GOBIERNO DE PUERTO RICO

Núm. 5668
Fecha: 12 de agosto de 1997 3:30 pm
Aprobado: Norma Burgos
Secretaria de Estado
Por:
Secretario Auxiliar de Servicios

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

RESOLUCION NUM. 97-39

***Resolución número 97-39**, para enmendar la Resolución 97-26 para establecer la Estructura General de Tarifas, Derechos, Cánones de Arrendamiento, y otros Cargos, por el uso de las facilidades y servicios en los terminales marítimos de la Autoridad de los Puertos, según establecido en la **Tarifa M-1-4**, por el período comprendido del 1ro de julio de 1997 al 30 de junio de 1999.*

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BOARD OF DIRECTORS
PUERTO RICO PORTS AUTHORITY

No. 5468
Date: August 12, 1997 4:30 p.m.
Approved: Norma Burgos
Secretary of State
By:
Assistant Secretary of State

RESOLUTION 97 - 39

WHEREAS, Tariff M-1-4 adopted pursuant to Resolution 97-26, establishes the general structure of rates, fees, rental and other charges for the use of the facilities and services provided at the ports and marine terminal facilities of the Puerto Rico Ports Authority for the period from July 1, 1997 through June 30, 1998.

WHEREAS, the Ports Authority received further comments regarding the increase in rates by the users of the ports and marine terminal facilities after the filing by the Puerto Rico Ports Authority of Tariff M-1-4 in the Department of State, and the Public Hearing held on June 20, 1997.

WHEREAS, the Executive Director envisions certain economies that will take place in the operation of the ports and marine terminal facilities during the next 2 years that will reduce the costs in the operation of the ports and terminal facilities.

WHEREAS, as a result of the comments received and the future economies in operations, the Ports Authority Executive Director has undertaken a further analysis of the rates established in Tariff M-1-4 and recommends that the Board of Director amend

the rates established in Tariff M-1-4 and recommends that the Board of Director amend Resolution 97-26 and Tariff M-1-4, to revise the rates as herein established in the amended Tariff M-1-4 attached to this Resolution.

Tariff M-1-4, as amended, will establish the general structure of rates, fees, rentals and other charges for the use of the facilities and services provided at the ports and marine terminal facilities of the Puerto Rico Ports Authority for the period from July 1, 1997 through June 30, 1999.

THEREFORE BE IT RESOLVED,

1. The Board hereby amends Resolution 97-26 and Tariff M-1-4 attached, to adopt the proposed revision to the structure of the rates, fees, rental and other charges for the use of the facilities and services provided at the ports and marine terminal facilities as established in the proposed tariff M-1-4 attached to this Resolution for the period from July 1, 1997 through June 30, 1999.
2. Tariff M-1-4 as herein amended will become effective July 1, 1997.
3. On the effective date of this resolution, all previous resolutions establishing similar rates, fees, rentals and other charges for the use of the facilities and services provided at the ports and marine terminal facilities will cease to be effective.

4. The Authority reserves the right to amend the rates, fees, rentals and other charges established hereunder, if during the period of effectiveness of this resolution there occur significant changes that warrant necessary amendments to such rates, fees, rentals and other charges.

In San Juan, Puerto Rico, this 7 day of July, 1997.

Dr. Carlos I. Pesquera
President
Board of Directors

Roberto Biaggi
Secretary
Board of Directors

PUERTO RICO PORTS AUTHORITY

5668

TARIFF M-1-4

RATES, FEES AND CHARGES FOR THE USE OF THE PUBLIC MARINE FACILITIES AND PORT SERVICES

EFFECTIVE
JULY 1, 1997 THROUGH JUNE 30, 1999

5268

Item	Rules and Regulations

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. of 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.

1.10 Gross Tonnage - (of a vessel) - This term is synonymous 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.

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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 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".

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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 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 primarily 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.

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

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(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 owned by private persons or entities and which are not owned by 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. No terminal facilities at Ponce are under the control or administration of the Ports Authority.

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 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 inspects any cargo to see that it matches the shipping documents, nor conducts accounting of cargo deposited in its piers or terminals. In this regard the Authority shall not be responsible for any damages to freight being loaded, unloaded, handled, stored, 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.

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.

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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.

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, tar or refuse, or any other matter which is capable of producing floating matter or scum on the surface of the water, sediment or obstruction on the bottom of the waters, or odors or gases or putrefaction, or land, or in water.

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.

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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 caused 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 caused by them to the Ports Authority immediately.

It shall be unlawful for any person to willfully 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 any charges for the cost and expense of the replacement or repair of the property so damaged or destroyed.

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.

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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 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 of ship's arrival. Ships transporting such materials not to be discharged but berthed at Ports authority facilities shall also within at least 48 hours in advance notify the U.S. Coast Guard and the Ports Authority of such information regarding 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, 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.

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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 herefrom

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 when such act is prohibited by the Authority, the Commonwealth of Puerto Rico Fire Service or the U.S. Coast Guard.

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.

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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.

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 rendered to the community to prevent and avoid crimes and law violations as well as other general police actions.

3.0.20 Radioactive and/or Missile Materials

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

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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 of the 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.

3.0.24 Persons Not Allowed on Certain Premises

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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 material 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 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 Executive 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, 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.

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 of the 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 of the 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 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 of 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.

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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 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 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 established 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.

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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 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 authority. 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 5.1.6), 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 scheduled 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.

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.

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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 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.

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3.2.5 Containers or flat-bed trailers held on the container company's holding area originally manifested for transshipment 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 fifteen (15) 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 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.

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[1] 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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3.2.8.7 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 Merchandise or cargo, including liquid products which are received in Puerto Rico or are sent form Puerto Rico to other countries for assistance purposes to 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.[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

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[2] Effective since September 18, 1989.

[3] Approved by the Secretary of Transportation and Public Works by Resolution No. 87-22 of May 20, 1987.

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 Passenger or cruise ships starting services or cruises using the pier facilities of the Puerto Rico ports at San Juan are exempted from passenger or wharfage fees on their maiden voyage. This exemption is granted to true maiden voyages 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 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.

3.4.1.2 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.

[4] Effective as of November 1, 1985.

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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 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 the ship shall provide evidence of proof and certify beforehand the repairs to be made and estimate 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 occurred 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 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.

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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.

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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) working days will pay demurrage according to the tariff in effect and will pay in addition outgoing wharfage for transshipment if reembarked as indicated in Item 5.2.4.

The steamship line will have the responsibility to present all documents evidencing that the shipment concern is transshipment 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 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.

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 the 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 will be assessed demurrage commencing at the time the cargo or container is deposited until it is dispatched.

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 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 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 (a) 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 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.

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(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

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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 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 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

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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

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

		July 1, 1997 thru June 30, 1999
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.	$0.0809
5.1.2	All vessels while berthed at dry cargo wharves, piers or bulkhead structures in connection with the trade with off-shore points.	$0.1455
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.	$0.1092
5.1.4	Dockage rates for tourist vessels known as "Cruise Ships" and for combination cargo-passenger vessels carrying more than 100 revenue passengers.	$0.0728
5.1.5	Vessels including those of non-profit organizations engaged in revenue producing activities while berthed.	$0.1651
5.1.6	Dockage NOS	$0.1651

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:

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5.2.1	Motorcycles and motor vehicles	Ton	$6.0629
5.2.2	Cargo moved in containers	Ton	$1.4862
5.2.3	Empty Containers or Chassis	Each	$6.7825
5.2.4	Transshipment cargo in containers	Ton	$1.0700
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)	$0.0175
5.2.6	General Cargo or Cargo - NOS	Ton	$1.1796
5.2.7	Liquid Sugar and Molasses	Ton	$0.2525

5.2.8 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
100 to 199 gross tons	350.00
200 to 299 gross tons	500.00
300 to 399 gross tons	650.00

5.2.9 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

Per passenger, embarking, disembarking or in transit	$10.30

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.

5.3.4 Cruise ships scheduled for two (2) port calls or more weekly (within a period of seven (7) consecutive days) to the Port of San Juan shall be charged the following per passenger rates:

a. Ships on their first port of call shall be assessed the normal per passenger charge.

b. Ships on their second port call during the same seven (7) day period shall pay seventy (70%) percent 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 (7) day period will be assessed the per passenger charge as indicated in Paragraph "c" above.

5.3.5 Cruise ships making more than forty (40) trips during twelve (12) consecutive months will be reimbursed the amount of $1.00 accumulated per passenger commencing from the first trip.

Item	Rules and Regulations

5.3.5.1 When there are more than one tourist, passenger or cruise ship which belong to the same company (not agent) and jointly transport more than 120,000 passengers in the fiscal year commencing July 1st, the company will be exempted of the payment of $4.67 of the passenger fees for each passenger over 120,000 passengers who paid the passenger fee.

		U/M	Rate
5.3.6	Passengers embarking by the Port of Mayagüez Pier facilities in ferryboats or ferries in round trip from the Dominican Republic when such vessels make more than three trips in a period of seven days.[5]	Each	$1.90

5.3.7 No charge will be assessed to disembarking passengers in the return of a round trip which has started at the Port of Mayagüez, 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 Mayagüez.

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.

	July 1, 1997 thru June 30, 1999
Per gross registered ton per calendar day or fraction thereof.	$0.0428

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.

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[5] Returned persons or passengers to the Dominican Republic by US Immigration and Naturalization Service for being undocumented and illegally having entered to Puerto Rico will be exempted of this charge after proper certified written notification by said federal agency.

Item	Rules and Regulations

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 Ports Authority representative upon a charge of $10.00 for the office and $5.00 for the use of telephone per ship. The telephone 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 held responsible for violations to any Ports Authority resolution or regulation concerning the leaving of equipment in the pier without the corresponding authorization.

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.

6.1.1 All necessary billing documents to be filed by ships entering port for fueling or for fuel supply to vessels, must be filed monthly, either at the piers office or Authority Billing Office not later than the fifth (5^{th}) day of the following month. 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.

Item	Rules and Regulations		
6.2	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 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 to any other recourse or damages action the Authority may take 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 or 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.

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 Deleted

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