

# Port of Harlingen - Tariff #006

Subject	Item Rule	Subrule
<b>Issued: Section 1: General Information</b>	34	
1-Nov-11		
<b>Jurisdiction:</b>		
<b>Effective:</b>		
<p>The corporate boundaries of the Port of Harlingen Authority include the entire Harlingen Channel from Mile 25 (including the turning basin) to Mile 0 at the intersection of the Gulf Intracoastal Waterway; north on the Gulf Intracoastal Waterway beyond Mile 643 at Buoy C317; south on the Gulf Intracoastal Waterway near Mile 653 at Buoy C43.</p>	100	1
1-Nov-11		
<b>Port Location:</b>		
<p>The Port of Harlingen is located in southernmost Texas in the geographic center of the lower Rio Grande Valley four miles east of the city of Harlingen, Texas on Highway 106. The Port is connected to the Gulf Intracoastal Waterway by means of the Harlingen Channel. The Harlingen Channel extends from the Gulf Intracoastal Waterway 25 miles west of Mile 646, is maintained to a width of 125 feet and a depth of 12 feet, and is supplied by the Arroyo Colorado, a fresh water source.</p>	105	2
<b>Available Transportation Services and Rates</b>		
<p>a. The Port of Harlingen is served by a number of barge lines. The names, addresses and phone numbers of these barge lines can be obtained at the Port administration office.</p>		
<p>b. The Union Pacific (to Port proper) is the only railroad that serves the Port. Telephone: (956) 548-2420.</p>		

c. Two airlines serve the Harlingen area:

1. Southwest Airlines

Valley International Airport  
Harlingen, Texas 78550

2. Continental Airlines

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Valley International Airport  
Harlingen, Texas 78550

d. Air freight service is available through several carriers located in the Harlingen area. A list of these companies may be obtained from the Port Administration Office.

e. A number of truck lines serve the Port of Harlingen. A list of these lines can be obtained at the Port Administration office.

f. The Port of Harlingen Authority does not provide loading and/or unloading services. Such services are available through private operators.

**Industrial Park**

There are both partially and fully developed areas in and around the Port of Harlingen specifically designed for industrial development. A newly created 150 acre Industrial Park, as well as the Harlingen Industrial Airpark, is located nearby. Land may be leased on a long or short-term basis. Specific information may be obtained by contacting the Port Administration office.

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**Public Facilities**

a. 650' (195m) concrete general dry cargo wharf.

b. 100' (30m) dry bulk wharf

c. Five smaller docks (50' X 25' or 7.5m X 15m) are located near the turning basin and extend into the Harlingen Channel

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d. Over 150 acres of open storage

**Utilities**

a. Electricity is supplied by AEP/CPL, P.O. Box 21930, Tulsa, OK 74121-1930; 1-888-216-3490.

b. Fresh water is supplied by the City of Harlingen Waterworks Department at P.O. Box 1950, Harlingen, TX 78551; (956) 430-6100. 125 6

c. Natural gas service is supplied by Southern Union Gas Co., P.O. Box 531827, Harlingen, TX 78551; (956) 440-3900.

**Outside open storage**

The Port has unimproved open and paved areas that may be leased for storage; or storage may be furnished by tenants. 130 7

**Draw Bridge**

A drawbridge over the Harlingen Channel, located two and one-half miles (4kms) North of the Port of Harlingen turning basin has a vertical clearance of 27.4' (8.21m) at mean low tide and 26.5' (7.96m) mean high tide. The bridge can be drawn to 73' (22m) above low tide by contacting the Texas Department of Highways and Public Transportation, Office of Maintenance in San Benito, Texas; (956) 399-5102. After hours and on weekends, call (956) 440-3655; (956) 399-6285; (956) 427-9675 or (956) 399-7472. 135 8

**Bunkering**

Bunkering facilities are available near the Port Turning Basin. Arrangement for bunkering may be made by notifying the Port Administration office. 140 9

**Interpretation of Tariff:**

The Port Commissioners of the Port of Harlingen Authority reserve the right to interpret this tariff or any supplement thereto as it may be applied to any user of the Port's facilities. As used in this tariff, the term "user of Port facilities" (whether in the singular or plural) means and includes shippers, carriers, cargo handling, tenants or the employees, agents, invitees, joint venturers, contractors or subcontractors of such parties. 145 10



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A. Users of Port facilities agree to indemnify and hold the Port of Harlingen Authority harmless from and against all losses, claims, demands, and liabilities, including court costs and attorney's fee incurred as a result of the use of such facilities, except for any such loss occasioned by the Port Authority's own negligence. By the use of the Port's facilities, any such user agrees to conform to and comply with any and all other laws, rules, ordinances, or statutes which may be in effect and which may in any manner govern the use of such facilities, and such laws, rules, ordinances or statutes shall also be applicable in addition to the rules and regulations set forth

B. No provisions in this tariff shall limit or relieve the Port Authority from liability for its own negligence, nor require any persons, vessels or lessees to indemnify or hold harmless the Port Authority from liability for its own negligence.

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**Responsibility for Property Damage**

Users of Port facilities shall be responsible for all damage to Port property caused by them or their invitees or independent contractors, and such damage shall be repaired and billed against the user at cost plus 25%.

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**Speed Limits**

Speed regulations in the ship channel and turning basin are as prescribed by the United States Corps of Engineers in Title 33, Code of Federal Regulations, Section 207.180 (e) (4), and adopted by the Port of Harlingen. Regulation 33 CFR 207.180 (e) (4) states:



"Speeding in narrow sections is prohibited. Official signs indicating limiting speeds shall be obeyed. Vessels shall reduce speed sufficiently to prevent damage when passing other vessels or structures in or along the waterway."

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For the purpose of interpretation the entire length of the Harlingen Channel is considered to be a narrow section of waterway.

### **Parking**

No vehicle or freight handling equipment shall be parked or otherwise left unattended on the docks or within the Port unless in an area designated for such parking. Vehicles and/or machines left in unauthorized areas may be towed away and impounded by the Port Authority, and such vehicles shall be reclaimed only upon payment of a \$100 towing fee.

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### **Disposing of Waste Matte**

1. Water Pollution - It is strictly prohibited to deposit, place or discharge into the waters under the jurisdiction of the Port of Harlingen Authority any matter which is capable of polluting, defiling or clogging those waters or which would be in violation of local, state and/or federal laws.

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2. Air Pollution - It is prohibited to allow uncontrolled emissions into the atmosphere from a vessel, building or other appurtenance in areas within the jurisdiction of the Port of Harlingen Authority which would violate local, state and/or federal laws.

**Booking of Freight**

Handling and/or storage of all freight is subject to advance booking. Barges will normally be handled in order of arrival at the terminal. The Port of Harlingen Authority reserves the right to schedule handling of all cargoes.	185	18
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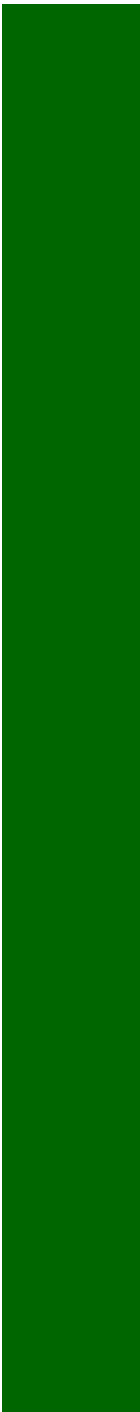
**Demurrage**

Rail, truck or barge demurrage will be for the account of the user.	190	19
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**Open Storage Free Time**

All cargo shall have 20 days free time on designated open docks and unimproved ground storage and 30 days on offshore patios.	195	20
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**Charges Beyond Free Time in Open Storage**





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a. When determining charges on rates as named herein, the gross weight of the commodity, including weight of containers or packaging, will be used except as otherwise provided herein in paragraphs (b) and (c).

b. The handling charges published herein will not apply to the weight of dunnage. The term dunnage, as used herein, includes temporary blocking, standards, strips, stakes, bracing, supports or similar material. 220 25

c. Handling charges on shipments of iron and steel articles shipped on skids (or other supports suitable for handling with lift trucks) securely fastened to the shipment will not apply to the weight of such skids (or supports) and/or the accompanying metal ties or bands.

**Moving and Switching Barges**

All vessels will be spotted in designated areas. All switching will be the responsibility of the user. 225 26

**Switching Rail Cars**

Initial spotting of empty or loaded railcars involved in line haul movements will be performed at the line haul carrier's expense. 230 27

**Direct Transfer Requirements**

All rates assume that the user has or will secure adequate supply of trucks or railcars to maintain an uninterrupted transfer. 235 28

**Consent to Rules of Tariff**

The use of the Port's facilities shall constitute consent to the terms and conditions of this tariff and evidences an agreement on the part of all vessels; their owners and agents or all other users of such Port facilities to pay all charges specified herein and be governed by all rules and regulations shown in this tariff. 240 29



### **Trackage Use**

Users of rail facilities serving the Port of Harlingen must contact the Administrative Office for information and prior consent. Those utilizing such rail facilities without consent will be considered trespassers.

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### **Dockage**

Twenty-Five dollars (\$25.00) per day (or fraction thereof) will be charged for mooring of barges and other vessels in designated areas except when being worked. Periods in excess of two weeks may be negotiated.

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### **Security Surcharge Dockage - Vessels and Barges:**

A security surcharge shall be assessed against and collected from all vessels and barges utilizing services at the Port of Harlingen. The Security Surcharge will be assessed against vessels and barges as a percentage of total dockage charged. The Security Surcharge will be assessed in addition to all other port fees which may be due under this tariff as follows: Vessels and Barges: Six (6) percent of total dockage assessed per port call.

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### **Cleaning and Pumping of Barges**

When, in the judgment of the authorized representatives of the Port Authority, it is necessary to place a pump on a vessel for the safety of the vessel, its cargo or the berth it occupies, any charges will be borne by the owner of such vessel, its agent or the party responsible for the vessel's being berthed at the Port's facilities.

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### **Barge Repair**

No dry dock available.

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### **Storage Handling**

	270	35
Rates quoted upon request.		

**Billing Information**

All vessels, through their owners, agents or authorized representatives, shall promptly furnish sufficient verified information to the Port Administrative Office in order to permit billing of the vessel and cargo charges set out in this tariff. Manifests or other available documents may be used, or in lieu thereof, a statement prepared to specifications of the Port of Harlingen Authority obtainable in the Port Administrative Office.	275	36
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**Payment of Charges**

All charges, fees or other accounts by the users of the Port facilities shall be due and payable upon completion of such use unless prior credit arrangements have been made. All sums payable to the Port of Harlingen are payable at the Port's Administrative office in Harlingen, Cameron County, Texas.	280	37
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**Minimum Wharfage Charges**

Minimum wharfage of Two Hundred Fifty Dollars (\$250.00) each will be incurred by any barge or vessel loading or unloading cargo through the Port facilities.	285	38
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**Rail Transfer Fee**



A charge of Fifteen Dollars (\$15.00 each) per rail car is charged against all rail cars transferring any commodity into or out of the Port's facilities or upon or over any portion of the railroad tracks owned by the Port of Harlingen Authority when the transportation of such commodity does not include the use of water transportation. Any commodity, which is subject to both a rail transfer fee and a truck transfer fee will not be charged both fees; however, the Port Commissioners in their discretion shall determine which fee is applicable.

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**Truck Transfer Fee**

A charge of Five Dollars (\$10.00 each) per truck is charged against all trucks transferring any commodity into or out of the Port's facilities upon or over any portion of the roads owned by the Port of Harlingen when the transportation of such commodity does not involve the use of water transportation.

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Any commodity, which is subject to both a rail transfer fee and a truck transfer fee, will not be charged both fees; however, the Port Commissioners in their discretion shall determine which fee shall be applicable.

**Portable Water Fees:**

Connection Fee Standard Time \$100.00 per connection.

Disconnection Fee Standard Time \$100.00 per disconnection.

Connection Fee Over Time \$200.00 per connection.

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Disconnection Fee Over Time \$200.00 per disconnection.

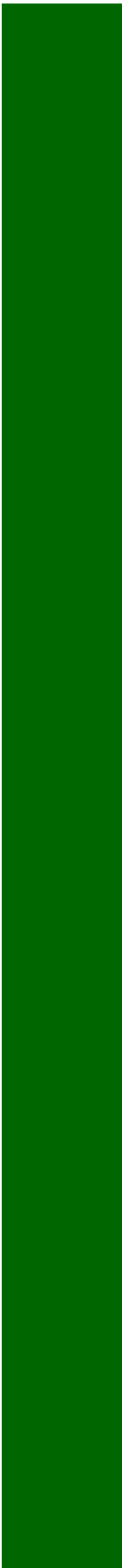
Standard Time is Monday - Friday 0800-1700 with the exception of Holidays.

**Water rate:** Cost, plus 25% .

**Call Out fee:**

For any callouts other than standard time: \$200.00 dollars

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**Alteration of Channel**

Any person, firm or corporation desiring to construct any fixture upon any embankment of the Harlingen Channel which may extend into or touch the Channel itself, or any such person desiring to in any way alter the nature of the Channel, must first acquire a permit from the Port of Harlingen Authority.

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**Subject**

**Item Rule**

**Subrule**

**Issued: Section 3: WHARFAGE RATES**

34

1-Nov-11

Rates in Dollars Per Barrel of 42 Gallons Each

**Effective:**

1-Nov-11

LIQUIDS - Oil, petroleum

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Via barge over the dock per calendar year:

N = New item

PER BARREL \$ .07

via pipeline to Petroleum Tank Terminal - Per barrel \$ .08 (N)

Rates in Dollars Per Net Ton of 2,000 Pounds:

CEMENT - Bulk	\$0.70
FLY ASH - Bulk	\$0.65
COTTON - Linters, seed, hulls, etc. Bales	\$ .40
	\$ .70
GRAINS - Bulk shipments only	\$0.55
SAND, GRAVEL, STONE, SHELL	
Via barge over the dock per calendar year:	\$0.45



Via rail car or truck	\$0.65
<u>SUGAR</u> - Bulk shipments only	\$0.55
<u>LIQUIDS</u> - Chemicals, LNG, LPG, fertilizer	
Via barge	\$0.40
Via rail car or truck	\$1.05
FERTILIZER - Bulk, or sack	\$1.00
SCRAP STEEL	\$1.00
VEHICLES - Auto, tractor, airplane, etc.	\$1.95
CARGO NOT OTHERWISE SPECIFIED (all docks)	\$1.35

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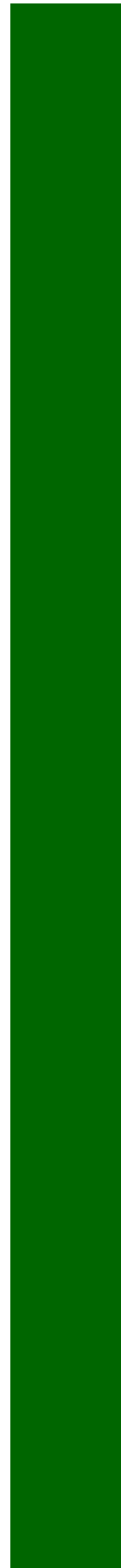
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Commodities shall be charged one way only. Any commodity which is subject to both a rail transfer fee and a truck transfer fee will not be charged both fees; however, the Commissioners in their discretion shall determine which fee shall be applicable.

\*Minimum wharfage of \$250.00 per barge waived at this level.

### **Hazardous Commodities**

Shipments of articles classified as explosive or dangerous in applicable regulations of the Department of Transportation and/or Interstate Commerce Commission will be permitted only upon full compliance with such regulations by shippers, their agents and the agencies of transportation. Conformance shall be made also to such further rules or regulations as may be issued by other state, federal or municipal authorities. Included in the foregoing are the and the U.S. Department of Transportation set forth in 46 CFR 146.29, which specify that the following information must accompany each shipment of hazardous goods from the U.S.:



1. A 24-Hour Telephone Number It is required that the shipper provide on the shipper document (e.g., the Bill of Lading) a 24 hour emergency telephone number of a person or organization in foreign countries and in the U.S. having (or having immediate access to) knowledge about the hazardous material and comprehensive emergency response and accident mitigation information for the material.

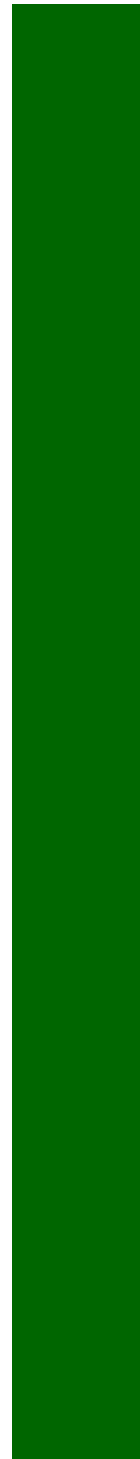
2. Emergency Response Measures to Accompany the Cargo: The following emergency response information must accompany each hazardous materials shipment and be kept with the vehicle/vessel operator: - a description of the hazardous material - immediate health hazard information and preliminary first aid measures - immediate precautions and methods of handling spills, leaks and fires, etc.

3. NOS Shipments Must Show Technical Name: NOS descriptions of hazardous goods on the shipping paper must be accompanied by the chemical's technical name.

For the protection and safety of the Port of Harlingen, users of its facilities, and the general public, rights are reserved to issue such directives or regulations as may be deemed necessary by the Port of Harlingen to insure safe handling, stowing, loading, discharging, or transportation of explosives or dangerous articles within the confines of the Port of Harlingen facilities or waterfront. Notification is required prior to tender of explosives or dangerous articles.

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The Master, agent, or person in charge of any domestic or foreign vessel which is inbound into the jurisdiction of the Port of Harlingen, which has on board any hazardous commodities so classified in applicable regulations of the Department of Transportation and/or Interstate Commerce Commission, shall submit a listing of the weight of such commodity, its label and the location at which it is stowed within the vessel to a representative of the Port of Harlingen upon arrival at the wharf. The Port of Harlingen may refuse the use of its facilities or waterfront for the handling, stowing, loading, discharging or transportation of such explosives or dangerous articles, which are considered by the Port Director as offering undue risk or exposure to such risk.

Any cargo arriving at the Port of Harlingen without the required documentation will be denied entry to the facility. Any fines or penalties incurred due to the failure of the carriers or shippers to conform to the regulations will be for the account of the carrier or shipper. In addition, carrier or shipper shall indemnify and hold the Port of Harlingen harmless from and against any liability for damage to property or person arising from the ocean or inland transportation and handling of hazardous cargoes, except where such liability is the exclusive fault of the Port of Harlingen.