

**DRAFT****SAN DIEGO UNIFIED PORT DISTRICT****ORDINANCE xxxx****ORDINANCE AMENDING THE SAN DIEGO UNIFIED  
PORT DISTRICT TARIFF NO. 1-G, RATES AND  
CHARGES, ADD NEW RATES, AND UPDATE  
TARIFF FORMAT AND LANGUAGE**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

**WHEREAS**, the District Tariff No. 1-G (Tariff) governs the rates, charges, rules and regulations applicable for all maritime-related commercial activity within the District's jurisdiction; and

**WHEREAS**, the Tariff is reviewed annually to ensure that the District's rates and charges are competitive, the rules are current, and the rates and charges reflect the prevailing local and regional market conditions; and

**WHEREAS**, there are several factors that are considered during staff's Tariff analysis, including relevant economic indicators such as the West Region Consumer Price Index for All Urban Consumers (CPI-U), rate recommendation made by California Association of Port Authorities (CAPA), and actual rate increases by other CAPA member ports; and

**WHEREAS**, CAPA's Tariffs and Practices Committee identified a two-point eight percent (2.8%) increase for the 12-month period ending in December 2019 as the 'floor' for ports considering general rate increases and several CAPA member ports have or will be instituting a General Rate Increase (GRI), including the Ports of Hueneme, Richmond, and Stockton for an average GRI of two percent (2%). This year's two percent (2%) GRI takes into account only the last nine (9)-months of the CPI-U in Calendar Year 2020; and

**WHEREAS**, staff recommends a two percent (2%) GRI in General items, Dockage items, Wharfage items, Demurrage, Storage & Space Occupancy items, and Miscellaneous items, with exception to Commercial Fishing Vessels, Dockage for Transient Vessels, Passenger Fees for Cruise Ships, and Pilotage Rates and Charges effective January 1, 2021; and

**WHEREAS**, staff recommends a rate increase applicable to Merchandise N.O.S. (Not Otherwise Specified) and Project Cargo Rates due to the rising costs of operating heavy-lift equipment. In addition, the rate increase allows the District

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to remain competitive and comparable to market rates. Staff recommends a fifty percent (50%) rate increase, effective January 1, 2021; and

**WHEREAS**, staff recommends a rate increase applicable to Vehicles (Import/Inbound) (Rail | Truck Transfer Fee) and Commercial Vehicles (Light & Medium Weight) (Rail | Truck Transfer Fee) to assist the District in moving this rate incrementally and over time, to align to the traditional Wharfage rates. Staff recommends a one dollar and twenty-five cent (\$1.25) rate increase, effective January 1, 2021; and

**WHEREAS**, staff recommends revisions to amend the Tariff to include new items for 'Anchorage' fees for non-commercial vessels to incentivize docking at berth or anchoring at a cost; 'Photography and Videography on the Terminal' to memorialize the District's policy for interested parties and describes the method by which permission may be granted for such activities; and other minor language modifications; and

**WHEREAS**, staff conducted customer and stakeholder outreach and held several Tariff Update phone meetings; distributed notification letters via U.S. mail and electronic mail; and conducted follow-up telephone calls with other customers who had questions in regards to the proposed amendments; and

**WHEREAS**, in accordance with Government Code Section 54954.6(a) (1) (2), a notice of public hearing was published and written notification of the proposed Tariff amendment given to shipping lines, ships' agents, stevedores, terminal operators, facilities users, maritime tenants, and the San Diego Port Tenants Association; and

**WHEREAS**, the Board of Port Commissioners (Board) conducted a public hearing on the proposed changes on November 10, 2020; and

**WHEREAS**, having reviewed and considered all testimony and materials made available to the Board, including, but not limited to the staff reports and all of the testimony and evidence in the record of the proceedings with respect to the item, the Board took the actions hereinafter set forth.

**NOW, THEREFORE**, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. Tariff No. 1-G, posted on the website for the San Diego Unified Port District at [www.portofsandiego.org](http://www.portofsandiego.org) (Organization No. 011576 Tariff No. 1-G), is hereby amended as follows, effective January 1, 2021:

- Implement a two percent (2%) increase in General Items for Minimum Charge—Item No. 0510; Petroleum Products—Item No. 0650; Temporary Area Assignments—Item No. 0737; Fresh Water Service Rates—Item No.

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0740; Electrical Service Rates—Item No. 0745; Electrical Service for Shore Power—Item No. 0748.

- Implement a two percent (2%) increase in Permit Fees for Cargo Handling Permit Fee—Item No. 0515 and Vessel Repair Permit Fee—Item No. 0520.
- Implement a two percent (2%) increase for Dockage in Rates for Full Dockage—Item No. 0575.
- Implement a two percent (2%) increase Wharfage Rates for all Commodities for Item Nos. 0603 through 0674.
- Implement a two percent (2%) increase in Demurrage, Storage & Space Occupancy items for Demurrage Rates—Item No. 0705; Wharfage Storage Rates—Item No. 0720; Per Container Wharf Storage Rates—Item No. 0725; Space Occupancy Rates—Item No. 0735; and Temporary Office Occupancy—Item No. 0736; Temporary Area Assignments—Item No. 0737.
- Implement a two percent (2%) increase in Miscellaneous items for Mobile Harbor Crane—Item No. 0738; Electrical Service for Refrigerated Containers—Item No. 0747; Redelivery of Merchandise—Item No. 0750; Environmental Surcharge for Dry Bulk—Item No. 0758.
- Implement a one-dollar (\$1.00) Rate Increase (RI) Credit Rule—Item No. 0535

#### CREDIT RULE

- (c) All charges that remain due and unpaid for a period of forty-five (45) days after the date of invoice they are incurred shall be subject to a delinquency payment, for violation of this Item and for damages, the delinquent balance due will be subject to a charge of two percent (2%) for each month or portion thereof, that said, invoice or payment remains unpaid, or the maximum rate permitted by law, whichever is less. However, the minimum delinquent charge shall be **twelve dollars (\$12.00)**. Said delinquency payment is in addition to all other remedies that the Port may have that are provided by this Tariff or otherwise by law to enforce payment of charges that have been incurred and have not been paid. \$12.00

- Implement a fifty percent (50%) Rate Increase in Merchandise N.O.S. (Not Otherwise Specified)—Item No. 0600

Merchandise N.O.S. (Not Otherwise Specified): \$11.22

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- Implement a fifty percent (50%) Rate Increase in Project Cargo Rates—Item No. 0631

Project Cargo Rates:

Applicable to shipments in connection with removal, \$9.54  
construction, reconstruction of major capital projects or  
facilities. (Subject to Notes 1, 2 & 3):

- Implement a three-dollar (\$1.25) Rate Increase in Vehicles (Import/Inbound)—Item No. 0660

RTTF (Rail | Truck Transfer Fee) \$14.25

- Implement a three-dollar (\$1.25) Rate Increase in Commercial Vehicles (Light and Medium Weight)—Item No. 0663

□ RTTF (Rail | Truck Transfer Fee) \$14.25

- Anchorage—Item No. 0441 and add new item, definition, and reference rate as follows:

#### ANCHORAGE

"B" Street Cruise Terminal Merchant Vessel Anchorage "Anchorage" is reserved for the use of merchant vessels calling at the Port of San Diego while awaiting a berth. The administration of this Anchorage is exercised by the Executive Director, San Diego Unified Port District. Vessels anchoring in San Diego Harbor shall leave a free passage for the other craft and shall not obstruct the approaches to the wharves in the harbor.

The waters bounded by a line connecting the following points:

Latitude	Longitude
32°43'00.8" N	117°10'36.3" W
32°43'00.8" N	117°11'23.0" W
32°43'05.0" N	117°11'30.5" W
32°43'27.2" N	117°11'14.0" W
32°43'20.2" N	117°10'53.0" W

and thence due east to the shoreline, and thence along the shoreline and pier to the point of beginning. When space is available, the Executive Director at his or her own discretion may authorize the use of the anchorage for non-commercial vessels upon receipt of an anchorage application.

'Anchorage' charges for non-commercial vessels will be assessed at fifty percent (50%) of full dockage rates as per Item No. 0575—Rates for Full Dockage.

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- Photography and Videography on the Terminal—Item No. 0541 as follows:

**PHOTOGRAPHY AND VIDEOGRAPHY ON THE TERMINAL**

The Port of San Diego owns and operates the Tenth Avenue Marine Terminal, National City Marine Terminal, “B” Street Cruise Ship Terminal and Broadway Pier Cruise Ship Terminal under the San Diego Unified Port District Act. All photography or videography activity on the Port’s Marine Terminals requires permission and preapproval from the Maritime Division. An approved Photography and Videography Permit (“Permit”) is required for any activities within the Port District facilities, prior to filming. Companies or individuals can acquire the Permit application from the Maritime Operations Office at (619) 686-6345 or via e-mail to TAMT@portofsandiego.org.

- Free Time Allowed—Item No. 0685 and add new language as follows:

(b)	Vehicles, Hawaiian Trade	
	Inbound Trade	15 Days
	Outbound Trade	90 Days

- Other minor language modifications.

Section 2. This Ordinance shall take effect on the 31<sup>st</sup> day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 10<sup>th</sup> day of November 2020, by the following vote: