

ORDER NO. \_\_\_\_\_

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

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

Section 1. 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, is further amended as set forth in Exhibit "A," attached hereto and incorporated herein by reference.

Section 2. The Director of Environmental Management has determined that the proposed action is exempt from the requirements of 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 Order by the Board of Harbor Commissioners and shall cause the same to be published once in a daily newspaper printed and published in the City of Los Angeles as well as posted electronically on the Port of Los Angeles website.

Section 4. The Board Secretary shall transmit to the City Council for approval the Order and Ordinance approving the amendment to Tariff No. 4 pursuant to City Charter Section 653(a).

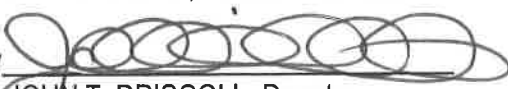
Section 5. The Board Secretary shall execute the proposed Board Order and Ordinance amending Tariff No. 4, and upon its publication, transmit the Order and Ordinance to the Chief Wharfinger for implementation of the tariff change and posting the amended Tariff No. 4 to the Port's website as regulated by the Federal Maritime Commission.

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 M. KLESGES  
Board Secretary

APPROVED AS TO FORM AND LEGALITY

SEPT 9, 2016  
MICHAEL N. FEUER, City Attorney  
JANNA B. SIDLEY, General Counsel

By   
JOHN T. DRISCOLL, Deputy

JTD:jpr  
Attachment

TRANSMITTAL 3

SECTION FOUR DOCKAGE	Item No.
<p style="text-align: center;">DEFINITION</p> <p>Dockage is the charge, calculated in accordance with the dockage rates named in this tariff, assessed against a vessel for berthing at or making fast to a municipal wharf, pier, bulkhead structure, or bank (inside berth), or for mooring to another vessel so berthed (outside berth).</p>	400
<p style="text-align: center;">BASIS FOR COMPUTING DOCKAGE CHARGES</p> <p>The rates for dockage shall apply according to the overall length of the vessel, except as otherwise specifically provided in this Tariff. United States Custom House, Lloyd's Register, or American Bureau of Shipping measurements, when available, will be used in determining the size of vessels, but the Board reserves the right to measure vessels when necessary to obtain measurements for use as the basis for its charge.</p>	405
<p style="text-align: center;">FREE DOCKAGE</p> <p>Free dockage will be accorded vessels:</p> <p>(a) Engaged exclusively within the limits of Los Angeles Harbor and Long Beach Harbor while occupying an outside berth and discharging into or loading from the vessel to which it is made fast;</p> <p>(b) Using a public landing when conforming to the provisions of Item 1520 of Section 15;</p> <p>(c) Defined as commercial fishing vessels when conforming to the provisions of Item 1905 of Section 19;</p> <p>(d) When, in the discretion of the Board or the Executive Director, conditions may warrant the temporary suspension of regular dockage charges against combat or training vessels, including vessels auxiliary thereto, of the United States of America or any other nation;</p>	+ 410

See Item 10 for explanation of abbreviations and symbols.

	Order No.                      Adopted Ordinance No.                Adopted	EFFECTIVE:
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PORT OF LOS ANGELES – TARIFF NO. 4

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 cancels  
 Original Page ..... 42  
 (Corrected)

SECTION FOUR – Continued  
 DOCKAGE -- Continued

Item No.

FREE DOCKAGE -- Continued

- (e) Under 20 tons gross register, except commercial fishing vessels when the rates provided in Section Nineteen shall apply;
- (f) While actively engaged as a tugboat when made fast to another vessel which is being charged dockage;
- (g) Using a wharf or landing at a small boat marine oil service station while taking on petroleum or products or compounds thereof;
- (h) Occupying water area under a space assignment in accordance with Item 800, or pursuant to a revocable permit or term permit requiring the payment of compensation at least equal to that specified in Item 810, provided, however, that any such vessel is not a common carrier by water, or designed for or engaged in the loading or discharging of passengers or merchandise. Barges, lighters, tugs, dredges, oil drilling platforms, oil and service craft, salvage vessels, fishing vessels, and derrick barges shall be included within the class of vessels considered to be "not designed for" the loading or discharging of passengers or merchandise. Full dockage charges shall be assessed against any vessel while engaged in loading or discharging of passengers or merchandise during the time such vessel is so engaged, in addition to the charges assessed under Item 810, the permit or revocable permit, and all other charges applicable under this Tariff;
- (i) (Water barges), when used in occasional service, so long as the owner maintains and offers the service of supply of fresh and potable water to vessels in Los Angeles Harbor;
- (j) Engaged exclusively in the exhibition of goods for the sole purpose of the promotion of international trade;
- (k) Owned or operated by the State of California.
- + (l) For the first twenty-four hours only when bundled passenger fees are paid in accordance with Item 600.

+  
 410  
 (Cont.)

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		Second Revised Page..... 49 Cancels First Revised Page ..... 49
SECTION FIVE – Continued WHARFAGE - Continued FREE WHARFAGE		Item No.
<p>No wharfage shall be assessed,</p> <p>(a) On handling and stevedore tools, equipment and appliances taken on wharf for the purpose of loading or discharging a vessel;</p> <p>(b) On baggage of passengers when carried on same vessel as passengers and on which no revenue is collected by the water carrier either as excess baggage, or freight or cargo;</p> <p>(c) On petroleum and petroleum products in bulk pumped back from the vessel to tank, at the same facility where originally loaded, after having paid one wharfage charge when loaded from tank to vessel;</p> <p>(d) At a Public Landing, as provided in Item 1500;</p> <p>(e) On ballast in bulk, which is not manifested as cargo, has no commercial value and is handled direct between vessel and barge or shore tank;</p> <p>(f) On Vessel's stores or supplies when total amount laden on a vessel in the coastwise trade is less than 7258 kilograms or on a vessel in any other trade is less than 3629 kilograms;</p> <p>(g) On dunnage or ship lining used in the stowage or bracing of cargo which is discharged from and reloaded to a vessel within 30 days;</p> <p>(h) On scrap dunnage or scrap ship lining, discharged from a vessel, which has been used thereon in the stowage or bracing of cargo, has no commercial value, and is not to be re-used as dunnage or ship lining;</p> <p>(i) On packages, empty, having less than 2 cubic meters capacity, S.U. or K.D., when no freight charges on the package itself are assessed;</p> <p>(j) On cargo which a vessel discharges and reloads, prior to departure, in order to load or discharge other cargo (overstowed cargo);</p> <p>(k) On cargo discharged from a vessel when a full wharfage charge has previously been assessed against the same cargo when the vessel upon which it was laden was discharged from another vessel at Port of Los Angeles or on cargo loaded to a vessel when a full wharfage charge will be assessed against the same cargo when the vessel upon which it is laden is loaded to another vessel at Port of Los Angeles;</p> <p>(l) On pallets to which are secured a "unitized load" of cargo. (See Note.)</p> <p>NOTE: Applies only to the extent the vessel has excluded the weight or measurement of the same pallets from freight charges.</p> <p>(m) On fresh or frozen fish for resale, for use of fish canneries or for processing, unloaded at Fish Harbor Wharf (Berths 260 to 267), Fries Street Wharf (Berth 182) or the Municipal Fish Market Wharf (Berth 72);</p> <p>+ (n) On vessel's stores or supplies when bundled passenger fees are paid in accordance with Item 600.</p>		+ 525
See Item 10 for explanation of abbreviations and symbols.		
Correction No.	Order No. Ordinance No.	Adopted Adopted EFFECTIVE:

SECTION SIX PASSENGER FEES	Item No.																		
PASSENGER FEES																			
<p>Every vessel carrying passengers for compensation shall be liable for and pay, in addition to the other charges provided in this Tariff, the following passenger fees for each passenger embarking from or debarking at a municipal wharf:</p> <p style="text-align: center;"><u>Bundled Passenger Fee Rate Schedule</u></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;"><u>Effective Date</u></th> <th style="text-align: center;"><u>Per Passenger Fee</u></th> </tr> </thead> <tbody> <tr><td style="text-align: center;">9/20/2016</td><td style="text-align: center;">\$13.50</td></tr> <tr><td style="text-align: center;">9/1/2017</td><td style="text-align: center;">\$13.91</td></tr> <tr><td style="text-align: center;">9/1/2018</td><td style="text-align: center;">\$14.32</td></tr> <tr><td style="text-align: center;">9/1/2019</td><td style="text-align: center;">\$14.75</td></tr> <tr><td style="text-align: center;">9/1/2020</td><td style="text-align: center;">\$15.19</td></tr> <tr><td style="text-align: center;">9/1/2021</td><td style="text-align: center;">\$15.65</td></tr> <tr><td style="text-align: center;">9/1/2022</td><td style="text-align: center;">\$16.12</td></tr> <tr><td style="text-align: center;">9/1/2023</td><td style="text-align: center;">\$16.60</td></tr> </tbody> </table> <p>a) Effective September 20, 2016, bundled Passenger fees are inclusive of (subject to Note 1 and Note 2):</p> <ul style="list-style-type: none"> <li>(1) Passenger fees</li> <li>(2) Dockage for the first twenty-four hours only</li> <li>(3) Wharfage for vessel stores and supplies</li> <li>(4) Lay Day Fee for the first twenty-four hours only</li> </ul> <p>NOTE 1: Effective September 20, 2016, vessels which are subject to the payment of passenger fees and that berth more than twenty-four hours in port must pay the applicable dockage rates named in Tariff Item 480 for each additional twenty-four hour day or fraction thereof plus the applicable Lay Day Fee.</p> <p>NOTE 2: Effective September 20, 2016, vessels which are subject to the payment of passenger fees and are in port for lay berthing or vessel repairs must pay the applicable dockage rates named in Tariff Item 480 plus the applicable Lay Day Fee.</p> <p>b) Effective September 20, 2016, the minimum charge for passenger fees shall be \$15,000 per call.</p>	<u>Effective Date</u>	<u>Per Passenger Fee</u>	9/20/2016	\$13.50	9/1/2017	\$13.91	9/1/2018	\$14.32	9/1/2019	\$14.75	9/1/2020	\$15.19	9/1/2021	\$15.65	9/1/2022	\$16.12	9/1/2023	\$16.60	<p>+ [A][C] 600</p>
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See Item 10 for explanation of abbreviations and symbols.

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SECTION SIX PASSENGER FEES	Item No.
<p>c) An in-transit passenger is defined as a passenger who boarded a vessel at a port other than the Port of Los Angeles and is on a voyage on such vessel to a port other than the Port of Los Angeles. Effective September 20, 2016, in-transit passengers will be assessed a fee of \$10.00 per passenger.</p> <p>d) Effective September 20, 2016, Passenger Fee rates are not subject to General Rate Increase through August 31, 2024.</p> <p>e) Lay Day Fee is defined as a fee charged by the terminal operator to the cruise line per the terminal operating agreement when a cruise vessel is berthed at a cruise berth for general terminal management costs which does not include specific charges and fees for items such as gangways, shore power, ship garbage removal, security, etc.</p> <p>Exception: Passenger fees do not apply to:</p> <p>(a) Passengers on vessels having accommodations for ninety-nine or less passengers; or</p> <p>(b) Passengers sightseeing or travelling between points within a radius of 100 miles of the port; or</p> <p>(c) Passengers on sport fishing vessels</p>	<p>+ [A][C] 600 (Cont.)</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-THREE  
INCENTIVES – GENERAL RULES AND REGULATIONS

Item No.

DEFINITIONS CRUISE VESSEL INCENTIVE PROGRAM

For purposes of Item 2330, Item 2335, and Item 2340 the following definitions shall apply:

“Cruise Year” is defined as the twelve month period beginning September 1st through August 31<sup>st</sup> of the following calendar year.

“Cruise Vessel Operator” shall be determined by the Port in reference to the operator listed in the Lloyds Register of Ships or the parent of a wholly owned subsidiary which is listed as the operator in the Lloyds Register of Ships. Any Cruise Vessel Operator disagreeing with this determination shall have 30 days from notice of this determination to submit documents that a vessel is in fact operated by an operator other than the one listed in Lloyd’s Register of Ships. Upon review of this information, the Port may amend its initial determination at the exclusive discretion of the Executive Director.

“Summer Season” is defined as the four month period beginning May 15th through September 15th during the same calendar year.

+  
2330

See Item 10 for explanation of abbreviations and symbols.

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<p>SECTION TWENTY-THREE INCENTIVES – GENERAL RULES AND REGULATIONS</p>	<p>Item No.</p>																											
<p style="text-align: center;"><b>CRUISE VESSEL INCENTIVE PROGRAM</b></p> <p>Commencing on September 20, 2016, the Cruise Vessel Incentive Program will be based upon the number of revenue generating cruise passengers handled by a Cruise Vessel Operator per Cruise Year at the Port of Los Angeles.</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;"><u>Number of cruise passengers</u> <u>per cruise year</u></th> <th style="text-align: center;"><u>Incentive per call</u></th> <th style="text-align: right; vertical-align: bottom;">+</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">25,000 - 49,999</td> <td style="text-align: center;">\$ 5,000.00</td> <td style="text-align: right; vertical-align: bottom;">2335</td> </tr> <tr> <td style="text-align: center;">50,000 - 99,999</td> <td style="text-align: center;">\$ 6,000.00</td> <td></td> </tr> <tr> <td style="text-align: center;">100,000 - 149,999</td> <td style="text-align: center;">\$ 7,000.00</td> <td></td> </tr> <tr> <td style="text-align: center;">150,000 - 199,999</td> <td style="text-align: center;">\$ 8,000.00</td> <td></td> </tr> <tr> <td style="text-align: center;">200,000 - 249,999</td> <td style="text-align: center;">\$ 9,000.00</td> <td></td> </tr> <tr> <td style="text-align: center;">250,000 - 299,999</td> <td style="text-align: center;">\$10,000.00</td> <td></td> </tr> <tr> <td style="text-align: center;">300,000 - 349,000</td> <td style="text-align: center;">\$11,000.00</td> <td></td> </tr> <tr> <td style="text-align: center;">350,000 +</td> <td style="text-align: center;">\$12,000.00</td> <td></td> </tr> </tbody> </table> <p>To participate, a Cruise Vessel Operator will provide a list of all cruise brands and cruise lines that are eligible to qualify for the Cruise Vessel Incentive. Volumes will be calculated to include all cruise brands or cruise lines identified by the Cruise Vessel Operator as being eligible.</p> <p>Cruise Vessel Operators shall submit invoices to the Port for the prior Cruise Year for the Cruise Vessel Incentive Program on or before December 31st of the following Cruise Year. The incentive amount will be paid out upon receipt of an invoice from the Cruise Vessel Operator and verification of the incentive amount claimed by the Port of Los Angeles. The Port of Los Angeles will provide each Cruise Vessel Operator receiving payments under this program, if any, with reconciliation sixty days after receipt of invoice. Payments made under this program, if any, shall be paid in a one-time lump sum payment.</p> <p>If a Cruise Vessel Operator sells a cruise brand or cruise line, buys a cruise brand or cruise line, or starts a new cruise brand or cruise line, the eligibility of the cruise brand or cruise line under the Cruise Vessel Incentive Program will be determined based on the closing date of the transaction as to whether such cruise brands or cruise lines were owned by the Cruise Vessel Operator at the time the incentive is claimed.</p>	<u>Number of cruise passengers</u> <u>per cruise year</u>	<u>Incentive per call</u>	+	25,000 - 49,999	\$ 5,000.00	2335	50,000 - 99,999	\$ 6,000.00		100,000 - 149,999	\$ 7,000.00		150,000 - 199,999	\$ 8,000.00		200,000 - 249,999	\$ 9,000.00		250,000 - 299,999	\$10,000.00		300,000 - 349,000	\$11,000.00		350,000 +	\$12,000.00		
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<p style="text-align: center;"><b>SUMMER SEASON INCENTIVE</b></p> <p>Any Cruise Vessel Operator that has more than 10 vessel calls during the summer season will receive \$5000 per vessel call. If the Cruise Vessel Operator qualifies for the Cruise Vessel Incentive Program, the Summer Season Incentive would be in addition to the Cruise Vessel Incentive.</p>	<p>+</p> <p>2340</p>																											

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