

DATE: SEPTEMBER 17, 2024

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 adoption of a Resolution providing mutual agreements by approving a Notice of Mutual Agreements (NMA), which enables the Alameda Corridor Transportation Authority (ACTA) to extend the current Alameda Corridor (AC) Dispatching Agreement and Police and Security Services Agreement (collectively referred to as Agreements) with the BNSF Railway (BNSF) and Union Pacific Railroad (UPRR) by two years. Both Agreements expire on October 14, 2024. 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 and security provider via an NMA. There are no financial impacts to the Harbor Department if these NMAs are approved, and these current Agreements are 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 2024-2 that enables ACTA to amend the current Dispatching Agreement with the BNSF and UPRR to extend the term by two years, to October 14, 2026;
3. Approve NMA 2024-3 that enables ACTA to amend the current Police and Security Services Agreement with the BNSF and UPRR to extend the term by two years, to October 14, 2026;

SUBJECT: ACTA DISPATCHING AND POLICE AND SECURITY SERVICES AGREEMENTS

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:

The AC UOA requires ACTA to have Dispatching and Security Agreements with the BNSF and UPRR. The UOA also requires that the Harbor Department, POLB, BNSF, and UPRR collectively select the AC train dispatcher and security provider via an NMA. The NMA requires approval from at least three of the aforementioned parties (ACTA as an entity does not approve or disapprove the NMA). The current ACTA Agreements expire on October 14, 2024. In July 2024, as permitted under their current agreement with ACTA, the BNSF and UPRR (Railroads) retained the Alameda Belt Line (ABL) to perform dispatching services. The ABL ([Alameda Belt Line | California's Freight Future | ABL Home \(ablrail.com\)](https://www.ablrail.com)) is a State of California cooperation that is jointly owned by the Railroads. The ABL has legal authority to provide dispatching services via approval (and oversight) by the Surface Transportation Board, which is an independent agency of the federal government. The ABL is governed by a five-member board, comprised of two representatives from each Railroad and the ABL Chief Executive Officer, who was jointly selected by the Railroads. The ABL dispatchers are former Railroad employees that had been performing the AC dispatching. The Harbor Department, POLB, ACTA, and the Railroads are currently discussing the potential for executing new dispatching and security agreements directly with ABL. Hence, the need for the two-year extension of the existing Agreements.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of two NMAs which enables ACTA to extend the current Dispatching and Security 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 these NMAs are 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.

DATE: SEPTEMBER 17, 2024

PAGE 3 OF 3

SUBJECT: ACTA DISPATCHING AND POLICE AND SECURITY SERVICES AGREEMENTS

TRANSMITTALS:

1. Notice of Mutual Agreement No. 2024-2 (Dispatching)
2. Notice of Mutual Agreement No. 2024-3 (Police and Security Services)
3. Amended Alameda Corridor Dispatching Agreement
4. Amended Alameda Corridor Police and Security Services Agreement

FIS Approval: 95
CA Approval: 50



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