

August 15, 2022

TO: Federal Maritime Commission, sent via email to secretary@fmc.gov

FROM: Michael Drew @ A1 Dedicated Transport LLC

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 as a motor carrier moving freight 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.

Our Company has suffered the consequences of lost hours, service disruptions for our customers and rejection of any attempt to recoup our losses due to these congestions' issues. Here are some of the examples of these experiences we have endured over the past year:

- Drivers being caught on the street with empties they cannot return due to a last-minute stoppage of accepting empty containers of a particular Ocean Carrier by the MTO
- PA Police closing the entrances of terminals due to congestion inside the MTO causing drivers to keep circling around waiting for an opening in the gate to enter.
- Being unable to secure empty return appts @ MTO'S that require Appts due to limited amount of those slots available. Many hours spent trying over and over to secure Appt's in the hope that existing Appt's are canceled by other truckers that would free up an Appt to schedule.
- Being unable to return empties when MTO's require Dual Transactions to accept a carrier's equipment. This severely limits our ability to efficiently move loads out of MTO's other locations since not being able to return the empties ties up all of our Chassis.
- In securing empty return appts for the following day, it takes a staff of 4-5 to make the appt's that open each day @ 9:00am and are usually all gone by 9:01am. If your team wasn't fast enough to get the appt's needed, they spend the whole rest of the day trying to get the ones needed. Which only works about 10% of the time.
- Congestion at MTO locations can take up to 4-5 hours to drop 1 empty and PU 1 load. We need our drivers to make at least 2 of these "Rounds" a day to survive and most of the time this does not occur. We are then forced to charge our customers detention and/or congestion charges to make up the difference.
- Detention that can be billed to the MTO'S should be changed from 2.5 hours for a single move to 1.5 hours and 3.5 hours for a Double move to 2.5 hours. MTO'S should bear some of the financial responsibility that Truckers and Shippers are now forced to absorb.

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,

Michael Drew

A1 Dedicated Transport LLC