



Regulation for Tariffs and Use of the Port of Ponce

NUMBER: 9356

DATE: JANUARY 28, 2022

APPROVED: Félix E. Rivera Torres

Undersecretary of State

Department of State
Government of Puerto Rico



Effective: February 27, 2022

Contents

Section 1. TITLE.....	5
1.1 Title.	5
Section 2. LEGAL BASIS: PURPOSE OF REGULATION	5
2.1 Legal Basis	5
2.2 Purpose of Regulation	5
2.3 Repealed or Amended Regulations.	6
Section 3. DEFINITIONS	6
3.1 Definitions.....	6
Section 4. CONVERSION FACTORS	8
4.1 Conversion Factors	8
Section 5. GENERAL RULES AND REGULATIONS.....	8
5.1 Application of rates, rules, and regulations.....	8
5.2 Consent to terms of tariffs.	9
5.3 Severability.	9
5.4 Hold Harmless.	9
5.5 Use of facilities.	9
5.6 General Restrictions and limitations.....	9
5.7 Disclaimer for loss or damage	9
5.8 Access to records.....	10
5.9 Indemnity bond or letter of credit.	10
5.10 Insurance.	10
5.11 Pollution of air, water or land.	10
5.12 Allocation of space.	10
5.13 Damage to facilities.	11
5.14 Emergencies.	11
5.15 Explosives, inflammable and other hazardous materials.	11
5.16 Loitering on port properties	12
5.17 Injury to persons	12
5.18 Hot work	12
5.19 Signs	12
5.20 Smoking.	12
5.21 Solicitation.	12
5.22 Vehicles and equipment.	12
5.23 Security	13
5.24 Radioactive materials.	13
5.25 Empty drums and other containers.	13
5.26 Firefighting apparatus.....	13
5.27 Spark protector.	13
5.28 Persons not allowed in certain premises.....	14

5.29	Sand for absorbing waste oil.....	14
5.30	Speed limits.....	14
5.31	Inside fencing	14
5.32	Unlawful uses of facilities.	14
5.33	Making fast or remaining at wharf.	14
5.34	Vessels extending beyond a pier.	15
5.35	Unloading garbage from vessel.	15
5.36	Responsibility for payment.	15
5.37	Time limit for filing claims.....	15
Section 6.	PORT SERVICE CHARGE	15
6.1	Port service charge.	15
6.2	Vessels under special circumstances and/or restricted conditions.....	16
Section 7.	DOCKAGE	16
7.1	Dockage	16
7.2	Vessels on emergency status.....	16
7.3	Vessels using port facilities for refitting.....	17
7.4	Vessels remaining in facilities due to legal action.....	17
Section 8.	WHARFAGE.....	17
8.1	Wharfage	17
8.2	Passenger or service wharfage for vessels carrying passengers or cruise ships.....	18
Section 9.	FREE TIME AND DEMURRAGE.....	18
9.1	Free time and demurrage.....	18
9.2	Commencement of free time period.....	18
9.3	Cargo left on demurrage, damaged, or abandoned.	18
9.4	Demurrage on cargo sent to bonded warehouse.	19
9.5	Extension of free time.....	19
Section 10.	MISCELLANEOUS SERVICES.....	19
10.1	Miscellaneous services.....	19
10.2	Deployment of Port work force.	20
Section 11.	RATES AND FEES	20
11.1	Rates and fees	20
Section 12.	OTHER CHARGES AND FEES	20
12.1	Other charges and fees.	20
Section 13.	LANGUAGE	20
13.1	Language.	20
Section 14.	AMENDMENTS TO THE REGULATION	20
14.1	Amendments to the regulation.	20
Section 15.	EFFECTIVE DATE.....	21
15.1	Effective Date.	21
Section 16.	APPROVAL.....	21
16.1	Approval.	21
APPLICATION	22

SECTION: 7 DOCKAGE	22
SECTION: 7.1 DOCKAGE AND RATE	22
SECTION 8	23
SECTION 9	25
SECTION 10. MISCELANOUS AND OTHER SERVICES	26
SECTION 10.1	26
SECTION 10.2	26
WATERBOYS	26
SECTION 11	27

Section 1. TITLE

1.1 Title.

This regulation, will be known as "Regulation for Tariffs and Use of the Port of Ponce".

Section 2. LEGAL BASIS: PURPOSE OF REGULATION

2.1 Legal Basis.

The Port of Ponce Authority (the "Authority"), created by Act 240-2011, as amended, commonly known as the "Port of Ponce Authority Act", is a public corporation of the Government of Puerto Rico.

Under the Port of Ponce Authority Act, all the functions, objectives, duties and faculties of the previously known as Port of the Americas Authority, now Ponce Authority, were transferred and delegated to the Authority and it conferred all powers to establish public policy regarding the development and operations of the Port of the Americas, Rafael Cordero Santiago (the "Port") to the Authority, establishing that this facility will be under the Authority's exclusive jurisdiction.

The Port of Ponce Authority Act particularly confers the Authority the faculty to establish tariffs regarding the use and services related to the facilities of the Port. Article 2 (P) (23 LPRA sec. 541) defines tariff as any right, charge or fee established by the Port of Ponce Authority or the operator of the Port of Ponce, with prior approval of the Board of Directors of the Authority for services or use of the facilities.

The Port of Ponce Authority Act, specifically, in its Article 4 (23 LPRA sec. 543), transferred and delegated all the functions, objectives, duties, rights, faculties and prerogatives of the Port of the Americas Authority, created by Act 171-2002, as amended, known as the Port of the Americas Authority Act. Further, Article 6 (23 LPRA sec. 2905) of the Port of Ponce Authority Act confers the Authority the authority to enact regulations and to establish tariffs.

On the other hand, Article 6 (c) of Act 171-2002, as amended, gave the Port of the Americas Authority the power to formulate, adopt, amend and repeal bylaws for the administration of its corporate affairs and any norms, rules and regulations needed to exercise its functions, powers and duties. In addition, Article 6 (l) established the faculty of the Port of the Americas Authority to determine, fix, alter, impose and charge tariffs, rights, royalties, rents and any other type of charge or compensation for the use of the facilities or services of the Port of the Americas Authority and for any item sold, lent or supplied by the Port of the Americas Authority. This article also authorized the Port of the Americas Authority to impose tariffs to any entity or entities engaged to operate the Port under the conditions and criteria established in the operation agreement with the Port of the Americas Authority.

The Port of the Americas Authority was also authorized, Article 6 (m) of Act 171-2002, as amended, to be in charge of the execution and administration in the Port of Ponce, according to Act 151 of June 28, 1968 as amended, known as the Docks and Harbors of Puerto Rico Act, including all the powers that such Act gave to the Puerto Rico Port Authority, including, but not limited to, controlling and regulating navigation and maritime traffic in the waters of the Port, inspection of vessels and movement of ships and cargo in the docks and the port area and imposing the access tariffs to the Port.

This regulation is adopted following the process established on Act 38-2017, as amended, known as the "Government of Puerto Rico Uniform Administrative Procedures Act".

2.2 Purpose of Regulation.

The purpose of this regulation is to establish and update the tariffs that the Port of Ponce Authority will charge for the use of the facilities and/or services in the Port of Ponce and to establish the general terms and conditions on which those services and uses will be provided. The objectives of this regulation is to improve the services and the conditions of facilities of the Port, to obtain the necessary resources to adequately provide such services and maintain such facilities and to guarantee that the Port provides efficient and high quality services that promotes the Port as an alternative for maritime transportation and handling of cargo for the region and Puerto Rico.

2.3 Repealed or Amended Regulations.

This regulation repeals and replaces Ordinance Number 83, series 1993:94 and Ordinance Number 15, series 1994:95 of the Autonomous Municipality of Ponce. Any other rules and/or regulations inconsistent with this regulation are hereby repealed.

Section 3. DEFINITIONS

3.1 Definitions

The following terms in this regulation have the meaning set forth below, except where the context clearly indicates a different meaning and the use of the term in singular shall include the plural and vice versa.

Act: means the Port of Ponce Authority Act, Act 240, approved on December 12, 2011, as amended by Act 156 of December 19, 2013 and as may be amended from time to time.

Authority: means the Puerto Rico Port of Ponce Authority created by the Act.

Bill of Lading: A transportation document that is the contract of carriage between the shipper and the carrier; it provides a receipt for the goods tendered to the carrier and, in some cases, shows certificate of title.

Calendar Day: The 24 hours from midnight to midnight.

Calendar Year (CY): Also known as "CY", the 12-month period from January 1 to December 31

Cargo: Refers to goods and merchandise or whatever that are loaded and unloaded, transported or conveyed in a vessel, regardless of its nature (fauna, flora, liquid, solid, gas, etc.) and how it is packed or managed for transportation. For example, and not limited to Containers, units (as motor vehicles), liquids managed through pipelines or within any kind of vase, dry cargo, loose cargo, merchandise in bulk, plants, animals, among other. Any Cargo is subject to measurement conversion as per established in this Regulation, when applicable, for the imposition of tariffs.

Charges: Refers to any tariff, fee, penalty, fine, cost and expenses assess to a Vessel Owner, Consignee, Agent or any person responsible for the use of Port of Ponce facility, for the purchases of services by the Port of Ponce or resulting from the compensation of damages to Port of Ponce facilities.

Container: A permanent type of cargo-carrying unit designed to be transported directly and mechanically between vessels and other forms of transportation, which has minimum dimensions of eight (8) feet in width, eight (8) feet in height, and twenty (20) feet in length, which is used for the movement of cargo as a unit. All other types of cargo-carrying units will be considered as general cargo.

Cruise or Passenger Ships: Means ships engaged in the transportation of passengers, with cabins (carrying twelve or more passengers), or conducting cruises or tour services.

Demurrage (Wharf demurrage): Charged assessed against cargo remaining in or on terminal facilities after the expiration of the free time, unless arrangements have been made for storage.

Dock: Any structure used for the mooring of vessels or for the loading or unloading of persons or things.

Dockage: The charge assessed against a vessel for berthing at or making fast to a wharf, pier or bulkhead structure, or for mooring to another vessel so berthed.

Docking Application Permit: Form submitted by a Vessel Owner or Ship Agent to request authorization to access and use the Port of Ponce facilities during certain period, according to the rules, regulations and tariff.

Force Majeure: Means an act, event, circumstance or condition which (i) was unforeseeable or if foreseeable, could not be avoided, or prevented by the Authority's exercise of reasonable diligence and materially interferes with the performance of any obligations of the Authority; (ii) constitutes an act of God, act of terrorism, bioterrorism, act of war (declared or undeclared), riot or revolution, act of a public enemy, civil insurrection fire, natural disaster, such as hurricanes, tsunamis, earthquakes, floods or volcanic activity, among others, any kind of contamination, shortage of labor and materials, or strike or other labor disturbance.

Port of Ponce Authority

Regulation for Tariffs and Use of the Port of Ponce

Free Time: The period prior to the commencement of loading a vessel and the period following the completion of discharge by a vessel, when outbound and inbound freight, respectively, when a vessel may be held, in the transit area without payment of any fee except wharfage.

Gross Tonnage (of a vessel/ship): This term is synonymous with Gross Register Tonnage (GRT) and constitutes the official basis used in this Regulation to assess dockage and port services charges, and it is normally found in the Ship license or in the international or domestic certificate. If for any reason, discrepancies they found, in the GRT recorded for a Vessel, the highest GRT will be the official basis used to assess the tariff.

Landing Place: Any place where it is possible for a vessel to embark persons, or load and unload things, directly to or from land, rather than by intermediate water carrier.

Lighter: A barge, with no means of self-propulsion, used to transport cargo from a point within a port. It is usually towed by a tug.

Manifest: Inward or outward statement of the cargo on board of the vessel to be unloaded or loaded. Copies of the Bill of Ladings or Freight Bills may substitute the manifest when the vessel is on domestic trade (US: PR trade).

Marine Terminal: A development consisting of one or more piers, wharves, docks, bulkheads, slips, basins, vehicular roadways, railroad connections, side-tracks, sidings or other buildings, structure facilities or improvements, necessary or convenient to the accommodation of steamships or other vessels.

NOS (Not Otherwise Specified): Refers to a general tariff, as Dockage, Wharfage, Fees or any other type of tariff that shall apply to a person, Vessel, Vessel Owner or Consignee Agent, whenever any other of the Maritime Operation activities conducted at the Port facilities can "not otherwise specified" or cannot be related to any other particular tariff.

Pier: A structure extending into navigable waters for use as a landing place, for persons or things.

Port Director (Director of the Port): Person in charge of the supervision, management and administration of all operations of the Port of Ponce.

Port of Ponce (Port Facilities, Terminal Facilities, Port Properties, and Port): Refers to all the areas that are part of the Port of Ponce in Puerto Rico, including berths, shipyards, piers, open space and warehouses.

Port Service Charge: The charge assessed against a vessel for entering the port and receiving the benefit of general services rendered by the Port such as, but not limited to, a maintenance or contribution to maintenance dredging, construction of dikes, harbor cleaning, etc.

Regulation: Means the Port of Ponce Authority Regulation for Tariffs and Use of the Port of Ponce.

Ship Agent: Person or Legal Entity authorized to represent the Vessel Owner or Vessel Captain at Port of Ponce facilities in which a Maritime Operation is conducting and who is responsible for the accomplishment of the Terms and Conditions of this Regulation, including the payment of charges or tariffs, assessed as disposed in this Regulation for the use of Port of Ponce facilities and port services. Also, known as Vessel agent and vice versa.

Transit Area: Open or closed area bordering and adjacent to the Wharf, dock and Pier whereby cargo is assembled for loading on a Vessel, and on which it is discharged for delivery from a Vessel accordingly and during the time authorized for keeping and holding, or which it is used for the embarking or disembarking of passengers. For purposes of this regulation, it is a synonym of Wharf Premises and Pier Premises.

Tugboat (towboat): Strongly built, powerful boat used for towing or pushing Barges, non-propelled watercrafts or any Vessel.

Vessel: Any craft designed to navigate on the water used for the transportation of persons or Cargo. For purposes of this regulation, a Vessel refers to cruise ships, ferry boat, cruise ferry, Cargo Vessel, Barges, Tugboats, charters, pleasure crafts, and any kind of boat or watercraft either used for commercial or pleasure purposes.

Wharf: A structure built along or an angle from the shore or navigable waters so that ships may lie alongside to receive and discharge cargo and/or passengers.

Port of Ponce Authority

Regulation for Tariffs and Use of the Port of Ponce

Wharfage: The charge or fee assessed against cargo for its passage on, over, under, or through any wharf premise, pier or bulkhead structure, inward or outward. It also includes the charge assessed against cargo passing or conveyed between vessels (to or from a barge, lighter or water) or by pipeline when berthed at a wharf or when moored in a slope adjacent to the wharf.

Working Days: Are Monday thru Friday, excluding Saturday, Sunday, and/or legal holidays.

Section 4. CONVERSION FACTORS

4.1 Conversion Factors

The following conversion factors are hereby presented to be used for ascertainment of charges, fees or tariffs and for other related aspects.

1 kilogram = 2.2046 pounds

1 pound = 0.4536 kilograms

1 metric ton = 2204.6 pounds = 1,000 kilograms

1 metric ton x 1.02 = 1 short ton

1 metric ton x .984 = 1 long ton

1 short ton = 2,000 pounds

1 long ton = 2240 pounds

1 foot = 0.3048 meter

1 meter = 39.37 inches

1 meter = 3.281 feet

1 centimeter = 0.3937 inches

Inches x 2.54 = centimeters

1 cubic meter = 35.315 cubic feet

1 cubic meter x 1.13 = 40 cubic feet

1 cubic meter = 423.78 feet board measure (FBM)

2.36 cubic meter = 1000 feet board measure (FBM)

1 liter = 0.264 gallons

1 barrel = 42 gallons = 159.091 liters

1 cwt = 100 pounds; 2 cubic feet; 24 board feet measurement

1 gallon fuel oil (Navy) = 7.89 lbs; 6.76 barrels per ton of 2240 lbs.; 331.4 lbs per barrel of 42 gallons

1 gallon lubricating oil = 7.69 lbs; 6.94 barrels per ton of 2240 lbs; 322.8 lbs per barrel of 42 gallons

1 gallon diesel oil (Navy) = 6.96 lbs; 7.67 barrels per ton of 2240 lbs; 292.2 lbs per barrel of 42 gallons

1 gallon gasoline (Commercial) = 6.15 lbs; 8.66 barrels per ton of 2240 lbs; 258.3 lbs per barrel of 42 gallons

1 gallon kerosene (Commercial) = 6.75 lbs; 7.91 barrels per ton of 2240 lbs; 283 lbs per barrel of 42 gallons

Section 5. GENERAL RULES AND REGULATIONS

5.1 Application of rates, rules, and regulations.

The rates, rules, terms, and conditions established in this Regulation are applicable to the docks, landing places, marine terminals, wharves, transit areas or any other facility used for loading and/or unloading of any type of Cargo and embarking or disembarking passengers in the Port of Ponce. Such rules and regulations, as well as tariffs, charges, fees, penalties and other costs, shall apply equally to all users of such facilities.

The Port facilities are subject to the laws, rules, regulations, procedures and/or jurisdiction of the US Homeland Security Act, the US Coast Guard, the US Customs and Border Protections, US Department of Agriculture, US Army Corps of Engineers, US Environmental Protection Agency, US Occupational Safety and Health Administration, among other Federal, Commonwealth and local agencies and/or entities.

5.2 Consent to terms of tariffs.

The use of the docks, landing places, marine terminals, transit areas, wharves and any other facility of the Port or under its jurisdiction shall constitute consent by any interested party to abide by all terms, conditions, rules, regulations, penalties, rates and charges as set forth in this Regulation.

5.3 Severability.

If any word, sentence, section, paragraph or article of this regulation is declared unconstitutional or void by a court of law, such declaration will not affect, impair or annul any of the remaining provisions, and parts of this regulation, and its effect will be limited to the specific word, sentence, section, paragraph or article declared unconstitutional or void. The invalidity or nullity of any word, sentence, section, paragraph or article in any instance will not be construed to affect or impair in any way its applicability or validity in any other instance.

5.4 Hold Harmless.

All users of the Port facilities shall hold harmless, indemnify and defend the Port of Ponce and the Authority from and against any and all causes of action, suits, claims, damages, and demands of whatsoever kind or nature including, but not limited to, claims for consequential damages, claims for personal injury, wrongful death, breach of contract, property damage or destruction, natural resource or environmental damages, losses of income and/or earnings, civil or criminal fines or penalties, liabilities, attorney's fees, expert witness fees, court cost and all other costs and expenses arising from or incidental to the users' operations on the Port facilities.

No provision in this document shall limit or relieve the Port from liability nor shall be required to indemnify and hold harmless for the Port own negligence.

The Port will provide a proper disclosure of this document through different media; however, the Port facilities' users are fully responsible for obtaining knowledge of this Regulation and of any other of the Port's rules and regulations, as well as the applicable tariff or charge herein thereof.

5.5 Use of facilities.

The Port reserves its rights, at any time and without notice, to deny use of its facilities to any user who or which is delinquent in payment of its accounts for more than Thirty (30) days; such denial may be continued until such accounts are fully paid and maintain current.

5.6 General Restrictions and limitations.

The Port of Ponce is not obliged to provide storage or accommodation for property which has not been transported, nor is intended to be transported by water to or from the port; nor is it obliged to provide dockage, wharfage, storage, or other services beyond reasonable capacity of the facilities; nor is it obliged to provide extended storage for any property in the course of normal operations, beyond a period of time determined, in his or her sole discretion, by the Director of the Port or his representatives.

The Port of Ponce is not obliged accept any cargo, either inbound or outbound, which is not compatible with the accepted objective of its facilities and the established assurances to the community. The refusal of any such cargo is discretionary with the Director of the Port or his representatives.

5.7 Disclaimer for loss or damage

The Port does not carry any inventory of cargo, nor inspect any cargo to see that it matches the shipping documents, nor conducts accounting of cargo deposit in its terminals. In this regard, the Port shall not be responsible for any damages to freight being loaded, unloaded, handled, stored, or otherwise present on its facilities, or for loss of any freight or for any delay to

Port of Ponce Authority

Regulation for Tariffs and Use of the Port of Ponce

same, unless such cargo is received on its behalf, except to the extent that such damages are accounted to be as a result from its fault or negligence.

The Port shall not be responsible for any loss or damage to freight on its facilities by reason of fire, leakage, evaporation, natural shrinkage, wastage, decay, animals, rats, mice, or other rodents, moisture, the elements, discharge of water from sprinkler fire protection systems, or by or for any other cause, except to the extent that such loss or damage is accounted to be as a result from its fault or negligence.

The Port of Ponce shall not be responsible for delays, losses or damages arising from riots, strikes, or labor disturbances of any persons, or for any loss due to pilferage or thievery, or to any other cause, except that such delays, losses or damages are account to be as a result from its fault or negligence.

5.8 Access to records.

All vessels, their owners and agents, and all other users of the facilities, shall be required to permit access to the manifests of cargo, passengers, and all other documents for the purpose of audit to ascertain the correctness of reports filed, or for securing necessary data to permit the correct estimate of the charges.

5.9 Indemnity bond or letter of credit.

Users of the Port facilities are required to furnish the Port of Ponce and/or the Authority with an Indemnity Bond or Letter of Credit. Insuring the Port of Ponce against loss of any funds and indemnifying the Port of Ponce in full for the payment of bills that accrue because of dockage, cargo and passenger wharfage, water services, storage, rentals, leases, warehousing, demurrage, electricity and any other charges that may accrue.

The Port Director authorized to determine and fix the amount required for the Indemnity Bond or Letter of Credit.

5.10 Insurance.

All users of the Port facilities are required to carry bodily injury liability insurance and property damage, liability insurance and to furnish certificate of insurance to the Port Director. Such insurance shall be in amounts established by the Port of Ponce, in its sole discretion, but not less than \$500,000 combined single limit and for contract terminal operators not less than \$1,000,000. In addition, such users are required to provide an aggregate insurance of not less than \$1,000,000 for small offices and \$2,000,000 for stevedoring operations. Such policies shall also contain a hold harmless clause for the Port.

5.11 Pollution of air, water or land.

It is unlawful for any person, firm or corporation to deposit, place or discharge into the waters of the berths and in the facilities. Any ballast, dunnage, sanitary sewage, butcher's offal, garbage, dead animals, gaseous, liquids or solid matter, oil, gasoline, residuum of gas, calcium, carbide, trade waste, tar or refuse. Other matter that is capable of producing floating matter of scum on the surface of the water, sediment or obstruction on the bottom of the waters or odors or gases of putrefaction or in land.

All vessels and persons using Port facilities shall take every precaution to avoid pollution of the air, water and land. All air pollution: control procedures will be enforced, in addition to this Regulation, all applicable Federal, State, and Local laws, rules and regulations pertaining to air, land and water pollution shall be, strictly observed.

5.12 Allocation of space.

The Port shall control the allocation of all space, covered or open, on its properties. All persons using the Port's property in any manner shall strictly coordinate with the Port of Ponce and comply with such allocation of space. The Port of Ponce may move freight or other articles, at owners or agent's risk and expense, in order to enforce this section. In all cases, the objective

Port of Ponce Authority

Regulation for Tariffs and Use of the Port of Ponce

of space allocation is to ensure maximum flexibility and utilization of available space, both covered and open, and such allocation shall be, determined by the Port of Ponce, in its sole discretion.

5.13 Damage to facilities.

All vessels, their owner or agents, and all other users of the facilities, they are responsible for any damage to the facilities occasioned by them. The Port might detain any vessel or other watercraft responsible for damage to the facilities, until sufficient security has, they have given for the damage. It shall be the responsibility of the users to report any damage occasioned by them to the Port of Ponce immediately.

It shall be unlawful for any person to willfully or carelessly destroy damage, disturb, deface, or interfere with any property or equipment of the Port or under the jurisdiction of the Port. Every person and every vessel are responsible for the damage to any port property or under its jurisdiction of any

kind or character shall be held liable for and charged with the cost and expense of its replacement or repair and shall be reported to the pertinent authorities or entities. In case of any possible violation of any civil and criminal law and/or regulation. The expenses of repairing said damage shall be charged against the agent, person, vessel, or all responsible thereof. An administrative surcharge of 15% on top of the actual labor costs, including the percentage of fringe benefits incurred, the effect to repair will be charge to the responsible party.

In the event any damage made to any wharf, wharf premises, facility or other property, owned by the port and/or in the possession, supervision, management or control of the Port. The person or persons causing responsible for connected with such damage, and the person or persons to whom the wharf, wharf premises, facility or other property may be assigned or by whom its being used and the Master, owner, operator or agent of any vessel. Vehicle or other instrumentality involved in such damage, shall promptly file a full report thereof with the Port Director. Starting the date and hour of the damage occurred, the names and addresses or if unknown, a description of witnesses and other persons, vessels or instrumentalities involved in the damage, as well as all other pertinent facts and information that might be available.

It is unlawful for such report in the form and manner aforesaid, and, in addition to the general penalties prescribed in this Regulation, any such person who so refuses, neglects or fails, may be denied the use of the wharf or any other facility until the Port has been fully reimbursed for any such damage.

5.14 Emergencies.

Anyone on the Port of Ponce property at any time who becomes aware of an emergency of any nature shall notify a responsible Port representative by the fastest means, while taking such immediate action as may be appropriate.

5.15 Explosives, inflammable and other hazardous materials.

Explosives, inflammable and other hazardous commodities, or materials will not be handled over or received on the wharves or other facilities of the Port until and unless approval is obtained from the United States Coast Guard, the Port of Ponce and any other agency or entity with jurisdiction on this matter. Such approval must be obtained, by filing with the Port and the U.S. Coast Guard the Application and Permit form to handle hazardous materials within at least 48 hours in advance to the ship's arrival. Ships transporting such materials not to be discharged but berthed at the Port facilities shall also with at least 48 hours in advance, notify the U.S. Coast Guard and the Port such information regarding these types of commodities, which shall specifically be reported and included in the Docking Application Permit.

The Port, in its sole discretion, may refuse the use of its facilities or waterfront for the handling, stowing, loading, discharging or transportation of such explosives or dangerous articles that are considered, by the Port Director as offering undue risk or exposure to risk.

Wherever a ship transporting explosives, inflammables or other hazardous material is berthed at the Port facility, a copy of the Hazardous Cargo Manifest shall immediately or before ship's arrival be filed with the Port operations office.

5.16 Loitering on port properties

It is unlawful for any person to loiter on the properties of the Port. It is also unlawful for unauthorized persons to enter or move cargo in handling areas.

5.17 Injury to persons

Persons using the Port facilities will do so at their own risk and the Port will not assume responsibility for the occurrence of injuries or damages resulting therefrom.

5.18 Hot work

Hot work is any operation involving oxyacetylene or electric welding, burning, cutting or other heat producing activities. Hot work shall not be conducted on any waterfront facility or vessel moored there to. When dangerous cargo is present unless a properly executed and valid U.S. Coast Guard Welding and Hot Work Permit (Form CG-4201) is on file at the pier and advance notification has been given to the Captain of the Port, U.S. Coast Guard and the Port of Ponce.

5.19 Signs

Painting signs on structures or facilities belonging to the Port is prohibited, unless prior approval is obtained. Signs, to be erected on the Port facilities, shall be furnished by the port users and erected or displayed by the user only after the Port Director, in his or her sole discretion, shall have approved the design, material and size of said signs. All signs will be uniform.

5.20 Smoking.

It is unlawful for any person to smoke or light a match upon, or in, any port facility when the Port, the Municipal, the Commonwealth Fire Services, the U.S. Coast Guard and/or any other entity or agency with jurisdiction on this matter prohibits such.

5.21 Solicitation.

It is unlawful for any person to solicit or carry on any business on the Port property without previously obtaining a permit from the Port of Ponce, as required herein or any other regulation.

5.22 Vehicles and equipment.

It is unlawful to park automobiles in any prohibited area or to park any automobile, truck, trailer or any other vehicles in loading zones for any longer period than it is necessary to load or discharge cargo or passengers.

It is unlawful for any motor vehicle to be stored on any wharf unless such vehicle shall have been first drain of all gasoline or other liquid petroleum product, except at such places as the Port may designate.

Unauthorized Parking of cranes and/or equipment –Any cranes and/or equipment used by any Vessel or stevedores, left at the Wharf, Pier or bulkhead after the end of the Maritime Operations, either at the area assigned for its use or at any other (non-designated) area shall be subject to penalties on a per calendar-day basis. The assessment of the penalty shall commence the midnight of the next day after the vessel finished the unloading operations and/or when the Port employees observe that the crane and/or equipment is not being used in the receipt, delivery or moving of Cargo in the Pier.

In addition, such penalty shall be assessed to all cranes and equipment placed in the Pier prior to forty-eight (48) hours of the ship loading operations unless such equipment is used for the relocation or receipt of Cargo then loaded. Container gantry cranes and mobile harbor cranes are excluded.

5.23 Security

Port security officers as well as those of the steamship companies, agents, or stevedoring companies may inspect any vehicle at the entrance or exit of any pier facility when they deem it pertinent.

It is responsibility of all Port users to furnish their own security when they have cargo, vessels, vehicles, other property and/or responsibility on pier facilities. Security Personnel, if used, must have identification from the Port. Such identification will be requested through the Port who will maintain a list of all Security Personnel. All Security Personnel employed, whether armed or not, are required to understand and speak English.

The Port and its security personnel are not obliged in any manner for the custody of property, cargo, vehicles, vessels or facilities of the users in the premises of the Port. Security Personnel and/or other employees of the Port will observe only for the security and protection of the Port property and will cooperate in any aspect regarding a law violation in the facilities, with agents, steamship owners, stevedoring companies, the Puerto Rico Police and any other agency or entity with jurisdiction.

In accordance to requirements of Facility Security Plan, the Port has the right to refuse entry to any users without any valid purpose. Users who are allowed access into the port are advised to limit their presence in the operational area relevant to their purpose of entry. Should there be any access in other unauthorized area, the Port reserves the right to escort the users out of the port.

5.24 Radioactive materials.

No person shall store, keep, handle use, dispense or transport at in or upon any facility or other property under the jurisdiction and control of the Port. Any special nuclear material, including but not limited, to Uranium 233, Uranium 235, Plutonium 239, Plutonium 241; any source material, including but not limited to, uranium and/or thorium; any irradiated fuel elements; any new reactor fuel or elements thereof; any radioactive material moving under special permit or escort without at least 48 hours prior written notice to and receipt of special permit from the U.S. Coast Guard and the Port of Ponce provided however, that only advance notice is required for the movement of medical or industrial isotopes other than those specifically included in the aforementioned, when packaged, marked, labelled and limited as to the quantity and radiation emissions in accordance with the U.S. Coast Guard regulations relating to the transportation of explosives and other dangerous articles. The requirements established in this section, shall be in addition to any other laws and regulations promulgated by other governmental agencies, with jurisdiction on these matters.

5.25 Empty drums and other containers.

Empty drums, tanks, barrels, and other containers used for the storage or transportation of gasoline, distillate, kerosene, or other flammable products, shall not be allowed to remain on any wharf or landing area after sunset of the day received without securing special permission to so from the Port, subject to the approval of the U.S. Coast Guard.

5.26 Firefighting apparatus.

It is unlawful for any person, to obstruct or interfere with the free and easy access to or to use, remove or in any manner disturb, any fire extinguisher, fire hose, fire hydrant, or any part of any fire sprinkler system, or any other firefighting apparatus installed in or upon any wharf, warehouse or other building, structure or premise under the jurisdiction of the Port. Except for the prevention of fire, provided however, that nothing herein contained shall prevent making necessary repairs or tests by any person duly authorized to do so.

5.27 Spark protector.

Every steam or spark producing engine when used upon any wharf or landing area, and every pile driver when working on or alongside any wharf, must have upon its smokestack a bonnet or spark catcher that will effectively prevent sparks from falling upon such wharf or upon the deck of any vessel. In operating any donkey or hoisting engine in or under any shed, there

Port of Ponce Authority

Regulation for Tariffs and Use of the Port of Ponce

must be, provided by the owner or operator a bent or curved pipe, with spark arrestor, extending to the outside of the shed, and owners or operators of such engine must clean and remove all ashes, cinders, and waste coming out of engines.

5.28 Persons not allowed in certain premises.

It is unlawful that any person, under the influence or apparent influence of intoxicating liquors or any other prohibited and or illegal substance to enter or be in any terminal or other premises where flammable or combustible liquid cargo is present or is being handled, and it is unlawful for any person to behave in any disorderly manner on any such terminals or facilities.

5.29 Sand for absorbing waste oil.

Suitable sand shall be kept in buckets and used for absorbing waste oil, which may fall upon the floors or wharves, and such sand, when saturated, shall be removed to a safe place outside the wharf and facilities, especially when handling oil products. It shall be the duty of persons holding berth assignments in conjunction with the Port Administration to comply with and enforce this role in the wharves assigned to them. The handling and disposal of waste oil and of any other substance shall comply with all requirements established in any applicable laws, rules, regulations, and agencies or entities with jurisdiction on these matters.

5.30 Speed limits.

Any person operating or driving a motor vehicle or any other vehicle upon any wharf, or within any transit shed, warehouse or enclosed terminal area, or any other area where cargo is being handled shall do so at a careful and prudent speed, having due regard to the traffic, surface, and use of the facility. It shall be unlawful for any person to operate or drive any motor vehicle in the facilities at such a rate of speed or in any manner to endanger the life, limb, or property of any other person or at a greater rate of speed of more than fifteen (15) miles per hour.

5.31 Inside fencing

The Director of the Port. Must authorize all fencing inside transit sheds, warehouses, and terminals. All original fencing or subsequent modifications will be, installed at the expense of the applicable port user. After installation, the fence becomes property of the Port, which reserves the rights to require its removal by the party installing it, in the event of vacating or not using the facility or for any other just cause.

5.32 Unlawful uses of facilities.

It is unlawful for any person to fish from or otherwise use in any manner, or for any vessel or any owner, agent or operator thereof to use in any manner, any berth, wharf, wharf premise or other area under the jurisdiction of the Port without first securing an assignment or other permission to do so.

5.33 Making fast or remaining at wharf.

It is unlawful, for any person to make fast. To any vessel or to cause or permit any vessel to be made fast, to any wharf, or to cause or permit any vessel to remain fastened to any wharf, or to be or remain moored immediately in front thereof, without the consent of the Port or after such consent has been revoked or withdrawn by the Port.

For the purpose of this item, each period of 24 hours, or fraction thereof, during which violation exists so continues shall be considers as a separate offense and shall be subject to the penalties provided in this Regulation for each separate offense.

Any vessel made fast to or moored in front of any wharf, in violation of this Item shall be subject to removal by or at the orders of the Port and at risk and costs of such vessel, its agent or owner.

5.34 Vessels extending beyond a pier.

Every vessel lying at any wharf whose stern or bow extends beyond the edge or end of any wharf, and every vessel lying alongside another vessel berthed at a wharf shall, while occupying such position, be responsible for all damages to itself and to any other vessel.

5.35 Unloading garbage from vessel.

It is unlawful to unload, remove or discharge, or cause, suffer or permit to be unloaded removed or discharged, from any vessel in the Port facilities. Any garbage or refuse matter of any kind provided, however, that any garbage or any refuse matter may be unloaded, removed, or discharged from any vessel into such other vessel or vessels, or such other vehicle or vehicles as may be coordinated and approved with the Port. After due assurance of complying with the U.S. Department of Agriculture, U.S. Coast Guard and any other applicable local or Federal agency laws and regulations.

5.36 Responsibility for payment.

All bills and/or invoices are due upon presentation and, unless other arrangements with the Port are made, are payable in cash by the user, vessel, their owners, agents, stevedores or others. The Port will not permit the movement of cargo from across or through its facilities and may withhold permission to occupy or use such facilities, appurtenances and equipment, until all tariff, fees, rates and/or charges have been paid, except that the Port of Ponce may voluntarily extend credit arrangements to give settlement of aforesaid charges. Vessels or authorized agents will not permit the movement of cargo direct to or from ships, tackle or crane and land and water carriers until the permission of the Port as specified in this section has been obtained.

5.37 Time limit for filing claims.

Errors in charges, fees, or tariffs under this Regulation, if any, will be rectified by adjustment or amendment based on subsequent information received to the issuance of the original bill and/or invoice. All claims against the Port of Ponce for the recovery of overcharges shall be filed, with the Port of Ponce within the term of a year after the bill or bills are presented. No refunds or adjustments will be made, on any claim filed after this time limit has expired.

Section 6. PORT SERVICE CHARGE

6.1 Port service charge.

Port service charge is assessed and payable to the Port in order for the Port to continue maintaining and upgrading the facilities of the Port and its navigation channels. The Port Service Charge shall be assessed per gross register ton (GRT) of the Vessel (including Tugboats) as appears in the Ship license or in the International or Domestic certificate and the highest will be used to assess the rate.

The period of time for which the Port Service Charge shall be assessed, against a vessel shall commence when such vessel is made fast to a wharf, pier, or bulkhead structure, or to another vessel so berthed, and shall continue until such vessel is completely freed from and has vacated such facility. The Port Service Charge shall be assessed, during such period of twenty-four (24) hours or fraction thereof, unless the Vessel is allowable to a full exemption of Port Service Charges.

Port Service Charge Exemptions:

- Harbour pilot boats
- Government vessels - Any Ship under the control of the Government of the United States, Puerto Rico or foreign countries, not engaged in marine trade.
- Fishing Vessels or ships bringing its own catch of fish to be unloaded in Puerto Rico
- Non-Cargo vessels – Cruise/Tourist Vessel, Passenger Vessel, Mega Yacht or Ferryboat that is not engaged on carrying cargo activities.

Regulation for Tariffs and Use of the Port of Ponce

- Replenishment call – Any Pleasure Craft entering the Port exclusively for replenishment goods and services, such as taking necessary water or provisions in order to continue its voyage.
- Non-profit vessels - Vessel used for research and/or studies belonging to non-profit organizations and in non-revenue operations at the port.
- Emergency call –Vessel entering the Port exclusively for unloading dead, wounded or sick persons.

6.2 Vessels under special circumstances and/or restricted conditions.

Whenever a vessel enters or remains in the Port facilities due to special circumstance and/or restricted conditions such as indispensable vessel repairs, weather conditions, force majeure and/or harbor-related activities may request to have the port service charge waived or reduced. The final decision will be made, in his or her sole discretion, with due consideration by the Port Director, based on circumstances. The vessel and/or vessel agent has the obligation to provide any relevant information upon the request of the Port Director in order for the waiver request to be considered.

Section 7. DOCKAGE

7.1 Dockage

Any vessel berthing at or making fast to a Port wharf, pier or bulkhead structure, or mooring to another vessel so berthed, shall pay dockage at the rates named in this Regulation.

Dockage rates shall apply per gross register ton of the vessel as ascertained from Lloyd’s Register, ship license or certificate and the highest will be used to assess the rate.

The period of time for which dockage shall be assessed against a vessel shall commence when such vessel is made fast to a wharf, pier, or bulkhead structure, or to another vessel so berthed, and shall continue until such vessel is completely freed from and has vacated such facility.

Dockage shall be assessed for each period of 24 hours or fraction thereof during which a vessel is at berth.

No dockage will be assessed against:

- A vessel while actively engaged on service during docking or undocking manoeuvres as a tugboat. This exemption will not apply if the tugboat stays fast to the other vessel beyond the time of rendering services.
- Combat or training vessels including vessels auxiliary thereof, of the U.S. of America, or of any other nation, or any vessel of the Commonwealth of Puerto Rico when in the opinion of the Director of the Port conditions warrant temporary suspension of regular dockage charges.
- Passenger and tourist ships starting cruise services using the pier facilities of the Port are exempted from dockage in their maiden trip. If such ships continue calling at the Port of Ponce, the exemption will be extended to six calls after having call at the Port of Ponce in twelve occasions. In the case of ships, making Ponce their homeport the exemption will be extended for twelve trips after having called at the Port in at least eighteen occasions. This exemption is not applicable when such trip previously calling at the port changes agent, owner or name.
- Vessels participating in regattas or maritime activities duly recognized by the Director of the Port in which case his or her written approval is required.
- All U.S. Flag ships in the fishing industry bringing her own catch for unloading at the Port.

7.2 Vessels on emergency status.

Vessels calling at the Port facilities on emergency or distress situations for a period not exceeding 24 hours are exempted from dockage. Vessels exceeding 24 hours but departing within 72 hours will be charged 50% the normal dockage charges. Vessels remaining beyond the 72 hours’ period will be subject to normal port charges after making the proper arrangements with the Port of Ponce.

7.3 Vessels using port facilities for refitting.

The agent, charterer, operator and/or owner of vessels with the intent to use the Port for its partial or full refitting must submit a written request to the Port of Ponce no later than two (2) days in advance. Such a request must indicate the approximate time the vessel will remain in port, the required facilities, and a preliminary plan of the refitting operations aboard the vessel. Charges for the use of the Port facilities will be assessed at the normal tariff rates.

7.4 Vessels remaining in facilities due to legal action.

Whenever a vessel remains using the Port facilities due to legal requirements of the Local, State or Federal Courts or from others actions or orders, of Federal, local, or state agencies all the normal charges of the port will continue to be assessed against the vessel through the local agent, charterers, operators and/or owners.

Charges may be reduced, and conditions altered, in his or her sole discretion, upon consideration by the Port Director based on circumstances. The request in this case must include the length of time the vessel is expected to remain in port, and payment and performance guarantees to the Port of Ponce.

Section 8. WHARFAGE

8.1 Wharfage

The owner, agent or any other person in charge of a vessel must furnish to the Port of Ponce complete copies of the vessels manifest and/or the bill of ladings or waybills, freight bills showing the names of consignees or consignors and the weight and measurements of all freight and/or any other information, data or documents as may be necessary to develop statistical records and insure the proper assessment of charges.

When the information is not given in weight or measurement (cubic feet), conversion factors will be used and the charges will be assessed according to that yielding the highest revenue to the Port, except for commodities, which have specific wharfage rates.

In the case, no information is provided in the shipping documents and it is difficult to determine the basis to assess the wharfage charge, the Port for such determination will use a factor of 25 lbs. per cubic ft. In this case, the wharfage will be assessed on the result yielding the highest revenue to the Port.

Wharfage Exemptions:

- Ship's supplies and repair materials and supplies intended to be used for the same ship, not including fuel and limited to no more than eight (8) long tons (2240 lbs.) per ship. For any supplies and/or materials exceeding this amount, regular wharfage will be assessed.
- Passenger's baggage provided it is carried on the same vessel as the passenger, and the water carrier collects no revenue for its transportation.
- Petroleum and petroleum products in bulk, which are pumped back from vessel to a tank at the same facility as originally loaded, if these products have paid wharfage charge when loaded from a tank to the vessel in the first place.
- Ballast in bulk, which is not manifested as cargo, has no commercial value, and is handled directly between the vessel and a barge or tank.
- Dunnage and ship lining used in the stowage or bracing of cargo, which is discharged from and reloaded in the same vessel within 30 days.
- Scrap dunnage or scrap lining discharge from a vessel, provided it has no commercial value, has been used on the vessel for dunnage or bracing of cargo, and is not be reused for these purposes.
- Cargo, which a vessel discharges and reloads prior to departure in order to load or discharge other cargo.
- Loaded containers as such, when wharfage is assessed on its contents, except otherwise specified.

Regulation for Tariffs and Use of the Port of Ponce

- Merchandise or cargo, including liquid products, which are received in Puerto Rico or are sent from Puerto Rico to other countries for assistance purposes in natural disaster cases or of any other nature, which are recognized and approved by the Port Director in writing.

8.2 Passenger or service wharfage for vessels carrying passengers or cruise ships.

Vessels carrying revenue passenger or cruise ships which berth at the Port facilities shall pay a per passenger fee based on the revenue passengers or tourists whose name appear in the passengers or tourists list upon arrival and on the number of passengers or tourists who initiate or terminate a voyage on the vessel. Embarking passengers returning in the same trip and in the same ship and disembarking at Ponce (ships which may use Ponce as home Port) will be charged only once as so presented in the passengers or tourist list. Passengers of ships in their maiden trip to Ponce are exempted from passenger's wharfage. This exemption will be extended to the passengers of vessels continuing to call at the port for six additional calls if such ships call at least in twelve occasions. The exemption is also extended to ships making Ponce their home Port and calling at the Port in twelve occasions, but to get the exemption they must call at the Port in at least eighteen occasions.

Section 9. FREE TIME AND DEMURRAGE

9.1 Free time and demurrage.

The payment of the wharfage rates prescribed in this Regulation, will entitle inbound cargo to the use of the transit area of the Port of Ponce, without additional charge during all or any part of the period during which the vessel is discharging the cargo and will entitle outbound cargo to the use of such area during which the vessel on which it is to move is loading cargo, plus a free time period of seven (7) calendar days, except otherwise specified in this Regulation.

9.2 Commencement of free time period.

The free time period for incoming cargo will commence at the first midnight after the vessel from which it has been unloaded, finished its unloading, or vacates her berth, whichever happens first and the free time for outgoing cargo will commence on the first midnight after the cargo is placed on the pier or pier premises.

Outbound empty containers delivered to the transit area of the Port facilities prior to the time the vessel on which they are to move commence loading and inbound empty containers remaining in such areas after the vessel in which they have moved completely discharge, shall at the option of the Port, be placed in storage at the risk and expense of the owner or assessed demurrage as prescribed in this Regulation.

Cargo originally manifested to be transferred from one vessel to another at the Port facility without change in form or content, including both loaded and empty containers, shall be considered as inbound cargo and containers, from the standpoint of the right of the Port to place it in storage and/or to assess demurrage.

Any cargo or container which is received and deposited in a pier and is not shipped will be subject to demurrage. This will commence at the time the cargo or container is deposited until it is dispatched.

Any cargo for which the basis to ascertain demurrage is not shown in the manifest or shipping documents will pay demurrage, applying the conversion rules and/or the rule of 25 lbs. per cubic foot as stated in this regulation, to whichever yields the highest revenue to the Port.

9.3 Cargo left on demurrage, damaged, or abandoned.

All cargo, which remains at the pier facilities, is the responsibility in the first instance of the steamship line or, in turn, the consignee or the agent and/or any of them who will answer to the Port for any charge accrued, the cargo, will be sent to public warehouse or remain abandoned in the pier facilities.

The rates or charges owed to the Port for demurrage shall constitute a first lien upon the cargo.

Whenever the cargo accrue demurrage for thirty (30) days the Port will notify the carrier, agents and consignees that if cargo is not removed within a period of ten (10) calendar days, the Port will proceed to dispose of it through public bids, sealed or by the procedure of voiced (auction) system which will be announced in the local press. Credit the money proceeds from the auction against all charges owed to the Port including all expenses incurred by the Port. The steamship company, the consignee and/or the agent will be held, responsible for the payment of any charge not covered by the product of said auction. Any amount of money in excess will be returned to the steamship company, the consignee and/or the agent.

9.4 Demurrage on cargo sent to bonded warehouse.

All cargo imported from foreign countries, subject to the payment of Federal Customs tariffs and be sent to bonded warehouses after the coordination of Customs with the Port, will be dispatched from the pier facility accompanied with the Official Bureau of Customs form. Which the Steamship Company or agent will prepare, and the Port will, in turn, proceed to bill the steamship company and/or the agent for the demurrage accrued as responsible party.

Through the Official Bureau of Customs form, the shipping line or its agent, in accordance with the contract established through the Docking Permit, will require payment of demurrage accrued from the consignee and the bonded warehouse designated by the Bureau of Customs will make sure that said cargo, is not dispatch to the warehouse, until the Port is paid.

The public warehouse will be responsible to the shipping company and the Port for demurrage of cargo dispatched from their warehouses for any demurrage due and not paid.

9.5 Extension of free time.

Free time may be extended when there is a just cause as determine by the Port Director. In his or her sole discretion. Examples of just cause are storms, torrential rains, floods, fires, earthquakes, accidents at the pier facilities, and works at the pier facilities undertaken. The Director and which may prevent or cause difficulties, for the pick-up or delivery of the cargo. If an extension, will be granted, it will cover the same number of days, in which operations were affected, extensions, will be granted only through proper written application, to the Port by the consignee, shipper, steamship, line or agent as soon as there is knowledge that a just cause exists.

When the free time expires a Friday, it will be extended, until midnight of next Sunday. If it expires a holiday it will be extended until midnight of such holiday.

Section 10. MISCELLANOUS SERVICES

10.1 Miscellaneous services.

Water - Fresh water will supplied to vessels as a rate per cubic meter plus an administrative charge of 20% of the total water charge. The Port will use an average rate per cubic meter based on the bills from Puerto Rico Aqueduct and Sewer Authority from the preceding three-months. All water hoses provided by the vessel must be free of leaks.

Electricity - The Port will provide lightning of transit sheds and open areas when requested by the users for cargo operations, i.e., vessel and/or vessel agent thereof. Electricity may also provide for vessels upon request and will be supplied at a rate per KWH plus an administrative charge of 20% of the total electricity charge. The Port will use the current rate established by the Puerto Rico Electric Energy Authority.

Facilities Maintenance - It is the responsibility of the Vessel Owner, Vessel, Ship Agent, stevedores and clients to keep the facilities clean and maintain them in a reasonably clean condition during the time such facilities are used.

The Port do not provide waste disposal services. The Vessel Owner, Vessel, or Ship Agent is responsible for working with private waste collectors for the picking up of garbage. For such purpose, compliance to requirements with all applicable laws, rules and regulations regarding these matters is mandatory.

Port of Ponce Authority

Regulation for Tariffs and Use of the Port of Ponce

Prior to the completion of the operation, the user must return the area to the same condition as before the commencement of the operations. If, as a result of any inadequate use of Port facilities and common areas, Port reserves the right to proceed with the cleaning of the facilities and charge the responsible party at the actual labor costs, including the percentage of fringe benefits incurred for the services of the pertinent employee, plus an administrative charge of 15%, with a minimum rate of \$500 per day.

10.2 Deployment of Port work force.

In all cases where Port personnel is used in excess of required manpower or in periods over the regular straight working hours in the Port, the Port shall be paid the corresponding labor hours and/or overtime, including the percentage of fringe benefits incurred for the services of the pertinent employees, plus an administrative charge of 15% of the total labor charge.

The Port does not authorize or recognize any payment made directly to and in the name of an employee. All payments shall be made prior presentation of a valid billing document from the Port and shall be payable in the name of the Port.

Section 11. RATES AND FEES

11.1 Rates and fees

The rates set forth in this tariff table shall be effective on the Effective Date and as per tariff schedule below.

Section 12. OTHER CHARGES AND FEES

12.1 Other charges and fees.

The Authority may, in its sole discretion, charge or establish fees or tariffs for services and/or for uses of the facilities of the Port, not included in this regulation, by negotiations and/or agreements with any particular client and or user of the Port.

The Authority may also, in its sole discretion, waive and/or reduce the rates, charges and/or tariffs established in this regulation or change or alter any of the terms and conditions established in this regulation, by negotiations and/or agreements with any particular client or user of the Port or by the approval by the Director of the Port of a formal request of a particular client or user of the Port, based on the particular circumstances, public policy and/or to serve the best interests of the Authority and/or the Port.

Section 13. LANGUAGE

13.1 Language.

This regulation is being adopted in both Spanish and English language versions. In case of any conflict between such versions, the English language version shall prevail. Section 3.

Section 14. AMENDMENTS TO THE REGULATION

14.1 Amendments to the regulation.

The Authority may, in its sole discretion and according to the faculties and powers established in its enabling Act, amend, repeal or replace this regulation, following the process established in Act 170 of August 12, 1988, known as the Uniform Administrative Procedure act, as amended.

Port of Ponce Authority

Regulation for Tariffs and Use of the Port of Ponce

Section 15. EFFECTIVE DATE

15.1 Effective Date.

This regulation shall become effective thirty (30) days after the date of its submission or presentation to the State Department of the Commonwealth of Puerto Rico.

Section 16. APPROVAL

16.1 Approval.

The Board of Directors of the Port of Ponce Authority approved this regulation: on 25 AUG 2021. This Regulation was submitted to the State Department of the Government of Puerto Rico on _____.



Sr. Héctor L. Agosto Rivera
Executive Director
Ponce Port Authority

APLICACION

SECTION: 7 DOCKAGE

SECTION: 7.1 DOCKAGE AND RATE

Dockage Rate per Ship Gross Register Ton per 24 hours

Period or fraction thereof are as follows:

CHARGE FOR PORT SERVICES

Port services charges shall be assessed during such period of twenty-four (24) hours or fraction thereof, during a Vessel stays at the harbor of Port of Ponce, based on the following rates.

\$ 0.0503

DOCKAGE

Dockage Rate per Ship Gross Register Ton per 24 hours period or fraction thereof are as follows:

TARIFF

1. Tanker vessels and tank barges while berthed at wharves, piers or bulkhead structures designed primarily for the loading or offloading of liquid cargo by pipeline \$ 0.0812
2. All vessels while berthed at dry cargo wharves piers or bulkhead structures in trade with offshore points. \$ 0.1519
3. All vessels while berthed at dry cargo wharves piers, or bulkhead structures loading or offloading Liquefied Petroleum Gas (LPG) and Hazardous Materials or Related Chemical Products \$ 0.0900
4. All vessels while berthed at wharves, piers or bulkhead structures loading or offloading liquid gas or related gases by pipeline \$ 0.0900
5. All vessels while berthed at dry cargo wharves, piers, or Bulkhead structures in connection with the trade with other Puerto Rico Ports or the U.S. Virgin Islands \$ 0.1111
6. Tourist or cruise ships and combination cargo-passengers vessels carrying more than 100 passengers \$ 0.0739
7. Vessels including those of non-profit organization engaged in revenue producing activities \$ 0.1647
8. DOCKAGE NOS \$ 0.1836
9. MINIMUM DOCKAGE, PER SHIP, PER 24 HR. PERIOD OR FRACTION THEREOF \$ 16.00
10. For Dockage Exemptions (SECTION 7.1)

SECTION 8

WHARFAGE

Cargo which passes on, over, under or through any Port of Ponce wharf, Wharf premise, pier or bulkhead structure for loading to or after discharge from a vessel shall pay the following wharf age rates:

	TARIFF	
	Per Cwt	PER CUBIC FEET
1. Cargo using sheds, moving between Ponce and other Puerto Rican ports and U.S. Virgin Islands	\$ 0.0350	\$ 0.0220
2. Cargo using sheds, moving between Ponce and offshore ports	\$ 0.0425	\$ 0.0210
3. Cargo not using sheds, moving between Ponce and other Puerto Rican ports and the U.S. Virgin Islands	\$ 0.0250	\$ 0.013
4. Cargo not using sheds, moving between Ponce and other Offshore ports	\$ 1.0144	\$ 0.48
5. Petroleum and related products handled in bulk via pipeline at piers or structures designed primarily for the loading and offloading liquid cargo in bulk, per barrel of 42 gallons	\$	0.0195
6. Molasses per w/Ton	\$	0.2893
7. Lumber, excluding plywood which is considered general cargo, per MFBM	\$	1.56
8. Piles and Poles per FBM	\$	1.4582
9. Gypsum rocks, stones, sand, per cwt.	\$ 1.4582	
10. Liquified Gas, per barrel of 42 gallons	\$	0.0195
11. Steel	\$ 1.4582	
12. Motorcycles, motor vehicles, up to 2,000 lbs. each	\$ 6.00	
In excess of 2,000 lbs. above rate plus per each ton or fraction thereof	\$ 2.00	
13. If any of the above which rate is marked with an "*" uses a transit shed in addition to the above, per 2,000 lbs. or fraction thereof	\$ 1.00	
14. Livestock, cattle, horses, mules, donkeys, and all other animals, per head, each	\$ 3.10	
15. Coal, per Cwt	\$ 1.4582	
16. Tank cars	\$ 100.00	
17. Cargo moved in containers using piers with no Sheds, per weight ton of 2,000 lbs. or fraction Thereof	\$ 1.5582	

Port of Ponce Authority

Regulation for Tariffs and Use of the Port of Ponce

If such cargo uses a transit shed for any purpose an additional charge to the above, per ton of 2,000 lbs. or fraction thereof	\$ 1.00
18. Transshipment cargo in containers in piers with no sheds per ton of 2,000 lbs. or fraction thereof	\$ 1.20
If transshipment cargo uses a transit shed for any Purpose in addition to the above, per ton of 2,000lbs. or fraction thereof	\$ 0.88
19. Minimum wharfage charge for cargo in a container empty	\$ 5.00
20. Minimum wharfage per vessel	\$ 64.00
21. For wharfage exemptions (SECTION 8)	
22. Per passenger embarking, disembarking or in transit, each	\$ 5.00
23. Cars accompanying passenger on ferryboat, per unit	\$ 3.50
24. For passenger wharfage exemptions (SECTION 8.2)	

Port of Ponce Authority

Regulation for Tariffs and Use of the Port of Ponce

SECTION 9

DEMURRAGE PENALTY

Charges for demurrage will be as follows:

1. For Lumber, per period of five (5) consecutive days, per MFBM as manifested	\$	1.40
2. Lumber Under Cover, per period of five (5) Consecutive days, per MFBM as manifested	\$	1.91
3. Pole and Piling, per lineal foot, per five (5) Consecutive days period	\$	3.30
4. Motor vehicles, per calendar day or fraction thereof, each	\$	5.00
5. Empty containers, per day or fraction thereof, ea.	\$	6.50
6. Steel bars and steel products, per five consecutive days period:		
	Open storage, per 100 lbs.	\$ 0.08
	Per cu.ft.	\$ 0.06
	Under cover, per 100 lbs	\$ 0.10
	per cu ft.	\$ 0.07
Note: Cargo NOS (not otherwise specified)	\$	0.08

Port of Ponce Authority

Regulation for Tariffs and Use of the Port of Ponce

SECTION 10. MISCELANOUS AND OTHER SERVICES

SECTION 10.1

WATER SERVICES

TARIFF

Based on market charges + administrative charge of 20%

Hoses

Per Outlet, hoses supplied by the vessel, additional

\$ 3.45

Per Outlet, hoses supplied by the Port of Ponce, additional

\$ 8.63

Per hose segment, additional

\$ 2.25

ELECTRICITY

Based on market charges + administrative charge of 20%

SECTION 10.2

WATERBOYS

See regulations in Item 10.2

OTHERS CHARGES

The following charges shall be charged to clients/users of the port

\$ 100.00

Unauthorized parking of crane and/or equipment in the port, per calendar day. Facilities maintenance and/or deployment of manpower, per labor hour.

MINIMUM CHARGE OF \$500 PER DAY

Labour rate, inclusive of benefits + 15% administrative charges

Port of Ponce Authority

Regulation for Tariffs and Use of the Port of Ponce

SECTION 11

USE OF CRANES

Rent charge to be as follows:

	TARIFF
1. For the Ship to Shore Crane Per hour, minimum of four (4) hours in container loading/unloading operations	\$ 600.00
For General Goods, minimum two (2) hours, Per hour	\$ 300.00
2. Gottwald Crane Per hour, minimum of four (4) hours in container Loading/ unloading operations	\$ 450.00
For General Goods and non-vessel loading/ Unloading land operations, per hour, minimum of two (2) hours	\$ 225.00

