



August 17, 2022

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

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.

I have had drivers sit on lines to return containers to the ports only to get turned around.

I am disputing Per Diem invoices that we have received because the terminals would only accept containers on a double move, which we did not have. Now the SSL are telling us that we have to pay these charges.

We made appointments to return containers ONLY to be turned away because the port or the SSL had stopped receiving / had hit the quota for the containers being returned.

The volume of dollars that we have lost as a small company because of all of the irresponsibility of the SSL will never be made up.

- *Paying drivers overtime to sit in lines and not produce any revenue.*
- *Tolls, Fuel being paid only to return the truck and driver to our yard because we could not accomplish anything.*
- *The astronomical rents that we pay to hold empty containers and chassis for the SSL and lose that space for our own business.*
- *I have lost the majority of loads I was handling for one of our largest accounts because they blamed us instead of the steamship lines for this chaos. They decided to give it to 10 different carriers rather than have us handle their business as we have been for the last 5 years.*

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 Miqueli

President

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