

PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT

TERMINAL TARIFF #1

RATES, CHARGES, RULES AND REGULATIONS

governing the



***PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT
PLAQUEMINES PARISH, LOUISIANA***

PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT

TERMINAL TARIFF #1

naming

RATES, CHARGES, RULES AND REGULATIONS GOVERNING THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT

issued by

PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT

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PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT

TERMINAL TARIFF #1

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Electronic Tariff Approved/Established by:

Plaquemines Parish Council as the Sole Governing Authority of the
Plaquemines Port Harbor & Terminal District

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PUBLISHER'S NOTE:

The following pages are copies of the Plaquemines Port, Harbor and Terminal District's Electronic Terminal Tariff, filed in the FMC's ATFI System by on-line transmission via *KERMIT* protocol. The original Electronic Tariff exists in the ATFI System database. The original Electronic Tariff is a series of computer pop-up screens and the text and format of each pop-up screen as it appears in the ATFI System has been reproduced by the publisher in paper form as set forth herein.

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Country of Home Office: USA
Org Type: T – Terminal
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RULE: 34 Subrule:
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
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RULE TEXT

The Plaquemines Port, Harbor and Terminal District's paper Tariff previously filed with the Federal Maritime Commission will be canceled July 20, 1994, when the Plaquemines Port, Harbor and Terminal District's Tariff filed in electronic form as set forth herein becomes effective.

PREAMBLE TO PLAQUEMINES PORT, HARBOR AND
TERMINAL DISTRICT TARIFF:

SECTION I
PART A

All vessels engaged in foreign, coastwise, inter-coastal or intra-coastal trade and inland watercraft engaged in interstate or intrastate commerce shall be assessed fees as provided in the Plaquemines Port, Harbor and Terminal District Tariff to assist in defraying necessary and essential, direct and indirect, port, harbor and marine services to port and harbor users and other persons located in proximity to and affected by such activities due to the unique geographic and environmental characteristics of the Plaquemines Port Harbor and Terminal District.* Such fees and charges are to be used for the expenses of the administration and maintenance of the port and harbor including:

Administering, regulating, and monitoring of the shipping traffic and handling of cargo in the harbor; supervising shipping of the port with the view of preventing collisions and fires; policing the river and riverfront and all navigable waterways, as well as the banks, battures, and contiguous and adjacent areas affected by port, harbor, terminal, water, and marine activities; providing emergency services to vessels in distress, including extinguishing fires in vessels and equipment and in cargo handled in and upon the areas of the Port's contiguous waterways and located in wharves and facilities upon the banks, battures, contiguous waterways and adjacent areas in Port administered facilities; without additional charge (except for the cost of supplies, materials, and equipment expended by the Plaquemines Port Harbor and Terminal District in the performance of such services).

* (See Preamble to Plaquemines Parish Zoning Ordinance #142 set out hereafter as Part C of this Preamble. Reference is also made to requirements of laws and regulations that require ever expanding port, harbor and marine services, regulations and inspections by such districts at local governmental levels, such as:

RIVERS AND HARBORS ACT
NATIONAL ENVIRONMENTAL POLICY ACT
CLEAN WATER ACT
CLEAN AIR ACT
TOXIC SUBSTANCES CONTROL ACT
SOLID WASTE DISPOSAL ACT
COASTAL ZONE MANAGEMENT ACTS
(Federal and State)

OCEAN DUMPING
SAFE DRINKING WATER ACT
NOISE CONTROL ACT
OCCUPATIONAL SAFETY AND
HAZARDS ACT
FEDERAL PESTICIDE ACTS
ENERGY REGULATIONS

PART B

The Port District does not now own or operate any docks, wharves or facilities within the Tariff area of the District.

The volume of port activity centers around large bulk cargo transfer facilities for coal, grain, oil and other raw materials. The general pattern is that coal and grain come down the Mississippi River aboard barges and are transferred to outgoing vessels or are transferred directly from the barges onto outgoing ocean vessels.

Oil is gathered by pipeline and small inland barges from inshore oil production at Mississippi River facilities for loading upon barges or other vessels for shipping out of the District, generally upriver to the Mississippi River Valley and the Intracoastal Waterway that accesses the Mississippi River at the Algiers Lock, the Industrial Canal Lock, and the Harvey Canal Lock. Oil also enters the District by ocean vessel.

A large volume of activity in the Port District is composed of many oceangoing vessels that come and go from the Gulf of Mexico up to the bulk terminal transfer facility in the Port mentioned above, and to the upriver deep-water ports of the Mississippi River, which are New Orleans, South Louisiana, and Baton Rouge.

Vessels upbound to the upriver deep-water port frequently seek to anchor in the district while awaiting public or private berths at upstream deep-water ports.

The offshore oil and inshore oil activities result in a number of oil service vessels plying the waters outside the deep-water port area and taking cargo and personnel from such areas through the deep-water port areas to non deepwater wharves and

facilities. However, the general areas of docking, berthing, and personnel and small cargo transfer involved in this activity are generally at the Jump Basin at Venice on the West Bank of the Mississippi River. The Basin is thus included herein for Tariff imposition, though it does not meet the 25-foot depth requirement, because the volume of those activities through the deep water navigational areas results in port services being rendered, and the point of berthing at the Jump Basin is the appropriate point to administer charges and regulate such activity, including vessel inspection, monitoring of cargo handled and other port activity.

In imposing the Tariff provisions there is an effort to have Port District services, costs, and expenses shared as equally as is possible among the various District users, commensurate with the tonnage of the vessels and cargoes transferred that can be charges for anchoring or berthing or for cargo transferred within the District. Although the Port District renders services to vessels that simply flow through this port to the other upriver ports, it is not deemed legally appropriate to subject such foreign, inland and intrastate vessel passages through the Port to this Tariff.

In this Tariff there is an effort to impose a one-time charge for a given cargo being transferred within the District as it goes through the District. This is based on the premise that the volume of cargo transferred is a good measure and standard of indication of the port activity involved and services required from the Port District, and is thus a proper basis for imposing Tariff charges on ships, vessels, boats, barges, wharves and facilities for the various port services rendered by the Port District hereafter described, resulting from such port activity as reflected in tons of cargo through the District.

In carrying out the duties imposed on it by the enabling legislation creating the Plaquemines Port, Harbor and Terminal District, the district provides reasonable Tariff fee charges to defray the cost of regulation of facilities and services afforded, provided, and rendered by the District in aid of interstate or foreign commerce, and the transfer of cargo through the District by transfer from and to vessels, facilities, wharves, and barges used or offered for use by the shipping facilities to the public and to those vessels engaged in foreign and interstate commerce anchoring, docking, and transferring cargo within the area of the Port District in the deep water areas thereof, as set forth in Subrule 135 of the Tariff.

Port District services in place and functioning are the operation of three patrol/rescue/early fire response vessels; a ferry boat that has built into it fire fighting pumping capacity and which can be enhanced by the placing of additional fire fighting pumping equipment with special emphasis on snorkel nozzles for

Marine fire fighting; high speed, mobile pumps that can be towed at high speed along the highways adjacent to the river to points of loading the same on the ferry boats or other, pre-located barges, supply vessels or space in conjunction with the voluntary fire departments of the District so as to be available for marine, vessel, wharves, and facilities fire fighting. The Port District also provides a 24-hour a day marine communications network oriented to marine emergencies and current locations of the Port District personnel and departmental persons (including commissioners who perform executive functions), the marine communications network facilities, fire and police protection services, and the alerting, dispatching and implementing of the protective efforts of local fire units who have in place a marine response plan, including fire protection and emergency response plan through an agreement of the Port District with the U.S. Coast Guard and an agreement for a reciprocal fire plan involving the Port of New Orleans fire vessels for providing them to the District's vessels, wharves, and facilities as early as possible in port emergencies. There are reciprocal fire aid plans with adjacent districts in emergency situations.

The very nature of some District services, communication, fire, emergency response and port police protection, is often on a standby basis and it is difficult to portion the same among port users with an advance knowledge of exactly how they will be needed and used.

However, in enacting the Tariff provisions, some basic guidelines have been used, some of which are hereafter set forth, which are reflected in the Tariff provisions.

There is a correlation between Port District activity and the registered tonnage of vessels or the amount of cargo tonnage vessels carry or transfer at wharves, docks, or other transfer facilities.

Large oceangoing vessels are perceived as creating hazardous situations as a result of collisions and/or fire or sinking which involve greater numbers of crew members enclosed places in which they may be entrapped, and areas of fire fighting that are more hazardous than an open, bulk transfer facility's wharf made from steel or concrete with no enclosed areas, yet which receives Port District services and especially so when there are oceangoing vessels wharfed or moored to them.

Open barges not inhabited by crew members pose less of a threat to human life than do manned vessels, and push boats or tow boats are somewhere between unmanned barges and the heavily manned and confined quarters of oceangoing vessels. Port District facilities, wharves and docks receive general fire protection from landside similar to that furnished to non-maritime oriented shore facilities.

Assessment of harbor Tariff fees also take into account Subrule 126 of this Tariff relative to barge fleeting requirements in the Mississippi River providing fleeting locations, the patrolling and regulation thereof, the proper mooring, and the regulation of the tugs and pushboats and inspection thereof incident to the barge cargo and the interface of such navigational and operational activities with the large ocean vessels operating within the District and through the District to and from upriver deepwater ports.

The Federal Water Pollution Control Act (33 U.S.C. 1321) and the Hazardous Materials Transportation Act of the United States, and Federal Regulations issued pursuant thereto [see 49 U.S.C. 1801 et seq; 46 U.S.C. 2101; supplementary thereto, also see 46 Code of Federal Regulations, parts 151-154 (1985) and amendments and supplements thereto] regulate and classify the different transportation risks of different cargoes. The large volume of petroleum liquid cargoes and their derivatives passing through the Port District are hazardous cargo.

The liquid cargo transferred within the Port District is volatile. An additional problem requiring port services is the serious spill/pollution possibility.

Crude oil and petroleum products such as benzene, fuel oil, heating oil, gasoline, liquid petroleum gas, naphtha, propane, xylene and similarly hazardous volatile cargo do pose serious fire and pollution problems, both when being transferred from a terminal to a vessel and in the event of vessel collisions. Even if the products do not catch fire there is still the resulting pollution of the waters of the Port District.

A vessel collision involving coal or grain poses no serious pollution problem as the coal or grain will simply sink to the bottom of the Mississippi River.

The foregoing facts are taken into account to the extent that they can be quantified and estimated and related to users' needs and Tariffs collected, in an equitable way in the apportionment of the Port District Tariffs.

These Tariffs are imposed pursuant to the enabling legislation for the purpose of meeting expenses attendant upon the supervision of the District and the execution of the regulations and providing for the proper accommodation of vessels at the Port District, and are devised to further the safety of vessels and to facilitate their use of the harbor. There is a monitoring of District revenues and services rendered on an ongoing basis to keep them in substantial equal balance.

There are imposed harbor fees based upon the transfer of cargo at privately operated wharves located on the navigable waterways of the District as hereafter

defines. While these are privately operated and financed facilities located upon properties that are private, parts of such wharves and facilities, in fact, are located on publicly owned property or property impressed with rights of public servitude or usage inherent on such battues or banks and the beds of navigable rivers or waters impressed with the rights of public use as may be required for purpose of commerce, navigation and other purposes, including the air space above such areas (La R.S. 9:1102.2). The management, control, and jurisdiction of such properties and these areas of operation and riverbank occupancy have been conveyed upon this Port District by its enabling legislation and certain general laws of the State of Louisiana. It is this incidence of public ownership, control, and regulations, and the services rendered by the District pursuant to United States Supreme Court cases, United States Statutes, the Port District's enabling legislation, and the following set-forth property laws of Louisiana, that are the basis on which harbor fees are imposed on such facilities, as well as for the services they receive. Confer: Louisiana Civil Code Articles 448, 450, 452, 455, 456, 458, 460, and 665. Confer: Louisiana Revised Statutes 34:1351 et seq. (The Port District enabling legislation: Louisiana Revised Statutes 9:1101, 1102.1, 1102.2, and 1107. Confer: The State Waterbottoms Management Act, La. R.S. 41:1701 et seq., wherein at Section 1705 the State management procedures have relegated to the deep-water port areas, of which the Plaquemines Port, Harbor and Terminal District is such a deep-water port facility.

PART C

PREAMBLE TO PLAQUEMINES PARISH ZONING ORDINANCE #142 READ AS FOLLOWS:

An ordinance prepared under the authority of Article 14, Section 3 of the Constitution of the State of Louisiana, relative to Parish Charter Commissions providing for the creation of Home Rule Charters and more particularly pursuant to the Charter for Local Self Government for Plaquemines Parish, Louisiana, Section 2, Legislative Powers and Section 3, Other Powers, all as therein enumerated, which powers are reserved in the 1974 Constitution of Louisiana in Article VI Section 4 and 6, reserving unto this Council the Police Power of Zoning and as provided by Louisiana R.S. 33:101, et seq., relative to Planning Commissions as created by Ordinance 133 of the Council; and in consideration of the peculiar problems occasioned by the fact that the Parish of Plaquemines is geographically located at the south of and bisected by the Mississippi River, the largest river of the United States, which with its tributaries drains all of the central United States, and such parish is surrounded in part by the waters of the Gulf of Mexico and has been susceptible to the overflows from such river, as well as the overflows from the

Gulf of Mexico as the same area affected by seasonable flooding and tropical hurricanes. This ordinance is adopted in the light of the foregoing to regulate and restrict the use of land, river, water, marshes, bayous and streams, lakes and other geographic features of the Parish for trade, industry, residence or for other purposes and to regulate and restrict the density of the population and the percentage of a plot that may be occupied, all in accordance with the peculiar geographic location, flood and weather forces to which this parish is uniquely susceptible, as well as in consideration of the hazards of environmental contamination resulting from its geographic location at the mouth of the Mississippi River and its tributaries and being subject to the forces of nature, as all these affect human habitation which is possible through the expenditure of vast sums of money for flood protection, both from the river and the Gulf of Mexico, for drainage, water, sewerage and other governmental services. In order to take full advantage of nature's resources with which the Parish has an abundance in minerals, wild life, fishes, etc., this ordinance is enacted for said purposes to divide the Parish into districts; to regulate and restrict the erection or use of buildings or land, rivers, bayous, lakes, water bottoms and marshes; and to provide for the change of such regulations, restrictions, and boundaries of zones; to provide for enforcement and to provide penalties for the violations of its provisions; all in accordance with and under the authority and the Local Self Government Charter, as hereinabove enumerated and pursuant to the purposes hereinabove stated.

=====

RULE: 34 Subrule: 1
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 16 July 1994
Expiration Date:

NAME: Definitions

RULE TEXT
BE IT ORDAINED BY THE PLAQUEMINES PARISH COMMISSION
COUNCIL;

SECTION 1
DEFINITIONS

<u>SUBJECT:</u>	<u>DEFINITIONS:</u>
PRELIMINARY	For the purpose of this Tariff, the following words of terms have the significance below attached to them.
CHECKING	The services of counting and checking cargo against appropriate documents for account of the cargo or the vessel.
DAY	In computing charges, a period of 24 consecutive hours or fractional part thereof of any calendar day of days.
DIRECTOR	The Director of Plaquemines Port, Harbor and Terminal District. The term shall also include his authorized agent.
INLAND WATERCRAFT	Wherever used in this Tariff the term "Inland Watercraft" shall include all vessels, private and public, operated exclusively on the maritime service, task, venture, voyage, or mission, commercial or non-commercial, of a private or public nature.
MIDSTREAM LOADING	Cargo loaded from a vessel and reloaded on a vessel without being removed from a public or private wharf.

SHIP	Any self-propelled seagoing vessel.
TON	Subject to specific exception, the term “ton” as used in this Tariff refers to a unit of weight of 2,000 pounds.
GROSS TONNAGE	As used in this Tariff, the term “gross tonnage”, “gross registered tonnage”, or “gross tons” with respect to vessels engaged in foreign, coastwise or intercoastal trade shall be the tons appearing in Lloyd’s Register as the official gross tonnage of the vessel. Where two gross tonnage are assigned to certain vessels in association with a Tonnage Mark on the vessel’s sides, the higher figures shall be applicable in determining gross tonnage for the purpose of assessment of charges under this Tariff.
TUGS AND TOWBOATS	Vessels which do not carry freight or passengers but are used to tow or push other vessels.
VESSELS ENGAGED IN FOREIGN, COASTWISE OR INTERCOASTAL TRADE	Wherever used in this Tariff, the term “Vessels Engage in Foreign, Coastwise or Intercoastal shall include all ocean vessel, private and public employed in any maritime services, task venture, voyage or mission, commercial or non-commercial, of a private of public nature, other than inland watercraft as defined herein.
VESSEL LENGTH	For the purpose of the computation of charges under this Tariff, the term “length” or “overall length” of a vessel shall be that a stated in the United States Coast Guard “CG 408”, Merchant Vessels of United States Director. With respect to vessels engaged in foreign, coastwise or intercoastal trade, such overall length appearing in Lloyd’s Register will be acceptable as evidence thereof. In the event of any dispute regarding the official or actual overall length of a vessel, this District reserves the right to actually measure such vessel for the purpose of determining her overall length.

USER

“User” shall be deemed to include and apply to any vessel or person using any District property, facility or equipment or to who or for whom any service, work or labor is furnished, preformed, done or made available by the District.

PRIVATE WHARVES

Those wharves that are not public wharves.

METHOD OF
CANCELING
ITEMS AND PAGES

As this Tariff is amended, numbered items with letter suffixes used alphabetically cancel correspondingly numbered items in the original Tariff or in a prior revised page and numbered revised pages cancel correspondingly numbered pages in the original Tariff or prior revised pages.

OWNER

“Owner” shall mean the owner, the parent company of the owner and any 100% owned subsidiary of said owner or parent company.

HARBOR FEE

All commercial cargo vessels which dock, moor or anchor within the District shall be assessed a Harbor Fee per each arrival within the geographical limits of the District, to assist in defraying the expense of the administration and maintenance of the port and harbor, including the supervision of the shipping of the port, with the view of preventing collisions and fires, policing the river and riverfront, providing services of all kinds as required for an orderly and safe port operation, including response to vessels in distress with the means available, and to aid in extinguishing fires in vessels and equipment and in the cargo aboard such vessels or upon the public wharves, public banks and battues of the waterways of the District, and in the harbor, and upon the private wharves, docks, and immediately adjacent facilities connected thereto without any additional charge (except for the cost of supplies, material and equipment expended by the District in the performance of such services).

SUPPLEMENTAL

A Fee charged to supplement revenue necessary for the purpose herein set forth under “Harbor Fee” based on the weight of non-liquid cargo and on barrels of liquid cargo handled or transferred in midstream or when anchored at or moored to any dock, wharf, or mooring facility, or at a public wharves, which it does not now have.

CONVENTIONAL
BARGE

The term “conventional barge, as referred to in Subrule 135 –Harbor Fee, Shall include inland (river) barges and shall also include LASH and SEABEE barges when not aboard the barge carrying vessel (mother vessel). However, when LASH and SEABEE barges are loaded and/or unloaded from the barge carrying vessel (mother vessel) within the Port District, the mother vessel shall be assessed fees as set forth in Subrule 135 – Harbor Fee. The term “conventional barge” does not include ocean or seagoing barges.

RULE: 34 Subrule: 2
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: General Information, Rules & Regulations

RULE TEXT

The Plaquemines Port, Harbor and Terminal District's "General Information, Rules & Regulations are as set forth in Subrule 2 through 130 herein.

RULE: 34 Subrule: 5
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Governing Authority and Jurisdiction

RULE TEXT

The Plaquemines Parish Council is the governing authority of the Plaquemines Port, Harbor and Terminal District. The territorial limits of the District are coextensive with the Parish of Plaquemines, Louisiana, as presently constituted. Louisiana Revised Statutes 34:1351 – 1365, as ratified by Article 6, Section 43 of the Louisiana Constitution of 1974, which is the legal authority for this District, is contained in Appendix I and is specifically made a part of this Tariff.

RULE: 34 Subrule: 10
Amend Type: I
Sp Case Number:

Filing Date: 6 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Applications and Interpretation of Tariff Amendments

RULE TEXT

The rates, rules and regulations contained in this Tariff shall apply equally to all users of the waterways and facilities and shall apply to all traffic on the waterways and facilities on the effective dates shown on this Tariff or any amendments thereto.

Amendments shall be issued to cover changes in this Tariff, but this Tariff is subject to change without notice.

RULE: 34 Subrule: 15
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Consent to Terms of Tariff

RULE TEXT

The use of the waterways and facilities under the jurisdiction of the Plaquemines Port, Harbor and Terminal District shall constitute an agreement on the part of all vessels, their owners and agents, and other users of such waterways and facilities to pay all charges specified in this Tariff and be governed by all rules and regulations herein contained. It is incumbent upon the Master of any vessel operating within the limits of Plaquemines Port, Harbor and Terminal District or others whose operations are affected by these rules and regulations, to familiarize themselves with these rules and regulations. Non-compliance through ignorance, with these rules and regulations will not affect the liability of the master or others, or the application of the penalties.

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RULE: 34 Subrule: 20
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Director's Authority: Enforcement of Rules and Regulation

RULE TEXT

The Director is charged with the enforcement of these rules and regulations and must also perform such other duties as are required of him by law, ordinance or resolution. The Director has full power to supervise and regulate the shifting, berthing, anchoring, mooring and removal of vessels or other craft, and all other vessels or craft positions are movements within the jurisdiction of the District as the circumstances warrant and as general convenience, safety, or good order may require. (At the present time, the District has not formally appointed a Director, but has a Port Manager. Wherever in this Tariff the word "Director" appears, until such time as one is officially selected by the Plaquemines Port, Harbor and Terminal District, such word "Director" shall mean "Port Manager", and he shall have all of the duties and responsibilities conferred on such Director, and his office shall be the Director's office, and is located at 8056 Hwy. 23, 3rd Floor, Belle Chasse, La. 70037; phone (504) 297-5660, a 24-hour telephone service).

RULE: 34 Subrule: 25
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Resisting or Opposing the Director

RULE TEXT

No person shall oppose, resist or disobey any order given by the Director in the execution of his duties.

=====

RULE: 34 Subrule: 30
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Arrival-Departure Times; Computation of

RULE TEXT

All charges are based on straight running time except where otherwise stated. A day in computing charges shall be considered as commencing when the vessels arrives at her berth or anchorage and shall comprise a period of 24 hours, or fraction thereof. The time when a vessel arrives alongside of the wharf with the first two lines made fast shall be considered as the arrival time. The time the last line is let go shall be considered as the sailing time. An anchoring vessel's arrival time shall be considered as the time the vessel's anchor is dropped or lowered. The hoisting of such anchor shall be considered as the sailing time.

RULE: 34 Subrule: 35
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Reporting Arrivals and Departures

RULE TEXT

The arrival and departure of all vessels engaged in Foreign, coastwise, and intercoastal trade which anchor within the Port District shall be immediately reported by telephone (**504-297-5660, a 24-hour telephone service**) by the agent of the vessel. A written report shall be rendered within five (5) days after departure from the Port District on reporting forms to be obtained from the District.

The arrival and departure of all vessels engaged in Foreign, coastwise, and intercoastal trade which dock at a private facility within the Port District shall be immediately reported by telephone (**504-297-5660, a 24-hour telephone service**) by the private facility. A written report shall be rendered within five (5) days after departure from the Port District on reporting forms to be obtained from the District.

The arrival and departure of all other vessels shall be reported by the private facility at which the vessel docks by written report rendered within five (5) days after departure of the vessel from the District on reporting forms to be obtained from the District.

All reporting shall be subject to the verification and inspection of the Director's agents and/or employees. If the arrival and departure are not reported by the party responsible therefore, the District shall have the right to obtain the information needed from the vessel owner, vessel agent, vessel matter, cargo owner, or other user of the vessel.

RULE: 34 Subrule: 36
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Reporting of Loading and/or Unloading of Vessels

RULE TEXT

The private facility from which cargo is either loaded and/or unloaded aboard a vessel shall render within five (5) days after the departure of a vessel, a written report on reporting forms to be obtained from the District of the type and amount of cargo loaded and/or unloaded on or from the vessel.

RULE: 34 Subrule: 40
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Measurement of Vessels

RULE TEXT

The Plaquemines Port, Harbor and Terminal District reserves the right to measure all vessels when deemed necessary to determine vessel length and gross tonnage; said measurements to be used by the District as a basis for Port charges. The Director's rule for the measurement of vessels may be secured from the Director of Port upon request.

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RULE: 34 Subrule: 45
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Audit of Manifests

RULE TEXT

The Plaquemines Port, Harbor and Terminal District reserves the right to audit all manifests and to use such audits as a basis for charges.

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RULE: 34 Subrule: 50
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: General Anchorages

RULE TEXT

The “General Anchorages” for the Plaquemines Port, Harbor and Terminal District are the following:

1. Pilottown anchorage, Mile 1.5 to Mile 6.7 RDB
2. Lower Venice Anchorage, Mile 8.0 to Mile 9.6 LDB
3. Upper Venice Anchorage, Mile 10.0 to Mile 11.2 LDB
4. Boothville Anchorage, Mile 12.2 to Mile 18.5 RDB
5. Ostrica Anchorage, Mile 23.5 to 24.4 RDB
6. Port Sulphur anchorage, Mile 37.5 to Mile 39.7 LDB
7. Magnolia Anchorage, Mile 45.5 to Mile 46.9 RDB
8. Davant Anchorage, Mile 53.5 to Mile 54.5 LDB
9. Alliance Anchorage, Mile 63.8 to Mile 65.8 RDB
10. Wills Point Anchorage, Mile 66.5 to Mile 67.6 LDB
11. Cedar Grove Anchorage, Mile 69.9 to 70.6 RDB
12. Belle Chasse Anchorage, Mile 73.1 to Mile 75.2 RDB
13. Lower 12 Mile Point Anchorage, Mile 78.5 to Mile 80.8 RDB

(“RDB” means Right Descending Bank of the Mississippi River)
(“LDB” means Left Descending Bank of the Mississippi River)

The promulgation and enforcement of rules and regulations concerning the “General Anchorages are the responsibility of the U.S. Coast Guard. The widths of the “General Anchorages” are set forth in 33 Code of Federal Regulation, Section 110.195.

Vessels anchored in the Mississippi River, except as noted in Subrule 55, shall be anchored in the above listed “General Anchorages”.

RULE: 34 Subrule: 51
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Advance Notice Required for Mid-Stream Transfer of Cargo

RULE TEXT

E (1). The Plaquemines Port, Harbor and Terminal District may permit vessels to handle or transfer cargo while at anchorage, not attached to or moored or docked at a land-based facility, provided that space is available and that such cargo transfer does not constitute a threat to safety and navigation in the Port District or to the lives and property of Plaquemines Parish.

Transfer of cargo at anchorage will be allowed only by vessel, agents, vessel representatives, or not-land based facility operators who have requested and obtained approval for such operations from the Port District and the U.S. Coast Guard.

Before any transfer of cargo at anchorage shall occur, authorization for such transfer shall be obtained from the Port District. The request shall be made at least 48 hours, except in emergencies, prior to the commencement of the transfer operations. The request may be in writing or by telefax on the form used to obtain U.S. Coast Guard approval from the Captain of the Port.

The transfer of hazardous and extremely hazardous substances, including all petroleum products is **STRICTLY PROHIBITED** in Lower 12 Mile Anchorage (defined at 33 Code of Federal Regulation 126.10). The only exception shall be the transfer of bunker fuel for the vessel's own use.

The transfer of commercial Class "A" or military explosives will be permitted only in the Pilottown Anchorage.

Request to transfer cargo at anchorage are to be addressed to:

Plaquemines Port, Harbor and Terminal District
8056 Highway 23/ 3rd Floor
P.O. Box 547
Belle Chasse, Louisiana 70037
Phone: (504) 682-7920
Fax: (504) 682-0649

- (2.) Notification of the intent to handle or transfer cargo at anchorage obligates the payment to the Port District of the harbor fee and supplemental harbor fee as set forth in subrule 135 of this Tariff. The Port District may require the payment of the harbor fee and supplemental harbor fee prior to authorizing the commencement of the cargo transfer of any vessel, agent, facility, or stevedore which has not establishes credit terms with the Port District.
 - (3.) Handling or transferring cargo is required by the Port District to be performed with due and reasonable precautions. All unsafe practices, exposure to risks of shore installations or impediments to navigation are prohibited. The Port District reserve the right to withhold or withdraw permission for cargo transfer if the nature of the cargo or method of conduct is deemed by the Port District to be at levels of safety inconsistent with the public interest.
 - (4.) There shall be no duty placed on the Port District, its agents or employees, to inspect the cargo or supervise the handling thereof and the Port District, its agents, or employees shall not be liable for any damages resulting from the failure to perform such inspection or supervision.
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RULE: 34 Subrule: 55
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Special Permission to Anchor

RULE TEXT

Vessels may be granted special permission by the Director to anchor in other parts of the District.

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RULE: 34 Subrule: 60
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Anchoring in Pipeline Crossings

RULE TEXT

The dropping of anchors, weights, or other ground tackle, within the area occupied by submarine cables or pipe crossings, is prohibited. Such crossings shall be marked by the utility owner by signboards on each bank.

RULE: 34 Subrule: 65
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Moving Vessels to Protect Property and to Facilitate
Commerce and Navigation

RULE TEXT

In the event it becomes necessary for any vessel to be moved or the position changed to facilitate navigation, commerce or for the protection of other vessels or property, the Director is authorized to order and enforce the removal of such vessel at its own expense to such place as the Director may direct. Upon the failure or refusal of the person in charge of such vessel to change the position thereof as directed by the Director, it shall be the duty of the Director and he is authorized to board such vessel with such assistance as may be necessary and to change the position thereof at the sole risk and expense of such vessel.

RULE: 34 Subrule: 70
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Laying-up of Vessels

RULE TEXT

Masters requiring anchor berths for the purpose of laying-up their vessel shall apply to the Director for permission to lay-up at the proposed berth or anchorage; such permission has no connection with property rights. No vessel, tow-boat, barge or raft may tie up or lay up alongside any property without first obtaining permission of the riparian owner or his lessee.

RULE: 34 Subrule: 75
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Abandonment of Vessels

RULE TEXT

No vessel or other craft may be abandoned or sunk within the District except in such location and manner as shall be first approved by the Director. The Director shall have the authority to remove any abandoned vessels within the District. The cost of such removal operation shall be borne by the owner of said vessel.

RULE: 34 Subrule: 80
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Explosives, Inflammables and Other Dangerous Articles

RULE TEXT

Persons desiring to handle explosives and inflammables and other dangerous articles in quantities exceeding 1,000 lbs. Net explosive content in the District, over public or private wharves or elsewhere, must communicate, in advance of their arrival with the Director furnishing full particulars of the shipment except those articles handled over public or private wharves, facilities or vessels specifically designed for those purposes.

Shipment of articles classified as explosive or dangerous by the U.S. Department of Transportation will be accepted only after a full compliance by shippers or delivering carrier with the rules and regulations of the U.S. Department of Transportation governing the transportation of such articles.

RULE: 34 Subrule: 85
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Fire Signal

RULE TEXT

In the event fire occurs on board any vessel with the District, except vessels under way, such vessels may sound five prolonged blasts of the whistle or siren as an alarm indicating fire on board or at the dock to which the vessel is moored. Such signal shall be repeated at intervals to attract attention, and is not as substitute for, but may be used in addition to other means of reporting a fire. The words, "Prolonged Blast" used in this rule shall mean a blast of from four to six seconds duration.

RULE: 34 Subrule: 90
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAMES: Fire Apparatus

RULE TEXT

No person shall obstruct or interface with the free and easy access to, and except in case of fire shall any person remove or in any manner disturb any fire extinguisher, fire hose, fire hydrant, or any other fire fighting appliance installed in or upon the District's property.

RULE: 34 Subrule: 95
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Dust, Smoke, Fumes, Airborne Matter Prohibited

RULE TEXT

No vessel shall cause or otherwise permit the emission of dense smoke, dust, fumes, or any type of airborne matter into the open air within the District. The Director has the authority to stop any vessel from producing such emission.

RULE: 34 Subrule: 100
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Dumping Into Waters

RULE TEXT

The dumping of oil, oily wastes, grease, refuse or other objectionable matter into the waters of the Plaquemines Port, Harbor and Terminal District is prohibited by national, state and local laws and ordinances. The director of Port shall be consulted by those not familiar with the dumping laws and ordinances hereinabove mentioned.

RULE: 34 Subrule: 105
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Grounding of Vessels at the Grain Dock

RULE TEXT

Every vessel engaged in foreign and domestic trade, as well as inland watercraft, to be loaded at any grain dock or grain elevator in the District shall be ground between themselves and the grain dock by a minimum No. 4/0 steel grounding cable, which shall be connected through a suitable connecting lug to the steel frame of the ship at one end and a steel dock member at the other.

Provisions for such grounding prior to commencing loading shall be the sole responsibility of the vessel, its owner or agent.

In the case of inland watercraft unloading at any grain dock or grain elevator, if not moored to the dock by steel cables, such watercraft will be grounded as above provided.

RULE: 34 Subrule: 110
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Rat Guards

RULE TEXT

Every vessel engaged in foreign and domestic trade when moored to any general cargo dock, either public or private, shall immediately provide and install rat guards on all lines between the vessel and the wharf or dock, its owner or agent to see that all such rat guards are in place at all times. Failure to comply with this regulation will result in the vessel being shifted from its berth, at the vessel's expense.

RULE: 34 Subrule: 120
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Damage to District Property

RULE TEXT

It shall be unlawful for any person to willfully or carelessly destroy, damage, disturb, deface or interfere with any buoy, float, life preserver, sign, notice or any other public property, whatsoever under the jurisdiction of the District.

Every person and every vessel responsible for any damage to any public property of any kind or character under the jurisdiction of the District shall be held liable for and charged with the cost and expense of the replacement or repair of the property so damaged or destroyed.

RULE: 34 Subrule: 125
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Loss or Damage, Responsibility

RULE TEXT

The Plaquemines Port, Harbor and Terminal District, being a political subdivision of the State of Louisiana, is not liable and cannot assume any responsibility for any loss or damage to cargo or other property while on the wharves, docks, landings, or other facilities, both public and private, under the administration of this District which have been assigned or used for the shipment, reception or storage of such cargo or other property.

Each shipper or receiver of cargo, or those acting for them, must protect such cargo from loss or damage from any caused whatsoever, including but not limited to, loss or damage from pilferage, rodents, insects, shrinkage, wastage, decay, seepage, heat, cold, evaporation, fire, leakage or discharge from sprinkler system, rain, floods, or the elements, defects or leaks in or around buildings, or other structures, war, riots, strikes, civil commotions, acts of third persons, or other causes whatsoever.

No provision contained in this Tariff shall limit or relieve the Plaquemines Port, Harbor and Terminal District from liability for the Plaquemines Port, Harbor and Terminal District's own negligence, nor require any user or lessee to indemnify and hold harmless the Plaquemines Port, Harbor and Terminal District from liability for negligence of the Plaquemines Port, Harbor and Terminal District.

All other terms and conditions of Subrule 125 (formerly Item 125) shall remain in full force and effect.

RULE: 34 Subrule: 126
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Barge Fleeting Regulations for the Mooring of Barges on the
 Mississippi River between Mile 81.2 above the Head of Passes
 and the Head of Passes

RULE TEXT

1. Mississippi River

- (a) The following is a Regulated Navigation area – the waters of the Mississippi River between Mile 81.2 above Head of Passes and Head of Passes. (b) Regulations for this Regulated Navigation Area appear in this Subrule 126.

3. Definitions

As used in this subpart:

- (a) “Fleeting facility” means the geographic area along or near a river bank at which a barge mooring service, either for hire or not for hire, is established.
- (b) “Tier” means barges moored independently in rows or groups.
- (c) “Fleet” includes one or more tiers.
- (d) “Person in charge” includes any owner, agent, pilot, master, officer, operator, crew member, supervisor, dispatcher, or other person navigating, controlling, directing, or otherwise responsible for the movement, action, securing, or security of any vessel, barge, tier, fleet, or fleeting facility subject to the regulations in Section 3 – 37 of this Subrule 126.
- (e) “Breakaway” means a barge that is adrift and is not under the control of a towing vessel.
- (f) “Mooring device” includes a deadman, anchor, pile, or other reliable holding apparatus.
- (g) “Mooring barge” or “spar barge” means a barge moored to mooring devices and to which other barges may be moored.

5. Waivers

- (a) The Port Manager may, upon written request except as allowed in paragraph (c) of this section, waive any regulation in Section 11 through 37 of this Subrule 126 if the finds that the proposed operations can be conducted safely under the terms of that waiver.

- (b) Each written request for a waiver must state the need for this waiver and describe the proposed operation.
- (c) Under unusual circumstances due to time constraints, the person in charge may orally request an immediate waiver from the Manager of the Port. The written request for a waiver must be submitted within five working days after the oral request.
- (d) The Port Manager may at any time terminate any waiver issues under this Section.

7. Waiver Appeals

An applicant for a waiver that is denied by the Port Manager may appeal in writing to the Plaquemines Parish Government, whose determination is final.

8. Emergencies

In an emergency, a person may depart from any regulation in sections 11 through 37 to the extent necessary to avoid immediate danger to persons, property, or the environment.

MOORING

11. Mooring: General

- (a) No Person may secure a barge to trees or to other vegetation.
- (b) No person may allow a barge to be moored with unraveled or frayed lines or other effective or worn moorings.
- (c) No person may moor barges side to side unless they are secured to each other from fittings as close to each corner of abutting sides as practicable.
- (d) No person may moor barges end to end unless they are secured to each other from fittings as close to each corner of abutting ends as practicable.

13. Mooring to a Mooring Device

- (a) A barge may be moored to mooring devices if the upstream end of that barge is secured to at least one mooring device and the downstream end is secured to at least one other mooring device.
- (b) Barges moored in tiers may be moored to mooring devices if the shoreward barge at the upstream end of the tier is secured to at least one mooring device, and the shoreward barge at the downstream end of the tier is secured to at least one other mooring device.

- (c) Each wire rope used between the upstream end of a barge and a mooring device must have at least a diameter of 1-1/4". Chain or line used between the upstream end of a barge and a mooring device must be of at least equivalent strength to 1-1/4" diameter wire rope.

MOORINGS

15. Barge-to-Barge; Barge-to-Vessel; Barge-to-Wharf or Pier.

The person in charge shall ensure that a barge moored to another barge, a mooring or spar barge, a vessel, a wharf, or a pier, is secured as near as practicable to each abutting corner of the barge being moored by:

- (a) Three parts of wire rope of at least 7/8" diameter with an eye at each end of the rope passed around the timberhead, caval, or button;
- (b) A mooring of natural or synthetic fiber rope that has at least 75 percent of the breaking strength of three parts of 7/8" diameter wire rope; or
- (c) Fixed rigging that is at least equivalent to three parts of 7/8" diameter wire rope.

17. Mooring – Person in Charge

- (a) The person in charge of a barge, tier, fleet, or fleeting facility shall ensure that the Barge, tier, fleet, or fleeting facility meets the requirements in Section 11 through 13 of this Subrule 126.
- (b) The person in charge shall ensure that all mooring devices, wires, chains, lines, and connecting gear are of sufficient strength and in sufficient number to withstand forces that may be exerted on them by moored barges.

SUPERVISION OF FLEETING FACILITIES

19. Fleeting Facility: Inspection of Moorings.

- (a) The person in charge of a fleeting facility shall assign a person to inspect moorings in a person to inspect moorings in accordance with the requirements in paragraph (b) of this section.
- (b) The person assigned to inspect moorings shall inspect:
 - (1) At least twice during each day during periods that are six hours or more apart, each mooring wire, chain, line, and connecting gear between mooring devices and each wire, line, and connecting equipment used to moor each barge; and

- (2) After a towboat adds barges to, withdraws barges from, or moves barges at a fleeting facility, each mooring wire, line and connecting equipment of each barge within each tier affected by that operation.
- (c) The Person who inspects moorings shall take immediate action to correct each deficiency.

21. Fleeting Facility Records

The person in charge of a fleeting facility shall maintain and make available to the Plaquemines Port, Harbor and Terminal District records containing the following information:

- (a) The time of commencement and termination of each inspection required in Section 19(B).
- (b) The name of each person who makes the inspection required in Section 19 (b).
- (c) The time of, date of, identification of, and presence of any hazardous cargo in each barge entering and departing the fleeting facility.
- (d) The identification of each towboat that moves a barge into, within, or out of the fleeting facility.

NOTE: The requirements of Section 21(c) for the listing of hazardous cargo refers to cargoes regulated by Subchapter D and O of Chapter I, Title 46, Code of Federal Requirements.

23. Fleeting Facility: Surveillance

- (a) The person in charge of a fleeting facility shall assign a person to be in continuous surveillance and to observe the barges in the fleeting facility. Joint use of this person by adjacent facilities may be considered upon submission of a detailed proposal for a waiver to the Port Manager. Alternative surveillance techniques permitting an observer to maintain the required observation over adjacent fleeting facilities may also be considered upon submission of a detailed proposal for a waiver to the Port Manager.
- (b) The person who observes the barges shall:
 - (1) Inspect for movements that are unusual for properly secured barges; and
 - (2) Take immediate action to correct each deficiency.

25. Fleeting Facility: Person in Charge

The person in charge of a fleeting facility shall ensure that each deficiency found under the requirements of Section 19 or Section 23 is corrected.

BREAKAWAYS

29. Securing Breakaways

The person in charge shall take immediate action to:

- (a) Secure each breakaway; and
- (b) Report each breakaway as soon as possible to the Port Manager, Plaquemines Parish, by telephone, radio, or other means of rapid communication.

31. Radio Communication During Breakaway

The person in charge of a vessel engaged in recovering of a breakaway shall monitor and communicate with other vessels and the Coast Guard on VFH-FM and the Plaquemines Parish Government Sheriff's Office and Port Harbor and Terminal District radio phone operator.

HIGH WATER

33. Applicability

Section 35 and 37 apply to barges in the Mississippi River between mile 81.2 above Head of Passes and Head of Passes during high water when:

- (a) The Carrollton Gauge stands 12 feet or more; or
- (c) The Carrollton Gauge stands 10 feet, the U.S. Army Corps of Engineers forecasts the Mississippi River is rising 12 feet, and the Port Manager determines these circumstances to be especially hazardous and issues orders directing that Sections 35 and 37 are in effect.

35. Fleeting Facilities Towboat Attendance of Barges

During high water, the person in charge of fleeting facility must ensure compliance with the following requirements:

- (a) Each fleet consisting of eight or more barges must be attended by at least one radar equipped towboat for each 100 barges or less. Joint use of this towboat by adjacent facilities may be considered upon submission of a detailed proposal for a waiver.
- (b) Each fleet must have 2 or more towboats in attendance when:

- (1) Barges are withdrawn from or moves within the fleet and the fleet at the start of the operation contains 8 or more barges; or
- (2) Barges are added to the fleet and the number of barges being added and the fleet at the start of the operation total 8 or more
- (c) Each towboat required in paragraph (a) and (b) of this section must be:
 - (1) Capable of safely withdrawing, moving or adding each barge in the fleet;
 - (2) Immediately operational;
 - (3) Radio equipped; and
 - (4) Within 500 yards of the barges.
- (d) The person in charge of each towboat required in paragraphs (a) and (b) of this section shall maintain:
 - (1) A continuous guard on channel 67 (156.375 Mhz) VHM-FM; and
 - (2) When moored, a continuous watch on the barges in the fleeting facility.
- (e) During periods when visibility is less that 200 yards, the person in charge of each towboat required in paragraph (a) of this section shall maintain, when moored, a continuous radar surveillance of the barges moored in the fleeting facility.

37. Fleeting Operations During Low Visibility

During high water when visibility is reduced to less than two hundred yards:

- (a) Tows may not be assembled or disassembled;
- (b) No barge may be added to, withdrawn from or moved within a fleet except:
 - (1) A single barge may be added to or withdrawn from the channelward or downstream end of the fleet; and
 - (1) Barges made up in tow may depart a fleet from the channelward or downstream end of the fleet; and
- (c) No person in charge of a tow arriving in this regulated navigation area may moor unless he notifies the Port Manager.

See Subrule 130 – “Penalties for Violation”

RULE: 34 Subrule: 130
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Penalties for Violation

RULE TEXT

- (A) It shall be unlawful for any person, firm or corporation to utilized or make use of the District or any of its facilities without paying to the District the proper toll, charge, or fee therefore as fixed and specified in the Tariff, or without having established a mutually agreeable procedure for such payment to the District, and every person, firm, or corporation violating any provision of this order respecting the payment of any toll, charge, or fee shall be deemed to have violated the provisions of this Tariff and the ordinances of this District and the laws of the State of Louisiana and of the United States.
 - (B) It shall be unlawful for any person, firm or corporation to fail, refuse or neglect to comply with any of the provisions of the rules and regulations prescribed by this Tariff or supplement thereto, or by designation otherwise.
 - (C) The Plaquemines Port, Harbor and Terminal District shall have all the remedies for collecting of any Tariff charges, or may seek to enforce any provision of the Tariff in any manner as provided by law. In connection wherewith, note the provision of Subrule 165, providing for payment of bills.
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RULE: 34 Subrule: 134
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Charges which may be Incurred by Vessels

RULE TEXT

Charges imposed in Subrule 134 through 180 shall apply to the following areas:

1. The deep-water port areas of the Port District capable of accommodating vessels of at least twenty-five feet of draft with facilities capable of engaging in foreign commerce as defined in the 1974 Louisiana Constitution, Article 6, Section 44(7), and those deep-water areas within the Port District engaged in interstate commerce as set forth in the Plaquemines Port Harbor and Terminal District enabling Legislature, La.R.S.34:1351 et seq., authorizing reasonable fees, particularly Sections 34:1356 and 34:1360. The specific areas are the deep-water areas of the Mississippi River below Head of Passes and Head of Passes to Mile 81.2 above Head of Passes.
2. Jump Basin at Venice, Louisiana as an adjunct of the Mississippi River, which areas shall be subject to the following Tariff fees for the following reasons:

(See Part B of the Preamble to this Tariff which is made a part of hereof for evaluation of Harbor Fee elements for future amplification of this Section.)

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RULE: 34 Subrule: 135

Filing Date: 16 June 1994

Amended: 12 Dec. 2013

Amend Type: I

Effective Date: 01 January 2018

Sp Case Number:

NAME: Harbor Fee

RULE TEXT

All vessels which dock, moor, or anchor within the District shall be assessed a Harbor Fee per each arrival within the geographical limits of the District to assist in defraying the expense of the administration and maintenance of the port and harbor, including supervision of the shipping of the port, with the view of preventing collisions and fires, policing the river and riverfront, providing services as required for an orderly and safe port operation, including response to vessels in distress with the means available, and to aid in extinguishing fires on vessels and equipment and in the cargo aboard such vessels or upon the wharves, shores, banks and battues of the waterways of the District, and in the harbor, and upon the private wharves, docks, and immediately adjacent facilities connected thereto, located on areas of shore and banks of the navigable waterways and streams vested with public and private property rights Located in and on such banks with the approval or permission of the Port District (see Louisiana Property Law, Civil Code Articles 448, 450, 452, 455, 456, 458, 460, and 665 and related Articles; Louisiana Revised Statutes 9:1101, 9:1102.1, 9:1102.2, and 9:1107) without any additional charges (except for the cost of supplies, material, and equipment expended by the District in the performance of such services).

(See Part B of the Preamble to this Tariff which is made a part hereof for evaluation of Harbor Fee elements for further amplification of this section, and see Subrule 165-“Payment of Bills”.)

The Harbor Fee for vessels is composed of separate amounts as set forth in Section A, B, and C. The Harbor Fee for facilities and terminals is set forth in Section D.

- A. Harbor Fee-
Self-Powered Commercial Vessels and Ocean Barges:
Fee Per Vessel for Port Entry and Usage:

<u>2/</u>	<u>1/</u> <u>Per Day</u>
16' and under 100' in length	\$ 7.17
100' and under 250' in length	\$ 14.34
250' and under 500' in length	\$ 43.05
500' and over in length	\$ 107.66

The Harbor Fee shall be calculated on tugboats, towboats, or pushboats, or oil service vessels on the length of the powered vessel only. Non self-powered inland conventional barges are subject to Tariff fees under Section C of this Subrule.

3/

The maximum Harbor Fees under Section A, which can be incurred by a vessel are as Follows:

Vessels 16' and under 100' in length

a.	for 30 days	\$ 107.55
b.	for 90 days	\$ 286.80
c.	for 180 days	\$ 430.20
d.	for 365 days	\$ 573.60

Vessels 100' and under 250' in length

a.	for 30 days	\$ 215.55
b.	for 90 days	\$ 574.80
c.	for 180 days	\$ 862.20
d.	for 365 days	\$1,149.60

Vessels 250' and under 500 in length

a.	for 30 days	\$ 645.75
b.	for 90 days	\$ 1,722.00
c.	for 180 days	\$ 2,583.00
d.	for 365 days	\$ 3,444.00

Vessels 500' and over in length

a.	for 30 days	\$ 1,614.90
b.	for 90 days	\$ 4,306.40
c.	for 180 days	\$ 6,459.60
d.	for 365 days	\$ 8,612.80

(See explanation of Footnotes 1, 2, & 3 following Section D of this Subrule)

The procedure for invoicing the Harbor Fees is as follows:

Vessels remaining with the Port District for less than fifteen (15) days will be invoiced upon their departure.

Vessels remaining within the Port District for fifteen (15) days or for longer period will be invoiced monthly.

Vessels have the option of paying the maximum Harbor Fee under Section A in Advance and thereby avoid monthly invoicing.

Because of the Administrative overhead cost of the Port District to prepare an individual invoice there shall be a minimum charge of no less than \$7.17 per vessel per month, or \$7.17 per entire tow per month, or \$7.17 per facility per month, for all fees set forth in Subrule 135 (Section A, B, C and D, inclusively).

TARIFF RATE SUMMARY CHART OF THE SUPPLEMENTAL HARBOR FEE

B. OCEAN VESSELS

Non- Liquid	3.58 cents per ton (three & 58/100cents/ton)
Liquid	71/100 cent per barrel (71/100 th cent/barrel)

C. INLAND VESSELS AND BARGES

Non-Liquid	1.054 cent per ton (one and 54/1000ths cent/ton)
Liquid	71/100 cent per barrel (71/100 th cent/barrel)

D. FACILITIES

Non-Liquid	1.054cent per ton (one and 54/1000ths cent/ton)
Liquid	17.9/100 cent per barrel (17.9 hundredths of a cent /barrel)

B. Supplemental Harbor Fee:
Ocean Vessels Transferring Commercial Cargo:

B (1). In addition to Section A above, all ocean vessels and ocean barges, whether inbound or outbound, including LASH and SEABEE barges, handling or transferring Commercial cargo in midstream or when anchored at or moored to any dock, wharf, or mooring facility, shall be assessed an additional amount on non-liquid cargo of Three and 58/100 (\$.0358) Cents per ton of 2000 pounds or fraction thereof based on the weight of the cargo so handled or transferred, and an amount on liquid cargo of Seventy-one- One Hundredths Tenths (\$0.0071) Cent per barrel of the cargo so handled or transferred.

B (2). The total amount of the Harbor Fee computed from Sections A and B is a vessel fee which shall be billed to the vessel, its owner and/or agent. (See Subrule 165- "Payment of Bills" as to joint liability for Harbor Fees.)

(For explanation of rate charges for ocean vessels as opposed to inland vessels and barges see Part B of the Preamble to Tariff.)

C. Supplemental Harbor Fee:
Inland Vessels and Inland Barges Transferring
Commercial Cargo:

C (1). All inland watercraft, whether inbound or outbound, including inland barges in tows, offshore supply vessels, crewboats or other passenger-carrying vessels capable of carrying commercial cargo, and commercial fishing vessels, handling or transferring cargo in midstream or when anchored at or moored to any dock, wharf or mooring facility shall be assessed an additional amount on non-liquid cargo of One and 54/1000ths (\$.01054) Cent per ton of 2000 pounds or fraction thereof, based on the weight on the cargo so handled or transferred, and an amount on liquid cargo of Seventy One Hundredths (\$0.0071) Cent per barrel of the cargo so handled or transferred.

C (2). The total amount of the Harbor Fee computes from Section A and C is a vessel fee which shall be billed to the vessel, its owner and/or agent. (See Subrule 165 – “Payment of Bills” as to joint liability for Harbor Fee.)

(For explanation of rate charges for ocean vessels as opposed to inland vessels and barges see Part B of the Preamble to Tariff.)

D. Supplemental Harbor Fee:
Facilities and Terminals Transferring
Commercial Cargo:

D (1). All facilities or terminals, including a floating or portable dock used to transfer Commercial cargo in midstream to or from any vessel, whether an ocean vessel or inland vessel or inland barge, inbound or outbound, shall be assessed an amount on Non-liquid cargo of One and 54/1000th (\$.01054) Cents per ton of 2000 pounds or fraction thereof, based on the weight of the cargo so handled or transferred, and an amount of liquid cargo of One hundred Seventy- nine Thousandths (\$0.00179) Cents per barrel of the cargo so handled or transferred.

D (2). This Fee shall be invoiced to the owner and/or operator of the cargo transfer facility or terminal. (See Subrule 165- “Payment of Bills” as to joint liability for Fees.)

Notice of this Subrule 135-Harbor Fee-shall be given to each vessel arriving in the District by the facility, terminal, and/or wharf owner. Notice shall be given either by giving the vessel a written copy of this Subrule-Harbor Fee-or by posting notice that each vessel must contact the Port District’s Office upon arrival.

The address and telephone number of the Port District are:

Plaquemines Port, Harbor& Terminal District
P.O. Box 547
Belle Chasse, Louisiana 70037
(504) 682-7920

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- 1/ The daily Harbor Fees bear a relationship to tonnage reflecting the necessity for port services. The fee structure also reflects that the tonnage of a vessel, whether gross registered tonnage or loaded cargo capacity, is a composite of length, beam, and draft, and that the ratio of cargo capacity of a vessel does not bear a direct mathematical ratio to the length of the vessel.
 - 2/ See La. R.S. 34:851 et seq. (Motorboats and Vessels).
 - 3/ Maximum Harbor Fees are a multiple of the daily Harbor Fee times the following number of days:
Categories: a. 15 days; b. 40 days;
 c. 60 days d. 80 days.
- E. Supplemental Harbor Fee: Transferring Cargo at Midstream Without Prior Approval

The vessel, agent, vessel representatives, or non-land based facility operator Transferring cargo without prior approval of the Port District, or outside of the area assigned, or designated, or otherwise in contravention of the rules and regulations of the Port District regarding transfer of cargo at mid-stream, shall be assessed an amount on non-liquid cargo of One (\$1.00) dollar per ton of 2000 pounds or fraction thereof, and an amount on liquid cargo of Thirteen & 17/100ths (\$0.1371) Cents per barrel. See Subrule 51 regarding required advance notice for mid-stream transfer of cargo.

RULE: 34 Subrule: 136
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Vessels Exempted from Harbor Fees

RULE TEXT

- A. Vessels passing through the Port District which do not berth at any wharf, anchor within the District, or in way moor themselves within the jurisdiction of the District.
 - B. Vessels remaining less than twelve hours within the jurisdiction of the Port District for the sole purpose of changing pilots or because of inclement weather.
 - C. Government vessels not engaged in carrying cargo, troops, or supplies.
 - D. Private, non-commercial pleasure craft.
 - E. Vessels anchoring for less than twelve hours in the General Anchorages (See Subrule 50) that do not load or unload cargo.
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RULE: 34 Subrule: 140
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Lay-Up fee

RULE TEXT

Any vessel, whether seaworthy or not, which dock, moors or anchors within the District, for a continuous period of more than five days for repairs, construction, "moth bailing", dry-docking or storage except one which is removed from the water by dry-docking, shall after the first five days pay the following fees:

Fees Per Vessel

Vessels to 200 feet in length.....	None
Vessels 200 feet and over in length.....	\$150.00 per day

RULE: 34 Subrule: 145
Amend Type: I
Sp Case Number:

Filing Date: 25 October 2007
Amended Date: 28 September 2017
Effective Date: 01 October 2018

NAME: Security Fees (Security Surcharges)

RULE TEXT

Security Fees (Security Surcharges) in accordance with the notice filed with the Federal Maritime Commission by the Gulf Seaports Marine Terminal Conference shall be assessed against all vessels, barges and cargo interests utilizing services or facilities of the Plaquemines Parish Port, Harbor & Terminal District as a percentage of total dockage charged, and as a tonnage fee against cargo, with the exception of containers, which will be assessed on a per unit basis as follows:

Vessels and barges – nine and fifty-three (9.82%) percent of the total dockage assessed per Port call; cargo (to be billed to the party paying wharfage).

Break Bulk	\$0.206 per ton (20.6 cents/ton)
Bulk	\$0.047 per ton (4.7 cents/ton)
Liquid Bulk	\$0.047 per ton (4.7 cents/ton)
Containers	\$4.34 per box (4 dollars thirty-four cents/box)
Rail Cars	\$2.10 per loaded or empty car
Passengers	\$1.00 per person (1 dollar/passenger)
Vehicles	\$1.00 per vehicle (1 dollar/vehicle)

RULE: 34 Subrule: 155
 Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Wharfage Rates at Public Wharves

RULE TEXT

(The Plaquemines Port, Harbor and Terminal District does not, nor does any entity on its behalf at the present time have public wharves which it owns, controls, or operates with any fee as provided under this Tariff. The Plaquemines Parish Council, the governing authority of the Plaquemines Port, Harbor and Terminal District, and the Parish of Plaquemines, owns marinas which are limited to use for vessels operating in inland waterways, and which are not physically susceptible to accommodate any vessels engaged in foreign, coastwise, or intercoastal trade. Such marinas are not subject to this Tariff but are the subject of separate fees and charges, as promulgated by ordinances of the Plaquemines Parish Council.)

RULE: 34 Subrule: 165
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Payment of Bills

RULE TEXT

All bills are due upon presentation by the District and failure to pay when presented shall place the name of the vessel, its owner and agents, or other user of the facilities, upon a delinquent List, the conditions of which are hereinafter defined.

The payment of the Harbor Fee and the Supplemental Harbor Fee pursuant to Subrule 135 shall be the primary obligation of the owner, agent, or user of the vessel and/or barge, but the owner of the facility handling or storing the cargo and the cargo owner whose cargo is loaded and/or unloaded from any wharf, dock, facility, mooring facility, or anchorage within the District shall be liable in solido as surety for the payment of the Harbor Fee and the Supplemental Harbor fee; subject, however, to the right of full subrogation and full recovery by those who paid on behalf of the owner, agent, or user of the vessel and/or barge, who is primarily liable for all amounts paid by those responsible in solido but not primarily obligated.

The payment of the Supplemental Harbor Fee Pursuant to Subrule 135 shall be assessed to the owner and/or operator of the cargo transfer facility or terminal.

All other charges applicable to this Tariff shall be assessed to owners of the vessels and/or barges, their agents, cargo owners, or owners of facilities in solido.

Any invoice 150 days past due shall be placed with an attorney for collection.

Parties entering and using the District, so as to become liable for any District fees whatsoever as provided in this Tariff, do by such entry and usage thereby contract to pay and are responsible for all District fees whatsoever as provided for in this Tariff.

The District reserves the right to estimate and collect in advance all charges which may accrue against cargo owners, common carrier vessels, their owners and/or agents, or against cargo loaded or discharged by such vessels or other users of the facilities of the District, whose credit has not been properly established with the District or who are habitually on the Delinquent List. Use of the facilities may be denied until such advance payment or deposits are made.

The District reserves the right to apply any payment received against the oldest bills rendered against common carriers, vessels, their owners and/or agents or users of the facilities, except that payment as specified by the payer.

All cargo owners, common carriers, vessels, their owners and/or agents, and/or owners, lessors or lessees of wharves or other users of the port or facilities of the District placed on the Delinquent List for reasons hereto stated shall be denied further use of the port or facilities by the District until all such reports have been filed and all charges thereon, together with any other charges due, shall have been paid.

The primary obligation and liability of the agent imposed by this Tariff subrule shall not apply in those instances where the agent has not been able to collect any of its agency fees and charges from its principal, nor in those instances where vessel charges result from conditions beyond the control of the vessel, including but not limited to grounding and other emergency situations. The agent's liability shall be further limited, on a vessel by vessel basis, to those amounts the agents has collected as its fees where the principal has not paid the Port District's Tariff.

RULE: 34 Subrule: 166
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Interest

RULE TEXT

When any Tariff debtor fails to pay any charges or portion thereof due under the provision of this Tariff within 60 days of the invoice date, there shall be added to the amount of charges due interest at the rate of .0333 percent per day, or approximately 12 percent per year. Such interest shall be an obligation to be collected and accounted for in the same manner as if it were part of the charges due and can be enforced in a separate action or in the same action for collection of the charges, and shall not be waived or remitted.

RULE: 34 Subrule: 167
 Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994
Expiration Date:

NAME: Attorney Fees

RULE TEXT

If any charges or interest due under this Tariff are referred to an attorney at law for collection, an additional charge for reasonable attorney fees shall be paid by the Tariff debtor.

RULE: 34 Subrule: 180
Amend Type: I
Sp Case Number:

Filing Date: 16 June 1994
Effective Date: 20 July 1994

NAME: Complaints

RULE TEXT

All protests or complaints of any character whatsoever must be addressed to the Director, in writing, who will in turn present such matters to the Plaquemines Parish Council. Verbal complaints or protest will not be considered.
