

**Brownsville Navigation District
INSURANCE REQUIREMENTS
Level Four**

These requirements are applicable to lessees of all business types who have lease sites that are:

- Lease sites of more than 20 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	
g. Employer's Liability	\$1,000,000 limit
h. Longshoremen and Harbormaster's Act (if applicable)	Statutory
i. Jones Act (if applicable) <small>Jones Act coverage may be included in the P & I policy, if required.</small>	\$1,000,000
Waiver of Subrogation Endorsement in favor of the Brownsville Navigation District d/b/a The Port of Brownsville for this policy must be submitted.	

Comprehensive General Liability	
Comprehensive General Liability including Broad Form Liability, Personal Injury Liability, Contractual Liability, Products/completed operations Liability and including coverage for:	
(7) Explosion, collapse, and underground, and	
(8) 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.	
j. Bodily Injury	\$ 5,000,000 Each occurrence
k. Property Damage	\$ 5,000,000 Each aggregate
l. Alternate to a. & b.	Combined single limit of \$ 5,000,000

Comprehensive Automobile Liability		
j. Bodily Injury	\$ 1,000,000 each person	\$ 1,000,000 each occurrence
k. Property Damage	\$ 1,000,000 each occurrence	
l. 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		

LEASING
EXHIBIT D – INSURANCE REQUIREMENTS

Personal automobile liability policies used to satisfy all or part of this requirement must be submitted in full and must not contain an exclusion for business use of a vehicle.
If lessee has no owned automobiles, non-owned and hired automobile coverage may be provided as 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. Hull coverage must be equal to the value of the vessel.	Value of the vessel or \$1,000,000 limit, whichever is greater.
Tower's and Charter's Liability must be provided as appropriate.	

Pollution Liability Insurance		
The following types of Pollution Liability Insurance are required:		
X	Pollution Liability	\$ 5,000,000 Each occurrence
	Environmental Impairment Liability	\$ 5,000,000 Each occurrence
	Storage Tank Liability <i>(if storage tanks are located on the lease site)</i> All underground and above-ground storage tanks need to be included for coverage.	\$ 5,000,000 Each occurrence
X	Sudden and Accidental	\$ 5,000,000 Each occurrence No less than 72 hours' discovery requirement No less than 30 day's reporting requirement
X	Water Pollution Liability	\$ 5,000,000 Each occurrence

Subcontractor Insurance Requirements

- Each subcontractor hired by the lessee must carry, at the minimum, the same levels of insurance coverage that is required by the lessee. The subcontractor must adhere to the same requirements listed in "Additional Insurance and Notice of Cancellation or Change Endorsements", "Endorsements Required", below.
- Subcontractors will be required to carry "Contractor's Pollution Liability" and/or "Errors and Omissions Coverage", as appropriate.
- Certificates of Insurance and other Proofs of Insurance must be provided to, and must be maintained by the lessee.

Deductible

Each of the required policies should not have a deductible and/or self-insured retention in excess of:
\$50,000.00.

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. All policies must be endorsed with a Waiver of Subrogation in favor of the District.

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 \$50,000.00.

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.