

Terminal Productivity and Operations

AAPA Port Administration & Legal Issues Seminar

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Overview of Issues

- Port role in reducing congestion
- Longshore labor issues
- Trucking Issues
- Big Data approaches
- Preparation for Post-Panamax Ships

Port's Role in Battling Congestion



- Leases and Shipping Act
- Competing Interests
 - MTOs
 - Shippers/BCOs
 - Truckers
 - Labor
 - Public
 - Regulators
- Related Issues
 - Free time
 - Line demurrage

Railway Labor Act

- Shipper Push
- Potential Alternative to NLRA
 - Impact on collective bargaining
 - Effect on labor slowdowns and strikes
 - Other consequences?
 - Secondary boycott issues
 - Enforcement of no disruption rules

Trucking Issues

- Demurrage/Line Demurrage
- Chassis Availability and Chassis Pools
- Driver Shortages
- Frustration Over Wait Times and Turn Times



Labor Issues in Port Trucking

- Employees v. Independent Contractors
 - Why does it matter?
- Recent Developments:
 - Taylor v. Shippers Transport Express (CA)
 - Employee status found as matter of law
 - What does this portend?
 - Hargrove v. Sleepy's (NJ)
 - NJ Supreme Court: “ABC Test” presumes worker is an employee
 - Burden on would-be employer to prove otherwise



Big Data Solution to Congestion



- What is Big Data?
- How Does it Work?
- Sources of Big Data

Increasing Productivity Through Big Data

- Port as Potential “Third-Party Neutral”
- Drayage Truck Compliance
- Analogies: Uber and Google Maps

Big Data Issues for Port Counsel

- Data Collection
 - Shipping Act implications
 - Filing of agreements?
 - Port use of data in lease/concession negotiations
- De-identification/Aggregation of Data
 - MTO concern over competition and availability of confidential/proprietary information
 - Fear of reverse engineering, particularly if data sources are limited
 - $A + B = C$; $C - A = B$

Big Data Issues ...*Cont'd*

- **Ownership of Collected Data**
 - Individual data v. aggregated data
 - What happens when someone leaves the Port?
 - RadioShack Bankruptcy
- **Port Security**
 - Concerns over identity theft, cargo theft, terrorism
- **Retention Policies/Requirements**
- **Public Access to Data**
 - FOIA and State Sunshine law issues
- **Responding to Subpoenas/Litigation Holds**