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Q: Should the Commission include both VOCCs (Vessel Operating Common Carrier) and NVOCCs in a proposed regulation on demurrage and detention billing?

A: Yes

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Q: Should the Commission include MTOs (Marine Terminal Operators) in a proposed demurrage billing regulation?

A: Yes

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Q: Should a proposed demurrage billing regulation distinguish between the demurrage MTOs charge to shippers and the demurrage MTOs charge to VOCCs?

A: Yes

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Q: What percentage of demurrage and detention bills contain inaccurate information?

A: Over 25%

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Q: Which information is most often disputed?

A: Gate receipts

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Q: How much does the type of information included on or with demurrage and detention billings vary among common carriers, among marine terminal operators, and between VOCCs and NVOCCs?

A: Widely. In North American terms, the UIIA ought to hold court. Even though the UIIA is the nexus between VOCCs, NVOCCs, Class 1 rails, and all of the truck carriers which service all three, the UIIA is a protocol to avoid once the freight is delivered. In direct terms, often the heavy SSL demurrage bill comes 30+ after the fact of delivery and termination. Importers-Exporters have spent years looking for ways to circumvent interchange rules and negate the Terms & Conditions originally agreed to on the ocean bill of lading. Trucking companies have been left buried and dead due to this game. We are in the middle of the

elephant dance between Maersk and Walmart. We have the least recourse, and the greatest chance of being left holding the demurrage bag.

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Q: What type of information should be required on billings. Should the Commission require certain essential information included on invoices such as:

A:

Bill of lading number: Yes

Container number: Yes

Billing date: Yes

Payment due date: Yes

Start/end of free time: Yes

Start/end of demurrage/detention/per diem clock: Yes

Demurrage/detention/per diem rate schedule: Yes

Location of the notice of the charge: These should already be the "Terms & Conditions" of the individual or manifested Ocean Bill of Lading. That's what we truckers signed up to do ... pull containers for our clients and be reliant that properly documented freight bills will be paid.

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Q: For import shipments, Should the invoicing include:

A:

Vessel arrival date: Yes

Container availability date: Yes

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Q: For export shipments, Should the invoicing include:

A: Earliest return date, including identifying any modifications to the earliest return date: Yes

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Q: Any intervening clock-stopping events, for example:

A:

Unavailability of container: Yes

Unavailability of pickup or return locations: Yes

Unavailability of appointments (where applicable): Yes

Restrictions on chassis accepted: Yes

Force majeure-related events: Yes

Is any portion of the charge is a pass-through of charges levied by the MTO or Port? Yes

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Q: What information or timeframes should be required for VOCC and NVOCC demurrage and detention bills? Should the Commission require different types of information or timeframes?

A: Within 48 hours of container termination.

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Q: Do common carriers invoice multiple parties for demurrage and/or detention charges?

A: Yes.

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Q: Should the billing party be required to identify the basis of why the invoiced party is the proper party in interest and therefore liable for the charges?

A: Yes. Ocean Bill of Lading rules.

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Q: Should the Commission, for purposes of clarity and visibility of charges, require MTOs to bill demurrage directly to shippers (rather than billing VOCCs who then bill shippers for demurrage)?

A: You are not quite right on this question. A great deal of the pier and SSL / Rail charges funnel through North American UIIA trucking companies. This is your primary reason for the so-called "driver shortage." Who wants to work in a business where chance of failure is higher than 50% AND you end up with a \$ 20,000 Evergreen bill that my importer client wants to contest. If I don't pay the \$20,000, I lose my interchange and all that goes with it. It's a primary reason for LAX draymen to go bust.

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Q: How long from the point of accrual of a demurrage or detention charge does it typically take to receive a demurrage or detention invoice or billing?

A: Irrelevant question. Container cycles have a life of their own.

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Q: Should the Commission require demurrage and detention invoices to be issued within 60 days of date when the detention/demurrage/per diem stops accruing?

A: Yes

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Q: (If no) Please provide number of preferred days:

A: 30 Days

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Q: Should the Commission require specific information be included on the invoice regarding how to dispute a charge? If so, what information should be required?

A: Sure. However, the commission should find a way to force VOCCs and NVOCCs to hire enough people to handle the demand. COVID aside, major SSLs have been putting customer service and equipment control on auto-pilot. Hold times to speak to a VOCC agent regularly exceed 60 minutes. However, to get specific containers off your clock often takes an act of Congress plus hours of your life listening to bad hold music.

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Q: How long from the point of dismissal of a charge does it typically take to receive a refund?

A: Varies

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Q: How would a regulation on demurrage and detention billing requirements impact, conflict with, or preempt any other applicable laws, regulations, or arrangements such as the UIIA (Uniform Intermodal Interchange and Facilities Access Agreement)?

A: It would be a very direct relationship. The UIIA here in North America is the very heart of our industry. To correct port/rail issues in the United States, the Commission cannot and must not ignore the impact of the UIIA from the individual truck driver to the owners of the "Ever Given."

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Q: Please provide any other views or data you believe would help inform the Commission's decision whether to pursue a proposed regulation on demurrage and detention billing information and practices.

A: Oh, Lord. There isn't enough space on this questionnaire to cover it. I'll try till your form runs out of space.

I assert that the Coronavirus event should spur change in the transportation/logistics environment ... from bottom to the top. Warehouse workers, dispatchers, and drivers are asking, "If we are so essential, why are we so poorly paid?"

It is the duty of transportation and logistics executives to represent themselves and their companies interests to the shipper marketplace in a sustainable fashion. If the executives won't put into play a sustainable model, or if they continue to work slavishly for the likes of Walmart and Amazon, only to let the rocks roll downhill, they are doing no favors for their employees or vendors. I guarantee you, shippers LOVE the sacrifice we transport people are making in service to their profits! Transport has been bleeding from the carotid artery since deregulation. There is no more blood to give.

An example:

NIKE, Inc. online store offers "Free standard shipping and -30-day free returns, only with NikePlus. Standard / Arrives 2-4 Business Days." Given your average NIKE, Inc. pair of shoes weighs pproximately 3.0 pounds in a box 11.5 x 7.0 x 3.75 (l x w x h). That's 309 cu inches. In a 40 foot container, you can fit 10,000 shoe boxes on board. At \$ 85.00 per pair of shoes, this container is worth \$ 850,000.00 on the retail level. This container is being shipped across 12 time zones.

IF the average LAX/LB port truck driver on an owner operator contract makes \$ 200.00 per pull between Long Beach and a warehouse in Commerce, that's being generous. The distance between Long Beach ICTF and Commerce CA is 17 miles. Considering congestion and LA freeway traffic jams, a port driver can make one turn between pier and warehouse 2 hours IF the day is being good to the driver. A port driver might get three turns daily in this fashion if nothing goes wrong. The port driver's economic role in this \$ 85.00 retail transaction is

0.00023529 per cent of the entire container transaction.

Rather than fight for better pay from the shipping industry, trucking executives would rather eat the owner-operators alive. This is highly unstable. This is a major "why" the ports and rails are jammed. Who wants to fail like this?