TARIFF No. 5

Rules, Regulations, Rates, and Charges

Issued by

The San Francisco Port Commission

An Agency of the City and County of San Francisco

Issued: Jan. 1, 2009 Effective: Jan. 1, 2009

CHECK SHEET FOR TARIFF PAGES AND SUPPLEMENTS

All of the pages contained in this tariff are listed consecutively by page number and revision number. The pages of the tariff and the supplements to the tariff, listed on this page, bear issued dates that are the same as, or prior to, the issued date of this page. A " 0 " in the Revision column indicates an Original Page. The " TP " in the Page column indicates the tariff Title Page. The " * " indicates issued on this date.

EFFECTIVE SUPPLEMENTS

None currently in effect

(C) ORIGINAL AND REVISED TARIFF PAGES

PAGE	REVISION	PAGE	REVISION	PAGE	REVISION	PAGE	REVISION
TP	0	26	0	52	0	78	0
1	6*	27	0	53	0	79	0
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3	0	29	0	55	0	81	0
4	0	30	0	56	0	82	0
5	1	31	0	57	0	83	0
6	0	32	0	58	0	84	0
7	0	33	0	59	0	85	0
8	0	34	0	60	0	86	0
9	0	35	0	61	0	87	0
10	0	36	0	62	0	88	1
11	0	37	0	63	1*	89	0
12	0	38	0	64	0	90	0
13	0	39	1	65	0		
14	0	40	0	66	0		
15	0	41	0	67	0		
16	0	42	1	68	0		
17	0	43	0	69	0		
18	1	44	0	70	0		
19	0	45	0	71	4*		
20	0	46	0	72	4*		
21	0	47	0	73	4*		
22	0	48	0	74	4*		
23	0	49	0	75	4*		
24	0	50	0	76	4*		
25	0	51	1*	77	4*		

When this tariff is amended by revised pages, each revised page cancels the item or portion thereof shown on the original or revised page of the same page number. For example, "1st Revised Page 10" will have the effect of canceling Original page 10.

Reference made herein to items or pages in this tariff shall include reference to the reissue of such items or pages.

SECTION 0 JURISDICTION / DEFINITIONS / CORRELATIONS

ITEM NO. 2 SCHEDULE JURISDICTION

(C) 1. The Port of San Francisco Tariff No. 5 establishes the rules, regulations, rates, and other provisions applying to the services and for the use of the wharfinger facilities under the jurisdiction of the San Francisco Port Commission.

2. All rates, rules, regulations and provisions of this schedule receive authority for enforcement from and are subject to the City of San Francisco's Charter, applicable City Ordinances, and Police Code.

ITEM NO. 5 DEFINITION OF TERMS USED IN THIS SCHEDULE

(a) COMMISSION: San Francisco Port Commission is an agency of the City and County of San Francisco, and is incorporated under the laws of the State of California.

(b) CARGO: Includes, but is not limited to, merchandise, commodities, goods, wares, freight, liquids, articles and materials, empty containers (cargo vans), as defined in (d) of this item, live animals, vessel's stores, supplies and bunkers.

(c) CARGO, IN BULK: Commodities which, by nature of their unsegregated mass, are usually handled by shovels, scoops, buckets, forks, magnets, mechanical conveyors, or in liquid form, through a pipe line or hose, and which are loaded or unloaded and carried without wrappers or containers and received and delivered by carrier without transportation mark or count. (Will not apply when subject to piece count.)

(d) CONTAINER (CARGO VAN): Means a single rigid, nondisposable dry cargo, insulated, temperature or atmosphere controlled, flatrack, vehicle rack, portable liquid tank, open top container, without wheels or bogies attached, having not less than 225 cubic feet capacity. All types of containers will have constructions, fittings and fastenings able to withstand without permanent distortion, all the stresses that may be applied in normal service.

(e) DIRECT: A continuous operation between barge, car or truck and vessel when performed by vessel's stevedores, pipe line, or any mechanical means.

(f) DOCKAGE: See Item 400 for definition.

(g) HOLIDAYS: New Year's Day, Martin Luther King Jr's Birthday, President’s Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran’s Day, Thanksgiving Day, Day After Thanksgiving, Christmas Day and any other legal holiday that may be proclaimed by City, State or Federal Authority.

(h) OCP TERRITORY: Is defined as origins or destinations in the United States located in North Dakota, South Dakota, Nebraska, Colorado, New Mexico and states east thereof and points in Canada east of Saskatchewan/Manitoba boundary line.

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ITEM NO. 5 DEFINITION OF TERMS USED IN THIS SCHEDULE

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(i) PORT OF SAN FRANCISCO: Consists of the maritime properties and all of the San Francisco Bay Area within the City and County of San Francisco under the jurisdiction of the San Francisco Port Commission.

(j) TERMINAL: Includes all piers, wharves, docks, bulkhead, seawall, embankments, public landings or their structures (open or closed) when used as maritime facilities under the jurisdiction of the Commission.

(k) Ton: 1,000 kg (2204.6 lbs.) or 1 meter (35.315 cubicfeet).

(l) VESSEL: Includes every description of water craft, or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft.

(m) WHARFAGE: See Item 200 for definition.

ITEM NO. 7 CORRELATION OF FEDERAL MARITIME COMMISSION

DEFINITIONS (FOR INFORMATION ONLY):
Section 525.1(c) of Part 525, Subchapter B, Chapter IV of Title 46 CFR (General Order 15) contains definitions of certain terminal services. The definitions in said Section 525.1(c) and the correlated definitions contained in this schedule are as follows:

FEDERAL MARITIME COMMISSION		SAN FRANCISCO PORT AUTHORITY
Section 525.1(c)(5)	(Dockage)	Item 400
Section 525.1(c)(9)	(Free Time)	Item 300 (c)
Section 525.1(c)(20)	(Terminal Storage)	Item 300 (b)
Section 525.1(c)(22)	(Wharf Demurrage)	Item 300 (a)
Section 525.1(c)(23)	(Wharfage)	Item 200

ITEM NO. 16 METRIC CONVERSION TABLE

The conversion factors shown below are to be used when needed in application of this schedule.

TO FIND	GIVEN	MULTIPLY
Metric Tons	Short Tons	Short Tons by 0.907
Metric Tons	Long Tons	Long Tons by 1.016
Kilos	Pounds	Pounds by 0.4536
Cubic Meters	Measurement Tons	Measurement Tons (40 cu.ft.) by 1.133
Cubic Meters	MTBMs (ft.B.M. in thousands)	MFBMs by 2.36
Meters	Feet	Feet by 0.3048

ITEM NO. 16 METRIC CONVERSION TABLE

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METRIC EQUIVALENTS:

1 Kilo	= 2.2046 Pounds
1 Pound	= 0.4536 Kilos
1 CWT (US - 100 pounds)	= 45.359 Kilos or 0.04536 Metric Tons
1 CWT (British - 112 pounds)	= 50.802 Kilos or 0.0508 Metric Tons
1 Bushel Grain (US)	= 60 pounds = 27.216 Kilos
1 Cubic Meter	= 35.315 Cubic Feet
1 Cubic Foot	= 0.0283 Cubic Feet
1,000 Ft. B.M.	= 83.33 Cubic Feet
1 Cubic Meter	= 423.792 Ft. B.M.
1 Barrel (US - 42 gallons)	= 158.987 Liters
1 Meter	= 3.2808 Feet

SECTION 1 - GENERAL RULES AND REGULATIONS

ITEM NO. 100 RESERVED FOR FUTURE USE

(D) Deleted - Absorption Of Differential In Railroad Switching Charges on Carloads of Freight

ITEM NO. 103 APPLICATION OF RATES, CHARGES, RULES AND REGULATIONS

The applicable rates, charges, rules and regulations under this schedule are those in effect at the time the charge accrues or the situation occurs.

ITEM NO. 105 BULK MERCHANDISE - RULE GOVERNING HANDLING

When ballast, stone, coal, bricks, ashes, cinders, dust,rubbish,or other loose or bulk cargo, is being landed from a vessel upon, or lifted from, a wharf, or is being transferred from one vessel to another, a canvas chute or other contrivance meeting the requirements of the Chief Wharfinger must be used to prevent any part thereof from falling into the slip. Operators must meet all requirements of clean air standards established by public authorities.

ITEM NO. 107 CLASSIFICATION OF TRADES

For the purpose of applying certain rates and provisions of this schedule, vessels and the cargo which they handle are classified according to the trades in which the vessels are engaged and the cargo is transported. (See Notes 1 and 2.) The classifications are as follows:

TRADES	SERVICE BETWEEN SAN FRANCISCO AND:
Inland Waterway	Ports on San Francisco Bay and inland waterways tributary thereto, inside the Golden Gate.
Coastwise	Ports along the Pacific Coast in the States of California, Oregon, and Washington, and in the Province of British Columbia.
Intercoastal	Ports in the Continental United States on the Gulf of Mexico or the Atlantic Coast and Ports in Puerto Rico.

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ITEM NO. 107 CLASSIFICATION OF TRADES

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TRADES	SERVICE BETWEEN SAN FRANCISCO AND:
Foreign and Offshore	Ports other than those described above and including those described below except as specifically provided for in individual items
Hawaiian	Ports in Hawaiian Islands.
Alaskan	Ports in Alaska.
Transpacific	Ports West of 170th Meridian of West Longitude and East of 40th Meridian of East Longitude.

ITEM NO. 109 CREDIT RULE

The San Francisco Port Commission may extend credit subject to such rules, regulations, and requirements as may be specified at the time the application for such credit is made. The arrangement to extend credit may be revoked or cancelled by the Commission at any time.

ITEM NO. 111 DAMAGE TO CITY PROPERTY

(a) In the event any damage is done to any wharf, port facility, or other city property, the person or persons responsible for, causing, or in any way connected with such damage, and the person to whom the wharf or other property is licensed or leased, or by whom it is being used, and the master, owner, operator, or agent, of any vessel, vehicle, or other instrumentality involved in such damage, will give a full report to the Chief Wharfinger, or Wharfinger, giving the date and hour the damage occurred, the names and addresses or descriptions of witnesses and other persons, vessels, or instrumentalities involved in the damage, as well as all other pertinent facts and information that may be available.

(b) Any person causing, or liable for any damage, will be required to pay to the commission on demand the full cost of repairs, or to reimburse the Commission for the full amount of the damage.

(c) All persons to whom wharves or port facilities have been licensed or leased will be held responsible for any damage occurring to such property during their tenancy, unless such person secures and furnishes the commission with adequate information and evidence fixing the liability on some other responsible person; unless otherwise provided in the license or lease.

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ITEM NO. 111 DAMAGE TO CITY PROPERTY

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(d) Any person failing to comply with these rules may be refused the use of any facility until the Commission has been fully reimbursed for any damage done.

(e) Nothing herein shall exculpate or otherwise relieve the Commission from liability for its own negligence or impose upon others the obligation to indemnify or hold harmless said Port from liability for its own negligence.

ITEM NO. 113 DISCHARGE OF OIL UPON NAVIGABLE WATERS OF STATE

"Except in case of emergency imperiling life or property, or unavoidable accident, collision, or stranding, or as otherwise permitted by law, it is unlawful and constitutes a misdemeanor for any person to discharge, or suffer the discharge, or suffer the discharge of oil by any methods, means, or manner, into or upon the navigable waters of the State from any vessel using oil as fuel for the generation of propulsion power, or any vessel carrying or having oil in excess of that necessary for its lubricating requirements, and such as may be required under the laws and prescribed rules and regulations of the United States and this State.

"As used in this section, the term 'oil' means oil of any kind or in any from, including fuel oil, oil sludge, and oil refuse, and the term 'navigable waters of the State' means all portions of the sea within the territorial jurisdiction of the state, and all inland waters navigable in fact in which the tide ebbs and flows." (Harbors and Navigation Code, Section 133.)

ITEM NO. 117 EXPLOSIVES, AND OTHER HAZARDOUS AND DANGEROUS CARGO - RULES GOVERNING

(a) The handling of explosives and other dangerous articles is subject to all applicable laws, rules and regulations promulgated by the United States, the State of California, the City and County of San Francisco, and other competent and proper authorities.

(b) Hazardous or dangerous cargo will not be permitted to remain overnight on any wharf unless prior approval is received. The Chief Wharfinger and/or the fire Marshal may cause the removal of such cargo at the expense of, and for the account of, the owner at any time it is deemed necessary.

(c) The Chief Wharfinger has authority to employ, or arrange for the employment of, one or more special watchmen, at the expense of the consignee or owner, to watch any dangerous cargo on any wharf, when in his judgment such action is necessary to protect the property of the City against fire or other hazards.

ITEM NO. 119 FENDERS - RULE GOVERNING

Floating Fenders or Camels shall not be allowed to remain in any slip, channel, basin, or canal without the permission of the Chief Wharfinger, and then only when all the conditions laid down by the Chief Wharfinger have been complied with.

Any person making use of Floating Fenders or Camels will be held responsible for all damage caused by the Camels or Fenders or by such use thereof.

ITEM NO. 121 FIRE, WELDING, AND OPEN FLAMES, RULES GOVERNING

(a) Fire will not be used on board any vessel to heat pitch, tar, or other inflammable substances, while such vessel is in any slip, basin, channel, or canal, or moored to any wharf; however, such fire for the purposes mentioned may be used on boats or floating stages provided such fire is constantly in charge of a person capable of taking proper care of said fire; and provided further, that sufficient emergency fire fighting equipment and fire watchmen, to the satisfaction of the Chief Wharfinger, Wharfinger, or Fire Marshal, are present at all times.

(b) No bonfire nor open fire for the burning of rubbish or refuse materials, or for any other purpose, except as provided in this Item, will be allowed on any of the city property under the jurisdiction of the Commission.

(c) No welding or open fire will be allowed on any wharf, or upon any vessel in any slip, channel, basin or canal until and unless in the opinion of the Chief Wharfinger, Wharfinger or Fire Marshal, sufficient emergency fire fighting equipment properly manned is present and ready for immediate use.

Before any "hot work" is commenced on any property within the area under the jurisdiction of the Port of San Francisco, application form No. 159 shall be presented to the Fire Marshal. No such work shall be commenced until a written permit therefore is approved.

When "hot work" is to be conducted, operations shall conform to the requirements of Article 18, S.F. Municipal Fire Code.

ITEM NO. 122 FIRE EXTINGUISHERS REQUIRED

All tenants of the Port of San Francisco are required to furnish, maintain and service portable fire extinguishers in their leased or licensed areas in accordance with the S.F. Municipal Fire Code and U.S. Coast Guard regulations.

ITEM NO. 123 FIRE FIGHTING APPARATUS AND EQUIPMENT-RULE GOVERNING

No person shall obstruct or interfere with the free and easy access to or use of, and no person shall remove, or in any manner disturb, any fire extinguisher, fire hose, fire hydrant, or fire alarm, or any part of any fire sprinkler or protection system, or any other fire fighting appliance or apparatus installed in or located upon any wharf or their structure, except of necessary repairs or tests by any duly authorized person.

ITEM NO. 124 U.S. GOVERNMENT CARGO

Cargoes for the account of the United States of America or its individual agencies will be subject to contract rules and regulations quoted by the Port of San Francisco.

U.S. Government cargo is defined as cargo where title has passed to the U.S. Government, and the U.S. Government bears direct responsibility for the payment of marine terminal rates and charges.

U.S. GOVERNMENT SPONSORED CARGO
U.S. Government Sponsored Cargo is defined as cargo moving under U.S. Government contracts, where the shipper bears direct responsibility for the payment of all charges until title passes to the U.S. Government. Cargo moving under this definition is considered commercial cargo, and subject to published schedule rates and charges for commercial cargo.

ITEM NO. 125 HEAVY LIFT CRANAGE

Heavy lift derrick barges and mobile cranes are available from private companies. Single lift capacity over 350 tons. Contact Port Commission for information. For use of port owned container cranes, see Section 9 of this schedule.

ITEM NO. 127 INSPECTION OF VESSELS

As a condition to the use by any vessel, of any slip, channel, basin, canal, wharf, or other port facility, the Chief Wharfinger, Wharfinger, Fire Marshal, or other duly authorized representative of the Commission, must be permitted to go aboard such vessel to ascertain the kind and quantity of cargo thereon, any other necessary information, and whether the rules and regulations of the Commission are being complied with; and no person shall hinder or molest any one so authorized, or refuse to allow him to go aboard any vessel for the purposed specified in this rule.

ITEM NO. 129 LICENSES-TRANSFERRING OR SUBLETTING

Licenses of, or to, wharf areas, or any other property, shall not be transferred or sublet without the written consent of the Commission. Any violation of this rule shall subject the license to immediate cancellation at the discretion of the Commission.

ITEM NO. 131 LIGHTING OF VESSELS - RULE GOVERNING

All vessels lying at anchor or moored within this port shall show lights in accordance with the applicable Federal, State, and municipal laws, rules, and regulations.

ITEM NO. 133 EMBARKING OR DISEMBARKING PERSONS AT FERRY TERMINALS WITHOUT CONSENT OF THE EXECUTIVE DIRECTOR

It shall be unlawful for any vessel to land at the Downtown Ferry Terminals or the China Basin Ferry Terminals for the purpose of embarking or disembarking persons at these facilities without the prior consent of the Executive Director.

ITEM NO. 134 MOORING AT ANY WHARF, DOCK OR LANDING WITHOUT THE CONSENT OF THE EXECUTIVE DIRECTOR

It shall be unlawful for any person to make any vessel fast, or to cause or permit any vessel to be made fast, to any wharf, dock or landing, or to cause or permit any vessel to remain fastened to any wharf, dock or landing, or to be or remain moored immediately in front thereof, without the consent of the Executive Director. It shall be unlawful for any vessel to remain fastened to any wharf, dock or landing, or to remain moored immediately in front thereof, after the consent to so remain fastened or moored has been revoked or withdrawn by the Executive Director.

Any vessel made fast to or moored in front of any wharf, dock or landing, or remaining fastened to moored in front of any wharf, dock or landing, in violation of this Item, shall be guilty of a misdemeanor or an infraction and further shall be subject to removal by or at the order of the Executive Director and at the expense of such vessel, and its agent or owner, to such other place as the Executive Director may direct.

ITEM NO. 135 MOORING FACILITIES - USE OF

All persons are prohibited from making fast any rope or mooring to any wharf, except to the mooring piles, mooring bits, or mooring rings provided for that purpose. Any person failing to comply with this rule shall be held responsible for all damage resulting from such failure.

ITEM NO. 136 PORT AS TERMINAL OPERATOR

All users of Port facilities, pursuant to schedule, are hereby put on notice that the Port of San Francisco does not act as terminal operator without prior written consent approved at a regular Port of San Francisco Commission meeting.

ITEM NO. 137 NON-LIABILITY OF SAN FRANCISCO PORT COMMISSION FOR LOSS AND DAMAGE

Neither the Commission nor the City of San Francisco shall be liable for loss or damage to any cargo in or upon, or moving or being moved over, in, through, or under any wharf or other structure or property owned, controlled, or operated by the Commission or the City of San Francisco, resulting from any cause whatsoever, including loss or damage which in any manner is caused by or results form the following: pilferage; animals, including rats, mice and other rodents; insects, including moths and weevils; shrinkage; wastage; decay; seepage; leaky containers; heating; evaporation; fire, or extinguishment thereof; explosion; leakage; discharge from fire protection system; dampness, rain, floods, freezing, frost or other action of the elements; collapse of wharves, piers, or other structures; breakdown of plant, machinery of equipment; floats, logs, or piling required to breast vessels away from wharves; combinations; sabotage; insurrection, revolution, or war; riots; or strikes.

Nothing herein shall be deemed to relieve the Commission from liability for loss or damage to goods or property it may have by law as the result of its own negligence.

ITEM NO. 138 FUMIGATION PERMIT REQUIRED

Before fumigation is commenced on any property under the jurisdiction of the Port of San Francisco, permit form No. 507mm shall be presented to the Chief Wharfinger.

When fumigation is to be conducted, operations shall comply with the rules and regulations issued by the Port Commission, based upon Article 10, S.F. Municipal Fire Code and other applicable Federal, State and Municipal laws rules and regulations.

ITEM NO. 139 OBSTRUCTING NAVIGATION

(a) "Every person who unlawfully obstructs the navigation of any navigable waters is guilty of a misdemeanor." (Harbors and Navigation Code, Sec. 131.)

(b) "Every person who, within the anchorage of any port, harbor, or cove of this State, into which vessels may enter for the purpose of receiving or discharging cargo, throws overboard from any vessel all or any part of the ballast, or who otherwise places or causes to be placed in such port, harbor, or cove, any obstructions to navigation, is guilty of a misdemeanor." (Harbors and Navigation Code, Section 132.)

(c) Every person, who deposits or causes to be deposited, in the waters of the harbor of San Francisco, which are subject to the jurisdiction of the Commission, any substance which will sink and form an obstruction navigation, without first obtaining permission, in writing, of the commission, which permission shall berecorded by the Secretary and shall describe, with an ordinary degree of certainty, the place where the deposit may be made, is guilty of a misdemeanor. (Sec. 1605, Part 2, Ch. 8, S.F. Muni. Code)

(d) No substance that will sink or form an obstruction to navigation or become a nuisance shall be deposited in the waters of San Francisco Harbor without first obtaining the permission of The District Engineer, U.S. Engineers.

ITEM NO. 141 OBSTRUCTIONS - RULES GOVERNING

(a) Coal Screens, donkey engines, stevedores' tools and appliances, merchandise, vehicles, or structures, must be removed from the wharves and other property under jurisdiction of the Commission when directed by the wharfinger. (Sec. 1611, Part 2, Ch. 8, S.F. Muni. Code)

(b) "A person shall not place, or cause to be placed, any obstructions upon any wharf or thoroughfare, under jurisdiction of the Commission. (Sec. 1606, Part 2, Ch. 8,S.F. Muni. Code)

(c) "Whenever any wharf or thoroughfare in the harbor of San Francisco is incumbered, or its free use is interfered with, by goods or other substance, whether loose, or built upon, or fixed to any wharf or throughfare, the Commission shall notify, in writing, the owner, agent, occupant, or person placing or keeping the obstruction hereon, to remove it within twenty-four hours after service of the notice. The notice may be served by a wharfinger, or the Secretary of Assistant Secretary of the Commission."
(Sec. 1607, Part 2, Ch. 8, S.F. Muni. Code)

(d) "In case of failure to comply with the notice to remove the obstruction, the owner, agent, occupant, or person notified is liable to pay the Commission the sum of twenty-five dollars for each day during which the obstruction remains upon any wharf or thoroughfare. The Commission may remove any incumbering substance, and store it in a suitable, convenient, and safe place, and a sum equal to the amount of the expenses of the removal, together with all other necessary charges, shall be paid by the owner to the commission, and is a lien on the substance until paid." (Sec. 1608, Part 2, Ch. 8, S.F. Muni. Code)

ITEM NO. 143 OPERATION OF MOTOR VEHICLES - RULES GOVERNING

(a) No motor vehicles, except those engaged in the transportation of property of passengers, shall be allowedto enter any wharf; provided, however, that nothing in this paragraph is to be construed as prohibiting access to the wharves and piers by emergency vehicles, or motor vehicles owned by or operated under the jurisdiction of this Commission.

(b) No motor vehicle in an unsafe or dangerous condition shall be allowed on any wharf.

(c) No motor vehicle fuel tank shall be refilled on any wharf.

(d) No Motor vehicle, when actually engaged in transporting, loading, or unloading freight or passengers, shall be allowed to remain on any wharf or other property for an unreasonable length of time.

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ITEM NO. 143 OPERATION OF MOTOR VEHICLES - RULES GOVERNING

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(e) No motor vehicle shall be allowed to park on any wharf without permission of the Commission. (Sec. 1613, Part 2, Ch 8, S.F. Muni. Code)

(f) All wharfingers and the Harbor Police are authorized to strictly enforce these rules, and all motor and other vehicles must comply at all times with orders or directions given by either the wharfingers or the Harbor Police.

ITEM NO. 144 TERMS AND CONDITIONS OF PAYMENT

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

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

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

2. By the cargo owner, shipper or consignee before cargo leaves the custody and control of the terminal for inbound shipments, and before outbound cargo is released from the custody and control of the terminal.

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

Payment terms are cash unless the Port customer, prior to the use of Port facilities or services, has established credit worthiness or has posted adequate security acceptable to the Port and has thereby been relieved of cash payment requirements by the Port, as set forth in the supplement to Application for Berth Assignment as published by the Port. The Application for Berth Assignment is provided at the Port Offices.

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

ITEM NO. 145 PAYMENT OF CHARGES

All charges for services rendered by the Commission, or for the privilege of using any Commission facility, are due and payable as they accrue or on completion of such service or use. Notwithstanding the foregoing, the Commission reserves the right to require the payment of charges in advance, as follows:

(a) By the vessel, its owners or agents, before vessel commences its loading or discharging operations.

(b) By the owner, shipper or consignee before cargo leaves the custody of the Pier Licensee.

ITEM NO. 146 CREDIT ACCOUNT SERVICE CHARGE

Service Charges will be billed at a rate of 0.83% per month (10% annually) on all past due balances, except as noted. Invoices are due and payable upon presentation, except as noted, and become past due at the end of the grace period.

All monthly Rent billings are due and payable on the first of each month unless otherwise stated in a lease agreement.

Grace Period

The grace period for monthly rent billings will begin on the first day of the month and end on the last day of the month regardless of invoice date.

The grace period for Crane Rental, Electrical and Facility Damages invoices will be fourty-five (45) days from the invoice date.

The grace period for Wharfage, Dockage, Demurrage and Storage will be forty-five (45) days from the invoice date.

Exceptions

Tenants who are government agencies will not be subject to service charges. When, by reason of an Act of God, lightning, fire, earthquake, severe storm, flood or war, riot, strike, or any other industrial disturbance, a facility or facilities of the Port are not usable for the purpose for which they are intended, the Port Director may suspend the application of Service Charges contained in this item for as long as may be equitable under the circumstances.

Invoices & Statements

All invoices and statements will indicate the grace period and the amount of Service charges, except government tenants.

ITEM NO. 147 PENALTY FOR ACTING WITHOUT AUTHORITY

"Every person who collects any toll, wharfage, or dockage, or lands, ships, or removes any property upon or from any portion of the waterfront of San Francisco, or from or upon any of the wharves under the control of the Commission, without being by the commission authorized so to do, is guilty of a misdemeanor." (City & County of San Francisco Police Code Sec. 1609)

ITEM NO. 149 PETROLEUM PRODUCTS ON WHARVES-RULES GOVERNING

(a) The storage or keeping of gasoline, distillate, or other liquid petroleum products on wharves, except at such localities as may be specifically designated therefor, is strictly prohibited; and at such localities as may be designated therefor, the handling of gasoline, distillate, or other liquid petroleum products must conform to the applicable Municipal, State and Federal laws.

(b) Deliveries of gasoline or distillate, in bulk, to vessels will be allowed only after the Chief Wharfinger and the Fire Marshal have been notified, and the necessary protective fire apparatus provided, and other required precautions taken. Trucks making such deliveries must comply fully with all applicable laws and the directions of the Wharfinger.

(c) Empty gasoline or distillate drums must be removed from wharves immediately.

ITEM NO. 151 PROHIBITED AREA FOR VESSEL OPERATION

Except for the purpose of entering or leaving a berth or slip, vessels shall not operate, run, or navigate within five hundred (500) feet of the pierhead line.

ITEM NO. 152 RESPONSIBILITY FOR CHARGES

Vessels, their owners, agents, masters, and shippers or consignees of goods docking at or using the facilities covered by this schedule thereby agree to be responsible, jointly and severally, for the payment of charges assessed in accordance with this schedule.

The rates, rules and regulations of this schedule and liability for charges will apply without regard to the provisions of any bills of lading, charter party agreement, contracts, or any other conflicting provisions.

ITEM NO. 153 RESPONSIBILITY OF VESSEL EXTENDING BEYOND END OF WHARF

Vessels will be responsible for any and all damage to themselves or to any other vessel while:

(1) Lying across the end of any wharf except those wharves designed for occupancy at the end of the wharf.

(2) Extending beyond the end of any wharf.

ITEM NO. 157 SMOKING - RULE GOVERNING

No smoking shall be allowed on any wharf, except in approved areas or locations specifically designated for that purpose. Persons violating this rule may be barred, at the discretion of the Commission, from further use of any wharf, and, in addition, shall be subject to prosecution under the applicable Federal, State and Municipal laws.

ITEM NO. 158 RULE GOVERNING SPEED OF VESSELS WITHIN CHINA BASIN

(a) It shall be unlawful for any person to navigate any vessel within any portion of the navigable waters of China Basin at a speed greater than five nautical miles per hour. For the purpose of this rule, China Basin refers to the waters bounded by the imaginary line drawn from the northeast corner of Pier 48 to the breakwater of the South Beach Yacht Harbor, continuing westward to the Third Street (Lefty O'Doul) bridge.

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

(c) The area identified by United States Coast Guard approved information buoys running parallel to the seawall/portwalk and west of the China Basin Ferry landings shall be designated as a "No Motoring Zone".

ITEM NO. 159 SPEED LIMIT ON WHARVES AND PIERS

Any person operating or driving a motor or other vehicle upon any wharf shall drive at careful and prudent speed not greater than is reasonable and safe, having due regard to the traffic, surface, and use and condition of the wharf; and no person shall operate or drive a motor or other vehicle upon any such wharf at such a rate of speed as to endanger any person or the property of any person; provided, that it shall be unlawful for any person to operate or drive a motor or other vehicle on any such wharf at a greater speed than ten (10) miles per hour, unless otherwise posted.

Violators of this rule shall be prosecuted to the full extent of the law and may be deprived of the use or privilege of driving into or upon any wharf.

ITEM NO. 160 LAW ENFORCEMENT

As a condition to the use by any vessel of any property under the jurisdiction of the Commission, the Police must be permitted to board any vessel for police purposes. No person shall hinder or molest any one so authorized, or refuse to allow him to go aboard any vessel for the purpose specified in this rule.

ITEM NO. 161 STANDARD WHISTLE SIGNAL FOR SHIPS AFIRE IN PORT

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

ITEM NO. 163 SAN FRANCISCO BAY RAILROAD

(C) San Francisco Bay Railroad operates all rail transport to/from the Port of San Francisco. Contact San Francisco Bay Railroad for switching rates, rules and regulations at www.sfbayrail.com.

ITEM NO. 167 STRETCHING LINES ACROSS SLIP

All persons are prohibited from stretching any line across any slip without first obtaining permission to do so from the Chief Wharfinger.

ITEM NO. 169 TIME LIMIT FOR FILING CLAIMS

All claims against the Commission for the recovery of overcharges will be filed with the Commission within one year from the date the bill or bills are presented. No refunds or adjustments will be made on any claims filed after this time limit has expired.

ITEM NO. 171 TURNING VESSELS, USING DOLPHINS, PIERS, OR WHARVES

All persons using the dolphin, or any part of any wharf, to warp around, to turn or swing any vessel, or in docking a vessel, shall be held responsible for any damage resulting from such use.

ITEM NO. 173 VESSELS IN PORT - RULES GOVERNING

(a) All vessels at any wharf or within any slip, channel, basin, or canal must have on board at all times at least one person in charge who has the authority to take such action as may be required by any emergency or as may be ordered or directed by any competent authority.

(b) A vessel must shift or go into the stream at its own expense whenever it is ordered to do so by the Chief Wharfinger, or a duly authorized representative of the Commission, either of whom shall have the power to enforce the removal of the vessel at its own expense at any time. (City & County of San Francisco, Police Code Sec. 1614.)

ITEM NO. 175 WEIGHT LIMIT ON WHARVES

(a) No load exceeding seven and one-half tons shall be allowed on any wharf, except as provided in paragraph (b).

(b) A single package exceeding seven and one-half tons in weight may be allowed on a wharf, after first securing the permission of the Chief Wharfinger, and then only upon compliance with such conditions as the Chief Wharfinger may specify.

(c) No weight exceeding 500 pounds per square foot or its equivalent shall be permitted on any wharf, unless a different weight is specified by the Commission in which case the weight so specified will govern.

(d) Violation of this rule shall subject the violator to prosecution, to liability for any damage caused thereby, and to any other penalty deemed necessary by the Commission.

ITEM NO. 185 SHIPPERS' REQUESTS AND COMPLAINTS

(a) Requests and complaints from shippers on matters relating to the rates, rules and regulations contained in this schedule must first be submitted to the San Francisco Port Commission.

(b) The San Francisco Port Commission is a member of the California Association of Port Authorities. A shipper may refer to the Association any request or complaint, not satisfied by the Commission, by submitting all available data in writing to the Association.

SECTION 2 - WHARFAGE

ITEM NO. 200 WHARFAGE DEFINED

Wharfage is the charge assessed against the Cargo, calculated in accordance with the wharfage charges named in this schedule, for the passage of that Cargo onto, over, through or under wharves or wharf premises, or between vessels or overside vessels (to or from barge, lighter, or water) when berthed at wharves or wharf premises, or when moored in a slip adjacent to a wharf, wharves or wharf premise. Wharfage is solely the charge for use of wharves or wharf premises and does not include charges for any other services or facility.

ITEM NO. 203 WHARFAGE APPLICATION

1. Wharfage applies to all cargoes, except those shown as exemptions, at rates stated in Items No. 237 through No. 299.

2. The applicable rates, charges, rules and regulations for wharfage are those in effect on the date that:

   (1) On outbound cargo, the vessel commences loading.
   (2) On inbound cargo, the vessel commences discharging.

3. The same wharfage rates will apply whether the cargo is discharged onto or loaded from a wharf or is discharged or loaded overside a vessel directly to another vessel, or to or from the water in any slip channel, basin, or canal; unless otherwise stated in individual items.

ITEM NO. 205 WHARFAGE EXEMPTIONS

Wharfage will not be charged on:

1. Stevedoring equipment used in loading and/or discharging cargo.

2. Baggage when accompanying travelers (except automobiles).

3. Cargo which a vessel discharges and reloads, prior to departure, in order to load or discharge other cargo (over stowed cargo).

4. Outbound movement of cargo on which full wharfage has been paid to the Port of San Francisco on the inbound movement. (See Item 230, paragraph 7)

ITEM NO. 210 WHARFAGE - WHEN DUE AND PAYABLE

Wharfage is due and payable as follows:

1. On inbound cargo, before being discharged from the vessel.

2. On outbound cargo, before loading on board the vessel or being removed from the terminal.

ITEM NO. 215 RESPONSIBILITY FOR REPORTING AND PAYMENT OF WHARFAGE

1. Wharfage collection and payment to the San Francisco Port Commission must be guaranteed by the vessel owners, or agent and the use of the wharf, terminal, or mooring device shall be deemed acceptance and acknowledgement of this guarantee. Payment of all wharfage charges must be made before vessel departs the facility, unless such vessel, its owners or agent is established on the Commission's credit list. (See Notes 1 and 2)

EXCEPTION 1: When it is requested that the wharfage charges be assessed and collected from a responsible party or a Federal agency, and where satisfactory guarantee of payment is given the Commission, wharfage charges will be collected from the responsible party or Federal agency, in lieu of collection from the vessel as provided above.

NOTE 1: Those on the credit list are required to furnish a wharfage statement (PSF Form 14 and/or 14-A and/or 14-B) within 30 days after vessel completes her cargo operations at this port. If the wharfage bill is not paid within 60 days from the vessel's completion date, a credit account service charge will be assessed. (See Item 146)

NOTE 2: In reporting wharfage to the Commission, separate wharfage statements will be required for the following: inland waterways, coastwise, intercoastal, Puerto Rican, Hawaiian, Foreign and Offshore.

2. Removal of a cargo and failure to pay wharfage may subject the responsible party or parties to fine and/or imprisonment as established in City Ordinance No. 39-69.

3. Wharfage is a lien upon the cargo landed at the terminals of the San Francisco Port Commission, and the Commission may hold possession of the cargo to secure payment. For the purpose of the lien the Commission is deemed to have possession of the cargo until the charge is paid.

4. To enforce the wharfage charge and to clear the terminal or throughfare of any cargo remaining thereon for longer than the time prescribed in this schedule or by the Commission, the Commission may remove and store the cargo at the risk and expense of its owner; or it may sell the cargo at public auction, with or without notice. (San Francisco Police Code 1602)

ITEM NO. 225 MANIFESTS - WHEN TO BE SUPPLIED

The owner, agent, manager, representative, consignee, master, or person in command of any vessel must furnish, upon demand, to the Chief Wharfinger, or to the duly authorized representative of the Commission, a complete copy of its manifest, bills of lading, and any other document covering all cargo moving through the Port of San Francisco.

Refusal to supply the substantiating documents or willfully falsifying the statement of cargo will subject the responsible party to possible fine and/or imprisonment, as established by City Ordinance No. 39-69.

ITEM NO. 227 COMPUTING WHARFAGE CHARGES

All cargo must be reported on Port of San Francisco Form 14 or 14-B or if transshipped cargo on Form 14-A. In computing the charges, whole units will be used; that is, fractions less than half (0.5) will be dropped but fractions of a half (0.5) or more, will increase the amount to the next unit. This applies to tons (weight or measure), MBM, or any other billing unit as shown in items 237 through 299.

ITEM NO. 230 WHARFAGE BASIS

Wharfage rates are in dollars per ton of 1000 kgs. (2,204.62 lbs.) (W), or per Cubic Meter (35.314 cu. ft.) (M) or per 1000 BM (83.33 cu. ft.) the same basis as freighted on the ocean movement, except as otherwise provided in individual items, and subject to the following:

1. Cargo, on which the ocean freight charge is not based on established tariff rates but is moving between points served by a conference carrier, will be assessed wharfage on the basis of weight or measure as assessed by the conference tariff.

2. Cargo, on which ocean freight is based on a combination of weight and measure, will be assessed wharfage on its measurement.

3. Cargo, moving on other than a weight or measure basis (i.e., per container, per package, each, etc.) will be assessed wharfage on weight or measure whichever provides the greater revenue.

EXCEPTION 1: On cargo moving in vans or containers manifested on a per van or per container basis, wharfage shall be assessed on the overall length of the container: (See Item 270).

(continued on next page)

ITEM NO. 230 WHARFAGE BASIS

(continued from previous page)

4. Cargo, unloaded onto a wharf or structure from a land carrier and removed by a land carrier will be assessed ½ the wharfage based on weight. Note: At the Port of San Francisco Grain Elevator, 87 cents per ton will be assessed.

EXCEPTION 1: Cargo, from or destined to a vessel at a terminal other than one within the jurisdiction of the Port of San Francisco, will be assessed full wharfage on the same basis as ocean freighted or other provisions in this schedule.

EXCEPTION 2: Does not apply when movement is between the Port of San Francisco Terminals.

5. VESSEL'S STORES will be assessed wharfage based on weight tons.

6. VESSEL'S DUNNAGE or ship's lining will be charged wharfage based on board feet when loading to a vessel, and no other wharfage charge will be made if it is returned and discharged from the same vessel.

7. ON TRANSSHIPMENT, when cargo is handled between vessels, at the same terminal or is moved directly from one terminal to another in the Port of San Francisco, applicable wharfage will be assessed on the cargo.

NOTE 1: Full applicable wharfage will be charged on transshipped cargo received from or delivered to a Port or terminal outside the jurisdiction of the Commission.

NOTE 2: The highest wharfage rate will be assessed if transshipment involves vessel trades applying different rates.

NOTE 3: One-half the applicable wharfage rate will be charged if the transshipment is necessitated by repairs to be done to the vessel. These repairs must be done by a San Francisco based ship repair company.

WHARFAGE RATES

Rates are in dollars per 1000 Kilograms or 1 Cubic Meter as manifested, except as noted.

ARTICLES	RATES
ITEM NO. 237	
Cargo - See Item 5(b), viz.:	
1. N.O.S. (Includes vessel stores), per 1000 kg or meter	5.73
2. N.O.S. (Coastwise or inland waterway trades) per ton of 1000 kg	4.97
ITEM NO. 239	
Cargo, in bulk - See Item 5(c), viz.:	
1. N.O.S.	1.49
2. Beans, Copra, Cottonseed, Feed, Grain or Grain Products, Peas, Pellets (Alfalfa or Beet), Seeds and Soybeans	3.29
3. Grain, per bushel (foreign and offshore trades only) Originating in OCP Territory - See Item 5(h)	3.86
4. Cargo, in bulk, in Containers - See Item 5(d)	6.26
5. Scrap Metal, N.O.S.	2.13
ITEM NO. 242	
Boats, including Launches, Skiffs, and Yachts, per 1 cubic meter	3.64
Subject to NOTE.	
NOTE: When shipped in cradles or on trailers the dimension of the cradle or trailer shall be included in the overall measurement.	
ITEM NO. 248	
Coffee, green, or Cocoa Beans in bags, per ton or 1000 kg	6.26
ITEM NO. 251	
Containers (Cargo Vans) - See Item 5(d), empty:	
Overall Length	

Not over 7 meters	each 9.38
Over 7 meters	each 18.74

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WHARFAGE RATES

(continued from previous page)

Rates are in dollars per 1000 Kilograms or 1 Cubic Meter as manifested, except as noted.

ARTICLES	RATES
ITEM NO. 252	
Liquids, in bulk - See Item 5(c), per ton of 1000 kg., viz.:	
1. N.O.S. from or to vessel or barge	1.65
2. Petroleum or Petroleum Products (See Note A)	
(1) Fuel, bunker, for use of vessel to which delivered:	
From barge	.85
From car or truck	1.52
(2) N.O.S. by Pipeline, per ton	1.28
NOTE A: When in barrels, drums, or containers, Cargo N.O.S. applies.	
ITEM NO. 253	
Livestock or other Animals, per head	5.94
ITEM NO. 255	
Lumber and Forest Products (See Note A), viz.:	
1. Hardwoods (lumber, logs or timbers) including Ash, Hickory, Oak, Mahogany, per 1,000 ft. B.M. (83.33 cu.ft.)	10.68
2. Softwoods (lumber, logs, shakes, shingles, ties or timber) including Cedar, Fir, Pine, Redwood and Spruce, per 1,000 ft. B.M. (83.33 cu.ft.) - see Exception	8.86
EXCEPTION: Coastwise, inbound, per 1,000 ft. B.M. (83.33 cu.ft.)	4.61
3. Dunnage or Ship Lining, per 1,000 ft. B.M. (83.33 cu.ft.)	8.86
4. Sawn Lumber, Pinus Radiata (Radiata Pine) per cubic meter	2.65
5. Lumber, Timber or Medium Density Fiberboard (MDF), Softwood per cubic Meter	2.98
NOTE A: If freighted by vessel on other than B.M. basis, the Cargo, NOS rate shall apply,unless otherwise stated.	

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WHARFAGE RATES

(continued from previous page)

Rates are in dollars per 1000 Kilograms or 1 Cubic Meter as manifested, except as noted.

ARTICLES	RATES
ITEM 260 Cargo, as listed, per ton of 1000 Kilograms: (See Notes A & B)	6.26
Borax, Borates, Boric Acid; Cotton, Cotton Linters, in bales; Diatomaceous Earth; Fish and Shellfish - Fresh or Frozen; Fruit, dried; Fruit and Vegetables, fresh; Hides or skins; Meat and Poultry - Fresh or Frozen; Scrap Metal, in containers; Wastepaper; Rice, Corn, Oats, Wheat, Sesame Seeds and other grains, in bags.	
NOTE A: Cargo indicated, carried in cargo vans or containers, manifested on a per container basis, not more than one commodity per container, subject to a minimum charge per container as follows: Containers	
0 - 7 meters	Each 82.95
Over 7 meters	Each 165.90
NOTE B: Cargo, as listed, when manifested on a per container basis, when weight is not available, see Item 270.	
ITEM NO. 270 Cargo, N.O.S., moving in containers, manifested on a per van or per container basis, based on overall length:	
0 - 7 meters	Each 139.65
Over 7 meters	Each 279.30
NOTE: Rates apply only when either, or both, weight and measure of cargo are not available. When both weight and measure are available, Item 237 applies.	

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WHARFAGE RATES

(continued from previous page)

Rates are in dollars per 1000 Kilograms or 1 Cubic Meter as manifested, except as noted.

ARTICLES	RATES
ITEM NO. 276	
Metals, loose, in bundles, coils or packages, per ton of 1,000 kilograms	5.07
Metals, loose, in bundles, coils or packages, per ton of 1,000 kilograms:	
Annual Tonnage Per Calendar Year Per Carrier	
0 - 25,000	5.07
25,001 - 50,000	4.90
50,001 - 100,000	4.65
Over 100,000	4.40
ITEM NO. 280	
U.S. Mail: Loaded to or discharged from vessel, per ton of 1000 kg.	11.22
ITEM NO. 285	
Vehicles, motor, self-propelling, viz. (See Exception): Automobiles, pleasure, passenger, commercial, or freight, including chassis, freight trailers or freight semi-trailers, not boxed or crated, (See Note) S.U., on own wheels, per ton of 1000 kilograms	20.62

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WHARFAGE RATES

(continued from previous page)

Rates are in dollars per 1000 Kilograms or 1 Cubic Meter as manifested, except as noted.

ARTICLES	RATES
EXCEPTION: Does not include agricultural, earth moving or road making equipment.	
NOTE 1: When boxed or crated, Cargo N.O.S. rates will apply.	
NOTE 2: When originating from or destined to O.C.P. Territory, as defined in Item 5(h), each vehicle	14.07
ITEM NO. 286 (Rates per 1000 kilograms) Vehicles, commercial, wheeled or tracked, including chassis, freight trailers, freight semi-trailers, lift trucks, agricultural, earthmoving or road making equipment (excluding parts not attached) ...	16.68
ITEM NO. 290 Water, for use of vessels; per 100 cu.ft. or part thereof	.67
NOTE: Does not include cost of water.	
ITEM NO. 291 Project Cargo, for use in transporation, construction, installation, support of a single project with a single owner or shipper/consignee. Project cargo may be shipped on more than one vessel; per 1,000 kg.....	OPEN

SECTION 3 - WHARF DEMURRAGE AND STORAGE

ITEM NO. 300 DEFINITIONS OF TERMS USED IN THIS SECTION

(a) WHARF DEMURRAGE: Is the charge assessed against cargo which remains on the wharf premises after the expiration of the free time allowed.

(b) WHARF STORAGE: Is the charge assessed against cargo after expiration of free time when it has been declared and accepted for storage.

(c) FREE TIME: Is the specified number of days during which cargo may occupy space assigned to it without being subject to wharf demurrage or storage charges.

(d) INBOUND CARGO: Is that which has been discharged from a vessel.

(e) OUTBOUND CARGO: Is that which is being or has been assembled and is awaiting loading to a vessel.

ITEM NO. 305 COMPUTATION OF FREE TIME PERIOD

(1) The free time period commences:

(a) On outbound cargo the first midnight after the cargo is placed on a wharf, or

(b) On inbound cargo the first midnight after the vessel from which the cargo was discharged completes or finishes discharging or leaves the wharf, whichever occurs first.

(2) The free time period terminates:

(a) At midnight of the final day of the free time period, or

(b) Upon removal of the cargo from the wharf, whichever occurs first.

(3) The days during the loading or discharging operations of a vessel shall not be counted as wharf demurrage days on cargo actually loaded into or discharged from such vessel.

ITEM NO. 310 SHORTENING OF FREE TIME PERIOD

The Chief Wharfinger is empowered to shorten the free time specified in this section at any time, and to cause the removal of any cargo or any portion thereof, at the expense of the cargo, its owner, consignee, or consignor.

ITEM NO. 315 DISPOSITION OF CARGO AFTER EXPIRATION OF FREE TIME

Cargo remaining on wharves after the expiration of free time may be allowed, subject to the provisions of this section, to remain where situated; or may be piled or repiled, or be moved to another location on the same or another wharf; or may be removed to public or private warehouses; with all expense and risk of loss and damage for the account of the cargo, its owner, shipper, or consignee, or the carrier, as the responsibility may appear.

ITEM NO. 320 RESPONSIBILITY OF COMMISSION

The Commission assumes no responsibility in connection with cargo on demurrage or storage for handling, insurance, or otherwise, and reserves the right to cause the removal of the cargo at the expense and risk of the owner at any time.

ITEM NO. 325 FREE TIME/ASSEMBLY TIME

A. FREETIME
(1) Unless otherwise provided, the free time periods allowed, as defined in Item No. 300(c), exclusive of Saturdays, Sundays and Holidays, shall be as follows: (See Exceptions)

TRADE	INBOUND	OUTBOUND
Coastwise	5 days	5 days
Inland Waterway	5 days	5 days
Intercoastal	5 days	10 days
Foreign and Offshore (See Note 1)	7 days	10 days

(2) Cargo transshipped between vessels involving a long and a short free time period shall be allowed the longer free time period but in no case shall such cargo be allowed the aggregate of the inbound and outbound free time periods.

EXCEPTIONS:
(a) When a vessel, the sailing date of which has been announced by the Port of San Francisco does not arrive within the free time periods stated in this Item because of stress of weather, accident, breakdown or other emergency, the free time period will be extended by a period not to exceed ten (10) days. Thereafter, the wharf demurrage rates shown in this schedule shall be assessed against the cargo. This Exception does not apply on cargo against which wharf demurrage or storage charges have accrued prior to the scheduled sailing date announced by the Port of San Francisco.

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ITEM NO. 325 FREE TIME/ASSEMBLY TIME

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

(c) Thirty (30) days, exclusive of Saturdays, Sundays and holidays, shall be allowed on coffee, in containers.

(d) Fifteen (15) Calendar days for outside storage and Ten (10) Calendar days for inside storage shall be allowed for all types of break bulk cargo.

NOTE 1: Includes Alaskan, Hawaiian and Transpacific trades as set forth in Item No.107.

B. ASSEMBLY TIME

Upon Shipper's/Consignee's request and subject to terminal space availability, the Port Director may grant time of up to 20 days exclusive of Saturdays, Sundays and Holidays beyond the regular free time allowance provided for in this schedule for assembling cargo lots aggregating 200 revenue tons or more which constitutes an export/import shipment for loading or unloading from a specifically named vessel.

ITEM NO. 330 APPLICATION OF DEMURRAGE AND STORAGE RATES WHARF DEMURRAGE:

At the expiration of free time, the wharf demurrage rates shown in the individual items of this schedule will apply on freight remaining on pier premises, unless and until arrangements for storage have been made with the Pier Licensee.

WHARF STORAGE:

Upon prior application and acceptance of property for storage, rates applicable to such service shall be subject to the following provisions:

(a) DAILY STORAGE:

(1) Daily storage applies for a 24 hour period or fraction thereof. Commencing with midnight of one day to midnight of the following day, and includes Saturdays, Sundays and Holidays.

(2) Cargo that has been accepted for daily storage can be later accepted for monthly storage effective with the date of acceptance for such monthly storage. Cargo accepted for monthly storage cannot be reverted to daily storage.

(b) MONTHLY STORAGE:

(1) Except as otherwise provided, monthly storage periods shall extend from a date in one calendar month to but not including the same date of the next and all succeeding calendar months, but if there be no corresponding date in the next succeeding calendar month, it shall be extended to and include the last day of that month. When the last day of the final storage month falls on Sunday or a Legal Holiday, the storage month shall be deemed to expire on the next succeeding business day.

(2) Upon agreement between the terminal, the San Francisco Port Commission and the owner of the cargo or his agent, monthly storage charges will not be computed under the provisions of Paragraph (1) hereof but will, instead, be computed on the first of month balance system as follows:

(a) When the storage period commences on or before the fifteenth day of the month, a full month's storage shall be assessed for that month. A full month's storage shall be charged on the cargo on hand on the first day of the following month and for each succeeding month thereafter.

(b) When the storage period commences after the fifteenth day of the month, storage charges for one-half month shall be assessed for that month. A full month's storage shall be charged on the cargo on hand on the first day of the following month and for each succeeding month thereafter.

(3) Cargo accepted for monthly storage cannot be reverted to daily storage.

ITEM NO. 335 ACCEPTANCE OF CARGO FOR STORAGE

(a) Acceptance of cargo for storage is at the option or convenience of the Pier Licensee, or Terminal Operator.

(b) Notification to the Chief Wharfinger in advance of the granting of storage by the Pier Licensee must be made in writing by the Pier Licensee. Such notification must contain a statement by the licensee that ample space is available on the wharf involved and that the prompt loading or discharging of any vessel will in no manner be interfered with.

(c) The San Francisco Port Commission reserves the right at any time to approve or deny the granting of storage by the licensee on a particular pier or to move the cargo at San Francisco Port Commission's expense to another pier designated by the Port Director.

(d) When pier space is available for monthly storage, cargo may remain where already placed or may be moved and stored elsewhere on the pier premises at the option of the Pier Licensee. All cargo accepted for monthly storage shall be assessed the monthly storage rates shown in the individual items of this schedule, and shall be subject to the rules provided herein for monthly storage.

ITEM NO. 345 TRANSFER OF OWNERSHIP

Wharf demurrage charges and storage charges are for the account of the cargo and any transfer of ownership after the cargo is received on the Terminal will not entitle cargo to additional free time by reason of such transfer of ownership.

ITEM NO. 347 STORAGE UNDER STRIKE CONDITIONS

1. Cargo which is not removed from the port terminals for five days or more due to a general waterfront strike or work stoppage of waterfront labor engaged in handling cargo will be subject to the following:

(a) Cargo on Free Time will be continued on free time until the maximum free time allowed, under this schedule, has expired. Exception (a) of Item 325, extending free time, will not be applicable. Upon expiration of free time, storage charges will be assessed under provisions of Paragraph (b) of this item.

(b) Cargo on Demurrage, Storage or at the end of the allowable free time given in (a) will be subject to either daily or monthly storage, at the storage rates in Item 355, whichever results in the lowest charge during any calendar month.

(c) Cargo remaining on hand the first day of the first calendar month following the strike or work stoppage described in Paragraph 1 of this Item will be subject to Daily Storage, unless prior arrangements have been made for monthly storage (see Item 335).

ITEM NO. 350 WHARF DEMURRAGE RATES

Wharf Demurrage Rates are in dollars per 1000 Kgs. or per Cubic Meter or per 1000 BM on the same basis as wharfage is assessed, except as otherwise provided (including Saturdays, Sundays and Holidays).

COMMODITY	PER DAY OR FRACTION THEREOF FOR THE FIRST 5 DAYS THEREOF	FOR EACH ADDITIONAL DAY OR FRACTION
Cargo, NOS.....	$ .68	$1.36
Lumber, per 1,000 feet B.M. or fraction thereof.....	$ .68	$1.36
Vehicles, Motor, selfpropelling, viz.:(See Exception.) Automobiles, Pleasure, Passenger, Commercial, or Freight, including chassis, freight trailers or freight semi-trailers, not boxed or crated, S.U. on own wheels, per ton of 1000 Kg (When boxed or crated, Cargo NOS rates will apply.)	$1.82	$3.63

ITEM NO. 351 WHARF DEMURRAGE RATES PER CONTAINER

COMMODITY	PER DAY OR FRACTION THEREOF FOR THE FIRST 5 DAYS	FOR EACH ADDITIONAL DAY OR FRACTION THEREOF
Cargo, moving in vans or containers, based on overall length as follows:		
Not over 7 Meters	Each $20.79	$41.58
over 7 Meters	Each $41.58	$83.16

ITEM NO. 353 TERMINAL STORAGE - SPACE RENTAL

When space for such purpose is available and such use thereof will not interfere with the storage of cargo under other provisions of this schedule, bulkhead wharf areas, wharf areas of limited usability and other areas specifically designated by the Port Director, specified by metes and bounds, may be reserved for the storage of cargo for periods of not less than thirty (30) days. The charge for such storage shall be two (2) cents per square foot per month, payable in advance, subject to the following conditions:

(a) No space will be rented under this item, the gross area of which is less than 1,000 square feet.

(b) No cargo storage will be permitted on other than cargo interchanged with or between water carriers.

(c) No cancellation of rental agreements entered under this item will be permitted on less than 15 days' notice.

A full month's charge will be made the month in which the agreement is cancelled or the area vacated.

ITEM NO. 354 TERMINAL STORAGE SPACE UNDER LONG TERM LICENSE

Areas under a license with a duration of ten years or more, whether or not subject to cancellation by the Port

Commission may be used by the licensee for storage of cargoes at 27 cents per square foot per month for open area and 34 cents per square foot per month for covered area within the designated area. These charges are in lieu of any other storage charges in this section and arein lieu of any other charge in the license for the area.

ITEM NO. 355 WHARF STORAGE - COMMODITY RATES

NOTE A: To accrue to the San Francisco Port Commission unless otherwise provided for in the License.

Wharf Storage - Commodity Rates are in cents per 1000 Kgs., except as otherwise shown.

COLUMN A Daily Storage Rates, per day or fraction thereof, Saturdays, Sundays and Holidays inclusive.

COLUMN B Monthly Storage Rates, per month or fraction thereof.

COMMODITY	COLUMN A	COLUMN B
Cargo, NOS, W/M whichever is greater...	67	833
Cargo, NOS, W/M whichever is greater, when held in uncovered areas on request of shipper or consignee of the cargo	34	486
Cargo, moving in vans or containers, per container, based on overall length of container as follows:		
Overall length of Container:		
0 - 7 Meters	1051	Monthly
Over 7 Meters	2102	Rates
Beans, cocoa, in bags	44	570
Coffee, green, in bags, per ton of 1000 Kgs	48	-
Iron or Steel, NOS, when held in uncovered areas	41	526
Iron or Steel, NOS, when held in covered areas	44	570
Iron or Steel Pipe	53	676
Lumber, in covered areas, per cubic meter	24	No Monthly Rates
Lumber and lumber products, in open Areas	53	-

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ITEM NO. 355 WHARF STORAGE - COMMODITY RATES

(continued from previous page)

Wharf Storage - Commodity Rates are in cents per 1000 Kgs., except as otherwise shown.

COLUMN A Daily Storage Rates, per day or fraction thereof, Saturdays, Sundays and Holidays inclusive.

COLUMN B Monthly Storage Rates, per month or fraction thereof.

COMMODITY	COLUMN A	COLUMN B
Paper and Paper Articles, viz.:		
Newsprint, in rolls	33	376
Newspapers, old, in bales or Paper Waste, in compressed bales	53	504
Petroleum and Petroleum Products, in packages, Outbound only	41	473
Vehicles, Motor, self-propelling, viz.: (See Exception)		
Automobiles, Pleasure, Passenger, Commercial, or Freight, including chassis, Freight trailers or freight semi-trailers, not boxed or crated, S.U. on own wheels. (When boxed or crated, Cargo, NOS rates will apply).		
(a) When stored in closed areas.....	297	6534
(b) When stored in open areas.....	107	-
Exception: Does not include agriculture, earth moving, or road making equipment.		

SECTION 4 - DOCKAGE

ITEM NO. 400 DOCKAGE DEFINED

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

ITEM NO. 410 DOCKAGE APPLICATION

Dockage applies to all vessels using the facilities of the Port of San Francisco at the full dockage rates stated in Items 450, 455, and 460, except for the exemptions given in Item 415. This charge is in addition to all other schedule provisions.

ITEM NO. 415 DOCKAGE EXEMPTIONS

1. United States combat or military training vessels or similar vessels of a foreign government shall be charged, in lieu of dockage, an administrative service fee to compensate the Port for costs incurred as a result of berthing such vessels. The service fees are as follows:

(A) Effective 04/18/11 $365.00 for the first 24 hrs, $150.00 for each additional 24 hrs

At the discretion of the Executive Director of the Port, upon written request by a government vessel's master, agent or consulate, service charges may be waived for such vessels.

2. Dockage will not be charged on a small boat while being serviced at a wharf or landing of a marine oil service station.

3. The following dockage rates will apply to:
   (1) An idle vessel (e.g., no cargo or passenger operations) docked at any Port facility.
   (2) A vessel berthed offshore to a vessel that is paying full dockage.

Days 1 - 10	Pay 75% of Dockage
Days 11 - 30	Pay 50% of Dockage
31 Days or more	Rate subject to negotiation with the Port, on case-by-case basis

NOTE: If a vessel changes its dockage situation to a reduced dockage during any 24 hour period, the full reduced dockage rate will be charged for that period.

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ITEM NO. 415 DOCKAGE EXEMPTIONS

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4. A vessel charged for or having paid dockage for a period of 24 hours or more may use the same or any other wharf assigned by the Chief Wharfinger during that period without additional dockage charge regardless of how often it leaves and returns.

NOTE: When shifting berth, within a dockage period, the Master of the vessel shall advise the wharfinger, at the facility to which shifted, the berth number at which dockage for the period was assessed or paid.

5. The port may enter into a contract with reference to dockage for vessels or lighters not under F.M.C. jurisdiction and not engaged in waterway trades (Item 107). In the absence of such contract, the rates in this section shall apply.

6. No dockage will be assessed a crane or derrick barge while used in stevedoring cargo.

7. See Section 8 of this schedule for the Fishing Industry Dockage.

8. Vessels owned and operated by a not for profit 501.3c organization, calling at the Port of San Francisco for the purpose of cultural exchange and vessel tours free to the general public, 75% of the applicable dockage shall apply.

9. The Port will apply a discount to dockage rates under Item 450 to a carrier's vessels calling at Pier 80 based on the schedule below:

Annual Vessel Calls Per Calendar Year Per Carrier	
0 to 6 calls	No discount
7 to 18 calls	20% discount
over 18 calls	40% discount

ITEM NO. 425 DOCKAGE, WHEN DUE AND PAYABLE

Dockage charges are due and payable upon presentation, and payment must be made before the vessel departs the facility unless such vessel, her owner(s) or agent is established on the Commission's credit list. (See Item 146 - Credit Account Service Charge).

ITEM NO. 430 RESPONSIBILITY FOR PAYMENT OF DOCKAGE CHARGES

The vessel's owner(s), charter(s), Captain, or agent is responsible for payment to the Commission for all dockage charges.

ITEM NO. 440 DOCKING WITHOUT BERTHING APPLICATION

Docking at a facility of the Commission is prohibited without first securing a berthing permit from the Chief Wharfinger.

NOTE: A vessel captain or operator using a facility of the Commission, without a permit, or having taken shelter at a facility due to extreme conditions of weather or distress, will do so at his own risk and will immediately notify the Chief Wharfinger of the situation. The vessel, her owner(s), agent(s), and charterer(s) will be held responsible for any and all charges, damages, and losses of any nature whatsoever that results from taking and using such facility.

ITEM NO. 445 DOCKAGE BASE FOR COMPUTING CHARGES

Dockage is based on the overall length of the vessel (which is the linear distance, expressed in meters, of the extreme length of a vessel) and the period of time at berth. (See Item 455)

1. The overall length of a vessel is that stated in Lloyds Register of Ships; or if not shown in the register, the vessel's documents will substantiate.

a. If the overall length is not given in the register or vessel's documents, the vessel will be measured by the Chief Wharfinger.

2. The period of time, for which dockage is assessed, starts when the vessel is made fast to a wharf, bulkhead structure, bank, or to another vessel so berthed; and continues until the vessel is freed from moorings and vacates the berth.

NOTE: No reduction of the dockage period will be allowed for weather conditions or for Saturdays, Sundays or Holidays.

ITEM NO. 450 DOCKAGE RATES ON VESSELS ENGAGED IN COASTWISE, FOREIGN OR OFFSHORE TRADES

LENGTH OF VESSEL-OVERALL IN METERS OVER	NOT OVER	RATE PER 24 HOURS OR PART THEREOF
(A) 0	75	$ 225.00
(A) 75	105	525.00
105	120	752.00
120	135	1017.00
135	150	1322.00
150	165	1665.00
165	180	2046.00
180	195	2465.00
195	210	2923.00
210	225	3419.00
225	240	3952.00
240	255	4524.00
255	270	5137.00
270	285	5784.00
285	300	6472.00

(A) Effective April 18, 2011

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ITEM NO. 450 DOCKAGE RATES ON VESSELS ENGAGED IN COASTWISE, FOREIGN OR OFFSHORE TRADES

(continued from previous page)

LENGTH OF VESSEL-OVERALL IN METERS OVER	NOT OVER	RATE PER 24 HOURS OR PART THEREOF
300	315	7198.00
315	330	7962.00
330	345	8763.00
345	360	9604.00
360	375	10481.00
375	390	11400.00
390 - (1)		

(1) Dockage charges for vessels 390 meters in overall length shall be $30.00 per day for each meter of overall length or fraction thereof in excess of 390 meters in addition to the above charge of $11400.00.

(2) For vessels actively engaged in coastwise, foreign or offshore trades calling at the Pier 80 cargo terminal, charges beyond the first 24 hours shall be assessed in whole six-hour increments and twenty-five percent of the full rate for each subsequent six-hour period.

(3) Dockage is based on the overall length of the vessel and the period of time at berth. The overall length of a vessel is that stated in Lloyds Register of Ships; or if not shown in the register, the vessel's documents will substantiate.

(4) The period of time for which dockage is assessed starts when the vessel is made fast to a wharf, bulkhead structure, bank, or to another vessel so berthed, and continues until the vessel is freed from moorings and vacates the berth.

ITEM NO. 455 DOCKAGE RATES ON VESSELS ENGAGED IN INLAND WATERWAY TRADE

Vessels, other than lighters or bunker barges engaged in Inland Trade will be charged full dockage rate on the net under-deck tonnage measurement of the vessel for each 24 hour period or part thereof as follows:

1. Up to and including 200 Net Registered Tons..... Per ton 34 cents.

2. Vessels over 200 NRT apply length basis and rates in Item 450.

ITEM NO. 460 DOCKAGE RATE ON LIGHTERS OR BUNKER BARGES

Lighter dockage rate is 21 cents per ton (net tonnage) per day of 24 hours or part thereof. A lighter is understood to be a vessel that has neither power nor steering equipment.

EXCEPTION 1: No dockage will be assessed on derrick barges while used in stevedoring or hoisting.

SECTION 5 - WHARF LICENSE CHARGES

ITEM NO. 500 DEFINITIONS OF TERMS

(a) A WHARF LICENSE CHARGE is a charge assessed against a licensee for non-exclusive or temporary non-exclusive use of wharf space, and is in addition to the other charges named in this schedule.

(b) A WHARF AREA LICENSE is a permit to use a specified wharf area. This license is issued as a non-exclusive license or as a temporary license. A license is required before using any wharf area.

(c) A NON-EXCLUSIVE LICENSE gives the licensee the right to the non-exclusive use of the wharf area described in the license.

(d) A TEMPORARY LICENSE gives the licensee the right to the temporary non-exclusive use of the wharf area described in the license.

ITEM NO. 505 WHARF AREA LICENSE - HOW OBTAINED

(a) Non-Exclusive License to Wharf Areas may be obtained upon written application to the Commission.

(b) Temporary License to Wharf Areas may be obtained upon written application to the Chief Wharfinger.

(c) All applications for Licenses to Wharf Areas must give full details indicating the type of use to which the area involved will be put, the character of the merchandise to be handled, and, if possible, the length and draft of the vessel or vessels that will berth thereat, as well as any other information requested by the Commission or the Chief Wharfinger.

ITEM NO. 510 PENALTY FOR UNAUTHORIZED USE OF PORT FACILITIES

(a) No person, vessel, or its owners, agents, or operators shall use any wharf or other area without first securing a license to such area.

(b) Any person making use of any wharf or other area without first securing a license shall be subject to a penalty charge of One Hundred and Five dollars ($105.00) at the discretion of the Commission.

(c) "Every person who collects any toll, wharfage, or dockage, or lands, ships or removes any property upon or from any portion of the waterfront of San Francisco, or from or upon any of the wharves under the control of the Commission, without being by the Commission authorized so to do, is guilty of a misdemeanor." (Harbors and Navigation Code, Section 3108.)

ITEM NO. 515 LICENSE PERIODS

(a) Non-Exclusive license, and the charges therefor, shall commence on the date specified in the license.

(b) Temporary license, and the charges therefor, shall commence on the date specified by the Chief Wharfinger.

(c) Non-Exclusive license may be revoked by the Port Director on thirty days' written notice to the licensee, or may be vacated by the licensee upon thirty days prior written notice to the Port Director, provided further, however, that such assignments may be terminated upon shorter notice at the discretion of the Port Director.

(d) Temporary license may be terminated by the licensee when the use for which the wharf area was assigned has ended, but not before all cargo involved, and all dunnage and debris, has been removed from the licensed wharf area; provided further, however, that such license may be terminated sooner at the discretion of Chief Wharfinger.

ITEM NO. 520 RIGHTS UNDER WHARF AREA LICENSE DEFINED

Subject to the rates, charges, rules, and regulations named in this and other sections of this schedule, and subject further to any restrictions, conditions, limitations, and modifications set forth in the license itself, wharf area license shall include only the license or right, (a) to moor vessels owned, operated, or represented by the licensee at the area license, (b) to assemble, distribute, load, and unload merchandise and the cargoes of, or for such vessels, over, through, or upon the licensed wharf area, and (c) to perform such other related activities as may be necessary, subject further to the provisions that when the licensed wharf area, or any part thereof, is not required for the use of the licensee, or is unoccupied, the Chief Wharfinger may, at his discretion, assign temporarily said facility, or any part thereof, to another.

ITEM NO. 525 TEMPORARY LICENSEE'S OBLIGATION TO NONEXCLUSIVE LICENSE

When a wharf user is given the right to a temporary use of a wharf area which is under non-exclusive license to another, such temporary user shall be known as a temporary licensee and shall reimburse the non-exclusive licensee to the extent of the license charge for the area so licensed, plus its share of all other wharf expense, to be arrived at by agreement between the two. In the event that agreement is not reached as to the division of the expenses, the matter shall be submitted to the Chief Wharfinger who shall act as arbiter and his decision shall be final and binding upon both licensees.

ITEM NO. 530 WHARF LICENSE CHARGES

Rates Cancelled (See Notes)

NOTE 1. License charges are contained in the Non- Exclusive License.

NOTE 2. Where temporary licensee is permitted to use space not occupied by a non-exclusive licensee, the charges will be contained in the temporary license.

NOTE 3. Temporary licensee, when assigned to a nonexclusively licensed space will be charged the same rates as in the non-exclusive license.

ITEM NO. 535 MINIMUM CHARGE

(a) The Minimum Charge for a Non-Exclusive License shall be for one month at the rates named in the license for the following areas:

(1) For not less than one-fourth of the total area of the wharf including aprons) to which the license applies.

(b) The Minimum Charge for all Temporary Licenses shall be for one full day at the rates named in the license for one-fourth of the area of the wharf (including aprons) to which the license is made unless a greater space is used by the licensee.

(c) Operations being conducted directly between vessels and cars shall be assessed a wharf license charge for Temporary License, based on the square foot area of the apron of the wharf used; provided that no other part of the wharf is occupied or used in the operation. The minimum charge for such use shall be based on one-half of the entire area of the apron of the wharf used, on the side occupied.

ITEM NO. 540 MEASUREMENT OF LICENSED AREAS

The commission reserves the right to measure or remeasure licensed areas at any time, and the measurements so obtained may be used by the Commission as the basis for the charge assessed.

ITEM NO. 545 EXCEPTIONS TO WHARF LICENSE CHARGES

(1) The following areas shall be exempt from the application of the wharf license charge named in the license:

(a) Wharves, or portions thereof, as may be designated by the Port Director.
(b) At the option of the Chief Wharfinger, any wharf, when used solely to tie up an idle vessel while undergoing repairs or awaiting orders; provided no wharf or land area is used, and no merchandise or passengers are discharged or loaded on board during such use.
(c) Any Wharf, when, in the discretion of the Port Director, conditions may warrant the suspension of the Wharf License charge, or the assessing of a different charge, against the Government of the United States, or of any other nation.

(2) No Wharf license charge, in addition to those already being assessed, will be made in connection with operations conducted between vessels and cars by vessels which have, or persons who have, Non-Exclusive License based on a monthly charge, and which operations cannot be conducted at the licensed area due to inadequate track facilities.

ITEM NO. 550 RESERVED BERTHING LICENSE

(a) A Reserved Berthing License gives the Licensee the Reserved right to berth vessels owned by the Licensee or for which the Licensee acts as agent at the berthing space designated in the license.

(b) The Rate for a Reserved Berthing License shall be 47 cents per lineal foot of berthing space per month and is in addition to the other rates and charges named in this schedule.

(c) "Berthing," as used in this item, is defined as the mooring of a vessel at the assigned facility, and includes the use, subject to the rates, charges, rules, and regulations named in this schedule, of bits and mooring piles to make the vessel fast, and of the surface of the facility sufficient only to provide ingress and egress for the officers and crew and for the delivery of ordinary stores and supplies, but does not include the right to conduct dry cargo operations on the facility.

ITEM NO. 555 PIPE LINE LICENSE

(a) A Pipe Line License gives the licensee the privilege of running one or more pipe lines across the property under the jurisdiction of the Commission and gives the licensee the use of said pipe line or lines for the period stated in the license, subject to the rates, rules, and regulations named in this schedule.

(b) The installation of the pipe line or lines will be at the expense of the Licensee and the location and manner of installation must have the prior approval of the Commission. The Licensee must at all times maintain the pipe line or lines in good condition and in a manner satisfactory to the Commission.

(c) A Pipe Line License may be cancelled by either the commission or the Licensee on 30 days' written notice to the other party. In the event of such cancellation the pipe line or lines may become the property of the Commission or the Licensee may be required to remove said pipe line or lines at his own expense, at the option of the Commission.

(d) The charge for a Pipe Line License shall be $157.50 per month for each group of three or less pipe lines at each location and is in addition to the other rates and charges named in this schedule.

SECTION 8 - FISHING INDUSTRY

ITEM NO. 800 DEFINITIONS OF TERMS USED IN THIS SECTION

MARITIME OPERATIONS MANAGER: shall mean the Assistant Deputy Director of Maritime for the Port of San Francisco or his or her designated Wharfinger for the area at Fisherman's Wharf and Hyde Street Harbor. Wharfinger/Harbormaster is one in the same.

ACTIVE COMMERCIAL FISHING VESSEL: for the purpose of this Section 8 shall mean a vessel that is so registered with the Tax Assessor and the Department of Fish and Game, that is self-propelled, that was designed and outfitted for and is primarily used for the commercial catching of fish and that subsequently sells or delivers said fish to a processing plant or receiving station. Upon applying for a berth as an Active Commercial Fishing Vessel, the applicant must provide department of Fish and Game documentation showing evidence of the following:

(1) Said vessel was used to catch at least 10 tons of fish; or

(2) Said vessel was used to catch fish with a commercial value of at least $10,000.00; or

(3) Said vessel earned ten Department of Fish & Game fish receipts showing landing of catch. The Fish and Game documentation must provide this evidence for the 12-month period immediately preceding the application date and updated documentation must be submitted by the applicant during the month of January in each subsequent year thereafter.

The Executive Director may extend an Active Commercial Fishing Vessel Berth Assignment to a licensed fishing vessel qualifying it and its owner and/or operator for all privileges accorded an Active Commercial Fishing Vessel, although the vessel does not meet the requirements of this Item. If in the judgment of the Executive Director, unusual occurrences such as the medical incapacity of the operator, major physical or extensive mechanical, but repairable, damage to the vessel, unavailability of fish, or acquisition of a new Active Commercial Fishing Vessel, or any other condition beyond the control of the owner and/or operator which is considered to be an overriding consideration which prevents fulfillment of the requirements of this item. This extension of assignment may be issued on a quarterly basis, not to exceed 12 months in any three-year period. For vessels that meet these definitions and qualifications the Active Commercial Fishing Vessel rates shall apply.

FISH: when used in this Section, shall mean fish viz. fresh and/or shellfish and/or roe.

FISHING PARTY BOAT: is one that is licensed by the United States Coast Guard to carry passengers for hire and is primarily equipped for and engages in sport fishing trips for hire.

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ITEM NO. 800 DEFINITIONS OF TERMS USED IN THIS SECTION

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HISTORICAL COMMERCIAL FISHING VESSEL: for the purposes of this Section, is a vessel that was built prior to 1950, is of original construction, was built for the purposes of commercial fishing, is in seaworthy condition, and is pertinent to the history of Fisherman's Wharf. For vessels that meet these definitions and qualifications the Historical Commercial Fishing Vessel rates shall apply. There are no Historical Commercial Fishing Vessel rates at Hyde Street Harbor.

NON-SPORTFISHING TRIPS: are defined as trips which include: Scenic bay tours, wedding or other private parties, business meetings, or similar tours or charters.

(D)

(C) NON-FISHING VESSELS: are all vessels not defined as an Active Commercial Fishing Vessel, Fishing Party Boat, or Historical Commercial Fishing Vessel. For vessels that do not meet these definitions and qualifications the Non-Fishing Vessel rates shall apply.

TON: as used in this Section refers to 2,000 pounds weight.

ITEM NO. 810 GEOGRAPHIC SCOPE

Except as otherwise provided in this Section, the rates and regulations described in this Section apply at Fisherman's Wharf Harbor, Piers 45, 47, 49 and Hyde Street Harbor. The terms "Fisherman's Wharf" and "Fisherman's Lagoons" herein shall have the same meaning as Fisherman's Wharf Harbor.

(D) Matter Deleted.
(C) Matter changed.

ITEM NO. 820 MARITIME OPERATIONS MANAGER/WHARFINGER AUTHORITY/HARBORMASTER AUTHORITY

The Maritime Operations Manager, acting under the orders and supervision of the Port Director, subject to the approval of the San Francisco Port Commission, shall have full authority in the interpretation and enforcement of all rules, regulations and rates pertaining to this Section 8 and all orders given in the performance of his or her duties shall be obeyed.

Every boat entering the jurisdiction of the San Francisco Port Commission shall immediately become subject to the authority and direction of the Maritime Operations Manager.

The owner or operator of any vessel entering the jurisdiction of the San Francisco Port Commission shall immediately check in with the Maritime Operations Manager, or his or her Wharfinger/Harbormaster designee before being assigned a berthing assignment or transient berthing space.

ITEM NO. 830 APPLICATION PROCESS

Applications for berths shall be made by the legal owner to the Maritime Operations Manager on the form furnished, along with $100 application fee. Such fee is refundable to the applicant should he or she remove their name from the Port's berthing assignment waiting list. Upon obtaining a berth, the fee will be applied to the Security Deposit, and any remaining amount to dockage charges. Berth assignments will be made in the chronological order of receipt of applications, based on the type of vessel and the availability of berths for the size of the vessel to be accommodated and the service in which it is employed.

ITEM NO. 831 BERTH ASSIGNMENTS and AGREEMENTS

Berth Assignments are classified and defined as follows and are assigned by the Maritime Operations Manager/Wharfinger/Harbormaster and approved by their signature on the applicable Berth Agreement form:

(a) Preferential Assignment is the priority right granted a person to use a certain stall space at Fisherman's Wharf Harbor or berth space at Hyde Street Harbor, including such improvements and areas as are designated in the Berth Agreement. Active Commercial Fishing Vessels, Historical Commercial Fishing Vessels, and Fishing Party Boats shall be given priority over Non-Fishing Vessels for these stalls or berths. In granting a preferential berth assignment to a Fishing Party Boat, the Port shall recognize the need of the Fishing Party Boat to have a stall that is available to the public. All berth holders with a Preferential Assignment shall execute a Berthing Agreement in the current form approved by the Port.

(b) Transient Assignment is the permission granted a person, who on occasion, brings his or her boat into the harbor for seasonal fishing, repairs, or for any other reason, to dock or moor at a certain berth or facility under the jurisdiction of the San Francisco Port Commission and to use such improvements and areas as are designated in the agreement Vessels assigned transient space may not exceed 7 days per month and must vacate for a minimum of 30 days prior to assignment of additional transient berthing. Transient berthing is assigned first-come first-served, according to space available.

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ITEM NO. 831 BERTH ASSIGNMENTS and AGREEMENTS

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With approval of the Maritime Operations Manager, Active Commercial Fishing Vessels may be assigned transient space for an entire fishing season for which said vessel holds a valid permit to participate; provided the vessel owner or operator agrees to vacate said space no later than 10 days after the close of the season in which they have been fishing. Vessels exceeding the 10 days allowed past the agreed upon fishing season will be considered unauthorized and will be subject to penalty charges as set forth in item 834 (b) and (c). All berth holders with a Transient Berth Assignment shall execute a Transient Berth Agreement in the current form approved by the Port.

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

During the month of July of each year or at any other time upon the request of the Maritime Operations Manager/Wharfinger, every boat owner must provide to the Maritime Operations Manager/Wharfinger written documentation of current ownership of the boat. Said documentation will be either U.S. Coast Guard documentation or a department of motor vehicles registration issued by a State of the United States.

(D)

ITEM NO. 832 RIGHT OF APPROVAL

The Maritime Operations Manager may disapprove any berth assignment for failure to comply with the terms of this schedule for an unseaworthy boat, for a history of non-payment of charges or if the berth available would not be safe for the intended boat.

ITEM NO. 833 PRIVILEGE OF TERMINATION BY PORT

Any use permitted of property by the San Francisco Port Commission specified in this Section may be terminated by Port at any time on thirty days notice to the assignee.

(D) Matter Deleted

ITEM NO. 834 UNAUTHORIZED OCCUPANCY

(a) No vessel of any nature shall occupy a stall or berth or mooring within the jurisdiction of Port of San Francisco without assignment by the Maritime Operations Manager.

(b) The berthing, docking or mooring of a vessel without assignment, except in case of marine disaster or other extreme emergency, will subject the vessel, her owners and/or her operator, to a penalty charge of thirty dollars per hour or fraction thereof, for the time that the vessel so occupies the berth, stall or mooring.

(c) Any vessel of any nature that occupies a stall, berth, or mooring in violation of this Section for an excess of three hours, whether registered with the California Department of Motor Vehicles, documented, or not marked or registered in any apparent manner, may be placed in storage or protective custody by the Maritime Operations Manager until claimed by the property owners or until such property is disposed of according to law. If the owner claims such property prior to disposition thereof, he shall pay all reasonable expenses incurred in connection therewith, including charges for raising, keeping and storing the same.

ITEM NO. 835 ASSIGNMENTS NOT TRANSFERABLE

It is the intent of this Section that no person shall acquire a boat berthed at the Port of San Francisco for the sole purpose of acquiring the berthing assignment. Therefore, transfer of berth assignments are prohibited except as provided below:

(1) Assignments may be transferred by the Maritime Operations Manager between owners to facilitate the berthing of boats.

(2) Assignments of Active Commercial Fishing Vessels, Fishing Party Boats or Historical Commercial Fishing Vessels may be transferred with the written approval of the Maritime Director provided such transfer does not violate the intent of this Section and the new owner meets all of the requirements in the definitions for said vessels. Requests for such transfers shall be made in writing. Transfers will not be allowed for Non-Fishing Vessels.

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ITEM NO. 835 ASSIGNMENTS NOT TRANSFERABLE

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(3) Berth Nos. 1-13 of Fisherman's Wharf Harbor are defined as Jefferson Street Preferred Fishing Party Boat Berths. In the event a Preferred Fishing Party Boat Berth is permanently vacated or a transfer of the vessel assigned to the berth occurs (as defined in this item below), said berth may not be transferred, but shall be assigned by the Port on a priority basis determined by the following criteria (rather than as indicated in Item 830):

(a) The highest priority shall be given to U.S. Coast Guard licensed owner/operators of Active Fishing Party Boats (defined in Item 800 hereof) that are existing berth holders at Fisherman's Wharf Harbor or Hyde Street Harbor, and do not currently occupy a Preferred Fishing Party Boat Berth. Priority between such existing berth holders is to be determined based upon the length of time that the operator of a Fishing Party Boat has been a berth holder in good standing with the Port at Fisherman's Wharf Harbor or Hyde Street Harbor.

(b) The next highest priority shall be given to a transfer of a vessel currently assigned a Preferred Fishing Party Boat Berth.

(c) The next priority shall be given to existing operators of Active Fishing Party Boats, who are not currently berth holders at Fisherman's Wharf Harbor and who have requested in writing to be placed on a Waiting List for Preferred Fishing Party Boat Berths, which shall be maintained by the Port. Priority on said Waiting List shall be determined based upon the chronological order in which such operators were placed upon the list, as determined by the date an application and deposit is received in accordance with Item No. 830 hereof.

(4) An existing berth holder of a Preferred Fishing Party Boat Berth shall be deemed to have PERMANENTLY VACATED the berth in the event that:

(a) A Transfer of the vessel assigned to the berth occurs (defined herein below);

(b) If the vessel assigned to the berth vacates the berth for a period in excess of six (6) months; or

(c) The Berthing Agreement for the berth is terminated by the Port.

(d) The existing berth holder shall not be deemed to have permanently vacated the premises if the berth holder acquires a replacement vessel approved by the Maritime Operations Manager to moor in the berth within six months of the existing vessel assigned to the berth permanently vacating the berth.

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ITEM NO. 835 ASSIGNMENTS NOT TRANSFERABLE

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(5) A transfer of a vessel shall be deemed to have occurred upon the occurrence of the following:

(a) Any direct or indirect sale, conveyance, alienation or other transfer of interest in the vessel assigned to the subject berth (except for an encumbrance of the vessel to secure financing on the vessel);

(b) In the event that the berth holder is a corporation, upon the dissolution, merger, consolidation or other reorganization of the corporation, or any cumulative or aggregate sale, transfer, assignment or hypothecation of fifty percent(50%) or more of the total capital stock of the corporation; or

(c) In the event that the berth holder is a partnership or unincorporated association, upon the withdrawal or substitution of any partner(s) owning fifty percent (50%) or more of said partnership or association, the cumulative or aggregate sale, transfer assignment or hypothecation of fifty percent (50%) or more of any interest in the vessel, or the dissolution of the partnership or association; or

(d) If the berth holder or a member of the berth holder's immediate family is not on board the vessel assigned to the subject berth during at least fifty percent (50%) of non-sportfishing trips. In the event that a berth holder or a family member is temporarily unable to be on board the vessel during at least fifty percent (50%) of non-sportfishing trips due to a documented medical condition or other cause beyond the control of the berth holder, said berth holder may make a written request to the Executive Director of the Port, requesting a temporary waiver of this requirement, and the Executive Director of the Port shall have the authority to grant such a temporary waiver.

(6) A transfer of a vessel shall not be deemed to have occurred in the event of a sale, conveyance, alienation, transfer, assignment or hypothecation of full title to the vessel to a member of berth holder's immediate family.

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ITEM NO. 835 ASSIGNMENTS NOT TRANSFERABLE

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(7) In the event a Preferred Fishing Party Boat Berth is Permanently Vacated, a Transfer of the vessel assigned to a Preferred Fishing Party Boat Berth occurs, or upon receipt of notification from a berth holder of a Preferred Fishing Party Boat Berth that the berth holder anticipates permanently vacating such berth or anticipates a Transfer of the vessel assigned to such berth. The Port shall notify in writing the highest priority Fishing Party Boat berth holder or vessel operator, as indicated above, as to the availability of said Preferred Fishing Party Boat Berth (Availability Notice). Provided, however, in the event such existing Fishing Party Boat berth holder is in default of its Berthing Agreement, has failed to comply with the terms of this schedule, has a history of non-payment of charges due to the Port, or the berth available would not be safe for the berth holder's or operator's boat, said berth holder or operator shall not have any right or refusal regarding the vacated Preferred Fishing Party Boat Berth, and the Port shall not have any obligation to furnish such berth holder with an Availability Notice or to enter into a Berthing Agreement with the berth holder for said Preferred Fishing Party Boat Berth. In the event that a berth holder or operator receiving such an Availability Notice either indicates in writing that it does not desire to occupy said Preferred Fishing Party Boat Berth or does not execute a Berthing Agreement for the Preferred Fishing Party Boat Berth indicated in the Availability Notice within fifteen (15) days of the Availability Notice, the Port shall have no further obligation to offer such berth to said berth holder or vessel operator and may enter into a Berthing Agreement for said berth with another berth holder or vessel operator. The Port shall then follow the similar notification procedure with other berth holders and operators of Fishing Party Boats in accordance with the priority indicated hereinabove, until a Berthing Agreement is executed for the vacated Preferred Fishing Party Boat Berth.

ITEM NO. 836 TEMPORARY VACATING - RIGHT TO SUBLET

The holder of preferential berth assignment who desires to temporarily vacate his berth for a period of six (6) months or less, may, subject to the written approval of the Maritime Operations Manager, sublet said berth at the same rate assessed by the Port for the mooring of a boat within the classification of the berth. The assignee in such instance shall continue to be responsible for the payment of dockage, any taxes incidental thereto, including possessory interest tax, and for any damage. The assignment shall continue in the name of the original holder. At the expiration of the sublet period, the assignee and the sub lessee of the berth must relinquish the berth if the assignee does not move his own boat back in.

Provided, however, the holder of a berth assignment for Preferred Fishing Party Boat Berth shall not have the right to sublet of assign said berth.

ITEM NO. 837 USE REQUIRED OF ASSIGNMENT

An assignee who occupies his assigned berth, with his own boat, for a total of less than six (6) months in any twelve (12) month period shall be cancelled. The only exception to this rule, which would also function as an extension of the six (6) month sublet rule, shall be an extended absence for extensive repairs to the boat. The Maritime Operations Manager shall be informed in writing prior to the absence thereof, and such absence is subject to the written approval of the Maritime Operations Manager.

ITEM NO. 838 USE OF BERTHS

The holder of a preferential berth assignment of a specific size has no preemptive right to a larger berth in the event he purchases a larger boat.

Mooring of a boat, larger than the berth assigned, is not permitted without the consent of the Maritime Operations Manager, based upon his or her reasonable determination that such berthing will not unduly interfere with navigation, or public health and safety.

The Maritime Operations Manager shall have the authority to move or relocate any boat if such change is required for the safety and protection of persons or property or is necessary in order to obtain optimum utilization of available facilities.

ITEM NO. 839 LIVE-ABOARDS

No vessel except a Commercial Fishing Vessel as defined in Item No. 800 hereof, actively engaged in commercial fishing activity and during a recognized fishing season shall be used as a primary or secondary residence. For purposes of this schedule, any vessel used as an overnight accommodation for one or more persons in excess of three nights in any seven-day period will be considered a residence. The Maritime Operations Manager's determination as to whether or not any person or persons has been using the vessel as a residence shall be final and binding on the vessel owner or occupant.

ITEM NO. 845 COMPLIANCE WITH FEDERAL, STATE AND LOCAL RULES AND REGULATIONS

All berth holders shall comply with all rules and regulations contained in the Berthing Agreements with the Port for their assigned berths.

All persons shall comply with all of the Rules and regulations adopted by the United States of America, State of California, and local agencies with regard to water safety requirements and operation and maintenance of boats.

ITEM NO. 846 VIOLATION OF RULES AND REGULATIONS

A. An applicant for a berth assignment agrees by his signature on the application form, to comply with these rules and regulations and all applicable provisions of this schedule.

B. The Maritime Operations Manager shall have the right to deny the use of Port facilities and to cancel the berth assignment and require removal of any boat of any owner, who in the opinion of the Maritime Operations Manager, fails to comply with the rules and regulations of this schedule.

ITEM NO. 847 DISPOSING OF REFUSE AND SEWAGE

A. No person shall throw, discharge or deposit from any vessel or from the shore or float or otherwise any kind of refuse or sewage whatsoever into or upon the waters of the harbor, or in, on or upon the banks, walls, sidewalks, or beaches of any waters within the jurisdiction of the San Francisco Port Commission. All garbage must be removed from the area.

B. No person shall dump or discharge oil, spirits, flammable liquids or contaminated bilge water into any area under the jurisdiction of the San Francisco Port Commission.

C. If a vessel is equipped with a toilet, marine head, or other permanent receptacle for human body wastes, then the vessel must be equipped with holding tank meeting Coast Guard specifications, or such other receptacle approved by the Maritime Operations Manager, designed to retain all contents deposited in the receptacle until such time as such contents may be discharged into a sanitary sewer system or discharged otherwise in accordance with law. If a vessel is not equipped with a toilet, marine head, or other permanent receptacle for human body wastes, the vessel shall be equipped with a temporary receptacle approved by the Maritime Operations Manager, designed to retain all contents deposited in the receptacle until such time as such contents may be discharged into a sanitary sewer system or discharged otherwise in accordance with law. The Maritime Operations Manager is authorized to board vessels to inspect such holding tanks from time to time upon demand.

ITEM NO. 848 MAINTENANCE OF VESSELS

A. Repairs within confines of vessels. Repairs to and maintenance of a vessel may be made or accomplished while such vessel is at its berth, provided that all such work is done within the confines of the vessel itself and is not carried on in any manner whatsoever upon floats, gangways or docks. All materials used in such repair or maintenance work must also be kept within the confines of the vessel and may not be kept upon floats, gangways or docks. Spray painting is not permitted. Repairs and maintenance shall be limited to that ordinarily required to keep a vessel seaworthy and in good condition. No major construction work which would tend to make a vessel unseaworthy or unsightly shall be undertaken within the jurisdiction of the Port of San Francisco without prior written permission of the Maritime Operations Manager. The criteria for granting permission shall be based primarily on the ability of all materials used by or produced from the repair project to be completely contained in or on the vessel, and that a nuisance to neighboring vessels or the environment would not occur.

B. Repairs outside confines of vessel. Repairs to and maintenance of a vessel to be accomplished outside of the confines of the vessel itself shall require the prior written permission of the Maritime Operations Manager. The criteria for granting permission shall be based primarily on the availability of suitable area for the work and that a nuisance to neighboring vessels or the environment would not occur.

C. At Hyde Street Harbor, commercial fishing vessels can make use of the end-tie area adjacent to Berth 224 for the purpose of working on vessel rigging during daylight hours only. Vessels may not remain at this location overnight.

ITEM NO. 849 ADVERTISING, SIGNS, SOLICITATION, SALES AND PERFORMING LABOR AND SERVICES

Advertising, signs, solicitation, sales and the performance of labor and services at the Fisherman's Wharf Harbor or the Hyde Street Harbor shall be subject to the following:

A) ADVERTISING AND SIGNS

1) For the purpose of selling a vessel in its entirety, one "FOR SALE" sign not to exceed one square foot in area will be allowed to be placed within the confines of the actual vessel to be sold.

2) At Fisherman's Wharf Harbor no advertising or signs shall be located off of a vessel unless the advertising or sign:

(a) Has been approved and building permit issued by the Port: and

(b) In the case of fishing party boats, is limited to sport fishing trips.

3) At Hyde Street Harbor, no advertising or signs shall be located off of a vessel.

4) Except for said signs, the berth holder shall not or cause to be placed or store any personal property or trade fixtures on or about the berth, wharves or docks of Fisherman's Wharf Harbor or Hyde Street Harbor including, but not limited to signs, chairs and fishing gear.

5) No advertising or signs shall be located on a vessel berthed at Fisherman's Wharf Harbor or Hyde Street Harbor unless the advertising or sign:

(a) Has been approved in advance by the Port.

(b) Consist of on-site advertising content.

(c) Shall be proportioned to the size of the vessel where it is displayed but shall not in any case exceed 27 square feet.

(d) Shall be situated so that the vessel where it is displayed is in the background of the advertising or sign so as not to obstruct the line of sight of other vessels or of the adjacent area.

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ITEM NO. 849 ADVERTISING, SIGNS, SOLICITATION, SALES AND PERFORMING LABOR AND SERVICES

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6) At Fisherman's Wharf Harbor, advertising or signs which refer to non-sport fishing trips located on a vessel can only be displayed at such times as the vessel is actually available to then take such a trip and must conform to the standards as named above.

7) At Hyde Street Harbor, no advertising or signs, which refer to non-sport fishing trips, are allowed.

B) SOLICITATION

1) At Fisherman's Wharf Harbor vessel operators shall only solicit customers from the waterside of the fence adjacent to their vessel's berth. Only trips on the vessel in that berth may be sold from that location.

2) At Hyde Street Harbor no solicitation is allowed.

C) SALES, PERFORMING LABOR AND SERVICES

1) No sales shall be permitted from vessels, wharves or docks of Fisherman's Wharf Harbor with the following exception:

(a) Upon obtaining a Port permit in advance, retail fish sales are allowed within the Fisherman's Wharf Harbor.

(C) 2) No sales including non-sporting fishing trips shall be permitted from vessels, wharves or docks of the Hyde Street Harbor.

3) No person shall perform any work on, or provide any service to any berth holder or vessel for which a person receives a fee, compensation or any other thing of value, unless such person has first notified the Port either in person at the Harbor Office or by phone, with the following exception:

(a) This provision does not apply to persons employed for the purposes of commercial fishing.

4)In the event that the Port denies approval of a proposed advertisement, sign, solicitation or sale activity, the berth holder, permit holder and or individual shall have the right to appeal said decision to the Executive Director of the Port. However the decision of the Port shall remain in effect until such time as the Executive Director determines the outcome of said appeal.

(C) Matter changed.

ITEM NO. 850 VESSEL TRAFFIC WITHIN THE HARBOR

A. All vessels approaching or within the jurisdiction of the San Francisco Port Commission must be operated in a safe and prudent manner and in no event shall the entrance to the harbor be blocked by general boating activities or fishing.

B. The speed of any vessel within Fisherman's Wharf shall not exceed five (5) miles per hour except under emergency conditions.

C. Fisherman's Wharf Lagoon shall only be used for the purpose of entering or leaving a berth and necessary maneuvering in connection therewith.

ITEM NO. 851 REGISTRATION AND NUMBERING:FURNISHING INFORMATION TO THE MARITIME OPERATIONS MANAGER

All owners of vessels, when entering the jurisdiction of the San Francisco Port Commission, and from time-to-time upon demand, shall furnish all information relating to the vessel and the ownership thereof as may reasonably be required by the Maritime Operations Manager, including without limitation, proof of ownership and current U.S. Coast Guard or State of California registration, current mailing address and telephone number, demonstrated operability and seaworthiness of the vessel, and proof of compliance with Item No. 847.C of this schedule (regarding holding tanks or other receptacles). All owners of vessels entering the jurisdiction of the San Francisco Port Commission shall notify Port immediately of any sale or transfer of ownership of vessels.

ITEM NO. 852 DAMAGE TO PROPERTY

The owner of a vessel assumes all liability for loss and damage to his property of any kind while it is within the Port's jurisdiction. The Port assumes no risk or liability on account of fire, theft, Act of God, or damages of any nature to vessels or their contents.

ITEM NO. 853 ACCIDENT REPORTS

A copy of any report of any accident occurring in the jurisdiction of the San Francisco Port Commission involving any one or more vessels shall immediately be filed with the Maritime Operations Manager.

ITEM NO. 854 HAZARDOUS OBSTRUCTION PROHIBITED

A. Floats, gangways, tops of lockers and docks shall be kept clear at all times of skiffs, tenders, miscellaneous gear, debris or other hazards.

B. Any condition aboard or around any boat, float, or gangplank caused by the assignee or boat owner or operator, which, in the opinion of the Maritime Operations Manager constitutes a fire hazard, health menace, or danger to public safety, shall be corrected or removed immediately to the satisfaction of Maritime Operations Manager. In the event of the refusal or neglect of the boat owner or operator or assignee to remedy forthwith the aforesaid condition, the Port may remove the cause of the complaint and assess such boat owner or operator or assignee for all such costs.

C. Boating platforms or ladders on floats shall be permitted, subject to the approval of the Chief Harbor Engineer.

D. No person shall build or place in or about the harbor any structures, such as walkways, without prior written approval of the Chief Harbor Engineer.

ITEM NO. 855 MAINTENANCE AND CARE IN BERTHING OR MOORING VESSELS

A. All vessels shall be berthed and secured with proper care and equipment, and such berthing or equipment shall be maintained at all times in such condition as to meet with the approval of the Maritime Operations Manager.

B. No person shall bring into, moor or berth within Fisherman's Wharf any vessel of any kind whatsoever which is so unseaworthy or in such badly deteriorated condition that it may cause damage to docks, floats or other vessels or which may become a menace to navigation, except in cases of extreme emergency in which case the owner will be liable for any damage caused by such vessel. For the purposes of this Section, the Maritime Operations Manager shall be the sole judge as to the condition of the vessel.

C. In the event a vessel or other craft is wrecked or sunk within the Port's jurisdiction it shall be the owner's responsibility to mark its position and provide for the immediate raising and disposition of such vessel or craft and assume all liability for damage to Port property or other vessels as a result of said wrecking, sinking, raising or disposition.

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ITEM NO. 855 MAINTENANCE AND CARE IN BERTHING OR MOORING VESSELS

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D. Small tenders and row boats are permitted to be moored, if kept by and for the use of the assignee and berthed within the limits of the assigned berth. Under no circumstances shall the area covered by a pier or wharf be used to store materials or harbor floating objects of any description.

E. Damage to fixed ladders in any berth assignment will be repaired or replaced by Port at the expense of berth assignee.

F. Vessels berthed in regular slips must be operable and maintained in a seaworthy condition and be of a design suitable for operation on the open waters of San Francisco Bay in the typical range of sea conditions. "Operable" means capable of safely maneuvering under the vessel's own power from the berth, out into San Francisco Bay to circumnavigate Alcatraz Island, back into its berth. "Seaworthy" shall mean that the vessel's hull, keel, decking, cabin and mast are structurally sound, generally free from dry-rot, and capable of preventing discharges of pollutants, including, without limitation, petroleum products, contaminated bilge water, and human wastes. If the Maritime Operations Manager has cause to question the operability or seaworthiness of a vessel, he or she may request a demonstration of the vessel's operability of seaworthiness. In the event of a dispute between the Maritime Operations Manager and the vessel owner, the Maritime Operations Manager may obtain the opinion of a qualified independent marine surveyor of his or her choosing at the owner's expense. Thirty days written notice shall be given to the vessel's owner for such a request. In cases where a vessel is found to be inoperable or unseaworthy, the owner shall have 90 days to effect repairs. If after 90 days the boat is still inoperable or unseaworthy, the berth will be forfeited to the Port, and the Maritime Operations Manager may take possession and custody of such vessel until claimed by the property owner or until such property is disposed of according to law.

If the owner claims such property prior to disposition thereof, he or she shall pay all reasonable expenses incurred in connection therewith, including charges for raising, keeping and storing the same. The determination of the Maritime Operations Manager as to the operability or seaworthiness of the vessel shall be binding.

ITEM NO. 856 INSURANCE REQUIREMENTS

All Fishing Party Boats and any Historical Fishing Vessel which carries passengers for hire must be insured with Protection and Indemnity (Watercraft Liability) Insurance for marine operations with a limit of not less than One Million Dollars ($1,000,000.00) each occurrence. This policy shall comply with the Port's standard insurance requirements, including naming the City and Port, and their officers, agents and employees, as additional insureds.

ITEM NO. 865 PREFERENTIAL BILLING PROCEDURES

A. If a berth is assigned effective the first day of a calendar quarter, then the full quarter's rental is charged. If an initial period is less than a full quarter, the charge will be for a full quarter. There will be no prorating.

B. The first quarter's rental plus a deposit equal to one quarter's rental shall be made upon assignment of a berth. At the time of relinquishment of the assigned berth, such deposit shall be applied against any unpaid rentals or other charges owing to the Port and the balance of the deposit shall be refunded if the required notice has been given.

C. All dockage fees are due and payable when invoiced in advance on the first day of each quarter, and become delinquent if not paid by the thirtieth day of the same month. A service charge of 1-1/2% per month will be assessed on delinquent accounts.

ITEM NO. 866 DOCKAGE EXCEPTIONS

(a) For the purpose of providing for the accommodation and promotion of the fishing industry, no dockage shall be assessed against vessels defined in this Section 8 during the time such vessel is actually discharging fish or taking on stores, supplies or fuel within the jurisdiction of the San Francisco Port Commission.

(b) Commercial Fishing Vessels ready to unload fish shall have preference over Commercial Fishing Vessels ready to load stores or supplies.

ITEM NO. 867 RELINQUISHMENT OF PREFERENTIAL ASSIGNMENT

Preferential Assignments shall be billed quarterly, but may be relinquished by assignee after each three (3) month period, upon fifteen (15) days prior written notice.

ITEM NO. 868 NON-PAYMENT OF CHARGES

A. Any berth assignment, for which the fees are thirty (30) days delinquent, shall be cancelled, in which case, the berth shall be vacated.

B. No person shall remove or cause to be removed any vessel upon which charges for dockage or any other schedule charge are delinquent without paying all such delinquent charges.

C. The Maritime Operations Manager is authorized to do all things necessary to prevent the unauthorized removal of a vessel to avoid payment of dockage fees or other schedule charges, including the moving, securing or otherwise holding the vessel.

D. The Port shall have the right to use any remedies provided under Federal or State law for the collection of charges owing hereunder.

ITEM NO. 869 PUMPING AND LABOR CHARGES

If, in the opinion of Maritime Operations Manager, a boat is in danger of sinking due to the accumulation of water in the vessel, he may arrange pumping of the water from the vessel and the cost of this emergency service shall be charged to the owner of the vessel or berthholder. There is no charge for the first de-watering. Minimum charge for a second de-watering is $150.00. If a vessel requires a third de-watering within 12 months the minimum charge is $300.00 and the berth agreement with the Port shall be cancelled and the vessel removed from Port jurisdiction.

ITEM NO. 870 LOCKERS

Licensee, in accepting a License to use Locker Space, agrees to make payment for quarterly periods in advance at Ten (10) dollars per month, subject to increase by the Port Commission (hereafter "Port") as the Port deems necessary. Any such increase will be preceded by 30 days' written notice to licensee from the Port. Periods commence January 1, April 1, July 1 and October 1 of each year. The first payment by licensee shall be in an amount equal to the first complete quarterly payment plus an amount apportioned to cover the period of commencement of the license to the commencement date of the next quarter. No refund shall be made if the license is cancelled by licensee during a quarter. If Port terminates a license, by reason of default in payment of license fees or otherwise, and if licensee fails to remove personal property from the locker by the effective date of said termination,

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ITEM NO. 870 LOCKERS

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Port may remove said property and store same at licensee's sole expense in either public or private storage, or may sell said property at public auction and apply the proceeds to the cost of sale and to any fees due and unpaid by licensee. The balance of any funds remaining after such sale will be paid to licensee on demand, provided that such demand is made within two (2) years of the date of sale. Notice of sale will be deemed to have been made to licensee by letter, mailed postage prepaid, to licensee at its business address, or, if no business address is indicated, at the home address of licensee.

Licensee shall promptly notify the Port of any change of address.

Licensee is granted a license to use locker space only for the duration of licensee's boat stall tenancy at Fisherman's Wharf or berth at Hyde Street Harbor. Upon termination of licensee's boat stall or berth tenancy, the license shall automatically terminate. Licensee shall not assign or otherwise transfer a License to Use Locker Space; and, upon any such attempt to assign or otherwise transfer a license, said license shall automatically terminate.

Licensee shall maintain the interior of the locker in good condition, free of odoriferous and noxious materials, and shall keep the premises adjacent to licensee's locker clean and free of litter and debris. Licensee shall be liable for any damages to the locker and adjacent Port property, which may occur in connection with the use of licensee's locker. Licensee shall not use the above-mentioned locker to store any flammable liquid, explosive, or any other readily combustible material. Licensee grants to Port the right to inspect lockers for fire hazard, safety, and structural and engineering purposes. The license is made upon the express condition that Port is to be free from any and all liabilities and claims for damages and suits for, or by reason of, any injury or injuries to any person or persons or property of any kind whatsoever from any cause or causes whatsoever while in, upon or adjacent to or in any way connected with the use of a locker, including the negligence of the Port, its officers, agents or employees. Licensee waives all claims against the Port, and agrees to indemnify Port for and to hold Port harmless from any and all claims for damages to any goods, wares, merchandise, equipment and persons in, upon or around said locker from any cause arising at any time, including all claims arising out of the negligence of Port, its officers, agents or employees.

At Hyde Street Harbor, dock boxes located adjacent to each berth are included in the cost of the berth rate and are not subject to the fees above, all remaining provisions of this section apply.

ITEM NO. 871 PARKING

a. Active commercial fishing vessels (as defined in ITEM NO. 800) with a preferential berth assignment in Fisherman's Wharf Harbor qualify for a permit to park a vehicle in parking spaces at Fisherman's Wharf marked "Commercial Fishing Parking Permit Holders Only." Permits are issued at the beginning of each calendar year, and an administrative fee of $25.00 shall be charged if the permit application, copies of landing receipts and the administrative fee are received by the harbor office before January 1 of the year being applied for. The administrative fee for applications received after January 1 shall be $50.00. Permittee must be in good standing with their Port account. Only one parking permit per qualified berth holder shall be issued. Permit is to be used only while permittee is fishing or working on a boat. Vehicle may not be parked in designated space for over ten consecutive days without submitting a written request for an extension to Harbor Office. Permits that are loaned, sold or misused in any way shall be automatically revoked.

b. Vessel owners with berth assignments at Hyde Street Harbor may purchase one permit to park in the Hyde Street Harbor parking lot. This parking is to be used by the vessel owner or crew only. Any misuse or re-sale of the permit shall result in termination of the permit. Including the CCSF parking tax, the monthly rate for Hyde Street Harbor parking in (C)2013 is $35.00. This rate will be adjusted with the increases in the Consumer Price Index ("CPI") on January 1st every year.

(C) Matter changed

ITEM NO. 875 PREFERENTIAL ASSIGNMENT RATES

Dockage for Preferential Assignments shall be billed on a Quarterly basis based on vessel classification as defined under item 800 and berth number as shown below. At Hyde Street Harbor a 10% discount will be granted for advance payment of four consecutive quarters (one year). No Historical Commercial Fishing Boat rates apply at the Hyde St. Harbor. No allowances or refunds are allowed while boat is away from berth. Boat shall not exceed maximum length of berth without the consent of the Maritime Operations Manager based upon his or her reasonable determination that such berthing will not unduly interfere with navigation, public health and safety. If a vessel is allowed to exceed maximum berth length, additional charges will be calculated by dividing the monthly rate by the listed maximum length in feet to determine a per foot charge to be added to each additional foot of overhang allowed. Spaces will be charged for the length of the space or the length of the vessel, whichever is greater. Vessels with assigned side-tie berthing on Piers 45 and 47 shall be billed at the Fisherman's Wharf Harbor rates.

JEFFERSON STREET PREFERRED FISHING PARTY BOAT BERTH RATES:

BERTH NUMBER	MAXIMUM LENGTH IN FEET	(C)RATE PER MONTH IN DOLLARS *
1-6	50′	$286.07
7	45′	$257.47
8	40′	$228.86
9-13	25′	$143.04

* Footnotes to Item No. 875.

1. A 10% environmental surcharge based on the rate per month in dollars shall be added to the above rates.

2. Each of these rates will be adjusted in accordance with the increases in the Consumer Price Index ("CPI") [San Francisco-Oakland-San Jose 2006 = 100] on January 1st every year.

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ITEM NO. 875 PREFERENTIAL ASSIGNMENT RATES

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ACTIVE COMMERCIAL FISHING AND FISHING PARTY BOAT RATES FOR FISHERMAN'S WHARF HARBOR:

BERTH NUMBER	MAXIMUM LENGTH IN FEET	(C)RATE PER MONTH IN DOLLARS *
14-20	28′	$53.96
21-22	30′	$57.82
23-47	35′	$67.45
48-55	50′	$96.36
56-58	45′	$86.72
59	22′	$42.40
60-62	26′	$50.11
63-64	28′	$53.96
65-67	32′	$61.67
68-69	34′	$65.53
70-71	38′	$73.23
72-74	32′	$61.67
75-86	50′	$96.36
87-88	38′	$73.23
89-90	34′	$65.53
91-93	32′	$61.67
94-98	28′	$53.96
99-102	26′	$50.11

* Footnotes to Item No. 875.

1. A 10% environmental surcharge based on the rate per month in dollars shall be added to the above rates.

2. Each of these rates will be adjusted in accordance with the increases in the Consumer Price Index ("CPI") [San Francisco-Oakland-San Jose 2006 = 100] on January 1st every year.

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ITEM NO. 875 PREFERENTIAL ASSIGNMENT RATES

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HISTORICAL FISHING VESSEL RATES FOR FISHERMAN'S WHARF HARBOR:

BERTH NUMBER	MAXIMUM LENGTH IN FEET	(C)RATE PER MONTH IN DOLLARS *
14-20	28′	$92.75
21-22	30′	$99.38
23-47	35′	$115.94
48-55	50′	$165.63
56-58	45′	$149.06
59	22′	$72.88
60-62	26′	$86.13
63-64	28′	$92.75
65-67	32′	$106.00
68-69	34′	$112.63
70-71	38′	$125.88
72-74	32′	$106.00
75-86	50′	$165.63
87-88	38′	$125.88
89-90	34′	$112.63
91-93	32′	$106.00
94-98	28′	$92.75
99-102	26′	$86.13

* Footnotes to Item No. 875.

1. A 10% environmental surcharge based on the rate per month in dollars shall be added to the above rates.

2. Each of these rates will be adjusted in accordance with the increases in the Consumer Price Index ("CPI") [San Francisco-Oakland-San Jose 2006 = 100] on January 1st every year.

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ITEM NO. 875 PREFERENTIAL ASSIGNMENT RATES

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ACTIVE COMMERCIAL FISHING and FISHING PARTY BOAT RATES FOR HYDE SREET HARBOR:

BERTH NUMBER	MAXIMUM LENGTH IN FEET	(C) RATE PER MONTH IN DOLLARS *
201-203	40′	$211.99
204-221	45′	$238.49
222-224	50′	$264.99
225-246	40′	$211.99
247-255	50′	$264.99
256-259	80′	$423.98
260-262	50′	$264.99

* Footnotes to Item No. 875.

1. A 10% environmental surcharge based on the rate per month in dollars shall be added to the above rates.

2. Each of these rates will be adjusted in accordance with the increases in the Consumer Price Index ("CPI") [San Francisco-Oakland-San Jose 2006 = 100] on January 1st every year.

ITEM NO. 880 ACTIVE COMMERCIAL FISHING VESSELS and FISHING PARTY BOAT TRANSIENT DOCKAGE:

Active Commercial fishing boats and Fishing Party Boats shall be charged* per twenty-four (24) hours:

FOR FISHERMAN'S WHARF HARBOR: (C) $0.50* per foot of length of vessel, or (C) $8.67 per day if paid at least 30 days in advance.

FOR HYDE STREET HARBOR: (C) $0.61* per foot of length of vessel, or preferential assignment dockage rates if paid at least 30 days in advance.

*Footnotes to Item No. 880.

1. A 10% environmental surcharge based on the rate per month in dollars shall be added to the above rates.

2. Each of these rates will be adjusted in accordance with the increases in the Consumer Price Index ("CPI") [San Francisco-Oakland-San Jose 2006 = 100] on January 1st every year.

(C) Matter changed.

ITEM NO. 884 NON-FISHING VESSEL RATES:

Non-Fishing Vessels will only be accommodated to the extent that berths are not occupied by Active Commercial Fishing Vessels, Fishing Party Boats or Historical Commercial Fishing Vessels and, in addition, that there are no Active Commercial Fishing Vessels, Fishing Party boats or Historical Commercial Fishing Vessels on the waiting list. Dockage on Non-Fishing Vessels is to be paid one month in advance based on berth number as shown below. Non-Fishing Vessel rates not listed are calculated at three times the Active Commercial Fishing Vessel rate. No allowance or refunds will be given for the time the vessel is away from the berth. Non-Fishing Vessels shall not exceed maximum length of berth.

(D)

NON-FISHING VESSEL RATES FOR FISHERMAN'S WHARF HARBOR:

BERTH NUMBER	MAXIMUM LENGTH IN FEET	(C)RATE PER MONTH IN DOLLARS *
14-20	28′	$161.88
21-22	30′	$173.46
23-47	35′	$202.35
48-55	50′	$289.08
56-58	45′	$260.16
59	22′	$127.20
60-62	26′	$150.33
63-64	28′	$161.88
65-67	32′	$185.01
68-69	34′	$196.59
70-71	38′	$219.69
72-74	32′	$185.01
75-86	50′	$289.08
87-88	38′	$219.69
89-90	34′	$196.59
91-93	32′	$185.01
94-98	28′	$161.88
99-102	26′	$150.33

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(D) Matter Deleted.
(C) Matter changed.

ITEM NO. 884 NON-FISHING VESSEL RATES:

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NON-FISHING BOAT RATES FOR HYDE STREET HARBOR

All non-fishing vessel berth use at Hyde Street Harbor shall be Transient use (C) (no Non-Sport Fishing trips) and charged a rate of (C) $1.96* per foot of length of vessel per day.

Hourly transient rate for non-fishing boats at Hyde Street Harbor is (C) $35.00.

* Footnotes to Item No. 884.

1. A 10% environmental surcharge based on the rate per month in dollars shall be added to the above rates.

2. Each of these rates will be adjusted in accordance with the increases in the Consumer Price Index ("CPI") [San Francisco-Oakland-San Jose 2006 = 100] on January 1st every year.

ITEM NO. 895 WHARFAGE (Subject to Item 203)

Tonnage of fish handled must be reported monthly on Form 14-B. Records must be made available to the Maritime Operations Manager for audit purposes to determine the accuracy of wharfage declaration.

RATE IN CENTS PER TON

FISH, viz.: Fresh and/or shellfish from Commercial Fishing Vessels and at facilities designated for their use, or at market places, shall be assessed 113 cents per ton.

NOTE: For Wharfage on Fish other than above see Section 2, Item 237.

ITEM NO. 896 CONDUCTING NON-SPORTFISHING TRIPS FOR HIRE FROM FISHERMAN'S WHARF HARBOR

No trips for hire shall be conducted from the Harbor except by Fishing Party Boats or by Historic Commercial Fishing Vessels berthed at the Harbor, and only subject to the rules indicated herein below.

A Fishing Party Boat (as defined in Item 800) may conduct Non-Sportfishing Trips for hire from Fisherman's Wharf Harbor ("Non-Sportfishing Trips"), provided that:

(1) The vessel is not longer than 55 ft. and constitutes an ACTIVE FISHING PARTY BOAT, defined as: The Fishing Party Boat makes sportsfishing trips (as defined by the California Department of Fish and Game, including the requirements that all passengers have valid California Department of Fish and Game fishing licenses), on a minimum of fifty (50) days during each calendar year. Provided, however, in the event governmental regulations or acts of God during a calendar year make it impossible to conduct sportfishing trips on a minimum of fifty (50) days during that year, then the Executive Director of the Port shall have the authority to reduce the minimum number of days in that calendar year on which an Active Fishing Party Boat is required to make sportfishing trips and to change the required ratio between the number of days in that calendar year that the Active Fishing Party Boat conducts sportfishing trips and conducts only Non-Sportfishing trips.

(2) The Active Fishing Party Boat meets all of the following requirements of the indicated regulatory agencies ("Regulatory Requirements"):

(a) U.S. Coast Guard
- (i) Certificate of Documentation, with a Coastwise Endorsement and a rating of at least 5 tons;
- (ii) Master License to U.S. Merchant Marine Officer for captain;
- (iii) Certificate of Participation in drug testing program for captain and deck hand(s); and
- (iv) Certificate of Inspection (provided, however, a Certificate of Inspection shall not be required for a vessel which operates under U.S. Coast Guard regulations that provide for a maximum of 6 passengers).

(b) California Department of Fish and Game
- (i) Commercial Boat Registration;
- (ii)Personal fishing license with applicable species endorsements; and
- (iii) Skipper's Log Book, Marine Sportfishing Central and Northern California

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ITEM NO. 896 CONDUCTING NON-SPORTFISHING TRIPS FOR HIRE FROM FISHERMAN'S WHARF HARBOR

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(c) Federal Communications Commission
(i) Ship/Aircraft Radio Station License;
(ii) Operator's permit; and
(iii) Trip radio log provided, however, said radio requirements shall not apply to a vessel which operates under U.S.Coast Guard regulations that provide for a maximum of six passengers, but such a vessel must carry an operational VHF marine radio on all trips.

(3) The primary activity of the Active Fishing Party Boat is conducting sportfishing trips as defined by the California Department of Fish and Game. Specifically, the number of days with each calendar year that the Fishing Party Boat conducts sportfishing trips must exceed the number of days that it conducts only Non-Sportfishing Trips (as defined herein below). Days which an Active Fishing Party Boat conducts both sportfishing trip(s) and Non-Sportfishing Trip(s) shall be deemed as a Sportfishing day.

(4) Only one Active Fishing Party Boat at any time shall solicit or load passengers for Non-Sportfishing Trips.

(5) NON-SPORTFISHING TRIPS are defined as trips which include: Scenic bay tours, wedding or other private parties, business meetings, or similar tours or charters. A trip shall not constitute a Non-Sportfishing Trip if it includes funerals, scattering ashes at sea, or whale watching, and it includes the open waters of the Pacific Ocean (beyond the imaginary line extending between Point Bonita and Mile Rock).

(6) Non-Sportfishing Trips shall be limited to:
(a) For a vessel with a U.S. Coast Guard Certificate of inspection, the maximum number of passengers permitted by said Certificate, but in no event more than 49 passengers; or
(b) For a vessel without a U.S. Coast Guard Certificate of Inspection, a maximum of 6 passengers (paying or non-paying) plus one vessel crewmember.

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ITEM NO. 896 CONDUCTING NON-SPORTFISHING TRIPS FOR HIRE FROM FISHERMAN'S WHARF HARBOR

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A six passenger fishing vessel may conduct Non-Sportfishing Trips, provided that:

(1) The six passenger fishing vessel is berthed in Berth Nos. 8, 9, 10, 11, 12 or 13 of Fisherman's Wharf Harbor.
(2) The six passenger fishing vessel meets all of the following requirements of the U.S. Coast Guard ("Regulatory Requirements"):

(a)Certificate of Documentation, with a Coastwise Endorsement and a rating of at least 5 tons or a current California Department of Motor Vehicles Vessel for Hire registration; and
(b)Master License to U.S. Merchant Marine Officer for captain; and
(c) Certificate of Participation in drug testing program for captain and deck hand(s)

(3) Only one six passenger fishing vessel at any time shall solicit or load passengers.
(4) Trips for hire shall be limited to a maximum of six passengers (paying or non-paying) plus one vessel crew member.
(5) The berth holder or a member of the berth holder's immediate family must be on board the vessel assigned to the subject berth at least fifty percent (50%) of non-sportfishing trips.
(6) The six passenger fishing vessel must carry an operational VHF Marine Radio on all trips.

ITEM NO. 897 PASSENGER WHARFAGE

In addition to Dockage due the Port pursuant to Section 8E hereof, the operator of a Fishing Party Boat or an Historical Commercial Fishing Vessel shall pay the Port Passenger Wharfage calculated at Seven percent (7%) of gross receipts from all non-sportfishing trips. Said Passenger Wharfage shall be paid by the 20th of the following month. A wharfage reporting form shall be submitted with wharfage payment. No Passenger Wharfage shall be due the Port for sport fishing trips.

ITEM NO. 898 REPORTING AND ENFORCEMENT

Prior to conducting Non-Sportfishing Trips, the berth holder shall furnish the Maritime Operations Manager with documentation evidencing compliance with the appropriate Regulatory Requirements and insurance requirements. In the event a berth holder conducts Non-Sportfishing Trips, the berth holder shall provide to the Port by the twentieth (20th) of the following month a report using the manifest form provided by the Port indicating the berth holder's sportfishing trip and Non-Sportfishing Trip activity during the preceding month, and the number of passengers carried on Non-Sportfishing Trips along with a check payable to the Port of San Francisco for the passenger wharfage. In addition, upon a minimum of 24 hours notice from the Maritime Operations Manager, the berth holder shall provide evidence to the Maritime Operations Manager that the berth holder has been in compliance with all provisions of this schedule. Such evidence shall include, but not limited to:

(1) Skipper's Log Book, maintained for the Department of Fish and Game; and
(2) Trip monitor log, maintained for the Federal Communications Commission.

If in the judgment of the Maritime Operations Manager, based upon information provided by the berthholder or obtained independently by the Maritime Operations Manager, the berth holder is not in compliance with any of the rules and regulations contained in this schedule, then the berth holder's occupancy at Fisherman's Wharf Harbor shall terminate thirty (30) days after written notice from the Maritime Operations Manager. The berth holder shall have the right to appeal said termination to the Executive Director for the Port. In the event that the Executive Director confirms the decision to terminate the berth holder's occupancy, said occupancy shall terminate in accordance with the termination notice.

SECTION 9 - CONTAINER CRANE

ITEM NO. 900 CONDITIONS FOR THE USE OF THE PORT OF S.F.CONTAINER CRANES

(a) The Port does not warrant the mechanical condition of the container cranes. When turned over to a user, a container crane and its appurtenances are presumed to be in good operating condition.

(b) The Port will not be responsible for delays caused user by breakdown of equipment or loss of power or shut off of electric current, or for any cause. The Port reserves the right to stop the operation of the container crane at any time for repairs or maintenance that are deemed necessary.

(c) A container crane, when turned over to a user, is under the user's supervision, direction and control, and the user assumes the sole responsibility and liability for injury to or death of any person whomsoever, or damage to or destruction of property, including employees of the user and of the Port, and the container crane or other property of the Port of San Francisco, incidental to, arising out of, or caused by user's possession, use or operation of a port container crane. User shall protect, indemnify, and save harmless the San Francisco Port Commission, its officers and employees from and against any injury to or death of persons or damage to or destruction of property, and that may be, in whole or in part, incidental to,arising out of, or be caused directly or indirectly,through negligence or otherwise, by the user's possession, use or operations of said container crane,whether by user,its officers, agents or employees, or by any person or persons acting with the knowledge and consent, expressed or implied of the user,and the use of the container crane shall constitute acceptance and acknowledgement by the user of this liability, responsibility and obligation.
(d) Nothing herein shall exculpate or otherwise relieve the Commission from liability for its own negligence or impose upon others the obligation to indemnify or hold harmless said Port from liability for its own negligence.

ITEM NO. 915 DEFINITION OF TERMS

DOWN TIME - Is that time lost due to crane breakdown, inclement weather or power failure and is not billed to the customer.

WORKING TIME - Such time commences at the start of the vessel's cargo handling activity using the crane and finishes with the completion of the crane operation or shut-down for the shift. This time,excluding down time and meal time, is billed to the customer.

ITEM NO. 920 APPLICATION FOR USE OF CONTAINER CRANE

Application for use of a container crane(s) shall be made to the Chief Wharfinger prior to 1400 hours on the day preceding the day crane is to be used, subject to the following:

(a) Crane(s) required for an 1800 hour start or later shall be ordered no later than 1400 hours that same day.

(b) Crane(s) required for Saturday, Sunday or a holiday start shall be subject to prior arrangements.

(c) Cancellation notice of a crane order or change of the original starting time shall be given at least three hours prior to the originally ordered starting time.

ITEM NO. 922 START-UP CHARGE

The following charge will be assessed against the user of each container crane for the services provided by the Port in making the crane ready for use and positioning the crane to the berth or face for which it was ordered $31.50

ITEM NO. 924 CLOSE DOWN CHARGE

The following charge will be assessed against the user of each container crane for the services provided by the Port in closing down the Crane $31.50

ITEM NO. 930 TRAVELING CONTAINER CRANES, PIERS 94/96

Two Container Cranes (Electric) 30 Long Ton Lifting Capacity
Equipment: 1 - Head block (90 degree turn capability).
1 - 20 ft. to 40 ft. and twin - 20 ft. telescopic spreader.
1 - Heavy Lift (35 long tons) cargo beam.

Two Container Cranes (Electric) 40 Long Ton Lifting Capacity
Equipment: 1 - Head block (90 degree turn capability).
1 - 20 ft. to 40 ft. and twin - 20 ft. telescopic spreader.
1 - Heavy Lift (49 long tons) cargo beam.

Container Crane Rental Charge (See Notes 1, 2, 3, 4 and 5)
Each per hour or fraction thereof $399.00
(Subject to Items 922 and 924)

NOTE 1 - Rental includes full use of the container crane and its equipment.

NOTE 2 - Port will tender crane to user, ready for use, in a pinned position on the berth or face for which it was ordered.

NOTE 3 - User will provide all necessary operators and perform all stevedoring, including all rigging and unrigging of equipment, booming up and down and positioning of crane to and from ship including returning crane to pinned position upon completion.

NOTE 4 - Crane rental does not include maintenance charge, see rate schedule below.

NOTE 5 - See Item 940 for computation of charges and schedule relief for stand-by time and non-containerized cargo.

Maintenance Charge

Each per hour or fraction thereof $113.40

ITEM NO. 935 TRAVELING CONTAINER CRANES, PIER 80

One Container Crane (Diesel) 30 Long Ton Lifting Capacity
Equipment: 1 - Head block - (90 degree turn capability)
1 - 20' to 40' and twin - 20 ft. telescopic spreader.
1 - Heavy lift (35 L/T) cargo beam.

One Container Crane (Diesel) 40 Long Ton Lifting Capacity (90 degree turn capability)
Equipment: 1 - 20' to 40' and twin - 20 ft. telescopic spreader.
1 - Heavy lift (50 L/T) cargo beam.

Two Container Cranes (Electric) 40 Long Ton Lifting Capacity
Equipment (each crane): 1 - 20'to 40'and twin - 20' telescopic spreader
1 - Heavy lift (45 L/T) cargo beam

Container Crane Rental Charge

(See Notes 1, 2, 3, 4, 5 and 6)
Each per hour or fraction thereof $399.00
(Subject to Items 922 and 924)

NOTE 1 - Rental includes full use of container crane and its equipment.

NOTE 2 - Port will tender crane to user, ready for use, in a pinned position on the berth or face for which it was ordered.

NOTE 3 - User will provide all necessary operators and perform all stevedoring, including all rigging and unrigging of equipment, booming up and down and positioning of crane to and from ship including returning crane to pinned position upon completion.

NOTE 4 - Crane rental does not include maintenance charge, see rate schedule below.

NOTE 5 - See Item 940 for computation of charges and schedule relief for stand-by time and non-containerized cargo.

NOTE 6 - User will not position the crane around the corners of Pier 80.

Maintenance Charge

Each per hour or fraction thereof $113.40

ITEM NO. 940 COMPUTATION OF CHARGES

(a) Time will start for the charges at the commencement of the vessel's crane operation and will continue until completion of the crane operation subject to Paragraph (b) of this Item.

(b) Should vessel not commence crane operation at the time crane was ordered to be available or when crane operation is interrupted for reasons other than as noted in Exceptions 1 and 2 of this Item, stand-by time, will be assessed at one half the hourly Crane Rental charge. During stand-by time the maintenance charge will be assessed in full.

Exception 1 - Time lost due to crane(s) breakdown, power failure or inclement weather will not be charged.

Exception 2 - Meal time will not be charged, one hour allowed.

(c) Crane rental charges and the maintenance charge for non-containerized cargo will be charged at thirty-five percent (35%) of the hourly charges in Items 930 and 935. Standby time, described in paragraph (b) of this Item, will also be charges at this non-containerized cargo rate.

SECTION 10 - PASSENGER FEES

ITEM NO. 1000 BUNDLED PORT FEE FOR CRUISE SHIPS

Provisions under this item apply to passenger cruise ships carrying a minimum of 500 passengers (total number of embarking, disembarking, and in-transit passengers). Bundled Port Fees include standard charges, as listed below, per cruise ship call, and are calculated on a per-passenger basis. Pier 35 is the primary passenger cruise ship terminal at the Port of San Francisco, however the Port may elect to offer an alternative berth, and the fees listed below will apply.

PASSENGER FEE:

Disembarking Passenger	$12.00 each
In-Transit Passenger	$12.00 each
Embarking Passenger	$12.00 each

Note 1: Bundled Port Fees include:

Passenger Wharfage
Dockage (24 hours)
Stores Wharfage

Note 2: Costs not included in Bundled Port Fees (not limited to):

Costs billed by non-Port service providers or authorities

EXCEPTIONS:

(R) 1. Cruise ships with less than 500 passengers (total number of embarking, disembarking, and in-transit passengers) must pay the applicable dockage fee (Section 4) in addition to the Passenger Fee. However, no stores wharfage will apply.

2. Cruise ships that spend more than 24 hours in port must pay the applicable dockage fee (Section 4) for each additional day in port, in addition to the Passenger Fee for the first day.

3. Cruise ships in port for layberthing or vessel repairs must pay dockage in accordance with Section 4 (Bundled Port Fees do not apply).

4. Cruise line company officials or crew, when traveling aboard ships owned/operated by their company, are exempt from Passenger Fees.

5. Vessels engaged exclusively in the carriage of passengers for promotion (not for compensation) are exempt from Passenger Fees.

ITEM NO. 1005 PASSENGER REPORTING

The owner, agent, master, or other person in charge of a vessel carrying passengers, subject to passenger fees as provided in Item 1000, shall advise the Port of the number of passengers disembarking, in transit, and embarking at the Port of San Francisco. This information will be reported on the San Francisco Port Commission's Wharfage Statement (Form No. 14-B). An in-transit passenger is one who boarded the vessel at a port other than San Francisco and who is continuing on the voyage to finally disembark at a port other than San Francisco.