

12/8/17

Rachel Dickon

Assistant Secretary

Federal Maritime Commission

800 North Capitol St. NW, Room 1046

Washington, DC 20573-0001

Sent via EMAIL – secretary@fmc.gov

REQUEST TO APPEAR AT 1/16/18 HEARING ON DEMURRAGE, DETENTION AND PER DIEM SUBMITTED BY CALIFORNIA TRUCKING ASSOCIATION (“CTA”) INTERMODAL CONFERENCE:

Commission Secretary:

This letter is being sent in conjunction with the “Notice of Public Hearing and Request for Comments” issued by the Federal Maritime Commission on or about November 16, 2017. The California Trucking Association (“CTA”), by and through its Intermodal Conference, hereby formally requests to participate in the hearings set for January 16th and 17th, 2018 on the Petition filed by the Coalition for Fair Port Practices concerning demurrage, detention and per diem charges.

The CTA has been actively engaged on these issues for several years including participation in both the Port of Los Angeles/Long Beach Cargo Efficiency Taskforce as well as the FMC convened stakeholder group led by Commissioner Dye to address issues of Port congestion. Given our association’s deep commitment and demonstrated past participation in these issues, we now respectfully request that we be allowed to testify at the formal rulemaking hearings in January.

As the largest trucking association in the State of California, representing nearly 1,000 trucking companies including more than 200 involved specifically with Port drayage, the CTA Intermodal Conference believes it is uniquely positioned to provide testimony on these issues. In addition, Alex Cherin, Executive Director of the CTA’s Intermodal Conference and the representative that will provide testimony, is the former Managing Director for Trade Relations and Port Operations at the Port of Long Beach and can add additional insight on these practices and their impact to the supply chain.

On behalf of the CTA Intermodal Conference, Mr. Cherin will provide testimony including but not limited to:

- The operational impact of Port congestion generally and the imposition of certain demurrage, detention and per diem charges specifically, on CTA member companies operating drayage fleets at the Ports of Los Angeles and Long Beach;
- The financial impact of these practices on our member drayage companies;
- The impact of these practices on the competitiveness of the West Coast U.S. Ports in the global supply chain;
- The history and context of imposition of such fees by Marine Terminal Operators;

- The history and context of the CTA's advocacy for policies including tariff amendments and State statutes that address the unfair business climate created by the arbitrary imposition of such fees;
- The history and context of CTA's prior legislative efforts in California to address the unfair imposition of such fees;
- The status of current discussions between CTA drayage members and Marine Terminal Operators at the Ports of Los Angeles and Long Beach on the imposition of these fees and the impact on terminal visit times;
- The impact of labor, congestion and other operational matters on the imposition of such fees;
- Potential solutions to alleviate the arbitrary imposition of demurrage, detention and per diem fees including adoption of a Port wide "portal" or "uniform appointment system".

As highlighted in the FMC's "Notice of Public Hearing" on this matter, these are complex issues. However, the local drayage community is in a position to provide insight on the impact of these fees on daily operations at our Nation's largest seaport complex.

As a number of the CTA members have provided prior testimony to this Commission – either through the pending petition or in conjunction with our engagement on the congestion stakeholder group - we would respectfully ask to be represented at the hearings in January as a continuation of our earlier efforts.

Please feel free to contact us with any questions you may have in the interim.

Regards,

California Trucking Association Intermodal Conference

c/o Alex Cherin, Executive Director

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