

SECTION V - A: WHARFAGE - RULES AND REGULATIONS

ITEM  
NO.

APPLICATION OF WHARFAGE RATES

- (a) Except as otherwise provided in this tariff, wharfage, as defined in Item 01315, shall be assessed in addition to other charges named in this tariff.
- (b) Wharfage rates applicable will be those in effect on the date that vessel commences discharging or loading of cargo.
- (c) Except as otherwise provided in this tariff, wharfage rates shall be assessed as follows:
  - (1) Containerized Cargo and Empty Shipping Containers:
    - (a) Wharfage will be assessed on cargo in containers according to the commodity description, rate basis and the provisions specified in Items ^06200 through 06905.
    - (b) Commodities not specifically named in this section will be subject to the Cargo N.O.S. rate basis specified in Item ^06200 or 06800.

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^Sub-paragraphs (c)(1)(c) and (c)(1)(d) cancelled.

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For explanation of abbreviations and reference marks see Page 10.

ADOPTED: April 16, 1991

EFFECTIVE: July 1, 1991

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(2) Non-Containerized-Cargo:

- (a) Wharfage will be assessed charges in cents per 1,000 kilograms or cubic meter as specified in Items 07010 through 07997.3; or according to the vessel's manifest, on whichever basis the water freight charges are assessed.
- (b) On cargo moving on other than a weight or measure basis (i.e. per package, per unit, combination weight and measure basis, etc.) wharfage will be assessed in cents per 1,000 kilograms or cubic meter, whichever will result in the greater revenue.
- (c) Commodities not specifically named in this section will be subject to the Cargo NOS rates in Items 07010 through 07997.3
- (d) Cargo which is not covered by a regular commercial shipping line's manifest, and is not moving under regularly established commercial rates 05105 published in commercial tariffs, but is moving to or from ports that are served by vessels operating in regular trade routes under commercial tariffs, shall be assessed wharfage on the same basis as the freight charges on such cargo would have been assessed on vessels operating in such regular trade routes under commercial tariffs.
- (e) Transferred cargo as defined in Item 01280, received at a Port of Oakland terminal facility will be assessed the applicable wharfage on the basis as cargo moving by vessel at the rate of \$135.00 per twenty-foot equivalent container unit (TEU) prior to leaving the Port terminal. Transferred cargo moving by land vehicle from one Port of Oakland terminal facility to another will be assessed only one wharfage charge at \$135.00 per TEU which will be assessed at the final Port of Oakland terminal, unless a Port of Oakland wharfage charge is not applicable at that terminal in which event the charge will be assessed at the first terminal. However, transferred cargo may be assessed the lower rates in items 06200 and 06900 through 06905 when the owner, agent or other person in charge of such cargo provides the Port written verification that the commodities are those specifically named in those items.

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(f) Transshipped cargo as defined in Item 01285, discharged and assessed applicable wharfage at one Port of Oakland terminal facility and directly reloaded to a vessel at the same or another Port of Oakland terminal will be assessed the applicable wharfage at the initial discharge only. The applicable wharfage on transshipped cargo will be assessed in accordance with Items 06200 through 06905 whether assessed at the initial discharge, or at the final Port of Oakland terminal because no wharfage charge was applicable at the initial terminal. Transshipped commodities will be subject to Port audit and verification. In the event such audit finds the transshipped commodities are not specifically named under Items 06200 and 06900 through 06905 then wharfage will be assessed under the rates for Cargo, NOS in Item 06400. When transshipment is substituted for direct call of vessel, the charges on cargo so handled will be the same as that applicable to cargo handled on direct call.

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MANIFESTS AND STATEMENTS

(a) The owner, agent, master, or other person in charge of a vessel or cargo shall deliver to the Director of Maritime, or his/her designee, not later than 45 days after the date of the vessel's departure a full and correct statement (signed and certified on forms furnished by the Port) of wharfage assessed and collected on all cargo of every kind discharged from and or loaded to such vessel at such terminal, specifying the character and quantity of each kind of such cargo as identified in this tariff, and such other information as may be specified on such forms, including, but not limited to the total number of loaded and empty containers. For the purpose of consideration of wharfage correction the owner, agent, master, or other person in charge of a vessel or cargo must deliver corrections to cargo information previously submitted or additional information previously unavailable, not later than 120 days after the date of the vessel's departure.

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For explanation of abbreviations and reference marks see Page 10.

ADOPTED: May 15, 2007

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MANIFESTS AND STATEMENTS

- (b) The owner, agent, master or other person in charge of a vessel or cargo, in addition to providing full and correct statements, shall within the time specified above, deliver to the Director of Maritime, or his/her designee, those portions of the vessel manifest and or bills of lading that are reasonably necessary to verify the information provided on said statements.
- (c) In addition to the statements and documents required to be submitted under paragraphs (a) and (b) above, use of any Port facility by the owner, agent, master or other person in charge of a vessel or cargo shall constitute authorization for the release of operational information pertaining to such vessel activity, as may be reasonably required from time to time by the Director of Maritime, or his/her designee, to verify cargo loaded and or discharged at the Port of Oakland.
- (d) Neglect or refusal by any person to comply with the provisions in paragraphs (a), (b) and (c) of this Item; or, deliberately falsifying statements and documents by any person may, at the discretion of the Executive Director, result in such person being subject to the penalties prescribed in law and in this tariff. In addition, any person who fails to submit a statement of wharfage charges within the times provided herein shall pay to the Port the sum of one hundred fifty and no/100 dollars (\$150.00) for each wharfage statement that the Director of Maritime, or his/her designee is required to prepare as a result of the noncompliance with the provisions of paragraph (a), (b) and (c) above.

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For explanation of abbreviations and reference marks see Page 10.

ADOPTED: May 15, 2007

EFFECTIVE: July 1, 2007

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PAYMENT OF WHARFAGE CHARGES

1. Wharfage charges assessed pursuant to this tariff are due and payable as incurred and, shall be paid by the vessel so assessed, through its master, owner, agent or other person duly authorized to do so, in accordance with the provisions specified in Item 02130: Terms and Conditions of Payment; Item 02135: Payment of Charges and Item 02145: Credit Rules, contained in Section II, General Rules and Regulations of this tariff.
2. When it is requested that wharfage charges be assessed and collected directly from the cargo owner or federal agency, and, when satisfactory guarantee of payment is given to the Port of Oakland, the wharfage charges will be assessed and collected from the cargo owner or federal agency making the request, pursuant to all applicable terms and conditions of this tariff.

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FREE WHARFAGE

No wharfage will be assessed on:

- (a) Handling and stevedoring tools, equipment, appliances and supplies taken on wharf premises for the sole purpose of loading and of discharging a vessel
- (b) Personal baggage of passengers (excluding household goods and automobiles) when carried on same vessel as passenger and on which no revenue is collected by the water carrier.
- (c) Cargo which a vessel discharges and reloads prior to departure, in order to load or discharge other cargo (overstowed or restowed cargo).
- (d) (D)
- (e) Ballast in bulk, which is not manifested as cargo, has no commercial value and is handled direct between vessel and barge or shore tank.

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For explanation of abbreviations and reference marks see Page 10.

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