



February 22, 2017.

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

RE: Petition of the Coalition for Fair port Practices for Rulemaking (petition No. P4-16)

Dear Assistant Secretary Dickon:

I am writing in response 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. GSC Logistics, Inc. and its' subsidiaries fully support 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.

As Chairman of the Board and Executive V.P. for GSC Logistics, Inc., managing over 300 drivers and Independent Owner Operators serving the ports of Oakland, Seattle, and Tacoma, and processing over 170,000 import ocean containers through the various ports, our involvement in import and export drayage is paramount. Our experiences with marine terminals and vessel lines are as diverse as could be imagined. The vessel lines are deaf to logistics providers' issues. The terminal operators' service to transportation providers, range from dismal to deplorable. The terminal operators are also deaf to transportation providers' issues, suggestions, constraints, deadlines.

GSC Logistics overcomes daily, continued incidents of terminal congestion, chassis shortage and/or chassis inventory disarray, non-responsiveness from terminal operators to our repeated calls and emails, requesting support and guidance within their facilities. Our customers are affected by excessive costs relating to driver wait time and delays to arrival of inventories to their facilities, where typically, labor crews are awaiting container arrival.

Whether those incidents involved weather, labor contract negotiations, the arrival of very large ships or other disruptions, the port delays were beyond our control, as well as the control of importers and exporters alike. All too frequently, shippers and truckers are being charged demurrage and detention penalties for late pickup or return of containers, when in fact the shippers and truckers were not at fault, nor the cause for the penalty. 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 the 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 dilemma.

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 U.S. imports and exports are not burdened with unfair demurrage and detention charges. Thank you for the time and diligence afforded to GSC Logistics and its' customers through this communication.

Respectfully
Andres L. Garcia
Chairman of the Board
GSC Logistics, Inc.