

GREATER LAFOURCHE PORT COMMISSION

(A POLITICAL SUBDIVISION OF THE STATE OF LOUISIANA)

PORT FOURCHON TERMINAL TARIFF

NAMING

*RATES, CHARGES, GENERAL RULES AND REGULATIONS
GOVERNING GENERAL AND BULK CHARGES
MOVING THROUGH THE FACILITIES OF PORT FOURCHON*

ISSUED BY

BOARD OF COMMISSIONERS
GREATER LAFOURCHE PORT COMMISSION
POST OFFICE DRAWER 490
GALLIANO, LOUISIANA 70354

TOMMY J. DOUCET
PRESIDENT

TED M. FALGOUT
EXECUTIVE DIRECTOR

Effective July 10, 1994

filed electronically on
FEDERAL MARITIME COMMISSION'S ATFI SYSTEM
on
June 2, 1994

by
CARMACK M. BLACKMON & ASSOCIATES
MARINE TERMINAL TARIFF PUBLISHERS

GREATER LAFOURCHE PORT COMMISSION

PORT FOURCHON TERMINAL TARIFF NO. 001
FMC TARIFF ORGNAIZATION NO. 005890

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PUBLISHERS NOTE:

The following pages are copies of the Greater Lafourche Port Commission'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.

Org Number: 005890 Agreement#: 001

Org Name: Greater Lafourche Port Commission
Country of home office: USA

Org Type: T – Terminal

Controlled: N

SCAC Code:

Filed: June 2, 1994

Amend Type: I

Effective: July 10, 1994

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V3.11 grlpcorg

ATFI TARIFF DEFINITION

Today: June 2, 1994

Org Number: 005890

Agreement#: 001

Tariff Code: 00589-001

Org Name: Greater Lafourche Port Commission
d/b/a: Port Fourchon
Title: Greater Lafourche Port Commission (Port Fourchon) Terminal Tariff
Tariff Type: TM
Tariff Ton: 1 ST or 1.00 CBM
Monetary Units: USD
Amendment Type: I Filing Date: June 2, 1994
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Rule:

Rule: 34	Subrule:	Filing Date:	2, June 1994
Amend Type:	I	Effective Date:	10, July 1994
Sp case number:		Expiration Date:	

RULE TEXT

The Greater Lafourche Port Commission's (Port Fourchon) paper tariff will be cancelled when the tariff filed in electronic form as set forth herein becomes effective.

Rule: 34 Subrule: A01 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: Jurisdiction and Administration

RULE TEXT

The Greater Lafourche Port Commission was created by a Special Act of the Louisiana Legislature (Act No. 222, Acts of the State of Louisiana, Regular Session, 1960) with the full powers of a Port, Harbor and Terminal District. The Greater Lafourche Port Commission has jurisdiction and control over the port area comprising the entire Tenth Ward of Lafourche Parish and operates Port Fourchon, two and one-half miles from the Gulf of Mexico, situated on Bayou Lafourche at the head of Belle Pass.

The Greater Lafourche Port Commission is comprised of nine commissioners, elected locally within the Tenth Ward.

Current Board Members are:

Tomey J. Doucet, President
Dudley A. Bernard, Vice President
Harrison Cheramie, Jr., Secretary
Brent A. Duet, Treasurer
Rodney J. Terrebonne, Board Member
Vinton J. Crosby, Board Member
Robert M. Champagne, Board Member
Donald J. Vizier, Board Member
Larry J. Griffin, Board Member

The administration of the Port Area is under the direction of an Executive Director, Mr. Ted M. Falgout, who is appointed by the Greater Lafourche Port Commission.

Executive offices are located at: 16819 East Main, P. O. Drawer 490, Galliano, LA 70354, (504) 632-6701, FAX (504) 632-6703

Rule: 34 Subrule: A02 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: Application of Tariff

RULE TEXT

APPLICATION FOR TARIFF:

This Tariff specifically applies to General and Bulk Cargo.

General and Bulk Cargo is defined, in general, as those kinds of cargoes normally associated with other established ports and moving on floating vessels of any description in Domestic or International Trade as Commercial, Military or Governmental type Cargos, including but not limited to, Break-bulk, Bulk, Loose Pieces, Heavy Lift, Liquid (both packaged and bulk), Palletized, Unitized, Containerized, Rolling Stock, Livestock, Refrigerated, and Processed or Frozen Seafood of a nature normally covered by typical Port Tariffs. General and Bulk Cargo does not include the type of cargo operations currently being conducted at or through the port, or its immediate area, which are predominantly Oil Industry related, including but not limited to LOOP operations, and essentially handled by the owner of the cargo for his own account through a leased facility and loaded or discharged to or from Barges or Supply Boats typically found in the Workboat Industry, or Seafood, in raw form not now requiring a tariff.

The use of the waterways and facilities under the jurisdiction of the Greater Lafourche Port Commission, unless contractually provided otherwise, shall constitute a consent to the terms and conditions of this tariff, and evidences 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. Non-compliances, through ignorance, with these rules and regulations will not affect the liability of the Master or others, or the application of the penalties.

The rates, charges, 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.

All services undertaken to be performed by the Greater Lafourche Port Commission under this Tariff are further subject to Federal, State and Municipal Laws and Regulations.

Rule: 34 Subrule: A03
Amend Type: I
Sp case number:

Filing Date: 2, June 1994
Effective Date: 10, July 1994
Expiration Date:

NAME: DEFINITIONS

RULE TEXT

APRON, APRON WHARF, WHARF APRON – That part of any wharf structure lying between the outer edge of the wharf and the transit shed or other designated point as established by the Commission.

BERTH – The term “Berth” means the section of a wharf, dock, pier, bulkhead, structure (including mooring piles or mooring facilities) or designated anchorage used by a vessel while docked, moored or anchored at such locations.

BERTH, ARRIVAL – The time at which an incoming vessel’s first line is placed on the dock or any mooring facility, or when a vessel first anchors within the designated port limits.

BERTH, DEPARTURE – The time at which an outgoing vessel’s last line is removed from the dock or mooring facility, or when a vessel last weighs anchor within the port.

CHECKING – The service of counting and checking cargo against appropriate documents for the account of the cargo or the vessel, or other person requesting same.

COMMISSION - Greater Lafourche Port Commission.

CONTAINER – A reusable shipping conveyance not less than ten (10) feet in length nor more than forty (40) feet in length, outside measurement, without chassis, especially designed to facilitate the carriage of goods by one or more modes of transport, and fitted with devices permitting its transfer from one mode of transport to another and constructed so as to enable the attachment of removable chassis for further transportation.

CONVENTIONAL BARGE – The term Conventional Barge shall include Inland (River) Barges and shall also include LASH and SEABEE Barges when not aboard the Barge Carrying Vessel. The term Conventional Barge does not include Ocean or Seagoing Barges unless so utilized.

CONVENTIONAL BARGE FLEETING CHARGE – A charge assessed against Conventional Barges, in lieu of Dockage Charges, which are docked at or moored to Commission Facilities prior to or subsequent to the completion of loading and/or discharge of cargoes.

DAY – A day shall be considered as a 24-hour period and, unless otherwise specified, shall include any fraction thereof; i.e., 00:00 to 24:00 hours.

DEMURRAGE – A charge assessed against cargo or equipment which exceeds the Free Time allowance for space assignment.

DOCKAGE – A charge assessed against a vessel for berthing at a wharf, pier, bulkhead, structure, cluster pile, anchorages or bank, or for mooring to a vessel so berthed.

FACILITIES – Includes all docks, wharves, piers, bulkheads, channels, waterways, harbors, mooring places, anchorages, services and equipment of all types, all land, buildings railroad trackage, roadways and all water areas under the jurisdiction and control of the Commission.

FREE TIME – The specified period during which each cargo or equipment may occupy assigned space, or any other space, free of demurrage immediately prior to the loading or subsequent to the discharge of such cargo on or off a vessel.

HANDLING – The physical handling or movement of cargo between railcars, trucks, or barges, or any other means of conveyance, to or from a point or rest at any place other than the end of Ship's Tackle. Handling Charges are assessed against cargo.

HARBOR FEE – A charge assessed against vessel's to assist in defraying the expense of essential port services related to maintenance, security, safety and communications.

HEAVY LIFT – The service of providing Heavy Lift Cranes and equipment for lifting and handling cargo.

HOLIDAYS – The following days are Holidays and are observed as such by the Commission:

NEW YEAR'S DAY - January 1st

MARDI GRAS DAY

GOOD FRIDAY

INDEPENDENCE DAY – July 4th

LABOR DAY – 1st Monday in September

VETERAN'S DAY – November 11th

THANKSGIVING DAY – 4th Thursday in November

CHRISTMAS DAY – December 25th

GENERAL ELECTION DAY – (Every two years) Next Falls in 1986

Saturdays are not considered a Holiday.

LENGTH, VESSEL – Length over all (L.O.A.), as appears in current Register of the American Bureau of Shipping, or Lloyds Register of Shipping or other acceptable register, or other evidence at the option of the Commission.

LOADING AND UNLOADING – The service of loading or unloading cargo between any place on the port and railroad cars, trucks, lighters or barges or any other means of conveyance to or from the Port Facility to vessels.

MIDSTREAM – The term “Midstream” or its derivations, when used in this Tariff, shall apply to any vessel operation or situation existing or occurring other than alongside a fixed land facility.

OPEN STORAGE – Open, uncovered areas of the port suitable for this storage of commodities.

PALLETS – The term “Pallet” means expendable pallets constructed in such manner as to permit normal handling with forklift trucks and without damage to the cargo.

POINT OF REST – That area on the Port Facility which is assigned for the receipt of inbound cargo from the vessel and from which inbound cargo may be delivered to the Consignee, and that area which is assigned for the receipt of outbound cargo from Shippers for vessel loading.

PORT – Where used in this Tariff, “Port” means the waterways and facilities under the jurisdiction of the Commission.

PREFERENTIAL ASSIGNMENT – A non-exclusive privilege for preferential use of certain Port Facilities, intended to benefit regular users, minimize operational expenses and provide incentive for the promotion of scheduled services. Preferential assignment is not mandatory.

PROJECT CARGO – Large consignments of cargoes requiring special consideration in space allocation and forward planning. Charges for such shipments are negotiable, subject to Federal Maritime Commission approval, when applicable.

SHEDS, SHIPSIDE – Covered cargo sheds located at short distance away from wharves and aprons, intended to directly serve vessels.

SHEDS, TRANSIT – Covered sheds located away from wharves and aprons, primarily used for cargo assembly, processing and distribution.

STORAGE – The service of providing sheds or other terminal facilities for the storage of laden or empty containers and other cargo including the storing of Inbound or Outbound Cargo after the expiration of Free Time, including wharf storage, shipside storage, closed or covered storage, open or ground storage, and refrigerated storage. The Commission reserves the right to transfer any freight, cargo or container not removed by the owner or Shipper before the expiration of Free Time to any Commercial Warehouse or other place of storage at the expense of the owner or Shipper, without prior notice.

TON – Net (Short) Ton of two thousand (2,000) pounds.

TONNAGE, VESSEL – Gross Registered Tonnage is the G.R.T. as appears in the current Register of the American Bureau of shipping, or Lloyds Register of Shipping, or other acceptable register, or other evidence at the option of the Commission.

TRAILER – A reusable shipping conveyance mounted on a permanent chassis specifically designed as a highway vehicle to be hauled by a detachable tractor, suitable

for the transportation of cargos in Domestic and Foreign Commerce, ashore or aboard vessels.

TRANSSHIPPED CARGO – Cargo landed from a vessel and reloaded on a vessel without being removed from the Commission’s Facilities.

UNITIZED – The term “Unitized”, when applicable in connection with loading and unloading, means shipments of commodities either pre-palletized, skidded, boxed, banded, bundled, rated or packaged.

USAGE CHARGE – A charge assessed by the Commission for facilities used by any Carrier, Shipper or Consignee, Contractors, their agents or servants, and/or any other person when they perform car, barge or truck loading or unloading, or the use of said facilities for any gainful purpose for which use a charge is not otherwise specified.

VESSEL – A Ship, Tug, Towboat, Packet, Lighter, Raft or any Water Craft, self-propelled or non-self-propelled, used or capable of being used as a means of transportation on water.

WHARFAGE – A charge assessed against the cargo on all cargo passing or conveyed over, onto, or under wharves or between vessels (to or from barge, lighter or water), when berthed at wharf, including other water craft lying alongside vessels, or when moored in slip adjacent to wharf. Wharfage is solely the charge for use of wharf and does not include charges for any other service.

WHARVES, PUBLIC – Wharves and facilities, including all anchorages, owned and/or operated by the Commission to which the Shipping Public has equal access unless preferential assignment, and/or first priority or preemptive use has been prior granted.

WHARVES, PRIVATE – Wharves leased to, or built by private operatives who are restricted to handling proprietary business of such leasehold operators.

WORKING HOURS – The recognized working hours of Commission personnel are from 0800 to 1630 hours, Monday through Friday, Holidays excluded.

Rule: 34 Subrule: A04 Filing Date: 2, June 1994
 Amend Type: I Effective Date: 10, July 1994
 Sp case number: Expiration Date:

NAME: DOCKAGE CHARGES (General and Bulk Cargo Wharves)

RULE TEXT

Dockage Charges pertaining to vessels docked at Commission Facilities shall be assessed against each vessel for every day, or fraction thereof, calculated upon the Gross Registered Tonnage or length overall, whichever produces the largest income to the Commission, as follows:

	<u>LOA to 250 Ft.</u>		<u>LOA 250 Ft. and Over</u>	
	<u>GRT</u>	<u>LOA</u>	<u>GRT</u>	<u>LOA</u>
SHIPS – First Day.....	\$.08	\$.32	\$.10	\$.40
Each Extra Day.....	\$.04	\$.16	\$.05	\$.20
BARGES – First Day.....	\$.04	\$.16	\$.05	\$.20
Each Extra Day.....	\$.02	\$.08	(R)\$0.025	\$.10

NOTE 1: Vessels at anchor shall not be assessed Dockage Charges. In lieu thereof, such vessels shall be assessed a Harbor Fee equal to one-half the assessable Dockage Charges set forth above.

NOTE 2: LASH or SEABEE Barges being loaded onto or discharged from a barge-carrying vessel within the port area under the control of the Commission shall not be assessed Dockage Charges or Harbor Fees. Such charges or fees are to be assessed against the barge-carrying vessel as set forth above.

Rule: 34 Subrule: A05 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: CONVENTIONAL BARGE FLEETING CHARGES

RULE TEXT

Barge Fleeting Charges, pertaining to Conventional Barges docked or moored at Commission Facilities prior or subsequent to the completion of loading and/or discharge of cargoes, shall be assessed generally against each such barge for every day, or fraction thereof, at the following basic Per Diem Rates:

	<u>First Day:</u>	<u>Each Extra Day:</u>
Inland Barges.....	\$15.00	\$8.00
SEABEE Barges.....	\$8.00	\$4.00
LASH Barges.....	\$5.00	\$2.50

NOTE 1: The Commission reserves the right, however, to calculate the Barge Fleeting Charges on the actual Gross Registered Tonnage or length overall, whichever produces the largest income to the Commission, of each such barge equal to one-half the assessable Dockage Charges set forth above.

NOTE 2: Barge Fleeting Charges shall be assessable only after the expiration of seven (7) barge fleeting days, exclusive of any day involving vessel cargo operations, that such Conventional Barges are so docked or moored; except that, LASH and SEABEE Barges shall be accorded a period of fifteen (15) barge fleeting days so docked or moored.

Rule: 34 Subrule: A06 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: FEE TIME (General Bulk and Cargo Wharves)

RULE TEXT

- A. INBOUND CARGO: Free Time shall commence at 12:01 a.m. the day following completion of discharge of vessel and shall continue for a period of fifteen (15) days, exclusive of Saturdays, Sundays and Holidays.

- B. OUTBOUND CARGO: Free Time shall commence at 12:01 a.m. of the day following placement of the cargo at the Commission's Facilities, and shall exclude Saturdays, Sundays and Holidays in accordance with the following schedule:
 - In Volume less than 2,500 Tons..... 15 days
 - In Volume 2,500 Tons or Greater..... 20 days
 - U.S.D.A. Public Law 480, Bagged Cargoes..... 30 days
 - United States Government Freight..... 30 days

- C. CONTAINERIZED CARGO: Inbound and outbound Containerized Cargo of Carriers providing a regular sailing service to and from the Commission's wharves and berths shall be afforded unlimited Free Time; provided that application is made by such Carrier to the Commission for the assignment of a specific number of container transit stacking slots. All containers exceeding the Carrier's number of assigned stacking slots shall be subject to the stipulated Free Time allowances.

- D. EMPTY CONTAINERS: Inbound and outbound empty containers shall be granted a Free Time period of seven (7) days; however, in the case of Carriers providing a regular container service to and from the Commission's Facilities, the provision contained in "C." above relative to Containerized Cargo shall apply equally to empty containers.

Rule: 34 Subrule: A07 Filing Date: 2, June 1994
Amend Type: I Effective 10, July 1994
Date:
Sp case Expiration Date:
number:

NAME: WHARFAGE CHARGES (General and Bulk Cargo Wharves)

RULE TEXT

Wharfage Charges pertaining to cargoes availing the use of Commission Facilities shall be assessed against all cargo Per Ton of 2,000 Pounds, or fraction thereof as indicated below:

COMMODITY: RATE:

All Commodities,
N.O.S..... \$.50
Bagged Goods, Edibles, Coffee or Animal
Feed..... \$.40
Bagged Goods,
USDA.....
\$.30
Bulk,
N.O.S.....
..... \$.10
Container, Empty (Tare
Weight)..... \$.40
Container,
Loaded..... On
Contents
Vehicles, All
Kinds.....
\$3.00

NOTE 1: Minimum Wharfage - \$2.00

NOTE 2: Wharfage is not assessed against ship stores or bunkers

NOTE 3: Cargo loaded on or discharges from a vessel at anchor shall not be assessed Wharfage Charges. In lieu thereof, such cargo shall be assessed a User Charge equal to one-half the assessable Wharfage Charge set forth above.

NOTE 4: Cargo loaded onto or discharged from LASH or SEABEE Barges shall be assessed normal Wharfage or User Charges unless such barges shall be loaded onto or

discharged from a barge-carrying vessel within the area of the port under the control of the Commission, in which event such charges, as applicable, shall be assessed against the barge-carrying vessel as set forth above.

Rule: 34 Subrule: A08 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: WHARF DEMURRAGE CHARGES (General and Bulk Cargo
Wharves)

RULE TEXT

All cargo remaining on the Commission's Facilities after expiration of Free Time and not accepted for storage, or remaining on the Commission's Facilities after expiration of an authorized storage period, shall thereafter be assessed a Wharf Demurrage Charge as follows:

A. ALL COMMODITIES, NOT CONTAINERIZED PER TON/PER DAY OR FRACTION

First 7 Day Period..... \$.08
Second 7 Day Period..... \$.15
Each Day Thereafter..... \$.50

B. ALL COMMODITIES, CONTAINERIZED, PER CONTAINER, AND PER DAY OR FRACTION

First 7 Day Period..... \$ 1.50
Second 7 Day Period..... \$ 3.00
Each Day Thereafter..... \$ 5.00

C. VEHICLES, ALL KINDS

Per Day or Fraction..... \$ 1.00

D. EMPTY CONTAINERS PER CONTAINER, AND PER DAY OR FRACTION

First 7 Day Period..... \$ 1.50
Second 7 Day Period..... \$ 3.00
Each Day Thereafter..... \$ 5.00

Rule: 34 Subrule: B Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: GENERAL RULES AND REGULATIONS

RULE TEXT

The General Rules and Regulations of the Greater Lafourche Port Commission's tariff are as set forth in subrules B through B63.

Rule: 34 Subrule: B01 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: ALCOHOLIC BEVERAGES/DRUGS

RULE TEXT

The possession and/or consumption of Alcoholic Beverages and illegal drugs on Port Property and Facilities is prohibited.

Rule: 34 Subrule: B02 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: ANCHORAGE: HARBOR AND CHANNEL

RULE TEXT

It is prohibited to anchor any vessel in the channel or harbor except in cases of actual emergency, or unless specifically authorized by the Commission. Any such vessel may be required to use a second anchor or assist tug as directed.

Rule: 34 Subrule: B03 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: APPLICATION FOR BERTH

RULE TEXT

All vessels or their owners or agents, desiring a berth at the Commission's Wharves and Anchorages, shall, as far in advance of the date of docking or anchoring as possible, make an application in writing to the Commission on forms prescribed. It shall not be incumbent upon the Commission to have invoices for Port Charges signed by the Masters of Vessels following application by vessels' agents for berthing space.

Rule: 34 Subrule: B04 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: AUDIT OF MANIFESTS

RULE TEXT

The Commission reserves the right to audit all manifests and to use such audits as a basis for charges.

Rule: 34 Subrule: B05 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: AUTHORIZED PERSONNEL

RULE TEXT

Only authorized personnel engaged in port and vessel related activities are permitted within the Port, and loitering, fishing, etc., is strictly prohibited. Trespassers are subject to fines and arrest. Any persons using any Port facilities do so at their own risk, and the Commission will assume no responsibility for injuries, claims or damages sustained.

Rule: 34 Subrule: B06 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: ACCESS TO HARBOR

RULE TEXT

Notwithstanding any other provision of this Tariff, the Commission may refuse entry of any vessel to the port when, in its discretion, such refusal shall be in the best interest of the port.

Rule: 34 Subrule: B07
Amend Type: I
Sp case number:

Filing Date: 2, June 1994
Effective Date: 10, July 1994
Expiration Date:

NAME: CARGO CHECKING

RULE TEXT

Cargo arriving for import or export is to be checked against shipping documents. The Commission will not accept or be responsible for loss or shortage of any cargo

Rule: 34 Subrule: B08 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: CARGO CERTIFIED STATEMENTS

RULE TEXT

The owner, agent, operator or Master of any vessel loading or discharging cargo shall furnish to the Commission within 5 days after sailing of each vessel, a certified statement showing the weight and character of all cargo discharged from or delivered to the said vessel, including points of origin on inward cargo and points of destination on outward cargo. There must also be furnished a description of the vessel.

Rule: 34 Subrule: B09
Amend Type: I
Sp case number:

Filing Date: 2, June 1994
Effective Date: 10, July 1994
Expiration Date:

NAME: CARGO HANDLING

RULE TEXT

The Commission does not provide Cargo Handling Services. Such services are provided by a private company authorized by the Commission. Users of such Cargo Handling Services expressly agree that the Commission shall not be held responsible for any negligence and/or damages experienced through the use of such Cargo Handling Services.

Rule: 34 Subrule: B10 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: CARGO DISPOSITION OF UNDELIVERED CARGO

RULE TEXT

The Commission reserves the right, at its option, to sell for charges accrued to date of sale any cargo or merchandise which has been subject to charges which are past due. Cargo unclaimed or refused by Consignees, Shippers, Owners, Agents, or Owners of record, will be sold upon the following terms and conditions:

1. The Commission shall give notice by registered mail to such known parties at their last known address stating when thereafter, but not less than 30 days after date of mailing of such notice, that such cargo will be offered for sale.
2. The mailing of such notice shall be sufficient proof of notice to the interested parties.
3. The Commission shall thereafter be empowered to sell at public sale and upon such terms as it may deem best, deducting the balance owed the Commission, including Storage Charges accrued to date of sale and the cost of advertising and conducting such sale.
4. Any excess funds received as a result of such sale will be remitted to the last owner of record upon submission of appropriate proof of ownership and release.

Rule: 34 Subrule: B11 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: CARGO MANIFEST

RULE TEXT

The Master, owner or agent of any vessel using the port, shall, upon demand exhibit the enrollment or license of such vessel showing tonnage and furnish a copy of the manifest of cargo to the Commission. Manifests or summaries of all outbound cargo to be received at the port for loading shall be furnished to the Commission by the vessel's owners, charterers, or agents. The right is reserved by the Commission to audit all manifests and use such audits as a basis for charges.

Rule: 34 Subrule: B12 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: CHARGES

RULE TEXT

All charges are due upon presentation and failure to pay when presented may cause vessel owners and/or agents or other users of the facilities to be placed on a delinquent list.

The Commission reserves the right to estimate and collect in advance all charges which may accrue against owners and/or agents of vessels, or against owners and/or agents of cargo loaded or discharged by such vessels, or other users of the facilities of the port whose credit has not been properly established with the Commission, or who have been placed on the delinquent list. Use of the facilities may be denied until such advance payment or deposits are made.

Agents of vessels or cargo shall be responsible for payment of and will be billed for all charges incurred by vessels or for which vessels ultimately become liable, as well as for all charges for services of any nature to cargo which may be performed at the specific request of such agents or vessels. Agents acting for the owners, Shippers or Consignees of the cargo shall be responsible for the payment of and will be billed for all charges for services to the cargo, performed at the request of said agents, including charges for transfer and storage resulting from failure to remove or forward the cargo within the Free Time period allowed under this Tariff.

The Commission may detain any vessel, vehicle or other equipment responsible for any damage to the facilities until sufficient security has been given for the amount of damage.

Presentation of bills to vessels is done as a matter of accommodation and convenience and shall not constitute a waiver of the lien for charges against the vessel for services or supplies furnished the vessel, for which maritime law gives a lien.

The Commission does not recognize the numerous Shippers or Consignees and cannot attempt to collect or assist in collecting Wharfage, Wharf Demurrage, Storage and similar bills. While these charges may be passed on to the Shippers and Consignees by the vessel, its owners and agents, they must be timely paid by the ship owner or agent regardless of when the vessel, its owner or agent are reimbursed.

The Commission reserves the right to apply any payment received against the oldest outstanding invoice.

Rule: 34 Subrule: B13 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: CHARGES OTHER THAN REGULAR WORKING HOURS

RULE TEXT

When, at the request of users, services are performed on Holidays, or at other than regular straight time working hours which are observed in normal port practice, the charges for these services will be as provided in this Tariff, plus the overtime differential paid to the laboring and/or clerical forces performing such services, plus (20) percent for insurance and overhead.

Rule: 34 Subrule: B14 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: CLEANLINESS AND MAINTENANCE, FACILITIES

RULE TEXT

It shall be the responsibility of all vessels, their owners and agents, and all other users of the port facilities to maintain assigned facilities in clean and sanitary condition, free from any infestation, and maintain the assigned facilities in good repair, normal wear and tear excepted.

If such users do not maintain assigned facilities in a satisfactory condition, the Commission shall have the facilities repaired, cleaned, and/or treated for insect infestation at the expense of the user, at cost plus 20 percent.

Trash or rubbish left on port facilities will be hauled away by the Commission and the user billed at actual cost plus 20 percent.

Rule: 34 Subrule: B15 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: COLLISION

RULE TEXT

In the event of a collision involving contact between two or more vessels or between a vessel and any wharf, dock, pier, mooring cluster, pile or any other port facility, the Commission shall be notified immediately by the Master, owners or agents of such vessels and written reports providing all pertinent details of such collision shall, within twenty-four hours, be furnished to the Commission.

Rule: 34 Subrule: B16 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: COMMERCIAL SERVICES

RULE TEXT

The Commission has permitted one or more private companies to provide necessary and vital commercial services and/or other usual port-related operations. The users of such services or operations expressly agree by the act of engagement of such services, or operations that the Commission shall not be responsible for any negligence and/or damages experienced through the use of such services or operations.

Rule: 34 Subrule: B17
Amend Type: I
Sp case number:

Filing Date: 2, June 1994
Effective Date: 10, July 1994
Expiration Date:

NAME: COMPLAINTS

RULE TEXT

All protests or complaints of any character whatsoever must be addressed to the Executive Director of the port in writing, who will in turn present such matters to the Commission. Verbal complaints or protests will not be considered.

Rule: 34 Subrule: B18 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: DAMAGE TO PORT FACILITIES

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 Commission.

Users of the facilities of the port shall be held responsible for all damages to the property of the port caused by them and any damage shall be repaired and billed against the user responsible plus 20 percent. Any damages caused by users must be promptly reported by the users to the Commission. Failure of the responsible party to report such damage by the end of the next working day will result in a 50 percent penalty charge in addition to the foregoing charges.

Every license and/or other person, vessel (including Masters, owners, agents or other representatives thereof) shall be responsible for the payment of all charges and costs resulting from damage caused directly or indirectly by them to any port facility or waterway, and for the payment of any penalty imposed for the infraction of any of the rules and regulations of this Tariff.

The Commission shall promptly be furnished the name and address of the owner of any such craft, together with such additional information as may be necessary for the Commission to make collection of charges, costs or penalties due. If furnishing such information; Masters, owners, agents or other representatives shall not be relieved of their obligations as set forth herein.

The Commission shall have authority to require Bond from any vessel which shall be involved in any act causing damage to property or violation of any provision of this Tariff or applicable law, before such vessel or other craft shall be allowed to clear the port.

Rule: 34 Subrule: B19
Amend Type: I
Sp case number:

Filing Date: 2, June 1994
Effective Date: 10, July 1994
Expiration Date:

NAME: DELAYS

RULE TEXT

The Commission will not be responsible for delays to vessels in berth or seeking berth, regardless of the cause.

1. In the event of congestions, or of the failure of vessels to arrive promptly at the berth, or barges on hand which will prevent the continuous and uninterrupted discharging or loading to completion of a vessel, the Commission reserves the right to preferentially load or unload other vessels, in order to expedite the movement of vessels and effect the fullest possible use of the port.
2. Any vessel occupying a berth which is unable, for any reason, to complete her discharging and/or loading of cargo in a continuous and uninterrupted operation may, at the option of the Commission, be required to vacate the berth.
3. The Commission shall undertake to furnish the services specified in this Tariff, but it is not obligated to do so, nor shall the Commission be responsible for any delays to vessels, including inland watercraft, howsoever occasioned, it being distinctly understood that the Commission, in granting a berth to vessels, does not warrant that such a berth will be vacant, or otherwise available for any specific hour or time.

Rule: 34 Subrule: B20
Amend Type: I
Sp case number:

Filing Date: 2, June 1994
Effective Date: 10, July 1994
Expiration Date:

NAME: DOCK, RIGHT TO

RULE TEXT

The Commission reserves the right to refuse to allow vessels the use of the public wharves, mooring clusters or anchorage.

Rule: 34 Subrule: B21 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: DOCUMENTS, ACCESS TO RECORDS

RULE TEXT

All vessels or barge lines, importers, exporters, shippers, and/or their agents, including Custom House Brokers and Freight Forwarders, and any other users of port facilities shall furnish the Commission, within five working days of delivery, loading or discharge, copies of vessel manifests, dock receipts and other records the Commission deems necessary to develop and assure correct assessment of tariff charges, and for the compilation of commercial statistics. All users of the port facilities are required to permit access to their files and transportation documents necessary for the purpose of audit for ascertaining correctness of reports filed and documents furnished. Failure to provide access to such statements, documents, or other information within the time limit specified, may result in those responsible for non-compliance being placed on the delinquent list and/or subject to other penalties at the discretion of the Commission

Rule: 34 Subrule: B22 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: DUNNAGE

RULE TEXT

No dunnage will be furnished by the Commission. The Commission reserves the right to require the use of dunnage under cargo that is likely to cause damage to Commission facilities. Vessel Operators, or their agents, may secure permission to store a reasonable amount of dunnage convenient to their assignments. Should it be necessary to change position of dunnage to conserve space, the owner will arrange to perform this service at his expense when notified to do so by Director of the port.

Rule: 34 Subrule: B23 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: DEMURRAGE ON VESSELS

RULE TEXT

The Commission does not assume responsibility for demurrage to vessels under any circumstances.

Rule: 34 Subrule: B24 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: DEMURRAGE

RULE TEXT

The basic purpose of port facilities is to accommodate requirements for cargoes moving through the port in domestic and Foreign Waterborne Commerce, and charges for demurrage are intended to encourage and expedite cargo flow through port facilities.

Demurrage rates named in the tariff will apply on shipments which the Commission allows to remain on or in its facilities beyond the expiration of Free Time, but the Commission does not guarantee to allow any shipment to remain on or in its facilities beyond Free Time provided in this Tariff.

After expiration of Free Time as provided in this Tariff, cargo shall become subject to the provisions of this Tariff applicable to demurrage, and all related charges, including handling, transfer, or other expenses shall be solely for account of the cargo and/or its owners or agents, and no responsibility is assumed therefore by the Commission.

After expiration of Free Time as provided in this Tariff, subject to Demurrage Charges, the Commission, at its own option and convenience, may place such cargo in a public storage warehouse, or on a public storage open area at the risk and expense of the cargo. All unpaid port charges which may have accrued against the cargo at that time shall constitute a lien against said cargo.

Rule: 34 Subrule: B25 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: DUMPING OF OIL AND REFUSE

RULE TEXT

It shall be unlawful to throw, discharge or deposit, or cause, suffer, or allow to be thrown, discharged or deposited, either from or out of any ship, barge, or other floating craft of any kind or from the shore, wharf, or location of any kind, any refuse matter or other substance of any kind or description whatever into the navigable waters of the port and it shall be unlawful to deposit, or cause, suffer or procure to be deposited, material of any kind in any place, or on the bank of any navigable water, either by ordinary or high tides, or by storm or floods or otherwise, whereby navigation may be obstructed and no person, firm or corporation shall deposit, place or discharge into the waterways of the port either directly or through private or public sewers, any sanitary sewage, butcher's offal, garbage, dead animals, gaseous liquid or solid matter, oil, gasoline, residuum of gas, calcium, carbide, trade wastes, tar or refuse, or any other matter which is capable of producing floating matter or scum on the surface of the water, sediment in the bottom of the waterways or the odors and gases of putrefaction.

Vessels discharging oil from bilges or tanks or solid matter into the waters of the port will be reported to the U.S. Coast Guard. The cost of cleaning, plus 20 percent, will be assessed against the vessel causing the contamination.

Should any vessel cause pollution, of any kind or character within the port area, the vessel shall have the first responsibility for taking effective corrective action. It shall be the responsibility of the vessel to have on hand, at all times, adequate personnel to eliminate any contamination caused by petroleum products being discharged into the waters of the port.

Any penalties imposed by the United States of America or the State of Louisiana upon the vessel shall be in addition to the foregoing.

Rule: 34 Subrule: B26 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: EXPLOSIVE, INFLAMMABLE OR OBJECTIONABLE CARGO

RULE TEXT

Articles of highly explosive or inflammable nature or articles of uncertain value, or articles of objectionable nature, will not be provided with wharfage, handling or storage, except under advance arrangements with the Commission. The Commission reserves the right to move cargo, which in its judgment, is likely to damage other property, to another location, at the risk and expense of the owner.

Rule: 34 Subrule: B27 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: FREIGHT OR CARGO LIABLE TO DAMAGE OTHER
FREIGHT OR CARGO

RULE TEXT

If, in the opinion of the Port Director, any freight or cargo is likely to damage other freight or cargo, it may be moved to another part of the terminal or to private facilities at the risk and expense of the owner, without the necessity of prior notice to the owner.

Rule: 34 Subrule: B28
Amend Type: I
Sp case number:

Filing Date: 2, June 1994
Effective Date: 10, July 1994
Expiration Date:

NAME: FIRES

RULE TEXT

No fires are permitted on port facilities and the use of any welding equipment and/or other hazardous material and equipment is prohibited except by specific written approval of the Commission for restrictive use under appropriate supervision.

No person shall obstruct or interfere with the free and easy access to, or remove, or in any manner disturb any fire extinguisher, fire hose, fire hydrant or any other fire fighting apparatus in or upon any property of the Commission.

Rule: 34 Subrule: B29 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: FIRE AND EMERGENCY SIGNAL

RULE TEXT

In the event of fire occurring on board any vessel, except vessels underway, such vessels shall sound five (5) prolonged blasts of from four (4) to six (6) seconds duration of the whistle or siren as an alarm, indicating fire on board or at the dock to which the vessel is moored. Such signals shall be repeated at intervals to attract attention, and is not a substitution for, but may be used in addition to, other means of reporting a fire.

Rule: 34 Subrule: B30
Amend Type: I
Sp case number:

Filing Date: 2, June 1994
Effective Date: 10, July 1994
Expiration Date:

NAME: FIREARMS

RULE TEXT

It shall be unlawful for any person other than law officers or other authorized personnel to bring firearms onto port property. No person shall bring firearms onto port property, either on his person or in any vehicle, concealed or unconcealed. Failure to comply may result in arrest and/or prohibition to the property.

Rule: 34 Subrule: B31 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: GOVERNMENT VESSELS

RULE TEXT

At the discretion of the Commission, rules, regulations and port charges may be waived or temporarily modified for any good cause and special circumstances affecting the operations of any non-commercial vessels of the United States, the State of Louisiana or other States, and visiting Foreign Naval Vessels.

Rule: 34 Subrule: B32
Amend Type: I
Sp case number:

Filing Date: 2, June 1994
Effective Date: 10, July 1994
Expiration Date:

NAME: HOLD HARMLESS

RULE TEXT

Licenses, Assignees, Contractors, and all other users of port facilities agree to indemnify and hold harmless the Commission, its agents, servants, and employees from and against any and all liability or cost, including but not limited to the attorneys' fees and other cost associated with any claims or defense which the port may incur, may be obligated to incur or may be subjected to with respect to the destruction of or damage to property of any kind or with respect to the injury to or death of any and all persons arising out of, related to or in any way associated with such designated area or incident or related to Assignees', Contractors' and/or Users' operations on the property of the Commission.

The Commission assumes no responsibility for maritime loss or damage to any cargo of any description, nor does the Commission assume any responsibility for marine loss or damage to any vessel while within its jurisdiction.

The Commission will not be responsible for loss of, or damage to or for delay to freight or cargo on its wharves, in its shipside or transit sheds or in open storage caused by or resulting from fire, flood, leakage, or discharge from supply pipes, gutters or downspouts, collapse of buildings, rats, mice, termites, moths, weevils or other insects, frost, rust, mold, corrosion, evaporation, shrinkage, leakage from containers, decay, contamination, discoloration, the elements or insufficient notification, nor will it be responsible for any delay, loss or damage arising therefrom, nor will it be responsible for freight or cargo on its wharves, or in its shipside or transit sheds or in open storage against the risk of theft, pilferage or non-delivery.

During the period of Free Time allowed, or while on demurrage, cargo in the shipside and transit sheds, or in open storage is in the custody and care and control of, and full responsibility thereof shall be assumed by the vessel and/or its agents.

The presence of any party whomsoever on, or the use of, or the occupancy by any such party on properties or other facilities of the Commission, while engaged in any purpose or in pursuit of any intention authorized or allowed under the rules and regulations of the Commission or of this Tariff, shall constitute and be evidence of acceptance and agreement by such party to assume sole responsibility and liability for any loss arising out of injury to or death of any person whomsoever and for damage to or loss or destruction of any property whatsoever and to protect, defend, indemnify and save harmless the Commission from and against any liability for or in respect of any such injury, death, damage, loss or destruction or any part thereof, incident to or resulting from such presence on or such use or occupancy by such party.

The above shall not impose liability upon any licensee, assignee, contractor and all other users of port facilities for acts of negligence committed by the Commission, its officers and/or employees. The Commission shall not enforce any "hold harmless" or indemnity agreement imposed upon others which liability is due to acts of negligence committed by the Commission, its officers and/or employees.

No provision in this tariff shall limit or relieve the Commission, its officers and/or employees from liability for its own negligence nor require any user or lessee to indemnify or hold harmless the Commission, its officers and/or employees from liability for its own negligence.

Rule: 34 Subrule: B33
Amend Type: I
Sp case number:

Filing Date: 2, June 1994
Effective Date: 10, July 1994
Expiration Date:

NAME: INSURANCE

RULE TEXT

The charges provided in this Tariff for Wharfage, Handling, Transfer, Dockage, Demurrage, Storage, Rental or Lease Arrangements, and all other charges or fees, do not include any expenses of fire, windstorm, water damage or other insurance coverage. All insurance coverage shall be for account of the cargo and vessels, their respective owners and/or agents, contractors and other users of port facilities, and such interest will obtain any insurance required, and the Commission will not provide any such coverage under its policies or assume any obligation whatsoever with respect thereto.

All persons or firms conducting business operations on the port facilities or other port owned or operated property will be required to carry minimum bodily injury liability insurance and property damage insurance as specified by the Commission.

Rule: 34 Subrule: B34
Amend Type: I
Sp case number:

Filing Date: 2, June 1994
Effective Date: 10, July 1994
Expiration Date:

NAME: LIGHTS

RULE TEXT

All vessels shall employ deck and working lights from sunset to sunrise. Vessels underway or when anchored shall display the lights prescribed by applicable navigation rules.

Rule: 34 Subrule: B35 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: LINEHANDLING SERVICES

RULE TEXT

The Commission does not provide Linehandling Services. Such services are provided by a private company authorized by the Commission. Users of such Linehandling Services expressly agree that the Commission shall not be responsible for any negligence and/or damages experienced through the use of such Linehandling Services.

Rule: 34 Subrule: B36 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: LOADING, CONTROL OF UNLOADING AND HANDLING
OF ALL CARGO

RULE TEXT

The Commission reserves the right to control the loading, unloading and handling of all freight and cargo to and from Inland Carriers on premises and facilities under its control. No others will be allowed to perform such handling without special permission.

Rule: 34 Subrule: B37 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: LOADING, MAXIMUM

RULE TEXT

No cargo or equipment shall be placed in the assigned area which exceeds posted load limitations or such limitations as may be designated by the Commission.

Rule: 34 Subrule: B38 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: LOSS OR DAMAGE, RESPONSIBILITY FOR

RULE TEXT

The Commission will not be responsible for the damage or loss of any freight being loaded or unloaded at the public wharves and will not be responsible for any delay to same, nor for damage to freight on its wharves or sheds by fire, leakage, or discharge of water from sprinkler fire protection system, collapse of building, rats, mice, moths, weevils, frost, or the elements, nor will it be answerable for any delay, loss or damage arising from combination or strikes of any persons in their own employ or in the service of others nor for any consequences arising therefrom. Vessel Operators will be permitted to make their own arrangements for watchman service. (See Subrule B32)

Rule: 34 Subrule: B39 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: LOSS OR DAMAGE DISCLAIMER

RULE TEXT

The charging of dockage or wharfage against any vessel shall not make the Commission liable for any loss, damage or injury to said vessel, persons or cargo.

Rule: 34 Subrule: B40 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: LOSS OR DAMAGE, COMMISSION LIABILITY

RULE TEXT

The Commission will assume no responsibility for damage to vessel parts arising by reason of concealed or inadequately protected fastenings, attachments, covers, and parts of the vessel projecting into cargo, and no liability will be assumed by the port for damages incurred as a result of vessel configuration.

Rule: 34 Subrule: B41 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: MOORING

RULE TEXT

The act of mooring to or occupying any berth, anchorage or other facility by a vessel, its master, owners or agents for any purpose whatsoever shall constitute and be evidence of acceptance and agreement by such vessel and its master, owners or agents, disclosure of principals to the contrary notwithstanding, to be held jointly and severally bound by extraordinary diligence in the use, care and occupancy of such berth, anchorage or other facility of the port and to be held liable jointly, severally, and "In Solido" for all costs incurred by the Commission for repairs to or replacement or cleanup of such or other facilities, incident to arising out of or connected in any way whatsoever with such mooring or occupancy and for all charges for services under this Tariff.

Vessels shall, at all times, be secured to the dock in a manner satisfactory to the Commission. Unless otherwise directed by the Commission, all seagoing vessels shall moor parallel to berths and employ a minimum of two (2) bow lines, two (2) stern lines, and two (2) spring lines (one leading forward and one leading aft) of sufficient strength and length to assure that vessels are properly secured and to minimize movement. Tugs, barges and other small craft shall be moored in similar manner except that only one (1) bow and (1) stern line (and the spring lines) shall be required. No vessel shall moor second off except with permission of the Commission, and if such permission be granted then foregoing described mooring lines shall be required. In the event that any vessel does not possess adequate mooring lines to fulfill these requirements, agents or the Commission shall promptly furnish such lines and may charge a reasonable fee for same.

All vessels are required to utilize effective fendering devices to avoid damages to dock facilities, and such fenders shall be properly positioned on the sides of vessels prior to berthing. Should any vessel not possess adequate fenders, agents or the Commission shall furnish same and may charge a reasonable fee for same.

Rule: 34 Subrule: B42 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: MOVING VESSEL TO PROTECT PROPERTY OR
FACILITIES COMMERCE AND NAVIGATION

RULE TEXT

Every vessel must at all times have available at least one person in charge with authority to take such action in any emergency as may be required, and/or in the event it becomes necessary in order to facilitate navigation or commerce, or for the protection of other vessels or property, that any vessel be moved, or the position thereof changed.

The Executive Director of the port is authorized to order and enforce the removal of such vessel at its sole risk and expense to such place as he may direct, and it shall be unlawful for the Master, owner or agent of such vessel to fail, neglect or refuse to obey any such order. Should any person in charge of such vessel fail, neglect, or refuse to follow the orders of the Executive Director, then it shall be his duty and he is hereby authorized, to board such vessel with such assistance as may be necessary and to move such vessel at the sole risk and expense of such vessel, its Master, owner, and/or agent. In the case of unmanned vessels such as barges, the agent of record will be considered the person in authority to take such action as may be directed by the Commission.

Rule: 34 Subrule: B43 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: MOORING FACILITIES PROVIDED

RULE TEXT

It shall be unlawful for any person to make fast any rope or mooring to any wharf or landing or shed, or to any pile or piles supporting same, or to any dolphin or fender pile, except to the mooring piles or mooring bitts or rings provided for that purpose.

Rule: 34 Subrule: B44 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: MOVEMENT OF VESSELS

RULE TEXT

Scows, lighters, floats, barges and other watercraft moored alongside of vessels which are moored at the port for the purpose of delivering to or taking cargo or supplies from such vessel, must, at the request of the Commission, move, if they, in the judgment of the Commission, are blocking the ingress or egress of a vessel. When vessels have finished discharging or taking on cargo, their right ceases to the use of the berth, and such vessels must, at the request of the Commission, vacate the berth.

Rule: 34	Subrule: B45	Filing Date: 2, June 1994
Amend Type: I		Effective Date: 10, July 1994
Sp case number:		Expiration Date:

NAME: NUISANCE CREATED BY VESSELS

RULE TEXT

No vessel shall permit excessive smoke, cleaning of boilers, blowing tubes, or creating similar condition while the vessel is in the channel, turning basin or in a berth.

Except as provided by law, or this Tariff, the blowing of whistles and horns is prohibited.

Rule: 34 Subrule: B46 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case Expiration Date:
number:

NAME: PENALTIES FOR VIOLATION

RULE TEXT

It shall be unlawful for any person, firm or corporation to utilize or make use of any wharf, landing or other utility operated by the Commission without paying to the Commission the proper toll, charge or fee therefore as fixed and specified in this Tariff, or by designation otherwise, and every person, firm or corporation violating any provision of this order, respecting the payment of any toll, charge or fee, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than Five Hundred (\$500.00) Dollars, or by imprisonment in the Parish Prison for a period of not more than six (6) months, or by both such fine and imprisonment.

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 regulation prescribed by this Tariff or a supplement thereto, or by designation otherwise, and any person, firm or corporation violating any of the provisions of these rules and regulations shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than Five Hundred (\$500.00) Dollars, or by imprisonment in the Parish Prison for a period of not more than six (6) months, or by both such fine and imprisonment.

In addition to any prescribed statutory penalties, the Commission may, at its sole discretion, levy fines or non-compliance with port regulations, suspend licenses for cause, assess reasonable interest charges and collect reimbursement of attorney's fees.

Rule: 34 Subrule: B47 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: PREFERENTIAL ASSIGNMENT

RULE TEXT

Preferential assignment is a prior claim to be assigned the use of a particular wharf or berth by vessels pursuant to a grant in writing by the Commission to the owners or agents thereof. Such assignment shall not be construed as granting any privilege to the exclusive use of such wharf or berth. A preferential assignment may be granted at the discretion of the Commission upon application and subject to agreement of a preferential assignment fee.

Rule: 34 Subrule: B48 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: PLACEMENT OF GOODS NOT TO BE BAILMENT

RULE TEXT

The placing of property of any nature, including cargo on port property pursuant to this Tariff shall not be construed, under any circumstances, as a bailment of that property, and the Commission, its officers, employees, and agents, shall not be considered as bailees of any property whatsoever.

Rule: 34 Subrule: B49
Amend Type: I
Sp case number:

Filing Date: 2, June 1994
Effective Date: 10, July 1994
Expiration Date:

NAME: RAT GUARDS

RULE TEXT

Vessels moored to wharves or berths of the Commission shall provide suitable rat guards on each mooring line.

Rule: 34 Subrule: B50 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: REPORTS REQUIRED FROM TOWING COMPANIES AND
OTHERS

RULE TEXT

The owner, agent or operator of any watercraft engaged in the towing or transportation of any commodities within or passing through the waters under the jurisdiction of the Commission must render periodically, when called upon by the Commission, complete reports covering all tonnage handled, including description, weight and approximate valuation.

Rule: 34 Subrule: B51 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: SIGNS, PAINTING OR ERECTING

RULE TEXT

Painting or erecting signs on Commission property or structures is prohibited without prior approval of the Executive Director who also shall approve copy, design, size material and method of erection.

Rule: 34 Subrule: B52 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: SPACE

RULE TEXT

The facilities of the Commission are for the storage, loading, unloading and/or handling of import, export, coastwise, intercoastal and local cargoes, and the Commission reserves the right to control and assign space in the port for the storage, loading, unloading and/or handling of all freight on and/or in these facilities.

In addition to any fines or imprisonment imposed, a penalty assessment equal to the doubling of all applicable Tariff charges shall be made against any agency, or other user utilizing any port facilities for the loading, unloading, handling, and/or storage of cargo without prior assignment by the Commission of the space being used.

Rule: 34 Subrule: B53
Amend Type: I
Sp case number:

Filing Date: 2, June 1994
Effective Date: 10, July 1994
Expiration Date:

NAME: SPEED LIMIT

RULE TEXT

All ocean going vessels shall be operated in the Belle Pass Channel at safe and prudent speed, not to exceed 10 knots. Within the harbor limits, all vessels shall be operated at reduced speed, sufficient only to maintain steerage way in maneuvering.

At all times Masters shall operate vessels with due consideration for weather conditions, the safety of other vessels and property, and other prevailing circumstances

Rule: 34 Subrule: B54 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: SMOKING

RULE TEXT

No persons shall smoke or have in their possession any fire or lighted material on or upon the wharves or in the warehouses, sheds or other structures set apart for the unloading or loading of vessels, or for the storage or warehousing of cargoes, or other merchandise, nor shall any person smoke upon any truck, dray, float, automobile or vehicle of any kind when using such structures. It shall be unlawful for any person to smoke or use matches, cigars or cigarette lighters in the hold of any vessel or upon the decks thereof, while loading or unloading cargo.

Rule: 34 Subrule: B55 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: STORM PROTECTION

RULE TEXT

A. Cargo

When advance warnings indicate inclement weather conditions are expected to affect the port, the owners and/or agents of all cargoes stored in open areas are required to take projective measures, both for the cargo and for the protection of other property. Should the owner fail to provide such storm protection, the Commission is authorized to protect such cargo against storm damage, at the sole risk and expense of the cargo owners and/or agents.

B. Vessels

Vessel owners, operators, masters, and agents must assure the safety of vessels at port facilities by the use of adequate mooring lines, anchors and fenders. Should conditions warrant, vessels must be prepared to proceed to sea when so instructed by the Commission.

Rule: 34 Subrule: B56
Amend Type: I
Sp case number:

Filing Date: 2, June 1994
Effective Date: 10, July 1994
Expiration Date:

NAME: TARIFF, CONSENT

RULE TEXT

The use of the waterways, facilitates and/or services under the jurisdiction of the Commission shall constitute a consent to the terms and conditions of this Tariff and evidences an agreement on the part of all owners of cargo, carriers, vessels, barges, and their respective owners, Masters and/or agents, and all other users of such waterways, facilities and/or services to pay all charges specified herein and be governed by all rules and regulations in this Tariff.

Rule: 34 Subrule: B57 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: TARIFF, INTERPRETATION OF

RULE TEXT

The Board of Commissioners of the Greater Lafourche Port Commission shall be the sole judge as to the interpretation of this Tariff.

Rule: 34 Subrule: B58
Amend Type: I
Sp case number:

Filing Date: 2, June 1994
Effective Date: 10, July 1994
Expiration Date:

NAME: TARIFF CHANGES

RULE TEXT

All rates, rules and regulations, as set forth in this Tariff, are subject to change without notice except as required by law.

Rule: 34 Subrule: B59
Amend Type: I
Sp case number:

Filing Date: 2, June 1994
Effective Date: 10, July 1994
Expiration Date:

NAME: TON

RULE TEXT

When the term "Ton" is used anywhere in this Tariff, it shall mean a Net Ton of 2,000 Pounds.

Rule: 34 Subrule: B60 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: TRANSSHIPPED CARGO

RULE TEXT

The charges set forth in this Tariff shall be applied to Transshipped Cargo, as defined, and the Transshipping Vessels so involved, in the following manner:

A. DIRECT TRANSSHIPMENT

- a. Cargo transshipped directly between two or more vessels and not coming to a point of rest on or at the Commission's facilities shall be assessed only one (1) Wharfage Charge or, in the case of Midstream Cargo Operations, one (1) Usage Charge.
- b. Vessels involved in directly Transshipped Cargo not coming to a point of rest on or at the Commission's Facilities shall be assessed Dockage Charges or Harbor Fees as follows:
 1. Vessels nested alongside a berth or moored at midstream – one (1) Dockage Charge or Harbor Fee, assessable against the larger vessel only.
 2. Vessels tied up alongside a berth for-and-aft of each other – one (1) Dockage Charge assessable against each such vessel.

The charges set forth in this Tariff shall be applied to Transshipped Cargo, as defined, and the Transshipping Vessels so involved, in the following manner:
(Concluded)

B. NON-DIRECT TRANSSHIPMENT

- a. Cargo not directly transshipped between two or more vessels but which comes to a point of rest on or at the Commission's Facilities awaiting deferred onward movement shall be assessed normal Wharfage or Usage Charges on both the inbound and the outbound movement.
- b. Vessels involved in the movement of non-directly transshipped cargo which comes to a point of rest on or at the Commission's Facilities awaiting deferred onward movement shall be assessed normal Dockage Charges or Harbor Fees for each such vessel so involved.

Rule: 34 Subrule: B61
Amend Type: I
Sp case number:

Filing Date: 2, June 1994
Effective Date: 10, July 1994
Expiration Date:

NAME: TUG SERVICE

RULE TEXT

The Commission does not provide Tug services. Such services are provided by a private tug company authorized by the Commission, and users of such Tug Services expressly agree by the act of engagement of Tug Services that the Commission shall not be responsible for any negligence and/or damages experienced through the use of such Tug Services.

Rule: 34 Subrule: B62 Filing Date: 2, June 1994
Amend Type: I Effective Date: 10, July 1994
Sp case number: Expiration Date:

NAME: TONNAGE, REQUEST FOR STATEMENT OF

RULE TEXT

All vessels, their owners and/or agents, or any other persons, firms or corporations shall, upon request by the Commission, furnish without delay, statement showing weight by commodities covering any shipments or cargo in transit sheds, or wharves or occupying space on any other property under control of the Commission.

Rule:

Rule: 34	Subrule: B63	Filing Date: 2, June 1994
Amend Type: I		Effective Date: 10, July 1994
Sp case number:		Expiration Date:

NAME: VEHICLES ON FACILITIES

RULE TEXT

No Automobile, Truck, Trailer or other Vehicle may remain parked on any wharf, apron or dock or on any approach to same, for a period longer than reasonable necessary to load or unload cargo or passengers.

No vehicles shall be driven closer than 100 Feet to any vessel handling designated dangerous cargoes without specific permission from the Commission.