



April 24, 2006

### **PierPASS Starts to Pursue Delinquent Exporters**

Dear Exporters,

After eight months of operation, the OffPeak program has achieved tremendous success due to the participation and support of cargo owners. More than 1.5 million truck trips have been shifted out of daytime traffic to evenings and weekends. The resulting decrease in congestion in and around the Ports of Los Angeles and Long Beach has benefited importers and exporters, the ports, and communities around the ports, and has avoided legislation that was imminent. There is now a considerable body of support for OffPeak in Sacramento and among local authorities who expect the program to be a success.

Many exporters have realized the importance of supporting PierPASS and have participated in one of two ways: either by using OffPeak gates on nights and weekends, or by declaring their booking numbers in the PierPASS system and receiving an invoice the following week for Traffic Mitigation Fees that are due. For those who have been supporting the program, we want to thank you and encourage you to continue to do so.

However, there have been some exporters who do not feel obligated to support the PierPASS OffPeak Program and have attempted to take advantage of the system and its assets. We would like to remind you that exporters are required to pay the Traffic Mitigation Fee (TMF) on all cargo subject to the TMF since the start of the OffPeak program on July 23, 2005. Under the PierPASS Schedule filed and published with the Federal Maritime Commission for all Marine Terminal Members, use of port terminal facilities constitutes consent to the terms and conditions of the Traffic Mitigation Fee.

PierPASS is now beginning collections actions against companies that have attempted to avoid their obligations by failing to claim their booking numbers and make their payments. These companies will be receiving invoices or demand letters that include all TMF payments due from July 23, plus any legal fees and costs incurred collecting what was already due.

Companies that fail to pay their invoices may have their cargo lien until they have brought their account into "current" status.

In addition, by delaying their TMF payments, exporters may find it more difficult to pass the TMF along to their customers, and will be left having to cover the entire cost themselves.

Keep your cargo moving. Please take the time to participate in the program, declare your booking numbers and get up-to-date on your invoice payments. The web site for registered users is [www.pierpass-tmf.org](http://www.pierpass-tmf.org). If you have any questions as to how to use the web site, please call 1-877-863-3310 for instruction and support.

Thank you,

PierPASS

