

PORT OF KODIAK CARGO TERMINALS

TARIFF 11

(See amendment dates below)

CANCELS

TARIFF 10

NAMING

RATES, CHARGES, RULES, AND REGULATIONS

FOR

WHARFAGE, TERMINAL STORAGE, WHARFAGE DEMURRAGE

AND

OTHER TERMINAL SERVICES AND PRIVILEGES

DEFINED HEREIN AT

PORT OF KODIAK MUNICIPAL TERMINALS

LOCATED AT

KODIAK, ALASKA

The provisions published herein will, if effective, NOT result
in an effect on the quality of the human environment.

ISSUED: January 14, 1993..... EFFECTIVE: March 1, 1993
Amended June 11, 1998..... Effective: June 11, 1998
Amended February 23, 2006. Effective: March 1, 2006

TABLE OF CONTENTS

TITLE PAGE

TABLE OF CONTENTS..... 1

CHECK SHEET OF TARIFF PAGES AND SUPPLEMENTS..... 3

ITEM 100 STEVEDORING..... 4

ITEM 115 DEFINITIONS..... 4

ITEM 280 ACCESSORIAL CHARGES - EQUIPMENT RENTAL..... 6

ITEM 300 ADVANCING CHARGES..... 6

ITEM 350 BERTHING..... 7

ITEM 410 CHARGES - COLLECTION OF..... 7

ITEM 411 CHARGES - PAYMENT OF..... 7

ITEM 420 CLAIMS - DAMAGE AND SHORTAGES..... 8

ITEM 435 COMPUTATION OF FREE TIME..... 9

ITEM 490 DEMURRAGE..... 9

ITEM 495 DOCKAGE..... 9

ITEM 565 HOUSEKEEPING - FLAMMABLE CARGOS..... 10

ITEM 566 HOUSEKEEPING - GENERAL..... 11

ITEM 567 HEAVY LIFT OR BULKY FREIGHT..... 11

ITEM 575 LIABILITY LIMITATIONS..... 11

ITEM 590 MANIFEST REQUIREMENTS..... 12

ITEM 593 MARKING AND TAGGING FREIGHT..... 12

ITEM 650 PENALTY CHARGES..... 12

ITEM 800 RIGHTS OF OPERATION AND AGREEMENT RESERVED..... 13

For explanation of abbreviations and reference marks, see last page.

Issued by the City of Kodiak, P.O. Box 1397, Kodiak, Alaska 99615

**Port of Kodiak
Terminal Tariff 11**

TABLE OF CONTENTS

ITEM 805 RIGHT TO REFUSE OR REMOVE FREIGHT - OWNERS RISK..... 13

ITEM 815 SAFETY - GENERAL..... 15

ITEM 850 STANDBY TIME. 16

ITEM 910 STORAGE..... 16

ITEM 925 UNCONTROLLED DELAYS - NO WAIVER OF CHARGES..... 16

ITEM 940 WATER FURNISHED TO VESSEL(S)..... 17

ITEM 945 WHARFAGE CHARGES - APPLICATION OF. 17

ITEM 950 INSURANCE..... 18

ITEM 960 WHARFAGE RATE IN DOLLARS PER TON..... 18

ITEM 970 PASSENGER VESSELS..... 18

INDEX..... 19

EXPLANATION OF ABBREVIATIONS. 21

EXPLANATION OF REFERENCE MARKS. 21

For explanation of abbreviations and reference marks, see last page.

**Port of Kodiak
Terminal Tariff 11**

CHECK SHEET OF TARIFF SUPPLEMENTS/AMENDMENTS

City Clerk's Note: Until 1998, amendments to the Port of Kodiak Tariff resulted in the previous Tariff being cancelled and a new Tariff and Tariff number issued with the amendments. Tariff 11 was issued January 14, 1993. The subsequent amendments to Tariff 11 follow:

AUTHORIZATION	DATE AMENDED	EFFECTIVE DATE	ITEM(S) REVISED
Resolution 98-18	June 11, 1998	June 11, 1998	495, Dockage 960, Wharfage rate in dollars per ton
Resolution 06-6	February 23, 2006	March 1, 2006	495 c, Dockage 940, Water furnished to vessels 960, Wharfage rate in dollars per ton

For explanation of abbreviations and reference marks, see last page.

Issued by the City of Kodiak, P.O. Box 1397, Kodiak, Alaska 99615

RULES

ITEM 100

STEVEDORING

(A) - Notice is hereby given that the Port of Kodiak reserves the right to enter into stevedoring agreements or terminal operation contracts with such party or parties as it may select, which agreements or contracts may require users of the Port of Kodiak to procure stevedoring services only through the party or operator selected by the City. Any such parties or operators will operate within the rules, regulations, and rates defined in the current Port of Kodiak Tariff, with the following exceptions, amendments and/or clarifications:

1) - ITEM 115(L) - Term "Port":

The term "port" as used in this tariff shall mean the Port of Kodiak, which is owned by the City of Kodiak, and operated through such arrangements as it may choose to make with private parties or operators.

2) - CRANES:

Carriers, shippers, and consignees will be required to use the City's Paceco container crane or cranes owned and/or leased by such operator or operators that the City may select in connection with any terminal operation contract it may sign, for all crane operations within the Port of Kodiak.

(B) - Rates on equipment owned or leased by the operator or operators selected by the City will be furnished upon request.

ITEM 115

DEFINITIONS

(A) - **CARGO TERMINALS**: The term "cargo terminals" as used in this tariff shall mean the Port of Kodiak including all associated facilities, such as warehouses, offices, storage sheds, and areas of access to and from Pier(s) I, Ferry Terminal; Pier II, Fisherman's Cargo Terminal; and Pier III, Container Terminal.

(B) - **CHECKING**: The term "checking" as used in this tariff shall mean the service of counting and checking cargo against appropriate documents for the accounting of the cargo or the vessel, or other persons requesting same.

(C) - **DELINQUENT LIST**: The term "delinquent list" as used in this tariff shall mean a record of vessels, their owners or agents, or other users of the Port of Kodiak, who have failed to pay charges within the credit period or who have not furnished proper cargo statements.

(D) - **DELIVERY OF CARGO**: The term "delivery of cargo" as used in this tariff shall mean making the cargo available to the consignee in order that the consignee may conveniently remove it from the Cargo Terminal. (See Paragraph (A) herein above.)

(Item 115 continued on next page)

For explanation of abbreviations and reference marks, see last page.

Issued by the City of Kodiak, P.O. Box 1397, Kodiak, Alaska 99615

RULES

ITEM 115 (Cont.)

DEFINITIONS

- (E) - DEMURRAGE: The term "demurrage" as used in this tariff shall mean the charge assessed against cargo remaining in or on Terminal facilities after the expiration of free time unless arrangements have been made for storage.
- (F) - DOCKAGE: The term "dockage" as used in this tariff shall mean the charge assessed against a vessel for berthing at a wharf, pier, bulkhead structure, or bank, or for mooring to a vessel so berthed. The dockage period begins and/or ends when vessel is made fast to or freed from said structures and has vacated the berth.
- (G) - FREE TIME: The term "free time" as used in this tariff shall mean the specified period during which cargo may occupy space assigned to it on Terminal property free of wharf demurrage or Terminal storage charges immediately prior to the loading or subsequent to the discharge of such cargo on or off the vessel.
- (H) - HOLIDAYS:
- 1) - For the purposes of this tariff, the following days are recognized as holidays:

Alaska Day	Lincoln's Birthday	Statewide Election Day
Christmas Day	Martin Luther King's Day	Thanksgiving Day
Columbus Day	Memorial Day	Veteran's Day
Fourth of July	New Year's Day	Washington's Birthday
Labor Day	Seward's Day	
 - 2) - In addition to those named above, recognized holidays include any day that may be proclaimed by State or Federal authority. When a recognized holiday falls on Sunday, the following workday will be designated as the holiday. When a recognized holiday falls on Saturday, the preceding workday will be designated as the holiday.
- (I) - LOADING AND UNLOADING: The terms "loading" and "unloading" as used in this tariff shall mean the service of transferring cargo by ship's tackle or Terminals' open-top trucks, trailer beds or bodies, which are spotted within reach of ship's tackle or Terminal's tackle. Motor carrier closed van loading and unloading is the service of moving freight between the closed van and the Cargo Terminals. The Port shall designate those areas to be used for such van loading and/or unloading.
- (J) - OVERTIME: The term "overtime" as used in this tariff shall mean that period of time beginning at 5:00 P.M. and ending at 8:00 A.M., Mondays through Fridays; also any authorized lunch hour(s).

(Item 115 continued on next page)

For explanation of abbreviations and reference marks, see last page.

Issued by the City of Kodiak, P.O. Box 1397, Kodiak, Alaska 99615

**Port of Kodiak
Terminal Tariff 11**

Original Page 6 of 21

RULES

ITEM 115 (Cont.)

DEFINITIONS

- (K) - **POINT OF REST:** The term "point of rest" as used in this tariff shall mean that area of the Cargo Terminal which is assigned for the receipt of inbound freight from ship and from which inbound freight may be delivered to the consignee, and that area which is assigned for the receipt of outbound freight from shipper for vessel loading. Point(s) of rest will be designated by the Port.
- (L) - **PORT:** The term "port" as used in this tariff shall mean the Port of Kodiak which is owned by the City of Kodiak.
- (M) - **WHARFAGE:** The term "wharfage" as used in this tariff shall mean the charge assessed against all freight passing over, onto, under, or through the Cargo Terminal. Wharfage is the charge for use of the wharf and does not include any other service.

ITEM 280

ACCESSORIAL CHARGES - EQUIPMENT RENTAL

- (A) - The equipment listed below will be rented at the convenience of the Port, with all liability on loss, damage, and personal injuries passing to the renter.

EQUIPMENT TYPE	CAPACITY (IN TONS)	RATES IN DOLLARS PER HOUR OR FRACTION THEREOF	MINIMUM CHARGE
Container Crane	30	\$1,000.00	\$2,000.00

- (B) - The Port's Paceco crane will not be rented without both mechanic and operator.

ITEM 300

ADVANCING CHARGES

Only those charges of legitimate transportation companies such as transportation, storage, and Terminal services will be advanced by the Port.

For explanation of abbreviations and reference marks, see last page.

Issued by the City of Kodiak, P.O. Box 1397, Kodiak, Alaska 99615

RULES

ITEM 350

BERTHING

- (A) - All vessels, or their owners or agents, desiring a berth at the wharves shall, within a minimum time of twenty-four (24) hours, make advanced application for berth, specifying the date of docking, sailing, and the nature and quantity of cargo to be handled; application for berth is to be made in writing to the Port.
- (B) - Vessels may occupy a berth, subject to charges named in Item 495, providing such vessel shall vacate the berth upon demand by the Port. Vessels refusing to vacate berth on demand may be moved by tug or otherwise and any expenses, including damages to other vessels, or to wharf structures during such removal, shall be charged to the vessel so moved. Vessel at berth engaged in loading or discharging cargo may be required to work overtime at the discretion of the Port. Overtime differentials shall be added to the account of the vessel's owner, agents, or operators.
- (C) - Sea-Land Services, Inc. shall have preferential berthing rights at the Pier III Container Terminal in accordance with its preferential use agreement with the City of Kodiak.
- (D) - The State of Alaska (ferry system) and Harbor Enterprises, Inc., dba Petro Marine Services, shall have preferential and secondary berthing rights at the Pier I Ferry Terminal in accordance with their respective use agreements with the City of Kodiak.

ITEM 410

CHARGES - COLLECTION OF

All charges will be assessed against freight and, when not absorbed by the ocean and/or connecting carrier, are due from the owner, shipper, or consignee of the freight. Charges, of which the vessel or its owners or agents have been appraised, will be collected from and payment of same must be guaranteed by the vessel or its owners or agents. Owners or agents of vessels, if and when permitted to make their own deliveries of freight from wharf, will be held responsible for payment of any charges against freight delivered by them and accruing to the Port.

ITEM 411

CHARGES - PAYMENT OF

- (A) - Vessels, their owners, agents, masters, and shippers or consignees of goods docking at or using the facilities covered by this tariff thereby agree to be liable, jointly and severally, for the payments of charges assessed in accordance with this tariff. Rates, rules, and regulations of this tariff and liability for charges apply without regard to the provisions of any bill of lading, charter-party agreement, contract, or any other conflicting provision.

(Item 411 continued on next page)

For explanation of abbreviations and reference marks, see last page.

Issued by the City of Kodiak, P.O. Box 1397, Kodiak, Alaska 99615

RULES

ITEM 411 (Cont.)

CHARGES - PAYMENT OF

- (B) - All charges for services rendered by the Port or for the use of Terminal facilities, are due and payable in US currency as they accrue upon completion of such services or uses. Failure to pay invoice when presented shall place the name of the vessel, its owners or agents, or the user of the facilities upon a Delinquent List.
- (C) - The Port may request payment of charges in advance as follows:
- 1) - For all charges to the vessel from its owners or agents before a vessel commences its loading or discharging.
 - 2) - For all charges to the cargo, from a vessel owner, shipped or consigned before the cargo leaves the custody of the Terminal.
 - 3) - For all charges on perishable goods or freight of doubtful value, or household goods.
 - 4) - For all charges to the cargo and vessel if its owners, agents, or other users of the Port are placed on the Delinquent List.

ITEM 420

CLAIMS - DAMAGE AND SHORTAGES
(See Note below)

- (A) - Damaged freight will **NOT** be accepted at the Terminal warehouse unless accompanied by completed claim forms.
- (B) - Claims for visual damages and/or shortages must be noted on original bill of before consignee leaves Terminal. Actual claims must be filed at the Port within ten (10) days of delivery of said freight.
- (C) - Notice of concealed damages must be made within twenty-four (24) hours and actual claim filed at the Port within fifteen (15) days.

NOTE - The Port of Kodiak is responsible **ONLY** for freight that its duly authorized representative has inspected and/or checked - noting all exceptions to good order of said freight.

For explanation of abbreviations and reference marks, see last page.

Issued by the City of Kodiak, P.O. Box 1397, Kodiak, Alaska 99615

RULES

ITEM 435 COMPUTATION OF FREE TIME

- (A) - Free time of three (3) days will be allowed to pick up inbound freight, exclusive of Saturdays, Sundays, and Holidays.
- (B) - Free time of three (3) days commences with the first 8:00 A.M. after freight is received or unloaded onto Cargo Terminal(s) from car or truck, or, in the case of freight received from vessels, the first 8:00 A.M. after completion of vessel's discharge. On outbound freight, the day(s) vessels are loaded are not included in the computation.
- (C) - Free time on frozen freight, not in refrigerated units, will end on the day consignee is notified that the freight is available for pick up - provided such notification is given between 8:00 A.M. and 3:00 P.M. inclusive. When notification is given after 3:00 P.M., free time will end at noon of the business day following notification.
- (D) - When freight is transshipped via Port of Kodiak for points in Alaska, ten (10) days free time will be allowed, provided:
 - 1) - There is ample space available at Port for such freight.
 - 2) - Arrangements have **NOT** been made for Terminal storage.

ITEM 490 DEMURRAGE

After expiration of free time (see Exception below), wharf demurrage rates will be assessed by the operator or operators selected by the City to provide this service upon request.

EXCEPTION - Saturdays, Sundays, and Holidays are not used in computation of wharf demurrage except for frozen freight not in refrigerated units.

ITEM 495 DOCKAGE
(See NOTE Below)

- (A) - Dockage charges are assessed on the overall length (OAL) of the vessel. OAL is defined as the linear distance, from the most forward point at the prow to the aftermost part of the stern of the vessel, measured parallel to the base line of the vessel.
- (B) - OAL of the vessel as published in "Lloyds Register of Shippers" will be used, however, the Port reserves the right to:
 - 1) - Obtain the OAL from the vessel's register, or
 - 2) - Measure the vessel.

(Item 495 continued on next page)

For explanation of abbreviations and reference marks, see last page.

Issued by the City of Kodiak, P.O. Box 1397, Kodiak, Alaska 99615

RULES

ITEM 495 (Cont.)

**DOCKAGE
(See NOTE Below)**

(C) - Dockage Charges:

PER 12-HOUR PERIOD OR PORTION THEREOF	
OAL	RATE PER FOOT
150' or less	\$1.50
151' to 500'	2.00
Over 500	2.50

NOTE - Subject to availability and scheduling, commercial fishing vessels and local freight craft assigned an exclusive City of Kodiak harbor stall may berth at Piers I, II, and III without charge the first day, except when dockage is to conduct commercial cargo operations. Additional days are \$1.15 per foot. Transient vessels are \$1.15 per foot per day. All other applicable fees are specified in the City of Kodiak schedule of fees and charges available from the Harbormaster.

ITEM 565

HOUSEKEEPING - FLAMMABLE CARGOS

(A) - Users, shippers, consignees, and persons in charge of vessels will be held responsible for the following:

- 1) - Providing steam or other heating means to assure proper flow of petroleum products requiring such heat.
- 2) - Removal of temporary lines upon completion of receipt or discharge of flammable liquids.
- 3) - Preventing or containing any and all spillage or leakage associated with the receipt or discharge of their cargo(s). (See Note 1.)
- 4) - Cleaning all petroleum products from lines located on or adjacent to the petroleum terminal after vessel completes loading or discharge, unless otherwise authorized by the City of Kodiak Harbormaster.
- 5) - Complying with provisions set forth in Item 805.

(Item 565 continued on next page)

For explanation of abbreviations and reference marks, see last page.

Issued by the City of Kodiak, P.O. Box 1397, Kodiak, Alaska 99615

RULES

ITEM 565 (Cont.)

- (B) - If the Port is requested to perform any of the above users' responsibilities, all applicable costs for performing such service(s) will be billed to users at the rate assessed by the Stevedoring Terminal Operation Contract (TOC), plus an administrative charge not to exceed 30%.

NOTE - Spillage and/or leakage of petroleum products or flammables must be cleaned up immediately.

ITEM 566

HOUSEKEEPING - GENERAL

Users of Port property will be required to maintain same in an orderly manner as directed by the Port. If user damages or does not properly clean property used, the Port shall order the work performed and user will be billed for all applicable costs to repair and/or clean property plus an administrative charge not to exceed 30%.

ITEM 567

HEAVY LIFT OR BULKY FREIGHT

- (A) - Rates for services are assessed by the operator or operators selected by the City to provide these services upon request. The following rates will be applicable, in addition to normal handling rates, to all freight exceeding stated specifications:
 - 1) - Freight units over 5,000 pounds - add 15 cents per cwt.
 - 2) - Freight units over 40 feet - add 5 cents per cwt.
- (B) - Freight loaded over side of vessel and/or directly to consignee's vehicles, including wheeled-house trailers, is exempt from these additional charges.

ITEM 575

LIABILITY LIMITATIONS

- (A) - No persons other than employees of the holders of the authorized Terminal Use Permits shall be permitted to perform any services on the wharves or premises of the Port, operated under the authority of the Council of the City of Kodiak, except upon written authorization of the Port. To and under such specific authorization, neither the Port, its agents, nor holders of authorized Terminal Use Permits shall be liable for the injury of such persons, nor for any loss, damage, or theft occasioned by such persons' presence on the Municipal docks, wharves, or premises.
- (B) - If an when others than the holders of authorized Terminal Use Permits are permitted to perform services on the wharves or premises of the Port, they shall be liable for the injury of persons in their employ and shall also be held responsible for loss, damage, or theft occasioned by themselves or persons in their employ.

(Item 575 continued on next page)

For explanation of abbreviations and reference marks, see last page.

Issued by the City of Kodiak, P.O. Box 1397, Kodiak, Alaska 99615

RULES

ITEM 575 (Cont.)

- (C) - The holders of authorized Terminal Use Permits and the Port or others are not responsible for loss or damage caused by fire; frost; heat; dampness; leakage; weather; evaporation; natural shrinkage; wastage or decay; animals; rats, mice, or other rodents; moths, weevils, or other insects; leakage or discharge from fire protection systems; breakdown of plant or machinery or equipment; floats, logs, pilings, or camel logs required in berthing vessels away from wharf; nor will they be answerable for any loss or damage or delay arising from insurrection, shortage of labor, riots, or strikes, or combinations thereof, of any persons in their employ or in the service of others, or from any consequences arising therefrom.
- (D) - The Port is not liable for injuries to persons or damage to vehicles embarking or debarking from vessels of the Alaska State Ferry.
- (E) - None of the foregoing provisions of this Item 575 are intended to be interpreted as exculpating the Port of Kodiak for liability for its own negligence.

ITEM 590

MANIFEST REQUIREMENTS

Owners, agents, users, operators, or masters of vessels will furnish Port with complete copy of manifest showing all cargo loaded and discharged at Terminal. Inbound manifest will be furnished prior to or concurrent with vessel departure. When such manifest is not furnished, Port shall compile same at the charge of \$50.00 per manifest plus \$30.00 per man-hour for all time in excess of the first two man-hours used in compilation of the manifest.

ITEM 593

MARKING AND TAGGING FREIGHT

The Port shall not be liable for freight improperly marked or tagged by shipper.

ITEM 650

PENALTY CHARGES

- (A) Penalty charges will be assessed by the operator or operators selected by the City to provide services upon request.
- (B) - In the event a vessel, its owner, or other users of the facilities are placed on the Delinquent List, all unpaid charges after thirty (30) days of invoice date shall accrue a penalty charge at the rate of one (1) percent per month on the unpaid balance.

(Item 650 continued on next page)

For explanation of abbreviations and reference marks, see last page.

Issued by the City of Kodiak, P.O. Box 1397, Kodiak, Alaska 99615

RULES

ITEM 650 (Cont.)

- (C) - Unauthorized use of dock by placement or removal of freight thereon will be subject to a penalty charge of 100% of wharfage of said freight.
- (D) - All vehicles, vans, trailers, or chassis will be assessed a penalty charge of \$50.00 per day per unit when parked in areas not assigned or authorized for use by the Port.

ITEM 800 RIGHTS OF OPERATION AND AGREEMENT RESERVED

- (A) - The Port reserves the right to furnish all equipment, supplies, and materials necessary to perform all services in connection with the operation of the Terminals under rates and conditions named herein.
- (B) - The Port reserves the right to enter into agreements with carriers, shippers, consignees, and/or their agents concerning rates and services; provided, such agreements are consistent with existing local, state, and national law governing the civil and business relations of all parties concerned.

ITEM 805 RIGHT TO REFUSE OR REMOVE FREIGHT - OWNER'S RISK

- (A) - Right to Refuse Freight: The Port reserves the right to refuse to accept, receive, or unload or to permit any vessel to discharge at the Terminals or appurtenant premises:
 - 1) - Freight for which previous arrangements for space, receiving, unloading, or handling have not been made by shipper, consignee, or carrier.
 - 2) - Freight deemed extra offensive, perishable, or hazardous.
 - 3) - Freight, the value of which may be determined at less than the probable Terminal charges.
 - 4) - Freight not packed in packages or containers suitable for standing the ordinary handling incident to its transportation. Such freight, however, may be repacked or reconditioned at discretion of Port and all expense, loss, or damaged incident thereto shall be for the account of the shipper, consignee, owner, or carrier.
 - 5) - Freight received at pier, warehouse, or yard must be loaded on boards or pallets suitable for mechanical handling - **EXCEPT** vehicles, trailers, etc.
 - 6) - Undocumented freight.
 - 7) - Freight traveling on COD or Sight Draft billing.

(Item 805 continued on next page)

For explanation of abbreviations and reference marks, see last page.

Issued by the City of Kodiak, P.O. Box 1397, Kodiak, Alaska 99615

RULES

ITEM 805 (Cont.)

(B) - Right to Remove, Transfer, or Warehouse Freight:

- 1) - Hazardous or offensive freight which by its nature is liable to damage other freight may be immediately removed to other locations or receptacles with all expense and risk for loss or damage charged to the account of the owner, shipper, agent, or consignee.
- 2) - Freight remaining after expiration of free time, and freight shut out at clearance of vessel may be piled or re-piled to make space, transferred to other locations or receptacles, or removed to public or private warehouse with all expense and risk of loss or damage charged to account of the owner, shipper, consignee, agent, or carrier as responsibility may apply.
- 3) - Freight which, in the judgment of the Port, may hamper normal operations of wharf or Terminal.

(C) - Right to Withhold Delivery of Freight: The Port reserves the right to withhold delivery of freight and/or services until all charges and/or advances have been paid in full. At the Port's discretion, any or all such freight may be sold at public or private sale without advertising, providing owner has been given proper notice to pay charges and to remove said freight and has neglected or failed to do so within a prescribed, reasonable time.

(D) - Right to Sell for Unpaid Charges: Freight on which unpaid Terminal charges have accrued may be sold to satisfy such charges and costs. Freight of a perishable nature or of a nature liable to damage other freight may be sold at public or private sale without advertising providing owner has been given proper notice to pay charges and to remove said freight and has neglected or failed to do so within a prescribed, reasonable time.

(E) - Dangerous Cargos (See Note 1): It shall be unlawful for any person to handle, transport, load, discharge, stow, or retain any dangerous cargo on any vessel at the Cargo Terminal, unless such person shall have fully complied with the provisions of the federal regulations entitled "EXPLOSIVES OR OTHER DANGEROUS ARTICLES ON BOARD VESSELS," as amended or promulgated by the Secretary of Commerce pursuant to Sec. 4472, as amended, US Revised Statutes (46 U.S.C. 170) and entitled "U.S. COAST GUARD TANK VESSEL REGULATIONS," as amended, or promulgated pursuant to Sec. 4417a of the US Revised Statutes (46 U.S.C. 391a), and any other applicable local, state, or national laws or regulations.

(Item 805 continued on next page)

For explanation of abbreviations and reference marks, see last page.

Issued by the City of Kodiak, P.O. Box 1397, Kodiak, Alaska 99615

RULES

ITEM 805 (Cont.)

(F) - Owner's Risk:

- 1) - Glass, liquids, and fragile articles will be accepted only at owner's risk for breakage, leakage, or chafing.
- 2) - Freight on open ground is at owner's risk for loss or damage.
- 3) - Freight subject to freezing will be accepted only at owner's risk
- 4) - All water craft (when permitted by Port) moored in slips, at moorage dolphins, at wharves, buoys, or alongside vessels are at owner's risk for loss or damage.
- 5) - Damages to freight and/or vehicles and vessels being loaded or unloaded are at owner's risk unless this service is performed by the Port.

NOTE - Violation of said regulations will result in discontinuance of users privileges until corrective measures have been taken.

ITEM 815

SAFETY - GENERAL

- (A) - Tug Requirements and Berthing Speed: Vessels berthing or departing piers or wharves subject to this tariff must use sufficient tugs so that vessel can be berthed or removed in a safe manner. Berthing speed shall not exceed 16 feet per minute, the maximum speed allowable by the design of the facility.
- (B) - Tying to Piling is Prohibited: All vessels using the Cargo Terminal Dock will use the bits or bullrails.
- (C) - All vessels using the Cargo Terminal Dock will be required to keep aboard a crew of sufficient size to move the vessel if required.
- (D) - Fire Extinguisher Requirements:
 - 1) - Fire extinguishers in operating condition must be readily available on all welding, cutting, or open flame equipment being used on vessels.
 - 2) - Fire extinguishers in operating condition must be readily available on all machines, cranes, and welders used on the pier or within the Terminal.

(Item 805 continued on next page)

For explanation of abbreviations and reference marks, see last page.

Issued by the City of Kodiak, P.O. Box 1397, Kodiak, Alaska 99615

RULES

ITEM 815 (Cont.)

SAFETY - GENERAL

(E) - Smoking Prohibited: No smoking shall be allowed on any wharf, pier, or in any warehouse or transit shed except in approved areas specifically designated for that purpose. Persons violating this rule may be barred, at the discretion of the Port, from the further use of any wharf, and, in addition, shall be subject to prosecution under applicable local, state, and national laws.

ITEM 850

STANDBY TIME

Except as otherwise provided, when the Port is required to order labor for a specific service, and through no fault or inability of the Port, the work or service is not commenced causing standby time to accrue or when work or service after commencement is delayed through no fault of the Port for a period of fifteen (15) consecutive minutes or more, the applicable charges plus an administrative charge not to exceed 30%, will be assessed against the party for whom labor was ordered. In computing cost of man-hour time, less than fifteen (15) minutes will be considered delay time and charges computed from cessation of work until resumption of work will be assessed in units of fifteen (15) minutes, except that no charge will be made for the final fifteen (15) minutes if work commences within the first seven (7) minutes of such period.

ITEM 910

STORAGE

Warehouse, Dock, Yard Storage in areas reserved by the Port is subject to availability of space and will be provided at rates and upon conditions set or established by the City of Kodiak or in accordance with such contracts or agreements as the City may have entered into with any private party or parties for the operation of such areas.

ITEM 925

UNCONTROLLED DELAYS - NO WAIVER OF CHARGES

Delays which may be occasioned in loading, unloading, receiving, or delivering freight as a result of combinations, riots, or strikes of any persons in the employ of the Port or others or arising from any other cause not reasonably within the control of the Port will not excuse the owners, shippers, consignees, or carriers of the freight from full wharf demurrage or other Terminal charges or expenses which may be incurred under conditions stated herein.

For explanation of abbreviations and reference marks, see last page.

Issued by the City of Kodiak, P.O. Box 1397, Kodiak, Alaska 99615

RULES

ITEM 940**WATER FURNISHED TO VESSEL(S)**

The following charges will be made for furnishing water to vessels berthed at Terminals subject to this tariff:

First 1,000 gallons	\$100.00
Each additional 1,000 gallons or fraction thereof	\$5.00

ITEM 945**WHARFAGE CHARGES - APPLICATION OF**

- (A) - Wharfage rates as assessed by the operator or operators selected by the City to provide services upon request, and all other charges made under the provisions of this tariff, will apply on all freight received over the Cargo Terminals, except for the following:
- 1) - No wharfage shall be charged to ship's gear, such as strongbacks, lines, hatch covers, walking boards, etc., placed on wharf during unloading operations.
 - 2) - One-half of wharfage named herein must be prepaid before merchandise can be discharged or loaded over side of vessel directly to or from another vessel or to the water when vessel is berthed at the wharf.
 - 3) - Over-stowed cargo destined for discharging at another port will be exempt from wharfage charges, provided such cargo is not removed from the wharf prior to reloading to the vessel.
 - 4) - Boat Cradles: If a boat is shipped "water discharge" a fee assessed by the operator or operators selected by the City to provide this service will be charged for landing its cradle on the dock. After three (3) days cradle(s) will be disposed of at owner's expense.
- (B)*- A single service charge will be made, based on the weight of the cargo as manifested (other than for vans) when transshipped from one vessel to another when either or both vessels are moored or berthed at the Port. The entire charge will be against the account of the vessel discharging cargo, unless other billing arrangements are made with the Port prior to commencement of transshipment.
- (C)*- Sealed vans or units twelve (12) feet or more in length, destined for transshipment via the Port will be assessed inbound charges only.

* Not applicable to Sea-Land Services, Inc. Refer to **Preferential Use Agreement**, effective March 1, 1993, between the City of Kodiak and Sea-Land.

(Item 945 continued on next page)

For explanation of abbreviations and reference marks, see last page.

Issued by the City of Kodiak, P.O. Box 1397, Kodiak, Alaska 99615

**Port of Kodiak
Terminal Tariff 11**

RULES

ITEM 950

INSURANCE

Rates named in this tariff do not include insurance of any kind.

ITEM 960

**WHARFAGE RATE IN DOLLARS PER TON
(For application, see Item 945)**

Outbound Seafood Products:	\$6.00 per ton
General Cargo:	\$4.50 per ton
Rock:	\$1.00 per ton
Hazardous/Contaminated Materials:	\$10.00 per ton

ITEM 970

**PASSENGER VESSELS
(Excluding Alaska Marine Highway Vessels)**

Tonnage Fee	\$.15 per net ton
Passenger Lightering	\$500.00 per day
Security Services	cost + 10%

For explanation of abbreviations and reference marks, see last page.

Issued by the City of Kodiak, P.O. Box 1397, Kodiak, Alaska 99615

**Port of Kodiak
Terminal Tariff 11**

INDEX

SUBJECT	PAGE	ITEM	SUBJECT	PAGE	ITEM
- A -			- D -		
Abbreviations.....	21	--	Definitions (Cont.):		
Accessorial charges, equipment rental.....	6	280	Delivery of cargo.....	4	115
Advancing charges.....	6	300	Demurrage.....	5	115
Agreement rights reserved.....	13	800	Dockage.....	5	115
			Free time.....	5	115
- B -			Holidays.....	5	115
Berthing:			Loading and Unloading.....	5	115
Charges.....	7	350	Overtime.....	5	115
Speed.....	15	815	Point of Rest.....	6	115
Boats, charges on cradles.....	17	945	Port.....	6	115
Bulky or heavy lift freight.....	11	567	Wharfage.....	6	115
			Delays:		
- C -			Uncontrolled.....	16	925
Cargo, delivery of, definition			Standby.....	16	850
of.....	4	115	Delinquent list, definition of.....	4	115
Cargo Terminal, definition of.....	4	115	Delivery of cargo, definition		
Charges:			of.....	4	115
Advancing.....	6	300	Demurrage, definition of.....	5	115
Collection of.....	7	410	Demurrage, expiration of free time.....	9	490
Payment of.....	7	411	Dockage, charges.....	9	495
Penalty.....	12	650	Dockage, definition of.....	5	115
Prepaid.....	17	945			
Uncontrolled delays.....	16	925	- E -		
Wharfage, application of.....	17	945	Equipment rental.....	6	280
Check sheet of tariff pages			Explanation of reference marks.....	22	--
and supplements.....	3	--			
Checking, definition of.....	4	115	- F -		
Claims, damage, and shortages.....	8	420	Flammable cargos,		
Collections of charges.....	7	410	housekeeping.....	10	565
Computation of free time.....	9	435	Fire extinguishers, required.....	15	815
Concealed damages.....	8	420	Fishing vessels, dockage.....	9	495
			Free time:		
- D -			Computation of.....	9	435
Damage claims.....	8	420	Definition of.....	5	115
Definitions:			Expiration of, demurrage.....	9	490
Cargo Terminals.....	4	115	Freight:		
Checking.....	4	115	Heavy lift or bulky.....	11	567
Delinquent list.....	4	115	Marking and tagging.....	12	593
			Right to refuse or remove.....	13	805

For explanation of abbreviations and reference marks, see last page.

INDEX

SUBJECT	PAGE	ITEM	SUBJECT	PAGE	ITEM
- H -			- R -		
Holidays, definition of.	5	115	Rate, wharfage.	18	960
Housekeeping:			Reference marks.	21	--
Flammable cargos.	10	565	Rules.	4	115
General.	11	566			- 950
- I -			- S -		
Insurance.	18	950	Safety, general.	15	815
			Shortage claims.	8	420
			Smoking, prohibited.	15	815
			Standby time.	16	850
			Stevedoring.	4	100 Storage 16 910
- L -			- T -		
Liability limitations.	11	575	Table of contents.	1	--
Loading and unloading:			Trailers, wheeled-house.	11	567
Definition of.	5	115	Tugs, speed.	15	815
local freight.	9	495			
- M -			- U -		
Manifest requirements.	12	590	Uncontrolled delays, no		
Marking and tagging freight.	12	593	waiver of charges.	16	925
- O -			- W -		
Operation rights reserved.	13	800	Water furnished to vessel(s).	17	940
Owner's risk, right to refuse			Wharfage:		
or remove freight.	13	805	Charges, application of.	17	945
Overtime, definition of.	5	115	Definition of.	6	115
			Rate.	18	960
- P -					
Passenger vessels.	18	970			
Payment of charges.	7	411			
Penalty charges.	12	650			
Petroleum products, spillage (Note).	11	565			
Point of rest, definition of.	6	115			
Port, definition of.	6	115			
Preferential rights, berthing.	7	350			

For explanation of abbreviations and reference marks, see last page.

**Port of Kodiak
Terminal Tariff 11**

Original Page 21 of 21

EXPLANATION OF ABBREVIATIONS

ABBREVIATION	EXPLANATION	ABBREVIATION	EXPLANATION
AQ	Any quantity	N	North
Auth	Authority	No	Number
COD	Collect on delivery	NOS	Not otherwise more specifically de-
Cu	Cubic		scribed herein
cwt	Hundredweight	pkg(s)	Package(s)
E	East	S	South
FBM	Foot board measure	st	Street
ft	Foot (feet)	SU	Set up
in	Inch	thru	Through (inclusive)
KD	Knocked down	TOC	Terminal Operation Contract
KDF	Knocked down flat	US	United States
KFF	Keep from freezing	viz	Namely
lb(s)	Pound(s)	Vol	Volume
OAL	Over-all-length	W	West
Min	Minimum	wt	Weight
MT	Empty		

EXPLANATION OF REFERENCE MARKS

REFERENCE MARK	EXPLANATION
(R)	Indicates reduction
(A)	Indicates increase
(C)	Indicates change in wording which results in neither increase nor reduction in charge
(\$)	Dollars in US currency
(¢)	Cents in US currency
(&)	And
(+)	Addition
(E)	Except as noted
(D)	Denotes cancellation of matter formerly shown
(N)	Reissued matter
(I)	Initial
(T)	Minimum weight will be considered as a truckload
(%)	Percent
(')	Foot
(")	Inch