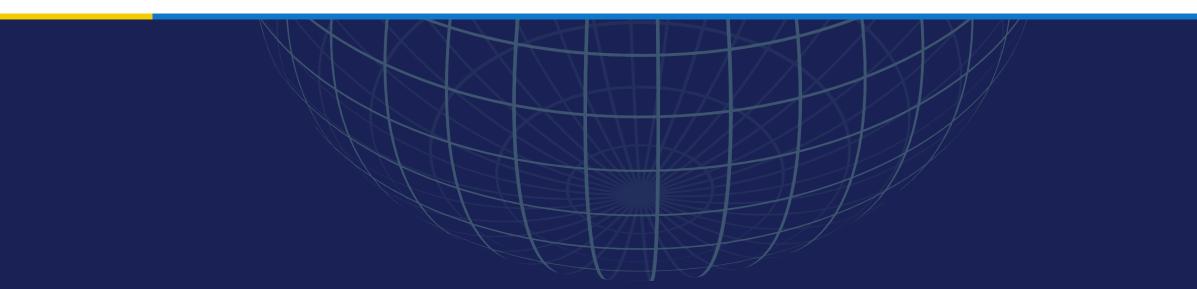


Fees & Surcharges

Subcom Report Q1 2024



Carrier Automated Tariffs - 2/1/24

- Eliminates Tariff Access Fees
- Allows NVOCCs to cross-reference VOCC tariffs
- Defines NVOCC pass-through process
- Defines coloading for LCL different from FCL
- Miscellaneous definitions and tariff processes

Demurrage & Detention Billing - 5/28/24

- 541.1 Confirms data elements and process for invoice
- 541.2 VOCCs, MTOs & NVOs must comply with billing rules
- 541.3 Defines Billed Party, Billing Party and Consignee
- 541.4 Only contracted parties can be invoiced, but 3rd parties may voluntarily pay o/b/o shipper or consignee
- 541.5 Missing data elements voids obligation to pay
- 541.6 Defines data elements required on invoice
- 541.7 Invoicing required within 30 days of D&D event
- 541.8 Allows 30 days to dispute and 30 days to resolve

What D&D Billing Rule Did Not Do:

...claim Rail Jurisdiction on storage charges
...resolve Early Receipt Date changes
...address D&D on government holds
...define availability

Rail Storage Jurisdiction – Current Status

- STB has no authority over contract carriage per Staggers Act
- STB has intermodal exemption per USC 10501 and 10502
- FMC claims jurisdiction on through bills to inland destinations over Common Carriers, MTOs, and OTIs, but...

FMC defines 'demurrage and detention' as 'any charges' related to the use of 'marine terminal space (e.g., land) or shipping containers', and FMC 'declines to add storage to the definition of demurrage and detention'.

Recommendation: Early Receipt Date

- The ERD date applicable for a shipment will be the one in effect at the time the empty container is picked up.
- Any subsequent changes in ERD will not result in D&D. Response: The reasonableness of the fees related to ERD changes is evaluated against the standard in § 41102(c) and the interpretative rule.

Recommendation: Government Holds

- Change in thinking on Government Holds where all stakeholders share in expenses, by eliminating punitive fees, while reflecting more asset cost.
- Terminals and/or VOCCs agree to invoice, and shippers agree to pay, up to 25% of the contracted or published [D&D] amount for any storage days required by government holds and/or inspections.

Response: The Commission thanks the NSAC for this recommendation and will take it into consideration, including as part of the implementation of the Ocean Shipping Reform Act of 2022.

Discussion ?

