TITLE PAGE

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TARIFF NO. 4
NAMING
RATES, RULES AND REGULATIONS
GOVERNING THE
PORT OF LONG BEACH
CALIFORNIA
FOR
PILOTAGE, DOCKAGE, WHARFAGE, WHARF DEMURRAGE
AND WHARF STORAGE, FREETIME, BERTH AND AREA ASSIGNMENTS,
PUBLIC LANDING, WATER AND ELECTRICITY, HANDLING EQUIPMENT
AND GENERAL RULES AND REGULATIONS

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RULE 34-10: PARTICIPATING TERMINALS

Effective: 15Apr2004 Thru: Expires: Publish 24Mar2004 Amend: C

ITEM: 10

The below listed terminals operate under applicable rates, rules and regulations published in the Port of Long Beach Tariff No. 4, except as noted.

Applied Industrial Materials Corp.
Baker Commodities, Inc.
BP Marine Terminal #2
BP Marine Terminal T-121
BP West Coast Products (Pier G)
California United Terminals
Chemoil Refining Corporation
Coast Citrus Distributors
Cooper/T. Smith Stevedore Co., Inc.
Crescent Terminals, Inc.
Forest Terminals Corporation
Fremont Forest Group Corporation
International Transportation Service, Inc.
Koch Carbon, Inc.
Long Beach Container Terminal, Inc.
Metropolitan Stevedore Company
Mitsubishi Cement Corporation
Morton International, Inc.
National Gypsum Co.
Oxbow Carbon & Minerals, LLC
Pacific Coast Cement, Corp.
Pacific Coast Recycling, LLC
Pacific Maritime Services
Petro Diamond Terminal Co.
Shell Oil U.S. Marine Terminal
SSA Terminals C60
SSA Terminals-Long Beach, LLC
Sulex, Inc.
Total Terminals International, LLC
Toyota Motor Sales, U.S.A., Inc.
Thums Long Beach Co.
U.S. Sea Launch Ltd., Partnership
Valero Wilmington Refinery
Weyerhaeuser Company

RULE 34-15: EXPLANATION OF ABBREVIATIONS AND SYMBOLS

Effective: 01Jan1996 Thru: Expires: Publish 27Dec1995 Amend: C

ITEM: 15

(A)	New item
(I)	Increase
(R)	Reduction
(C) or +	Change resulting in neither an increase nor a reduction
(D)	Deletion
%	Per cent
A.C	Alternating current
B.M	Board measure
Bbls	Barrels
cu.ft	Cubic feet
cu.m	Cubic meter
D.C	Direct current
e.g	For example
etc	Et cetera
Ex	From
F.F	Folded flat
Ft	One foot of 12 inches
HP	Horse power
incl	Inclusive
K.D	Knocked down
kg	Kilogram
KVA	Kilovolt amperage
KW	Kilowatt
KWH	Kilowatt hour
lbs	Pounds
M.T	Metric ton
No	Number
N.O.S	Not otherwise specified
Sec	Section
SU	Set up
TEU	20 foot equivalent unit
Viz	Namely

RULE 34-A: SECTION I - TERMS AND DEFINITIONS

Effective: 01Sep2017 Thru: Expires: Publish 29Aug2017 Amend: C

For the purpose of this tariff, the following words and/or terms have the meaning attached to them herein set forth, unless otherwise apparent from the context, to wit:

ITEM: 100

TERM: CITY

"City" shall mean the City of Long Beach, California, a municipal corporation, organized and existing under and by virtue of the laws of the State of California, situated in the County of Los Angeles, and operating as such under a freeholder's charter.

ITEM: 103

TERM: BOARD

"Board" shall mean the Board of Harbor Commissioners of the City of Long Beach.

ITEM: 106

TERM: EXECUTIVE DIRECTOR OR CHIEF EXECUTIVE

"Executive Director" or "Chief Executive" shall mean the person duly appointed and employed as such by the Board of Harbor Commissioners pursuant to the provisions of the Charter of the City of Long Beach, and shall also include any and all of his or her duly authorized agents or representatives.

ITEM: 109

TERM: MUNICIPAL

"Municipal" when used in connection with premises, terminals, wharves, landings, slips, docks, channels, basins and areas in the Harbor District of the City of Long Beach, means those facilities and improvements owned by the City of Long Beach and in the possession and under the supervision, management and control of the Board.

ITEM: 112

RULE 34-A: SECTION I - TERMS AND DEFINITIONS (Continued)

TERM: PRIVATE PREMISES

"Private premises" shall mean and include all premises, wharves, landings, slips, docks, basins or areas other than municipal.

ITEM: 115

TERM: PERSON

"Person" shall mean and include an individual, a receiver, a trustee, a copartnership; joint ventures; a firm; an unincorporated association; a syndicate; a club; a society; a trust; a private corporation a public corporation; a municipal corporation; a county, a state, a national government; a municipal, county, state or federal agency, board or commission; a water district, a utility district, a political subdivision; and a drainage, irrigation, levee, reclamation, flood control or water conservation district, whether acting for himself or itself or in any representative capacity. This definition shall not be applied so as to require the State of California to pay any charge for the use of wharves, docks, piers, slips, quays and other improvements constructed on lands granted to the City of Long Beach by the State of California pursuant to Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925; or Chapter 158, Statutes of 1935.

ITEM: 118

TERM: PORT OF LONG BEACH

"Port of Long Beach" shall mean all navigable waters within the City of Long Beach included within the Harbor District as created and defined by and pursuant to provisions of the Charter of the City of Long Beach, together with all areas, premises and facilities which are under the jurisdiction of the Board.

ITEM: 121

TERM: WHARF - WHARF PREMISES

(a) "Wharf" shall mean and include any wharf, pier, quay, landing or other stationary structure to which a vessel may make fast or which may be utilized in the transit or handling of goods and merchandise, and shall also include all the area between the pierhead and bulkhead line, excepting, however such locations as may be set

RULE 34-A: SECTION I - TERMS AND DEFINITIONS (Continued)

apart as public landings or for private use.

(b) "Wharf premises" shall mean and include, in addition to the area included in the term "wharf", other port terminal facility areas alongside of which vessels may lie or which are suitable for and are used in the loading, unloading, assembling, distribution or handling of merchandise.

ITEM: 124

TERM: PUBLIC LANDING

"Public landing" shall mean and include every landing set apart and designated by the Board as such, at and over which merchandise or persons may be handled, and may include streets, roadways and other spaces.

ITEM: 127

TERM: VESSEL

"Vessel" shall mean and include all ocean going ships, a motor boat, a sailing vessels, a barge, a lighter, a ferry boat, a pleasure craft, and any and all other watercraft of any kind, including but not limited to jet skis and sail boards.

ITEM: 130

TERM: MERCHANDISE

"Merchandise" shall mean and include, but not be limited to, cargo, commodities, goods, wares, freight, liquids, articles and materials or every kind whatsoever, including bulk materials, empty cargo containers as described in Item 163 of this tariff, live animals, vessel's stores, supplies and bunkers.

ITEM: 133

TERM: LEGAL HOLIDAYS

"Legal holidays" shall mean and include New Year's Day, Martin Luther King's Birthday, Lincoln's Birthday, Presidents' Day (third Monday in February), Memorial Day, Independence Day, Bloody Thursday, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Statewide Election Day,

RULE 34-A: SECTION I - TERMS AND DEFINITIONS (Continued)

Christmas Day, and any other legal holiday that may be proclaimed by state or national authority. When a holiday falls on Sunday the following Monday shall be observed as a holiday.

ITEM: 136

TERM: NORTH AMERICAN PACIFIC COAST TRADE

"North American Pacific Coast Trade" shall mean the trade in which merchandise is transported by vessel between Pacific Coast ports of the United States, Canada and Mexico.

ITEM: 139

TERM: INTERCOASTAL TRADE

"Intercoastal trade" shall mean the trade in which merchandise is transported by vessel between United States Pacific Coast ports and United States Atlantic, Gulf and Puerto Rican ports.

ITEM: 142

FOREIGN AND OFFSHORE TRADES

"Foreign and Offshore Trades" shall mean all trades in which merchandise is transported by vessel other than North American Pacific Coast or intercoastal Trade.

ITEM: 145

TERM: HARBOR DEPARTMENT

"Harbor Department" shall mean the Harbor Department of the City of Long Beach as created by and pursuant to the provisions of the Charter of the City of Long Beach.

ITEM: 151

TERM: PACKAGE

"Package" shall mean the producer's or manufacturer's type of packaging containing merchandise. The package may be a carton, bag, barrel, drum, crate, bale, box, bundle, pail, flask or basket.

RULE 34-A: SECTION I - TERMS AND DEFINITIONS (Continued)

ITEM: 154

TERM: MERCHANDISE IN BULK

"Merchandise in Bulk" shall mean commodities which, by nature of their unsegregated mass, are usually handled by shovels, scoops, buckets, forks, magnets or mechanical conveyors, and which are loaded or unloaded and carried without wrappers or containers and received and delivered by carrier without transportation mark or count. (This term will not apply when the commodity is subject to piece count.)

ITEM: 157

TERM: BAGGAGE

"Baggage" shall mean and include bags, trunks, suitcases, luggage of all kinds, and all packages, when carried on a passenger ticket and not manifested as freight; provided, however, automobiles either boxed or unboxed, shall not be construed as baggage even when carried on a passenger ticket and not freighted.

ITEM: 160

TERM: DIRECT

"Direct" shall mean a continuous operation between barge, rail car or truck and vessel when performed by vessel's stevedores, pipeline or any mechanical means.

ITEM: 163

TERM: CARGO VANS OR CONTAINERS

"Cargo Vans" or "Containers" shall mean a single rigid, nondisposable, intermodal dry cargo, insulated, refrigerated, flat, liquid tank or open-top container, demountable, having not less than 6.37 cubic meters capacity, certified and marked in accordance with international regulatory conventions, furnished or approved by an ocean carrier specifically and primarily for the ongoing transport or merchandise aboard its vessels.

ITEM: 166

RULE 34-A: SECTION I - TERMS AND DEFINITIONS (Continued)

TERM: TRANSSHIPPED MERCHANDISE

"Transshipped Merchandise" shall mean merchandise, other than petroleum or petroleum products, discharged from a vessel on or at a municipal wharf or wharf premise and reshipped by vessel from the same or another municipal wharf or wharf premise.

ITEM: 169

TERM: TRANSFERRED MERCHANDISE

"Transferred Merchandise" shall mean merchandise received at a municipal wharf or wharf premise from rail car, motor truck or other land vehicle and removed from the same or another municipal wharf or wharf premise by rail car, motor truck or other land vehicle.

ITEM: 170

TERM: DOMESTIC MERCHANDISE

"Domestic Merchandise" shall mean merchandise of domestic origin and intended for the domestic marketplace.

ITEM: 171

TERM: INTERNATIONAL MERCHANDISE

"International Merchandise" shall mean merchandise in the foreign and offshore trades (see Item 142) having its origin outside the United States or merchandise having its final destination for a marketplace outside the United States.

ITEM: 172

TERM: CORRELATION OF FEDERAL MARITIME COMMISSION DEFINITIONS (FOR INFORMATION ONLY)

Section 533.6(d) of Part 533, Subchapter B, Chapter IV of Title 46 CFR (General Order 15) contains definitions of certain terminal services. Pursuant to the provisions of Section 533.6(a) of said Part, the definitions in said Section 533.6(d) and the correlated definitions continued in this tariff are as follows:

RULE 34-A: SECTION I - TERMS AND DEFINITIONS (Continued)

Federal Maritime Commission	Port of Long Beach
Section 533.6(d)(1)	Item 250
Section 533.6(d)(2)	Item 300
Section 533.6(d)(3)	Item 500(e)
Section 533.6(d)(4)	Item 500(a)
Section 533.6(d)(5)	Item 500(b)

ITEM: 175

TERM: METRIC CONVERSION TABLE

When freight charges are computed by the vessel using the metric system and are shown on the manifest on the basis of either weight (metric tons of 2204.6 pounds) or measurement (cubic meters of 35.315 cubic feet), the metric tons shall be converted to measurement tons of 40 cubic feet using the conversion factors shown below:

To Find	Given	Multiply
Metric Tons	Short Tons	Short Tons by 0.907
Short Tons	Metric Tons	Metric Tons by 1.102
Metric Tons	Long Tons	Long Tons by 1.016
Long Tons	Metric Tons	Metric Tons by 0.984
Kilos	Pounds	Pounds by 0.4536
Pounds	Kilos	Kilos by 2.2046
Cubic Meters	Measurement Tons (40 cu.ft.)	Measurement Tons by 1.133
Measurement Tons (40 cu.ft.)	Cubic Meters	Cubic Meters by 0.883
Cubic Meters	MFBMs (Ft. B.M. in thousands)	MFBMs by 2.36
MFBMs (Ft. B.M. in thousands)	Cubic Meters	Cubic Meters by 0.424

Metric Equivalents:

1 Kilo = 2.2046 Pounds
1 Pound = 0.4536 Kilos
1 CWT (US - 100 Pounds) = 45.359 Kilos or
0.04536 Metric Tons
1 CWT (British - 112 Pounds) = 50.802 Kilos or
0.0508 Metric Tons
1 Bushel Grain (US) = 60 Pounds = 27.216 Kilos
1 Cubic Meter = 35.315 Cubic Feet
1 Cubic Foot = 0.0283 Cubic Meters
1,000 Ft. B.M. = 83.33 Cubic Feet
1 Cubic Meter = 423.792 Ft. B.M.

RULE 34-A: SECTION I - TERMS AND DEFINITIONS (Continued)

1 Barrel (US - 42 Gallons) = 158.987 Liters

ITEM: 177

TERM: INTERNATIONAL SEAFARERS CENTER

The International Seafarers Center of Long Beach, Inc. ("Center") is a California non-profit public benefit corporation which is organized to provide and maintain facilities and services for the recreational, personal and cultural needs of merchant seamen calling at the Port of Long Beach without regard to age, sex, race, color, religion, ancestry or national origin. The Center operates from a facility located at 120 South Pico Avenue, Long Beach, California 90802. The Center is dependent upon voluntary contributions from the public and, in particular, from those maritime industries dependent upon the services of merchant seamen to defray the Center's costs in providing its services. Such contributions do not represent charges or assessments imposed by this Tariff.

ITEM: 178

TERM: Automobile, CKD

Automobiles, CKD shall mean automobile, bus and truck parts completely knocked down which are intended for new vehicle assembly (not for replacement) whether or not shipped as a unit.

RULE 34-B: SECTION 2 - PILOTAGE/DOCKAGE

Effective: 15Jun2018 Thru: Expires: Publish 14Jun2018 Amend: C

ITEM: 200

TERM: DEFINITIONS

(a) PILOTAGE:

The charge, calculated in accordance with the provisions of this section, assessed against a vessel which is subject to the payment of such charge under these rules for piloting services rendered or proffered to vessels entering, leaving or shifting within the Port of Long Beach.

(b) PILOTING CONTRACTOR:

The issuee of a permit to provide piloting services to vessels entering, leaving or shifting within the Port of Long Beach.

(c) PILOTING SERVICES:

Services rendered by a Piloting Contractor to vessels entering, leaving or shifting within the Port of Long Beach and operation of the VesselTraffic Service inside the federal breakwater, including the providing and receipt of information regarding vessel traffic and information incidental thereto.

(d) ENTERING:

Vessels inward bound from the open sea to the Port of Long Beach.

(e) LEAVING:

Vessels outward bound which leave the Port of Long Beach for the open sea.

(f) SHIFTING:

Vessels which move from point to point in the Port of Long Beach and the Port of Los Angeles as follows:

(1) INTRA-HARBOR SHIFTING:

Vessels which move from point to point within the Port of Long Beach.

(2) INTER-HARBOR SHIFTING:

RULE 34-B: SECTION 2 - PILOTAGE/DOCKAGE (Continued)

Vessels which move between points within the Port of Los Angeles and the Port of Long Beach.

(g) VESSEL:

For the purposes of this section "vessel" as defined in Item 127, shall also mean and include a vessel acting by or through its owners, agents, master, operators, charterers or other persons duly authorized to act on behalf of such vessel.

ITEM: 205

TERM: PILOTS

(a) The City of Long Beach, through the Board of Harbor Commissioners, has issued a permit to an independent contractor to provide piloting services to vessels entering, leaving, or shifting within the Port of Long Beach. Any vessel entering, leaving or shifting within the Port of Long Beach may, but is not required to, request the services of, and be piloted by, a pilot employed by the Piloting Contractor. Such piloting services are understood to be voluntarily requested in accordance with terms set forth in this tariff.

(b) Upon boarding a vessel in response to a request for piloting services, it shall be the duty of each pilot to place his knowledge of San Pedro Bay and its tributaries at the disposal of the vessel's master.

(c) The safe navigation of the vessel, and the protection of health and safety of persons and integrity of property and water within San Pedro Bay shall be the duty of the master, who shall have full command of the vessel, whether or not a pilot is aboard, and in that regard, it shall be the duty of the vessel and her master:

(1) To navigate and take bearings and soundings, check compass courses, check radar, and take all actions necessary to safeguard the vessel under his command.

(2) To provide and to supervise competent vessel's personnel, and to have posted at all times properly instructed, efficient and competent lookouts, each with no other duties to perform and each with efficient means of rapid communication with the bridge.

RULE 34-B: SECTION 2 - PILOTAGE/DOCKAGE (Continued)

(3) To inform the pilot, if he be aboard, immediately of all reports by lookouts.

(4) On radar-equipped vessels, to have the radar functioning and manned by a competent observer under instructions to keep the master and the pilot, if he be aboard, constantly and currently informed of observed targets.

(5) To arrange for and to provide adequate tug assistance, and to arrange for and to have available adequate vessel's lines to assist in tying the tug or tugs.

(6) For the master to remain on the bridge at all times and to accompany the pilot, if he be aboard, in his duties on or about the bridge.

(7) For the master to be present when the pilot gives his orders, and to acknowledge and agree that such orders, unless countermanded, shall for all purposes be deemed the orders of the master and concurred in by him; that the master acknowledge and agree that the pilot is acting in an advisory, and not in a command position, and has no authority independent of the master; that the master acknowledge and agree that the pilot is employed for the benefit of his knowledge of the San Pedro Bay and its tributaries.

(8) To acknowledge and agree that currents and winds within San Pedro Bay and its tributaries are at times wholly unpredictable as to place, extent or force, and that bottom suction cannot be predicted.

(9) To have, at all times, adequate vessel's anchors properly manned and ready to drop.

(10) To provide officers conversant with the English language, and to advise the pilot, if he be aboard, of any language difficulty and then to request that the pilot give his orders by hand signals through the master.

(d) It shall be the duty of the vessel, her owners, master, operators, charterers and agents to advise the pilot, if one be employed, either before or immediately upon his boarding, of the vessels's peculiarities, including but not limited to the following:

(1) Any defects of deficiencies in the vessel, her personnel, engines or tackle;

RULE 34-B: SECTION 2 - PILOTAGE/DOCKAGE (Continued)

(2) Any vessel peculiarities concerning steering, stopping, handling, speed and maneuvering, and the propensity of the vessel to sheer;

(3) The number and names of the tugs to be supplied to the vessel;

(4) Any other information, whether or not herein enumerated, that might assist the pilot in the piloting of the vessel.

(e) It shall be understood and agreed, and shall be the essence of any agreement under which piloting services, as defined in Item 200 (c) are tendered to and are accepted by owners, agents, charterers, or operators, that:

(1) The vessel requesting piloting services and its owners, agents, charterers, and operators covenant and agree not to assert any claims against the pilot, the Piloting Contractor, or other employees of the Piloting Contractor for damages, including any rights over, arising out of, or connected with, directly or indirectly, any damage, loss or expense sustained by the vessel, its owners, agents, charterers, operators, or crew, and by any third parties, even though resulting in whole or in part from acts, omissions, or negligence of the pilot, the Piloting Contractor, or other employees of the Piloting Contractor. The vessel and its owners, agents, charterers, and operators further convenant and agree, subject to any limitation of liability to which they are entitled by reason of any contract, bill of lading, statute, or other provision of law in force, to indemnify and hold harmless the pilot, the Piloting Contractor, and other employees of the Piloting Contractor with respect to liability arising from any and all claims, suits, or actions, by whomsoever asserted, resulting in whole or in part from acts, omissions, or negligence of the pilot, the Piloting Contractor, or other employees of the Piloting Contractor. These covenants and agreements do not apply to such liability and rights as may arise from the willful misconduct or gross negligence of the pilot, the Piloting Contractor, or other employees of the Piloting Contractor.

(2) If any vessel on whose behalf pilotage services are requested is not owned by the person or entity ordering the services, that person or entity

RULE 34-B: SECTION 2 - PILOTAGE/DOCKAGE (Continued)

warrants its authority to bind the vessel and its owners, charterers, and operators to all the provisions contained in subparagraph (1), and that person and entity agree to indemnify and hold harmless, the pilot, the Piloting Contractor, and other employees of the Piloting Contractor with respect to all losses, damages, and expenses that may be suffered or incurred in consequence of the person or entity not having that authority.

(3) Piloting services of the Piloting Contractor are voluntarily requested in accordance with the terms set forth in this tariff, and are voluntarily rendered in reliance upon the terms specified in subparagraphs (1) and (2) above.

(4) This paragraph (e) does not affect the rights of third parties against a vessel, its master, owners, agents, charterers, or operators, or a pilot, a Piloting Contractor, or other employees of a Piloting Contractor.

(5) This paragraph (e) does not preclude Piloting Contractor from entering into contracts with the owners, agents, charterers, or operators of a vessel which contain additional pilotage terms and conditions.

(f) In the event of injury to persons or damage to, or loss of use of, property arising out of, or connected with, directly or indirectly, negligence or fault in the navigation or maneuvering of, or otherwise by the presence of, the vessel within San Pedro Bay, the vessel, her owners, master, operators, charterers and agents shall not assert any liability against the City of Long Beach, the Board of Harbor Commissioners, or their officers or employees. The vessel, her owners, master, operators, charterers, and agents shall indemnify and hold harmless the City of Long Beach, the Board of Harbor Commissioners, and their officers and employees from and against any and all actions, suits, proceedings, claims, demands, loss, liens, costs, expenses, liability, and damages, of any kind or nature whatsoever, by whomsoever brought or demanded, arising out of, or connected with, directly or indirectly, negligence or fault in the navigation or maneuvering of, or otherwise by the presence of, the vessel within San Pedro Bay, including reimbursement of legal fees, costs, and expenses should the City of Long Beach or the Board of Harbor Commissioners be required to defend any action or claim, etc. or file suit to enforce indemnity. The vessel and her owners, master,

RULE 34-B: SECTION 2 - PILOTAGE/DOCKAGE (Continued)

operators, charterers and agents shall pay promptly upon demand all damages to facilities owned or controlled by the City of Long Beach caused directly or indirectly by the vessel, including any loss of use or income occasioned thereby, together with interest at the highest legal rate permitted, and legal fees, costs and expenses of collection or suit if required.

The obligations imposed by this paragraph (f) upon the vessel, her owners, master, operators, charterers, and agents shall not be diminished or impaired notwithstanding injury to persons or damage to, or loss of use of, property arising out of, or connected with, directly or indirectly, the negligence, fault, or other conduct of a pilot, the Piloting Contractor, or its officers or employees in providing piloting services, but the obligations imposed by this paragraph (f) shall not apply where injury to persons or damage to, or loss of use of, property is proximately caused by the negligence of the City of Long Beach, the Board of Harbor Commissioners, or their officers or employees.

(g) All persons providing piloting service in the Port of Long Beach must hold a federal license for the Port of Long Beach.

(h) Any vessel subject to pilotage that wishes to decline the use of a pilot provided by the Piloting Contractor shall:

(1) Obtain permission from the USCG Captain of the Port prior to entering the precautionary area, or in the case of a departing or shifting vessel, before leaving the berth or anchorage.

(2) Any vessel having received the above permission from the Captain of the Port must notify the VTS and the Long Beach Pilot Station before arrival or commencement of any movement within the harbor, and abide by all local rules and regulations.

(3) Any vessel's master or local representative who permits the movement of a vessel without complying with the provisions of this Item 205(h) shall be subject to the misdemeanor penalty provisions of Tariff Item 904.

ITEM: 210

TERM: VESSELS SUBJECT TO PILOTAGE

RULE 34-B: SECTION 2 - PILOTAGE/DOCKAGE (Continued)

All vessels entering, leaving or shifting in the Port of Long Beach shall be subject to pilotage, and, except as provided in Item 205(h), shall be under the direction of a federally licensed pilot for the Port of Long Beach, except the following vessels when not actually employing a pilot.

(a) Vessels under three hundred gross tons;

(b) United States flag vessels licensed and engaged in the fishing trades;

(c) Vessels of United States documentation (enrolled) and sailing in the coastwise trade, as set forth in Title 46 United States Code Section 8502;

(d) Vessels moving from any point in the Port of Long Beach to any point in the Port of Los Angeles when piloted by a municipal pilot of the Port of Los Angeles;

(e) Combat and training vessels of the United States of America or of any other nation or the State of California when, in the discretion of the Executive Director, the courtesies of the Port of Long Beach are extended to such vessels;

(f) Vessels entering or leaving the Port of Long Beach under flat tow when the tow is in charge of the bona fide master of the tugboat and such master holds a federal pilot's license for the Port of Long Beach.

ITEM: 211

TERM: AREA SUBJECT TO PILOTAGE

A federally licensed pilot for the Port of Long Beach, as specified in Item 205(g), is required on all vessels subject
to pilotage when underway in any waters inside the federal breakwater.

(a) Inbound vessels must take aboard such pilot within the designated pilot boarding area.

(b) Pilots shall not debark outbound vessels inside the federal breakwater unless extreme weather conditions make it necessary for pilot safety.

ITEM: 215

RULE 34-B: SECTION 2 - PILOTAGE/DOCKAGE (Continued)

TERM: BASIS FOR COMPUTING PILOTAGE CHARGES

(a) Pilotage charges shall be based on the overall length and the gross tonnage of the vessel (subject to Exception 1). "Overall length" is the linear distance, as expressed in meters, of the extreme length of a vessel. "Gross tonnage" is as defined in Lloyd's Register of Shipping.

(b) Lloyd's Register, when available, shall be used in determining the overall length and the gross tonnage of a vessel.

(c) All vessels for which the overall length or gross tonnage is not available in the register described in Paragraph (b) of this item, or on vessel documents, shall be measured and/or estimated by the Executive Director; otherwise, such vessels shall be denied the use of the wharves and other facilities of the Port of Long Beach.

Exception 1: Pilotage charges for barges shall be based on the sum of the overall length plus the overall width of the barge.

ITEM: 220

TERM: PILOTAGE, CHARGES FOR

(a) Pilotage charges are in addition to all other charges contained in this tariff and shall be assessed against all vessels subject to the payment of pilotage under this section and shall be paid to the Port of Long Beach Piloting Contractor by the owners, master, operators, charterers or agents of the vessel so assessed before any such vessel leaves the Port of Long Beach, unless satisfactory credit is obtained (subject to EXCEPTIONS 1, 2 and NOTE):

Pilotage charges shall be assessed at $0.0062 per gross registered ton in addition to a charge assessed on the overall length of the vessel according to the following table.

OVERALL LENGTH OF VESSEL IN METERS (See Item 215)		DOLLARS PER MOVEMENT		
Over	But Not Over	Entering or Leaving	Inter Harbor	Intra Harbor
0	125	$548	$397	$374
125	128	573	403	374

RULE 34-B: SECTION 2 - PILOTAGE/DOCKAGE (Continued)

128	131	599	421	374
131	134	625	436	374
134	137	658	459	395
137	140	697	492	421
140	143	742	520	445
143	146	779	548	470
146	149	826	578	494
149	152	864	605	520
152	155	906	634	547
155	158	951	661	567
158	161	988	693	592
161	164	1030	721	619
164	167	1070	747	643
167	170	1111	777	666
170	173	1154	805	693
173	176	1194	835	719
176	179	1246	872	746
179	182	1302	910	778
182	185	1354	951	812
185	188	1408	988	847
188	191	1464	1028	882
191	194	1522	1067	913
194	197	1578	1102	947
197	200	1632	1139	979
200	203	1687	1182	1013
203	206	1741	1222	1046
206	210	1797	1260	1079
210	214	1853	1300	1111
214	220	1909	1335	1142
220	226	1966	1377	1178
226	232	2019	1414	1210
232	238	2076	1455	1246
238	244	2130	1489	1276
244	250	2185	1529	1309
250	256	2241	1567	1347
256	262	2296	1608	1380
262	268	2355	1645	1408
268	274	2425	1684	1443
274	280	2464	1724	1477
280	286	2518	1763	1511
286	292	2573	1800	1543
292	298	2630	1839	1578
298	304	2682	1879	1609
304	310	2738	1917	1644
310	316	2794	1955	1679
316	322	2850	1993	1711
322	328	2908	2035	1741
328	334	2962	2072	1777
334	340	3015	2111	1809
340	346	3070	2151	1842
346	352	3126	2188	1876
352	358	3183	2228	1909

RULE 34-B: SECTION 2 - PILOTAGE/DOCKAGE (Continued)

358	364	3239	2266	1940
364	370	3295	2305	1974
370	376	3344	2343	2010
376	382	3403	2409	2043
382	388	3459	2422	2075
388	394 and over	3515	2462	2108

Exception 1: Three fourths (3/4) of the pilotage fee shall be assessed when a vessel subject to the payment of pilotage is not piloted by a pilot employed by the Piloting Contractor.

Exception 2: No intra-harbor shifting charge shall be assessed an entering vessel which anchors because of inclement weather or other causes beyond the control of such vessel, if such vessel proceeds thence to berth immediately after such cause of delay ceases to exist.

(b) The pilotage accessed for the services proffered or rendered by the Piloting Contractor are assessed in accordance with and based upon each and every of the limitations, agreements, covenants and conditions set forth in Item 205, and this Item 220. However, the rates and charges for pilotage do not include marine insurance insuring the vessel, her owners, agents, charterers, and operators against the consequences of the negligence of the pilot, the Piloting Contractor, or other employees of the Piloting Contractor. Upon reasonable notice from the owners, agents, charterers or operators of the vessel, the Piloting Contractor will provide such marine insurance on a trip basis in an amount specified, up to a maximum limit of liability of $2,500,000, the premium for which will be assessed at cost in addition to the pilotage specified above.

The coverage provided will insure the vessel, her owners, agents, charterers and operators, as their interests may appear, against those losses or physical damages to the vessel and against those legal liabilities and damages which arise from the consequences of the negligence of the pilot, the Piloting Contractor, or other employees of the Piloting Contractor; provided, however, that such insurance will provide coverage only for that proportion of losses, damages, and liabilities sustained by the vessel, her owners, master, operators, and charterers proximately caused by the negligence of the pilot, the Piloting Contractor, or other employees of the Piloting Contractor, and that no coverage is provided for losses, damages or liabilities resulting from any other cause whatsoever.

RULE 34-B: SECTION 2 - PILOTAGE/DOCKAGE (Continued)

The election of the owners, agents, charterers, or operators to use a pilot through whom trip insurance could have been obtained shall constitute a binding and irrevocable agreement on the part of the owners, agents, charterers and operators to the terms and conditions set forth in Item 205(e).

A copy of the insurance policy under which such insurance is available will be provided upon written request to the Piloting Contractor.

(c) If a request for a pilot is cancelled less than one hour prior to the requested time, a charge of $465.00 shall be assessed.

(d) If a pilot is required to stand by in excess of one hour, a stand-by charge of $465.00 per hour or fraction thereof shall be assessed in addition to the charges named in Paragraph (a) hereof.

(e) A $116.00 per move surcharge shall be assessed for capital improvements, maintenance and training.

(f) A draft surcharge shall be assessed to each vessel:

1. Vessels with less than 30 feet of draft are charged $2 per foot of draft

2. Vessels with 30 feet or more of draft are charged $8.40 per foot of draft

NOTE: The minimum charge for pilotage is $498.00.

ITEM: 250

TERM: DEFINITION OF DOCKAGE

DOCKAGE: The charge, calculated in accordance with the dockage charges named in this tariff, assessed against a vessel for berthing at or making fast to a municipal wharf, pier, bulkhead structure, or bank (inside berth), or for mooring to another vessel so berthed (outside berth).

ITEM: 255

TERM: BASIS FOR COMPUTING DOCKAGE CHARGES

RULE 34-B: SECTION 2 - PILOTAGE/DOCKAGE (Continued)

(a) Dockage shall be based on the overall length of the vessel. "Overall length" is the linear distance, as expressed in meters, of the extreme length of a vessel.

(b) Lloyd's Register, when available, shall be used in determining the overall length of a vessel.

(c) All vessels for which the overall length is not available in the register described in Paragraph (b) of this item or on vessel documents shall be measured by the Executive Director; otherwise, such vessels shall be denied the use of the wharves and other facilities of the Port of Long Beach.

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

(e) When a vessel changes its position from an outside to an inside berth, or otherwise changes its status so that it would be liable to pay dockage on the basis of a different dockage charge, the dockage due under the changed status shall be assessed from the time such change takes effect.

(f) When a vessel is assessed dockage at a municipal wharf for a period of twenty-four hours or six hours, it may use the same or any other municipal wharf during that period of time without further charge, regardless of how often it may leave and return.

(g) In computing dockage, charges are assessed for an initial twenty-four (24) hour period and thereafter in 6 hour increments, from the time specified in Item 700, at the rates specified in Item 260.

(h) When a vessel shifts, as defined in 200(f)(2), from the Port of Long Beach to the Port of Los Angeles and back again, dockage will be assessed for the period the vessel is made fast in Long Beach only and the interruption will be ignored.

ITEM: 260

TERM: DOCKAGE, CHARGES FOR

Dockage charges, as follows, are in addition to all other charges contained in this tariff and shall, unless

RULE 34-B: SECTION 2 - PILOTAGE/DOCKAGE (Continued)

otherwise provided, be assessed against all vessels, except those afforded free dockage under the provisions of Item 265, and shall be paid, by the vessel so assessed, to the Port of Long Beach before any such vessel leaves the Port of Long Beach, unless such vessel is on the "credit list" as described in Item 712 (subject to Item 255 and to Exceptions 1, 2, 3 and 4):

Overall Length of Vessel in Meters			Overall Length of Vessel in Meters		
Over	But Not Over	Charge Per 24-Hour Day	Over	But Not Over	Charge Per 24-Hour Day
0	30	$ 77	210	225	$ 3371
30	45	115	225	240	3899
45	60	159	240	255	4463
60	75	221	255	270	5066
75	90	329	270	285	5706
90	105	519	285	300	6379
105	120	682	300	315	7096
120	135	1004	315	330	7848
135	150	1304	330	345	8641
150	165	1644	345	360	9467
165	180	2016	360	375	10337
180	195	2428	375	390	11242
195	210	2882	390		(1)

(1) Dockage charges for vessels over 390 meters in overall length shall be $11,242.00 per day plus $29.00 per day for each meter of overall length or fraction thereof in excess of 390 meters.

Exception 1: One-half (1/2) the applicable dockage charge shall be assessed vessels when occupying an outside berth or when berthed at or made fast to structures not designed to accommodate the loading and unloading of merchandise.

Exception 2: Barges, lighters, tugs and similar vessels normally employed within the Port of Long Beach may, upon written application to the Executive Director, be afforded monthly rates, which shall be the applicable regular daily charge multiplied by seven and one-half. Such monthly rates shall be revocable at the discretion of the Executive Director. No vessel, by payment of monthly dockage charges, shall acquire any preferential berthing right, and any such vessel shall vacate any particular berth whenever ordered by the Executive Director.

RULE 34-B: SECTION 2 - PILOTAGE/DOCKAGE (Continued)

Exception 3: Dockage shall be assessed in six-hour increments at 25% of the daily rate on vessels at berth for the purpose of taking on bunkers and vessel's stores and supplies only.

Exception 4: One-half the applicable dockage charge shall be assessed vessels complying with all the following conditions:

(a) Vessel must have paid full daily dockage charges for a period of no less than ninety (90) consecutive days.
(b) The Executive Director, in his or her exclusive discretion, must have granted permission upon written request for an extended stay at berth.
(c) Vessel may not participate in the incentive listed in Item 262 (Green Flag Program) as long as it is paying this reduced dockage charge.
(d) Vessel may not be involved in any commercial cargo handling operations as long as it is paying this reduced dockage charge.
(e) Vessel shall not acquire any preferential berthing right by virtue of this extended stay at reduced dockage.
(f) Vessel shall vacate its berth (written 24 hours) of notice to do so by the Executive Director in his or her exclusive discretion.

Exception 5: From August 1, 2012 through July 31, 2020, vessels over 345 meters in overall length designed and built exclusively to carry containerized cargo, shall pay dockage of no more than $8,641 per 24 hour day or fraction thereof.

ITEM: 261

TERM: DOCKAGE REDUCTION INCENTIVE FOR VESSEL TECHNOLOGY DEMONSTRATIONS

For purposes of this Item 261, the following definitions will apply:

"Technology Demonstration" means a testing or demonstration project approved by the Port's Technology Advancement Program or the Executive Director.

"Vessel Emissions Reduction Technology" means a technology

RULE 34-B: SECTION 2 - PILOTAGE/DOCKAGE (Continued)

designed to reduce air emissions from vessels which are subject to verification and/or approval by the California Air Resources Board.

"Vessel Operator" means the operator of the vessel as listed in Lloyd's Register.

A Vessel Operator is eligible to receive a dockage reduction incentive payment equal to the dockage actually received by the Port of Long Beach for each documented call using a Vessel Emissions Reduction Technology as part of a Technology Demonstration between October 1, 2014, and September 30, 2020. Vessel Operators shall submit documentation of such calls on a quarterly basis. The Executive Director has exclusive discretion to determine the adequacy of the documentation and the incentive amount payable to the Vessel Operator pursuant to Item 261.

NOTE: SEE RULE 34-B1, SECTION 2 - PILOTAGE/DOCKAGE (CONTINUED) FOR ITEMS 262 - 270

RULE 34-B1: SECTION 2 - PILOTAGE/DOCKAGE (CONTINUED)

Effective: 15Jun2018 Thru: Expires: Publish 14Jun2018 Amend: C

ITEM: 262

TERM: DOCKAGE REDUCTION INCENTIVE FOR COMPLIANCE WITH THE VOLUNTARY VESSEL SPEED REDUCTION PROGRAM (GREEN FLAG PROGRAM)

Tier 1 incentive (20nm): Any Vessel Operator demonstrating that 90% or more of all its Vessel Trips occur during the current calendar year at a Weighted Average Speed of 12 knots or less in a zone that extends 20 nautical miles seaward from Point Fermin may deduct 15% from dockage otherwise payable to the Port of Long Beach under this Tariff No. 4 for the following calendar year upon written confirmation by the Port that a Vessel Operator has qualified for the dockage deduction under Tier 1.

Tier 2 incentive (40nm): Any Vessel Operator demonstrating that 90% or more of all its Vessel Trips occur during the calendar year at a Weighted Average Speed of 12 knots or less in a zone that extends 40 nautical miles seaward from Point Fermin may deduct 25% from dockage otherwise payable to the Port of Long Beach under this Tariff No. 4 for the following calendar year upon written confirmation by the Port that a Vessel Operator has qualified for the dockage deduction under Tier 2.

Vessel Operators may participate either in the Tier 1 incentive or the Tier 2 incentive, but not in any combination thereof.

For purposes of this tariff item, the following definitions shall apply:

PROGRAM PERIOD means January 1, 2006 through December 31, 2018.

VESSEL, for purposes of this tariff item only and notwithstanding Tariff Item 127, shall mean all ocean going cargo ships, but not barges, lighters, ferries or pleasure craft.

VESSEL OPERATOR, shall be determined by the Port by reference to Lloyd's Register. Any operator disagreeing with this determination shall have 30 days from notice of this determination to submit documentation that a vessel is in fact operated by an operator other than the one listed in Lloyd's Register. Upon review of this information, the Port may amend its initial determination at the exclusive discretion of the Executive Director.

RULE 34-B1: SECTION 2 - PILOTAGE/DOCKAGE (CONTINUED) (Continued)

NOTE: In the event of a Vessel Operator name change, the creation of subsidiaries of Vessel Operators, or a merger or acquisition by a Vessel Operator, the Executive Director at his/her sole discretion shall determine on a case-by-case basis if the Green Flag dockage reduction earned by the original qualifying Vessel Operator under this tariff item should be granted to the new vessel operator.

Tier 1 & 2 incentives are calculated by the Port. The Executive Director has exclusive discretion and final determination of Vessel Operator and corresponding incentive amounts.

A VESSEL TRIP is any one-way voyage into or out of the Port of Long Beach or the Port of Los Angeles measured from the seaward edge of the "Precautionary Area" shown on the harbor area navigation charts to: (a) the El Segundo Marine Terminal (for vessel Trips between the ports and the El Segundo Marine Terminal); or (b) to the arc of a circle having its center at Point Fermin Light with a radius of 20 or 40 nautical miles (nm) (for all other Vessel Trips).

Alternative Emission Reduction Speed (AERS): In the event the Port and a Vessel Operator formally agree in writing that for a particular vessel, or vessels, higher emission reductions are achieved while traveling at a speed greater than 12 knots, the agreed to vessel speed shall be used to determine compliance in the Voluntary Vessel Speed Reduction Program by the Port.

WEIGHTED AVERAGE SPEED for the Tier 1 incentive (20nm) shall be determined by the following formula:

$$\frac{\text{Segment A Average} + \text{Segment B Average} + \text{Segment C Average}}{\text{Distance A} + \text{Distance B} + \text{Distance C}}$$

WHERE:

Segment A Average = [Distance A] x the lesser of:

$$\text{Speed at 10nm} \quad \text{or} \quad \frac{\text{[Speed at 10nm + 12 knots]}}{2}$$

Segment B Average =

$$\text{[Distance B]} \times \frac{\text{[Speed at 15nm + Speed at 10nm]}}{2}$$

Segment C Average =

RULE 34-B1: SECTION 2 - PILOTAGE/DOCKAGE (CONTINUED) (Continued)

$$\frac{\text{[Distance C] x [Speed at 20nm + Speed at 15nm]}}{2}$$

All speeds are measured by the Marine Exchange of Southern California at the points indicated above (10nm, 15nm, and 20nm from Point Fermin Light).

Distances A, B and C (in nautical miles) are as follows:

Northern Traffic Lanes	Distance A	Distance B	Distance C
Inbound	9.75	15.75	21.75
Outbound	11.00	16.00	21.50
Southern Traffic Lanes			
Inbound	0.75	5.50	11.00
Outbound	2.25	7.25	11.50
Western Traffic Lanes			
Inbound	7.00	12.00	16.50
Outbound	8.00	12.50	17.00
El Segundo Traffic Lanes			
Inbound	13.50	18.50	23.50
Outbound	11.50	16.50	21.50

WEIGHTED AVERAGE SPEED for the Tier 2 incentive (40nm) shall be determined by the following formula:

$$\frac{\text{Segment A Average + Segment B Average + ... + Segment G Average}}{\text{Distance A + Distance B + ... + Distance G}}$$

WHERE:

Segment A Average = [Distance A] x the lesser of:

$$\text{Speed at 10nm} \quad \text{or} \quad \frac{\text{[Speed at 10nm + 12 knots]}}{2}$$

Segment B Average =

$$\frac{\text{[Distance B] x [Speed at 15nm + Speed at 10nm]}}{2}$$

Segment C Average =

$$\frac{\text{[Distance C] x [Speed at 20nm + Speed at 15nm]}}{2}$$

RULE 34-B1: SECTION 2 - PILOTAGE/DOCKAGE (CONTINUED) (Continued)

Segment D Average =

$$[\text{Distance D}] \times \frac{[\text{Speed at 25nm} + \text{Speed at 20nm}]}{2}$$

Segment E Average =

$$[\text{Distance E}] \times \frac{[\text{Speed at 30nm} + \text{Speed at 25nm}]}{2}$$

Segment F Average =

$$[\text{Distance F}] \times \frac{[\text{Speed at 35nm} + \text{Speed at 30nm}]}{2}$$

Segment G Average =

$$[\text{Distance G}] \times \frac{[\text{Speed at 40nm} + \text{Speed at 35nm}]}{2}$$

All speeds are measured by the Marine Exchange of Southern California at the points indicated above (10nm, 15nm, 20nm, 25nm, 30nm, 35nm and 40nm from Point Fermin Light).

Distances A through G (in nautical miles) are as follows:

Northern Traffic Lanes (Inbound & Outbound respectively):
A= 9.75,B=15.75,C=21.75, D=27.07, E=32.24, F=37.37, G=42.40
A=11.00,B=16.00,C=21.50, D=26.63, E=31.69, F=36.75, G=41.76

Southern Traffic Lanes (Inbound & Outbound respectively):
A=0.75, B=5.50, C=11.00, D=16.09, E=21.15, F=26.19, G=31.19
A=2.25, B=7.25, C=11.50, D=16.52, E=21.53, F=26.53, G=31.51

Western Traffic Lanes (Inbound & Outbound respectively):
A=7.00,B=12.00,C=16.50, D=21.52, E=26.53, F=31.57, G=36.49
A=8.00,B=12.50,C=17.00, D=22.02, E=27.03, F=32.07, G=36.99

ITEM: 263

TERM: SUPPLEMENTAL DOCKAGE REDUCTION INCENTIVE - GREEN 40 PLAN (G-40) FOR COMPLIANCE WITH THE VOLUNTARY VESSEL SPEED REDUCTION PROGRAM

All provisions of this item have expired.

ITEM: 264

RULE 34-B1: SECTION 2 - PILOTAGE/DOCKAGE (CONTINUED) (Continued)

TERM: DOCKAGE REDUCTION INCENTIVE FOR GREEN CALLS

For purposes of Item 264, the following definitions will apply:

"CARB Rule" means Title 17, California Code of Regulations, Section 93118.3, promulgated by the California Air Resources Board, governing certain vessel auxiliary engine emissions while docked.

"Green Call" means each entry into and docking in the Port of Long Beach by a vessel subject to the CARB Rule which generates wharfage and dockage revenue to the Port and during which the vessel: (1) reduces speed at 40 nautical miles in compliance with Tariff No. 4, Item 262; and (2) complies with the CARB Rule.

"Vessel Operator" means the operator of the vessel as listed in Lloyd's Register.

A Vessel Operator is eligible to receive a dockage reduction incentive payment equal to the dockage actually received by the Port of Long Beach for each documented Green Call between July 1, 2014 and June 30, 2020. Vessel Operators shall submit documentation of Green Calls on a quarterly basis including all information specified in the CARB Rule. The Executive Director has exclusive discretion to determine the adequacy of the documentation and the incentive amount payable to the Vessel Operator pursuant to Item 264.

ITEM: 265

TERM: FREE DOCKAGE

Free dockage will be accorded vessels:

(a) Engaged exclusively within the limits of the Port of Long Beach and Port of Los Angeles while occupying an outside berth and discharging into or loading from the vessel to which it is made fast;

(b) Using a public landing when conforming to the provisions of Item 663 of Section 6 hereof;

(c) When, in the discretion of the Executive Director, the courtesies of the Port of Long Beach are extended to combat and training vessels of the United States of America, or any nation or any vessels of the State of California or City of Long Beach;

RULE 34-B1: SECTION 2 - PILOTAGE/DOCKAGE (CONTINUED) (Continued)

(d) While actively engaged as a tug boat when made fast to another vessel which is being charged dockage;

(e) Using a wharf or landing at a small boat marine oil service station while taking on petroleum or products or compounds thereof;

(f) Occupying water area under "Assignment of Area" as provided in Section 6 and provided vessels are not common carriers by water, or are not designed for and are not engaged in the loading and discharging of passengers and merchandise. Barges used in intra-harbor and Catalina Island service, lighters, harbor tugs, dredges and floating dredging equipment, oil drilling platforms, oil well service craft, salvage vessels, fishing vessels and derrick barges shall be included within the class of vessels "not designed for" the loading and discharging of passengers and merchandise.

(g) At the discretion of the Executive Director, dockage charges may be waived for Port contractors and vendors using Port facilities while performing services for the Port.

(h) The Executive Director may license temporary tug berthing and mooring at berths F201, T126 and J249 pursuant to a "Nonexclusive Temporary Tug Berth Assignment Agreement" without charging dockage.

(i) While (a) berthed at a terminal for the sole purpose of loading, unloading, testing and commissioning cranes and related terminal equipment and operating systems, and (b) not engaged in loading or unloading of cargo.

ITEM: 270

TERM: VESSELS PRIORITY FOR USE OF MUNICIPAL BERTHS

(a) Unless otherwise provided by prior contractual arrangements approved by the Executive Director, or by the terms of lease or preferential assignment, the vessel first arriving in Long Beach Harbor, whether by way of Queens Gate breakwater entrance, or by Cerritos Channel, or by crossover from Los Angeles Harbor as defined by the City's boundary line, will have first right to use a specified berth, provided that cargo operations will be commenced upon arrival at the berth. The tendering of readiness by a vessel will not be the

RULE 34-B1: SECTION 2 - PILOTAGE/DOCKAGE (CONTINUED) (Continued)

equivalent of physically arriving in the harbor.

(b) Notwithstanding the above, whenever another vessel is standing by, awaiting the use of a berth, the vessel on berth will be requested to work overtime at its own expense until loading or discharging cargo has been completed, after which it will promptly vacate the berth. Any vessel which refuses to work overtime shall vacate the berth upon order of the Executive Director. When a vessel loses its right to a berth by refusing to work overtime, such vessel will forfeit its turn and go to the bottom of the list of vessels scheduled and available.

NOTE: ITEMS 262 - 270 TRANSFERRED FROM RULE 34-B WITHOUT CHANGE TO PROVIDE FOR TARIFF PAGINATION

RULE 34-C: SECTION 3 - WHARFAGE

Effective: 01Sep2017 Thru: Expires: Publish 29Aug2017 Amend: C

ITEM: 300

TERM: WHARFAGE, DEFINITION OF:

WHARFAGE: The charge assessed against all merchandise (see Item 130), calculated in accordance with the wharfage charges set forth in this tariff for the passage of that merchandise onto, over, through or under wharves or wharf premises (see Item 121) or between vessels or overside vessels (to or from barge, lighter or water) when berthed at wharves or wharf premises or when moored in a slip adjacent to a wharf or wharf premise. Wharfage is solely the charge for use of wharves or wharf premises and does not include charges for any other service or facility.

ITEM: 302

TERM: WHARFAGE, APPLICATION OF:

(a) Except as otherwise provided in this tariff, the wharfage charges shall be assessed on the basis of cents per 1,000 kilograms or cubic meter, according to vessel's manifest, on whichever basis the water freight charges are assessed.

(b) Except as otherwise provided, merchandise which is not covered by a regular commercial steamship line's manifest, and is not moving under regularly established commercial rates published in commercial tariffs, but is moving to or from ports that are served by vessels operating in regular trade routes, shall be assessed wharfage on the same basis as the freight charges on such merchandise would have been computed on vessels operating in such regular trade routes under commercial tariffs.

(c) Except as otherwise provided, merchandise which is moving on other than a weight or measure basis (e.g. per package, combination weight and measure, etc.) shall be assessed wharfage per 1,000 kilograms or cubic meter, whichever produces the greater revenue. When both weight and measure of the cargo are not available, wharfage shall be assessed on the overall length of the container (see Item 372). Where not otherwise covered by tariff application, the missing measure will be calculated on the basis of one cubic meter for each 125 kilograms of cargo.

(d) Transshipped merchandise other than containerized cargo (see Item 166) shall be assessed 50% wharfage on the

RULE 34-C: SECTION 3 - WHARFAGE (Continued)

inbound movement and 50% wharfage on the outbound movement. Transshipped containerized cargo (see Item 163) shall be assessed 25% wharfage on inbound movement and 25% wharfage on the outbound movement.

(e) Transferred merchandise (see Item 169) shall be assessed wharfage on the same basis as merchandise moving by vessel (see Exceptions).

(f) Merchandise received at a Port of Los Angeles wharf and upon which wharfage is assessed by the Port of Los Angeles may be transported by rail from a wharf premises in the Port of Long Beach without the assessment of wharfage by City.

(g) Merchandise received at a Port of Long Beach municipal terminal on-dock rail facility and is destined to a Port of Los Angeles wharf or wharf premises shall not be assessed wharfage by City.

Exceptions: Merchandise may be transferred from one municipal wharf premise to another without the assessment of additional wharfage.

ITEM: 304

TERM: FREE WHARFAGE

No wharfage shall be assessed:

(a) On handling and stevedore tools, equipment and appliances for the purpose of loading or discharging a vessel when moved onto or off the wharf.

(b) On baggage of passenger when carried on same vessel as passenger and on which no revenue is collected by the water carrier, either as excess baggage, or freight, or cargo.

(c) On petroleum and petroleum products, in bulk, pumped back from the vessel to tank, at the same facility where originally loaded, after having paid one wharfage charge when loaded from tank to vessel.

(d) At a public landing, as provided in Item 651.

(e) On ballast in bulk, which is not manifested as cargo, has no commercial value and is handled direct between vessel and barge or shore tank.

(f) On vessel's stores or supplies when the total amount laden on a vessel is less than 3,629 kilograms.

RULE 34-C: SECTION 3 - WHARFAGE (Continued)

(g) On dunnage or ship lining used in the stowage or bracing of cargo which is discharged from and reloaded within 30 days to a vessel.

(h) On scrap dunnage or scrap ship lining, discharges from a vessel, which has been used thereon in the stowage or bracing of cargo, has no commercial value, and is not to be reused as dunnage or ship lining.

(i) On merchandise which a vessel discharges and reloads prior to departure, in order to load or discharge other merchandise (overstowed cargo).

(j) On empty cargo containers and water ballasted test containers discharged from or loaded onto a vessel for the sole purpose of testing and commissioning cranes and related terminal equipment and operating systems.

ITEM: 305

TERM: INTERMODAL OCEAN COMMON CARRIER INCENTIVE PROGRAM

All provisions of this item have expired.

ITEM: 306

TERM: WHARFAGE, FURNISHING OF DOCUMENTS:

(a) The owner, agent, master or other person in charge of a vessel or the cargo thereon shall submit to the Chief Executive within ten (10) days after the departure of the vessel, a statement of wharfage charges assessed and calculated in accordance with the applicable rates published in this Tariff together with copies of the vessel's manifest or bills of lading and a statement of the total amount of cargo discharged and/or loaded, each of which shall be certified to be complete and correct. The Port of Long Beach will not accept revisions to previously submitted documents beyond one hundred and twenty (120) days after vessel departure. Failure of the owner, agent, master or other person in charge of a vessel or the cargo thereon, to furnish the vessel manifest or bills of lading within ten (10) days of vessel departure will result in wharfage charges assessed at the general rate as set forth in Item 315 of this Tariff.

(b) In addition to the statements and documents required to be submitted under paragraph (a) above, the owner, agent, master or other person in charge of cargo shall authorize in writing the release of information, as

RULE 34-C: SECTION 3 - WHARFAGE (Continued)

required from time to time by the Chief Executive, to verify cargo loaded and/or discharged in the Port of Long Beach.

(c) Any person who shall refuse or neglect to comply with the provisions of paragraphs (a) and/or (b) of this item, or who shall willfully make a false declaration on a wharfage statement, statement of the total amount of cargo discharged and/or loaded, vessel manifest or bills of lading shall be subject to the penalties prescribed by law and in this Tariff. Any person who fails to submit a document as required in paragraph (a)within ten (10) days after vessel departure shall pay to the City a penalty charge of 1/30 of two percent (2%) per day of the total wharfage charges due subject to a minimum penalty charge of two percent (2%) of total wharfage charges.

TERM: WHARFAGE, CHARGES FOR

Wharfage charges, as provided in this section, are in addition to all other charges contained in this tariff and shall, unless otherwise provided, be assessed against all merchandise except that afforded free wharfage under the provisions of Item 304 and shall be paid in accordance with Item 708.

Wharfage charges shall be assessed on a per unit basis, rounded off to the nearest whole unit.

ARTICLES	RATES IN CENTS	ITEM NO.
Merchandise, N.O.S.	614	310
All cargo in vans or containers (See Item 163), shall be assessed wharfage according to the outside length of the van or container in accordance with the following rate schedule, in dollars, subject to Notes 1, 2 & 3:		315

Container Size in Feet	Inbound	Outbound	Exception Cargos
20 ft.	$178	$137	$119
35-40 ft.	327	238	154
45 ft. & over	413	413	154

Note 1: Exception Cargo rates named herein shall apply to vans and containers moving in the Inbound and

RULE 34-C: SECTION 3 - WHARFAGE (Continued)

Outbound directions.

Note 2: When and where necessary, TEUs will be converted to metric revenue tons by dividing the applicable container rate by the applicable NOS tonnage rate.

Note 3: Exception cargos shall include Viz:
Automobiles, CKD (See Item 178)
Bananas, N.O.S.
Beverages, canned or bottled
Borax
Boric acid
Borates
Tile; Ceramic, Marble, Slate
Cotton and cotton linters in bales
Diatomaceous earth
Fish and Shellfish, fresh or frozen
Foodstuffs, canned or bottled
Hay and hay cubes
Hides and Skins
Machinery, heavy, industrial Viz:
Air conditioning machines and parts
Boilers and parts
Compressors; air and parts
Condensers; heat exchangers and parts
Fire fighting equipment, sprinklers and parts
Generators; gas, electric, steam and parts
Machines; bottle and can capping, filling and labeling and parts
Refrigerators, freezers and parts
Turbines; steam, water, accessories and parts
Water coolers, fountains and parts
Meat and poultry, fresh and frozen
Metal scrap
Paper; waste

ARTICLES	RATES IN CENTS	ITEM NO.
Merchandise, N.O.S., in bulk, per 1,000 kilograms	249	354
Scrap Metal, in bulk, per 1,000 kilograms When shipped from assigned containment area on Pier T	235	355
Merchandise, N.O.S., in bulk per 1,000 kilograms to vessels at Pier F and Pier G by means of belt conveyor type mechanical shiploaders or by gravity chutes (except:		356

RULE 34-C: SECTION 3 - WHARFAGE (Continued)

beans; feed, animal and poultry; grain and grain products; oil seeds, peas, pellets, alfalfa, beet pulp, copra and cotton seed; safflower seeds, seeds, soybeans and related products, processed or unprocessed), subject to Notes 1 & 2:	153	
Petroleum Coke & Sulfur, in bulk, per 1,000 kilograms, subject to Notes 1 & 2:	191	
Coal, in bulk, per 1,000 kilograms, subject to Notes 1 & 2:	126	
Note 1: Merchandise transferred directly from rail to shiploader, per 1,000 kilograms	44	
(Effective April 1, 2012): Merchandise transferred directly from rail to shiploader, per 1,000 kilograms	89	
(Effective July 1, 2012): Merchandise transferred directly from rail to shiploader, per 1,000 kilograms	134	
Note 2: Commodities utilizing mechanical shiploaders are subject to Item 515		
Cement in bulk, from vessels by means of the mechanical ship unloader, per 1,000 kilograms	146	358
Cement in two-ton bags per 1,000 kilograms	645	359
For minimum annual volume of 400,000 metric tons from a single shipper in a consecutive twelve-month period, per 1,000 kilograms	521	
For volume in excess of 400,000 metric tons from a single shipper in a consecutive twelve-month period, per 1,000 kilograms	463	
NOTE 1: Consecutive twelve-month period commences on the date of first vessel discharge. Subsequent consecutive, twelve-month periods commence on the day following the anniversary date of the first vessel discharge.		
NOTE 2: Minimum annual volume rates apply		

RULE 34-C: SECTION 3 - WHARFAGE (Continued)

only to cargo that is moved off the dock within applicable free time.

NOTE 3: Minimum annual volume rates are available only with advance approval by Port of suitable security/bond or escrow to cover difference between regular rate and minimum annual volume rate. The Port has absolute discretion in approving or disapproving security.

Gypsum rock, in bulk, from self unloading vessels at Berth B83	146	360
Salt, in bulk, per 1,000 kilograms	146	362
Manganese and silico manganese ores, in bulk, per 1,000 kilograms	190	363
Bananas, per 1,000 kilograms	573	368
Beer, and other malt liquors, in bottles or cans per 1,000 kilograms	750	369
Buildings, modules, including mobile, per cubic meter Other than knocked down (Note Applicable)	479	370

Buildings, modules, including mobile, other than knocked down, minimum 150 cubic meters per unit, moving in multiple unit moves, per vessel, per bill of lading

5 - 10 units, per cubic meter	435	
11 - 20 units, per cubic meter	350	
21 - 40 units, per cubic meter	267	
Over 40 units, per cubic meter	181	

Note: Multiple unit moves of less than 150 cubic meters per unit may apply volume rates subject to minimum cubic measurement per unit.

Cargo vans or containers (See item 163, empty, per van or container, on the overall length, in feet):		374

Over	But Not Over

RULE 34-C: SECTION 3 - WHARFAGE (Continued)

0	20 ft.	970	
20 ft.	44 ft.	1940	
44 ft.		2364	

Food or food preparations, canned or bottles per 1,000 kilograms		763	375
Fish and Fish Pet Food, canned or in bottles per 1,000 kilograms		713	375.1
Fresh fruit and fresh vegetables, per 1,000 kilograms		674	376
Forklift trucks, charges shall be assessed per, 1,000 kilograms or cubic meters, whichever shall yield the greater revenue. (See NOTE 1) NOTE 1: applicable to breakbulk lots of minimum 100 units per shipment discharged from a single vessel during a single port teminal call.		645	377
Liquids, except petroleum and petroleum products and water, as provided in Section Five, in bulk, per 1,000 kilograms from and to vessel through private line		185	378
Livestock or other animals, per head		649	380
Lumber and lumber products, not containerized, viz.:			382
Logs and timber, in foreign and offshore Trades, Per 1,000 ft. B.M.		1147	
Lumber in foreign and offshore Trades, per 1,000 ft. B.M.		1147	
per cubic meter		485	
per 1,000 kilograms		667	
Lumber, logs and timber, in North American Pacific Coast Trade per 1,000 ft. B.M. (See Note)		496	
Lumber, logs, timber and lumber products, in North American Pacific Coast, foreign and offshore Trades, which are transferred, on wharf premises between a cargo van or container and another cargo van or container, highway trailer or rail car per 1,000 ft. B.M.,		496	

RULE 34-C: SECTION 3 - WHARFAGE (Continued)

(See Note) Note: If freighted by ocean vessel or land carrier on other than a B.M. basis, the Merchandise, N.O.S rate shall apply.		
Newsprint, per 1,000 kilograms	669	386
Passenger Fee, per each passenger Embarking from or debarking at a municipal wharf Every vessel carrying passengers for compensation shall be liable for and pay, in addition to the other charges provided in this tariff, the above noted fee.	633	387
EXCEPTION: Passenger fees do not apply to: (a) Passengers on vessels having accommodations for twelve or fewer passengers; or (b) Passengers sightseeing or traveling between points within a radius of 100 miles of the Port; or (c) Passengers on sportfishing vessels. NOTE: The owners, agent, master, or other person in charge of a vessel carrying passengers subject to passenger fees in Item 387 of this tariff shall furnish to the Executive Director complete copies of the manifest listing passengers debarking or embarking at the Port of Long Beach.		
LIQUID BULK		388
Petroleum and petroleum products, including non-petroleum based motor grade fuel additives, except bunkers and crude, in bulk from or to vessel, direct through private line, per barrel or 159 liters (Subject to Exception 2)	10	
Crude petroleum and bunkers, in bulk, from or to vessel, direct through private line, per barrel of 159 liters (Subject to Exceptions 1 and 2)	9	

RULE 34-C: SECTION 3 - WHARFAGE (Continued)

Petroleum products, except gasoline, in bulk, moving direct between vessel and tank car or truck 224

EXCEPTION 1: From barge to vessel at a municipal wharf, when barge not previously loaded at a municipal wharf, or at any other oil loading wharf designated by the Executive Director, per barrel or 159 liters. 15

EXCEPTION 2: Not subject to Item 166

USDA, TITLE II, PL-480 CARGO (Subject to Note) 389-A

The following rates apply for United States Department of Agriculture sponsored cargo per 1,000 kilograms:

Temperature-controlled Cargo	714
Bagged Grain and Grain Products, processed or unprocessed	487
Dairy Products, non-refrigerated	487
Beans, Peas and Lentils	487

NOTE: Only car unloading (see Item 1380(L), FMC Subrule 34-BHJ(L) and wharfage are applicable to USDA Title II, PL-480 shipments.

EXCEPTION: Cargoes subject to wharfage rates in this item may move in containers or vans as described in Item 163.

Other charges including wharfage charges and car unloading charges in this item are billed and collected by the ocean carrier.

When car unloading is performed, the following rates per 1000 kilograms apply:

Temperature-controlled Cargo	3459
Bagged Grain and Grain Products processed or unprocessed	1640
Dairy Products, non-refrigerated	1640
Beans, Peas and Lentils	1640

Vehicles, motor, self-propelled viz.: 390

Autos, pleasure or passenger including pick-up trucks not exceeding 10 passengers per vehicle 3056

RULE 34-C: SECTION 3 - WHARFAGE (Continued)

Vehicles, motor, self-propelled viz.: Commercial vehicles, agricultural, earthmoving, road-making or mining equipment, per 1,000 kilograms not containerized	1782	391
Vehicles Chassis, freight trailers, detachable trailer bodies and other equipment with or without motors or engines meant for use in moving merchandise or passengers by highway/rail or air routes. Not containerized per 1,000 kilograms	1782	393
Vessel's stores and supplies, per 1,000 kilograms (other than as provided in Item 304)	674	394
Yachts, sailing boats and pleasure craft, per cubic meter	439	396
Metals, structural, loose, not containerized, in bundles or packages, such as: Angles, tube, bars, beams, flanges, channels, pipe, plate, per 1,000 kilograms	669	397
NOTE: Wharfage assessed under this item is subject to a minimum charge of $105.00 per bill of lading		
Metals, loose, in basic shapes and forms not containerized, in bundles, coils, or packages, such as: Billets, ingots, piling, rails, rod, sheets, slabs, wire, cable and wire rope, per 1,000 kilograms	669	398
EXCEPTIONS: Slabs - minimum annual volume of 75,000 metric tons, per 1,000 kilograms (See Notes 1 & 2)	618	

NOTES 1) Applicable after submission and approval of written application for volume rate by the Executive Director.

2) Applicant must be a terminal operator with an agreement with

RULE 34-C: SECTION 3 - WHARFAGE (Continued)

the City of Long Beach.

ARTICLES	RATES IN CENTS	ITEM NO.
PROJECT RATES applicable to shipments in connection with removal, construction, reconstruction of major capital project or facilities. (Subject to Notes 1, 2, 3, & 4)	Per KT 509	399

Note 1: The commodities transported or received must be of a wholly proprietary nature, not for resale, and are intended for use in construction, erection, and/or installation in a construction project.

Note 2: The commodities transported must receive prior approval of the Termimal Operator and the Executive Director.

Note 3: The following commodities are excluded from application of these special Project Rates, unless otherwise provided:

a. Automobiles
b. Motor trucks (other than dump trucks)
c. Tractors
d. Explosives
e. Dangerous or hazardous cargo, restricted to on-deck stowage
f. Refrigerator or cool room cargo
g. Household goods and personal effects
h. All cargo taking rates lower than Project Rates

Note 4: Mobile construction equipment on wheels or tracks, loaded and subsequently discharged at the same Port of Long Beach Berth, will be assessed at Project Rates.

RULE 34-D: SECTION 4 - WHARF DEMURRAGE, WHARF STORAGE AND FREE TIME

Effective: 28Dec2012 Thru: Expires: Publish 26Dec2012 Amend: C

ITEM: 400

TERM: DEFINITIONS

(a) WHARF DEMURRAGE: The charge, calculated in accordance with the Wharf Demurrage rates as provided herein, assessed against merchandise which remains on the wharf or wharf premises after the free time allowed.

(b) WHARF STORAGE: The charge, calculated in accordance with Wharf Storage rates as provided herein, assessed against merchandise which remains on the wharf or wharf premises and has been accepted for storage.

(c) INBOUND MERCHANDISE: Merchandise which has been discharged from a vessel.

(d) OUTBOUND MERCHANDISE: Merchandise which is being or has been assembled and is awaiting loading on board a vessel.

(e) FREE TIME: The specified number of days during which merchandise may occupy space assigned to it without being assessed Wharf Demurrage.

ITEM: 402

TERM: FREE TIME COMMENCES WHEN

(a) Inbound Merchandise: Free time shall commence at the first midnight after the vessel, from which the merchandise was discharged, finishes discharging or leaves the wharf, whichever occurs first; provided, that when a vessel, which has been only partially discharged, moves to another wharf to complete discharging because of lack of space at first wharf, such vessel shall not be considered as having left the first wharf.

EXCEPTION 1: For inbound containerized cargo only, free time shall commence for each container at 3:00 A.M. after that container is discharged from the vessel.

EXCEPTION 2: For inbound containerized cargo on either of the following U.S. Customs & Border Protection holds, free time shall commence upon the release of the hold by U.S. Customs & Border Protection:

(2.1) Security-related inspections, otherwise known as On-Terminal Non-Intrusive Inspections, designated with code "1H" or "7H".

RULE 34-D: SECTION 4 - WHARF DEMURRAGE, WHARF STORAGE AND FREE TIME (Continued)

(2.2) Agricultural Quarantine Security Inspections, On-Terminal, designated with code "2H", "71", "72", or "73".

(b) Outbound Merchandise: Free time shall commence at the first midnight after the merchandise is placed on a wharf or wharf premises; provided, however, that the days during the loading or discharging operations of a vessel shall not be counted as wharf demurrage or wharf storage days if merchandise is being loaded on or discharged from such vessel with dispatch.

ITEM: 404

TERM: FREE TIME ALLOWED

Exclusive of Saturdays, Sundays and legal holidays named in Item 133, Free Time shall be allowed on Inbound, Outbound and Domestic Transferred Transshipped Merchandise, subject to Item 406, as follows:

Merchandise	Coastwise Trade	Intercoastal Trade	Foreign and Offshore Trade	Domestic Transferred Merchandise
Inbound	5 days	5 days	7 days	2 days
Inbound Container	4 days	4 days	4 days	2 days
Outbound	5 days	10 days	10 days	2 days
Outbound Conatiner	5 days	10 days	6 days	2 days

Transshipped. Merchandise transshipped involving a long and a short free time period shall be allowed the longer free time period, but in no case shall such merchandise be allowed the aggregate of the inbound and the outbound period.

EXCEPTION 1: Free time for scrap metal received and handled at the Pier T assigned containment area shall be 45 days.

ITEM: 406

TERM: FREE TIME MAY BE SHORTENED OR EXTENDED

(a) Only when necessary shall the allowed free time be fully utilized or taken advantage of. The Executive Director, if he determines that the interests of commerce and navigation require, may at any time shorten such free time and cause the removal of any

RULE 34-D: SECTION 4 - WHARF DEMURRAGE, WHARF STORAGE AND FREE TIME (Continued)

merchandise, regardless of the free time period.

(b) When a vessel, the arrival date of which has been announced, does not arrive within the free time period allowed in Item 404 because of stress of weather, accident, breakdown, or other emergency, the free time allowed on merchandise awaiting such vessel and upon which wharf demurrage has not begun to accrue prior to the announced arrival date of such vessel shall be extended by not to exceed ten (10) days. Thereafter, wharf demurrage shall be assessed against such merchandise unless or until the same is accepted for wharf storage.

(c) The Executive Director may extend the allowable free time on any merchandise if terminal operations or movement of merchandise are interrupted by war, earthquake, flood, fire, riot or any unusual occurrence which, in the judgment of the Executive Director, warrants the extension of such free time.

(d) Upon written request, and subject to terminal space availability, the Executive Director, at his sole discretion, may extend free time for up to 20 working days (Saturdays, Sundays and holidays excluded) for the receiving of cargo for export. Such extension of free time will apply to single cargos of not less than 200 revenue tons consigned to a specifically named vessel.

(e) Upon written request, and subject to terminal space availability, the Executive Director, at his sole discretion, may extend free time for up to 10 working days (Saturdays, Sundays and holidays excluded) for delivery of non container import cargo. Such extension of free time will apply to specified named cargo of not less than 500 revenue tons unloaded from a specifically named vessel.

ITEM: 408

TERM: WHARF DEMURRAGE - RATES

Wharf demurrage shall be assessed against all merchandise (subject to Notes 1 and 3) remaining on the wharf or wharf premises after the expiration of the free time allowed (see Item 404) at wharf demurrage rates (subject to Note 2), as follows:

NOTE 1: When requested in writing by the steamship company or an authorized representative, and when verification can be made from the steamship company's record, the Executive Director may waive

RULE 34-D: SECTION 4 - WHARF DEMURRAGE, WHARF STORAGE AND FREE TIME (Continued)

wharf demurrage against small portions of shipments of merchandise requiring recoopering, against small portions of shipments of merchandise discharged from a vessel which are not located at the time of delivery of the major portion of such merchandise, against merchandise discharged from a vessel which is deadover without billing and which may not be delivered by the steamship company until ownership thereof is established and against portions of shipments of merchandise in bond held by Customs for the appraiser's store and against a single category of metals product per Item 397 or Item 398, discharged from one vessel that exceeds free time after a minimum 4000 kilo tons of said cargo category is delivered per day from the same terminal during the specified free time.

NOTE 2: The minimum wharf demurrage charge shall be $16.00 per lot or $15.00 per container.

NOTE 3: Rates provided in this item will not apply on merchandise in bulk as (described in Item 154) handled mechanically through specialized facilities.

WHARF DEMURRAGE - RATES	RATES IN CENTS	ITEM NO.
Rates apply in cents per day or fraction thereof, Saturdays, Sundays and holidays included, per 1,000 kilograms or cubic meter or fraction thereof, or other unit, on the same basis as wharfage is assessed, except at noted.		
Commodity		
Merchandise, N.O.S.		410
Charge per day for first 5 days	72	
Charge per day for each additional day over 5 days	147	
After free time expires, all cargo loaded in containers (See Item 163) shall be assessed demurrage according to the outside length of the van or container in accordance with the following rate schedule, in dollars:		412

Container Size In Feet	Demurrage Charges

RULE 34-D: SECTION 4 - WHARF DEMURRAGE, WHARF STORAGE AND FREE TIME (Continued)

	Charge per day for the first five days or fraction thereof	Charge per day for each additional day over five days or fraction thereof
Inbound		
20 ft.	$21.00	$40.00
35-40 ft.	44.00	87.00
45 ft. and over	58.00	116.00
Outbound		
20 ft.	$14.00	$28.00
35-40 ft.	28.00	58.00
45 ft. and over	38.00	77.00

Lumber, Shingles and Laths, per 1,000 ft. B.M. or fraction thereof		454
Charge per day for first 5 days	72	
Charge per day for each additional day over 5 days	147	
Vehicles, Motor, Self-propelling, viz.: (see Note)		456
Automobiles, Pleasure, Passenger, Commercial or freight, including chassis, freight trailers or freight semi-trailers, not boxed, crated or in containers, s.u. on own wheels, per 1,000 kilograms		
Charge per day for first 5 days	220	
Charge per day for each additional day over 5 days	439	

NOTE: When boxed or crated, rules and rates for Merchandise N.O.S. shall apply.

WHARF STORAGE RATES	RATES IN CENTS	ITEM NO.
WHARF STORAGE AND RATES THEREFOR		
Merchandise deposited upon wharves and wharf premises may, (a) When space is available, and (b) When the prompt loading or discharging		460

RULE 34-D: SECTION 4 - WHARF DEMURRAGE, WHARF STORAGE AND FREE TIME (Continued)

of vessels will in no manner be interfered with, be accepted by the Executive Director for wharf storage.

Wharf storage will be assessed against all merchandise so accepted for wharf storage on wharves or wharf premises (subject to paragraph (b) of Item 402) at rates as follows (see Note):

NOTE: Rates provided in this item will not apply on merchandise in bulk (as described in Item 154) handled mechanically through specialized facilities.

Rates apply in cents per day or fraction thereof Saturdays, Sundays and holidays included, per 1,000 kilograms or cubic meter or fraction thereof, whichever shall yield the greater revenue, subject to Notes A and B, except as noted in individual items.

Merchandise, N.O.S.: 460

Stored on covered areas	72
Stored on uncovered areas, when requested by shipper or consignee thereof	39

When wharf storage has been applied for and, if approved, on the effective date which has been designated by the Executive Director, all cargo in vans or containers (See Item 163), shall be assessed storage according to the outside length of the van or container in accordance with the following rate schedule, in dollars: 462

Containr Size In Feet	Storage Charges Per Day Or Fraction Thereof
20 ft.	$12.00
35-40 ft.	24.00
45 & over	31.00

Cotton, in bales, per 1,000 kilograms or fraction thereof: 464

Stored on covered areas	28

RULE 34-D: SECTION 4 - WHARF DEMURRAGE, WHARF STORAGE AND FREE TIME (Continued)

Stored on uncovered wharf or platform areas, when requested by shipper or consignee thereof	19	
Lumber, per 1,000 ft. B.M., or fraction thereof (not subject to Note A)		466
Stored on covered areas	37	
Stored on uncovered wharf or platform areas, when requested by shipper or consignee thereof	15	
Vehicles, Motor, self-propelling, viz.:		468
Automobiles, Commercial or Freight, including chassis, freight trailers, freight semi-trailers, agricultural, earth-moving or road-making equipment exceeding 2,250 kilograms gross unladen weight per vehicle, per 1,000 kilograms. (Subject to Note C).	147	
Automobiles, Pleasure or Passenger, including pick-up trucks not exceeding 10 passengers per vehicle.	80	470
Foodstuffs Canned, per 20 foot container, Viz:		471
Tuna and Petfood	909	
NOTE: Charge applies per day or fraction thereof.		
Vehicles, Motor, on wheels, when parked on any municipal wharf by consent of and where designated by the Executive Director, each. (Not subject to Note A).	147	472

Notes applicable as noted for Items 466, 468, 472.

NOTE A: Minimum charge: Merchandise subject to this note remaining on wharf storage for less than five days shall be assessed a minimum charge of five days' wharf storage at the rates named in this item, but not less than $16.00 per lot.

NOTE B: Wharf storage under this item shall start from the time merchandise is accepted for wharf storage

NOTE C: For truck tractors only, with or

RULE 34-D: SECTION 4 - WHARF DEMURRAGE, WHARF STORAGE AND FREE TIME (Continued)

without 5th wheel, excluding chassis, vans or trailer attachments, maximum weight applicable 3,100 kilograms.

ITEM: 474

TERM: STORAGE UNDER STRIKE CONDITIONS

Merchandise which cannot be removed from the Port due to a general waterfront strike of five calendar days or more will be subject to the following:

(a) MERCHANDISE ON FREE TIME: Merchandise on free time on the day said strike began will be continued on free time until the maximum free time allowed under this tariff has expired. Upon expiration of free time, storage charges will be assessed under the provisions of Paragraph (b) of this item.

(b) MERCHANDISE ON DEMURRAGE OR STORAGE: Merchandise on demurrage or daily storage on the day said strike begins, or merchandise upon which free time has expired, will be subject to daily storage under the storage rates in this section during each and every calendar month in which the strike is in effect. The Executive Director reserves the right to authorize storage rates for strikebound cargo without prior request.

(c) CHARGES APPLICABLE AFTER THE STRIKE ENDS: Merchandise which was previously strikebound remaining on hand on the sixteenth day following the end of the strike will be subject to demurrage, unless prior authorization has been granted by the Executive Director for daily storage or space assignment.

ITEM: 475

TERM: STRIKEBOUND CARGO PERIOD

Notwithstanding anything to the contrary in this tariff or any agreement with the City, no Person shall be required to collect demurrage or storage charges on strikebound cargo as set forth in this tariff for the period of November 28, 2012, through December 4, 2012.

ITEM: 476

TERM: RESPONSIBILITY

(a) The Board assumes no responsibility whatsoever and

RULE 34-D: SECTION 4 - WHARF DEMURRAGE, WHARF STORAGE AND FREE TIME (Continued)

shall not be liable for any cargo accepted for storage, or for any care, handling, insurance, loss or damage with respect thereto, unless such cargo is receipted for on behalf of the Board by an authorized representative of the Board.

(b) The Board shall not be responsible or liable for any loss or damage to any cargo or other property stored, handled, used, kept or placed upon any wharf or other structure or property owned or controlled by the Board occasioned by or on account of pilferage, rodents, insects, natural shrinkage, wastage, decay, seepage, leakage, heating, evaporation, fire, earthquakes, rain, floods, or the elements, war, riots, strikes, or other acts or actions beyond the control of the Board or from discharge from sprinkler systems or collapse of a wharf or other structure unless the loss or damage is occasioned by the negligence of the Board or its officers or employers.

ITEM: 478

TERM: FAILURE TO PAY DEMURRAGE AND STORAGE CHARGES

Merchandise remaining on a wharf after the expiration of allowed free time may, if all accrued charges thereon be not paid upon demand therefor, be taken possession of by the Executive Director, and the Executive Director shall have the right to remove and store the same wholly at the charge, risk and expense of the merchandise and owner thereof, and may sell the merchandise at public auction, with or without notice. The proceeds of such sale shall be applied to the charges accrued and expenses shall be held for account of the owner. In the event the proceeds from such sale are not sufficient to satisfy such accrued charges and expenses, the owner, shipper, consignee or carrier, as their interests may appear, shall be personally liable for the payment of any unsatisfied balance due of such charges and expenses.

RULE 34-E: SECTION 5 - MISCELLANEOUS CHARGES

Effective: 11Jan2016 Thru: Expires: Publish 11Jan2016 Amend: C

ITEM: 500

TERM: HANDLING EQUIPMENT
RULES AND REGULATIONS - GOVERNING USE

(a) The user will provide all necessary operators and perform all stevedoring.

(b) The user will provide buckets, electromagnets, spreaders, and other supplemental equipment which may be required.

(c) The user will perform all necessary rigging and unrigging of buckets, electromagnets, spreader and other supplemental equipment at its own expense.

(d) Handling equipment is presumed to be in good operating condition when turned over to user, but the Board does not warrant the mechanical condition thereof. The Board will not be responsible for delays caused by user by breakdown of equipment, by shutoff of electric current, or other causes. The Board reserves the right to stop operation of the equipment at any time to require repairs that appear, in the opinion of the Executive Director, to be necessary.

(e) Handling equipment turned over to user shall be under user's supervision, direction and control. User shall be responsible and liable for injury to or death of any person whomsoever, or damage to or destruction of property, including employees and property of the City of Long Beach, incident to, arising out of, or caused by use or operation of handling equipment. User shall defend and indemnify the City of Long Beach, the Board, and their officers and employees from and against any and all suits, claims, demands, loss, expenses and liability of any kind or nature whatsoever for said injury to or death of persons or damage to or destruction of property arising out of, or be caused, directly or indirectly, through negligence or otherwise, by the use or operation of the handling equipment, whether by user, its officers, agents or employees, or by any consent, express or implied of user.

No provision contained in this item shall limit or relieve the City of Long Beach or the Board from its negligence nor require user to indemnify the City of Long Beach, the Board or their officers and employees from liability for their negligence.

RULE 34-E: SECTION 5 - MISCELLANEOUS CHARGES (Continued)

(f) All persons desiring to use handling equipment, shall, as far in advance of the date of use as possible, make application to the Executive Director specifying the date of use, nature and quantity of cargo to be handled, the estimated length of use and nature of use. Users will be scheduled for the equipment in the order of their applications, but the schedule will be modified as necessary for Preferential and Secondary Assignee's use (see Section 6) by the actual availability of a vessel at the berth and by the availability of cargo in the port area. User shall, in the use of the equipment, conduct its operations expeditiously and shall cease use and return the equipment to the control of the Board without delay upon conclusion of the authorized use thereof. The Executive Director reserves the right to order the user to cease use of the handling equipment immediately whenever, in his opinion, the user is not using said handling equipment in accordance with the terms of the assignment, or whenever it is necessary for the best interests of the port.

(g) Whenever another vessel if standing by, awaiting the use of a berth where handling equipment is located, the vessel on berth will be required to work overtime at her own expense until loading or discharging has been completed. Any vessel on berth which refuses to work overtime shall vacate the berth upon order of the Executive Director. When a vessel loses her right to a berth by refusing to work overtime, such vessel will forfeit her turn and go to the bottom of the list of vessels scheduled and available.

(h) Any and all vessels at a berth where handling equipment is located, after completion of loading or discharging, will be required to vacate the berth. However, at the discretion of the Executive Director, two hours' grace may be allowed after completion of loading or discharging before sailing, and any and all vessels finishing loading or discharging after midnight shall be allowed to remain on berth until six o'clock that morning. Should any vessel fail to vacate the berth under the above conditions, the Executive Director shall have the right, authority and privilege to move the vessel at the vessel's risk and expense.

(i) The Board reserves the right to refuse the handling of any commodity which, in the opinion of the Executive Director, is not suitable for the handling equipment.

(j) The Board will obtain all necessary permits to

RULE 34-E: SECTION 5 - MISCELLANEOUS CHARGES (Continued)

construct from the South Coast Air Quality Management District. User will obtain all necessary permits to operate and will conduct all operations in strict compliance with said permits to operate and with rules and regulations of that body.

ITEM: 515

TERM: CHARGES FOR USE OF MECHANICAL SHIPLOADERS AT PIER G, BERTHS G212-215; AND PIER F, BERTHS F210-211

Charges are for the use (subject to Item 500) of mechanical shiploaders, ship trimmer and air pollution control equipment only. Operators, cleaning, utilities, maintenance, repairs and any supplemental equipment to be furnished by the user; wharfage, dockage and other tariff charges are in addition to the charges named in this item.

Mechanical Shiploaders....45 cents per 1,000 kilograms or fraction thereof of cargo handled.

NOTE: The Pier G mechanical shiploader consists of 60-inch conveyor belt feeding systems with 72-inch and 54-inch belting respectively for the traveling bulkloaders at Berths G212-215.

The Pier F mechanical shiploader consists of a 60-inch transfer gallery conveyor, an overhead 60-inch shipping gallery conveyor, a traveling shiploader with a 60-inch conveyor and includes all feeding systems and associated structures and equipment which travel at Berths F210-211.

ITEM: 520

TERM: CHARGES FOR USE OF CONTAINER CRANES

Charges are for use (subject to Item 500) of cranes and lifting beams only; other supplementary equipment, operators, utilities, maintenance and repairs to be furnished by the user; wharfage, dockage and other tariff charges are in addition to charges named in this item.

Container Cranes.....$441.00 per hour, per crane.
$110.00 per 15 minute increments or fraction thereof, per crane.

EXCEPTION 1: Where container cranes are preferentially assigned or owned, the furnishing of

RULE 34-E: SECTION 5 - MISCELLANEOUS CHARGES (Continued)

supplemental equipment, operators, utilities, maintenance and repairs may be furnished by the preferential assignee or owner subject to Item 621.

ITEM: 525

TERM: FRESH WATER SERVICE RATES

Department is provided at rates set from time to time by the Board of Water Commissioners. Current water rates can be found at: www.lbwater.org/current-water-rates. When delivered to vessels at wharves and for services supplied in connection therewith through pipelines of the Harbor Department, a service charge of fifteen percent (15%) in addition to the cost of such water will be added for the use of such facilities including wharfage.

Other charges for fresh water delivered between the hours of 7:30 a.m. and 4:00 p.m. to vessels at wharves shall be as follows:

(a) Minimum charge for water.....$82.00
(b) Rental charge for each 50-foot section of water hose, when furnished 7.00
(c) Lost connection 164.30
(d) Lost nozzle 88.10
(e) Lost/damaged water hose 324.41
(f) Clean, flush & roll up hose 27.09
(g) Damaged coupling 103.99

Vessels receiving fresh water are responsible for making and breaking hose connections at the vessel and wharf, and are responsible for returning furnished hoses in the same condition as received. A penalty charge of $10.00 will be assessed for each 50-foot hose section not returned in the same condition as received. Vessels will be charged at current replacement costs for hoses and fittings damaged or not returned upon vessel departure.

When fresh water service has been requested by a vessel's agent and an authorized Harbor Department employee is viable at the berth to perform such service and is advised that water service is not desired, the minimum charge (b) set forth above shall be charged to the vessel.

Requests for water service other than between the hours of 7:30 a.m. and 4:00 p.m. Monday through Friday except Holidays, will be charged the vessel water off hours service cost of $125.00.

The Chief Executive Officer reserves that right to refuse

RULE 34-E: SECTION 5 - MISCELLANEOUS CHARGES (Continued)

or limit the supply of water to vessels during the periods of drought.

ITEM: 530

TERM: PENALTY FOR ATTACHING HOSE OR TAKING FRESH WATER WITHOUT PERMISSION

No person shall attach a hose to a vessel service water outlet or hydrant upon any wharf or wharf premises without first ascertaining that a back flow prevention appliance is between said hose and said water supply outlet. No person shall use any water hose or meter or take any water or attempt to take any water from any vessel service water outlet or hydrant without first obtaining permission from the Executive Director, wharfinger or other duly authorized person in charge and paying for or agreeing to pay for, the desired service. Nothing herein contained shall prevent any person from attaching a hose, or otherwise using the water from any outlet, for the prevention of fire only.

Any violation of this item shall subject such person to the penalties prescribed in Item 904 of this tariff.

ITEM: 535

TERM: ELECTRIC POWER AND LIGHTING RATES

Entities located within the Harbor District may take electricity from any source authorized by applicable law or regulations and not in violation of their agreement(s) with the Harbor Department.

Entities which furnish electricity ("Entities") obtained from the Southern California Edison Company ("SCE") to ocean-going vessels at wharfs ("Cold-ironing Vessels") shall do so in accordance with applicable law, regulations, and agreements, including without limitation thereto, SCE tariffs approved by the California Public Utilities Commission and Entities agreement(s) with the Harbor Department.

Entities furnishing electricity obtained from SCE to Cold-ironing Vessels may recover from Cold-ironing Vessels such rates and charges the Entities are authorized to recover from Cold-ironing Vessels by applicable law, regulations, and agreements, including without limitation thereto, SCE tariffs approved by the California Public Utilities Commission and Entities agreement(s) with the Harbor Department.

Rates and charges billed by SCE may, from time-to-time,

RULE 34-E: SECTION 5 - MISCELLANEOUS CHARGES (Continued)

change. The Harbor Department will not forecast or provide notice of such changes.

ITEM: 550

TERM: LONG-TERM MERCHANDISE STORACE

When terminal space is available and when the prompt loading
or discharge of vessels and normal terminal operations will not be interfered with, certain merchandise may be approved by the Executive Director for Long-Term Merchandise Storage status while located on wharf of terminal premises. Merchandise granted Long-Term Merchandise Storage status shall be subject to the conditions and charges as set forth in Items 562 and 564 in lieu of demurrage or storage rates and conditions set forth elsewhere in this Tariff. Long-Term Merchandise Storage status shall only be granted for commodities listed in Item 564.

ITEM: 552

TERM: RIGHTS NOT EXCLUSIVE

Approvals for Long-Term Merchandise Storage, unless otherwise specifically provided therein, shall include only the right to store merchandise on a long-term basis as provided for in this section and shall not be construed as creating or affecting any permanent or exclusive right to occupy or possess the area used.

ITEM: 554

TERM: APPLICATIONS FOR LONG-TERM MERCHANDISE STORAGE

Applications for Long-Term Merchandise Storage shall be made to the Executive Director upon forms provided by the Board.

ITEM: 556

TERM: APPROVAL OF LONG-TERM MERCHANDISE STORAGE

The Executive Director shall approve Long-Term Merchandise Storage upon forms provided by the Board, subject to the charges, rates, rules and regulations of the Board applicable thereto, including those set forth in other sections of this Tariff, and as may be contained in any such approval form.

ITEM: 558

RULE 34-E: SECTION 5 - MISCELLANEOUS CHARGES (Continued)

TERM: NOT TRANSFERABLE

Approvals for Long-Term Merchandise Storage shall not be transferred except with the written consent of the Executive Director.

ITEM: 560

TERM: APPROVALS REVOCABLE

All approvals for Long-Term Merchandise Storage shall be revocable by the Executive Director without compensation to the requesting terminal, at any time upon written notice to the assignee, except when otherwise provided in the approval.

ITEM: 562

TERM: CHARGES FOR LONG-TERM MERCHANDISE STORAGE

Charge shall be payable in arrears by the thirtieth (30th) of the following month for the prior months storage without deduction, set-off, prior notice or demand and shall be computed on the following basis:

Charges shall be based on a calendar-month, per metric ton of 1,000 kilograms, cu.m. 1000 ft. B.M (Board Measure), or on an as-freighted basis.

When the charges commence on the day other than the first day of a calendar month, they shall be prorated on a daily basis to the first day of the following calendar month. Such prorated charges shall be payable in advance together with the charges for the following full calendar month.

The minimum period for Long-Term Merchandise Storage shall be one calendar month or thirty consecutive calendar days and shall continue from month to month for the amount of tonnage requested until terminated by the Executive Director pursuant to Item 560 Aviv or by the requesting terminal upon not less than ten days written notice.

A storage statement shall be presented by the terminal to the Port of Long Beach Wharfingers Office on a monthly basis, by the tenth (10th) of the following month for the prior months storage.

ITEM: 564

TERM: COVERED AND UNCOVERED LONG-TERM MERCHANDISE STORAGE - CHARGES FOR

RULE 34-E: SECTION 5 - MISCELLANEOUS CHARGES (Continued)

Commodity	RATES IN CENTS
Lumber and Lumber products, per 1,000 ft. B.M. (see Note 1)	
Stored on covered areas	330
Stored on uncovered areas	176
Metals, Viz: Coiled steel sheets, per 1,000 kilograms	
Stored on covered areas	71
Stored on uncovered areas	38
Metals, Viz: Coiled steel wire rod, per 1,000 kilograms	
Stored on covered areas	225
Stored on uncovered areas	121
Newsprint, per 1,000 kilograms or cubic meter, whichever is greater	
Stored in covered areas only	175
Paper, palletized, per 1,000 kilograms or cubic meter, whichever is greater	
Stored in covered areas only	202
Woodpulp, in bales, per cu.m or as freighted	
Stored on covered areas	165
Stored on uncovered areas	88
Power Generation & Distribution Equipment	
Stored on covered areas	750
Stored on uncovered areas	400

NOTE 1:
Applicable only to lumber stored on Piers D, E, and F

RULE 34-F: SECTION 6 - BERTH/AREA ASSIGNMENTS

Effective: 01Apr2008 Thru: Expires: Publish 25Mar2008 Amend: CA

ITEM: 600

TERM: DEFINITIONS

Berth/Area Assignments are classified and defined as follows:

(a) "PREFERENTIAL ASSIGNMENT" shall mean the priority right granted a person to use a certain berth, wharf, wharf premise or other facility, including such improvements and areas as are designated in the assignment.

(b) "SECONDARY ASSIGNMENT" shall mean a subordinate right granted to a person to use a preferentially assigned berth, wharf, wharf premise or other facility, subject to the prior rights of a preferential assignee with whom such secondary assignee must share by agreement the costs and expenses incidental to the assignment.

(c) "TEMPORARY ASSIGNMENT" shall mean a temporary permission granted to a person to use a certain berth, wharf, wharf premise or other facility, including such improvements and areas as are designated in the assignment.

All berth assignments shall be held by the assignee subject to the provisions of this Tariff, to the charges, rates, rules and regulations applicable thereto, and to all of the terms, conditions and provisions contained in any such assignment.

ITEM: 603

TERM: RIGHTS NOT EXCLUSIVE

Berth assignments, unless otherwise specifically provided therein, shall include only the right to dock vessels owned, operated or represented by the assignee at the assigned berth, to embark and disembark passengers and their baggage, and to assemble and distribute the cargoes of such vessels over, through or upon the assigned area or facility, subject to the provision that when the assigned area or facility is not required in whole or in part for the use of the assignee, the Executive Director may make temporary assignments of said berth, wharf, wharf premise or other facility, or any part thereof, to any other persons, as provided in this Section.

ITEM: 606

RULE 34-F: SECTION 6 - BERTH/AREA ASSIGNMENTS (Continued)

TERM: APPLICATIONS

Applications for Preferential, Secondary and Temporary Assignments, Berth or Area, shall be made to the Executive Director upon forms provided.

The Executive Director may make Preferential, Secondary and Temporary Assignments upon forms provided, subject to the provisions of this Tariff, to the charges, rates, rules and regulations of the Board applicable thereto, and to such terms and conditions as may be contained in any such assignment.

ITEM: 609

TERM: NOT TRANSFERABLE

Assignments shall not be transferred except with the written consent of the Executive Director.

ITEM: 612

TERM: ASSIGNMENTS REVOCABLE

All assignments shall be revocable by the Executive Director without compensation to the assignee, at any time upon written notice to the assignee except when otherwise provided in the assignment.

ITEM: 615

TERM: ASSIGNEE LIABLE FOR DAMAGE, WHEN

All persons to whom berths, wharves, wharf premises or other facilities have been assigned shall be responsible and liable to the Board for any damage occurring to such assigned property during their tenancy and occupancy, unless such person secures and furnishes to the Executive Director adequate information and evidence fixing the responsibility and liability for any such damage on some other responsible person and such other person reimburses the Board for any such damage. Upon the refusal, failure or neglect of any assignee to accept responsibility and liability in the manner and under the circumstances aforesaid, the Board or Executive Director may immediately revoke the assignment to any such person without notice, and may refuse the use of any wharf, fully berth or other facility to any such person until the Board has been reimbursed for any such damage.

RULE 34-F: SECTION 6 - BERTH/AREA ASSIGNMENTS (Continued)

ITEM: 618

TERM: MAINTENANCE OF PREMISES

Assignee shall at all times keep and maintain the premises, including the toilets therein, in a safe, clean, wholesome, sanitary and sightly condition in compliance with all applicable federal, state, municipal and other laws, ordinances, rules and regulations and to the satisfaction of the Executive Director. Failure to comply will result in the assignee being liable for the costs involved in restoring the premises, ordinary wear and tear excepted.

ITEM: 621

TERM: SECONDARY AND TEMPORARY ASSIGNEES TO SHARE IN CERTAIN OF PREFERENTIAL ASSIGNEE'S EXPENSES

Each secondary assignee and each temporary assignee at a preferentially assigned berth or wharf or wharf premise or other facility shall agree, in writing, with the preferential assignee, if the latter so requests, to share in the berth or wharf or wharf premise or other facility expenses of the preferential assignee, and all amounts due under such agreement shall be payable to and collected by the preferential assignee for his own account. The agreement among such assignees of a berth, wharf, wharf premise or other facility must be upon a definite basis of division of such berth, wharf, wharf premise or other facility expenses of the preferential assignee, and such agreement shall be subject to the approval of and a copy shall be filed with the Executive Director. In the event of failure to agree as to the basis of division, the matter shall be submitted to the Executive Director who shall act as an arbiter and his decision shall be final and binding upon such assignee.

ITEM: 624

TERM: BUNKER FUEL LINES - ASSIGNEES TO FURNISH WATCHMAN FOR

Each and every person to whom a berth, wharf, wharf premise or other facility has been assigned shall be responsible for causing a watchman to be in attendance at all times while bunker fuel lines are in use at such berth, wharf, wharf premise or other facility, to insure proper use of such lines, and it shall be the duty of said watchman to keep a continuous surveillance of any such line and to immediately close down the same if it is or appears to be leaking. Every such person who fails to provide such watchman shall be liable for and save the Board harmless

RULE 34-F: SECTION 6 - BERTH/AREA ASSIGNMENTS (Continued)

from any and all such damage caused as a result of broken or leaking bunker fuel lines at such berth, wharf, wharf premise or other facility, and every such person who provides such watchman shall be so liable for any such damage and or cleanup if caused or contributed to by any negligence, act or omission of such watchman.

ITEM: 627

TERM: ASSIGNMENT OF AREA; DEFINITION OF

"ASSIGNMENT OF AREA" shall mean the granting of temporary use of Municipal land or facilities to an assignee.

ITEM: 630

TERM: ASSIGNMENT OF AREA; HOW ASSIGNED

The Executive Director may make assignments of area upon forms provided by the Board, subject to the charges, rates, rules and regulations of the Board applicable thereto, including those set forth in other sections of this Tariff, and to such terms and conditions as may be contained in any such assignment.

ITEM: 633

TERM: ASSIGNMENT OF AREA; RULES AND REGULATIONS

(a) Charges for an assignment of an area in addition to all other charges contained in this tariff, except for the charges for storage and demurrage.

(b) Charges shall be payable on the first of each month in advance without deduction, set-off, prior notice or demand and shall be computed on the following basis:

(1) Assignments shall be made on a calendar-month basis.

(2) The charges for assignments which commence on any day other than the first day of a calendar month shall be prorated on a daily basis to the first day of the following calendar month. Such prorated charges shall be payable in advance together with the charges for the following full calendar month.

(c) The minimum period of any assignment shall be one calendar month or thirty consecutive calendar days.

(d) An Assignee may terminate an assignment on not less

RULE 34-F: SECTION 6 - BERTH/AREA ASSIGNMENTS (Continued)

than ten days' written notice.

(e) Assignments shall not be transferred.

(f) The Executive Director shall have the right to measure and remeasure an assigned area, whenever it is deemed necessary. The measurement or remeasurement shall be used for the purposes of determining the kind and size of any additional area occupied. In the event the measure or remeasure establishes that an Assignee has been using and/or occupying any additional area without the prior consent of the Executive Director the Assignee shall be assessed daily a penalty rate of TREBLE the scheduled daily rate for such additional area so used or occupied.

ITEM: 636

TERM: ASSIGNMENT OF COVERED, UNCOVERED AND WATER AREA: CHARGES FOR
Charges for the assignment of covered, uncovered and water area are for area occupancy only, subject to Items 630 and 633. Alterations, improvements, cleaning, damage, maintenance and utility costs are in addition and shall be borne by the assignee.

Type of Area	Cents per Sq. Ft. per Month (Subject to NOTE 1)
Covered	$0.360
Uncovered,	
Paved (Subject to NOTE 2)	$0.180
Unpaved (Subject to NOTE 2)	$0.160
Water (Subject to EXCEPTION)	$0.090

Minimum Charge $500.00 per month per assignment of covered area, uncovered area (paved & unpaved) or water area.

NOTE 1: If the assignment is terminated by the Executive Director, charges for the termination month will be prorated on a daily basis.

NOTE 2: In addition to the above rates, uncovered fenced areas will be assessed $0.020 per sq. ft. per month.

NOTE 3: Lighting for uncovered areas will be assessed $0.020 per sq. ft. per month.

EXCEPTION: Water area assignments shall only be granted to vessels, accorded free of dockage under provisions of Paragraph (f) of Item 265.

RULE 34-F: SECTION 6 - BERTH/AREA ASSIGNMENTS (Continued)

ITEM: 639

TERM: ASSIGNMENT OF WHARF PREMISE OFFICES AND SIMILAR AREA; CHARGES FOR

Charges for assignment of wharf premise offices and similar areas are for area occupancy only, subject to Items 630 and 633. Alterations, improvements, cleaning and maintenance costs are in addition and shall be borne by the assignee.

Type of Area	Cents per Sq. Ft. per Month
Office, Air-conditioned (subject to Note)	85
Office, Not Air-conditioned (subject to Note)	72
Private Restroom (subject to Note)	72
Lockers	30
Gear Corrals	30

Minimum Charge, per month, per assignment $262.00

NOTE: In addition to the above rates, water, gas or electricity for illumination furnished by the Harbor Department will be assessed $0.12 per sq. ft. per month.

ITEM: 642

TERM: ADVERTISING SIGN LOCATIONS; CHARGES FOR

Charges are for assignment of area for advertising sign location:

Advertising Sign Location	$210.00 per year or fraction thereof.

ITEM: 645

TERM: PARKING ON UNASSIGNED MUNICIPAL PROPERTY; CHARGES FOR

Charges for parking vehicles [e.g. container on chassis, container, chassis, tractor, truck (integrated) and automobile] on Harbor Department property for which no assignment has been made:

Charge: $27.00 per day or portion thereof

RULE 34-F: SECTION 6 - BERTH/AREA ASSIGNMENTS (Continued)

ITEM: 648

TERM: USE OF UNASSIGNED MUNICIPAL PROPERTY: CHARGES FOR

The Executive Director reserves the right to measure premises occupied and may assess charges at a penalty rate of TREBLE the scheduled rate as shown in Item 636 where such premises are occupied without the prior approval of the Executive Director.

ITEM: 651

TERM: PUBLIC LANDINGS - APPLICATION THEREOF
WHARFAGE SUSPENDED ON PERSONAL EFFECTS, SUPPLIES AND MERCHANDISE IN SMALL LOTS

(a) In order to provide for and to relieve wharves of traffic relating to personal effects and supplies and merchandise in small lots upon which it would be difficult and impracticable to collect wharfage, public landings as may be designated by the Executive Director are hereby set apart as locations where such commodities, not to exceed 9 metric tons, or lumber, not to exceed 5,000 board feet, may be handled or shipped during any one calendar month by any one person, owner or shipper, without payment of wharfage.

(b) No person shall land, handle, ship or receive or to attempt to land, handle, ship or receive, over any such public landing, supplies or merchandise in excess of those quantities hereinabove specified without first having obtained a permit so to do from the Executive Director or other duly authorized person in charge and/or without first having paid or agreed and arranged to pay the regular charges accruing therefor.

ITEM: 654

TERM: PERISHABLE, OBJECTIONABLE AND OFFENSIVE MERCHANDISE

(a) No fresh fish for commercial purposes, oil or other liquids in damaged or leaky containers, decayed or decaying fish, meats, fruits or vegetables, or any merchandise or matter of an offensive or objectionable character whatsoever shall be permitted on a public landing unless the person in charge of such cargo shall have first obtained a permit therefor from the Executive Director.

(b) Merchandise of a perishable nature must be removed from the public landing on the day received.

RULE 34-F: SECTION 6 - BERTH/AREA ASSIGNMENTS (Continued)

ITEM: 657

TERM: VEHICLES ON PUBLIC LANDINGS

(a) No person shall drive, move or propel any automobile or other vehicles on to a public landing except for the purpose of discharging or loading freight or passengers.

(b) No person shall allow to permit any vehicle to remain upon any public landing except while actually loading, or discharging freight or passengers.

(c) Vehicles ready to load shall be preference over those ready to discharge.

(d) No person shall allow any vehicle to remain in such a position as to block the approach to a public landing or prevent the free and easy access thereto.

ITEM: 660

TERM: NO PERSON PERMITTED TO MONOPOLIZE PUBLIC LANDING

No person who has discharged or received any merchandise on any public landing shall occupy or monopolize an unreasonable amount of space to the exclusion of any other person. Merchandise discharged upon such landings must be removed immediately therefrom; it being the purpose of the Executive Director in extending the privileges herein set forth to accommodate the public to the greatest degree possible with the facilities available.

ITEM: 663

TERM: FREE DOCKAGE AT PUBLIC LANDINGS LIMITED

Dockage charges for vessels under 80 tons gross register or 50 tons underdeck measurement is hereby suspended while such vessels are loading or discharging at public landings personal effects, supplies and merchandise not in excess of the quantities specified in Item 651. Vessels ready to load shall have preference over those ready to discharge.

ITEM: 666

TERM: PENALTY FOR UNNECESSARY DELAY

Any vessel availing itself of the privileges in Item 663

RULE 34-F: SECTION 6 - BERTH/AREA ASSIGNMENTS (Continued)

which shall refuse or fail to haul away from such public landing after having finished loading or discharging or both, as the case may be, or failing to complete such loading or discharging without unwarranted delay, shall thereupon be assessed dockage at quadruple the rates elsewhere provided herein and, in addition thereto, $50.00 for each and every day or fraction thereof such vessel may remain at such landing in violation of this item.

ITEM: 670

TERM: PENALTY FOR DOCKING VESSELS OVER 80 TONS GROSS REGISTER

(a) No vessel of over 80 tons gross register or 50 tons underdeck measurement shall dock at or make fast to any public landing without first having obtained a permit so to do from the Executive Director or Wharfinger.

(b) In the case of any violation of this item by any vessel, such vessel, in addition to the other penalties provided herein or by law, shall thereupon be subject to and shall be assessed dockage at quadruple the rates elsewhere provided herein and, in addition thereto, $100.00 for each and every day or fraction thereof it may remain at such landing in violation of this item.

ITEM: 673

TERM: PASSENGER-CARRYING VESSELS FOR HIRE NOT TO DOCK AT PUBLIC LANDINGS WITHOUT PERMIT

No person operating any passenger-carrying vessel for hire shall dock at any public landing and take on or discharge passengers thereat without first having obtained a permit so to do from the Executive Director.

ITEM: 676

TERM: PENALTY FOR VESSEL REMAINING AT LANDING WHEN NOT LOADING OR DISCHARGING

No person shall allow or permit any passenger-carrying vessel for hire or otherwise, or pleasure craft, to remain at any public landing except while actually loading or discharging passengers or supplies, without a special permit therefor from the Executive Director. The fact that such vessel is found fast to or immediately in front of a public landing and not loading or discharging shall, ipso facto, subject such vessel to the charges and penalties provided herein.

RULE 34-F: SECTION 6 - BERTH/AREA ASSIGNMENTS (Continued)

ITEM: 679

TERM: PENALTY FOR OBSTRUCTING APPROACH OR EXIT

No person shall obstruct the free and easy access to or departure from any public landing at any time.

ITEM: 682

TERM: PENALTY FOR VIOLATION

Any person or vessel violating any of the items in this section, or who shall refuse or fail to pay upon demand any charge or penalty accruing or imposed thereunder, shall thereupon and thereafter, until all such charges and penalties shall have been paid and satisfied, be denied all the privileges and facilities under the control of the Board, and shall, in addition thereto, be subject to any further penalties provide by law.

RULE 34-G: SECTION 7 - GENERAL RULES AND REGULATIONS

Effective: 01Nov2017 Thru: Expires: Publish 31Oct2017 Amend: C

ITEM: 700

RULE: APPLICATION OF RATES, CHARGES, FEES AND RULES AND REGULATIONS

Except as otherwise provided, the application of charges shall be those in effect at the time the charge accrues, (see Note), except the applicable charges for wharfage (Section 3) and handling equipment (Section 5) shall be:

1. On inbound merchandise, the charges in effect on the date the vessel commences discharging merchandise

2. On outbound merchandise, the charge in effect on the date that wharfage accrues thereon.

The application of the rules and regulations shall be those in effect at the time such rules and regulations are applied and enforced.

NOTE: FOR CHANGES IN RATES, CHARGES AND FEES.

The effective time on the effective date so published in this tariff will be 0001 hours.

The following guidelines will apply in determining amended charges:

Pilotage: The applicable pilot rates will be determined by the commencing time logged on the pilot slip.

Dockage: The dockage rate shall be the rate in effect at the time the Vessel is officially berthed. The official berthing time is that time logged when the first line is received on a berth on the inward call or to another vessel when mooring to a vessel so berthed (outside berth).

Wharfage: The applicable rate for the vessels entire cargo shall be determined by the time the vessel commences discharge or loading operations.

Storage/Demurrage: Storage and demurrage rates apply from and through the next 24 hour period at the rate in effect at the time the cargo is officially on storage or demurrage.

Assignment of covered, uncovered and water areas: Shall be in accordance with provisions set forth in executed area assignment agreements.

RULE 34-G: SECTION 7 - GENERAL RULES AND REGULATIONS (Continued)

ITEM: 701

RULE: TERMS AND CONDITIONS OF PAYMENT

Use of Port facilities or service is conditioned upon satisfactory assurance of the Port that applicable charges will be paid when due. All charges are due and payable as they accrue or on completion of service or use.

The Port may require payment of charges in advance, as follows:

1. By the vessel, its owners or agents before vessel is assigned a berth and commences its loading or unloading operations.

2. By the cargo owner, shipper or consignee before cargo leaves the custody and control of the terminal.

3. For all charges on perishable cargo or cargo of doubtful value and household goods.

Payment terms are cash unless the user of Port facilities and/or services, prior to the use thereof, has established credit or has posted adequate security acceptable to the Port.

The provisions of this rule shall govern the terms of payment by, and liability of, an agent acting on behalf of a disclosed principal for charges owing from said principal as a user of Port facilities and/or services notwithstanding any other provisions to the contrary in this tariff or in any form issued pursuant to this tariff.

ITEM: 702

RULE: APPLICABILITY OF RATES AND CHARGES

(a) The Executive Director reserves the right to interpret and determine the applicability of any of the rates provided for herein and to assess charges or fees in accordance with any such interpretation and determination. The Executive Director also reserves the right to determine the applicability of any rule or regulation as provided herein and to enforce any such rule or regulation in accordance with any such interpretation or determination.

(b) The Executive Director has the exclusive discretion to waive the assessment of all or any portion of any

RULE 34-G: SECTION 7 - GENERAL RULES AND REGULATIONS (Continued)

charge payable to the Port of Long Beach for wharfage, dockage, pilotage, wharf demurrage, wharf storage, or any other charge or fee which may be due from any source or cause as provided for in this Tariff which may be associated with cargo destined to provide emergency relief that is directly attributable to natural disasters or unusual occurrences. The cargo must not be intended for resale.

ITEM: 704

RULE: SHIPPER'S REQUESTS AND COMPLAINTS

(a) Requests and complaints from shippers on matters relating to the rates, rules and regulations contained in this tariff shall be in writing and made to the Executive Director.

(b) The Port of Long Beach is a member of the California Association of Port Authorities, 1510 14th Street, Sacramento, California 95814. A shipper may refer to the Association any request or complaint not satisfied by the Port of Long Beach by submitting all available data in writing to the Association.

ITEM: 706

RULE: UNAUTHORIZED COLLECTION

No person having authorization from the Executive Director, to collect charges or fees shall collect any such charge or fee calculated at rates not in accordance with the rates, charges and fees set forth herein.

ITEM: 708

RULE: PAYMENT OF CHARGES AND FEES AND ENFORCEMENT THEREOF

(a) Subject to provisions of Item 701, wharfage, wharf demurrage, wharf storage and any other charges in this tariff made and assessed against merchandise are due from and payable by the owners of such merchandise and shall be collected for and on behalf of the Board by the vessel discharging or loading the merchandise, or for which the merchandise was received, through its owner, agent, manager, master, berth assignee or other person duly authorized so to do, and by the berth assignee as

RULE 34-G: SECTION 7 - GENERAL RULES AND REGULATIONS (Continued)

to all other merchandise. Such vessel and its owners and agents, jointly and severally, and such berth assignee shall guarantee and be liable for the payment of such charges to the Board, whether or not collected by such vessel or its owner or agent or by such berth assignee. The use of a municipal wharf or wharves by the vessel or its owner or agent and the acceptance of a berth assignment by the assignee thereof shall constitute acceptance and acknowledgment of this guarantee and liability.

(b) In the event that wharfage, wharf demurrage, wharf storage and any other charges in this tariff made and assessed against merchandise are not otherwise paid, every vessel, through its owner, agent, manager, master or other duly authorized person in charge of the vessel or such merchandise, and every berth assignee as provided in paragraph (a) of this item, unless such vessel, or its owner or agent, or such berth assignee, as the case may be, is upon the Credit List or has otherwise arranged credit as provided in Item 712, shall pay to the Board, the full amount of all such charges assessed against such merchandise before the removal or delivery of such merchandise from the wharf, wharf premise, pier or bulkhead structure. In the case of wharfage assessed against merchandise discharged from or loaded upon a vessel, such payment shall be made before the departure or such vessel from such wharf or berth.

(c) Wharfage, wharf demurrage, wharf storage and any other charges in this tariff made and assessed against merchandise are liens against all such merchandise deposited upon any wharf or other premises under the jurisdiction and control of the Board; and the Board, or its agents or assignees, may hold possession of any or all of such merchandise to secure the payment of any or all of such charges.

For the purpose of such liens, the Board and its agents and assignees are deemed to have possession of any or all of such merchandise until such charges are paid.

(d) For the purpose of enforcing the payment of wharfage, wharf demurrage, wharf storage and other charges under this tariff made and assessed against merchandise deposited upon any municipal wharf or other municipal premises, or against merchandise remaining thereon longer than the time prescribed by the provisions of this tariff, the Executive Director may take actual possession of any or all of such merchandise. If the accrued charges are not immediately paid thereafter,

RULE 34-G: SECTION 7 - GENERAL RULES AND REGULATIONS (Continued)

the Executive Director may, at any time after taking such possession, remove and store any or all of such merchandise wholly at the charge, risk and expense of the merchandise and owner or consignee thereof, and the Executive Director may sell any or all of such merchandise at public auction with or without notice.

(e) For the purpose of keeping the municipal wharves and other municipal premises free of obstructions, the Executive Director shall cause a written notice to be served on the owner, agent, consignee or person in possession or having custody of any such obstructing merchandise, material or structures wholly at the charge, risk and expense thereof and at the charge, risk and expense of the owner or consignee thereof, and the Executive Director may sell such merchandise, material or structures at public auction with or without notice. Such sale shall be made subject to immediate removal, if not already removed by the Executive Director.

(f) From the proceeds of any such sale as provided for in paragraphs (d) and (e) of this item, the Board shall retain all charges for wharfage, wharf demurrage, wharf storage and any other charges against the merchandise plus 10% and, in the case of obstructions, $100.00 additional for each day during which the wharf or other premises have been obstructed, and also all the expenses of any such sale. The surplus, if any, shall be paid to the proper persons. The owner, consignee or proper person shall be liable for and shall pay to the Board any charges, fees and costs remaining unsatisfied out of the proceeds of any such sale.

(g) Every person in charge of a vessel or cargo who shall cause, allow or permit such vessel to leave such wharf or berth at which it is docked, unless forced to do so by stress of weather or fire or unless such vessel or person is on the Credit List or has otherwise arranged credit as provided in Item 712, before all charges, then due upon or assessed against such vessel and against such merchandise as may have been discharged from or received upon such vessel have been paid, shall be guilty of a misdemeanor and shall be subject to the penalties prescribed by law and this tariff.

ITEM: 710

RULE: PENALTY FOR FAILURE TO PAY CHARGES OR FEES

RULE 34-G: SECTION 7 - GENERAL RULES AND REGULATIONS (Continued)

Every person who, by false returns or in any manner avoids the payment of all or any portion of any charge for dockage, wharfage, wharf demurrage, wharf storage or any other charge or fee which may be due to the Board from any source or cause, as provided for herein, is in addition to the general penalties provided for herein, liable for and shall pay to the board twice the amount of such charge or fee and, in addition, the sum of $100.00, except as may be otherwise specifically provided herein.

ITEM: 712

RULE: CREDIT RULES

The Executive Director may release any person from the obligation of paying dockage, wharfage, wharf demurrage, wharf storage or other charges as provided herein, provided such person deposits and maintains on deposit with the Executive Director sums sufficient to guarantee the payment of any and all bills for charges incurred.

A person may make a written application to be placed on the credit list and agree to pay, upon presentation, any and all bills for any of siad charges incurred by, for, or on behalf of such person and to deliver statements as required. If such application is granted, the Executive Director may require a deposit to be made and maintained to cover the probable amount of charges due from any such person in any one month. Any person incurring charges on credit must, on or before the tenth day following the sailing of eahc vessel, deliver to the Executive Director such information respecting such vessel and merchandise as the Executive Director may require and must pay the amount of any and all charges incurred.

In case of failure to furnish statements when due or to pay bills as provided herein, such person may be stricken from the credit list and placed upon the delinquent list, and any money deposited may be applied to the payment of any and all such charges due. Ocean-going vessels not on the Credit List may, in lieu of making a deposit or application as provided above, with the ocnsent of the Executive Director, be relieved of paying any charges that may be assessed against any such vessel in the manner and at the times as provided and required herein, upon producing and filing with the Executive Director a written agreement signed by a person on the Credit List or who has a sufficient deposit with the Executive Director to guarantee payment of such charges, wherein such person agrees and promises to pay, on presentation, any and all bills for such charges assessed or that may be assessed against such

RULE 34-G: SECTION 7 - GENERAL RULES AND REGULATIONS (Continued)

vessel shall be sent to such person for collection and payment.

ITEM: 714

RULE: CHARGES ON DELINQUENT ACCOUNTS

(a) Invoices issued by the Board are due and payable upon presentation. In the event that the Port of Long Beach receives a revision to a document as set forth in Item 306(a) where the impact of the revision is less than five hundred dollars ($500), the original invoice is still due and payable upon presentation.

(b) Charges and/or fees subject to area assignments are due and payable in accordance with terms and conditions of executed area assignment agreements.

(c) Invoices for dockage and/or wharfage remaining unpaid forty-five (45) days after date of departure of vessel from the Port of Long Beach are delinquent and will be placed on Delinquent List (See Exception).

EXCEPTION: Arrangements must be made with the Chief Executive for time payment of dockage charges on nonoperating vessels at Lay Berths for a period in excess of ten (10) days.

(d) Any other invoices or charges due and remaining unpaid thirty (30) days after issue or agreed payment date are delinquent and placed on the Delinquent list.

(e) A delinquent invoice or payment will be subject to a charge of two percent (2%) of the total wharfage charges due for each month or portion thereof that said invoice or payment remains unpaid, or the maximum rate permittted by law, whichever is less. However, the minimum delinquent charge shall be ten dollars ($10.00).

(f) Penalty charges prescribed in other items of this tariff are separate and distinct from the delinquent payment charge assessable under this item.

ITEM: 716

RULE: UNLAWFUL TO USE WHARF OR WHARF PREMISES WITHOUT ASSIGNMENT OR OTHER PERMISSION

No person or any vessel, owner, agent or operator thereof, shall use any berth, wharf, wharf premise or other area, or make any vessel fast to any wharf without consent of the

RULE 34-G: SECTION 7 - GENERAL RULES AND REGULATIONS (Continued)

Executive Director.

For the purpose of this item, each day of 24 hours, or portion thereof, during which a violation exists or continues, shall be considered a separate offense.

Any vessel made fast to or moored to a wharf, in violation of this item, shall be subject to removal by or at the order of the Executive Director and at the expense of such vessel, and its agents or owners, to such other place designated by the Executive Director.

ITEM: 718

RULE: TRESPASSING IN CERTAIN AREAS PROHIBITED

No person without lawful business on the premises shall enter or be in or upon any dock, wharf, wharf premise or any other area under the jurisdiction of the Board which is used for the storage or handling of cargo or where signs are posted displaying the words "Keep Out - No Trespassing", without having first obtained permission from the Board, the Executive Director or his authorized representative, or the person in lawful possession of any such area.

ITEM: 720

RULE: PERSON PROHIBITED FROM CERTAIN PREMISES

No person who is under the influence or apparently under the influence of any intoxicant shall enter or be on Marine Oil Terminals or other premises where flammable or combustible liquid cargo is present, and it shall be unlawful for any person on any such terminals or premises to conduct himself in a disorderly manner. The Executive Director, Port Security or Authorized Agent can refuse entry to or cause entry to be refused to, and to remove from or cause to be removed from Marine Oil terminals or other premises where flammable or combustible liquid cargo is present, any person who in his opinion is disorderly or is under or apparently under the influence of intoxicants or drugs.

ITEM: 722

RULE: PEDDLING PROHIBITED

No person shall peddle and sell any goods, wares or merchandise upon the wharves, roadways or other lands under the jurisdiction of the Board without first having obtained

RULE 34-G: SECTION 7 - GENERAL RULES AND REGULATIONS (Continued)

a permit so to do from the Executive Director.

ITEM: 724

RULE: DAMAGE TO PROPERTY

No person shall willfully, maliciously or carelessly destroy, damage, disturb or deface any property in the Port of Long Beach.

(a) Every person and every vessel responsible for any damage to any municipal property of any kind or character shall be held liable for and charged with the cost and expense of the replacement or repair of the property so damaged or destroyed.

(b) In the event any damage is done to any municipal wharf, wharf premise, facility or other property, the person or persons causing, responsible for, or in any way connected with such damage, and the person or persons to whom the wharf, wharf premise, facility or other property may be assigned, or by whom it is being used, and the master, owner, operator, or agent of any vessel, vehicle, or other instrumentality involved in such damage, shall promptly give a full report thereof to the Executive Director or Wharfinger, giving the date and hour the damage occurred, the names and addresses, or, if unknown, a description of witnesses and other persons, vessels or instrumentalities involved in the damage, as well as all other pertinent facts and information that may be available. No person shall refuse, neglect or fail to make or give any such report in the form and manner aforesaid, and, in addition to the general penalties prescribed herein, any such person who so refuses, neglects or fails, may be refused the use of any wharf or other facility until the Board has been fully reimbursed for any such damage.

ITEM: 726

RULE: RIGHT OF INSPECTION

Every member of the Board, the Executive Director, and his duly authorized agents, are hereby authorized and empowered to enter and inspect any vessel to ascertain the kind, quantity, stowage, and character of merchandise or cargo thereon, or her condition in any respect; and are also authorized and empowered to enter and inspect any wharf, warehouse or other industry or establishment situated in the Port of Long Beach under the jurisdiction of the Board, for the purpose of carrying out the powers and duties

RULE 34-G: SECTION 7 - GENERAL RULES AND REGULATIONS (Continued)

imposed upon the Board by the Charter of the City of Long Beach or otherwise by law. No person shall hinder or molest any such officer or agent or refuse to allow him to enter such vessel or other premises for any of the purposes herein specified.

ITEM 727

RULE: FEDERAL MARITIME TRANSPORTATION SECURITY ACT OF 2002 ("MTSA") - MTSA REGULATIONS

Every Operator of a facility on Port-owned or controlled land for which a facility security plan or an amended facility security plan is required by the MTSA or the MTSA Regulations, shall prepare such a plan or amendment and obtain all necessary approvals in a timely manner and submit a copy of the plan or amendment to the Director of Security. For these purposes, "Operator" shall include all assignees, tenants, permittees, contractors and any person operating on Port facilities.

Each Operator and each person entering upon or using any Port facility shall comply with all provisions of MTSA, the MTSA Regulations, and the facility security plan.

ITEM: 728

RULE: WHARVES AND WHARF PREMISES IN DANGEROUS CONDITION

Whenever any wharf, wharf premise, property or any portion thereof located in the Port of Long Beach is in such defective or damaged condition as to be unsafe or dangerous to persons or property on or near same, it shall be the duty of the owner, agent or person in charge thereof to immediately advise the Executive Director or his authorized agent of said damaged or dangerous condition. No person shall interfere with, remove, or disturb in any manner any warnings, fences, or other barriers which have been erected or set in place as protection or warnings against a dangerous condition.

ITEM: 730

RULE: WEIGHT ON WHARVES

No loading exceeding eight hundred (800) pounds per square foot, or the equivalent, shall be allowed or permitted on any wharf. No motor vehicular loading shall exceed the HS20-44 Highway Loading (the HS20 indicating a maximum of twenty (20) tons for the gross weight of the tractor truck

RULE 34-G: SECTION 7 - GENERAL RULES AND REGULATIONS (Continued)

and a maximum of thirty-two thousand (32,000) pounds per axle of the semitrailer) as defined in the Standard Specification for Highway Bridges of the American Association of State Highway and Transportation Officials, Twelfth Edition. No railway loading shall exceed Cooper E40 loading or twenty (20) tons per axle. Loading exceeding those specified above may be admitted to or taken over a wharf with permission of the Executive Director upon compliance with such conditions as he may impose.

ITEM: 732

RULE: VEHICLES - APPLICATION THEREOF

(a) Operation of - It shall be unlawful for any person to drive, operate, stand or park, or to cause or permit to be driven, operated, stood or parked, any motor or other vehicle onto or upon any wharf or landing in the Port of Long Beach except for the purpose of loading or discharging freight and passengers, or while actually engaged in the performance of necessary duties which require the presence of such vehicles on said wharf or landing. It shall be the duty of such operator to immediately remove such vehicle from such wharf or landing upon the completion of the transaction of his necessary business thereon.

(b) Speed of vehicles - Any person operating or driving a motor vehicle or other vehicle upon any wharf or wharf premise or within any transit shed, warehouse, marine terminal area, or in any other area where merchandise is actually being handled, shall operate or drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and use of the wharf, wharf premise, transit shed, warehouse, marine terminal area or merchandise-handling area. No person shall operate or drive a motor vehicle or any other vehicle upon such wharf, wharf premise, transit shed, warehouse, marine terminal area, or merchandise-handling area at such a rate of speed or in any manner so as to endanger the life, limb or property of any person, or to operate or drive any motor vehicle or any other vehicle on any such wharf, wharf premise, transit shed, warehouse, marine terminal area or merchandise-handling area at a greater rate of speed than ten (10) miles per hour, unless otherwise posted.

(c) Vehicles for hire - No person shall operate any passenger-carrying motor vehicle for hire upon any of the wharves, lands or roadways under the jurisdiction

RULE 34-G: SECTION 7 - GENERAL RULES AND REGULATIONS (Continued)

of the Board without first having obtained a permit so to do from the Executive Director. Passenger-carrying vehicles operated over streets within the Harbor District between fixed termini as common carriers for hire shall not be included under this part (c).

(d) Trailers/campers - No person shall park any trailer coach or any other vehicle adapted for human habitation or occupancy on any wharf, wharf premises or other areas under the jurisdiction of the Board between the hours of 12 midnight and 5:00 a.m. without first securing an assignment or other permission to do so from the Executive Director.

(e) Vehicles stored on wharves - It shall be unlawful for any motor vehicle to be stored on any wharf unless such vehicle shall first have been drained of all gasoline or other liquid petroleum products, except at such places as the Executive Director may designate therefor.

The Executive Director may remove any vehicle left upon any wharf or landing in violation of this rule, and store same wholly at the expense of the owner thereof. Any person violating this item shall, in addition to the penalties prescribed herein, be refused further access to any wharf or landing without first obtaining special permission from the Executive Director.

The Executive Director may grant special permission for any person to drive, operate, stand, or park any motor vehicle onto or upon any wharf or landing in the Port of Long Beach for other purposes.

(f) Illegally parked vehicles - It shall be unlawful for any person to park, abandon, store or cause to be parked, abandoned or stored any vehicle, tractor, trailer, chassis or other object in areas within the Harbor District designated by the Executive Director as restricted parking areas. The Executive Director shall place and maintain or cause to be placed and maintained signs giving notice of the restrictions on parking, storage or abandonment of vehicles, tractors, trailers, chassis or other objects.

ITEM: 734

RULE: FISHING

No person shall fish from the land within the Port of Long Beach except within the designated areas where signs

RULE 34-G: SECTION 7 - GENERAL RULES AND REGULATIONS (Continued)

permitting fishing are posted.

ITEM: 736

RULE: DIVING AND RELATED ACTIVITIES

(a) No person shall underwater dive, engage or participate in underwater diving or in any other underwater activity in the Port of Long Beach without having in his possession a written permit from the Executive Director authorizing such diving or underwater activity.

(b) No person shall underwater dive or participate or engage in underwater diving or in any other underwater activity in the Port of Long Beach unless there is an assistant present who shall be on the surface of the water close over the person engaging in diving or other underwater activity and able to make a conspicuous display of the prescribed signals for diving.

(c) No person, while underwater diving or participating or engaging in underwater diving or in any other under water activity, shall examine the hull or ground tackle of, or to attach anything to, or molest in any manner whatsoever, any vessel, or to examine or molest any premises or property in the Port of Long Beach, without first having obtained written permission so to do from the lawful owner or operator of such vessel, premises or property.

(d) The fees for the permit required by this item shall be $25.00 for the first year, payable in advance, and $10.00 for each yearly renewal thereafter, payable in advance; provided, that the fee for a permit issued to any person who holds a similar written permit issued by any Port or Harbor in the State of California, which is under the jurisdiction and control of the State, a municipality or a port district and which has promulgated rules and regulations regulating diving and authorizing the issuance of permits therefor, shall be $10.00 for the first year, payable in advance; provided, further, that no fee shall be collected for a permit issued to any authorized employee of any state, or a municipality or of any political subdivision, department or agency thereof; and provided, further, that no permit shall be required for any employee of the United States when engaged in diving in the performance of his duties as such employee.

(e) The permit required by this item may contain such

RULE 34-G: SECTION 7 - GENERAL RULES AND REGULATIONS (Continued)

conditions and restrictions as the Executive Director in his discretion may determine reasonably necessary to preserve or minimize the danger to life, limb or property. Failure to comply with any of the provisions contained herein or in such permit shall ipso facto terminate any of the privileges granted by said permit and said permit shall thereafter be null and void.

ITEM: 737

RULE: AIRCRAFT LANDING AND TAKEOFF

(a) No person shall land or take off in any aircraft, (including helicopters, seaplanes, and ultralight vehicles) nor land or takeoff any model aircraft or civil unmanned aircraft system ("UAS"), as those terms are defined in Public Law 112-95, Sections 331 (9) and 336, and 14 CFR Part 107, in the Harbor District (including water areas) without having obtained a permit to do so from the Director of Security Services Division. Failure to comply with all terms and conditions set forth in a permit issued pursuant to this subsection (a) shall be considered a violation of the permit and the permit shall be considered immediately revoked. Continuing to operate an aircraft, model aircraft or UAS after a permit issued under this subsection (a) has been revoked shall be a violation of this subsection.

(b) No person shall operate a model aircraft or civil UAS in the Harbor District in a careless or reckless manner so as to (1) endanger the life or property of another or (2) allow an object to be dropped from a small unmanned aircraft in a manner that creates an undue hazard to persons or property.

ITEM: 738

RULE: SMOKING AND FIRE PRODUCING ELEMENTS

No person shall smoke, possess or discard any burning cigarette, cigar or other smoking apparatus, or light any match or other spark, flame or fire producing implement upon or in any wharf, shed or wharf premise in the Port of Long Beach, except in such areas as may be authorized and posted as smoking areas by the Executive Director, and approved by the Fire Department of the City of Long Beach.

For the purpose of this item, all violations of regulations concerning fire, smoking, safety codes and prohibitions relative to explosives, dangerous cargos and/or flammable materials shall be considered enforceable under this item,

RULE 34-G: SECTION 7 - GENERAL RULES AND REGULATIONS (Continued)

and all rules and regulations as set forth by the fire codes and safety regulations of the city of Long Beach, State and Federal authorities shall apply,

ITEM: 740

RULE: FIRE FIGHTING APPARATUS

No person shall obstruct or interfere with the free and easy access, or shall use, remove or in any manner disturb any fire extinguisher, fire hose, fire hydrant, or any part of the fire sprinkler system, or any other fire fighting appliance or apparatus installed in or upon any wharf, warehouse or other building, structure or premises under the jurisdiction of the Board, except for the prevention of fire or for making necessary repairs or tests.

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FOR ITEMS 742 TO END, SEE RULES 34-G1 AND 34-G2

RULE 34-G1: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED)

Effective: 20Mar2012 Thru: Expires: Publish 20Mar2012 Amend: C

ITEM: 742

RULE: FIRE SIGNAL ON BOARD VESSELS NOT UNDER WAY

No master of any vessel or other person having responsible charge of such vessel at the time, shall fail to sound, or cause to be sounded, five (5) prolonged blasts of the vessel's whistle or siren in the event of the occurrence of a fire on board such vessel. The words "prolonged blast" shall, for the purpose of this item, mean a blast of from four (4) to six (6) seconds' duration. Such signal may be repeated at appropriate intervals. The giving of such signal shall mean that a fire has broken out on board such vessel or at the dock to which such vessel is moored. Such signal shall not be deemed to be a substitute for other means of reporting a fire aboard such vessel. Such signal shall not be used for any other than the indicated purpose. The provisions of this item shall not apply to a vessel under way.

ITEM: 744

RULE: DANGEROUS AND HAZARDOUS MATERIALS

For purposes of definition and identification, the following materials as listed in Class 1 through 9 of The International Maritime Dangerous Goods Code shall apply.

(a) Explosives, gases, compressed, liquefied or dissolved under pressure, inflammable liquids, inflammable solids, inflammable solids or substances liable to spontaneous combustion, inflammable or substances which in contact with water emit inflammable gases, oxidizing substances, organic peroxides, poisonous (toxic) substances, infectious substances, radioactive substances, corrosives, and miscellaneous dangerous substances, that are of such a dangerous character that provisions of chapter 9 of said code apply.

(b) Including empty drums, tanks, barrels or other container used in the transport of items listed in (a) above.

It shall be unlawful for any substance, or otherwise dangerous or hazardous material listed in (a) or (b) above to be handled, stored or moved over any wharf or wharf premise without first obtaining permission from the Executive Director or his authorized agent.

RULE 34-G1: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

Upon obtaining authorization, the handling of any and all material covered above shall be in accordance with standards, safety precautions and all other regulations set forth in The International Maritime Dangerous Goods Code of IMCO (Inter-Governmental Maritime Consulting Organization), the U.S. Coast Guard Chemical Hazardous Response Information System (CHRIS), the National Fire Protection Association (NFPA 70414), the Port of Long Beach Risk Management Plan and the City of Long Beach Fire and Hazardous Material Codes.

Failure to strictly observe and comply with any rule or regulation pertaining to the above will be considered a violation of this item.

ITEM: 746

RULE: VESSELS USED IN THE TRANSPORTATION OF DANGEROUS AND HAZARDOUS MATERIALS

It shall be unlawful for any vessel, owner, master, agent or authorized representative to fail to advise or inform the Executive Director or his authorized representative prior to vessel's arrival in the Port of Long Beach, when said vessel is carrying on board or planning to discharge dangerous or hazardous materials as may be listed in Item 744 (a).

ITEM: 748

RULE: DISCHARGE OF BALLAST WATER

No ballast water shall be discharged from a vessel within the Harbor District unless the discharge complies with all applicable federal, state, and local statutes, rules, and regulations, including Title 2, Division 3, Chapter 1 (California State Lands Commission) of the California Code of Regulations and 33 CFR Part 151, as they may be supplemented and amended from time to time ("Ballast Water Regulations"). Refer to the Port of Long Beach's Vessel Discharge Rules and Regulations guidance manual for more information.

The owner, operator, manager, agent, master, and responsible officer of the vessel; and the terminal operator, lessor, and assignee ("the Responsible Parties") shall all be jointly, severally, and strictly liable for any damage to persons, property, or the environment caused directly or indirectly by the discharge of ballast water not in compliance with Ballast Water Regulations, and all costs of cleanup and remediation imposed by any agency with jurisdiction. In addition, the Responsible Parties shall

RULE 34-G1: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

indemnify, hold, protect, save harmless, and defend the City of Long Beach, its Board, officers, agents, and employees from any and all claims, liens, liability, loss or damage, including legal fees and expenses, which in any way may arise from or out of any violation of this item.

The Responsible Parties shall immediately provide written notice to the applicable authorities of any violation of the Ballast Water Regulations, with a copy to the Port of Long Beach Tenant Services Section.

If the Responsible Parties do not provide prompt and complete cleanup and remediation, the Executive Director may contract for the cleanup and remediation and invoice the Responsible Parties for the cost, including interest at the maximum rate allowed by law from the date of the discharge, which shall be immediately due and payable.

ITEM: 750

RULE: DISCHARGING BILGE AND REFUSE PROHIBITED

No person shall pump, discharge or deposit, or cause, allow, arrange, or permit to be pumped, discharged or deposited, or to allow to pass or escape into the waters of the Harbor District or upon any property under the jurisdiction of the Board any treated or untreated bilge water or refuse from any source whatsoever, including any vessel, whether overboard, or under water, or in any manner whatsoever.

The owner, operator, manager, agent, master, and responsible officer of the vessel, and the terminal operator, lessor and assignee of the premises ("the Responsible Parties"), shall all be jointly, severally and strictly liable for any damage to persons, property, or the environment caused directly or indirectly by the discharge of bilge water or refuse, and all costs of cleanup and remediation imposed by any agency with jurisdiction. In addition, the Responsible Parties shall indemnify, hold, protect, save harmless and defend the City of Long Beach, its Board, officers, agents, and employees from any and all claims, liens, liability, loss or damage, including legal fees and expenses, which in any way may arise from or out of violation of this item. The Responsible Parties shall immediately provide written notice to the applicable authorities of any discharge of bilge water or refuse, with a copy to the Port of Long Beach Tenant Services Section.

If the Responsible Parties do not provide prompt and complete cleanup and remediation, the Executive Director may contract for the cleanup and remediation and invoice

RULE 34-G1: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

the Responsible Parties for the cost, including interest at the maximum rate allowed by law from the date of the discharge, which shall be immediately due and payable.

EXCEPTION: Disposal of garbage or refuse by arrangement with a licensed solid waste contractor in compliance with California law shall not constitute a violation of this item.

ITEM: 751

RULE: ON-WATER VESSEL MAINTENANCE

Any owner, operator, manager, agent, master, or responsible officer of a vessel wishing to conduct on-water vessel maintenance activities, including hull maintenance, cleaning, and painting, must obtain prior written approval from the Port of Long Beach Tenant Services Section. Any in-water vessel maintenance, cleaning, or painting shall be done only in strict compliance with Best Management Practices (BMPs), the requirements of the Vessel General Permit issued by the United States Environmental Protection Agency, the California State Lands Commission Marine Invasive Species Program and any other relevant federal, state, and local regulations designed to prevent discharges to the Harbor from such activities. Refer to the Port of Long Beach's Vessel Discharge Rules and Regulations guidance manual for more information. Spray-based painting equipment and pressure washing and sand-blasting are not permitted on vessels that are in the water.

The owner, operator, manager, agent, master, and responsible officer of the vessel, and the terminal operator, lessor and assignee of the premises ("the Responsible Parties") shall all be jointly, severally and strictly liable for any damage to persons, property, or the environment caused directly or indirectly by on-water vessel maintenance activities, and all costs of cleanup and remediation imposed by any agency with jurisdiction. In addition, the Responsible Parties shall indemnify, hold, protect, save harmless and defend the City of Long Beach, its Board, officers, agents, and employees from any and all claims, liens, liability, loss or damage, including legal fees and expenses, which in any way may arise from or out of violation of this item. If the Responsible Parties do not provide prompt and complete cleanup and remediation, the Executive Director may contract for the cleanup and remediation and invoice the Responsible Parties for the cost, including interest at the maximum rate allowed by law from the date of the discharge, which shall be immediately due and payable.

RULE 34-G1: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

ITEM: 752

RULE: HANDLING PETROLEUM PRODUCTS

No person, vessel or a representative of a vessel shall handle or store petroleum products, including without limitation gasoline, kerosene, crude oil, or bunker fuel, in bulk, cases, drums or otherwise, which will flash below 175 degrees Fahrenheit (closed cup test) on or over the wharves or waters of the Port of Long Beach except under the following conditions:

(a) Any such product may be handled or stored in any quantity at any wharf specifically designated by the Executive Director and subject to the approval of the Fire Chief of the City of Long Beach, provided however that any such product may be handled at any time at a designated marine petroleum transfer facility or at a wharf designated by the Executive Director for that purpose.

(b) Any such product may be handled direct to or from car, truck, tank truck or trailer and vessel upon securing the written permission from the Executive Director or his designee and subject to approval of the Fire Chief of the City of Long Beach.

(c) Any such product may be handled direct to or from lighter or barge to vessel at any wharf in the Port of Long Beach designated by the Executive Director and subject to approval by the Fire Chief of the City of Long Beach.

(d) Any such product may be handled direct to or from lighter or barge and vessel at anchor only in accordance with requirements promulgated by the Executive Director and upon obtaining the written permission of the Executive Director or his designee in each instance.

The handling and/or storage of any product excepted in (a), (b), (c) or (d) above must be in accordance with all laws, orders, rules and regulations promulgated by governmental agencies having jurisdiction.

ITEM: 754

RULE: DISCHARGING OIL AND HAZARDOUS WASTE PROHIBITED

No person shall pump, discharge or deposit, or cause or permit to be pumped, discharged or deposited, or to pass or to escape in the Harbor District any oil, hydrocarbon

RULE 34-G1: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

substance or other materials or substances defined to be hazardous under international, federal, state or local law, including the Clean Water Act and Division 20, Chapter 6.5 of the California Health and Safety Code, as they may be supplemented and amended from time to time ("Hazardous Waste Regulations").

The owner, operator, manager, agent, master, and responsible officer of the vessel, and the terminal operator, lessor and assignee of the premises ("the Responsible Parties") shall all be jointly, severally and strictly liable for any damage to persons, property, or the environment caused directly or indirectly by any discharge in violation of Hazardous Waste Regulations, and all costs of cleanup and remediation imposed by any agency with jurisdiction. In addition, the Responsible Parties shall indemnify, hold, protect, save harmless and defend the City of Long Beach, its Board, officers, agents, and employees from any and all claims, liens, liability, loss or damage, including legal fees and expenses, which in any way may arise from or out of any violation of this item.

The Responsible Parties shall immediately provide written notice to the applicable authorities of any violations of Hazardous Waste Regulations, with a copy to the Port of Long Beach Tenant Services Section. If the Responsible Parties do not provide prompt and complete cleanup and remediation, the Executive Director may contract for the cleanup and remediation and invoice the Responsible Parties for the cost, including interest at the maximum rate allowed by law from the date of the discharge, which shall be immediately due and payable.

ITEM: 756

RULE: CLOSING SCUPPER PIPERS ON VESSELS

No person shall cause, suffer or permit any vessel to load or discharge bunker fuel, or to otherwise load or discharge any petroleum or petroleum products in bulk unless all scupper pipes leading from the decks of any such vessel are closed up and plugged and made oil tight as to prevent any oil which may be spilled upon the decks of any such vessel from running through the scuppers into the waters of the Port of Long Beach.

ITEM: 757

RULE: ENVIRONMENTAL COMPLIANCE

Any person using the Port of Long Beach by lease, assignment, permit or otherwise shall comply with all

RULE 34-G1: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

international, federal, state, and local environmental rules and regulations ("Environmental Laws"), shall obtain any necessary regulatory agency permits and approvals, shall have procedures in place to comply with those rules, regulations, permits and approvals ("Environmental Permits"), and shall produce the appropriate Environmental Permits promptly upon request by the City.

The owner, operator, manager, agent, master, and responsible officer of the vessel, and the terminal operator, lessor and assignee of the premises ("the Responsible Parties") shall all be jointly, severally and strictly liable for any damage to persons, property, or the environment caused directly or indirectly by any violation of Environmental Laws or Environmental Permits, and all costs of cleanup and remediation imposed by any agency with jurisdiction. In addition, the Responsible Parties shall indemnify, hold, protect, save harmless and defend the City of Long Beach, its Board, officers, agents, and employees from any and all claims, liens, liability, loss or damage, including legal fees and expenses, which in any way may arise from or out of any violation of this item.

ITEM: 758

RULE: VEHICLE AND EQUIPMENT MAINTENANCE

Any person using the Port of Long Beach, by lease, assignment, permit or otherwise shall ensure that no maintenance of vehicles or equipment shall take place outside of areas designated for this purpose and shall conduct all vehicle and equipment maintenance in accordance with the facility's approved Storm Water Pollution Prevention Plan (SWPPP).

The owner, operator, manager, agent, master, and responsible officer of the vessel (vehicle and/or equipment), and the terminal operator, lessor and assignee of the premises ("the Responsible Parties") shall all be jointly, severally and strictly liable for any damage to persons, property, or the environment caused directly or indirectly by any violation of this item. In addition, the Responsible Parties shall indemnify, hold, protect, save harmless and defend the City of Long Beach, its Board, officers, agents, and employees from any and all claims, liens, liability, loss or damage, including legal fees and expenses, which in any way may arise from or out of any violation of this item.

The Responsible Parties shall immediately provide written notice of any violation of this item, with a copy to the Port of Long Beach Tenant Services Section. If the

RULE 34-G1: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

Responsible Parties do not provide prompt and complete cleanup and remediation, the Executive Director may contract for the cleanup and remediation and invoice the Responsible Parties for the cost, including interest at the maximum rate allowed by law from the date of the discharge, which shall be immediately due and payable.

ITEM: 800

RULE: NAVIGATION DEFINITIONS

(a) Inner Harbor - That portion of the Port of Long Beach lying northerly of the center line of Ocean Boulevard and its extension crossing the center line of the Gerald Desmond Bridge.

(b) Middle Harbor: That portion of the Port of Long Beach lying southerly of the southerly boundary of the Inner Harbor and northerly of a line drawn from the Long Beach channel Light No. 9 easterly to Long Beach Channel Light No. 10 then due east to an intersection with the southeasterly edge of Pier F Avenue, then northeasterly along that edge of Pier F Avenue to its 90 degrees bend northerly, then due east along a line intersecting the southerly line of Harbor Plaza and along the southerly and easterly line of Harbor Plaza to its end at its intersection with the southerly end of Queensway Drive.

(c) Southeast Basin: The southeasterly portion of the Port of Long Beach enclosed by Piers F and J.

(d) Outer Harbor: That portion of the Port of Long Beach not included in Inner Harbor, Middle Harbor and Southeast Basin as defined above.

(e) West Basin: That portion of Middle Harbor westward of a line drawn from the southeast corner of Pier T to the Long Beach Channel Light No. 9.

(f) East Basin: That portion of the Middle Harbor eastward of a line drawn from the southwest corner of Pier D to Long Beach Channel Light No. 10.

(g) Channel Areas: Those portions of the Middle and Inner Harbors not included in East and West Basins.

(h) Long Beach Channel: The channel extending northwestward from the entrance between the Middle and Long Beach Breakwaters.

(i) Harbor Restricted Area: That portion of the Port of

RULE 34-G1: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

Long Beach included within the area bounded by the arc of a circle seven hundred (700) yards in radius, the center being a point midway between the Long Beach Channel Light No. 9 and Long Beach Channel Light No. 10, drawn from the Mole northward and eastward to an intersection with Pier F, and by the area included within a line extending from Long Beach Channel Light No. 10 southeasterly along the southwesterly border of Pier F and the prolongation thereof for a distance of two thousand (2,000) yards from Long Beach Channel Light No. 10, thence southwesterly to the westerly boundary of the Long Beach Channel, thence northwesterly along the westerly boundary of the Long Beach Channel to the Long Beach Channel Light No. 9.

(j) Restricted Anchorage Area: That portion of the Long Beach Harbor district beginning at the southeastern point of Pier J at latitude 33 degrees 44' 18.6" N, longitude 118 degrees 11' 06.7" W, thence north-northeasterly to latitude 33 degrees 45' 11.8" N, longitude 118 degrees 10' 52.5" W, thence northwesterly to the southernmost bulkhead of the Queensway bridge at latitude 33 degrees 45' 31.1" N, longitude 118 degrees 11' 57.3" W, and continuing across the mouth of the Los Angeles River to the Long Beach Harbor District boundary north of the Golden Shore small boat launching basin (as defined in Section 16.12.060 of the Long Beach Municipal Code) and including all waters within the Los Angeles Flood Control District Channel to the head of navigation.

(k) Outbound: Movement in a direction as if leaving the Port of Long Beach for the open sea.

(l) Inbound: Movement in a direction as if entering the Port of Long Beach from the open sea.

(m) Bunched: Vessels being towed, secured one to the other, close up.

(n) Made-up: The towing vessel secured alongside the "bunched vessels, barges, etc."

ITEM: 802

RULE: NAVIGATION REGULATIONS

No Master or any person having charge of any vessel shall navigate such vessel within the Harbor Restricted Area, as defined in this Item, except in accordance with the following regulations:

RULE 34-G1: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

(a) Outbound vessels shall have priority over inbound vessels.

(b) Vessels proceeding from Southeast Basin through Middle Harbor, to East, West Basins or Inner Harbor, shall navigate on that side of fairway which lies on their starboard (right) hand, passing Mid-channel Buoy "A" on port (left) hand.

(c) Outbound vessels from the West Basin, upon entering the Harbor Restricted Area, shall navigate on that side of the fairway which lies on their starboard (right) hand.

(d) Outbound vessels from the Inner Harbor and East Basin shall enter the Harbor Restricted Area westward of lighted Buoy "B" and navigate on that side of the fairway which lies on their starboard (right) hand.

(e) Outbound vessels approaching the Harbor Restricted Area, shall sound a long blast prior to passing Mid-channel Buoy "B".

(f) Inbound vessels, upon entering the Harbor Restricted Area, shall navigate on that side of Long Beach Channel which lies on their starboard (right) hand.

(g) Inbound vessels approaching the Harbor Restricted Area from the westward shall enter said restricted area so as to pass Mid-channel Buoy "A" on their port (left) hand.

(h) Inbound vessels approaching the Harbor Restricted Area shall sound a long blast prior to passing Mid-channel Buoy "A".

(i) A lighted whistle buoy (sea buoy) outside the Queens Gate entrance should be passed by all vessels on their port (left hand).

ITEM: 804

RULE: NAVIGATION REGULATIONS - PRECAUTIONS

(a) Nothing in these regulations shall exonerate any vessel or the owners, Master or crew thereof from the consequences of any neglect to carry lights or signals, or of any neglect or omission to keep a proper look-out, or of neglect or omission of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

(b) All vessels, outbound and inbound, are advised to

RULE 34-G1: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

exercise extreme caution when passing the entrance to Southeast Basin, as vessels departing from Southeast Basin may experience difficulty in stopping or maneuvering before reaching Long Beach Channel. (See paragraph (c) below.)

(c) In complying with and construing these regulations, due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from the above regulations necessary in order to avoid immediate danger.

ITEM: 806

RULE: NAVIGATION REGULATIONS - TOWS

Tows shall observe the following additional regulations:

(a) Outbound tows over sixty-five (65) feet in length shall be bunched and made-up until clear of the Harbor Restricted Area.

(b) Inbound tows over sixty-five (65) feet in length shall be bunched and made-up before entering the Harbor Restricted Area.

It shall be unlawful for any person operating any tow-boat or vessel of any kind to tow vessels, boats, barges, scows, logs, piles, timber, refuse of any kind or any other article whatsoever within the limits of the Port of Long Beach with a tow line out from the towing vessel longer than is necessary.

ITEM: 808

RULE: ANCHORAGE GROUNDS, MOORING FACILITIES

(a) It shall be unlawful for any person to anchor, moor or make fast to any structure or device any vessel within the navigable waters of the Port of Long Beach.

EXCEPTION 1: Vessels moored, anchored or made fast in the Restricted Anchorage Area, as defined in Item 800(j), with the written permission of the Executive Director.

EXCEPTION 2: Vessels moored, anchored or made fast in the designated anchorage areas within Port of Long Beach easterly of the Restricted Anchorage Area as defined in Item 800(j), and in the designated anchorage areas within the Outer Harbor but within the

RULE 34-G1: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

Port of Long Beach as authorized by and in accordance with rules and regulations promulgated by the U.S. Coast Guard.

(b) Any vessel moored, anchored or otherwise made fast within the Port of Long Beach without authorization shall be subject to removal without liability to the Board or any officer or employee of the City. The vessel, its owners, charterers and agents shall pay to the board all costs incurred in removing, keeping and storing any such vessel.

ITEM: 810

RULE: SPEED OF VESSELS

(a) It shall be unlawful for any person to navigate any vessel within any portion of the navigable waters of the Harbor District at a speed greater than six (6) nautical miles per hour or minimum engine speed necessary to maintain steerageway (dead slow) which ever is greater.

EXCEPTION 1: Vessels drawing more than five feet of water may navigate at a speed not greater than ten nautical miles per hour in that portion of the Outer Harbor not included in the Harbor Restricted Area, as defined in Item 800(i).

EXCEPTION 2: Vessels drawing less than five feet of water may navigate at a speed not greater than fifteen nautical miles per hour in that portion of the Outer Harbor not included in the Harbor Restricted Area, as defined in Item 800(i).

EXCEPTION 3: Such water areas as may be designated from time to time by the Executive Director to be used for recreational boating purposes within which no vessel may exceed a speed of 35 miles per hour, or in the case of a written special event permit, such speed or speeds as may be approved by the Executive Director.

EXECUTIVE 4: Within those water areas of the mouth and channel of the Los Angeles River bounded on the north by the northern boundary of the Harbor District and on the south by a line extending from the stern of the Queen Mary at Latitude 33 degrees 45' 9.8" North

RULE 34-G1: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

and Longitude 118 degrees 11' 12.3" West to the east marker light on Island Grissom at Latitude 33 degrees 45' 32.9" North and Longitude 118 degrees 10' 45.5" West, no person shall operate any vessel in excess of five miles per hour except pursuant to a written special event permit issued by the Executive Director or his designee.

(b) Notwithstanding any rule or regulation contained herein with respect to speed of vessels, it shall be unlawful for any person to operate any vessel in a reckless or negligent manner, or in any manner so as to endanger any other vessel, mooring facility, or the life, limb or property of any person.

ITEM: 812

RULE: NIGHT LIGHTS

(a) No person shall fail, refuse or neglect to conform to the rules and regulations of the applicable Local, State and Federal authority regarding lights in inland waters.

(b) No person shall fail, neglect or refuse, during the night time between sunset and sunrise to adequately light and keep lighted and properly watched all gangways, manropes, and such other appliances erected for the purpose of allowing access to such vessel from the shore.

(c) No person shall display or cause to be displayed, running lights upon any vessel, boat barge, or other watercraft lying at a wharf between sunset and sunrise.

(d) No person shall fail, refuse or neglect to adequately light all openings in the ship's side, all hoisting gear and cargo handling conveyance that may be in actual use during the night time between sundown and sunrise, or to fail, neglect or refuse to close all openings in the ship's side, or uprig all hoisting gear and cargo handling conveyance during the night time unless actually in use.

ITEM: 814

RULE: OBSTRUCTIONS TO NAVIGATION, REMOVAL OF

No person shall tie up or anchor any vessel in any navigable channel within the Port of Long Beach in such manner as to prevent or obstruct the navigation or passage

RULE 34-G1: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

of other vessels; or to voluntarily, carelessly or maliciously sink, or permit to be sunk, any vessel or any obstruction in the navigable waters of the Port of Long Beach; or to float, or permit to be floated, loose timbers, logs, piles, or any other object in the aforesaid navigable waters in such manner as to obstruct, impede or endanger navigation. Whenever a vessel is disabled, wrecked, or dead in the water, whether accidentally or otherwise, it shall be the duty of the owner or person in charge of said vessel to commence the immediate removal of same. Failure to do so shall be considered abandonment of such vessel and the vessel shall be subject to removal by the Executive Director, without liability for any damage, cost or otherwise. Any provision of Item 816 shall also apply.

RULE 34-G2: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED)

Effective: 01Nov2017 Thru: Expires: Publish 16Oct2017 Amend: C

ITEM: 816

RULE: SUNKEN OBJECTS, REMOVAL OF

Whenever the navigation of any of the navigable waters within the Port of Long Beach shall be obstructed or endangered by any sunken vessel or other obstruction or object, and such obstruction has existed for a longer period than thirty (30) days, or whenever the abandonment of such obstruction can be legally established in a less space of time, the sunken vessel or other obstruction or object shall be subject to be broken up, removed, sold or otherwise disposed of by the Executive Director, in his discretion, without liability for any damage to the owner of same. Under emergency, in the case of any vessel or other obstruction or object sinking or grounding, or being in danger of sinking or grounding, or being unnecessarily delayed in any of the navigable waters of the Port of Long Beach, the Executive Director, at his discretion, shall have the right to take immediate possession of such vessel or other obstruction, so far as to remove or destroy it and clear the navigable waters obstructed by said vessel or object. Whenever a vessel is wrecked accidentally or otherwise, it shall be the duty of the owner or person in charge of such sunken vessel or object to immediately mark it with a buoy or beacon during the day and a lighted lantern at night, and to maintain such marks until the sunken vessel or object is removed or abandoned. Neglect or failure of said owner or person in charge so to do shall be unlawful. It shall be the duty of the owner or person in charge of such sunken vessel or other object to commence the immediate removal of the same. Failure to do so shall be considered as an abandonment of such vessel or object, and shall subject same to removal by the Executive Director. It is further provided that the expense of removing any such obstruction as aforesaid shall be a charge against such vessel and cargo, or object. Upon thirty (30) days notification, the Executive Director may sell the vessel or cargo, or object, or any part thereof that may not have been destroyed in removal, and the proceeds of such sale shall be paid into the Harbor Revenue Fund of the City of Long Beach.

ITEM: 818

RULE: VESSELS MUST NOT TURN IN MAIN CHANNEL

No master or any person having charge of any vessel shall turn the vessel completely around, or cause or permit the

RULE 34-G2: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

vessel to be turned completely around, in the Main Channel of the Inner Harbor except in that portion thereof designated as the Turning Basin.

ITEM: 820

RULE: CHANGE OF LOCATION OF VESSELS

Every vessel, boat, barge, or other watercraft must, at all times, have on board a person in charge with authority to take action in any actual emergency as may be necessary in order to facilitate navigation or commerce or for the protection of other vessels or property. The Executive Director is hereby authorized and directed to order and enforce the removal or change of location of any vessel, boat, barge, or other watercraft, at its own expense, to such place as the Executive Director may direct, for the purpose of facilitating navigation or commerce or for the protection of other vessels or property, and it shall be unlawful for the master, owner, or agent of such vessel to fail, neglect or refuse to obey any such order of said Executive Director. Upon the failure or refusal of the person in charge of such vessel to move or change the position thereof as directed, the Executive Director is hereby authorized to board such vessel with such assistance as may be necessary, and to move or change the location thereof at the expense of such vessel.

ITEM: 824

RULE: LINES ACROSS SLIPS

No person shall pass any line across any channel or slip so as to obstruct the passage of vessels, boats, barges or other watercraft along or through the same, without first obtaining permission from the Executive Director.

ITEM: 826

RULE: VESSELS EXTENDING BEYOND PIER OR OCCUPYING OUTSIDE BERTH

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

RULE 34-G2: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

ITEM: 828

RULE: DOLPHINS OR WHARVES IN TURNING

No person shall break, warp around, turn or swing any vessel, boat, barge or other watercraft by using any dolphin at the outer end of any public wharf or by placing the stem of such vessel against such wharf for the purpose of so turning.

ITEM: 830

RULE: LIFE PRESERVERS

It shall be the duty of every owner, agent, lessee or operator of any wharf in the Port of Long Beach to furnish and keep in place on such wharf suitable ring life preservers with ropes or lines attached thereto at least two hundred feet in length. Such life preservers shall be kept in suitable boxes, properly labeled, in such places on said wharf as the Executive Director shall direct, and shall at all times during the day and night be conveniently accessible for the purpose of rescuing persons from drowning. No person shall molest, interfere with, break, take away, or destroy any such box or life preserver contained therein, except for the purpose of saving life.

ITEM: 832

RULE: RECREATIONAL WATER ACTIVITY PROHIBITED

No person shall swim, dive, waterski, jet ski, sail board or engage in any other recreational water contact activity in the water area of the channel of the Los Angeles River bounded on the north by the northerly limit of the Harbor District and on the south by the Ocean Boulevard Bridge.

NOTE: Items 840 through 850 are not enforceable by the Federal Maritime Commission with whom this tariff is filed.

ITEM: 840

RULE: DEFINITIONS

(a) COVERED VESSEL (ACTIVE USER) MANDATORY FULL PARTICIPATION shall mean the following:

1. Every power driven vessel of 40 meters (approximately

RULE 34-G2: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

131 feet) or more in length, while navigating.

2. Every towing vessel of 8 meters (approximately 26 feet) or more in length, while navigating.

3. Towing vessel, as used in this article, means any commercial vessel engaged in towing another vessel astern, or along side, or by pushing it ahead.

4. Every vessel issued a certificate to carry 50 or more passengers for hire, when engaged in trade, regardless of length of vessel, or whether under sail or power driven.

(b) MANDATORY PASSIVE PARTICIPATION (PASSIVE USER) shall mean the following:

1. Every power driven vessel of at least 20 meters, but less than 40 meters (approximately 65 feet to less than 131 feet) in length.

2. Every vessel of 100 gross tons or more carrying one or more passengers for hire.

3. Every dredge or floating plant.

(c) NON-PARTICIPATING VESSELS shall mean:

1. A vessel which does not fall into the ACTIVE or PASSIVE USER categories, such vessels are not required by law to participate with the VTS.

2. Non-Participating Vessels must observe and obey all International rules of the Road, with special emphasis on Rule 9 and Rule 10.

3. Non-Participating Vessels are encouraged to be 'voluntary passive users', and observe VTS measures (advice/information given by the VTS to all waterborne craft in the VTS Area of Responsibility).

4. Non-Participating Vessels must comply with all other measures of safe navigation and prudent seamanship while operating in the VTS Area of Responsibility (AOR).

5. Non-Participating Vessels may contact the VTS on VHF-FM Channel 14 to obtain information, see assistance, or report emergencies.

6. Non-Participating Vessels are encouraged to monitor VHF-FM Channel 14 at all times while operating in the VTS Area of Responsibility (AOR), whereby they may keep track of activities and movements of all participating vessels.

RULE 34-G2: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

7. Non-Participating Vessels which are small or are recreational waterborne craft are encouraged to utilize a radar reflector when operating in the VTS Area of Responsibility (AOR).

(d) VESSEL TRAFFIC SERVICE (VTS) shall mean:

The Vessel Traffic Service administered by the Marine Exchange of Los Angeles - Long Beach Harbor, Inc. is authorized by California State law and in partnership with the United States Coast Guard, and is synonymous with Vessel Traffic Service (VTS) as found in other maritime ports world-wide.

(e) VTS AREA OF RESPONSIBILITY (AOR) shall mean:

The VTS Area of Responsibility (AOR), as authorized by California State Law, and endorsed by the U.S. Coast Guard, will include the waters of San Pedro Bay, San Pedro Channel, and Santa Monica Bay (outside the Federal Breakwaters) that are encompassed by the arc of a circle having its center at Point Fermin Light, with a radius of 25 nautical miles, drawn from a position on the shore in the vicinity of Abalone Point to the south (33 degrees - 33.8'N, 117 degrees - 49.5'W), clockwise to a position on the shore in the vicinity of Malibu Point to the north (34 degrees - 02.5'N, 118 degrees - 35.3'W).

ITEM: 842

RULE: VESSEL TRAFFIC SERVICE (VTS)

(a) The Marine Exchange of Los Angeles/Long Beach Harbor, Inc., has been authorized by the State of California to provide a 'Vessel Traffic Service' (VTS) with oversight by the Los Angeles/Long Beach Harbor Safety Committee; and in partnership with the United States Coast Guard (USCG); under the full authority of, and subject to, all the provisions of California Government Code Section 8670.21; and the Harbors and Navigation Code, Division 3, Chapter 1, Article 4; and Title 14, California Government Code of Regulations, Sections 852.20-852.30. It is mandatory for all covered vessels, and mandatory passive users, (See Item 840), to participate in the VTS.

(b) Every covered vessel subject to Mandatory Full Participation (ACTIVE USER) (see Item 840) shall report to the Vessel Traffic Service as follows:

RULE 34-G2: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

(1) Designated VTS Radio Frequency (VHF-FM Channel 14) must be monitored by covered vessels and are required to make reports to the VTS (see ITEM 842), and comply with the general VTS operating rules as outlined in the VTS User's Manual.

(2) Arriving vessels upon entering the 25 mile outer limit (from Point Fermin) must call the VTS on VHF-FM 'SAN PEDRO TRAFFIC' and provide their vessel name and call sign; their position, course and speed; their vessel's destination; their estimated time of arrival at the Long Beach Sea Buoy; and any impairments to the operation and/or navigation of their vessel.

(3) Arriving vessels upon entering the Precautionary Area call 'SAN PEDRO TRAFFIC' on VHF-FM Channel 14 confirming the master of the vessel is on the bridge and at the conn; the vessel is moving at a speed 12 knots or below and the vessel is in hand steering.

(4) Departing vessels are required to call 'SAN PEDRO TRAFFIC' on VHF-FM Channel 14 approximately 15 minutes prior to passing through the Queen's Gate Breakwater Entrance (performed by the Long Beach Pilots), stating their vessel name and call sign and their destination and direction of transit through the Precautionary Area.

(5) Departing vessels are required to call 'SAN PEDRO TRAFFIC' on VHF-FM Channel 14 when the pilot is away stating their vessel name and call sign and confirm the master is on the bridge and at the conn; vessel is in hand steering; the speed of the vessel is at 12 knots or less and acknowledge VTS Traffic reports.

(6) Departing vessels from anchorages outside the breakwater are required to call 'SAN PEDRO TRAFFIC' on VHF-FM Channel 14 fifteen minutes prior to leaving anchor, announcing intentions to get underway, the vessels next port of call and the intended transit course through the VTS Area.

(7) Departing vessels from anchorages outside the breakwater are required to call 'SAN PEDRO TRAFFIC' on VHF-FM Channel 14 again when anchor is aweigh, confirming the master is on the bridge and at the conn; the vessel will maintain a speed of 12 knots or less while transiting the Precautionary Area and the vessel is in hand steering.

(8) Departing vessels from anchorages outside the breakwater are required to make a call to 'SAN PEDRO TRAFFIC' on VHF-FM Channel 14 when exiting the Precautionary Area and state an estimated time of arrival

RULE 34-G2: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

at the Outer Limit.

(9) Departing vessels from anchorages outside the breakwater required to make a final call to 'San Pedro Traffic' on VHF-FM Channel 14 reporting their vessel has passed through the 25 mile Outer Limit radius, as measured from the Port Fermin.

(c) Every vessel subject to Mandatory Passive Participation (PASSIVE USER) shall monitor designated VTS Radio Frequency (VHF-FM Channel 14) and are required to respond to the VTS if hailed, and comply with general VTS operating rules as outlined in the VTS User's Manual.

ITEM: 844

RULE: VTS USER FEE AUTHORIZATION

(a) Under the Provisions of the State of California Habors and Navigation Code, Section 446.5, the Port of Long Beach will impose User Fees upon all arriving covered vessels see Item 840(a)) transiting the VTS AOR, for the purpose of anchoring or berthing at the Port of Long Beach, including anchorages outside the federal breakwater. As mandated by California State law, these User Fees will pay the cost of operating the Vessel Traffic Service for the Ports of Long Beach and Los Angeles to facilitate safe, reliable, and efficient marine transportation, while protecting the environment.

ITEM: 846

RULE: VTS SERVCE FEE INVOICING AND PAYMENT PROCEDURES

(a) All Vessel Traffic Service User Fee rates named in this tariff (see Item 848)shall be assessed against all arriving convered vessels (ACTIVE USERS) (see ITEMS 840(a)) subject to the payment of the VTS User Fees named in Item 848. User Fees shall be paid by the vessel so assessed through its master, owner, agent, charters or other person duly authorized to do so upon each arrival to the Port of Long Beach. In addition, any person responsible under this Item, or pursuant to a contract, the vessel, its owners and charterers, are jointly and severally responsible for payment of all VTS User Fees and each agrees to guarantee such payment.

(b) The Vessel Traffic Service User Fees under this section shall be invoiced by, and will be paid to, the Marine Exchange of Los Angeles - Long Beach Harbor, Inc., P.O. Box

RULE 34-G2: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

1949, San Pedro, CA 90733-1949. Telephone: (310) 519-3128; Fax: (310) 241-0300.

(c) Non-payment or delinquent invoices may be subject to a late payment charge consisting of one thirtieth of two percent of the invoice amount remaining unpaid each day.

(d) Penalty charges prescribed in other items of this tariff are separate and distinct from the delinquent payment charge assesseable under this item.

ITEM: 848

RULE: VESSEL TRAFFIC SERVICE USER FEES

A. VTS User Fees shall be based on the actual Length Over All (LOA) of each arriving covered vessel (Active User - see Item 840 a) in meters as follows:

EACH VESSEL OVER	BUT NOT OVER	FEE
0 Meters	150 Meters	$236.00
150 Meters	190 Meters	$260.00
190 Meters	230 Meters	$302.00
230 Meters	270 Meters	$352.00
270 Meters	310 Meters	$396.00
310 Meters	340 Meters	$445.00
340 Meters		$500.00

B. In addition to the above LOA VTS User Fees, each arriving covered vessel will be assessed $0.0032 per gross registered ton (GRT) as recorded by Lloyd's.

C. EXCEPTIONS:

1. Tugs with Commercial Tows - Every arriving power driven vessels of eight meters (approximately 26 feet) or longer engaged in towing astern, alongside or pushing ahead another vessel or vessels shall be assessed a VTS User Fee of $215.00 there is no VTS User Fee for the towed vessel or vessels.

2. Passenger Ferries (**) and tugs with commercial tows engaged in trade between LA/LB Harbor and Santa Catalina Island - During the months of June, July, and August, all such vessels shall be assessed a monthly VTS User Fee of $355.00 for each vessel in operation, regardless of total trips made. For the rest of the year, the rate shall be $175.00 per month per vessel in operation, regardless of total trips made.

RULE 34-G2: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

(**) NOTE: Covered vessels in this category include all vessels certified to carry fifty or more passengers for hire regardless of LOA or gross tonnage; and any vessel (sail or power drive) 100 gross tons and over, carrying one or more passengers for hire.

3. Tugs with commercial tows; dredges and derrick barges; vessels engaged in offshore oil well maintenance and supply services; and other vessels engaged in "port construction projects" between points on the California coast from Pt. Dume to the north to Dana Pt. to the south (and including Santa Catalina Island), or a designated dumping area for dredging spoils - All such vessels shall be assessed a monthly VTS User Fee of $355.00 for each vessel in operation, regardless of total trips made in and out of LA/LB Harbor. Provided, however, that if such a vessel makes only one trip in any given month, then that vessel shall be assessed the basic $215.00 VTS User Fee for a standard "tug with commercial tow".

4. Commercial rescue/emergency assist vessels - All such vessels, when towing stranded or disable recreational boats, (or other small craft in distress) shall be assessed a monthly VTS User Fee of $30.00 for each vessel engaged in such service.

5. "Whale Watching" and commercial sport fishing vessels - Any vessel certified to carry fifty or more passengers, and dedicated to whale watching; and/or commercial sport fishing, shall be assessed a monthly VTS User Fee of $59.00 for each vessel engaged in such service.

6. Innocent Passage - Any covered vessel that passes through the VTS "Area of Responsibility" (see Item 840 e), and does not make any official arrival at either the Port of Los Angeles or Port of Long Beach (for the purpose of occupying a berth or anchorage), shall be considered to have made an "Innocent Passage" and shall not be subject to any VTS User Fee.

ITEM: 850

RULE: ADDITIONAL PROCEDURES FOR COVERED VESSELS (ACTIVE USERS) (see Item 840 (a)) (NOT ENGAGING A PORT PILOT)

(a) All covered vessels (ACTIVE USERS) entering Long Beach Harbor from sea and not engaging a pilot shall report to the Long Beach pilot station, on its normal working radio frequency, prior to entering the waters of the Harbor District. The report shall be made no more than 15 minutes before the vessel enters the breakwater and shall include

RULE 34-G2: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

the following information:

1. Vessel name,
2. Call sign, and
3. Destination and estimated time of arrival (ETA) at the entrance to the breakwater.

After reporting, the covered vessel shall maintain a continuous radio listening watch on the normal working radio frequency of the Long Beach pilot station until the vessel is berthed or anchored.

(b) All covered vessels (ACTIVE USERS) leaving the Long Beach District for sea and not engaging a pilot shall report to the Long Beach pilot station, on its normal working radio frequency, prior to any vessel movement. The report shall be made no more than 15 minutes before leaving berth or anchorage and shall include the following information:

1. Vessel name,
2. Location, and
3. Destination.

After reporting, the vessel shall maintain a continuous radio listening watch on the normal working radio frequency of the Long Beach pilot station until the vessel exits the breakwater.

(c) All covered vessels (ACTIVE USERS) moving between two points within the Long Beach Harbor District and not engaging a pilot shall report to the Long Beach pilot station, on its normal working radio frequency, prior to any vessel movement. The report shall be made no more than 15 minutes before leaving berth or anchorage and shall include the following information:

1. Vessel name,
2. Location, and
3. Destination.

After reporting, the vessel shall maintain a continuous radio listening watch on the normal working radio frequency of the Long Beach pilot station until the vessel is berthed or anchored after the movement.

(d) All covered vessels (ACTIVE USERS) moving from Long Beach Harbor to Los Angeles Harbor and not engaging a pilot shall report to the Long Beach pilot station, or its normal working radio frequency, prior to any vessel movement. The report shall be made no more than 15 minutes before leaving berth or anchorage and shall include the following

RULE 34-G2: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

information:

1. Vessel name,
2. Location,
3. Destination, and
4. Planned route.

After commencing movement, but prior to entering the waters of Los Angeles Harbor, the vessel shall report items one through four, listed above, to Los Angeles pilot station on its normal working radio frequency.

(e) Conversely, when a covered vessel (ACTIVE USER) is en route from Los Angeles Harbor to Long Beach Harbor, it shall report items one through four, listed above, to the Long Beach pilot station on its normal working radio frequency. The report shall be made prior to the vessel entering the water of Long Beach Harbor.

Covered vessels (ACTIVE USERS) moving between Los Angeles and Long Beach Harbors shall maintain a continuous radio listening watch on the normal working radio frequency of the Long Beach pilot station, while traversing the waters of Long Beach Harbor.

ITEM: 900

RULE: U.S. GOVERNMENT CARGOS

With the exception of wharfage and dockage, cargos for the account of the United States of America or its individual agencies will be subject to contract rates, rules and regulations quoted by the Executive Director.

ITEM: 902

RULE: ENFORCEMENT OF RULES AND REGULATIONS

Excepting in those cases where the duty is specifically imposed upon some other officer or employee of the City of Long Beach, it shall be the duty of the Executive Director to enforce these rules and regulations. The Manager of the City's Marine Bureau is authorized to enforce Items 808, 810, and 832 of this Tariff No. 4.

ITEM: 904

RULE: MISDEMEANORS

RULE 34-G2: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

(a) No person shall fail or refuse or neglect to comply with the rules and regulations prescribed by this Tariff No. 4, and every person violating any of the provisions of the rules and regulations as set forth in sub-paragraph (b) of this Item 904 shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $500.00, or by imprisonment not exceeding six (6) months or by both such fine and imprisonment, and each such person shall be deemed guilty of a separate offense for each day during any portion of which any such violation is committed, continued or permitted by such person.

(b) The provisions of Paragraph (a) shall be applicable to the following Items in this Tariff No. 4: 306, 530, 651, 660, 673, 679, 706, 708, 716, 718, 720, 724, 726, 727, 728, 737(b), 740, 742, 744, 746, 752, 754, 756, 802, 806, 808, 812, 814, 816, 818, 820, 824, 828, and 830.

ITEM: 906

RULE: PENALTIES - INFRACTIONS

(a) No person shall fail or refuse or neglect to comply with rules and regulations prescribed by this Tariff No. 4, and every person violating rules and regulations set forth in sub-paragraph (b) of this Item 906 shall be guilty of an infraction, which shall be punishable as follows: Upon a first conviction, by a fine not exceeding $150.00, and for a second conviction or any subsequent conviction within a period of one (1) year by a fine not exceeding $250.00. Each such person shall be charged with a separate offense for each day during any portion of which any such violation is committed, continued or permitted by such person.

(b) The provisions of Paragraph (a) shall be applicable to the following Items in this Tariff No. 4: 722, 734, 736, 737(a), 738, 750, 751, 810, 822, and 832.

(c) Notwithstanding anything to the contrary, where any person shall be charged and convicted of the same or similar violation within a period of one year, the City Prosecutor may, at their discretion, prosecute the third or subsequent violations as a misdemeanor which shall be punishable as a misdemeanor as set forth in Item 904.

ITEM: 908

RULE: PENALTIES - INFRACTIONS

RULE 34-G2: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

(a) No person shall fail or refuse or neglect to comply with rules and regulations prescribed by this Tariff No. 4, and every person violating rules and regulations set forth in sub-paragraph (b) of this Item 908 shall be guilty of an infraction, which shall be punishable as follows: Upon a first conviction, by a fine not exceeding $50.00, and for a second conviction within a period of one (1) year by a fine not exceeding $100.00, and for a third conviction within a period of one (1) year by a fine not exceeding $250.00. Each such person shall be charged with a separate offense for each day during any portion of which any such violation is committed, continued or permitted by such person.

(b) The provisions of Paragraph (a) shall be applicable to the following Items in Tariff No. 4: 657 and 732.

(c) Notwithstanding anything to the contrary, where any person shall be charged and convicted of the same or similar violations on three (3) occasions within a period of one (1) year, the City Prosecutor may, at his discretion, prosecute the fourth or subsequent violation as a misdemeanor which shall be punishable as a misdemeanor as set forth in Item 904.

ITEM: 910

RULE: CIVIL ACTION

The amount of pilotage, dockage, wharfage, demurrage or any other charge assessed under this Tariff No. 4 shall be deemed a debt due to the Board, and each and every person so obligated under this Tariff shall be liable therefore in an action brought in the name of the City in any court of competent jurisdiction, together with reasonable legal fees, costs and expenses incurred in connection therewith. If the Board incurs any cost resulting from, or in connection with, any conduct prohibited under this Tariff No. 4, such cost shall be deemed a debt due to the Board, and each and every person so obligated under this Tariff shall be liable therefor in an action brought in the name of the City in any court of competent jurisdiction, together with reasonable legal fees, costs and expenses incurred in connection therewith.

Any civil action or cost incurred pursuant to this Item No. 910 shall be in addition to any payments made under the penalty items of this Tariff No. 4.

RULE 34-G2: SECTION 7 - GENERAL RULES AND REGULATIONS (CONTINUED) (Continued)

ITEM: 912

RULE: INTERPRETATION

If any article, section, subsection, sentence, clause or phrase of this Tariff No. 4, or the application thereof to any person or circumstance, be held to be invalid for any reason, such invalidity shall not affect the validity of any other provision or application of this Tariff which can be given effect without the invalid provision or application; and to this end the Board hereby declares that the provisions of this Tariff are severable and that it would have passed this Tariff and each and every article, section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more other articles, sections, subsections, sentences, clauses or phrases, or the application of any thereof to any person or circumstance be declared invalid.

ITEM: 914

RULE: LIMITATION OF LIABILITY

No provision contained in this tariff shall limit or relieve the City of Long Beach or the Board from liability for their negligence nor require anyone to indemnify the City of Long Beach, the Board or their officers and employees from liability for their own negligence.

NOTE: ITEMS 816-899 TRANSFERRED FROM RULE 34-G1 WITHOUT CHANGE TO PROVIDE FOR TARIFF PAGINATION

NOTE: ITEMS 900-914 TRANSFERRED FROM RULE 34-G WITHOUT CHANGE TO PROVIDE FOR TARIFF PAGINATION

RULE 34-J: SECTION 10 - CLEAN AIR ACTION PLAN

Effective: 15Jun2018 Thru: Expires: Publish 14Jun2018 Amend: C

ITEM: 1000

TERM: Drayage Trucks - Definitions

For purposes of Section 10, the following definitions shall apply:

"ARB" or "CARB" means the California Air Resources Board.

"Alternative Drayage Truck" means a Drayage Truck with a heavy-duty engine that is designed to operate on liquefied or compressed natural gas, electricity or hybrid technology that meets or exceeds 2007 model year California or federal heavy-duty Diesel-Fueled On-Road emission standards. This includes heavy-duty pilot ignition engines where diesel fuel is used for pilot ignition at an average ratio of no more than one part diesel fuel to ten parts total fuel on any energy equivalent basis. An engine that can operate or idle solely on diesel fuel at any time does not meet this definition.

"Authorized Emergency Vehicle" is as defined in Vehicle Code Section 165.

"CARB Diesel Fuel" is Diesel Fuel certified by ARB as meeting the fuel specification standards set forth at Title 13, California Code of Regulations (CCR) Section 2280 et seq.

"CARB Drayage Truck Rule" is the regulation published by ARB for in-use On-Road Diesel-Fueled heavy-duty Drayage Trucks at ports and intermodal rail yard facilities in California Code of Regulations (CCR) Section 2027.

"CARB Truck and Bus Rule" is the regulation published by ARB entitled "Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles" in California Code of Regulations (CCR) Section 2025.

"Compliance Label" is a tag issued by ARB under the Drayage Truck Registry for Drayage Trucks operated at the ports and intermodal rail yards that meet ARB requirements and compliance schedules.

"Day Pass" means a right of access granted by the Port of Long Beach to a Licensed Motor Carrier for a limited period to allow Drayage Truck access on Port Property on terms and conditions specified by the Port.

RULE 34-J: SECTION 10 - CLEAN AIR ACTION PLAN (Continued)

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

"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 carbon and hydrogen - that is sold or represented by the supplier as suitable for use in an internal combustion, compression-ignition engine.

"Diesel-Fueled" means a compression-ignition engine fueled by diesel fuel, CARB diesel fuel, or alternative diesel fuel in whole or part.

"Diesel Particulate Matter" or "PM" means the particles emitted in the exhaust of Diesel-Fueled compression-ignition engines.

"Drayage Truck" means any in-use On-Road Vehicle with a Gross Vehicle Weight Rating greater than 14,000 pounds operating on property owned by the Port of Long Beach for the purpose of loading, unloading or transporting cargo, including containerized, bulk, break-bulk, neo-bulk goods, empty containers and chassis. Drayage Truck does not include Dedicated Use Vehicles, Authorized Emergency Vehicles, Military Tactical Support Vehicles, Yard Trucks, or trucks delivering goods manufactured on Port Property.

"Gross Vehicle Weight Rating" is defined in Vehicle Code Section 350.

"Licensed Motor Carrier" means a motor carrier in good standing and in compliance with the requirements of a valid: (1) California Motor Carrier Permit issued by the California Department of Motor Vehicles under the California Vehicle Code; (2) equivalent permit or license issued by another state; or (3) Federal Motor Carrier License (USDOT Number) and Operating Authority (MC or MX Number).

"Military Tactical Support Vehicles" is as defined in Title 13, CCR, Section 1905.

"On-Road" means a vehicle that is designed to be driven on public highways and roadways and that is registered or is capable of being registered by the California Department of Motor Vehicles (DMV) under Vehicle Code Sections 4000 et seq., or DMV's equivalent in another state, province, or country, or the International Registration Plan.

RULE 34-J: SECTION 10 - CLEAN AIR ACTION PLAN (Continued)

"Optical Character Recognition" or "OCR" is a system designed to read and digitize existing On-Road vehicle identifiers, such as state license plates, which will enable the Terminal Operator to access the Drayage Truck's records in the PDTR.

"Oxides of nitrogen" or "NOx" means compounds of nitrogen and oxygen, including nitric oxide and nitrogen dioxide.

"Ports" means all waterfront property owned by the Ports of Los Angeles and Long Beach and the Terminal Island Container Transfer Facility.

"Ports Drayage Truck Registry" or "PDTR" is a database that contains information on trucks that conduct business on Port Property at the Ports of Los Angeles and Long Beach, including:
Owner's name, address, phone numbers, e-mail address, and fax number; Dispatching Licensed Motor Carrier(s); Registration Agreement number(s),or Day Pass number(s); Drayage Truck and engine make, model, model year, and fuel source; Vehicle Identification Number (VIN), license number and state of issuance; VDECS equipment.

"Port Property" means all property owned by the Port of Long Beach within the Harbor District of Long Beach.

"Registration Agreement" means a written agreement between The Port of Long Beach and a Licensed Motor Carrier to allow drayage service on Port Property.

"Terminal" is any facility on Port Property used for the transfer of cargo from one mode to another, including container terminals, break-bulk terminals, dry bulk terminals and railyards.

"Terminal Operator" is the entity with contractual authority from the Port of Long Beach to operate a Terminal.

"Radio Frequency Identification Device" or "RFID" is an electronic device with a unique identification number, installed on a Drayage Truck which will enable the Terminal Operator to access the Drayage Truck's records in the PDTR.

"Vehicle" is as defined in Vehicle Code Section 670.

"Verified Diesel Emission Control Strategy" or "VDECS" is an emission control strategy that has been verified pursuant to the "Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to

RULE 34-J: SECTION 10 - CLEAN AIR ACTION PLAN (Continued)

Control Emissions from Diesel Engines" in Title 13, California Code of Regulations, commencing with Section 2700, and incorporated by this reference.

"Yard Truck" means an off-road mobile utility vehicle used to carry cargo containers with or without chassis; also known as utility tractor rig (UTR), yard tractor, yard goat, yard hostler, or prime mover.

"2007 Drayage Truck" is a Drayage Truck that is equipped with an engine that meets or exceeds 2007 model year California or federal heavy-duty Diesel-Fueled On-Road emission standards.

ITEM: 1005

TERM: Gate Access Controls

All Terminal Operators shall have appropriate means, approved by the Port, of accessing the Ports' Drayage Truck Registry for the purposes of obtaining relevant information to confirm Drayage Trucks' compliance with Terminal access requirements under this Section 10. Acceptable means include RFID or OCR readers at all truck processing gates or have obtained written consent from the Executive Director of the Port of Long Beach to use an alternative means of determining compliance with Section 10 of Tariff No. 4, before allowing Drayage Truck access to the Terminal.

ITEM: 1020

TERM: Drayage Truck Access

No Terminal Operator shall permit access into any Terminal in the Port of Long Beach to (1) any Drayage Truck that is not a 2007 Drayage Truck, Alternative Drayage Truck, or a Legacy LNG Truck, or (2) any Drayage Truck that cannot be verified as compliant with this Item 1020 deadline by reference to the Drayage Truck's records in the PDTR, as set forth in Item 1005.

ITEM: 1025

TERM: Drayage Truck Registry

1. Drayage Trucks seeking entry upon Port Property shall have been registered in the PDTR prior to the time of entry. Registration in the PDTR shall be in electronic format and with supporting documentation as may be required by the Port to provide required information in verifiable form.

RULE 34-J: SECTION 10 - CLEAN AIR ACTION PLAN (Continued)

2. In the event of a change in the information provided for registration in the PDTR with respect to a Drayage Truck, the registration shall be amended within ten calendar days of the change in electronic format and with supporting documentation as may be required by the Port of Long Beach.

ITEM: 1040

TERM: Registration Agreements and Day Passes

No Terminal Operator shall permit access into any Terminal in the Port of Long Beach to any Drayage Truck unless such Drayage Truck is registered in the PDTR under a Registration Agreement, or a Day Pass. Copies of the Port of Long Beach Registration Agreement, and Day Pass Terms and Conditions are posted on the Port website at www.polb.com.

The application fee for a Registration Agreement shall be $250, and the annual fee shall be $100 per Drayage Truck (collectively "Registration Fees"). The fee for a Day Pass shall be $30 per Day Pass plus the cost of an RFID or other required identification device ("Day Pass Fee"). Registration Fees and Day Pass Fees shall be paid by the Licensed Motor Carrier applying for or holding the Registration Agreement or Day Pass.

ITEM: 1041

TERM: CARB - Drayage Truck Registry

Terminal Operators and Licensed Motor Carriers shall comply with (i) the requirements of the CARB Drayage Truck Regulation:
http://www.arb.ca.gov/msprog/onroad/porttruck/porttruck.htm
(ii) the CARB Truck and Bus Rule:
http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm

Marine Terminal Operators shall provide to the Port on a monthly basis, information reasonably requested by the Port regarding Drayage Truck access to their marine terminals to confirm compliance with the access requirements of this Tariff.

ITEM: 1050
TERM: Ocean Going Vessel Fuel - Definitions
All provisions of this item have expired.

ITEM: 1055

RULE 34-J: SECTION 10 - CLEAN AIR ACTION PLAN (Continued)

TERM: Ocean Going Vessel Fuel Use
All provisions of this item have expired.

ITEM: 1060

TERM: Green Ship Incentive Program

For purposes of Item 1060 the following definitions shall apply:

"EIAPP (Engine International Air Pollution Prevention) Certificate" is the internationally accepted documentation that a specific engine meets the international NOx emission limits for diesel engines set out in MARPOL Annex VI.

"IAPP (International Air Pollution Prevention) Certificate" is the valid vessel certificate required under MARPOL Annex VI that links a specific vessel to an EIAPP certificate.

"International Maritime Organization" or "IMO" is the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine pollution by ships.

"MARPOL" is the International Convention for the Prevention of Pollution from Ships.

"Program Period" means July 1, 2013 through June 30, 2019.

"Tier II" means the NOx IMO emission standard of 14.4 g NOx/kW-hr required for marine diesel engines installed on or after January 1, 2011.

"Tier III" means the emission standard of 3.4 g NOx/kW]hr required for marine diesel engines installed on or after January 1, 2016 that are used on ships operating in IMO Emission Control Areas (ECA), including the North American ECA covering the Port of Long Beach.

"Vessel" has the same meaning as Vessel in Item 262 (Vessel Speed Reduction).

"Vessel Call" or "Call" means each docking in the Port of Long Beach, separated by a voyage, which generates wharfage or dockage revenue to the Port of Long Beach.

"Vessel Operator" has the same meaning as Vessel Operator in Item 262 (Vessel Speed Reduction).

Vessel Operators may apply for incentive payments during

RULE 34-J: SECTION 10 - CLEAN AIR ACTION PLAN (Continued)

the Program Period as follows:

1. Each documented Call of a Vessel with a main engine that meets IMO Tier II standard for NOx is eligible for a $2,500 incentive payment; or,

2. Each documented Call of a Vessel with a main engine that meets IMO Tier III standard for NOx is eligible for a $6,000 incentive payment.

The Port shall determine whether an engine is Tier II or Tier III based on one of the following conditions:

1. A Vessel with a keel-laid date of 2011 or later shall be presumed to meet the Tier II standard and a Vessel with a keel-laid date of 2016 or later shall be presumed to meet the Tier III standard, provided the keel-laid date is verified by Lloyd' s Registry.

2. The Vessel Operator has provided the Port with a valid EIAPP and IAPP Certificate, or other adequate documentation, showing that the Vessel has a NOx emission rate at or below 14.4 g Nox/kW-hr for Tier II equivalency and at or below 3.4 g NOx/kW-hr for Tier III equivalency.

The Executive Director has exclusive discretion to determine the adequacy of documentation and the incentive amounts payable pursuant to Item 1060.

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