

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
TERMINAL SCHEDULE NO. 017**

The current Terminal Schedule No. 017 will be replaced with 2 new documents: Rules and Regulations for the Use of the Port of Davisville and Tariff Terminal 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. This summary will outline the specific changes of the current Terminal Schedule No. 017 by each section; specifically noting where the section can be found and in which new document or if it was replaced in its entirety:

1. Cover page: Title changed to reflect either Terminal Tariff Schedule or the Rules and Regulations for the Use of the Port of Davisville.
2. Cover page: Port of Davisville logo added to each document.
3. Cover page: Issued by: Quonset Development Corporation changed to Port of Davisville at 2574 Davisville Rd., RI 02852 USA (401) 294-2639
4. Cover page: Published at changed from <http://www.quonset.com/transpotation/port-facilities/> to <http://www.portofdavisville.com>
5. Table of Contents: The table of contents was amended to reflect the sections in each of the new documents.
 - a. Rule 34 – “Terminal Schedules” (removed)
 - b. Rule 34.1 – “Scope” moved to Rule 1 of the Tariff Schedule and Section 1 of the Rules and Regulations.
 - c. Rule 34.2 – “Filing Codes and Abbreviations” moved to Rule 3 of the Tariff Schedule and Section 7 of the Rules and Regulations.
 - d. Rule 34.3 – “General Rules and Regulations” reflected throughout the Rules and Regulations of the Use of the Port of Davisville.
 - e. Rule 34.4 – “Dockage Definition and Charges” – moved to Rule 11 of Tariff Schedule
 - f. Rule 34.5 – “Wharfage Definition and Charges” moved to Rule 12 of Tariff Schedule
 - g. Rule 34.6 – “Wharfage Demurrage” moved to Rule 13 of Tariff Schedule
 - h. Rule 34.7 – “Free Time” moved to Rule 14 of Tariff Schedule
 - i. Rule 34.8 – “Miscellaneous Services and Charges” moved to Rule 17 of Tariff Schedule.
 - j. Rule 34.9 – “Passenger Wharfage Definition and Charges” moved to Rule 17 of Tariff Schedule.
6. Rule 34 – removed
7. Rule 34.1 – “Scope”, Item 1 amended in Tariff Schedule and Rules and Regulations of the Port of Davisville to include applicability rules and compliance with Government Regulations. No substitutive changes to information but information moved under subcategories: Scope, MTSA Applicable, Applicability, Compliance, and FTZ Regulations in the Tariff Schedule and Section 2 “Compliance with Government Regulations” were added in the Rules and Regulations document. Email address was also updated on the Rules and Regulations from port@quonset.com to port@portofdavisville.com.

8. Rule 34.2 – “Filing Codes and Abbreviations”. A.M. and P.M. were removed and not reflected in either new document. Abbreviations are reflected in Rule 3 of the Tariff Schedule and Section 7 of the Rules and Regulations of the Port of Davisville. New abbreviations include:
 - NRT – Net Registered Ton
 - QDC – Quonset Development Corporation
 - FSO (Rules and Regs only) – Facility Security Officer
9. Filing Codes – removed
10. Rule 34.3 – “General Rules and Regulations”, Item 2: Definitions. The QDC definition has been moved to abbreviations. Weight Ton is reflected under the Tariff Schedule and has been broken out as either Metric Ton or Short Ton. Measurement Ton is only reflected on the Tariff Schedule. Currency definition remains the same and is reflected in Rule 3 of the Tariff Schedule and Section 6 of the Rules and Regulations. Port of Davisville and Port definitions were added to both documents. New definitions to the Tariff Schedule include: Demurrage, Dockage, Free Time, Wharfage, and Passenger Fee. New definitions to the Rules and Regulations include: Manager, Solicitation, and Terminal.
11. Rules 34.3 - “General Rules and Regulations”, Item 3: Arrangements for Berths. This rule is now reflected in Rule 4 of the Terminal Tariff. Added to the section is how to obtain a berth application and a penalty of \$500.00 was add for multiple berth application revisions.
12. Rules 34.3 - “General Rules and Regulations”, Item 4: Responsibility for Loss or Damage. This rule is now reflected on the Rules and Regulations of the Port of Davisville in Section 21 “Miscellaneous Rules and Regulations”, items 23 “Responsibility for Loss and Damage” and 24 “Damage to Property”.
13. Rules 34.3 - “General Rules and Regulations”, Item 5: Dangerous Cargo. This rule in its entirety is reflection in Rule 17 (B) of the Tariff Schedule. Dangerous Cargo is also outlined in section 20 of the Rules and Regulations of the Port of Davisville specifically outlining the security and safety requirements for any and all dangerous cargo.
14. Rules 34.3 - “General Rules and Regulations”, Item 6: Access to Shipping Records. This rule in its entirety is reflected in Section 21 (Item 25) of the Rules and Regulations for the Port of Davisville. The following was added to the end of the sentence, “business of the Port or verification of vessel information.”
15. Rules 34.3 - “General Rules and Regulations”, Item 7: Inspection of Cargo. This rule can be found under Section 9 (Item 2) of the Rules and Regulations of the Port of Davisville. No major changes.
16. Rules 34.3 - “General Rules and Regulations”, Item 8: Arrangements for Use of the Facilities. This section is outlined in Section 14 of the Rules and Regulations – Use of Facilities. The information has been further broken out over 9 subsections to organize and clarify. The section has been updated with current email address for the Port. Capacity of Facilities, Assigned berths and Movement of Vessels were also added to this section.
17. Rules 34.3 - “General Rules and Regulations”, Item 9: Commercial Contractors. This section reflected in Section 21, Item 26 of the Rules and Regulations – Miscellaneous Rules and Regulations. The last line of the section was updated to read, “All contractors must operate in compliance with the Facility Security Plan and provide escorts with a federally issued TWIC and terminal badge as required”.
18. Rules 34.3 - “General Rules and Regulations”, Item 10: Business Hours. Reflected in Rule 5 of the Tariff Schedule and Section 5 of the Rules and Regulations of the Port of Davisville.
19. Rules 34.3 - “General Rules and Regulations”, Item 11: Capacity of Facilities. This section is reflected in Section 14 (Item 1) of the Rules and Regulations of the Port of Davisville.

20. Rules 34.3 - "General Rules and Regulations", Item 12: Vessel Required to Use Berth Assigned. This section is reflected in Section 14 (Item 8), now called "Assigned Berths", of the Rules and Regulations of the Port of Davisville.
21. Rules 34.3 - "General Rules and Regulations", Item 13: Movement of Vessels. This section is reflected in Section 14 (Item 9) of the Rules and Regulations of the Port of Davisville. No major changes.
22. Rules 34.3 - "General Rules and Regulations", Item 14: Crew Aboard At All Times. This section is reflected in Section 15 (Item 6) of the Rules and Regulations of the Port of Davisville. No major changes.
23. Rules 34.3 - "General Rules and Regulations", Item 15: Removal of Refuse Material. This section is reflected in Section 17 (Item 5) of the Rules and Regulations of the Port of Davisville. No major changes.
24. Rules 34.3 - "General Rules and Regulations", Item 16: Removal of Objectionable Freight. This section is reflected in Section 21 (Item 27) of the Rules and Regulations of the Port of Davisville. Added to this paragraph is, "at the risk and expense of the owner".
25. Rules 34.3 - "General Rules and Regulations", Item 17: Abandoned Cargo. This section is reflected in Section 17 (Item 6) of the Rules and Regulations of the Port of Davisville. No major changes.
26. Rules 34.3 - "General Rules and Regulations", Item 18: Dumping of Oil or Refuse. This section is reflected in entire Section 17 and specifically in Section 17 (Item 2) of the Rules and Regulations of the Port of Davisville.
27. Rules 34.3 - "General Rules and Regulations", Item 19: Responsibility for Demurrage or Detention. This section is reflected in Section 21 (Item 28) of the Rules and Regulations of the Port of Davisville. No change.
28. Rules 34.3 - "General Rules and Regulations", Item 20: Stevedoring. This section is reflected in Section 21.29 of the Rules and Regulations of the Port of Davisville. Email address updated.
29. Rules 34.3 - "General Rules and Regulations", Item 21: Insurance Not Included. This section is reflected in Section 21 (Item 30) of the Rules and Regulations of the Port of Davisville.
30. Rules 34.3 - "General Rules and Regulations", Item 22: Obstruction of Roadway, Rail. This section is reflected in Section 21 (Item 31) of the Rules and Regulations of the Port of Davisville. No major changes, except "and Platforms" was added to the rule.
31. Rules 34.3 - "General Rules and Regulations", Item 23: Parking Regulations. This section is reflected in Section 13 (Item 1) and 13(Item 2) of the Rules and Regulations of the Port of Davisville. Added sentence, "The designation of parking areas, parking rules and regulations, including parking fees, shall be at the sole determination of the FSO.
32. Rules 34.3 - "General Rules and Regulations", Item 24: Municipal Wharf not Public Thoroughfare. This section is reflected in Section 21(Item 33) of the Rules and Regulations of the Port of Davisville. No change
33. Rules 34.3 - "General Rules and Regulations", Item 25: Smoking on Premises. This section is reflected in Sections 18(Item 4) and 18 (Item 5), (Fueling and Bunkering) and 21(Item 11) (Miscellaneous Rules) of the Rules and Regulations of the Port of Davisville. Added were no smoking during transfer operations, proper smoking signage during those fueling exercises (14, Item 4 and 14, item 5). Also added was the elimination of smoking in the terminal building (21, Item 11).
34. Rules 34.3 - "General Rules and Regulations", Item 26: Cleaning of Operational Area. This section is reflected in Section 21(Item 36) of the Rules and Regulations of the Port of Davisville. No change.

35. Rules 34.3 - "General Rules and Regulations", Item 27: Standby Dockage. This section is reflected in Section 21(Item 37) of the Rules and Regulations of the Port of Davisville. Minor edits to clean rule verbiage.
36. Rules 34.3 - "General Rules and Regulations", Item 28: Penalties. This section is reflected in Rule 8 of the Terminal Tariff Schedule. Minor edits to content; penalties remain the same.
37. Rules 34.3 - "General Rules and Regulations", Items 29 and 45: Payment of Invoice and Payment of Bills. These sections are reflected in Rule 9 of the Terminal Tariff Schedule. Minor edits to content; penalties remain the same. A 5% credit card fee was added to any invoices paid by credit card.
38. Rules 34.3 - "General Rules and Regulations", Item 30: Limits of Liability. This section was replaced in its entirety with, "The QDC is not liable for costs incurred by users due to labor stoppages, slowdowns, or delays caused by Port-owned equipment failures. No provision contained in this schedule however shall limit or 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 negligence", Rule 10 of Tariff Schedule.
39. Rules 34.4 - "Dockage Definition and Charges", Item 31: Dockage Defined. The definition for dockage can be found under Rule 3A, Item 4 of the Tariff Schedule.
40. Rules 34.4 - "Dockage Definition and Charges", Item 32A: Dockage Charges for Self-Propelled Vessels Greater than 450 FT LOA. This section can be found under Rule 11A of the Tariff Schedule. No changes except the minimum charge was updated to reflect the true minimum cost for a 24 hour period; \$2317.50.
41. Rules 34.4 - "Dockage Definition and Charges", Item 32B: Dockage Charges for Self-Propelled Vessels Less than 450 FT LOA. This section can be found under Rule 11B of the Tariff Schedule. No changes.
42. Rules 34.4 - "Dockage Definition and Charges", Item 32C: Idle Status. This section can be found under Rule 11C of the Tariff Schedule. No major changes.
43. Rules 34.4 - "Dockage Definition and Charges", Item 32D: Non-Self Propelled Vessels. This section can be found under Rule 11D of the Tariff Schedule. No major changes.
44. Rules 34.5 - "Wharfage Definition and Charges", Item 33: Wharfage Defined. The definition for wharfage can be found under Rule 3A, Item 8 of the Tariff Schedule.
45. Rules 34.5 - "Wharfage Definition and Charges", Item 34: Wharfage Charges and Item 35: Container Wharfage Charges. Wharfage charges can be found in Rule 12 of the Tariff Schedule. There were no major changes. Container charges were combined with generic Wharfage charges for a more cohesive picture.
46. Rules 34.6 - "Wharfage Demurrage", Item 36: Wharfage Demurrage Defined. The definition for wharfage can be found under Rule 3A, Item 3 of the Tariff Schedule.
47. Rules 34.6 - "Wharfage Demurrage", Item 36: Wharfage Demurrage. Wharfage fees and guidelines can be found in Rule 13 of the Tariff Schedule. No major changes.
48. Rules 34.7 - "Free Time", Item 38: Free Time Defined. The definition for Free Time can be found under Rule 3A, Item 5 of the Tariff Schedule.
49. Rules 34.7 - "Free Time", Item 39: Free Time Period. Rules regarding free time can be found under Rule 14 of the Tariff Schedule. No major changes.
50. Rules 34.8 - "Miscellaneous Services and Charges", Item 40: Port Security Charge. This section has been removed and replaced with Rule 15 of the Tariff Schedule. The port security charges are now billed in 24 hour increments and will be based on a flat rate.
51. Rules 34.8 - "Miscellaneous Services and Charges", Item 41: Water. Fees associated with water service can now be found under Rule 17 of the Tariff Schedule. Added to the rule is where the current water rates can be found on the website.

52. Rules 34.8 – “Miscellaneous Services and Charges”, Item 42: Electricity. No change – can be found under Rule 17.
53. Rules 34.8 – “Miscellaneous Services and Charges”, Item 43: Truck Charges. Removed “State of Rhode Island and Providence Plantations district” and replaced it with, “State of Rhode Island”. Trucking charges is now under Rule 17 of the Tariff Schedule.
54. Rules 34.8 – “Miscellaneous Services and Charges”, Item 44: Crane Service. The crane services and charges are now found under Rule 16 of the Tariff Schedule. No fee changes or major changes to the section, however, stevedores are now responsible for the fuel costs during crane operations.
55. Rules 34.8 – “Miscellaneous Services and Charges”, Item 45: Payment of Bills. See item #38
56. Rules 34.8 – “Miscellaneous Services and Charges”, Item 46: Delinquent List. Delinquent list is now covered under Rule 9 (H and I) of the Tariff Schedule. No major changes.
57. Rules 34.8 – “Miscellaneous Services and Charges”, Item 47: Pier Master Fee. Eliminated.
58. Rules 34.9 – “Passenger Wharfage Definition and Charges”, Item 48: Passenger Wharfage Charges. Passenger Fee definition can be found under Rule 3A, Item 9 of the Tariff Schedule. No change to passenger fees but section was reformatted.
59. Rules 34.9 – “Passenger Wharfage Definition and Charges”, Item 49: Passenger Ship Dockage Defined. Passenger dockage can be found under Rule 11E of the Tariff Schedule. No major change except “as registered in Lloyd’s of London” was replaced with, “as presented on the vessel’s Certificate of Registry”.

QUONSET DEVELOPMENT CORPORATION

TERMINAL SCHEDULE NO. 017

Rates, Rules, and Regulations for the use of the Port of Davisville Terminals

Issued by: Quonset Development Corporation
95 Cripe Street
North Kingstown, RI 02852
(401) 295-0044

FMC Number: 019646

Published at: <http://www.quonset.com/transportation/port-facilities/>

Effective: March 24, 2014

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RULE: 34 - TERMINAL SCHEDULES

For application of individual charges, consult the sub rules contained herein.

RULE: 34.1 – SCOPE

ITEM 1. APPLICATION OF SCHEDULE: (C)

The Port of Davisville is operated by the Quonset Development Corporation (the QDC). 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 Statute 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 terminals under a Facility Security Plan approved by the US Coast Guard.

The rules, regulations, conditions commodity rates and/or charges set forth in this schedule apply to or from the following terminal(s):

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

The QDC reserves the right to revoke or deny access to the Port of Davisville, or any other facility operated by QDC, any person or company who violates these rules and regulations.

RULE: 34.2 – FILING CODES AND ABBREVIATIONS (N)

ABBREVIATIONS:

A.M. - Before Noon

P.M. - After Noon

\$ - U.S. Currency

% - Percent

FMC - Federal Maritime Commission

GRT - Gross Registered Ton

LBS – Pounds

LOA – Length Over All

FILING CODES: SYMBOLS

(A) Denotes Increase

(C) Denotes Change in Wording which results in neither increase nor decrease

(N) Reissued Matter
(R) Denotes Reduction

RULE: 34.3 – GENERAL RULES AND REGULATIONS

ITEM 2. DEFINITIONS: (N)

The QDC whenever the word “QDC” occurs in the schedule, it shall be construed to mean the authorized representative of the Quonset Development Corporation – a quasi-public corporation of the State of Rhode Island.

WEIGHT TON – the value weight ton of one (1) shall be 2,000 pounds (LBS)

MEASUREMENT TON – the value of one (1) measurement ton shall be 40 cubic feet (CFT)

CURRENCY – all rates shall be in United States Dollars (\$USD)

ITEM 3. ARRANGEMENTS FOR BERTHS: (C)

All vessels, or their owners or agents desiring berths at the Port of Davisville shall apply for a berth application at least five (5) days in advance of vessels arrival, furnishing the QDC with the vessels name, length overall, draft, docking and sailing, pier request, name of agent’s company, P & I Club, crew list and quantity and nature of cargo to be handled. All vessels, or their owners or agents desiring berths must obtain a pier loading permit (if required). All berth applications must be submitted by email to port@quonset.com . Those berth applications faxed, hand delivered, or conveyed by any other means other than email will be subject to a \$250.00 fee. All vessels are first in, first out.

ITEM 4. RESPONSIBILITY FOR LOSS OR DAMAGE: (N)

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. 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 causing such damage. 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.

ITEM 5. DANGEROUS CARGO: (C)

- (A) Shipments of dangerous and hazardous cargoes moving via marine terminals of the QDC must be documented, marked, labeled, and/or placarded according to the U.S. Department of Transportation (DOT) Regulations (49 CFR parts 100-199 especially Part 172). Port users who offer hazardous materials for transportation are required to provide the following information:
- (1) Complete shipper’s name, address, and telephone number in case of emergencies.
 - (2) Carrier’s name and address.
 - (3) Complete consignee’s name and address, including the overseas port of destination on export shipments.

- (4) The proper DOT shipping name. This means the technical name of the product involved. It must be as listed in the Code of Federal Regulations Title 49, Part 172.101. Note: Use an application described in Part 172.200 through 172.203.
- (5) Hazardous class of material being shipped (as per Part 172.101).
- (6) Quantity of the material, kinds and number of containers and individual weights or total weight.
- (7) Labels required.
- (8) Shipper's certification is required per part 172.204. The exact wording is as follows:

**“THIS IS TO CERTIFY THAT THE ABOVE NAMED
MATERIALS ARE PROPERLY CLASSIFIED
DESCRIBED, PACKAGED, MARKED AND LABELED,
TRANSPORTATION ACCORDING TO THE APPLICABLE
REGULATIONS OF THE DEPARTMENT OF
TRANSPORTATION.”**

(This must be legibly signed.)

- (9) Properly documented special instructions, exceptions and exemption information, if required.
- (B) Neither class 1 (explosive) nor class 7 (radioactive) hazardous cargoes may remain on the terminal beyond what is necessary to transfer the cargo from the vessel or to the vessel.
- (C) Shippers of dangerous articles are required to comply with all of the above and must present necessary permits from proper authorities, as well as obtain permission from the Terminal Operator before such cargo shall be received on or transferred at the terminal. Vessel interests may be required to employ special watchmen at their expense to keep vigil over any dangerous cargo on the terminal facility in order to protect property against fire or other hazards until the condition is eliminated.
- (D) Minimum charges for all dangerous and hazardous cargoes are: Wharfage \$1,000 and Dockage \$1,000.

ITEM 6. ACCESS TO SHIPPING RECORDS: (C)

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.

ITEM 7. INSPECTION OF CARGO: (N)

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 thereon and no person or persons shall hinder, molest, or refuse entrance upon such vessel for the purpose specified.

ITEM 8. ARRANGEMENTS FOR USE OF THE FACILITIES: (C)

When shippers, consignees, rail, motor freight or water carriers forward business to the port, arrangements must be made in advance for the handling or storage of same, otherwise the QDC retains the right to decline such business. The use of the facilities

under the jurisdiction of the QDC shall constitute a consent to the terms and conditions of this schedule, and evidence an agreement on the part of all vessels, their owners or agents and other users of such facilities to pay all charges specified in this schedule and be governed by all rules and regulations herein contained. Vessels will contact Davisville Port Control by VHF Channel 12 (call sign WCR9113) prior to docking for current MARSEC information. A Declaration of Security (DoS) will be signed by The Vessel Security Officer. The vessel will comply with all items listed on the DoS while in port. The vessel will notify Davisville Port Control by email to port@quonset.com if any crew or passengers intend to disembark and provide the names of all personnel leaving the ship. 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 ship's stores before boarding the ship. The vessel will provide advance notification of any visitors, and stores or goods to be delivered to the ship, while in port. The vessel will contact Davisville Port Control prior to getting underway. The vessel will notify Davisville Port Control and the US Coast Guard of any maritime incidents while in port.

ITEM 9. COMMERCIAL CONTRACTORS: (C)

All outside maintenance contracted by leases, vessels, vessels owner 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 TWIC escorts as required.

ITEM 10. BUSINESS HOURS: (C)

The hours of business are between 0700 and 1530, exclusive of Saturdays, Sundays and holidays. Services performed during other than business hours shall be subject to special agreement with the QDC.

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

ITEM 11. CAPACITY OF FACILITIES: (N)

The QDC does not obligate itself to provide berthage, storage, equipment, labor, or other form of service beyond the reasonable capacity of its facilities.

ITEM 12. VESSEL REQUIRED TO USE BERTH ASSIGNED: (N)

All vessels are required to use berth assigned. Assignments of berth are not transferable, and 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.

ITEM 13. MOVEMENT OF VESSELS: (N)

Whenever necessary for the proper operation of the facility, the QDC may order a vessel to move to such a place as directed at the vessel's expense. Any vessel which is not moved promptly upon notice to so move may be shifted and any expenses involved, damage to vessel or to the QDC property during such removal, shall be charged to the vessel. Vessels berthing at the terminal shall, at all times, have on board sufficient personnel to move said vessel in case of necessity for the protection of the ship and/or other property.

ITEM 14. CREW ABOARD AT ALL TIMES: (N)

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 observe all rules and regulations.

ITEM 15. REMOVAL OF REFUSE MATERIAL: (N)

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 subject to \$500.00 fine.

ITEM 16. REMOVAL OF OBJECTIONABLE FREIGHT: (N)

The QDC reserves the right to move freight or other material which in its judgment is liable to damage other goods, to another location on the piers, or to private facilities, at the risk and expense of the owner.

ITEM 17. ABANDONED CARGO: (N)

The vessel shall bear the expense of removing from piers abandoned cargo, such as damaged or un-saleable goods, and shall be responsible for payment of wharfage, storage and other accrued charges on such cargo.

ITEM 18. DUMPING OF OIL OR REFUSE: (N)

It shall be unlawful for any person to pump, discharge, or deposit or to cause or permit to be pumped, discharged or deposited or to pass or allow to escape in or unto the waters of the harbor any oil, spirits, or inflammable liquid or any coal tar, or refuse, or residuary product of coal or any petroleum asphalt, bitumen, or other carbonaceous material or substance, or any product or compound thereof, or any bilge water containing any of said materials or substances.

ITEM 19. RESPONSIBILITY FOR DEMURRAGE OR DETENTION: (N)

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.

ITEM 20. STEVEDORING: (C)

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@quonset.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.

ITEM 21. INSURANCE NOT INCLUDED: (N)

The charges provided for herein do not include insurance of any kind, nor will such insurance be covered by the QDC under their policies.

ITEM 22. OBSTRUCTION OF ROADWAYS, RAIL: (C)

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 stowed thereon. 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 so removed.

ITEM 23. PARKING REGULATIONS: (N)

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. All vehicles entering the restricted area must possess a valid pier pass.

ITEM 24. MUNICIPAL WHARF NOT PUBLIC THOROUGHFARE: (N)

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.

ITEM 25. SMOKING ON PREMISES: (N)

No person shall smoke or light any matches or use or carry any open flame or lighted lantern, or permit any smoking or the lighting of any match or the use or carrying of any open flame or lantern in the sheds or in the open storage area.

ITEM 26. CLEANING OF OPERATIONAL AREA: (C)

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.

ITEM 27. STANDBY DOCKAGE: (N)

The term standby dockage is used to define 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 Items 13 and 14 as are all vessels at the piers.

ITEM 28. PENALTIES: (C)

A) Penalty for noncompliance with the provision of Item 13 will be \$100.00 per hour for each hour that a vessel remains on berth from the time specified by the QDC, provided that the vessel or its agent has been given a minimum of 3 hours advance notice.

B) Penalty for noncompliance with the provisions of Item 18 will be \$1,000.00 per incident assessed against the vessel for each violation noted by the QDC plus the cost of clean-up by a contractor designated by the U.S. Coast Guard and/or the QDC.

ITEM 29. PAYMENT OF INVOICE: (C)

A) On each inbound or outbound cargo moving across Port of Davisville, the responsibility for payment of Port Schedule Charges shall rest with those who perform the forwarding functions on such shipments unless other arrangements have been made.

B) The responsibility for Port Schedule Charges assessed against a vessel shall rest with the local agent and/or owner of such vessel unless other arrangements have been made.

C) Vessels, their owners and agents and other users of the QDC facilities shall be required to permit access to manifests, loading or discharge lists, rail or motor carrier freight bills, or other pertinent documents for the purpose of audit to determine the correctness of reports filed or for securing data to permit correct billing of charges. Failure to furnish the required documents will result in waiver of free time and immediate assessment of wharfage charges based on 110% of applicable charges.

D) Invoices are due and payable within ten (10) days from date of invoice. Invoices not paid within thirty (30) days from date of invoice are subject to a one and one half percent (1.5 %) service charge per month.

E) Failure to pay within thirty (30) days may cause the name of the responsible party to be placed on a delinquent list and such party will be denied further use of the facilities until all outstanding charges have been paid.

F) The QDC reserves the right to estimate and collect in advance all charges which may accrue against cargo or vessels if parties representing such cargo or vessel have habitually been on the delinquent list or until credit has been established with the QDC.

ITEM 30. LIMITS OF LIABILITY: (C)

No provision contained in this schedule shall limit or 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.

RULE: 34.4 - DOCKAGE DEFINITION AND CHARGES

ITEM 31. DOCKAGE DEFINED: (N)

The term dockage refers to the charge assessed against a vessel for berthing at the facility or for mooring to a vessel so berthed.

ITEM 32. DOCKAGE CHARGES: (A) (C) (R)

- A) **Self-Propelled Vessels Greater than 450 FT LOA:** Dockage will be assessed against the vessel, its owners, agents, or operators on the basis of the highest length overall (LOA) of the vessel for the period the vessel remains at the berth. The period of time for which dockage shall commence when such vessel is made fast to the pier, bulkhead or to another vessel so berthed and shall continue until such vessel has completely vacated such berth. Dockage will be assessed against the vessel, its owners, and agents for \$5.15 per LOA per twenty-four hour period or fraction thereof with a minimum charge of \$600.00 per day.
- B) **Self-Propelled Vessels Less than 450 FT LOA:** Dockage will be assessed against the vessel, its owners, agents or operators at a rate of \$4.12 dollars per linear foot per twenty-four hour period or a fraction thereof with a minimum charge of \$250.00.
- C) **Idle Status:** Whenever a vessel with the permission of the QDC is berthed at a terminal in idle status, prior to the commencement or subsequent to the completion of loading and or unloading cargo, a dockage charge of \$515.00 per calendar day or fraction thereof will be assessed against the vessel and payable by the vessel's owner or operator. All vessels in idle status will pay any applicable security charges in addition to dockage.
- D) **Non-Self Propelled Vessels:** A charge of \$750.00 per twenty-four hour period or fraction thereof shall be assessed against seagoing and/or in transport barges berthing or making fast to the pier for the purpose of loading and/or discharging cargo directly to or from the pier.

RULE: 34.5 - WHARFAGE DEFINITION AND CHARGES

ITEM 33. WHARFAGE DEFINED: (N)

A charge assessed against all cargo passing or conveyed over, onto, or under piers or between vessels (to or from barge, lighter, or water) when berthed in a pier or when moored in slip adjacent to pier. Wharfage is solely the charge for use of pier and does not include charges for any other service.

ITEM 34. WHARFAGE CHARGES: (A) (C)

A) General Cargo, not otherwise specified, shall be assessed at \$1.37 per ton, or 40 CFT whichever is greater as determined from vessel's manifest, with a minimum charge of \$250.00.

B) Unboxed automobiles shall be assessed \$4.10 per unit.

C) Steel-structural, coils, packaged sheets, rods, pipes, plates and etc. shall be assessed at \$1.31 per ton, or 40 CFT whichever is greater as determined from vessel's manifest with a minimum charge of \$250.00.

D) Lumber shall be assessed at \$1.16 per thousand (1,000) feet board measurement as determined from vessel's manifest, with a minimum charge of \$250.00.

E) Dry and liquid bulk products to be arranged, with a minimum charge of \$250.00.

F) Agricultural and industrial equipment shall be assessed a flat rate of \$51.50. Agricultural and industrial equipment weighing over 15,000 LBS shall be assessed the general cargo rate of \$1.37 per ton, but not less than \$51.50.

H) Wharfage charges are assessed against the consignee or its authorized agents.

ITEM 35. CONTAINER WHARFAGE CHARGES: (A) (C)

A) On loaded containers which have been stuffed or stripped on terminal premises with cargo moved directly between container and truck or rail will be assessed a wharfage charge as follows, with a minimum charge of \$250.00:

40 foot in length	\$32.96 per container
20 foot in length	\$25.75 per container

B) On loaded containers which have been stripped or stuffed on other than terminal premises will be assessed a wharfage charge as follows, with a minimum charge of \$250.00:

40 foot in length	\$34.25 per container
20 foot in length	\$28.84 per container
Less than 20 foot in length	\$16.48 per container

C) All empty containers \$13.73 per container.

RULE: 34.6 - WHARF DEMURRAGE

ITEM 36. WHARF DEMURRAGE DEFINED: (C)

A charge assessed against cargo remaining in or on the QDC property and not explicitly covered by tenant lease, after the expiration of free time unless arrangements have been made for storage. See Item 38.

ITEM 37. WHARF DEMURRAGE: (N) (A)

A) Covered Areas: \$4.12 per day per item for the first two (2) days, \$6.87 per day from day three (3) to day six (6) and \$13.73 per day thereafter.

B) Open Areas: \$2.75 per day per item for the first two (2) days, \$5.49 per day from day three (3) to day six (6) and \$10.99 per day thereafter.

C) In the event of a strike or other uncontrollable occurrence, cargo already on demurrage will remain in that category of demurrage until the situation is rectified. Upon termination of the situation, all cargo will revert to the first category of demurrage and proceed as in **(a)** and **(b)** above.

RULE: 34.7 - FREE TIME

ITEM 38. FREE TIME DEFINED: (N) (C)

The specific period during which cargo may occupy space assigned to it on terminal property free of wharf demurrage or terminal storage charges immediately prior to the discharge of such cargo on or off the vessel. Free time shall be granted at the discretion of the QDC, and shall not impede any other vessel and/or cargo operations.

ITEM 39. FREE TIME PERIOD: (C)

A) Loading: Cargo (except automobiles) may be assembled on terminals, without charge for four (4) days, exclusive of Saturdays, Sundays, and legal holidays, before the arrival of vessel on which it is to be loaded.

B) Loading: Automobiles may be assembled on terminals, without charge for seven (7) days, exclusive of Saturdays, Sundays, and legal holidays, before the arrival of vessel on which it is to be loaded.

C) Discharging: Cargo (except Automobiles) unloaded from a vessel may remain on the QDC piers, without charge for four (4) days, exclusive Saturdays, Sundays and legal holidays, from the first 7:00 a. m. after the vessel has completed discharging its cargo.

D) Discharging: Automobiles unloaded from a vessel may remain on the QDC piers, without charge for seven (7) days, exclusive of Saturdays, Sundays and legal holidays, from the first 7:00 a. m. after the vessel has completed discharging its cargo.

E) In the event the consignee or owner of the cargo should make application for delivery of the cargo or portion thereof during the free time period and the terminal should be unable for any reason to make available to the consignee or owner such cargo or portion thereof, the free time shall be extended for a period equal to the terminal's inability to make the cargo available.

F) Undelivered Cargo: Cargo which is undelivered, and remains on the terminal property beyond the expiration of the free time and without regard to any charges prescribed in Item 37, may be re-located within the facility or removed to a public warehouse with all expenses and risk of damage for the account of the owner, shipper, consignee or carrier as responsibility may lie. The QDC is to have a lien on all such cargo, including that which may be placed in public storage for all terminal charges accrued.

G) Cargo remaining on the terminal facility in excess of forty-five (45) days will be considered abandoned and sold to satisfy any terminal charges that might be due the QDC. Fifteen (15) days prior to such sale, a registered return receipt letter of notice will be mailed to the owner of record. Any amount received beyond the charges due the terminal operator will be forwarded to the owner of the cargo if claimed within one year of mailed notice.

RULE: 34.8 - MISCELLANEOUS SERVICES AND CHARGES

ITEM 40. PORT SECURITY CHARGE: (C)

A Port Security Surcharge of 20% will be assessed against all vessels or barges subject to 33 CFR Part 104 using any facility in the Port of Davisville, or any other facility operated by the QDC.

ITEM 41. WATER: (C)

Water will be furnished to vessels at the current rate per thousand gallons of usage as well as a connection charge of \$200.00 assessed against the agent. These rates and charges are subject to be changed from time to time by the QDC.

ITEM 42. ELECTRICITY: (N)

Not Available

ITEM 43. TRUCK CHARGES: (N)

Loading or unloading of cargo manifested outside the State of Rhode Island and Providence Plantations district, shall be assessed \$10.00 per trailer.

ITEM 44. CRANE SERVICE: (C)

The QDC Crane Hire Rate - \$350.00 per hour

All firms providing crane service at the QDC shall be assessed 10% of gross rentals based on the equipment usage with a minimum charge of \$500.00, exclusive of manpower required to operate said equipment, for the privilege of using the QDC property and all such firms will furnish the QDC a monthly report of their activities at the Port for billing purposes. Firms leasing property from the QDC are excluded from the above charge.

The QDC crane will only be made available to entities possessing a valid the QDC stevedoring license, and can document that the operator is a licensed crane operator in Rhode Island and is certified to operate the Gottwald Mobile Harbor Crane GHMK 7608.

ITEM 45. PAYMENT OF BILLS: (N)

All bills are due on receipt. Presentation of bills to vessels is done as a matter of accommodation and convenience and shall not constitute a waiver of the lien of charges against the vessel for services or supplies furnished the vessel for which maritime law gives a lien.

The QDC reserves the right to estimate and collect in advance all charges which may accrue against vessels or against cargo loaded or discharged by such vessels or from other users, of waterways and port facilities whose credit has not been properly established with the QDC. Use of facilities may be denied or cargo removed from storage until such advance payments or deposits are made.

The QDC does not recognize the numerous shippers or consignees and cannot attempt to collect or assist in collecting wharfage and similar bills which may be passed on to the shippers and consignees by the vessel, its owners and agents. Charges when presented must be paid by the ship owner or the agent regardless or when the vessel, its owner or agents are reimbursed.

The QDC reserves the right to apply any payment received against the oldest outstanding invoice. The carrier, vessel, owner, shipper, receiver or agent who shall fail to pay any bills when due shall be placed on the delinquent list, conditions of which are defined in Item 46.

ITEM 46. DELINQUENT LIST: (N)

All carriers, vessels, owners or agents, or other users of the facilities of the QDC placed on the delinquent list, in accordance with Item 45 above, shall be denied by the QDC use of the facilities or the right to remove cargo from storage until all such charges, together with any other charges due, have been paid.

ITEM 47. PIER MASTER FEE: (N)

The QDC will collect from all vessels and barges, that use any facility in the Port of Davisville or any other facility operated by the QDC, a Pier Masters fee in the amount of \$100.00 per vessel call.

RULE: 34.9 - PASSENGER WHARFAGE DEFINITION AND CHARGES

ITEM 48. PASSENGER WHARFAGE CHARGES: (N) (A)

All fees subject to change:

- A) Passengers embarking from shore to ship \$5.44.
- B) Passengers debarking from ship to shore \$5.44.
- C) Passengers under the age of 12 years traveling on half-fare rate, debarking from ship to shore \$1.71.
- D) Passengers under the age of 12 years traveling on half-fare rate, embarking from shore to ship \$1.71.
- E) Passengers in transit on a ship making QPD port of call on a continuous trip, debarking and embarking a total of \$4.11.
- F) Cruise ship passengers, purchasing a fare as deck passenger only and not purchasing cabin facilities:
 - Embarking.....\$4.11
 - Debarking.....\$4.11
- G) Cruise ship passengers under the age of 12 years purchasing a fare as a deck passenger only, and not purchasing cabin facilities:
 - Embarking.....\$2.74
 - Debarking.....\$2.74
- H) Steamship company officials only, when traveling aboard their own ships are exempt from payment of passenger wharfage fees.

ITEM 49. PASSENGER SHIP DOCKAGE DEFINED: (A)

The charge of \$.41 per net registered ton per day or fraction thereof as registered in Lloyd's of London.

---END OF SCHEDULE---