



**THE PORT
OF LOS ANGELES**
Executive Director's
Report to the
Board of Harbor Commissioners

DATE: JUNE 10, 2014

FROM: BUSINESS AND TRADE DEVELOPMENT

**SUBJECT: RESOLUTION NO. _____ APPROVAL OF FOREIGN-TRADE
ZONE GENERAL PURPOSE OPERATING AGREEMENT BETWEEN
THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND
TRI-MODAL DISTRIBUTION SERVICE, INC., FTZ 202, SITE 33**

SUMMARY:

The City of Los Angeles Harbor Department (Harbor Department), as the Foreign-Trade Zone (FTZ) grantee, establishes General Purpose Operating Agreements with FTZ operators to oversee their FTZ operations. The Harbor Department received a request from Tri-Modal Distribution Service, Inc., (Tri-Modal) to activate its warehouses within FTZ 202, Site 33 located at 22560 Lucerne Street, Carson, California, 90745 and adjacent building at 1411 Watson Center Road, Carson, California, 90745. Site 33 is a 9-acre property with four warehouses located approximately 9 miles north of the Port of Los Angeles. Tri-Modal will be operating its warehouses under FTZ procedures. The proposed FTZ Operating Agreement (Agreement) is for a term of five years with three, five-year renewal options.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Approve the proposed Foreign-Trade Zone Operating Agreement between the City of Los Angeles Harbor Department and Tri-Modal Distribution Service, Inc.;
2. Direct the Board Secretary to transmit the Foreign-Trade Zone Operating Agreement to the Los Angeles City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles and Section 10.5 of the Los Angeles Administrative Code;
3. Upon approval by the City Council, authorize the Executive Director to execute and the Board Secretary to attest to the Foreign-Trade Zone Operating Agreement; and
4. Adopt Resolution No. _____.

DATE: JUNE 10, 2014

PAGE 2 OF 4

SUBJECT: GENERAL PURPOSE OPERATING AGREEMENT WITH TRI-MODAL DISTRIBUTION SERVICE INC., FTZ 202, SITE 33

DISCUSSION:

Background and Context – The Foreign-Trade Zone Act of 1934, as amended (19 U.S.C. 81a-81u) was established to support U.S. Commerce and create jobs by reducing import duties or excise taxes by deferring payment of duties thereby making it attractive for companies to perform some work on their products in the U.S. rather than offshore. The definition of a FTZ is a restricted access site located in the U.S. Customs and Border Protection (CBP) territories. The importer may defer payment of duties and other fees until the merchandise is brought into the U.S. for consumption.

Need for Agreement – The Harbor Department, as the grantee, is required by the FTZ Board to have an Operating Agreement with FTZ site operators (Transmittal 1). Tri-Modal, a U.S. company, located in Carson, California employs 57 full-time employees. Tri-Modal is a new FTZ warehouse operator at FTZ 202, Site 33. This facility consists of four buildings totaling approximately 184,362 square feet of warehouses and office space on 9 acres owned by Tri-Modal (Transmittal 2).

Tri-Modal, as a new operator, shall follow the rules and procedures as outlined in the Department of Homeland Security's FTZ manual, such as, providing a secured area within the FTZ. Tri-Modal agrees to keep its warehouses open to support the PierPass Program and shall notify truck drivers, truck brokers, and trucking companies that the trucks serving the container terminals must confine their routes to the designated Wilmington Truck Route.

Need for Approval – Tri-Modal is requesting approval from the Harbor Department to execute the proposed Agreement to operate Site 33 as FTZ warehouses. Tri-Modal receives, stores, manages inventory and distributes consumer products, electronics and other merchandise for sale in the national market. Occasionally, products are re-exported from the warehouse. In May 2013, this site obtained FTZ designation from the FTZ Board; however, approval is required from CBP to activate as a FTZ Site.

If Tri-Modal does not obtain approval as an operator with FTZ status from the Harbor Department, they potentially have the choice of going to another FTZ in California such as Long Beach, San Diego, Palmdale, etc., or even going out of state. Since FTZ facilities exist in every state, Tri-Modal can potentially shift its employees to work elsewhere as a result of seeking FTZ status in another location.

DATE: JUNE 10, 2014

PAGE 3 OF 4

SUBJECT: GENERAL PURPOSE OPERATING AGREEMENT WITH TRI-MODAL DISTRIBUTION SERVICE INC., FTZ 202, SITE 33

Harbor Department Fiscal Requirements – This proposed Agreement will not require funding by the Harbor Department. Tri-Modal paid a \$2,500 Minor Boundary Modification (MBM) Application fee, \$5,000 activation application fee and will pay an annual fee of \$7,750 (per Tariff No. 2) to the Harbor Department for each year of the five-year term of the proposed Agreement for a total of \$38,750.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of a proposed FTZ Operating Agreement with Tri-Modal to activate its site within FTZ 202, Site 33, located in Carson, California. As an activity involving the issuance of a permit to use an existing facility involving negligible or no expansion of use, the Director of Environmental Management has determined that the proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Article III Class 1 (14) of the Los Angeles City CEQA Guidelines.

ECONOMIC BENEFITS:

This Board action will have no employment impact.

FINANCIAL IMPACT:

Tri-Modal paid the Harbor Department a \$2,500 MBM fee and \$5,000 activation application fee. If the proposed Agreement is approved, the Harbor Department will receive from Tri-Modal an annual fee of \$7,750 (per FTZ Tariff No. 2) for each year of the five years. Should the renewal options be exercised subsequent to the completion of the initial term of the Agreement, compensation will also be \$7,750 per year.

Although there is no direct cost to the Harbor Department arising from this proposed Board action, the Harbor Department does incur FTZ related expenses. During calendar year 2013, approximately \$60,000 was spent on outside FTZ related consulting services while \$264,000 in revenue was collected from the Harbor Department FTZ operators.

Approving the proposed Agreement with Tri-Modal creates an entity that confers among other advantages, tax and operating benefits to the operator, and provides a tool for economic development. As the Harbor Department is a designated grantee of FTZs under the State of California enabling legislation, granting FTZ status to Tri-Modal allows more efficient operations and allows Tri-Modal to remain competitive.

DATE: JUNE 10, 2014

PAGE 4 OF 4

SUBJECT: GENERAL PURPOSE OPERATING AGREEMENT WITH TRI-MODAL
DISTRIBUTION SERVICE INC., FTZ 202, SITE 33

CITY ATTORNEY:

The Office of the City Attorney has prepared and approved the proposed Agreement as to form and legality.

TRANSMITTALS:

1. Proposed FTZ Operating Agreement for Tri-Modal Distribution Service, Inc., FTZ 202, Site 33
2. Tri-Modal Distribution Service, Inc., FTZ 202, Site 33 Map

MICHAEL DiBERNARDO
Director of Business Development

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



DAVID L. MATHEWSON
Interim Deputy Executive Director

APPROVED:

GARY LEE MOORE, P.E.
Interim Executive Director

M. Morimoto