

SMALL BUSINESS IMPACT STATEMENT

In order to accurately predict the impact the adoption, amendment, or repeal of a regulation will have on small businesses, the promulgating authority must conduct a thorough analysis that not only considers the potential effects of the action but also quantifies the costs, if any, associated with each. The questions below are designed to aid promulgating authorities in conducting their analysis.

Agency submitting regulation:

QUONSET DEVELOPMENT CORPORATION (QDC)

Subject matter of regulation:

Terminal Schedule 017 publishes the Rates, Rules, and Regulations for the use of the Port of Davisville Terminals.

ERLID No:

6954

Statutory authority:

RIGL 42-64.10 and Pursuant to Title 46 US Code Section 403.301(b), the United States Federal Maritime Commission requires that all marine terminal operators file a terminal Schedule.

Other agencies affected:

None

Other regulations that may duplicate or conflict with the regulation:

None

Describe the scope and objectives of the regulation:

The objective of the Terminal Schedule 017 is to make public the Rates, Rules, and Regulations for the use of the Port of Davisville terminals, and to publish the schedule of fees as required by Title 46 US Code Section 41106. It is a routine schedule of fees The whole purpose of the Terminal Schedule is make the capital investments of the Quonset Development Corporation in terminal infrastructure and crane equipment available to the public at reasonable hourly rates so that Rhode Island small businesses do not have to buy this equipment themselves.

What was the rationale for establishing this regulation?

It is required by federal law pursuant to sections noted above.

Does the rationale still exist?

Yes.

Is the rationale still relevant?

Yes.

Business industry (s) affected by the regulation:

483 Water Transportation

Types of businesses included in the industry (s):

483111 Deep Sea Freight Transportation US

Total number of small businesses included in the regulated industry (s) (Please see the attached guidance documents for assistance determining the total number of small businesses)

The QDC analysis using the attached guidance found that there was 1 registered small business in Rhode Island, but any business that fits the federal definition could be a potential user of the Port.

Number of small businesses potentially subject to the proposed regulation:

The QDC analysis using the attached guidance found that there was 1 registered small business in Rhode Island, but any business that fits the federal definition could be a potential user of the Port.

How often do small businesses contact your agency for assistance with clarification of the regulation and/or receive assistance with compliance issues?

Never

What is the cost to your agency of establishing and enforcing this regulation?

It is already in force and has been since 1985.

What would the consequences be if the regulation did not exist?

We would be in violation of federal law and the Federal Maritime Commission

Effective date used in cost estimate:

November 21, 2013

For each question below, please answer “yes” or “no” and offer a brief explanation. Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.

1.	Yes No	No No	Do small businesses have to create, file, or issue additional reports? The only paperwork required by the Terminal Schedule to use the port is a berth application, which is required by all port users regardless of their size.
2.	Yes No	No No	Do small businesses have to implement additional recordkeeping procedures? The Terminal Schedule does not require that its customers keep records. The only paperwork required is a berth application.
3.	Yes No	No No	Do small businesses have to provide additional administrative oversight? The Terminal Schedule does not require administrative oversight. The only paperwork required is the berth application.
4.	Yes No	No No	Do small businesses have to hire additional employees in order to comply with the proposed regulation? The Terminal Schedule does not required them to hire any employees to comply with the
5.	Yes No	No No	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? The Terminal Schedule does not require any certifications from any professionals except proof of insurance.
6.	Yes No	No No	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? The Terminal Schedule does not require small business to make any investments to comply with its terms. The whole purpose of the Terminal Schedule is make the capital investments of the Quonset Development Corporation in terminal infrastructure and crane equipment available to the public at reasonable hourly rates so that Rhode Island small businesses do not have to buy this equipment themselves.
7.	Yes No	No No	Are performance standards more appropriate than design standards? The Terminal Schedule does not require either performance or design standards. It is schedule of fees and rules for using the port terminals and crane.

8.	Yes	No No	<p>Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?</p> <p>The Terminal Schedule does not require audits, inspections, and we do not have any enforcement authority.</p>
9.	Yes	No No	<p>Does the regulation have the effect of creating additional taxes and/or fees for small businesses?</p> <p>Pursuant to Title 46 of the US Code Section 41106, the Terminal Schedule may “not give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any person.”</p>
10.	Yes	No No	<p>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</p> <p>The Terminal Schedule does not require any entity to provide educational services to keep up with any of the requirements. It is a fee schedule for using the port terminals and crane.</p>
11.	Yes	No No	<p>Is the regulation likely to <i>deter</i> the formation of small businesses in RI?</p> <p>It is the opinion of the QDC that it is unlikely that any small businesses would not form because of any fee proposed in the Terminal Schedule.</p>
12.	Yes	No No	<p>Is the regulation likely to <i>encourage</i> the formation of small businesses in RI?</p> <p>It is the opinion of the QDC that it is unlikely that any small businesses would form because of any fee proposed in the Terminal Schedule.</p>
13.	Yes	No No	<p>Can the regulation provide for less stringent compliance or reporting requirements for small businesses?</p> <p>Pursuant to Title 46 of the US Code Section 41106, the Terminal Schedule may “not give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any person.”</p>
14.	Yes	No No	<p>Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</p> <p>Pursuant to Title 46 of the US Code Section 41106, the Terminal Schedule may “not give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any person.”</p>

15.	Yes	No No	Can the compliance or reporting requirements be consolidated or simplified for small businesses? Pursuant to Title 46 of the US Code Section 41106, the Terminal Schedule may “not give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any person.”
16.	Yes	No No	Can performance standards for small businesses replace design or operational standards? Pursuant to Title 46 of the US Code Section 41106, the Terminal Schedule may “not give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any person.”
17.	Yes	No No	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? Pursuant to Title 46 of the US Code Section 41106, the Terminal Schedule may “not give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any person.”
18.	Yes	No No	Have any small businesses or small business organizations been contacted during the preparation of this document? If so, please describe. Pursuant to Title 46 of the US Code Section 41106, the Terminal Schedule may “not give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any person.”