



# **MARINE TERMINAL OPERATOR SCHEDULE NO. 2**

**(Commonly, and herein, referred to as “Tariff”) of the  
JACKSON COUNTY PORT AUTHORITY**

In Accordance with the Rules for Marine Terminal Operators

**Note: All previous Tariffs, Rules, Regulations and Rates written, printed or  
oral,**

**Heretofore adopted, are hereby rescinded.**

**NAMING RATES, RULES, AND REGULATIONS  
FOR  
MARINE TERMINAL SERVICES**

**APPLYING AT THE  
PORT PASCAGOULA**

Located At

Latitude 30°21'51.0"N, Longitude 88°33'24.2"W

**EFFECTIVE 1 January 2025**

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TARIFF NO. 2.0

## REVISIONS

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<b>Document</b>	<b>Date</b>	<b>Sectio</b>	<b>Revised By</b>
Original Document	12 November 2024	All	Jackson County Port Authority
Revision 1:			
Revision 2:			
Revision 3:			
Revision 4:			
Revision 5:			
Revision 6:			
Revision 7:			
Revision 8:			
Revision 9:			
Revision 10:			
Revision 11:			
Revision 12:			
Revision 13:			
Revision 14:			
Revision 15:			

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SECTION I. GENERAL INFORMATION

A. INTRODUCTION

1. SCOPE – The rules, regulations, conditions, rates and/or charges set forth in this Tariff shall apply to and include all facilities, roads, rail, docks, wharves, channels, waterways, or properties owned, operated, or managed by the Jackson County Port Authority (hereafter, “JCPA”) for/in the Port Pascagoula and that lie in or adjacent to the deepwater port.
2. APPLICABILITY – The rules, regulations, conditions, rates and/or charges set forth in this Tariff shall apply to all vessels, agents, owners, masters, operators, truckers, rail operators, contractors, suppliers, all other users and including natural persons, artificial persons, corporations, partnerships, organizations, associations, sovereigns, governments, nations, states, municipalities, their agents, and instruments.
3. IMPLIED CONTRACT – Entry upon JCPA properties and/or waterways, docking at the Terminal or fleeting at JCPA properties or inclusive waterways by any person or vessel shall be regarded as constituting an agreement by such person or vessel to comply with the Port and Terminal’s Tariff, Terminal Rules and Regulations, and Harbor Rules.
4. RESPONSIBILITY – Any person or persons acting on behalf of entities using the Terminal or facilities, or agents thereof, shall be jointly and severally responsible for all payment of charges as set forth in this Tariff.
5. RISK – Persons entering JCPA properties shall do so at their own risk.
6. COMPLAINTS – Shipper’s requests and complaints shall be promptly and fairly considered by the JCPA provided that they are submitted in writing to the Port Director at the address indicated in the Tariff.
7. CHANGES – The JCPA and its Port Director (as authorized) reserves the right to alter, change, amend, or modify any of the provisions contained herein, upon reasonable notice to vessels and tenants using the Port and its facilities. The date and reference for such changes shall be noted on the Revision page of this document.
8. NON-RETROACTIVE – When the action of the JCPA is in response to a user’s request or complaint and requires Tariff change, no such change will be retroactive.
9. RULE OF LAW – The laws of the United States of America and the State of Mississippi shall apply to the provisions of this Tariff.

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10. CONTACTS – Jackson County Port Authority  
Post Office Box 70  
Pascagoula, MS 39568-0070  
Bo Ethridge, Port Director  
Main Office: 228-762-4041  
Email: info@portpascagoula.com
11. HOURS OF OPERATION – Port Pascagoula operates 24 hours a day, seven days a week. The Administrative Offices are open from 8 AM to 5 PM Central Time, Monday - Friday.
12. OVERTIME – Overtime shall be hours between 5 PM and 8 AM Central Time Monday through Friday, excluding holidays. All hours on Saturday, Sunday, and holidays shall be overtime hours.
13. HOLIDAYS – For the purposes of this Tariff, the holidays listed below are observed by the JCPA, or any day celebrated in lieu thereof.

New Year's Day	January 1*
Martin Luther King Jr. Day/Robert E. Lee's Birthday	Third Monday of January
President's Day	Third Monday of February
Good Friday	Friday Before Easter Sunday
National Memorial Day/Jefferson Davis's Birthday	Last Monday of May
Juneteenth	June 19*
Independence Day	July 4*
Labor Day	First Monday in September
Veterans' Day	November 11*
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25*

\*When a holiday falls on a Saturday, the preceding Friday shall be considered a holiday. When a holiday falls on a Sunday, the following Monday will be considered a holiday.

14. WATERWAY AND PILOTAGE - Pursuant to the provisions of Mississippi Code of 1972, Annotated Section 59-1-9, the Jackson County Port Authority Commissioners are empowered and authorized to act as Port Wardens and Pilot Commissioners for the appointment and licensing of all pilots serving the Greater Port Pascagoula. Pilotage regulations and fees are contained in the Pascagoula Harbor Manual available from the Port Authority or Pilots.

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**B. RIGHTS AND COMPLIANCE**

1. **RIGHT TO ESTABLISH SUPPLEMENTAL CONTRACTS** – The JCPA and its Port Director reserve the right to execute supplemental or separate contracts – including lease agreements with tenants - outside of this Tariff. Such contracts shall be consistent with the provisions of this Tariff, however, where provisions of a separate contract differ, the terms and conditions of the contract shall supersede this Tariff.
2. **RIGHT TO ESTABLISH SUPPLEMENTAL RULES AND REGULATIONS** – The JCPA, through the Port Director or designee, reserves the right to establish and enforce separate Rules and Regulations in addition to the provisions of this Tariff which shall apply to all Port users and with the same authority and in the same manner as the Tariff.
3. **RIGHT OF FINAL DECISION** – In the event of a dispute regarding any of the terms and conditions as stated in this Tariff, supplemental Rules and Regulations, or supplemental contracts, the decision of the Port Director shall be final.
4. **ADDITIONAL COMPLIANCE** – Users of the JCPA’s Port facilities in the Port Pascagoula are subject to Federal, State, and Municipal regulations as applicable, as well as supplemental Terminal Rules and Regulations as established by the JCPA or its Port Director.
5. **SECURITY** – Users are advised that designated portions of the properties and facilities of the JCPA are subject to the federal security regulations under 33 C.F.R. Part 105.
6. **SAFETY** – Users shall comply with the requirements as set forth in the Occupational Safety and Health Act as stipulated in Public Law, 91-596.
7. **LICENSE REQUIREMENT** –
  - A. No party or contractor may provide any service or conduct any operations on any JCPA facilities and/or waterways without a license or permit issued by the Port Director. Licenses may require, at the discretion of the JCPA, proof of valid insurances, the remittance of a license fee, and/or remittance of a performance bond to be provided for the payment of all charges, rents, or other monies which have or shall become due to the JCPA.
  - B. The Port Director may revoke any license, with or without cause, at any time.
  - C. It shall be the responsibility of all vessel operators to determine that all users performing a service or providing a facility to or for account of the vessel are duly licensed and bonded to do so before same are employed or authorized to proceed.
  - D. Any user providing services and/or conducting operations without a license may, at the discretion of the Port Director, be subject to a fee of \$1,000 per day, removal from and indefinite suspension of access to JCPA properties and waterways, and any applicable municipal, state, and/or federal penalties.

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- E. Pier Permit-Any contractor desiring to conduct a special operation on any pier under the control or management of the JCPA must submit a proposal in writing regarding the operation, undertake an engineering review at their cost for submission and approval by the JCPA, and present an operational plan for review by the Port Director. Upon approval, the contractor will be issued a “pier permit”. Operations are subject to monitoring by the JCPA for plan compliance. All operations must conform with federal regulations.
- 8. ALTERATION OF PROPERTY – No property of the JCPA shall be altered in a temporary or permanent manner in any fashion without express permission of the Port Director or the JCPA.
- 9. ACCESS TO TERMINAL - Access to port facilities is restricted to those parties licensed by JCPA and engaged in the business of the port or have business on the port as approved by the Port Director. The Port Director shall, at all times, have the right to refuse access to the port or any portion thereof by any person or vessel or to remove any vessel, person, or cargo at any time from any dock or port facility.
- 10. CONTROL OF PERSONNEL ON TERMINAL – All persons within JCPA properties and/or waterways are subject to the Rules and Regulations of the Port and may be removed or barred entry by security personnel or municipal law enforcement at the direction of the Port Director.

## SECTION II. SYMBOLS, ABBREVIATIONS, AND DEFINITIONS

### A. SYMBOLS AND ABBREVIATIONS

%	Per Cent	Lbs.	Pounds
AM	Before noon, local time	LT	Long Ton – 2,240 lbs.
COR	Certificate of Registry	MBF	Thousand Board Feet
EA	Each	NOS	Not Otherwise Specified
FMC	Federal Maritime Commission	PM	After noon, local time
FSO	Federal Security Officer	Ro-Ro	Roll On-Roll Off
FSP	Federal Security Plan	T	Short Ton – 2,000 lbs.
Ft	Feet	USD	U.S. Dollars

### B. DEFINITIONS

Unless provided otherwise in this Tariff, definitions set forth in 46 C.F.R. § 525.1(c) (2022) shall apply.

- 1. BARGE – Any non-self-propelled vessel.

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2. BARREL – Equivalent to 42 US gallons of fresh water.
3. BERTH – The area of water alongside a pier where a vessel is docked.
4. CARGO – Commodities or materials to be loaded on or discharged from a vessel, truck, container, or railcar.
5. CARGO OWNER – The party or corporation, including shippers, agents, or their designees, that is/are responsible for the management of cargo handled at the Terminal.
6. DEMURRAGE/PIER OR PROPERTY STORAGE – A charge assessed against cargo which remains on the pier or Port property after expiration of the free time allowed.
7. DOCK – All docks, floats, slips, wharves, ramps, piers, bulkheads, dolphins, and sea walls owned or operated by the JCPA.
8. DOCKAGE – Charges assessed against the vessel for the service of providing space alongside of a wharf, pier, within a slip or adjacent seawall structure for the docking or berthing of watercraft, or the mooring thereof, or another watercraft so berthed.
9. DUNNAGE – Pieces of wood, matting, synthetic material, or similar material used to secure cargo aboard a vessel or used for handling and storing cargo ashore.
10. FACILITY SECURITY OFFICER (FSO) – The designated individual, or their designee, responsible for the requirements of the Facility Security Plan under 33 C.F.R. Part 105.
11. FACILITY SECURITY PLAN (FSP) – The plan for Terminal security under the requirements of 33 C.F.R. Part 105.
12. FREE TIME – The period during which cargo may occupy space assigned to it on the Terminal or any JCPA property without being subject to demurrage or storage charges immediately prior to the loading of the vessel or subsequent to its discharge from the vessel.
13. FREIGHT – Cargo (see “cargo”), or other materials delivered to a vessel as supplies for that vessel.
14. HANDLING – The physical movement of cargo or persons as managed by personnel with or without mechanical means.
15. HANDLING CHARGE – The charge assessed in performing loading or discharge of cargo between vessel’s cargo handling equipment, or Terminal’s cargo handling equipment, and place of rest on dock, truck, vessel, or other conveyance.
16. HAZARDOUS CARGO – Any liquid or solid material as defined under 49 C.F.R. Parts 171-179, or as designated by the U.S. Environmental Protection Agency and/or the Mississippi Department of Environmental Quality as hazardous waste, including waste oils, solvents and other substances requiring special protections, handling, and disposal.



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17. JCPA – The Jackson County Port Authority, its governing authority, or its duly authorized representative, including, but not limited to, the Port Director.
18. LAYBERTHING – A vessel moored at the pier in an inactive status and not engaged in operations, cargo handling or active use. Special provisions may apply.
19. LICENSE – A document issued by the Port Director granting permission to the licensee to conduct business on the property managed by the JCPA
20. LIVESTOCK – Any live animal, such as cows, horses, sheep, goats, pigs, canines, caged birds, and other creatures handled as cargo, excluding seafood.
21. LONGSHOREMAN – Any person, including general labor, engaged in the handling of cargo.
22. MANIFEST – Any formal list of cargo loaded onto or discharged from, or persons arriving on or embarking on, a vessel, including crew.
23. METRIC TON (MT) – 2,204.6 pounds U.S., or 1,000 kilograms
24. MILITARY CARGO – Any cargo contracted through the U.S. Department of Defense, or its respective agencies.
25. OVERALL – The greatest distance between two points either above or below the water.
26. OVERSIDE CARGO HANDLING – Shipments handled over the rail or deck edge of a vessel (overside) of a vessel or vessels alongside dock where freight or cargo is transferred directly between vessels berthed at wharf, but not using facilities or wharf in its transfer, or freight received by vessel or discharged into the water, to barges, boats, or other vessels, while vessel is berthed at wharf.
27. PACKAGE – A container other than a standard steel intermodal shipping container such as a barrel (other than barrel of liquid) for dry material, fish product container, palletized and wrapped material, or other type container used for the handling of dry commodities.
28. PALLETIZED FREIGHT – Freight attached to a pallet which may be wrapped or attached by other means for individual handling.
29. PER DIEM – A period of one day, equivalent to 24 hours.
30. PERISHABLE CARGO – Agricultural or seafood products required to be stored and transported in temperature-controlled environments.
31. PERSON – Vessels, agents, owners, masters, and operators, including but not limited to, natural persons, artificial persons, corporations, partnerships, organizations, and associations, and to sovereigns, governments, nations, states, municipalities, and agents and/or their instruments thereof.
32. PIER – The fixed structure along the water's edge to which is a vessel may be tied up and moored.

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33. PIER PERMIT – Permit issued by the Port Director for operations that may occur on a pier structure that requires an engineering review prior to the commencement of the operation.
34. PORT – Lands lying within, adjacent to or near the deep-water seaport in Pascagoula, Mississippi that are owned, controlled or operated by the JCPA and not within the jurisdiction of any other public body.
35. PORT DIRECTOR– The Port Director, or their designee, who shall be the local representative responsible for the management of the designated marine Terminal facility and Port properties.
36. PROCESSED – Cargo that has been significantly altered to increase its monetary value or physically changed in such a way that its primary use has been changed.
37. PUBLIC VESSEL – Any vessel owned by the U.S. Federal Government, a U.S. State Government, a U.S. municipal government, or any U.S. public governmental agency.
38. REEFER – Refrigerated cargo or the temperature-controlled unit that it is contained within.
39. RO-RO RAMP – The floating or fixed ramps at the facilities used for the transferring of vehicles to and from vessels.
40. SEAFOOD – Any species of fish, shellfish, or other aquatic animal harvested from any body of water.
41. SHORT TON – 2,000 pounds U.S.
42. SLIP – A berth for smaller vessels.
43. STEVEDORE – Any management company or entity engaged in the management of the handling of cargo and/or passengers, on behalf of the vessel operator, at marine facilities.
44. STRIKE STORAGE – Charge assessed against cargo remaining on the pier at the commencement of a strike or other labor action, which prevents receipt or delivery of cargo. The time period for this charge begins upon expiration of free time and ends upon removal or clearance of the cargo from the pier.
45. TENANT – Any party that leases property for exclusive or non-exclusive use at a marine facility.
46. TERMINAL – Terminal shall include all land, docks, piers, slips, wharves, ramps, bulkheads, dolphins, sea walls, buildings, warehouses, structures, ramps, roadways, cargo-handling equipment, property, and other infrastructure associated with the marine facilities.
47. TERMINAL OPERATOR – The JCPA or an entity holding an authorized Terminal Operator Permit to handle cargo operations at the Terminal and approved to do so by the Port Director.
48. TERMINAL OPERATOR PERMIT – A permit issued by the Port Director to a qualified entity for operating at the Marine Terminal in the Port.

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49. USER – Any party undertaking operations on Port property, including transportation providers, Terminal operators, stevedores, longshoremen, cargo owners, or other entities responsible for operations on Port property.
50. VEHICLE – Any car, truck, or other mobile unit, either self-propelled or not self-propelled by nature of design or inoperative, including cars, trucks, wheeled equipment, cranes, construction and heavy equipment and mobile weapons.
51. VESSEL – Any floating craft, self-propelled or non-self-propelled, including commercial vessels and boats; fishing boats; recreational boats; barges, skiffs, or similar craft; as well as public vessels and craft.
52. VESSEL OPERATOR – The operator, agent, owner, or their designee, of a vessel.
53. WHARF – The cargo handling area that is located on the Terminal.
54. WHARF DEMURRAGE – The charge assessed against cargo remaining on a pier or wharf after the expiration of free time, or for providing warehousing or other uses of Terminal facilities for the storage of inbound, outbound, import or export cargo, with the permission of the Port Director.
55. WHARFAGE – means a charge assessed against the cargo or vessel on all cargo passing or conveyed over, onto, or under wharves or between vessels (to or from barge, lighter, or water), when berthed at wharf or when moored in slip adjacent to a wharf. Wharfage is solely the charge for use of a wharf and does not include charges for any other service.

## SECTION III. GENERAL RULES AND REGULATIONS

### A. GENERAL

1. PUBLIC THOROUGHFARES – The Port and its associated properties are not public thoroughfares.
2. ACCESS TO PORT FACILITIES – The Port Director shall at all times have the right to refuse access to any property, dock, or terminal facility by any person or vessel or to remove, or cause to remove, any vessel, person, or cargo at any time from any property, dock, or terminal facility. This right shall be reserved at all times to the Port Director without responsibility for demurrage, loss, or damage when:
  - a. Previous arrangements for use, space, receiving, or unloading have not been made with the Port Director;
  - b. The vessel is unsafe or hazardous and may pose a risk to life or property;
  - c. The value of the Vessel, in the opinion of the Port Director, is less than the probable service charges and other charges related to its use of the dock or terminal facilities;

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- d. During periods of congestion, or in cases of emergency, when, in the judgment of the Port Director, the circumstances then prevailing or likely to occur will prevent the dock or terminal facilities, or any portion of them, from providing customary services to the public; or
- e. Persons have violated federal, state, municipal, or JCPA regulations.

3. DAMAGE TO FACILITIES –

- a. Vessel operators and all other users will be held liable for any damage to facilities resulting from their use.
- b. Vessel operators and users will be held responsible for damage done to the dock when landing, laying alongside, or when leaving the dock.
- c. In the event any damage is done to Terminal or pier property, the person or persons responsible for said damage, or in any way involved, shall, within 24 hours, give a full report to the Port Director giving date and hour said damage occurred, names and addresses or description of the witnesses or other persons, vessels, vehicles or instrumentalities involved, as well as any other pertinent facts and information which may be available.
- d. The person, persons, or entity causing the damage will be held responsible for reimbursing the owner of the damaged property for the cost of repairing or mitigating such damage, including the cost of any emergency actions taken by the Port Director, JCPA, any other users, the U.S. Coast Guard, and/or other emergency services to limit the scope of such damage.
- e. The Port Director reserves the right to repair or cause to be repaired, any and all damage to docks, wharves, buildings, utilities, and/or equipment caused by vessels, their owners and/or agents, operators, or other parties and hold them responsible for payment. Any repair charges will be billed to users at cost plus 20%. All repairs must be reviewed and approved by the Port Director.
- f. Users are held liable for all claims, losses, costs, or expenses by reason of property damage, personal injury or death which may occur, directly or indirectly as the result of overweight or improperly stowed cargo, without regard as to whether such omissions be intentional or accidental.
- g. The Port Authority shall have the authority to require Bond or a satisfactory guarantee for the amount of the damage caused, or a reasonable estimate thereof, from any vessel, towboat, tug, barge or other watercraft which shall be involved in any act causing damage to property or violation of any provision of this tariff or applicable law, before such vessel or other craft shall be allowed to clear the harbor. The JCPA has the right to

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detain a vessel until all fees have been settled.

**B. HANDLING OF MATERIALS INCLUDING FREIGHT AND CARGO**

1. **RIGHT TO REFUSE CARGO** – The Port Director shall at all times have the right to refuse to accept, receive, unload, or permit a vessel to load or discharge:
  - a. Cargo for which previous arrangements for space, receiving, unloading, or handling has not been made with the Port Director by the cargo owner;
  - b. Cargo not suitably packed for safe transportation;
  - c. Cargo with a cargo owner that is responsible for outstanding charges that have not been paid;
  - d. Cargo deemed by the Port Director to be offensive, perishable, obnoxious, or hazardous;
  - e. Hazardous cargo not prepared for shipment in accordance with the applicable Department of Transportation regulations (including, but not limited to, 49 C.F.R. Parts 171-179);
  - f. Cargo, the value of which may, in the opinion of the Port Director, be less than the probable service charges and other charges related to it;
  - g. Cargo, during a period of congestion, or in cases of emergency, when, in the judgment of the Port Director, the circumstances then prevailing or likely to occur will prevent the docks or Terminal facilities, or any portion of them, from providing customary service to the public;
  - h. Cargo not properly labeled;
  - i. Cargo beyond the acceptable, stated weight;
  - j. Cargo not properly packaged or contained;
  - k. Cargo that the terminal is not properly equipped to handle;
  - l. Hazardous cargo that is mislabeled and/or was not previously granted permission to be accommodated; and/or
  - m. Cargo of a nature that may create a safety concern for the Port.
2. **OFFENSIVE FREIGHT** – Hazardous or offensive freight, which, by its nature, is likely to damage other freight or the Terminal is subject to immediate removal either from the wharf or wharf premises or to other locations within said premises with all expense and risk of loss or damage, for the account of the cargo owner.

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3. **RIGHT TO REMOVE, TRANSFER, OR WAREHOUSE CARGO** – The Port Director may reposition cargo within or remove cargo from the terminal to safeguard life and property, for the convenience of the Port Director, if the cargo has a potential environmental impact, or if freight remaining on the terminal or JCPA property remains after expiration of free time. Freight shut out at time of clearance of vessel may be piled or re-piled to make space, transferred to other locations or receptacles within the wharf premises, or removed to public or private warehouses with all expense and risk of loss or damage for account of the owner, shipper, consignee, vessel operator, and/or carrier.
4. **ACCESS TO CARGO RECORDS** – The vessel operator will be required to allow the Port Director to have access to the manifest of cargo, loading list, or other transportation documents at the earliest time that such documents are available and no later than 72 hours prior to the time that cargo and/or passengers are to be loaded to or discharged from a vessel. Such documents must be provided for the purpose of supervising the proper use of the Terminal and obtaining the data necessary to permit the correct determination of charges. Any such information shall not be disclosed to any person other than a member of the Port Commission or JCPA staff carrying out official duties, unless a formal request is received, and a legal determination is made which requires the release of such information. Failure by the vessel operator to provide such documentation within the specified timeframe will subject the vessel operator to a late fee of \$500 per day until such documentation is provided to the JCPA.
5. **STORAGE LOCATION** – The JCPA reserves the right to require the cargo owner to store in a public warehouse, or to move to another location on the Terminal at the entire risk and expense of the cargo owner, all cargo which is not removed at the expiration of the prescribed free time. The JCPA reserves the right to place a lien on such cargo for all charges due.
6. **ABANDONED CARGO OR EQUIPMENT** – If cargo (such as damaged or unsaleable cargo) or equipment is abandoned and left upon the terminal, the cargo owner will be responsible for removal of such cargo at its own expense and for reimbursement to the JCPA if any wharfage, demurrage, or other charges have accumulated. The Port Director may, at their discretion, require a delay in departure of the vessel until such cargo or equipment has been removed and all accrued charges have been paid in full. Cargo or equipment abandoned on the terminal may be disposed of in a manner determined by the Port Director including disposal or sale of the cargo or equipment as appropriate.
7. **HAZARDOUS CARGO** – Notice shall be given to the Port Director of any vessel, truck, rail, vehicle, or any other conveyance carrying cargo which is hazardous, extremely flammable, corrosive, explosive, or otherwise possesses a significant risk of harm to property or persons at least seventy-two (72) hours prior to landing or use of docks. Such notice shall include Material Safety Data Sheets (MSDS) for all hazardous cargo. All hazardous cargo must be properly labeled in accordance with Federal HAZMAT and International HAZCOM requirements. Failure

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to have proper labeling will result in cargo being refused entry into the Terminal. The Port Director may designate where such cargo is to be stored.

8. EXPLOSIVES AND DANGEROUS OR OBNOXIOUS CARGOES – No gunpowder, explosives or other dangerous or obnoxious cargoes listed in USDOT Hazard Classification System Classes 1 through 9 inclusive shall be discharged or loaded upon the Terminal except by written permission of the Port Director. Firearms, civilian or military, and military equipment shall be considered as dangerous cargo under this item. Such cargo shall not be stored on site without express permission of the Port Director.
  
9. EXPLOSIVES OR VOLATILE CARGO PERMIT – The following shall apply:
  - a. The acceptance, handling, or storage of explosives, highly flammable, corrosive, highly volatile material shall be subject to special arrangements with and permission of the Port Director and governed by rules and regulations of Federal, State, local authorities, and the Rules and Regulations of the Port Pascagoula
  
  - b. Written applications for the transfer or movement of explosives and dangerous or obnoxious cargoes through the Terminal shall be made to the Port Director. Such application shall, at a minimum, include the following information:
    1. Names, addresses, telephone numbers and other pertinent information regarding persons and agencies to contact in the event of emergency;
    2. Description of the cargo, including DOT Hazard Classification System Class 1 through 9 designations;
    3. Amount of cargo, including the number and weight of packages or containers;
    4. Copies of relevant Safety Data Sheets (SDS) that clearly state the nature of the cargo or other materials brought on site and specific emergency response actions to be taken in the event of spillage, fire, or other emergency;
    5. Copies of all relevant DOT shipping documents specifying the shipping name of the cargo, hazard class or division thereof, packing group, and emergency response requirements; and
    6. Copies of relevant documentation for cargoes comprised of firearms, firearms components, and/or military equipment, including required End-User Certificates, along with relevant shipping and clearance documents.
  
  - c. All explosives or other dangerous or obnoxious cargoes, if permitted to be loaded or unloaded at the Terminal, shall be clearly labeled in accordance with all applicable Federal, State, and Municipal laws and regulations governing the transportation, storage, and handling of hazardous cargoes.

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- d. The handling, loading, unloading and storage of explosives and/or other dangerous articles or substances shall be subject to all applicable laws, rules and regulations promulgated by the United States of America, the State of Mississippi, the City of Pascagoula, and other proper and competent authorities.
  - e. If handling is permitted, cargo of class 1 (explosive) or class 7 (radioactive) designation, or acids, corrosive liquids, or poisons, for loading to or discharging from a vessel, shall not be allowed on the Terminal until it can be loaded aboard a vessel or be allowed to remain on the Terminal beyond what is necessary to transfer the cargo from the vessel or to the vessel, except by the express written permission of the Port Director. The Port Director shall be notified as far in advance as possible of the date and time of receiving such cargo, in order that a suitable location may be designated for a temporary place of rest for such cargo pending loading and removal from the terminal. Such notification shall include any special provisions for cargo handling and security, the cost of which shall be the responsibility of the vessel or owner. Inbound, such cargo shall be removed from the terminal forthwith on the day it is discharged.
  - f. The Port Director may require the vessel operator and/or cargo owner to employ special watchmen or security, at the vessel operator's or cargo owner's expense, to watch over any dangerous cargo on the terminal when, in the judgment of the Port Director, such action is necessary to ensure public safety and protect any property and/or cargoes against fire or other hazards until the dangerous cargo has been removed from the terminal.
  - g. In the event of spillage, breakage, release, fire, or other emergency event, the vessel operator and/or cargo owner of the dangerous cargo shall have sole responsibility for the costs of emergency response, including the costs of any clean-up and/or repair actions required to make the terminal safe for general use.
10. OWNER'S RISK – Glass, liquids, and fragile articles will be accepted only at the cargo owner's risk for breakage, leakage, or chafing. Freight subject to damage due to extremes of temperature will be accepted only at cargo owner's risk. Freight in open storage on wharf platforms or the ground will be at cargo owner's risk for loss or damage. Timber and logs or lumber rafts, and all watercraft, if and when permitted by the Port Director to be moored in slips at fleeting areas, moorage dolphins, at wharf, or alongside vessels, are at cargo owner's and/or vessel operator's risk for loss or damage.
11. LIVESTOCK – The acceptance and handling of livestock shall be subject to special arrangements with the Port Director, and governed by rules and regulations of federal, state, and local authorities.



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12. OVERWEIGHT CARGO - Users will be held liable for all claims, losses, costs, or expenses by reason of property damage, personal injury, or death which may occur, directly or indirectly, as the result of overweight or improperly stowed cargo, whether such omissions were intentional or accidental.

#### C. RIGHTS OF THE TERMINAL

1. RIGHT TO BOARD VESSEL AND INSPECT – The Port Director may enter upon and inspect any vessel at the terminal to determine the type and quantity of cargo aboard and/or to identify safety and/or security concerns. No person or persons shall hinder the Port Director’s entry upon such vessel for the stated purposes above.
2. MANIFESTS REQUIRED OF VESSELS – Vessel operators, shippers, operators, or their agents are required to furnish the Port Director with complete copies of vessel manifests showing names of consignees or consignors and the weights or measurements of all freight loaded or discharged at the terminal facilities. Such manifests must be certified as correct by an authorized official of the company and must also designate the basis of weight or measurement on which ocean freight was assessed.

#### D. ENVIRONMENTAL

1. COMPLIANCE – All users, cargo owners, vessel operators, and persons entering the Port shall comply with all environmental regulations of the Federal government, State of Mississippi, the Mississippi Department of Environmental Quality, the City of Pascagoula, and the JCPA.
2. RUBBISH – No rubbish or materials of any kind shall be dumped overboard from vessels or onto wharves. Rubbish, refuse, or other materials placed temporarily on the Terminal must, upon demand, be removed from the Terminal by the person or persons placing it there. The Port Director reserves the right to remove or cause to be removed rubbish at the expense of the party responsible, such removal will be billed to the party responsible at cost + 20%. Rubbish may only be removed from the Terminal by contractors licensed by the JCPA.
3. DISCHARGE OF LIQUIDS – Vessels may not discharge fluids overboard including black water, graywater, or other liquids while at the Terminal. This shall not include cooling water from engines or treated wastewater from systems compliant with the federal and state sewage treatment equipment regulations.
4. STACK EMISSIONS – Vessels may not produce visible or noxious stack emissions at any time while in the Port. All vessels must conform with international rules and Federal and State Environmental Control Area requirements for stack emissions.

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5. DUNNAGE –

- a. All dunnage entering the Terminal utilized for import or export to or from international locations shall be certified infestation-free and marked accordingly with an ISPM 15 Mark or equivalent.
- b. If Dunnage material, packaging material, wires, bands, or refuse of any kind have accumulated on the Terminal during cargo storage, loading or unloading, the vessel operator will be held responsible for the prompt removal of such material immediately at the completion of loading, unloading, or handling operations, and such removal is to be at vessel operator's expense. If such requirement is not promptly complied with, the Port Director will immediately remove, or cause to be removed, such material, and the expense incurred will be charged to the vessel operator or shipper.

6. HAZARDOUS MATERIAL STORAGE AND WASTE –

- a. No dangerous or hazardous waste materials may be stored on the Terminal by any persons without permission of the Port Director.
- b. All such materials, liquid or solid, must be promptly removed from the premises at the completion of loading, unloading, or maintenance operations at the expense of the persons responsible for such materials.
- c. All persons at the Port shall comply with all relevant provisions of Federal, State, Municipal, and JCPA laws and regulations in the storage, handling, and disposal of hazardous waste materials.
- d. Compliance shall be in such a manner to avoid environmental harm and to create no indemnity for JCPA.
- e. Any spills or leaks of oil-based or otherwise hazardous material shall be reported to the Port Director immediately, and must be contained and cleaned up by the responsible user in accordance with all applicable regulations.

E. VESSEL MOORING

1. BERTHED – The following rules apply to all vessels berthing or moored at the Terminal.

- a. Vessels berthing or moored at the Terminal must be properly managed at all times.
- b. Vessels berthing or moored at the Terminal must have available sufficient personnel and equipment to move the vessel at all times.

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- c. Vessels berthing or moored at the Terminal must meet international and Federal Security regulations and other rules including properly licensed and documented personnel.
  - d. In the event of severe weather, the Port Director reserves the right to order one or more tugs or towboats if, in his/her opinion, the use of tugs or towboats is appropriate. In such case, the vessel operator shall be responsible for the cost of tugs or towboats.
  - e. Vessel personnel shall monitor, at all times, weather conditions and traffic to ensure there is no risk to the vessel while moored at the Terminal. The Port Director reserves the right to shut down operations between the vessel and the Terminal if, in his/her opinion, a danger to personnel or property exists.
  - f. Any user wishing to conduct equipment or vessel maintenance must notify, and receive permission from, the Port Director. Permits are required for hot work.
  - g. The vessel operator shall take all precautions to ensure that any liquid waste discharged into tank trucks ashore is done in such a manner to conform with US non-pollution requirements and in a manner to prevent spills into the waters of the Port or on Terminal property. Only licensed vendors may be used for such waste discharge. Any spills must be reported to the Terminal immediately and, if in the waters of the Port, to the US Coast Guard.
  - h. Gangways between vessel and shore shall be properly secured and tended at all times. Where appropriate, safety nets may be required by the JCPA or the Port Director. Gangways shall be properly lit during periods of dusk, darkness, and limited visibility.
  - i. Vessel owners, agents, and/or operators for any vessels berthed, fleeted, or moored at the Terminal must be reachable by phone or radio at all times. The means and contact information must be provided to the Port Authority upon docking.
2. APPROACH AND DEPARTURE FROM BERTHS – Vessels approaching or departing berths when passing in and out of Federal and State channels, over submerged lands outside of the immediate Terminal berths, do so at their own risk and shall not hold the Port, JCPA, or the Terminal responsible for any vessel damage or casualty during such transit.
3. APPLICATION FOR BERTHING –
- a. All vessels desiring a berth at the Terminal shall, as far in advance of the date of docking as possible, and no less than 48 hours in advance of the scheduled time of arrival, make application for berthing to the Harbormaster. Applications for berthing are provided by the Port on request and are located on the Port’s website.
  - b. Any vessel, barge, or other watercraft that berths or otherwise occupies pier, wharf, or mooring space at the Port without an approved berthing application will be subject to an additional day’s dockage, in addition to any other applicable penalties.

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4. ASSIGNED BERTH –

- a. All vessels receiving berth assignments from the Harbormaster shall dock or fleet at their respective assigned location at the pier and in fleeting areas at the time and for the period stated in their application, and shall be solely responsible for making prior arrangements for docking assistance and related services, and for notifying the Harbormaster of such arrangements. Vessels berthing at the Terminal must provide confirmation of berthing to the Harbormaster at least 12 hours in advance of arrival.
- b. In order to maintain a schedule of berth assignments, to prevent port congestion, or, if in the sole discretion of the Harbormaster, it is deemed necessary for the Port's effective operation, the Harbormaster may order a vessel to work continuously to complete its load and discharge operations. Any vessel refusing such order may be required by the Port Director to vacate its berth and make new berthing application to return to the Port.

5. OPERATIONAL SPACE – No personnel providing docking assistance or loading, unloading, or handling services shall be allowed to enter into or infringe upon any space upon the pier other than that required for docking and cargo/passenger loading and unloading, and designated by the Port Director for such purposes. All vessel docking, loading and unloading, embarkation and disembarkation, and departure operations shall be conducted by the vessel in a manner that will not interfere with the operation of other users, including the movement of trucks, personnel, equipment, to or from any other part of the Terminal.

6. SCHEDULING OF VESSELS – The Harbormaster reserves the right to establish vessel berthing schedules and the use of all Terminal facilities for the convenience of the Port. If there are any vessel traffic or berthing conflicts, the Port Director shall have final authority over berthing assignments.

7. EMERGENCY COMMUNICATIONS - In case of emergency, including fire, explosion, or similar incident, and in case of injury, the vessel operator shall call 911 and then notify the Port Authority.

8. RIGHT OF TERMINAL TO MOVE VESSELS – The following shall apply:

- a. Whenever necessary for the proper and safe operation of the Terminal and/or its facilities, the Port Director may order a vessel or its associated barges to depart the Terminal or to move to such other place as directed at the expense of the Vessel Operator. The Port Director may order a vessel to move, to such a place as directed, at the vessel operator's expense when, in the opinion of the Port Director:

1. It is necessary for the proper operation of the facility;
2. There is an emergency;

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3. Terminal congestion may be ameliorated by such a move;
  4. A vessel is offensive or hazardous;
  5. A vessel contains hazardous cargo or cargo that is liable to damage other vessels, cargo, or Port facilities; or
  6. The vessel's berthing is in conflict with another vessel who had previous arrangements.
- b. The Port Director reserves the right to have a vessel moved or removed at the expense of the vessel operator when the order to comply is not acted upon.
  - c. If any damage occurs to the pier or other property as a result of such a move, or should any equipment and/or labor be rendered idle by such a move, all expenses shall be charged to the vessel operator.

F. LIABILITY AND INSURANCE

1. LIABILITY – The JCPA, its officers, agents, or employees shall not be held responsible for loss or damage by whomever causes loss or damage to vessels, persons, or cargo or to any other property in or upon, or moving or being moved over, in, through, or under any pier, wharf or other structure or property owned, controlled, or operated by the JCPA, resulting from any cause whatsoever, including but not limited to, loss or damage which in any manner is caused by or results from the following: theft; pilferage; animals, including rats, mice, and other rodents; birds; insects; shrinkage, wastage, seepage, or leaking containers; heating; evaporation; fire or the extinguishing thereof; dampness; rain, floods, freezing, frost, or other action of the elements or acts of God; collapse of walls, piers, or other structures; breakdown of plant, machinery, or equipment; damaged cargo containers or packaging; floats, logs, or pilings required to breast vessels away from wharves; sabotage, insurrection, revolution, or war; riot; strikes or any combination of the foregoing, including clerical errors or omissions in the dispatch of cargo.
2. RESPONSIBILITY FOR SAFETY, SECURITY – Vessel operators shall be solely responsible for the safety and security of cargo, personnel, crew, and passengers loaded or unloaded, embarked or disembarked at the Terminal.
  - a. Vessel operators shall make proper provision, in consultation with the Port Director, for safety and security.

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- b. Tenants leasing warehouse storage space or other facilities at the Port shall be solely responsible for the condition, safety, and security of stored goods and personnel providing services within their respective leased space.
  - c. Users agree to cooperate with the Port Director and enforce all applicable rules and regulations of the JCPA as contained in this Tariff, or supplemental rules, regulations, or agreements, with respect to its agents, employees, contractors, guests, and invitees.
3. INSURANCE FOR SERVICES – The rates contained herein do not include insurance of any kind. The interested party should procure insurance, including, but not limited to, fire, theft, casualty and liability or any other such insurance as deemed appropriate by the Port Director. The JCPA shall be under no obligation to provide insurance of any type for any vessel, cargo, or liability arising out of use of the Terminal.
4. INSURANCE – The Port Director reserves the right to request specific insurance and may request certificates from users to confirm they have the required levels to cover operations. The Port Director shall furnish the user with the requirements for insurance and minimum levels required. The JCPA can specify additional insurance for operations or users or may require to be named co-insured on policies. Requirements for users as applicable may include but are not limited to:
- a. Workers’ Compensation, including Social Security, Unemployment, and Longshore and Harbor Workers endorsements, required under all applicable Federal and State statutes and municipal ordinances for all the user’s employees performing its work, in amounts established by the state of federal law, and Employer’s Liability Insurance in the amount of not less than \$1 Million (\$1,000,000.00);
  - b. Comprehensive General Liability Insurance (including coverage for automobile liability, broad form contractual liability, and property in the insured’s care, custody, and control) against all claims for bodily injury, death, or property damage occurring on, in, or about any vessels being loaded or discharged by a party, or the Port, and the adjoining areas, with limits as to bodily injury or death and property damage of not less than \$1 Million (\$1,000,000.00) for each occurrence;
  - c. Stevedore and Terminal Operators Liability;
  - d. Property Damage Insurance, with limits not less than \$500,000 per occurrence;
  - e. Commercial Automobile Liability;
  - f. Excess Public Liability and Property Damage Liability;

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- g. Protection, Indemnity and Hull Insurance with Wreck Removal rider;
  - h. Marine Pollution Insurance;
  - i. Cargo insurance;
  - j. Warehousing Legal Liability; and
  - k. Other such insurance coverage as deemed appropriate by the Port Director.
5. FORCE MAJEURE – In the case of occurrence of unusual circumstances, without any fault of the JCPA, including without limitation, damage or destruction to premises, including vessels or cargo, by fire, flood, civil disturbance, earthquake, tidal wave, wind, explosion, public enemies, war, Acts of God, marine casualty, Government action, labor actions, or similar circumstance, the JCPA shall not be held liable for any impacts on users, vessels, persons, or cargo.

G. MISCELLANEOUS

- 1. VERIFIED GROSS MASS REQUIREMENTS – All users must comply with verified gross mass requirements as applicable.
- 2. CAPABILITIES – The Port Director reserves the right to refuse to permit the handling of cargo that exceeds the maximum allowable weights on the Terminal or any portion thereof, or is, in the determination of the Port Director, outside of the safe operating parameters of the Terminal.
- 3. PIER LOADING PERMIT – A pier loading permit shall be required for the handling of any cargo requiring crane equipment contracted from outside of the Terminal. Such permit shall only be granted upon presentation of a detailed engineering survey provided by the party handling the crane and cargo and at the cost of the party requesting a permit.
- 4. STEVEDORING SERVICES – The services of handling, loading, and unloading, and other services not specified herein, shall be provided only by stevedores as licensed by the Port Director for provision of those services. Handling, loading, and unloading rates are furnished upon request by the service provider.
- 5. MOVEMENT OF CARGO AND PERSONNEL – Temporary storage, loading, and unloading of cargo at the Terminal shall be accomplished within the free time specified in this Tariff unless written arrangements for additional time are made with the Port Director. In addition:
  - a. Embarking and disembarking of personnel shall be accomplished within the time specified in prior written arrangements made with the Port Director. Vessel operators shall be responsible for the safety and security of personnel crossing the pier, with

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pedestrian routes to be clearly designated and marked at the expense of vessels.

- b. Vessel operators and/or cargo owners are solely responsible for making any necessary arrangements for required inspections of cargo by the U.S. Customs, and for bonded storage or other clearances when required. The Port Director shall be informed of arrangements made for U.S. Customs inspection and/or bonded storage and of any requirements for cargo, personnel and equipment movements at the Terminal for such purpose.
  - c. The Port Director may bar passengers or visitors from the Terminal for the purposes of safety or security as deemed necessary by the Port Director.
6. AVAILABILITY OF CARGO FOR DELIVERY – The Vessel operator shall be responsible for making inward or outward bound cargo on the Terminal available for delivery to consignees or the vessel. The Vessel operator shall notify the Port Director of such arrangements for delivery of cargo to consignees, including the estimated number of trucks and the relative timing of cargo pickup/delivery by truck.
  7. VEHICLE PARKING – No persons shall be allowed to park automobiles on the Port without express permission from the Port Director. When such permission is granted, parking shall be entirely at the risk of the owner and/or operator, and the JCPA shall not be held liable for any loss or damage resulting from such parking. The Port Director shall designate those areas on the Terminal or other Port property where parking is permitted, and may issue, or cause to be issued, parking permits for vehicles. Any vehicles not properly parked in designated areas may be towed by the JCPA at the owner’s expense. A surcharge for vehicle parking or parking permits may apply.
  8. VEHICLE SAFETY – All persons operating a vehicle on Port property must wear seatbelts. Vehicles must adhere to all posted speed limits. Vehicles may not be left idling when unattended.
  9. SMOKING – There is NO Smoking allowed in any of the buildings in the Port. No smoking shall be allowed on Port property except in approved areas or locations specifically designated by the Port Director for that purpose. Persons violating this rule may be barred, at the discretion of the Port Director, from further use of the Port or any Portion thereof, and in addition, shall be subject to prosecution under the applicable Federal, State, and Municipal laws.
  10. ILLEGAL DRUGS – The use of illegal drugs under Federal Laws of the United States on any port property is strictly prohibited.
  11. ALCOHOL - The possession and/or consumption of alcoholic beverages on Port property and facilities is prohibited without the proper licenses and the approval of JCPA and/or its Port Director.



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12. WEAPONS, AMMUNITION, AND EXPLOSIVES - No weapons of any type are permitted in the Port except for those carried by persons in law enforcement in the execution of their duties. Ammunition and explosives are prohibited from the Port without proper permits, handling procedures defined, and permission of the Port Director.
13. HOT WORK – There is no burning or welding on the pier or on vessels alongside of the pier unless written permission of the Harbormaster is granted, a plan is submitted to and approved by the Port Director, and the following conditions are met:
- a. The user wishing to perform the hot work complies with all federal, state, and municipal laws, ordinances, and regulations governing the performance of hot work, including those set forth in 33 CFR 126;
  - b. The user wishing to perform the hot work notifies the Port Authority, of where the user wishes to perform the work, the distance of that area from any dangerous cargoes, and the work plan the user has generated;
  - c. All flammable vapors, liquids, and/or solids have been completely removed from any container, pipe, or transfer pipe to be worked on;
  - d. Any tanks to be worked on that are typically used for the storage of flammable or combustible substances are tested and certified gas-free;
  - e. No gas-freeing operations, related to bulk cargo operations involving flammable or combustible materials, are occurring within 100 feet (30.5 meters) of the planned work area;
  - f. No fueling is occurring within 100 feet (30.5 meters) of the planned work area;
  - g. No hazardous materials are within 50 feet (15.25 meters) of the planned work area;
  - h. Any hot work on the boundary of a compartment (e.g. a bulkhead, wall, or deck) has a fire watch stationed in the adjoining compartment (in addition to fire watch(es) required by NFPA 51B);
  - i. Personnel on fire watch have no other duties other than to watch for the presence of fire and prevent the development of hazardous conditions;
  - j. All safety precautions in relation to purging, inerting, and/or venting related to hot work on containers are followed; and
  - k. Should a fire or other hazard occur, all cutting, welding, or other hot work operations and equipment are shut down immediately.

14. FUELING AND LIQUID BULK PETROLEUM TRANSFER

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- a. COMPLIANCE – Fueling and liquid bulk petroleum transfer operations at the Terminal by vessel or vehicle shall be done only with the permission of the Harbormaster and in accordance with US Coast Guard regulations; 33 CFR Parts 154, 155 & 156; 46 CFR Sections 12, 15, & 35; State environmental protection regulations; and all local and Municipal regulations. Such operations shall be conducted in a manner to prevent spills into the waters of the State of Mississippi and/or on Port property. Only licensed vendors or operators may conduct such transfers.
  - b. SHIP/SHORE SAFETY CHECK LIST - Prior to the transfer of fuel, the vessel operator and mobile transfer facility should complete a declaration of inspection in accordance with 33 CFR Part 154.
  - c. FIREFIGHTING EQUIPMENT - All vessels shall have firefighting equipment ready for use during fueling. All personnel involved in bunkering, fueling, and/or liquid bulk transfer operations must be trained in firefighting. Each transfer operation shall have a designated and qualified Person-in-Charge (PIC).
  - d. NOTICES - All vessels, while engaged in bunkering or fueling, shall display a sign stating the following: “WARNING, NO VISITORS, NO SMOKING, NO OPEN LIGHTS.”
  - e. ACCESS TO VESSEL DURING FUELING - Access to vessels while fueling shall be restricted to crew and essential personnel.
  - f. FLAGS AND LIGHTS - All vessels, while fueling, shall display a red flag during the day and a red-light during darkness.
  - g. EMERGENCY SHUTDOWN - An emergency shutdown procedure shall be established by persons handling, bunkering, fueling, and/or liquid bulk transfer operations. Such procedure shall be established and tested prior to the transfer of fuel.
  - h. COMMUNICATIONS - All personnel involved in fueling or bunkering operations shall remain in close communications at all times.
  - i. SPILLS - Any spills must be reported to the Port Authority immediately and, if in the waters of the Port, to the US Coast Guard. Any spills on Port property will be cleaned up immediately at the expense of the user responsible.
15. EQUIPMENT – Cranes and other equipment to be used for vessel loading, unloading, or cargo handling on the Terminal, or for the movement of cargo stored within Terminal facilities, shall be operated by authorized personnel only, shall be properly load-rated for such use, and shall be operated in a manner to prevent damage to property or harm to personnel. Vessel Operators shall

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be responsible for making arrangements for the availability of such equipment as required for cargo loading and unloading and for notification of the Port Director of such arrangements.

16. REQUIRED STORAGE CLEARANCES – When storing cargo on the Terminal or in warehouses, the following clearances shall be maintained:
- a. At least two (2) feet of clear and open space shall be maintained free of rubbish, dunnage, or other obstructions between cargo, freight, merchandise, bulkheads, partitions, doors, windows, bollards, cleats, or other material piles and fire lanes.
  - b. At least four (4) feet of clearance and open operating space on all sides of fire hydrants, fire alarm boxes, standpipes, fire hoses, sprinkler valves, fire doors, deck hatches, or first aid appliances.
  - c. When other safety equipment or deck hatches are located in a space surrounded by cargo, freight, merchandise, or other materials, there shall be maintained a straight, free, and open space at least three (3) feet in width running therefrom to the center aisle. This space shall be kept clear of rubbish, dunnage, and other obstruction.
  - d. A main aisle of at least twenty (20) feet in width shall be maintained on Port property to allow fire trucks or other emergency vehicles to have access throughout all Port property. Free and unobstructed operation of all automatic operating fire gates.
  - e. Free, unobstructed, and direct access to all buildings and fire hydrants by the Fire Department.
  - f. Flammable or combustible cargo, freight, merchandise, or other material, not including bulk cargo, shall not be tiered higher than twelve (12) feet.
  - g. No cargo shall be placed or stacked on any Portion of the facility including warehouses, not approved by the Port Director, nor will persons be allowed pedestrian access to any restricted areas of the Terminal unless properly isolated under the Terminal's Facility Security Plan (FSP).
17. LIMITING WEIGHTS – Cargo must be stored or stacked so as not to exceed property weight limits as posted in specific areas. In general, cargo shall be stacked or piled on the pier or Terminal so as to produce a uniform loading.
18. COMPLIANCE FOR STORAGE – Storage undertaken in any part of the premises shall be done in such a manner as to prevent damage to the Terminal, and to comply with the regulations of the United States Coast Guard, United States Environmental Protection Agency, State of Mississippi and all cognizant regulatory agencies.

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19. OPERATING AREA AS AUTHORIZED – All users shall confine their operations to the area designated by the Port Director, or by the terms of relevant leases. Users involved in work for a vessel or tenant may not enter or encroach upon areas designated by the Port Director for use by other users.
20. BARGE CLEANING – Barges required to be cleaned shall be done so at the expense of the vessel owner or representative. All other charges apply, including dockage charges.
21. HANDLING OF LOOSE MATERIAL – Any vessels, operators, or users handling loose, granular material shall control all dust generated by such handling so that Port property and other tenants are not impacted. Users shall meet all prevailing safety requirements and will mitigate all potential fire, explosive, or health hazards arising from the handling of loose material. Handlers must remove all debris and material associated with such handling of material.
22. SERVICE VEHICLES - Service vehicles shall only be permitted on port property when such operations are licensed by the JCPA and may only operate in designated areas. All such services are responsible for the disposal of trash, liquids, and other materials by personnel or customers. The Port Director has the authority to cancel any licensed service when not in compliance with these regulations or license provisions.
23. UNAUTHORIZED PERSONS - No unauthorized persons are permitted in the Port at any time. Unauthorized persons are subject to confinement by security and arrest by local law enforcement.
24. PERSONAL SAFETY EQUIPMENT – All persons on the Terminal, including those not employed by JCPA or its licensed contractors, shall wear highly-visible safety vests or outer clothing, and shall utilize such other safety equipment such as hard hats, protective clothing and shoes, safety eyewear, hearing protection, gloves, chemical resistant boots, and/or other equipment as appropriate. All persons working near the edges of docks, piers, and berths shall also wear floatation equipment while working in those areas.
25. MEDICAL EMERGENCIES - In the event of a medical emergency or accident, any person observing the emergency must call 911, ensure the area is safe to render aid, and render aid. The Port Director must be notified of all such medical emergencies or accidents as soon as possible. Vessel operators shall confirm their ability to undertake such communications.
26. SAFETY INSPECTIONS - The Port Director reserves the right to conduct announced or unannounced inspections to ensure compliance with these regulations. Operations may be halted, or personnel directed out of the Port, at the discretion of the Port Director for non-compliance.
27. VEHICLE WARNING LIGHTS/ALARMS - All vehicles engaged in operations on the Terminal shall display a flashing amber light and shall be equipped with back-up alarms. Vehicles transiting to and from work sites on the Terminal shall display a flashing amber light.

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28. UNLAWFUL ACTS - Unlawful acts committed by persons on the Port of any type shall be referred to local law enforcement for action.
29. CONDUCT - All persons on the Terminal shall conduct themselves in an orderly and professional manner. The use of discriminatory language is strictly prohibited. The Port Director reserves the right to have persons removed or barred from the Port for non-compliance.
30. MILITARY VESSEL CREW SECURITY - Military vessels calling on the Terminal will provide personnel to assist Terminal security with the management of persons entering or leaving the Terminal. A complete list of officers and crew must be provided to the Port Director upon arrival.
31. HANDICAPPED ACCESS - Handicapped access to vessels berthed at the Terminal is not provided.
32. PUBLIC TOURS OF VESSELS - Public tours of vessels are not permitted unless by previous arrangement and permission of the Port Director and in conformance with security requirements.
33. LAYBERTHING - Vessel operators that are responsible for vessels layberthed at the Terminal in inactive status shall inspect such vessels regularly as specified by the Port Director. Such inspections and the condition of vessels are to be reported to the Port Director. The Port Director shall have the right to enter upon a vessel to inspect its condition at any time. Vessels must be properly moored at all times at the direction of the Port Director. All vessels must be maintained in a safe and secure condition. Vessels not in compliance will be directed to be removed from the Terminal or removed at the owner's expense.
34. RECORDING EQUIPMENT PROHIBITED - The use of cameras, video equipment, or other recording devices is not allowed on port property without the advance permission of the Port Director. Persons violating this provision will be required to surrender all recording equipment and any peripheral storage, recording, or other devices immediately.

## SECTION IV. RATES, CHARGES, TERMS AND CONDITIONS

### A. PAYMENT OF CHARGES

1. **APPLICABILITY** – All Users of the Terminal shall be subject to the following fees, terms, and conditions as published in this Tariff.
2. **PAYMENT DUE** – All payments are normally due and payable upon presentation of an invoice.
3. **CREDIT** – Any User doing business under this Tariff may apply for credit. Failure to pay credit accounts within thirty (30) days may result in cancellation of credit privileges and the re-establishment of cash terms.
4. **DELINQUENCY** – If payment is not received within the specified period, the responsible party will be placed on a delinquent list. Such party shall be denied further use of the Terminal until all outstanding charges have been paid.
5. **FINANCE CHARGE** – Invoices not paid within thirty (30) days are subject to a finance charge of 10% of outstanding balance per month.
6. **PAYMENT APPLICATION** – The Port Director may apply any payment received against the oldest outstanding invoices.
7. **RESPONSIBILITY FOR PAYMENT** – The Vessel operator, shipper, operator, agent, or assignee agrees to guarantee and pay all Terminal charges which are assessed against the vessel or cargo in accordance with the terms and conditions specified in this Tariff. Agents or representatives are held fully responsible for all charges on behalf of who they represent if they arrange for facilities, equipment or other chargeable services according to the terms outlined in this Tariff.
8. **PREPAYMENT OF CHARGES** – The Port Director may, at their discretion, require a pre-paid deposit of sufficient funds to cover all charges under any of the following conditions:
  - a. If written guarantee for payment of charges is not provided;
  - b. Where a party does not have approved credit;
  - c. If the parties representing a vessel have habitually been delinquent in payment of charges due; or
  - d. If the vessel operator or cargo owner is unknown to the Port Director and, in the opinion of the Port Director, prepayment is warranted.

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9. COLLECTIONS – Accounts referred to an attorney or an agency for collection are subject to a surcharge and additional court and collection costs.
10. WITHHOLDING OF CARGO – The Port Director reserves the right to withhold delivery of any cargo until all accrued Terminal charges have been paid in full.
11. RIGHTS AGAINST VESSEL FOR NON-PAYMENT – The Port Director reserves the right to detain a vessel; establish a maritime lien upon the vessel, its cargo, and freights; or arrest a vessel for all unpaid charges due the Terminal.
12. DENIAL OF USE – The Port Director reserves the right to deny anyone the use of any Terminal until all past due accounts are paid.
13. DISPOSITION OF CARGO – The Port Director may refuse delivery or loading of cargo or passengers until all past charges have been paid.
14. ALTERNATIVE ARRANGEMENTS – The vessel operator or cargo owner may request alternative arrangements for use of the Terminal and any attendant charges or payment terms prior to the arrival of a vessel or handling of cargo to the satisfaction of the Port Director. The Port Director and the JCPA are under no obligation to grant any requested alternative arrangements and may do so at their sole discretion.
15. CURRENCY – All amounts are in United States Dollars (USD).

**B. RATES, CHARGES, AND FEES**

1. RIGHT TO ADJUST RATES – The JCPA, at its discretion, reserves the right to adjust rates on an annual or as-needed basis.
2. DOCKAGE
  - a. Applicability – Dockage will be assessed against a vessel, its owners, agents, or operators on the basis of the Length Overall (LOA) of the vessel for the period the vessel remains docked, moored, or fletted at any JCPA facility/property. The maximum length as listed on the vessel’s Certificate of Registry (COR), or as measured and accepted by the Port Director shall be used in determining the length overall for the vessel. Dockage will be assessed against the vessel, its owners, agents, or operators at the rates shown below apply to a twenty-four-hour period or fraction thereof, including Saturdays, Sundays, and holidays.

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- b. Barges and Tugboats – Per Diem charges for Barges, Tugboats, and Drill Rigs are as follows
1. River Barges \$0.94 per foot LOA per diem
  2. Tugboats, tow boats, crew boats, or work boats \$3.51 per foot LOA per diem
  3. Drill Rigs at a dock \$10 per foot of wharf used per diem
  4. Drill Rigs in waterways \$3.50 per foot of (length plus beam) per diem
- c. All other vessels – Per Diem dockage charges for all vessels not indicated above are indicated in the table below.

Vessel Length Overall (LOA)	Charge per diem
0-199	\$3.62 per foot
200-399	\$4.75 per foot
400-499	\$6.46per foot
500-599	\$8.68 per foot
600-699	\$10.08 per foot
700-799	\$12.78 per foot
800-899	\$15.40 per foot
900+	\$18.43 per foot

3. **TEMPORARY BERTH** – Temporary berth may be assigned to tugs, barges, crew boats, research vessels, or any other vessel during any emergency, inclement weather, or any other condition requiring such assignment. Immediately upon arrival, the master, owner, or agent must file a formal application for berth assignment, and all such vessels are subject to all applicable Port Authority rules, regulations, and charges. Tugs, barges, crew boats, research vessels, or any vessel during any emergency, inclement weather, or any other condition requiring dockage for a period of less than two hours will not be subject to dockage fees but should the vessel request dockage and stay at the dock for more than two hours, regular dockage will be charged. Should such vessel not have a licensed agent, the Port may, in its discretion, act as the vessel’s temporary agent and assign an agent’s fee. All applicable charges shall be paid in full prior to departure unless acceptable credit or bond is provided to the satisfaction of the Port.
4. **HARBOR FEES** –Harbor Fees will be assessed on vessels calling on the Port. The rates and conditions related to harbor fees can be found in the Port Pascagoula Harbor Manual.
5. **WHARFAGE**



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- a. Applicability – The following charges will be assessed against all cargo and freight discharged from or loaded to vessels, including lighters and barges.
- b. Definitions – All wharfage charges will be tabulated based on the definitions given in this Tariff, and subject to the discretion of the Port Director. The Port Director has final authority over how cargo is defined and the rates at which wharfage charges are assessed.
- c. Loaded vans or containers regardless of size, each \$40.00 per container
- d. Empty vans or containers, regardless of size, each \$25.00 per container
- e. Commodity Rates – Cargo owners or vessel operators will be billed directly for all wharfage.

No.	Commodity (not containerized)	Unit	Cost	Note
1	Automobiles or Vehicles	Short Ton	\$6.50	1
2	Bulk Cargo NOS	Short Ton	\$1.60	
3	General Cargo NOS	Short Ton	\$3.15	
4	Hazardous Cargo	Short Ton	\$5.80	2
5	Heavy Lift (70,000 lbs or more on a single lift)	Short Ton	\$8.20	3
7	Logs or poles in bundles, not creosoted	Short Ton	\$2.00	
8	Lumber, import (arriving Port Pascagoula)	Short Ton	\$2.40	
9	Lumber, export (departing Port Pascagoula)	MBF	\$2.40	
10	Machinery, Boilers, Castings, or Forgings NOS	Short Ton	\$3.50	
11	Paper and Paper Articles	Short Ton	\$2.40	
12	Linerboard	Short Ton	\$2.40	
13	Woodpulp	Short Ton	\$2.40	
14	Pipe, Loose or bundled	Short Ton	\$2.60	
15	Plywood, Veneer, MDF or similar	Short Ton	\$2.40	4
16	Steel, Metals, and Alloys	Short Ton	\$2.40	5
17	Super Sacks	Short Ton	\$2.25	

- f. Non-containerized Commodity Notes –
  - 1. Including trucks, campers, motor homes, tractors, freight trailers, and other vehicles.
  - 2. Requires advance approval by JCPA.

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3. Heavy Lifts have a minimum wharfage charge of \$2,500 per vessel.
4. In bundles
5. Semi-processed (i.e. rolls, coils, billets, ingots, plates, etc.)

g. Wharfage Rate Modifications –

1. Vessel gear – Strongbacks, lines, hatch covers, barge covers, and other such vessel's gear placed on the wharf during loading/unloading operations shall be exempt from wharfage charges.
2. Stores & Bunkers – Ship's stores and bunkers (fuel) intended for the vessel's own use are exempted from wharfage charges.
3. Potable Water – Potable water provided by JCPA is exempt from wharfage charges.

6. USAGE CHARGES –

- a. For the use of port facilities, all cargo handled by licensed stevedores is subject to an additional \$0.35 per 2,000 lbs. usage charge. This charge is in addition to all other fees and charges that apply. Usage charges shall be assessed against the licensed stevedore.
- b. For the use of port facilities, all cargo handled by licensed terminal operators is subject to an additional \$0.15 per 2,000 lbs. usage charge. This charge is in addition to all other fees and charges that apply. Usage charges shall be assessed against the licensed terminal operator.

7. TERMINAL STORAGE/WHARF DEMURRAGE

- a. Applicability – Any cargo that remains at the Terminal following the expiration of free time is subject to storage charges or removal from JCPA property.
- b. Free Time – Applies as follows:
  1. Free time begins when the cargo reaches its point of rest at the Terminal.
  2. Free time will be tabulated exclusive of Saturdays, Sundays, and Holidays.
  3. Cargo that has been discharged from a vessel will receive 30 calendar days free time following the completion of discharge operations.
  4. Cargo that is to be loaded onto a vessel will receive 30 calendar days free time following the delivery of the cargo to a point of rest on the terminal.
  5. Requests for extension of free time will be considered by the Port Director when submitted in writing **prior to the expiration of normal free time**. The Port Director reserves the right to grant or refuse any request or extension of free time.

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c. Lay-Down Areas –

1. No cargo is to be stored on any JCPA property without the express permission of the JCPA or its Port Director.
2. The Port Director may assign designated lay-down area for cargo to be stored.
3. Cargo and freight on any JCPA property not placed in a designated lay-down area must be immediately removed or relocated upon order of the Port Director.
4. A cargo owner who refuses to move such cargo or freight on demand will be assessed storage/demurrage at five times the applicable rate. In addition, the Port Director may, at their discretion, move, remove, or cause to be removed such cargo or freight at the expense of the cargo owner, excepting any damages caused by lack of ordinary care by the Port Director.

d. Terminal Storage Rates –

1. Terminal storage shall apply to any cargo or freight stored on the Terminal - including the dock, pier, or wharf - except for freight stored within railcars.
2. After the expiration of free time, Terminal storage for bulk cargo will be assessed at \$2.00 per short ton per day.
3. After the expiration of free time, all other cargo and freight will be assessed storage at \$4.00 per short ton per day.

8. EQUIPMENT RENTAL – The following equipment is available for operation by Terminal Operators, on request and with the permission of the Port Director.

- a. Truck Scales – JCPA reserves the right to assess a weighing fee for any weights obtained using JCPA equipment.

9. SECURITY

- a. Security Surcharge – Security surcharges for all vessels and cargo will be assessed at the following rates:
  1. Vessels and Barges – 11.82% on total dockage assessed
  2. Breakbulk Cargo - \$0.25 per short ton
  3. Dry Bulk Cargo - \$0.056 per short ton
  4. Liquid Cargo- \$0.056 per short ton
  5. Containers (Loaded) - \$5.215 each
  6. Vehicles - \$2.00 per person
  7. All other cargo - \$0.24 per short ton
- b. Maritime Security – Security rates and staffing are subject to increase at the discretion of the Port Director in the event that the prevailing Maritime Security (MARSEC) level is increased.

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10. POTABLE WATER

- a. Potable water is available by request.
- b. JCPA will not provide hoses, hookups, or any other equipment for potable water.
- c. Potable water will be charged at \$8.35 per thousand gallons, subject to a hook up fee of \$75.00 during regular hours and \$150.00 during overtime hours.
- d. JCPA reserves the right to refuse or limit the supply of water to vessels.

11. ELECTRICAL POWER

- a. JCPA reserves the right to assess a fee for any electrical power used by any user without prior approval of the Port Director.

12. OVER-THE-ROAD (OTR) Cargo

- a. All inbound and outbound cargo passing through the Port, at its Terminal, where neither movement to nor from the Port is by water, will be assessed as follows:

Cargo	OTR Charge
Containers, regardless of size	\$55.00 per container
Non-Containerized	\$2.75 per short ton

13. RAILROAD TRACK USAGE/STORAGE

- a. General – All railcars arriving at the Terminal will be subject to a rail usage fee of \$175.00 per railcar, loaded or unloaded. This fee is an addition to any other applicable fees or charges that the railcars may be subject to.

14. DOCK CLEANUP – Port Users of the wharves, sheds, and other JCPA property shall be held responsible for cleaning of the property which they have been allowed to use or assigned or leased to them, including adjacent aprons and gutter, as directed by the Port Director. In the event that JCPA must provide such cleaning, or contract for such cleaning, the responsible User will be charged at the JCPA’s cost plus 20%.

15. LICENSES – Licenses may be obtained by making application to the Port Director and remitting an annual license fee, noted below:

Entity Seeking License	License Fee
Stevedores, Terminal Operators	\$500.00 per year
All other entities	\$50.00 per year

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16. SPECIAL CHARGES AND CHANGES IN CHARGES

- a. Charges – The JCPA may make special charges as they may deem necessary, concerning the use of piers or open spaces in the vicinity of the Terminal, buildings on the Terminal or the use of the Terminal by commercial, State, or Federal vessels, or by contractors working on Federal or State contracts and for use of tracks, sheds, the pier or other structures.
- b. Additional Costs – In the event that Governmental agencies or operational requirements impose increased costs, the vessel operator or cargo owner agrees to pay those costs and any related surcharges.
- c. Charges for Specialized Services or Operations – The Port Director is authorized to develop and charge rates and fees for specialized services and those services not specified in the Tariff as requested by the party requesting those services and by mutual consent.
- d. Right to Refuse – Except where otherwise required by law, the Port Director has the authority to refuse to provide or to arrange for the provision of special services.
- e. Special Services – Any services rendered by the Port Director or the JCPA not otherwise noted in this Tariff will be billed to the person requesting such services at the JCPA's actual cost (including labor, equipment usage, mileage, and other costs) plus 20%.

17. TWIC ESCORT SERVICE – Vehicles requiring an escort to fulfill the TWIC requirements for entry into and exit from Port facilities may be provided an escort at a charge of \$110 per entry. Payment will be made in a manner authorized by the Port Director.

**END OF TARIFF**