

From: [Maureen](#)
To: [Secretary](#)
Subject: Re: Docket No. 21-06, Comments on Marine Terminal Operator Schedules Rulemaking. SEGU6725647
Date: Thursday, November 11, 2021 3:41:13 PM

Dear Sirs:

Regarding the dual transaction requirement, this is a major impediment creating the chaos at the ports by not letting importers' truckers remove containers from the port on time and not permitting truckers to return containers to the port before per diem charges. I don't understand why it is legal to make this a requirement if they really want containers out of the ports and if they really want empties going back to Asia. Hapag-Lloyd is charging per diems for 3 days for \$480.00 on SEGU6725647 Master Bill of Lading HLCUBKK2108APPG0 because they refused to permit the empty to return. Our trucker had to pay this. We contracted for Hapag -Lloyd service with an NVOCC. How would we be able to get reimbursement if the FMC rules that this is illegal? Hapag-Lloyd is not who we contracted with, the NVOCC says they just get it to the port, the trucker could simply pocket the money if they are reimbursed.

Below is a dialogue from the trucker and ourselves showing that they continued to refuse to accept the empties. We even checked the terminals and they were not accepting 40HC empties until the 8th which resulted in 3 days of late return charges

rom: ross <ross@alg.us.com>

Sent: Thursday, November 4, 2021 2:27 PM

To: Nancy <nancy@foreigntire.com>

Cc: Von G <von@alg.us.com>; Maureen <maureen@foreigntire.com>; Angelica FTS <angelica@foreigntire.com>; Jason <jason@foreigntire.com>; Ebony <ebony@foreigntire.com>; Jen <jen@foreigntire.com>

Subject: Re: YM TRIUMPH / 682167761 / HLCU BKK2108APPG0 / 29522-00 / SEGU6725647

Good morning,

Still cannot deliver the empty today as WUT and Husky, the only 2 terminals accepting this empty is not receiving any empties without a dual transaction.

Thank you and please advise if you can help me give it out to someone via street turn

On Nov 2, 2021 at 23:14, Nancy <nancy@foreigntire.com> wrote:

Hello Ross

Noted!!, please confirm once the empty
cont#SEGU6725647 is returning

Thank you

Further we had \$3710 on one container in port demurrage with CMA-CGM for container TEMU6682752 and \$2260 port demurrage on Container APHU6938470

with CMA-CGM through an NVOCC because our trucker had brand new chassis but no empty to return. Terminal refused to permit him to pick up for either of these appointments. The reason given was specifically a lack of dual transactions. The result is that we had to try and find at the last minute any truckers who could get an appointment at the port and also have an empty to return. That takes time as truckers were fully booked, and there is a shortage of truckers. So our containers spent much MORE time at the port not being picked up because of the dual transaction requirement. If the FMC is serious about solving the problem of containers staying at the port, please make dual transactions illegal. Otherwise the buildup of containers is precisely because they are adding impediments to picking up and returning containers. We lost money on both of these shipments as a result of the port demurrage.

If you want to clear up the ports the impediments don't help. You no doubt are aware that there is much confusion about what constitutes dwelltime. I believe it should be defined as x days past the Last free day at the port or rail and provided there are no impediments such as dual transaction required.

Dual transaction requirements cause importers like us to raise our prices, our customers raise their prices, and that is feeding an inflationary spiral. If you think 6.2% is a lot for inflation, it is going to be a whole lot more soon if the importers and their truckers are getting charged for practices by the steamship line and the port that are not in our control. The lack of truckers is a major problem and the appointment system in Los Angeles/Long Beach/San Pedro makes it impossible to pick up the next day when your trucker is turned away for lack of dual transaction. Has anyone demonstrated incontrovertible proof that dual transactions have improved the situation at the ports or is this just their way of raising prices on the consumer?

We are not a large importer, we are among the small importers who are bearing the brunt of higher freight rates, higher trucking costs, higher charges by the ports. Small importers are the ones that in aggregate are the employers of many people and support many other small businesses.

Best regards,

Maureen Gardner
Foreign Tire Sales, Inc.

Foreign Tire Sales is abiding by recent government restrictions to slow the spread of the COVID-19/Coronavirus so many of us are working from home. Responses may take a little longer than usual, but all employees are monitoring their email and remotely coordinating and accessing necessary information.