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BPC Policy No. 401

SUBJECT: REPAIR OF VESSELS AT PUBLIC BERTHS

PURPOSE: To establish regulations governing the repair of vessels at public berths.

POLICY STATEMENT:

1. Vessels berthed at San Diego Unified Port District (District) facilities shall not engage in any repairs that have the potential to discharge material into the bay such as, but not limited to, paint or paint chips, lacquers, thinners or solvents, welding or metal fragments, sandblast materials, oil or oily residue or oily cleaning materials, fuel or cleaning materials or dispersants.
2. The following work may be accomplished at District facilities provided it is done in compliance with applicable local, state and federal regulations:
 - a. Net repairs.
 - b. Repair or replacement of electrical/electronic equipment and its component parts.
 - c. Minor repairs or replacement of mechanical/hydraulic components.
 - d. Repair or adjustment to machinery which remains onboard the vessel.
 - e. Small scale metal work.
 - f. Work that is being accomplished by bona fide crew members.
3. Repair work beyond the scope of that described in "2" above may be accomplished upon request to and approval from the Executive Director of Maritime Operations and Properties.
4. All vessels at District Facilities must remain in a condition which will allow them to shift berths with a 24 hour period following notification.
5. Purveyors of services, mechanics and any other category of person or organization supplying repair or maintenance services to a vessel berthed at District-owned facilities shall be required to acquire a valid permit to conduct such activity on District property. Such permit may be acquired from the District upon application

conditional upon:

- a. The payment of an annual permit fee of **\$129.00** per company.
 - b. The payment of a one-time decal fee of **\$5.80** per vehicle.
 - c. An agreement to abide by applicable rules and regulations.
 - d. Providing proof of the below listed insurance requirements.
 - e. All Persons entering Port of San Diego MTSA (Maritime Transportation Security Act) regulated facilities (i.e. the marine terminals) to perform repair work must have a Transportation Workers Identity Credential (TWIC) for unescorted access to secure areas of port facilities and vessels.
1. Protection and Indemnity insurance for any vessel operated by the purveyor of service in the amount of \$1,000,000 and Commercial General Liability insurance for any operations of the purveyor of service on land in the amount of \$1,000,000 per occurrence.
 2. The District – must be an “**additional insured**” on the policy and a separate additional insured endorsement must be provided with the other proofs of insurance.
 3. Must have California Workers’ Compensation Insurance per statute with coverage under Longshoremen’s Harbor Workers’ Act to the extent those persons or organizations supplying repair or maintenance service are required to have such insurance by the appropriate law.
 4. Contain the following “Hold Harmless” clause: Permittee shall, to the fullest extent permitted by law, defend, indemnify, and hold harmless San Diego Unified Port District (“District”) and its officers, employees, and agents for any and all liability, claims, judgments, damages, proceedings, orders, directives, costs, including reasonable attorney’s fees, or demands arising directly or indirectly out of the obligations undertaken in connection with this Permit, or Permittee’s use, occupancy, possession or operation of the Premises, except claims or litigation arising through the sole negligence or willful misconduct of District. It is the intent of this Paragraph that Permittee indemnify and hold harmless District for any actions of Permittee or District, including duties that may be legally delegated to Permittee third parties, except for those arising out of the sole negligence or willful misconduct of District. This indemnity obligation shall apply for the entire time that any third party can make a claim against or sue District for liabilities arising out of Permittee’s use, occupancy, possession or operation of the Premises.

RESOLUTION NUMBER AND DATE: 2008-249, dated December 2, 2008 (Supersedes BPC Policy 401, Resolution 81-249, dated July 28, 2008)

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(1)

REFERENCE
COPY

Re Amendment of BPC Policy 401,]
Repair of Vessels at Public Berths]
_____]

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RESOLUTION 2008-249

BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That Board of Port Commissioners Policy No 401, Repair of Vessels at Public Berths (formerly entitled Repair of Fishing Vessels at Public Berths), as amended, a copy of which is on file in the office of the District Clerk, is hereby adopted.

ADOPTED this 2nd day of December, 2008.

sw
12/2/08