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SECTION H

~~Cargo Facility Charge~~

CARGO FACILITY CHARGE

SUBRULE 34-1200 ISSUED 1 JANUARY 2011 EFFECTIVE ~~1 FEBRUARY~~ 14 MARCH 2011
CARGO FACILITY CHARGE – ~~definition of cargo subject to fee~~ DEFINITION OF CARGO SUBJECT TO FEE

This fee shall apply to all cargo containers, vehicles and bulk cargo, break-bulk cargo, general cargo, heavy lift cargo, and other special cargo discharged from or loaded onto vessels at Port Authority leased and public berths.

SUBRULE 34-1210 ISSUED 1 JANUARY 2011 EFFECTIVE 14 MARCH ~~FEBRUARY~~ 2011
CARGO FACILITY CHARGE – ~~rates~~ RATES

Container cargo	\$4.95 per TEU*
Vehicles	\$1.11 per unit/vehicle
Bulk cargo, break-bulk cargo, general cargo, heavy-lift cargo and other special cargo	\$ 0.13 per metric ton

*Any containers larger than forty-feet shall be considered to be the equivalent of two TEUs.

SUBRULE 34-1220 ISSUED 1 JANUARY 2011 EFFECTIVE 14 MARCH ~~FEBRUARY~~ 2011
CARGO FACILITY CHARGE

1. ~~Payment~~Definitions

- (a) "User" shall mean a user of cargo handling services.
- (b) "Terminal operator" shall mean a leased berth operator.

~~1.2.~~ At all leased berths, each user is responsible for payment of the Cargo Facility Charge to the Port Authority, which will be collected by the terminal operator handling the user's cargo for remittance to the Port Authority.

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~~(a)~~ 3. Lessees/Terminal Operators

~~i. Each lessee/terminal operator whose leasehold area contains berthing facilities shall collect and be responsible for payment to the Port Authority of the Cargo Facility Charge set forth in the Port Authority's Tariff with respect to cargo discharged from or loaded onto vessels within the leasehold area. If a terminal operator with a leased berth is unable to collect such Cargo Facility Charges from a particular user of the leased berth(s), within 60 days of services being provided to the user, the terminal operator will have the right to discontinue service to the delinquent user. Should the terminal operator choose to discontinue providing service to the delinquent user within or prior to the end of the 60-day period, the terminal operator will not be responsible to the Port Authority for such uncollected amounts. Should the terminal operator continue to provide service to such delinquent user, the terminal operator will then be responsible for the payment of such uncollected amounts and all future Cargo Facility Charges associated with that customer.~~

~~ii. Cargo Facility Charge shall be paid at the same time as the submission of the Vessel Activity Report is made to the Port Authority. Such payment shall be submitted no later than the 20th day of the month following the subject activity.~~

~~iii. Cargo Facility Charge shall be paid directly to the Port Authority at the following location:~~

~~The Port Authority of New York & New Jersey
P.O. Box 95000-1517
Philadelphia, PA 19195-0001~~

~~iv. Each lessee/terminal operator shall provide copies of the Vessel Activity Report described in section 2 below to each addressee set forth at (A), and, to the addressee set forth at (B) for the facility at which the activity occurred:~~

~~A) All facilities:~~

~~Manager, Revenue Accounting
The Port Authority of NY & NJ
One PATH Plaza—6th Floor
Jersey City, New Jersey 07036
peaffrey@panynj.gov~~

~~Manager, Leasing and Property Development
The Port Authority of NY & NJ
New Jersey Marine Terminal
260 Kellogg Street
Port Newark, New Jersey 07114~~

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jkirin@panynj.gov

Manager, Strategic Analysis & Industry Relations
The Port Authority of NY & NJ
225 Park Avenue South, 11th Floor
New York, New York 10003
pzantal@panynj.gov

(B) — New Jersey Facilities:

Manager, New Jersey Marine Terminals
The Port Authority of NY & NJ
New Jersey Marine Terminal
260 Kellogg Street
Port Newark, New Jersey 07114
asaporito@panynj.gov

— New York Facilities:

Manager, New York Marine Terminals
The Port Authority of NY & NJ
90 Columbia Street
Brooklyn, New York 11201
jtrutneff@panynj.gov

(b) Public Berth Applicants

~~Each party responsible for payment to the Port Authority of all other charges associated with a vessel's use of a public berth shall pay to the Port Authority the Cargo Facility Charge set forth in the Port Authority's Tariff with respect to cargo discharged from or loaded onto a vessel. Such payments are to be paid directly to the Port Authority in the same manner as all other amounts paid to the Port Authority for use of a public berth.~~

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2-(a) Reporting of Vessel Activity Data

i. Each ~~lessee~~/terminal operator shall provide to the Port Authority a Vessel Activity Report setting forth data necessary for ~~confirmation~~determination of the amount of Cargo Facility Charge incurred ~~and paid to the Port Authority for by~~ each ~~month~~. ~~Such user~~. Such report shall be submitted no later than the 20th day of the month following such activity, and shall comply with sub-paragraph ~~(b)~~3 (a) ii. of this Subrule.

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~~(a)ii.~~ Each Vessel Activity Report shall set forth the following for the month in which Cargo Facility ~~Charge~~Charges were incurred for each vessel call: ~~ocean carrier and~~ vessel name; voyage #; service; user(s), including participating carriers whose cargo is carried on the vessel; date of arrival; date of departure; volume of cargo discharged from and/or loaded onto each vessel for each user (containers by size identifying loads versus empties and

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transshipped containers, number of vehicles, and/or metric tons of bulk cargo, break-bulk cargo, general cargo, heavy-lift cargo and other special cargo); and, the Cargo Facility Charge due ~~and paid~~ for the current month ~~and year to date~~ for each cargo category. For the purposes of completing a Vessel Activity Report, metric tons for lumber shall be calculated by multiplying the number of thousand gross board measurement feet of lumber times one and two tenths (1.2). Such information is to be provided in both paper and electronic formats in accordance with any form or template that may be provided by the Port Authority from time to time. Such form or template is available through the office of the General Manager NJMT and NYMT.

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~~(b)~~iii. Hard copy transmittals are to be accompanied by a statement certifying the truth and accuracy of the document. Submission of the Vessel Activity Report by electronic means shall constitute a statement that such submission is intended to be the equivalent of the submission of a paper document containing the same information, and that the placement of a name on such submission certifying the truth and accuracy of the document is intended to be equivalent to a handwritten signature.

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iv. Each terminal operator shall provide copies of the Vessel Activity Report described in section ii above to each addressee set forth at (A), and, to the addressee set forth at (B) for the facility at which the activity occurred.

(A) All facilities:

Manager, Revenue Accounting
The Port Authority of NY & NJ
One PATH Plaza – 6th Floor
Jersey City, New Jersey 07036
pcaffrey@panynj.gov

Manager, Leasing and Property Development
The Port Authority of NY & NJ
New Jersey Marine Terminal
260 Kellogg Street
Port Newark, New Jersey 07114
jkirin@panynj.gov

Manager, Strategic Analysis & Industry Relations
The Port Authority of NY & NJ
225 Park Avenue South, 11th Floor
New York, New York 10003

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pzantal@panynj.gov

(B) New Jersey Facilities: General Manager, NJMT and NYMT
The Port Authority of NY & NJ
New Jersey Marine Terminal
260 Kellogg Street
Port Newark, New Jersey 07114
asaporito@panynj.gov

New York Facilities: Manager, New York Marine Terminals
The Port Authority of NY & NJ
90 Columbia Street
Brooklyn, New York 11201
jtrutneff@panynj.gov

(b) Billing and payment of Cargo Facility Charges

- i. On or about the first day of each month, the Port Authority shall issue a bill to each terminal operator based upon the Vessel Activity Report for the previous reporting period. Such bills shall set forth the Cargo Facility Charge with respect to cargo discharged from or loaded onto vessels within the leasehold area of the terminal operator for each user.
- ii. Within 30 days after the date of each bill described in 3 (b) i., each terminal operator shall (A) remit to the Port Authority the Cargo Facility Charge amount collected from each user as set forth in such bill, and (B) make a report to the Port Authority of every user who has failed to pay the Cargo Facility Charge set forth in such bill.
- iii. In the event of non-payment of any Cargo Facility Charges by a user for two consecutive Vessel Activity Reporting periods, the Port Authority shall issue a directive to every terminal operator prohibiting them from providing any service that would be subject to a Cargo Facility Charge to the delinquent user for a period from no later than 5 calendar days from the date of the directive until receipt of notice from the Port Authority that such unpaid Cargo Facility Charges have been paid.
- iv. Should any terminal operator provide service to a user in violation of the directive described in 3 (b) iii., such terminal operator shall become liable for, and shall be obligating itself to pay to the Port Authority, the full amount of the Cargo Facility Charges incurred by such user arising from services performed by such terminal operator on and after the date of the violation of the directive

4. Public Berth Applicants

Each party responsible for payment to the Port Authority of all other charges associated with a vessel's use of a public berth shall pay to the Port Authority the Cargo Facility Charge set forth in the Port Authority's Tariff with respect to cargo discharged from or loaded onto a vessel. Such payments are to be paid directly to

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the Port Authority in the same manner as all other amounts paid to the Port Authority for use of a public berth.

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35. Fee Exemptions

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- (a) The following movements are fully or partially exempt from Cargo Facility Charge as set forth in the Port Authority's Tariff:
 - i. Fully exempt from fees: restows and shifts.
 - ii. Partially exempt from fees: transshipped containers; a transshipped container is subject to a Cargo Facility Charge for only one move.

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- i. "Restows" shall mean discharged containers arriving on a vessel and departing on the same vessel and as part of the same voyage.
- ii. "Shifts" shall mean containers that are moved from one location to another location on the same vessel without touching the ground.

iii. ~~Transhipped~~ **Transshipped** containers" shall mean containers that are discharged from a vessel, placed on the terminal and loaded onto another vessel for further carriage as part of a single voyage and do not exit the terminal.

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