Núm. 5434
Fecha 7 de junio de 1996 1:15 p.m.
Aprobado: Norma E. Burgos
Secretario de Estado
Por: Lourdes L. de Piñeiro
Secretaria Auxiliar de Estado

AUTORIDAD DE LOS PUERTOS DE PUERTO RICO
JUNTA DE DIRECTORES
SAN JUAN, PUERTO RICO 00936-2829

RESOLUCION NUM. 96-17

5434

Resolución Número 96-17, para aprobar una enmienda a la Resolución 95-16 del 5 de abril de 1995 y establecer las tarifas marítimas, por el uso de facilidades y servicios en los puertos y terminales marítimos propiedad de la Autoridad de los Puertos, operados por ésta, o que están bajo su jurisdicción.

CONTENIDO	PAGINA
	1
RESUELVASE	1
APROBADA	1

No. 5434
Date June 7 1996 1:15 p.m.
Approved: Norma E. Burgos
Secretary of State
By: [signature]
Assistant Secretary of State

BOARD OF DIRECTORS
PUERTO RICO PORTS AUTHORITY

RESOLUTION NO. 96-17

WHEREAS, the Puerto Rico Ports Authority previously revised Tariff M-1-3 and established the maritime rates, fees and other charges contained therein for the period from July 1, 1995 through June 30, 1997, per Resolution No. 95-16, adopted April 5, 1995;

WHEREAS, the Puerto Rico Shipping Association and the Florida Caribbean Cruise Association, on behalf of themselves and their respective members, challenged Resolution No. 95-16 and the revised Tariff M-1-3 in administrative proceedings before the Authority's Hearing Officer and in the Puerto Rico Courts;

WHEREAS, the Puerto Rico Shipping Association filed a Complaint against the Authority at the Federal Maritime Commission, alleging that Resolution No. 95-16 and the revised maritime rates, fees and other charges contained therein violate the federal shipping laws, and seeking damages on account thereof;

WHEREAS, the Puerto Rico Ports Authority has denied the allegations and claims by the Puerto Rico Shipping Association and the Florida Caribbean Cruise Association;

WHEREAS, the Puerto Rico Ports Authority, the Puerto Rico Shipping Association and the Florida Caribbean Cruise Association negotiated a settlement of the foregoing and other claims and litigation, which settlement, as amended, was approved by Board Resolutions No. 96-03, adopted March 4, 1996, and No. 96-07, adopted March 27, 1996;

WHEREAS, the Puerto Rico Ports Authority published notices of the Authority's intent to amend Resolution No. 95-16 and Tariff M-1-3, and the tariffs and rates therein for the balance of the period through June 30, 1997, made copies of the revised Tariff pages available for public review, and invited any written comments or requests for oral hearings on the proposed changes;

WHEREAS, the time for filing written comments or requests for oral hearings has expired, and no written comments or requests for oral hearings have been received by the Authority;

THEREFORE BE IT RESOLVED

1. The Board determines that the proposed maritime tariff changes, including the revised rates agreed pursuant to the settlement agreement as amended, are in the best interests of the Ports Authority and the Commonwealth of Puerto Rico.

2. The Board therefore hereby approves the proposed maritime tariff changes, and hereby directs the Executive Director, on behalf of the Authority, to file the revised Tariff M-1-3 with the Puerto Rico Department of State, to become effective upon the latter of (i) 30 days after such filing, or (ii) the successful completion of the closing with the Shipping Association contemplated under Paragraph V of the Settlement Agreement.

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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 vice versa.

1.1 Adjacent Island - 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 board foot 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 of persons or things. Also to mean port facilities and vice versa.

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.

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.

TRADUCCIÓN

JUNTA DE DIRECTORES
AUTORIDAD DE LOS PUERTOS

5434

RESOLUCIÓN NÚM. 96-17

POR CUANTO, la Autoridad de los Puertos revisó previamente la Tarifa M-1-3 y estableció las tarifas y cuotas marítimas y otros cargos allí mencionados durante el período del 1 de julio de 1995 al 30 de junio de 1997, por Resolución Núm. 95-16 adoptada el 5 de abril de 1995;

POR CUANTO, la Puerto Rico Shipping Association y la Florida Caribbean Cruise Association, a su nombre y a nombre de sus respectivos miembros, impugnaron la Resolución Núm. 95-16 y la Tarifa M-1-3 revisada en una vista pública ante el funcionario a cargo de la vista pública de la Autoridad y ante los Tribunales de Puerto Rico

POR CUANTO, la Puerto Rico Shipping Association radicó una demanda contra la Autoridad ante la Comisión Marítima Federal, alegando que la Resolución Núm. 95-16 y las tarifas y cuotas marítimas revisadas y otros cargos allí mencionados violaban las Leyes Marítimas Federales y reclaman daños a cuenta de esto;

POR CUANTO, la Autoridad de los Puertos de Puerto Rico ha negado las alegaciones y reclamaciones de la Puerto Rico Shipping Association y la Florida Caribbean Cruise Association;

POR CUANTO, la Autoridad de los Puertos de Puerto Rico, la Puerto Rico Shipping Association y la Florida Caribbean Cruise Association negociaron una transacción de lo antedicho y otras reclamaciones y pleitos, cuya transacción, según enmendada, fue aprobada por la Junta por las Resoluciones Núm. 96-03, adoptada el 4 de marzo de 1996, y Núm. 96-07, adoptada el 27 de marzo de 1996;

POR CUANTO, la Autoridad de los Puertos publicó avisos de su intención de enmendar la Resolución Núm. 95-16 y la Tarifa M-1-3 y las tarifas y cuotas allí mencionadas, por el resto del período hasta el 30 de junio de 1997, hizo copias de las páginas que contenían las Tarifas revisadas disponibles para la inspección del público, se invitó a que se sometieran comentarios escritos o peticiones para celebrar vistas públicas sobre los cambios propuestos;

POR CUANTO, el período para someter comentarios escritos o peticiones para celebrar vistas públicas ha expirado y la Autoridad no ha recibido ningún comentario escrito o petición para celebrar vistas públicas;

POR TODO LO CUAL SE RESUELVE

1. La Junta determina que los propuestos cambios a la tarifa marítima incluyendo las tarifas revisadas acordadas de acuerdo al Contrato de Transacción según enmendado, están en el mejor interés de la Autoridad de los Puertos y del Estado Libre Asociado de Puerto Rico.

2. Por la presente la Junta aprueba los cambios a las tarifas marítimas propuestos y por este medio ordena al Director Ejecutivo, que a nombre de la Autoridad, radique la Tarifa M-1-3

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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 accommodation 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 and existing under the Puerto Rico Ports Authority Act of 1942, as amended (23 L.P.R.A. 331-352).

1.17 Port Services Charges - The Charges assessed against a vessel for entering a port (whether or not it docks, anchors, loads or unloads cargo) and receiving thereby the benefits of general services and regulation, which promote commerce and navigation and are unrelated to terminal facilities and services, that are provided by the Ports Authority pursuant to the Docks and Harbor Act of Puerto Rico. These include, by example and without limitation, contributions to the maintenance dredging of port and harbor navigation channels (not terminal or berthing areas) to the extent not performed by the Army Corps of Engineers; construction of dikes when and where needed; assistance and/or supervision of navigation when and as needed, including for example lookout stations, radio communications, and the regulation and control of pilots; clearance of debris from navigation channels; investigation of accidents; provision of Port Captains; and administration of the Docks and Harbors Act provided within port and harbor areas or through the Ports Authority's central offices.

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 on

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 continuous 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

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 Harbors 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

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 (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.

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. This tariff does not apply to terminal facilities at Ponce where the Ports Authority does not own or operate terminal facilities or provide terminal services, and has no wharves, piers or similar facilities.

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 interested 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 accommodation 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.

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

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.

3.0.5 Access to Records

All vessels, their owners and agents, and all other user of the facilities, shall be required to permit access to manifests of cargo, passengers, and all other document 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

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.

3.0.8.1 Responsibility for Cleaning Facilities

All users of Authority facilities shall be held responsible for cleaning the facilities after using them, including adjacent aprons and gutters. If the facilities are not properly cleaned, the Authority or the Chief of the Maritime Department shall order them cleaned and bill the responsible party at a minimum charge of $250.00 daily published in this tariff.

Office areas under leases which provide for janitorial services by Puerto Rico Ports Authority and its Maintenance Department are exempt from this rule.

3.0.9 General

The Ports Authority shall control the allocation of all space, covered or open on its properties. All persons using the 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.

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

The expenses 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 premise, 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, or agent of any vessel, 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 occurred, the names and address, or, if unknown, a description of witnesses and other persons, vessels or instrumentality 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.

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

Wherever a ship transporting explosives, inflammables 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.

Persons using the pier facilities will do so at their own risk and the Puerto Rico Ports Authority will assume no responsibility for the occurrence 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 properly 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 structures 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, at port facility

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.

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.

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, labeled 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.

The requirements of this Item shall be in addition to all those laws and regulations promulgated by other governmental agencies exercising 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 do 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

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 removed 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 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.

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 the 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

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.

Any vessel made fast to or moored in front of any wharf, or remaining fastened to or moored in front 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 stem or bow extends beyond the edge or end of any wharf, and every vessel lying alongside another vessel berthed at a wharf (outside berth), while occupying such position, shall 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 kind; provided, however, that any garbage or any refuse 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 Chief 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 withhold permission to occupy or use, such facilities, appurtenances and equipment; until all tariff rates and charges have been paid

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 Resolution to be rectified.

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 free from and has 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.

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 temporary suspension of regular dockage charges.

3.1.5.3 Passengers or tourist ships starting services or cruises using the pier facilities of the Puerto Rico Ports at San Juan are exempted from dockage in their maiden trip. This exception 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

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.

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 any Ports Authority pier facility where such vessel is discharging or loading or to the authority Billing Office, complete copies of the vessels manifest and/or bill of ladings or waybills, freight bills showing names or 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 of 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 deemed unreasonable (commodities which may constitute a hazard or create 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 weight or measurement 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).

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, a unit

3.2.6 Cargo loaded on or discharged from a 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.

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.[1]

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 transportation 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 paid 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.

will be exempted of paying wharfage when this is recognized in writing by the Executive Director of the Puerto Rico Ports Authority.[2]

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]

3.3 SERVICE OR WHARFAGE FEE FOR VESSELS CARRYING PASSENGERS OR CRUISE SHIPS

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 tourists disembarking in Puerto Rico from the same voyage of the same vessel 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 passenger fees paid by the vessel at that time.

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 of 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.[4]

3.4 PORT SERVICES CHARGES

Every vessel entering, navigating or otherwise using any port of Puerto Rico or adjacent islands will be assessed a charge for the purpose of contributing to the costs incurred by the Commonwealth in regulating and promoting navigation and maritime commerce under the Docks and Harbors Act of Puerto Rico, 23 L.P.R.A. Section 2201, et seq. Port service charges are not assessed in connection with terminal facilities and services, and are payable whether or not such facilities are used by a 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 parts. 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 when the vessel continues with the operations with other ports.

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 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 when the vessel continues with the operations with other ports.

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 ship and ferryboat not carrying cargo. If carrying cargo exemption is limited to 50%.

3.4.1.5 Every ship entering port exclusively for taking the necessary water, provisions or fuel in order to continue its voyage.

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

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 on 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.

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 its 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 five (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:

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 transshipment to other ports without change in form or contents paying only incoming wharfage, a free-time period of fifteen (15) working days. Cargo for transshipment 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 be considered as transshipment cargo and will pay demurrage as if it were inbound cargo 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 transshipment cargo so that it will have the right which in this connection is established.

3.5.1.3 Cargo in containers held in the pier (transit area) and/or the company's holding area originally manifested for transshipment to other destinations without change in form or content, including both loaded and empty containers, a free-time period of fifteen (15) working days. Cargo remaining in the pier (transit area) in excess of fifteen (15)

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 transshipment 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.

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 pier operations at a pier and shifting to another to finish, 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 premise, 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 discharging, 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.

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 will 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 held 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.

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

prevent or cause difficulties for the picking up or delivery of the cargo. If any 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.

(a) 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 on a Friday, it will be extended until midnight of next Sunday. If it expires the day before a holiday it will be extended until midnight 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 at Ports Authority facilities 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 equipped 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 using the formula prescribed by the Ports Authority 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 corresponding charges as stated in Item 5.6.2. Telephone use is limited exclusively to local calls.

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 midnight of the next day after the

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 with the provisions of this Regulation 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 with 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.

4.0 LAND RENTALS AND LEASES

4.1 The Ports Authority may enter leases into on a monthly basis with steamships lines serving the ports of Puerto Rico for the preferential and exclusive use of certain outside storage areas. 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 maximize 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 through leases for acceptable uses such as public warehousing and water related 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 agreements, involving land at Ports Authority marine terminals, will provide for the re-establishment of the rental rate by the Ports Authority without limitation.

5.0 RATES AND FEES

Rates are listed herein as 1996 Base, 1996 Surcharge, 1997 Base, and 1997 Surcharge. The 1996 Base and 1996 Surcharge are applicable starting on the effective date of this tariff through June 30, 1996. The 1997 Base and 1997 Surcharge are applicable starting on July 1, 1996 through June 30, 1997. Until such time as a new or amended tariff is properly filed at the Federal Maritime Commission, the 1997 Base remains in effect starting on July 1, 1997.

5.1 Dockage - Dockage rate per Gross Registered Ton per 24 hours or fraction thereof.

		1996 Base	1996 Surcharge	1997 Base	1997 Surcharge
5.1.1	Tanker vessels and tank barges while berthed at wharves, piers or bulkhead structures designed primarily for the loading or off-loading of liquid cargo by pipeline.	$0.0714	$0.0224	$0.0756	$0.0162
5.1.2	All vessels while berthed at dry cargo wharves, piers or bulkhead structures in connection with the trade with off-shore points.	$0.1283	$0.0064	$0.1360	$0.0440
5.1.3	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.	$0.0963	$0.0303	$0.1021	$0.0218
5.1.4	Dockage rates for tourist vessels known as "Cruise Ships" and for combination cargo-passenger vessels carrying more than 100 revenue passengers.	$0.0642	$0.0189	$0.0680	$0.133
5.1.5	Vessels including those of non-	$0.1456	$0.0458	$0.1543	$0.0330

5.2 Wharfage - 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:

		U/M	1996 Base	1996 Surcharge	1997 Base	1997 Surcharge
5.2.1	Motorcycles and motor vehicles	Ton	$5.3456	$1.5763	$5.6663	$1.2101
5.2.2	Cargo moved in containers	Ton	$1.3104	$0.4118	$1.3890	$0.2967
5.2.3	Empty Containers or Chassis	Each	$5.9800	$1.8816	$6.3388	$1.3537
5.2.4	Transshipment cargo in containers	Ton	$1.0000	$0.0000	$1.0000	$0.0000
5.2.5	Liquid cargo (including petroleum) 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 Gallon (barrel)	$0.0155	$0.0049	$0.0164	$0.0035
5.2.6	General Cargo or Cargo - NOS	Ton	$1.0400	$0.4224	$1.1024	$0.5833

5.2.7 Wharfage charges will be assessed to every cargo vessel under 400 short tons entering and using a port of Puerto Rico or adjacent islands, as follows:

99 gross tons or less	$ 200.00

5.2.8 Wharfage rate for cargo vessels under 400 short tons at Fajardo (Puerto Real) Dock facilities are as follows:

55 gross tons or less	$ 50.00
56 to 99 gross tons	100.00
100 to 199 gross tons	200.00
200 to 299 gross tons	300.00
300 to 399 gross tons	400.00

5.3 Fees for Vessels Carrying Passenger on Cruise Ships

	1996 Base	1996 Surcharge	1997 Base	1997 Surcharge
Per passenger, embarking, disembarking or in transit	$9.1100	$0.0000	$9.6500	$0.0000

5.3.1 Embarking passengers returning in the same trip and in the same ship and disembarking at a Ports Authority facility will be charged only once.

5.3.2 Cruise or passenger ships using Pier No. 8 will be assessed only 50% of the charges provided in item 5.3.

5.3.3 In the case of passenger ferry services between the Port of San Juan and ports in the Virgin Islands the payment of a lump sum for passenger service charges may be agreed with the Authority of $251,700.00 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.

	U/M	Rate
5.3.4 Passengers embarking by the Port of Mayaguez Pier facilities in ferryboats or ferries in round trip from the Dominican Republic when such vessels make more than	Each	$1.90

The ship and/or agent will have to submit the official passenger list or manifest at all instances, at departures and/or arrivals.

5.4 Port Services Charges - Port Services Charges are assessed to every vessel entering and using a port of Puerto Rico or adjacent islands.

	1996 Base	1996 Surcharge	1997 Base	1997 Surcharge
Per gross registered ton per calendar day or fraction thereof.	$0.0400	$0.0000	$0.0400	$0.0000

5.5 Water Charges

5.5.1 Fresh Water Services are as follows:

5.5.1.1 Vessels equipped to take water by hose at a rate of $1.52 per cubic meter with a minimum charge of $3.26 for each such vessel, plus a connection or outlet charge of $4.35. When the hose is supplied by the Ports Authority, an additional $2.20 charge per hose segment.

5.5.1.2 Vessels not equipped to take water by hose, a rate of $2.56 per drum of 55 gallons or less, the drum to be provided by the vessel.

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 $0.19 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, person, 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

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. If these documents are not so filed, a 10 per cent charge for missing documents will be assessed for every additional 24 hours period or fraction thereof.

	Charges 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.	$0.15	$0.03
6.2.2	For each calendar day or fraction thereof, after the first five days of paying the demurrage penalty.	$0.07	$0.04
6.2.3	Vehicles for each of the five calendar days or fraction thereof, after the free time.	--	$0.03
6.2.4	Vehicles for each calendar day or fraction thereof, after the first five days of paying the demurrage penalty.	--	$0.04
6.2.5	Outbound empty containers delivered to the transit area of a Ports Authority wharf. Demurrage rate, per calendar day or per fraction thereof. (See Item 3.5.4 of rules and regulations.)	$6.53	Per Container

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

a penalty of two (2) times her dockage charges for every day or fraction the facility is used without the pertinent authorization.

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 60% 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 it 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 $0.05 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 Charges for the fuel taken by all ships at the rate of $0.0015 per gallon, 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 $0.08 per gross registered ton per period of 24 hours or fraction thereof.

8.0 ANNUAL LICENSE FEES

License fees in accordance with Items 3.4.1.1 and 3.4.1.2 will be assessed as follows:

Vessels up to 350 tons	$ 990
Vessels from 351 tons to 1,000 tons	1,320
Vessels from 1,001 to 1,500 tons	1,650
Vessels from 1,501 to 3,000 tons	1,980
Vessels from 3,001 tons and over	2,310

9.0 {DELETED}