

**880-RICR-00-00-03**

## **TITLE 880 - QUONSET DEVELOPMENT CORPORATION**

**CHAPTER 00 - N/A**

**SUBCHAPTER 00 - N/A**

PART 3 – Terminal Tariff Schedule

### **3.1 Scope and Applicability**

- A. Scope - The Port of Davisville is operated by the Quonset Development Corporation (QDC), a quasi-public corporation of the State of Rhode Island. The intent of this tariff is to specify charges and associated requirements for authorized parties using or accessing the marine terminals and related properties.
- B. The Port of Davisville is subject to the following federal regulations:
  - 1. MTSA Applicable - The Port of Davisville is subject to The Maritime Transportation Security Act, 33 C.F.R. §§ 101,102, 103 (2010). Those vessels subject to the Act are required to interface with the QDC.
  - 2. FTZ Regulations - The Port of Davisville is a Foreign Trade Zone (FTZ) and all persons, goods, and conveyances are subject to search by US Customs & Border Protection Officers 19 U.S.C. § 482 (2002).
  - 3. Facility Security Plan - The Quonset Development Corporation has a Facility Security Plan ("FSP") as required by MTSA, 33 C.F.R. § 105 (2010).
- C. Applicability - The rules, regulations, conditions, commodity rates, and/or charges set forth in this schedule apply to or for the following terminal: Port of Davisville.
- D. Compliance - The QDC reserves the right to revoke or deny access to the Port of Davisville, or any other facility operated by the QDC, to any person or company who violates these rules and regulations.
- E. All such federal, state and municipal laws as applicable.

### **3.2 Authority**

These rules and regulations concerning the terminal tariff schedule for the Port of Davisville are promulgated by the Quonset Development Corporation in accordance with R.I. Gen. Laws § 42-64.10-6(d).

### **3.3 Incorporated Materials**

These regulations hereby adopt and incorporate the U.S. Department of Transportation Regulations. 49 C.F.R. § 100-199 (2010), by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

### **3.4 Definitions and Abbreviations**

A. The following Definitions shall apply in this tariff:

1. "Currency" means all rates shall be in United States Dollars (\$USD)
2. "Demurrage" means a fee assessed to cargo stored or remaining on site after it has been discharged by a vessel, applied to cargo not covered under ground leases.
3. "Dockage" means the term dockage refers to the charge assessed against a vessel for berthing at the facility, or for mooring to a vessel so berthed.
4. "Free Time" means the specific period during which cargo may occupy space assigned to it on terminal property free, of demurrage or terminal storage charges, immediately prior to the discharge of such cargo on or off the vessel.
5. "Measurement Ton" means the value of 1 measurement ton shall be 40 cubic feet (CFT).
6. "Passenger Fee" means a passenger fee shall be defined as a fee charged for a passenger debarking, embarking or landing at the QDC facility.
7. "Port of Davisville" or "Port" means all marine facilities including controlled berths and associated waterways, as well as associated facilities under the control of the Quonset Development Corporation.
8. "Ton" means 2,000 pounds (LBS) of weight.
  - a. Metric Ton (MT) means 2,204.6 pounds (LBS) of weight.
  - b. Short Ton (ST) means 2,000 pounds (LBS) of weight.
9. "Wharfage" means a charge assessed against all cargo passing or conveyed over, onto, or under piers, or between vessels (to or from barge, lighter, or water) when berthed at a pier or when moored in slip adjacent to pier. Wharfage is solely the charge for use of pier and does not include charges for any other service.

B. When used, the following abbreviations shall mean:

1. \$ or \$USD U.S. Currency (Dollar)
2. % Percent or 1/100 of the whole
3. CFT Cubic Feet
4. FMC Federal Maritime Commission
5. GRT Gross Registered Ton
6. LBS Pounds
7. LOA Length Overall
8. NRT Net Registered Ton
9. QDC Quonset Development Corporation

### **3.5 Arrangements for Berths**

A. All vessels, their owners, or agents desiring berths at the Port of Davisville shall apply for a berth application at least 5 days in advance of vessels arrival, furnishing the QDC with the vessels name, length overall, draft, docking and sailing, pier request, name of agent's company, P & I Club, crew list and quantity and nature of cargo to be handled. All vessels, their owners or agents desiring berths must obtain a pier loading permit (if required). Berth applications are available on our website [www.portofdavisville.com](http://www.portofdavisville.com) or by calling the Port office (401) 294-2639. All berth applications must be submitted by email to [port@portofdavisville.com](mailto:port@portofdavisville.com). Those berth applications faxed, hand delivered, or conveyed by any other means other than email will be subject to a \$250.00 fee. All vessels are first in, first out.

B. Berth Application Amendments:

1. Vessels and their owners, or agents, shall be permitted to amend or modify their berth applications twice after it has been submitted and approved by the Port without incurring an extra charge. All other amendments or modifications are subject to a \$250.00 change fee.

### **3.6 Use of Facilities**

A. Business Hours - The hours of business are between 0700 and 1530, exclusive of Saturdays, Sundays and holidays. Services performed during non-business hours shall be subject to special agreement with the QDC and will be subject to a Port Operations Fee of \$65.00 per hour.

- B. Observed Holidays - The QDC observes the following holidays (if holiday falls on a weekend, then observed the following Monday):
1. New Year's Day (January 1)\*
  2. Dr. Martin Luther King, Jr. Day (third Monday in January)
  3. Memorial Day (last Monday in May)
  4. Independence Day (July 4)\*
  5. Victory Day (second Monday in August)
  6. Labor Day (first Monday in September)
  7. Columbus Day (second Monday in October)
  8. Veteran's Day (November 11)
  9. Thanksgiving (fourth Thursday in November)
  10. Day after Thanksgiving (fourth Friday in November)
  11. Christmas (December 25)
- C. Compliance with Regulations - Vessels, shippers and persons using or entering the Port facilities shall comply with all federal, state, municipal laws: § 3.1 of this Part. See Rules and Regulations for the Use of the Port of Davisville, Part 2 of this Subchapter.
- B. Control of Property - The QDC shall assign all berths and storage locations on Port property. The QDC does not obligate itself to provide berthage, storage, equipment, labor, or other forms of service beyond the reasonable capacity of its facilities.
- C. Berth Assignments - All vessels are required to use assigned berths. Assignments of berths are not transferable, and in the event of failure to use berths as and when assigned, the QDC reserves the right to use such unoccupied berths for other purposes.

### **3.7 Insurance Not Included, Penalties, Payments, and Liability**

#### **3.7.1 Insurance Not Included**

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

#### **3.7.2 Penalties**

- A. Failure to Depart Berth - Penalty for noncompliance with the berth assignments, § 3.6(C) of this Part, will be \$100.00 per hour for each hour that a vessel remains berthed, from the time specified by the QDC, if the vessel or its agent has been given a minimum of three (3) hours advance notice.
- B. Spill - Penalty for spills of fluids deemed pollutants will be \$1,000.00 per incident assessed against the vessel for each violation noted by the QDC, plus the cost of clean-up by a contractor designated by the U.S. Coast Guard and/or the QDC.

### **3.7.3 Payment of Invoice**

- A. Arrangement for Services - On each inbound or outbound cargo moving across Port of Davisville, the responsibility for payment of Port Schedule Charges shall rest with those who perform the forwarding functions on such shipments unless other arrangements have been made.
- B. Arrangements for Vessels - The responsibility for Port Schedule Charges assessed against a vessel shall rest with the local agent and/or owner of such vessel, unless other arrangements have been made.
- C. Access to Information - Vessels, their owners and agents, and other users of the QDC facilities shall be required to permit access to manifests, loading or discharge lists, rail or motor carrier freight bills, or other pertinent documents for the purpose of audit to determine the correctness of reports filed, or for securing data to permit correct billing of charges. Failure to furnish the required documents will result in waiver of free time and immediate assessment of wharfage charges based on 110% of applicable charges.
- D. Payment of Invoices - Invoices are due and payable within 10 days from date of invoice. Invoices not paid within 30 days from date of invoice are subject to a 1.5% service charge per month. Credit card payments will be assessed an additional 5% fee, per transaction.
- E. Advance Payments - The QDC reserves the right to estimate and collect in advance all charges, which may accrue against vessels or against cargo loaded or discharged by such vessels or from other users, of waterways and port facilities whose credit has not been properly established with the QDC. Use of facilities may be denied or cargo removed from storage until such advance payments or deposits are made.
- F. Liens - Presentation of bills to vessels is done as a matter of accommodation and convenience, and shall not constitute a waiver of the lien of charges against the vessel for services or supplies furnished the vessel for which maritime law gives a lien.
- G. Responsible Party - The QDC does not recognize the numerous shippers or consignees and cannot attempt to collect or assist in collecting wharfage and similar bills which may be passed on to the shippers and consignees by the

vessel, its owners and agents. Charges when presented must be paid by the ship's owner or the agent regardless, or when the vessel, its owner, or agents are reimbursed.

- H. Application of Payments - The QDC reserves the right to apply any payment received against the oldest outstanding invoice. The carrier, vessel, owner, shipper, receiver, or agent who shall fail to pay any bills when due shall be placed on the delinquent list, conditions of which are defined in § 3.7.3(I) of this Part.
- I. Delinquent Payments - All carriers, vessels, owners, agents, or other users of the facilities of the QDC placed on the delinquent list, in accordance with § 3.7.3(H) of this Part, shall be denied by the QDC use of the facilities or the right to remove cargo from storage until all such charges, together with any other charges due, have been paid.

#### **3.7.4 Limits of Liability**

The QDC is not liable for costs incurred by users due to labor stoppages, slowdowns, or delays caused by Port-owned equipment failures. No provision contained in this schedule, however, shall limit or relieve the QDC from liability for its own negligence, nor require any person, vessel, or lessee to indemnify or hold harmless the QDC from liability for its own negligence.

### **3.8 Charges**

#### **3.8.1 Dockage Charges**

- A. The following dockage charges shall apply to vessels mooring at the Port of Davisville:
  - 1. Self-Propelled Vessels Greater than 450 FT LOA - Dockage will be assessed against the vessel, its owners, agents, or operators on the basis of the highest length overall (LOA) of the vessel for the period the vessel remains at the berth. The period of time for which dockage shall commence when such vessel is made fast to the pier, bulkhead or to another vessel so berthed and shall continue until such vessel has completely vacated such berth. Dockage will be assessed against the vessel, its owners, and agents for \$5.15 per LOA per 24-hour period, or fraction thereof, with a minimum charge of \$2,317.50 per day.
  - 2. Self-Propelled Vessels Less than 450 FT LOA - Dockage will be assessed against the vessel, its owners, agents, or operators at a rate of \$4.12 dollars per linear foot per 24-hour period, or a fraction thereof, with a minimum charge of \$250.00.
  - 3. Idle Status - Vessels berthed at a terminal, with permission of the QDC, in idle status, prior to the commencement or subsequent to the completion of

loading and or unloading cargo, shall incur a dockage charge of \$515.00 per calendar day or fraction thereof, payable by the vessel's owner or operator. All vessels in idle status will pay any applicable security charges in addition to dockage.

4. Non-Self-Propelled Vessels - A charge of \$750.00 per 24-hour period, or fraction thereof shall be assessed against seagoing and/or in transport barges berthing or making fast to the pier for the purpose of loading and/or discharging cargo directly to or from the pier.
5. Cruise or Passenger Vessels - The charge of \$.41 per net registered ton per day, or fraction thereof, as presented on the vessel's current Certificate of Registry.

### **3.8.2 Wharfage Charges**

A. The following wharfage charges shall apply to all cargo handled over the wharfs of the QDC and shall be assessed against the consignee or its authorized agents.

1. Automobiles - Unboxed automobiles shall be assessed at \$4.10 per unit.
2. Bulk - Dry and liquid bulk products to be arranged; minimum charge of \$250.00.
3. Containers
  - a. On Terminal Stripped or Stuffed: On loaded containers which have been stripped or stuffed on terminal premises with cargo moved directly between container and truck or rail will be assessed a wharfage charge as follows:

(1)	40 foot in length or greater	\$32.96 per container
(2)	20 foot in length or less	\$25.75 per container
  - b. Off Terminal Stripped or Stuffed: On loaded containers which have been stripped or stuffed on other than terminal premises will be assessed a wharfage charge as follows.

(1)	40 foot in length or greater	\$34.25 per container
(2)	20 foot in length or less	\$28.84 per container
  - c. Empty Containers: All empty containers \$13.73 per container.
4. Equipment - Agricultural and industrial equipment shall be assessed a flat rate of \$51.50. Agricultural and industrial equipment weighing over 15,000

LBS shall be assessed the general cargo rate of \$1.37 per ton, but not less than \$51.50.

5. General Cargo-NOS - Not otherwise specified (NOS), shall be assessed at \$1.37 per ton, or 40 CFT, whichever is greater as determined from vessel's manifest, with a minimum charge of \$250.00.
6. Lumber - Shall be assessed at \$1.16 per 1,000 feet board measurement as determined from vessel's manifest, with a minimum charge of \$250.00.
7. Steel - Structural, coils, packaged sheets, rods, pipes, plates and etc. shall be assessed at \$1.31 per ton, or 40 CFT, whichever is greater as determined from vessel's manifest with a minimum charge of \$250.00.

### **3.8.3 Demurrage Charge**

- A. The following demurrage charges shall apply to all cargo remaining in or on the QDC property and not explicitly covered by tenant lease, after the expiration of free time, unless arrangements have been made for storage, shall be assessed as follows:
  1. Covered Areas - \$4.12 per item per day for the first 2 days, \$6.87 per item per day from day 3 to day 6 and \$13.73 per item per day thereafter.
  2. Open Areas - \$2.75 per item per day for the first 2 days, \$5.49 per item per day from day 3 to day 6 and \$10.99 per item per day thereafter.
  3. Uncontrolled Delay - In the event of a strike or other uncontrollable occurrence, cargo already on demurrage will remain in that category of demurrage until the situation is rectified. Upon termination of the situation, all cargo will revert to the first category of demurrage and proceed as in §§ 3.8.3(1) and (2) of this Part (above).

### **3.8.4 Free Time**

- A. Free Time shall be granted at the discretion of the QDC, and shall not impede any other vessels and/or cargo operations. Free Time shall be allowed according to the following circumstances:
  1. Loading
    - a. Cargo (except automobiles) may be assembled on terminals, without charge for 4 days, exclusive of Saturdays, Sundays, and legal holidays, before the arrival of vessel on which it is to be loaded.

- b. Automobiles may be assembled on terminals, without charge for 7 days, exclusive of Saturdays, Sundays, and legal holidays, before the arrival of vessel on which it is to be loaded.
2. Discharging
- a. Cargo (except automobiles) unloaded from a vessel may remain on the terminals, without charge for 4 days, exclusive Saturdays, Sundays and legal holidays, from the first 0700 after the vessel has completed discharging its cargo.
  - b. Automobiles unloaded from a vessel may remain on the terminals, without charge for 7 days, exclusive of Saturdays, Sundays, and legal holidays, from the first 0700 after the vessel has completed discharging its cargo.
3. Cargo
- a. Availability of Cargo - In the event the consignee or owner of the cargo should make application for delivery of the cargo, or portion thereof, during the free time period and the terminal should be unable for any reason to make available to the consignee or owner such cargo or portion thereof, the free time shall be extended for a period equal to the terminal's inability to make the cargo available.
  - b. Undelivered Cargo - Cargo which is undelivered, and remains on the terminal property beyond the expiration of the free time and without regard to any charges prescribed in § 3.8.3 of this Part, may be re-located within the facility or removed to a public warehouse with all expenses and risk of damage charged against the owner, shipper, consignee, or carrier as responsibility may lie. The QDC is to have a lien on all such cargo, including that which may be placed in public storage for all terminal charges accrued.
  - c. Abandoned Cargo - Cargo remaining on the terminal facility in excess of forty-five (45) days will be considered abandoned and sold to satisfy any terminal charges that might be due to the QDC. Fifteen days prior to such sale, a registered return receipt letter of notice will be mailed to the owner of record. Any amount received beyond the charges due, will be forwarded to the owner of record of the cargo if claimed within one year of mailed notice.

### **3.9 Port Security Charges**

A. The following port security charges shall apply as follows:

- 1. Weekday rate (less than 9 hours) = \$435.00

2. Weekday day rate (greater than 9 hours) = \$1,500.00
  3. Weekend/Holiday rate (less than 9 hours) = \$650.00
  4. Weekend/Holiday rate (greater than 9 hours) = \$1,750.00
- B. Port Security Charges are billed in twenty-four (24) hour increments. If any portion of a vessels time at Port falls on a weekend day or holiday, the vessel will be billed at the higher rate for that 24-hour increment.

### **3.10 Crane Service and Hire**

- A. The following crane service and hire shall apply as follows:
1. Crane Hire - The QDC Crane Hire Rate assessed to the vessel at \$350.00 per hour, excluding fuel. All licensed Stevedores are responsible for fuel costs during crane operations.
  2. Crane Operator - All firms providing crane service at the QDC terminal shall be assessed 10% of gross rentals based on the equipment usage with a minimum charge of \$500.00, exclusive of manpower required to operate said equipment, for the privilege of using the QDC property and all such firms will furnish the QDC a monthly report of their activities at the Port for billing purposes. Firms leasing property at the Port from the QDC are excluded from the above charge.
  3. Licensed Operator - The QDC crane will only be made available to entities possessing a valid QDC stevedoring license, and can document that the operator is a licensed crane operator in Rhode Island and is certified to operate the Gottwald Mobile Harbor Crane GHMK 7608.

### **3.11 Miscellaneous Services and Charges**

- A. Services and Charges
1. Water - Water will be furnished to vessels at the current rate per thousand gallons of usage as well as a connection charge of \$200.00, assessed against the agent. These rates and charges are subject to change from time to time by the QDC. Current rates are available on the "Resources" page at [www.quonset.com](http://www.quonset.com).
  2. Electricity - Not Available
  3. Truck Charges - Loading or unloading of cargo manifested outside the State of Rhode Island shall be assessed \$10.00 per trailer.
- B. Dangerous Cargo

1. Shipments of dangerous and hazardous cargoes moving via marine terminals of the QDC must be documented, marked, labeled, and/or placarded according with, 49 C.F.R. §§ 100-199 especially § 172, incorporated above at § 3.3 of this Part. Port users who offer hazardous materials for transportation are required to provide the following information:
  - a. Complete shipper's name, address, and telephone number in case of emergencies.
  - b. Carrier's name and address.
  - c. Complete consignee's name and address, including the overseas port of destination on export shipments.
  - d. The proper DOT shipping name. This means the technical name of the product involved. It must be as listed in 49 C.F.R. § 172.101, incorporated above at § 3.3 of this Part (Use an application described in 49 C.F.R. §§ 172.200 through 172.203).
  - e. Hazardous class of material being shipped 49 C.F.R. § 172.101, incorporated above at § 3.3 of this Part.
  - f. Quantity of the material, kinds, and number of containers and individual weights or total weight.
  - g. Labels required.
  - h. Shipper's certification is required per 49 C.F.R. § 172.204, incorporated above at § 3.3 of this Part. The exact wording is, "This is to certify that the above-named materials are properly classified, described, packaged, marked, and labeled transportation according to the applicable regulations of the Department of Transportation." This must be legibly signed.
  - i. Properly documented special instructions, exceptions and exemption information, if required.
    - (1) Neither class 1 (explosive) nor class 7 (radioactive) hazardous cargoes may remain on the terminal beyond what is necessary to transfer the cargo from the vessel or to the vessel.
    - (2) Shippers of dangerous articles are required to comply with all of the above and must present necessary permits from proper authorities, as well as obtain permission from the Terminal Operator, before such cargo shall be received on or transferred at the terminal. Vessel interests may be

required to employ special watchmen at their expense to keep vigil over any dangerous cargo on the terminal facility in order to protect property against fire or other hazards until the condition is eliminated.

- (3) Minimum charges for all dangerous and hazardous cargoes are: Wharfage \$1,000 and Dockage \$1,000.

#### C. Passenger Fees:

1. Passengers embarking or debarking from shore to ship or ship to shore: \$5.44 each.
2. Passengers under the age of 12 years traveling on half-fare rate, debarking from shore to ship or ship to shore: \$1.71 each.
3. Passengers in transit on a ship making the port of call on a continuous trip, debarking and embarking a total of: \$4.11 each.
4. Cruise ship passengers, purchasing a fare as deck passenger only and not purchasing cabin facilities, debarking and embarking a total of: \$4.11 each.
5. Cruise ship passengers under the age of 12 years purchasing a fare as a deck passenger only, and not purchasing cabin facilities, debarking and embarking a total of: \$2.74 each.
6. Steamship company officials, only when traveling aboard their own ships, are exempt from payment of passenger fees.