

EXHIBIT D

**BROWNSVILLE NAVIGATION DISTRICT
INSURANCE REQUIREMENTS
Level One**

These requirements are applicable to lessees who meet the following criteria and who have no employees who are not officers or family members.

- Sole Proprietors, Partnerships, or Limited Liability Corporations
- Lease sites up to 5 acres (all sites for a particular lessee will be combined for comparison to this qualification)
- Lessees who do not operate liquid bulk terminals
- Lessees who do not perform ship breaking or ship repairs
- Lessees who do not receive, process or store scrap materials
- Lessees who do not handle hazardous materials

Workers' Compensation	
Not Required - <i>The requirement for Workers' Compensation Insurance is waived for lessees who meet the above criteria.</i>	

Comprehensive General Liability	
Comprehensive General Liability including Broad Form Liability, Personal Injury Liability, Contractual Liability, Products/completed operations Liability and including coverage for:	
(1) Explosion, collapse, and underground, and	
(2) For goods, vessels and property of whatever description belonging to others while in the care, custody, and control of the lessee.	
An acceptable option would be Warehouse Legal and/or Wharfingers Legal Liability coverage.	
a. Bodily Injury	\$ 1,000,000 Each occurrence
b. Property Damage	\$ 2,000,000 Each aggregate
c. Alternate to a. & b.	Combined single limit of \$ 2,000,000

Comprehensive Automobile Liability		
a. Bodily Injury	\$ 1,000,000 each person	\$ 1,000,000 each occurrence
b. Property Damage	\$ 1,000,000 each occurrence	
c. Alternate to a. & b.	Combined single limit of \$ 1,000,000	
Automobile Liability Coverage to include:	<i>In the event automobile liability is written with split limits, there should not be less than \$1,000,000 per accident for bodily injury liability nor less than \$1,000,000 per accident for property damage liability.</i>	
- All owned vehicles		
- All non-owned vehicles		
- All hired vehicles		
Personal automobile liability policies used to satisfy all or part of this requirement must be submitted in full		

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EXHIBIT D – INSURANCE REQUIREMENTS

and must not contain an exclusion for business use of a vehicle.

If lessee has not owned automobiles, non-owned and hired automobile coverage may be provided as a part of the Comprehensive General Liability Policy.

Protection and Indemnity (P & I)

If a vessel is to be used by the lessee, P & I must be provided to include the vessel and the crew.

Value of the vessel or \$1,000,000 limit, whichever is greater.

Pollution Liability Insurance

The following types of Pollution Liability Insurance are required:

X	Pollution Liability	\$ 1,000,000 Each occurrence
	Environmental Impairment Liability	\$ 1,000,000 Each occurrence
	Storage Tank Liability	\$ 1,000,000 Each occurrence
X	Sudden and Accidental	\$ 1,000,000 Each occurrence No less than 72 hours' discovery requirement No less than 30 day's reporting requirement

Deductible

These insurance policies shall have a combined deductible and/or self insured retention of no more than \$1,000.00.

Umbrella policies may carry a self-insured retention of up to \$25,000

Proof of Insurance Required

Certificates of insurance as well as the declarations page from all policies will be submitted to the District as proof of insurance.

Additional Insured and Notice of Cancellation or Change Endorsements

All policies shall be endorsed to name the Brownsville Navigation District d/b/a The Port of Brownsville as an additional insured and shall be endorsed to require that the insurance will not be cancelled or changed without giving the District 30 days prior written notice.

Endorsements Required

Copies of endorsements regarding deductible and/or self insurance and the required additional insured and notice of cancellation or change notices. Copies of all endorsements that limit coverage or impose exclusions to coverage must also be submitted.

Notes

The above minimum requirements may be covered exclusively by primary insurance or may be covered by a combination of primary and umbrella liability insurance. The insurance shall have a combined deductible and/or self insured retention of no more than \$1,000.00.

The District reserves the right to request a copy of any and all insurance policies for review.

Individual exceptions to any of the above requirements may be granted or required due to unavailability of coverage, risk factor, magnitude of operations, or other individual reasons.

The requirements and limits in this document are acceptable for the lessee at the time of the preparation of the lease. The District reserves the right to amend these requirements in response to changes in the lessee's business, such as the addition of outside employees or a change in the lessees' business organization or the purpose of the lease.

**Brownsville Navigation District
INSURANCE REQUIREMENTS**

Workers' Compensation Insurance Disclaimer

The Insurance Requirements – Level One of the Brownsville Navigation District do not impose a requirement for certain lessees to carry Workers' Compensation Insurance. In order for a lessee to qualify for this level of insurance, the following criteria must be met:

Level One Insurance requirements are applicable to lessees who have no employees who are not officers or family members, and meet the following additional criteria:

- They are Sole Proprietors, Partnerships, or Limited Liability Corporations
- They lease sites up to 5 acres
- They do not operate liquid bulk terminals
- They do not perform ship breaking or ship repairs
- They do not receive, process or store scrap materials
- They do not handle hazardous materials

By signing below, I certify that I meet all of the following criteria and am therefore qualified for Insurance Requirements – Level One.

Signature

Date