

DEPARTMENT OF TRANSPORTATION

Amendments to Chapter 19-44, Hawaii Administrative Rules.

1. Section 19-44-63, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"(a) Wharfage charges include all applicable fees and surcharges, including any facilities security charges, as set forth in section 19-44-66 and subject to incremental increases as set forth in section 19-44-73. In the computation of wharfage, the term "ton" shall be applied, either by weight or volume as used by the respective carrier for its computation of freight charges (i.e., as freighted) computed to the nearest ton when minimum package rates do not apply. When freight charges are based upon other than weight or volume, such as in the case of contract haul, or if there are no indicated freight charges, tonnage shall be computed by either weight or volume, whichever yields the greater wharfage revenue to the State."

[Eff 5/20/82; comp 2/26/96; comp 2/01/10;
am] (Auth: HRS §266-2, 266-17) (Imp:
HRS §266-2, 266-17)

2. Section 19-44-64, Hawaii Administrative Rules, is amended to read as follows:

"§19-44-64 Waiver of wharfage. No wharfage shall be chargeable against the following:

- (1) Vessel's stores and supplies, not including fuel, intended for a vessel's and its crew's own consumption and use;
- (2) Dunnage and stevedoring equipment of all kinds when used for the purpose of stowing, loading of discharging vessel cargo[;], except for situations in which such equipment is placed in shipping devices, that otherwise contain no cargo;

- (3) Cargo which has gone astray or cargo which for operational reasons a vessel must discharge and reload in order to load or discharge cargo originating at, or destined for, the wharf at which a vessel is docked; provided that the cargo is restowed on the same voyage of the vessel and the vessel has not left the pier;
- (4) Trailer chassis meeting the criteria of a shipping device, when carrying cargo;
- (5) Fish, fresh or frozen, including shellfish from all U.S. vessels, except that which is being transported between ports as cargo; or
- (6) Any other item at the discretion of the department." [Eff 5/20/82; am 12/5/83; am and comp 2/26/96; comp 2/01/10; am] (Auth: HRS §266-2, 266-17) (Imp: HRS §266-2, 266-17)

3. Section 19-44-65, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"(a) Incoming domestic overseas or foreign overseas cargo destined for other overseas ports on a through bill of lading that are discharged on state wharves for transshipment shall be subject to:

- (1) [Incoming overseas wharfage charges] 50% of the prevailing incoming overseas wharfage charges; and
- (2) [Outgoing overseas wharfage charges at the following rates:
July 1, 2009: 25% of then prevailing outgoing overseas wharfage charges;
July 1, 2010: 50% of then prevailing outgoing overseas wharfage charges;
July 1, 2011: 75% of then prevailing outgoing overseas wharfage charges;
July 1, 2012 and thereafter: 100% of then prevailing

outgoing overseas wharfage charges] 50%
of the prevailing outgoing overseas
wharfage charges." [Eff 5/20/82; am
11/7/91; am and comp 2/26/96; am
3/10/97; am and comp 2/01/10;
am] (Auth: HRS §266-2,
266-17) (Imp: HRS §266-2, 266-17)

4. Section 19-44-66, Hawaii Administrative Rules,
is amended to read as follows:

"§19-44-66 Wharfage rates. Wharfage rates
in dollars per unit shall be assessed as set forth in
the exhibit, dated [January 1, 2010,] (Date Pending
Approval), entitled ["Wharfage Rates",] "WHARFAGE
RATES (Date Pending Approval)", located at the end
of this chapter; the exhibit as it may be amended, is
incorporated herein, and is hereby made a part of this
section. When new wharfage rates are set at a future
date by rule amendment, an updated exhibit will be
incorporated to supersede the exhibit dated (Date
Pending Approval). Incremental increases shall be
assessed as set forth in section 19-44-73." [Eff
5/20/82; am 12/5/83; am 12/20/85; am 11/7/91; am and
comp 2/26/96; am 3/10/97; am 12/09/02; am 2/11/05; am
and comp 2 /01/10; am] (Auth: HRS
§266-2, 266-17) (Imp: HRS §§266-2, 266-17)

5. Section 19-44-68, Hawaii Administrative Rules,
is amended to read as follows:

"§19-44-68 Cement in bulk and liquids passing
through pipelines; rates. The wharfage rates on
cement in bulk and liquids passing through pipelines
[which are on state property for both state lines and
for private lines shall be as follows:] which are
located on state property for both state pipelines
and for private pipelines, as applicable, shall be
as follows as set forth in the exhibit, dated (Date
Pending Approval), entitled "WHARFAGE RATES FOR
PIPELINES AND FUEL DELIVERY (Date Pending
Approval)", located at the end of this chapter;

the exhibit is incorporated herein and is hereby made a part of this section. When new wharfage rates for pipelines are set at a future date by rule amendment, an updated exhibit will be incorporated to supersede the exhibit dated (Date Pending Approval).

	[Rate]	
	[State]	[Private]
[Cement, per 2000-pound ton		
Incoming.....	[\$ 0.69]	[\$ 0.34]
Outgoing.....]	[0.41]	[0.21]
[Petroleum, asphalt and other		
chemical products, per 42-gallon		
barrel]		
Incoming.....	[\$ 0.17]	[\$ 0.08]
Outgoing.....]	[0.08]	[0.04]
[Molasses, per 2000-pound ton		
Incoming (inter-island).....	[\$ 0.33]	[\$ 0.12]
Outgoing (inter-island).....	[0.33]	[0.12]
Outgoing (overseas).....]	[0.48]	[0.23]
[Water, per 1000 gallon		
When service to ships provided		
by the harbors division.....	[\$ 2.19]	[\$ 0.94]
Minimum charge.....\$21.25		
When service to ships provided		
by others.....]	[\$ 0.65]	

Incremental increases shall be assessed as set forth in section 19-44-73.

Charges for water as set forth in this section are pipeline tolls only and do not include the cost of water which varies from county to county." [Eff 5/20/82; am 12/20/85; am 11/7/91; am and comp 2/26/96; am 3/10/97; am and comp 2 /01/10; am]
 (Auth: HRS §266-2, 266-17) (Imp: HRS §§266-2, 266-17)

6. Section 19-44-69, Hawaii Administrative Rules, is amended to read as follows:

"§19-44-69 Wharfage rates for fuel. Wharfage rates for fuel for the use of the vessel to which the fuel is delivered, per forty-two gallon barrel shall be as follows[:] as set forth in the exhibit, dated (Date Pending Approval), entitled " WHARFAGE RATES

FOR PIPELINES AND FUEL DELIVERY (Date Pending Approval)", located at the end of this chapter; the exhibit is incorporated herein and is hereby made a part of this section. When new wharfage rates for fuel delivery are set at a future date by rule amendment, an updated exhibit will be incorporated to supersede the exhibit dated (Date Pending Approval).

	[Rate]
[From barge to vessel.....	\$0.06
From truck to vessel.....	0.06
From vessel to vessel.....	0.06
Direct to vessel through privately-owned pipelines.....	0.06
Direct to vessel through state-owned pipelines.....	0.11]

Incremental increases shall be assessed as set forth in section 19-44-73." [Eff 5/20/82; am 12/5/83; am 12/20/85; am 11/7/91; am and comp 2/26/96; am 3/10/97; am and comp 2/01/2010; am]
(Auth: HRS §266-2, 266-17) (Imp: HRS §§266-2, 266-17)

7. Section 19-44-73, Hawaii Administrative Rules, is amended to read as follows:

"§19-44-73 Incremental increases to wharfage rates and passenger fees. (a) Wharfage rates set forth in sections 19-44-65(b), (c) and (d), 19-44-66, 19-44-68 and 19-44-69, [with the exception of inter-island/intra-island transshipment unit load cargo rates set forth in sections 19-44-65(b), (c) and (d),] shall increase on the following dates by the following percentages:

- (1) July 1, 2010...20% increase over the then prevailing rate;
- (2) July 1, 2011...15% increase over the then prevailing rate;
- (3) July 1, 2012...10% increase over the then prevailing rate;
- (4) July 1, 2013... 7% increase over the then prevailing rate;

- (5) July 1, 2014... 5% increase over the then prevailing rate; and
- (6) July 1, 2015 and thereafter: Annual increases shall be 3% over the then prevailing rate, or the annual percentage increase in the Consumer Price Index (CPI), whichever is greater.]

- (1) (Date Pending Approval)...17% increase over the then prevailing rate;
- (2) July 1, 2017...15% increase over the then prevailing rate;
- (3) July 1, 2018...15% increase over the then prevailing rate;
- (4) July 1, 2019 and thereafter: Annual increases shall be 3% over the then prevailing wharfage rate, or at the annual percentage increase in the Consumer Price Index (CPI), whichever is greater.

(b) [Incoming] All incoming and outgoing overseas and inter-island/intra-island transshipment unit load cargo rates [set forth in sections 19-44-65(b), (c) and (d) shall increase on the following dates to the following rates:] shall increase as set forth in the exhibit, dated (Date Pending Approval), entitled "WHARFAGE RATES (Date Pending Approval)," located at the end of this chapter; the exhibit as it may be amended, is incorporated herein, and is hereby made a part of this section. When new wharfage rates are set at a future date by rule amendment, an updated exhibit will be incorporated to supersede the exhibit dated (Date Pending Approval).

<u>["UNIT LOAD" inter-island/ intra-island transshipment cargo, as described in sections 19-44-65(b) and (c) and defined in section 19-41-2 (excluding passenger automobiles and explosives), assembled</u>	<u>24 feet and under</u>	<u>Over 24 feet</u>
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home/office modules and
mobile home/office units

July 1, 2010.....	\$20.33	\$40.67
July 1, 2011.....	25.06	50.12
July 1, 2012.....	30.88	61.76
July 1, 2013.....	38.06	76.11
July 1, 2014.....	46.90	93.80
July 1, 2015 and thereafter: Annual increases shall be 3% over the then prevailing rate, or the annual percentage increase in the Consumer Price Index (CPI), whichever is greater.		

"UNIT LOAD" inter-island/
intra-island transshipment
cargo, as described in
sections 19-44-65(d) and
defined in section 19-41-2
(excluding passenger
automobiles and explosives),
assembled home/office
modules and mobile
home/office units

July 1, 2010.....	\$19.80	\$39.60
July 1, 2011.....	22.77	45.54
July 1, 2012.....	25.05	50.09
July 1, 2013.....	26.80	53.60
July 1, 2014.....	28.14	56.28
July 1, 2015 and thereafter: Annual increases shall be 3% over the then prevailing rate, or the annual percentage increase in the Consumer Price Index (CPI), whichever is greater.]		

(c) All passenger fees set forth in section 19-44-70 shall increase on the following dates to the following rates:

July 1, 2012.....	\$5.50 per passenger
July 1, 2013.....	6.00 per passenger
July 1, 2014.....	6.50 per passenger
July 1, 2015.....	7.00 per passenger
July 1, 2016.....	7.50 per passenger"
[Eff 2/01/10; am] (Auth: HRS §266-2, 266-17) (Imp: HRS §§266-2, 266-17)	

8. Material, except source notes, to be repealed is bracketed. New material is underscored.

9. Additions to update source notes to reflect these amendments and compilation are not underscored.

10. The amendments to chapter 19-44, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____, and filed with the Office of the Lieutenant Governor.

Ford N. Fuchigami
Director

APPROVED AS TO FORM:

Deputy Attorney General

EXHIBIT – WHARFAGE RATES (Effective Date Pending Approval)

State of Hawaii Department of Transportation - Harbors Division

Tariff Rates for Cargo Wharfage (§19-44-66), Surcharge-Reefer (§19-44-12), and Surcharge-Container Freight Station (§19-44-13)

Overseas includes Foreign & Domestic Cargo		Rates effective TBD			Rates effective 7/1/2017			Rates effective 7/1/2018 ²		
		Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS	Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS	Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS
Cargo	UNIT	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
Autos & trucks under 6500# in Shipping Device	Each	40.60	24.35	24.35	46.69	28.00	28.00	53.69	32.20	32.20
Autos & trucks under 6500#, Other	Each	40.60	24.35	24.35	46.69	28.00	28.00	53.69	32.20	32.20
Unit Load, as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	Each, 24' and under	104.34	57.97	57.97	119.99	66.67	66.67	137.99	76.67	76.67
Unit Load, as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	Each, 24' to 45'	208.69	115.93	115.93	239.99	133.32	133.32	275.99	153.32	153.32
Unit Load, as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	Each, Over 45'	313.04	173.90	173.90	360.00	199.99	199.99	414.00	229.99	229.99
Unit Load Inter-Island Transshipment as described in §19-44-65(b) & (c) and as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	Each, 24' and under	N/A	N/A	57.97	N/A	N/A	66.67	N/A	N/A	76.67
Unit Load Inter-Island Transshipment as described in §19-44-65(b) & (c) and as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	Each, 24' to 45'	N/A	N/A	115.93	N/A	N/A	133.32	N/A	N/A	153.32
Unit Load Inter-Island Transshipment as described in §19-44-65(b) & (c) and as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	Each, Over 45'	N/A	N/A	173.90	N/A	N/A	199.99	N/A	N/A	229.99
Unit Load Inter-Island/Intra-Island Transshipment Cargo as described in §19-44-	Each,	N/A	N/A	34.78	N/A	N/A	40.00	N/A	N/A	46.00

EXHIBIT – WHARFAGE RATES (Effective Date Pending Approval)

Overseas includes Foreign & Domestic Cargo		Rates effective TBD			Rates effective 7/1/2017			Rates effective 7/1/2018 ²		
		Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS	Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS	Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS
Cargo	UNIT	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
65(d) and as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	24' and under									
Unit Load Inter-Island/Intra-Island Transshipment Cargo as described in §19-44-65(d) and as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	Each, 24' to 45'	N/A	N/A	69.56	N/A	N/A	79.99	N/A	N/A	91.99
Unit Load Inter-Island/Intra-Island Transshipment Cargo as described in §19-44-65(d) and as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	Each, Over 45'	N/A	N/A	104.35	N/A	N/A	120.00	N/A	N/A	138.00
Additional charge on Unit Load, as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units (FOREIGN ONLY)	Each, 24' and under	5.28	N/A	N/A	6.07	N/A	N/A	6.98	N/A	N/A
Additional charge on Unit Load, as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units (FOREIGN ONLY)	Each, 24' to 45'	9.49	N/A	N/A	10.91	N/A	N/A	12.55	N/A	N/A
Additional charge on Unit Load, as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units (FOREIGN ONLY)	Each, Over 45'	14.24	N/A	N/A	16.38	N/A	N/A	18.84	N/A	N/A
Facilities Security Charge on Unit Load, as defined in §19-41-2 (excluding passenger automobiles and explosives), assembled home/office modules and mobile home/office units	Each	15.00	3.75	3.75	17.25	4.31	4.31	19.84	4.96	4.96
Unit Load, as defined in §19-41-2, empty	Each	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

EXHIBIT – WHARFAGE RATES (Effective Date Pending Approval)

Overseas includes Foreign & Domestic Cargo		Rates effective TBD			Rates effective 7/1/2017			Rates effective 7/1/2018 ²		
		Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS	Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS	Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS
Cargo	UNIT	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
Unit Load, Island Agricultural Products	Each, 24' and under	30.59 ¹	30.59	30.59	35.18 ¹	35.18	35.18	40.46 ¹	40.46	40.46
Unit Load, Island Agricultural Products	Each, 24' to 45'	61.24 ¹	61.24	61.24	70.43 ¹	70.43	70.43	80.99 ¹	80.99	80.99
Unit Load, Island Agricultural Products	Each, Over 45'	91.85 ¹	91.85	91.85	105.63 ¹	105.63	105.63	121.47 ¹	121.47	121.47
Dry Bulk Cargo, NOS, Not Otherwise Specified	Ton	2.59	1.76	1.76	2.98	2.02	2.02	3.43	2.32	2.32
Dry Bulk Cargo, utilizing approved conveyors including bins and hoppers where cargo does not touch the surface of the wharf	Ton	2.02	1.18	1.18	2.32	1.36	1.36	2.67	1.56	1.56
Dry Bulk Cargo, utilizing approved high speed conveyors greater than 600 tons per hour where cargo does not touch the surface of the wharf	Ton	1.76	0.97	0.97	2.02	1.12	1.12	2.32	1.29	1.29
Aggregate/sand materials	Ton	2.59	1.76	1.76	2.98	2.02	2.02	3.43	2.32	2.32
Scrap metal	Ton	3.31 ¹	2.33	2.33	3.81 ¹	2.68	2.68	4.38 ¹	3.08	3.08
Explosives (in shipping devices or otherwise)	Ton	36.80	24.47	24.47	42.32	28.14	28.14	48.67	32.36	32.36
General Merchandise NOS	Ton	4.92	3.18	3.18	5.66	3.66	3.66	6.51	4.21	4.21
Livestock NOS	Head	3.31	2.33	2.33	3.81	2.68	2.68	4.38	3.08	3.08
Recreational Animals	Head	6.67	4.63	4.63	7.67	5.32	5.32	8.82	6.12	6.12
Hogs, sheep, goats	Head	1.55	0.88	0.88	1.78	1.01	1.01	2.05	1.16	1.16
Lumber, (for surfaced lumber, use net board feet)	MBF	7.69	5.04	5.04	8.84	5.80	5.80	10.17	6.67	6.67
Lumber	Ton	4.92	3.18	3.18	5.66	3.66	3.66	6.51	4.21	4.21
Island Ag products-Produce	Ton	1.55 ¹	1.02	1.02	1.78 ¹	1.17	1.17	2.05 ¹	1.35	1.35
Island Ag products-N.O.S.	Ton	1.55 ¹	1.02	1.02	1.78 ¹	1.17	1.17	2.05 ¹	1.35	1.35
Pineapple, fresh in bins, destined for storage, manipulation, or manufacturing for ultimate export	Ton	N/A	0.50	0.50	N/A	0.58	0.58	N/A	0.67	0.67
Sugar, in bulk	Ton	1.06 ¹	N/A	N/A	1.22 ¹	N/A	N/A	1.40 ¹	N/A	N/A
Produce, palleted (island grown vegetables and fruit only) when freight charge is per pallet load of approximately 1/2 ton	Pallet Load	N/A	0.62	0.62	N/A	0.71	0.71	N/A	0.82	0.82

EXHIBIT – WHARFAGE RATES (Effective Date Pending Approval)

Overseas includes Foreign & Domestic Cargo		Rates effective TBD			Rates effective 7/1/2017			Rates effective 7/1/2018 ²		
		Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS	Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS	Overseas IN/OUT	Interisland IN/OUT	Interisland TRANS
Cargo	UNIT	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
Returnable empty bins, pallets and drums; NOS, per unit of 300 cu. ft. or fraction thereof	Each	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Returnable empty pineapple crates up to 1/2 ton	Each	N/A	0.00	0.00	N/A	0.00	0.00	N/A	0.00	0.00
Vehicles, empty, NOS including trucks and trailer trucks over 6,500 pounds, all tracked vehicles, all agricultural, construction, road-making and materials-handling equipment. Also include trailers and semi- trailers when manifested as cargo	Ton	4.63	3.90	3.90	5.32	4.49	4.49	6.12	5.16	5.16
Surcharge-Reefer	Each	3.85	3.85	3.85	3.85	3.85	3.85	3.85	3.85	3.85
Surcharge-CFS	Ton	1.76	N/A	N/A	1.76	N/A	N/A	1.76	N/A	N/A

¹ Rate applies only to outgoing overseas cargo

² The rates effective 7/1/2019 and thereafter, annual increases shall be 3% of the then prevailing rate or at the annual percentage increase of the Consumer Price Index (CPI), whichever is greater.

EXHIBIT – WHARFAGE RATES FOR PIPELINES AND FUEL DELIVERY (Effective Date Pending Approval)

State of Hawaii Department of Transportation - Harbors Division

Rates for Cement in Bulk and Liquids Passing through Pipelines (§19-44-68) and Wharfage Rates for Fuel (§19-44-69)

	Rates Effective TBD		Rates Effective 7/1/2017		Rates Effective 7/1/2018 ¹	
	State	Private	State	Private	State	Private
Cement in bulk and liquids passing through pipelines						
Cement, per 2000-pound ton						
Incoming	\$ 1.45	\$ 0.73	\$ 1.67	\$ 0.84	\$ 1.92	\$ 0.97
Outgoing	0.85	0.44	0.98	0.51	1.13	0.59
Petroleum, asphalt and other chemical products, per 42-gallon barrel						
Incoming	\$ 0.35	\$ 0.18	\$ 0.40	\$ 0.21	\$ 0.46	0.24
Outgoing	0.18	0.11	0.21	0.13	0.24	0.15
Molasses, per 2000-pound ton						
Incoming (inter-island)	\$ 0.71	\$ 0.25	\$ 0.82	\$ 0.29	\$ 0.94	\$ 0.33
Outgoing (inter-island)	0.71	0.25	0.82	0.29	0.94	0.33
Outgoing (overseas)	1.02	0.48	1.17	0.55	1.35	0.63
Water, per 1000 gallon						
When service to ships provided by the harbors division - State	\$ 4.62	\$ 1.98	\$ 5.31	\$ 2.28	\$ 6.11	\$ 2.62
Minimum charge	44.80	44.80	51.52	51.52	59.25	59.25
When service to ships provided by others	0.78	0.78	0.90	0.90	1.04	1.04

	Rates Effective TBD	Rates Effective 7/1/2017	Rates Effective 7/1/2018 ¹
Wharfage rates for fuel			
From barge to vessel	\$ 0.13	\$ 0.15	\$ 0.17
From truck to vessel	0.13	0.15	0.17
From vessel to vessel	0.13	0.15	0.17
Direct to vessel through privately-owned pipelines	0.13	0.15	0.17
Direct to vessel through state-owned pipelines	0.23	0.26	0.30

¹ The rates effective 7/1/2019 and thereafter, annual increases shall be 3% of the then prevailing rate or at the annual percentage increase of the Consumer Price Index (CPI), whichever is greater.