

CHAPTER 409. WHARVES AND DOCKS**GENERAL PROVISIONS**

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Source

The provisions of this Chapter 409 renumbered from 13 Pa. Code Chapter 209, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (209855) to (209858).

GENERAL PROVISIONS**§ 409.1. Definitions.**

[Reserved]

§ 409.2. Authority.

Section 4 of the act of June 8, 1907 (P. L. 496, No. 322) (55 P. S. § 391) authorizes the Commissioners to make rules for regulating, stationing and anchoring ships, vessels and boats in the River and its navigable tributaries, at the wharves, piers, or bulkheads or in the docks, slips or basins extending into or on the River and its navigable tributaries, for removing, from time to time, ships, vessels, and boats in order to accommodate and make room for others or for admitting river craft to pass in and out of the docks, slips and basins, and for compelling the masters and captains of ships, vessels and boats to accommodate each other so that ships, vessels and boats shall, for a reasonable time, be entitled to berths next to the wharves, piers and bulkheads until they have landed or loaded their cargoes.

§ 409.3. Regulation enforcement.

It will be the duty of the Chairperson to take the necessary action to enforce this chapter, and, if any person shall refuse or neglect to comply with the direc-

tions of the Chairperson in matters within the jurisdiction of his office or shall knowingly fail to comply with this chapter or if any person shall obstruct or prevent the Chairperson in the execution of his duties, the person shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay, for each offense, a fine not exceeding \$500, unless another penalty is specified.

WHARFAGE

§ 409.11. Wharfage rates.

(a) The Commission, after a hearing of the parties in interest, is authorized to regulate the services and to fix the maximum rates for wharfage, crantage and dockage.

(b) For the purposes of this section, the Commissioners will not have jurisdiction within any city of the first class.

§ 409.12. Apportionment of wharfage.

(a) In all cases when the owners of adjoining wharves, docks, landings or riverfronts, or any parts thereof, upon the River and not situated in cities of the first class, shall disagree as to the proper apportionment of the wharfage or dockage payable to them in accordance with their titles by persons making use of the same or by vessels lying in front thereof, it will be the duty of the Commissioners, upon the written application of one or more of the owners, after notice to the parties interested, and in accordance with the established customs and usages of the port or place where the wharves, docks, landings or riverfront are located or, where there is no usage, then as justice and equality may require, to determine the relative proportions of the wharfage or dockage belonging to the several proprietors of the adjoining wharves, docks, landings or riverfronts or any parts thereof.

(b) Nothing in this section shall be construed to authorize the Commissioners to take cognizance of any question involving the title of the property, but the jurisdiction and the power to enforce the rights of the owners of the wharves, docks, landings and waterfront to wharfage and dockage against persons or vessels heretofore or hereafter using or lying opposite the same, shall remain as heretofore in the proper courts of law.

§ 409.13. Dock maintenance.

(a) Whenever the owners or lessees of any wharf, pier, or bulkhead shall fail to keep and maintain the adjoining docks cleaned and free from obstruction, it will be lawful for the Chairperson of the Commission, upon default for 30 days after the service of notice on the owners or lessees, to clean or cause the docks to be cleaned and freed from obstructions, to apportion the expense among the owners or lessees of the wharves, piers and bulkheads adjoining the docks, in proportion to the extent of their wharves, piers or bulkheads having the privilege

of use of the docks, and to collect the cost and expense of the same by filing liens therefore in the name of the Commonwealth and issuing process thereupon as is provided by law in the case of liens filed for work done by a municipal corporation. All liens for such work shall be filed by the Attorney General of the Commonwealth and shall have the same force and effect as in the case of liens for municipal work under existing laws.

(b) For the purposes of this section, the Commissioners will not have jurisdiction within any city of the first class.

§ 409.14. Obstructing docks.

(a) When fasts or lines of vessels extend across a dock so as to obstruct passing vessels, the captain or person in charge shall, when so ordered by the Commission, cause the fasts or lines to be slackened or cast off. Such fasts or lines shall be marked at night by a red light in the center thereof.

(b) Vessels lying at the ends of piers so as to obstruct the passage to the adjoining docks must slack their lines or move when necessary to accommodate other vessels entering or leaving the docks.

(c) Vessels lying alongside of a wharf and not taking in or discharging cargo must make way for and permit other vessels that want to load or unload cargo to come inside next to wharf.

(d) A dock may not be unnecessarily obstructed by a vessel so as to prevent the loading or unloading of cargo by another vessel.

(e) Vessels lying in berths in positions where they extend beyond the line of the pier do so at their own risk and may be held responsible for any damage that may occur by reason of their encroachment on the River. The vessels shall comply with United States Coast Guard Inland Rules of the Road provisions governing signals and lights.

(f) A provision of this section may not be interpreted to permit violation of any applicable Federal law or regulation.

§ 409.15. Vessels increasing width.

Vessels that increase their width by using ballast-logs, pontoons or other devices of like nature must move such equipment within 4 hours notice to accommodate other vessels when so ordered by the Commission and shall pay the expense of moving the other vessels that have to be moved to allow the vessel with such appliances to enter or leave dock.

§ 409.16. Accommodation of vessels loading and discharging cargo.

(a) The master or captain of a vessel lying alongside any wharf or pier loading or discharging cargo and encroaching further on the waterway by working cargo or bunkers to or from floating equipment from the offshore side must move such floating equipment upon four hours notice, at the expense of the vessel loading or discharging cargo or bunkers, in order to make way for the permit

other vessels that want to load or unload to come next to the wharf or pier. The same regulation shall be applicable when a vessel is desirous of leaving a wharf or pier. Notice shall be considered proper when given to the terminal operator of the wharf or pier involved who shall forthwith notify the master, captain, agent or proper representative of the vessel to be moved.

(b) Terminal operators should notify the Commission of any violation of this section by written statement setting forth the name of the violator, the time and place of the violation, and the name of the aggrieved party.

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