No. 1300
January 26, 1970 - 3:00 P. M.
Approved: Fernando Chardon
Secretary of State

ECONOMIC DEVELOPMENT ADMINISTRATOR
OFFICE OF THE ADMINISTRATOR
San Juan, Puerto Rico

By: Gloria I. Silva de Díaz
Assistant Secretary of State

RESOLUTION
FOR THE
PUERTO RICO PORTS AUTHORITY

In accordance with the provisions of Section 6(1) of the Puerto Rico Ports Authority Act, 23 LPRA 336(1), the Economic Development Administrator appointed Mr. Alberto Ferrer to conduct a hearing and to submit a report containing a recommended decision upon the rates, fees, rentals, and other charges applicable to the use of the harbors of Puerto Rico and to the use of ground and building space and the exercise of privileges at marine terminals operated by the Puerto Rico Ports Authority, which were adopted by Resolution No. 809 dated November 1, 1967.

The public hearing contemplated by Section 6(1) of the Act was held on the following dates: January 25, June 17-18, 20-21, 24-25, July 8 and August 26, 1968. All interested parties were allowed to participate fully and were given far-reaching latitude in the introduction of evidence and the cross-examination of witnesses. A full transcript of the proceedings was made. The findings, conclusions and recommendations of the Hearing Officer were filed on December 19, 1969. The report covers all rates, fees, rentals and other charges (including harbor dues) except matters relating to the free time and the demurrage rates prescribed in Resolution No. 809, which will be covered in a subsequent and separate report to be rendered at a later date by the Hearing Officer.

Both the Hearing Officer's report and the full record of the proceedings are now before the Economic Development Administrator. To fulfill the responsibilities imposed upon him by Section 6(1) of the Puerto Rico Ports Authority Act, the Administrator has reviewed the entire record and has given careful consideration to the Hearing Officer's findings, conclusions and recommendations.

Upon consideration of the entire record and the Hearing Officer's report, the Economic Development Administrator hereby approves, adopts and promulgates the following resolution:

RESOLUTION NO. 950

Regulation to establish the general structure of rates, fees, rentals and other charges (except demurrage and free time) during the period beginning January 1, 1968 and ending June 30, 1970 for the use of the harbors of Puerto Rico and of the marine terminals operated by the Puerto Rico Ports Authority.

BE IT RESOLVED

I. DEFINITIONS

1. Adjacent Islands - All the islands surrounding Puerto Rico and depending upon its government.

2. Calendar Day - The 24 hours from midnight to midnight.

3. Consignee-Agent - The person representing the owner or captain of a vessel in a town or at the place where certain work is done.

4. Container - A permanent type cargo-carrying unit designed to be transported directly and mechanically between vessels and other forms of transportation which has minimum dimensions of eight (8) feet in

width, eight (8) feet in height, and twenty (20) feet in length, which is used for the movement of cargo as a unit. All other containers will be considered as general cargo.

5. Cwt. - Abbreviation for hundredweight. When used with respect to computation of wharfage or demurrage, means (1) by weight, per cwt. of 100 pounds; (2) by volume, per cwt. of two cubic feet; or (3) by board-foot measurement in case of lumber, per 24 board feet being equivalent to a cwt. of two cubic feet.

6. Dock - Any structure projecting out into the water, in such form to facilitate freight and passenger traffic between any vessel moored to said structure and the land.

7. Dockage - The charge assessed against a vessel for berthing at or making fast to a wharf, pier, or bulkhead structure, or for mooring to another vessel so berthed.

8. Gross Tonnage (of a vessel) - This term is synonymous with Gross Register Tonnage. It is the cubic capacity in tons of 100 cubic feet of the various enclosed spaces of a vessel. It will normally be found in Lloyd's Register of Shipping.

9. Landing Place - Any place where it is possible for a vessel to embark or disembark persons, or load and unload things, directly to or from land rather than by an intermediate water carrier.

10. Lighter - A barge, with no means of self-propulsion, used to transport cargo from point to point within a port. It is usually towed by a tug.

11. Marine Terminal - A development consisting of one or more piers, wharves, docks, bulkheads, slips, basins, vehicular roadways, railroad connections, sidetracks, sidings or other buildings, structures, facilities or improvements, necessary or convenient to the accommodation of steamships or other vessels and their cargo and passengers.

12. Off-shore Points - Points not located in Puerto Rico or its adjacent islands, or in the American Virgin Islands.

13. Pier - A structure extending into navigable water for use as a landing place.

14. Ports Authority - The Puerto Rico Ports Authority as created by and existing under the Puerto Rico Ports Authority Act of 1942, as amended. (23 L.P.R.A. 331-352)

15. Quay - Every structure, embankment or wall protecting from the sea and its waves that part of the waterfront which said structure, embankment or wall limits. Used interchangeably with "Dock".

16. Transit Area - The area, covered or uncovered, bordering on the apron of a wharf, pier, or bulkhead structure, within which cargo is assembled for loading on a vessel, and to which it is discharged for delivery from a vessel.

17. Wharf - A structure built along or at an angle from the shore of navigable waters so that ships may lie alongside to receive and discharge cargo and passengers.

18. Wharfage - The charge assessed against cargo for the passage of that cargo on, over, under, or through any wharf premise, pier or bulkhead structure, inward or outward. It also includes the charge assessed against cargo passing or conveyed between vessels (to or from barge, lighter or water) or by pipeline when berthed at wharf or when moored in a slip adjacent to the wharf.

II. HARBOR DUES

1. Every vessel entering and using a port of Puerto Rico or adjacent islands, which comes alongside any public or private dock, landing place, or quay, or alongside any other vessel standing alongside any of such public or private dock, landing place, or quay, or alongside any vessel standing alongside any such other vessel, shall pay to the Ports Authority, for each calendar day or fraction thereof, based on the gross tonnage of the vessel, the following dues:

Gross Tonnage of Vessel	Fee per Gross Ton per Calendar Day, or Fraction Thereof
350 tons, or less	$0.0200
351 to 999 tons	0.0150
1,000 tons, or over	0.0125

The charges prescribed above shall not apply to tourist vessels known as "cruise ships", nor to fishing vessels bringing their own catch to ports of Puerto Rico.

2. Every vessel entering and using a port of the island of Puerto Rico or adjacent islands, without coming alongside any dock, landing place, or quay, or alongside another vessel standing alongside such aforesaid vessel, and which loads or unloads by means of lighters, shall pay to the Ports Authority, for each calendar day or fraction thereof, while loading or unloading, based on the gross tonnage of the vessel, the following dues:

Gross Tonnage of Vessel	Fee per Gross Ton Per Calendar Day, or Fraction Thereof
350 tons or less	$0.0200
351 to 999 tons	0.0150
1,000 tons or over	0.0125

The charges prescribed above shall not apply to vessels calling for the coal, water, or provisions necessary for the continuance of their voyage, nor to fishing vessels bringing their own catch to ports of Puerto Rico.

3. Payment of the harbor dues prescribed above and of any fines which may have been imposed pursuant to the provisions of law on the captain, consignee, agent or person or master in charge thereof, shall be made at the corresponding offices of the Ports Authority.

4. No vessel may leave port without first having paid the amount of the harbor dues prescribed above and of any fines which may have been imposed pursuant to the provisions of law on the captain, consignee, agent or person or master in charge thereof; but in case any vessel should do so, the owner thereof, if he resides in Puerto Rico, or his consignee, agent or person in charge at the port at which such fees have accrued, shall be liable for the payment of such fees and of the fines imposed.

5. The Captain of the Port may detain any outgoing vessel until payment has been made of the harbor dues prescribed above and of any fines which may have been imposed pursuant to the provisions of law on the captain, consignee, agent, or person or master in charge thereof.

6. Any captain, master, consignee, owner, agent or person in charge of a vessel, who may act in violation of the provisions of this section, shall be punished accordingly.

III. DOCKAGE

1. Any vessel berthing at or making fast to a Ports Authority wharf, pier, or bulkhead structure, or mooring to another vessel so berthed, shall pay dockage at the rates named in this Resolution.

2. Dockage rates shall apply per gross register ton of the vessel.

3. The period of time for which dockage shall be assessed against a vessel shall commence when such vessel is made fast to a wharf, pier, or bulkhead structure, or to another vessel so berthed, and shall continue until such vessel is completely freed from and has vacated such berth.

4. Dockage shall be assessed for each period of 24 hours or fraction thereof during which a vessel is at berth, at the following rates per gross register ton:

Vessel Category	Dockage Rate per Gross Register Ton Per Day or Fraction Thereof
a. Tanker vessels and tank barges while berthed at wharves, piers, or bulkhead structures designed primarily for the loading or offloading of liquid cargo by pipeline	$0.02
b. All vessels while berthed at dry cargo wharves, piers, or bulkhead structures in connection with trade with off-shore points.	0.036
c. All vessels while berthed at dry cargo wharves, piers, or bulkhead structures in connection with trade with other ports in Puerto Rico or with ports in the American Virgin Islands	0.027

5. Application of the dockage rates prescribed above shall be subject to a minimum dockage charge per period of 24 hours or fraction thereof at $3.00.

6. Dockage rates for tourist vessels known as "cruise ships" and for combination cargo-passenger vessels carrying more than 100 revenue passengers will be assessed at 50% of the dockage rates prescribed above.

7. No dockage will be assessed against:

   a. A vessel while actively engaged as a tug boat when made fast to another self-propelled vessel which is being charged dockage.

   b. Combat or training vessels, including vessels auxiliary thereto, of the United States of America, or of any other nation, or any vessels of the Commonwealth of Puerto Rico, when, in the opinion of the Executive Director of the Ports Authority, conditions warrant the temporary suspension of regular dockage charges.

IV. WHARFAGE ON CARGO

1. Cargo which passes on, over, under, or through any Ports Authority wharf, wharf premise, pier or bulkhead structure for loading to or after discharge from a vessel shall pay wharfage at the rates named in this Resolution.

2. Wharfage rates shall apply either per hundredweight or per cubic foot of the cargo subject to wharfage charges so as to conform to the method used by the ocean carrier for its computation of freight charges (i.e. as freighted).

3. When freight charges are computed by the ocean carrier and shown on the manifest or shipping documents on the basis of either weight or measurements, wharfage shall be assessed as so computed and manifested.

4. When the basis of the freight charge is not shown on a manifest or shipping document or when the basis of the freight charges is a unit other than weight or measurement (e.g. per package, etc.), wharfage shall be assessed on the basis of weight or measurement, whichever will yield the greater revenue.

5. The wharfage on cargo moving in containers for which the ocean rate is a flat dollar amount per container shall be determined by applying the basic wharfage rate to the number of payable tons determined as follows:

   a. Multiply the capacity of the container in cubic feet, as set forth in the tariff of the ocean carrier, by 0.85 to allow for broken stowage, and divide by 40 to determine the probable capacity of the container in terms of payable measurement tons.

   b. Multiply the load limit for the container in pounds, as set forth in the tariff of the ocean carrier, by 0.85 to allow for broken stowage, and divide by 2,000 to determine the probable capacity of the container in terms of payable weight tons.

   c. Establish the number of payable tons for the container as the sum of the capacity in payable measurement tons multiplied by 0.7164 and the capacity in payable weight tons multiplied by 0.2836.

6. Wharfage shall be assessed at the following rates:

	Wharfage Rates	
	Per Cwt.	Per Cubic Feet
a. Cargo using sheds at marine terminals and moving between Puerto Rico and the American Virgin Islands	$0.016	$0.008
b. Cargo using sheds at marine terminals and moving between Puerto Rico and points other than the American Virgin Islands	0.0205	0.01025
c. Cargo not using sheds at marine terminals and moving between Puerto Rico and the American Virgin Islands	0.012	0.006
d. Cargo not using sheds at marine terminals and moving between Puerto Rico and points other than the American Virgin Islands	0.016	0.008

7. In substitution for the rates prescribed above, wharfage on the following items shall be assessed at the rates shown below:

		Unit	Wharfage Rate
a.	Petroleum and related products handled in bulk via pipeline at wharves, piers, or bulkhead structures designed primarily for the loading or offloading of liquid cargo in bulk	42 gal.bbl	$0.0060
b.	Molasses	cwt.	0.0030
c.	Lumber	MFtBM	0.8300
d.	Piles and Poles	MFtBM	1.0000
e.	Containers - empty	each	2.5000

8. No wharfage shall be charged on loaded containers, as such, but only on the contents of such containers. The wharfage assessed on the contents of loaded containers shall, however, be subject to a minimum charge of $2.50.

9. Cargo loaded or discharged by a vessel while berthed at a Ports Authority facility to or from barges, scows, lighters, or another vessel alongside shall be assessed wharfage at one-half of the rates presented in Section IV-5 and IV-6 above.

10. Cargo transferred from one vessel to another at a Ports Authority facility without change in form or content, including both loaded and empty containers, shall be assessed wharfage only on the inbound movement.

11. No wharfage shall be assessed on:

    a. Ship's supplies (other than bunker oil or coal) and repair materials and supplies, provided they are intended for the vessel's own use, consumption, or repairs.

    b. Cargo handling and stevedore tools, equipment and appliances which are taken on a wharf, pier, or bulkhead structure for the purpose of loading or discharging a vessel then berthed at the facility.

c. Passenger's baggage, provided it be carried on the same vessels as the passenger, and no revenue for its transportation be collected by the water carrier.

d. Petroleum and petroleum products in bulk which are pumped back from a vessel to a tank at the same facility as originally loaded, if they have paid one wharfage charge when loaded from the tank to the vessel in the first place.

e. Ballast in bulk, which is not manifested as cargo, has no commecial value, and is handled directly between the vessel and a barge or tank.

f. Dunnage and ship lining used in the stowage or bracing of cargo which is discharged from and reloaded to the same vessel within 30 days.

g. Scrap dunnage or scrap ship lining discharged from a vessel, provided it has no commercial value, has been used on the vessel for dunnage or bracing of cargo, and is not to be reused for these purposes.

h. Cargo which a vessel discharges and reloads prior to departure in order to load or discharge other cargo.

V. SERVICE FEE FOR VESSELS CARRYING PASSENGERS

1. Vessels carrying more than 12 revenue passengers which berth at a Ports Authority wharf, pier, or bulkhead structure shall pay a passenger service fee which shall be determined by applying the following rates to the number of revenue passengers or tourists whose names appear in the passenger or tourist list upon arrival of the vessel, and to the number of revenue passengers or tourists who initiate a voyage on the vessel while it is so berthed:

a. For cruise ships which can be accommodated at Pier 3	$2.00
b. For cruise ships which are accommodated at other piers	1.00
c. For combination cargo-passenger vessels at other piers	.50

2. The fees prescribed above shall not apply to those passengers or tourists who are not permitted to disembark in Puerto Rico because of a legal impediment.

3. The fees prescribed above shall not apply to those passengers or tourists disembarking in Puerto Rico from the same voyage of the same vessel on which they began their trip, provided they began their trip at a Ports Authority facility and were included in the number of passengers used to determine the passenger service fee paid by the vessel at that time.

4. The fees prescribed above shall be paid by the agent or representative of said ship in Puerto Rico within thirty days after date of invoice. In cases of ships whose owners have no agent in Puerto Rico, the charge shall be paid by the captain of the ship before said ship has departed.

5. Any sum due for the fees prescribed above which is not paid within the term fixed will accrue interest at a rate of six percent (6%) per annum.

6. The Executive Director of the Authority is empowered to establish such rules, standards, and procedures as he considers convenient and adequate to attain the highest efficiency and promptness in the collection of the fees prescribed above.

VI. MISCELLANEOUS CHARGES

1. Fresh water will be supplied to vessels equipped to take water by hose at a rate of $0.40 per cubic meter against a minimum charge of $2.00 for each such vessel, plus a connection charge of:

   $1.00 per outlet when the hose is supplied by the vessel.

   $2.50 per outlet when the hose is supplied by the Ports Authority.

2. Fresh water will be supplied to vessels not equipped to take water by hose at a rate of $0.50 per drum with a capacity of 55 gallons, or less, the drum to be provided by the vessel.

3. Electricity will be supplied for the lighting of transit sheds and open areas at Ports Authority facilities when requested by the users thereof. The charge for electricity thus supplied will be determined by applying a rate of $0.06 per kilowatt hour to the consumption as estimated by the Authority, which estimate will be controlling.

VII. GROUND RENT

1. Land back of the berth and transit area at several Ports Authority marine terminals can be made available on rental for acceptable uses such as public warehousing and water-related industry. The determination as to the acceptability of a proposed use of such land rests with the Executive Director of the Ports Authority.

2. The precise rental rate applicable to a particular parcel of such land will depend at each facility at which land is available on the size of the particular parcel under consideration, and its location in relation to the waterfront, the serving highways, the existing utilities, and similar factors which have a direct bearing on rental value.

3. In accordance with Ports Authority policy, rental agreements involving land at Ports Authority marine terminals will provide for the re-establishment of the rental rate by the Ports Authority without limitation as of July 1, 1970, and every third year thereafter.

VIII. AUTHORITY, EFFECTIVE DATE, AND OTHER PROCEDURAL MATTERS

1. The provisions of this resolution shall come into effect as of January 1, 1970, in accordance with Section 6(1) of the Puerto Rico Ports Authority Act of 1942, as amended, 23 L.P.R.A. 336. The wharfage charges established in Paragraph IV(6) of this resolution, however, shall be retroactive to January 1, 1968.

2. This resolution is approved pursuant to the Puerto Rico Ports Authority Act, 23 L.P.R.A. 311-354, and to the Dock and Harbor Law of Puerto Rico of 1968, 23 L.P.R.A. 2101-2801.

3. Upon the date of effectiveness of this resolution, paragraph I (except subparagraphs 8 and 19) and paragraphs II, III, IV, VI, VII, VIII and IX of Resolution No. 809 of November 1, 1967, will cease to be effective.

San Juan, Puerto Rico, this 22th day of December, 1969.

América Lameiro Rivera
Assistant Secretary

APPROVED:

Juan Rodríguez de Jesús
Administrator

CERTIFICATE

I, AMERICA LAMEIRO RIVERA, Assistant Secretary of the Puerto Rico Ports Authority, hereby CERTIFY that the preceding is Resolution No. 950 approved by the Economic Development Administrator on December , 1969.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Puerto Rico Ports Authority this day of December, 1969.

América Lameiro Rivera
Assistant Secretary