

PORT OF BAY CITY AUTHORITY
OF MATAGORDA COUNTY, TEXAS
Tariff No. 10

TARIFF NO. 10 CANCELS AND
SUPERCEDES ALL PRIOR TARIFFS

Containing

RATES, RULES, AND REGULATIONS

Governing

THE COLORADO RIVER BARGE CANAL

and

THE TURNING BASIN

and

MATAGORDA HARBOR FACILITIES

ISSUED : August 19, 2010

EFFECTIVE : August 19, 2010

By the Authority of the Board of Commissioners

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Section One:

Preliminary

Item 100
Jurisdiction

The Commissioners of the Port of Bay City Authority of Matagorda County, Texas, hereinafter called the "Commission", have jurisdiction and control over the use of the Colorado River Tributary of the Gulf Intracoastal Waterway to and including the Port Turning Basin and the Matagorda Harbor. All the water front, wharves, docks, piers, landing appliances of all kinds, freight handling machinery, and all other equipment and property owned and operated by it or under its control and shall make and enforce such rules and regulations as may be necessary to preserve and promote order and to facilitate traffic and business. All parties and persons and all water craft of any kind, including barges, must conform to the rules and regulations of the Commission when within the territory owned by it or under its jurisdiction. The Commission has the power and constitutes the only authority to regulate and fix charges for the use of such waterways and facilities under its jurisdiction.

Item 110
Application and
Tariff Amendments

The rates, rules, and regulations contained in this tariff shall apply equally to all users of the waterways and facilities and shall apply to all traffic on the waterways and facilities on and from the date when this Tariff or any Tariff and Amendments thereto become effective.

Item 120
Consent to Terms
of Tariff

The use of the waterways and facilities under the jurisdiction of the Commission shall constitute a consent to the terms and conditions of this tariff and all amendments thereto and reissues thereof evidences an agreement on the part of all vessels, including barges, their owners and agents and other users of such waterways and facilities to pay all charges specified in this tariff and all amendments and reissued regulations contained herein and in amendments hereto and reissues thereof.

Section Two:

Rules and Regulations Governing Use of Channel and Harbor

Item 200
Speed Limit

All vessels, including barge tows, entering or leaving the Bay City Turning Basin shall do so at a speed of not more than four nautical miles per hour, unless greater speed is temporarily required for the proper handling of the vessel, but the vessel shall at all times be under control. While negotiating the Colorado River Feeder Channel in either direction, the vessel shall not exceed eight nautical miles per hour. Any vessel exceeding the speeds prescribed is liable to a penalty provided by the Federal Government, as well as for any damages that may arise. In Matagorda Harbor, the speed of any craft shall not produce a wake within the harbor.

Rules of the
Road Apply

All vessels and water craft of any kind, including barge tows, using the Colorado River Channel, the Colorado River Feeder Channel, and/or the Turning Basin must strictly obey the Federal Rules of the Road governing navigation on this waterway.

Item 210
Accidents and
Permits for new
Construction

In the event of collision between any craft or vessel, including barge tows, with another craft or between any craft or vessel, including barge tows, and any wharf, dock, pier, bridge, or structure, the owner and operator of the craft, vessel, or barge tow involved in such an accident must file, within 24 hours, with the Commission, a comprehensive report setting forth clearly all details of the accident, causes and damages.

No loading and no unloading operations at miscellaneous locations along the canal or waterway shall be permitted where such activities cause craft, vessel, or barge tow to be moored wholly or partly in the navigable channel.

A permit for any new structures must be obtained from the District Engineer, Corps of Engineers, U.S. Army, Galveston, Texas. This will include all wharf structures, mooring facilities, pipe line crossings, and aerial lines and structures. Permit will be issued after consideration of the proposed construction.

Section Two:

Rules and Regulations Governing Use of Channel and Harbor

Item 220
Pollution

It shall be unlawful for any person or persons using or located on the waterway of this Authority to throw or cause to be deposited within the navigable channel any heavier than water object or bulk which may cause impairment of the width and/or depth of the channel.

Similarly no sewage, garbage, dead animals, or any objectionable odoriferous waste or other debris of any sort which might pollute, defile, or clog part of the waterway shall be allowed. This especially applies to oil, and the masters of all vessels are warned of the severe penalties provided by State and Federal laws in such cases.

Petroleum and petroleum products are highly flammable and extreme care and precautions must be taken to avoid such discharge to the waterway. When such petroleum products reach the waterway by accident or carelessness, they must be promptly removed by the owner, master, agent, or operator by use of tank truck with vacuum pump or other means. Failure to promptly remove such flammables shall be justification for the Commission taking protective measures and billing resulting costs against such owner, master, agent, or operator.

Item 230
Lights

All vessels or barges shall display lights from sunset to sunrise while lying at any wharf or dock, or lying at anchor within the turning basin; vessels to conform to navigation rules applying when anchored in the channel; the barges to display white lights visible all around the horizon, located at least eight feet above the water line on their outside or channel corners.

Item 240
Cargo Statements

All craft, barges, or vessels operating on the waterways of the Authority shall promptly report the cargo as loaded or unloaded. The report to show separately inbound and outbound cargo as it appeared in bulk or units of packages, cases, drums, poles, or other forms. These reports shall be furnished on prescribed forms to assure coordination with statistics published by governmental agencies.

Section Three:

Rules and Regulations Governing Use of Facilities

Item 300
Arrangements for Berth

All vessels, including barges, or crafts, or their owners, agents, and/or operators, desiring a berth at the wharves shall, as far in advance of the date of docking as possible, make application for berth in writing on forms prescribed specifying the date of docking, sailing, and the nature and quantity of cargo to be handled application for berth to be made to the Authority.

Item 305
Responsibility for
Loss or Damage

The Authority or its Commissioners shall not be responsible for injury to or loss of any freight being loaded or unloaded at the public wharves, nor for any delay to same; nor for injury to or loss of freight on the wharves or in its sheds by fire, leakage, or discharge of water from fire protection sprinkler system; collapse of building, shed platforms, wharves; subsidence of floors or foundations; breakage of pipes, nor for loss or injury caused by rats, mice, moths, weevils, or other animals or insects; frost or other elements. Nor shall it be liable for any delay, loss, or damage arising from combinations, strikes, tumult, war, invasion, insurrection, riot, or acts of God; or from any of the consequences of any of these contingencies.

Item 310
Watchmen Required

Night watchman are required for cargo remaining on the wharves or within the shedded areas overnight. This service can be provided by the Commission at a charge of \$100.00 per 12 hours, or may be provided by the owner.

Bulk metals and ores, which by their nature are not liable to theft and are not placed within the shedded area are not subject to this charge.

Item 315
Access to Roads

Tank trucks, vessels, and crafts, including barges, their owners, agents, masters, and/or operators, and all other users of the facilities shall be required to permit access to and inspection of manifests of cargo, railroad documents, and all other documents for the purpose of audit and ascertaining the correctness of reports filed, or securing necessary data to permit correct estimates of charges.

Section Three:

Rules and Regulations Governing Use of Facilities

Item 320
Signs

Painting signs on Authority structures is prohibited. Signs may be erected upon structures or property only with the prior written approval of the Commission who shall also approve copy, design, material, and method of erection.

Item 325
Payment of Bills

Charges for dockage, wharfage, penalty, etc., are assessed against vessels, including barges, and the operator, owner, and agent as well as the vessel itself shall be liable therefore. Presentation of bills to owners and agents of vessels shall not constitute a waiver of lien for charges against a vessel, including barges, for which the Maritime law gives a lien.

All bills are due and payable when presented; terms cash. Errors, if any, must be brought to the attention of the Commission within 10 days or the amount billed will be considered correct. Failure to pay within 30 days shall be cause for the name of the vessel, including barges, its owner and agents, or other users of the facilities to be placed on the "Delinquent List."

The Commission will not assist in collecting penalty and/or similar bills which may be passed on to agents. The Port's bills are due and payable when presented regardless of when the vessel, including barges, its owner, or agents are reimbursed.

The Commission reserves the right to apply any payment received against the oldest unpaid bills rendered against vessels, including barges, their operators, owners, agents, or other users of Port facilities, and further reserves the right to estimate and collect in advance all charges against vessels, including barges, operators, or agents whose credit has not been established.

Item 330
Delinquent List

All vessels, including barges, their owners, agents, or other users of the facilities of the Authority placed on the Delinquent List shall be on a cash basis, and may be denied further use of facilities until charges accruing to the Authority shall have been paid.

Section Three:

Rules and Regulations Governing Use of Facilities

Item 335
Unauthorized Use
of Space and Property

No operation or use of any Authority property shall take place without the specific written consent of the Commission.

Any person or vehicle using space unauthorized are subject to immediate ejection from the premises or the Authority and space so occupied shall be charged at the rate of \$.10 per square foot daily.

Cargo so placed as to obstruct doors or firefighting equipment shall be subject to removal by the Commission and the party responsible shall pay full cost of removal.

No aerial or overhead lines, piles, trestles, or structures are permitted. To assure free and economical operations, the Commission shall determine all uses and designs of structures for use on its property.

Item 340
Cleaning and Refuse

Users of the public property shall not litter or cause accumulations of trash, paper, and debris. All users must dispose of their own refuse.

Failure to maintain clean working areas shall justify the Commission to provide cleanliness and bill the user cost plus 25%.

Item 345
Damage

Users of the Authority facilities and equipment shall be responsible for all damages to it. The Authority reserves the right to promptly repair such damage and bill in full such costs against the parties causing the damage.

Similarly, losses of fire equipment must be immediately re-established by those responsible for such loss.

Item 350
No Parking

Vehicles, automobiles, trucks, and self-propelled mechanical handling equipment shall not be parked or otherwise left unattended on the docks or within the transit sheds unless in an area designated for such parking.

Vehicles so left in unauthorized areas may be towed away and impounded by the Authority and such vehicles shall be reclaimed only on payment of a \$75.00 towing fee.

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Section Three:

Rules and Regulations Governing Use of Facilities

Item 355
Car and Truck
Loading and Unloading

The docks are for the handling of cargo to or from trucks, vessels, including barges, and to permit the loading and/or unloading thereof to owners of cargo who shall make their own arrangements for this service subject to all other provisions of the Commissioner's Tariff.

Item 370
Use of Liquid Products
Facilities

Proper use of petroleum and liquid chemical facilities and equipment thereon to minimize fire hazards and prevent unnecessary damages to the facilities are essential and the following regulations are required by the users thereof.

(1) Immediately upon completion of loading or discharging of cargoes on and/or through the liquid product facilities of the Authority, all hose must be immediately disconnected from header valves and all openings blind flanged.

(2) All hose sections must be drained thoroughly and no liquid products of any nature should be allowed to spill or become wasted on the dock structure.

(3) All hose must be separated, blind flanged and placed out of the way as prescribed by the Commissioner's Underwriters.

(4) Every user of the liquid products facilities must maintain competent supervision over the facility and vessel from the time the vessel starts work until such time as hoses are disconnected and stored as outlined in the preceding paragraph hereof.

(5) If such user of the liquid products facilities neglect to observe proper regulations, the Commission shall arrange for caring of lines and any cleaning of these facilities that may be required at the expense of such users at costs, plus twenty-five percent (25%) with a minimum charge of \$25.00 to be assessed.

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Section Three:

Rules and Regulations Governing Use of Facilities

Item 375

No Smoking or Open
Flames

The smoking of pipes, cigars, cigarettes, except in designated areas, or the use of open lights or fires, or the carrying of loose matches, or the lighting or carrying of any lamp, light, lantern, or torch which burns kerosene, gasoline, oil, gas, or acetylene on or in the docks, sheds, wharves, railroad cars, and other property within the jurisdiction of the Commission or on the deck or in the holds of any vessel at the docks, is strictly prohibited.

All vessels shall have suitable signs displayed about the dock, to the effect: "NO SMOKING ALLOWED", and vessel officers will be held responsible for the enforcement of this order on their respective vessels on the crew and all others on board.

Item 380

Explosives,
Red Label, and
Inflammables

Gunpowder or other explosives shall not be discharged on or loaded upon any wharves, structures, or vessels, including barges, except by written permission of the Commission and must be handled in accordance with this direction and must be immediately removed.

Acids, oil, and empty gasoline or distillate drums must be removed from the wharves at once. The storage, keeping or use of gasoline, distillate, or other liquid petroleum products on the property under the control of the Authority, except at such localities as may be specifically prohibited and except at such localities as may be designated therefore the same shall not be handled except between sunrise and sunset, and vessels will be allowed to take on board gasoline or distillate only between 8:00am and 5:00pm. Delivery must be made direct from tank trucks to the vessel, and the trucks will not be allowed to wait on the wharves.

Shipments of articles classified as explosive or dangerous by the U.S. Coast Guard will be accepted only after a full compliance by shippers or delivering carrier with the rules and regulations of the Interstate Commerce Commission governing the transportation of such articles. Wharfage and handling facilities will not be provided except under special arrangements and at double the rate published herein.

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Section Three:

Rules and Regulations Governing Use of Facilities

Item 385

Landing of Fire or
Water Damaged
Cargo

Landing of fire or water damaged cargo on the facilities is a special operation subject to special regulations by the Authority and subject to pre-agreed, special contract charges.

Item 395

Rules for Motor
Driven Equipment

Motor driven equipment must be operated by competent drivers skilled in the machine they are driving so as to avoid damage to buildings, downspouts, wharf, and accessories.

Such equipment as requires oil, gasoline, and inflammables must be serviced at areas outside the terminal provided by the Authority.

Repairs must not be made on the terminal, but at designated outside locations.

Contamination of the terminal must be avoided by proper preventive measures. Leaks of oil and gasoline on the floor must not be permitted.

All equipment must meet good fire protection requirements and have a proper fire extinguisher available.

Section Four:

Charges Applying to the Port of Bay City, Texas

Item 400

Harbor Fee

Vessels moored, loading or discharging other than bulk liquids, shall pay the following Harbor Fees: (see Note A)

\$100.00 for first 24 hours or fraction thereof.

NOTE A: Vessels laying up in excess of a 24 hour period following actual completion of discharging or loading will, in addition to the above charges, be required to pay for the lay time period in excess of 24 hours at the rate provided for in the Item covering dockage.

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Section Four:

Charges Applying at the Port of Bay City, Texas

Item 410
Dockage

Barges and other vessels mooring to any dock of the Authority, except as noted, will be charged dockage at the following rates, \$100.00 per 24 hour period from the time the vessel makes fast to a wharf until it is freed from and vacates such berth or wharf. Shifting from one wharf or berth to another will not interrupt the running time.

First day and each succeeding day or fractional part of a day -- \$100.00.

Item 420
Electricity

110, 220, and 440 volt power for freight handling equipment will be furnished where available by special arrangement.

Item 430
Fresh Water

Fresh water will be furnished in limited quantity for vessels and other water using equipment.

A charge of \$1.00 per 1000 gallons of metered water shall be made with a minimum charge of \$15.00.

NOTE: NO CONNECTION shall be made to FIRE HYDRANTS, hoses, or hose lines for fresh water service.

Item 435
Bilge Material

Vessels requiring removal of bilge material must make special arrangements. NO bilge may be discharged in Port or in the Matagorda Harbor. Cleanup costs and fines will be assessed by State and Federal Agencies.

Item 445
Cranes & Freight
Handling Equipment

Available from private rental agencies and with usage consent of the Commission.

Item 450
Shed Hire

Shed Hire shall be by contract lease agreement.

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Section Four:

Port Charges

Item 455
Sale of Sand

Spoil sand at the Port facility will be sold at the rate of \$3.00 per cubic yard. This does not include the wharfage rate on sand at \$0.04 per cubic yard, if applicable.

Section Five:

Wharfage

Item 500
Definition of
Wharves and
Wharfage

The term wharf, as mentioned herein, refers to any of the wharves, either open or shedded, belonging to or operated by the Authority.

Wharfage is a charge on freight passing over a wharf or transferred between vessels or loaded from water over shipside while vessel occupies berth at wharf. It does not include sorting piling, weighing, handling, insurance, customs, revenue stamps, or fees of any nature imposed by the State or Federal Government against the shipment or vessel transporting the same.

All vessels and their owners landing goods on the wharves or receiving goods from barges or other craft while said vessel is berthed at a wharf, thereby contract to pay and are responsible for the wharfage on the same at the rates provided herein to be collected either from vessels, their owners, or their agents.

All products that enter Port of Bay City Authority property, by any means, will be subject to the applicable wharfage rates.

All transshipped products are subject to negotiations as to wharfage rates. Transshipped products are those which are brought onto Port property and shipped off Port property by any means of transportation.

Item 505
Wharfage Earned

Freight placed on a wharf shall be considered to have earned wharfage when placed upon the wharf, and wharfage will be collected on it whether or not it eventually is loaded on a vessel.

Item 510
Definition of "Traffic"

INTRACOASTAL TRAFFIC:
All traffic between interior points served by canals and rivers.

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Section Five:

Wharfage

Item 515

Storage of Cargo
on Wharves

The Authority does not engage in the business of storage or housing of property on its wharves and will not be responsible for loss or damage to property remaining thereon. All property on its wharves is thereafter at a risk of the owner and will be subject to Free Time and Penalty Charges as set forth in this "Section Five". Vessel owners, operators, and/or agents will be held responsible for collection of penalty charges occurring hereunder.

Item 520

Definition of Free Time

FREE TIME: Free time is the maximum period allowed prior to vessel arrival and after vessel departure for assembling cargo for outbound movement by vessel or for removing inbound cargo discharged from vessel, without assessment of penalty charges.

Free time does not apply on cargo not loaded on, or discharges from a vessel.

Item 525

Definition of Penalty

PENALTY: Penalty is a charge assessed against cargo which remains on the wharves in excess of the free time allowed.

Item 530

Definition of Day
and Month

DAY: For the purpose of this section of the Tariff, a Day shall be considered as a twenty-four hour period, beginning at 12:01am. A fraction of a day shall be considered as a full day.

MONTH: For the purpose of this section of the Tariff, a Month is that period beginning as 12:01am on the first day of a calendar month following spotting of the cargo for unloading and ending at 11:59pm on the last day of the calendar month preceding loading out of the cargo.

Item 535

Definition of a Ton

TON: For the purpose of this section of the Tariff, the Ton referred to is a Short (not net) Ton of 2000 pounds.

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Section Five:

Wharfage

Item 540

Computing Time

In computing days on OUTBOUND CARGO, the time runs from the day cargo is placed on the wharves and ends with and includes the day receiving vessel goes on dockage. The day cargo is placed on the wharves and the day receiving vessel goes on dockage shall each be counted as a full day.

In computing days on INBOUND CARGO, time will begin with the first day following date of vacating berth by discharging vessel and will continue to and include the day cargo is removed from the wharf.

Item 550

Wharfage Rates
Time runs continuously

**Rates in cents per 100 pounds, except as shown.

All articles not otherwise provided for below, net ton of 2000 pounds50
Chemicals: Petroleum derived, in bulk per barrel of 42 gallons through pipeline or truck.....	.015
Scrap Metal: Piling, timbers, lumber, or any materials used in construction and maintenance 24-hour limit to load or unload, minimum charge of \$40.00 per load.....	.10
Oil, crude, or light oil:	
In barrels or drums (42 gallons).....	.015
In bulk through pipelines per barrel of 42 gallons.....	.015
In bulk, truck deliveries per barrel of 42 gallons.....	.015
Gasoline and diesel fuel:	
In barrels, drums, or packages.....	.015
In bulk, through pipelines per barrel of 42 gallons.....	.015
In bulk, truck deliveries per barrel of 42 gallons.....	.015
Sand, gravel, limestone (caliche), 2700 pounds per cubic yard.....	.04
Structural steel and reinforcing steel.....	.02
Low water dock.....per contractual agreement	

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Section Six:

Rates for Matagorda Harbor

Item 600

30' Slips	\$175 per month or \$1925 per year paid in advance, per lease agreement
40' Slips	\$200 per month or \$2200 per year paid in advance, per lease agreement
Uncovered Wet Slips	\$350.00 per month or \$3850.00 per year paid in advance plus applicable electrical charges, per lease agreement
Covered Boat Slips	Starting at \$150 per month or \$1650 per year paid in advance up to \$275 per month or \$3025 per year paid in advance plus applicable electrical charges, per lease agreement
Pump out of Head	\$25.00 per pump out
Overnight Dockages	\$1.00 per foot per night (minimum \$20)
Steel Bulkhead Space "w/o fender piling"	\$3.00 per foot per month, (minimum \$500.00) or contractual lease fee, by month or year
Overnight RVs	\$25.00 per night \$125.00 per week \$200.00 per month, plus electricity

ALL CRAFT SHALL NOT PRODUCE A WAKE WITHIN THE HARBOR.

Section Seven:

General Information

Item 700

Land Use and Rental

The Authority has approximately 300 acres of land available for industrial development. This property is ideally situated and may be leased on an attractive long term basis.

Industries designed for substantial tonnage, both inbound and outbound are desirable.

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Item 710
Terminal

The Port of Bay City Terminal consists of a modern concrete dock, 200 feet long by 120 feet wide. The dock floor is all concrete hard surface for the efficient operation of the modern materials handling equipment. The dock floor is 18 feet above mean low tide. The terminal shed located on the dock is of modern metal construction with open floor space on which to handle cargo. The shed is 100 feet long by 80 feet wide. Adjacent to the concrete dock is a liquid cargo dock with valves and pipeline connections.

Item 800
Matagorda Harbor

Matagorda Harbor is located at mile 440 on the Intracoastal Canal at Matagorda, just six miles from the mouth of the Colorado River Jetty into the Gulf of Mexico. Excellent trailer rig launching is available. Fully equipped 30 feet and 40 feet floating slips are available behind locked gates. Covered boat slips with powered lifts of outboard or inboard boats are also available behind locked gates.
