



Executive Director's

Report to the

Board of Harbor Commissioners

DATE: SEPTEMBER 16, 2021

FROM: GOODS MOVEMENT

SUBJECT: RESOLUTION NO. _____ APPROVAL OF NOTICE OF MUTUAL AGREEMENTS FOR AMENDMENTS OF ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY DISPATCHING AND POLICE AND SECURITY SERVICES AGREEMENTS

SUMMARY:

Staff requests that the Board of Harbor Commissioners adopt a Resolution approving and providing mutual agreement, via a "Notice of Mutual Agreement" (NMA), of the amendments of the Alameda Corridor Transportation Authority's (ACTA) Dispatching Agreement, and Police and Security Services Agreement (collectively referred to as Agreements). The Alameda Corridor (AC) Use and Operating Agreement (UOA) requires ACTA to have these particular Agreements for the operations of the AC. The UOA also requires that the City of Los Angeles Harbor Department (Harbor Department), Port of Long Beach (POLB), BNSF Railway (BNSF), and Union Pacific Railroad (UPRR) collectively select the AC train operations dispatcher and security provider via an NMA. The NMA enables ACTA to proceed to enter into subsequent agreements for these services with the UPRR and BNSF (and/or other selected entities), subject to approval by its own board. These two ACTA Agreements expire on October 14, 2021. This NMA will enable ACTA to extend the term of the Dispatching Agreement by six months, to April 14, 2022, and the term of the Security Services Agreement by one year to October 14, 2022. The POLB, UPRR, and BNSF are expected to approve the NMA before October 14, 2021. There are no financial impacts to the City of Los Angeles Harbor Department if this NMA is approved and the ACTA Agreements are amended.

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 NMA 2021-3 that approves the amendment of the ACTA Dispatching Agreement to extend the term for up to an additional six months, to April 14, 2022;

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3. Approve NMA 2021-4 that approves the amendment of the ACTA Police and Security Services Agreement to extend the term for up to one year, to October 14, 2022;
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;
5. Adopt Resolution No. _____.

DISCUSSION:

On October 24, 2016, the Board approved the AC Amended and Restated UOA. The AC UOA requires ACTA to have the Agreements for the operations of the AC. The Amended and Restated UOA requires that the Harbor Department, POLB, BNSF, and UPRR collectively select the AC train operations dispatcher and security provider via an NMA. The NMA enables ACTA to proceed to enter into subsequent agreements for these services with the UPRR and BNSF (and/or other selected entities), subject to approval by its own board. These two existing ACTA Agreements with the BNSF and UPRR have been in place since 2002, when the AC opened, and will expire on October 14, 2021. This NMA will enable ACTA to extend the term of the Dispatching Agreement by six months, to April 14, 2022, and the term of the Security Services Agreement by one year to October 14, 2022. The POLB, UPRR, and BNSF are expected to approve the NMA before October 14. Costs for the services provided under both Agreements are paid by the UPRR and BNSF. The original term for both Agreements was five years, and they have been subsequently amended numerous times since 2002. Since October 24, 2016, these ACTA Agreements have been extended five times. The Board approved the last NMA on March 4, 2021, which extended each Agreement term to October 14, 2021.

All parties are currently discussing a new type of arrangement for the AC dispatching that entails establishment of terminal company, jointly owned and operated by the UPRR and BSNF. However, if such an entity comes to fruition, it would take two to three years to actually implement, as conceptually determined by the UPRR and BNSF. As such, instead of future extensions to the NMA to maintain the UPRR as the lead dispatcher, staff will be seeking approval of a new NMA prior to April 14, 2022, to enable an amended Dispatching Agreement that transfers the lead dispatching to the BNSF for five years or less, if the aforementioned new approach comes to fruition. The intent of the original Dispatching Agreement was to have this rotation occur every five years.

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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:

There are no financial impacts to the Harbor Department if this NMA is approved and the ACTA Agreements are amended. The funding associated with these ACTA Agreements are provided by 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. Notice of Mutual Agreement No. 2021-3
2. Notice of Mutual Agreement No. 2021-4

FIS Approval: MB
CA Approval: JS



KERRY CARTWRIGHT, P.E.
Director of Goods Movement



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

APPROVED:

Marla Bleavins For

EUGENE D. SEROKA
Executive Director

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