

ORIGINAL TITLE PAGE

**OGDENSBURG BRIDGE & PORT AUTHORITY
TERMINAL TARIFF NO. 110**

**TERMINAL TARIFF NO. 110
FILED UNDER ATFI RULES CANCELS AND REPLACES
OGDENSBURG BRIDGE & PORT AUTHORITY
TERMINAL TARIFF FMC-T NO. 10**

ISSUED BY THE AUTHORITY
OF THE
OGDENSBURG BRIDGE AND PORT AUTHORITY
BRIDGE PLAZA, OGDENSBURG, NEW YORK 13669

NAMING
RULES, REGULATIONS, CHARGES AND CONDITIONS
FOR TERMINAL SERVICES AND USE
AT
OGDENSBURG, NEW YORK

PHONE: (315) 393-4080

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ISSUED: 30, JUNE 1994

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CORRECTION CHECK SHEET

FUTURE CHANGES IN THIS TARIFF WILL BE MADE BY SUBSTITUTING CORRECTED PAGES FOR PAGES HEREIN. EACH SUCH CORRECTION WILL BE NUMBERED CONSECUTIVELY AT THE UPPER RIGHT CORNER OF THE PAGE. TO INSURE THAT SUBSCRIBERS' TARIFFS ARE UP TO DATE, IT IS RECOMMENDED THAT THE CORRECTION NUMBERS BE CHECKED OFF BELOW AS THEY ARE ADDED TO THE TARIFF.

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RULE: 34 - TERMINAL TARIFFS (C)

EFF: 30JUL1994

For application of individual charges,consult the subrules contained herein.

RULE: 34.1 - SCOPE (C)

EFF: 30JUL1994

SCOPE:

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

<u>NAME</u>	<u>ADDRESS</u>
OGDENSBURG BRIDGE AND PORT AUTHORITY	BRIDGE PLAZA OGDENSBURG,NEW YORK 13669

RULE: 34.2 - ABEREVIATIONS,SYMBOLS,DEFINITIONS (C)

EFF: 30JUL1994

ABBREVIATIONS:

BL	-Bill of Lading	MIN	-Minimum
US	-United States of America	W/M	-2000 Lbs.(W) or 40 Cubic(M)

SYMBOLS:

- | | |
|---|--|
| (A) Denotes Increase | (E) Expiration |
| (C) Denotes Change in Wording
which results in neither
increase nor decrease
in rates or charges | (R) Denotes Reduction
(N) Reissued Matter |
| (I) Denotes New or Initial
Matter | (G) General Increase
or Decrease |

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RULE: 34.2 - ABBREVIATIONS, SYMBOLS, DEFINITIONS
(continued)

\$ U. S. Currency / And, Or, For, Per

Pound (s) & And

DEFINITIONS:

As used through this tariff, the following terms shall have the meaning set forth below:

1. AUTHORITY: The term "AUTHORITY" refers to the Ogdensburg Bridge and Port Authority.
2. FACILITY: This tariff shall apply to all Marine Terminal facilities, docks, warehouses, and piers owned and/or operated by the Ogdensburg Bridge and Port Authority.
5. CHECKING & CLERKING: Checking and clerking is the service of counting and checking cargo against appropriate documents for the account of the cargo or the vessel, or other person requesting same. Checking and clerking are included in the rates contained in this tariff.
10. DIRECTOR: The term "DIRECTOR" refers to the Executive Director of the Ogdensburg Bridge and Port Authority or his successor in office or duties acting either personally or through his duly authorized representative.
15. DOCKAGE: Dockage is the charge assessed against a vessel for berthing at a wharf, pier, bulkhead structure, or bank or for mooring to a vessel so berthed. No services are covered by this charge.
20. FREE TIME: Free time is 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 loading or subsequent to the discharge of such cargo on or off the vessel.
25. MINIMUM TIME: The time in addition to the time actually worked, for which the Authority is required to pay its employees to comply with the minimum time requirements of collective bargaining

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RULE: 34.2 - ABBREVIATIONS, SYMBOLS, DEFINITIONS
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agreements under which the Authority is obligated to compensate its employees.

30. DETENTION TIME: (Sometimes referred to as "Standby Time" or "Waiting Time") is any time loss as a result of a stoppage, or inability to start, due to causes beyond the control and without the fault or negligence of the Authority, including but not limited to a breakdown of the ship's equipment or furnished gear, inclement weather, non-arrival of ship, non-readiness of the ship, non-arrival of cargo, or non-availability of equipment to be furnished by the vessel owners or cargo owners.

35. HANDLING: Handling is the service of physically moving cargo between point of rest and any place on the terminal facility, other than the end of the ship's tackle.

(a) rehandling, sorting, or shifting of cargo—the rates apply to one handling of cargo when rehandling of cargo is required. Time required for such work will be charged at the total cost plus 20 percent for overheads.

40. HEAVY LIFT: Heavy lift is the service of providing heavy lift cranes and equipment for lifting cargo. These services must be arranged with outside leased equipment contractors, for items in excess of 5 tons (10,000 pounds). A ship/shipper's authorized agent must sign and approve the labor slip for such equipment rentals. The Authority assumes no responsibility in this regard and is not liable for invoice payments. Rates are negotiable between ship's agent and the heavy lift contractor. The gross weight of the heavy lift shall be clearly marked on each piece. Other contractual arrangements may be made between the Authority and the shipper or authorized agent.

41. USER FEE: (a) A \$10,000, User Fee exclusive of any labor or equipment for the use of the dock facilities at the Port of Ogdensburg is the

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RULE: 34.2 - ABBREVIATIONS, SYMBOLS, DEFINITIONS
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standard charge for any cargo to be handled across the wharf that is in excess of 25 short tons.

(b) An engineering review of the loads to be placed on the dock will be performed at the expense of the cargo owner or their agent.

(c) Agent or owner shall provide public liability insurance coverage in the amounts of \$1,000,000/\$3,000,000 as well as proof of Workers Compensation insurance both naming the Ogdensburg Bridge and Port Authority as an additional insured. The Authority shall be provided with a certificate of such insurance.

(d) Agent or owner shall indemnify and hold harmless the Ogdensburg Bridge and Port Authority, its members, officers and employees from any and all claims for damages and personal damage injury arising from the use of said premises. The Authority will be held accountable for damages arising from its own negligence.

- 45. **LOADING AND UNLOADING:** Loading and unloading is the service of loading or unloading cargo between any place on the terminal and railroad cars, trucks, lighters or barges. or any other means of conveyance to or from the terminal facility.
- 50. **TERMINAL OPERATOR:** The authority is the terminal operator which is a party to this tariff and performs the actual services as listed herein.
- 55. **TERMINAL STORAGE:** Terminal storage is the service of providing warehouse or other terminal facilities; for the storing of inbound or outbound cargo after the expiration of free time, including wharf storage, ship side storage, closed or covered storage, open or ground storage, and bonded storage after storage arrangements have been made with the Authority.

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RULE: 34.2 - ABBREVIATIONS, SYMBOLS, DEFINITIONS
(continued)

60. TON: The term "TON" as used in this tariff has a reference to a short ton of 2,000 pounds. Where the term "MEASUREMENT TON" is used, it shall be understood to mean 40 cubic feet. Where the term "METRIC TON" is used, it shall be understood to mean 1.1 short tons or 2,204 pounds.
65. USAGE: Usage is the use of terminal facility by any rail carrier, lighter operator, trucker, shipper or consignee, their agents servants and/or employees, when they perform their own, car lighter, or truck loading or unloading or the use of said facilities for any other gainful purpose for which a charge is not otherwise specified.
75. WHARF: The term "WHARF" refers to any wharf, dock, or pier owned and/or operated by the Authority.
80. WHARFAGE: (a) Wharfage is a charge assessed against the cargo or vessel on all cargo passing or conveyed over, onto, or under wharfs or between vessels (to or from barge, lighter, or water) when berthed at wharf or when moored in ship adjacent to wharf. Wharfage is solely the charge for use of wharf and does not include charges for any other service.
(b) A charge assessed against all cargo off-loaded or loaded to or from Authority property.
85. Wharf Demurrage: Wharf demurrage is a charge assessed against cargo remaining in or on terminal facilities after the expiration of free time unless arrangements have been made for storage.
90. WINTER MOORING: Mooring vessels at wharf between December 15 and April 15 subject to Subrule 34.25.
91. DUNNAGE: Loose materials used around a cargo to prevent damage or padding in a ship or shipping containers to protect against breakage.
92. TOTAL COST: Shall mean all direct and indirect costs relating to the specific service being performed.

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RULE: 34.3 - BERTHING OF VESSELS (I)

EFF: 30JUL1994

A. Berthing space to be occupied by vessels utilizing the Authority's facilities shall be designated and assigned by the Director or his authorized representative. The Director may order a vessel to shift its position at the wharf to change berths, or to vacate a berth at the expense of the Owner in order to facilitate navigation or for the protection of other vessels or property.

B. APPLICATION FOR BERTH: All vessels desiring a berth at wharf shall, as far in advance of the date of docking as possible, make application to the Director for a berth, specifying the date and estimated time of arrival, sailing, and the nature and quantity of cargo, if any, to be handled. The vessel's Master or vessel's Agent is to keep the Authority advised of any changes in schedule.

RULE: 34.4 - FREIGHT CHARGES (I)

EFF: 30JUL1994

The Authority assumes no responsibility for rail, water, or truck freight charges on shipments moving via its facilities. Freight charges cannot be prepaid by the Authority for customer's account.

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RULE: 34.5 - CHARGES (I)

EFF: 30JUL1994

105. PAYMENT OF CHARGES: All charges levied by the Authority shall become due and payable not more than 30 days from the date of invoice. Thereafter, a service charge at the rate of 11 percent per month or fraction thereof shall be assessed on the unpaid balance. The right is reserved to withhold delivery of any goods on which charges levied by the Authority are due, until such time as these charges are paid in full. Under no conditions shall invoices be altered by recipient. Any claims for error or overcharge will be promptly considered and necessary adjustments made by the AUTHORITY ONLY. Charges are to be paid in United States funds only.

110. RESPONSIBILITY FOR CHARGES ON OUTBOUND CARGOES: All necessary or requested services performed by the Authority in accordance with tariff items shall be for account of vessel and shall be billed to vesselowners or agents UNLESS OTHERWISE AUTHORIZED IN WRITTING.

115. RESPONSIBILITY FOR CHARGES ON INBOUND CARGOES: The Authority reserves the right to refuse release of all inbound cargo unless assured of payment by cargo owner or authorized representative of charges for services performed. This rule assumes that discharge of cargo from vessel will be for vessel account.

RULE: 34.6 - EXPLOSIVES AND INFLAMMABLES (I)

EFF: 30JUL1994

Any explosive, hazardous, or inflammable commodities will be handled over or received on the wharf only upon application to the Authority for permission for the same. The handling and storage of such commodities is subject to Federal, State, City and Authority rules and regulations

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RULE: 34.7 - RESPONSIBILITY FOR LOSS OR DAMAGE (I)

EFF: 30JUL1994

Except as may be caused by their own negligence, THE AUTHORITY SHALL NOT BE RESPONSIBLE FOR INJURY TO OR LOSS OF ANY CARGO BEING LOADED OR UNLOADED AT THE FACILITIES, NOR FOR INJURY TO OR LOSS OF CARGO ON OR IN ITS FACILITIES BY FIRE, LEAKAGE, OR DISCHARGE OF WATER FROM FIRE PROTECTION SPRINKLING SYSTEMS; COLLAPSE OF BUILDINGS, SHEDS, PLATFORMS, WALLS, SUBSIDENCE OF FLOORS OR FOUNDATIONS, OR BREAKAGE OF PIPES NOR FOR LOSS OF INJURY CAUSED BY RATS, MICE, MOUTHS, WEEVILS, OR OTHER ANIMALS OR INSECTS; FROST OR THE ELEMENTS; NOR SHALL THEY BE LIABLE FOR ANY DELAY, LOSS OR DAMAGE ARISING FROM, SINGLY OR IN COMBINATION OF, STRIKES, TUMULT, INSURRECTION, OR ACTS OF GOD, NOR FROM ANY OF THE CONSEQUENCES OF THESE CONTINGENCIES, OR FOR ANY OTHER REASONS NOT SPECIFICALLY LISTED ABOVE OR ANY CAUSE UNAVOIDABLE OR BEYOND THE AUTHORITY'S CONTROL.

RULE: 34.8 - DAMAGE TO PROPERTY (I)

EFF: 30JUL1994

All vessels, their owners and/or agents, and all other users of the facilities shall be held responsible for all damages to the facilities occasioned solely by their own negligence. The Authority reserves the right to make repairs, contract for same, or otherwise cause to be repaired any and all damages to docks, wharfs, warehouses, or transit sheds, equipment rail shop facilities, water heat, and light facilities caused by common carriers, vessels, their owners and agents, stevedoring companies, or any other parties using the facilities. The Authority may detain any vessel or other water craft responsible for damage to the facilities until sufficient security has been posted for the amount of damage.

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RULE: 34.9 - GENERAL RULES (I)

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- 125. PERISHABLE AND OFFENSIVE FREIGHT:
Perishable and/or offensive freight shall be handled over or received on the wharf only at the discretion of the Authority.
- 140. DISCHARGE OF BALLAST AND DEBRIS:
Throwing ballast, fuel oil, rubbish, dunnage, debris or bilge water into slips, channels, or on dock structures is STRICTLY PROHIBITED as regulated by Federal, State, County, and City laws and ordinances (Watercraft Pollution Control Act of 1970, Public Act of 1970).
- 145. INSURANCE:
Goods are not insured by the Authority for the benefit of the owner against fire or any other loss or injury. Goods are stored solely at the owner's risk. Owners may provide insurance at their option and expense. All stevedoring firms and/or vessels' agents or both, where applicable, shall provide evidence that insurance coverage's are in force covering their operations on Ogdensburg Bridge and Port Authority terminal facilities.
- 150. DEMURRAGE:
The Authority does not assume responsibility for delays of any nature demurrage to vessels or railroad cars, or detention of vessels arising from cause whatsoever, except such delays which result from the negligence of the Authority.
- 151. DUNNAGE:
Dunnage will be furnished by the Authority, if requested or required, at cost plus 20 percent. (See Subrule 34.2 Item 91 herein)

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RULE: 34.9 - GENERAL RULES
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160. INSPECTION OF CARGO:

The Authority or its duly authorized representative is authorized to enter upon and inspect any vessel at wharf to ascertain the kind and quantity of cargo thereon.

165. MANIFEST TO BE FURNISHED:

The masters or agents of vessels discharging or loading cargo or passengers must furnish promptly to the Authority copies of their inbound or outbound manifests showing consignees and consignors, weights or measurements of the various items, and basis on which freight charges are assessed on the cargo; and/or a copy of the passenger list. The Authority reserves, without question, the right to audit all such manifests and to use such audits as a basis of charges.

In order to expedite all operations involved in the handling of cargo, including the ordering and placing of cars, the Authority requests that it be furnished with dock receipts, loading tallies, or other documents showing the details of cargo to be handled as much in advance of the receipt of cargo at the docks as may be possible.

170. MARKINGS ON FREIGHT:

Any material placed in storage must be legibly and permanently marked where and when practicable.

175. ORDERING RAILROAD CARS:

Orders to the railroads for the placing, switching, and removing of railroad cars will be given by the Authority upon instructions from the person or persons in charge of the cargo to be handled, or his authorized representative. Beyond the carrying out of such instructions no responsibility for any errors or delays will be assumed by the Authority.

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RULE: 34.9 - GENERAL RULES
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180. PRIOR DELIVERY OF RAILROAD CARS:
Vessels or other parties responsible for cargo are requested to arrange for delivery of railroad cars prior to vessel arrival to facilitate proper spotting of railroad cars and to the order of loading.
185. STEVEDORING:
Stevedoring services are available through the Ogdensburg Bridge and Port Authority.
190. SUNK OR SUBMERGED VESSELS:
In the event that a vessel shall sink or submerge at the wharf, the owner, agent, or lessee shall, at his own expense, cause such vessel to be raised and immediately removed from the terminal area.
195. CARGO PLACEMENT:
Cargo shall be placed only in or on areas designated for that purpose by the Authority.
196. CARGO STATEMENT:
All vessels, through their owners, agents, or authorized representatives, shall promptly furnish sufficient information verified correct to permit billing of the vessel and cargo charges set out in this tariff. Manifests or other available documents may be used, or in lieu thereof a statement prepared to include the following:

VESSEL	CARGO
Name	Commodity
Gross Registered Tonnage	Identifying Marks
Net Registered Tonnage	Number of Units
Last Port of Call	Weight in Pounds
Arrival Date	Country of Origin
Arrival Draft	Country of Destination
Departure Date	Discharge Port (outbound)
Next Port of Call	Loading Port (inbound)
Name of Master	
Number in Crew	
Ship Nationality	
Country of Construction	
Year	
Registration Number	