Continental Terminals of SC, Inc.

201 Luken Road • Goose Creek, SC 29445

February 22, 2017

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

RE: Petition of the Coalition for Fair Port Practices for Rulemaking [Petition No. P4–16]

Dear Assistant Secretary Dickon:

Continental Terminals of SC, Inc. to the Federal Maritime Commission (FMC) *Federal Register* notice published on December 28, 2016 concerning a petition for rulemaking from the Coalition for Fair Port Practices. Continental Terminals of SC, Inc., we fully support/s the policy statement requested by the Coalition which would help bring about more reasonable demurrage and detention practices for cargo moving through our nation's seaports. We urge the FMC to begin a formal rulemaking on this matter as soon as possible.

I am the operations manager here at the South Carolina branch and as such I am involved with all aspects of inbound and outbound containers through the port of Charleston. We handle the drayage for our customers for both import and export containers. My company mostly handles imports of green coffee for importers and roasters in the southeast region. One current example of a problem beyond our control for demurrage and per diem charges was due entirely to a change of gate process at the port of Charleston at the Wando Welch Terminal. The port of Charleston without proper testing of the system rolled it out to all gates at the terminal. This caused such a problem and backup on to the freeway I-526 that the police shut it down and rerouted all trucks. The trucking companies, importers and exporters had no control what so ever in this situation. However the Port of Charleston did not work this out ahead of time with the steamship lines and as such trucking companies, importers and exporters were stuck with the bill for demurrage and per diem. This situation remained for over a week with them extending hours long after they had taken all our drivers hours with them either stuck in lines trying to get in the port or stuck in the port and could not get out.

Our company has been involved in repeated incidents as explained above of severe congestion at the port of Charleston. There have been multiple incidents similar to the one described above where there seemed to be no regard to how the ports actions affected the importer/exporter or draymen.

Whether those incidents involved weather, labor contract negotiations, the arrival of very large ships or other disruptions, the port delays were beyond the control of the importers, exporters or draymen. All too frequently shippers and truckers are being charged demurrage and detention penalties for late pickup or return of containers when it is not their fault. If the terminal is closed during normal working hours, or if a container is unavailable for pickup during the free time

period due to congestion or other disruption at the port, carriers and terminals should not assess demurrage. The same is true for detention charges when attempts to return an empty container are frustrated. These are real costs that hurt American businesses and American competitiveness.

The Coalition for Fair Port Practices has proposed a policy statement that would help to stop this unfair practice. The FMC has the authority to ensure that demurrage and detention practices are fair and reasonable and it needs to act to address this problem.

The FMC has taken important steps to examine port congestion issues challenging carriers, shippers, terminals and intermediaries. As the next step, we urge you to grant the petition and open a rulemaking on the Coalition's policy statement to ensure that US imports and exports are not burdened with unfair demurrage and detention charges. Thank you for considering my views on these situations where we need a fair rule for all.

Respectfully,

Matthew Hammond