



**THE PORT
OF LOS ANGELES**
Executive Director's
Report to the

Board of Harbor Commissioners

DATE: MARCH 21, 2019
FROM: ENGINEERING
**SUBJECT: RESOLUTION NO. _____ APPROVAL OF AN
EXTENSION TO ALAMEDA CORRIDOR TRANSPORTATION
AUTHORITY'S DISPATCHING AGREEMENT AND POLICE AND
SECURITY SERVICES AGREEMENT**

SUMMARY:

Staff requests that the Board of Harbor Commissioners (Board) adopt a Resolution approving and providing mutual agreement to the terms of amendments (Amendments) to the Alameda Corridor Transportation Authority's (ACTA) Dispatching Agreement, and the ACTA Police and Security Services Agreement, both dated January 30, 2002 (Agreements). The Agreements expire on April 14, 2019, and the Amendments would extend the terms of these Agreements by one year through April 14, 2020. Staff does not anticipate any financial impact to the City of Los Angeles Harbor Department (Harbor Department) if the Amendments are approved.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(f) of the Los Angeles City CEQA Guidelines;
2. Approve and provide mutual agreement to the terms of the Amendment which consists of an extension to the term of the Alameda Corridor Transportation Authority's (ACTA) Dispatching Agreement for up to an additional one year ending on April 14, 2020;
3. Approve and provide mutual agreement to the terms of the Amendment which consists of an extension to the term of the ACTA Police and Security Services Agreement for up to an additional one year ending on April 14, 2020;
4. Direct the Executive Director to transmit this Resolution to ACTA for further action pursuant to the Amended and Restated Alameda Corridor Use and Operating Agreement; and

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**SUBJECT: ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY'S
DISPATCHING AGREEMENT AND POLICE AND SECURITY SERVICES
AGREEMENT**

5. Adopt Resolution No. _____.

DISCUSSION:

On October 24, 2016, the Board approved the Amended and Restated Alameda Corridor Use and Operating Agreement (Amended and Restated UOA). The Amended and Restated UOA included revisions to the original Use and Operating Agreement, and among other things, replaced the former Alameda Corridor Operating Committee comprised of one representative from the Port of Los Angeles and Port of Long Beach (POLB) (Ports) and a representative from the Union Pacific Railroad (UP) and the Burlington Northern Santa Fe Railroad (BNSF) (Railroads) with direct decision making authority by the Ports and Railroads.

The Amended and Restated UOA, dated December 15, 2016, requires that the Ports and Railroads, through Mutual Agreement, select the Corridor dispatcher and security provider, and that ACTA enter into agreement with the selected entity on the business terms specified by the Ports and Railroads.

The existing ACTA (Agreements) between ACTA, BNSF, and UP have been in place since 2002 and will expire on April 14, 2019. Costs for the services provided under both Agreements are paid directly by the Railroads or by fees collected from the Railroads.

The original term of the Agreements was five years, as approved by the former Operating Committee (OC), and the Agreements were extended twice with OC approval for an additional 10 years via two amendments through April 14, 2017. An interim extension of up to one year through April 14, 2018, was provided in the second amendment to both agreements, which was exercised. A six-month extension through October 14, 2018, was approved in early 2018 via Mutual Agreement between the POLB, BNSF and UP. A second six-month extension through April 14, 2019, was approved in September 2018, via Mutual Agreement between the POLA, POLB, BNSF and UP. The parties are currently in the process of negotiating amended and restated Agreements which will remove references to the former OC and update other provisions, as well as extend the term through April 14, 2023. Therefore, ACTA is requesting that the Ports and Railroads provide their approval and mutual agreement to extend the existing Agreements by up to one year through April 14, 2020, or until such time the amended and restated Agreements are approved and executed, whichever is earlier. ACTA's March 12, 2019, First Revised Notice of Mutual Agreement and a draft amendment are attached as Transmittal No. 1 for reference.

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ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of the Amendments to the Agreements, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

Approval of this proposed Board item is not expected to have a financial impact on the Harbor Department. The funds for these Amendments are provided directly by the Railroads or by fees collected from the Railroads.

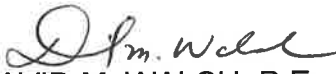
CITY ATTORNEY:


The Office of the City Attorney has reviewed this Board Report and has determined there are no legal issues at this time.

TRANSMITTALS:

1. First Revised Notice of Mutual Agreement No. 2019-2

FIS Approval: MS
CA Approval: MS


DAVID M. WALSH, P.E.
Chief Harbor Engineer


fr ANTONIO V. GIOIELLO, P.E.
Deputy Executive Director
Development

APPROVED:


EUGENE D. SEROKA
Executive Director

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Eng_ACTA Agreement Extension 4

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