

August 19, 2022

TO: Federal Maritime Commission, sent via email to [secretary@fmc.gov](mailto:secretary@fmc.gov)

FROM: Philip Gigante, President of BBT Logistics, Inc.

RE: Docket No. 22-19, Request for Information

I am writing to share my feedback on Docket No. 22-19, which seeks comment on whether supply chain congestion has created conditions warranting the issuance of an emergency order requiring common carriers and marine terminal operators (MTOs) to share key information with shippers, truckers, and railroads.

Based on my experience moving freight for over 20 years at the Port of NY/NJ, I strongly support the issuance of an emergency order. The lack of adequate information sharing has created an emergency situation that is adversely affecting our operations, impeding the efficient movement of freight. An emergency order issued by the Commission would help alleviate this situation.

I believe the scope of this emergency order should include (but not necessarily be limited to) the following:

- Marine Terminals that require appointments for movement of freight must clearly indicate the number of appointments available for each type of move (specific to time slot, SSL, and container size), and must notify shippers, motor carriers and ocean carriers when those appointment slots are fully booked/no longer available.
- When a location is designated as an Empty Container Return location, notice must be given on the total number of containers being accepted (specific to SSL and container size). If capacity is reached before the end of the day and empties are shutout by the terminal, notice must be sent to shippers, ocean carriers and motor carriers, documenting the lack of available return location.
- If a Marine Terminal Operator places restrictions on the free flow of Empty Container Returns (e.g. requiring double moves only, restricting returns for a specific SSL to certain time windows, etc.), Shippers, Ocean Carriers and Motor Carriers must be notified of these restrictions, as they may adversely affect the motor carriers' ability to return the container.
- When on-street congestion and/or extreme traffic conditions warrant temporary closure of access to the terminal, notification must be sent to Shippers, Ocean Carriers and Motor Carriers, including time stamps of when the metering commenced, and when free flow into the terminal resumed. Port law enforcement agencies and port operations personnel may assist in this notification process as warranted.
- When system issues adversely affect a terminal's ability to process trucks, notification must be sent to Shippers, Ocean Carriers and Motor Carriers, including time stamps indicating when the system issue commenced, and when the issue was resolved.
- **All of the above notifications must be posted and archived on a platform that is readily accessible by Shippers, Motor Carriers and Ocean Carriers for later reference, in order to document issues that have the potential to impact detention and demurrage billing.**

The lack of information sharing has adversely affected my ability to move freight efficiently. Examples of these include:

1. Returning empty containers to their origin point only to find out the amount of empties received was met and no more empties can be returned. I've had hundreds of instances where I had to pay for empties that weren't able to be returned.
2. We are unable to utilize a Saturday gate because double moves are required. This is impossible when the empties are not accepted. Then we are charged a storage day but it is impossible to deliver an import.
3. We have a number of employees booking appointments at the same time. Within minutes the booking times are filled and we are unable to secure any times.
4. Worse yet, even if we can get an appointment time, the appointment times do nothing to alleviate the traffic. We still have lines of trucks lined up outside the ports only to be turned away due to congestion. Many times the trucks make more attempts to get in line only to be shut out of the pier and losing a day of storage.

Thank you for the opportunity to share my comments on this emergency situation. I urge the FMC to take immediate action to issue the emergency order requiring information sharing, as stipulated above.

Sincerely,

Philip Gigante

President

BBT Logistics, Inc.