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OFFICE OF THE SECRETARY  
FEDERAL MARITIME COMMISSION

February 10, 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:

T.G.S. Transportation, Inc. is pleased to respond. 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. T.G.S. Transportation, Inc., 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 Vice President of TGS. My role is multi-faceted, but I manage and run my company. Also, I am heavily involved in the industry most recently being apart of the Supply Chain Innovation team with Commissioner Dye. She knows me well. My company runs trucks through the ports of LA/LB and Oakland. We have been in business for more than 30 years. Over the past several years with all the port congestion, my company filed dozens of petitions through the UIIA to review per diem and we won every case but one...around 39 wins and one loss.

Our company has experienced repeated incidents of severe congestion at container terminals in U.S. ports on the West Coast which has prevented or severely delayed us from picking up our cargo/returning empty containers. We have a customer of over 25 years that recently lost a customer dating back to the 1960's, all due to the fact that global competition is alive and well and if our terminals and ports can't compete consistently, we all lose out. I have several incidents, and know of countless more, just like this or even worse.

Whether those incidents involved weather, labor contract negotiations, the arrival of very large ships or other disruptions, the port delays were beyond our control. 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.

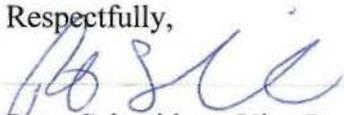
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The Coalition for Fair Port Practices has proposed a policy statement that would help to stop this unfair practice. The FMC has the authority to ensure that demurrage and detention practices are fair and reasonable and it needs to act to address this 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 U.S. imports and exports are not burdened with unfair demurrage and detention charges. Thank you for considering my views.

Respectfully,



Peter Schneider – Vice President  
T.G.S. Transportation, Inc.