

DEPARTMENT OF TRANSPORTATION

Amendments to Chapter 19-44, Hawaii Administrative  
Rules

November 25, 2016

SUMMARY

1. §§19-44-63, 19-44-64, 19-44-65, 19-44-66, 19-44-68, 19-44-69, and 19-44-73 are amended.

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§19-44-63 Wharfage computation. (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.

(b) When a vessel unloads cargo at a wharf for emergency purposes and reloads the cargo thereafter at the same wharf, wharfage shall be charged only for the unloading of the cargo and no wharfage shall be assessed for its reloading.

(c) Computation of wharfage for cargo contained in a container other than a shipping device shall include the weight, volume, or measurement of the container. Wharfage on an empty container shall be assessed as provided in this subchapter.

(d) Computation of wharfage for a unit load shall be on the basis of the overall length of the shipping device or its cargo whichever is greater, per linear foot, without regard to contents, except for passenger autos or explosives. When the entire unit load does not conform to the specified dimensions and weight, wharfage shall be assessed on the contents of a shipping device or overall length of unit load, whichever produces the greater revenue to the department. [Eff 5/20/82; comp 2/26/96; comp 2/1/10; am AUG 21 2017 ] (Auth: HRS §§266-2, 266-17) (Imp: HRS §§266-2, 266-17)

S19-44-64 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 or 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 2/1/10; am **AUG 21 2017** ] (Auth: HRS §§266-2, 266-17) (Imp: HRS §§266-2, 266-17)

§19-44-65 Transshipment of cargo. (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) 50% of the prevailing incoming overseas wharfage charges; and
- (2) 50% of the prevailing outgoing overseas wharfage charges.

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

- (1) Incoming overseas wharfage charges;
- (2) Outgoing inter-island or intra-island transshipment wharfage charges at the port of transshipment; and
- (3) Incoming inter-island or intra-island transshipment wharfage charges at the port of destination.

(c) Outgoing cargo from Hawaiian Island ports that are discharged on state wharves for transshipment on a through bill of lading to ports outside the State shall be subject to:

- (1) Outgoing inter-island or intra-island transshipment wharfage charges at the port of origin;
- (2) Incoming inter-island or intra-island transshipment wharfage charges at the port of transshipment; and
- (3) Outgoing overseas wharfage charges at the port of transshipment.

(d) Outgoing cargo from Hawaiian Island ports that are discharged on state wharves for transshipment on a through bill of lading to other ports within the State shall be subject to:

- (1) Outgoing inter-island or intra-island transshipment wharfage charges at the point of origin;

S19-44-66 Wharfage rates. Wharfage rates in dollars per unit shall be assessed as set forth in the exhibit, dated February 1, 2017, entitled "WHARFAGE RATES (February 1, 2017)", 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 February 1, 2017. 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 2/1/10; am AUG 21 2017 ] (Auth: HRS §§266-2, '266-17) (Imp: HRS §§266-2, 266-17)

S19-44-68 Cement in bulk and liquids passing through pipelines; rates. The wharfage rates on cement in bulk and liquids passing through pipelines which are 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 February 1, 2017, entitled "WHARFAGE RATES FOR PIPELINES AND FUEL DELIVERY (February 1, 2017)", 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 February 1, 2017.

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 2/1/2010; am AUG 21 2017 ] (Auth: HRS §§266-2, 266-17) (Imp: HRS §§266-2, 266-17)

§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 February 1, 2017, entitled "WHARFAGE RATES FOR PIPELINES AND FUEL DELIVERY (February 1, 2017)", 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 February 1, 2017. 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 2/1/10; am AUG 21 2017 ] (Auth: HRS §§266-2, 266-17) (Imp: HRS §§266-2, 266-17)

§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, shall increase on the following dates by the following percentages:

- (1) February 1, 2017...17% increase over the then prevailing rate;
- (2) October 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 rate, or the annual percentage increase in the Consumer Price Index (CPI), whichever is greater.

(b) All incoming and outgoing overseas and inter-island/intra-island transshipment unit load cargo rates shall increase as set forth in the exhibit, dated February 1, 2017, entitled "WHARFAGE RATES (February 1, 2017)," 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 February 1, 2017.

(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 and comp 2/1/10; am AUG 21 2017 ]  
 (Auth: HRS §§266-2, 266-17) (Imp: HRS §§266-2, 266-17)



DEPARTMENT OF TRANSPORTATION

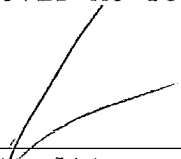
Amendments to chapter 19-44, Hawaii Administrative Rules, on the Summary page dated November 25, 2016, were adopted on November 25, 2016, following a series of seven public hearings held on November 7, November 9, November 10, November 21, November 22, and November 23, 2016, after public notice was given in the Honolulu Star-Advertiser, The Garden Island, The Maui News, Hawaii Tribune-Herald, and West Hawaii Today on October 5, 2016, and on October 9, 2016.


These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

  
FORD N. FUCHIGAMI  
Director

Department of Transportation

APPROVED AS TO FORM:

  
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Deputy Attorney General

  
DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII

Date:

8-9-17

Filed

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## EXHIBIT – WHARFAGE RATES (February 1, 2017)

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)

		Rates effective 2/1/2017			Rates effective 10/1/2017			Rates effective 7/1/2018 <sup>2</sup>		
Overseas includes Foreign & Domestic Cargo		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, Over 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, Over 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 §19-44-65(d) and as defined in §19-41-2 (excluding passenger automobiles and explosives),	Each, 24' and under	N/A	N/A	34.78	N/A	N/A	40.00	N/A	N/A	46.00

# EXHIBIT – WHARFAGE RATES (February 1, 2017)

		Rates effective 2/1/2017			Rates effective 10/1/2017			Rates effective 7/1/2018 <sup>2</sup>		
Overseas includes Foreign & Domestic Cargo		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	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
assembled home/office modules and mobile home/office units										
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 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 <b>(FOREIGN ONLY)</b>	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 <b>(FOREIGN ONLY)</b>	Each, Over 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 <b>(FOREIGN ONLY)</b>	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
Unit Load, Island Agricultural Products	Each,	30.59 <sup>1</sup>	30.59	30.59	35.18 <sup>1</sup>	35.18	35.18	40.46 <sup>1</sup>	40.46	40.46

# EXHIBIT – WHARFAGE RATES (February 1, 2017)

		Rates effective 2/1/2017			Rates effective 10/1/2017			Rates effective 7/1/2018 <sup>2</sup>		
Overseas includes Foreign & Domestic Cargo		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	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
	24' and under									
Unit Load, Island Agricultural Products	Each, Over 24' to 45'	61.24 <sup>1</sup>	61.24	61.24	70.43 <sup>1</sup>	70.43	70.43	80.99 <sup>1</sup>	80.99	80.99
Unit Load, Island Agricultural Products	Each, Over 45'	91.85 <sup>1</sup>	91.85	91.85	105.63 <sup>1</sup>	105.63	105.63	121.47 <sup>1</sup>	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 <sup>1</sup>	2.33	2.33	3.81 <sup>1</sup>	2.68	2.68	4.38 <sup>1</sup>	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 <sup>1</sup>	1.02	1.02	1.78 <sup>1</sup>	1.17	1.17	2.05 <sup>1</sup>	1.35	1.35
Island Ag products-N.O.S.	Ton	1.55 <sup>1</sup>	1.02	1.02	1.78 <sup>1</sup>	1.17	1.17	2.05 <sup>1</sup>	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 <sup>1</sup>	N/A	N/A	1.22 <sup>1</sup>	N/A	N/A	1.40 <sup>1</sup>	N/A	N/A
Produce, palletted (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
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

# EXHIBIT – WHARFAGE RATES (February 1, 2017)

		Rates effective 2/1/2017			Rates effective 10/1/2017			Rates effective 7/1/2018 <sup>2</sup>		
Overseas includes Foreign & Domestic Cargo		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 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

<sup>1</sup>Rate applies only to outgoing overseas cargo

<sup>2</sup> 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 (February 1, 2017)

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 2/1/2017		Rates Effective 10/1/2017		Rates Effective 7/1/2018 <sup>1</sup>	
Cement in bulk and liquids passing through pipelines	State	Private	State	Private	State	Private
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

Wharfage rates for fuel	Rates Effective 2/1/2017	Rates Effective 10/1/2017	Rates Effective 7/1/2018 <sup>1</sup>
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

<sup>1</sup> 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.

NOTES:

These amendments to chapter 19-44, Hawaii Administrative Rules, were adopted on November 25, 2016, signed by Governor David Y. Ige on December 13, 2016, and filed by the Office of the Lieutenant Governor on December 23, 2016.

Following the filing, non-substantive typographical errors were found in the Standard format of the amendments to §19-44-64 and §19-44-65. The typographical errors were not in the Ramseyer format of the amendments that were posted and made available prior to the public hearings, and as such the public was able to provide testimony on the correct version of the rule amendments.

These errors were corrected in 2017 and Governor David Y. Ige signed the corrected amendments on August 9, 2017. The Office of the Lieutenant Governor filed the corrected amendments on August 21, 2017.

The effective date of these amendments, including the amendments to §19-44-64 and §19-44-65, is December 23, 2016.