



National Association of Waterfront Employers

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December 8, 2017

Ms. Rachel E. Dickon
Assistant Secretary
Federal Maritime Commission
800 North Capitol Street, NW
Room 1046
Washington, DC 20573
Email: secretary@fmc.gov

Re: FMC Docket No. P4-16 – Request to Testify

Dear Ms. Dickon:

Pursuant to the November 16, 2017 Notice of Public Hearing and Request for Comments (“Notice”) issued by the Federal Maritime Commission (“FMC” or “Commission”) in Docket No. P4-16, the undersigned hereby requests that he be permitted to participate as a witness in the hearings.

The information required by the Notice is as follows:

Name:	John E. Crowley, Jr.
Company:	National Association of Waterfront Employers
Title:	Executive Director
Street Address:	8400 Westpark Drive, 2nd Floor McLean, VA 22102
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NAWE submitted written comments on the petition which is the basis of the hearing. As an association representing terminal operators of various sizes who operate throughout the United States, NAWE is uniquely positioned to provide a breadth of perspective that the Commission may be unlikely to obtain from any individual marine terminal operators who might testify. That breadth of perspective is informed by details provided by NAWE’s individual members.

That said, if permitted to testify, NAWE’s testimony would cover the following subjects:

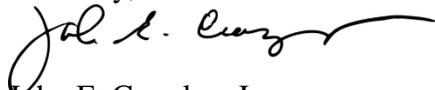
- The complexity and variety of private business relationships involved in the demurrage and detention issue. It is important for the Commission to understand that in different ports

different entities may establish the free time and demurrage charges, and that these charges may be assessed against and collected from different parties, depending on the marine terminal and/or ocean carrier involved. There are a variety of private contractual relationships between or among the relevant parties that would be impacted by a rule of the type sought by the petition.

- The reasons for having limited free time and imposing demurrage charges when that free time has expired, including avoiding terminal congestion by ensuring the efficient and expeditious removal of cargo from the marine terminal.
- The actions of cargo interests and their agents that contribute to terminal congestion and/or slow the movement of cargo through the terminal portion of the supply chain, which actions would not be addressed or would be exacerbated by the rule being sought by the petition.
- The unique and limited nature of many of the problems that appear to have prompted the petition and the relief sought therein, and how present conditions do not warrant the relief sought, including the manner in which the industry has dealt with disruptions at the ports of Houston and Miami during the 2017 hurricane season.
- The actions of marine terminal operators in extending free time and/or waiving demurrage charges, including examples of such extensions or waivers granted by NAWE member terminals in various circumstances.
- Examples of the types of situations in which the rule sought by the petition would be inequitable to marine terminal operators.

NAWE looks forward to the opportunity to testify in these hearings and help the Commission arrive at a more complete understanding of the issues presented by the petition and the relief it seeks.

Sincerely,



John E. Crowley, Jr.

Executive Director

National Association of Waterfront Employers