

**National Shipper Advisory Committee  
Port of Oakland  
December 8, 2022  
1:00-4:00 pm Pacific Time**

**A. Introduction and Determination of Quorum**

Dylan Richmond, the Designated Federal Officer (DFO), determined there was a quorum and called the meeting to order. He welcomed members of the public and acknowledged attendance of members from the White House Supply Chain working group. Members of the Committee were encouraged to have a robust discussion on all motions brought before the committee before any votes are taken. Finally, the members of the public in attendance were invited to provide their comments after these discussions.

**B. Remarks from NSAC Leadership**

Michael Symonanis, NSAC Acting Chair, acknowledged the impactful work that has been done within the subcommittees, and asked that committee members speaking on behalf of their subcommittee to include discussion on conversations they have had with outside parties.

**C. Chassis Subcommittee Discussion**

Steve Schult, the Chair of the Chassis Subcommittee, shared results from the team's efforts since being formed after the last NSAC meeting held in August 2022. Their initial efforts include data-gathering and discussions with parties outside the NSAC membership to gain perspective on the key issues from different players within the supply chain. Outside discussions had been held with Federal Maritime Commissioner Rebecca Dye, various chassis providers, General Lyons, the White House Port Envoy; one trucking company and one drayage company representative.

**D. Fees/Surcharges Subcommittee**

**Discussion on Prior Recommendations**

Rich Roche, Chair of the Fees and Surcharges Subcommittee, highlighted prior recommendations made to the FMC. Regarding the prior recommendation on through-bills-of-lading, the subcommittee agrees with the FMC that they have jurisdiction over disputes. However, the subcommittee believes there is a disconnect as no cases have been adjudicated or resolved regarding rail storage issues, and some relevant complaints, in their opinion, have been kicked out. They are planning to work with the FMC to identify and resolve this disconnect.

On the prior UIAA recommendation, the subcommittee is working to provide the additional information requested by the FMC.

Regarding extended dwell fees, Committee members noted that the interpretive rule does not allow fees that do not incentivize the movement of cargo. They noted there is still a problem in

the current state of affairs involving this. The subcommittee believes that current discussions on the planned detention and demurrage recommendation will help clear these issues up.

Finally, regarding the FMC's response to the prior Earliest Return Date (ERD) recommendation, the subcommittee believes that the FMC did not address the operational challenges stated in the recommendation, but instead focused only on the legal aspects of the issue. The subcommittee was under the impression that they had provided enough information to address related data issues but will work to provide further clarification to the FMC. It is the belief of the subcommittee that when a terminal or carrier change the ERD it affects the container and fees that result, and that honoring the ERD stated at the time of container availability would resolve these issues.

## **NPRM**

The subcommittee Chair brought up the ongoing FMC Notice of Proposed Rulemaking involving detention and demurrage and asked the committee to come together and discuss to provide comments. If the committee agrees to provide comment on the NPRM, they will discuss and vote on their comment at a full meeting.

## **Recommendation on Government Holds**

The subcommittee Chair reviewed their recommendation language (to see the full draft text, see the "Government Holds" link at [National Shipper Advisory Committee - Federal Maritime Commission - Federal Maritime Commission \(fmc.gov\)](https://www.fmc.gov/nprms/government-holds)).

After reading the language, the floor was open for discussion. No comments or questions were put to the subcommittee.

Bob Connor brought a motion to vote on the proposed recommendation. Sean Healy seconded the motion. DFO, Dylan Richmond, called on each committee member in attendance in turn. The vote was in favor of the recommendation.

## **E. Data/Visibility Subcommittee Discussion and Proposed Recommendations**

### **Discussion of Subcommittee's Prior Work**

Gabriel Rodriguez, Chair of the subcommittee, thanked members for their work thus far, and provided an overview of the subcommittee's work. The subcommittee's initial work involved gathering information which uncovered several data issues, namely, lack of accurate arrival information, appointments for empty returns, standardized language and definitions, and late notifications from carriers on ERD, vessel delays, and documentation cutoff dates. The next phase of the work involved exploratory meetings with different organization to see how they utilize or have developed technology that can potentially solve these issues.

As a result of this work the subcommittee devised some initial ideas to resolve these problems. These ideas included developing a national data portal and a national supply chain strategy. It

was noted that neither of these ideas has yet been brought forward for a vote in prior NSAC meetings and is not being proposed in today's meeting. Their work also led to their first recommendation that the FMC establish an Ocean Carrier Advisory Committee as recommended in the Fact Finding 29 Final Report. Mr. Rodriguez's summarized the FMC's response to this recommendation.

### **Recommendation on Shipment Level Data Alignment**

The subcommittee Chair reviewed their recommendation language (to see the full draft text, see the "Shipment Level Data Alignment" link at [National Shipper Advisory Committee - Federal Maritime Commission - Federal Maritime Commission \(fmc.gov\)](#)).

After reading the language, the floor was opened for discussion. The NSAC Acting Chair, Mr. Symonanis, stated that the issues covered by this recommendation are primarily behavioral problems and the recommendation was meant to address this concern and to help reduce data complexity in the supply chain.

Steve Schult proposed a motion to vote on the recommendation and Jen Morrissey seconded the motion. The DFO, Dylan Richmond, called on each committee member in attendance in turn. The vote was unanimously in favor of the recommendation.

### **Recommendation on Container Level Data Alignment**

The subcommittee Chair reviewed their recommendation language (to see the full draft text, see the "Container Level Data Alignment" link at [National Shipper Advisory Committee - Federal Maritime Commission - Federal Maritime Commission \(fmc.gov\)](#)).

After reading the language, the floor was opened for discussion. The Committee Acting Chair stated that the subcommittee believes the ability to provide or not provide data to parties in the supply chain ultimately falls to the carrier.

Alexis Jacobson proposed a motion to vote on the recommendation and Morgan Jackson seconded the motion. DFO, Dylan Richmond, called on each committee member in attendance in turn. The vote was unanimously in favor of the recommendation.

### **Recommendation on Intermodal Data Alignment**

The subcommittee Chair reviewed their recommendation language (to see the full draft text, see the "Intermodal Data Alignment" link at [National Shipper Advisory Committee - Federal Maritime Commission - Federal Maritime Commission \(fmc.gov\)](#)).

After reading the language, the floor was opened for discussion. The Committee Acting Chair stated that the subcommittee considered this recommendation could have been a part of the prior recommendation but felt it does not affect every shipper in the country. They also believe the proposed is feasible as there are carriers and other entities they know have the data, and the idea considered is how can shippers gain access to it to run their operations.

Scott Fremont proposed a motion to vote on the recommendation and Fernando Lagonell seconded the motion. DFO, Dylan Richmond, called on each committee member in attendance in turn. The vote was unanimously in favor of the recommendation.

#### **F. Public Comment Period**

Several non-committee members were present at the meeting or virtually. After the final recommendation was approved, the floor was opened to their comments.

Federal Maritime Commissioner Rebecca Dye referred Committee members to discussions during Fact Finding 29 on merchant and carrier haulage which may inform their future work on some issues. She also stated that she has talked to the FMC Chairman about moving forward with processes that will provide clarity and predictability. Finally, she referred the data team to the 2017 Innovation Team report to uncover what information may be available in the industry.

Scott Taylor, of GSC Logistics, stated that his company handles 25 percent of the imports in Oakland, and is expanding into the East and Gulf coasts. He wanted to make the Committee aware that the Port of Oakland is a critical international gateway, particularly for the agricultural industry which represents the largest group of commodities exported from Oakland. He also thanked Commissioner Dye for helping the Harbor Trucking Association improve the supply chain in Oakland and on the U.S. West Coast. Mike Symonanis thanked Mr. Taylor for his comments and expressed his understanding of the difficulties faced by the agricultural industry.

Susan Ransom, of SSA Terminals, echoed the prior comments and expressed her hope that the Committee will meet with ocean carriers to discuss the problems mentioned in their discussions today.

Mike O'Malley, of DCLI, thanked members for meeting with his organization at the subcommittee level. He stated there have been a lot of changes to the chassis pools, that having the right regulatory environment is critical, and that it is important to give shippers the option to choose a chassis provider.

#### **G. Closing Remarks**

Mr. Symonanis underscored the importance of permanently filling the Chair position following Brian Bumpass' departure earlier in the year. He asked members to consider volunteering to help guarantee the smooth functioning of the Committee.

The Chair stated there is value to meeting in-person and that the 2023 schedule will be finalized among themselves soon. Committee members encouraged members of public to continue to contribute their ideas and comments to members individually or to the group as it aids in refining the scope of the Committee's work.

Mr. Symonanis thanked everyone for traveling to the meeting and Mr. Schult for hosting this meeting.

#### **H. Adjournment**

At the end of the closing remarks the DFO adjourned the meeting.

## **Recommendation Voting Roll**

### ***Recommendation 1: Government Holds***

Tray	Anderson	Yes
Justin	Cauley	Yes
Bob	Connor	Yes
Scott	Fremont	Yes
Sean	Healy	Yes
Steve	Hughes	Yes
Morgan	Jackson	Yes
Alexis	Jacobson	Yes
Fernando	Lagonell	Yes
Allison	Leavitt	Yes
Deb	Minnskey	Yes
Jen	Morrissey	Yes
Claudia	Moshiri	Yes
Ken	O'Brien	No
Rich	Roche	Yes
Gabe	Rodriguez	Yes
Steve	Schult	Yes
Michael	Symonanis	Yes
Colin	Yankee	Yes

### ***Recommendation 2: Shipment Level Data Alignment***

Tray	Anderson	Yes
Justin	Cauley	Yes
Bob	Connor	Yes
Scott	Fremont	Yes
Sean	Healy	Yes
Steve	Hughes	Yes
Morgan	Jackson	Yes
Alexis	Jacobson	Yes
Fernando	Lagonell	Yes
Allison	Leavitt	Yes
Deb	Minnskey	Yes
Jen	Morrissey	Yes
Claudia	Moshiri	Yes
Ken	O'Brien	Yes
Rich	Roche	Yes
Gabe	Rodriguez	Yes

Steve	Schult	Yes
Michael	Symonanis	Yes
Colin	Yankee	Yes

***Recommendation 3: Container Level Data Alignment***

Tray	Anderson	Yes
Justin	Cauley	Yes
Bob	Connor	Yes
Scott	Fremont	Yes
Sean	Healy	Yes
Steve	Hughes	Yes
Morgan	Jackson	Yes
Alexis	Jacobson	Yes
Fernando	Lagonell	Yes
Allison	Leavitt	Yes
Deb	Minnskey	Yes
Jen	Morrissey	Yes
Claudia	Moshiri	Yes
Ken	O'Brien	Yes
Rich	Roche	Yes
Gabe	Rodriguez	Yes
Steve	Schult	Yes
Michael	Symonanis	Yes
Colin	Yankee	Yes

***Recommendation 4: Intermodal Data Alignment***

Tray	Anderson	Yea
Justin	Cauley	Yea
Bob	Connor	Yea
Scott	Fremont	Yea
Sean	Healy	Yea
Steve	Hughes	Yea
Morgan	Jackson	Yea
Alexis	Jacobson	Yea
Fernando	Lagonell	Yea
Allison	Leavitt	Yea
Deb	Minnskey	Yea
Jen	Morrissey	Yea
Claudia	Moshiri	Yea
Ken	O'Brien	Yea
Rich	Roche	Yea

Gabe	Rodriguez	Yea
Steve	Schult	Yea
Michael	Symonanis	Yea
Colin	Yankee	Yea