

February 28, 2017

Ms. Rachel E. Dickon
Assistant Secretary
Federal Maritime Commission
800 North Capitol Street, N.W.,
Washington, D.C. 20573-0001

Re: Docket P4-16, Petition of the 'Coalition for Fair Port Practices' for Rulemaking

Dear Ms. Dickon,

The American Association of Port Authorities ("AAPA") appreciates the opportunity to respond to the petition for rulemaking submitted by the "Coalition for Fair Port Practices" seeking a rulemaking as to what constitutes just and reasonable rules and practices with respect to the assessment of demurrage, detention and per diem charges by carriers and MTOs when ports are congested or otherwise inaccessible.

AAPA concurs with the comments filed by the Port of Houston Authority that the proposed rule would "deprive terminal operators of compensation, almost always in circumstances over which they have no control" and that "...the parties who should bear these costs and negotiate the allocation of these costs should be the parties to the transportation contracts; that is, the carrier and the shipper." Port of Houston Authority comments, pp. 4, 6. We also agree with the Port of Houston's statement that the requested rule is "anti-competitive" and that one rule should not apply to all ports.

We also concur with comments filed by the National Association of Waterfront Employers which state that "[u]nique episodic conditions do not justify a blanket, broad-brush policy on demurrage charges" and that the proposed rule is also "inconsistent with the Shipping Act's stated purpose of establishing a non-discriminatory regulatory process with a minimum of government intervention and regulatory costs." NAWA comments pp. 10-14.

We urge that the petition be denied.

Sincerely,


Jean C. Godwin
Executive Vice President and General Counsel