



## **TARIFF**

NAMING

**RATES, CHARGES, RULES, AND REGULATIONS**

AT

**PORT OF ALBANY-RENSSELAER, NEW YORK**

FOR

**PILOTAGE, DOCKAGE, WHARFAGE, DEMURRAGE,  
AND OTHER SERVICES DESCRIBED HEREIN**

**EFFECTIVE: January 15, 2024**

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## **PART A: TERMINOLOGY**

### **RULE 1: (a) Abbreviations & References**

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##### **(a) Abbreviations and Reference**

A	Increase
AQ	Any Quantity
BL	Bill of Lading
BBL	Barrel(s)
B.M.	Board Measure
CENTS	Cent
Conc.	Concluded
Cu. Ft.	Cubic Feet
CCF	Hundred Cubic Feet
COD	Collect on Delivery
COL	Freight Collect
Ct. T of CFT	Cubic Ton - 40 Cubic Feet
CWT	100 Pounds
\$	U.S. Dollars
D.O.T.	Department of Transportation
Etc.	Etcetera
Fahrenheit	Degrees Fahrenheit
FMC	Federal Maritime Commission
FT	Foot (feet)
F-V-C	Full Visible Capacity

HHG	House Hold Goods
IN	Inches
KD	Knock Down
LTL	Less Than Trailer Load
LBS.	Pounds
Max	Maximum
MBM	Thousand Pounds
Min	Weight (100 lbs) or Measurement
MP	Thousand Pounds
M/W	Weight (100 lbs) or Measurement Per Cubic Foot Whichever Yields the Greater Revenue
N.I.	New Rule
No.	Number
N.O.S.	Not Otherwise Specified
N.Y.	New York
O/T	Other Than
%	Percent
P.G. OR PG	Per Gallon
PKG	Package
PT20 or PC20	Per 20 Foot Trailer of Container
PT40 or PC40	Per 40 Foot Trailer of Container

R	Reduction
SU	Set Up
TEU	Twenty Foot Equivalent Unit
T.L.	Trailer Load
Ton	40 Cubic Feet or 2,000 Lbs.
U.R.	Under Refrigeration
USGC	United States Coast Guard
U.S.P.	United States Pharmacopoeia
VIZ	Namely

(b) Definitions

DOCKAGE: Shall mean the Charge assessed against a vessel for berthing at or making fast to a wharf.

FACILITIES: Shall mean any and all parts of the Port Commission's premises including but not limited to any wharf, dock, landing, platform, warehouse, shed, storage tank or structure, crane, vehicle parking space, road, rail, rail spur and any equipment thereon or therein.

FREIGHT: (a) All merchandise, goods, products, or commodities shipped by rail, air, road, or water, other than baggage, express mail, or regular mail. (b) The compensation paid for the transport of goods.

CEO: Shall mean the Chief Executive Officer.

OWNER: Shall mean registered and disponent and time chartered owner of a vessel and operator.

PORT COMMISSION: Shall mean the public entity created in 1925 to manage and operate the Port of Albany.

VESSEL: Shall mean ships, boats, barges, lighters, tugs, floats, floating structures or any floating water craft or device which are or may be used for the carriage, transportation or handling of persons or property on or by water.

WHARF: Shall mean any of the wharves belonging to or operated by the Port Commission.

WHARFAGE: Shall mean use of the Facilities in the receipt of commodities from or delivered to trucks, railroad, ships, barges or other water craft. Wharfage as defined in this Tariff applies against cargo.

## **PART B: GENERAL CONDITIONS AND REGULATIONS**

### **RULE 2: Application, Berthing and Charges in General**

The rules, regulations, conditions, commodity rates and/or charges set forth in this Tariff apply to or from the following:

ALBANY PORT DISTRICT COMMISSION PORTS OF ALBANY & RENSSELAER  
ADMINISTRATION BUILDING  
106 SMITH BOULEVARD  
ALBANY, NY 12202

BERTHING OF VESSELS: Berthing space to be occupied by Vessels utilizing the Facilities shall be designated and assigned by the person authorized by the Port Commission.

RATES AND CHARGES: It shall be the duty of all persons, firms or corporations making use of the Facilities to familiarize themselves with all rates and charges promulgated by the Port Commission. This information will be furnished upon request.

RESPONSIBILITY FOR CHARGES: Charges for dockage are assessed against Vessels, and Owner and general agent as well as the Vessel shall be liable therefore. All charges are payable to the Albany Port District Commission.

### **RULE 3: Condition for Use of the Facility**

Any permission granted by the Port Commission directly or indirectly, expressly or by implication, to any person or persons to enter upon or use any part of the Facilities, including watercraft operators, crew members and passengers, spectators, sightseers, pleasure and commercial vehicles, officers and employees of lessees and other persons occupying space at the Facilities, persons doing business with the Port Commission, its lessees, sublessees and permittees, and all other persons whatsoever whether or not of the type indicated, is conditioned upon compliance with these Rules. Entry upon or into any part of the Facilities by any person shall be deemed to constitute an agreement by such person to comply with the Rules provided, however, that unless a provision is otherwise made in the lease for application of the Rules to the leased premises, such Rules shall not apply to such leased premises.



**RULE 4: Capacity of Facilities**

The Port Commission does not guarantee to provide a berth or dockage, or obligate itself to provide storage, equipment, labor or other forms of service specified in this Tariff beyond the reasonable capacity of the Facilities

**RULE 5: Penalties for Violation**

It shall be unlawful for any person, firm or corporation to utilize or make use of any part of the Facilities without paying to the Port Commission the proper toll, charge or fee therefore as fixed by the Port Commission. It shall be unlawful for any person, firm or corporation to fail, refuse or neglect to comply with any of the provisions of the Rules prescribed herein, and a violation of any of the provisions of these Rules shall be subject to the penalties in such case made and provided for herein.

**RULE 6: Responsibility for Damage**

Any damage done to any part of the Facilities by a Vessel or otherwise must be immediately reported to the CEO together with the name of the Vessel and/or company causing said damage. The expense of the repair of said damage shall be paid by said Vessel or company including all investigation and survey costs and attorneys' fees incurred in relation thereto.

**RULE 7: Port Commission Held Harmless**

Except as provided herein as may be caused by the Port Commission's own negligence, Vessels, their Owners, disponent owners, and agents, and all other users of the Facilities agree to indemnify, save and hold harmless the Port Commission from and against all losses, claims, demands, and suits for damages, including, death and personal injury, and including court costs and attorneys' fees, incident to or resulting from their operations on and use of the Facilities.

**RULE 8: Insurance**

Each owner must provide his own insurance. The Port Commission does not cover with insurance property or cargo in the transit sheds, storage warehouses, open areas and wharves.

**RULE 9: Responsibility for Loss or Damage**

The Port Commission will not be responsible for damage to or loss of any Freight and will not be responsible for any delay, loss or damage to Freight or Vessels, nor for damage to Freight at the Facilities by theft, fire, leakage, or discharge of water from sprinkler fire protection system, collapse of building or wharfs, rats, mice, moths, weevils, frost or the elements and acts of God, war, insurrection, shortage of labor, combinations, or riots or strikes of any persons in their own employ or in the service of others, nor from any consequences arising therefrom.

## **RULE 10: Compliance with Governmental Regulations**

All users of any of the Facilities shall observe and comply with and compel its and their officers, employees and agents and others doing business with it and them to observe and comply with all governmental laws, rules, regulations, requirements, orders and directions which pertain or apply to the use of the Facilities.

## **RULE 11: Restricted Area Use**

- (a) persons assigned to duty therein;
- (b) authorized representatives of the Port Commission; and
- (c) persons having permission of the CEO.

## **RULE 12: Payment of Charges**

The Port Commission reserves the right to estimate and collect in advance all charges which may accrue against Vessels or against cargo loaded or discharged by such Vessels or from other users of waterways and the Facilities whose credit has not been properly established with the Port Commission. Use of the Facilities may be denied or cargo removed from storage until such advance payments or deposits are made. The Port Commission does not recognize the numerous shippers or consignees and cannot attempt to collect or assist in collecting wharfage and similar bills which may be passed on to the shippers and consignees by the Vessel, its owner and agents. When presented, charges must be paid by the ship owner or the agent regardless of when the Vessel, its owner, disponent owner or agents are reimbursed.

## **RULE 13: Access to Shipping Record and Payment of Bills**

- (a) Vessel's agents, Owners and Masters will be required to furnish copies or permit access for copying of the manifests and/or cargo and railroad documents by the authorized representative of the Port Commission for the purpose of ascertaining the necessary data to permit assignment of the Facilities and correct estimated charges.
- (b) All Vessels, Owners and agents, using the Facilities shall, within three (3) days after the sailing of the Vessel in the case of outward cargo, or within three (3) days after the arrival of the Vessel in the case of inward cargo, furnish the Port Commission or its authorized representative with all necessary documents to enable the proper preparation and auditing of bills covering dockage, wharfage and other attendant services or fees chargeable by the Port Commission against said Vessel.

(c) All Owners, persons, firms or corporations using the Facilities or equipment of the Port Commission shall, unless otherwise provided by existing contracts, pay all bills within thirty (30) days of the date of the provision, by fax or mail, of such bills by the Port Commission to them or their designated agent.

(d) The Port Commission may deny further use of the Facilities until said bills have been paid, or permission obtained from the Port Commission. The undisputed portion of any bills must be paid as presented and errors, if any, notified at the time of payment of the undisputed portion to the Port Commission. An eighteen percent per annum (18%) late charge will apply to bills after the 31st day of issuance.

#### **RULE 14: Goods Held for Storage**

Glass, liquids and fragile articles will be accepted only at owner's risk of breakage, leakage and chafing.

#### **RULE 15: Improper Packing**

All Freight not packed in packages suitable for standing the ordinary handling incident to its movement or transportation may, at the discretion of the CEO or any person delegated by him, be rejected or repacked at the expense of shipper, consignee or other party responsible for same.

#### **RULE 16: Acceptance of Cargo/Responsibility for Damage**

When any cargo or commodity is accepted for handling or storage, it is understood and agreed that any and all losses, damage, or costs of fumigation, incurred by the Port Commission attributable to or because of infestation or inherent vice of the cargo or commodity in question, shall be for the account of the owner or beneficial owner of the cargo or commodity.

#### **RULE 17: Refusal of Low Valued Freight**

The Port Commission reserves the right to refuse any freight/cargo, the value of which may be determined to be less than the probable Port Commission's charges.

#### **RULE 18: Lights**

Every Vessel lying alongside a wharf, from sunset until sunrise, shall have every gangway brightly illuminated by the best available means as long as such gangway is in communication with the shore. All gear and cargo skids shall be uprigged at sundown, except during time as they are actually in use, when they shall be brightly illuminated.

#### **RULE 19: Responsibility for Entering Facilities**

No admittance will be permitted to the Facilities except to those having business to transact with the Port Commission or with the tenants of the Port Commission. The Port Commission will not be responsible for accidents or injuries to property or persons by reason of boarding Vessels or presence in or upon the Facilities.

**RULE 20: Clearance Around Fire Hydrants**

No person shall leave standing, or cause or permit to be left standing, any automobile or other vehicle, or stop or cause to be stopped any automobile or other vehicle, within twenty (20) feet of any fire hydrant maintained by the Port Commission or the City of Albany on the Facilities or any other lands under the control and management of the Port Commission, except to permit the immediate movement of contents.

**RULE 21: No Smoking**

It shall be unlawful for any person to smoke or to light any match or to use or carry any open flame, or for any person, firm, or corporation to permit any smoking or the lighting of any match or the use or carrying of any open flame upon any wharf or in any transit shed, warehouse or any similar building of the Facilities.

**RULE 22: Wharf Obstruction**

Stevedores, Owners of Vessels, and all persons using the Facilities shall remove all equipment, appliances, material or objects which is not part of a cargo, and keep the apron of the dock or other surface free from litter or debris.

**RULE 23: Deposit of Refuse, Etc. Forbidden**

It shall be unlawful to throw, discharge, or deposit, or cause, suffer or procure to be thrown, discharged, or deposited either from or out of any Vessel, or from the shore dock, wharf or establishment of any kind, any refuse matter of any kind or description whatever, into the Port Harbor or waters of the Hudson River.

**RULE 24: Refuse Removal**

All litter, dunnage and refuse of all kinds shall be cleaned and disposed of by the person responsible therefore. Otherwise the work will be performed by the Port Commission and the cost thereof charged against such persons responsible.

**RULE 25: Right to Sell for Unpaid Charges**

Any merchandise on which the owner is unable or refuses to pay storage and/or other Port Commission facility charges may be sold by the Port Commission for the satisfaction of said

charges and the added cost and expenses of keeping and selling such goods, provided proper legal notice of the sale shall be given through local newspaper advertising and the sale has been authorized by resolution passed by the Port Commission. Any proceeds of the sale remaining after satisfaction of all charges due and incurred by the sale shall be turned over to the owner of the goods. In the event of obtaining no bids at the sale, the Port Commission may, after proper notice to the owner, make such disposition of the goods as may appear practicable. In case of goods which are of a perishable nature, or which by reason of their nature, are liable to injure other property, the Port Commission may sell same at public or private sale without advertising, provided the owner has been given proper notification to pay charges and remove goods and has failed to comply with such requests. The Port Commission reserves the right to move Freight which might damage other goods to another location within the Facilities or to private facilities, at the risk and expense of the owner.

#### **RULE 26: Safety Measures Against Disease**

Masters of all Vessels are required to place guards or other effective appliances on all hausers and lines, attached to the dock, to prevent rats from moving between ship and dock. Likewise, gang-ways or other connections between the Vessel and dock, when not in use, must be similarly protected.

#### **RULE 27: Lost Articles**

Any person finding lost articles at the Facilities shall deposit them at the office of the CEO. Articles unclaimed by the owners in ninety days will be turned over to the finders thereof, unless found by Port Commission employees.

#### **RULE 28: Commercial Activity Prohibited**

No person shall carry on any commercial activity at the Facilities, without the consent of the Port Commission unless a provision is made otherwise in a lease or other agreement. Applications for the right to conduct commercial strapping, weighing or sampling operations at the Facilities shall be made to the CEO.

#### **RULE 29: Bill Posting Prohibited**

No person shall post, distribute or display signs, advertisements, circulars or printed or written matter at the Facilities without permission.

#### **RULE 30: Fissionable Materials**

No person shall store, keep, handle, use, dispense, or transport at, in the Facilities, any special nuclear material, including, but not limited to Uranium 233, Uranium 235, Plutonium 239; any source material, including, but not limited to uranium, thorium, any irradiated fuel elements; any

new reactor fuel or elements; any radioactive waste material; any radioactive material moving under special Bureau of Explosives permit or Special AEC permit and escort; without twenty-four hour prior notice and the specific permission to move such material through the Facilities by the CEO; provided no permission or notice is required for the movement of medical or industrial isotopes other than those specifically included in the aforementioned, when packaged, marked, labeled and limited as to quantity and radiation emissions in accordance with Hazardous Materials Regulations of the D.O.T. and USCG Regulations relating to the "Transportation of Explosives and other Dangerous Articles."

### **RULE 31: Individuals Prohibited From Endangering Others at the Facilities**

No person shall do or omit to do any act if the doing or omission thereof endangers unreasonably or is likely to endanger unreasonably persons or property in the Facilities.

### **RULE 32: Use of Life Saving Equipment**

No person shall remove, tamper with, or handle life preservers, emergency ladders and firefighting equipment at a terminal except for emergencies for which they are intended.

### **RULE 33: No Parking on Wharfs**

It shall be unlawful for any person to leave any automobile or other vehicle upon any wharf or in any transit shed of the Facilities.

### **RULE 34: Speed Limit in Port Area**

Any person operating or driving a motor vehicle or other vehicle within the Facilities shall operate and drive at a careful and prudent speed and in compliance with posted speed limits not greater than is reasonable and proper having due regard to traffic, surface and use of the property and at all times subject to this Tariff.

### **RULE 35: Vehicular Traffic**

No vehicles, unless engaged in the transportation of passengers or property shall be allowed in any mooring facility; provided however, that nothing in this Tariff shall be construed to prohibit access to the mooring Facilities by vehicles on emergency calls or by vehicles owned or operated by the Port Commission.

### **RULE 36: Abandoned Vehicles**

Any vehicle of any description which shall be left unclaimed for a period of twenty-four (24) hours at the Facilities may be parked, garaged or stored at the risk and expense of the owner.

### **RULE 37: Abandoned Vehicles - Disposition**

Any such vehicle not claimed by the owner thereof at the expiration of thirty (30) days shall be disposed of by the Port Commission in the manner provided by law.

### **RULE 38: Responsibilities for Injuries and Damages**

In the event any damage is done to any part of the Facilities, the person responsible for, causing, or in any way connected with such damage, and the person to whom a berth at such mooring facility is assigned or by whom it is being used, and the master, owner, or agent of any Vessel, vehicle or other instrumentality involved in such damage shall make a full report to the Port Commission, giving the (a) date and hour the damage occurred, (b) the names and addresses or descriptions of witnesses and other persons, Vessel, or instrumentalities involved in the damage, and (c) all other available pertinent facts and information.

Any damage done to the Facilities by a Vessel or otherwise must be immediately reported to the CEO together with the name of the Vessel or company causing said damage. The expense of the repair of said damage shall be paid by said Vessel or company.

## **PART C: DOCKAGE**

### **RULE 39: Explosives, Dangerous Articles and Combustible Liquids**

No Vessel carrying explosives (other than ammunition for small arms or any explosives required by law to be carried by such Vessel) or flammable liquids in bulk (having a flash point of 80 Fahrenheit or lower, open cup test) will be permitted to moor at the Facilities unless permission has been obtained in advance from the Port Commission.

### **RULE 40: Gas Free Certification**

No Vessel last used for the bulk transportation of inflammable liquids (having a flash point of 80 Fahrenheit or lower, open cut test) or inflammable compressed gases shall be berthed at the Facilities unless written permission has first been obtained from the CEO.

### **RULE 41: Safety and Fire Prevention**

No person shall store, handle, dispense, keep or use any gasoline distillate or other liquid petroleum products, other than lubricating oils, at the Facilities except at such places and under such condition as may be especially designated by the CEO; provided, however, that any sale or delivery of such products in bulk shall be made from and by means of pipe and hose equipped and provided with connections and valves, as approved by the CEO, and at such places as may be so designated therefore. Such gasoline, distillate or other liquid petroleum products shall not be handled or delivered between sunset and sunrise, unless the premises are lighted only by incandescent electric lights, properly protected.

### **RULE 42: Berth Assignment Permit - Application**

The Port Commission requires the party requesting berth assignment(s) for Vessels docked at the Facilities to be liable for all Vessel expenses accrued. This includes but is not limited to security guard coverage, dockage, wharfage and water at designated berths. The Port Commission will provide billings for such services.

#### **RULE 43: Berth Usage - Ship Documents**

The Master of any Vessel berthed or anchored at the Facilities shall, upon demand, exhibit the enrollment, license or other document of such Vessel showing tonnage and the Owner, agent, manager or Master of any Vessel shall, upon demand, furnish a copy of the manifest or bills of lading for cargo discharged or loaded.

#### **RULE 44: Berth Usage - Raising of Vessels**

In the event that a Vessel shall sink or submerge or capsize at the Facilities or in way thereof, the Owner, agent or permittee shall, at his own expense, cause such Vessel to be raised and immediately removed from the same and shall be responsible for any expenses including but not limited to attorneys' and surveyors' fees, damage or loss of use of the Facilities, soundings and dredging incurred by the Port Commission.

#### **RULE 45: Care of Vessel and Authority to Order Change of Berth**

A Vessel anchored or moored at the Facilities or lying alongside the dock must at all times have at least one officer and such seamen on board or in charge thereof as will insure proper care of the Vessel. If it becomes necessary in order to facilitate navigation or further the commerce of the Port of Albany or for the protection of other Vessels or property, a Vessel may be ordered to shift its position at a wharf, to change berths, or to vacate a berth by order of the Port Commission at the expense of the Owner, and the Owner and Vessel shall be liable for all damages and costs that arise thereby.

#### **RULE 46: Port Commission Charges and Services**

Dockage is assessed per day without proration and includes Saturdays, Sundays, and Holidays as follows:

- (a) Barges or lighters \$1.85 per running foot per day. Minimum invoice \$300 per vessel.
- (b) All Vessels engaged in cargo operations \$0.36 per net registered ton, per day.
- (c) Vessels refusing to vacate a berth, when so ordered will be assessed for those hours the Vessel occupies the berth beyond the time of the order to move at rate of \$1,000.00/hr.
- (d) Exemption to Dockage Charges: Vessels operated by the Federal, State, or municipal government not receiving or discharging cargo are exempt from dockage charges.



(e) Fresh water will be supplied at a rate of \$6.11 per 100 cubic feet of water plus a \$50.00 hook-up fee. In addition, a labor charge of \$50.00 per hour between the hours of 0800 and 1200 and 1300 and 1700 Monday through Friday, and \$70.00 per hour Saturday and Sunday as well as overtime. Holidays will be \$100.00 per hour.

#### **PART D: WHARFAGE**

##### **RULE 47: Wharfage Charges**

The follow are per short ton unless otherwise specified:

- (a) All articles N.O.S. herein \$2.90;
- (b) Woodpulp (per Metric Ton) \$1.10;
- (c) Heavy Lifts - Articles Weighing:
  - less than 50,000 lbs per piece or pkg. \$2.99/ton
  - 50,000 lbs. to 200,000 lbs. per piece or pkg. \$4.43/ton
  - over 200,000 lbs. per piece or pkg. \$5.51/ton;
- (d) Aluminum, Iron, and/or Steel in Bundles, Coils, Pigs, or Slabs per ton \$1.65;
- (e) Scrap Iron per ton \$.77;
- (f) Bagged Cargos: loose, pre-slung, or containerized \$2.25;
- (g) Loaded containers, any length \$33/container. Empty containers, any length, upon request.
- (h) Wharfage charges may be assessed on a measurement basis where such a computation exceeds wharfage charges computed on a weight basis.

##### **RULE 48: Authority to Use Public Wharves**

No person shall enter upon any public wharf, public mooring facility, public cargo facility or public storage area or facility of the Facilities:

Such persons and their bona fide employees as may be authorized by law and permitted by the Port Commission to engage in the activities for which said areas have been provided by the Port Commission;

- (a) Duly authorized representatives or employees of the Port Commission or its contractors;
- (b) Representatives of employees of local, state and Federal Government or political subdivisions thereof duly authorized by law to enter thereon;
- (c) Other persons granted permission to enter thereon by the CEO.

**RULE 49: Assignment of Rail Cars**

The CEO shall have, in his sole discretion, when he deems it in the interest of overall efficient use of the Facilities, the right to assign railroad cars using the tracks at to any specified location at the Facilities and to limit the number of such cars permitted within any such area. The Port Commission shall not be responsible for loss or damage or increased charges for transportation, switching or demurrage incurred as a result of such assignment or limitation by the CEO.

**RULE 50: Open Storage**

Unless otherwise provided in a lease or other agreement, no person shall use any open or covered area of the Facilities for storage of cargo or other property without the permission of the CEO. If, notwithstanding the above prohibition, storage occurs, then the CEO shall have authority to (a) order the cargo or other property removed at the expense of the owner or consignee thereof and (b) assess any charges, as determined by the CEO, applicable to such storage until removal.

**RULE 51: Cargo Movements: Improper Handling Prohibited**

No cargo, goods or merchandise shall be moved across or upon or placed upon or allowed to remain upon any pier, bulkhead, platform, wharf, or any part of the Facilities of such a nature or in such quantity or in such a manner as to endanger unreasonably or to be likely to endanger unreasonably person or property.

**RULE 52: Stevedoring**

All stevedoring work and the handling of cargo to and from the Facilities must be performed in a manner and with equipment satisfactory to the Port Commission from a safety standpoint, but the Port Commission assumes no responsibility for the performance of such work. Responsible and efficient stevedoring services are available through incorporated or bonded companies.

**RULE 53: Dangerous Articles - Handling Limitations**

Dangerous articles as defined by the Hazardous Materials Regulations of the D.O.T. and USCG Regulations titled, "Transportation of Explosives and other Dangerous Articles" in quantities that exceed the amounts indicated in the accompanying table shall not be handled, stored or transferred at the Facilities without permission of the CEO. Application for such permission shall be made to the CEO at least twenty-four hours prior to the time any such movement is contemplated.

	Dangerous Materials	Amount
1.	Explosives – Class A, B and C	Any Amount
2.	Flammable liquids, in containers	One ton

3.	Oxidizing materials	10 tons
4.	Flammable solids	10 tons
5.	Compressed gases, flammable	One ton
6.	Compressed gases (chlorine, anhydrous ammonia, fluorine)	Any amount
7.	Compressed gases, other than 5 and 6 above	Ten tons
8.	Poisons (Class A) gases	Any amount
9.	Poisons (Class C) tear gas	Any amount
10.	Poisons (Class B) Liquids bromine, methyl bromide	Any amount
11.	Corrosive Liquids, acids	Over one ton
12.	Combustible liquids in containers	Over ten tons

#### **RULE 54: Explosive Materials**

No person shall store, keep, handle, use, dispense or transport at, in or upon the Facilities, any dynamite, nitroglycerin, black powder, fireworks, blasting caps or other explosives, gasoline, alcohol, ether, liquid shellac, kerosene, turpentine, formaldehyde or other inflammable or combustible liquids, ammonium nitrate, sodium chlorate, wet hemp, powdered, metallic magnesium, nitro-cellulose film, peroxides, or other readily inflammable solids or oxidizing materials, hydrochloric acid, sulfuric acid or other corrosive liquids, prussic acid, phosgene arsenic, carbolic acid, potassium cyanide, tear gas, lewisite or any other poisonous substances, liquids or gas, or any compressed gas, or any radio-active article, substance or material, at such time or place or in such manner or condition as to endanger unreasonably or as to be likely to endanger unreasonably persons or property. If and when permitted hazardous commodities will be received only between the hours of 8 a.m. and 5 p.m. and must be immediately removed from the premises.

#### **RULE 55: Dangerous Articles – Handling**

(a) Unless permission is first obtained, dangerous articles shall only be received between the hours of 8:00 A.M. and 5:00 P.M. and shall only be handled or stored as follows:

(1) Maximum separation shall be provided for all dangerous articles to prevent impact

with vehicles.

- (2) Flammable liquid (red D.O.T. -- Hazardous Material label) in excess of five gallons shall not be stored or handled in cargo sheds, but shall be transferred directly between Vessel and truck, provided flammable liquids may be temporarily stored in assigned upland areas when protected from vehicle impact and floored not less than 75 ft. distance to other buildings. Flammable liquids or solids subject to effects of excess heating from sun's reaction (nitro-cellulos carbon bisulfide) shall be shaded with tarpaulin or suitable noncombustible sun sheds.
  - (3) Inflammable liquids and compressed gases shall be so handled and floored as to provide maximum separation from freight consisting of acids or other corrosive liquids.
  - (4) Inflammable solids or oxidizing materials shall be so arranged as to prevent moisture or acids and other corrosive liquids from coming in contact therewith.
  - (5) Acids and other corrosive liquids shall be so handled and floored as to prevent contact with other dangerous articles and organic materials in the event of leakage.
  - (6) Poisons shall be so handled and floored as to prevent their contact with acids, corrosive liquids or inflammable liquids.
  - (7) All dangerous articles shall be arranged in such a manner as to retard the spread of fire. This shall be accomplished by interspersing piles of dangerous freight between piles or inert of less combustible materials.
- (b) The transfer of flammable or combustible liquids from tank vehicles to portable cargo tanks either aboard ship or on the wharf shall not be conducted except under specific permission of the CEO and under conditions established by him as a part of the permission. A standby fire watch with a 150 pound portable dry chemical fire extinguisher shall be available during any transfer operation.
- (c) For the purpose of these Rules, liquid containers previously containing a flammable liquid, combustible liquid, flammable gas, poison class A or any other similar dangerous article will be treated as a loaded container.

#### **RULE 56: Sisal, Hemp, or Baled Fibers - Handling**

Sisal, hemp or other baled fibers shall not be handled, loaded or unloaded at the Facilities without permission. These materials shall unless permission is secured, be unloaded to lighters (covered barge); if such materials are unloaded onto a mooring facility with such permission, then shall be removed therefrom immediately after unloading unless the CEO otherwise

permits. Stacks shall not be higher than twelve feet, or when palletized, three pallets high, except by permission of the CEO. The sides exposed to aisles or driveways shall be protected with tarpaulins when the CEO shall so direct. Access to the areas where such material is stored shall be limited to the working personnel and watchmen only.

**RULE 57: Cargo - Wet or Fire Damaged**

Wet or fire damaged cargo shall not remain on any wharf or other portion of the Facilities without permission.

**RULE 58: Fire Hazardous Vehicles or Equipment Prohibited**

No person shall use any donkey engine or other steam engine anywhere at the Facilities without any approved spark arrestor attached to the smoke stack of such engine, and no person shall operate any tractor, truck or other equipment drive by internal combustion engines within the Facilities if the construction or condition of such equipment constitutes a fire hazard in the opinion of the CEO.

**PART E: MISCELLANEOUS**

**RULE 59: Security**

Between 1700 hours and 0700 hours the following morning, and 0000 hours and 2400 hours on weekends and Port Commission holidays, security will be assessed against the vessel at the rate \$65.00 per hour or part thereof. For Vessels arriving on a weekend or Port Commission holiday or legal holiday security will commence one hour prior to schedule arrival. For Vessels departing on a weekend or Port Commission or legal holiday security will end on the hour after last line.

For Vessels requiring a gangway watch, such service shall be provided by the Port Commission at the rate of \$60.00 per hour. No other services or agencies are permitted to provide watchman service within areas of the marine terminal facilities under the jurisdiction of the Port Commission.

**RULE 60: Port Identification Requirements**

A federal government-issued Transportation Worker Identification Credential (“TWIC”) identification card is the Port Commission’s required identification credential for individuals. This identification card must be displayed at all times by the cardholder when accessing areas on the Facilities. Information on TWIC cards, including how to obtain one, may be obtained on-line at [www.tsa.gov](http://www.tsa.gov).

Individuals without a TWIC may be offered access to the Port, subject to availability, with a certified Port escort. Fees are charged for escorting non-TWIC holders in the Port; such escort Fees are dependent on the amount of time the escort is required.

**RULE 61: Port Commission Identification Card Fees**

For certain, limited areas of the Port, a Port Commission-issued Marine Facility Card Transaction is required. This is generally only required for Port employees. Fees are:

New card application: No charge	No Charge
Replace Lost or Damaged Card	\$50.00
Add-ons	No Charge
Renewal for Expired Card	No Charge

#### **RULE 62: Late Charges**

All charges published in this Tariff shall be due and payable upon presentation of an invoice. Invoices not paid within thirty (30) calendar days of the invoice date will be subject to a fee of 18% p.a. prorata on the outstanding balance.

The Port Commission reserves the right to deny to anyone the use of any part of the Facilities until all past due accounts are paid, and to apply any payment received against the oldest outstanding invoices.

#### **RULE 63: Agents Liability**

Agents or representatives of Owners will be held fully responsible for all charges attributable to their principals in accord with the rates therefore published in this Tariff.

Delinquent invoice amounts plus late charges that are determined to be payable may be deducted by the Port Commission from any credits and/or discounts due to the agent by the Port Commission.

Any account receivable in excess of thirty (30) days old is subject to the immediate withholding of all credits, discounts, subsidies, incentives, etc. whether or not related to the outstanding receivables, until such time as all receivables for the account are rendered current.

#### **RULE 64: Limitation of Liability**

If any event, the APDC shall be discharged from all liability in respect of loss or damage unless suit is brought within eight (8) months after delivery of the cargo to APDC or six (6) months from the date of delivery of the cargo to the consignee or its agent, whichever period is lesser, and only if written notice describing the general nature of the loss or damage has been given to the APDC within five (5) days of the date of said cargoes from APDC. The only exception shall be if arrangements for storage are made in writing and agreed upon by all parties. These written arrangements must also include a statement defining liability of the APDC. In the event that such arrangements are made, suit must be brought within eight (8) months of the date set forth in the written agreement for delivery of the cargo from APDC. Failure to take delivery on the day set forth in the written agreement shall not excuse the failure to bring suit within eight (8) months of that date. In all other cases, failure to give written notice within five (5) days of loss or damage to the APDC shall be prima facie evidence of good delivery by the APDC. Written

notice as provided for herein shall be a condition precedent to the institution of any lawsuit against the APDC.

**RULE 65: Severability Clause**

If any provision of this Tariff and its Rules or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can be given effect without the invalid provision or application, and to this end the provisions of these Rules are severable. In lieu thereof there shall be added a provision as similar in terms to such illegal, invalid and unenforceable provision as may be possible and be legal, valid and enforceable.

**RULE 66: Law and Jurisdiction**

Any dispute by and between the Port Commission of any nature arising from the use of or entry upon the Facilities or relating thereto is subject to the exclusive jurisdiction of the United States Court for the Northern District of New York without reference to any choice of law provisions thereof. This Tariff shall be interpreted and governed in accordance with the laws of the State of New York.

**RULE 67: Construction**

The single shall also denote the plural, where relevant.