

DATE: March 24, 2022

FROM: GOODS MOVEMENT

**SUBJECT: RESOLUTION NO. _____ APPROVAL OF NOTICE OF
MUTUAL AGREEMENT FOR ALAMEDA CORRIDOR
TRANSPORTATION AUTHORITY DISPATCHING AGREEMENT**

SUMMARY:

Staff requests that the Board of Harbor Commissioners adopt a Resolution providing mutual agreement by approving a Notice of Mutual Agreement (NMA), which enables the Alameda Corridor Transportation Authority (ACTA) to execute a six month extension of the current Alameda Corridor (AC) Dispatching Agreement with the BNSF Railway (BNSF) and Union Pacific Railroad (UPRR). The current ACTA Dispatching Agreement expires on April 14, 2022. The Alameda Corridor (AC) Use and Operating Agreement (UOA) requires that the City of Los Angeles Harbor Department (Harbor Department), Port of Long Beach (POLB), BNSF, and UPRR collectively select the AC train operations dispatcher via an NMA. There are no financial impacts to the Harbor Department if this NMA is approved and this current Dispatching Agreement is extended.

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 2022-1 that enables ACTA to execute a six month extension of the current Dispatching Agreement with the BNSF and UPRR;
3. Direct the Executive Director to transmit this Resolution to ACTA for further action pursuant to the Amended and Restated AC UOA; and;
4. Adopt Resolution No. _____.

DISCUSSION:

The AC UOA requires ACTA to have a Dispatching Agreement with the BNSF and UP, in which they jointly serve as dispatcher, but one railroad is designated “lead” and the other as “oversight” dispatcher. The UOA also requires that the Harbor Department, POLB, BNSF, and UPRR collectively select the AC train dispatcher provider, via an NMA. The NMA requires the approval from at least three of the aforementioned parties (ACTA as an entity does not approve or disapprove the NMA). The current ACTA Dispatching Agreement expires on April 14, 2022. The actual Costs for the services provided under this Agreement are paid by the UPRR and BNSF.

This six-month extension is required to enable more time for the parties to further discuss solutions. These solutions include ACTA retaining a third party to perform dispatching or the creation of a new legal entity to be jointly owned and operated by the UPRR and BSNF. Either of the two options will require another extension.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of the NMA which enables ACTA to extend the current Dispatching Agreement, 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 Agreement is executed. 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. 2022-1
2. Alameda Corridor Dispatching Agreement

FIS Approval: MB
CA Approval: SO

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DISPATCHING AGREEMENT**

TRANSPORTATION AUTHORITY



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