



**THE PORT
OF LOS ANGELES**

Executive Director's
Report to the
Board of Harbor Commissioners

DATE: AUGUST 17, 2023

FROM: CARGO MARKETING

SUBJECT: RESOLUTION NO. _____ - APPROVE PERMANENT ORDER TO AMEND PORT OF LOS ANGELES TARIFF NO. 4, SECTION SIX "PASSENGER FEES", ITEM 600.

SUMMARY:

Staff requests approval of a Permanent Order to amend Port of Los Angeles (Port) Tariff No. 4 (Tariff No. 4), Section Six "Passenger Fees", Item 600, approving 1) a five-year rate schedule with an annual three percent rate increase; 2) an adjustment to the effective date of each annual increase from September 1 to July 1 to coincide with the Port's fiscal year; and 3) an exemption from General Rate Increases (GRI) from the effective date through June 30, 2029. The proposed effective date is July 1, 2024.

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 categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Article III Class 1(31) of the Los Angeles City CEQA Guidelines;
2. Approve the amendment to Port of Los Angeles Tariff No. 4 revising Section Six "Passenger Fees", Item 600, subject to the California Association of Port Authorities (CAPA) review and approval, and authorize the Executive Director to work with CAPA to secure this approval or proceed to take independent action in accordance with CAPA procedures;
3. Adopt Permanent Order No. _____ to amend Section Six "Passenger Fees", Item 600, in the Port of Los Angeles Tariff No. 4;
4. Direct the Board Secretary to transmit to the City Council for approval of the Permanent Order and the Ordinance approving and authorizing the amendment to the Port of Los Angeles Tariff No. 4 pursuant to City Charter 653(a);

SUBJECT: PERMANENT ORDER FOR PASSENGER FEES TARIFF

5. Direct the Board Secretary to transmit to the City Clerk a Notice of Public Hearing for publication in accordance with the provisions of California Government Code sections 66018 and 6062a;
6. After the effective date of the Ordinance, transmit the Permanent Order and Ordinance to the Executive Director or his nominee for implementation and posting to the Port of Los Angeles website; and
7. Adopt Resolution No. _____.

DISCUSSION:

Background and Context – When cruises to Mexico began in the 1970’s, the Port of Los Angeles (Port) was one of the original cruise ports on the West Coast. Today, cruise business has expanded to include cruises to Hawaii, Alaska, and through the Panama Canal. The Port’s peak cruise season runs from late September through mid-May. Royal Caribbean Group (Royal), which includes the Royal Caribbean and Celebrity Cruises Brands, is currently the Port’s largest customer with an estimated 630,700 passengers in calendar year 2023 out of an estimated 1,150,305 total annual passengers, which represents 55 percent of the Port’s cruise passenger volume. Princess Cruises (Princess) is anticipated to represent about 31 percent of cruise activities at the Port in 2023 (355,640 passengers out of 1,150,305), followed by Norwegian Cruise Line (NCL) with 14 percent (160,650 passengers). During 2023, in addition to Royal, Princess and NCL vessel calls, the Port will handle cruise calls from five additional cruise lines carrying an estimated 3,315 passengers. Unlike other shipping terminals, the Port operates the cruise terminal through a contracted terminal operator, Ports America. Ports America receives a fixed fee to operate the terminal to cover direct expenses, overhead, and profit, under an Operating Agreement.

While the Port’s cruise industry is not as large of a revenue contributor compared to cargo containers, it plays an important role in increasing economic activity in the region, providing new visitors to the L.A. Waterfront and maintaining a diversified portfolio of land uses that serve maritime needs of the citizens of California. Each cruise line call generates economic activity in the region of approximately \$1,000,000 through employment of labor, direct passenger spending, and activity related to supplying and servicing the ship while in port. Cruise line passengers also provide a significant opportunity to attract more visitors to L.A. Waterfront visitor serving attractions which should increase with the new West Harbor and other anticipated private development in the San Pedro waterfront area.

The global pandemic events of 2020 and 2021 resulted in a decline in the Port’s cruise business but did provide for a growth opportunity as the world reopened to cruises at different locations. For instance, the 995,819 cruise passengers visiting the Port in 2022 represented a 555% increase relative to 2021, and this level of cruise passenger volume represented the highest activity since the Port last surpassed one million passenger visits in 2008.

SUBJECT: PERMANENT ORDER FOR PASSENGER FEES TARIFF

To date, the largest cruise passenger volumes occurred in 2005 with 1,218,739 passengers moving through the Port. Aside from the COVID 2020-21 cruise shutdown, Port passenger volume dropped to a low in 2012 of 426,073 before climbing back up to 650,010 passengers in 2019. The outlook for calendar year 2023 is projecting the Port to surpass 1.1 million passengers for the first time since 2008.

The proposed amendment to cruise passenger and ancillary tariff fees align with the Port's Strategic Plan goals. Creating a predictable bundled passenger fee schedule with established annual escalation will provide a strong foundation to continue to build our current cruise business, which in turn will bring more visitors to the L.A. Waterfront and improve the financial performance of the cruise terminal.

The Port's cruise facilities have two berths that can manage two ships at one time. Additionally, the Port can add a third and fourth berth at the Outer Harbor, with temporary infrastructure to manage the necessary passenger volume depending on vessel size. Our facilities are competitive or better than other West Coast Ports. In comparison, the facility in San Diego has three berths, but limited passenger handling facilities to manage the volume and meet sailing schedules. We consistently manage up to 4500 passengers per ship and delighted that cruise lines have the confidence in the Port of LA to begin offering year-round itineraries.

The current cruise passenger fee in the Port's tariff is \$16.12 and would increase to \$16.60 on September 1, 2023. Comparatively, the current rate for the Port of San Diego, our closest competitor, is \$15.50 per passenger. Although the cruise operations in Long Beach are considered competition, the facility was developed by and operated by Carnival Cruise Line and does not have public rates since the operations are internal to the one cruise line.

Proposed Cruise Tariff Amendment – The proposed amendment to Tariff No. 4 will 1) establish a five-year rate schedule with an annual three percent rate increase; 2) adjust the effective date of each annual increase from September 1 to July 1 to coincide with the Port's fiscal year; and 3) exempt cruise passenger fees from GRIs from the effective date through June 30, 2029. The proposed effective date is July 1, 2024.

Under the proposed tariff amendment, cruise passenger fees from July 1, 2024 through June 30, 2029 will be listed as follows:

Effective Date	Per Passenger Fee
7/1/2024	\$17.10
7/1/2025	\$17.61
7/1/2026	\$18.14
7/1/2027	\$18.69
7/1/2028	\$19.25

The cruise industry plans most of their itineraries 18 to 24 months ahead of vessel departure. Developing a passenger fee structure that provides longer term predictability is important to cruise lines, plus, it would provide the Port with a competitive advantage.

SUBJECT: PERMANENT ORDER FOR PASSENGER FEES TARIFF

For the proposed tariff adjustment, our three largest cruise customers, NCL, Princess, and Royal Caribbean Cruise Line, were provided the proposed rate schedule. The three lines have indicated that the proposed rate schedule will not negatively impact the Port's market share.

Need for Approval – Los Angeles City Charter Section 653 requires the Board to approve any Tariff No. 4 (Transmittal 1) amendment by Order (Transmittal 2), and approval of the City Council by Ordinance (Transmittal 3).

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of a Permanent Order to amend Tariff No. 4, which is an activity that modifies any rate, fee, or charge for the use of existing municipal facilities and services involving negligible or no expansion of use. Therefore, the Director of Environmental Management has determined that the proposed action is categorically exempt from the requirements of CEQA in accordance with Article III Class 1(31) of the Los Angeles City CEQA Guidelines.

FINANCIAL IMPACT:

Approval of the proposed Order would increase Per Passenger Fees from \$16.60 as of September 1, 2023 to \$17.10 as of July 1, 2024 with annual increases of approximately 3% occurring each July thereafter through June 30, 2029.

Assuming that annual passenger volumes of 1,150,000 are maintained through June 30, 2029, the proposed Order is anticipated to generate approximately \$9.0 million in additional wharfage revenues over the five-year period from July 1, 2024 through June 30, 2029.

CITY ATTORNEY:

The Office of the City Attorney has reviewed and approved the proposed Order and Ordinance as to form and legality.

TRANSMITTALS:

1. POLA Tariff No. 4
2. Permanent Order
3. Ordinance

FIS Approval:  (initials)
CA Approval:  (initials)

DATE: AUGUST 17, 2023

PAGE 5 OF 5

SUBJECT: PERMANENT ORDER FOR PASSENGER FEES TARIFF



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APPROVED:

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