

EFFECTIVE

SEP 10 2009

Agreement No. 201162-004

ORIGINAL

SECRETARY'S CERTIFICATE

I, Barbara M. North, Executive Secretary of the NYSA-ILA Contract Board, hereby certify that on September 1, 2009, after a telephonic poll of all of the Members of the NYSA-ILA Contract Board, the Members unanimously voted for and adopted the following amendments to the Amended and Restated NYSA-ILA Assessment Agreement, dated July 14, 2009, designated as Agreement No. 2011162 by the Federal Maritime Commission:

RESOLVED: That the definition in Article II, Section 1, which currently states: "The term "Assessment Ton" shall mean 2,240 pounds or 40 cubic feet, whichever is greater," is hereby deleted and replaced with the following definition: "The term "Assessment Ton" shall mean 2,240 pounds or 40 cubic feet, whichever is greater, except that an Assessment Ton for any automobile, bus, truck, or other operable, self-propelled vehicle, machinery, or equipment weighing more than 15,000 pounds that can be driven on or off a vessel shall be a weight ton only;" and

It is further

RESOLVED: The definition in Article II, Section 2, which currently states: "The term "Automobile Assessment" shall mean a unit assessment on automobiles, buses, and trucks at a rate per each automobile, bus, or truck weighing no more than 15,000 pounds. Any automobile, bus, or truck weighing more than 15,000 pounds shall be assessed at the rate for breakbulk cargo," is hereby deleted and replaced with the following definition: "The term "Automobile Assessment" shall mean a unit assessment on automobiles, buses, trucks, or other operable, self-propelled vehicles, machinery, or equipment weighing no more than 15,000 pounds that can be driven on or off a vessel. Any automobile, bus, truck, or other operable, self-propelled vehicle, machinery, or equipment weighing more than 15,000 pounds that can be driven on or off a vessel shall be assessed at the rate for breakbulk cargo on a weight ton basis only;" and

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FEDERAL MARITIME COMMISSION

It is further

RESOLVED: The definition in Article II, Section 23, which currently states: "The term "Tonnage Assessable Cargoes" shall mean all uncontainerized breakbulk cargo transported by vessel in the Port, including but not limited to livestock, yachts, perishable fruit, and automobiles, buses and trucks in excess of 15,000 pounds, that is not subject to any other special assessment," is hereby deleted and replaced with the following definition: "The term "Tonnage Assessable Cargoes" shall mean all uncontainerized breakbulk cargo transported by vessel in the Port that is not subject to any other special assessment, including but not limited to livestock; yachts; perishable fruit; and automobiles, buses, trucks, or other operable, self-propelled vehicles, machinery, or equipment weighing in excess of 15,000 pounds that can be driven on or off a vessel;" and

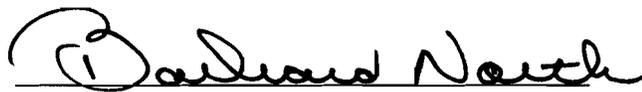
It is further

RESOLVED: The first category under Section II of Exhibit A to the Amended and Restated NYSA-ILA Assessment Agreement (entitled "Special Assessments") which currently states: "Automobile Assessment (per each automobile, bus or truck weighing no more than 15,000 lbs.)" is hereby deleted and replaced with the following category: "Automobile Assessment (per each automobile, bus, truck, or other operable, self-propelled vehicle, machinery, or equipment weighing no more than 15,000 lbs. that can be driven on or off a vessel); and

It is further

RESOLVED: That the foregoing resolutions shall be effective August 1, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 1st day of September, 2009.



Barbara M. North

ACKNOWLEDGEMENT

Before me, on September 1, 2009, personally came Barbara M. North, known to me to be the Executive Secretary of the NYSA-ILA Contract Board, and in my presence, she executed the foregoing document and acknowledged that she executed the same.



Notary Public

CHARLES WARD
Notary Public, State of New York
No. 01WA4674428
Qualified in Suffolk County
Commission Expires October 31, 2010