

PUBLIC NOTICE

State of Rhode Island and Providence Plantations Quonset Development Corporation

Public Notice of Proposed Rule-Making Quonset Development Corporation and Port of Davisville

Pursuant to the provisions of §42-64-7(16) of the Rhode Island General Laws (R.I.G.L.) and in accordance with the Administrative Procedures Act (R.I.G.L. §42-35-1), the Quonset Development Corporation hereby gives notice of its intent to expire old regulations and adopt new rules and regulations for the use of the Port of Davisville.

The purpose of expiring the 2014 Terminal Schedule No. 017 is to make administrative changes and to update rates, rules, and regulations governing the Port of Davisville. In addition, the Corporation intends to create two separate documents; The Terminal Tariff Schedule outlining fees and rates of the Port of Davisville, and The Rules and Regulations outlining the rules and regulations relating to the use of the Port of Davisville.

In the development of the proposed repeal and subsequent new rules, consideration was given to 1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information. Additionally, the Corporation hired outside marine consultants to evaluate and model the Port of Davisville's tariff and rules to other Foreign Trade Zone ports to provide the most comprehensive and valuable tool in managing this asset to the citizens of Rhode Island.

The proposed regulation and concise summary of revisions are available for public inspection at www.quonset.com and www.portofdavisville.com, in person at Quonset Development Corporation, 95 Cripe Street, North Kingstown, RI 02852 or by emailing ematthews@quonset.com or by calling Evan Matthews at 401-295-0044, extension 237.

All interested parties are invited to submit written or oral comments concerning the proposed regulations by May 25, 2015 (30 days from the day of posting) to:

Quonset Development Corporation
95 Cripe Street
North Kingstown, RI 02852
401-295-0044

A public hearing to consider the proposed amendment will be held if requested by twenty-five (25) persons, or by a governmental subdivision or agency, or by an association having not less than twenty-five (25) members pursuant to R.I.G.L. § 42-35-3(2) at which time and place all persons interested therein will be heard. The room is accessible to the disabled, and interpreter services for the hearing impaired will be provided if requested 48 hours prior to the hearing. Requests for this service can be made in writing or by calling 401-295-0044.

**SUMMARY OF PROPOSED MAJOR REVISIONS
TO QUONSET DEVELOPMENT CORPORATIONS
RULES & REGULATIONS FOR USE OF THE PORT OF DAVISVILLE**

The current Terminal Schedule No. 017 will be replaced with 2 new documents: Port Rules and Regulations and Tariff Fee Schedule in order to streamline the documents, make administrative changes, and to update the rates, rules, and regulations regarding the Port of Davisville.

In accordance with the Administrative Procedures Act, Section 42-35-3(a)(1) of the General Laws of Rhode Island, following is a concise summary of proposed non-technical amendments:

1. The Terminal Schedule No. 017 will be replaced with 2 new documents: Port Rules and Regulations and Tariff Fee Schedule or Terminal Tariff Schedule. This summary will outline the major changes specific to the Rules and Regulations of the Port of Davisville.
2. For the purpose of this document, the Port of Davisville and Davisville Port Authority are trade names used by the Quonset Development Corporation (QDC) and shall refer to the QDC for business and legal matters.
3. Introduces www.portofdavisville.com and port@portofdavisville.com as main portals of communication with the Port and QDC for port users.
4. New Section 16.2 (Permit for Vessel Maintenance) – The Corporation will now require a permit to be used by QDC on all hot work and other maintenance on vessels at QDC berths, including interior work. No contractor shall be granted access to the Port until a valid maintenance permit has been issued for the associated work.
5. New Section 19.5 (Safety) – The QDC reserves the right to shut down crane operations and associated cargo handling for any safety violations or if conditions are deemed unsafe.

Date of Notice: 03/25/15

Date of Hearing or End of Comment Period: 05/25/2015

NOTIFICATION FORM

Name of Department or Agency here:

**SMALL BUSINESS REGULATORY IMPACT AND
REGULATORY FLEXIBILITY ANALYSIS**

(R.I.G.L. § 42-35.1-4)

Title of Administrative Rule or Regulation: Terminal Tariff Schedule

Statutory Authority: (R.I. General Law(s)) RIGL 42-64.10 and Pursuant to Title 46 US Code Section 403.301(b), the United States Federal Maritime Commission requires that all marine terminal operators file a terminal Schedule.

The Regulation: (The purpose for the amendment(s): The objective the Terminal Tariff Schedule is make public the rates and fees associated with use of the Port of Davisville. The objective of the Rules and Regulations for the Use of the Port of Davisville is to make public the Rules and Regulations for the use of the Port of Davisville terminals.

Expected Small Business Impact: The Port of Davisville, in general, does not deal with small business and after full consideration does not feel that a business analysis is applicable.

Regulatory Flexibility Analysis: _____

Rules and Regulations for the Use of the Port of Davisville, Rhode Island, USA Marine Terminals and Associated Facilities

Managed by the Quonset Development Corporation, Port of Davisville



Issued by:
Port of Davisville
2574 Davisville Road, North Kingstown, RI 02852 USA
(401) 294-2639

As authorized under

PORT OF DAVISVILLE TERMINAL TARIFF - xx/01/15

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Effective: XXX 1, 2015

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SECTION 1 - Scope

The Port of Davisville is operated by the Quonset Development Corporation (QDC), a quasi-public corporation of the State of Rhode Island. The intent of these rules and regulations is to specify a protocol for roles, responsibilities and communication between all stakeholders requiring access to the Port of Davisville. These rules and regulations will assist to promote accountability and to provide a good working relationship among authorized parties using or accessing the marine terminals and related properties. For the purposes of this document (Rules and Regulations), the Port of Davisville and Davisville Port Authority are trade names used by the Quonset Development Corporation (QDC) and shall refer to the QDC for business and legal matters.

SECTION 2 - Compliance with Government Regulations

The objective of these rules and regulations governing safety, security and other general operating procedures is due in part to comply with federal, state and municipal regulations. These regulations are in addition to those provisions contained in the current Terminal Tariff Schedule and other operating policies of the QDC. The following Government Regulations apply in the Port of Davisville and its associated properties:

1. MTSA Applicable - The Maritime Transportation Security Act (33 CFR Parts 101, 102, 103, ET AL) applies to the Port of Davisville. Those vessels subject to the Act are required to interface with the QDC. This port is a border entry point, and all persons, effects and vehicles are subject to search under Federal Statue 19 US Code Section 482. The Port of Davisville is a Foreign Trade Zone and all persons, goods, and conveyances are subject to search by US Customs & Border Protection Officers. The Maritime Transportation Security Act (33 CFR part 105) applies to the Port of Davisville. Except as otherwise provided herein, the rules, regulations, rates and charges in this schedule will apply on all cargo delivered to or discharged from vessels at the Port of Davisville. The QDC operates the terminal under a Facility Security Plan approved by the U.S. Coast Guard.
2. FTZ Regulations -The Port of Davisville is a Foreign Trade Zone (#105) and all persons, goods and conveyances are subject to search by U.S. Customs & Border Protection Officers.
3. All such federal, state and municipal regulations as applicable.

SECTION 3 - Contact Information

Port of Davisville - (401) 294-2639 or port@portofdavisville.com

SECTION 4 - Applicability

1. Property - These rules and regulations are applicable to all piers, wharfs, sheds, yards, buildings, trackage, roadways, and all properties, managed or operated by the QDC at the Port of Davisville.

2. Vessels - These Rules and Regulations apply to all vessels, agents, owners, masters, crews, operators, truckers, rail personnel, contractors, suppliers and all other users of the Port of Davisville.
3. Parties – These rules are applicable to and include natural persons, artificial persons, corporations, partnerships, organizations, associations, sovereigns, governments, nations, states, municipalities; their agents and instruments.

SECTION 5 - Business Hours, Observed Holidays

1. Business Hours - The hours of business are between 0700 and 1530, exclusive of Saturdays, Sundays and holidays. Services performed during non-business hours shall be subject to special agreement with the QDC.
2. Observed Holidays - The QDC observes the following holidays:

New Year's Day (January 1)*
Dr. Martin Luther King, Jr. Day (third Monday in January)
Memorial Day (last Monday in May)
Independence Day (July 4)*
Victory Day (second Monday in August)
Labor Day (first Monday in September)
Columbus Day (second Monday in October)
Veteran's Day (November 11)*
Thanksgiving (fourth Thursday in November)
Day after Thanksgiving (fourth Friday in November)
Christmas (December 25)*

*unless holiday falls on a weekend, then observed the following Monday

SECTION 6 - Definitions

Whenever used in these rules and regulations, the following terms shall have the following meaning as indicated:

1. Currency - is defined as United States Dollars (\$USD)
2. Manager - shall mean the Terminal Manager or FSO of the QDC Terminal Facility or his/her authorized representative.
3. Port of Davisville and Port - The Port of Davisville or Port shall mean all marine facilities including controlled berths and associated waterways, as well as associated facilities under the control of the Quonset Development Corporation.
4. Solicitation - Written or verbal communication, approaching or initiating a conversation with any person on terminal property, or any person employing or inducing any other person to approach or initiate a conversation with any person on terminal property, other than a person who is engaged in business authorized by the

QDC for the sole purpose to service a vessel and /or the vessel’s cargo or passengers.

5. Terminal - Any facility, leased or managed, by the Quonset Development Corporation at the Port of Davisville Marine Terminal and related facilities used in the transitioning of cargo from land to a waterborne vessel, or from a waterborne vessel to land, or for the storage of cargo handled by the port or marine terminal on its property, wharfs and piers.

SECTION 7- Abbreviations

When used, the following abbreviations shall mean:

\$ or \$USD	U.S. Currency (Dollar)
%	Percent or 1/100 of the whole
FMC	Federal Maritime Commission
FSO	Facility Security Officer
GRT	Gross Registered Ton
LBS	Pounds
LOA	Length Overall
NRT	Net Registered Tonnage
QDC	Quonset Development Corporation

SECTION 8 - Access by Persons

1. Access - Access to QDC terminal property is restricted under the U.S. Marine Transportation Security Act. The marine facilities and associated properties of the QDC are not public thoroughfares. Access to the public is limited unless authorized by the Facility Security Officer (FSO) under the approved Facility Security Plan. Personnel authorized to enter the terminal will be required to meet and verify identification with on-site security.
2. Security Rules - The FSO shall establish rules for terminal access under the QDC Facility Security Plan.
3. Visitors - Family, friends and acquaintances of passengers or crew will not be permitted access to the vessel without the express permission of the FSO.
4. Denial of Access - The QDC reserves the right to revoke or deny access to the Port of Davisville, or any other facility operated by QDC, for any person or company who violates these rules and regulations. Upon refusal to leave QDC property, a person who is denied access may be prosecuted as a trespasser.
5. Contractors - Outside contract personnel who seek access into the restricted area on a regular basis must have a valid Transportation Worker Identification Credential (TWIC). Regular basis is defined by 10 or more admissions per calendar year. If a person has been denied a TWIC card and still seeks admission, he/she will advise the FSO to determine if an exception may be granted to allow entrance (See Employee Certification, Section 12.3)

6. Appeal of Denial of Access - Appeal of the denial of access may be made to the Port Director whose decision shall be final.
7. Passenger and Crew Lists - A copy of the passenger and crew list for every vessel shall be provided by the vessel to the FSO for use by security personnel.

SECTION 9 - Permits and Inspections

1. Pier Loading Permit - All vessels, or their owners or agents, desiring berths must obtain a pier loading permit if deemed required by the QDC. The permit is not valid until it is authorized and executed by the QDC. Procedures for obtaining a Pier Loading Permit are located on the port website, www.portofdavisville.com.
2. Inspection of Vessels and Cargo - The QDC is authorized to enter upon and inspect any vessel and its cargo in berth or at anchor in the harbor, to ascertain the kind and quantity of merchandise of cargo on the vessel, or to identify or address safety issues. No person or persons shall hinder, molest, or refuse entrance upon such vessel for the purpose specified.

SECTION 10 - Solicitation

No person shall engage in solicitation of business or vessel personnel on terminal property, including within the terminal premises.

SECTION 11 - Conduct

1. Responsibility - The QDC reserves the right to hold organizations, businesses, representatives or agents responsible for any violations of these rules and regulations.
2. Cooperation - All authorized representatives or agents of businesses or organizations shall so conduct and carry on their business at the terminal as to maintain a cooperative relationship with others engaged in authorized business at the terminal. Said persons shall not engage in open and public disputes, disagreements, or conflicts tending to deteriorate the quality of service or be incompatible to the best interest of the terminal, the workers at the terminal or the port's customers.
3. Impact on other Personnel - All authorized representatives or agents, businesses or organizations, shall conduct themselves in an orderly and proper manner at all times so as not to annoy, disturb or be offensive to personnel and others at the terminal. Said persons shall not provide misleading information concerning their own service or any other service at the terminal.
4. Inappropriate Language - Inappropriate language (including but not limited to profanities, racial slurs or slants) and gestures will be considered offensive behavior and will be punishable by the banishment of the individual(s) at the sole discretion of the FSO.
5. Review and Appeal - Reviews of conduct violations shall take place within one week of the violation with the Port Director and appropriate labor representative of the party committing the violation to determine future admittance. Repeated

violations will result in the loss of privilege to provide services in any terminal facility. This loss of privilege, and the duration thereof, will be determined by the Port Director whose decision shall be final.

6. Compliance - Anyone violating sections 11.02 through 11.04 may be removed from the pier, by the Pier Master or FSO, or his/her authorized representative, for that day after notification to the appropriate business manager or labor-management representative. Such notification shall include reason or cause.

SECTION 12 - Identification Cards

1. Display of Identification Card - Anyone seeking admission into the Restricted Area of the port (Terminal 1 or Terminal 2) must have a Port of Davisville Identification card (Port ID) with them. A person seeking admission as a Temporary Visitor will be issued a temporary port ID upon producing a government issued, picture-bearing identification. This identification will be retained at the guard station until the temporary identification is returned. This card must be presented to the Security Guard, Pier Master or FSO upon request. A Temporary Visitor must have a TWIC escort with them at all times.
2. The Port of Davisville - requires anyone who is a regular user of the Restricted Area to maintain a TWIC card if they are eligible. A regular user is defined as someone seeking entrance more than 10 times in a calendar year. Exception to this rule may be granted by the Port Manager. Failure to obtain a TWIC by a regular user of the Port of Davisville will result in the denial of admission. A record of dates of Non TWIC admissions is maintained by the Port of Davisville as proof of this claim.
3. Employee Certification - Any business entity that requires its employee(s) or contractor(s) to access the "Restricted Area" of the port (Terminals 1 and 2) must notify the FSO in advance. If the FSO authorizes such business entity to access the Restricted Areas, the entity must have a *manager* sign all employee or contractor's Port ID application to confirm their employment status. These cards are provided without cost and remain the property of the Quonset Development Corporation. Applications for Port IDs are provided by the Port of Davisville Operations office (tel: 401-294-2639) during regular business hours. When an employee or contractor is terminated, the company's *affirming manager* is required to notify the FSO (tel: 401-294-2639) to cancel the card's ACTIVE EMPLOYEE status. Employees possessing a TWIC card must provide it at the time the Port ID is issued. If the employee does not possess a TWIC card, a government identification bearing a picture must be provided (see 12.2 for limits). A copy of this identification will be retained by the Port of Davisville Upon expiration of a TWIC card, the employee must present the new TWIC card for reissuance of an updated Port ID.
4. Port ID's - Port ID's are limited to ONE per person. False claims of loss or theft may result in denial of admission by the FSO.
5. Escort Policy - Anyone seeking access to the "Restricted Area" of the port (Terminals 1 and 2) must have a TWIC card or be accompanied by a TWIC card

holder. This escort status must be acknowledged by the TWIC holder at the point of gate entry where an Escort Record is maintained by the guard.

SECTION 13 –Vehicle Access and Parking Policy

1. Pier Parking Permits - Persons or vehicles entering pier areas must display a pier permit issued by the FSO or his/her designee.
2. Parking Regulations - The designation of parking areas, parking rules and regulations, including parking fees, shall be at the sole determination of the FSO. It shall be unlawful to park vehicles in other than approved parking areas. All persons violating this restriction shall have the vehicles towed away at the sole expense and risk of owner or operator of vehicle.
3. Parking Areas - Parking for badge holders will be in designated areas on QDC property only. Such areas will be determined by the FSO.
4. Vehicle Warning Lights/Alarms - Maintenance or vehicles working on piers or in terminal yards, when moving or stationary in working areas, shall display an operating overhead warning light. All maintenance vehicles shall be equipped with backup alarms.
5. Vehicle Access to Vessel - Access to a berthed vessel by taxi, van, bus or other vehicle shall not be granted by the vessel without permission of the FSO or designee.
6. Searches - All vehicles and persons permitted to travel on piers may be searched by port security personnel prior to being permitted into the terminal.
7. Stores - Vessels or persons receiving stores shall be responsible for delivery inspections at the terminal, or when deliveries are made from outside the terminal to the delivery docks or vessels.
8. Vehicle Escort - Vehicles requiring access to the pier shall be escorted to a point deemed appropriate by the FSO. Such point shall be clear of gangway access, bollards, leads of lines, building doors and pedestrian flow.
9. Licenses - Drivers of vehicles authorized to enter the terminal shall present their photo license, delivery order or manifest, and shall receive a vehicle pass. Drivers shall be instructed as to the terminal's traffic pattern and be monitored when transiting to their delivery or pick up location.
10. Seat Belts - Seat belts will be worn by all personnel on QDC property at all times when vehicles are in motion.
11. Vehicle Access During Cargo Operations - No vehicles will be allowed in cargo handling areas during cargo operations. All vehicles entering QDC restricted areas are subject to screening.

SECTION 14 - Use of Facilities

1. Capacity of Facilities -The QDC does not obligate itself to provide vessel berthing, storage, equipment, labor, or other form of services beyond the reasonable capacity of its facilities.
2. Arrangements for Use of Facilities - When shippers, consignees, rail, motor freight or water carriers intend to conduct business at the Port, arrangements must be made in advance for the handling or storage of cargo or equipment, otherwise the QDC retains the right to decline such business.
3. Consent of Users - The use of the facilities under the jurisdiction of the QDC shall constitute a consent to the terms and conditions of these regulations, as well as an agreement on the part of all vessels, their owners or agents and other users of QDC facilities to pay all charges specified in the port's Tariff schedule and be governed by all rules and regulations of the QDC.
4. MARSEC Information - Vessels will contact Davisville Port Control by VHF Channel 12 (call sign WCR9113) prior to docking for current MARSEC information.
5. Declaration of Security - The Declaration of Security (DoS) as specified under the U.S. Code of Federal Regulations will be signed by the Vessel Security Officer and port's FSO or designee. The vessel will comply with all items listed on the DoS while in port.
6. Notifications - The vessel will notify Davisville Port Control by email to port@portofdavisville.com if any crew or passengers intend to disembark and provide the names of all personnel leaving the ship. The vessel will provide advance notification of any visitors, and stores or goods to be delivered to the vessel while in port. The vessel must notify Davisville Port Control and the U.S. Coast Guard of any maritime incidents while in port.
7. Gangway - The vessel is responsible for posting gangway watch and posting a lookout while in port. The vessel is responsible for checking identification and screening of all personnel, hand carried items, baggage, and stores before boarding the vessel.
8. Assigned Berths - All vessels are required to use the assigned berths; assignments of berth are non-transferable. In the event of failure to use berths as and when assigned, the QDC reserves the right to use such unoccupied berth for other purposes.
9. Movement of Vessels -The QDC may order a vessel to move at the vessel's expense. Any vessel, which is not moved promptly upon notice, may be shifted and any expenses involved including damage to vessel or to QDC property shall be charged to the vessel. Vessels berthing at the terminal shall at all times have on board sufficient personnel to move said vessel.

SECTION 15 - Mooring Alongside

1. Mooring Lines - The vessel is responsible, at all times, for keeping all mooring lines tightly secured. Supplemental mooring lines and/or fenders may be required by the FSO as conditions dictate.
2. Rat Guards - The vessel shall deploy, properly affix and maintain rat guards on all mooring lines after berthing and when alongside piers.
3. Vessels Alongside - The vessel is responsible, at all times, for keeping all mooring lines of nested vessels, tightly secured whenever supply vessels, bunker barges or other vessels are tied up alongside.
4. Winches - The vessel is responsible, at all times, for tending all mooring winches to insure that the vessel is adequately moored alongside the berth. This shall include the frequent inspection of constant tension winches.
5. Tugs - The vessel is responsible, at all times, and for keeping direct communications with tugs attending them while docking or undocking, when moored at terminal piers or in case of emergencies.
6. Adequate Crew Aboard - All vessels berthed at piers controlled by the QDC shall at all times have sufficient crew to comply with orders issued by the QDC and to tend or move the vessel at all times.
7. Weather and Traffic - The vessel shall, at all times, pay strict attention to weather conditions, water levels, currents, condition of mooring or other circumstances while at the terminal. In the event of a deep draft vessel transit, operations as well as access to/from the vessel may be suspended and the gangway removed until any vessel surge has abated.
8. Line Handling - The QDC does not provide line handling services. Services may be contracted through a licensed stevedore or other approved provider.

SECTION 16 - Hot Work and Vessel Maintenance

1. Permit Process - Maintenance permits must be obtained from the QDC for all intended maintenance or hot work who shall review the scope of the work, safety procedures and fire prevention plans. The determination by the QDC to issue or deny a maintenance or hot work permit shall be final. No permit shall be valid until it is signed by the FSO.
2. Permit for Vessel Maintenance - A permit issued by the FSO is required for hot work and other maintenance on vessels at QDC berths, including interior work. No contractors shall be granted access to the port until a valid maintenance permit has been issued for the associated work.

3. Compliance - All hot work shall be conducted in accordance with the rules and regulations established by the QDC and fire safety standards.
4. Paint Chips - Chipping paint on the hull or other part of the vessel where paint chips may enter the water is prohibited.
5. Painting - Painting of the hull or other part of the vessel where paint may enter the water or fall on pier areas is prohibited.

SECTION 17 - Discharge of Sewage, Gray Water, Bilge Water, Oil or Other Liquids, Stack Emissions, Trash

1. Overboard Discharge – The discharge of any substance from the vessel into the water while at berth shall be prohibited, unless it is permitted by federal or state law.
2. Sewage Discharge - The QDC does not provide facilities for the discharge of sewage. A contractor arranged for by the vessel and authorized by the QDC shall remove bilge water, oil or other liquid materials.
3. Stack Emissions - The visible emission of stack gasses or other emissions that contain any odors as deemed objectionable by the FSO while berthed at the Port of Davisville is prohibited.
4. Trash - The disposal of trash into the water is prohibited. A QDC licensed contractor arranged for by the vessel must remove trash.
5. Refuse Material - Rubbish, refuse or other material must be removed from pier, bulkhead, or other areas within the confines of Port of Davisville or other property controlled by the QDC, by the person placing it there, upon demand of the QDC, otherwise it will be removed at the expense of the party responsible and subject to a \$500.00 fine.
6. Abandoned Cargo - The vessel shall bear the expense of removing from piers abandoned cargo, such as damaged or unaccepted goods, and shall be responsible for payment of wharfage, storage and other accrued charges on such cargo.

SECTION 18- Fueling (Bunkering) of Vessels

1. Fueling (Bunkering) - Fueling at QDC piers by truck or vessel is permitted with the permission of the FSO.
2. Insurance - Vendors shall provide proof of liability insurance to the Davisville Port Operations office, naming the QDC as co-insured. The level of insurance shall be determined by the Port Director whose decision shall be final.
3. Pre-Transfer Procedures - When a vessel takes on bunkers or fuel, a pre-transfer conference shall be held with the vessel, vendor and FSO. A Ship/Shore safety list shall be completed and include a pre-transfer Declaration of Inspection. A copy shall

- be completed and submitted to the FSO by the vessel and vendor before transfer operations begin.
4. Smoking - Smoking shall not be allowed on vessel weather decks or the pier during transfer operations.
 5. Signage - Proper signage stating “No Smoking, No Visitors, and No Open Lights” shall be posted at the head of the gangway on the pier during fueling operations in conformance with federal regulations.
 6. Tow Wires - Emergency towing wires, as directed by the FSO, shall be properly rigged on the offshore side of vessels when fueling forward and aft. These wires are to be kept near the water surface at all times.
 7. Fire Safety- Prior to transfer operations, at least two ship fire hoses shall be laid out and connected to the fire main nearest the transfer station; one forward and one aft. At least two handheld dry chemical fire extinguishers shall be conveniently placed for use at the ship’s manifold.
 8. Spill Plan - A spill containment and response plan must be filed with the QDC in advance for review by the FSO.
 9. Containment - Proper spill containment must be provided by the vessel at or near the manifold, including if necessary, plugging of vessel scuppers.
 10. Communications - The vessel and vendor shall maintain direct communications with each other at all times during transfer operations.
 11. Notices - The FSO shall be notified in advance that fueling operations will take place. In the event of a spill onboard or into the water, it is the Master’s responsibility to shut down operations, immediately notify the U.S. Coast Guard and other required federal, state and local authorities, including the QDC, and contain the spill.
 12. Access to Vessel - Access to the vessel by way of the gangway will not normally be prohibited or restricted during fueling operations. The FSO shall prohibit access to the vessel if, in his/her opinion, an unsafe situation has developed or is developing.
 13. Flags and Lights - During fueling operations a “Bravo” flag shall be flown on the vessel where clearly visible. A red light shall be displayed on the mast in times of darkness or restricted visibility.
 14. Emergency Shutdown - If the Master, FSO, or Person in Charge (PIC) of fueling operations finds cause or suspects a cause of an unsafe condition, or the potential of a spill, the transfer operations shall immediately stop. Transfer operations shall also be stopped during thunderstorms.

SECTION 19 - Safety

1. Compliance - All safety regulations as established by the QDC or under federal regulations shall be complied with at all times.
2. Personal Safety Equipment - Personal safety equipment is required to be used at all times by terminal staff, contract labor, truck drivers, rail and vessel crews in open terminal areas. This shall include, as appropriate, floatation work vests or coats, hard hats, hearing protection, steel-toed shoes, high visibility safety vests, lifejackets, and clothing offering full body coverage, respirators, gloves or other equipment.
3. Medical Emergencies - In the event of serious injury or illness, at the terminal or on a vessel, the local Medical Rescue Service shall be called and first aid administered as required until Emergency Medical personnel arrive. Notification shall be made by calling 911.
4. Safety Inspections - The FSO or designee reserves the right to conduct safety inspections of vessels to insure they are in compliance with the QDC Marine Terminal Rules and Regulations. The FSO or local Fire Department may carry out such inspections without notice.
5. Crane Operations - QDC reserves the right to shut down crane operations and associated cargo handling for any safety violation(s) or if conditions are deemed unsafe.

SECTION 20 - Dangerous Cargo

1. Hazmat or Dangerous Shipments - Shipments of dangerous and hazardous cargoes moving via QDC marine terminals must be documented, marked, labeled, and/or placarded according to the U.S. Department of Transportation (DOT) and other applicable Federal Regulations.
2. Information Required - Port users who offer hazardous materials for transportation must provide the following federally required information:
 - a. Complete shipper's name, address, and telephone number in case of emergencies.
 - b. Carrier's name and address.
 - c. Complete consignee's name and address, including the overseas port of destination on export shipments.
 - d. The proper DOT shipping technical name of the product involved.
 - e. Hazardous class of material being shipped.
 - f. Quantity of the material, kinds and number of containers and individual weights or total weight.
 - g. Shipper's certification and proper labeling is required per applicable federal regulations and international hazcom rules.

3. Special Instructions - Properly documented special instructions, exceptions and exemption information, if required, shall be included with each shipment.
4. Class 1 or Class 7 Cargo - Neither class 1 (explosive) nor class 7 (radioactive) hazardous cargoes may remain on the QDC property beyond what is necessary to transfer the cargo to or from the vessel.
5. Permits - Shippers of dangerous articles are required to comply with all regulations and must present necessary permits from proper authorities, as well as obtaining permission from the Terminal Operator, before such cargo shall be received on or transferred at the terminal.
6. Watchmen - Vessels may be required to employ special watchmen at their expense to keep vigil over any dangerous cargo on the terminal in order to protect property against fire or other hazards until the condition is eliminated.
7. Application of Charges - Minimum charges for all dangerous and hazardous cargoes for wharfage and dockage apply. See the Terminal Tariff for current charges.

SECTION 21 - Miscellaneous Rules and Regulations

1. Dunnage and Pallets - The vessel is responsible for the removal of all dunnage and pallets or other material associated with stores or cargo.
2. Unlawful Acts - Persons conducting unlawful acts are subject to the actions of state or local police.
3. Additional Security - The FSO may require additional security personnel for vessels or associated cargos at the sole cost to the vessel.
4. Military and Public Vessels Crew Security - Military and public vessels calling on the port, may at the discretion of the FSO, be required to provide additional security at the vessel's expense or supplement security with vessel personnel as deemed appropriate by the FSO.
5. Searches - All vehicles and persons permitted to travel on piers may be searched by port security personnel prior to being permitted into the terminal.
6. Firearms, Ammunition and Explosives - Only duly authorized security personnel, law enforcement officers, members of the armed forces on official duty may carry weapons, ammunition or explosives in the QDC terminal or on its associated facilities. No firearm, ammunition or explosives shall be transported in any luggage or other packages off or onto a vessel.
7. Discharge of Weapons - Discharge or use of any weapon at the terminal is prohibited, except by law enforcement personnel in the performance of official duties.

8. Safety of Law Enforcement Personnel - Cargo operations and vessel access shall be shut down by the FSO if deemed necessary for the safety of law enforcement personnel.
9. Alcoholic Beverages and Drugs - The possession or use of alcoholic beverages, controlled substances or illegal drugs within the Port of Davisville area is prohibited.
10. Persons Intoxicated - Intoxicated or troublesome persons may be confined to their vessel by the vessel master and denied access to the terminal. In the event of an altercation at the terminal, the FSO shall notify terminal security and police.
11. Smoking - There shall be no smoking on any weather deck or any location on the dock. The Master shall designate interior smoking areas on the vessel. Smoking in terminal buildings is prohibited.
12. Lifeboat Suspension - Lifeboats or other items shall not be suspended over the side of the vessel without the FSO's authorization.
13. Landing Skiffs - The vessel shall not land skiffs, small boats or other types of craft onto the terminal, or adjacent waters without the FSO's authorization.
14. Radioactive Material - Radioactive material may not be handled at the terminal without express permission of the FSO.
15. Compressed Gas - The delivery or removal of compressed gas bottles from a vessel is permitted. Bottles shall remain aboard the vessel until delivery or removal is expected.
16. Handicapped Access – Vessels are responsible for the safe transit of all handicapped persons traveling in the terminal..
17. Confinement of Visitors and Crew -The FSO or security staff reserves the right to prevent access to QDC property by workers, visitors and/or vessel crew for safety, security or other appropriate reasons.
18. Long Term Berth Leases - The FSO reserves the right to establish leases for long term berthing which shall contain provisions for compliance with these regulations.
19. Public Tours of Vessels -Tours of vessels by the general public are not permitted unless pre-arranged and approved by the FSO in conformance with federal security regulations. Any costs associated with the management of public tours, security, or additional port staff shall be at the sole cost of the vessel.
20. Fishing Vessels and Other Craft Mooring at Terminal - All fishing vessels, crews, agents or persons conducting business with fishing vessels or other commercial vessels moored at the QDC terminal and authorized to be on the facility shall comply with all rules and regulations as set forth herein.

21. Lay Berthing - All crews, agents or persons connected with vessels that are berthed at the marine terminal in inactive status shall be required to comply with all rules and regulations as set forth herein.
22. Lay Berthing Inspections - All requirements for inspections, compliance with federal and other regulations, as well as vessel access and other requirements for any vessel berthed at the terminal in short or long-term lay berthing (inactive status) shall be included in the lay berthing agreement between the FSO and the vessel owner, operator or agent.
23. Responsibility for Loss or Damage - The QDC, its officers, agents or employees shall not be responsible and not be held liable for loss or damage, by whomsoever caused, to vessels, merchandise or any other property handled at or upon Port of Davisville, or stored thereon, either by fire, water, flood, action of the elements, collision, explosion, theft, negligence, riot, strike or other cause, except where it is due to the QDC's own negligence.
24. Damage to Property - Any damage done to the pier, buildings, utilities, other structures or equipment at the port by a vessel or otherwise, must be immediately reported to the QDC, together with the name of the person responsible. The expense of the repair of such damage, or injuries or deaths to any persons, shall be paid by said vessel or person, or agent of said vessel or person, except where it is due to the QDC's own negligence.
25. Access to Shipping Records - Vessel owners, agents, and masters will be required to permit the QDC to have access to the cargo manifest and any other transportation documents necessary for the correct assessment of charges, business of the Port or verification of vessel information.
26. Commercial Contractors - All outside maintenance contracted by leases, vessels, vessel owners, or agents must receive clearance through the QDC prior to entering into any work at Port of Davisville. All contractors must operate in compliance with the Facility Security Plan and provide escorts with a federally issued TWIC and terminal badge as required.
27. Removal of Objectionable Freight -The QDC reserves the right to move freight or other material at the risk and expense of the owner which, in its judgment is liable to damage other goods, to another location on the piers, or to private facilities.
28. Responsibility for Demurrage or Detention -The QDC does not assume responsibility for delays of any nature, demurrage to vessels or railroad cars, or detention of vessels, arising from any cause whatsoever.
29. Stevedoring - All stevedoring companies performing work at the Port of Davisville shall possess a valid stevedoring license issued by the QDC, which can be obtained by contacting the Port of Davisville at port@portofdavisville.com, and shall be required to file with the QDC a certificate of insurance showing proper coverage for the following:

- a. General Liability including legal liability for bodily injury and property damage in the amount not less than \$1,000,000.
 - b. Automobile Liability in the amount not less than \$1,000,000.
 - c. Workers Compensation including the Longshore and Harbor Workers' Act and Employers Liability in the amount not less than \$1,000,000.
 - d. Umbrella coverage in the amount not less than \$15,000,000.
30. Insurance not Included -The charges provided for herein do not include insurance of any kind, nor will such insurance be provided by the QDC under their policies.
31. Obstruction of Roadway, Rail and Platforms - The roadways, rail lines, and platforms on the property of the piers shall be kept clear for traffic. No materials, cars or trucks shall be allowed to remain or be stored upon or near such areas. Any property remaining on said roadways and platforms may be removed by the QDC at the expense and risk of the owner of the property.
32. Pier Passes - All vehicles entering the restricted area must possess a valid pier pass and drivers enter at their own risk.
33. Property not Public Thoroughfares - The piers and other property controlled by the QDC are not public thoroughfares and all persons entering thereon do so at their own risk. The QDC reserves the right to refuse admittance to the port/pier area and to require the removal from the premises of any person for any reason whatsoever.
34. Fishing - Fishing off piers or property managed by the QDC is prohibited.
35. Open Flames - No person shall light any matches or use or carry any open flame or non-approved lantern, or permit any lighting of any match or the use or carrying of any open flame or non-approved lantern in the sheds or in the open storage area.
36. Cleaning of Operational Areas - It will be the responsibility of stevedore(s) concerned to take such action as shall be deemed necessary to return all operational areas, including but not limited to, pier property, transit sheds, and open storage areas to a condition considered acceptable to the QDC. If such action is not completed within 24 hours after the completion of the vessel concerned, the QDC will take appropriate action to accomplish whatever clean-up may be required. The stevedore(s) will be billed by the QDC immediately upon completion of the action.
37. Standby Dockage - Standby dockage applies to those vessels berthed at the Port of Davisville piers and not in process of discharging or loading cargo. Berthing facilities will be allocated to vessels in this category on an "as available" basis, and in all cases, these vessels will carry a lesser priority than those destined to load or unload at the Port of Davisville piers. Vessels requesting standby dockage will be subject to the provisions of these rules and regulations and applicable tariff provisions.
38. Limits of Liability -The Port of Davisville is not responsible for any costs incurred by users of their facilities for delays as the result of labor stoppages or slowdowns,

or port owned equipment failure. No provision contained in these regulations shall limit nor relieve the QDC from liability for its own negligence nor require any person, vessel, or lessee to indemnify or hold harmless the QDC from liability for its own negligence.

---END OF RULES & REGULATIONS---

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