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February 17, 2017

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

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OFFICE OF THE SECRETARY
FEDERAL MARITIME COMMISSION

Re: Petition of the Coalition for Fair Port Practices for Rulemaking (Petition No. P4-16)

Dear Asst Secretary Dickon:

I am writing in response to FMC's Federal Register notice published on 12/28/16 concerning a petition for rulemaking from the Coalition for Fair Port Practices. My company, Devine Intermodal, a California-based regional trucking and logistics company, fully supports the policy statement requested by the Coalition to bring about reasonable demurrage and per diem practices for cargo moving through our ports, and I urge the FMC to begin formal rulemaking on this matter asap.

I have been engaged in ocean transportation and logistics for almost 40 years, and have been a partner here at Devine for 30 of those 40 years. I am a past president of the California Trucking Association, and am an active board member of the California Marine and Intermodal Transportation System Advisory Committee (CALMITSAC). With terminals in Sacramento, Reno, Fresno and Oakland, my company runs over 200 trucks serving California's ports, mostly the Port of Oakland. We deal with every major ocean carrier calling at California ports.

The timing of FMC's consideration of this could not be more appropriate for me. This year's weather in California has brought flooding, mudslides and road closures throughout the state and has resulted in our complete inability to move containers in any sort of timely manner, and we are dealing with mountains of resulting demurrage and per diem charges over which we have NO control. Appeals to ocean carriers and terminal operators have fallen on deaf ears, especially ocean carriers. They simply do not care about the myriad issues we face in order to move equipment in the timely manner we would like.

And..... The daily charges levied against us are obscene vis-à-vis the actual ownership costs of the equipment. We need FMC's help in stopping this unfair practice.

Thank you for your consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Richard R. Coyle'.

Richard R. Coyle
President