



**American Association of Port Authorities**

*Serving the Ports of Canada, the Caribbean,  
Latin America and the United States*

**SEAPORT GOVERNANCE IN  
THE UNITED STATES AND CANADA**

**By**

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## SEAPORT GOVERNANCE IN THE UNITED STATES AND CANADA

**Introduction:** To observers from abroad, even experienced port specialists, the seaport system of the United States might seem at first glance to be anything but a system. In other countries, port systems are typically small by comparison and commonly subject to direct control by national authority. The situation in the United States differs in several crucial respects. First is simply the size of the industry itself--183 commercial deepdraft ports dispersed along the U.S. Atlantic, Gulf, Pacific and Great Lake coasts. Included in that number, too, are the seaports of Alaska, Guam, Hawaii, Puerto Rico, Saipan and the U.S. Virgin Islands. Here, unlike many countries, there is no national port authority. Rather authority is diffused throughout all three levels of government--federal, state and local. That stems from the federal character of the U.S. Constitution, which reserves certain powers for the national government and others strictly for the states. The Canadian system, by contrast, is subject to the general purview of the central government and more specifically to enactments of the national parliament. The enactment in June 1998 of the Canada Marine Act changed somewhat the character of the federal port system and permits the divestment of many ports previously administered by the Ministry of Transport to non-federal public and private entities. However, the nation's major seaports are governed and managed by federal port authorities and ultimate statutory authority constitutionally remains with Parliament.

**Constitutional Parameters:** The U.S. Constitution does grant the federal government exclusive jurisdiction over the navigable waters of the United States, including its deepdraft channels and harbors--authority delegated primarily to the Coast Guard and the U.S. Army Corps of Engineers. But federal jurisdiction over harbors stops at the water's edge. Port authorities in the United States are instrumentalities of state or local government established by enactment or grants of authority by the state legislature. Neither Congress nor any federal agency has the power, or even the right, to appoint or dismiss port commissioners or staff members, or to amend, alter or repeal a port authority charter. Certain port activities are, of course, subject to federal law and jurisdiction, particularly those pertaining to foreign and interstate commerce.

**Port vs Port Authority:** It should be noted that there are numerous commercial ports where no public seaport agency exists - ports in which facilities are all privately owned and frequently operate as adjuncts to large industrial enterprise such as iron ore company or an electrical utility. Industrial ports of this type are particularly common on the Great Lakes. However, there are also privately owned and operate ports that provide services to the shipping public that are in most ways similar to those offered by public seaport terminals. Examples include the Port of Searsport, Maine, which is owned by the Bangor & Aroostook Railroad, New Haven, Connecticut, where all general cargo facilities are owned by private companies, and Benicia, California, where the port is owned by a private share-holder owned corporation, Benicia Port Holdings which has raised funds from the sale of stock on the London Exchange. It should also be noted that some port authorities may own facilities in two or more ports. The South Carolina State Ports Authority, for example, owns and operates marine terminal facilities in the ports of Charleston, Georgetown, and Port Royal. The basic distinction is that a port is geo-economic entity whereas a port authority is a government entity.

**Historical Perspective:** The port authority "movement" in the United States is essentially a 20th century phenomenon. The city of San Francisco, in 1851, was authorized by the California State Legislature to "construct wharves at the ends for all streets, commencing with the Bay of San Francisco" and further authorized, through its debt commission, to lease wharf space to private groups for periods of up to 10 years. A charter for the Galveston Wharves was issued by the State of Texas in 1854. The municipal predecessor of the present New York City Economic Development Corporation was established in 1870 as the Department of Docks. In Oregon, a Port of Portland Commission, the first "port authority" in the Pacific Northwest, came into being in 1891. For the most part, however, commercial seaport terminals in 19th Century America were owned, developed and operated by or for railroad companies and other private sector entities.

Many of the early port authorities were in fact established as a public response to problems arising from railroad control of commercial port areas. Popular outcry directed at the virtual monopoly railroads exercised over commercial waterfront in ports such as Tacoma and Seattle culminated in the enactment of the Washington State Port District Act of 1911. Public access to the waterfront and the discriminatory practices of port facility owning railroads were recurring issues at early conventions of the American Association of Port Authorities, which was formed in 1912.

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For ports in the North Atlantic, problems arose from the financial and physical deterioration of the principal eastern railroads after World War I. Faced with the loss of port services because of the inability or unwillingness of the railroads to maintain their marine terminals, certain states--sometime in concert--resorted to the creation of port authorities to ensure the continuation and development of harbor facilities in the public interest. Concern about the need for improved coordination and better inland transportation facilities in The Port of New York was a prime consideration in the formation of The Port of New York Authority (now The Port Authority of New York and New Jersey) in 1921. In fact, until after World War II, The Port Authority's energies and resources were devoted primarily to the improvement of inland access to the port through the construction of bridges and tunnels.

Some port authorities, formed as the United States was entering World War II, reflected concern about the impending military crisis. Citing the need to immediately prepare "the Ports of South Carolina for use in prosecution of the war," the 1942 enabling legislation creating the South Carolina State Ports Authority directs the agency to cooperate with the United States government "*in the maintenance, development, improvement and use of the said harbors and seaports in connection with and in furtherance of the war operations and needs of the United States.*" Many present day port authorities themselves are successors to earlier public port agencies. The Massachusetts Port Authority, under its 1956 charter, took title to "*all lands, piers and other structures and facilities....in charge of the Port of Boston Commission.*" The Maryland Port Administration replaced the Maryland Port Authority, the latter established in 1956 to take control of the Port of Baltimore from a city agency. In a reverse move, the State of California in 1969 transferred the Port of San Francisco to city jurisdiction.

Table I lists the dates of current enabling legislation for some 90 seaport agencies across the United States. Note that the dates shown are those for current legislation, not predecessor port authorities. For port authorities in states having a single, statewide enabling act--such as Oregon or Washington--the dates indicate the year in which port districts were established under the general enactment.

**Port Agency Types:** The term "*port authority*" can be misleading and even inaccurate in implying an autonomous or semi-autonomous, self-sustaining public body. Some do in fact meet that criteria; the Massachusetts Port Authority and The Port Authority of New York and New Jersey are two examples. With respect to the former, the law states explicitly that the Massachusetts Port Authority, except in certain limited instances, "*shall not be subject to the supervision or regulation of the [state] department of public works or of any department, commission, board, bureau or agency of the Commonwealth.*" Others, though called port authorities, are nevertheless subject to certain state controls. For example, real property transactions proposed by the nine-member board of the North Carolina State Ports Authority require review and approval by the governor and council of state. Management-label personnel at the North Carolina port agency are appointed by the state's secretary of commerce with the board's approval, but employee salaries are fixed by the governor.

Many more are not true port authorities. Some, for example, are integral administrative divisions of state, county or municipal government. The public ports of Hawaii, for example, are operated by the Harbors Division of the State Department of Transportation. The Maryland Port Administration and the Virginia Port Authority are quasi-independent corporate enclaves within their respective state departments of Transportation. Municipal port departments are responsible for the ports of Long Beach, Los Angeles, Oakland, Pensacola, Milwaukee, and Richmond (CA). The Miami-Dade County Seaport Department owns and manages public facilities in the Port of Miami. Similarly, Port Everglades is a department of Broward County (FL) government.

Independent port or navigation districts function as "*special purpose*" political subdivisions of such states as California, Ohio, Washington, Oregon and Texas. Certain port authorities exist simply to provide bonding authority for port facility financing--the Maine Port Authority is one example; the Peninsula Port Authority in Hampton Roads (not to be confused with the Virginia Port Authority), is another. Bi-state or regional port authority agencies, the products of interstate compacts, include the Delaware River Port Authority and The Port Authority of New York and New Jersey. One interesting variation, the Philadelphia Port Corporation, was chartered in 1965 through the joint efforts of the City of Philadelphia, the State of Pennsylvania and the Greater Philadelphia Chamber of Commerce. In 1990, the city-affiliated

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Port Corporation was replaced by a state agency, the Philadelphia Regional Port Authority. Today, there are approximately 115 state, local, county or independent public seaports in the United States and its territories, 85 of which Corporate members of the American Association of Port Authorities.

**Port Authority Powers:** While port authority powers vary widely, all share the common purpose of serving the public interest of a state, region or locality. The enabling act for the Mississippi State Port Authority declares it *"the public policy of the state to aid and encourage the promotion, development and improvement, and expansion of the state's ports, harbors and inland waterways."* To that end, the port authority's board is empowered to:

*"Acquire, purchase, install, lease, construct, own, hold, maintain, equip, use, control, and operate ports, harbors, waterways, channels, wharves, piers, docks, quays, elevators, tipples, compresses, bulk loading and unloading facilities, warehouses, floating dry docks, graving docks, marine railways, tugboats, ships, vessels, shipyards, shipbuilding facilities, machinery and equipment, dredges and any other facilities, required and incidental to the construction, outfitting, drydocking or repair of ships or vessels, and water, air and rail terminals, and roadways and approaches thereto, and other structures and facilities needful for the convenient use of the same in aid of commerce, including the dredging, deepening, extending, widening, or enlarging of any ports, harbors, rivers, channels, and waterways, the damming of inland waterways, the establishment of water basins, the acquisition and development of industrial sites and the reclaiming of submerged lands."*

The law further directs that *"wide latitude and discretion shall be vested in the board in the exercise of its powers and duties...."*

Port authorities are typically empowered to exercise the powers of eminent domain, to conduct studies and develop plans, levy facility charges, issue bonds, to sue and be sued, to apply for federal grants, to act as the local public assure for federal navigation projects, to enter into contracts and agreements, and, frequently, as the Massachusetts statute states, *"to do all acts and things necessary or convenient to carry out the powers expressly granted in this act."*

The range of permitted port authority activity may also be variously extended to include airport, bridges, tunnels, commuter rail systems, inland river or shallowdraft terminals, industrial parks, foreign-trade zones, world trade centers, terminal or shoreline railroads, shipyards, commercial vessels, dredges, marinas and other public recreational facilities. Certain navigation districts are empowered to levy taxes. Many are given police powers, at least to the extent of maintaining security and enforcing board approved ordinances on properties owned by the port authorities. A few also exercise regulatory powers, such as the licensing of stevedores, and enforcement of local or state environmental and land-use regulations, and the management of submerged or tidal lands within the port's jurisdiction.

A California statute of 1911 transferred to the city of Los Angeles *"all the right, title and interest of the state of California...in and to all tide lands and submerged lands, whether filled or unfilled, within the present boundaries of the city."* The Los Angeles City Charter places management supervision and control of those lands under the Board of Harbor Commissioners. Similar enactments apply to the ports of San Diego and Long Beach. The New York Economic Development Corporation administers and enforces *"the zoning resolution of the city of New York in respect to...wharves, piers, docks, bulkheads, structures wholly or partly thereon, and such other structures used in conjunction with and in furtherance of waterfront commerce and/or navigation."* The 1970 mandate for the Humboldt Bay Harbor Recreation and Conservation district, which includes the Northern California city of Eureka, provides for the:

*"(1) Planning, designation and protection of wildlife habitats, establishment of open space areas and areas provided for recreational use with open access for the public, protection, conservation, supervision and improvement of the wildlife, fish resources and the ecology of the area, and control and enhancement of the aesthetic appearance of the areas within the jurisdiction of the district; and*

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- (2) *Regulation of use and control of pollution, dredging and filling of areas that are subject to district jurisdiction through planning zoning and policing."*

**Governing Boards and Commissions:** Port authority governing bodies in the United States vary widely in structure. Of 126 U.S. public seaport agencies, AAPA's analysis shows that 77 are appointed, 24 are elected, 4 are indirectly elected, and 21 have no governing bodies whatsoever, though a few of the latter are served by appointive advisory councils. In three instances--two in Florida and one in Louisiana--the county commissioners by law also constitute the port authority board, though in every other respect the port authority or navigation districts are corporately independent of the county governments. National and regional patterns are shown in Table II.

Appointments to port governing boards are frequently made by a governor, mayor, or board of county commissioners. In certain instances, port authority boards are made up of both state and local appointed commissioners. A Connecticut stipulates that *"the members of a port authority ...shall be appointed by the chief executive of the town,"* in some instances would be the board of selectmen and in others, a mayor. The enabling statute for the Panama City (Florida) Port Authority provides that its five-member board shall be appointed by the City Commissioners, who must also approve its annual budget.

The board of the Jacksonville Port Authority consists of four members appointed by the governor of Florida and three by the Mayor of Jacksonville. The seven-member Duluth Seaway Port Authority board is made up of three appointees by the Duluth City Council, two by the governor and two by the St. Louis County Board. The governing body of The Port Authority of New York and New Jersey totals 12 members, six selected by the governor of New York and six by the governor or New Jersey, subject in each case to confirmation by the respective state senates. Actions of the board are subject to veto by the governor of either state.

Certain port authority charters or enabling acts lay down specific geographical or professional criteria for the choice of port commissioners. The members of the North Carolina State Ports Authority, all appointed by the governor, must be selected *"from the state-at-large and insofar as practical shall represent each section of...the business, agricultural and industrial interests of the State."* The 11-member board of the Virginia Port Authority may include no more than a total of three representatives from municipalities in the tidewater area of Hampton Roads.

By its charter, the Port Commission of Richmond, Virginia, shall include:

- (1) The city manager;
- (2) A person experienced in maritime commerce;
- (3) A person experienced in...freight transportation;
- (4) A person experienced in finance;
- (5) A person experienced in sales and marketing;
- (6) An engineer or person with significant and relevant engineering experience;
- (7) Two (2) persons otherwise deemed qualified to serve;
- (8) A member of the city council; and
- (9) Four (4) users...who shall be nonvoting members.

Some follow unique nominating procedures. Commissioners of the Port of New Orleans are selected by the governor of Louisiana from lists of candidates nominated by various commercial and public entities from each of the three parishes encompassed by the port district. The Board of the former Philadelphia Port Corporation consisted of 33 directors--nine representing the city of Philadelphia, nine the greater Philadelphia Chamber of Commerce, two the Delaware River Port Authority and 11 public directors elected by the other board members from lists of individuals *"prominent in the financial, commercial and professional community of Philadelphia" recommended by the mayor of Philadelphia and the president of the Chamber of Commerce."*

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Statistical analyses of port authority governing boards and structures are presented in Tables II and III. The point is that each U.S. port authority is unique in some respects, markedly so in many instances. Moreover, the U.S. port system is itself unique, particularly when contrasted with Canada's.

**Canadian Port Governance:** The Canadian federal government's role evolved from Canada's constitution, the British North America Act of 1867, which placed navigation and shipping under the exclusive jurisdiction of the federal government. An Act of 1868 established a national department of marine and fisheries, whose duties included responsibility for harbors, ports, piers, wharves, harbour commissioners and harbour master. Though at times that authority has been delegated to local or private interests, the primacy of federal jurisdiction over the country's ports has remained firmly intact and was expressed most forcefully in the National Harbours Board Act of 1936 by which the central government assumed direct administrative control of 15 major, financially destitute Canadian ports.

Until recently, the Canadian system consisted of three groupings of ports. The first were those subject to the Canada ports act of 1983 (which repealed the 1936 Act, abolished the National Harbours Board and provided greater flexibility in local board governance). The second were nine harbour commission ports (established under other Parliamentary enactments, specifically the Harbour Commissions Act of 1964, the Toronto Harbour Commissioners' Act of 1911, the Hamilton Harbour Commissioners' Act of 1912). The third group, comprise more than 500 smaller commercial ports scattered across the country and were administered directly by Transport Canada.

**Canada Marine Act:** In June 1996, legislation proposing major changes in Canada's maritime system, including its ports, was introduced in the House of Commons by Transport Minister **David Anderson**. The so called "*Canada Marine Act*" was the culmination of a comprehensive review of Canada's marine sector conducted more than a year ago before by the House of Commons Standing Committee on Transport at the behest of then Transport Minister Doug Young. When the original legislation, Bill C-44, failed to complete the legislative process before the dissolution of Parliament for federal elections in the following spring, it was reintroduced in substantially the same form in October 1997 as Bill C-9, which passed Parliament in May 1998 and took effect in January 1999.

In summary, the Canada Marine Act does the following:

- ! Creates a National Ports System consisting of 18 independently managed Canada Port Authorities (CPAs), which in 1998, accounted for more than 60% of Canada's waterborne foreign commerce and virtually all of its breakbulk and containerized general cargo.
- ! Streamlines the regulatory regime of the new CPAs and other ports currently administered by Transport Canada.
- ! Dissolves the Canada Ports Corporation.
- ! Repeals the Public Harbours and Ports Facilities Act.
- ! Permits repeal of the Harbour Commissions Act, the Hamilton Harbour Commissioners' Act and the Toronto Harbour Commissioners' Act.
- ! Authorizes Federal divestiture of ports not qualifying for CPA status to non-federal interests over a period of six years.

**Canada Port Authorities:** Since the came into force, letters patent (the official grant of authority) to all of the designated Port Authorities except Hamilton. The law also allows others ports to apply for CPA status. Two have already done so - Belledune, New Brunswick, which became a Port Authority on March 29, 2000, and the Oshawa (Ontario) Harbour

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Commission, whose application is currently under review.. Table IV presents a listing of the designated CPAs and those with pending applications.

Under the law, a CPA is a federal entity or, more precisely, “ *an agent of the Crown for port activities related to shipping, navigation, the transportation of passengers and goods and the storage of goods to the extent that these are specified in the letters patent.*” They may engage in “*other activities deemed in the letters patent to be necessary to support port operations*” but only with the prior approval of the federal government before letters of patent. Unlike many of their U.S. counterparts, they may not engage in activity unrelated to their maritime functions such as airport, rail or toll bridge operations. Other activities not expressly covered by the letters patent are subject to taxation in the same way that they would be if the port authorities were private corporations.

The CPAs are also required to be financially self sufficient and “*no recourse to the federal treasury to discharge any obligation or liability of the port authority, with the exception of payments provided under legislation covering emergencies (e.g. disaster relief assistance) or other grant programs that apply generally to other companies and institutions.*” Port authority borrowing for port purposes will be obtained from private-sector lenders, based on the CPA’s future revenues. The Canadian Government will not guarantee such loans, and a CPA would not be able to borrow money as an agent of the Crown.

Each CPA must pay an annual charge to the Crown based on a formula that would be included in its letters patent. Surpluses at each port will not be distributed, since there would be no shareholders, but may be re-invested in the ports.

Fees charged by the CPAs must cover costs and be fair and reasonable. A port authority may not justly discriminate among users of the port, but can differentiate its fees and services “on the basis of volume or value of goods shipped or any other basis that is generally commercially acceptable.”

For the purpose of operating the port, a CPA is permitted to lease or license any federal real property that it manages, subject to the limits specified in its letters patent.

CPA governing boards consist of 7 to 11 directors who "**shall have generally acknowledged and accepted stature within the transportation industry or the business community and relevant knowledge and extensive experience related to the management of a business, to the operation of a port or to maritime trade.**"

Directors are selected in the following manner:

- ! One director nominated by the Transport Minister and appointed by the Governor General.
- ! One director appointed by the provincial government. (Vancouver has 2 provincial representatives - one selected by British Columbia and the second by the provinces of Alberta, Manitoba, and Saskatchewan.)
- ! One director appointed by municipal government(s).
- ! The remaining directors to be nominated by the Transport Minister after consultation with port users and appointed by the Governor in Council.

The Board of Directors will be responsible for the management of the activities of the CPA. The Board will appoint a chief executive officer, who is not a member of the board. The chairperson of the board will be elected from among the

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directors for a term not to exceed 2 years. The term would be renewable. Remuneration for the directors, the chairperson, and the chief executive officer is fixed by the will be fixed by the board.

CPAs are also to rigorous disclosure requirements. The following are mandatory:

- ! Annual meetings open to the public at which directors and senior officers are available to answer questions.
- ! Comparative financial statements, the auditors' report, and the annual financial report will be presented at the annual meeting.
- ! Quarterly financial statements.
- ! A public land-use plan.
- ! Disclosure of remuneration and expenses of board members, chief executive officers, and employees whose remuneration exceeds a prescribed threshold.
- ! Disclosure of details of port income and operating expenses.

CPAs are subject to a special examination at least once every five years by the Transport Minister, who may also require that a special examination be performed at any time. Every year, CPAs must also submit a five-year business plan to the Minister. Table IV provides a current listing of CPAs.

**Port Divestiture Program:** In the meantime, the Transport Ministry has been vigorously pursuing the divestiture process with respect to the hundreds of ports not deemed eligible for CPA status. These include the sale or transfer of port properties formerly administered by Transport Canada as well as several of the CPC's divisional ports to municipal, provincial or private interests. Some examples:

- ! **Port of Churchill** (Manitoba) to the Hudson Bay Port Company (a subsidiary of a OmniTRAX Canada) in 1997.
- ! **Port at Kingsville**, Ontario, from Transport Canada) to the Corporation of the Town of Kingsville and the Kingsville Port Users Association, effective July 8, 1999.
- ! **Mulgrave Marine Terminal and the Port of Hawkesbury Government Wharf** (Nova Scotia) to the Strait of Canso Superport Corporation Limited, effective March 3, 2000.
- ! **Port of Pictou (Nova Scotia)** to a wholly-owned subsidiary of Straitline Stevedores Limited, the site's sole user, effective March 3, 2000.
- ! **Port of Pontiac/Quyon**, Québec, from Transport Canada to the Mohr's Landing/Quyon Port Authority , effective September 16, 1999
- ! **Port Colborne** port facilities and property to the corporation of the City of Port Colborne, Ontario, effective October 1, 1999
- ! **Powell River (British Columbia) Port facility** the District of Powell River, effective August 11, 1999

**As of September 30, 1999**, a total of 353 of the 549 harbor and port facilities across Canada had been transferred or demolished, or had their public harbour status terminated. Specifically,

- ! 211 declared public harbors were de-proclaimed in June 1996 and March 1999
- ! 32 sites were transferred to provincial governments (Newfoundland, New Brunswick and Ontario)
- ! 64 sites were transferred to Fisheries and Oceans Canada in 1996 and 1997

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- ! 31 sites were divested to local interests
- ! 4 port facilities were demolished
- ! 11 sites have had their public harbour status terminated

As of the same date, 104 letters of intent have been signed with various local interests to start the negotiation process on divestiture, and active negotiations are under way at 77 sites. Though much of the system is being de-federalized, the core, as represented by the CPAs, remain under federal jurisdiction. Furthermore, Parliament retains the constitutional authority to change the status of the country's port system as indeed it has at various times in the past. This would be impossible in the United States, where public port organization remains subject to state and not federal authority.

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TABLE I  
U.S. SEAPORT AGENCIES--ENABLING ACT OR CHARTER EFFECTIVE DATES

| <u>PORT AGENCY</u>  | <u>DATE</u> | <u>PORT AGENCY</u>                                     | <u>DATE</u> |
|---|-------------|--|-------------|
| Alabama State Port Authority  | 2000        | New Hampshire State Port Authority                     | 1957        |
| Albany Port District Commission                                       | 1925        | Newport (OR), Port of                                  | 1964        |
| Anacortes, Port of  | 1926        | Niagara Frontier Transportation<br>Authority (Buffalo) | 1967        |
| Anchorage Port Commission   | 1946        | New York & New Jersey, The Port Authority of           | 1921        |
| Astoria, Port of  | 1910        | North Carolina State Ports Authority                   | 1945        |
| Beaumont Navigation District, Port of                                 | 1949        | Oakland, Port of                                       | 1926        |
| Bellingham, Port of   | 1920        | Olympia, Port of                                       | 1922        |
| Brazos River Harbor Navigation<br>District (Freeport, TX)             | 1927        | Orange County Navigation Port District                 | 1953        |
| Bridgeport Port Authority   | 1992        | Port of Oswego Authority                               | 1955        |
| Brown County Board of Harbor<br>Commissioners (Green Bay, WI)         | 1965        | Oxnard Harbor District (Hueneme, CA)                   | 1937        |
| Brownsville Navigation District                                       | 1925        | Port of Palm Beach District                            | 1915        |
| Calhoun County Navigation District<br>(Port Lavaca/Point Comfort, TX) | 1953        | Panama City Port Authority                             | 1979        |
| Canaveral Port Authority  | 1939        | Pensacola, Port of                                     | 1976        |
| Chesapeake Port Authority   | 1987        | Plaquemines Port, Harbor & Terminal District           | 1977        |
| Coos Bay, Port of   | 1909        | Philadelphia Regional Port Authority                   | 1989        |
| Corpus Christi Authority, Port of                                     | 1926        | Ponce, Port of   | 1911        |
| Dade County Seaport Department (Miami)                                | 1960        | Port Angeles, Port of                                  | 1923        |
| Delaware River Port Authority   | 1951        | Port Arthur Navigation District, Port of               | 1963        |
| Detroit/Wayne County Port Authority                                   | 1981        | Port Everglades  | 1927/1994   |
| Diamond State Port Corporation/Port of<br>Wilmington (DE)             | 1994        | Port Isabel-San Benito Navigation District             | 1928        |
| Duluth Seaway Port Authority  | 1929        | Portland (OR), Port of                                 | 1971        |
| Eastport Port Authority   | 1977        | Puerto Rico Ports Authority                            | 1942        |
| Erie-Western Pennsylvania Port Authority                              | 1962        | Redwood City, Port of                                  | 1937        |
| Everett, Port of  | 1917        | Richmond (CA), Port of                                 | 1982        |
| Galveston, Port of  | 1940        | Richmond (VA) Port Commission, City of                 | 1982        |
| Georgia Ports Authority   | 1945        | Sacramento, Port of                                    | 1947        |
| Grays Harbor, Port of   | 1911        | St. Bernard Port Harbor, Harbor & Terminal<br>District | 1981        |
| Greater Baton Rouge Port Commission                                   | 1952        | Saipan, Commonwealth Ports Authority of                | 1981        |
| Guam, Port Authority of   | 1975        | San Diego Unified Port District                        | 1962        |
| Mississippi State Port Authority/Gulfport                             | 1960        | San Francisco Port Commission                          | 1969        |
| Houston Authority, Port of  | 1910        | Seattle, Port of                                       | 1911        |
| Humboldt Bay Harbor District  | 1970        | South Carolina State Ports Authority                   | 1942        |
| Illinois International Port District (Chicago)                        | 1955        | South Jersey Port Corporation                          | 1968        |
| Indiana Port Commission   | 1961        | South Louisiana Port Commission                        | 1968        |
| Jackson County Port Authority (Pascagoula)                            | 1956        | Stockton, Port of                                      | 1932        |
| Jacksonville Port Authority   | 1963        | Tacoma, Port of  | 1918        |
| Kalama, Port of   | 1921        | Tampa Port Authority                                   | 1945        |
| Lake Charles Port Harbor & Terminal District                          | 1924        | Toledo-Lucas County Port Authority                     | 1955        |
| Long Beach City Harbor Department                                     | 1909        | Vancouver (WA), Port of                                | 1912        |
| Longview, Port of   | 1922        | Virgin Islands Port Authority                          | 1969        |
| Lorain Port Authority   | 1964        | Virginia Port Authority                                | 1970        |
| Los Angeles City Harbor Department                                    | 1907        | Waukegan Port District                                 | 1955        |
| Manatee County Port Authority   | 1967        |  |             |
| Maryland Port Administration  | 1971/88     |  |             |

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Massachusetts Port Authority 1956  
Milwaukee, Port of 1909  
New Orleans, Board of Commissioners of the 1896

| 2. U.S. PORT COMMISSIONERS--ELECTIVE STATUS |           |           |           |                    |            |
|---|-----------|-----------|-----------|--------------------|------------|
| Port Region                                 | No Board  | Elected   | Appointed | Indirectly Elected | Total      |
| North Atlantic                              | 1         | 1         | 15        | 1                  | 18         |
| South Atlantic                              | 2         | 3         | 9         | 1                  | 15         |
| Gulf  | 2         | 7         | 17        | 2                  | 28         |
| North Pacific                               | 13        | 13        | 5         | 0                  | 31         |
| South Pacific                               | 2         | 2         | 10        | 0                  | 14         |
| Great Lakes                                 | 0         | 0         | 20        | 0                  | 20         |
| <b>Totals</b>                               | <b>21</b> | <b>26</b> | <b>75</b> | <b>4</b>           | <b>126</b> |

| III. U.S. SEAPORT AGENCY STRUCTURES |                |                |              |               |               |              |               |               |
|-------------------------------------|----------------|----------------|--------------|---------------|---------------|--------------|---------------|---------------|
| TYPE/REGION                         | North Atlantic | South Atlantic | Gulf         | North Pacific | South Pacific | Great Lakes  | TOTALS        | % of Total    |
| Bi-State Port Authority             | 2              | 0              | 0            | 0             | 0             | 0            | 2             | 1.6%          |
| County Administrative               | 0              | 2              | 0            | 0             | 0             | 1            | 3             | 2.4%          |
| County Port Authority               | 0              | 0              | 2            | 0             | 0             | 0            | 2             | 1.6%          |
| County/City Port Authority          | 0              | 0              | 0            | 0             | 0             | 3            | 3             | 2.4%          |
| Municipal Administrative            | 1              | 2              | 2            | 13            | 0             | 1            | 19            | 15.1%         |
| Municipal Port Authority            | 2              | 0              | 1            | 0             | 0             | 0            | 3             | 2.4%          |
| Municipal Port Commission           | 2              | 0              | 1            | 3             | 6             | 0            | 12            | 9.5%          |
| Port (Tax) District                 | 0              | 4              | 17           | 15            | 5             | 9            | 50            | 39.7%         |
| Port District                       | 1              | 0              | 2            | 0             | 0             | 1            | 4             | 3.2%          |
| Regional Port Authority             | 1              | 0              | 0            | 0             | 0             | 2            | 3             | 2.4%          |
| State Administrative Agency         | 1              | 0              | 0            | 0             | 1             | 0            | 2             | 1.6%          |
| State Port Authority                | 6              | 6              | 3            | 0             | 2             | 3            | 20            | 15.9%         |
| State Port Corporation              | 2              | 0              | 0            | 0             | 0             | 0            | 2             | 1.6%          |
| State/City Port Authority           | 0              | 1              | 0            | 0             | 0             | 0            | 1             | 0.8%          |
| <b>Totals</b>                       | <b>18</b>      | <b>15</b>      | <b>28</b>    | <b>31</b>     | <b>14</b>     | <b>20</b>    | <b>126</b>    | <b>100.0%</b> |
| <b>% of Total</b>                   | <b>14.3%</b>   | <b>11.9%</b>   | <b>22.2%</b> | <b>24.6%</b>  | <b>11.1%</b>  | <b>15.9%</b> | <b>100.0%</b> |               |

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| TABLE IV<br>CANADA PORT AUTHORITIES |                |                                     |                            |
|-------------------------------------|----------------|-------------------------------------|----------------------------|
|                                     | PORT AUTHORITY | EFFECTIVE DATE OF<br>LETTERS PATENT | PREVIOUS STATUS            |
| 1                                   | Belledune      | March 29, 2000                      | CPC Divisional Port        |
| 2                                   | Fraser River   | May 1, 1999                         | Harbour Commission         |
| 3                                   | Halifax        | March 1, 1999                       | CPC Local Port Corporation |
| 4                                   | Hamilton       | Pending                             | Harbour Commission         |
| 5                                   | Montréal       | March 1, 1999                       | CPC Local Port Corporation |
| 6                                   | Nanaimo        | July 1, 1999                        | Harbour Commission         |
| 7                                   | North Fraser   | July 1, 1999                        | Harbour Commission         |
| 8                                   | Oshawa         | Pending                             | Harbour Commission         |
| 9                                   | Port Alberni   | July 1, 1999                        | Harbour Commission         |
| 10                                  | Prince Rupert  | May 1, 1999                         | CPC Local Port Corporation |
| 11                                  | Québec         | May 1, 1999                         | CPC Local Port Corporation |
| 12                                  | Saguenay       | May 1, 1999                         | CPC Divisional Port        |
| 13                                  | Saint John     | May 1, 1999                         | CPC Local Port Corporation |
| 14                                  | Sept-Îles      | May 1, 1999                         | CPC Divisional Port        |
| 15                                  | St. John's     | May 1, 1999                         | CPC Local Port Corporation |
| 16                                  | Thunder Bay    | July 1, 1999                        | Harbour Commission         |
| 17                                  | Toronto        | June 8, 1999                        | Harbour Commission         |
| 18                                  | Trois Rivières | May 1, 1999                         | CPC Divisional Port        |
| 19                                  | Vancouver      | March 1, 1999                       | CPC Local Port Corporation |
| 20                                  | Windsor        | July 1, 1999                        | Harbour Commission         |

CPC = Canada Ports Corporation/Ports Canada