

DATE: JUNE 11, 2024

FROM: GOODS MOVEMENT

SUBJECT: RESOLUTION NO. _____ APPROVAL OF MEMORANDUM OF AGREEMENT WITH CITY OF LOS ANGELES HARBOR DEPARTMENT, PORT OF LONG BEACH, ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY, BNSF RAILWAY COMPANY, AND UNION PACIFIC RAILROAD COMPANY, FOR THE PORT OF LONG BEACH PIER B ON-DOCK RAIL SUPPORT FACILITY – LOCOMOTIVE FACILITY TURNOUT AND CROSSOVER CONNECTING TO THE ALAMEDA CORRIDOR

SUMMARY:

Staff requests approval of a Memorandum of Agreement (MOA) with the Port of Long Beach (POLB), Alameda Corridor Transportation Authority (ACTA), BNSF Railway Company (BNSF), and Union Pacific Railroad Company (UP) for the POLB Pier B On-dock Rail Support Facility – Locomotive Facility (Facility) Turnout and Alameda Corridor (AC) Crossover (Project). The Project consists of: a turnout from the AC mainline; a new crossover between the AC mainlines; realignment of the mainlines to facilitate the turnout and crossover; and new rail signal infrastructure. The Project components fall within the scope and jurisdiction of the existing AC Use and Operating Agreement (UOA). The purpose of this MOA is for the City of Los Angeles Harbor Department (Harbor Department) and the parties above to establish the terms and conditions for the design and construction of the Project. There will be no financial impact to the Harbor Department if this MOA is 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 has been previously evaluated pursuant to the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(i) of the Los Angeles City CEQA Guidelines;
2. Approve the MOA between the Harbor Department and the POLB, ACTA, BNSF, and UP;
3. Direct the Board Secretary to transmit the proposed MOA to the Los Angeles City Council pursuant to Section 373 of the City Charter and Section 10.5 of the City Administrative Code; and

**SUBJECT: MOA FOR POLB PIER B ON-DOCK RAIL SUPPORT FACILITY –
LOCOMOTIVE FACILITY TURNOUT PROJECT**

4. Authorize the Executive Director to execute and the Board Secretary to attest to the MOA on behalf of the Board; and
5. Adopt Resolution No. _____.

DISCUSSION:

Pier B Railyard Background - The POLB has been planning and designing the expansion of their Pier B On-Dock Rail Support Facility for many years, which entails multiple phases and components, including the Project (see Transmittal 1 for Project drawings). The POLB anticipates commencing construction of the Project in December 2024. The Facility will be used for storage and fueling of locomotives, operated by the BNSF, UP, and the Ports' contracted Port Rail Operator, which is currently Pacific Harbor Line. The Project is expected to improve rail operations, including on the AC itself. For a detailed description of the Pier B project please refer to the companion item submitted by the Environmental Management Division for the June 27, 2024, Board meeting entitled: Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan for the Pier B On-Dock Rail Support Facility Project (State Clearinghouse No. 2009081079).

Property Considerations - In order for the POLB to construct the project, they will require a temporary access agreement with the Harbor Department due to joint ownership of the necessary AC property. For a detailed description of the LFP property requirements, please refer to the companion item submitted by the Cargo and Industrial Real Estate Division for the June 27, 2024, Board meeting entitled: Consent To Enter And Construct Agreement For POLB Pier B On-Dock Rail Support Facility – Locomotive Facility Project. The POLB will also require a subsequent Harbor Engineers Permit.

AC UOA & MOA - In December 2016, the parties above entered into an Amended and Restated AC UOA. The UOA governs the financing, use, operation, maintenance; and repair of the AC. The Project components fall within the scope and jurisdiction of the existing AC UOA. This MOA establishes the terms and conditions for the design and construction of the Project. Also, pursuant to the terms of the UOA, as the Project is for, and benefits the POLB, the POLB is thus responsible for all costs. The MOA (see Transmittal 1) addresses specific details of the Project and is summarized in Table 1.

**SUBJECT: MOA FOR POLB PIER B ON-DOCK RAIL SUPPORT FACILITY –
LOCOMOTIVE FACILITY TURNOUT PROJECT**

Table 1. Summary of MOA Terms & Conditions

Provisions	Description
Design	With approval of the Harbor Department, through a Harbor Engineers Permit, for elements on jointly owned property (including issuance of a required Harbor Engineers Permit) and ACTA, the POLB will design the Project
Construction	POLB will construct the Project, with construction oversight by ACTA
Costs	All costs will be borne by POLB
Use and Operations	BNSF, UP, POLB and the Harbor Department contracted Rail Operator (currently Pacific Harbor Line) to use/operate the turnout and crossover
Maintenance & Security	ACTA and POLB will be responsible for maintenance and security on their respective segments
Indemnification	ACTA (via the UOA) and POLB will indemnify all parties to the MOA for any liabilities arising from the construction and operations
Term	MOA terminates same date as <i>Amended and Restated UOA (4/15/2062</i> or earlier dependent upon financial terms stipulated in §7.3c of UOA)

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of a MOA among the Harbor Department, POLB, BNSF, UP, and ACTA for the Project. The POLB, as the Lead Agency under CEQA, certified the FEIR (State Clearinghouse No. 2009081079) for the Pier B On-Dock Rail Support Facility Project on January 12, 2018 and considered project modifications through an Addendum in 2023, which includes the Project for this MOA. The Harbor Department is a Responsible Agency under CEQA due to the aforementioned property ownership. As such, the Harbor Department is required to consider POLB's CEQA Documents and approve the Findings of Fact, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program for the Pier B On-Dock Rail Support Facility Project before approving this MOA. Assuming prior Board adoption of these, as contained in a separate Board report, the Director of Environmental Management has determined that the proposed action has been previously evaluated pursuant to the requirements of CEQA under Article II Section 2(i) of the Los Angeles City CEQA Guidelines. Staff will also be seeking approval of the required construction access agreement to be granted to the POLB.

FINANCIAL IMPACT:

There are no financial impacts to the Harbor Department if this MOA is approved. Approval of the proposed MOA formalizes the POLB and ACTA responsibilities of the Project. POLB will be responsible for all costs associated with the Project.

DATE: JUNE 11, 2024

PAGE 4 OF 4

SUBJECT: MOA FOR POLB PIER B ON-DOCK RAIL SUPPORT FACILITY –
LOCOMOTIVE FACILITY TURNOUT PROJECT

CITY ATTORNEY:

The proposed Memorandum of Agreement has been reviewed and approved as to form and legality by the Office of the City Attorney.

TRANSMITTALS:

1. Memorandum of Agreement

FIS Approval: JS
CA Approval: SO



KERRY CARTWRIGHT, P.E.
Director of Goods Movement

Michael DiBernardo

MICHAEL DIBERNARDO
Deputy Executive Director

APPROVED:

Erica M. Calhoun for

EUGENE D. SEROKA
Executive Director

MD:KC:s