

# **VIRGIN ISLANDS PORT AUTHORITY**

## **MARINE RULES AND REGULATIONS APPLICABLE TO THE HARBORS OF THE VIRGIN ISLANDS**

*ISSUED BY THE VIRGIN ISLANDS PORT AUTHORITY  
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## TITLE 25

### CHAPTER I - NAVIGATION

#### FEDERAL LAWS AND REGULATIONS: PENALTIES FOR VIOLATIONS

The Federal laws for the protection and preservation of the navigable waters of the United States prohibit the creation of any obstruction, temporary or permanent, not affirmatively authorized by Congress to the navigable capacity of any of the waters of the United States. Rules and Regulations to govern the use, administration, and navigation of all waterways have been adopted pursuant to those laws. These regulations provide that a clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels that normally use the various waterways and sections thereof. These laws provide a penalty for their violation of \$500.00 to \$5000.00, or imprisonment not exceeding one year, or both, at the discretion of the Court.

#### OBSTRUCTION OF FAIRWAYS BY FISHERMEN

The placing of nets and fish pots in the navigable waters of the Virgin Islands of the United States in such a manner as to obstruct the fairways used by navigation is a violation of the law.

Fish nets, or fish traps, or other obstructions to navigation are prohibited in any of the passages, or entrances to ports, or in those places where, in the opinion of the Marine Manager, such nets, fish traps, or other obstructions may interfere with navigation, and it shall be the duty of the owners or persons in charge thereof to remove them immediately upon receiving notice from the Marine Manager. The owners or persons responsible for such obstructions to navigation shall be held liable for any damage caused by these obstructions. For the safety or navigation, the Marine Manager may remove any such obstruction immediately if he/she deems it necessary.

#### NETS OR POTS OUTSIDE OF CHANNEL; REQUIREMENTS; LIABILITY FOR DAMAGES; REMOVAL

No objection will be made to the temporary placement of nets or pots outside of regularly used channels, provided that they are conspicuously marked in such a way as to warn boats of their location. These markers must be above the surface at all times, and should be a bright color, or white. Regularly used channels shall include, but not limited to, those within St. Thomas Harbor, Vessup Bay Harbor, Cruz Bay Harbor, Christiansted and Frederiksted Harbors, Krause Lagoon connecting channel, Container Port, Limetree Bay channel (HOVENSA). Inspection of harbor channel will be made from time to time by the Marine Division. Pots or nets found in regularly used channels may be physically removed.

Applicability: This subchapter applies to the following ports and approaches thereto, and include all waters, which are within their boundaries.

Christiansted: The harbor of Christiansted shall be held to include all the waters between the coast and an imaginary line drawn from Shoy Point to entrance buoy #1, thence to the most westerly Black Beacon on Barracuda Ground (approximate position 17° 45' 33" North and 64° 42' 02" West, and thence westward to an imaginary point at 17° 45' 45" North and 64° 43' 32" West and thence to the Chimney at Little Princess). U.S. Department of Commerce, NOAA Chart #25645.

Frederiksted: The harbors of Frederiksted shall be held to include the waters between the coast and an imaginary line drawn from the Old Mill at Sprat Hall to Sandy Point. U.S. Department of Commerce, NOAA Chart #25644.

South Coast Harbors: The water within the South Coast Harbors that encompass the channels of Krause lagoon, Container Port and connecting channel and Limetree Bay are defined within the boundaries of the general coast line at latitude 17 42'.5 N and latitude 17 40'N and longitude 64 43'W and 64 47'W. US Department of Commerce, NOAA chart #25641.

St. Thomas: The waters within St. Thomas harbor encompass the waters of St. Thomas harbor within the boundaries of a line beginning at a point of land located on Point Knoll, at latitude 18° 19' 10" North, longitude 64° 55' 23" West; thence southeast to St. Thomas harbor channel lighted entrance buoy "2", located in approximate position latitude 18° 18' 35" North, longitude 64° 55' 04" West, thence westward to St. Thomas harbor channel lighted buoy "WRI", in approximate position latitude 18° 18' 38" North, longitude 64° 56' 04" West; thence westward to a point of land located on Flamingo Point, Water Island, at latitude 18° 18' 22" North, longitude 64° 57' 26" West; thence westward to Porpoise Rocks Lighted buoy "2", in approximate position latitude 18° 18' 23" North, longitude 64° 58' 34" West; thence northwestward to a point located at the northeast corner of Flat Cays in approximate position 18° 19' 05" North, longitude 64° 59' 19" West; thence north to a point of land located on the shoreline at the western end of the runway of Cyril E. King Airport in position latitude 18° 20' 12.5" North; longitude 64° 59' 02.5" West; thence back along the shoreline of St. Thomas harbor to the beginning point.

Vessup Bay: (Red Hook) The harbor of Vessup Bay shall be held to include all the waters between the coastline and an imaginary line drawn from Red Hook point to entrance buoy #2 thence to buoy #3 thence south

eastward to the nearest land on Cabrita Peninsula eastward of Muller Bay. U.S. Department of Commerce, NOAA Chart #25647.

Cruz Bay: The harbor of Cruz Bay shall be held to be all the waters between the coast and an imaginary line drawn from Gallows Point to the entrance lighted beacon thence to Lind Point. U.S. Department of Commerce, NOAA Chart #25647.

## **OTHER OBSTRUCTIONS**

Anyone causing an obstruction shall be responsible to mark such obstruction in a manner satisfactory to the Virgin Islands Port Authority.

Everything extending from a vessel's sides, which could obstruct the traffic in the harbor, is forbidden. All obstructions must be rigged in before docking and adequate fenders should be at hand. The vessel shall be liable for all damages caused by any such protrusion as may extend from the vessel.

In case of the sinking in the harbor of a vessel or of any floating or other equipment belonging to a private person or corporation, the harbor authorities shall order the removal of the obstruction at once or remove it at the owner's expense. Immediate notification of such obstruction shall be made to the U.S. Army Corp. of Engineers, the U.S. Coast Guard, and the harbor authorities, and the appropriate day and night signals, as per federal statute, placed on said obstruction.

At no time shall any vessel anchor in such a manner as to be an obstruction to harbor traffic, or to the passage of other vessels, or as to occupy an anchorage inadequate to its draught, or as to obstruct in any manner the signals for the direction of the course into port. No vessel shall anchor in a designated channel Private or Federal.

## **ADMINISTRATION OF HARBORS**

Pursuant to 29 V.I.C., Section 543, the Virgin Islands Port Authority controls the harbors of the Virgin Islands through the Executive Director and officials of the Marine Division.

Harbors of the Virgin Islands are subject to the applicable laws of the United States concerning navigation immigration, and customs, which laws are enforced by agencies of the Government of the United States.

## **EXPEDITION OF TRAFFICE AND FILLING NEEDS OF SHIPPING**

Every effort will be made by each Marine Manager and other authorities to expedite traffic and fill promptly the needs of shipping. In this connection, the active and intelligent cooperation of shipmasters and local agents, as well as owners and operators, is most essential and is earnestly solicited.



## **COMPLIANCE WITH ORDER**

The orders of the Maine Managers, Harbor Pilots, Dockmasters, Coxswains, V.I.P.A. Police Officers or duly authorized official concerning order in the harbors or on a public dock, wharf, quay or landing place shall be promptly and explicitly obeyed. Any questions arising or damage resulting from any violation of this subchapter shall be dealt with as herein provided.

## **USE OF FACILITIES**

The Port Authority reserves its rights at anytime or times and without notice to deny use of its facilities to any user who does not comply with its Rules & Regulations and orders given by the Marine Manager or designee or which is delinquent in payment of its accounts for more than 30 days; such denial may be continued until such accounts are fully paid up and maintained in current status.

## **CONSENT TO TERMS OF RULES & REGULATIONS**

The use of the docks, landing places, marine terminals, quays, transit areas and wharves and any other facility of the Port Authority or under its jurisdiction shall constitute a consent by the interested parties to abide by all the terms, conditions, rules regulations, penalties.

## **INTERNATIONAL RULES APPLY**

The International Rules of the Road by federal stature apply within the harbors and must be strictly complied with and use reduced speed in the harbors (See COMDTINST M16672 - 2C).

## **COPY OF RULES GRATIS**

Masters of vessels will receive free on request upon arrival at St. Thomas, St. John or St. Croix, a copy of the Rules and Regulations set forth in this subchapter.

## **DEFINITIONS**

For the purpose of the Virgin Islands Port Authority Rules and Regulations, the following definitions shall govern in the application of this subchapter:

- (1) Vessel: The word "vessel" includes every description of watercraft, including seaplanes, used or capable of being used as a means of transportation of persons or things on the water.

- (2) Boat: The word "boat" shall be considered as including all kinds of vessels; and boats engaged in the transportation of freight and passengers between ports shall be considered as bigger boats, while those going to and from different points of the same port, or to and from the docks and vessels anchored on port, or to and from any point of the port and the aforesaid vessels, or to and from said vessels themselves, shall be considered smaller boats used for fishing or recreation, and which stay for a long time in port.
- (3) Cruise or Passenger Ships: Means ships engaged in the transportation of passengers (carrying twelve or more passengers) or conducting cruises or tour services and not carrying cargo.
- (4) Ferryboats or Ferry: Vessels used for transporting passengers and or merchandise in regular periodic and continuous sailing in which may at the same time render cargo services.
- (5) Power Driven Vessels: The word "Power Driven Vessel" shall include any vessel propelled by machinery.
- (6) Sailing Vessel: The word "Sailing Vessel" shall include any vessel under sail provided that if propelling machinery, if fitted is not being used.
- (7) Tank Vessel: The word tanker shall mean any vessel whose overall length is over 65 feet, designed to carry liquids or compressed gas cargo and is self-propelled.
- (8) Vessel under way: A vessel is "under way" when she is not at anchor, or made fast to the shore, or aground.
- (9) Anchoring: It shall be considered that a vessel is at anchor when its anchor has been dropped and it is not made fast to the shore in any other way.
- (10) Mooring: It shall be considered that a vessel is moored when made fast to any part of the coast, to a dock or to a quay. The vessel will be considered moored even when it is using its anchor.
- (11) Anchorage: This shall be considered the place where vessels can take hold on the bottom of the sea by means of their anchor.
- (12) Designated Anchorages: A specific area along any part of the coast of St. Thomas, St. John or St. Croix, so designated on the appropriate charts.
- (13) Merchandise: The word "merchandise" means goods, wares, containers, pallets, freight and chattels of every description.

- (14) Vessel in harbor: It shall be considered that a vessel has entered a harbor when it is situated within the harbor limits, which have been defined by an imaginary line drawn between buoys, or markers, or between points of land along the coast.
- (15) Captain or Master of a Vessel: the Captain or Master of a vessel shall be the person having direct command of the vessel and crew.
- (16) Consignee or Agent: The person representing the owner or master of a vessel in a port or at the place where certain work is done, or the person to whom cargo is consigned.
- (17) Dock: A dock shall be understood to be any structure projecting out into the water, one end of which rests on any interior point of the maritime zone, or an any point within said zone, in such a form as to facilitate freight and passenger traffic between the vessel moored to said structure and the land.
- (18) Quay: A structure, embankment, or wall protecting from the sea and its waves that part of the waterfront which said structure, embankment, or wall limits, whatever may be the depth of the water at said place; it being understood that anything in the subchapter applying to docks shall also apply to quays and visa versa.
- (19) Landing place: A landing place shall be any place on the coast or dock where a vessel may fasten its mooring, or some of them, to the land or the dock or where it is possible to embark or disembark persons, or load and unload things.
- (20) Wharf: A wooden or masonry structure built at the water's edge, at which vessels may be moored for the purpose of embarking or disembarking persons, or loading or unloading things.
- (21) Public landing place: A landing place owned by the Government of the Virgin Islands.
- (22) Public wharf: A wharf with its adjacent maritime zone, owned by the Government of the Virgin Islands or any authorized subdivisions.
- (23) Public dock: A dock with its adjacent maritime zone, owned by the Government of the Virgin Islands or any authorized subdivisions.
- (24) Adjacent islands: All islands surrounding St. Thomas, St. John or St. Croix and depending upon its government.

(25) Explosive or Dangerous Cargo: By this word is meant any substance or material which, upon taking fire, may produce gases capable of tearing with noise or violence the wrapping of such substance. Explosives, inflammables and other hazardous commodities or materials will not be handled over or received on the wharves or other facilities of the Port Authority until and unless approval is obtained from the United States Coast Guard and the Port Authority. Such approval must be obtained by filing with the Authority and the United States Coast Guard the form Application and Permit to Handle Hazardous Materials within at least 48 hours in advance of ship's arrival. Ships transporting such materials not to be discharged but berthed at the Port Authority facilities shall also within at least 48 hours in advance notify the U.S. Coast Guard and the Port Authority of such information regarding and included in the docking Application and Permit.

The Port Authority may refuse the use of its facilities or waterfront for the handling, stowing, loading, discharging or transporting of such explosives or dangerous articles which are considered by the Port Authority Marine Manager as offering undue risk or exposure to risk.

Wherever a ship transporting explosives, inflammables or other hazardous materials is berthed at a Virgin Islands Port Authority's facility a copy of the Hazardous Cargo manifest shall immediately or before ships arrival be filed with Virgin Islands Port Authority Marine Division.

(26) Houseboats: A flat-bottomed boat with a superstructure resembling a house and used solely for permanent or temporary habitation, and not built for transportation or navigational purposes. The term does not include boats, yachts, or other sailing craft with a hull designed and built for transportation and navigational purposes.

## **PRIVATE PILOTS PROHIBITED**

No person, vessel, company or corporation will be allowed to maintain or employ pilots in any harbor of the Virgin Islands for their own exclusive use or for any other vessel except as provided by specific legislation. (As provided by Title 29 of the VI Code).

HOVENSA Pilots are a typical example of private pilots recognized by legislation. All traffic east of the container port will be handled by HOVENSA Pilots who will also, occasionally handle traffic at Krause Lagoon and container port to fill the need of special circumstances.

## **PILOTS BOARDING LOCATION - ST. THOMAS**

The Pilot Boarding Grounds for St. Thomas Harbor are located as follows: The Pilot boarding ground for the Main Harbor channel entrance is located .75 nautical miles south of R "2" buoy, south of Point Knoll. The Pilot boarding ground for the East Gregorie Channel approach into Crown Bay is located .75 nautical miles south of G "WR1" buoy, south of East Gregorie Channel. The Pilot Boarding Ground for the West Gregorie Channel approach into Crown Bay is located .75 nautical miles southwest of R "2" Porpoise Rock buoy for vessels approaching from the west, and 1.5 nautical miles southeast of Flamingo Point for vessels approaching West Gregorie Channel from the east.

## **PILOTS BOARDING LOCATIONS - ST. CROIX**

The Pilots boarding area for St. Croix are as follows:

1. Christiansted Harbor: 2 miles north of Sea buoy.
2. Fredricksted: 2 miles west of the Ann Abramson Pier.
3. South Coast Ports: 2 miles off the Krause Lagoon channel entrance.

## **PILOT LADDER REQUIREMENT**

SOLAS regulation 17, Chapter 5 should be strictly adhered to, regarding the safety and rigging of the pilot ladder.

## **PILOTS AND MOVEMENTS OF VESSELS - ANCHORAGE**

Vessels of 100 gross tons or more must engage or pay for the services of a government pilot in order to enter, leave, or shift berth in the harbor; provided that public vessels duly commissioned by the United States or foreign governments, and all other vessels exempted in each case by the Government of the Virgin Islands, shall not be subject to the foregoing requirements; but should a vessel so exempted, anchor or move so as to obstruct a fairway or other part of the harbor, the Marine Manager may, if it be deemed necessary, order such vessel shifted to a more suitable berth or anchorage and all expenses incurred thereby will be charged against the vessel so shifted. Vessels under 100 gross tons will not actually be required to take a pilot, but vessels under 100 gross tons may be required to take a pilot at the discretion of the harbor authorities. All vessels of any nationality or tonnage shall be required to take a pilot when the vessel has on board dangerous or explosive cargo. Vessels exempted from engaging a government pilot shall report their arrival and intended departure to the Marine Manager as soon as

practicable. All vessels when anchoring in Anchorage Alpha A shall be under the direct control of a Pilot.

No vessel, whether at anchor or moored, shall shift berth in the harbor without previous permission from the Marine Manager.

#### **MASTER'S DUTIES - TIME OF ARRIVAL**

Shipmasters can best assist by thoroughly familiarizing themselves with these regulations and carrying them out, particularly as regards the following:

##### **ST. THOMAS, ST. CROIX, ST. JOHN**

- (A) The Master, or Agent, or Consignee of a vessel, requiring a pilot shall notify the Marine Manager by fax as far in advance as possible, but not less than 24 hours in advance, time of arrival, requirements, draft and other ship particulars. This will be in addition to any other reports required by Federal Authority. In addition, a vessel requiring a pilot may stand off and call on VHF Radio CH. 16 for initial contact.
- (B) Masters shall advise the pilot accurately as to the maneuvering qualities and other peculiarities of the vessels and any defects in accordance with 33 CFR 164.11 et al.
- (C) The estimated time of departure and the name of the port to which vessel is bound. Report of arrival or departure shall be made to the Marine Division office during the hours of 0800 - 1700 daily.
- (D) Arrival and departure of pleasure vessels 100 gross tons and over shall also be reported to the Marine Division Office.

#### **LINE HANDLERS**

Agents, shippers and/or principals are responsible for providing line handlers. Handlers should be dispatched in a timely manner and generally be on station before the vessel is committed to harbor entrance. Pilots will check via Radio with the Dockmaster to ascertain that these conditions are met before transiting can take place. Any expenses incurred for delays, overtime, etc... for noncompliance of this requirement will be born by the parties responsible.

#### **NOTICE OF VESSELS ARRIVAL AND DEPARTURE**

- (A) 24hours notification of arrival.

- (B) If changes are inevitable than a readjustment of ETA should be furnished at least 4hours prior to arrival and/or departure.
- (C) Shifting within the harbor will require a minimum of 4 hours notice. Sailing from one port to another within the same island is considered under normal departure and arrival notification rules.
- (D) When bunkering is requested it must specify how the vessel will bunker (i.e. Barge or Truck)
- (E) While notice of arrival, departure and shifting should be given during the regular office hours (8am to 5pm). The Port Authority will recognize the fact that this is sometime not logistically possible. Notice may be given via published telephone numbers and beepers to duty personnel as necessary during the night hours.
- (F) Normal communications must be maintained between HOVENSA Pilots and VIPA Pilots via VHF Channel 14 or any other channel agreed by the two parties, when movement is taking place within the cross channel and Krause Lagoon as well.

## **RELATION OF MASTER TO PILOT**

The captain or master of a vessel in waters under Virgin Islands jurisdiction shall be charged with the safe handling and proper navigation of the vessel; the pilot is to be considered as being on board solely in an advisory capacity, but the masters of vessels must abide by this subchapter as interpreted by the pilot.

The pilot shall be consulted freely at all times to insure safety in navigation, and that no accident or damage result from ignorance on the part of the master or officers of the vessel; and should any such master, officer, or person connected with the vessel give or cause to be given any order, or direct any change of speed or direction of the vessel on his own initiative, without the knowledge of the pilot or against his advice, which may result in damage to his own or any other vessel, or property of any kind, he will be held strictly responsible, and the vessel itself may be held by legal process until settlement in full shall have been made to cover any loss or damage that may have resulted in consequence thereof.

When in the opinion of the pilot, the master or his representative fail to follow the pilot's advice and thereby endanger his own or any other vessel property, the pilot shall then direct the master or captain of such vessel to stop, anchor or moor, until the facts have been laid before the proper authorities.

Inasmuch as every vessel has its own individual peculiarities in handling, it shall be the duty of the master of the vessel, or his qualified representative, to be present at all times on the bridge of the ship, and he shall keep the pilot continually informed, in regard to these matters so that the pilot may be better qualified to give advice in regard to safely navigating the vessel.

The pilot shall inform the captain or master that his experience and knowledge of the waters of the area is at the latter's disposal.

The master of any vessel entering St. Thomas shall inform the Pilot on the status of the vessel. This includes, but is not limited to, the status of all navigational equipment, steering gear, main propulsion, thrusters, deep draft, dangerous cargo, ship heading, ship speed, readiness of the anchors and any special circumstance that might alter the performance of the vessel in accordance with 33 CFR.

Any vessel reporting a serious equipment casualty, which impedes the vessels ability to safely navigate, shall not be permitted to enter the port.

Any master or pilot aware of any such serious deficiencies or who experience a casualty with a vessel shall report them to the U.S. Coast Guard.

## ASSIGNMENT OF LOCATION

***FOR THE PURPOSE OF THIS SECTION THE WORD MARINE MANAGER SHALL ALSO INCLUDE SUCH EMPLOYEES OF THE MARINE DIVISION OF THE VIRGIN ISLANDS PORT AUTHORITY AS MAY BE DESIGNATED IN WRITING BY THE MARINE MANAGER TO ENFORCE THE PROVISIONS OF THIS SECTION.***

No one but the Marine Manager has authority to assign berths or anchoring places to vessels, and these operating within a harbor shall at all times be under his/her inspection and control.

All vessels, lighters, and barges entering a port shall take the berth or dock assigned them by the Marine Manager and shall be anchored only in such place in the harbor as the Marine Manager may direct and shall not be anchored in any other place.

No vessel shall be entitled to a berth at a public dock, bulkhead, embankment, wharf, quay, or loading place, or other harbor structures, until permission had been granted by the Marine Manager and the said Marine Manager has assigned a place for that purpose in accordance with the kind of cargo to be handled and the draught and length of the vessel.

If a vessel occupying a berth at a dock, wharf, quay, bulkhead, shore, or any other place within a harbor, or at a public landing place, or shore, with or without the consent to the Marine Manager, should fail to vacate such berth and also in mooring place when an order to that effect is given by the Marine Manager to the master, owner, consignee, agent, person in charge, or when not loading or unloading, it fails to make way for another vessel that must load or unload, the Marine Manager shall then cause such vessel to be moved to some other berth or to be anchored somewhere else. The expense of such removal shall be paid by the master, owner, agent, or person in charge of said vessel, and in case of delay or refusal to pay such expense, attachment proceedings shall be instituted against the vessel. Besides any owner, master, member of the crew, consignee, agent, or person in charge of the vessel, who, upon receiving the order to withdraw given by the Marine Manager, refuses to do so or delays doing so, shall be deemed guilty of a misdemeanor.



In the harbors no vessel shall cast or fasten any wrap or line to any buoy, beacon, or any other object which may serve to guide navigation, nor cast any line or warn across any channel or dock so as to obstruct the passage of other vessels or their movement and no vessel shall anchor within 300 yards off the shore, dock, quay, wharf, or unloading place, without permission from the Marine Manager; or such a position as to obstruct the movement of other vessels or prevent them from coming alongside or departing from the docks.

## **DANGEROUS CARGO OR CONDITION**

The harbor authorities may deny any vessel entrance into the harbor whenever it is deemed that the vessel or its cargo might in any way endanger the wharves, docks, quays, warehouse, equipment, or any part of the harbor, by being explosive or highly inflammable, and are vested with the further authority to impose such safety regulations as they may see fit. Such explosive as may be on board shall be reported no less than 24 hours in advance in order to arrange proper dockage or assigned anchorage. Dangerous cargo shall not be unloaded without prior permission from the Marine Manager. Handling of dangerous cargo shall be in accordance with all Coast Guard and Federal Regulations as defined in CFR.

All vessels handling a dangerous cargo on board, such as explosives bulk petroleum oils or other hazardous liquids must fly a red flag at least five (5) feet long and three (3) feet wide as required by day and shall display a red light at night visible from all points of the horizon at the distance of not less than one mile.

The owner, consignee, agent, person in charge, or the master of a vessel having gasoline, petroleum, or any other explosive on board, or which may be about to ship or unload the same, shall report the fact in writing to the Marine Manager at least 24 hours in advance of its arrival in order that the Marine Manager may designate a place of anchorage or a mooring place.

In any case where the condition of the cargo, hull, or machinery of a vessel is such that it is liable to endanger or obstruct the harbor, permission to enter may be refused until steps have been taken to remedy the defects. Failure to report any such existing conditions to the attention of the harbor authorities prior to the vessels entry inside the harbor shall constitute a violation of the subchapter.

## **INVESTIGATION OF VESSEL**

The harbor authorities may hold a vessel for the purpose of investigating any report made against her by the proper persons or for violation of any of the provisions of this subchapter, or for the investigation or adjustment of any claims that may arise; but no vessel shall have any claims for damage against the harbor authorities for any delay in consequence thereof.

## **EMERGENCY LANDINGS**

No vessel in danger or distress shall be prohibited from entering any harbor in case of necessity or emergency; but such vessel should, when practicable, give due notice in advance, by VHF Radio CH. 16 to Coast Guard or Marine Manager or designee, and obtain the service of a pilot.

## **READINESS OF VESSEL**

Ships at fueling berths must keep engines on the ready and keep a sufficient crew on board, to move on short notice, unless specific written authority to the contrary has been obtained from the Marine Manager.

No vessel at anchor, or at a dock, or wharf, or quay or within a harbor shall disable her engine or otherwise be rendered inoperative except on specific written authority from the Marine Manager.

## **DISCHARGE OF CREW**

None of the crew or officers of any vessel shall be discharged or left behind in St. Thomas, St. John or St. Croix without permission from the Immigration Officials and Bureau of Customs except for bonefide U.S. citizens.

## **MANNING OF VESSELS**

A vessel anchored or moored in the harbor or made fast to another vessel or lying at the docks must at all times, night or day, have on board a sufficient number of crew to take care of the vessel in case of emergency or to sail the said vessel on short notice. A 24-hour phone number must be provided to the Marine Division office. One berth at each facility must be left open for emergency purposes.

If it shall be found necessary by the Marine Manager to shift a vessel from one berth to another within a harbor and there is not sufficient number of the crew on board to shift vessels, the Marine Manager shall make the necessary shift at the expense of the owner, master, agent, consignee, or person in charge of the vessel.

## **UNLOADING AND DOCKING**

Vessels loading and discharging aggregate or similar cargo will be assigned a berth by the Marine Manager and shall take precaution to prevent such cargo from falling overboard or on the dock. Additionally, vessels or tankers engaged in loading or unloading oil products must comply with proper boarding requirements as per OPA 90.

***THE FOLOWING RULES APPLY IN THE HARBOR OF ST. THOMAS,  
ST. JOHN AND ST. CROIX.***

- (A) Launches, boats, tenders and other small craft shall not remain at the boat landing for a longer time than is necessary for landing and embarking passengers and baggage.
- (B) Owners of cargo deposited on the aprons in the U.S. Virgin Islands shall:
  - (i) Remove immediately of the discharge of the first package or portion of such cargo all such cargo and any dunnage, paper, broken cases, blocks, or other material classified as trash, which constituted part of the cargo or the stowage thereof.
  - (ii) Land the cargo in such a manner as to leave a walkway space five (5) feet in width in the middle of the apron and parallel to the bulkhead.
  - (iii) Apply to the Marine Manager for the extension of time if circumstances prevent the removal of the cargo within the aforementioned time limit.
- (C) Under no circumstances shall craft (rowboats, dinghies, etc.) of any description be landed on the cement apron area of the waterfront without the written consent of the Marine Manager.
- (D) Pleasure vessels, and small boats shall not remain alongside a public wharf, or a public landing place, or a public dock, or a public quay for a longer period that was granted by the Marine Manager.
- (E) All vessels at the public dock, public wharf, public quay, or public landing place discharging cargo, loading cargo, or passenger waiting to be loaded or embarked, may be shifted from one berth to another by the Marine Manager in order to facilitate the movement of vessels and cargo in and out of the port.
- (F) All cargo being loaded or discharged, on or off of any vessel, which is moored to a public dock, a public wharf, a public quay or a public landing place, shall be placed in that area of the said dock, wharf, quay, or landing place which has been designated for the said cargo by the Marine Manager.
- (G) The Marine Manager has the authority to order the immediate removal of merchandise, which because of its weight or volume

or which interferes with movement on a public dock, quay, wharf, or landing place.

- (H) Once a vessel has docked and, in accordance with the orders of the Marine Manager has begun to discharge, it shall have the right to finish the operation in one stretch either by unloading directly into trucks or other vehicles or by landing said cargo on the landing place as directed by the Marine Manager. The said vessel may be shifted to another berth if necessary, where it shall continue to unload. No vessel shall be allowed to suspend its unloading because of a lack of vehicles into which to land its cargo unless permission has been granted by the Marine Manager.
- (I) Any vessel moored to a public wharf, quay, or public landing place which, for whatsoever reason, cannot load or discharge its cargo, and the said vessel is in the opinion of the Marine Manager delaying the loading or discharging activities of another vessel or vessels, the said vessel may be ordered by the Marine Manager to shift berth or to go to anchor.
- (J) All merchandise discharge on a public dock, wharf, quay, bulkhead, or landing place, shall be removed immediately after it has been discharged from the vessel. If the cargo is discharged on a public landing place on which there is a public warehouse, and the merchandise is not removed as indicated, then a warehouse charge, as instituted by law, shall be charged. If the said cargo is landed on a public landing place without a warehouse, and the merchandise is not removed as indicated, then the Marine Manager may order the same removed, at the expense and risk of the consignee or vessel, which discharged the said cargo, to a warehouse that will offer sufficient security for the same.
- (K) Outgoing cargo, trailers, gas cylinders, etc. shall not be brought to the pierhead until the vessel is ready to accept said cargo for loading.
- (L) The Virgin Islands Port Authority shall not be responsible for the loss or damage of any merchandise, which has been unloaded by any vessel onto a public dock, quay, wharf, or public landing place. Neither shall the said government be responsible for any merchandise placed on a public dock, wharf, quay, or public landing place for loading on board of any vessel.

## **PUBLIC MARINE TERMINAL - FREDERIKSTED, ST. CROIX**

The following special regulations shall govern the operation of the deep-water pier and all other areas within the Public Marine Terminal.

- (A) No persons nor vehicles, other than those directly concerned and so authorized by the Marine Manager, shall be allowed within the Marine Terminal or upon the pier during docking, undocking, loading or unloading of any vessel.
- (B) The general public may have access to the pier except the catwalks of the pier at other times designated by the Marine Manager but shall not be allowed any place within the Marine Terminal between midnight and six o'clock ante meridian.
- (C) It shall be the responsibility of a vessel, or its agent, for the collection and payment to the District Director of the U.S. Customs, of all ships dues, wharfage fees, dues or taxes, except pilotage, which are collected by the Virgin Islands Port Authority of the Government of the Virgin Islands.
- (D) The agent or master of a vessel desirous of mooring to the pier shall first request permission to do so before docking. Such request shall be directed to the Marine Manager and shall specify the time of arrival of the vessel at the pier. After permission to the dock has been granted, a vessel shall use no other berth but the berth assigned, unless permission has been granted to do so by the Marine Manager.
- (E) A vessel, having requested permission to dock through her agent or master, and failing to arrive at the pier within two (2) hours after the time designated by the agent or master, shall forfeit any and all rights to berthing space at the pier and any vessel or vessels that are within the harbor awaiting a berth shall have the right to dock in order of their arrival.
- (F) Persons desiring to handle cargo within the Marine Terminal, including to or from the pier within the Marine Terminal shall file a schedule of rates with the Public Utilities Commission. These rates shall be subject to review by the Commission.

- (G) Cargo handlers will be required to make application to the Marine Manager for permission to handle cargo within the Public Marine Terminal.

### CARGO

- (H) Incoming cargo, in order not to obstruct the loading or unloading of a vessel, vessels shall be removed from the apron of the pier immediately by the master of a vessel, or agent of a vessel, or by the consignee of the cargo.
- (I) Incoming cargo, or outgoing cargo, which has been left on the apron of the pier by any vessel, agent of a vessel, or by any person, persons or firm, shall be removed by the Marine Manager, at the expense and risks of the said cargo, to the cargo storage area within the Marine Terminal.
- (J) Incoming cargo shall be permitted to remain at a place designated by the Marine Manager, within the storage area of the Marine Terminal for a period of five (5) calendar days; providing however, that the storage or such cargo does not seriously obstruct the necessary normal flow of cargo in or out of the Marine Terminal. In the event of cargo congestion within the cargo storage area of the Marine Terminal, the Marine Manager may order the removal of cargo out of the storage area of the Marine Terminal notwithstanding the time that said cargo has been stored therein. Removal of such cargo shall be at the risk and expense of said cargo and the Virgin Islands Port Authority shall not be liable for any damage to or loss of such cargo.
- (K) Incoming cargo which has been left within the storage area of the Marine Terminal shall, after five (5) calendar days be removed to a commercial warehouse of commercial storage area. Any such cargo removed from the cargo storage area of the Marine Terminal shall be subject to the payment of all removal charges. All such cargo shall be moved and stored at the owner's risk, and the Virgin Islands Port Authority shall not be liable for any damage to or loss of such cargo or for charges thereon.

- (L) Outgoing cargo shall not be brought on the apron of the pier until the vessel to which it is consigned is ready to accept said cargo for loading.
- (M) Outgoing cargo shall not be allowed within the Marine Terminal without the prior permission of the Marine Manager and such outgoing cargo shall not be allowed to remain within the Marine Terminal more than three (3) calendar days before its loading time. If the said cargo is not loaded on schedule, after having been stored for a period of three (3) calendar days in the Marine Terminal storage area, the Marine Manager may remove it and it shall be subject to the same conditions of removal as incoming cargo under subparagraph (K).
- (N) In special circumstances, and upon permission granted by the Marine Manager and where it can be accomplished without delay or interference with loading and unloading operations of other vessels, arrangements may be made for direct loading from vessels onto, or direct unloading from agents', consignees', or shippers' vehicles.
- (O) It shall be the responsibility of a vessel, agent of a vessel, a consignee or a shipper, whose cargo is being stored in the storage area of the Marine Terminal to furnish the Marine Manager with a written list of such cargo. Also, the time and date that said cargo was stored. Failure to comply with this regulation shall subject the stored cargo to immediate removal to a commercial warehouse or a commercial storage area.
- (P) The storage of cargo handling equipment is forbidden within the Marine Terminal. However, under special circumstances, the placement of cargo handling equipment within the Marine Terminal may be permitted by the Marine Manager.
- (Q) Masters of vessels, agents, consignees or shippers may make arrangements with the Marine Manager for establishing their own cargo watchman or other protective measures to safeguard cargo.
- (R) The Virgin Islands Port Authority nor its employees assume responsibility for safekeeping of cargo in the

Marine Terminal or for the acts of consignees' shippers or their agents or employees.

**THE FOLLOWING SPECIAL REGULATIONS SHALL GOVERN THE OPERATION OF THE PUBLIC WHARVES AND PUBLIC LANDING PLACES AT CHRISTIANSTED, ST. CROIX, VIRGIN ISLANDS**

- (A) No persons nor vehicles, other than those directly concerned and so authorized by the Marine Manager shall be allowed upon the pier or bollards, or within the Maritime zone of the dock area during docking, undocking, loading or unloading of any vessel.
- (B) The general public may have access to the pier at other times designated by the Marine Manager but shall not at any time be allowed upon the catwalks of the pier, nor at any place on the pier between midnight and six o'clock ante meridian.
- (C) The agent or master of vessel desirous of mooring to the pier shall first request permission to do so before docking. Such request shall be directed to the Marine Manager and shall specify the time of arrival of the vessel at the pier. After permission to dock has been granted, a berth shall be assigned to said vessel and said vessel shall use no other berth but the berth assigned, unless permission has been granted to do so by the Marine Manager.
- (D) A vessel, having requested permission to dock through her agent or master, and failing to arrive at the dock within two (2) hours after the time designated by the agent or master, shall forfeit any and all rights to berthing space at the dock and any vessel or vessels that are within the harbor awaiting a berth shall have the right to dock in order of their arrival.

**CARGO**

- (E) Incoming cargo shall be removed from the pier head immediately. Outgoing cargo shall not be brought to pier head until vessel is ready to accept said cargo for loading.



- (F) Incoming cargo, or outgoing cargo, which has been left on the pier head by a vessel, the agent of a vessel, or a consignee or shipper of any description, shall be removed by the Marine Manager at the expense and risk of the said cargo, to a designated place within the Maritime Zone. Any such cargo which has been removed from the pier head by the Marine Manager shall be transferred to a commercial warehouse after five (5) working days, if not sooner claimed by the consignee. Any such cargo shall be moved and stored at owner's risk and the Virgin Islands Port Authority shall not be liable for any damage to or loss of such cargo or for charges thereon.
- (G) The vessel, or its agent, shall be responsible for the collection and payment to the Collector of Customs, of all tonnage and wharfage fees, dues or taxes, except pilotage, pier dues, which are collected by the Virgin Islands Port Authority.
- (H) Incoming cargo shall be moved into the Maritime Zone of the Pier unless the shipping documents or consignee instructions specify movement into commercial warehouse. No cargo shall be permitted to remain within the Maritime Zone for a period of longer than five working days (Sundays and holidays excepted), after which time the Marine Manager shall have it removed to commercial warehouse at the risk and expense of said cargo.
- (I) Outgoing cargo shall not be allowed into the Maritime Zone without the prior permission of the Marine Manager and such outgoing cargo shall not be allowed within the Maritime Zone more than five (5) days (Sundays and holidays excepted) before its loading time. If not loaded on schedule, it shall be subject to the same conditions of removal as incoming cargo under subparagraph (F).
- (J) In special circumstances, upon permission granted by the Marine Manager, and where it can be accomplished without delay or interference with loading and unloading operations of other vessels, arrangements may be made for direct loading from, or direct unloading to, shippers' or consignees' trucks. In that

event, the said cargo shall be liable for payment of wharfage charges.

(K) Neither the Virgin Islands Port Authority, nor its employees assume responsibility for the safekeeping of cargo on the pier or in the Maritime Zone or for the acts of consignees, shippers or their agents or employees. Shippers or consignees may make arrangements with the Marine Manager for establishing their own watchmen or other protective measures to safeguard cargo.

## **GENERAL**

The Port Authority shall control the allocation of all space, covered or open on its properties. All persons using the Authority's property in any manner shall strictly coordinate with the Authority and comply with such allocation of space.

The Authority may move freight or other articles, at owners or agent's risk and expense, in order to enforce this part.

## **POLLUTION OF AIR, WATER AND LAND**

It is unlawful for any person, firm or corporation to deposit, place or discharge into the waters of the Virgin Islands any solid or liquid substance. NO DISCHARGES are allowed.

All vessels and all persons using Port Authority facilities shall take every precaution to avoid pollution of the air and land.

In addition to these regulations, all appropriate federal, state and local laws, rules and regulations pertaining to air and water pollution shall be rigidly observed.

Vessels moored to docks, wharves, quays, or other landing places shall not place any garbage or refuse on said docks, wharves, quay, or other landing places, unless they have made arrangements for the immediate removal of said garbage or refuse. All garbage or refuse shall not be placed on any dock or berth without the express permission of Federal Authorities.

Ballasts, ashes, and refuse shall be conveyed to such place as the Marine Manager may designate for dumping. Vessels anchored or moored in the harbor may request a garbage scow to be placed alongside, if available, and at their expense.

## **DISPLAY OF FLAG STATE AND HOST NATION**

Between sunrise and sunset, every vessel entering or leaving the harbor, or when underway in the harbor, shall fly its national flag and if the vessel is of foreign registry, it shall also fly the flag of the United States on the starboard yard arm. The V.I.

Flag as a courtesy may be displayed to the left of the U.S. Flag. Proper flag etiquette will be required while berthed or at anchor from 8:00A.M. until sunset.

### **UNNECESSARY SOUNDING OF WHISTLES OR SIRENS; FLASHING RAYS ON PILOTHOUSE OR BRIDGE OF VESSEL / DISORDERLY CONDUCT**

Unnecessary sound signals that are not used in accordance with the Rules of the Road are prohibited in port after dark. It is also prohibited to flash the rays of a search light on the pilothouse or bridge of a vessel under way.

### **FIRES**

In case of fire on board a vessel all masters of vessels shall render such assistance as may be in their power. A continuous sounding of the ship's whistle will indicate that there is a fire on board or that the vessel is in distress and that immediate assistance is required. A vessel without a whistle shall use all means available to attract attention to its condition. Vessels conducting a fire drill and sounding the prescribe signals shall display the proper signals to indicate that the vessel is conducting a drill.

### **EMERGENCIES**

Anyone on the Authority's property at any time who becomes aware of an emergency situation of any nature shall notify 911 and a responsible Port Authority representative by the fastest means, while taking such immediate direct action as may be appropriate.

In case of fire on board a vessel docked in a Port Authority facility such vessel should sound five (5) prolonged blasts of its whistle or siren, each blast to be from four to six seconds duration, to indicate a fire on board, or on a wharf at which the vessel is berthed. Such signal should be repeated at intervals to attract attention and be used as an addition method for reporting a fire.

### **DAMAGE TO MARKERS, BUOYS, ETC.; TAKING, DESTROYING, MOVING OR INJURING GOVERNMENT PROPERTY**

All vessels, their owners or agents, and all other users of the facilities, shall be held responsible for all damage to the facilities caused by them. The Port Authority may detain any vessel or other watercraft responsibility of the users of the facilities to report any damage caused by them to the Port Authority immediately.

It shall be unlawful for any person to willfully or carelessly destroy, damage disturb, tie to deface or interfere with any buoy, sign, notice or any other Port Authority property.

- (A) Every person and every vessel responsible for any damage to any Authority's property shall be held liable for any charges for the cost and expense of the replacement or repair of the property so damaged or destroyed. The expense of repairing said damage shall be charged against the responsible person or vessel, or both.
- (B) In the event any damage is done to any wharf, wharf premise, facility or other property owned by the Virgin Islands Port Authority or under the supervision, management or leased or control of the Authority, the vessel, person or persons causing, responsible for, or in any way connected with such shall promptly file a full report thereof with the Port Authority Marine Manager stating the date and hour the damage occurred, the names and address, or, if unknown, a description of witnesses and other persons, vessels or instrumentality involved in the damage, as well as all other pertinent facts and information that may be available. It is unlawful for any person to refuse or fail to make such a report. In addition to the general penalties prescribed in this Regulation, any person who so refuse, neglects or fails to make a report may be denied the use of wharf or other facility until the Authority has been fully reimbursed for any such damage.

### **DAMAGE TO PERSONS OR EQUIPMENT**

All owners, masters, consignees, agents, persons in charge, and members of the crew of vessels shall take the necessary care not to prevent entrance or egress, or to cause damage to any person or persons or to the docks, bulkheads, embankments, wharves, quays, or any other part of structure of a harbor, and the vessels shall be equipped with all equipment necessary to avoid such damages. Any damage caused by a vessel to the docks, bulkheads, embankments, wharves, quay, or any other structure or part of a harbor, shall be repaired by, or for account of said vessel, whether the damage is caused by the vessel or its moorings, or by improper management of the vessel, or improper handling of its cargo by its crew or men, or by any other cause; and the amount of the cost of repairs shall be paid by the owner, master, consignee, agent, or person in charge of the vessel.

### **AIDS TO NAVIGATION**

Anyone finding any buoy out of position, or lights not working properly should report it immediately to the harbor authorities.

## **ST THOMAS TERMINAL CROWN BAY DOCK**

No person nor vehicles other than those directly concerned and so authorized by the Marine Manager shall be allowed upon the dock during the hours that Cruise Ships or Navy Ships are berth at the facility.

The general public may have access to the dock at other times designated by the Marine Manager.

## **ST. THOMAS, CROWN BAY / SANDFILL SECURED AREAS**

No person nor vehicles, other than those doing business at this facility, shall be allowed to enter the facility.

## **SPEEDS IN HARBOR OF ST. CROIX**

Vessels propelled by steam or any kind of motor shall, on entering a harbor in St. Croix, shall proceed at a safe speed, so that proper action can be taken to avoid collision, and be stopped within a distance appropriate to the prevailing circumstances and conditions as per Rule 6 of the Navigation Rules. The Master, or person in charge, or the owner of any steam vessel failing to comply with this section shall also be responsible for any damage that may be caused through noncompliance with this section.

## **RACING AND SKIING IN HARBORS OF ST. CROIX**

Motorboat racing, or water skiing is strictly forbidden within the limits of the harbors of St. Croix, except within the section of a harbor designated by the Marine Manager for such activities. On special occasions these activities may be conducted within the limits of a harbor after permission has been granted by the Marine Manager.

## **ANCHORING OFF THE SOUTH COAST PORTS OF ST. CROIX**

No vessel shall anchor within the area from the shore to the 100 fathom curve and at a distance of 3 miles east or west of Limetree Bay Channel. Within the interconnecting waters between Limetree Bay and Krause Lagoon Channel, no vessel may anchor without the service of a VIPA Pilot and only after permission of the Marine Manager.

## **RESPONSIBILITY FOR CLEANING FACILITIES**

It is the responsibility of the vessel or its agent to clean promptly, the wharf upon completion of loading and discharge. All dunnage, trash or debris must be removed

and the wharf must be placed in a sanitary condition. Failure to maintain such a state of cleanliness and sanitary condition shall entitle the Port Authority, at its discretion, on one hour's notice, to either contract with private contractors to clean such area or clean the area with Port Authority's employees. The vessel or its agent responsible shall be obligated to pay Port Authority the contract or actual cost of cleaning plus \$2,500.00 as a penalty. Any repeated failure to promptly clean the area, after notice by the Port Authority, shall be cause for immediate cancellation of berthing privileges.

## **RESPONSIBILITY FOR LOSS OR DAMAGE TO CARGO**

Shippers or receivers of cargo, the vessel, her owners, charterers, and agents, or those acting for them, must protect such cargo from loss or damage from any cause, including but not limited to, loss or damage from pilferage, rodents, insects, shrinkage, wastage, decay, seepage, heat, cold, evaporation, fire, leakage or discharge from sprinkler system, floods or the elements, defects or leaks in or around buildings or other structures, war, riots, strikes, civil commotion, acts of third persons, or other causes whatsoever, provided however, that this provision will not relieve the Port Authority from any liability which may arise out of its own negligence.

## **SUBSTANCE ABUSE POLICY**

The Port Authority recognized the severity and gravity of the national substance abuse crisis. While widespread substance abuse is the threat to the general health and morals of the public, in the workplace it frustrates the achievement of safety, performance and productivity goals. In an effort to assist in controlling the scope and effect of substance abuse in the Port, the Port Authority has adopted a substance abuse policy to maintain safety, productivity, and quality standards among its employees. The Port Authority recognizes the importance of employee education and rehabilitation regarding substance abuse and has adopted an Employee Assistance Program to that end.

It is similarly the goal of the Port Authority to provide a safe workplace for all those employed on the Port Authority's wharves and property. No person by who ever those employed may work on the Port Authority's wharves or any of its properties while under the influence of alcohol or illegal drugs. Each employer or individuals who work on the Port Authority's wharves or properties shall have in place a substance abuse policy which subjects employees to post accident drug testing and drug testing on reasonable suspicion of intoxication and which provides for appropriate subsequent action. All employee drug tests shall be conducted in compliance with applicable federal and local laws in compliance with Federal and Local laws and Virgin Islands Port Authority's Drug and Alcohol Abuse Policy.

## **MEASUREMENT OF A VESSEL**

The length or tonnage of a vessel shall be determined by use of the original Flag State Registration form is required to be kept on board the vessel. Copies of any such document will not be acceptable for this purpose.

## **COMPUTATION OF TIME**

All charges are based on straight running time, expressed under the 24-hour clock, except where otherwise stated. A day shall commence when the vessel arrives at her berth.

## **VEHICLES**

It is unlawful to park automobiles in any prohibited area or to park any automobile, truck, trailer of any other vehicles in loading zones for any longer period than is necessary to load or discharge cargo or passengers.

All vehicles entering the port facilities not engaged in the transportation of cargo shall park in the areas designated by the Virgin Islands Port Authority. It is unlawful for any motor vehicle to be stored on any wharf unless such vehicle shall have been first drained of all gasoline or other liquid petroleum products and with the battery removed or disconnected, except at such places as the Authority may designate.

## **REGULATION OF MOTOR VEHICLE TRAFFIC**

The Marine Manager has the authority to regulate motor vehicle traffic on the Port Authority's property. The Ordinances of the V.I. Code of the Government of the Virgin Islands provides specific regulations for the operation of motor vehicles on the Port Authority's property.

## **SPEED LIMIT ON WHARVES**

Any person operating or driving a motor vehicle upon any wharf, or within any transit shed, warehouse, or enclosed marine terminal area, or in any other area where cargo is actually being handle, shall operate or drive the same at a careful and prudent speed not greater than reasonable and proper, having due regard to the traffic. It shall be unlawful for any person to operate or drive a motor vehicle or any other vehicle in ay of the above named areas.

## HANDLING CLASS 1.1 & 1.2 EXPLOSIVES

Persons desiring to handle, load, transport or discharge commercial Class "A" or military explosives shall file a written application with the Marine Manager, in accordance with the rules and regulations of the Port Authority, which application shall be accompanied by all permits or approvals required by applicable local, state or federal laws.

## MARPOL

### Annex I

Under Annex I of the International Convention for the Prevention of Pollution from Ships (Marpol), a vessel desiring to discharge oily wastes shall arrange the discharge with a company approved by the Captain of the Port, United States Coast Guard. All inquiries regarding approved companies should be directed to the Captain of the Port. Discharge operations shall be reported to the Marine Manager and the person in charge prior to the actual discharge.

### Annex V

Annex V of the International Convention for the Prevention of Pollution from Ships (Marpol), and the United States Coast Guard's Implementing Regulations (33 CFR, parts 151, 158) require that reception facilities be available for those vessels which have indicated, in advance, the need to dispose of ship-generated garbage.

In order to accommodate the needs of shipping and commerce through this Port, the Port Authority has filed an application for a certificate of adequacy with the Captain of the Port, United States Coast Guard for garbage reception facilities. Grantees of First Call on Berth Privilege or assignees of a berth, or their designees, shall require a 24-hour notice of vessel's intent to discharge garbage at any public terminal facility within the Virgin Islands so as not to cause any undue delay to vessels.

Reception facilities for food, plant, meat and other potentially infectious waste shall be provided by grantees or assignees, when requested by the vessel, in accordance with the above and with the requirements set forth in 7 CFR 330 and 9 CFR 94. These regulated food wastes must be handled at a facility approved by the Animal and Plant Health Inspection Service (APHIS). A listing of approved transporters and treatment facilities is available from the Marine Division.

Grantees or assignees, or their designees, shall provide the necessary reception facilities, when requested to do so, for other than APHIS - regulated garbage from any commercial, full-service solid waste firm. Inquiries regarding facilities available for disposal of materials covered by Annex V may be directed to the Marine Manager.



## **OIL POLLUTION ACT (OPA 90)**

The Oil Pollution Act of 1990 requires that spill response plans demonstrate the ability to respond to an oil spill or hazardous discharge. Owners and operators of Tank Vessels, and onshore facilities that reasonably could be expected to cause substantial harm to the environment by discharging into waters **MUST HAVE A RESPONSE PLAN** as per the Federal Water Control Act.

## **REPORTING AN OIL SPILL**

Any oil or chemical spills must be reported to National Response Center (USCG) by calling 1-800-424-8802. Additionally, the local Coast Guard and Virgin Islands Port Authority must be notified immediately. Copies of Response Plans must be submitted to the office of the Marine Manager in a timely manner.

## **GENERAL RESTRICTIONS AND LIMITATIONS**

The Port Authority is not obliged to provide storage or accommodation for property which has not been transported, nor is intended to be transported by water to or from the port; nor is it obligated to provide dockage, wharfage, storage or other services beyond reasonable capacity of the facilities; nor is it obliged to provide extended storage for any property in the course of normal operations, beyond a period of time determined by the Marine Manager of the Authority.

## **PLACEMENT OF CONTAINERS**

Empty trailers, containers, vehicles, equipment or cargo of any description shall not be brought to or left on any facility without obtaining permission from the Marine Manager or designee. When permission is granted a specific space will also be assigned.

## **BLOCKING OF BULKHEAD**

Trailers, containers, vehicles or cargo of any description shall not be let on a bulkhead or wharf at any time so as to obstruct the operations of a vessel or right of way.

## **LOITERING ON PORTS PROPERTIES**

It is unlawful for any person to loiter on the properties of the Virgin Islands Port Authority. It is unlawful for unauthorized persons to enter secured cargo movement or handling areas.

## **HOT WORK**

Hot work is any operation involving oxyacetylene or electric welding, burning, cutting, grinding or other heat producing activities.

Hot work shall not be conducted on any waterfront facility or vessel moored there when dangerous cargo is present unless a properly executed and valid Welding and Hot work Permit has been granted by the Virgin Islands Port Authority.

## **SIGNS**

Painting signs on structures or facilities belonging to the Virgin Islands Port Authority is prohibited without prior approval. Signs to be erected on the ports facilities shall be furnished by the port users and erected or displayed by the user after the Executive Director shall have approved the design, material and size of said signs. All signs will be uniform.

## **SOLICITATION**

It is unlawful for any person to solicit or carry on any business on the Authority property without previously obtaining a permit from the Virgin Islands Port Authority as required by these Rules and Regulations.

## **SECURITY**

Virgin Islands Port Authority officers/guards may inspect any vehicle at the entrance or exit of any of the pier facilities when they deem it pertinent.

The Port will not be held liable for cargo left on the port. Watchmen so used must have identification from the Port Authority Security office. Such identification will be requested through the Security Chief who will maintain a list of all watchmen. All watchmen employed, whether armed or not, are required to understand and speak clearly understandable English.

The personal safety provided by employed watchmen requires advance notice of such intended guard activity to the Port Authority's Security Chief or representative.

The Port Authority and its security personnel are not obliged in any manner for the custody of property, cargo, vehicles, vessels or facilities of the users in the premises of the Authority. Security watchmen and/or supervisors of the Authority will observe only for the security and protection of the Port Authority properties and will cooperate in other aspects of law violations with the Virgin Islands Port Authority Police.

## **HAZARDOUS SOLIDS OR LIQUIDS**

Any container used for the transportation or storage of any hazardous material, whether it be flammable, oxydizer-corrosive, etc. must be of an approved type. These containers may be, but not limited to, drums, tanks, barrels or container carboys on or off chasis. The aforementioned cargo containers, whether full or empty, shall not be allowed to remain on any wharf or landing area without the express permission of the Marine Manager or his/her designee. If storage is permitted, it shall be in strict conformance with Federal and Coast Guard Regulations required for the segregation and storage of hazardous or flammable liquids or solids. Cargo subject to the provisions of this section must only be transported to the dock facility when the vessels on which the cargo is to be transported is at the berth and prepared to load/receive cargo. Vessels arriving with such cargo shall not discharge such cargo unless arrangements have been made with the consignee or agent to have such cargo immediately removed from the waterfront facility.

## **FIRE FIGHTING APARATUS**

It is unlawful for any person to obstruct or interfere with the free and easy access to, or to use, remove or in an manner disturb, any fire extinguisher, fire hose, fire hydrant, or any part of any fire sprinkler system, or any other fire fighting appliance or apparatus installed in or upon any wharf, warehouse or other building, structure or premises, under the jurisdiction of the Authority, except for the prevention of fire; provided, however, that nothing herein contained shall prevent making necessary repairs or tests by any person duly authorized to do so. Fire hydrants, fire hoses and fire fighting stations hall have 25 feet clearance in all directions. Sprinkler controls, fire extinguishers or other fire fighting apparatus shall have a minimum clearance of 8 feet in all directions.

## **PERSONS NOT ALLOWED ON CERTAIN PREMISES**

It is unlawful that any person under the influence or apparently under the influence of intoxicating liquors or drugs to enter or be on any terminal or other premises where flammable or combustibile liquid cargo is present or is being handled, and it is unlawful for any person to be on any facility to behave in a disorderly manner.

## **SAND FOR ABSORBING WASTE OIL**

Suitable approved pads and absorbent material shall be kept in buckets and used for absorbing waste oil or dripping petroleum or other similar products which may fall upon the floors or wharves, and such absorbent material, when saturated, shall be removed to an approved facility for the disposal of waste oil or contaminated material. It shall be the duty of persons holding berth assignments to comply with and enforce this role on the wharves assigned to them.

## **MAKING FAST OR REMAINING AT WHARF WITHOUT CONSENT OF THE AUTHORITY**

It is unlawful for any person to make any vessel fast, or to cause or permit any vessel to be made fast, to any wharf, or to cause or permit any vessel to remain fastened to any wharf, or to be or remain moored immediately in front thereof, without the consent of Virgin Islands Port Authority and it is unlawful for any vessel to remain fastened to any wharf, or to remain moored immediately in front thereof, after the consent to so remain fastened or moored has been revoked or withdrawn by the Authority.

For the purpose of this Item, each period of 24-hours, or fraction thereof, during which any violation exists or continues, shall be considered a separate offence and shall be subject to the penalties provided herein for each such separate offense.

Any vessel made fast to or moored in front of any wharf, or remaining fastened to or moored in front of any wharf, in violation of this Item, shall be subject to removal by or at the orders of the Marine Manager at the risk and cost of such vessel, its agent owner, to such other place as the Marine Manager may direct.

## **RESPONSIBILITY FOR PAYMENT**

All bills are due upon presentation and, unless other arrangements with the Ports Authority are made, are payable, in cash, by the user, vessel, their owners, agents, stevedores or others. The Ports Authority will not permit the movement of cargo from or across or through its facilities or may withhold permission to occupy or use, such facilities, appurtenances and equipment; until all charges have been paid except that the Port Authority may voluntarily extend credit arrangement to give settlement of aforesaid charges. Vessels or authorized agents will not permit the movement of cargo direct to or from ships tackle and land and water carrier until the permission of the Authority as specified in this has been obtained.

## **COLLISION**

In the event of a collision between two vessels or between a vessel and any wharf, dock or pier, report of such collision shall immediately be made to the Virgin Islands Port Authority and the U.S. Coast Guard (telephone number (340) 774-2250; VHF Marine Radio CH. 16) with a written report furnished within twenty-four (24) hours to the Marine Manager, U.S. Coast Guard and Terminal Supervisor, where applicable, by the master or owner and pilot of said vessel; provided that in the case of a minor collision where a vessel is under way and proceeding to the open sea, there being no need of repairs, said written report may be mailed by the master or owner of said vessel from the next port which it enters; and provided further that in all cases of collision, report of an owner or agent shall not relieve the pilot of the duty of rendering his report within the specified time.

The repair of collision damage to a public wharf, dock or pier shall be made at the expense of the vessel, its owner or charterer, to the satisfaction of the Port

Authority. Depending on the nature of the damages, the Port Authority shall have the option to repair or have repaired said damage to the public wharf, dock or pier, with prior notice to the vessel's agent and shall invoice the vessel, its owner or charterer through its agent for the cost of repairs plus twenty percent (20%). If the collision is not reported as required, the Port Authority shall repair or have repaired said damage to the public wharf, dock or pier and shall invoice the vessel, its owner or charterer through its agent, for cost plus one hundred percent (100%).

The Virgin Islands Port Authority may detain any vessel or other watercraft responsible for any damage to the facilities until sufficient security has been given for the amount of damage.

## **SCHEDULES**

Vessels operating on schedules utilizing V.I.P.A.'s facilities must arrive and depart on time. Failure to comply will result in fines, penalties and loss of privilege of V.I.P.A.'s facilities.

## **PASSENGER SAFETY**

Vessels must be operated in accordance with applicable laws and regulations and in such a manner as to afford adequate precaution against hazards that might endanger the vessel and the person being transported. All passengers must embark or disembark only from vessels that are properly moored with lines and gangways with rails or steps and the appropriate personnel in place. Prior to passengers or vehicles disembarking mooring lines should be tied in such a way that the vessel is surely tied to the dock to allow the safe disembarking and embarking of passengers and vehicles.

## **THE PORT AUTHORITY HELD HARMLESS**

Each vessel, the owners, charterers, and agents to whom any wharf or other property of the Port Authority has been assigned, or who are using or occupying same under any provision of the Port Authority's tariff, shall be responsible for and shall be liable for, severally, jointly and in solido, any licensed independent and administrator, any and all claims in any manner arising out of or connected with the performance of loading/unloading services by such Assignee or Berth, or licensed independent lift operator or cargo owner, including, but not limited to, any and all claims for bodily injury, death, or property (including cargo) damage, loss or defend, indemnify and hold harmless the Port Authority from and against any and all such claims, provided, however, that this provision will not relieve the Port Authority from any liability which may arise out of its own negligence.

## **DISCLAIMER FOR LOSS OR DAMAGE**

The Port Authority shall not be responsible for any loss or damage to freight on or in its facilities by reason of fire, leakage, evaporation, natural shrinkage, wastage, decay, animals, rats, mice, other rodents, moisture, the elements, discharge of water from sprinkler fire protection systems, or by, or from any other cause, except to the extent that such loss or damage is accounted to result from its fault or negligence.

The Port Authority shall not be responsible for delays, losses, or damages arising from riots, strikes, or labor disturbances of any persons, or for any loss due to pilferage or thievery, or to any other cause, except that such delays losses or damages are accounted to result from its fault or negligence.

## **INDEMNITY BOND OR LETTER OR CREDIT**

Users of the Virgin Islands Port Authority facilities are required to furnish the Authority with the Indemnity Bond or Letter of Credit, insuring the Authority against loss of any funds and indemnifying the Authority in full for the payment of bills that accrue as a result of dockage, cargo and passenger wharfage, water sales, storage, rentals, leases, warehousing, demurrage, electric current and any other charges that may accrue for services rendered by the Authority. The Port Authority Executive Director is authorized to determine and fix the amount of the required Bond or Letter of Credit.

## **INSURANCE**

All users of the Port Authority Terminal Facilities are required to carry bodily injury liability insurance and property damage liability insurance and to furnish certificates of insurance to the Director. Such insurance shall be in amounts not less than \_\_\_\_\_ combined single limit and for contract terminal operators not less than \_\_\_\_\_.

## **MINIMUM INSURANCE REQUIREMENTS**

Grantee of First Call on Berth Privilege or Assignee of a Berth shall be responsible for furnishing to the Port Authority evidence of insurance coverage, including but not limited to Workers Compensation, Comprehensive General Liability, Stevedore and Terminal Operator's Liability (Grantee or Assignee) and such other insurance, in such form and with such Minimum limits as the Executive Director may require.

Failure to obtain and retain or submit evidence of the insurance coverage's required by the Executive Director shall constitute cause for denying the use of the Port Authority's facilities or cancellation of an assignment previously made.

## **PENALTY**

A punishment imposed by statute as a consequence of the commission of an offense. A penalty includes fines, forfeitures and denials of privileges.

## **FINES**

A pecuniary punishment imposed by V.I.P.A. upon a person in violation of its Rules and Regulations.

## **WRITTEN WARNING**

Written notification of a violation of noncompliance with V.I.P.A. Rules and Regulations.

## **VIOLATIONS**

Any action or inaction, which breaches the provisions, purpose or intent of the act or any rules and regulations promulgated hereunder.

## **PENALTIES**

Any person violating any of the provisions of the Rules and Regulations will be subject to fines and penalties.

- (A) First Violation – Written Warning
- (B) Second Violation - \$500.00
- (C) Third Violation - \$1,000.00
- (D) Forth Violation - \$2,500.00 with Administrative Hearing
- (E) Fifth Violation - \$5,000.00 and Suspension of the privileges of use of all V.I.P.A.'s facilities.

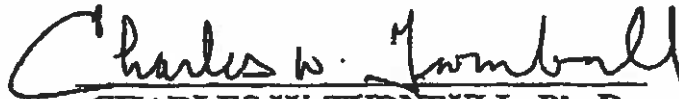
Any person, agent, and/or owner wishing to contest a fine or the violation of a fine or penalty with respect thereto by the Authority's Marine Manager, Terminal Supervisor, Pilots, Dockmasters, V.I.P.A. Police Officers of duly authorized officials or the Virgin Islands Port Authority, may appeal such finding, fine or penalty within thirty (30) days of its imposition to the Executive Director. If not satisfied with his decision he/she shall appeal to the Governing Board of the Virgin Islands Port Authority whose decision shall be final. All fines shall be made payable to the Virgin Islands Port Authority.

**RULES AND REGULATIONS**  
**VIRGIN ISLANDS PORT AUTHORITY BOARD**  
**TITLE 25 CHAPTER 7 V.I.R.R**

**AMENDMENTS**  
**to Section 131-12**

**APPROVED:**

14<sup>th</sup> day of October, 2005



**CHARLES W. TURNBULL, Ph. D.**

**Governor**



**ROBERT O'CONNOR, JR.**

**Chairman**

**Virgin Islands Port Authority Board**

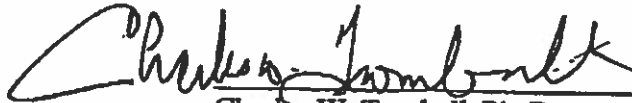


## CERTIFICATE

I, Charles W. Turnbull, Ph. D., Governor of the Virgin Islands of the United States, in accordance with the provisions of Title 3, Section 938, Virgin Islands Code, do hereby certify that:

BECAUSE of the compelling circumstance that a delay of several months inevitably occurs before regulations are published in the Virgin Islands Rules and Regulations, the public interest requires that the following amendment to 25 V.L.R.R. §131-12 which I have approved, become effective on this date without the delay of prior publication.

DATE: 10-14-05



Charles W. Turnbull, Ph. D.  
Governor

The copy below is hereby certified to be a true and correct copy of regulations adopted pursuant to authority granted in 29 V.I.C. §543(3), which amended the existing Administration of Harbors, Rules and Regulations, 25 V.I.R.R. §131-12 (1980, and as amended 2002).

DATED: August 9, 2005



Robert O'Connor, Jr.  
Chairman  
Virgin Islands Port Authority Board

**§131-12. Pilots and movements of vessels; anchorage**

- (1) Mandatory use of pilots.** All commercial vessels in excess of 1,600 gross tons (Gross Tonnage International Tonnage Convention) must engage the services of a Virgin Islands Port Authority harbor pilot upon entering, leaving or shifting berths in the harbors of the Virgin Islands.
- (2) (a) Exceptions.** Upon express and written consent of the Marine Manager, any vessel of less than 10,000 gross tons (GTITC) may be exempted from engaging the services of a Virgin Islands Port Authority harbor pilot if the Master of such vessel of less than 10,000 gross tons (GTITC) provides documented proof to the Marine Manager of sufficient familiarity with the harbors of the Virgin Islands, or any particular harbor therein, as measured by the requisite number of round trips set forth in 46 CFR Part 10.705, and as clarified by the Route Familiarization Requirements for First Class Pilot, United States Coast Guard, Waterways Management, Sector San Juan, Puerto Rico.

**(b) Violations.** Penalties for violations of the provisions of §131-12(2)(a) above shall be consistent with all applicable federal and territorial laws and regulations and, to the maximum extent possible, with the provisions of Table 5.569, set out in 46 CFR Part 5.569.
- (3) Exempted Vessels.** Any public vessel commissioned by the United States or foreign government, or a vessel exempted by the Government of the Virgin Islands, shall not be subject to the foregoing requirements; but should a vessel so exempted anchor or move so as to obstruct a fairway or other part of the harbor, the Marine Manager may, if it be deemed advisable, order such vessel shifted to a more suitable berth, and all expenses incurred thereby will be charged against the vessel so shifted.
- (4) Hazardous or dangerous cargo.** Any vessel, regardless of nationality or tonnage, which has on board hazardous or explosive cargo, must engage the services of a Virgin Islands Port Authority harbor pilot upon entering, leaving or shifting berths in the harbors of the Virgin Islands.
- (5) Voluntary use of pilots.** Any vessel not otherwise required to engage the services of a Virgin Islands Port Authority harbor pilot pursuant to the provisions above may request the services of such pilot.
- (6) Pilot fees.** Fees for the use of services of Virgin Islands Port Authority harbor pilots, whether mandatory or voluntary, shall be assessed against the vessel in accordance with the then current Virgin Islands Port Authority marine tariff schedule.
- (7) Shifting.** No vessel, whether at anchor or moored, shall shift berth in the harbors without previous permission from the Marine Manager.