

ORDER NO. _____

A temporary Order of the Board of Harbor Commissioners of the City of Los Angeles amending the Port of Los Angeles Tariff No. 4.

FINDINGS

TARIFF

1. On July 12, 1989, the Board of Harbor Commissioners of the City of Los Angeles (Board) adopted Order No. 5837, which Order was approved by the City Council of the City of Los Angeles (City Council) by Ordinance No. 165789, adopted on April 10, 1990. Said Order and Ordinance designated Port of Los Angeles Tariff No. 4 (Tariff No. 4), which sets forth rates at which, and terms under which, the Port of Los Angeles, California (Port) is willing to provide marine terminal services. Tariff No. 4 has been amended from time to time since 1989. The current version of Tariff No. 4 is made available to the public on the Port website at www.portoflosangeles.org.

CLEAN AIR ACTION PLAN

2. The San Pedro Bay Ports Clean Air Action Plan (CAAP) was adopted in 2006 by the Board and the Long Beach Board of Harbor Commissioners (collectively, Boards) as a joint plan of the Port of Los Angeles and the Port of Long Beach (Ports) to improve air quality at the Ports from major emission sources: drayage trucks, locomotives, ships, cargo handling equipment and harbor craft. The CAAP was prompted by the Boards' concerns that the Ports' ability to develop additional marine terminal facilities to accommodate forecasted trade growth depended upon their ability to address adverse environmental impacts, especially air impacts, which result from maritime goods movement emission sources. The CAAP was updated in 2010 and 2017.

3. The Ports have a strong track record for using their leadership position to help the maritime goods movement achieve their CAAP goals as evidenced in the 2016 Emissions Inventories: Diesel Particulate Matter reduced by 87%, NOx reduced by 56%, and SOx reduced by 97% - reflecting achievement of the 2014 targets and well on the way to achieving the 2023 targets.

4. After an extensive public process conducted over two years, the Boards adopted the 2017 CAAP Update, which added additional strategies and measures aimed at further improving air quality in the vicinity of the Ports and to advance zero emissions technology and climate change goals. Details of the 2017 CAAP Update documents and supporting studies are available at www.cleanairactionplan.org.

TARIFF AMENDMENTS

1. At this time, the POLA Tariff Section 20 is revised primarily to implement the Clean Truck Program provisions of the 2017 CAAP Update. Section 20 is also

being revised to update and/or eliminate various provisions that had become inoperative due to the primacy of state law seaport-related regulations by the California Air Resources Board (CARB), which superseded the CAAP regarding drayage trucks and marine fuels used at statewide seaports.

The Order amends POLA Tariff No. 4 as follows:

- Item 2025 Drayage Truck Registry. Drayage Trucks are required to be registered in the Port Drayage Truck Registry and RFID tags or PDTR Compliance Labels to confirm compliance. New Drayage Truck registration in the PDTR after October 1, 2018 is permitted only for 2014 Drayage Trucks. Drayage Trucks registered to a Concession and current in the PDTR prior to October 1, 2018 and compliant with emissions laws applicable to Drayage Trucks (CARB Drayage Truck Rule and/or Truck and Bus Rule, as applicable) may continue to operate under the Concession. See <https://www.arb.ca.gov/msprog/onroad/porttruck/porttruck.htm>
- Clean Truck Program Items Made Consistent with State law - Items 2015, 2020, 2030 and 2035 were deleted as no longer operative because they are now superseded by state law under the CARB Drayage Truck Rule that since 2014 required all Drayage Trucks calling at Terminals at ports in the state of California to be equipped with engines that meet or exceed 2007 model year California or federal engine standards. Minor changes to other Items in Section 20 were made for clarity and consistency with state law.
- Ocean Going Vessel Items Made Consistent with State Law - Item 2055 provided that Items 2050 and 2055 were to expire on June 30, 2009. Consequently, this tariff revision deletes Items 2050 and 2055 that expired by their own terms and are now superseded by state law under the CARB marine fuel regulation.

**THE BOARD OF HARBOR COMMISSIONERS OF THE
CITY OF LOS ANGELES DOES HEREBY ORDER AS FOLLOWS:**

Section 1. The Port of Los Angeles Tariff No. 4, adopted July 12, 1989, by Order No. 5837, and Ordinance No. 165,789, adopted April 10, 1990, as amended to date, is further amended, as set forth in Exhibit "A," attached hereto and incorporated herein by reference. The Executive Director is directed to submit this amendment to the California Association of Port Authorities (CAPA) to secure approval or proceed to take independent action in accordance with CAPA procedure.

Section 2. The Director of Environmental Management has determined that the proposed action is an administrative activity that is exempt from the California

Environmental Quality Act (CEQA) under Article II, Section 2(f) of the Los Angeles City CEQA Guidelines.

Section 3. The Board Secretary shall certify to the adoption of this temporary Order by the Board of Harbor Commissioners and cause the same to be published once in a newspaper printed and published in the City of Los Angeles, to take effect prior to adoption by Ordinance for a period not to exceed 90 days pursuant to Charter Section 653(b).

I HEREBY CERTIFY THAT the foregoing Order was adopted by the Board of Harbor Commissioners of the City of Los Angeles at its meeting held on

AMBER KLESGES
Board Secretary

APPROVED AS TO FORM AND LEGALITY

June 7, 2018
MICHAEL N. FEUER, City Attorney
Janna B. Sidley, General Counsel

By Joy M. Crose
JOY CROSE, Assistant General Counsel

SECTION TWENTY - CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS	Item No.
<p>Section Twenty is organized as follows: Items 2000-2041 – Clean Truck Program Items 2045-2060 – Ocean Going Vessels Items 2061-2089 – RESERVED Items 2090-2099 – General Provisions</p> <hr/> <p style="text-align: center;">DEFINITIONS CLEAN TRUCK PROGRAM For purposes of Section 20 the following definitions shall apply:</p> <p>+ “2014 Drayage Truck” means a Drayage Truck that is Model Year 2014 or newer.</p> <p>* “ARB” or “CARB” means the California Air Resources Board.</p> <p>“Authorized Emergency Vehicle” is as defined in California Vehicle Code Section 165.</p> <p>“CARB Diesel Fuel” is Diesel Fuel certified by ARB as meeting the fuel specification standards set forth at Title 13, California Code of Regulations (CCR) Section 2280 et seq.</p> <p>* “CARB Drayage Truck Rule” is the regulation published by ARB for In-Use On-Road Diesel-Fueled Heavy-Duty Drayage Trucks at Ports and Intermodal Rail Yard Facilities in California Code of Regulations (CCR) Section 2027. https://www.arb.ca.gov/msprog/onroad/porttruck/2027regfinal.pdf</p> <p>* “CARB Truck and Bus Rule” is the regulation published by ARB entitled “Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles” in California Code of Regulations (CCR) Section 2025. https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm</p> <p>“Concession” means a written agreement between the Port of Los Angeles and a Licensed Motor Carrier to allow Drayage Truck access to a Port of Los Angeles Terminal for drayage services under terms and conditions set forth therein.</p>	<p>[C] 2000</p>

See Item 10 for explanation of abbreviations and symbols.

Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:
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SECTION TWENTY - Continued CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS -- Continued	Item No.
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DEFINITIONS CLEAN TRUCK PROGRAM–Continued

“**Dedicated Use Vehicles**” are uni-body On-Road Vehicles that do not have separate tractors and trailers, including but not limited to dedicated auto transports, dedicated fuel delivery vehicles, concrete mixers, mobile cranes and construction equipment.

“**Diesel Fuel**” means any fuel that is commonly or commercially known, sold, or represented by the supplier as diesel fuel, including any mixture of primarily liquid hydrocarbons – organic compounds consisting exclusively of the elements carbon and hydrogen – that is sold or represented by the supplier as suitable for use in an internal combustion, compression – ignition engine.

* “**Diesel-Fueled**” means a compression-ignition engine fueled by Diesel Fuel, CARB Diesel Fuel, or alternative diesel fuel, in whole or part.

“**Diesel Particulate Matter**” or “**DPM**” means the particles emitted in the exhaust of Diesel- Fueled compression - ignition engines.

* “**Drayage Truck**” means any in-use On-Road Vehicle with a Gross Vehicle Weight Rating greater than 14,000 pounds that pulls a trailer or chassis used for transporting cargo (such as containerized, bulk, or break-bulk goods), operating on or transgressing through Port Property for the purpose of loading, unloading or transporting cargo, empty containers or chassis that originated from or is destined for Port Property. Drayage Truck does not include Dedicated Use Vehicles, Authorized Emergency Vehicles, Military Tactical Support Vehicles, or Yard Trucks.

“**Drayage Truck Owner**” means the person registered as the owner of a Drayage Truck as shown by the Department of Motor Vehicles, or its equivalent in another state, province, country, or the International Registration Plan, or the lessee of a Drayage Truck indicated on the truck’s registration pursuant to California Vehicle Code Section 4453.5.

“**Drayage Truck Operator**” means the driver of the vehicle or any person, party, or entity that controls the operation of a Drayage Truck.

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See Item 10 for explanation of abbreviations and symbols.			
Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:

SECTION TWENTY - Continued CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS -- Continued		Item No.
<p style="text-align: center;">DEFINITIONS CLEAN TRUCK PROGRAM–Continued</p> <p>“Gross Vehicle Weight Rating” is defined in California Vehicle Code Section 350.</p> <p>* “Heavy-Duty” is a manufacturer’s Gross Vehicle Weight Rating of greater than 14,000 pounds.</p> <p>“International Registration Plan” is a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees on the basis of total distance operated in all jurisdictions.</p> <p>“Lessee” has the same meaning as in California Vehicle Code Section 371.</p> <p>“Licensed Motor Carrier” means a licensed motor carrier in good standing and in compliance with the requirements of a valid license/permit under either (1) a California Motor Carrier Permit issued by the California Department of Motor Vehicles under the California Vehicle Code, or (2) a state motor carrier permit issued by any U.S. State, or (3) a Federal Motor Carrier License (USDOT Number) and Operating Authority (MC or MX Number) that contracts for and dispatches for pick-up and delivery of goods destined for or originated from Port Property.</p> <p>+ “Marine Cargo Support Yard” means a facility used for secondary staging of cargo containers, chassis storage, or other marine cargo activities supporting the Terminals.</p> <p>“Military Tactical Support Vehicles” is as defined in Title 13, CCR, Section 1905.</p> <p>“On-Road” means a vehicle that is designed to be driven on public highways and roadways and that is registered or is capable of being registered by the California Department of Motor Vehicles (DMV) under Vehicle Code sections 4000 et seq., or DMV’s equivalent in another state, province, or country, or the International Registration Plan. A vehicle covered under ARB’s In-Use Off-Road Regulation, title 13, CCR, section 2449 is not an on-road vehicle.</p> <p>“Oxides of nitrogen” or “NOx” means compounds of nitrogen and oxygen, including nitric oxide and nitrogen dioxide.</p>		<p>[C] 2000 (Cont.)</p>
See Item 10 for explanation of abbreviations and symbols		
Correction No.	Order No. Ordinance	Adopted Adopted EFFECTIVE:

PORT OF LOS ANGELES – TARIFF NO. 4

Eighth Revised Page ...184-B
 Cancels
 Seventh Revised Page .184-B

SECTION TWENTY - Continued
 CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS -- Continued

Item No.

DEFINITIONS CLEAN TRUCK PROGRAM–Continued

+ **PDTR Compliance Label** ” is a tag issued by the Port of Los Angeles for Drayage Trucks calling those Port of Los Angeles Terminals that use them as an alternative to RFID readers to confirm compliance with the Tariff.

* **“Port Drayage Truck Registry”** or “PDTR” is a database that contains information on trucks that conduct business on Port Property at the Ports of Los Angeles and Long Beach, including:

- Drayage Truck Owner’s name, address, phone numbers, email address, and fax number;
- Drayage Truck and engine make, model, model year and fuel source;
- Dispatching Licensed Motor Carrier(s) and Concession Number(s)
- Drayage Truck Vehicle identification number (VIN), license number and state of issuance;
- VDECS equipment or CARB certification.

* **“Ports”** means collectively, the Port of Los Angeles and the Port of Long Beach, also known as the San Pedro Bay Ports.

“Port Property” means all property owned by the Port of Los Angeles within the Harbor District of Los Angeles.

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See Item 10 for explanation of abbreviations and symbols.

Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:
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SECTION TWENTY - Continued
 CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS -- Continued

Item No.

DEFINITIONS CLEAN TRUCK PROGRAM –Continued

“**State Drayage Truck Registry**” or “**State DTR**” is a CARB database that contains information on trucks that conduct business at California ports and intermodal rail yards, as required under the CARB Drayage Truck Rule.

“**Temporary Access Permit**” means a temporary right of access from the Port of Los Angeles to a Licensed Motor Carrier to allow Drayage Truck access to a Port of Los Angeles Terminal for drayage services under the terms and conditions issued by the Port.

* “**Terminal**” is any facility on Port Property used for the movement of waterborne cargo, including container terminals, break bulk terminals, dry bulk terminals and Marine Cargo Support Yards.

“**Terminal Operator**” is the entity with contractual authority from the Port of Los Angeles to operate a Terminal.

“**Radio Frequency Identification Device**” or “**RFID**” is an electronic device with a unique identification number, installed on a Drayage Truck which will enable the Terminal Operator to access the Drayage Truck’s records in the DTR.

“**Vehicle**” is as defined in Vehicle Code Section 670.

“**Yard Truck**” means an off-road mobile utility vehicle used to carry cargo containers with or without chassis; also known as utility tractor rig (UTR), yard tractor, yard goat, yard hostler, or prime mover.

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See Item 10 for explanation of abbreviations and symbols.

Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:
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PORT OF LOS ANGELES – TARIFF NO. 4		Thirteenth Revised Page .185 Cancels Twelfth Revised Page185	
SECTION TWENTY - Continued CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS --			Item No.
GATE ACCESS CONTROLS * All Terminal Operators shall have installed appropriate means, approved by the Port, of accessing the Port’s Drayage Truck Registry for the purposes of obtaining relevant information to confirm Drayage Trucks’ compliance with Terminal access requirements under this Tariff. Acceptable means include RFID readers at all truck processing gates; alternative plan using PDTR Compliance Labels may be used with Executive Director approval.			[C] 2005
DRAYAGE TRUCK ACCESS * No Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to: (1) Any Drayage Truck that does not comply with State emissions law requirements for Drayage Trucks under the CARB Drayage Truck Rule and/or the CARB Truck and Bus Rule, as applicable (https://www.arb.ca.gov/msprog/onroad/porttruck/porttruck.htm), and (2) any Drayage Truck that cannot be verified as compliant with Items 2010, 2025 and 2040 by reference to the Drayage Truck’s records in the PDTR.			[C] 2010
This item has expired.			[D] 2015
See Item 10 for explanation of abbreviations and symbols.			
Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:

<p style="text-align: center;">SECTION TWENTY - Continued CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS --</p>	<p style="text-align: center;">Item No.</p>
<p style="text-align: center;">This item has expired.</p>	<p style="text-align: center;">[D] 2020</p>
<p style="text-align: center;">DRAYAGE TRUCK REGISTRY</p> <p>* 1. Drayage Trucks seeking entry upon Port Property shall be registered in the PDTR and State DTR prior to the time of entry. Registration in the PDTR shall be in electronic format and/or on forms and with supporting documentation as may be required by the Port of Los Angeles. Drayage Trucks shall be equipped with RFID tags or Compliance Labels to confirm their compliance with this Section 20 of the Tariff. Marine Terminal Operators shall provide to the Port on a monthly basis, information reasonably requested by the Port regarding Drayage Truck access to their Terminals to confirm compliance with the access requirements of this Tariff.</p> <p>2. In the event of a change in the information provided for registration on the Port DTR database with respect to a Drayage Truck, the registration shall be amended within ten (10) calendar days of the change in electronic format or on forms and with supporting documentation as may be required by the Port of Los Angeles.</p> <p>+ 3. Commencing on October 1, 2018, no Drayage Truck shall be entered into the PDTR unless it is a 2014 Drayage Truck. Drayage Trucks registered and current in the PDTR prior to October 1, 2018 and that are compliant with State emissions law applicable to Drayage Trucks per Item 2010 may continue to operate at the Port of Los Angeles.</p>	<p style="text-align: center;">[C] 2025</p>

See Item 10 for explanation of abbreviations and symbols.

<p>Correction No.</p>	<p>Order No. Ordinance No.</p>	<p>Adopted Adopted</p>	<p>EFFECTIVE:</p>
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Ninth Revised Page.....187

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Eighth Revised Page187

SECTION TWENTY - Continued
 CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS -- Continued

Item No.

This item was deleted.

[D][R]
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Correction No.

Order No.

Ordinance No.

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EFFECTIVE:

PORT OF LOS ANGELES – TARIFF NO. 4		Eighth Revised Page188 Cancels Seventh Revised Page.....188
SECTION TWENTY - Continued		
CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS -- Continued		Item No.
This item was deleted.		[D] 2035
<p style="text-align: center;">*CONCESSIONS AND TEMPORARY ACCESS PERMITS</p> <p>1. Beginning October 1, 2008, at 8:00 a.m., no Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to any Drayage Truck unless such Drayage Truck is registered under a Concession or a Temporary Access Permit from the Port of Los Angeles in the PDTR.</p> <p>* 2. The terms and conditions (including all remedies) for the Concession are set forth in the Port of Los Angeles Concession Agreement between the Port of Los Angeles and the Licensed Motor Carrier. Copies of the Port of Los Angeles Concession Agreement, Concession Application and Temporary Access Permit Terms and Conditions are posted on the www.portoflosangeles.org website. Licensed Motor Carriers seeking to apply for a Concession or Temporary Access Permit may also obtain information and an application for Concession or Temporary Access Permit from the Port of Los Angeles, Attention: Concession Administrator, 425 South Palos Verdes Street, San Pedro, CA 90731.</p> <p>* 3. The Concession Fee shall be \$2,500 and the annual fee shall be \$100 per Drayage Truck operating under the Concession (collectively the “Concession Fees”). The Temporary Access Permit Fee shall be \$30 per Temporary Access Permit trip, plus the cost of the RFID or other required alternative identification. Concession Fees and Temporary Access Permit Fees shall be paid by the Licensed Motor Carrier applying for or holding the Concession or Temporary Access Permit.</p>		[C]+ 2040
<p style="text-align: center;">TARIFF AND CARB DRAYAGE TRUCK RULE COMPLIANCE</p> <p>* 1. While on any Port Property or public streets in the Harbor District, Licensed Motor Carriers, Drayage Truck Owners and Drayage Truck Operators shall (i) operate only Drayage Trucks that comply with Terminal access requirements of Item 2010 and (ii) shall not transfer, switch or cause cargo originating from or destined for Port Property to be moved to Drayage Trucks that do not comply with Terminal access requirements of Item 2010.</p> <p>* 2. Terminal Operators, Licensed Motor Carriers, Drayage Trucks, Drayage Truck Owners and Drayage Truck Operators shall comply with the State law requirements of the CARB Drayage Truck Rule and/or the CARB Truck and Bus Rule, as appropriate, including without limitation, registry, dispatch, and operation of compliant Drayage Trucks and timely reporting of information to ARB or to the Port of Los Angeles as the reporting port authority in accordance with Schedule A of Section 2027(d)(6) of the CARB Drayage Truck Rule. See http://www.arb.ca.gov/msprog/onroad/porttruck/porttruck.htm for a copy of the CARB Drayage Truck Rule and the transition to the CARB Truck and Bus Rule.</p>		[C] 2041
See Item 10 for explanation of abbreviations and symbols.		
Correction No.	Order No. Ordinance No.	Adopted Adopted EFFECTIVE:

SECTION TWENTY - Continued
 CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS -- Continued

Item No.

VOLUNTARY VESSEL SPEED REDUCTION PROGRAM

The objective of the Vessel Speed Reduction (VSR) Program is to reduce NOx emissions

from Ocean Going Vessels by slowing their speeds as they approach or depart the Port.

a. For purposes of this Item, the following definitions shall apply:

OCEAN GOING VESSEL means any merchant vessel meeting either or both of the following criteria:

1. Length overall (LOA) of 400 feet or more, as defined in 50 CFR § 679.2; or
2. Gross tonnage (GT ITC) of 10,000 tons or more pursuant to the convention measurement (international system), as defined in 46 CFR §§ 69.51 through 69.61.

VESSEL OPERATOR shall be determined by the Port by reference to Lloyd’s Register. Any operator disagreeing with this determination shall have 30 days from notice of this determination to submit documentation that a vessel is in fact operated by an operator other than the one listed in Lloyd’s Register. Upon review of this information, the Port may amend its initial determination at the exclusive discretion of the Executive Director.

* **VESSEL TRIP** is any one-way voyage into or out of the Port of Los Angeles or the Port of Long Beach measured from the seaward edge of the “Precautionary Area” shown on the harbor area navigation charts to: (a) the El Segundo Marine Terminal (for vessel trips between the ports and the El Segundo Marine Terminal); or (b) the arc of a circle having its center at Point Fermin Light with a radius of 20 nautical miles (nm) or 40nm (for all other vessel trips).

VESSEL VISIT is the Operator’s vessel’s first call at the first berth at the Port and excludes subsequent calls at other berths within the Port during the same vessel visit at the Port.

b. The objective of the Voluntary Vessel Speed Reduction (VSR) Program is to reduce NOx emissions from Ocean Going Vessels by slowing their speeds as they approach or depart the Port. The Voluntary VSR Program has been in effect since May 2001, the date of the Memorandum of Understanding (MOU) between the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (CARB), the South Coast Air Quality Management District (SCAQMD), the Ports of Los Angeles and Long Beach, the Steamship Association of Southern California (SASC) and the Pacific Merchant Shipping Association (PMSA). The parties to the MOU have agreed to cooperate to implement and monitor emission reductions resulting from voluntary Ocean Going Vessel speed/power reduction for vessels transiting to and from the ports.

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See Item 10 for explanation of abbreviations and symbols.

Correction No. 535	Order No. 09-7012 Ordinance No. 181011	Adopted September 29, 2009 Adopted December 2, 2009	EFFECTIVE: January 14, 2010
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SECTION TWENTY - Continued
 CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS -- Continued

Item No.

VOLUNTARY VESSEL SPEED REDUCTION PROGRAM -- Continued

c. The Ocean Going Vessel speed/power reduction is a voluntary 12-knot speed limit to 20 miles or 40 miles offshore, or an agency-approved vessel power (RPM) reduction on the Ocean Going Vessel’s main engine that attains an acceptable reduction in NOx emissions. Vessel Speed data is provided to the Port by the Marine Exchange of Southern California, the weighted average speed is calculated as described in section (e) below, and results are reported on a percent compliance basis. Any operator disagreeing with reported results may submit documentation proving compliance. Upon review of this information, the Port may amend its initial determination at the exclusive discretion of the Executive Director.

d. In the event the Port and a Vessel Operator formally agree in writing that for a particular vessel, or vessels, higher emission reductions are achieved while traveling at a speed greater than 12 knots, the agreed to vessel speed shall be used to determine compliance by the Vessel Operator to the Voluntary VSR Program.

e. Voluntary VSR Dockage Grant Application Criteria and Disbursement

+ (1) Tier 1 incentive (20nm): Any Vessel Operator demonstrating that 90% or more of all of its Vessel Trips at a Weighted Average Speed of 12 knots or less in a zone that extends 20 nm from Point Fermin during any calendar year, commencing with calendar year 2008, is eligible to receive a Voluntary VSR Program Dockage Grant upon written notice from the Executive Director or his/her designee of the Port that the Vessel Operator has qualified to receive this grant. The annual grant will be equivalent to 15% of the first day of dockage per Vessel Visit as published in Tariff No. 4, Section 4, Dockage, for all of the Vessel Operator’s vessels that berth at the Port during a calendar year.

+ (2) Tier 2 incentive (40nm): Any Vessel Operator demonstrating that 90% or more of all of its Vessel Trips at a Weighted Average Speed of 12 knots or less in a zone that extends 40 nm from Point Fermin during any calendar year, commencing with calendar year 2010, is eligible to receive a Voluntary VSR Program Dockage Grant upon written notice from the Executive Director or his/her designee of the Port that the Vessel Operator has qualified to receive this grant. The annual grant will be equivalent to 30% of the first day of dockage per Vessel Visit as published in Tariff No. 4, Section 4, Dockage, for all of the Vessel Operator’s vessels that berth at the Port during a calendar year.

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See Item 10 for explanation of abbreviations and symbols.

Correction No. 536	Order No. 09-7012 Ordinance No. 181011	Adopted September 29, 2009 Adopted December 2, 2009	EFFECTIVE: January 14, 2010
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PORT OF LOS ANGELES – TARIFF NO. 4		Third Revised Page.....191 Cancels Second Revised Page.....191 And Circular No. 49
SECTION TWENTY - Continued CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS -- Continued		Item No.
<p>VOLUNTARY VESSEL SPEED REDUCTION PROGRAM -- Continued</p> <p>e. Voluntary VSR Dockage Grant Application Criteria and Disbursement-continued</p> <p>+ (3) The Port shall also provide Tier 2 incentive grants for all qualifying vessel calls to 40 nm between September 29, 2009 and December 31, 2009. During this period, any Vessel Operator demonstrating that 90% or more of all of its Vessel Trips at a Weighted Average Speed of 12 knots or less in a zone that extends 40 nm from Point Fermin, is eligible to receive a Voluntary VSR Program Dockage Grant upon written notice from the Executive Director or his/her designee of the Port that the Vessel Operator has qualified to receive this grant. The grant will be equivalent to 30% of the first day of dockage per Vessel Visit as published in Tariff No. 4, Section 4, Dockage, for all of the Vessel Operator’s vessels that berth at the Port between September 29, 2009 and December 31, 2009. During this period, a Vessel Operator shall be eligible for either a Tier 1 or Tier 2 incentive grant, but not both.</p> <p>* (4) The Vessel Operator may request by way of an invoice that the Port release to it funds from the Voluntary VSR Program Grant in an amount equivalent to 15% or 30% of the first day of dockage per Vessel Visit as published in Tariff No. 4, Section 4, Dockage, for all of the Vessel Operator’s Ocean Going Vessels that made Vessel Trips into or out of the Port.</p> <p>(5) Vessel Operators shall submit invoices to the Port for the prior calendar year Voluntary VSR Program Grant on or before June 30 of the following calendar year.</p> <p>(6) The annual grant will be paid out upon receipt of an invoice from the Vessel Operator in the subsequent year.</p> <p>+ (7) Beginning January 1, 2010 Vessel Operators may participate either in the Tier 1 incentive or the Tier 2 incentive, but not a combination thereof.</p> <p>+ (8) The Port shall provide Vessel Operators with calendar year VSR performance data for Ocean Going Vessels that made Vessel Trips into or out of the Port as quickly as is practically achievable.</p> <p>Note: The Board reserves the right to discontinue this Voluntary VSR Program Grant upon thirty (30) days notice. If this occurs, the Port will use year-to-date vessel VSR compliance data to calculate the amount of the Voluntary VSR Grant due to qualifying Vessel Operators.</p>		[C] + 2045 (Cont.)
See Item 10 for explanation of abbreviations and symbols.		
Correction No. 537	Order No. 09-7012 Ordinance No. 181011	Adopted September 29, 2009 Adopted December 2, 2009
		EFFECTIVE: January 14, 2010

SECTION TWENTY - Continued
 CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS -- Continued

Item No.

VOLUNTARY VESSEL SPEED REDUCTION PROGRAM -- Continued

f. Vessel Speed Reduction Calculation Method

WEIGHTED AVERAGE SPEED for the Tier 1 Incentive (20 nm) shall be determined by the following formula:

$$\frac{\text{Segment A Average} + \text{Segment B Average} + \text{Segment C Average}}{\text{Distance A} + \text{Distance B} + \text{Distance C}}$$

WHERE:

$$\text{Segment A Average} = \frac{[\text{Distance A}] \times [\text{Speed at 20 nm} + \text{Speed at 15nm}]}{2}$$

$$\text{Segment B Average} = \frac{[\text{Distance B}] \times [\text{Speed at 15 nm} + \text{Speed at 10 nm}]}{2}$$

Segment C Average = [Distance C] x the lesser of:

Speed at 10 nm or $\frac{[\text{Speed at 10 nm} + 12 \text{ knots}]}{2}$

* All speeds shall be measured by the Marine Exchange at the points indicated above, (20nm, 15nm, and 10nm from Point Fermin Light) using automatic Identification System (AIS) data.

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Distances A, B and C (in nautical miles) shall be as follows:

	<u>Distance A</u>	<u>Distance B</u>	<u>Distance C</u>
Northern Traffic Lanes			
Inbound	21.75	15.75	9.75
Outbound	21.50	16.00	11.00
Southern Traffic Lanes			
Inbound	11.00	5.50	0.75
Outbound	11.50	7.25	2.25
Western Traffic Lanes			
Inbound	16.50	12.00	7.00
Outbound	17.00	12.50	8.00
El Segundo Traffic Lanes			
Inbound	<u>23.50</u>	<u>18.50</u>	<u>13.50</u>
Outbound	21.50	16.50	11.50

See Item 10 for explanation of abbreviations and symbols.

SECTION TWENTY – Continued CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued	Item No.
<p>VOLUNTARY VESSEL SPEED REDUCTION PROGRAM – Continued</p> <p>+ WEIGHTED AVERAGE SPEED for the Tier 2 incentive (40 nm) shall be determined by the following formula:</p> $\frac{\text{Segment A Average} + \text{Segment B Average} + \dots + \text{Segment G Average}}{\text{Distance A} + \text{Distance B} + \dots + \text{Distance G}}$ <p>Where:</p> <p>Segment A Average = $\frac{[\text{Distance A}] \times [\text{Speed at 40nm} + \text{Speed at 35nm}]}{2}$</p> <p>Segment B Average = $\frac{[\text{Distance B}] \times [\text{Speed at 35nm} + \text{Speed at 30nm}]}{2}$</p> <p>Segment C Average = $\frac{[\text{Distance C}] \times [\text{Speed at 30nm} + \text{Speed at 25nm}]}{2}$</p> <p>Segment D Average = $\frac{[\text{Distance D}] \times [\text{Speed at 25nm} + \text{Speed at 20nm}]}{2}$</p> <p>Segment E Average = $\frac{[\text{Distance E}] \times [\text{Speed at 20nm} + \text{Speed at 15nm}]}{2}$</p> <p>Segment F Average = $\frac{[\text{Distance F}] \times [\text{Speed at 15nm} + \text{Speed at 10nm}]}{2}$</p> <p>Segment G Average = [Distance G] x the lesser of:</p> <p>Speed at 10nm or $\frac{[\text{Speed at 10nm} + 12 \text{ knots}]}{2}$</p> <p>All speeds are measured by the Marine Exchange at the points indicated above (10nm, 15nm, 20nm, 25nm, 30nm, 35nm, and 40nm from Point Fermin Light), using Automatic Identification System (AIS) data.</p>	<p>[C] + 2045</p>

See Item 10 for explanation of abbreviations and symbols.		
Correction No. 539	Order No. 09-7012 Adopted September 29, 2009 Ordinance No. 181011 Adopted December 2, 2009	EFFECTIVE: January 14, 2010

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CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued

Item No.

VOLUNTARY VESSEL SPEED REDUCTION PROGRAM – Continued

+ Distances A, B, C, D, E, F, and G (in nautical miles) are as follows:

	Distance A	Distance B	Distance C	Distance D	Distance E	Distance F	Distance G
Northern Traffic Lanes							
Inbound	42.40	37.37	32.24	27.07	21.75	15.75	9.75
Outbound	41.76	36.75	31.69	26.63	21.50	16.00	11.00
Southern Traffic Lanes							
Inbound	31.19	26.19	21.15	16.09	11.00	5.50	0.75
Outbound	31.51	26.53	21.53	16.52	11.50	7.25	2.25
Western Traffic Lanes							
Inbound	36.49	31.57	26.53	21.52	16.50	12.00	7.00
Outbound	36.99	32.07	27.03	22.02	17.00	12.50	8.00

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See Item 10 for explanation of abbreviations and symbols.

Correction No. 540	Order No. 09-7012 Ordinance No. 181011	Adopted September 29, 2009 Adopted December 2, 2009	EFFECTIVE: January 14, 2010
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See Item 10 for explanation of abbreviations and symbols.

Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:
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 CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS -- Continued

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See Item 10 for explanation of abbreviations and symbols.

Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:
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SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued	Item No.
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<p style="text-align: center;">VOLUNTARY ENVIRONMENTAL SHIP INDEX (ESI) INCENTIVE PROGRAM</p> <p>* The objective of the Voluntary Environmental Ship Index (ESI) Incentive Program is to accelerate the reduction of emissions from Ocean Going Vessels (OGVs) calling at the Port by providing incentives to Vessel Operators for (1) the achievement of specific ESI ratings under the international ESI standards administered by the International Association of Ports and Harbors (IAPH) World Ports Climate Initiative (WPCI); (2) deployment of IMO Tier II (during the first three years of the program) and Tier III OGVs (throughout the program), and (3) participation in a nitrogen oxides (NOx) reduction technology demonstration project under the Clean Air Action Plan Technology Advancement Program.</p> <p>+ The Voluntary Environmental Ship Index Incentive Program commenced on July 1, 2012, and was modified effective October 1, 2016, to comport with new regulations. The Port shall award incentive grants to enrolled Vessel Operators whose OGVs calling at the Port that have met the qualifying requirements of the Port’s ESI Incentive Program, under the terms and conditions of this Tariff item 2060 and the detailed ESI Incentive Program rules issued by the Port.</p> <p style="text-align: center;"><u>DEFINITIONS</u></p> <p>For purposes of the ESI Incentive Program under this Item 2060 the following definitions shall apply:</p> <p>“Environmental Ship Index” or “ESI” means a voluntary rating system established by the IAPH/WPCI and administered by the ESI Administrator that issues ratings based upon the extent to which ships’ emissions perform better than IMO emissions standards, ranging from 0 for a ship that meets IMO standards to 100 for a ship that has zero air emissions.</p> <p>“ESI Administrator” means the ESI Bureau of the IAPH/WPCI.</p> <p>“ESI Score” means the ESI rating issued by the ESI Administrator and published on the ESI website at http://www.wpci-esi.org.</p> <p>“IAPH” means the International Association of Ports and Harbors.</p> <p>“IMO” means the International Maritime Organization.</p> <p>“IMO Tier II or Tier III” means the IMO’s adopted marine diesel engine standards under Revised MARPOL Annex VI, an international ship regulation limiting the main air pollutants contained in ship emissions. The Tier II emission standard is required for marine diesel engines installed on or after 1 January 2011, and Tier III emission standard is required for marine diesel engines installed on or after 1 January 2016 that are used on ships operating in IMO Emission Control Areas (ECA) designated for controlling NOX emissions, which includes the North American ECA covering the Port that will take effect from August 1, 2012.</p>	[C]+ 2060
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See Item 10 for explanation of abbreviations and symbols.		
Correction No. 703	Order 16-7210 Adopted September 15, 2016 Ordinance No. 184672 Adopted December 12, 2016	EFFECTIVE: January 20, 2017

SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued	Item No.
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VOLUNTARY ENVIRONMENTAL SHIP INDEX (ESI) INCENTIVE PROGRAM

+ **“Incentive Period”** means the incentive period (i) for ESI Scores of 25 to 40+ points commencing on July 1, 2012, and ending on September 30, 2016; (ii) for ESI Scores of 40+ commencing on October 1, 2016, until suspended by the Port; (iii) for the OGV5 Tier II Incentive commencing on July 1, 2012, and ending on September 30, 2016; (iv) for the OGV5 Tier III Incentive commencing on July 1, 2012, until suspended by the Port; and (v) for the OGV6 Technology Advancement Program (TAP) Demonstration Incentive commencing on July 1, 2012, until suspended by the Port.

“Main Engine” means any internal combustion, compression-ignition engine that is configured to supply propulsion power for an Ocean Going Vessel, regardless of whether the propulsion system is direct-drive, geared drive or diesel electric.

“Marine Exchange” means Marine Exchange of Southern California, which publishes records of ocean going vessel arrivals and departures.

“Ocean Going Vessel” or **“OGV”** has the same meaning as Ocean Going Vessel in Item 2045 (Voluntary Vessel Speed Reduction Program).

“Vessel Operator” has the same meaning as Vessel Operator in Item 2045 (Voluntary Vessel Speed Reduction Program).

“Vessel Visit” has the same meaning as Vessel Visit in Item 2045 (Voluntary Vessel Speed Reduction Program).

“WPCI” means the World Ports Climate Initiative.

INCENTIVE PROGRAM RULES

(1) Vessel Operators interested in participating in any of the three incentives under this ESI Incentive Program must be a registered participant in the IAPH/WPCI ESI program, and should request an ESI Score for their Ocean Going Vessels by registering on the IAPH/WPCI ESI website, at www.wpci-esi.org. Under the auspices of the IAPH/WPCI, the ESI Administrator will calculate the ESI score of Ocean Going Vessels on the basis of input provided by the Vessel Operator, with certain verification processes built into the ESI system.

* (2) To be eligible to receive ESI Incentive Program grants, Vessel Operators must enroll with the Port by submitting an enrollment application to the Executive Director. The enrollment application is available at www.portoflosangeles.org/environment/ogv.asp. After initial program enrollment, Vessel Operators may update their OGVs on the IAPH/WPCI ESI website (<http://www.wpci-esi.org>). The Port will pay incentives to Vessel Operators for Vessel Visits only from and after the date they have both registered for ESI with IAPH/WPCI and enrolled with the Port.

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SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued		Item No.
<p style="text-align: center;">VOLUNTARY ENVIRONMENTAL SHIP INDEX (ESI) INCENTIVE PROGRAM PROGRAM RULES – continued</p> <p>* (3) A Vessel Operator may apply for three different types of incentive grants (described under subsections a, b, and c immediately below) for enrolled OGVs making Vessel Visits at the Port of Los Angeles:</p> <p>a. <u>ESI Score.</u> Each OGV that has the following ESI Scores is eligible for an incentive grant per Vessel Visit as follows:</p> <p style="padding-left: 20px;"><u>Initial Program, effective July 1, 2012, through September 30, 2016, only:</u></p> <ol style="list-style-type: none"> 1. ESI Score of 25-29 points is eligible for \$250 per Vessel Visit made between July 1, 2012 – December 31, 2012; or 2. ESI Score of 30-34 points is eligible for \$750 per Vessel Visit; or 3. ESI Score of 35-39 points is eligible for \$1,000 per Vessel Visit; or 4. ESI Score of 40 points or more is eligible for \$1,250 per Vessel Visit. <p>+ <u>Program commencing effective October 1, 2016:</u></p> <ol style="list-style-type: none"> 1. ESI Score of 40-49 points is eligible for \$750 per Vessel Visit; or 2. ESI Score of 50 points or more is eligible for \$2,500 per Vessel Visit. <p>Vessel Operators shall be eligible for only one ESI incentive for any single OGV on a Vessel Trip.</p> <p>b. <u>OGV5 - IMO Tier II or Tier III Standards.</u> Each OGV that has a verified IMO Tier II or Tier III Main Engine is eligible for an incentive grant as follows:</p> <ol style="list-style-type: none"> 1. For the incentive period July 1, 2012, through September 30, 2016, only, each OGV with a Main Engine that meets IMO Tier II standard for NOx is eligible for an incentive grant of \$750 per Vessel Visit; or 2. For the incentive period commencing July 1, 2012, through September 30, 2016, only, each OGV with a Main Engine that meets IMO Tier III standard for NOx is eligible for an incentive grant of \$3,250 per Vessel Visit. 3. For the incentive period commencing October 1, 2016, each OGV with a Main Engine that meets IMO Tier III standard for NOx is eligible for an incentive grant of \$5,000 per Vessel Visit. <p>Vessel Operators shall be eligible for only one OGV5 incentive for meeting either the Tier II standard or Tier III standard, but not both, for any single OGV on a Vessel Trip.</p>		[C]+ 2060 (Cont.)
See Item 10 for explanation of abbreviations and symbols.		
Correction No. 705	Order No. 16-7210 Adopted September 15, 2016 Ordinance No. 184672 Adopted December 12, 2016	EFFECTIVE: January 20, 2017

<p>PORT OF LOS ANGELES – TARIFF NO. 4</p>	<p>First Revised Page 194E Cancels Original Page 194E And Circular No. 71</p>	
<p>SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued</p>	<p>Item No.</p>	
<p>VOLUNTARY ENVIRONMENTAL SHIP INDEX (ESI) INCENTIVE PROGRAM PROGRAM RULES – continued</p> <p>(10) The Port will rely on the ESI Scores issued by the ESI Administrator, and may adjust the incentives in the event of any adjustment to ESI Scores. The Port is not responsible for any modifications, delays or errors in the ESI Scores or information provided by the ESI Administrator.</p> <p>(11) To be paid an incentive grant, all Vessel Operators must have filed with the Port a Los Angeles Business Tax Registration Certificate and federal tax form W-9 or form W-8BEN.</p> <p>(12) The Port reserves the right in its sole discretion at any time to close the ESI Incentive Program to new applicants. The ESI Incentive Program and this Item 2060 may be modified, suspended or terminated by the Port in its sole discretion upon 30 calendar days’ notice in writing to program participants.</p> <p>(13) Additional information on the ESI Incentive Program is available at www.portoflosangeles.org/environment/ogv.asp or the Los Angeles Harbor Department—Environmental Management Division, Attention: ESI Incentive Program, P.O. Box 191, San Pedro, California 90733-191.</p>	<p>[C]+ 2060 (Cont.)</p>	
<p>See Item 10 for explanation of abbreviations and symbols.</p>		
<p>Correction No. 707</p>	<p>Order No. 16-7210 Adopted September 15, 2016 Ordinance No. 184672 Adopted December 12, 2016</p>	<p>EFFECTIVE: January 20, 2017</p>

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Item No.

REMEDIES FOR VIOLATION OF CLEAN AIR ACTION PLAN PROVISIONS

No person, firm or corporation shall fail, refuse or neglect to comply with any of the provisions of the rules and regulations prescribed by Section 20 of this Tariff. A Drayage Truck, Drayage Truck Owner or Drayage Truck Operator that is non-compliant with Section 20 while on Port Property shall have any non-compliant Drayage Trucks denied access to Port Terminals. Remedies against Terminal Operators failing to comply with Section 20 are set forth in their permits, leases or contractual agreements with the City. Remedies against Licensed Motor Carriers failing to comply with Section 20 are set forth in their Concession Agreements or contractual agreements with the City. In no event shall criminal penalties apply to violations of Section 20 of this Tariff.

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SEVERABILITY

If any provision of Port of Los Angeles Tariff No. 4 shall be determined by court or agency of competent jurisdiction to be unenforceable, unlawful or subject to an order of temporary or permanent injunction from enforcement, such determination shall only apply to the specific provision and the remainder of the provisions of this Tariff No. 4 shall continue in full force and effect.

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See Item 10 for explanation of abbreviations and symbols.

Correction No. 642	Order No. 13-7143	Adopted July 25, 2013	EFFECTIVE: January 13, 2014
	Ordinance No. 182281	Adopted December 3, 2013	