

Crowley Liner Org 023286 Tariff 002	Date Filed: 6/7/18
Rule Name: OVERWEIGHT CARGO	Date Effective 6/14/18
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Permits and fines are for the account of the cargo. Said charges to be added to the ocean bill of lading or collected through a separate miscellaneous billing systems.

Where federal, state or municipal regulations or laws require the securing or providing of special permits, bonds or escorts, arrangement therefore must be made by shipper/consignee and all additional costs involved in securing or providing such permits, bonds or escorts in compliance therewith, must be paid by the shipper/consignee.

MAXIMUM WEIGHT CAPACITY

1. Shipper is responsible for accurately declaring the gross weight of each container separately on the Bill of Lading, Gross weight is defined as all commodities and packaging material inside (or on) the container. There will be a tolerance of 1000 lbs. per dry load and 1500 lbs. per working refrigerated container where there is a reasonable possibility of inaccurate scale weight or computed cargo weight.
2. Shipper shall not tender, and carrier may refuse a container stuffed by a shipper or it's agent with a total gross weight in excess of the maximum gross weight capacity stated on the container.
3. Any expense involved with Carrier's refusal or handling of such containers (including but not limited to demurrage, detention, storage, handling, inland transportation, unloading, stuffing and restuffing of containers, and additional equipment costs) will be for the joint account of the Shipper, Consignee and Cargo Owner. Any such expenses shall be paid to the carrier before return of the container to the Shipper or release of the container to the Consignee.
4. Notwithstanding the maximum weights set forth above, it is the responsibility of the Shipper to insure that any container tendered by it to a carrier for transportation under the scope of this tariff complies with all laws and regulations of each country that it will transit (including local, state and federal laws and regulations in the United States) with regards to road weight limitations, including any law or regulation that provides for a lower weight limitation than set forth above.
5. If for any reason a container exceeding the maximum weights set forth above has been loaded aboard a vessel, the container shall be discharged to the Consignee at the

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discharge port and carrier shall not transport or arrange to transport such container to any inland destination, Alternatively, the Carrier at its option and at the expense and responsibility of the Shipper, Consignee may take the following steps:

- a. Cargo will be removed from the container in order to reduce the weight to an allowable amount and make the container ready for lawful road transportation. To the extent necessary, cargo shall be unstuffed, segregated, restuffed, etc.
- b. The cargo that was removed will be forwarded to Consignee as a separate freight collect shipment from the point of removal to point of final destination.
- c. The rates to be applied for the transportation of any such cargo will be those of the inland carrier that is engaged to transport the cargo.
- d. Additionally, the excess cargo shall be assessed a charge of \$275 (U.S.) in addition to all other freight and costs and expenses stated above.

6. a. In the case of containers supplies, stowed or packed by Shipper or his agent, shipper shall be absolutely liable to carrier or to any other party, without regard to intent, negligence or any other fact or for:

- (i) Personal injuries or death, or damage to or loss of cargo or other property resulting from failure of Shipper, Consignee, or Cargo Owner to comply with any applicable laws, regulations or ordinances (including without limitation over-the-road weight limitations under State and Federal law and cargo weight and cargo description certification requirements under the Intermodal Safe Container Act of 1992, as amended), failure to comply with equipment specifications and standards in the Tariff, a defect in any container or other equipment supplied by Shipper, Consignee, Cargo Owner, or failure of Shipper, Consignee, Cargo Owner, or its agent to load and brace the cargo properly, if such defect or failure is a proximate cause of injury, death, damage or loss.
- (ii) Any fine, penalty cost (including attorney's fees), bond interest or other sanction imposed upon Carrier, its agent or participating motor carriers for violations of any applicable laws, regulations and ordinances (including without limitation over-the-road weight limitations under state and federal law and cargo weight and cargo description certification requirements under the Intermodal Safe Container

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<p>Transportation Act of 1992, as amended) in</p> <p>connection with any transportation services provided under this Tariff resulting from failure of Shipper, Consignee, Cargo Owner to comply with such laws, regulations and ordinances, Carrier, its agents or participating motor carriers shall have no duty to resist, dispute or otherwise oppose the levy of such fine, penalty cost (including attorney's fees), bond, interest, or other sanction and shall not have any liability to Shipper, Consignee or Cargo Owner for failure to do so.</p> <p>(iii) Liability for Violation of The Intermodal Safe Container Transportation Act of 1992. As Amended. The losses, damages, fines, penalties, costs (including attorney's fees), bonds, interest and any other sanctions referred to in sub-paragraphs (I) and (ii) above include, e, but are not limited to, any sanctions or monetary claims of any kind imposed or asserted by the United States, a State of the United States, or any other entity or person (whether public or private) pursuant to the authority of the Intermodal Safe Container Transportation Act of 1992, as amended (the "Act") or pursuant to any state law implementing or addressing the same subject matter as the Act. The Act requires that any person tendering for intermodal transportation a loaded container or trailer with a gross cargo weight over 29,000 pounds must provide to the initial carrier at or before the time the container or trailer is tendered for transportation a certification including (1) the gross weight of the cargo (including packaging, pallets and dunnage), (2) a reasonable description of the contents of the container or trailer, (3) the identity of the certifying party, (4) the container or trailer number, and (5) the date of the certification.</p> <p>(iv) Any charges incurred in re handling cargo to correct any defect or failure described in sub-paragraphs above shall be for the joint and several account of Shipper, Consignee, and Cargo Owner.</p> <p>7. Shipper, Consignee, and Cargo Owner each agree, where its act of omission (or that of its agent) is approximate cause of any loss, damage, penalty, fine, cost (including attorney's fees bond, interest, or other sanction described in sub-paragraph 6(a) above to indemnify and hold harmless Carrier from any such loss, damage, penalty, fine, cost (including attorney's fees) bond, interest, or other sanction and from the cost of</p>	

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<p>defending claims, suites or assessments against Carrier, its agents or participating motor carriers, including</p> <p>without limitation reasonable attorney's fees.</p> <p>8. The Carrier may refuse to release a container or trailer to a Consignee until all fines penalties, costs, interest, and other sanctions have been satisfied or the Carrier has been reimbursed for payment of same.</p> <p>9. The weight limits set forth in the rule shall supersede any different rating method shown in the applicable tariff, during Intermodal, Rail/Motor portion of the move.</p>	