



July 27, 2022

The Honorable Chairman Daniel Maffei  
Federal Maritime Commission  
800 North Capitol Street, Suite 1000  
Washington, DC 20573

Dear Chairman Maffei:

The situation at the New York (NY) and New Jersey (NJ) Ports is at a crisis level. Carriers and terminals are not accepting the return of thousands of empty containers which are mostly sitting on draymen's chassis cutting their capacity to minimal levels. This is adding enormous inefficiency and costs to the supply chain, and BCO's are facing unreasonable chassis, storage, and detention fees.

Additionally, due to the shortage of available chassis and certain terminal practices requiring dual transactions, draymen are unable to pick up loaded containers within free time and shippers are facing huge demurrage bills. One of our members had mentioned that they had paid more in demurrage charges in both May and June than they had all last year and expect that July charges will exceed both prior months combined. Shippers are also hearing from draymen that they are at their wits end.

Everyone acknowledges the record-breaking volumes of freight, but this means that carriers and terminals must adjust their operations to ensure that they are engaging in reasonable practices as required by the Shipping Act of 1984, as amended. Most importers continue to be held to the 4-days free time, despite horrendous service levels and current practices and policies at the NY/NJ marine terminals make it impossible to keep the containers moving efficiently. Turn times have continued to climb due to the on-going congestion and delays caused by overflow of empty containers at the terminals and chassis shortages most directly caused by ocean carriers' refusal to receive the empties at their own designated terminals. Even though some terminals are offering extended hours, drivers are coming up against Hours-of-Service restrictions that preclude them utilizing those hours.

Accordingly, on behalf of all our members, which move billions of dollars' worth of freight, NITL first believes it is imperative that you call for a moratorium on all demurrage and detention charges within the port of New York and New Jersey until the empties are cleared and operations resume to more normal levels.

Second, we also respectfully request that the FMC require the New York and New Jersey terminals to report to the FMC their plans for addressing this challenging situation, including securing off-terminal storage for the empties.



Third, a NITL supports the efforts of the Association of Bi-State Motor Carriers on this most serious matter which we understand has already been in contact with you.

Fourth, NITL is more than willing to have a call with you, the other FMC Commissioners to explain in further detail 1) what is happening now, on a daily basis, both to shippers and carriers at the NJ/NY ports and 2) how it is increasing costs for our members and severely jeopardizing their ability to efficiently move freight on behalf of their customers.

Sincerely,

E. Nancy O'Liddy  
Executive Director

cc: Commissioner Rebecca Dye  
Transportation Secretary Pete Buttigieg  
Port Envoy General Stephen Lyons  
Bethann Rooney Deputy Director Port Authority of NJ/NY