



Below is a working document. Please review, and share, to [info@agtrans.org](mailto:info@agtrans.org) further comments, or additional priorities.

**AgTC Objectives + Priorities Working Document** – revised July 17, 2023

**ERD + Doc Cut + Last Receiving Date = “Cargo Receiving Window”**

- Clearly this is one of if not *the* most pressing issues facing many AgTC members.
- Should AgTC pursue a ‘5-day ERD freeze minimum’? (Open gate days)
- Our strategy:
  - Do public ports have the authority to mandate? Operating ports (Savannah, Charleston, Norfolk have already imposed even longer ERD ‘freeze’, but on the WC, the public port authorities have deferred to their terminal operator tenants.)
  - Do we go straight to the private terminal operators.
  - Is Federal statute or FMC regulation required?

**Detention/Demurrage Billing Practices:** The primary component of OSRA, AgTC is pressing the FMC to advance this very important Rule, already delayed. Key issues:

- prohibit billing for demurrage/detention when terminal is closed or no appointment.
  - latest challenge – terminals opening only briefly, with minimal notice, on weekend day, thus justifying -in the eyes of the terminal operator and ocean carrier – counting that toward ‘free time’ and/or charging D&D for that day)
- prohibit invoicing for D & D more than 30 days after the event
- what about when container is held for govt inspection?

**Proposed Export Rule** [“Definition of Unreasonable Refusal to Deal or Negotiate with Respect to Vessel Space Accommodations Provided by an Ocean Common Carrier”] <https://www.regulations.gov/document/FMC-2023-0010-0032>

Stimulated by Congressional outrage when carriers rolled export containers or refused export bookings, while hustling back to Asia with empties. The AgTC was largely responsible for the provisions OSRA which are leading to this ‘Export Rule’ -- designed to increase ability of the FMC to mandate container availability for export shipments. Based on last week’s discussion, remains a high priority for many AgTC members. AgTC is filing Comments in support; due July 31.

**Chassis ‘Box Rule’:** FMC Administrative Law Judge ruled that box rules (wherein the ocean carrier mandates the exclusive brand of chassis upon which its container may ride), are unreasonable and thus not allowed. This applies only to merchant haulage, not to an ‘all-in’ door delivery shipment. Next step: the full Commission will vote on whether to adopt this Rule. The AgTC and other shippers have supported this case brought by the American Trucking Assoc; agreed the AgTC should:

- issue public statement of support for the ALJ ruling (this is being drafted currently)
- pursue Congressional support,
- pursue Commissioners’ support and favorable vote to adopt the ruling?

## **Engagement with Ocean Carriers and Terminal Operators**

- the **AgTC-MSC Working Committee**, in multiple off-the-record working meetings, achieved specific improvements in customer service, operation, billing, notification. Similar Working Committees will be established with other individual ocean carriers. With marine terminals?.
- In-person + virtual **AgTC-USDA Ag Shipper Workshops** Portland, Sacramento completed, Boise, Fresno, Norfolk, Minnesota, Kansas City planned
- What other formats for engagement with ocean carriers and marine terminals – or operating port authorities?

## **Engagement with Railroads.**

Objective: to assure commitment to exports, heavier cargo, which often must be loaded in rural areas, far from the import container origins or destinations. .  
Please recommend which railroads first, and locations for the meetings

## **Engagement with Longshore Labor**

Similar to our prior off-the-record meeting. This will be pursued after the ILWU has ratified the recently-agreed contract terms.

**Truck Weights** – AgTC will continue to press for any and all opportunities to increase allowable truck weights on interstate and state roads.

**Zero Emission Truck Mandates** – Unrealistic California CARB mandates, including phase-out of diesel trucking starting January 1, 2024. This is not just a California issue: impacts all ag trucked to the CA seaports regardless of origin of the truck, not to mention that other states have typically followed CA's emissions example. Thus far AgTC adding agriculture heft, joining with trucking associations, to educate and bring realistic review of the phase out of diesel trucking starting January 1, 2024.

***This summary reflects discussion from AgTC Policy Advisory Board inaugural gathering (via Zoom).*** Please review, and share, to [info@agtrans.org](mailto:info@agtrans.org) your comments, and if other objectives should be added. If you want to discuss over the phone, my number is 202 329 7040.

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