. Ft.
6.2.1	For each of the five calendar days or fraction thereof, after the free time as freighted.	$0.04	$0.02
6.2.2	For each calendar day or fraction thereof, after the first five days of paying the demurrage penalty.	$0.06	$0.03
6.2.3	Vehicles for each of the five calendar days or fraction thereof, after the free time	---	$0.02
6.2.4	Vehicles for each calendar days or fraction therof, after the first five days of paying the demurrage penalty.	---	$0.03
6.2.5	Outbound empty containers delivered to the transit area of Ports Authority wharf. Demurrage rate, per calendar day or fraction thereof. (See Item 3.5.4 of rules and regulations)	$6.00	Per Container

Item	Rates and Fees
6.3	Penalty for not Shifting Berth or not Removing Sunken or Vessel Under Repairs
6.3.1	In accordance and in conjunction with Regulation No. 2 (Resolution No. 1060 of July 14 ,1971 as amended) any sunk or vessel under repairs or which by any reason stays at any Puerto Rico Ports Authority berth after proper written notice for her removal has been given by the Authority to her owner, agent and or Master will be subject to a penalty of three (3) times the regular dockage assessed to such vessel. The penalty will be effective twenty four (24) hours after notice and for every day or fraction thereof the vessel is not shifted or is not removed. This penalty will be assessed in addition the any other recourse or damages action the Authority may take action to arrange for the removal of the vessel at the cost, risk and expense of the vessel, her owner, agent or Master.
6.4	Penalty for Unauthorized Use of Facilities
	No vessel, owner, agent or master of vessel is authorized the use of any berth, pier facility without the corresponding approval of the Authority as expressed in the docking permit or any written authorization. Any vessel, owner, master or agent of vessel who uses a Ports Authority facility without the corresponding authorization will be subject to a penalty of two (2) times her dockage charges for every day or fraction the facility is used without the pertinent authorization.

Item	Rates and Fees
6.5	Overtime Payment For each Authority employee used by any user of facilities in overtime periods payment will be made to the Authority of the regular working wage or salary at double time in addition to 40% for fringe benefits incurred by the Authority. These charges will be paid to the Authority through billing or evidence of the corresponding receipt. No user or company will pay directly to the employee and if this is done ti will be a violation to this tariff.
7.0	SPECIAL FEES FOR SHIPS ENTERING PORT FOR FUELING OR FOR FUEL SUPPLY TO VESSELS
7.1	Ships entering a port for the sole purpose of being fueled shall pay the following:
7.1.1	No port service charge as per Item 3.4.1.5.
7.1.2	Docking Charges of $0.041 per gross register ton per day or fraction thereof when docked to any terminal facilities and taking fuel either by pipeline, barges or tank trucks or tank trailers.
7.2	Wharfage for the fuel taken by all ships at the rate of 50% the regular wharfage fee established for the facility being used, including the fueling by barges, tank trucks or tank trailers.
7.3	Barges used for fueling vessels in the port will pay dockage when using any Ports Authority pier facility at the rate of $0.067 per gross registered ton per period of 24 hours or fraction thereof.