



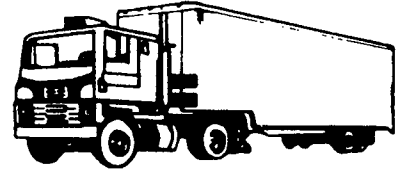
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September 23, 2019

Federal Maritime Commission
800 North Capitol Street, N.W.
Washington, DC 20573

Attn: Rachel E. Dickon, Secretary

Re: Docket 19-05 Demurrage & Detention Comments

Dear Ms. Dickon:

We would like to take this opportunity to thank the Commission for allowing the trade to participate in the forthcoming decision.

As the Commission has stated, the demurrage was never intended to be a penalty per se, it was to promote optimal cargo velocity through the Marine Terminal.

Briefly, I would like to state a little bit of history. For about 100 years, free time was five days. Several years ago, when the increase in size of the vessels, the demurrage was reduced from five days to four days, which was agreed by the FMC.

The reduction in time was arbitrarily, in my opinion, and was based on the shortage of space at the terminals due to the large vessels. It seemed to me you allowed to penalize the importer for something that was caused by ocean carriers.

This, I believe, was done without having considerable thought as there is common knowledge there is a shortage in the trucking industry, and I believe you will agree that the traffic conditions throughout the United States has increased, and notwithstanding this, the free time was reduced which actually made no common sense.

Regarding when free time should start. Again, a little history, it was always based on when the vessel was fully discharged. Everyone knew when free time started. Ocean terminals and carriers have arbitrarily decided when free time should begin, as we in the industry don't know when the container was discharged from the vessel and when the container was really available.

With today's technology, I believe it should be possible that the ocean terminals know exactly when the container is discharged, they can put this on their website, which we in the trucking or the importer can access the information and we all know the free time of that container, however, the container has to be available, REPEAT, available, not in some place in the terminal that is not accessible.

I would like to point out another problem in this industry, the carriers are issuing door deliveries. They are using rail transportation to reach the interior of the United States. In this case, the railroad arbitrarily uses their domestic free time which is 48 hours instead of the ocean carrier's free time, whether it be four or five days.

Again, you the FMC, has allowed them to issue door deliveries and yet you recognize there is a shortage of truckers throughout the country and the cargo obviously goes into demurrage.

Simply put, you have bigger vessels, more containers, more terminal congestion, shortage of trucking capacity, and you, the FMC allow the reduction of free time. At the same time, door deliveries, you allow the railroad to use a domestic free time and have caused numerous hardships on the importer with demurrage penalties.

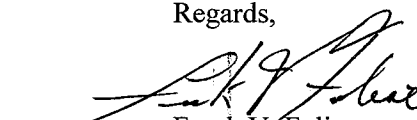
Regarding demurrage for containers that are held for Customs purposes, I believe and you have addressed this in your docket, that while it is the responsibility under our law, that the importer is responsible for all charges, I believe there should at least be a set maximum fee if Customs holds up a container as under our present system, Customs arbitrarily is inspecting cargo regardless of whether the importer is a CTPAT participant or not.

It is my view the FMC was created to protect the American consumer. It was not put there to let carriers and terminals do what they arbitrarily feel like doing.

Several years ago, it was reasonable for us to have easy access to the FMC, and file a complaint. Today, all we receive is call your attorney. This should not be necessary for us to always sue somebody to get reasonable help from you, the FMC to protect the consumer.

Again, thank you for the opportunity to allow us to express our views.

Regards,



Frank V. Folise