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OFFICE OF THE SECRETARY
FEDERAL MARITIME COMMISSION

February 9, 2017

Ms. Rachel E. Dickon
Assistant Secretary
Federal Maritime Commission
800 North Capitol St NW
Washington, DC 20573-0001

RE: Petition of the Coalition for Fair Port Practices for Rulemaking [Petition No. P4-16]

Dear Assistant Secretary Dickon:

We urge you to grant the petition and open a rulemaking on the Coalition for Fair Port Practices' policy statement to ensure that US imports and exports are not burdened with unfair demurrage and detention charges.

Tidewater Motor Truck Association (TMTA) is pleased to respond 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. TMTA fully supports 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.

The TMTA was organized to promote, protect and encourage international and domestic trucking in Virginia and beyond. **Our membership includes many of the drayage carriers that deliver 62% of the 2.5 million TEU's that were handled by The Port of Virginia (POV) in 2016.** The TMTA has in the past worked with Virginia International Terminal and Virginia Port Authority on port production issues. We continue that relationship today. The TMTA is well represented on the POV Motor Carrier Committee and the POV Stakeholders Committee.

We have experienced repeated incidents of severe congestion at the Port of Virginia.

The trucking industry has experienced the same congestion issues at port throughout the United States.

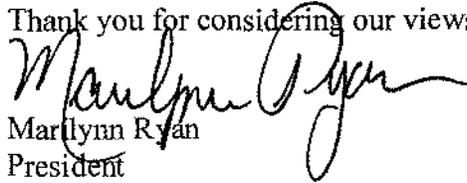
Whether those incidents involved weather, labor contract negotiations, the arrival of very large ships or other disruptions, the port delays were beyond the control of the draymen. All too frequently shippers and truckers are being charged demurrage and detention penalties for late pickup or return of 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 allotment 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.

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. Again, we urge you to support their efforts.

Thank you for considering our views,



Martlynn Ryan
President

Tidewater Motor Truck Association
Norfolk, VA

cc

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