



September 22, 2022

VIA EMAIL (secretary@fmc.gov)

The Honorable Daniel B. Maffei
Chairman
Federal Maritime Commission
800 North Capitol Street, N.W.
Washington, D.C. 20573

**Re: Docket No. 22-19, Request for Information
OSRA 2022 – Section 18 (Temporary Emergency Authority)**

Dear Chairman Maffei:

I am writing in support of the comments submitted separately by both The National Association of Waterfront Employers (“NAWE”) and The Port of NY/NJ Sustainable Services Agreement (“PONYNJSSA”), in regards to this topic. GCT USA, which operates two terminals in the port of New York (GCT Bayonne and GCT New York) is an active member in both these organizations and wholeheartedly supports the comments submitted by each group.

Additionally, I feel it is important to send a rebuttal to some of the comments that were submitted by Lisa Yakomin of the Association of Bi-State Motor Carriers. My comments will be divided in response to Ms. Yakomin’s individual subject headings.

Lack of transparency Re: number of containers on last free day/ potential gate demand

Ms. Yakomin claims that terminal operators do not have access to the last free day for import units at the terminal that they operate, is not accurate. GCT has this information for both GCT New York and GCT Bayonne. It also should be noted that all parties have access to the free time data elements of individual shipments (or multiple shipments if they are using a watchlist) such as the Last Free Day (LFD), through the PONYNJSSA and the NY/NJ Port Authority sponsored Port Truck Pass web portal. Ms. Yakomin further states that “this information will be useful to terminals that require appointments, to assess and prepare for demand on their booking system. “The PONYNJSSA funded appointment system utilized by GCT Bayonne is designed to utilize all known data to help us plan and allocate labor based on the specific appointments made for each hour of the appointment period (0600-1300 daily). While the last free day (LFD) may be an influencing factor on when a trucker will pick up the cargo it is by no means a firm predictor of this event. A supporting fact of this statement is that the import dwell had ballooned to 12-14 day levels in the early part of this year – well beyond the LFD.

Lack of transparency Re: appointment availability

Ms. Yakomin states (I am paraphrasing) that the appointment availability dashboard issued by one terminal (GCT Bayonne) does not indicate the number of appointments available to motor carriers is

anywhere close to adequate to meet potential demand. We have not heard any recent complaints about motor carriers not being able to get appointments for import units. It is accurate that at some points, immediately after a vessel discharges, certain desirable appointment times may be consumed very quickly -which is expected and a known derivative of a well-functioning appointment system. Most truckers prefer to be in the terminals as soon as they open so they can get serviced and be on their way before rush hour traffic. The concern about low appointment availability in the morning is understandable, but the suggested solution of adding more appointments during a particular time block is not practical as this would only diminishes the positive results of the system (reducing congestion and optimizing truck turn-time). Appointment slots are finite so that we can allocate labor and machinery to a certain task within a certain time frame to provide the expected service levels. Despite the quick consumption of the early appointments, we are 100% confident that GCT Bayonne's appointment slots are more than adequate to allow import cargo to be picked up at various points during the cargo's standard free time. Additionally, GCT Bayonne has an open access period from 1300-1630 each day that allows any trucker to come into the terminal without an appointment to retrieve any import, provided it is US Customs and freight cleared. I believe Ms. Yakomin's comments are more centered around appointments for returning empty equipment although she does not specifically state this.

In this same section Ms. Yakomin further states that the lack of appointment availability leads to the "unfair assessment of fees, especially when the Ocean Carrier billing department believes that a return location was made available, but in reality, the number of returns was strictly limited, and the majority of those who need an appointment could not get one". We readily acknowledge that returning empties is the largest challenge facing all stakeholders in the port this year. GCT makes every effort to accommodate as many empties as we can physically handle without severely degrading our ability to service our customers. After all, an empty container for us represents a marine lift (revenue) that we can provide to primary customers, the Ocean Carrier. We want to be able to handle as many empties as we physically can as it represents future revenue for us, once we load it to a vessel. Regards to the inference that the lack of appointments leads to unfair assessment of fees, this comment I believe is directed to the Ocean Carriers and not the marine terminal operators.

Ms. Yakomin goes on further in this section to infer that MTO's and the Ocean Carrier's are conspiring to reduce appointments for empty returns, to create a chassis shortage. The chassis shortage in turn leads to imports stranded on the terminal beyond free time and thus generates demurrage revenue for both parties. This is a generalization and a distortion of the facts. It is common knowledge that volumes over the Port of NY are up 18% year to date versus 2021, which was also up significantly over 2020. The port has grown more than 30% since the last full pre-pandemic year, 2019. This unprecedented growth has created many challenges for all parties. GCT, as well as the other MTO's in the harbor are investing significantly in infrastructure improvements and capital investment to be able to handle this unexpected surge of volume. These investments are all without the assurance that this volume surge will continue at these levels for any length of time into the future. Additionally, as noted above, empty returns have proven to be the largest challenge to all port stakeholders. GCT objects to the suggestion that we are in any way, making efforts to delay cargo for the purpose of gaining additional revenue.

Ms. Yakomin recommends that MTO's provide visibility to the number of appointments available for each type of move specific to time slot, Ocean Carrier and container size. GCT already provides information about appointment availability per the below matrix, which is distributed twice daily to all stakeholders. This matrix allows stakeholders to know the level of availability for appointments in each section of the yard, and for empty return, the level of acceptance by the equipment owner. In addition, with the constant movement of empty containers on and off vessels, in and out the gate as well as cross

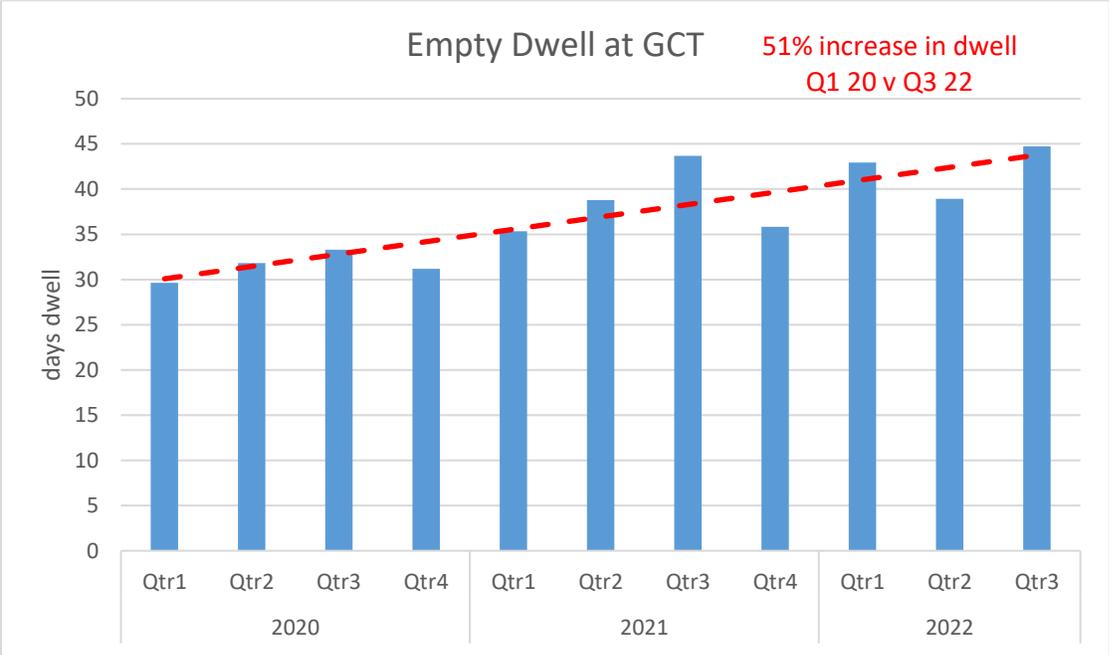
utilization of yard space for imports/exports and empty containers of all types/sizes/ownership. It would be near impossible to provide a number of empty slots available as per Ms. Yakomin's request.

The below sample was sent 9/20 at 07:09 to Bi-state members and various other stakeholders. As you can see on the chart, most of the time blocks are green, which means there were available appointments in all those sections.

As of 1:59 PM today, please note our remaining appointment availability for the following locations/move types for Wednesday, September 21st.

MOVE TYPE / LOCATION	6AM	7AM	8AM	9am	10am	11am	12pm
7A IMPORT PICKUPS	●	●	●	●	●	●	●
8A IMPORT PICKUPS	●	●	●	●	●	●	●
9A IMPORT PICKUPS	●	●	●	●	●	●	●
10A IMPORT PICKUPS		●	●	●	●	●	●
11A IMPORT PICKUPS	●	●	●	●	●	●	●
12A IMPORT PICKUPS	●	●	●	●	●	●	●
13A IMPORT PICKUPS	●		●	●	●	●	●
14A IMPORT PICKUPS		●	●	●	●	●	●
15A IMPORT PICKUPS	●	●	●	●	●	●	●
16A IMPORT PICKUPS	●	●	●	●	●	●	●
IMPORT PICKUPS IN B_LOC				●	●	●	●
IMPORT PICKUPS IN C_LOC	●	●	●	●	●	●	●
IMPORT PICKUPS IN D_LOC	●	●	●	●	●	●	●
IMPORT PICKUPS E_LOC	●	●	●	●	●	●	●
EXPORTS IN	●	●	●	●	●	●	●
EMPTY OUT						●	●
HLCU EMPTY IN	●		●	●	●	●	●
YMLU EMPTY IN							
HDMU EMPTY IN							
ONEY EMPTY IN							
KEY:							
●	Limited Availability						
●	Available						
	No Availability						

In this same section, Ms. Yakomin goes on to explain the relationship of not being able to get an appointment to return an empty, and the trucker’s inability to make a chassis available for picking up an import container. We acknowledge that chassis availability is a key requirement to allowing truckers to pick up import containers. What is not accurate, is the suggestion that MTO’s are restricting empty return appointments, to restrict chassis availability and thus create a situation where import containers sit and begin to incur demurrage. This statement is inaccurate and disparaging to GCT. GCT has taken great efforts to increase our ability to handle more overall equipment within the confines of the terminal. We have spent a significant amount of capital to be better able to accommodate our Ocean Carrier customer’s needs, as well as having the ability to plan accordingly to meet their export empty demand nearly 99% of the time. What we have never claimed to be is a storage facility or depot for empty equipment. We have always maintained that the empty containers we have in inventory at the terminal should only be enough for the Ocean Carrier’s load out plans for the next 7-10 days. As context, empty dwell of containers on terminal has increased by over 50% since the pandemic.



Recognizing the challenges of the empty imbalance of our customers and the closing of one of the only major depot operators in the port last year (Ironbound depot) , GCT has partnered with Columbia Container Services (CCS)in 2021 to operate an offsite depot in Elizabeth, exclusively for GCT Bayonne customers. This facility acts as an overflow facility for our customers and can store up to approximately 2,800 units. It has been over 90% occupied since we brought it online last year. Additionally, in early 2021, GCT Bayonne provided temporary relief by storing some 1,000 empty units in our Greenville rail yard for our GCT Bayonne Ocean Carrier customers.

Lack of transparency on empty container return capacity

In this section, Ms. Yakomin requests that there be full transparency on the number of empty containers that can be accepted each day at a facility. GCT fully acknowledges that when a location is fully open for empty returns and is suddenly closed in the middle of the day or period of return, the amount of chaos and disruption that this causes to the truckers, BCO's and other stakeholders is significant. We take great efforts to ensure that this chaos does not occur at either GCT Bayonne or GCT New York. The reason this has not happened in many months at either facility can be contributed to the measures we have put in place (i.e., A finite number of empty return appointments based on needs, and requiring a container pick-up after 1300 to return an empty, to name the two most significant measures). Terminal space is not unbounded and with gate, vessel and rail operations all occurring simultaneously, it is a very dynamic environment. Our empty return capacity is very fluid and can change significantly day to day and even hour to hour. We don't believe supplying specific empty space allocation on a day-to-day level will add value to the process in any way and would be extremely difficult to accurately predict, since the trucking community has proven that it cannot regulate a specific number of trucks that would call that facility based upon availability.

Lack of visibility on MTO restrictions/ other barriers to terminal entry

In this section, Ms. Yakomin points out that GCT Bayonne's notice to the community about which empties we were receiving "with no restrictions". We have since added the below explanatory statement on all of our communications about empty returns. We believe this has resolved any confusion.

As of [Monday, July 25th](#), GCT Bayonne has added new procedures for empty receiving. After 1300 each day, GCT Bayonne may only accept empty container returns on a double move basis for unrestricted lines. In these cases, all truck transactions after 1300 will need to have an import pickup mission when dropping off empty containers. The Line or the Container type do not have to be the same, the transaction just has to be on a double move basis. This new double move procedure is for empty returns only, and available imports are never restricted from being picked up. Please pay close attention to the empty return instructions under the "TIPS" tab on the Port Truck Pass website.

Lack of historical documentation of circumstances when freight movement is restricted.

GCT communicates empty return conditions for both terminals the day before, via email to the Bi-State members and all other stakeholders who wish to be on email distribution. This communication is timely, consistent, and accurate. GCT also provides empty return guidance one day prior for GCT New York and two days prior for GCT Bayonne via the Port Truck Pass system. Below is an excerpt for the Port Truck Pass System showing the Empty Return Instructions for all the GCT customers at both GCT New York and GCT Bayonne. This information is archived and available to all users well into last year. Below is a screen shot showing the empty return instructions for January 5th, 2022. This information has been communicated to the Bistate and its members on multiple occasions.

porttruckpassavailability.emodal.com/ViewEmptyReturnInst

EMPTY RETURN INSTRUCTIONS

Port: Port of NYNJ Date: 01/05/2022

Hover your cursor over the Terminal to see their Shift Definitions.

Line	20' STD	HANGER EQP	20' RF	40' RF	40' STD	40' HC	45' HC	20' SPECIAL EQP	40' SPECIAL EQP	NOTES
Terminal	1st Shift	1st Shift	1st Shift	1st Shift	1st Shift	1st Shift	1st Shift	1st Shift	1st Shift	
GCTB	OPEN	OPEN	CLOSED	CLOSED	OPEN	CLOSED	OPEN	CLOSED	CLOSED	

Line : ACL
Line : GMG
Line : HLC
Line : HYU
Line : MSC
Line : ONE
Line : WHL
Line : YML

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In conclusion, I feel the comments made by Ms. Yakomin in her letter to the commission are, for the most part, misleading and at times completely inaccurate as it relates to the subject matter.

Sincerely,



John Atkins
President
GCT USA LP