

**PORT
OF
VICTORIA**

(Victoria County Navigation District)

TARIFF CIRCULAR NO. 1-B
(Cancels Tariff Circular No. 1-A)

**RATES, CHARGES, RULES & REGULATIONS
GOVERNING ACTIVITY AND USE OF THE FACILITIES OF
THE VICTORIA COUNTY NAVIGATION DISTRICT**

Issued by:
Board of Commissioners
Victoria County Navigation District
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Victoria, TX 77905

**Board of Commissioners
Victoria County Navigation District
Tariff Circular No. 1-B**

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SECTION 1 - GENERAL INFORMATION, RULES & REGULATIONS

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DESCRIPTION & JURISDICTION OF NAVIGATION COMMISSION

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The Victoria Barge Canal is a sea level canal with an authorized depth of 12 feet and channel width of 125 feet. It extends approximately 35 miles from an intersection of the Gulf Intracoastal Waterway at San Antonio Bay south of Seadrift Texas. It terminates at Pickering Turning Basin approximately 7 miles south of Victoria, Texas. Two highway bridges cross the canal and have an approximate clearance of 51 feet vertical and 75 feet horizontal. A lift span railroad bridge crosses the channel near Mile Mark 29.4.

Mariners are to consult appropriate authorities and information sources when determining constraints upon navigation in the Victoria Barge Canal and not rely upon information contained herein for the purpose of safe navigation.

The Victoria County Navigation District is administered by five Commissioners having jurisdiction over and control usage of that portion of the Victoria Barge Canal and Navigation District properties which lie within Victoria County, Texas; including the turning basin, industrial development properties and rail switch trackage extending approximately two miles between the turning basin and the UPRR main line.

The Port of Victoria, through its staff, manages the daily requirements of the Victoria County Navigation District. Through a joint administrative agreement, the Port of Victoria further manages the daily requirements of the lower reach of the Canal which lies within Calhoun County, Texas. The administration of this portion of the Canal is within the jurisdiction of the West Side Calhoun County Navigation District, and its Commissioners.

DEFINITIONS

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Unless provided otherwise in this Tariff, applicable definitions set forth in 46 CFR part 525.1(c) shall control. The following definitions will apply to this Tariff:

- (1) AGENT: The party or entity responsible for a request for services or the Owner / Operator of a tow or its equipment upon waters of the Port.
- (2) VCNDVCND The Victoria County Navigation District and its operations d/b/a the Port of Victoria.
- (3) BARGE: Any non-self-propelled vessel.
- (4) BARREL: 42 US gallons of fresh water.
- (5) BERTH: The water area at the edge of a wharf, including mooring facilities, used by a vessel while docked or otherwise secured.
- (6) CARGO: The measured product moved by any conveyance on or off the properties of VCND for which charges will be assessed based on weight, volume or head count.
- (7) CARGO OWNER: The party or corporation, including shippers, agents, or their designees, that is/are responsible for the management of cargo handled at the Terminal.
- (8) CONTRACTOR: A third party entity engaged by the Port to provide specific services on an exclusive basis to tenants or users of Port facilities or assets which require specified Port operating services as permitted under individually issued Operating or Usage Permits.
- (9) DAY: A period of 24 consecutive hours or fractional part thereof.
- (10) DEMURRAGE: See Storage
- (11) DOCK: Shall mean all docks, floats, slips, wharves, ramps, piers, bulkheads, dolphins, and sea walls owned or operated by VCND.

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- (12) DOCKAGE: The charge assessed against a vessel for berthing at a wharf, pier, bulkhead or for mooring to a vessel so berthed.
- (13) EXECUTIVE DIRECTOR: The person serving as Executive Director of VCND.
- (14) FACILITIES: Any wharf, dock, berth, fleet, shed, warehouse, improved-open area, rail track, pipeline, road, equipment, material handling machinery, appliance, land or any structure of any kind within the jurisdiction of VCND and is either owned or leased by the Victoria County Navigation District.
- (15) FLEET: The areas determined by VCND to be used for lay berth or services to vessels not engaged in cargo operation.
- (16) FREE TIME: The specified period during which cargo may occupy space assigned to it on VCND property free of wharf demurrage or terminal storage immediately prior to it loading or subsequent to the discharge of such cargo on or off the vessel.
- (17) FREIGHT HANDLER: Shall mean any management company or entity engaged in the management of the handling of cargo on behalf of a rail carrier at the Port's rail facilities.
- (18) HANDLING: The specific service of physically moving cargo between points of rest and any place on the properties of VCND
- (19) HAZARDOUS MATERIALS: Shall mean any liquid or solid material as defined under 49 CFR Parts 171-179, or as designated by the US EPA and/or the Commission on Environmental Quality as hazardous waste, including waste oils, solvents and other substances requiring special protections, handling, and disposal.
- (20) LICENSE: Shall mean a document issued by the Executive Director granting permission to the licensee to conduct business on the Port.
- (21) LOADING & UNLOADING: The service of loading or unloading cargo between any place on the facilities and rail cars, barges, lighters or trucks or any other conveyance to or from the facilities.
- (22) MANIFEST: Shall mean any formal list of cargo loaded onto or discharged from, or persons arriving on or embarking on, a vessel, including crew.
- (23) PERMIT: A permit document issued by the Port to a tenant which describes a Port provided service and the conditions and requirements for use of the service.
- (24) OVERALL: Shall mean the greatest distance between two points either above or below the water.
- (25) PERSON: Vessels, agents, owners, masters, and operators, including but not limited to, natural persons, artificial persons, corporations, partnerships, organizations, and associations, and to sovereigns, governments, nations, states, municipalities and agents and/or their instruments thereof.
- (26) PORT: The Port of Victoria, Texas, including all wharves, docks, berths, fleets, sheds, warehouses, improved-upon areas, rail tracks, pipelines, roads, equipment, material handling machinery, appliances, land, or any structure of any kind within the jurisdiction of VCND and either owned or leased by the Victoria County Navigation District.
- (27) POINT OF REST: The area of any facility of VCND which is assigned for the receipt of inbound cargo and for the delivery of outbound cargo to or from vessels, consignees, shippers or other transportation conveyance.
- (28) STEVEDORE: Shall mean any management company or entity engaged in the management of the handling of cargo and/or passengers, on behalf of the vessel operator, at marine facilities.

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- (29) STORAGE: A service provided for the use of facilities for inbound or outbound cargo, from any conveyance, after the expiration of free time.
- (30) SWITCHING: The act of and service of placing rail cars on VCND facilities between line haul trackage and VCND trackage and may include the ancillary movement of railcars for spotting, weighing and staging of inbound and outbound cars for tenants and other Port users.
- (31) TARIFF: The rates, charges, rules and regulations governing activity, services and use of the facilities of the Victoria County Navigation District as set forth in this agreement and any amendments thereto.
- (32) TENANT: Any party that leases property for exclusive or non-exclusive use at a marine facility.
- (33) TON: A unit of weight of 2,000 pounds.
- (34) TRANSLOAD: The service of transfer of cargo between rail car, vessel or other transport conveyance without an intermediate point of rest.
- (35) USAGE: The use of VCND facilities by any rail carrier, lighter, operator, trucker, shipper, consignee, their agents, servants and/or employees when they perform their own Handling, Loading or Unloading; or the use of any facilities for any gainful purpose for which a charge is not otherwise specified.
- (36) USER: Any rail carrier, lighter, operator, trucker, tenant, shipper or consignee using the facilities of VCND.
- (37) VESSEL: Includes within its meaning every description of watercraft whether self-propelled or non-self-propelled, used or capable of being used, as a means of transportation on water and shall include in its meaning the owner thereof.
- (38) WHARFAGE: Wharfage is the charge assessed against freight passing or conveyed over, onto or under wharves or between vessels or overside vessels when berthed at wharf or moored in slip adjacent to wharf; it is the charge for use of wharf and does not include charge for any other service.
- (39) WHARF: Any wharf, pier, landing, quay or other stationary structure to which may be utilized in the transit or handling of cargo or passengers and shall include other Port facility areas along side of which vessels may lie or which are suitable for and are used in the loading, unloading, distribution, assembling or handling of cargo.
- (40) WHARF DEMURRAGE: The charge assessed against cargo remaining in or on facilities of VCND after the expiration of free time unless alternative arrangements have been made for storage.

APPLICATION OF TARIFF

10

The rates, rules and regulations published in this Tariff apply equally to all cargo, users of the waterway, tenants, vessels, agents, owners, masters, , operators, truckers, rail operators, contractors, suppliers, all other users and including natural persons, artificial persons, corporations, partnerships, organizations, associations, sovereigns, governments, nations, states, municipalities, their agents and instruments, and facilities of the Victoria County Navigation District. The use of VCND facilities constitutes an acceptance by the User of all charges, rules and regulations published herein. All Users and person(s) acting on behalf of users agrees to pay all charges and be governed by all rules contained herein. Any person or persons acting on behalf of a User shall be jointly and severally responsible for all payment of charges as set forth in this tariff.

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Amendments may be issued to address needed changes or revisions to the Tariff. The Tariff is subject to change without notice at the discretion of VCND's Commissioners. VCND When the action of VCND's Commissioners is in response to a User's request or complaint and requires a Tariff amendment, no such change will be retroactive.

In the event of a dispute regarding any of the terms and conditions as stated in this Tariff, supplemental Rules and Regulations, or supplemental contracts, the decision of the Executive Director shall be final.

VCND reserves the right to execute supplemental or separate contracts outside of this Tariff, subject to Federal Maritime Commission Rules, Regulations, and administrative procedures. Such contracts shall be consistent with the provisions of this Tariff, however, where provisions of a separate contract differ, the terms and conditions of the contract shall supersede this Tariff.

LIMITATION OF LIABILITY

15

Except for liability under Texas law, if any, for damage caused by its negligence, VCND shall not be liable for any loss or damage to any cargo handled over or through its facilities, nor shall it be liable for any delay, loss or damage resulting from strikes, tumult, channel blockages or acts of God.

VCND is not a common carrier and does not accept care, custody or control of any cargo or other property while on its wharves, docks, buildings or other facilities managed or controlled by VCND.

Liability for loss or damage as a result of switching operations on VCND trackage is set forth and governed by contract between VCND and the rail carrier.

VCND has jurisdiction over all properties whatsoever within the Port and shall make and enforce such rules and regulations as may be necessary to promote and facilitate traffic, business and to secure safety and equal convenience to all authorized users thereof.

Persons entering Facilities shall do so at their own risk.

In the case of occurrence of unusual circumstances, without any fault of VCND, including without limitation, damage or destruction to premises, including vessels or cargo, by fire, flood, civil disturbance, earthquake, tidal wave, wind, explosion, public enemies, war, Acts of God, marine casualty, Government action, labor actions, or similar circumstance, VCND shall not be held liable for any impacts on users, vessels, persons, or cargo.

No provision contained in this Tariff shall limit or relieve VCND from liability for its own negligence, nor require any authorized user to indemnify or hold harmless VCND from liability for its own negligence. No provision contained in this Tariff shall be interpreted in any manner as a waiver of any rights or protections against suit and/or liability, including, without limitation, any sovereign immunity protection which Landlord may possess or enjoy, now or in the future, by virtue of its status and existence as a governmental entity in the State of Texas.

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VCND HELD HARMLESS **20**

All Users agree to indemnify and save harmless VCND from and against all losses, claims, demands and suits for damages, including death and personal injury, and including court costs and attorney fees, incident to or resulting from their operations on the property of VCND and the use of its facilities.

DAMAGE TO VCND PROPERTY **25**

All vessels, owners, agents, tenants and users of VCND facilities shall be responsible for all damage to property and facilities of the VCND resulting from their use. Any such damage shall be repaired and billed against the user responsible, whether or not such damage is caused by negligence or use by operation and/or conduct of third parties participating with them or on their behalf. The expense of replacement or repair will be billed against the responsible party for such damages at cost plus 20%.

In the event any damage is done to property and facilities of VCND, the person or persons responsible for said damage, or in any way involved, shall give a full report to the Executive Director giving date and hour said damage occurred, names and addresses or description of the witnesses or other persons, vessels, vehicles or instrumentalities involved, as well as any other pertinent facts and information which may be available. The person, persons, or entity causing the damage will be held responsible for reimbursing VCND for the cost of repairing said damage, including the cost of any emergency actions required to be taken by VCND, the U.S. Coast Guard, and/or other emergency services to limit the scope of such damage.

For facilities utilized under exclusive or preferential agreements, damage and repair requirements may, as agreed by VCND, be conducted annually through joint survey and subsequent determination of user responsibility.

HOLIDAYS **30**

The VCND observes the following holidays:

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|----------------------|--------------------------------------|
| New Year Eve | December 31 |
| New Year Day.... | January 1 |
| Presidents Day... | 3 rd Monday in February |
| Good Friday.... | The Friday preceding Easter |
| Memorial Day.... | May 30 |
| Independence Day.... | July 4 |
| Labor Day.... | 1 st Monday in September |
| Veterans Day ... | November 11 |
| Thanksgiving Day.... | 4 th Thursday in November |
| Thanksgiving Friday | 4 th Friday in November |
| Christmas Eve.... | December 24 |
| Christmas Day.... | December 25 |

If any holiday falls on a Saturday, the preceding Friday will be the day of observance. If any holiday falls on a Sunday, the following Monday will be the day of observance.

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SIGNS	35
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Erection or painting of signs on VCND property or structures is prohibited. Signs may be erected only upon written consent of the Commission subsequent submittal of design, dimension, proposed location, materials of construction, fastenings and method of erection. VCND reserves the right to make modification to the foregoing submittal and to remove any erected sign for lack of maintenance subsequent a written notice and 30-day cure period. Should VCND removal be required, removal will be at cost plus 20%.

DEMURRAGE OR DETENTION	40
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Except when caused by its own negligence, VCND will not be responsible for any demurrage or detention on railcars, vessels or trucks.

HARBOR MODIFICATIONS	45
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VCND maintains sole jurisdiction over the waterway, lying within Victoria County, Texas, and any modifications or structures within it. No piles shall be driven nor shall any platform be erected without written permission from the VCND. Furthermore, no modifications or alterations to the bank or waterway are permitted without obtaining written authorization; this includes any of the following: filling in, construction, repair, dredging, removal or demolition of any kind made to the waterfront or channel.

INSURANCE	50
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The charges provided herein do not include any expense for insurance covering owner's interest in the property, nor will insurance be affected by VCND under its policies.

ACCESS TO RECORDS	55
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Vessels, their owners, agents and masters, and all other users of the facilities shall be required to grant access to manifests of cargo, railroad documents and all other documents for the purpose of audit for ascertaining the correctness of reports filed; or securing necessary data to facilitate the correct estimate of charges.

PAYMENT OF INVOICES & CHARGES	60
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All wharfage and dock usage charges incurred by a shipper in the loading and unloading of commodities at the Port are due and payable to VCND within fifteen (15) days after the end of the calendar month in which such wharfage or dock usage charges were incurred. All bills for charges other than for wharfage or for the use of VCND's facilities are due upon presentation. Failure to pay any charges incurred by a shipper when due shall place the name of the vessel, its owners and agents, and the shipper

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upon a delinquent list at which time the use of the Port will be denied. Any charges remaining unpaid 30 days past the date on which they are due shall be subject to an interest charge of 10% per month. Prompt written response is required for any charges in dispute or else interest charges will apply. Accounts referred to an attorney or an agency for collection are subject to a surcharge and additional court and collection costs.

Presentation of bills to owners and agents of vessels or to stevedores is done as a matter of accommodation and convenience and shall not constitute a waiver of the lien for charges furnished the vessel for which maritime law provides a lien.

VCND reserves the right to estimate and collect in advance all charges which may accrue against vessels, their owners and agents, or against cargo loaded or discharged by such vessels or from other users of the facilities of VCND whose credit has not been properly established or does not remain in good standing with VCND. Use of facilities may be denied until such advance payment or deposits are made.

VCND reserves the right to apply any payment received against the oldest bills rendered against vessels, their owners and agents, or other users of facilities.

Vessels, their owners and agents, by the loading of cargo from wharves or the discharging of cargo thereon, agree to pay all penalty charges then accrued or which may accrue on such cargo, as well as any charges which may accrue from the removal of such cargo to another part of the wharves for storage elsewhere. These charges shall be assessed against the vessels, their owners and agents responsible for the cargo and making use of a berth as permitted by VCND.

Vessels, their owners and agents shall make collection of penalty charges before releasing merchandise. The amount of accrued penalty charges may be obtained from VCND.

VCND reserves the right to detain a vessel; establish a maritime lien upon the vessel, its cargo, and freights; or arrest a vessel for all unpaid charges due.

FIRE PROTECTION

65

Smoking and the use of open lights or fires in or around facilities of VCND or on any vessel or rail car within the jurisdiction of VCND is strictly prohibited.

Handling of explosives is strictly prohibited without the prior written consent of VCND.

The storage, keeping or use of acid, gasoline, distillates or other liquid petroleum product, except lubrication oil, on properties of the VCND is strictly prohibited. VCND may authorize acceptable designated areas at the request of a tenant so long as tenant agrees to conform to any requirements of the VCND regarding the material, its use or security of the designated area.

No person may obstruct or interfere with free and easy access in case of fire to any properties or facilities within the jurisdiction of VCND. No person shall remove or in any manner disturb any fire extinguisher, fire hose, hydrant or any other fire-fighting appliance installed or placed in or upon the port facilities.

SECURITY

70

The facilities of the Port are compliant with the U.S. Maritime Transportation Security Act (MTSA) and as such the Port maintains a Facility Security Plan (FSP) that meets the requirements of the MTSA. The FSP requires posting of the prevailing

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MARSEC level of the facility and calls for implementation of various procedures based on the posted level. Access at all times is controlled and only unescorted access is permitted when the person requiring entry is in possession of a valid Transportation Worker Identification Credential (TWIC). All other persons having business at the Port and requiring access to designated secure areas are required to register in advance with the Port's Facility Security Officer (FSO) and schedule escorted access.

Vessels berthing at Docks within the restricted area will be subject to an hourly security fee of \$31 per hour while alongside.

If, in the opinion of the Executive Director, additional security is needed at the Port as a result of any activity by User, such security will be billed to the User. Any Users requiring access to any restricted areas at the Port may be assessed a security fee by VCND.

Any security charges are assessed is in addition to any other tariff charges which may apply.

ADDITIONAL COMPLIANCE

75

All Users are subject to federal, state, and local regulations as applicable as well as supplemental rules and regulations as established by VCND.

IMPLIED CONTRACT

80

Entry upon the Port by a person or vessel - whether by land, water, or otherwise - shall constitute an agreement by such person or vessel to comply with this tariff, any supplemental rules and regulations, and all applicable local, state, and federal regulations.

LIMITING WEIGHTS

85

Cargo must be stored or stacked so as not to exceed the rated capacity of any infrastructure. In general, cargo shall be stacked or piled on Port infrastructure so as to produce a uniform loading.

VCND equipment will be operated only within its rated capacity.

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BERTH & FLEET ASSIGNMENTS **200**

Wharf and dock assignments may be governed by tenant agreements granting preferential use or non-exclusive use. Any preferential use shall be monitored and controlled by the tenant. Preferential use will not exclude the VCND to make berth assignment when it deems the facility is underutilized and such assignment will not negatively impact the tenant's operation.

All non-exclusive use wharves and docks are multi-user facilities. Certain interests may have a preferential berth at a facility that allows them to conduct operations upon arrival. Any wharf or dock not so contractually designated is usually assigned by the Port on a first come first served basis subject to the terms, conditions and charges contained herein. Should any conflict or interpretation be required, the Port will determine the order of assignment.

To expedite the handling of vessels and to avoid congestion, the Port may order vessels already in berth to work continuously at their expense. A vessel refusing to work may be ordered to vacate the berth. Once ordered to vacate and notice being given to the master or person in charge, should they fail to comply with the instruction, the owner of the vessel shall be liable for all damage which may arise.

Additionally, the Executive Director may, at their discretion, order a vessel to move, to such a place as directed, when:

1. It is necessary for the proper operation of the facility;
2. There is an emergency;
3. Terminal congestion may be ameliorated by such a move;
4. A vessel is offensive or hazardous;
5. A vessel contains hazardous cargo or cargo that is labile to damage other vessels, cargo, or Port facilities; and/or
6. The vessel's berthing is in conflict with another vessel who had previous arrangements.

HARBOR & SAFETY REQUIREMENTS **205**

The Port monitors the safety performance of vessel operation upon the waterways within its jurisdiction. All users are responsible for compliance of their vessels to rules which are established to protect people, assets and the environment of the Port, tenants, property owners and other vessels.

- (1) **SPEED:** As stipulated by the US Coast Guard in CFR Title 33, Part 162.75 "Speeding in narrow sections is prohibited. Official signs indicating limited speeds shall be obeyed. Vessels shall reduce speed sufficiently to prevent damage when passing other vessels or structures in or along the waterway."

The maximum speed for all vessels shall be in accordance with CFR Title 33, Parts 83.06 and 164.11. Notwithstanding, vessels shall operate at slow bell or slower entering, while present in, and upon exiting the turning basin, and shall not exceed three miles per hour while passing any wharf, dock, bridge abutment or moored vessel.

- (2) **AUTOMATIC IDENTIFICATION SYSTEM (AIS):** Vessels equipped with AIS, as required by CFR Title 33, Part 164.46, must have the system active while in the jurisdiction of the District, unless the District is notified otherwise in advance.

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- (3) **MOORINGS:** All vessels, when not underway, shall at all times be properly made fast using good and sufficient moorings considering the practice of good seamanship, cargo operation and weather considerations present and contemplated.
- (4) **FIRE ALARM:** In the event of a fire on board any vessel not underway, such vessel may sound five prolonged blasts of the whistle or siren as an alarm indicating fire on board or at a dock to which it is moored. Such signal may be repeated to attract attention. The signal is not a substitute for, but may be used in addition to, other means of reporting the fire.
- (5) **ACCIDENT & COLLISION REPORTING:** Any fire, accident, pollution or other casualty of any kind whatsoever, occurring within the jurisdiction of the VCND must be reported to the Executive Director. Reporting requirements include incidents of groundings or striking of stationary objects. Reports are to be made in writing by electronic, facsimile transmission or other written form at the earliest opportunity and not more than twenty-four hours of the incident.
- (6) **POLLUTION, OIL & REFUSE:** All vessel owners, agent and operators shall comply with all federal, state or local regulations pertaining to placing or discharging into VCND waters any sewage, garbage, fuels, contaminants or refuse of any kind covered by such laws. Vessels discharging oil from bilge or tanks into VCND waters will be reported to the US Coast Guard and other appropriate VCND for prosecution under appropriate federal and state laws or regulations.

Throwing of any rubbish or contaminant into VCND waters is strictly prohibited. Rubbish, garbage, dunnage or other general waste material shall be disposed of only in containers designated for this use and supplied by the vessel owner, agent or operator. Placing of any hazardous material or pollutant into such containers is prohibited. Vessels shall retain aboard any rubbish which cannot be properly placed in designated containers.
- (7) **RULES OF THE ROAD:** All vessels shall comply with the applicable "Rules of the Road" and nothing herein is intended to supersede the regulations pertaining to safe navigation.
- (8) **BUNKERING OF VESSELS:** Bunkering of vessels by tank truck will be permitted at any open dry cargo dock which has been designated to permit such activity. No bunkering shall take place while cargo operations are being performed simultaneously at the same berth. All preventive actions, including a contingent spill plan, for a safe and efficient fueling operation must be established between the delivery carrier and vessel before any transfer commences.
- (9) **VESSEL REPAIRS:** No vessel repairs will be made to vessels involving, welding, burning or other fire risk activity without the issuing of an appropriate hot work permit issued by the USCG Captain of the Port and advisement to the Executive Director. Vessel repairs will be permitted at VCND open berths under the condition that the vessel will not be inoperable during any cargo operation and can be underway upon one-hour notice at all other times. The use of any dockside equipment, machinery or idle periods impacting the one-hour notice period requires notification and authorization from VCND
- (10) **REMOVAL OF SUNKEN VESSELS:** It shall be the responsibility of the vessel owner to salvage and/or adequately remove any vessel which may sink in VCND's jurisdiction. Should a vessel sink while moored or working at facilities owned by VCND but under an exclusive use agreement to a second party, the second party shall be responsible for its salvage and/or adequate removal in the event the owner

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fails to act. Vessel owner shall salvage and/or remove said vessel within 48 hours after VCND requests same. If, in the discretion of VCND, the vessel constitutes a hazard to navigation or impedes operation of Port, arrangements may be permitted for its immediate removal by the VCND at vessel owner's risk and expense. Should the sinking impede operations or the responsible party fail to act, additional penalties of up to \$1,000 per Day may be assessed.

- (11) LICENSING AND VESSEL REQUIREMENTS - SHIFT VESSELS OPERATING IN BASIN: All vessels in operation in the Port, the Victoria Barge Canal, and all waterways within the Victoria County Navigation District must meet all local, state, and federal requirements. All towboats operating in the Port, the Victoria Barge Canal, and all waterways within the Victoria County Navigation District must be operated at all times by a U.S. Coast Guard licensed Captain with a valid Operator Uninspected Towing Vessel (OUTV) license; must meet American Waterways Operators Responsible Carriers Program requirements in all respects; must meet U.S. Coast Guard Subchapter M Inspection Requirements, as applied to inland towing vessels; and must meet the following additional standards –
- Minimum 600 horsepower,
 - Twin screws,
 - AIS equipped,
 - Radar equipped, and
 - Adequate eye level to see over empty barges.
- (12) TONNAGE REPORTING REQUIREMENTS: All Users in the Port must comply with all reporting requirements of local, state, and federal agencies in addition to those laid out in this tariff. Such reporting must be submitted in accordance with the requirements of the relevant agencies. In addition, tonnage movements must be reported to VCND concurrently with any cognizant local, state, and/or federal agencies. Tonnage movements must be reported to VCND in the manner laid out in "Exhibit D – Tonnage Reporting" attached to this Tariff.
- (13) PENALTIES FOR INFRACTIONS: Any User in violation of any provision of this Section will be subject to a penalty of \$250 per infraction in addition to any other fees, penalties, or other consequences to which the User may be subject.

FLEETING

215

VCND seeks to promote orderly and safe navigation of the Victoria Barge Canal, and all waterways within its jurisdiction. For the safety of all users, fleeting or mooring along the banks of the Victoria Barge Canal which lies within Victoria County, Texas is prohibited. Any violation of this prohibition shall result in a fine of not less than \$500 per day. VCND provides areas specifically established to promote orderly safe mooring areas for vessels awaiting cargo operation or idled in the waterway. The safe mooring areas shall be known as fleeting areas. The Port does not operate as a fleet service and all risk of use rests with the owner/operator. No barges containing hazardous materials are to be fledged and left unattended. Fleeting is available to vessels at a rate of \$175.00 per day for Regulation Barges, \$250.00 per day for Barges exceeding 35ft x 200ft.

Victoria County Navigation District
Tariff No. 1-B

SECTION 2 - REGULATIONS GOVERNING USE OF WATERWAY

APPLICATION

ITEM

DOCKAGE

220

Dockage for all self-propelled and non-self-propelled vessels shall be based on Length Overall (LOA) in feet per Day according to the table below:

Length Overall (LOA)	Liquid Chemical Dock	All Other Docks
≤ 74 ft.	\$111 per day	\$61 per day
75 to 100 ft.	\$165 per day	\$115 per day
101 to 200 ft.	\$193 per day	\$143 per day
201 to 300 ft.	\$276 per day	\$226 per day

USE OF LIQUID CHEMICAL DOCK

225

The Port has available a liquid chemical dock(s) provided to accommodate the transfer of liquid cargoes between vessels and shore side facilities or conveyance. The dock's usage is controlled by the issuance of an Operating Permit which provides a third-party interest a non-exclusive right to use the dock. The Operating Permit establishes the conditions by which the VCND has granted the third party (Permit Holder) the right to conduct operations. All operations are scheduled by and within the control of the Executive Director or their designee. In addition to all provisions laid out in the Operating Permit, the Permit Holder's operations will be conducted in accordance with all operational procedures, Port rules and regulations, and all other requirements established by VCND.

Permit Holders bringing crude oil into the Port by barge, blending such cargoes on site, and thereafter shipping the blended product across the liquid chemical docks by barge shall be charged 50% of the designated wharfage rate for inbound product, and the full wharfage rate for the outbound blended product (see Section 4 – "Wharfage"). The same will apply for product moving in by rail and leaving by barge or moving in by barge leaving by rail.

Vessels using the liquid chemical dock(s) must observe all applicable operating procedures while at the Port. Any failure to observe the applicable regulations or operating procedures may result in suspension of operations, removal of vessel(s), reporting to cognizant oversight authorities, penalties and/or fees, and permanent ban from the port on the parties responsible for such offenses.

All users of the liquid chemical dock must utilize the Port's exclusive liquid cargo transfer service provider to conduct commodity transfer operations. Applicable charges for these services are provided to all Permit Holders without discrimination at the Rates Schedule posted in EXHIBIT A plus an additional 10% administrative charge. Rates may be adjusted without notice to Users.

Victoria County Navigation District
Tariff No. 1-B

SECTION 2 - REGULATIONS GOVERNING USE OF WATERWAY

APPLICATION

ITEM

BUNKER FEE, TANK TRUCK TO VESSEL

230

Bunkers may be delivered by tank truck per the Harbor and Safety Requirements contained in Item 75 with prior notification to the Executive Director. A charge of \$100.00 per truck is assessed against the vessel for transfer of fuel at VCND facilities.

MANIFESTS REQUIRED OF VESSELS

235

Vessel Operators, shippers, operators, or their agents, whether utilizing VCND owned docks or privately owned and/or operated docks accessing the Victoria Barge Canal, are required to furnish the Executive Director with complete copies of vessel manifests showing names of consignees or consignors and the weights or measurements of all freight loaded or discharged at the Port. Such manifests must be certified as correct by an authorized official of the company and must also designate the basis of weight or measurement on which freight was assessed. In lieu of manifests, freight bills containing all information as required above may be accepted at the discretion of the Executive Director.

Manifests shall be submitted to the Executive Director within seven (7) days of the arrival or within seven (7) days of the departure of any vessel.

Failure to submit the manifest within the time specified shall constitute cause for suspension of vessel privileges until such failure is remedied.

Victoria County Navigation District
Tariff No. 1-B

SECTION 3 - REGULATIONS GOVERNING FACILITIES & CARGO

APPLICATION	ITEM
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STEVEDORE & FREIGHT HANDLING	300
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No person, firm, corporation, or other business entity may operate as Stevedore or Freight Handler at the Port without a valid Stevedore License issued by VCND that is in force and effect.

An application for license with accompanying fee shall be submitted to VCND. Specific criteria pertinent to the license application are available from the Executive Director. If, upon review by VCND, the applicant is found ready and able to perform the services requested, VCND will issue a license for the remainder of the current calendar year or the entirety of the next calendar year. Issuance of the license shall be evidenced by the dated signature of a duly authorized VCND representative on the application letter.

Licenses are granted for a calendar year. Renewal applications must be submitted to VCND by December 1. A license may be revoked or renewal denied if the licensee fails to comply with VCND's Tariff, is no longer in business or has been inactive over six months unless good cause is demonstrated for inactivity. Licenses granted under this section are not transferable.

The Executive Director may, at his/her sole discretion waive the licensing requirement of this section for transload and intermittent cargo handling services conducted at the Port. Users seeking such waiver must apply to the Executive Director and meet minimum insurance requirements, credit requirements, and other provisions set forth by VCND.

Stevedoring and Freight Handling Annual License Fees are as follows:

Stevedore / Freight Handler license application Fee:	\$2,000.
Annual Renewal Fee:	\$1,000.

FREE TIME, WHARF DEMURRAGE RULES & CHARGES	305
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Cargo which is discharged into or onto the wharf facilities or other common use properties of VCND from rail cars, trucks or vessels, shall be subject to the following provisions:

- (1) Outbound or inbound cargo intended for delivery to or received from a vessel is granted seven (7) days free time which includes Saturdays, Sundays & Holidays. Free time begins the first 7:00 a.m. after cargo is removed from the barge or vessel and ends when all cargo is removed from the wharf.
- (2) After expiration of free time, the following wharf demurrage charges will be assessed on cargo discharged into the facilities or open areas of VCND. **CHARGE:** On all cargo, fifteen cents (\$.15) per ton for each day or part thereof.
- (3) Wharf demurrage charges are for the account of the vessel, owner or agent for inbound cargo and for the account of the cargo owner, shipper, receiver or their agents for outbound cargo. VCND reserves the right to hold cargo at its initial point of rest or move it at the risk and expense of the owner to another location. VCND may place a lien on the cargo for accrued charges under this provision.

HANDLING HAZARDOUS MATERIALS	310
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ISSUED: November 1, 2001

EFFECTIVE: March 01, 2024
AMENDED: March 01, 2024

Victoria County Navigation District
Tariff No. 1-B

SECTION 3 - REGULATIONS GOVERNING FACILITIES & CARGO

APPLICATION	ITEM
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Notice shall be given to the Executive Director of any vessel, truck, rail, vehicle, or any other conveyance carrying cargo which is hazardous, extremely flammable, corrosive, explosive, or otherwise possesses a significant risk of harm to property or persons at least seventy-two (72) hours prior to landing or use of facilities or equipment at the Port. All hazardous cargo must be properly labeled in accordance with Federal HAZMAT and International HAZCOM requirements. Failure to have proper labeling will result in cargo being refused entry into the Terminal.

The Executive Director may refuse the use of its facilities for the handling of hazardous and dangerous materials if, in the Executive Director's opinion, handling the hazardous materials constitutes a risk to the Port, Users, Tenants, and/or the citizens within the Victoria County Navigation District.

Should the Executive Director allow handling of hazardous materials, all such materials must be handled in accordance with all Federal, State, and local regulations, as well as all provisions of this tariff, any prevailing Port rules and regulations, and any permit(s) issued to the User handling the hazardous materials.

USE OF CRANES ON FACILITIES	315
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No track-propelled material handling equipment is allowed for use on improved properties of VCND - including all docks, stabilized areas, and roadways - without express written permission of the Executive Director. All operating areas shall be covered by steel plate, crane mats or other pre-approved protective materials while in use or motion. Outriggers applicable to other mobile equipment use shall also require appropriate surface protection while deployed. The Executive Director may, at their discretion, require Users seeking to deploy such equipment to submit operations and safety plans to VCND for review and approval prior to deployment of track-propelled material handling equipment in improved Port areas.

Cranes engaged in cargo operations on the docks, stabilized areas, and roadways of the Port shall pay a \$300.00 per day per crane dock usage charge per calendar day.

CLEANING OF WHARVES & SHEDS	320
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Users of wharves, transit sheds and other facilities of VCND are held responsible for cleaning the property utilized. Cleaning and removal of equipment to assigned areas must be completed within 24 hours of operation completion or sooner if directed. Failure to do so will result in the port performing the work with all expense charged to the responsible party at the greater of either (1) cost plus 20% or (2) \$300.

USAGE OF PORT OF VICTORIA LAYDOWN AREAS	325
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Users of the Port laydown areas will be assessed a laydown fee per acre, or any portion thereof, per thirty (30) day period. Laydown area fees may be obtained by application to the Executive Director.

Any laydown area will be restored at User's expense to prior condition upon completion of cargo removal. Failure to do so will result in the Port performing the work with all expenses charged to the responsible User the greater of either (1) cost plus 20% or (2) \$300.

Victoria County Navigation District
Tariff No. 1-B

SECTION 3 - REGULATIONS GOVERNING FACILITIES & CARGO

APPLICATION

ITEM

RAIL OPERATIONS & TRANSLOADING

330

VCND maintains rail track for the use of tenants and customers. The Port is served by the UPRR and BNSF. Use of Port track is governed by the granting of a Rail Usage Permit that outlines the manner and conditions under which rail switching will be provided. VCND reserves the right to coordinate use based on utilization and preference deemed in the best interest of the Port and its Users.

All users of the Port's rail switching services must utilize VCND's exclusive rail switching service Contractor. Applicable charges for these services are provided to all Rail Usage Permit holders without discrimination at the Rates Schedule posted in EXHIBIT B.. Rates are periodically adjusted, generally on an annual basis.

All switch fees or other rail charges are for the account of the User. Transloading taking place on port facilities not under lease are subject to prior approval by the Executive Director and the User will be assessed a \$35.00 per car transload fee in addition to any other charge herein.

The Executive Director reserves the right to request that any railcars be moved or removed at the User's risk and expense. If any such railcars are not moved within 72 hours, a charge of \$150 per railcar per day will apply.

Absent explicit request by the Executive Director to move railcars as indicated above, the following free time and rail storage rates will apply:

	Free Time	Charge After Free Time Expires
Manifest Cars	3 days	\$20 per car per day
Unit Trains	10 days	\$5 per car per day

Free Time and Rail Storage shall be calculated based on when railcars are brought to a point of rest at the port (arrival) to when railcars are removed from the Port (departure).

OVER DIMENSIONAL & OVERWEIGHT CARGO

335

Any cargo where any two dimensions (Length, Height, Width) are greater than 11 feet will be considered "Over-Dimension." Any cargo in excess of 35 tons net weight will be considered "Overweight."

Any Users wishing to conduct operations involving Over-Dimension or Overweight cargo must receive written permission from the Executive Director prior to commencing such operations. The Executive Director may require that an engineering survey and/or loading plan be produced at User's expense.

All operations involving Over-Dimension and/or Overweight cargo, including all Lift On/Lift Off (LO/LO) and Roll On/Roll Off (RO/RO) operations, are subject to a dock use charge of \$1,000 per day.

All Over-Dimension and/or Overweight cargo stored at the Port is subject to a \$1,000 per day Wharf Demurrage charge. Such cargo does not receive free time.

Victoria County Navigation District
Tariff No. 1-B

SECTION 3 - REGULATIONS GOVERNING FACILITIES & CARGO

APPLICATION

ITEM

All charges in this section are in addition to any other applicable charges from this Tariff.

TRANSSHIPMENT OF CARGO

340

Any Cargo, arriving and departing by Vessel, intended for transshipment will not be assessed wharfage charges on its outbound movement if it is reloaded to a Vessel within seven days of initial placement. Such cargo will still be subject to wharfage charges on its inbound movement, as well as any other applicable charges set forth in this Tariff.

DIRECT TRANSFER OF WATERBORNE CARGO

345

VCND will assess a terminal use fee of 20% per ton above the prevailing wharfage rate for any cargo which is not brought to a designated point of rest at the Port. Charges are assessed against the responsible party for wharfage charges. The charge is in addition to any other applicable charge herein.

Victoria County Navigation District
Tariff No. 1-B

SECTION 4 - WHARFAGE CHARGES

All wharfage charges are in U.S Dollars (USD) per Ton (2,000 pounds) unless otherwise noted. Different wharfage charges may apply to certain commodities handled at private docks, see "Exhibit E – Wharfage Charges for Private Docks" attached to this Tariff.

COMMODITY	WHARFAGE	ITEM
GENERAL CARGO N.O.S.	\$2.60	400
DRY BULK		
Fertilizer (tons)	\$0.50	405
Aggregate (Port Tenant or via Rail)	\$0.80	
Coal & pet coke	\$0.69	
Grain	\$1.18	
Barite	\$1.18	
Cotton Seed	\$1.18	
Mill Scale	\$1.18	
Pelletized Gypsum	\$0.50	
IRON & STEEL STRUCTURAL		
< 45' Length	\$1.48	410
> 45' Length	\$2.35	
IRON & STEEL ARTICLES		
Coils, plates, billets, slabs, scrap, pipe and wire	\$0.89	
Pipe via Rail car (per car)	\$275.00	
LIQUID BULK COMMODITIES		
Fertilizers	\$0.36	415
Non-Haz	\$0.36	
HazMat	\$0.51	
ETHANOL (via pipeline, dollars per barrel)		
0 to 750,000	\$0.15	455
750,000 to 1,500,000	\$0.13	
1,500,000 and above	\$0.11	
CHEMICALS AND PETROCHEMICALS (dollars per barrel)		
	\$0.13	460
CRUDE PETROLEUM (via rail, dollars per barrel)		
	\$0.12	465
CRUDE PETROLEUM, CONDENSATE, and other LIQUID HYDROCARBONS		
(via Barge, dollars per barrel, Port tenants)		470
0 to 500,000	\$0.11	
500,001 and above	\$0.07	
(via Barge, dollars per barrel, non-tenants)		
0 to 500,000	\$0.13	
500,001 and above	\$0.09	

Victoria County Navigation District
Tariff No. 1-B

SECTION 4 - WHARFAGE CHARGES

COMMODITY	WHARFAGE	ITEM
SAND, all grades, to include frac sand (over Port facilities)	\$1.10	475
CONTAINERS		480
Empty	\$25.00	
Loaded	\$40.00	
OVER-DIMENSIONAL & OVER-WEIGHT	\$5.25	485
PLASTIC WASTE	\$0.40	490
EAF DUST	\$0.52	495
WIP	\$0.52	500
Waelz Zinc Oxide	\$0.52	505
Wood Pellet	\$0.75	510

END OF TARIFF

Victoria County Navigation District
Tariff No. 1-B

SECTION 4 - WHARFAGE CHARGES

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Exhibit A
Victoria County Navigation District
Liquid Chemical Dock Provider Rate Schedule

Charges in this schedule may be updated without notice. The rate schedule is provided for reference and convenience. For an up-to-date rate schedule, Users must contact VCND's designated Liquid Chemical Dock Service Provider

Subject to compliance with all operational procedures and in accordance with requirements contained in the Operating Permit, liquid cargo services are provided according to the following rate schedule:

Call Out Dock Operator

First 40 Hours	\$45.00/hr.
Hourly rate after 40 hours	\$45.00/hr.
Holiday Hours	\$90.00/hr.

Call-Outs

A minimum 4-hour call-out fee will be assessed when an order is placed and accepted for which an employee is called out but does not perform the intended service that is beyond their control. An applicable mileage fee will also apply.

Holiday Pay

All work performed on the following Holidays will be charged at two times the normal straight time rate. New Year's Eve, New Year's Day, Good Friday, Easter Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve and Christmas Day. The charges for work performed on these Holidays contained in this Exhibit for this service are independent from any other Holidays or purposes identified elsewhere in the Tariff.

Miscellaneous Fees

Any special equipment or additional service not listed on the above rate schedule will be discussed and agreed upon with our client prior to billing.

Exhibit B
Victoria County Navigation District
Rail Switching Provider Rate Schedule

Charges in this schedule may be updated without notice. The rate schedule is provided for reference and convenience. For an up-to-date rate schedule, Users must contact VCND's designated Rail Switching Provider

Subject to compliance with all operational procedures and in accordance with requirements contained in the Railroad usage Permit, rail switching services are provided according to the following rate schedule:

Type of Railcar	Switching fee per railcar
Hazardous Materials Railcar	\$275 per car
All Other Railcars	\$230 per car

"Hazardous Materials Railcars" include those containing crude oil, all those requiring a hazardous materials placard per 49 CFR 172, and all railcars containing cargoes meeting the definition of "Hazardous Materials" as set forth in the Port of Victoria Tariff.

Fuel Surcharge:

A fuel surcharge will be applied if the benchmark rate of WTI crude oil rises above \$90.00 per barrel, as reported by NYMEX using the nearby futures price at the commencement of each calendar month.

The fuel surcharge is \$2.00 per car for each \$5.00 increment of the benchmark price increase.

Storage in Transit (SIT) Cars

Storage in Transit (SIT) Cars are handled via a 3rd party contractor. Please contact the Port for Current storage and switching rates.

Additional Fees and Charges:

An overtime surcharge of \$120 a car will be charged for any weekend or holiday switches. A 4-car minimum will be charged during this period.

Any special equipment or service required by the holder of a Rail Usage Permit which is not listed in this Rate Schedule will be discussed and a fee agreed upon prior to commencing the activity. All requests for additional services should be requested in written or email communication to the Executive Director.

Exhibit C
Victoria County Navigation District
Water Use Rate Schedule

Water is available at the port for industrial or commercial use. Water usage is billed on a monthly basis, with a flat rate of \$75 per User per month . Plus, a charge of \$3.75 per 1,000 gallons.

ISSUED: November 1, 2001

EFFECTIVE: March 01, 2024
AMENDED: March 01 2024
Exhibit C

Exhibit D
Victoria County Navigation District
Tonnage Reporting

All Users (as defined by the Port of Victoria Tariff) and persons or entities using or operating on privately owned docks with access to the Victoria Barge Canal must report freight movement tonnages to the Victoria County Navigation District promptly as such information becomes available. Such reports must be transmitted via email to the email address below:

reports@portofvictoria.com

Reporting shall be done concurrently with any reporting required by other agencies. For example, VCND may be included on tonnage reports submitted to the U.S. Army Corps of Engineers (USACE).

Reports must be accurate and legible. Tonnage reports must be submitted by the 15th day of each calendar month for the preceding calendar month (e.g., the September tonnage report is due to VCND by 15 October).

Failure to comply with reporting requirements may, in VCND's discretion, result in suspension of privileges to use the Victoria Barge Canal as well as financial penalties in an amount not to exceed \$500.00 per vessel call not reported.

Exhibit E
Victoria County Navigation District
Wharfage Charges for Private Docks

The Port of Victoria contains both public and private docks. All commodities at public docks are subject to the wharfage charges laid out in the Port of Victoria Tariff. Some commodities handled over private docks are subject to different wharfage charges, as laid out in the table below. All other commodities handled at private docks are subject to the charges laid out in the Port of Victoria tariff.

Commodity	Wharfage (in USD)
AGGREGATE	\$0.26 per Ton (2,000 lbs.)
CHEMICALS AND PETROCHEMICALS	\$0.08 per barrel