

# New Direx, Inc.

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Oct 18, 2019

Rachel E. Dickon

Secretary, Federal Maritime Commission

9=800 North Capital Street, NW

Washington, DC 20573-0001

RE: Docket no. 19-05

When demurrage and detention charges may be found

Dear Secretary Dickon

I am so grateful for the FMC taking up this issue. For many years demurrage and detention charges have been unfair and the trend seems to be getting worse. I agree that demurrage and detention charges should only start when the container and chassis are both available. That when freight is on Government holds, the free time should be extended and that free time should not count on days when the terminal or rail yards are not open.

Some examples that we have experienced that I feel are not fair.

1. We have had several containers arrive into the rail yard in Minneapolis late on Friday afternoon. The rail yard only gives you 2 free days and they are closed on weekends. The container will be made available at 4:30 PM on Friday, the yard closes at 5 PM and is not open over the weekend, when you pick up on Monday, you are already in demurrage. This same scenario has taken place in other rail yards in Louisville and Dallas.
2. Port congestion in Chicago. Last year the port congestion in Chicago was so bad that truckers were waiting for 5-6 hours to pick up containers. Often they were turned away when the port closed. Truckers started to refuse to even go to some terminals. Due to this congestion trucking cost went up three times the normal charge, waiting time was added and you had to pay for attempted pickups. On top of this we were charged demurrage if we didn't pick up within the free time, but that was impossible.
3. Two years ago we had a container arrive into NY around Thanksgiving, it was pulled for an intensive exam. Due to port congestion, US Customs being back logged and the holidays – this container was not released until after the New Year! No exam was ever done. My office called US Customs and the exam site every day for almost 2 months. Our customer paid over \$10,000 in demurrage, detention and per diem charges.
4. In LA we have had several times where the container is placed in a spot where it is blocked in. The free time continues to expire and additional charges had to be paid.

I looked for to you resolving this issue for the good of the commerce of the USA.

Sincerely

John Sampson

Vice President, New Direx, Inc.