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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Ex Parte No. 707

DEMURRAGE LIABILITY

**MOTION OF THE
INTERNATIONAL WAREHOUSE LOGISTICS ASSOCIATION
TO EXTEND PROCEDURAL SCHEDULE FOR FILING OF COMMENTS
ON THE STB DECISION ON DEMURRAGE**

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The International Warehouse Logistics Association (IWLA), by and through its counsel, Nielsen, Zehe & Antas, P.C., and in support of its Motion to Extend the Procedural Schedule for Filing of Comments on the STB Decision on Demurrage, states as follows:

The issue at hand arises out of the question of who should bear liability when an intermediary that accepts rail cars and detains them too long is named as consignee in the bill of lading, but asserts either that it did not know of its consignee status or that it affirmatively asked the shipper not to name it consignee? (See Decision at 4). The federal courts of appeals have divided on this issue, leading to the review by the Board and its request for public comment on several pertinent legal and factual matters.

The Board's Advanced Notice of Proposed Rulemaking on the issue of demurrage liability was initially served on December 6, 2010. The interested parties submitted their initial comments by March 7, 2011 and reply comments by May 20, 2011. The Board did not serve its Decision until May 7, 2012, almost a year later. Currently, initial comments on the Decision are due June 25, 2012 and reply comments July 23, 2012.

The IWLA respectfully requests that the Board extend the procedural time schedule for the filing of comments on their Decision for an additional period of sixty (60) days. In support of its request, the IWLA notes that the issues addressed in the Decision are broad and require an in-depth examination in order to properly comment on behalf of the warehousing industry. As evidenced by Board's lengthy review period, there is a multitude of factors to consider including case law, current commercial practices, existing statutory regulations, and now the proposed rule outlined in the Board's Decision. The IWLA recognizes that it is essential that nationwide uniformity be restored to the rules and regulations for determining demurrage liability, but believes it is just as important to fully evaluate the Board's responses to industry comments and proposed rule outlined in its Decision before issuing comment on behalf of the warehousing industry.

The IWLA further notes that the process of analyzing the Decision and coordinating an industry response is complicated and potentially delayed by the start of the summer season, which could result in the unavailability of important members of the industry due to extended vacations or travel abroad.

For the reasons explained above, the IWLA respectfully requests a 60-day extension of the procedural schedule for filing comments on the decision in the above proceeding. Pursuant to the IWLA's request, initial comments would be due on August 24, 2012 and reply comments would be due on September 21, 2012.

Respectfully Submitted,

By: 

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Certificate of Service

The undersigned certifies that a copy of the attached **Motion of the International Warehouse Logistics Association to Extend Procedural Schedule For Filing of Comments on the STB Decision On Demurrage** was served on the below parties of record via U.S. Mail, postage prepaid, this 4th day of June, 2012.



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