

DEPARTAMENTO DE ESTADO

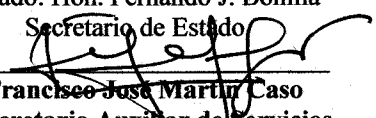
Núm. Reglamento **7465**

Fecha Rad: **13 de febrero de 2008**

Aprobado: Hon. Fernando J. Bonilla

Secretario de Estado

Por:


Francisco José Martín Caso
Secretario Auxiliar de Servicios

Mayagüez Port Commission

Handbook and Tariff No. 01
Rules, Regulations, Tariffs

Effective Date
2008 - 2011

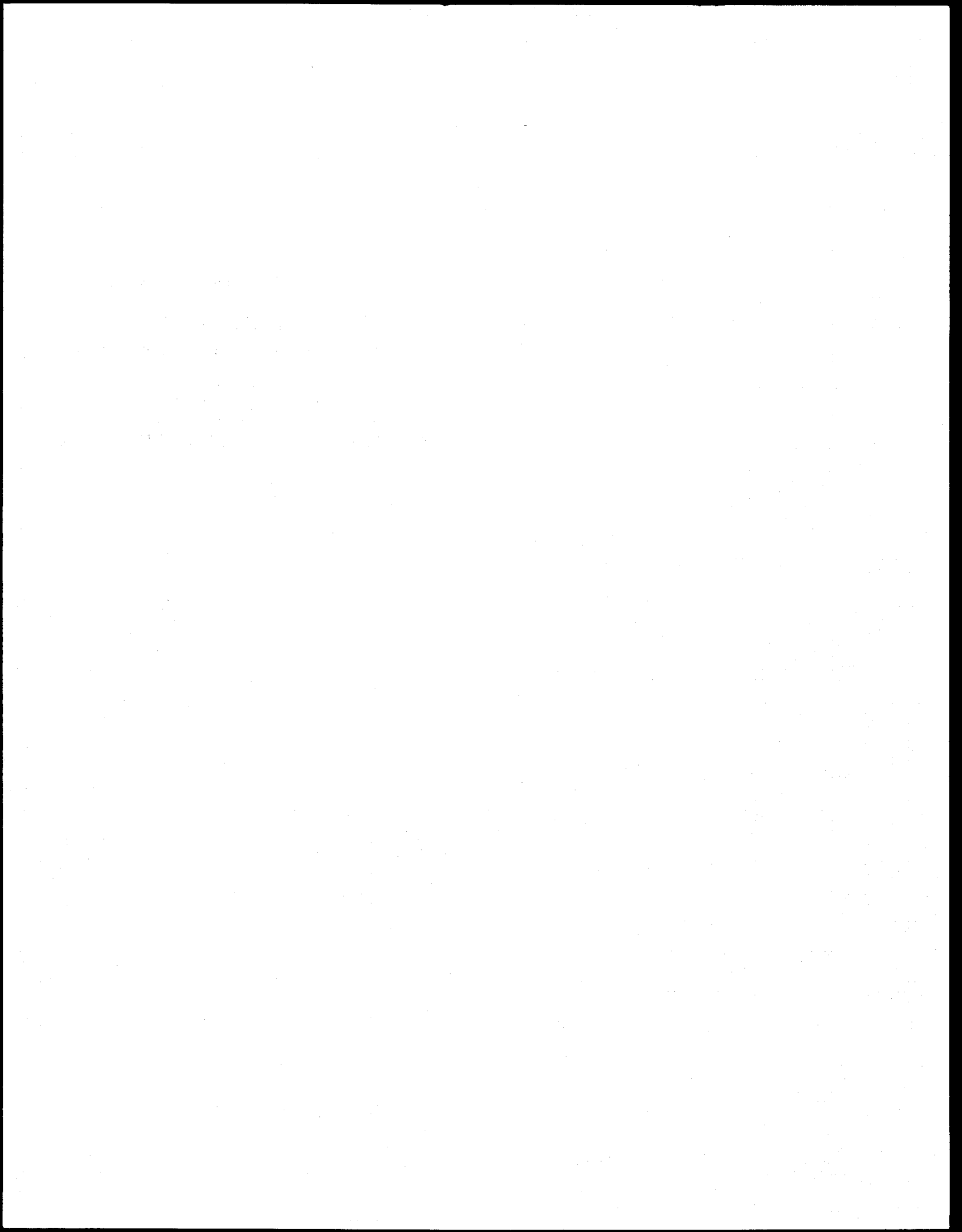


Table of Contents

ITEM NO

INTRODUCTION	1
1.0 DEFINITIONS	4
2.0 OPERATING HOURS	23
2.1 OPERATING AND OFFICE WORKING HOURS	23
2.2 HOLIDAYS AND WORK SCHEDULE	24
3.0 CONVERSION FACTORS	24
4.0 GENERAL RULES AND REGULATIONS	26
4.1 CONSENT TO TERMS OF TARIFF	27
4.2 JURISDICTION	28
4.3 PORT HOLD HARMLESS	28
4.4 FEDERAL, COMMONWEALTH AND MUNICIPAL REGULATIONS	30
4.5 LIABILITY FOR LOSS, OR DAMAGE LIMITED	31
4.6 DAMAGES TO FACILITIES	32
4.7 INSURANCE	36
4.8 PILOTAGE SERVICES	37
4.8.1 Harbor Pilot's Charges	37
4.8.2 Davit and Harbor Pilot Boat	38
4.8.3 Sea Operation Waiver	38
4.9 SPECIAL ACCOMMODATIONS	39
4.9.1 Law Enforcement	39
4.9.2 Office Space	39

5.0 PORT PROPERTY RESTRICTIONS AND LIMITATIONS	40
5.1 SPACE USAGE AND ALLOCATION	40
5.2 MAKING FAST OR REMAINING AT WHARF WITHOUT CONSENT OF THE PORT	40
5.3 VESSELS EXTENDING BEYOND A PIER OR OCCUPYING AN OUTSIDE BERTH AREA	42
5.4 INSIDE FENCING	42
5.5 SIGNS	43
5.6 SMOKING	43
5.7 PERSONS NOT ALLOWED ON CERTAIN PREMISES	44
5.8 LOITERING ON PORTS PROPERTIES	44
5.9 PROHIBITED TO FISH FROM OR USE ANY BERTH, WHARF OR OTHER AREA WITHOUT ASSIGNMENT OR OTHER PERMISSION	45
5.10 SOLICITATION	45
5.11 VEHICLES	46
5.12 SPEED LIMIT ON WHARVES	47
5.13 EMERGENCIES	47
6.0 PORT SECURITY AND MAINTENANCE REGULATIONS	48
6.1 SECURITY	48
6.2 IDENTIFICATION CARDS	50
6.3 RADIOACTIVE AND/OR MISSILE MATERIALS	51
6.4 EXPLOSIVES, INFLAMMABLES, UNLAWFUL AND OTHER HAZARDOUS MATERIALS	52
6.5 FIRE FIGHTING APPARATUS	54

.

6.6	SPARK PROTECTOR NECESSARY	54
6.7	EMPTY DRUMS, ETC., MUST NOT REMAIN ON WHARF	55
6.8	FACILITIES MAINTENANCE	55
6.9	POLLUTION OF AIR, WATER AND LAND	56
6.10	DOMESTIC AND INTERNATIONAL GARBAGE FROM VESSELS	57
6.11	SAND FOR ABSORBING WASTE OIL	58
7.0	BILLING RULES AND REGULATIONS	58
7.1	REQUIREMENTS OF DOCUMENTS SUBMISSION	58
	7.1.1 <i>Arrival Documents and General Conditions</i>	58
	7.1.2 <i>Departure Documents</i>	60
	7.1.3 <i>Penalties Applicable to Overdue Documents Submission</i>	61
7.2	ACCESS TO RECORDS	61
7.3	TERMS AND CONDITIONS OF THE INVOICES AND PAYMENTS	62
	7.3.1 <i>Payment of Invoices</i>	64
	7.3.2 <i>Delinquent Accounts</i>	65
	7.3.3 <i>Disputed Amounts</i>	65
	7.3.4 <i>Prepaid Operations</i>	66
7.4	TIME LIMIT FOR FILING CLAIMS	66
8.0	DOCKAGE	67
8.1	CONDITIONS	67
	8.1.1 <i>Measurement Application for Dockage Rates</i>	67
	8.1.2 <i>Term Applicability for Dockage Rates</i>	68
	8.1.3 <i>Other Application</i>	69
	8.1.4 <i>Vessel Shifting Berths</i>	69
	8.1.5 <i>Vessels on repair</i>	69
8.2	EXCEPTIONS FOR DOCKING APPLICATION	70

8.2.1	Tugboat	70
8.2.2	Combat or Training Vessels	71
8.2.3	Regattas	71
8.3	PENALTIES	71
8.3.1	Vessel's Operations Notification of Lateness	72
8.3.2	Operations Waiver	73
8.3.3	Exceptions	73
9.0	WHARFAGE	73
9.1	CONDITIONS	74
9.1.1	Weight measurements	74
9.1.2	Transshipment	76
9.2	EXCEPTIONS	78
9.2.1	Vessels' Supplies	78
9.2.2	Cargo Equipment	78
9.2.3	Passenger's Baggage	78
9.2.4	Petroleum	79
9.2.5	Ballast in Bulk	80
9.2.6	Dunnage and Ship Lining	80
9.2.7	Scrap Dunnage	80
9.2.8	Cargo Movement	80
9.2.9	Special Cargo Activities	81
9.3	RIGHT TO REFUSE THE HANDLING OF CARGO	81
10.0	PASSENGER SERVICE FEE OR WHARFAGE FEE FOR CRUISE SHIP VESSELS	82
10.1	CONDITIONS	82
10.1.1	Number of Passengers	82
10.1.2	Round Trip	82
10.2	PORT OF MAYAGÜEZ INCENTIVES FOR THE CRUISE SHIP INDUSTRY	83
10.2.1	Cruise Ship Maiden Voyage Incentive	84
10.2.2	Dockage Exemption Incentive	85
10.2.3	Incentive to Passenger Service Fee	85

10.2.4 Preferential Docking Incentive	85
11.0 PORT SERVICE CHARGES	86
12.0 FREE TIME AND DEMURRAGE	87
12.1 CONDITIONS	87
12.2 EXCEPTIONS	88
12.2.1 Cargo Subject to Federal Agencies Clearance	88
12.2.2 Foreign Countries Cargo or Vehicles	88
12.2.3 Cargo of Federal, Commonwealth and Local Government	89
12.2.4 Shipments of One Commodity or Consignee	89
12.2.5 Transshipment Loose Cargo and Vehicles	89
12.2.6 Transshipment Cargo or Vehicle in Containers	91
12.2.7 Foreign Diplomatic Cargo	92
12.3 COMMENCEMENT AND EXPIRATION OF FREE-TIME PERIOD	93
12.4 CARGO TREATMENT AFTER FREE-TIME EXPIRATION	94
12.4.1 Demurrage Penalties	94
12.4.2 Move and Storage	94
12.4.3 Permit to Use Common Area.	95
12.4.4 Cancellation of Transshipment Cargo Privileges	95
12.4.5 Unknown Weight or Measurements	96
12.5 CARGO LEFT ON DEMURRAGE, CARGO DAMAGED OR CARGO ABANDONED AT THE DOCKS	96
12.5.1 Abandoned Cargo	96
12.5.2 Demurrage as First Lien upon Cargo	97
12.5.3 Disposition of Abandoned Cargo	97
12.6 DEMURRAGE ON CARGO TO BONDED WAREHOUSE	98
12.6.1 Demurrages on Cargo from Foreign Countries	98
12.7 EXTENSION OF FREE-TIME PERIOD	99
12.7.1 Conditions	99

13.0 RULES FOR SERVICES OR MISCELLANEOUS USES	101
13.1 WATER SERVICES	101
13.2 ELECTRICITY	103
13.3 USE OF CRANES AND SPECIALIZED EQUIPMENT	103
13.4 COLLECTION OF OVERTIME	104
13.5 CLEANING OF FACILITIES	105
13.6 WASTE DISPOSAL	106
14.0 ACCESS OF OFFICERS AND EMPLOYEES	107
15.0 LAND RENTALS AND LEASES	108
16.0 RATES AND FEES	109
EXCEPTIONS, CREDITS AND INCENTIVES	110
FREE TIME BEFORE DEMURRAGES	116

INTRODUCTION

The Port of Mayagüez is located on the west coast of the Island of Puerto Rico, positioned in the Caribbean Sea between La Española Island (Haití/Dominican Republic) and the US Virgin Islands. The Port of Mayagüez is the third most important port on the Island, which has a natural harbor of 3.8 miles, ranging from 24' to 30' deep, and is a property of the Mayagüez Port Commission.

The Mayagüez Port Commission (the Port Commission) is a public corporation created and governed by Act No. 10 of May 18, 1959, starting functions by the "Boletín Informativo" No. OE-2003-77, approved by the Governor dated December 18, 2003. The Port Commission received the Port of Mayagüez facilities as its primarely asset to do business, accordingly to Act No. 10, in July 23, 2004 through Covenant AP 04-05(4)-033 between the first party: the Governor of the Commonwealth of Puerto Rico and the Executive Director of the Puerto Rico Port Authority, and the second party: the Mayor of the Municipality of Mayagüez and the President of the Board of Commissioners of the Mayagüez Port Commission. This Covenant transferred

.

the Port of Mayagüez facilities (including land, building and other assets) to the Mayagüez Port Commission.

On August 23, 2004 the Mayagüez Port Commission officially initiated the administration and operation of the Port of Mayagüez facilities, for which adopted most of the Puerto Rico Port Authority's Tariff M-1-6 rules, regulations, norms and tariff to ensure the continuity of the port's operations until the approval of the Handbook and Tariff No. 01. The Handbook and Tariff No. 01 is the first document approved by the Board of Commissioners that establishes the rules, regulations and tariffs that apply to any Vessel, Vessel Owner, or Vessel Agent conducting any type of activity at the Port of Mayagüez and supersedes any prevailing rules, regulations, norms and tariff at the inception date of this Handbook and Tariff.

The Mayagüez Port Commission is empowered by Law No 10 to implement business strategies to develop the Port of Mayagüez. During 2006, a master plan to design and develop the Port's infrastructure is approved by the Commission. The purpose of this plan is to develop and increase maritime operations through a long-term agreement with the private industry. This plan confers to private industry the

.

Administration of the Port. Under this plan, the Mayagüez Port Commission retains the tariff control and approval, and the Port Administrator is entitled to manage and operate the Port of Mayagüez. Therefore, the Port Administrator is empowered by the Mayagüez Port Commission as the sole legal entity responsible to implement and administer the tariff rules, rates and fees herein included and to propose any new future tariff changes and amendments to the Port Commission for their consideration and approval.

This tariff handbook is being made effective from the inception date until December 31, 2011, but as part of its public hearing procedure, it was agreed, subsequent 2% increase per year or a 10% increase per five year period, on prevailed tariff schedule at December 31, 2011. To ensure the customers the compliance to this periodically increase, the Commission shall issued the tariff supplements every five years, starting on January 1, 2012. New rates as a result of additional services, type of business and market changes, and/or utilities costs increase cost, among others or tariff amendments different to the pre-approved 2% increase per year or 10% per five

years period will require that a public hearings process will be undertaken before such rates will be added to the rates herewith determined. The Port Administrator shall submit and recommend to the Commission any tariff amendments, but any amendments after the Commission's positive consideration shall require public hearings. In addition, the tariff amendments shall be also revised according to the rules of the Federal Maritime Commission.

1.0 DEFINITIONS

For the purpose of this Handbook 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. Words or phrases defined in this Section are identified throughout this Handbook by using capital letters at the beginning of such words or phrases.

1.1 Adjacent Islands - All the islands surrounding Puerto Rico and depending upon its government, such as Vieques and Culebra.

1.2 Ballast - A heavy substance used to improve the stability and control the draft of a ship.

.

1.3 Barge - A roomy usually flat bottomed boat used primarily for the transport of goods on inland waterways and usually propelled by towing.

1.4 Bill of Lading - Document issued by a carrier acknowledging that specified goods have been embarking or disembarking as Cargo from one consignee to other, and which involves the use of at least two different types of transportation (for example: land and sea). The term derives from the noun "bill", a schedule of costs for services supplied or to be supplied, and from the verb "to lade" which means to load a Cargo onto a ship or other form of transport. It is also referred to as a BOL or B/L.

1.5 Calendar Day - A 24 hour period that shall commence at midnight (12.00m) of one day to midnight.

1.6 Cargo - Refers to bulk merchandise, loose Cargo, Containers and General Cargo units, fuel, liquid merchandise, vehicles and motor units, or whatever is loaded, transported or conveyed in a

ship, whether in liquid, solid or in any other form.

1.7 Commission for Pilotage - Is an independent organization created by Law 226, of August 12, 1999, 23 LPRA §361, et. Seq., to provide services of pilotage through Harbor Pilots to certain Vessels, accordingly to size specifications, which are conducting business or activities at any Puerto Rico's Ports, based on its own tariff schedule. Pilotage services are obtained through the Vessel Agent.

1.8 Consignee Agent - 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.

1.9 Container - A permanent type cargo-carrying unit designed to be transported directly and mechanically between Vessels and other forms of transportation, which is used for the movement of Cargo as a unit. Containers have different measures. See General Cargo for more details.

1.10 Cruise Incentives - Direct marketing approach in which a monetary reward as a credit is given to the cruise lines, accordingly to Section 10.3, whenever schedule as a destiny the Port of Mayagüez.

1.11 Cruise Ships or Passenger Ships - Means ships designed with cabins and engaged for transporting or carrying twelve or more passengers, used primarily for conducting cruises or tour services and not designed for carrying Cargo.

1.12 Cruise Ships Maiden Voyage - Cruise Vessel first time of call to the Port of Mayagüez. Cruise Vessel which eventually changed of name or enterprise is not entitled to apply for a maiden voyage privilege.

1.13 CWT - Abbreviation for hundredweight. 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) board foot measurement in case of lumber, per 24 board feet being equivalent to a cwt of two cubic feet.

.

- 1.14 Davit** - Refers to the concrete and/or steel structure designed of two goose neck form columns which holds the Harbor Pilot Boat at the Wharf.
- 1.15 Demurrage** - The charge 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.
- 1.16 Dock** - Any Port facilities structure used for the mooring of vessels or for the loading or unloading of persons or things.
- 1.17 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.
- 1.18 Docking Permit** - Form used by a Vessel Owner or Vessel Agent to request authorization to access and use the Port's facilities during certain time period, accordingly to the rules, regulations and tariff prevailing at the Port of Mayagüez. Form must be submitted within a period not lesser than
-

twenty four 24 hours before arriving time and such form have to be approved before Vessel approaching. Previous arrangements are suggested to ensure the acceptance of the Docking Permit.

1.19 Dunnage - Loose materials used to support and protect Cargo in a ships hold. Padding.

1.20 Empty Container or Empty General Cargo - Refers to an unsealed Container or General Cargo available for inspection. Any sealed Container or General Cargo left on common spaces and subject to Demurrages is considered a full Cargo Container, even it was declared as empty.

1.21 Ferryboats or Ferry - Vessels used for transporting passengers and/or merchandise in regular periodic and continuous sailing and which may at the same time render Cargo services.

1.22 Free Time - The period of time, including Saturdays, Sundays and legal Holidays, during which Cargo or materials may occupy space assigned to it free of storage charges or Demurrage prior to the loading or subsequent to the discharge of such Cargo on or off the Vessel.

.....

1.23 Force Majeure means (a) Acts of God; (b) war, hostilities (whether war be declared or not), invasion, act of foreign enemies; (c) rebellion, terrorism, revolution, insurrection, military or usurped power, or civil war; (d) munitions of war, explosive materials, ionizing radiation or contamination by radioactivity, except as may attributable to the use of such munitions explosives, radiation or radio-activity, and (e) natural catastrophes such as hurricanes, typhoons, water spouts, earthquakes or volcanic activity.

1.24 General Cargo Container - Means Cargo units with different measurements to Containers, as defined (Refer to Container). Measurement for General Cargo Container units are the result of High x Wide x Length. For billing purposes, two basic measures have been used for the most common General Cargo Container units, using length as the key for the basic measurement application. Other General Cargo Container unit different or lesser than the basic measurement applied, could

be claimed through the submission of the
regarding evidence. The General Cargo Container
units are basically defined by its length:

Container 20' = 8' x 8' x 20' = 1,280 p³

General Cargo Container 40'=8' x 8' x 40'=2,560 p³

General Cargo Container 45'=8' x 8' x 45'=2,880 p³

1.25 Gross Tonnage (of a Vessel) - Synonymous with
Gross Register Tonnage (GRT). It will normally be
found in the ship license or in the international
or domestic certificate, which is the highest
official basis used in this tariff.

1.26 Harbor Dues - 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 and the Mayagüez Port
Commission. 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..

1.27 Harbor Pilot - Is a master mariner licensed to guide Vessels through narrow, shallow and dangerous coastal waters between a harbour and the open sea, between two points within the port's limits or between a point within port and the open sea back and fore.

1.28 Harbor Pilot Boat - A Harbor Pilot Boat is used to transport pilots between land and the inbound or outbound ships that they are piloting. Harbor Pilot Boats can be from 20 feet to over 75 feet

in length. They are normally painted a highly visible color such as orange, red or yellow.

1.29 Holidays - Free duty week days certified by the PR Department of Labor and Human Resources applicable to business, commercial and retail services. Holidays not affecting the availability of the Port operations however will be considered as dispense period for purposes of our clients due dates requirements. Holidays at the approval date of this Handbook and Tariff include the following days, which will be automatically supersede by any future modification implemented by the PR Department of Labor and Human Resources.

- New Year
- Three Kingdom
- Good Friday
- Thanksgiving Day
- Christmas Day

1.30 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.

1.31 Lighter - A Barge, with no means of self-propulsion, used to

1.32 Marine Terminal - A development consisting of one or more convenient to the accommodation of steamships or other Vessels and their Cargo and passengers.

1.33 Mayagüez Port Commission - Public corporation as created by Act No. 10 of May 18, 1959 and implemented through AP 04-05(4)-033 on July 23, 2004. The Mayagüez Port Commission owns the property title of the Port of Mayagüez and establishes, and amends whenever necessary, the public policy, the general norms and the regulations regarding the Port of Mayagüez.

1.34 Off-Shore Points - Points not located in PR or its Adjacent Islands, or in the American Virgin Islands.

1.35 Operating Days - Refers to Calendar Days available for conducting business and Port's operations, except on Holidays. The Port of Mayagüez is stated as a 7 days port.

.....

1.36 Operating Hours - Period of time authorized and coordinated by the Port's clients with the Port Administrator to achieve the maritime operation while a Vessel is anchor or moored to the Port Dock's or to complete the in and out Cargo traffic. Other business activities conducted at the Passenger Terminal, parking services and amenities will operate during the days and hours, individually agreed between the business operator and the Port Administrator, as needed.

1.37 PBC - Initials for Passenger Baggage Cargo, used to refer to the General Cargo Container units used to transport such baggage, boxes, and any type of cargo when a passenger is traveling in the same Vessel that such PBC. For the purpose of this tariff, three different measures of PBC are applicable to Wharfage:

PBC 20'

PBC 40'

PBC 45'

1.38 Pier - Is a walkway structure raised over water, supported by widely spread piles or pillars,

.....

extending into navigable water for handling passengers and cargo on to and off vessels.

1.39 Pilotage - Is the charge, calculated in accordance with the Commission for Pilotage's rates, assessed against a Vessel, which is subject to the payment of pilotage under the Commonwealth applicable laws for the service rendered of piloting such Vessel on entering within the limits of the Port from the open sea, leaving the limits of the Port for the open sea, or shifting in the Port of Mayagüez, because a movement of a Vessel between two points within the Port of Mayagüez limits or between a point within the limits of the Port of Mayagüez and a point at the open sea, whenever is required by the Port to attain other Vessel's Dock schedule.

1.40 Port Administrator - Is the sole independent and private entity entitled and empowered by the Mayagüez Port Commission through a long term lease agreement for the administration of the Port facilities and resources, including the

.....

infrastructure development and the operation of the business activities conducted at the Port. The Port Administrator is the party empowered to apply the public policy, general norms, regulations, the rules and tariff approved by the Mayagüez Port Commission, but not limited to, during the time upon agreed. The Port Administrator is the party responsible to propose any new rule and amendment to the Tariff to the Port Commission.

1.41 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).

1.42 Port's Regulatory Agencies - Refers to Federal, Commonwealth and Municipal agencies or organizations which are directly related to the enforcement and implementation of such laws applicable to the Port's maritime operations for the safety, security, customs, levies, and other by laws duties that must be performed at the open sea, Ports' harbor limits, at Piers and terminal.

.....

1.43 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.

1.44 Roll on/Roll off (Ro/Ro) - Method of Cargo handling from a Vessel capable of loading/discharging vehicles or highway type trailer Containers moved on their own wheels between Vessel and shore in the same manner as a Ferryboat.

1.45 Scow - Large flat bottom boat with broad square ends used primarily for transporting bulk material.

1.46 Small Cargo Vessel - Refers to the size and capacity of transporting Cargo (usually loose Cargo packed in boxes of different size, measure and weight). The composition of the Cargo is diverse.

1.47 TEU - Refers to the Containership capacity is normally expressed in twenty-foot equivalent units (TEU), which is defined as the number of 20'X 8'X 8'6"Containers it can carry. Container,

.....

as defined in this document, is equivalent to one TEU and general Cargo (40 ft and 45 ft) are also designated 2 TEUs. When converting Containers and general Cargo to TEUs, the height of the Containers typically is not considered. See Container definition and general Cargo definitions.

- 1.48 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.
- 1.49 Transshipment Cargo** - Transfer from one conveyance to another for shipment (Intermediary port). The shipment of goods to an intermediate destination, and then from there to yet another destination.
- 1.50 Tugboat** (towboat) - Strongly built powerful boat used for towing or pushing.
- 1.51 Vessel** - Any craft designed to navigate on the water used for the transportation of persons or things on the water, to include the ship's owner,
-

her Master and the Vessel Agent or any of them such as: boats, ships, Barges, Tugboats, dredges, etc.

1.52 Vessel Agent - Person or entity to whom is consigned the right to represent the Vessel Owner or Vessel Captain before, during and after such Vessel operations at the Port of Mayagüez for the compliance with Port's Regulatory Agencies, Port Administrator, and general requirements for maritime operations, including liabilities.

1.53 Vessel Manifest - Means the statement submitted by the Vessel Owner or Vessel Agent to the different Port's Regulatory Agencies related to the inbound and outbound passengers and Cargo delivered. The Vessel Manifest statement is supported, but not limited to, by (1) bills of lading describing Cargo and weight, (2) a list of passengers including identity facts like name, date of birth, nationality, sex, among other information, (3) a list of vehicles detailing model, brand, vehicle identification number, weight, among other information, and (4) any

.....

other kind of valid documentation which provides a clear description of type of Cargo and weight.

1.54 Vessel Operation Report - Form used by a Vessel Owner or Vessel Agent to inform actual Vessel operation at the Port of Mayagüez, including arriving and departure time, and type of operations, among other information. The Vessel Operation Report must be supported by the operation's Vessel Manifest.

1.55 Vessel Owner - Refers to the person or entity who possess the property title of a Vessel or is entitled to conduct business with such Vessel.

1.56 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 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.

.....

1.57 Wharfage - Refers to the tariff assessed by the Port Administrator for the use of Wharves in the receiving and delivering of Cargo to ships, Barges, Ferries, or other watercraft, including such Cargo received or delivered to ships, Barges, Lighter, Ferry or other watercrafts, or taken from or delivered to other Vessel while such Vessels are berthed or moored in the Wharf properties of the Terminal. A Wharfage charge is assessed for each inbound and outbound Cargo movement over the Wharf by a Vessel, or between two Vessels. All Cargo received on the terminal is due Wharfage. Wharfage will be collected for the passage of that Cargo on, over, under or through any Wharf premise whether or not is loaded aboard a Vessel.

1.58 Wharf Demurrage - See Demurrage Section 1.15.

1.59 Working hours - The Port of Mayagüez Administrative Office operates from Monday through Friday, except on Holidays. See Holidays definition.

.....

2.0 OPERATING HOURS

2.1 Operating and Office Working Hours

The Port normal Operating Hours will be between 0700 hrs to 1600 hrs. The Port Administrator could change from time to time the Operating Hours schedule, due the type of business activity at the Port. Extended hours for Vessel, Cargo and Passenger operations will be authorized upon request. Such request must be filed with the Port Administrator by 1,200 hrs of the day of the "extended Operating Hours". The Port of Mayagüez will have shifts on flexible time schedule to address Vessel, Cargo and passenger needs and providing non-stopping Operating Hours at no additional costs while the Vessel are operating. Maritime related operations are available twenty four (24) hours a day during seven (7) days a week, subject to previous coordination and approval.

.....

Working Hours are applicable to administrative employees of the Port Administrator and/or the Mayagüez Port Commission.

2.2 Holidays and Work Schedule

The Port will open for works on Holidays, if such request is received by the Port Administrator before noon of the last regular business day before the Holiday.

3.0 CONVERSION FACTORS

1 kilogram = 2.2046 pounds

1 pound = 0.45 kilograms

1,000 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 (FMB)

1,000 FMB = 2.36 cubic meters

1 liter = 0.264 gallons = 0.0063 bbls.

1 barrel = 42 gallons = 159.09 liters

1 short ton = 2,000 pounds

1 cwt = 100 pounds = 2 cubic feet = 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.

1 open waste container = 4.6 short ton = 30 yards = 90
drum bags (55 gallons)

4.0 GENERAL RULES AND REGULATIONS

The rules and regulations are applicable to the Docks, Landing Places, Marine Terminals, Quays, Transit Areas and Wharves or any other facility of the Port of Mayagüez which are used for loading and unloading any type of Cargo and shall apply equally to all users of the Port of Mayagüez facilities. No terminal facilities at the Port of Mayagüez are under the control or administration of the Puerto Rico Ports Authority. Notwithstanding, the Puerto Rico Ports Authority is the Commonwealth Agency which is empowered by law to authorize the harbor entrance to the ports in Puerto Rico and Adjacent Islands, therefore, harbor entrance must be authorized by the

.....

Port Authority Captain and applicable Harbor Dues are payable to such agency, based on their own tariff schedule.

The Port of Mayagüez is also subject to the regulations of the US Homeland Security Act, the US Coastguard and the US Customs and Immigrations, US Department of Agriculture, among other Federal, Commonwealth and local regulations. See Section 4.4 for additional information.

4.1 Consent to Terms of Tariff

The use of the Docks, Landing Places, Marine Terminals, Quays, Transit Areas and Wharves shall constitute a consent by the interested parties to abide by all terms, conditions, rules and regulations, penalties, rates and charges set forth in this document. Notwithstanding, the Port Administrator has no obligation 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 has the obligation to provide Dockage, Wharfage, storage or service beyond reasonable capacity of

.....

the facilities; nor has the obligation to provide extended storage for any property in the course of normal operations, beyond a period of time determined.

4.2 Jurisdiction

Jurisdiction for any action whether in law or equity and whether founded in contract or in tort, brought by any user against the Port Administrator arising from or incidental to the user's operations on property of the Mayagüez Port Commission and/or its use of services or facilities, shall lie exclusively in the Courts of the Commonwealth of Puerto Rico.

4.3 Port Hold Harmless

All users of the Port of Mayagüez facilities shall hold harmless, indemnify and defend the Port of Mayagüez, the Mayagüez Port Commission and the Port Administrator from and against any and all causes of action, suits, claims, damages, and demands of whatsoever kind or nature including, but not limited to, claims for consequential damages, claims for personal

.....

injury, wrongful death, breach of contract, property damage or destruction, natural resource or environmental damages, losses of income and/or earnings, civil or criminal fines or penalties, liabilities, attorney's fees, expert witness fees, court cost and all other costs and expenses arising from or incidental to the users' operations on property of the Mayagüez Port Commission and users of the Port of Mayagüez facilities.

No provision in this Handbook and Tariff shall limit or relieve the Port Administrator from liability for its own negligence; nor shall any users of the Port of Mayagüez facilities be required to indemnify and hold the Port Administrator harmless for the Port's own negligence.

The Port of Mayagüez will provide this Handbook to the users at the first time of operation, and will have a proper disclosure of the document through different media. However, the Port of Mayagüez users are totally responsible of

.....

obtaining knowledge of the Port's rules, regulations and restrictions, as well as the applicable tariff.

4.4 Federal, Commonwealth and Municipal Regulations

All Vessel Owners are required to hold a current license for the Vessel, issued by the Puerto Rico Port of Authority, upon entering the Port of Mayagüez. It is responsibility of the Vessel Agents to obtain and comply with the Ports Authority requirements to obtain the license for the Vessel and pay to the P.R. Port Authority any fee or tariff for such purposes.

Parties using the Port of Mayagüez shall comply with and shall cause its officers, employees and any other persons over whom it has control to comply with all municipal ordinances, Commonwealth and Federal laws, rules and regulations applicable to the use of the Piers including, but not limited to those adopted by the United States Occupation Safety and Health Administration, United States Customs, United States Coast Guard, United States Environmental

.....

Protection Agency, Puerto Rico Department of Natural Resources, Puerto Rico Department of Transportation and Puerto Rico Port of Authority.

4.5 Liability for Loss, or Damage Limited

Except as may be directly caused by their own negligent acts or omissions, the Port Administrator shall not be responsible for loss of any freight being loaded at the facilities, nor for damage to or loss of freight on or in its facilities, by fire, leakage or discharge or water from fire protection sprinkling system; collapse of buildings, sheds, platforms, Wharves, subsidence of floors or foundations; breakage of pipes. At no time the Port Administrator will be liable for loss or damage caused by rats, mice, moths, weevils or other animals or insects.

The Port Administrator shall not be liable for any delay, loss or damage arising from combinations of strikes, tumult, insurrection, riot, sabotage or acts of God, nor from any of the consequences of these contingencies.

.....

On all shipments received at the Port of Mayagüez where shippers and/or consignees do not have a representative present at the Dock to check or receipt for the shipment, the check count or measurement made by the Port of Mayagüez attendant will be complete without further liability to the Port Administrator. The Port Commission and the Port Administrator will not be liable for any abandoned property.

4.6 Damages to Facilities

All Vessel Owners or Vessel Agents, and all other users of the facilities, shall be held responsible for any and all damage to the facilities. The Port Administrator may detain any Vessel, vehicle, Cargo or watercraft responsible for any damage to the facilities until sufficient security has been given for the amount of damage. All Vessel, vehicles, Cargo and watercraft detained will continue to accrue and pay the charges under the tariff as if they were in operations or in Demurrage. The Port Operator has the authority to charge the highest tariff item

.

to the detained property. The Port Administrator reserve the right to repair, rebuild, contract for repair, and damages to or destruction to Docks, Wharves, warehouses or transit sheds, equipment, or shop facilities, water and light facilities and to hold the Vessel Owners, their charters, their agents and/or all other users responsible for payment. During the period of such repairs the Port Administrator will continue to charge the tariff as if the facility is under the Vessel or Cargo operation.

All Vessel Owners, their charters, their agents and all other users of the terminal facilities, shall be held responsible for any damage to or destruction of the property owned by participating terminal operators (including, but not limited to, expenses of damage to or destruction of or repair or replacement of terminal facilities) resulting from their use or arising from any acts, omission, neglect or default of Vessels Owners, their charters and their agents or of all other users.

.....

Participating terminal operators reserve the right to repair, rebuild, contract for repair, and damages to or destruction to Docks, Wharves, warehouses or transit sheds, equipment, or shop facilities, water and light facilities and to hold the Vessels Owners, their charters, their agents and/or all other users responsible for payment. Participating Terminal Operators may detain any Vessel or water craft responsible for any damage to the facilities until sufficient security has been given for the amount of damage.

4.6.1 It is prohibited for any person to willfully or carelessly destroy, damage disturb, deface, or interfere with any buoy, float life preserver, sign, notice or any other Port of Mayagüez property whatsoever under the jurisdiction of the Port of Mayagüez.

4.6.2 Every person and every Vessel is responsible for any damage to the Port of Mayagüez property of any kind or character and shall be held liable for any charges for

.....

the cost and expense of the replacement or repair of the property so damaged or destroyed.

4.6.3 The expenses of repairing said damage shall be charged against the person or Vessel, or both responsible thereof.

4.6.4 In the event any damage is done to any Wharf, Wharf premise, facility or other property owned by the and in the possession of, or under the supervision, management or control of the Port Administrator, 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 Vessel Agent of any Vessel, vehicle, or other instrumentality involved in such damage, shall promptly file a full report thereof with the Port of Mayagüez 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 prohibited 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 Handbook and Tariff, any such person who so refuses, neglects or fails, may be denied the use of Wharf or other facility until the Port of Mayagüez has been fully reimbursed for any such damage.

4.7 Insurance

The charges provided in this Handbook and Tariff does not include any expense of property or any other insurance covering owner's interest.

All stevedoring firms and/or Vessel Agents or Vessel's sub-contractors utilized by them shall be responsible of furnishing the Port Administrator evidence of carrying a bodily injury liability insurance and property damage

.....

liability insurance, for which they must furnish certificates of insurance. Such insurance shall be in amounts not less than \$1,000,000 combined single limit and for contract terminal operators not less than \$5,000,000. The stevedoring firms and/or Vessel Agents or Vessel's sub-contractors must annually submit evidence of the renewal of the liability and property damage liability insurances. The Port Administrator may require higher limits in extraordinary cases.

Firms without an approved insurance coverage will not be allowed to operate on the facilities.

4.8 Pilotage Services

4.8.1 Harbor Pilot's Charges

Pilotage services to Vessels conducting business or activities at the Port of Mayagüez are accessible through the Vessel Agent at the Vessel's cost based on the Commission for Pilotage's tariff. Charges are due and payable to the Harbor Pilots.

.....

4.8.2 Davit and Harbor Pilot Boat

The Port Administrator shall provide space at the Wharf to place the Davit and the Harbor Pilot Boat, based on the conditions established for the Special Accommodations (Section 4.9.1).

4.8.3 Sea Operation Waiver

The Port Administrator shall waive the sea operation of the Harbor Pilot for the purposes:

4.8.3.1 Permits

The Harbor Pilot is granted with a full waiver for conducting maritime operations at the Port of Mayagüez and he/she is waived for the submission of the Docking Permit and the Vessel Operation Report.

4.8.3.2 Dockage

The Harbor Pilot Boat is waived from the payment of Dockage fees while is entering to the Port harbor, moving

.....

within the Port limits and docked at
Wharf or at the Davit.

4.9 Special Accommodations

Special accommodations are provided to Port's
Regulatory Agencies based on the following two
criteria:

4.9.1 Law Enforcement

The Port Administrator allows access to the
Port's Regulatory Agencies for the
performance of such duties and ruling of
port activities enforced by law at the lower
annual rate of one dollar (\$1).

4.9.2 Office Space

Additional office space, whenever is
available, for the purposes of establishing
an office location at the Port, will be
subject to the cost, terms and conditions
agreed by the Port Administrator and the
concerning Port Regulatory Agency.

.....

5.0 PORT PROPERTY RESTRICTIONS AND LIMITATIONS

5.1 Space Usage and Allocation

The Port Administrator shall control the usage and allocation of all space on its properties. All persons using the Port's property in any manner shall strictly coordinate with the Ports' authorized representative and comply with such allocation of space.

The Port Administrator may move freight or other articles, at Vessel Owners' or Vessel Agents' 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 Port Administrator shall be the sole judge in the matter.

5.2 Making Fast or Remaining at Wharf Without Consent of The Port

It is prohibited 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 the Port Administrator and it is prohibited 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 Port.

For the purpose of this Item, each period of twenty four (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 Handbook 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 Port Administrator and at the risk and cost of such Vessel, its Vessel Agent or Vessel Owner.

.....

5.3 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.

It is prohibited for any person to fish from or otherwise use in any manner, or for any Vessel or any Vessel Owner, Vessel Agent or operator thereof use in any manner, any berth Wharf, Wharf premise, or other area under the jurisdiction of the Port of Mayagüez without first securing an assignment or other permission to do so.

5.4 Inside Fencing

The Port Administrator must authorize all fencing inside transit sheds, warehouses and terminals. All original fencing or subsequent modifications will be installed at the expense of the applicable Port of Mayagüez user. After

.....

installation, the fencing becomes the property of the Mayagüez Port Commission, and the Port Administrator 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.

5.5 Signs

Painting signs on structures or facilities belonging to the Mayagüez Port Commission are prohibited without prior approval from the Port Administrator. Signs to be placed on the Port's facilities shall be furnished by the Port of Mayagüez users and displayed by the user after the approval of the design, material and size of said signs by the Port Administrator.

5.6 Smoking

It is prohibited for any person to smoke or to light a match upon, or in, at Port's facility when such act is prohibited by the Port Administrator, the Commonwealth of Puerto Rico Fire Service or the U.S. Coast Guard. The Port

Administrator can deny access to such persons to the facilities.

5.7 Persons Not Allowed on Certain Premises

It is prohibited that any person under the influence or apparently under the influence of intoxicating liquors or illegal drugs to enter or be on any terminal or other premises or facilities to behave in a disorderly manner. The Port Administrator can deny access to such persons to the facilities.

5.8 Loitering on Ports Properties

It is prohibited for any person to loiter on the properties of the Port of Mayagüez. It is prohibited for unauthorized persons to be on Pier facilities. The Port Administrator will assume no responsibility for the occurrence of injuries or damages resulting here from. The Port Administrator can deny access to such persons to the facilities.

.

**5.9 Prohibited to Fish from or Use Any Berth, Wharf
or Other Area Without Assignment or Other
Permission**

It is prohibited for any person to fish from or otherwise use in any manner, or for any Vessel or any Vessel Owner, Vessel Agent or operator thereof use in any manner, any berth Wharf, Wharf premise, or other area under the jurisdiction of the Port Administrator without first securing an assignment or other permission to do so. The Port Administrator can deny access to such persons to the Port facilities.

5.10 Solicitation

It is prohibited for any person to solicit or carry on any business on Port of Mayagüez property without previously obtaining a permit from the Port Administrator as required by this handbook or any other regulation. The Port Administrator can deny access to such persons to the facilities.

.....

5.11 Vehicles

It is prohibited 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 of Mayagüez facilities not engaged in the transportation of Cargo shall park in the areas designated by the Port Security Officers. It is prohibited 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 Port of Mayagüez may designate.

The Port Administrator is authorized to remove from the property any vehicle that violates this section at the risk and cost of the vehicle owner or user.

.....

5.12 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 or at a rate of speed not greater than ten (10) miles per hour, having due regard to the traffic, and it is prohibited for any person to operate or drive a motor vehicle or any other vehicle at such a rate of speed or in any manner so as to endanger the life, limb or property of any person. The Port Administrator can deny access to such persons to the Port facilities.

5.13 Emergencies

Anyone at the Port of Mayagüez property at any time that becomes aware of an emergency situation of any nature shall notify a responsible Port of Mayagüez 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 the Port of Mayagüez facilities 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.

6.0 PORT SECURITY AND MAINTENANCE REGULATIONS

6.1 Security

Port Administrator security officers as well as those of the shipping companies, Vessel Agents or stevedoring companies may inspect any vehicle at the entrance or exit of any of the Pier facilities when they deem it pertinent.

The Port of Mayagüez and its security personnel are not responsible in any manner for the custody of property, Cargo, vehicles, Vessels or facilities of the users in the premises of the Port of Mayagüez. Security officers of the Port of Mayagüez will monitor and protect the Port of

.

Mayagüez properties and will cooperate in other aspects of law violations with the Puerto Rico Police.

The Puerto Rico Police and the Port of Mayagüez Security 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.

All Port of Mayagüez users shall be held responsible of furnishing their own security when they have Cargo, Vessels, other property and/or responsibility on Pier facilities. Watchmen used for this purpose must have identification from the Port Security Office. This identification will be requested to the Port of Mayagüez Facility Security Officer or the Port Administrator Security Office, who will maintain an updated list of all watchmen.

All persons entering the Port must abide by Homeland Security Guidelines.

6.2 Identification Cards

All Port of Mayagüez employees shall use a photo identification card issued by the Port Administrator. Access to the Wharf is restricted and limited to those properly identified passengers in transit, outbound or inbound Vessel crewmembers, terminal operators, Port of Mayagüez employees and Federal Agencies with authorized access to the areas.

Foreign flags Vessel's Owners or Vessel Agents shall require crewmembers disembarking in the Port of Mayagüez Wharfs, Piers, Docks or bulkheads to carry an identification card with photo. US Coast Guard shall verify the accomplishment with this rule.

Any fine imposed to the Port Administrator by motive of the foreign flags ships' owner or Vessel Agent that fail with this provision, shall be responsibility of the foreign flags ships' owner or Vessel Agent.

6.3 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 Port Administrator, 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 US Coast Guard, and the Port Administrator 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 US Coast Guard

.....

regulations relating to the transportation of explosives and other dangerous articles.

6.4 Explosives, Inflammables, Unlawful and Other Hazardous Materials

Explosives, inflammables, unlawful (included but not limited to stolen vehicles, controlled substances, contraband, guns and ammunitions) and other hazardous commodities or materials will not be handled over or received on the Wharves or other facilities of the Port of Mayagüez until and unless approval is obtained from the US Coast Guard, the Port Administrator and any other Government Agency in interest as determined by the Port Administrator. Such approval must be obtained by filing with the Port Administrator, the US 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 the Port of Mayagüez facilities shall also within at least 48 hours in advance notify the US Coast Guard and the Port

.

Administrator of such information regarding and included in the docking Application and Permit.

The Port of Mayagüez may refuse the use of its facilities or water-front for the handling, stowing, loading, discharging or transportation of such explosives or dangerous articles which are considered by the Port Administrator as offering undue risk or exposure to risk.

Wherever a ship transporting explosives, inflammables or other hazardous materials is berthed at the Port of Mayagüez facility, a copy of the Hazardous Cargo manifest shall immediately or before ships arrival be filed with the Port Administrator.

Any Cargo in violation of any Federal and Local Law must not be discharged from the Vessels or moved from the Port until the Government Agency in interest has arrived, inspected the goods and decide its outcome.

No Cargo in this section can be removed from the Port without the Port Administrator written consent. Vessel Owners, Vessel Agents, users,

.....

contractors and/or stevedores will be denied future access to the Port if they violate this provision.

6.5 Fire Fighting Apparatus

It is prohibited for any person to obstruct or interfere with the free and easy access to, or to use, remove or in an 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 Port of Mayagüez, 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.

6.6 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 effectual 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 arrest, 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.

6.7 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 Port Administrator, subject to the approval of the US Coast Guard.

6.8 Facilities Maintenance

All users of the Port of Mayagüez 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 Port of Mayagüez shall order them cleaned and bill the responsible party. Refer to Cleaning Section 13.5. Areas subject to Port Administrator janitorial services are exempt from this rule unless abused by the user. In the case of abuse, the user and/or the user Vessel Agent will be charge for the cleaning and any repair needed.

6.9 Pollution of Air, Water and Land

It is prohibited for any person, firm or corporation to deposit, place or discharge into the waters of the Port of Mayagüez and facilities any Ballast, Dunnage, sanitary sewage butcher's offal, garbage, dead animals, gaseous liquid or solid matter, oil, gasoline, residuum 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 the Port of Mayagüez facilities shall take every precaution to avoid pollution of the air and land. Port of Mayagüez air pollution control procedures will be strictly enforced.

In addition to these regulations, all appropriate Federal, Commonwealth and local laws, rules and regulations pertaining to air and water pollution shall be rigidly observed.

6.10 Domestic and International Garbage from Vessels

It is prohibited to unload, remove or discharge, or cause, suffer or permit to be unloaded, removed or discharged, from any Vessel in the Port of Mayagüez facilities, any garbage or refuse matter of any kind coming from foreign countries. The Port Administrator will accept, subject to previous coordination and assurance of complying with US Coast Guard, the US Department of Agriculture and any other local or Federal agency regulations or laws, whenever the previous Vessel port visited by the Vessel had been a US Port in compliance with the Homeland Security

.....

Act. The garbage disposition is subject to a tariff based on per 55 gallon bag or the cost of disposal what ever is higher.

6.11 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 rule in the Wharves assigned to them.

Special garbage disposition will also be coordinated with an authorized and licensed waste disposal collector coordinated by the Port Administrator.

7.0 BILLING RULES AND REGULATIONS

7.1 Requirements of Documents Submission

7.1.1 Arrival Documents and General Conditions

The Vessel Owner or Vessel Agent is responsible for submitting the Docking Permit not later than twenty four (24)

.....

Operating Hours¹ from the estimated arrival time to the Port of Mayagüez.

The tariff herein established, will provide a guide to the Vessel Owner or Vessel Agent to estimate the amount of the charge for services and use of the Port of Mayagüez facilities. New, non-recurrent users or users with a bad consumer credit need to deposit 100% of the estimated charges to be incurred except those users with established credit privileges with the Port Administrator. Any payment delivered by the Vessel Owner or Vessel Agent before the Port Administrator delivers the official invoice will be accepted as an advance (partial) payment and not as final payment or as an acceptance for a final payment or a full cancellation of the services received by the Vessel Owner or Vessel Agent. However, such advance payment will be applied to the invoice total and a payment receipt will be sent to the Vessel Owner or Vessel Agent

¹ See Section 1.34.

.....

with the invoice for the payment of the remaining balance. In the event that the advance payment satisfied the invoice total or exceeded the invoice total, the Port Administrator will send the invoice including the payment application for a zero balance and, if applicable, any refund.

7.1.2 Departure Documents

The Vessel Owner or Vessel Agent must submit the Vessel Operation Report no later than twenty four (24) Operating Hours after Vessel departure or the next operational day, as applicable. The Vessel Operation Report will contain actual information about arrival and departure time and should be supported by the Vessel Manifest document for passengers, vehicles and Cargo, including Bill of Lading, used to report to the Port's Regulatory Agencies.

.....

7.1.3 Penalties Applicable to Overdue Documents

Submission

Penalties of 15% shall be imposed to each twenty four (24) hour period of filing overdue documents (Vessel Operation Report) unless the departure of such operation was finished on a Holiday, accordingly to Section 1.29 of this Handbook and Tariff. The penalty percentage will be applied over the invoice total, and added as part of the accounts receivable account.

7.2

Access to Records

All Vessels Owners and Vessel Agents, and any other user of the Port of Mayagüez facilities, shall be required to permit the Port Administrator access to Vessel Manifest of Cargo, passengers, and any other document related to the port's operation for the purpose of audit for ascertaining the correctness of the reports filed to the Port Administrator.

.....

7.3 Terms and Conditions of the Invoices and Payments

The Port Administrator Billing Office shall prepare and submit an invoice to the Vessel Owner or Vessel Agent as applicable, twenty four (24) Working Hours after receiving the Vessel Manifest for passengers, vehicles and Cargo (including Bill of Lading) or the next working day whichever occurs first. Invoices individually detail each tariff charged and the period applicable for such invoice. Payment to the Port Administrator shall be in cash, money order, cashier check, check (upon prior credit approval) or wire transfer. If differences are found between the manifest and the supporting documents, during the pre-audit procedure the supporting documents shall prevail over the Vessel Manifest. The Port Administrator would notify any discrepancies found in the Vessel Manifest and could request his acknowledgment and/or the amendment of such Vessel Manifest.

The Port Administrator would bill, at any time, any charge applicable to any port's operation for

.....

which an invoice was previously issued and paid, but such invoice was wrongly stated, because missing items, incorrect measures or weight or incorrect tariff application.

No dispositions are granted under this Handbook and Tariff as discounts. Therefore, no discount is applicable to invoice for Vessels' operations, nor for service charges (such as water or electricity), charges, reimbursable expenses, and Demurrage. However, the Port Administrator is empowered to establish rules, standards, and procedures as considered convenient and adequate to attain the highest efficiency and promptness for the fees collection.

Notwithstanding, the Port Administrator may, upon verification and prior approval from the Mayagüez Port Commission, grant incentives to repeat business, upon the evaluation of a proven track-record of an excellent business relationship, based on effective payments of invoices, or pre-payment of the services, frequency and scheduling for the Vessel operation among others.

.....

7.3.1 Payment of Invoices

Any invoice is due and payable after twenty four (24) hours after issuance date, unless the invoice has been issued on Friday, in which case it should be payable on Monday. Holidays (as defined in Section 1.29) will extend the due date for an additional twenty four (24) hours.

An advance payment will not constitute a final payment. Differences between the advance payment and Port of Mayagüez invoice must be paid within twenty four (24) Working Hours after invoice date. Vessel Owner or Vessel Agent shall be responsible to obtain or receive the invoice as soon as be issued and for its prompt payment.

Discount policy is not incorporated as part of the rules and conditions approved in this Handbook and Tariff. Any previous credit privileges granted during the adoption period of the M-1-6 Tariff as an alternative

.

ruling document are revoked at the effective date of the Handbook and Tariff No. 1.

7.3.2 Delinquent Accounts

An account becomes delinquent immediately is due; therefore a penalty of 9% annual interest will be assessed on the outstanding balance calculated on a daily basis from the day in which the invoice become due, for as long as the account remains delinquent.

Delinquent accounts may result in the restriction of the use of the Port of Mayagüez facilities until the balance is paid in full. In addition, delinquency history may result in future prepaid operations.

7.3.3 Disputed Amounts

Invoices once issued are payable in full, although the Vessel Owner or Vessel Agent has the right to dispute any amount billed.

Disputed amounts are subject to the procedures detailed in Section 7.4.

Payments applicable to invoices subject to

.....

dispute have to be by the invoice full account. Disputed amounts which have been deducted by the Vessel Agent or Vessel Owner without following the procedure provided in this Handbook and Tariff will be treated as an advance payment, subject to delinquency penalties, if the disputed amount does not prevail.

7.3.4 Prepaid Operations

If a Vessel Owner or Vessel Agent has a history of frequent and/or several delinquent accounts, the Port Administrator may require a prepaid operation. All services will be prepaid until user has filed a credit application and the Port Administrator has approved such application.

7.4 Time Limit for Filing Claims

All claims against the Port of Mayagüez related to charges and tariff billed shall be filed in written by the Vessel Owner or Vessel Agent within a term of thirty (30) Calendar Days from the invoice date subject to claim. The written

.....

notice will clearly indicate the charges and amount in dispute, as well as the reason for such claim, and has to enclose any necessary documentation or related evidence. If the dispute is resolved positively for the Vessel Owner or Vessel Agent, the Port of Mayagüez will reimburse the amount in dispute plus the applicable share of interest, based on the prevailing annual interest computed on daily basis.

8.0 DOCKAGE

Any Vessel berthing at or making fast to the Port of Mayagüez Wharf, Pier or bulkhead structure, or mooring to another Vessel so berthed, shall pay Dockage at the rates established herein, unless exceptions in Section 8.2 apply.

8.1 Conditions

8.1.1 Measurement Application for Dockage Rates

Dockage rates shall apply per gross register ton (GRT) of the Vessel (including Tugboats) as appear in the ship license or in the

.....

International or Domestic certificate and the highest will be used to assess the rate.

8.1.1.1 Exception. Fixed Dockage amounts, instead of Dockage rates per gross register ton (GRT), shall apply to Triple Deck Ro-Ro Barge, International Car Carriers, Large and Ultra Large Container Ships. For Tugboats apply Section 8.1.1, unless apply Section 8.2.1.

8.1.2 Term Applicability for Dockage Rates

8.1.2.1 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.

8.1.2.2 Dockage shall be assessed for each period of twenty four (24) hours or

fraction thereof during which a Vessel is at berth.

8.1.3 Other Application

Any type of berthing not covered by specific tariffs, as detailed on Sections 16.1.1 through 16.1.7, will be assessed a fee of the Dockage NOS Rate (Section 16.1.8), per gross registered ton per day or fraction thereof.

8.1.4 Vessel Shifting Berths

When a Vessel shifts berth by request of the Port of Mayagüez, 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 its benefit or that of his/her Vessel Agent, Dockage will be assessed separately at each Wharf, Pier or bulkhead.

8.1.5 Vessels on repair

8.1.5.1 Vessels regularly serving Puerto Rico while on repairs or scheduled

maintenance when berthed at the Port of Mayagüez facility shall be assessed half Dockage (50%) after proper arrangements for use of berth are made with the Port Administrator. Vessels not regularly serving Puerto Rico will similarly be assessed 60% of the regular Dockage.

8.1.5.2 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 Port of Mayagüez if the berth is so needed.

8.2 Exceptions for Docking Application

No Dockage will be assessed against:

8.2.1 Tugboat

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 exception will not apply if the Tugboat stays fast to the

other Vessel beyond the time of rendering services.

8.2.2 Combat or Training Vessels

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 Port of Mayagüez conditions warrant the temporary suspension of regular Dockage charges.

8.2.3 Regattas

Vessels participating in regattas or maritime activities duly recognized by the Port of Mayagüez require previous written approval by the Port of Mayagüez.

8.3 Penalties

Any Vessel that stays at the Port beyond the requested time frame without submitting a schedule change on a timely manner nor receiving the approval from the Port Administrator for a Docking Permit or a request for dockage time

.....

extension will be charged by the Port Administrator with a penalty of \$5,000 per each hour or fraction of hour overdue. Vessels with an overdue schedule which provoke other Vessels' business interruption will also be responsible for the compensation of any costs incurred, loss or damages claimed to the Port Administrator and/or the Mayagüez Port Commission by any vessel because its departure or entrance is delayed by the overdue schedule vessel.

8.3.1 Vessel's Operations Notification of Lateness

The Vessel Owner or Vessel Agent must closely observe its operations time frame to comply with the departure schedule and must initiate a temporarily closing of operations at the Pier not later than one (1) hour before the expiration of its Docking Permit in order to avoid the application of penalties set forth in Section 8.3.

.....

8.3.2 Operations Waiver

The Port Administrator shall waive to the Vessel the time incurred (plus an hour) to make possible the entrance or departure of another Vessel to and from the Port's Wharfs. Therefore, the Docking Permit departure time shall be extended for such additional time to avoid additional docking charges, as per Section 8.1.2, whenever the Vessel delay departure time occurred after the end of twenty four 24 hours docking period.

8.3.3 Exceptions

8.3.3.1 Penalties under Section 8.3 are exempted in case of Force Majeure, as defined in Section 1.23.

9.0 WHARFAGE

As established in this Handbook and 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). The method used by the carrier can at no time be in conflict with this tariff or be used to diminish the revenues of the Port.

9.1 Conditions

The Vessel Owner, Vessel Agent, master or other person in charge of a Vessel or Cargo must furnish to the Port of Mayagüez Billing Officer, complete copies of the Vessel 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.

9.1.1 Weight measurements

9.1.1.1 When freight charges are computed by the ocean carrier and shown on the manifest or shipping documents on the basis of weight or measurement, Wharfage shall be assessed as so computed and manifested.

.

- 9.1.1.2** When the basis of the freight charge is not shown on a manifest or shipping documents 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.
- 9.1.1.3** 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 Port of Mayagüez for such determination. In this case the Wharfage will be assessed on the result yielding the highest revenue.
- 9.1.1.4** Whenever the Vessel carrier of passenger transports baggage either as part of the passenger ticket cost and/or based on a baggage tariff applicable to pieces either by measures and/or by weight, the
-

Port Administrator shall assess a fixed charge per PBC type unit reported in the Vessel Manifest as per Section 16.2.9, even if the PBC is partially or fully loaded.

9.1.1.4.1 The Vessel Owner or Vessel Agent shall report all inbound and outbound PBC, as part of the Vessel Manifest, including such PBC used for non-charged baggage.

9.1.1.4.2 The Port Administrator shall apply a credit of 20% over the total PBC tariff invoice. This credit provides the method to compensate the Vessel Owner or Vessel Agent for Section 9.2.3.

9.1.2 Transshipment

9.1.2.1 Containers, General Cargo and/or flat-bed trailers to be held on the Container company's holding area originally manifested for transshipment

.....

to other destinations without form or content, including both loaded and empty Containers, shall be assessed Wharfage only on the inbound movement. Those that exceed a period of fifteen (15) Operating Days will be charged outbound Wharfage at the normal rate.

9.1.2.2 Cargo loaded on or discharged from a Vessel while berthed at a Port of Mayagüez facility, to or from a Barge, Scow, or Lighter, or another Vessel alongside shall be assessed Wharfage at one half (50%) of the rate.

9.1.2.3 Cargo transferred from one Vessel to another at the Port of Mayagüez facility without change in form or content, including both loaded and empty Containers, shall be assessed Wharfage only on the inbound movement.

.....

9.2 Exceptions

9.2.1 Vessels' Supplies

Vessels' supplies, repair materials and supplies provided they are intended for the Vessel's own use, consumption or repairs not including fuel.

9.2.2 Cargo Equipment

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 at midnight of the day of the conclusion of the operations.

9.2.3 Passenger's Baggage

This exception is applicable only when the baggage are carried on the same Vessel as part of the passenger transportation cost,

.....

and the Vessel carrier collects no revenue for its transportation. Any excess of baggage or weight over permitted amount of baggage as part of the ticket cost for which the Vessel carrier collects revenue for its transportation is subject to Section 9.1.1.4 and tariff on Section 16.2.9.

Goods with commercial value will not be considering baggage under this tariff. The Vessel Owner or Vessel Agent shall identify such commercial goods by using Bill of Lading and the Port Administrator shall assess the tariff applicable to the type of merchandise, goods or supplies.

9.2.4 Petroleum

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.

.....

9.2.5 Ballast in Bulk

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.

9.2.6 Dunnage and Ship Lining

Dunnage and ship lining used in the stowage or bracing of Cargo, which is discharged from and reloaded to the same Vessel within 30 (thirty) days.

9.2.7 Scrap Dunnage

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.

9.2.8 Cargo Movement

Such Cargo which a Vessel discharges and reloads prior to departure in order to load or discharge other Cargo.

.....

9.2.9 Special Cargo Activities

Merchandise or Cargo, including liquid products, which are received in Puerto Rico or are sent from Puerto Rico to other countries for assistance purposes to natural disaster cases or of any other nature, which is recognized by the Port Administrator, will be exempted of paying Wharfage when the Port of Administrator recognizes this in writing.

9.3 Right to Refuse the Handling of Cargo

The Port Administrator 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).

.....

10.0 PASSENGER SERVICE FEE OR WHARFAGE FEE FOR CRUISE SHIP
VESSELS

10.1 Conditions

10.1.1 Number of Passengers

Vessels carrying more than 12 revenue passengers or Cruise Ships which berth at the Port of Mayagüez Wharf, Pier, or bulkhead structure shall pay a fixed fee per passenger based on the total number of revenue passengers or tourists who initiate or terminate a voyage on the Vessel and whose names appear in the passengers or tourist list upon arrival of the Vessel. Wharfage shall be assessed for each period of twenty four (24) hours or fraction thereof during which a Vessel is at berth.

10.1.2 Round Trip

The Passenger Service 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 to they began their trip at a Port of Mayagüez facility and were included in the number of passengers used to determine the passenger fees paid by the Vessel at that time.

10.2 Port of Mayagüez Incentives for the Cruise Ship Industry

Cruise ship owners and/or operators interested in making the Port of Mayagüez a regular Port of Call or a Home Port for their Vessels may apply for one or more of the following incentives. These incentives will be available to Vessel Owners or Vessels Operators through individual negotiation and written agreement process based on a minimum amount of Port Calls or a volume of passengers. In the event that Vessels Owners or Vessels Operators cannot accomplish the guarantee volume of passengers or Port Calls as individually agreed, the Port Administrator shall retroactively charge the tariffs applicable to dockage or passenger service fee.

The Incentives for the Cruise Ship Industry granted by the Port Administrator to the Vessels Owners or

Vessels Operators throughout written agreements cannot exceed the expiration of this Handbook and Tariff.

10.2.1 Cruise Ship Maiden Voyage Incentive

Cruise Ships using the Piers facilities of the Port of Mayagüez during its first call may be exempted from the payment of Passenger Service Fee in their Cruise Ship Maiden Voyage trips whenever a Cruise Line have initiated negotiations or have a written agreement with such Cruise Line for visiting the Port of Mayagüez based on an agreed minimum volume of passengers or Port Calls. These exemptions will be granted after previous and advance confirmed maiden voyages and are given through credits to the invoice issued by the Port of Mayaguez. These incentives will not be applicable to Cruise Ships that eventually change Vessel name, Vessel Agent, Vessel Owner or have used the Port of Mayagüez facilities at any time in the past.

.

10.2.2 Dockage Exemption Incentive

Cruise Ships, using the Piers facilities of the Port of Mayagüez, belonging to Cruise Lines which have in place agreements guarantying a minimum volume of passengers or Port Calls may be exempted of dockage for the first twenty four (24) hours.

10.2.3 Incentive to Passenger Service Fee

Cruise Ships, using the Piers facilities of the Port of Mayagüez, belonging to Cruise Lines which have in place agreements guarantying a minimum volume of passengers or Port Calls may have a reduced Passenger Services Fee as low as \$8.81.

10.2.4 Preferential Docking Incentive

Cruise Ships, using the Piers facilities of the Port of Mayagüez, belonging to Cruise Lines which have in place agreements guarantying a minimum volume of passengers or Port Calls may have the privilege of a Preferential Docking.

.....

10.2.5 Other Incentives

Cruise Ships may apply to any Commonwealth Agency or Local Government Incentive Programs, regardless of the Incentive granted by the Port Administrator subject to the conditions established for its approval by such entities. The Port Administrator or the Port Commission has neither control nor responsibility for the Incentives Programs provided by any Commonwealth Agency or Local Government Incentive Programs.

11.0 PORT SERVICE CHARGES

Every Vessel entering, navigating or otherwise using any port of Puerto Rico or Adjacent Islands will be assessed a charge per each period of 24 hour or fraction for the purpose of contributing to the costs incurred by the Commonwealth to comply with the regulations for the navigation and maritime commerce under the Docks and Harbors Act of Puerto Rico, 23 L.P.R.A. Section 2201, et seq.

.....

The Port Services Charges or Harbor Dues are assessed and imposed by the Captain of the PR Port Authority located at the Port of Mayagüez. The Harbor Dues are payable to the PR Port Authority, whether or not a Vessel uses the Port facilities. The Harbor Dues are not assessed to contribute in any way to the terminal facilities and services provided by the Port of Mayagüez.

Vessel Owners or Vessel Agents shall not include the Port of Mayagüez services charges as part of the payment for Dockage, Wharfage and other services or charges assessed by the Port Administrator. For Harbor Dues tariff details, please refer to the Puerto Rico Port Authority.

12.0 FREE TIME AND DEMURRAGE

12.1 Conditions

The payment of the Wharfage rates prescribed in this Handbook and Tariff will entitle inbound Cargo to the use of the Transit Area of the Port of Mayagüez 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.

A free-time period of five (5) Port Operating Days is provided to those Vessels, which conditions do not match or comply with the exceptions appointed on Section 12.2.

12.2 Exceptions

12.2.1 Cargo Subject to Federal Agencies Clearance

Import Cargo or vehicle which requires clearance from Customs and the Departments of Health or Agriculture, will have a free-time period of six (6) Port Operating Days.

12.2.2 Foreign Countries Cargo or Vehicles

Export Cargo or vehicle to or from foreign countries, will have a free-time period of six (6) Port Operating Days.



12.2.3 Cargo of Federal, Commonwealth and Local Government

For purpose of education, health, public aid to attend emergency situation, when exceeding 1,000 tons will have a free-time period of seven (7) Port Operating Days.

12.2.4 Shipments of One Commodity or Consignee

Imported as well as exported, in excess of 3,000 tons and up to 4,999 short tons, will have a free-time period of six (6) Port Operating Days and those in excess of 5,000 short tons of the same commodity or for the same shipper, will have a free-time period of seven (7) Port Operating Days.

12.2.5 Transshipment Loose Cargo and Vehicles

The Vessel line shall be held responsible for presenting all documents evidencing that the shipment concerns transshipment Cargo so that it will have the right, which in this connection is established.



12.2.5.1 Loose Cargo (not in Containers)
and vehicles, originally manifested
for transshipment to other ports
without change in form or contents
paying only incoming Wharfage, will
have a free-time period of ten (10)
Operating Days.

12.2.5.2 Cargo or vehicle for transshipment
remaining in the Pier in excess of
ten (10) Port Operating Days will pay
Demurrage according to the rate
established in this Regulation and
will pay in addition outgoing
Wharfage, if re-embarked. If the
Cargo or vehicles is not re-embarked,
it will be subject to the provisions
of Section 12.4.4.

12.2.5.3 Cargo or vehicle lifted from the
Pier to a warehouse, which does not
belong to the Port of Mayagüez during
the period from the eleventh to the

.....

fifteenth days, it will not be considered as Cargo or vehicle in transshipment and will pay Demurrage as if it were inbound Cargo or vehicle over the regular free time of four (4) Port Operating Days.

12.2.6 Transshipment Cargo or Vehicle in Containers

The Vessel line shall be held responsible for presenting all documents evidencing that the shipment concerns transshipment Cargo so that it will have the right, which in this connection is established.

12.2.6.1 Free time - Cargo or vehicle in Containers held in the Pier (transit) and/or the company's holding area originally manifested for transshipment to other destination without change in form or content, including both loaded and empty Containers shall have a free-time

period of ten (10) Port Operating Days.

12.2.6.2 Demurrage and tariff after free-time

- Cargo or vehicle remaining in the Pier (Transit Area) in excess of ten (10) Port Operating Days will pay Demurrage according to the tariff in effect and will pay in addition outgoing Wharfage for transshipment if re-embarked as indicated in Section 16.2.5.

12.2.7 Foreign Diplomatic Cargo

Cargo or vehicle 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, will have a free-time period of thirty (30) Port Operating Days.

12.3 Commencement and Expiration of Free-Time Period

Free-time is based on the Port's Operating Days (consecutive Calendar Days) unless a Holiday as referenced in Section 2.2 extends the given free time as applicable and included in this Tariff.

The free-time period for incoming Cargo or vehicle will commence at the first midnight (12:00am) 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 (12:00am) after the merchandise is placed on the Pier or Pier premises. Free-time for Cargo unloaded from a ship, starting Pier operations at one Pier and shifting to another to finish will commence on the first midnight the ship finished operations in the second Pier.

Free-time expires during working days, unless it expires the day before a week-end day or a Holiday, in which case it will be extended until midnight of such Sunday or the Holiday.

.....

12.4 Cargo Treatment after Free-time Expiration

Any Cargo, Container or vehicle which is received and deposited in a Pier and is not shipped shall be subject to Demurrage. Once the Cargo is in Demurrage it will always be in Demurrage. This will be assessed Demurrage commencing at the time the Cargo or Container is deposited until it is dispatched. For purposes of Demurrage penalty applies as follows:

12.4.1 Demurrage Penalties

12.4.1.1 Empty Container - Any unsealed Container or General Cargo as defined in this Handbook and Tariff. Empty flatbeds will be considered empty Containers.

12.4.1.2 Container or General Cargo - Any sealed or unopened Container.

12.4.1.3 Flatbed - For Demurrage purposes fees will apply to loaded flatbeds.

12.4.2 Move and Storage

Cargo including vehicle remaining in the Transit Area of the Port of Mayagüez Wharf,

.....

Wharf premises, Pier, or bulkhead structure after the close of its free-time period shall, at the option of the Port, be placed in public storage at the risk and expense of the goods, or assessed Demurrage rates.

12.4.3 Permit to Use Common Area.

Outbound empty Containers delivered to the Transit Area of the Port of Mayagüez Wharf, Wharf premise, Pier, or bulkhead structure, prior to the loading time, and inbound empty Containers remaining in such area after unloading the Vessel, shall be placed, at the option of the Port of Mayagüez, in storage at the risk and assessed Demurrage as prescribed in this Tariff.

12.4.4 Cancellation of Transshipment Cargo Privileges

Cargo or vehicle originally manifested to be transferred from one Vessel to another at the Port of Mayagüez 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 Port to place it in storage and/or to assess Demurrage.

12.4.5 Unknown Weight or Measurements

Any Cargo and vehicle 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 Port.

12.5 Cargo Left on Demurrage, Cargo Damaged or Cargo

Abandoned at the Docks

12.5.1 Abandoned Cargo

The Vessel line or the consignee or the Vessel Agent shall be responsible for charges accrued on any Cargo and/or vehicles remaining at the dock or abandoned at the Pier, should the Cargo be sent to public warehouses.

.....

12.5.2 Demurrage as First Lien upon Cargo

The rates or charges owed to the Port of Mayagüez for Demurrage constitute a first lien upon the Cargo.

12.5.3 Disposition of Abandoned Cargo

Whenever Cargo or vehicles accrue Demurrage for twenty (20) days, the Port of Mayagüez will notify the consignee, Vessel line and Vessel Agents that if the Cargo is not removed within a period of ten (10) Operating Days, the Port of Mayagüez will proceed to dispose of the Cargo or vehicle 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 Port of Mayagüez including all expenses incurred by the Port. The Vessel line or consignee or the Vessel Agent of any of them will be held responsible for the payment of

.

the charges not covered by the product of said auction.

12.6 Demurrage on Cargo to Bonded Warehouse

12.6.1 Demurrages on Cargo from Foreign Countries

All Cargo or vehicle 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 Port of Mayagüez and the Vessel Owner or Vessel Agent will be dispatched from the Pier accompanied with the Bureau of Customs official form which will be prepared by the Vessel Agent and the Port of Mayagüez will, in turn, proceed to bill the Vessel Agent for the Demurrage accrued as the responsible party.

Through the Bureau of Customs official form, the Vessel Owner or Vessel 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 Vessel Owner or Vessel Agent has duly paid.

The bonded warehouse will respond to the Vessel Owner or Vessel Agent of charges for Demurrage of Cargo or vehicle dispatched from their warehouses when the warehouse has allowed its dispatch without due reimbursement to the Vessel line.

12.7 Extension of Free-Time Period

12.7.1 Conditions

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 Section 12.7.1.1 of this Handbook and Tariff 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 Port of Mayagüez 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 Vessel line or the Vessel Agent, or by any of them. The Application must be sent to the Port Administrator as soon as there is knowledge that a just cause exists.

12.7.1.1 In cases in which the period does not exceed five (5) Port Operating Days and after the corresponding justification, authorization is given to the Port Administrator to approve such extensions in excess of five (5) Operating Days and up to a maximum of twenty (20) Operating Days, free-time can only be extended with the

approval of the Port of Mayagüez and in excess of twenty (20) Operating Days, with the approval of the Port Commission Board of Directors.

13.0 RULES FOR SERVICES OR MISCELLANEOUS USES

13.1 Water services

Fresh water will be supplied to Vessels at the Port of Mayagüez facilities as per established rate to recover all costs of rendering such services depending on whether the Vessel uses or not its own hoses. Cubic meter, plus charges per connector and number of hoses used will establish such rates. See Section 16.6.1.

However, the Port Commission reserves the right to amend the charges to be reimbursed in a similar amount than the actual charges made by the PR Aqueduct and Sewer Authority to the Port Administrator, accordingly to increases to the billing charges.

13.1.2 Water in drums

Vessels not equipped to take water by hose will be assessed the rates on a drum of 55

gallons basis, the drum to be provided by the Vessel.

13.1.3 Hoses

All water hoses made available by the Vessel must be free of leaks or Port hoses must be used.

13.1.4 Special watering services after major disasters

If after a major disaster as results of terrorist act, earthquake, major flood, hurricane or storm, explosion, accident, among others, the Port of Mayagüez facilities is not able to provide water services, the Port of Mayagüez can make arrangements on behalf of the Vessel to supply water from a private water reseller only if the Vessel representative provides a written authorization for the special service at the actual cost of the services (including water, transportation, labor among others) plus a 15% administrative fees. Notwithstanding, the Port of Mayagüez

.

does not guarantee the availability of such services.

13.2 Electricity

Electricity will be supplied for the lighting of transit sheds at the Port of Mayagüez facilities upon request by the users at the rates and using the formula prescribed by the Port in Section 16.6.2.

However, the Port Commission reserves the right to amend the charges to be reimbursed in a similar amount than the actual charges made to the Port of Mayagüez by the PR Energy and Power Authority.

13.3 Use of Cranes and Specialized Equipment

At the inception date of this Handbook and Tariff, the Port 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 (See Section 16.6.4). At the time when the Port of Mayagüez has this equipment

.....

available, an addendum will be made available to all Port users with the charges for these additional services.

The assessment of the penalty will commence the midnight of the next day after the Vessel finished the unloading operations and when a 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 forty eight (48) hour of ship loading operations unless such equipment is used for the relocation or receipt of Cargo.

13.4 Collection of Overtime

Coordination in advance with the Port of Mayagüez is required whenever a Vessel Owner or Vessel Agent needs to conduct operations after Working Hours. Whenever possible, the Port of Mayagüez will assign a personnel shift for such purposes without any charges for overtime and fringe benefits related to such employee. Notwithstanding, it will be possible that

.....

overtime charges (cost plus 15%) for the Port's staff would be charged when the Port Administrator has to incur in such expense to make possible the Vessel operation. A minimum stand-by fee, that will consist of the cost plus 15% administrative fee, will be charged for any work requested after regular Working Hours. Maximum fees are determined on the time incurred to assist the client after regular Working Hours at the rate per hour (compound adjusted rate including overtime and fringe benefits) established for the employee assigned plus a 15% percentage.

13.5 Cleaning of Facilities

It is the responsibility of the Vessel Owner, Vessel Agent, stevedores and the operational port's client to clean and maintain in a reasonable clean condition the Port facilities while being used. Before completion of the operation the user must clean the area to the same condition as to before the commencement of the operations. Operations will not be deeming

concluded until the area is redelivered clean. If, as a result of any use, including but not limited to the use for a Vessel, stevedoring operation, fuel supplying or any other user of the Port of Mayagüez, the facilities and common areas end in an excessive dirty or dangerous situation that may affect the normal operations of other users of the Port of Mayagüez, the Port Administrator will immediately proceed with the cleaning of the facilities. If cleaning is conducted by the employees of the Port of Mayagüez and do not involve the contracting of any specialized services, the applicable service charges are detailed on Section 16.6.4, otherwise, actual cost of services will be charged plus a 20% overhead fee.

13.6 Waste Disposal

The Port Administrator will have available waste disposal services for Cargo and passenger Vessels charging a rate per each 55 gallon bags for domestic garbage deposited in the waste Container. It is required a statement from the

Vessel Owner or the Vessel Agent establishing the previous port precedence, when transshipment or a travel schedule is follow, and the type of garbage deposited at the Port of Mayagüez. The Port Administrator reserves the privilege to accept or refuse in total or partial intended amount. Hazardous Waste will be handled on a case-by-case basis and the fees will be established depending on the specific waste.

14.0 ACCESS OF OFFICERS AND EMPLOYEES

Every officer or employee of the Port of Mayagüez 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 Laws and Regulations or in the discharge of any other duty or power vested in the Port.

.....

15.0 LAND RENTALS AND LEASES

The Port Administrator may enter into temporary or long term leases with Vessel lines serving the Port of Mayagüez or Terminal Operators for the preferential and exclusive use of certain outside storage areas accordingly to the Port's infrastructure development.

Land back of the berth and Transit Area at the Port of Mayagüez Marine Terminals can be made available by the Port Administrator 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 on the Port of Mayagüez.

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.

.....

In accordance with the Port of Mayagüez policy, rental agreements, involving land at the Port of Mayagüez Marine Terminals, will provide for the re-establishment of the rental rate by the Port Administrator without limitation.

16.0 RATES AND FEES

The rates are applicable to use of the docks, Landing Places, Marine Terminals, Quays, Transit Areas and Wharves or any other facility used for loading and unloading and is part of the Port of Mayagüez. These rates and fees shall equally apply to all users of the facilities. Following is detailed the rates and fees applicable to the Port of Mayagüez, which have been subject to the following changes.

Automatic increases of 10% every five years are applicable to the following sections:

Sections 16.1.1, 16.1.2, 16.1.7, 16.1.9.1, 16.4.1, 16.4.2, 16.6.1.2, 16.6.1.3, 16.6.3, 16.6.4.1, 16.6.5, 16.7.2.1, 16.7.2.2, 16.7.2.3, 16.7.2.4, 16.7.3, 16.7.4 and 16.7.5 will automatically increase 10% every five years.

.....

Automatic increases of 2% per year are applicable to the following sections:

Sections 16.1.3, 16.1.4, 16.1.5, 16.1.6, 16.1.8, 16.2.1.1, 16.2.1.2, 16.2.2.1, 16.2.2.2, 16.2.3.1, 16.2.4.1, 16.2.4.2, 16.2.5.1, 16.2.5.2, 16.2.6, 16.2.7, 16.2.8, 16.2.9.1, 16.2.9.2, 16.2.9.3, 16.3.1, 16.3.2, 16.3.3, 16.3.4, 16.5.1, 16.5.2, 16.5.3, 16.5.4, 16.6.1.3 will automatically increase 2% per year.

Exceptions, Credits and Incentives

On each expiration period of the Tariff, exceptions, credits and incentives could be evaluated to determine its further application.

Amendments to add, modify, eliminate, increase or decrease tariff other than the previous statement shall be submitted to Public Hearings by the Mayagüez Port Commission.

Miscellaneous charges are tariff established to receive a reimbursement for the cost incurred to give the customer a good or service. These tariffs are subject to changes accordingly the main supplier's tariff.

.

From inception until December 31, 2011					
		2008	2009	2010	2011
16.0	<u>RATES AND FEES</u>				
16.1	<u>Dockage - Rates per GRT per 24 hours or fraction thereof</u>				
16.1.1	Ferry-boats or Cargo-passenger Vessels carrying more than 100 revenue passengers, Ferry, charters or transportation boats.	\$0.07390	\$ 0.07538	\$ 0.07538	\$ 0.07538
16.1.2	Tourist Vessels known as "Cruise Ships"				
16.1.3	Tanker Vessels and Barges while berthed at Wharves, Piers or Bulkhead structures designed for the loading or off-loading of liquid Cargo by pipeline.	\$0.07390	\$ 0.07538	\$ 0.07538	\$ 0.07538
16.1.4	All Vessels while berthed at dry Cargo Wharves, Piers or bulkhead structures in connection with the trade with Off-Shore Points.	\$0.09000	\$0.09180	\$0.09364	\$0.09551
16.1.5	All Vessels while berthed at dry Cargo Wharves, Piers or bulkhead structures in connection with the trade with other PR Ports or the US Virgin Islands.	\$0.16190	\$0.16514	\$0.16844	\$0.17181
16.1.6	Revenue Activity Small Vessels	\$0.12140	\$0.12383	\$0.12630	\$0.12883
16.1.6.1	Small commercial Vessels with 145 GRT or less will have a fixed docking fee charge (not embarking or disembarking Wharfage)	\$150.00	\$150.00	\$150.00	\$150.00
16.1.6.2	Revenue activities Vessels including those of non profit organizations, charters or transportation boats carrying less than 100 revenue passengers	\$0.19000	\$0.19380	\$0.19768	\$0.20163
16.1.7	Non-revenue Vessels or "Pleasure Crafts"	\$1.00/linear feet; minimum tariff of \$25.00 is applicable to Vessels measuring less than 25 linear feet			
16.1.8	Dockage NOS	\$0.18360	\$0.18727	\$0.19102	\$0.19484
16.1.9	Dockage rates exception				
16.1.9.1	Triple deck ro-ro, International Car Carriers and Large and Ultra Large Container Ships	\$2,670.24	\$2,670.24	\$2,670.24	\$2,670.24
16.1.9.2	Vessels on repair serving PR	50% reduced Dockage Tariff as applicable			
16.1.9.3	Vessels on repair nor regularly serving PR	60% reduced Dockage tariff			
16.1.9.4	Tugboats, combat or training Vessels and regattas	See Section 8.2 for exceptions			
16.1.9.5	Cruise Ships	As per Cruise Ships Incentive Program			
16.1.9.6	Vessels shifting berths by request of the Port of Mayagüez	Exempt during the time consumed for such purposes			

From inception date until December 31, 2011

2008 2009 2010 2011

Wharfage for Cargo - For weight and measurements conditions other than provided below, please refer to Section 9.1.1

16.2									
16.2.1	Motorcycles and motor vehicles (Tons/unit)								
16.2.1.1	Inbound or outbound movement (Tons/unit)	\$7.25370	\$7.39877	\$7.54675	\$7.69768				
16.2.1.2	Transshipment (Tons/unit)	\$4.56980	\$4.66120	\$4.75442	\$4.84951				
16.2.2	Cargo in Containers, General Cargo, Flat-beds (Tons)								
16.2.2.1	Inbound or outbound movement (Tons/unit)	\$1.99420	\$2.03408	\$2.07477	\$2.11626				
16.2.2.2	Transshipment (Tons/unit)	\$1.19020	\$1.21400	\$1.23828	\$1.26305				
16.2.3	Cargo in Containers, General Cargo, Flat-beds (Tons)								
16.2.3.1	Transshipment (Tons/unit) - Cargo exceeding 15 Operating Days (Section 9.1.2.1)	\$3.18440	\$3.24808	\$3.31305	\$3.37931				
16.2.4	Empty Containers, General Cargo, Flat-beds or Chassis (Each)								
16.2.4.1	Inbound or outbound movement (Each)	\$7.54490	\$7.69580	\$7.84971	\$8.00671				
16.2.4.2	Transshipment (Each)	\$3.77245	\$3.84790	\$3.92485	\$4.00034				
16.2.5	Cargo transferred (Tons) - Transshipment								
16.2.5.1	Cargo discharged from a Vessel to Wharf and Wharf to Vessel	\$1.19020	\$1.21400	\$1.23828	\$1.26305				
16.2.5.2	Cargo transferred from a Vessel to another Vessel alongside	\$0.59510	\$0.60700	\$0.61914	\$0.63153				
16.2.6	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 (barrel)	\$0.01950	\$0.01989	\$0.02029	\$0.02069				
16.2.7	General Cargo or Cargo NOS (Ton)	\$1.62160	\$1.65403	\$1.68711	\$1.72085				
16.2.8	Liquid Sugar and Molasses (Ton)	\$0.28930	\$0.29509	\$0.30099	\$0.30701				
16.2.9	Passenger Baggage Containers - A 20% credit is applicable over total amount								
16.2.9.1	PBC 20'	\$125.00	\$127.50	\$130.05	\$132.65				
16.2.9.2	PBC 40'	\$200.00	\$204.50	\$208.08	\$212.24				
16.2.9.3	PBC 45'	\$225.00	\$229.50	\$234.09	\$234.77				

From inception date until December 31, 2011

	2008	2009	2010	2011
16.3 Wharfage for Small Cargo Vessel (less than 400 GRT)				
16.3.1 Cargo Vessel of 99 GRT or less	\$245.00	\$249.90	\$254.90	\$260.00
16.3.2 Cargo Vessel of 100 to 199 GRT	\$430.00	\$438.60	\$447.37	\$456.32
16.3.3 Cargo Vessel of 200 to 299 GRT	\$613.00	\$625.26	\$637.77	\$650.52
16.3.4 Cargo Vessel of 300 to 400 GRT	\$796.00	\$811.92	\$828.16	\$844.72
16.4 Services Charges for Vessel's passengers				
16.4.1 Fees for passenger on Cruise Vessel, Charters or Vessels carrying passengers embarking, disembarking or in transit	\$12.00000	\$12.00000	\$12.00000	\$12.00000
16.4.2 Fees for passenger on Cruise Vessel, Charters or Vessels carrying passengers embarking, disembarking or in transit	\$12.00000	\$12.00000	\$12.00000	\$12.00000
16.5 Services Charges for Ferry Vessels to and from the Port of Mayagüez				
The Vessel Owner or Vessel Agent shall provide the Port a Vessel Manifest with information concerning the number of passengers and vehicles accompanying passengers, including a complete description of the vehicles including mark, model, type, license plate, motor number and weight as per vehicle license. No more than one motorcycle or vehicle is authorized per passenger. Additional motorcycles or vehicles traveling with a passenger shall be assessed the rates as per Section 16.2.1.				
16.5.1 Motorcycles and motor vehicles in Ferry boats embarking in the Port of Mayagüez and accompanying its owner traveling as passenger in the ferry-boat or transportation boat	\$3.86000	\$4.83000	\$4.92000	\$5.02000
16.5.2 Motorcycles and motor vehicles in Ferry boats disembarking in the Port of Mayagüez and accompanying its owner traveling as passenger in the ferry-boat or transportation boat	\$3.86000	\$4.83000	\$4.92000	\$5.02000
16.5.3 Passengers embarking in Ferry-boats in the Port of Mayagüez	\$1.52000	\$1.90000	\$1.94000	\$1.98000
16.5.4 Passengers disembarking in Ferry-boats in the Port of Mayagüez	\$1.52000	\$1.90000	\$1.94000	\$1.98000

From inception date until December 31, 2011

	2008	2009	2010	2011
16.6 Miscellaneous				
The Port of Mayagüez reserves the right to change the rate related to utilities, since these rates are based on actual costs and its purposes is providing a services to the Port's clients and pass through the actual cost of services.				
16.6.1 Fresh Water Services				
16.6.1.1 Vessels equipped to take water by hose per cubic meter	\$6.0000	\$6.0000	\$6.0000	\$6.0000
16.6.1.2 Minimum charge is equal to 10 cubic meters	\$5.0000	\$5.0000	\$5.0000	\$5.0000
16.6.1.3 Connection or outlet charge (Charge per hose segment when the hose is supplied by the Port)	\$2.5200	\$2.5200	\$2.5200	\$2.5200
16.6.1.4. Vessels not equipped to take water by hose will be served per drum of 55 gallons or less, the drum must be provided by the Vessels.	\$7.4600	\$7.4600	\$7.4600	\$7.4600
16.6.2 Electricity (Based on actual cost)			Actual cost	
16.6.3 Use of cranes and specialized equipment				
Fee Assessed to cranes and equipment left at the Pier at designated or non-designated areas per Operating Day or fraction thereof				
16.6.3.1 Vessels Owners or Vessel Agents will in addition be held responsible fro violations to any of the Port of Mayagüez resolution or regulation concerning equipment left at the Pier without the corresponding authorization	\$28.5600	\$28.5600	\$28.5600	\$28.5600
16.6.4 Cleaning Facilities				
16.6.4.1 Daily minimum charge or actual costs	\$510.0000	\$510.0000	\$510.0000	\$510.0000
16.6.4.2 Specialized cleaning services			Actual cost plus 20%	
16.6.5 Waste Disposal				
16.6.5.1 Domestic garbage coming from a US Port shall be accepted, previous clearance of the US Department of Agriculture, in 55 gallons bag. Rate is applicable to 55 gallon bag.	\$5.6100	\$5.6100	\$5.6100	\$5.6100

.....

From inception date until December 31, 2011

2008	2009	2010	2011
------	------	------	------

16.7

Penalties

The Port of Mayagüez reserves the right to charge penalties according to the conditions established for the Port use.

16.7.1 For not submitting documents or delinquent accounts

16.7.1.1 General Billing Documents - Vessel Operation Report and Vessel Manifest must be filed either at the Port Billing Office, not later than 24 hours (as per Working Hours Schedule)

15% shall be assessed when documents are submitting late after due, applicable for every additional 24 hours period or fraction thereof.

16.7.1.2 Billing documents for fueling - All necessary billing documents to be filed by ships entering Port for fueling or for fuel supply to Vessel, must be filed at the Port Billing Office not later than the 15th day of the following month.

10% charge for missing documents every 24 hours period or fraction thereof.

16.7.1.3 Delinquent accounts

9% annual interest over delinquent balance.

16.7.2 Charges per Demurrage will be as follows:

16.7.2.1. For each of the 5 Operating Days or fraction thereof, after free time as freighted.

\$0.16 per CWT or \$0.04 per cubic feet

16.7.2.2 For each Operating Day or fraction thereof, after the first five days of paying the Demurrage penalty.

\$0.08 per CWT or \$0.05 per cubic feet

16.7.2.3 Vehicles for each of the five Operating Days or fraction thereof, after the free time.

\$0.04 per cubic feet

16.7.2.4 Vehicles for each Operating Day or fraction thereof, after the first five days of paying the Demurrage penalty. Transshipment loose Cargo and vehicles after the 11th day of demurrage shall be assessed using \$0.05 per cubic feet.

\$0.05 per cubic feet

16.7.3 Empty Containers - Empty Containers delivered to the Transit Area of the Port Wharf will be charged Demurrage rate, per Operating Day of per fraction thereof.

\$8.17 per container

16.7.4 Flatbeds - Flatbeds delivered to the Transit Area of the Port Wharf will be charged a fixed Demurrage rate per Operating Day or per fraction thereof.

\$8.17 per container

16.7.5 Docking penalty - Penalty is applicable to any unauthorized delay time which interrupts the entrance or exit to the Port to other Vessels.

\$5,000/hour and or fraction plus the reimbursement to the Vessel affected for the business interruption in the amount not exceed to \$5,000

Free Time before Demurrages

All Vessels for which are not applicable exceptions	5 Operating Days after arrival day
Exceptions:	
Cargo subject to Federal Agencies clearance	6 Operating Days after arrival day
Cargo and vehicles from Foreign countries	6 Operating Days after arrival day
Cargo for the use of Federal, Commonwealth and Local Government, exceeding 1,000 tons	7 Operating Days after arrival day
Shipments of one commodity or one consignee, in excess of 3,000 tons and up to 4,999 short tons	6 Operating Days after arrival day
Shipments of one commodity or one consignee, in excess of 5,000 tons	7 Operating Days after arrival day
Transshipment loose Cargo and vehicles	10 Operating Days after arrival day
Transshipment loose Cargo and vehicles lifted from the Pier to warehouse	5 Operating Days after arrival day
Transshipment Cargo and vehicles in containers	10 Operating Days after arrival day
Foreign diplomatic Cargo	30 Operating Days after arrival day

.....

ESTADO LIBRE ASOCIADO DE PUERTO RICO
COMISION DEL PUERTO DE MAYAGÜEZ
MAYAGÜEZ, PUERTO RICO

RESOLUCIÓN NÚMERO 12

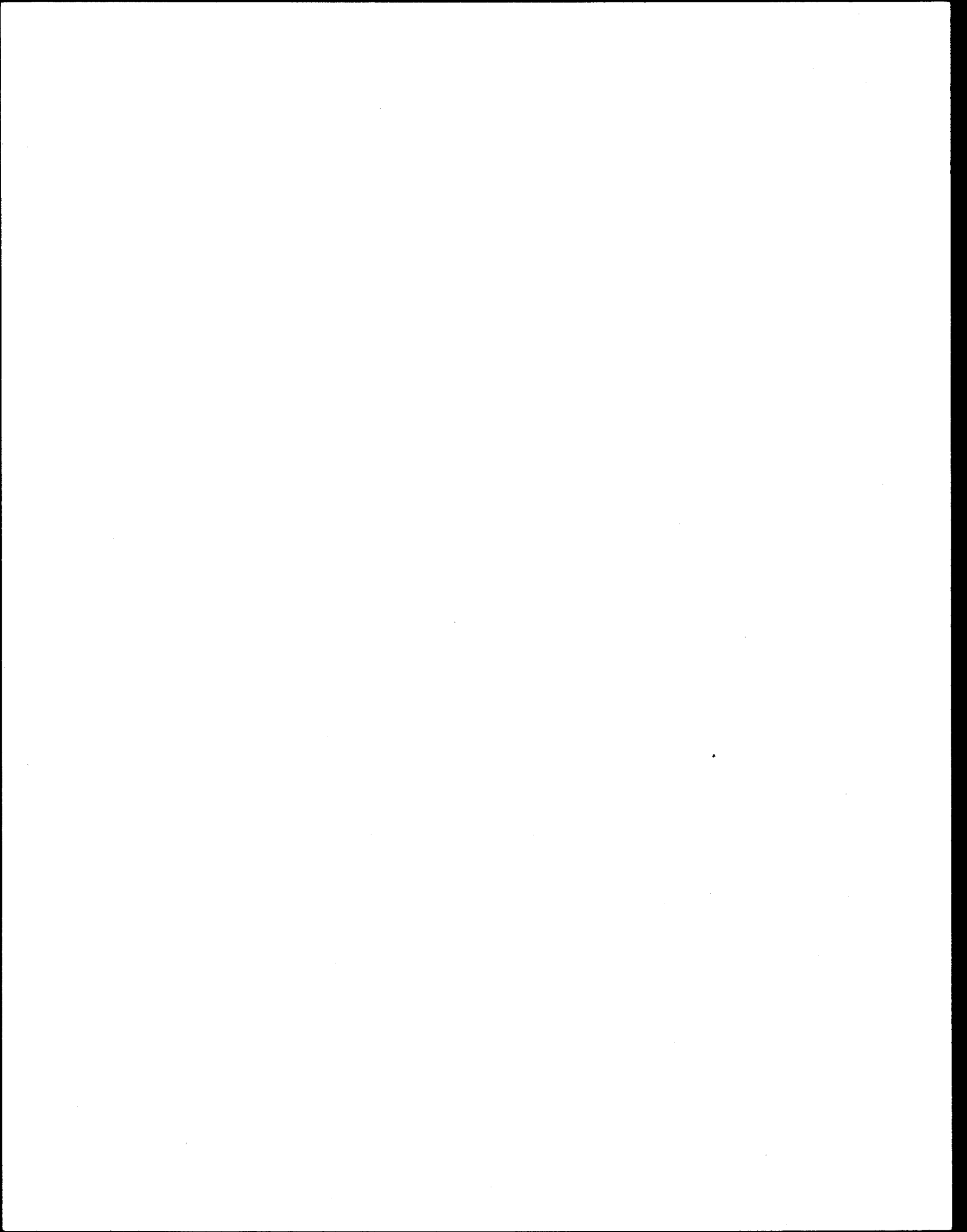
SERIE 2007-2008

RESOLUCIÓN APROBADA EL 7 DE FEBRERO DE 2008,
A LOS EFECTOS DE APROBAR LA RADICACIÓN DEL
MANUAL TARIFARIO NÚMERO 1 EN EL DEPARTAMENTO
DE ESTADO

POR CUANTO: El 24 de enero de 2008 la Comisión del Puerto de Mayagüez (en adelante, "la Comisión") aprobó el Manual Tarifario Número 1, titulado *Mayagüez Port Commission Handbook and Tariff No. 01*, (en adelante, "Manual Tarifario Número 1") para establecer la estructura general de tarifas, derechos y otros cargos por el uso de las facilidades y servicios del Puerto de Mayagüez. Una vez entre en vigor, el Manual Tarifario Número 1 sustituirá la aplicación del Reglamento Tarifario M-1-6 al Puerto de Mayagüez.

POR CUANTO: El procedimiento que se llevó a cabo para la aprobación del Manual Tarifario Número 1 fue conforme a las disposiciones de la Ley Núm. 170 del 12 de agosto de 1988, según enmendada, y según dispone la Ley Núm 10 del 18 de mayo de 1959.

POR CUANTO: Para que el Manual Tarifario Número 1 sea propiamente adoptado y cobre vigencia deberá ser presentado en el Departamento de Estado y aprobado por el Secretario de Estado.



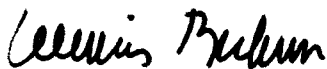
POR TANTO: LA COMISIÓN DEL PUERTO DE MAYAGÜEZ RESUELVE Y ORDENA,

Sección 1ra. - Ordena que se presente el Manual Tarifario Número 1 ante el Departamento de Estado para su aprobación según provee Ley Núm. 170 del 12 de agosto de 1988, según enmendada

Sección 2da. -Ordena que luego de que el Secretario del Departamento de Estado apruebe la presentación del Manual Tarifario Número 1 se proceda en conformidad con lo establecido en la Ley de Procedimiento Administrativo Uniforme para hacer vigente el mismo de manera inmediata, haciendo llegar copia del documento y su aprobación al Administrador del Puerto: Holland Group Port (Mayagüez) Investment.

Sección 3ra. - Archívese copia de la presente Resolución para auditorías futuras de la Comisión y de las Agencias Gubernamentales correspondientes.

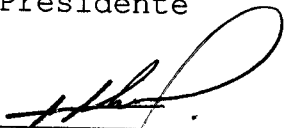
Esta Resolución se adopta en beneficio del interés público hoy día __ de febrero de 2008.



Dennis Bechara
Presidente



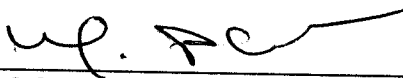
Sergio Zeligman
Secretario



Alfredo Archilla
Vice-Presidente



Enrique Gómez
Tesorero



Wilfredo Phiths Sánchez
Comisionado



PREFACIO

Este reglamento tarifario titulado *Mayagüez Port Commission Handbook and Tariff No. 01*, (en adelante, "Manual Tarifario No. 01") es adoptado por la Comisión del Puerto de Mayagüez, conforme a las disposiciones de la Ley de Procedimiento Administrativo Uniforme, Ley Núm. 170 del 12 de agosto de 1988, 3 L.P.R.A. §§ 2101, et seq., y la Ley Núm. 10 del 18 de mayo de 1959, conocida como la Ley de la Comisión del Puerto de Mayagüez, 23 L.P.R.A. §§ 551, et seq., en específico el Artículo 4, inciso (1) de dicha Ley que autoriza a la Comisión del Puerto de Mayagüez a determinar, fijar, alterar, imponer y cobrar tarifas, derechos, rentas y otros cargos por el uso de las facilidades o servicios del Puerto de Mayagüez. Véase 23 L.P.R.A. 555(1).

El Manual Tarifario No. 01 establece la estructura de tarifas, derechos y cargos sobre el uso de las facilidades y servicios del Puerto de Mayagüez, que está bajo la jurisdicción de la Comisión del Puerto de Mayagüez. Una vez entre en vigor, el Manual Tarifario No. 01 sustituirá al Manual Tarifario M-1-6 de la Autoridad de los Puertos de Puerto Rico de su aplicación al Puerto de Mayagüez. El Manual Tarifario M-1-6 había sido adoptado por la Comisión del Puerto de Mayagüez al ésta entrar en funciones para que aplicara al Puerto de Mayagüez, de modo que hubiese una continuidad en las operaciones del Puerto de Mayagüez al éste pasar de manos de la Autoridad de los Puertos a manos de la Comisión del Puerto de Mayagüez.

En Manual Tarifario No. 01 fue aprobado por la Comisión en reunión ordinaria el 24 de enero de 2008. Será vigente inmediatamente después de los treinta (30) de su presentación y aprobación en el Departamento de Estado hasta el 31 de diciembre de 2012. Al momento de entrar en vigor el Manual Tarifario No. 1, se suspenderá la aplicación de la Tarifa M-1-6 al Puerto de Mayagüez. El su aprobación en el año 2008.

COMISIONADOS

Lic. Dennis Bechara
Presidente

Ing. Alfredo Archilla
Vice-Presidente

Sr. Sergio Zeligman
Secretario

Sr. Enrique Gómez
Tesorero

Sr. William Phitts
Subsecretario/Subtesorero

Dirección Física y Postal

#80 Carr. 3341 Suite 102
Mayagüez, PR 00682-5769

Teléfonos

787-832-6010

Fax

787-832-6010
787-831-5500

