

United States Senate

WASHINGTON, DC 20510-4705

February 27, 2017

The Honorable Mario Cordero
Federal Maritime Commission
800 North Capitol Street, NW
Washington, DC 20573

Re: Petition No. P4-16

Dear Chairman Cordero,

I am writing in regard to Petition No. P4-16. As a Senator representing Washington state, which has a large and dynamic maritime trade sector, and as a member of the U.S. Senate Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security, which oversees the Federal Maritime Commission (FMC), I am asking for clarification on Petition No. P4-16.

Petition No. P4-16 asks the FMC to issue a rulemaking to regulate circumstances under which container free time, demurrage, and detention would be assessed. I understand that there are concerns about making changes to long standing industry practices, in part due to the potential for uncertainty at ports that could slow down the movement of cargo containers. I am interested in what specific authority the FMC has to promulgate such a rule.

Currently, disputes over container free time, demurrage, and detention are generally resolved between respective parties or governed by interchange agreements, such as the Uniform Intermodal Industry and Facility Access Agreement. When such matters cannot be resolved there is an existing dispute resolution structure within the FMC. I want to reiterate these concerns that a new rulemaking could negatively impact our country's ports.

Thank you in advance for your response to my question and the concerns outlined in this letter.

Sincerely,



Maria Cantwell
U.S. Senator

EVERETT
2930 WETMORE AVENUE
SUITE 9B
EVERETT, WA 98201
(425) 303-0114
FAX: (425) 303-8351

RICHLAND
825 JADWIN AVENUE
SUITE 204/204A
RICHLAND, WA 99352
(509) 946-8106
FAX: (509) 946-6937

SEATTLE
JACKSON FEDERAL BUILDING
915 2ND AVENUE, SUITE 3206
SEATTLE, WA 98174-1003
(206) 220-6400
TOLL FREE: 1-888-648-7328
FAX: (206) 220-6404

SPOKANE
U.S. FEDERAL COURTHOUSE
WEST 920 RIVERSIDE, SUITE 697
SPOKANE, WA 99201
(509) 353-2507
FAX: (509) 353-2547

TACOMA
950 PACIFIC AVENUE
SUITE 615
TACOMA, WA 98402
(253) 572-2281
FAX: (253) 572-5879

VANCOUVER
MARSHALL HOUSE
1313 OFFICERS' ROW
FIRST FLOOR
VANCOUVER, WA 98661
(360) 696-7838
FAX: (360) 696-7844

WASHINGTON, DC
511 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-4705
(202) 224-3441
FAX: (202) 228-0514