PORT AUTHORITY MARINE TERMINALS
PAMT FMC NO. PA-10

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

FMC Schedule No. PA 10

Naming
Rules and Regulations
Applying At

Port Authority Marine Terminals

And

Rates and Charges
Applicable

For the Use of Public Areas

At
Port Authority Marine Terminals

ADOPTION NOTICE

The Port Authority of New York and New Jersey hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, terminal tariff PAMT FMC NO. PA10 including all revisions thereto.

NOTICE TO TARIFF USERS

This document is compiled to reflect FMC Schedule No. PA10.

Issued by:

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY
225 Park Avenue South
New York, New York 10003

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SUBRULE 34-001 ISSUED 30 DECEMBER 1993 EFFECTIVE 31 JANUARY 1994

No provision in this tariff limits or otherwise relieves THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY from liability for its own negligence or imposes on others the obligation to indemnify or hold harmless THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY from liability for its own negligence.

SECTION A

SUBRULE 34-005 ISSUED 30 DECEMBER 1993 EFFECTIVE 31 JANUARY 1994
EXPLANATION OF TERMS

As used in these Rates, Rules, Regulations and Charges, the following terms shall have the following meanings except that terms and or definitions which define a specific service for which a charge is made will be found with the item.

NOTE: For the definition of:

Dockage	See SUBRULE 34-305
Wharfage	See SUBRULE 34-505
Wharf Demurrage	See SUBRULE 34-640
Free Time	See SUBRULE 34-610

SUBRULE 34-010 ISSUED 30 DECEMBER 1993 EFFECTIVE 1 OCTOBER 2009
BUSINESS HOURS

The hours between 8:00 AM and 12:00 Noon and between 1:00 PM and 5:00 PM, exclusive of Saturdays, Sundays and holidays as defined in Subrule 34-635. Services performed during other than business hours shall be the subject of special agreement with the Port Authority.

SUBRULE 34-011 ISSUED 15 MARCH 2013 EFFECTIVE 15 MARCH 2013
EXPRESSIVE ACTIVITY - DEFINITION OF

For the purpose of these regulations, “expressive activity” refers to the following: Continuous display of a sign to passersby, continuous distribution of literature to passersby, continuous speech addressed to passersby.

SUBRULE 34-015 ISSUED 30 DECEMBER 1993 EFFECTIVE 31 JANUARY 1994
EXECUTIVE DIRECTOR

The Executive Director of the Port Authority of New York and New Jersey or his successor in office or duties either personally or through his duly authorized representative.

SUBRULE 34-020 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS:

B. M.	Board Measure
MFBM	Thousand Feet Board Measure
BMF	Board Measurement Feet
Cu. Ft.	Cubic Feet
Ct. T	Cubic Ton - 40 Cubic Feet
Etc.	Etcetera
Lbs.	Pounds

N.J.	New Jersey
N.O.S.	Not otherwise specified
N. Y.	New York
Concl.	Concluded
CENTS	Cent
$	Dollars
Fahrenheit	Degrees Fahrenheit
%	Percent
A	Increase
C	Change in wording which results in neither increase nor reduction in rate
D	Cancellation
R	Reduction
TEU	Twenty foot Equivalent Unit
X	Addition
N.I.	New Item
O/T	Other than
Cont'd.	Continued
D. O. T.	Department of Transportation
USCG	United States Coast Guard
FMC	Federal Maritime Commission

SUBRULE 34-022 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994

METRIC CONVERSION TABLE

Multiply	By	To Find
Short Tons	.907	Metric Tons
Long Tons	1.016	Metric Tons
Metric Tons	1.102	Short Tons
Metric Tons	.984	Long Tons
Pounds	.4536	Kilograms
Kilograms	2.2046	Pounds
Measurement Ton (US) (40 cubic feet)	1.133	Cubic Meters
Cubic Meters	.883	Measurement Tons (40 CF)
Cubic Meters	.424	MFBM's
MFBM's	2.36	Cubic Meters
Linear Feet	.3048	Meters
Meters	3.281	Feet

Metric Equivalents

60 Fahrenheit	=	15.6 Celsius
1 linear foot	=	0.3048 meters
1 mile per hour	=	1.61 kilometers/hr.
1 cubic foot	=	.0283 cubic meters
1 pound	=	.4536 kilograms
1 barrel (42 gals.)	=	158.986 liters
1 short ton	=	.9072 metric tons
1 long ton	=	1.0160 metric tons
80 Fahrenheit	=	26.7 Celsius

SUBRULE 34-025 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
EXPLOSIVES, DANGEROUS ARTICLES AND COMBUSTIBLE LIQUIDS

The substances so defined in Part 146 of Title 46 of the Code of Federal Regulations in effect on July 1, 1968 and, as amended from time to time except that the term "Dangerous Articles" shall also include sisal, hemp and other baled fibers. Other terms appearing in these Regulations, which are defined in aforesaid Part 146, shall have the meanings set forth in the definitions in said Part 146.

SUBRULE 34-030 ISSUED 24 JANUARY 1994 EFFECTIVE 1 NOVEMBER 2007
MANAGER

The Manager of a Port Authority marine terminal or his successor in office or duties acting either personally or through his duly authorized representative. The addresses and office phone numbers of these individuals are as follows:

Manager – New Jersey Marine Terminals
260 Kellogg St
Port Newark, NJ 07114

Office Phone – 973/690-3483

Manager – New York Marine Terminals
90 Columbia St.
Brooklyn, NY 11201

Office Phone – 718/330-2972

SUBRULE 34-035 ISSUED 24 JANUARY 1994 EFFECTIVE 1 JULY 2004
MARINE TERMINALS

Developments operated, managed, controlled, or leased by the Port Authority consisting of one or more piers, wharves, docks, bulkheads, slips, basins, vehicular roadways, intermodal container transfer facilities, railroad connections, side tracks, sidings or other buildings, structures, facilities or improvements, necessary or convenient to the accommodation of steamships or other vessels and their cargoes or passengers.

SUBRULE 34-036 ISSUED 1 JULY 2004 EFFECTIVE 1 JULY 2004
CONTAINER or CARGO CONTAINER

A box made of aluminum, steel or fiberglass used to transport cargo by ship, rail, truck or barge. Common dimensions are 20'X8'X8' (called a TEU or twenty-foot equivalent unit used as a universal measurement for container volumes) or 40' X 8' X 8'.

SUBRULE 34-037 ISSUED 1 OCTOBER 2006 EFFECTIVE 1 NOVEMBER 2007
NON-INTERMODAL RAILROAD CAR

An empty or loaded railroad car, which enters the marine terminal for the purpose of storage and/or the transfer of cargo, and is not being loaded or unloaded at an Intermodal Container Transfer Facility.

SUBRULE 34-038 ISSUED 1 NOVEMBER 2007 EFFECTIVE 1 NOVEMBER 2007
RAILROAD CAR

A wheeled vehicle adapted to the rails of railroad.

SUBRULE 34-040 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
PORT COMMERCE DEPARTMENT

The Port Commerce Department of the Port Authority of New York and New Jersey.

SUBRULE 34-045 ISSUED 24 JANUARY 1977 EFFECTIVE 31 JANUARY 1994
MARINE TERMINAL HIGHWAY

Those portions of a marine terminal designated and made available temporarily or permanently by the Port Authority for the public for general or limited highway use.

SUBRULE 34-046 ISSUED 1 NOVEMBER 2007 EFFECTIVE 1 NOVEMBER 2007
MOVEMENT OF OVERWEIGHT OR OVERHEIGHT CARGO ON MARINE TERMINAL HIGHWAYS

Gross Vehicle Weight of containerized shipments (tractor, chassis, container, cargo, etc.) shall not exceed 128,000 lbs and shall not exceed manufacturer safe working loads.

Vehicles exceeding 16’3” are considered over-height and require approval for shipment through the New Jersey Marine Terminals from the Office of the Manager, New Jersey Marine Terminals.

SUBRULE 34-050 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
PUBLIC VEHICULAR PARKING AREA

Those portions of the terminal designated and made available temporarily or permanently by the Port Authority to the public for the parking of vehicles.

SUBRULE 34-055 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
PERMISSION

Permission granted by the Manager, unless otherwise specifically provided.

SUBRULE 34-060 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
PORT AUTHORITY

The Port Authority of New York and New Jersey

SUBRULE 34-065 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
REGULATIONS

The Rules and Regulations set forth in this tariff hereof and any future amendments and supplements.

SUBRULE 34-066 ISSUED 1 MAY 2009 EFFECTIVE 1 MAY 2009
TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL (TWIC)

A TWIC is a federally issued biometric based smart card that contains a numeric code that is associated with your fingerprint pattern, which links the card to you. It also has your photograph and special security features to prevent unauthorized reproduction of the TWIC and to protect the limited personal information that is embedded in the card.

SUBRULE 34-070 ISSUED 24 JANUARY 1994 EFFECTIVE 1 OCTOBER 2009
SCHEDULE OF RATES AND CHARGES

The Rates included in FMC No. PA-010 and set forth in this tariff and adopted by the Port Authority on February 3, 1966 and any future amendments and supplements. Unless otherwise specifically noted, all rates and charges are applicable every calendar day, 24 hours per day, and seven days a week.

SUBRULE 34-075 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
TERMINAL

Brooklyn-Port Authority Marine Terminal, Elizabeth-Port Authority Marine Terminal, Howland Hook Marine Terminal, Port Newark and the Auto Marine Terminal.

SUBRULE 34-080 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
TRAFFIC

Pedestrians, animals and vehicles.

SUBRULE 34-085 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
VEHICLE

Automobiles, trucks, buses, motorcycles, horse drawn vehicles, bicycles, push carts and any other device in or upon or by which any person or property is or may be transported, carried or devises running only on stationary rails or tracks.

SUBRULE 34-086 ISSUED 1 OCTOBER 2006 EFFECTIVE 1 OCTOBER 2006
FLOATING CRANE OR CRANE BARGE

A non-self propelled vessel that has a cargo crane or cargo crane superstructure permanently affixed to the structure or body of the vessel.

SECTION B

GENERAL TERMINAL RULES AND REGULATIONS

SUBRULE 34-090 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
MARINE TERMINALS, CONDITION FOR USE OF

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

SUBRULE 34-095 ISSUED 24 JANUARY 1994 EFFECTIVE 1 MAY 2009
PUBLIC WHARVES, AUTHORITY TO USE

No person shall enter upon any public wharf, public mooring facility, public cargo facility or public storage area or facility at any Port Authority Marine Terminal except:

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

(b) Duly authorized representatives or employees of the Port Authority or its contractors;

(c) Representatives of employees of local, state and Federal Government or political subdivisions thereof duly authorized by law to enter thereon;

(d) In accordance with 33 CFR Part 101.514, effective March 23rd 2009, all personnel, with the exception of federal officials, law enforcement or emergency workers engaged in official duties, requiring unescorted access to secure and/or restricted areas (which includes vessels and their berths) will be required to display a Transportation Worker Identification Credential (TWIC) at all times when in a secure or restricted area, above the waist and on the outermost garment; ID Card holders or pouches must use clear plastic and the TWIC must not be obscured in any way. All personnel, requiring access to the Port Authority's owned and/or operated facilities will also be required to carry their respective employer's or trade association identification card. All personnel requiring escorted access must contact the Manager;

(e) Other persons granted permission to enter thereon by the Manager of a Marine Terminal at which such public wharf, area or facility is located.

SUBRULE 34-096 ISSUED 1 OCTOBER 2006 EFFECTIVE 1 OCTOBER 2006
AUTHORIZATION TO USE AND PENALTY CHARGES ON SCHEDULE OF RATES

Failure to obtain authorization prior to the use of any areas of the Marine Terminals and/or failure to comply with the Rules and Regulations under Port Authority Marine Terminals FMC Schedule No. PA 10 will result in penalty charges assessed at twice the rate of the applicable stated fee. In addition, failure to comply with any of the Rules and Regulations covered in this document may result in future denial of port use.

SUBRULE 34-097 ISSUED 1 OCTOBER 2006 EFFECTIVE 1 OCTOBER 2006
CERTIFICATION OF NON-SELF PROPELLED VESSELS

Prior to using or docking at a public berth, all non-self propelled vessels must have a Certificate of Documentation or other vessel certification on file with the Port Authority Manager of the Terminal. The certification must be submitted in writing by an executive officer of the company accepting billing responsibility and liability for the vessel. The certification must specify, at a minimum, the vessel owner, vessel name and markings used in identifying the vessel, and the overall length of the vessel. Any non-self propelled vessel found moored at a public berth without the aforementioned certification will be subject to subrule 34-096 and overall length of the vessel shall be determined by Port Authority field measurements by the Harbormaster or other Port Authority staff.

Any changes of ownership or billing responsibility and liability must be made to the Port Authority Manager of the Terminal within 5 business days of such changes. Failure to so advise the Port Authority of such changes will make the entities of record liable for all pertinent charges associated with the vessel.

SUBRULE 34-098 ISSUED 1 MAY 2009 EFFECTIVE 1 MAY 2009
SUSPENSION OF ACCESS PRIVLEDGES

In recognizing the efforts of the Transportation Security Administration regarding the issuance of a Transportation Workers' Identification Credential (TWIC); the Port Authority of New York and New Jersey intends to maintain the security of its facilities by reserving the right to suspend access privileges if the individual is convicted of any of (but not necessarily limited to) the following crimes: Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon, drugs and/or other controlled dangerous substances; Extortion; Identity Fraud to include false identification; Bribery; Perjury; Smuggling; Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961, et esq., or a State law that is comparable; Robbery/Theft/Burglary and related offenses; Criminal Trespass of Port Authority Property and/or its facilities; Terrorism/Terrorist Threats and/or other related offenses; Arson; Human Trafficking; Conspiracy or attempt to commit the above listed crimes

SUBRULE 34-100 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
VEHICLE LOADING OR UNLOADING

No person permitted to enter upon a public wharf, public mooring facility, public cargo facility or public storage area or facility at any Port Authority Marine Terminal, shall, while upon such area, hire any other person, there present, to perform loading or unloading of vehicles (other than railroad cars) unless such other person shall be a person authorized by law to perform such work at such place as an independent contractor.

SUBRULE 34-105 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
COMPLIANCE WITH GOVERNMENTAL REGULATIONS

All users of a terminal 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 a terminal or to any of its or their operations at a marine terminal.

SUBRULE 34-106 ISSUED 1 MAY 2009 EFFECTIVE 1 MAY 2009
SECURITY OF OPERATIONS AND FACILITY

Except when security guard services are provided as part of a Port Authority berth assignment permit, all users of a marine terminal or areas in, on, or immediately adjacent to (including but not limited to vessels alongside) a marine terminal shall be fully responsible for and shall provide for all security necessary for all aspects of their operations, including but not limited to cargo and cargo handling, personnel matters, and all security-related documentation required by governmental entities. By using a marine terminal or areas in, on, or immediately adjacent to a marine terminal, the user acknowledges and accepts the responsibility for providing such security. Each such user shall indemnify and hold harmless the Port Authority, its commissioners, officers and/or employees from any and all liability, claims and demands relating in any way to compliance or noncompliance with the requirements of this section.

SUBRULE 34- 107 ISSUED 1 MAY 2009 EFFECTIVE 1 MAY 2009
HELICOPTER FLY-IN/FLY-OUT

No person shall fly-in a helicopter to a public berth area to be loaded on to a vessel for export or fly-out from a public berth without permission of the Manager of the Marine Terminal. All fly-in/fly-outs must comply with the Helicopter Procedure, which will be provided when the initial notification is made upon the filing of the berth application using the FIRST Berth Application system.

SUBRULE 34-110 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
RESTRICTED AREA USE

No person shall enter any restricted area of a terminal posted as being closed to the public, except
(a) persons assigned to duty therein;
(b) authorized representatives of the Port Authority; and
(c) persons having permission of the Manager.

SUBRULE 34-115 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
LOST ARTICLES

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

SUBRULE 34-120 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
COMMERCIAL ACTIVITY PROHIBITED

No person shall carry on any commercial activity at a terminal without the consent of the Port Authority. Applications for the right to conduct commercial strapping, reconditioning, weighing or sampling operations at a terminal shall be made to the Manager.

SUBRULE 34-125 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
BILL POSTING PROHIBITED

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

SUBRULE 34-130 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
ASSIGNMENT OF RAILROAD CARS

The Manager shall have, in his sole discretion, when he deems it in the interest of overall efficient use of a terminal, the right to assign railroad cars using the tracks at a terminal to any specified location at a terminal and to limit the number of such cars permitted within any area at a terminal. The Port Authority 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 Manager.

SUBRULE 34-131 ISSUED 1 OCTOBER 2006 EFFECTIVE 1 OCTOBER 2006
REPORTING OF NON-INTERMODAL RAIL CARS AND USE OF RAIL TRACK ACTIVITY

On a daily basis the Trainmaster, or other designated responsible individual, of each railroad operator responsible for transport of the railroad cars must submit in writing to the Manager the scheduled activity of non-intermodal rail cars and the use of terminal rail track for that night prior to commencing rail operations at the New Jersey Marine Terminals. On the following day, the Trainmaster, or other designated responsible individual, of each railroad operator responsible for transport of the railroad cars must submit in writing to the Manager the actual activity of non-intermodal rail cars and the use of terminal track for the previous night. In the event of a holiday, this information must be provided on the first working day thereafter. Such report shall include, but not be limited to, the total number of rail cars transported to and from the terminal, the name of the tenant the rail cars were transported to and or from, the number of rail cars transported to and or from each such tenant, the cargoes transported in the rail cars, the weight of the cargoes transported, and the time and date of each transport. The railroad operator shall be responsible for providing these reports on a timely basis. Failure to submit such reports shall, upon written notice from the Manager, require the railroad operator to obtain prior authorization for each and every use of any areas of the terminal.

SUBRULE 34-132 ISSUED 1 NOVEMBER 2007 EFFECTIVE 1 OCTOBER 2010
RAILROAD CAR, UNAUTHORIZED STORAGE

Unless otherwise provided in a lease or other agreement, no tenant shall allow its non-intermodal railroad cars to be serviced, stored or remain on a marine terminal in an area that is outside its leasehold. Without first obtaining the specific written permission of the Manager, such person or tenant shall be assessed the charge of Twenty Dollars and sixty-four cents ($21.64) per railroad car per day.

SUBRULE 34-135 ISSUED 24 JANUARY 1994 EFFECTIVE 1 OCTOBER 2010
SPACE, UNLEASED

Unless otherwise provided in a lease or other agreement, no person shall use any open or covered area of a terminal for storage of cargo or other property without the permission of the Manager. When the Manager deems that such use will not interfere with the operation of a terminal and such permission is granted, the charge for use of open area shall be at a rate of fifteen and seven tenth cents (15.7 cents) per square foot for a period of ten (10) days or less provided, however, that there shall be a minimum charge of One Thousand One Hundred Seventy One Dollars ($1,171.00) for any such period; the charge for use of covered area shall be at the rate of thirty two and seven tenth cents (32.7 cents) per square foot for a period of ten (10) days or less provided, however, that there shall be a minimum charge of One Thousand One Hundred Seventy One Dollars ($1,171.00) for any such period. Additionally, the user of the area shall when applicable be responsible for its apportioned share of utility charges for the subject property. These charges shall be apportioned based on the users occupied area.

If, not withstanding the above prohibition, a person uses such areas for storage as aforesaid, without first obtaining such permission, then the Manager shall have authority to order the cargo or other property

removed at the expense of the owner or consignee thereof, and the above rate shall apply for the time said cargo or other property has been so stored.

SUBRULE 34-140 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
SANITATION

No person shall place, discharge, or deposit in any manner, offal, garbage, or any other refuse in or upon a terminal, including the waters thereof.

SUBRULE 34-145 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
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 other place at a terminal 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.

SUBRULE 34-150 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
CARGO HANDLING

All stevedoring work, and the handling of cargo to and from a terminal, must be performed in a manner and with equipment satisfactory to the Port Authority from a safety standpoint, but the Port Authority assumes no responsibility for the performance of such work.

SUBRULE 34-155 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
REFUSE REMOVAL

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

SUBRULE 34-160 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
EXPLOSIVES, DANGEROUS ARTICLES AND COMBUSTIBLE LIQUIDS

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

SUBRULE 34-165 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
GAS FREE CERTIFICATION

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

SUBRULE 34-170 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
FISSIONABLE MATERIALS

No person shall store, keep, handle, use, dispense, or transport at, in, or upon a terminal, 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 facility by the facility manager; 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".

SUBRULE 34-175 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
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 exceeding the amounts indicated in the accompanying table shall not be handled, stored or transferred at a terminal without the permission of the Port Authority. Application for such permission shall be made to the Manager at least twenty-four hours prior to the time any such movement is contemplated.

Table of Limitations

1.	Explosives - classes 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

SUBRULE 34-180 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
EXPLOSIVE MATERIALS

No person shall store, keep, handle, use, dispense or transport at, in or upon a terminal, 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.

SUBRULE 34-185 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
NUCLEAR WEAPONS

No person shall, at any time, store, keep, handle, use or transport at, in or upon a terminal any weapon of war employing atomic fission or radioactive force.

SUBRULE 34-190 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
DANGEROUS ARTICLES - HANDLING

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 floored as follows:

(a) Maximum separation shall be provided for all dangerous articles to prevent impact with vehicles.

(b) 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 ship 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-cellulose carbon bisulfide) shall be shaded with tarpaulin or suitable noncombustible sun sheds.

(c) Inflammable liquids and compressed gases shall be so handled and floored upon terminal premises as to provide maximum separation from freight consisting of acids or other corrosive liquids.

(d) Inflammable solids or oxidizing materials shall be so arranged as to prevent moisture or acids and other corrosive liquids from coming in contact therewith.

(e) 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.

(f) Poisons shall be so handled and floored as to prevent their contact with acids, corrosive liquids or inflammable liquids.

(g) 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.

SUBRULE 34-191 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
DANGEROUS ARTICLES - HANDLED CONTAINERS

1. Containers transporting dangerous articles as defined under U.S. Coast Guard regulations shall be properly identified, stored in a location designated by the manager and handled as follows:

(a) Dangerous cargo containers, liquid or dry, shall be stored in such a manner as to be readily accessible to fire department operations. They shall be stored on an access aisle and never enclosed by other containers.

(b) The storage area shall be within 500 feet of a fire hydrant.

(c) A portable 150 pound dry chemical fire or CO2 extinguisher shall be provided and stationed no more than 100 feet from the storage area.

(d) Storage areas for dangerous cargo containers shall be kept clear of rubbish and other debris.

(e) Containers under refrigeration or heating, employing fuel-fire eaters or engine-driven refrigeration machinery, shall be separated from other containers, and a 150 pound wheeled dry chemical extinguisher shall be stationed within 100 feet of such containers.

2. 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 manager 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.

3. For the purpose of these regulations 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.

SUBRULE 34-195 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
SISAL, HEMP OR BALED FIBERS - HANDLING

Sisal, hemp or other baled fibers shall not be handled, loaded or unloaded at a terminal 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 Manager otherwise permits. Stacks shall not be higher than twelve feet, or when palletized, three pallets high, except by permission of the Manager. The sides exposed to aisles or driveways shall be protected with tarpaulins when the Manager shall so direct. Access to the areas where such material is stored shall be limited to the working personnel and watchmen only.

SUBRULE 34-200 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
CARGO - WET OR FIRE DAMAGED

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

SUBRULE 34-205 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
RESPONSIBILITY FOR INJURIES AND DAMAGE

Any person causing any damage to Port Authority property shall be required to pay to the Port Authority on demand the full cost of repairs, or to reimburse the Port Authority for the full amount of the damage.

SUBRULE 34-210 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
LOSS OR DAMAGE - PORT AUTHORITY NOT LIABLE

The Port Authority shall not be liable for loss or damage to any watercraft or to any merchandise or cargo at the terminal.
This provision subject to SUBRULE 34-001.

SUBRULE 34-215 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
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 a terminal except at such places and under such condition as may be especially designated by the Executive Director; provided, however, that any retail sale or delivery of such products in bulk shall be made from any by means of pipe and hose equipped and provided with connections and valves, as approved by the Manager, 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 or sunrise, unless the premises are lighted only by incandescent electric lights, properly protected.

SUBRULE 34-220 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
FUELING WATERCRAFT

Nothing herein contained shall prevent dispensing of such products provided at retail from barges to watercraft direct, provided such barges are moored at such places as the Manager may direct.

SUBRULE 34-225 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
FIRE HAZARDOUS VEHICLES OR EQUIPMENT PROHIBITED

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

SUBRULE 34-230 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
INDIVIDUALS PROHIBITED FROM ENDANGERING OTHERS AT TERMINAL

No person shall, in or upon a terminal do or omit to do any act if the doing or omission thereof endangers unreasonably or is likely to endanger unreasonably person or property.

SUBRULE 34-231 ISSUED 15 MARCH 2013 EFFECTIVE 15 MARCH 2013
EXPRESSIVE ACTIVITY REGULATION AND PERMIT

1. No person, while engaged in expressive activity, shall:
   - (a) Carry on any commercial activity;
   - (b) Distribute food, flowers, or any other product;
   - (c) Erect any structure;
   - (d) Carry a sign or placard attached to a rod or stick;
   - (e) Enter or remain in any space such that his or her presence would:
     - i. Unreasonably interfere with use of any of the following: sidewalk, walkway, roadway, driveway, entrance, exit, or vehicle loading or discharge area;
     - ii. Present an unreasonable risk of harm to himself or herself or to others;
   - (f) Engage in pedestrian activity in any area other than one designated for such activity, such as a sidewalk or walkway;
   - (g) Park a vehicle, or permit a vehicle to be parked, in any area where, or during any time when, vehicle parking is prohibited;
   - (h) Use an electrical sound amplification device;
   - (i) Violate any provision of the Port Tariff (FMC Schedule No. PA 10, naming Rules and Regulations Applying at Port Authority Marine Terminals and Rates and Charges Applicable for the Use of Public Areas at Port Authority Marine Terminals).

2. The Manager of a Port Commerce Facility, or in his or her absence, the person designated to act in his or her stead for general management purposes, may prohibit expressive activity on facility property which would otherwise be permitted in the event of, and during the pendency of, an emergency condition such as a snowstorm, fire, accident, power failure, a heightened security or other condition of such nature and character that the conduct of permitted activities would cause a danger to persons or property during the pendency of such emergency condition.

   Persons shall conduct expressive activities only pursuant to a permit obtained pursuant to Section 3.

3. Permit application shall be made, and acted upon, as set forth below:
   - (a) A application for a permit to engage in expressive activity shall be submitted in writing to the Manager of the Port Commerce Facility at which activity is to take place no later than

thirty-six (36) hours preceding the commencement of the activity for which the permit is sought, and no earlier than seven (7) days preceding the commencement of the activities for which the permit is sought. The application shall be submitted in person during the hours of 8:00 A.M. to 4:00 P.M., Monday through Friday, excluding Port Authority Holidays.

(b) i. The permit application shall set forth the type, time, location and duration of activities to be conducted, and the name, address and telephone number of the person making the request (in the case of a group, it shall be sufficient to supply the name, address, and telephone number of the person who can be contacted if problems arise concerning the granting of the request).

ii. If a person making the application indicates an affiliation with an organization or group, the name and address of a local representative of the organization or group to act as a liaison is requested; however, refusal to provide such information shall not be grounds for denial of a permit.

(c) Each permit shall be valid for a period of time specified by the applicant, not exceeding fourteen (14) days pursuant to a single application.

(d) Renewal applications shall be made in the same form used for new applications, and shall be processed as if they were new applications.

i. All locations will be assigned on a first-come, first-serve basis, without regard to renewal status.

ii. The use of space previously used pursuant to a permit is not guaranteed by acceptance of a renewal application.

(e) A permit for any location will be granted on a first-come, first-serve basis.

i. An application will be denied only if the area requested is in use by another person, the application is incomplete, or the application discloses that the activities to be performed there under will violate these Rules.

ii. A permit will be issued, or the application denied, by the Manager of the Port Commerce Facility, or a designee thereof, no later than 5:00 PM of the day following submission of the application, excluding Saturdays, Sundays and holidays observed by the Port Authority.

iii. The reason for the denial of an application shall be set forth in writing.

iv. Upon the denial of any application for a permit, or the failure to issue a permit by 5:00 PM of the day following submission of the application, excluding Saturdays, Sundays and Port Authority Holidays, an applicant may submit a written appeal to the Director of the Port Commerce Department, or a designee thereof, setting forth the reasons why the application should be granted.

v. An appeal shall be submitted in person to the Director of the Port Commerce Department, or a designee thereof, during the hours of 8:00 A.M. to 4:00 P.M., Monday through Friday, excluding Port Authority Holidays.

vi. (A) A written decision denying the appeal, or issuing a permit, shall be made by the Director of the Port Commerce Department, or a designee thereof, no later than 5:00 PM of the day following submission of the appeal, excluding Saturdays, Sundays and Port Authority Holidays.

(B) If no decision is issued by 5:00 PM of the day following submission of the appeal, excluding Saturdays, Sundays and Port Authority Holidays, the appeal shall be deemed to be denied based on the original decision denying the application.

vii. Any person whose application for a permit has been denied may seek review of the final decision denying such application in a proceeding commenced pursuant to Article 78 of the Civil Practice Laws and Rules of the State of New York, or action in lieu of prerogative writ in the courts of the State of New Jersey.

(f) For the purposes of these regulations, a "Port Authority Holiday" is any of the following:

New Year's Day	January 1*
Martin Luther King, Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4*

Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans Day	November 11*
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25*

*If date occurs on a Saturday, the holiday is observed on the preceding Friday.
If the date occurs on a Sunday, the holiday is observed on the following Monday.

SUBRULE 34-235 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
LIFE SAVING EQUIPMENT, USE OF

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

SUBRULE 34-240 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
SMOKING OR OPEN FLAMES PROHIBITED

No person shall smoke or carry lighted cigars, cigarettes, pipes, matches or use any naked flame or bonfire in or upon any portion or area of a terminal used for the loading, unloading, handling or holding of cargo, or on the open deck.

SUBRULE 34-245 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
TRAFFIC AND PARKING

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

SUBRULE 34-250 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
ENGINE REFUELING RULES

No internal combustion engine fuel tank shall be filled or refilled with gasoline at or on any mooring facility or inside any building at a terminal.

SUBRULE 34-255 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
VEHICLE REFUELING RULES

Vehicles and equipment using gasoline or diesel oil as fuel shall be refueled from:

(a) UL approved safety cans fitted with a flexible spout for easy pouring, or

(b) Approved underground storage and dispensing systems. Any other method of refueling must be approved by the Manager.

SUBRULE 34-260 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
ABANDONED VEHICLES.

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

SUBRULE 34-265 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
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 Authority in the manner provided by law.

SUBRULE 34-270 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
VEHICLES - SPEED LIMITS

Vehicles at a terminal shall be operated in strict compliance with speed limits prescribed by the Port Authority as indicated by posted traffic signs.
No vehicle shall be driven on any mooring facility at a greater speed than twelve (12) miles per hour. (See Note 1)
Note 1 - For speed limits at Port Newark and Elizabeth Port Authority Marine Terminal see maps in the appendix. (Available from Port Authority of New York and New Jersey - Tariff PA -010)

SUBRULE 34-275 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
PARKING

No person shall park a vehicle within any public vehicular parking area except upon the payment of such parking fees and charges as may from time to time be prescribed by the Port Authority.

SUBRULE 34-276 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
VEHICLE PARKING - UNAUTHORIZED

Vehicles at a terminal shall be parked in strict compliance with posted signs.
Vehicles parked in violation of posted signs, in addition to other penalties, may be towed away and stored at the risk and expense of the owner thereof.

SUBRULE 34-280 ISSUED 24 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
MATERIALS HANDLING EQUIPMENT - PERMIT TO USE

No motorized equipment except over-the-road trucks (not including straddle lift trucks) used or to be used in the handling of waterborne freight in or upon a public wharf, public mooring facility, public cargo facility or public storage area or facility at any Port Authority Marine Terminal shall be operated in or upon any such public wharf, facility or area except by persons authorized by the Manager of the Marine Terminal who may require that there be displayed on such motorized equipment identifying symbols or numbers.

SUBRULE 34-290 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994

(This legislation was enacted by the States of New York and New Jersey, effective June 13, 1951.)
(See Chapter 207, Laws of New York, 1952, and Chapter 205, Laws of New Jersey, 1951.)

LAWS OF NEW JERSEY, 1951

CHAPTER 239

AN ACT prescribing proceedings and penalties for violation of certain rules and regulations of the Port of New York Authority within the State of New Jersey.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The Port of New York Authority (hereinafter called the "Port Authority") having duly adopted the following rules and regulations governing traffic on air terminal highways and marine terminal highways in the air terminal and marine terminals operated by it within the territorial limits of the State of New Jersey, hereinafter set forth in this section, the penalties and procedures for their enforcement prescribed in sections two, three and four shall apply to violations thereof.

RULES AND REGULATIONS

Governing Traffic on Highways in Port Authority
Air and Marine Terminals

The following terms are used herein shall have the indicated meanings:
"Air terminals" shall mean developments operated by the Port Authority consisting of runways, hangars, control towers, ramps, wharves, bulkheads, buildings, structures, parking areas, improvements, facilities or other real property necessary, convenient or desirable for the landing, taking off, accommodation and servicing of aircraft of all types, including but not limited to airplanes, airships, dirigibles, helicopters, gliders, amphibians, seaplanes, or any other contrivance now or hereafter used for the navigation of or flight in air or space, operated by carriers engaged in the transportation of passengers or cargo, or for the loading, unloading, interchange or transfer of such passengers of their baggage, or such cargo, or otherwise for the accommodation, use or convenience of such passengers, or such carriers or their employees, or for the landing, taking off, accommodation and servicing of aircraft owned or operated by persons other than carriers.

"Air terminal highway" shall mean and include those portions of an air terminal designated and made available temporarily or permanently by the Port Authority to the public for general or limited highway use.

"Marine terminals" shall mean developments operated by the Port Authority consisting of one or more piers, wharves, docks, bulkheads, slips, basins, vehicular roadways, railroad connections, side tracks, sidings or other buildings, structures, facilities or improvement, necessary or convenient to the accommodation of steamships or other vessels and their cargoes or passengers.

"Marine terminal highway" shall mean and include those portions of a marine terminal designated and made available temporarily or permanently by the Port Authority to the public for general or limited highway use.

"Traffic" shall mean and include pedestrians, animals and vehicles.

No vehicle shall be operated on any air terminal highway or marine terminal highway carelessly or negligently, or in disregard of the rights of safety of others, or without due caution and circumspection, or at a speed or in a manner so as to endanger unreasonably or to be likely to endanger unreasonably persons or property, or while the operator thereof is under the influence of intoxicating liquors or any narcotic or habit-forming drug, nor shall any vehicle be operated thereon if it is so constructed, equipped or loaded as to endanger unreasonably or to be likely to endanger unreasonably persons or property.

All persons on any air terminal highway or marine terminal highway must at all times comply with any lawful order, signal or direction by voice or hand of any member of the Port Authority Police force. When traffic is controlled by traffic lights, signs, or by mechanical or electrical signals, such lights, signs, and signals shall be obeyed unless a Port Authority police officer directs otherwise.

Unless otherwise directed, all vehicles on any air terminal highway or marine terminal highway shall at all times stay to the right of the center of the roadway, except in the case of one-way roadways; slow-moving vehicles shall remain as close as possible to the right-hand edge or curb of the roadway; and where a roadway is marked with traffic lanes, vehicles shall not cross markings.

No person shall operate a motor vehicle on an air terminal highway or marine terminal highway unless he is duly authorized to operate such vehicle on State and municipal highways in the State in which such air terminal highway or marine terminal highway is located, or unless he is especially authorized by the Port Authority to operate motor vehicles on such air terminal highway or marine terminal highway. No motor vehicle shall be permitted on any air terminal highway or marine terminal highway unless it is registered in accordance with the provisions of the law of the State in which such air terminal highway or marine terminal highway is located, or unless it is especially authorized by the Port Authority to be operated on such air terminal highway or marine terminal highway.

The operator of any vehicle involved in an accident on an air terminal highway or marine terminal highway which results in injury or death to any person or damage to any property shall immediately stop such vehicle at the scene of the accident, render such assistance as may be needed, and give his name, address and operator's license and registration number to the person injured or to any officer or witness of the injury. The operator of such vehicle shall make a report of such accident in accordance with the law of the State in which such accident occurred.

No person shall transport on any air terminal highway or marine terminal highway any dynamite, nitro-glycerin, 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, nitrocellulose 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 gases, or any compressed gas, or any radioactive 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; nor shall any person park any vehicle, or permit the same to remain halted on any air terminal highway or marine terminal highway containing any of the foregoing, at such time or place or in such manner or condition as to endanger unreasonably or as to be likely to endanger unreasonably person or property.

No person shall park a vehicle or permit the same to remain halted on any air terminal highway or marine terminal highway except at such places and for such periods of time as may be prescribed or permitted by the Port Authority.

If the violation within the State of any of the rules and regulations set forth in section one hereof, would have been a violation of law or ordinance if committed on any public road, street, highway or turnpike in the municipality in which such violation occurred, it shall be tried and punished in the same manner as if it had been committed in such municipality.

Notwithstanding the provisions of section two hereof, if the violation within the State of the rule and regulation numbered by seven and set forth in section one hereof shall result in injury or death to a person or persons or damage to property in excess of the value of five thousand dollars ($5000.00), such violation shall constitute a high misdemeanor.

Except as provided in sections two and three hereof, any violation within the State of any of the rules and regulations set forth in section one hereof, shall be punishable by a fine not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding sixty days or by both such fine and imprisonment. Such a violation shall be tried in a summary way and shall be within the jurisdiction of and may be brought in the county district court, or any criminal judicial district court, municipal court, or existing police, magistrate's or recorder's court, in the county where the offense was committed. The rules of the Supreme Court shall govern the practice and procedure in such proceedings. Proceedings under this section may be instituted on any day of the week, and the institution of the proceedings on a Sunday or a holiday shall be no bar to the successful prosecution thereof. Any process served on a Sunday or a holiday shall be as valid as if served on any other day of the week.

The penalties above prescribed shall not preclude the Port Authority from excluding from any air terminal highway or marine terminal highway, permanently or for a specific time, all vehicles violating any of the rules and regulations set forth in section one hereof, as well as other vehicles owned or operated by the owner or operator of such vehicles.

Nothing herein contained shall be construed to affect, diminish or impair the power of this State to enact any law, or to impair or diminish, or as recognition of the impairment or diminution of any power of this State legislative or otherwise, with respect to the Port Authority, its properties, or persons or property thereon.

This act shall take effect upon the adoption by the States of New Jersey and New York of concurrent legislation providing that either state, without the consent or concurrence of the other State, may from time to time prescribe, amend, modify or rescind penalties for violations within its territorial limits of any rule or regulation, otherwise authorized, of the Port of New York Authority, and procedures for the enforcement of such penalties; but if the States of New Jersey and New York shall have already enacted such legislation (1), this act shall take effect immediately.

Approved June 19, 1951

LAW OF NEW JERSEY, 1953

CHAPTER 170

AN ACT, prescribing proceedings and penalties for violation of a rule and regulation of the Port of New York Authority relating to smoking at, on or in air or marine terminals owned or operated by the Port of New York Authority within the State of New Jersey:

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

The Port of New York Authority (hereinafter called the "Port Authority") having duly adopted the following rules and regulations, hereinafter set forth in this section, in relation to smoking at, on, or in air terminals and marine terminals operated by it within the territorial limits of the State of New Jersey, the penalties and procedures for its enforcement prescribed in section two shall apply to violations thereof.

(1) No person shall smoke, carry or possess a lighted cigarette, cigar, pipe, match, or other lighted instrument capable of causing naked flame in or about the area, building or appurtenance of an air terminal, owned or operated by the Port Authority, or upon any area, bulkhead, dock, pier, wharf, warehouse, building, structure, or shed of a marine terminal, owned or operated by the Port Authority, where smoking has been prohibited by the Port Authority, where appropriate signs to that effect have been posted, or on the open deck of any ship, lighter, carfloat, scow or other similar floating craft or equipment when berthed or moored at such dock, wharf, pier or to a vessel made fast thereto.

(2) Any violation within the State of the rule and regulation set forth in section one hereof shall be punishable, for a first offense, by a fine of not more than fifty dollars ($50.00) or imprisonment for not more than thirty days or by both such fine and imprisonment; for a second offense, by a fine of not less than twenty-five dollars (25.00) nor more than one hundred dollars ($100.00) or imprisonment for not more than sixty days or by both such fine and imprisonment; for a third or any other subsequent offense, by a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) or by imprisonment for not more than sixty days or by both such fine and imprisonment. Such a violation shall be tried in a summary way and shall be within the jurisdiction of and may be brought in the county district court, or any criminal judicial district court, municipal court, or existing police, magistrates' or recorder's court, in the county where the offense was committed. The rules of the Supreme Court shall govern the practice and procedure in such proceedings. Proceedings under this section may be instituted on any day of the week, and the institution of the proceedings on a Sunday or a holiday shall be no bar to the successful prosecution thereof. Any process served on a Sunday or holiday shall be as valid as if served on any other day of the week.

(3) This act shall take effect immediately.

LAWS OF NEW JERSEY, 1953

CHAPTER 171

AN ACT prescribing proceedings and penalties for violations of certain rules and regulations of the Port of New York Authority relating to peddling, soliciting of business, entertaining, begging or loitering at, on or in air, bus or marine terminals owned or operated by the Port of New York Authority within the State of New Jersey.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The Port of New York Authority (Hereinafter called the "Port Authority") having duly adopted the following rules and regulations, hereinafter set forth in this section, in relation to peddling, soliciting of business, entertaining, begging or loitering at, on or in air, bus or marine terminals operated by it within the territorial limits of the State of New Jersey, the penalties and procedures for its enforcement prescribed in section two shall apply to violations thereof.

(1) No person, unless duly authorized by the Port Authority, shall, in or upon any area, platform, stairway, station, waiting room or any other appurtenance of an air or bus terminal, owned or operated by the Port Authority, or in or upon any area, bulkhead, dock, pier, wharf, warehouse, building, structure, shed, waiting room or any other appurtenance of a marine terminal, owned or operated by the Port Authority.

(a) sell, or offer for sale any article or merchandise; or
(b) solicit any business or trade, including the carrying of baggage for hire, the shining of shoes or boot blacking; or
(c) entertain any persons by singing, dancing or playing any musical instrument; or
(d) solicit alms.

(2) No person, who is unable to give satisfactory explanation of his presence, shall loiter in or about any toilet, area, station, station platform, waiting room or any other appurtenance of an air or bus terminal, owned or operated by the Port Authority, or in or about any toilet, area, bulkhead, dock, pier, wharf, warehouse, building, structure, shed, waiting room or any other appurtenance of a marine terminal, owned or operated by the Port Authority.

2. Any violation within the State of these rules and regulations set forth in section one hereof shall be punishable by a fine not exceeding ten dollars ($10.00) or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. Such violation shall be tried in a summary way and shall be within the jurisdiction of any may be brought in the county district court, or any criminal judicial district court, municipal court, or existing police, magistrate's or recorder's court, in the county where the offense was committed. The rules of the Supreme Court shall govern the practice and procedure in such proceedings. Proceedings under this section may be instituted on any day of the week, and the institution of the proceedings on a Sunday or holiday shall be no bar to the successful prosecution thereof. Any process served on a Sunday or holiday shall be as valid as if served on any other day of the week.

3. This Act shall take effect immediately.
Approved May 29, 1953

SUBRULE 34-295 LAWS OF NEW YORK ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994

PORT AUTHORITY MARINE TERMINALS

LAWS OF NEW YORK, 1953
CHAPTER 142

AN ACT, prescribing proceedings and penalties for violation of a rule and regulation of The Port of New York Authority in relation to smoking at, on or in air or marine terminals owned or operated by The Port of New York Authority within the State of New York,. Became a law March 24, 1953, with the approval of the Governor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:
Section 1. The Port of New York Authority (hereinafter called the Port Authority") having duly adopted the following rule and regulation, hereinafter set forth in this section, in relation to smoking at, on, or in air terminals and marine terminals operated by it within the territorial limits of the State of New York, the penalties and procedures for its enforcement prescribed in Section 2 shall apply to violations thereof.

1. No person shall smoke, carry or possess a lighted cigarette, cigar, pipe, match or other lighted instrument capable of causing naked flame in or about any area, building or appurtenance of an air terminal, owned or operated by the Port Authority, or in or upon any area, bulkhead, dock, pier, wharf, warehouse, building, structure or shed of a marine terminal, owned or operated by the Port Authority, where smoking has been prohibited by the Port Authority and where appropriate signs to that effect have been posted, or on the open deck of any ship, lighter, carfloat, scow or other similar floating craft or equipment when berthed or moored at such dock, wharf, pier or to a vessel made fast thereto.

2. Any violation of the rule and regulation set forth in Section 1 hereof shall be punishable as an offense triable in a magistrate's court, for a first offense, by a fine of not more than fifty dollars ($50.00) or imprisonment for not more than thirty days or both; for a second offense, by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) or imprisonment for not more than 60 days or both; for a third or any other subsequent offense, by a fine of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) or by imprisonment for not more than 60 days or both.

3. This act shall take effect July 1st nineteen hundred fifty-three.

SECTION C

DOCKAGE - INSTRUCTIONS

SUBRULE 34-305 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
DOCKAGE - DEFINITION OF

The charge assessed against a vessel for berthing at a wharf, pier, bulkhead structure, or bank, or for mooring to a vessel so berthed.

SUBRULE 34-310 ISSUED 25 JANUARY 1994 EFFFECTIVE 31 JANUARY 1994
DAY - DEFFINITION OF

A period of twenty-four hours beginning at midnight, or any fraction thereof, except that for the purpose of computing dockage charges, a day shall mean a period of twenty-four hours from the recorded time of a watercraft's arrival, or any fraction thereof.

SUBRULE 34-315 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
DAY - COMPUTATION

In computing a day of twenty-four hours, for the purpose of determining the charges established in this section, the Port Authority may allow a period not to exceed thirty minutes additional time upon written request of the owner, operator or general agent of the vessel if for any reason the vessel is unable to leave the berth before the expiration of the twenty-four hour period.

SUBRULE 34-320 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
MOORING FACILITIES - DEFINITION OF

All piers, wharves, quays, and bulkheads at Port Authority Marine Terminals.

SUBRULE 34-325 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
MOORING FACILITIES - INGRESS AND EGRESS

Officers, crew members, stevedores and other persons doing business in connection with watercraft moored at a terminal or its cargo may use the mooring facilities and driveways as a means of access between the watercraft and the public streets only in accordance with the rules prescribed by the Port Authority, except as provided in existing leases.

SUBRULE 34-330 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
MOORING FACILITIES - CONDITION FOR USE

The mooring of watercraft at a terminal shall constitute an agreement by the owner, operator and master to conform to the regulations and to all orders and instructions of the Port Authority.

SUBRULE 34-335 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
PUBLIC WHARF - DEFINITION OF

A wharf, pier, quay, or other portion of the terminal, designated and operated temporarily or permanently by the Port Authority as a public wharf for the mooring of watercraft, the loading and unloading of passengers, and the loading, unloading, handling and holding of cargo.

SUBRULE 34-340 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
USE OF PUBLIC WHARVES

No watercraft shall be docked or berthed at or made fast to any public wharf except upon the payment of such wharfage, dockage, mooring charges or other charges as may from time to time be prescribed by the Port Authority.

SUBRULE 34-445 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
RESPONSIBILITY FOR INJURIES AND DAMAGES

In the event any damage is done to any mooring facility or other facility at a terminal, the person or 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, operator or agent of any watercraft, vehicle or other instrumentality involved in such damage shall make a full report to the Port Authority, giving the date and hour damage occurred, the names and addresses or descriptions of witnesses and other persons, watercraft, or instrumentalities involved in the damage, and all other available pertinent facts and information.

The agent, owner, operator, and master of the vessel are responsible for any damages to any Port Authority facilities or structures during their use and occupancy of a Port Authority Berth. Damages identified during or after a vessel's use of the facilities will be deemed to have occurred during the vessel's berthage, unless the Port Authority is notified, prior to or during tie-up, in writing by the vessel's agent, owner, operator, or master of any pre-existing damage.

SUBRULE 34-345 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
WATERCRAFT - DEFINITION OF

All vessels, ships, boats, barges, floating structures or other devices which are or may be used for the carriage, transportation or handling of persons or property on or by water.

SUBRULE 34-350 ISSUED 25 JANUARY 1994 EFFECTIVE 1 JULY 2004
APPLICATION OF RATES

Rates in this section apply except where otherwise specifically provided in an existing lease or permit.

SUBRULE 34-355 ISSUED 25 JANUARY 1994 EFFECTIVE 1 JULY 2004
BERTH ASSIGNMENT PERMIT - RIGHTS GRANTED

Berth assignment permits for the use of a berth or berths at a Marine Terminal, unless otherwise provided, shall include only the right to dock and moor watercraft owned or operated by the permittee or by the company or companies of which the cargo, supplies and passengers are under their care, custody, and control, and to use a portion of the cargo facilities in connection therewith.

SUBRULE 34-356 ISSUED 1 JULY 2004 EFFECTIVE 1 JULY 2004
BERTH ASSIGNMENT PERMIT APPLICATION – DEFINED

A request from a vessel or stevedore, or their representative to the Port Authority for permission to use a berth at a Marine Terminal for a specified period of time for the loading and unloading of cargo or passengers

SUBRULE 34-357 ISSUED 1 JULY 2004 EFFECTIVE 1 JULY 2004
DECLARATION OF SECURITY – DEFINED

An agreement executed between the responsible Vessel and Facility Security Officers that provides a means for ensuring that all shared security concerns are properly addressed and security will remain in place throughout the time a vessel is moored to the facility.

SUBRULE 34-360 ISSUED 25 JANUARY 1994 EFFECTIVE 1 JULY 2004
BERTH ASSIGNMENT PERMIT - APPLICATION

Applications for such permits shall be made electronically via the Port Authority's on-line berth application system at www.firstnynj.com.

The Terms of Use, along with the FIRST Terms of Use and Privacy Statement, constitute a contract with the Port Authority with respect to your use of the FIRST Web site (which includes all information accessible through the uniform resource locator firstnynj.com (other than any information accessible through hyperlinks to other Web sites) and is hereinafter referred to as the "Site"). Your use of the Site will constitute your express acknowledgment of and agreement to the terms, disclaimers and conditions of use contained therein as the same may be hereafter supplemented, modified and amended from time to time.

Applicant will acknowledge receipt of a copy of FMC Schedule No. PA-10 naming Rules, Regulations, Rate and Charges applying to Port Authority Marine Terminals as of March 6, 1966 and supplements thereto, and will agree to comply with all the terms thereof; notwithstanding the same, it will be expressly agreed that the person, firm or corporation signing this application whether on its own behalf of that of another, whether or not as agent, broker or in another capacity, shall by submitting this application become personally and directly liable to the Port Authority for the payment of all charges and for the performance of all terms set forth in the said Schedule.

In this respect, the Port Authority requires the party authorizing and requesting berth applications (Application) for vessels docked at Port Authority Marine Terminals be fully responsible for all vessel expenses accrued. This will include but is not limited to security guard coverage, dockage, wharfage and water, at designated berths. The Port Authority will provide billings for such services.

SUBRULE 34-361 ISSUED 1 JULY 2004 EFFECTIVE 1 OCTOBER 2010
BERTH ASSIGNMENT PERMIT – APPLICATION FEE

When Berth Assignment Permit Application is submitted electronically via www.firstnynj.com	$ 0.00 per application request
When Berth Assignment Permit Application is not submitted electronically via www.firstnynj.com, at least 4 days prior to the estimated arrival of the vessel	$608.00 per application request

SUBRULE 34-362 ISSUED 1 JULY 2004 EFFECTIVE 1 OCTOBER 2006
SECURITY GUARD SERVICES FOR BERTH ASSIGNMENT PERMIT – DEFINED

The Port Authority assigns a security guard service to cover each berth for each Berth Assignment Permit. Security guards, and any necessary supervisory coverage, are assigned on an hourly basis and are assigned

to cover the berth at least one hour prior to the first docking line being secured and at least one hour after the last docking line has been released. The Berth Applicant is responsible for all fees or charges for the security guard services. Overtime rates are charged starting at 12:01 a.m. Saturday morning and ending Sunday night at 11:59 p.m. Overtime rates will also be charged during holidays and when an individual exceeds 40 hours for a given workweek, or eight (8) hours for a given shift is exceeded.

SUBRULE 34-363 ISSUED 1 JULY 2004 EFFECTIVE 1 MAY 2009
SECURITY GUARD SERVICES FOR BERTH ASSIGNMENT PERMIT – FEES

Security Guard Services [straight time]	$ 68.48 per hour [or part thereof]
Security Guard Services [overtime]	$ 83.27 per hour [or part thereof]
Minimum charge [straight time]	$ 547.84 [8 hours]

As per Subrule 34-365, for any changes to a Berth Assignment Permit, within 24 hours of the estimated arrival of the watercraft, the person who received the Berth Assignment Permit will continue to be liable and billed for all necessary charges from the original permit, including but not limited to billings for security guard services.

The Authority may require that any vessel, which expects to have visitors of any kind, hire additional security guards. At elevated MARSEC levels, an additional security guard(s) would be required of all vessels and would serve as the escort.

SUBRULE 34-365 ISSUED 25 JANUARY 1994 EFFECTIVE 1 OCTOBER 2005
BERTH ASSIGNMENT PERMIT - ITEM FOR FILING AND INFORMATION

All persons desiring a berth for any watercraft at a Port Authority Marine Terminal shall, at least four (4) days prior to the estimated arrival of such watercraft, apply for a Berth Assignment Permit (note that an application not filed electronically must be made between the hours of 8:45 AM and 4:00 PM, except on Saturdays, Sundays, and holidays) as follows:

The following information shall be furnished:

(a) Name and address of applicant;
(b) Name of watercraft's owner or operator;
(c) Contact name and 24 hour phone number;
(d) Name of watercraft;
(e) Length of watercraft overall;
(f) Beam of watercraft;
(g) Arrival draft of watercraft;
(h) Gross registered tonnage of watercraft;
(i) Terminal and berth number;
(j) Estimated date and time of arrival of watercraft;
(k) Estimated date and time of departure of watercraft;
(l) Amount of cargo (in tons) to be loaded or discharged;
(m) Type of cargo to be loaded or discharged;..
(n) Name of stevedore
(o) Name of entity responsible for all billings, e.g. dockage, wharfage, etc;
(p) Name of Vessel Security Officer;
(q) Last port of call;
(r) Security level of vessel
(s) 24-hour Contact phone, fax, or email for vessel
(t) Security level of vessel at last port of call

(u) Does vessel have a valid International Ship Security Certificate

When a Berth Assignment Permit Application is not submitted electronically via www.firstnynj.com, at least four (4) days prior to the estimated arrival of such watercraft, it must be submitted to the appropriate address noted below:

For a berth at a New York facility
Manager - New York Marine Terminals
90 Columbia Street
Brooklyn, NY 11201

For a berth at a New Jersey facility
Manager - New Jersey Marine Terminals
260 Kellogg Street
Port Newark, NJ 07114

The request, if made orally, shall promptly be confirmed in writing.

Any changes to the Berth Assignment Permit being made within 24 hours of the estimated arrival of the watercraft cannot be made electronically and must be made through the Facility Manager. For any changes to a Berth Assignment Permit, within 24 hours of the estimated arrival of the watercraft, the person who received the Berth Assignment Permit will continue to be liable and billed for all necessary charges from the original permit, including but not limited to billings for security guard services, dockage, wharfage, and water at designated berths.

SUBRULE 34-366 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
BERTH UTILIZATION PERMIT FOR SPECIAL CARGO

The Manager must receive applications for all multi-modal moves at public berths at least five business days before the cargo is placed on the berth. The party performing the lift is responsible for submitting the heavy lift application and for all Port Authority charges associated with the lift. Applicants and/or companies that fail to receive Port Authority approval in advance of the cargo arriving on the berth will be billed based on Subrule 34-096.

SUBRULE 34-367 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
BERTH UTILIZATION PERMIT FOR SPECIAL CARGO – FEES

Berth Utilization Permit for Special Cargo Fee $ 2,500.00 per 24-hour period or part thereof.

SUBRULE 34-370 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
BERTH ASSIGNMENT PERMITS - SMALL CRAFT APPLICATIONS

If a berth is desired for working railroad floating equipment, lighters, barges, floating grain elevators and other small craft on a temporary basis, application shall be made to the Manager.

SUBRULE 34-375 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
BERTH ASSIGNMENT PERMITS - LOCATION OF BERTH

No watercraft shall be docked or berthed at or made fast to a public wharf or in any dock, slip, basin or other waterway adjacent to any such structure, except at the location assigned to such watercraft by the Port Authority, or in such manner as to endanger unreasonable or be likely to endanger unreasonable persons or property.

SUBRULE 34-380 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
SERVICE DURING O/T BUSINESS HOURS

Services performed during other than business hours shall be the subject of special agreement with the Port Authority.

SUBRULE 34-385 ISSUED 25 JANUARY 1994 EFFECTIVE 1 OCTOBER 2009
CHARGES - RESPONSIBILITY FOR

Charges for dockage are assessed against watercraft, and the operator, owner and general agent as well as the watercraft shall be liable therefore. All charges are payable in United States funds at the Office of the Treasurer of the Port Authority.

SUBRULE 34-390 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
CHARGES - SMALL CRAFT, RESPONSIBILITY FOR

In the case of watercraft of 220 feet in length or under, charges for dockage are assessed against the vessel's agent, owner or operator.

SUBRULE 34-395 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
CHARGES - CREDIT

Owners or operators of watercraft desiring to open credit accounts must make arrangements therefore with the Treasurer of the Port Authority. Unless such a credit account is in effect, the owner or operator of the watercraft must pay all charges for mooring watercraft in cash each day at the office of the Manager.

SUBRULE 34-400 ISSUED 25 JANUARY 1994 EFFECTIVE 1 OCTOBER 2005
BERTH USAGE: VERIFICATION OF CARGO

As a condition to use by any watercraft at any of the mooring facilities or any other facilities at a terminal, the Manager or other duly authorized representative of the Port Authority must be permitted to go aboard such watercraft to ascertain the kind and quantity of cargo thereon, any other necessary information, and whether the regulations of the Port Authority are being complied with.

All persons who have received a Berth Assignment Permit **must** submit a completed certified and valid Vessel Billing Instruction within five (5) days of vessel departure. Failure to submit this certified and valid information within the time period will prevent such persons from receiving additional Berth Assignment Permits until such time as the necessary information is submitted and accepted by the Port Authority.

SUBRULE 34-405 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
BERTH USAGE - SECURING WATERCRAFT

All persons are prohibited from making fast any rope or mooring to any mooring facilities, except to the mooring bollards, posts or bitts provided for the purpose.

SUBRULE 34-410 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
BERTH USAGE - MEASUREMENT OF VESSELS

The Manager shall have the right to measure all watercraft when deemed necessary for the purpose of ascertaining dockage charges.

SUBRULE 34-415 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
BERTH USAGE - EMERGENCY WATCH

Every self-propelled watercraft, except pleasure craft and fishing vessels under 110 feet in length, must at all times have on board a person in charge with authority to take such action in any emergency as may be demanded.

SUBRULE 34-420 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
BERTH USAGE - SHIP'S DOCUMENTS

The master of any watercraft berthed at a terminal shall, upon demand, exhibit the enrollment, license or other document of such watercraft showing tonnage; and the owner, agent, manager or master of any watercraft shall, upon demand, furnish a copy of the manifest or bills of lading for cargo discharged and loaded.

SUBRULE 34-425 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
BERTH USAGE - REMOVAL OF WATERCRAFT

Every master or person in charge of a watercraft docked or berthed at a public wharf shall remove his watercraft when ordered to do so by the Port Authority.

SUBRULE 34-430 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
BERTH USAGE - RAISING OF VESSELS

In the event that a watercraft shall sink or submerge at a terminal, the owner, agent or permittee shall, at his own expense, cause such watercraft to be raised and immediately removed from the terminal.

SUBRULE 34-435 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
BERTH USAGE - SPEED RESTRICTIONS

No watercraft shall be operated at a speed or in a manner which endangers unreasonably or is likely to endanger unreasonably persons or property.

SUBRULE 34-440 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
BERTH USAGE - MOORING AND CARGO HANDLING TACKLE AND LABOR

Each permittee shall, at his own cost and expense, keep clean the premises covered by his permit, and provide all tackle, gear and labor for the docking or mooring of such watercraft at a terminal, and shall also provide at his own cost and expense, such appliances and employ such persons as he may require for the loading and unloading of passengers and cargo.

SUBRULE 34-445 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
RESPONSIBILITY FOR INJURIES AND DAMAGES

In the event any damage is done to any mooring facility or other facility at a terminal, the person or 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, operator or agent of any watercraft, vehicle or other instrumentality involved in such damage shall make a full report to the Port Authority, giving the date and hour damage occurred, the names and addresses or descriptions of witnesses and other persons, watercraft, or instrumentalities involved in the damage, and all other available pertinent facts and information.

SUBRULE 34-450 ISSUED 27 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
INDEMNITY

The holder of a permit for use of a berth at a terminal shall indemnify and save harmless the Port Authority, its commissioners, officers and/or employees, from any and all claims and demands including, but without limitation thereto, claims and demands of third persons caused by the negligent acts or omissions of the permittee.

This provision subject to SUBRULE 34-001.

SUBRULE 34-455 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
BURNING AND WELDING

No repairs to watercraft and no gas welding or cutting shall be permitted at a terminal without permission.

SUBRULE 34-461 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
LENGTH OVER ALL

The latest length over all of a vessel shall be stated in the latest issue of Lloyd's Register of Ships or the American Bureau of Shipping's Record at the option of the Port Authority.

SUBRULE 34-465 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
FIRE SIGNAL

In the event of fire occurring on board any watercraft in a terminal, except watercraft under way, such watercraft will sound five prolonged blasts of the whistle or siren as an alarm indicating fire on board or at the dock to which the watercraft is moored. Such signal may be repeated at intervals to attract attention, and is not a substitute for, but may be used in addition to other means for reporting a fire. The words "prolonged blast", as used in this rule, shall mean a blast of from four to six seconds duration. The signal is not to be used for other purposes.

SUBRULE 34-472 ISSUED 1 MAY 1999 EFFECTIVE 1 OCTOBER 2010
SELF PROPELLED VESSELS – DOCKAGE

Loading or Discharging:

Length of Vessel in Feet Over	Not Exceeding	Charge per foot per 24 hour period or part thereof
0	400	$4.70
400	500	$5.64
500	600	$6.58
600	700	$8.15
700	800	$9.09
800	900	$9.71
900		$11.29
Minimum charge		$1,130.00

Not Loading or Discharging:

Length of Vessel in Feet Over	Not Exceeding	Charge per foot per 24 hour period or part thereof
0	400	$1.89
400	500	$2.51
500	600	$2.82
600	700	$3.14
700	800	$3.46
800	900	$4.08
900		$4.39
Minimum charge		$627.00

SUBRULE 34-482 ISSUED 19 DECEMBER 1999 EFFECTIVE 1 OCTOBER 2010
NON-SELF PROPELLED VESSELS – DOCKAGE

Non-self propelled vessels, whether loading, discharging or in a tie-up or repair status shall be charged at the following rates:

Length of Vessel in Feet Over	Not Exceeding	Charge per 24 hours or part thereof
0	125	$168.79
125	250	$253.19
250	500	$562.65
500		$956.51

Crane: Floating Cranes, not engaged in loading or discharging cargo to and from vessels will be charged the following rates:

Length of Vessel in Feet Over	Not Exceeding	Charge per 24 hours or part thereof
0	125	$56.26
125	250	$84.39
250		$140.66

SUBRULE 34-483 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
SPECIAL EVENTS VESSELS

Vessels associated with special events, as determined by the Manager, and not typically engaged in waterborne commerce, see SUBRULE 34-750.

SECTION D

WHARFAGE -- INSTRUCTIONS

SUBRULE 34-505 ISSUED 25 JANUARY 1994 EFFECTIVE 1 JULY 2004
WHARFAGE - DEFINITION OF

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 a slip adjacent to wharf. Wharfage is solely the charge for use of wharf and does not include charges for any other service. Wharfage shall be based on the cube or weight as stated on the manifest.

SUBRULE 34-510 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
WHARFAGE - NON-APPLICATION

Wharfage will not be assessed against:

a) Intra-harbor watercraft discharging or loading non-special cargo destined to or from oceangoing vessels where the oceangoing vessel is liable for the charge.
b) Intra-harbor watercraft discharging or loading non-special cargo destined to or from public warehouses at Port Authority Marine Terminals.

SUBRULE 34-515 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
BULK CARGO OR BALLAST - DEFINITION OF

Goods shipped liquid or dry in bulk, including such commodities as are loose or in mass and such commodities as must be pumped, shoveled, scooped, grabbed or forked in the loading or unloading and which are neither in packages, bundles nor in units which admit their being readily handled piece by piece.

SUBRULE 34-520 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
FOREST PRODUCTS - DEFINITION OF

Articles manufactured from wood, such as box or crate material, laths, pickets, piling, poles, posts, shingles, shooks, stakes, ties, etc.

SUBRULE 34-525 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
CARGO - DEFINITION OF

All merchandise, goods, articles, or whatever is transported or to be transported by watercraft.

SUBRULE 34-526 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
SPECIAL CARGO - DEFINITION OF

Special cargo are those products or items that utilize multi-modal moves on a public berth requiring the use of a floating or land based crane and another form of transportation. Examples include but are not limited to: floating crane to/from railcar, MAFI trailer to/from railcar, boats in cradle to water, etc.

SUBRULE 34-530 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
CARGO - PLACEMENT OF

Cargo shall be placed only in or upon areas designated for that purpose by the Port Authority

SUBRULE 34-535 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
TON (WHEN USED WITH REFERENCE TO CARGO OR MERCHANDISE)

Except when otherwise specified:
2,240 pounds weight, or 40 cubic feet measurement, at the option of the Port Authority.

SUBRULE 34-540 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
CARGO HANDLING

Except when actually loading or discharging cargo to or from a watercraft lying alongside a mooring facility, no person, firm, or corporation shall place, leave or deposit such cargo, or any portion thereof, within six (6) feet of the edge of such mooring facility, or upon railroad tracks laid or constructed on any mooring facility.

SUBRULE 34-545 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
PASSENGERS - DEFINITION OF

Any persons, exclusive of watercrafts' officers and crew members, arriving from or departing by a watercraft operating in foreign, coastwise, or intercoastal service, including excursion boats and yachts.

SUBRULE 34-550 ISSUED 25 JANUARY 1994 EFFECTIVE 1 JULY2004
CARGO FACILITIES - DEFINITION OF

PUBLIC CARGO FACILITIES
The cargo buildings and open areas at a marine terminal designated by the Port Authority for the handling of waterborne cargo and the holding of such cargo for further transportation.

LEASED CARGO FACILITIES
The cargo buildings and open areas at a marine terminal operated by firms, corporations, partnerships or individuals under agreements with the Port Authority and designated by the Port Authority from time to time for the holding of waterborne cargo for further transportation.

CONTAINER TERMINAL FACILITY
Container Terminal Facilities are leased cargo facilities used primarily for the purpose of receiving and delivery of containers for the loading or unloading to and from vessels.

INTERMODAL CONTAINER TRANSFER FACILITY
Intermodal Container Transfer Facilities are leased cargo facilities used primarily for the purpose of loading or unloading containers to/from railroad trains or rail cars.

SUBRULE 34-555 ISSUED 27 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
DANGEROUS CARGO - REMOVAL

Cargo consisting of dangerous articles, or having an offensive odor, or cargo which is liable to damage other cargo is subject to immediate removal by the Port Authority from a terminal or to locations within terminal premises, where such cargo will not endanger persons or property; in such cases removal will be at the expense and risk of the holder of the permit for the berth at which the watercraft is moored.

This provision subject to SUBRULE 34-001.

SUBRULE 34-560 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
MATERIALS HANDLING EQUIPMENT - PERMIT TO USE

No persons shall keep or store in or upon any public wharf, public mooring facility, public cargo facility or public storage area or facility at any Port Authority Marine Terminal, any equipment used or to be used by him in connection with the loading and unloading of waterborne freight to or from vehicles (other than railroad cars) except such carriers of freight by water, water from terminal operators and duly licensed stevedores, as may be authorized to do so by the Port Authority.

SUBRULE 34-565 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
CHARGES - RESPONSIBILITY FOR

Charges for wharfage and shed usage or assessed against watercraft, and the operator, owner and general agent as well as the watercraft shall be liable therefore. All charges are payable in New York funds at the office of the Treasurer of the Port Authority.

SUBRULE 34-570 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
CHARGES FOR SMALL WATERCRAFT - RESPONSIBILITY FOR

In the case of watercraft of 220 feet in length or under, charges for wharf usage are assessed against the vessel's owner, agent, or operator except wharfage applying to lumber and forest products, which are assessed against the owners thereof.

SUBRULE 34-575 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
CHARGES FOR FOREST PRODUCTS AND LUMBER - RESPONSIBILITY FOR

Charges for wharfage applying to lumber and forest products are assessed against the owners thereof.

SUBRULE 34-580 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
WHARFAGE - PASSENGER

No passengers shall be embarked or disembarked at and no cargo, goods or merchandise shall be moved across or upon or places upon or allowed to remain upon, or removed from any public wharf without the payment of such wharfage or other fees or charges as may from time to time be prescribed by the Port Authority. No person shall refuse to pay or evade or attempt to evade the payment of such charges.

SUBRULE 34-585 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
WHARFAGE

The following charge is assessed when cargo passes over or through a mooring facility or passes over the side of a vessel for the unloading to or loading from other vessels or to and from other rafts or water.

SUBRULE 34-590 ISSUED 25 JANUARY 1994 EFFECTIVE 1 OCTOBER 2010
WHARFAGE - RATES

All cargo, unless otherwise specifically provided for	$1.10 per metric ton
Automobiles, unboxed	$1.08 per measurement ton
Bulk cargo	$1.49 per metric ton
Steel and incidental metals discharged at a designated steel berth	$0.87 per metric ton
Scrap metals in bulk, except stainless steel	$1.54 per metric ton
Stainless Steel Scrap metal in bulk	$2.36 per metric ton
Bananas	$0.15 per metric ton
Cocoa	$2.28 per metric ton
Coffee	$2.28 per metric ton
Cement in bulk	$1.10 per metric ton
Lumber	$1.24 per thousand gross BMF

SUBRULE 34-595 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
SPECIAL CARGO MOVEMENTS

Unless covered by another Port Authority agreement, wharfage charges for special cargo movements such as oversized or heavy lifts, as determined by the Facility Manager, will be assessed as per SUBRULE 34-750.

SUBRULE 34-600 ISSUED 25 JANUARY 1994 EFFECTIVE 1 OCTOBER 2010
SHED USAGE

The following charge is assessed against vessels when cargo or merchandise is placed in a cargo shed incidental to loading or discharging operations.

All cargo, except steel at designated berths	$2.72 per metric ton
Steel and incidental cargoes discharged at a designated steel berth	$.38 per metric ton

SUBRULE 34-605 ISSUED 25 JANUARY 1994 EFFECTIVE 1 OCTOBER 2010
PASSENGER WHARFAGE

The following charge will be made against all vessels (exclusive of excursion boats or sight-seeing yachts), operating in foreign, coastwise or intercoastal service, which embark or disembark passengers over the mooring facilities at a terminal:

For each passenger, on an intra-harbor commuter ferry	$4.87 each
For all other passengers	$8.52 each

SECTION E

FREE TIME AND WHARF DEMURRAGE -- INSTRUCTIONS

SUBRULE 34-610 ISSUED 25 JANUARY 1994 EFFECTIVE 1 JUNE 2003
FREE TIME - DEFINITION OF

The specified period during which cargo may occupy available space, as determined by the Manager, assigned to it on terminal property free of wharf demurrage or terminal storage charges immediately prior to the loading or subsequent to discharge of such cargo on or off the vessel.

SUBRULE 34-615 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
FREE TIME - COMMENCEMENT OF

Free time on inbound cargo will commence on the day after discharge of cargo is completed.

Free time on outbound cargo will commence five days before the day on which vessel berths.

SUBRULE 34-620 ISSUED 25 JANUARY 1994 EFFECTIVE 1 JUNE 2003
FREE TIME ALLOWANCES

Free time of five days to be allowed for automobiles only when space is available. The granting of free time may not impede any other vessel and/or cargo operations at or in the vicinity of the berth.

SUBRULE 34-625 ISSUED 25 JANUARY 1994 EFFECTIVE 1 JULY 2004
PROJECT SHIPMENTS

Provide for an assembly period not to exceed 45 consecutive calendar days for consignments of outbound cargo being assembled for shipment in large lots. Such assembly time shall be granted only to cargo that is not susceptible to weather damage and the cargo shall be held in open or covered storage at the discretion of the Manager. Such assembly time shall be granted at the discretion of the Manager and only when arrangements therefore are made in advance of arrival of the cargo at the Port Authority terminal facilities and only when adequate storage space is available.

SUBRULE 34-630 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
OUTBOUND CARGO

Seven days (exclusive of Saturdays, Sundays and holidays). When a legal holiday falls on Sunday, the following Monday will be excluded.

SUBRULE 34-635 ISSUED 25 JANUARY 1994 EFFECTIVE 1 JULY 2004
HOLIDAY - DEFINITION OF

New Year's Day, Martin Luther King's Birthday, Lincoln's Birthday, Washington's Birthday, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veteran's Day, Thanksgiving Day, Christmas Eve, Christmas Day and New Year's Eve, each as determined by the appropriate State legislature and any day observed in lieu of any of the foregoing pursuant to law or any other holidays pursuant to law or waterfront labor contract duly made in pursuance of the collective bargaining agreement then in effect throughout the Port of New York providing for such holidays.

SUBRULE 34-640 ISSUED 25 JANUARY 1994 EFFECTIVE 1 JULY 2004
WHARF DEMURRAGE - DEFINITION OF

A charge assessed against cargo remaining in or on terminal facilities after the expiration of free time unless arrangements have been made for storage. This charge is in addition to the provision for Unleased Space, Subrule 34-135.

SUBRULE 34-645 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
APPLICATION OF CHARGES

Wharf demurrage will be charged on inbound cargo remaining after the expiration of free time.

Wharf demurrage will be charged on outbound cargo remaining after the vessel leaves the berth, as well as on cargo arriving before the free time commences.

Wharf demurrage will be charged for Saturdays, Sundays, and holidays before or after the free time period.

SUBRULE 34-650 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
WHARF DEMURRAGE - RESPONSIBILITY FOR CHARGES

Charges for wharf demurrage are assessed against watercraft, and the operator, owner and general agent as well as the watercraft shall be liable therefore. All charges are payable in New York funds at the office of the Treasurer of the Port Authority.

SUBRULE 34-655 ISSUED 25 JANUARY 1994 EFFECTIVE 1 JULY 2004
WHARF DEMURRAGE - SMALL WATERCRAFT CHARGES, RESPONSIBILITY FOR

In the case of watercraft of 220 feet in length or under, charges for wharf demurrage are assessed against the vessel's owner, agent, or operator except wharf demurrage applying to lumber and forest products, which are assessed against the owners thereof.

SUBRULE 34-670 ISSUED 27 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
WHARF DEMURRAGE - REMOVAL OF CARGO

Cargo remaining on terminal premises after the expiration of the free time period provided in the schedule of charges and cargo intended for loading on a watercraft but not loaded thereon prior to clearance of such watercraft, any unless arrangements have been made for the payment of wharf demurrage thereon, be piled or repiled by the Port Authority to make space, or transferred to other locations at the terminal or removed from the terminal to public or private warehouses; such piling, repiling, or removal will be at the risk of loss and expense of the holder of the permit for the berth at which the watercraft was moored.

This provision subject to SUBRULE 34-001.

SUBRULE 34-675 ISSUED 25 JANUARY 1994 EFFECTIVE 1 OCTOBER 2010
WHARF DEMURRAGE ON CARGO

Automobiles, unboxed	$.81 per measurement ton
On all other cargo	$.70 per metric ton per day

SECTION F

MISCELLANEOUS CHARGES

SUBRULE 34-685 ISSUED 25 JANUARY 1994 EFFECTIVE 1 OCTOBER 2010
MISCELLANEOUS CHARGES - WATER

Per short ton	$4.08
When Port Authority labor is necessary for furnishing hook up and/or disconnect	$78.36 per hour or part thereof
Minimum Charge	$1,171.00.

Damage to the water carts are the responsibility of the user and the repair costs will be billed to the user at the Port Authority's costs plus 30%.

SUBRULE 34-690 ISSUED 25 JANUARY 1994 EFFECTIVE 1 OCTOBER 2010
MISCELLANEOUS CHARGES - ELECTRICITY/LIGHTS

Wharf or shed or portable lights for each 12 hour period or fraction thereof	$2.44 per light
When Port Authority labor is necessary for furnishing hook up and/or disconnect	$78.36 per hour or part thereof

SUBRULE 34-695 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
MISCELLANEOUS CHARGES - ELECTRICITY RATES

Electricity will be furnished at the same rate as would be charged if supplied directly to the user by the local utility company.

SUBRULE 34-700 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
MISCELLANEOUS CHARGES - VESSEL FURNISHED CABLES

Where vessel furnishes shore cable, etc	Cost of labor for hooking up

SUBRULE 34-705 ISSUED 25 JANUARY 1994 EFFECTIVE 1 OCTOBER 2005
MISCELLANEOUS CHARGES - ELECTRICITY TERMINAL FURNISHED CABLES

Where terminal furnished shore cables etc.	This service is discontinued.

SUBRULE 34-715 ISSUED 27 JANUARY 1994 EFFECTIVE 1 NOVEMBER 2007
MISCELLANEOUS CHARGES - CAR LOADING AND UNLOADING

The Port Authority shall not be responsible for railroad car demurrage, nor delays in unloading inbound cars; nor for delays in obtaining cars for outbound shipments .

This provision subject to SUBRULE 34-001.

SUBRULE 34-746 ISSUED 25 JANUARY 1994 EFFECTIVE 1 OCTOBER 2010
MISCELLANEOUS CHARGES - TOW AWAY CHARGE

Charges for towing vehicles parked in violation of posted signs and or the rules and regulations. This charge is in addition to traffic violation and or storage charges, etc. that may be charged.

$62.69 per vehicle

SUBRULE 34-750 ISSUED 25 JANUARY 1994 EFFECTIVE 31 JANUARY 1994
MISCELLANEOUS CHARGES - SERVICES AND RATES NOT SPECIFIED

Services and rates therefore not specifically provided in the Schedule of Charges shall be subject of special agreement with the Port Authority.

SUBRULE 34-751 ISSUED 26 JANUARY 1996 EFFECTIVE 1 MARCH 1996
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 .8% on the outstanding balance and then every fifteen (15) days thereafter.
The Port Authority reserves the right to deny to anyone the use of any terminal until all past due accounts are paid, and to apply any payment received against the oldest outstanding invoices.
Agents or representatives will be held fully responsible for all charges attributable to their action on behalf of their principals, in arranging services, facilities, equipment or other chargeable items, 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 Authority from any credits and/or discounts due to the debtor by the Port Authority.
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.

SUBRULE 34-752 ISSUED 1 OCTOBER 2006 EFFECTIVE 1 NOVEMBER 2008
NOTIFICATION OF DISPUTED INVOICES

Questions regarding the validity of invoice(s) must be submitted in writing to the Port Authority of New York and New Jersey (address listed below based on facility utilized), specifically noting the material errors and/or discrepancies with regard to the invoice(s), within 30 days from the date of the invoice(s). All disputes of invoices involving berth applications must utilize the Billing Adjustment Form found on the First Website (http://www.firstnynj.com) or by contacting the Business Manager (kopthof@panynj.gov) for New Jersey Marine Terminals or the Senior Marine Terminal Operations Representative (szuccaro@panynj.gov) for New York Marine Terminals. If the material errors and/or discrepancies are not reported as stated herein, the invoice(s) shall be considered valid, due and payable.

The Port Authority of New York & New Jersey
New York Marine Terminals
90 Columbia Street
Brooklyn, NY 11201

or

The Port Authority of New York & New Jersey
New Jersey Marine Terminals
260 Kellogg Street
Port Newark, NJ 07114

SUBRULE 34-753 ISSUED 1 OCTOBER 2006 EFFECTIVE 1 OCTOBER 2010
BILLING REDUCTION ADJUSTMENT FEE

A billing adjustment resulting in a reduction of an issued billing invoice will be processed for a fee of One Hundred Sixty Eight Dollars ($168.00) if the requested adjustment is the result of erroneous and or incorrect information provided to the Port Authority. All disputes of invoices must be provided for as noted in subrule 34-752.

SUBRULE 34- 766 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
INTERMODAL CONTAINER LIFT FEE – NON-APPLICATION

Intermodal container lift fee shall not be assessed against an intermodal container discharged from or loaded onto a railroad train for the sole purpose of being engaged in intra-harbor transit, when an intermodal container lift fee has already been charged to such intermodal container.

SUBRULE 34-800 ISSUED 1 JULY 2004 EFFECTIVE 1 JULY 2004
SEA LINK – definition of

Sea Link is a Trucker Identification System used for the interchange of containers between truckers/trucking companies and Container Terminals. Details for registration for this identification card can be obtained at the Port Authority offices for the New Jersey Marine Terminals at 260 Kellogg St, Port Newark, NJ 07114

SUBRULE 34-810 ISSUED 1 JULY 2004 EFFECTIVE 1 February 2011
SEA LINK FEES

Sea Link Transaction Fees:
Truck drivers, or the truck company, pay transaction fees for their registration into the system. Transaction fees may include, but are not limited to: new card application, replacement of lost or damaged card, granting access of an existing truck driver to an additional trucking company [add-ons], renewal of expired card, etc.

Sea Link Transaction Fee Schedule:

New card application	$ 25.00
Replace lost or damaged card	$ 25.00
Add-ons	$ 25.00
Renewal for expired card	$ 25.00

SECTION G

DRAYAGE TRUCK REGISTRY

SUBRULE 34-1000 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
DRAYAGE TRUCK

Drayage Truck means any On-Road Vehicle with a Gross Vehicle Weight Rating of greater than 33,000 pounds serving Port Authority Terminals for the purpose of loading, unloading, or transporting cargo including containerized, bulk, break-bulk, and neo-bulk goods. For purposes of this Subrule, Dedicated Used Vehicles, Military Tactical Support Vehicles and Yard Trucks are excluded from the definition of Drayage Truck.

SUBRULE 34-1010 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
ON-ROAD VEHICLE

"On-Road Vehicle" means a vehicle that is designed to be driven on public highways and roadways and that is registered or capable of being registered with the controlling motor vehicle agency within the vehicle owner's state of residence.

SUBRULE 34-1020 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
GROSS VEHICLE WEIGHT RATING

"Gross Vehicle Weight Rating" means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

SUBRULE 34-1030 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
DEDICATED USE VEHICLES

"Dedicated Use Vehicles" are uni-body On-Road Vehicles that do not have separate tractors and trailers, including but not limited to auto transports, dedicated fuel delivery vehicles, concrete mixers, mobile cranes, and construction equipment.

SUBRULE 34-1040 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
MILITARY TACTICAL SUPPORT VEHICLES

"Military Tactical Support Vehicles" are vehicles that meet military specifications, are owned by the U.S. Department of Defense and/or the U.S. military services, and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

SUBRULE 34-1050 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
YARD TRUCKS

"Yard Trucks" are off-road mobile utility vehicles used to carry cargo containers with or without chassis; also known as utility tractor rigs (UTRs), yard tractors, yard goats, yard hostlers, or prime movers.

SUBRULE 34-1060 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
ALTERNATIVE DRAYAGE TRUCKS

"Alternative Drayage Trucks" are Drayage Trucks with heavy-duty engines operating on liquefied or compressed natural gas, electricity or hybrid technology. Included are heavy-duty pilot ignition engines using an alternative fuel where diesel fuel is used for pilot ignition for an average ratio of no more than one part diesel fuel to ten parts total fuel on any energy equivalent basis. Engines that can operate or idle solely on diesel fuel at any time do not meet this definition.

SUBRULE 34-1070 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
DIESEL FUEL

"Diesel Fuel" means any fuel that is commonly or commercially known, sold or represented by the supplier as diesel fuel, including any mixture of primarily liquid hydrocarbons – organic compounds consisting exclusively of the elements of carbon and hydrogen – that is sold or represented by the supplier as suitable for use in an internal combustion, compression-ignition engine.

SUBRULE 34-1080 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
DRAYAGE TRUCK REGISTRY

Drayage Truck Registry or DTR is a database that contains information on trucks that conduct business at Port Authority Terminals including:

a) Owner's name, address, phone numbers, email address and fax number;
b) Drayage Truck vehicle make, model year, engine make, engine model, engine model year, vehicle identification number (VIN), Gross Vehicle Weight Rating, license number and state of issuance.

SUBRULE 34-1090 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
VOLUNTARY COMPLIANCE STICKERS

Voluntary Compliance Stickers are non-transferable stickers issued by the Port Authority to owners of Drayage Trucks with engine model years compliant with Subrule 34-1100 and registered in the DTR. The Voluntary Compliance Stickers, if used as instructed, will facilitate and expedite the drayage trucks' transit onto, through and out of Port Authority Terminals.

SUBRULE 34-1100 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
REGISTRATION IN DRAYAGE TRUCK REGISTRY (DTR)

Beginning January 1, 2011, all Drayage Trucks seeking entry onto any Port Authority Terminal shall have been registered in the DTR prior to the date of entry. Registration in the DTR shall be in electronic format via the Port Authority website (www.portnynj.info) or on forms with supporting documentation as may be required by the Port Authority for verification purposes. In the event of a change to a registered vehicle, the information provided for registration in the DTR with respect to that vehicle shall be amended within ten (10) calendar days of the change either via the Port Authority website or on forms and with supporting documentation as may be required by the Port Authority.

SUBRULE 34-1110 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
VOLUNTARY COMPLIANCE STICKER OPTION

Beginning January 1, 2011 at 12:00 AM, any Drayage Truck seeking entry onto any Port Authority Terminal shall be subject to inspection by Port Authority Police for purposes of determining whether such

vehicle is registered in compliance with Subrule 34-1100. A Drayage Truck may voluntarily display a Voluntary Compliance Sticker to indicate compliance with Subrule 34-1100. Display of a Voluntary Compliance Sticker in the manner prescribed will be accepted as a demonstration that the Drayage truck bearing such sticker is in compliance with Subrule 34-1100.

SUBRULE 34-1120 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
VOLUNTARY COMPLIANCE STICKER EXPIRATION DATES

Voluntary Compliance stickers will expire in accordance with the following schedule:

Engine Model Year	**Expiration Date**	**Color**
1994 – 2006	December 31, 2016	Blue
2007 and Newer	No Expiration	Green
Alternative Drayage Trucks	No Expiration	Green

SUBRULE 34-1130 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
JANUARY 1, 2011 DRAYAGE TRUCK DEADLINE

Beginning January 1, 2011 at 12:00 AM, the following Drayage Trucks will not be permitted to pick up, deliver or move cargo on any Port Authority Terminal:

Any Drayage Truck equipped with an engine of model year 1993 or older, or
Any Drayage Truck that cannot be verified as compliant by reference to the records in the DTR.

SUBRULE 34-1140 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
JANUARY 1, 2017 DRAYAGE TRUCK DEADLINE

Beginning January 1, 2017 at 12:00 AM, the following Drayage Trucks will not be permitted to pick up, deliver or move cargo on any Port Authority Terminal:

Any Drayage Truck equipped with an engine not meeting or exceeding federal Environmental Protection Agency on-road emission standards for 2007 model year heavy-duty diesel-fueled engines, or
any Drayage Truck that cannot be verified as compliant by reference to the records in the DTR.

SUBRULE 34-1150 ISSUED 15 OCTOBER 2010 EFFECTIVE 15 OCTOBER 2010
VIOLATION OF DRAYAGE TRUCK REQUIREMENTS - ACTIONS

Any trucks not complying with the requirements of Subrule 34-1100 shall be considered to be in violation of the Port Authority Rules and Regulations under the Port Authority Marine Terminals FMC Schedule No. PA 10 and the party that owns such non-compliant vehicle will be subject to a suspension of access privileges for a specified period of time, including the coordinated suspension of their SEA LINK® registration, if any, in accordance with the following schedule:

1st violation – warning
2nd violation within 12-month period – suspension for 2 calendar days
3rd violation within 12-month period – suspension for 7 calendar days
4th violation within 12-month period – suspension for 30 calendar days
5th violation, or more, within 12-month period – suspension for 90 calendar days

For the period of January 1, 2011 to February 28, 2011, only warnings will be issued. Commencing March 1, 2011, warnings and suspension of access privileges will be in effect.

SECTION H

CARGO FACILITY CHARGE

SUBRULE 34-1200 ISSUED 1 JANUARY 2011 EFFECTIVE 14 MARCH 2011
CARGO FACILITY CHARGE – DEFINITION OF CARGO SUBJECT TO FEE

This fee shall apply to all cargo containers, vehicles and bulk cargo, break-bulk cargo, general cargo, heavy lift cargo, and other special cargo discharged from or loaded onto vessels at Port Authority leased and public berths.

SUBRULE 34-1210 ISSUED 1 JANUARY 2011 EFFECTIVE 14 MARCH 2011
CARGO FACILITY CHARGE – RATES

Container cargo	$4.95 per TEU*
Vehicles	$1.11 per unit/vehicle
Bulk cargo, break-bulk cargo, general cargo, heavy-lift cargo and other special cargo	$ 0.13 per metric ton

*Any containers larger than forty-feet shall be considered to be the equivalent of two TEUs.

SUBRULE 34-1220 ISSUED 1 JANUARY 2011 EFFECTIVE 14 MARCH 2011
CARGO FACILITY CHARGE

1. Definitions

   (a) "User" shall mean a user of cargo handling services.

   (b) "Terminal operator" shall mean a leased berth operator.

2. At all leased berths, each user is responsible for payment of the Cargo Facility Charge to the Port Authority, which will be collected by the terminal operator handling the user's cargo for remittance to the Port Authority.

3. Lessees/Terminal Operators

   (a) Reporting of Vessel Activity Data

      i. Each terminal operator shall provide to the Port Authority a Vessel Activity Report setting forth data necessary for determination of the amount of Cargo Facility Charge incurred by each user. Such report shall be submitted no later than the 20th day of the month following such activity, and shall comply with sub-paragraph 3 (a) ii. of this Subrule.

      ii. Each Vessel Activity Report shall set forth the following for the month in which Cargo Facility Charges were incurred for each vessel call: vessel name; voyage #; service; user(s), including participating carriers whose cargo is carried on the vessel; date of arrival; date of departure; volume of cargo discharged from and/or loaded onto each vessel for each user (containers by size identifying loads versus empties and transshipped containers, number of vehicles, and/or metric tons of bulk cargo, break-bulk cargo, general cargo, heavy-lift cargo and other special cargo) and, the Cargo Facility Charge due for the current month for each cargo category. For the purposes of completing a Vessel Activity Report, metric tons for lumber shall be calculated by multiplying the number of thousand gross board measurement feet of lumber times one and two tenths (1.2). Such information is to be provided in both paper and electronic formats in accordance with any form or template that

may be provided by the Port Authority from time to time. Such form or template is available through the office of the General Manager NJMT and NYMT.

iii. Hard copy transmittals are to be accompanied by a statement certifying the truth and accuracy of the document. Submission of the Vessel Activity Report by electronic means shall constitute a statement that such submission is intended to be the equivalent of the submission of a paper document containing the same information, and that the placement of a name on such submission certifying the truth and accuracy of the document is intended to be equivalent to a handwritten signature.

iv. Each terminal operator shall provide copies of the Vessel Activity Report described in section ii above to each addressee set forth at (A), and, to the addressee set forth at (B) for the facility at which the activity occurred.

(A)	All facilities:	Manager, Revenue Accounting The Port Authority of NY & NJ One PATH Plaza – 6th Floor Jersey City, New Jersey 07036 pcaffrey@panynj.gov Manager, Leasing and Property Development The Port Authority of NY & NJ New Jersey Marine Terminal 260 Kellogg Street Port Newark, New Jersey 07114 revans@panynj.gov Manager, Strategic Analysis & Industry Relations The Port Authority of NY & NJ 225 Park Avenue South, 11th Floor New York, New York 10003 pzantal@panynj.gov
(B)	New Jersey Facilities:	General Manager, NJMT and NYMT The Port Authority of NY & NJ New Jersey Marine Terminal 260 Kellogg Street Port Newark, New Jersey 07114 tclyne@panynj.gov
	New York Facilities:	Manager, New York Marine Terminals The Port Authority of NY & NJ 90 Columbia Street Brooklyn, New York 11201 jtrutneff@panynj.gov

(b) Billing and payment of Cargo Facility Charges

i. On or about the first day of each month, the Port Authority shall issue a bill to each terminal operator based upon the Vessel Activity Report for the previous reporting period. Such bills shall set forth the Cargo Facility Charge with respect to cargo discharged from or loaded onto vessels within the leasehold area of the terminal operator for each user.

ii. Within 30 days after the date of each bill described in 3 (b) i., each terminal operator shall (A) remit to the Port Authority the Cargo Facility Charge amount collected from each user as set forth in such bill, and (B) make a report to the Port Authority of every user who has failed to pay the Cargo Facility Charge set forth in such bill.

iii. In the event of non-payment of any Cargo Facility Charges by a user for two consecutive Vessel Activity Reporting periods, the Port Authority shall issue a directive to every terminal operator prohibiting them from providing any service that would be subject to a Cargo Facility Charge to the delinquent user for a period from no later than 5 calendar days from the date of the directive until receipt of notice from the Port Authority that such unpaid Cargo Facility Charges have been paid.

iv. Should any terminal operator provide service to a user in violation of the directive described in 3 (b) iii., such terminal operator shall become liable for, and shall be obligating itself to pay to the Port Authority, the full amount of the Cargo Facility Charges incurred by such user arising from services performed by such terminal operator on and after the date of the violation of the directive.

4. Public Berth Applicants

Each party responsible for payment to the Port Authority of all other charges associated with a vessel's use of a public berth shall pay to the Port Authority the Cargo Facility Charge set forth in the Port Authority's Tariff with respect to cargo discharged from or loaded onto a vessel. Such payments are to be paid directly to the Port Authority in the same manner as all other amounts paid to the Port Authority for use of a public berth.

5. Fee Exemptions

(a) The following movements are fully or partially exempt from Cargo Facility Charge as set forth in the Port Authority's Tariff:

i. Fully exempt from fees: restows and shifts.

ii. Partially exempt from fees: transshipped containers; a transshipped container is subject to a Cargo Facility Charge for only one move.

(b) In this section:

i. "Restows" shall mean discharged containers arriving on a vessel and departing on the same vessel and as part of the same voyage.

ii. "Shifts" shall mean containers that are moved from one location to another location on the same vessel without touching the ground.

iii. "Transshipped containers" shall mean containers that are discharged from a vessel, placed on the terminal and loaded onto another vessel for further carriage as part of a single voyage and do not exit the terminal.