

**ORDINANCE NO. \_\_\_\_\_**

An ordinance approving Order No. 12-\_\_\_\_\_ of the Board of Harbor Commissioners of the City of Los Angeles amending the Port of Los Angeles Tariff No. 4, Section 20 – Clean Air Action Plan Clean Truck Program.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Order No. 12-\_\_\_\_\_, passed and adopted by the Board of Harbor Commissioners of the City of Los Angeles on the \_\_\_ day of March 2012, amending Port of Los Angeles Tariff No. 4, is hereby ratified, confirmed, and approved. This Order is in words and figures as follows:

“ORDER NO. 12-\_\_\_\_\_

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

**FINDINGS**

**BACKGROUND**

1. On July 12, 1989, the Board of Harbor Commissioners of the City of Los Angeles (Board) adopted Order No. 5837, which Order was approved by the City Council of the City of Los Angeles (City Council) by Ordinance No. 165789, adopted on April 10, 1990. Said Order and Ordinance designated Port of Los Angeles Tariff No. 4 (Tariff No. 4), which sets forth rates at which, and terms under which, the Port of Los Angeles, California (Port) is willing to provide marine terminal services. Tariff No. 4 has been amended from time to time since 1989. The current version of Tariff No. 4 is made available to the public on the Port website at [www.portoflosangeles.org](http://www.portoflosangeles.org).
2. The San Pedro Bay Ports Clean Air Action Plan (CAAP) was adopted by the Boards of Harbor Commissioners of Los Angeles and Long Beach on November 20, 2006. The Ports of Los Angeles and Long Beach are located side-by-side in San Pedro Bay. In the CAAP, the two ports recognized that their ability to accommodate projected growth in international trade will depend on their ability to address adverse environmental impacts, and in particular, air quality impacts, that result from such trade. The CAAP was designed, in collaboration with the Federal Environmental Protection Agency (U.S. EPA), the California Air Resources Board (CARB) and the South Coast Air Quality Management District (SCAQMD), “to develop mitigation measures and incentive programs necessary to reduce air emissions and health risks while allowing port development to continue.” CAAP, p. 2. As part of the overall

implementation of the CAAP, the Ports of Los Angeles and Long Beach have considered numerous proposals to address air pollution from a variety of sources operating within the ports, including heavy duty drayage trucks.

3. On November 1, 2007, the Board adopted Order No. 6935, approved by the City Council by Ordinance No. 179707, adopted on February 27, 2008, which added Section 20, Clean Air Action Plan, Items 2000 through 2025, titled Heavy Duty Drayage Trucks, to Tariff No. 4. The drayage truck measures result in substantial reduction in air pollution through the progressive ban of older, dirtier trucks calling at the Ports. The tariff requires that by the year 2012 drayage trucks must meet USEPA 2007 heavy duty truck emissions standards to be allowed entry into terminals at the Port, accomplished through truck emissions control retrofits or truck replacement.
4. On December 20, 2007, the Board adopted Order No. 6943, approved by the City Council by Ordinance No. 179708, adopted on February 27, 2008, adding to and amending Section 20 of Tariff No. 4 to establish a Clean Truck Fee (CTF) and Clean Truck Fund to fund in part the retrofit or replacement of older drayage trucks.
5. On March 20, 2008, the Board adopted Order No.6956, approved by the City Council by Ordinance No. 179981, adopted on June 17, 2008, adding to and amending Section 20 of Tariff No. 4 to, among other things, establish Concessions for drayage truck access to the Port terminals and exemptions from the Clean Truck Fee.
6. On August 21, 2008, the Board adopted Order No. 08-6971, approved by the City Council by Ordinance No. 180681, adopted on May 5, 2009, adding to and amending Section 20 of Tariff No. 4 to, among other things, establish access and exemptions for certain liquid natural gas (LNG) trucks, revise the Drayage Truck Registry deadline, provide that the Clean Truck Fund may be used to fund incentives, clarify the Concession fee, and establish a Day Pass in lieu of concession and Day Pass Fee for trucks performing port drayage on an infrequent basis.
7. On October 23, 2008, the Board adopted Order No. 08-6973, approved by the City Council by Ordinance No. 180679, adopted on May 5, 2009, amending Section 20, Items 2000, 2005, and 2030 in order to: (1) modify the definition of "Program Funds" to delete reference to Harbor Revenue Fund; (2) simplify the drayage truck registry (DTR) access requirement for consistency with the PortCheck Agreement approved by the Board; (3) clarify the basis for charging the Clean Truck Fee as \$35 for 20 feet or less in length, \$70 for more than 20 feet; clarify that the Clean Truck Fee will be assessed only once on containers at the first point of entry to or departure from the Port; add a new exemption for shipments under

contract to the U.S. Transportation Command, U.S. Military and Department of Defense; and add a new exemption for Terminals without On Dock Rail.

8. On April 2, 2009, the Board adopted Order No. 09-6994, approved by the City Council by Ordinance No. 180923, adopted on October 14, 2009, amending Tariff No. 4, Section 20, Items 2030 and 2040 in order to (1) modify the date for commencement of collection of the Clean Truck Fee from October 1, 2008 to February 18, 2009; (2) modify the amount of the Day Pass Fee from \$100 to \$30 per Day Pass trip plus the cost of the Radio Frequency Identification Device; and (3) provide that the terms and conditions of the Day Pass shall be posted on the [www.portoflosangeles.org](http://www.portoflosangeles.org) website.
9. On June 18, 2009, the Board adopted Order No. 09-7003, approved by the City Council by Ordinance No. 1809253, adopted on October 14, 2009, amending Tariff No. 4 Section 20 to: (1) modify the definition of "Drayage Truck" so it applies to trucks with a Gross Vehicle Weight Rating of greater than 33,000 pounds, (2) modify the definition of "Program Funds" to create an exemption from assessment of the Clean Truck Fee on containers carried by diesel trucks purchased with only Proposition 1B funds and no other public funds; and (3) require Marine Terminal Operators to comply with the California Air Resources Board (CARB) In-Use On-Road Heavy-Duty Diesel Fueled Drayage Truck Rule (CARB Drayage Truck Rule).
10. On August 13, 2009, the Board adopted Order No. 09-7008, approved by the City Council by Ordinance No. 180942, adopted on October 27, 2009, amending Tariff No. 4, Section 20, Item 2000 and 2030 to (1) further amend the definition of "Program Funds" in response to a request from the California Air Resources Board and the South Coast Air Quality Management District, and (2) create a defined term, "Grant Vanguard Trucks" for Drayage Trucks, and (3) add an exemption from the Clean Truck Fee for "Grant Vanguard Trucks" that were the early Port of Long Beach lease subsidy participants in the Proposition 1B funds program jointly administered by the Ports of Los Angeles and Long Beach.
11. On November 19, 2009, the Board adopted Order No. 09-7015, approved by the City Council by Ordinance No. 181125, adopted on March 12, 2010, amending Tariff No. 4, Section 20, Items 2000 and 2015 to create a limited extension of the truck ban for certain drayage trucks being replaced with Proposition 1B and related grant fund programs, consistent with California Air Resources Board (CARB) discretionary enforcement extension applicable to the state wide truck ban under the CARB rule.
12. On December 8, 2009, the Board adopted Order No. 09-7031, approved by the City Council by Ordinance No. 181126, adopted on March 12,

2010, amending Tariff No. 4, Section 20, Item 2000 to be consistent with new CARB enforcement guidelines that extended the statewide truck ban deadline to include privately funded trucks meeting certain requirements.

13. On March 18, 2010, the Board adopted Order No. 10-7038, approved by the City Council by Ordinance No. 181255, adopted on July 27, 2010, amending Tariff No. 4, Section 20, to extend the time for compliance with the truck ban for certain trucks with truck-engine combinations for which no CARB-certified Level 3 retrofit device is available, consistent with revisions made by the California Air Resources Board (CARB) to its statewide In-Use On-Road Diesel-Fueled Heavy-Duty Drayage Trucks regulation, found at California Code of Regulations Section 2027 (CARB Drayage Truck Regulation).
14. On December 16, 2010, the Board adopted Order No. 10-7069 approved by the City Council by Ordinance No. 181724, adopted on May 11, 2011, to require Class 7 trucks to comply with the progressive truck bans applicable to Class 8 trucks and to prevent clean compliant trucks from switching cargo to dirty, non-compliant trucks, a practice known as “dray-offs,” while on Port Property. This action is consistent with actions taken by CARB to regulate Class 7 heavy duty trucks and prevent dray-offs under the statewide CARB Drayage Truck Regulation.

#### CLASS 4, 5 AND 6 TRUCKS

15. The Board of Harbor Commissioners now desires to amend Tariff No. 4, Section 20, to require (i) Class 4, 5 and 6 trucks with Gross Vehicle Weight Rating of over 14,000 pounds to comply with the progressive truck bans applicable to Class 7 and 8 trucks, (ii) Marine Terminals without RFID or OCR readers to require compliance stickers of Drayage Trucks accessing their Terminals; and (iii) Marine Terminal Operators to provide to the Port on a monthly basis, information regarding Drayage Truck access to their marine terminals to confirm compliance with the Tariff.

#### **NOW, THEREFORE,**

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

Section 1. The Board of Harbor Commissioners of the City of Los Angeles hereby adopts the findings set forth above.

Section 2. The 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. The Executive Director is directed to submit this amendment to the

California Association of Port Authorities (CAPA) to secure approval or proceed to take independent action in accordance with CAPA procedure.

Section 3. The Director of Environmental Management has previously determined that these amendments to the tariff were exempt from the California Environmental Quality Act (CEQA) Guidelines, Public Resources Code 21084, Title 14 of the California Code of Regulations, Section 15273, Section 15301 (d), and Section 15061(b) (3). The proposed action is an Amendment to Tariff No. 4 related to the CTP. The Amendments change administrative language to support the CTP without changes to overall operations. As such, 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) (administrative) and Section 2(i) (previous assessment) of the Los Angeles City CEQA Guidelines.

Section 4. The Board Secretary shall certify to the adoption of the temporary Order by the Board of Harbor Commissioners and cause the same to be published once in a newspaper printed and published in the City of Los Angeles, to take effect prior to adoption by Ordinance for a period not to exceed 90 days pursuant to Charter Section 653(b).

Section 5. The Board Secretary shall transmit to the City Council for approval the permanent Order and Ordinance approving the amendment to Tariff No. 4 pursuant to City Charter 653(a).

Section 6. The Board Secretary shall execute the proposed permanent Board Order and Ordinance amending Tariff No. 4, and upon its publication, transmit the permanent 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

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KORLA TONDREULT  
Board Secretary"

Sec. 2. Any person, firm or corporation who violates or knowingly aids or abets a violation of any of the provisions of this Order respecting the rules, regulations, rates or charges shall be deemed guilty of a misdemeanor, and, upon conviction shall be punishable by a fine in a sum not exceeding \$1,000.00, or by imprisonment in the County jail for not more than six months, or by both fine and imprisonment.

Sec. 3. Pursuant to the provisions of Section 653 (b) of the City Charter, the Board of Harbor Commissioners shall have the power to suspend, modify, or amend temporarily any of the rules or regulations, or any of the rates, tolls, or charges prescribed by this Order of the Board of Harbor Commissioners for periods not exceeding 90 days, and shall have power to place in effect for a like period of time any temporary rule or regulation, or rate, toll or charge for the Harbor District.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of \_\_\_\_\_.

JUNE LAGMAY, City Clerk

By \_\_\_\_\_ Deputy

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By \_\_\_\_\_  
JOY M. CROSE  
Assistant General Counsel

Date \_\_\_\_\_

File No. \_\_\_\_\_

SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS		Item No.					
<p align="center"><b>DEFINITIONS HEAVY DUTY DRAYAGE TRUCKS</b></p> <p align="center">For purposes of Section 20 the following definitions shall apply:</p> <p><b>"2007 Drayage Truck"</b> means a Drayage Truck equipped with a heavy duty engine that meets or exceeds 2007 model year California or federal heavy-duty Diesel-Fueled On-Road emissions standards.</p> <p><b>"Alternative Drayage Truck"</b> means a 2007 Drayage Truck with a heavy duty engine operating on liquefied or compressed natural gas, electricity or hybrid technology. This includes heavy-duty pilot ignition engines using an alternative fuel where diesel fuel is used for pilot ignition for an average ratio of no more than one part diesel fuel to ten parts total fuel on any energy equivalent basis. An engine that can operate or idle solely on diesel fuel at any time does not meet this definition.</p> <p><b>"ARB"</b> means the California Air Resources Board.</p> <p><b>"Authorized Emergency Vehicle"</b> is as defined in California Vehicle Code Section 165.</p> <p><b>"CARB Diesel Fuel"</b> is Diesel Fuel certified by ARB as meeting the fuel specification standards set forth at Title 13, California Code of Regulations (CCR) Section 2280 et seq.</p> <p>* <b>"CARB Drayage Truck Rule"</b> is the regulation published by ARB for In-Use On-Road Diesel-Fueled Heavy-Duty Drayage Trucks at Ports and Intermodal Rail Yard Facilities in California Code of Regulations (CCR) Section 2027.</p> <p>+ <b>"CARB Truck and Bus Rule"</b> is the regulation published by ARB entitled "Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles" in California Code of Regulations (CCR) Section 2025.</p> <p><b>"CARB Authorized Extension Truck"</b> means a Drayage Truck authorized by ARB for a one-time one-year compliance deadline extension of Phase 1 of the CARB Drayage Truck Rule, subject to ARB's terms and conditions for such extension, including: (1) the engine is a California or federally certified 1994-2003 model year engine; (2) the truck was registered in the State DTR, and (3) no ARB-verified Level 3 VDECS was available for that combination of truck and engine.</p> <p>+ <b>"Class 7 Drayage Truck"</b> means a Drayage Truck with a Gross Vehicle Weight Rating greater than 26,000 pounds but not more than 33,000 pounds.</p> <p><b>"Compliance Label"</b> is a tag issued by ARB under the Drayage Truck Registry for Drayage Trucks operated at the ports and intermodal rail yards that meet ARB requirements and compliance schedules.</p> <p><b>"Concession"</b> means a written agreement between the Port of Los Angeles and a Licensed Motor Carrier to allow Drayage Truck access to a Port of Los Angeles Terminal for drayage services under terms and conditions set forth therein.</p>		[C]+ 2000					
<p>See Item 10 for explanation of abbreviations and symbols.</p>							
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SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued		Item No.
<p align="center"><b>DEFINITIONS HEAVY-DUTY DRAYAGE TRUCKS –Continued</b></p> <p><b>“Dedicated Use Vehicles”</b> are uni-body On-Road Vehicles that do not have separate tractors and trailers, including but not limited to dedicated auto transports, dedicated fuel delivery vehicles, concrete mixers, mobile cranes and construction equipment.</p> <p><b>“Diesel Fuel”</b> means any fuel that is commonly or commercially known, sold, or represented by the supplier as diesel fuel, including any mixture of primarily liquid hydrocarbons – organic compounds consisting exclusively of the elements carbon and hydrogen – that is sold or represented by the supplier as suitable for use in an internal combustion, compression – ignition engine.</p> <p><b>“Diesel-Fueled”</b> means a compression-ignition engine fueled by Diesel Fuel, CARB Diesel Fuel, or jet fuel, in whole or part, including liquid natural gas engines using diesel-fuel for pilot ignition.</p> <p><b>“Diesel Particulate Matter” or “DPM”</b> means the particles emitted in the exhaust of Diesel- Fueled compression - ignition engines.</p> <p>* <b>“Drayage Truck”</b> means any in-use On-Road Vehicle with a Gross Vehicle Weight Rating greater than 14,000 pounds that pulls a trailer or chassis used for transporting cargo (such as containerized, bulk, or break-bulk goods), operating on or transgressing through Port Property for the purpose of loading, unloading or transporting cargo, empty containers or chassis that originated from or is destined for Port Property. Drayage Truck does not include Dedicated Use Vehicles, Authorized Emergency Vehicles, Military Tactical Support Vehicles, Yard Trucks or (A) vehicles transporting cargoes that originated from Port Property but have been off-loaded from the equipment (e.g., a trailer, chassis or container) that transported the cargo from Port Property; or (B) vehicles transporting cargoes destined for Port Property that are to be subsequently transferred into or onto different equipment (e.g., a trailer, chassis or container) before being delivered to Port Property.</p> <p>+ <b>“Drayage Truck Owner”</b> means the person registered as the owner of a Drayage Truck a shown by the Department of Motor Vehicles, or its equivalent in another state, province, country, or the International Registration Plan, or the lessee of a Drayage Truck indicated on the truck’s registration pursuant to California Vehicle Code Section 4453.5.</p> <p>+ <b>“Drayage Truck Operator”</b> means the driver of the vehicle or any person, party, or entity that controls the operation of a Drayage Truck.</p> <p><b>“Early Replacement Drayage Trucks”</b> means 2007 Drayage Trucks which are replacing older Drayage Trucks and are (i) funded by Program Funds under grant applications which are approved by the Ports of Los Angeles or Long Beach prior to October 1, 2008, or (ii) privately funded without Program Funds under committed sales orders issued prior to October 1, 2008.</p> <p><b>“Grant Vanguard Trucks”</b> are 2007 Drayage Trucks which are replacing older Drayage Trucks and are leased pursuant to the Program Agreement for the Port of Long Beach dated October 8, 2008 (Harbor Department Document Number HD-7377).</p>		<p>[C]+ 2000 (Cont.)</p>
<p align="center">See Item 10 for explanation of abbreviations and symbols.</p>		
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SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued		Item No.				
<p align="center">DEFINITIONS HEAVY DUTY DRAYAGE TRUCKS –Continued</p> <p><b>“Gross Vehicle Weight Rating”</b> is defined in California Vehicle Code Section 350.</p> <p>* <b>“Heavy-Duty”</b> is a manufacturer’s Gross Vehicle Weight Rating of greater than 14,000 pounds.</p> <p><b>“International Registration Plan”</b> is a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees on the basis of total distance operated in all jurisdictions.</p> <p><b>“Legacy LNG Trucks”</b> means Kenworth Model T-800 trucks equipped with Cummins ISX-G engines with emissions certified to 0.96 grams per brake horsepower hour (g/bhp-hr) for oxides of nitrogen (NO<sub>x</sub>) and 0.02 g/bhp-hr for particulate matter (PM), retrofitted with the Westport High-Pressure Direct Injection Liquified Natural Gas (LNG) conversion kit, funded by the Ports of Los Angeles and Long Beach under Cost Sharing Agreement No. 2588 and Los Angeles contracts numbered 2589, 2590, 2596, 2597, 2598, 2600, 2683, 2684, and 2685, when operated on LNG.</p> <p><b>“Lessee”</b> has the same meaning as in California Vehicle Code Section 371.</p> <p>* <b>“Licensed Motor Carrier”</b> means a licensed motor carrier in good standing and in compliance with the requirements of a valid license/permit under either (1) a California Motor Carrier Permit issued by the California Department of Motor Vehicles under the California Vehicle Code, or (2) a state motor carrier permit issued by any U.S. State, or (3) a Federal Motor Carrier License (USDOT Number) and Operating Authority (MC or MX Number) that contracts for and dispatches for pick-up and delivery of goods destined for or originated from Port Property.</p> <p><b>“Military Tactical Support Vehicles”</b> is as defined in Title 13, CCR, Section 1905.</p> <p><b>“On-Road”</b> means a vehicle that is designed to be driven on public highways and roadways and that is registered or is capable of being registered by the California Department of Motor Vehicles (DMV) under Vehicle Code sections 4000 et seq., or DMV’s equivalent in another state, province, or country, or the International Registration Plan. A vehicle covered under ARB’s In-Use Off-Road Regulation, title 13, CCR, section 2449 is not an on-road vehicle.</p> <p><b>“Optical Character Recognition” or “OCR”</b> is a system designed to read and digitize existing On-Road vehicle identifiers, such as state license plates, which will enable the Terminal Operator to access the Drayage Truck’s records in the DTR.</p> <p><b>“Oxides of nitrogen” or “NOx”</b> means compounds of nitrogen and oxygen, including nitric oxide and nitrogen dioxide.</p>		[C]+ 2000 (Cont.)				
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SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued	Item No.
<p align="center">DEFINITIONS HEAVY DUTY DRAYAGE TRUCKS –Continued</p> <p><b>"Pending Replacement Drayage Truck"</b> means a Drayage Truck that will be replaced or retrofitted to comply with Item 2015 using private funds or qualifying grant funds and that qualifies for the ARB temporary enforcement extension of the CARB Drayage Truck Rule, including the following, as may be further revised or supplemented by ARB:</p> <ol style="list-style-type: none"> <li>1. <b>Qualified Grant Funded Truck Replacement:</b> the Drayage Truck (i) has been approved by the grant funding agency for retrofit compliant with Item 2015, <u>or</u> to be scrapped and replaced with a 2007 Drayage Truck, using Program Funds, Proposition 1B funds or related funding programs administered by the South Coast Air Quality Management District, Bay Area Air Quality Management District, or the Port of Long Beach; and (ii) by December 11, 2009 the Drayage Truck owner has either (1) a fully-executed grant agreement with the grant funding agency, or (2) written documentation from the grant funding agency that the specific truck has been selected for funding after successful pre-inspection and compliance check (as applicable), and has submitted to the grant funding agency a valid, binding purchase order for a replacement Drayage Truck, engine or retrofit compliant with Item 2015; and (iii) the grant funding agency has reported data about the grant to ARB on or before December 11, 2009.</li>   <li>2. <b>Privately Funded Truck Replacement:</b> the owner has (i) by December 30, 2009, registered the Drayage Truck in the state Drayage Truck Registry and Port DTR, and (ii) by December 31, 2009, submitted to ARB information required by ARB regarding the Drayage Truck and its owner, and a copy of a valid purchase order, invoice, build order or similar documentation showing a deposit towards the purchase of a replacement Drayage Truck, engine or retrofit device compliant with Item 2015.</li> </ol> <p><b>"Port Drayage Truck Registry"</b> or "Port DTR" is a database that contains information on trucks that conduct business on Port Property at the Ports of Los Angeles and Long Beach, including:</p> <ul style="list-style-type: none"> <li>Drayage Truck Owner's name, address, phone numbers, email address, and fax number;</li> <li>Drayage Truck and engine make, model, model year and fuel source;</li> <li>Dispatching Licensed Motor Carrier(s) and Concession Number(s) Drayage Truck</li> <li>Vehicle identification number (VIN), license number and state of issuance;</li> </ul> <ol style="list-style-type: none"> <li>1. VDECS equipment</li> </ol> <p><b>"Ports"</b> means all waterfront property owned by Ports of Los Angeles and Long Beach and the Terminal Island Container Transfer Facility.</p> <p><b>"Port Property"</b> means all property owned by the Port of Los Angeles within the Harbor District of Los Angeles.</p>	<p>[C]+ 2000 (Cont.)</p>
See Item 10 for explanation of abbreviations and symbols.	

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SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued		Item No.
<p align="center"><b>DEFINITIONS HEAVY DUTY DRAYAGE TRUCKS –Continued</b></p> <p><b>“Program Funds”</b> means monies disbursed under grants to purchase or acquire Drayage Trucks that are funded by the Ports of Long Beach or Los Angeles, or their respective Clean Truck Funds, or the South Coast Air Quality Management District. Program Funds do not include Proposition 1B Funds funded or disbursed by ARB or South Coast Air Quality Management District or other public funds when disbursed as the sole source of grant funding without contribution from the Ports or their respective Clean Truck Funds.</p> <p><b>“Proposition 1B Funds”</b> means State of California Goods Movement Emission Reduction Program Grant Funds administered by ARB under the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, and implementing legislation (California Health and Safety Code, beginning with Section 39625).</p> <p><b>“State Drayage Truck Registry”</b> or “State DTR” is an ARB database that contains information on trucks that conduct business at California ports and intermodal rail yards.</p> <p>+ <b>“Temporary Access Permit”</b> means a temporary right of access from the Port of Los Angeles to a Licensed Motor Carrier to allow Drayage Truck access to a Port of Los Angeles Terminal for drayage services under the terms and conditions issued by the Port.</p> <p><b>“Terminal”</b> is any facility on Port Property used for the transfer of cargo from one mode to another, including container terminals, break bulk terminals, dry bulk terminals and railyards.</p> <p><b>“Terminal Operator”</b> is the entity with contractual authority from the Port of Los Angeles to operate a Terminal.</p> <p><b>“Radio Frequency Identification Device”</b> or “RFID” is an electronic device with a unique identification number, installed on a Drayage Truck which will enable the Terminal Operator to access the Drayage Truck’s records in the DTR.</p> <p><b>“Vehicle”</b> is as defined in Vehicle Code Section 670.</p> <p><b>“Verified Diesel Emission Control Strategy”</b> or “VDECS” is an emission control strategy that has been verified pursuant to the “Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines” in Title 13, California Code of Regulations, commencing with Section 2700, and incorporated by this reference.</p> <p><b>“Yard Truck”</b> means an off-road mobile utility vehicle used to carry cargo containers with or without chassis; also known as utility tractor rig (UTR), yard tractor, yard goat, yard hostler, or prime mover.</p>		[C]+ 2000 (Cont.)
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SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued		Item No.
<p style="text-align: center;"><b>AUGUST 1, 2008 GATE ACCESS DEADLINE</b></p> <p>+ By August 1, 2008, at 8:00 a.m., all Terminal Operators shall have installed appropriate means, approved by the Port, of accessing the Port’s Drayage Truck Registry for the purposes of (i) obtaining relevant information to confirm Drayage Trucks’ compliance with Terminal access requirements under this tariff, and (ii) enabling Terminal Operator to collect and remit the Clean Truck Fee. Acceptable alternative means include RFID or OCR readers at all truck processing gates or written consent to other alternative means from the Executive Director of the Port of Los Angeles. Marine Terminals without RFID or OCR readers shall require Port-approved compliance stickers on Drayage Trucks accessing their Terminals effective January 1, 2013.</p>		2005
<p style="text-align: center;"><b>OCTOBER 1, 2008 DRAYAGE TRUCK DEADLINE</b></p> <p>Beginning October 1, 2008, at 8:00 a.m., no Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to:</p> <p>(1) any Drayage Truck of model year 1988 or older, or (2) any Drayage Truck that cannot be verified as compliant with this Item 2010 deadline by reference to the Drayage Truck’s records in the DTR, as set forth in Item 2005.</p> <p>This Item shall not apply to pre-1989 model year Drayage Trucks which are equipped or repowered with 1989 or newer model year engines, which shall be treated as subject to the deadlines applicable to their engine model year set forth in Items 2015 and 2020, below, following adequate demonstration to the Port of the installation of the newer engine. Pre-1989 model year Drayage Trucks meeting certain criteria may qualify for the Port of Los Angeles Scrap Truck Buyback Program. See <a href="http://www.portoflosangeles.org">www.portoflosangeles.org</a> for details. Pre-1989 model year Drayage Trucks which are registered in the DTR as being replaced by Early Replacement Drayage Trucks shall be permitted an extended deadline until January 1, 2009 if being replaced by diesel engine 2007 Drayage Trucks and until April 1, 2009 if being replaced by Alternative Drayage Trucks.</p> <p>+ A Class 7 Drayage Truck shall be permitted an extended deadline of July 1, 2011 only if registered in the Port DTR prior to December 16, 2010.</p>		[C]+ 2010
<p style="text-align: center;"><b>JANUARY 1, 2010 DRAYAGE TRUCK DEADLINE</b></p> <p>Beginning January 1, 2010, at 8:00 a.m., no Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to</p> <p>(1) any Drayage Truck that is not equipped with:</p> <p style="margin-left: 40px;">(a) a 1994 – 2003 model year engine certified to California or federal emission standards, and a level 3 VDECS which achieves a minimum 85% reduction in PM emissions and a minimum 25% reduction in NO<sub>x</sub> emissions; or</p> <p style="margin-left: 40px;">(b) a 2004 or newer model year engine certified to California or federal emission standards, or</p> <p>(2) any Drayage Truck that cannot be verified as compliant with this Item 2015 deadline by reference to the Drayage Truck’s records in the DTR, as set forth in Item 2005.</p> <p>A Pending Grant Drayage Truck shall be permitted an extended deadline to the earlier of:</p> <p>(1) the date of delivery and data entry into the state drayage truck registry and Port DTR of the qualifying privately funded or grant-funded replacement Drayage Truck or retrofit that complies with the requirements of this Item 2015; or (2) April 30, 2010.</p> <p>A CARB Authorized Extension Truck shall be permitted an extended deadline of December 31, 2010, on the terms and conditions authorized by ARB.</p> <p>+ A Class 7 Drayage Truck shall be permitted an extended deadline of July 1, 2011, only if registered in the Port DTR prior to December 16, 2010.</p>		[C]+ 2015
See Item 10 for explanation of abbreviations and symbols.		
	Order No.                      Adopted	EFFECTIVE:
	Ordinance No.                Adopted	

SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued		Item No.
<p align="center"><b>JANUARY 1, 2012 DRAYAGE TRUCK DEADLINE</b></p> <p>Beginning January 1, 2012, at 8:00 a.m., no Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to:</p> <p>(1) any Drayage Truck that is not a 2007 Drayage Truck or a Legacy LNG Truck, or</p> <p>(2) any Drayage Truck that cannot be verified as compliant with this Item 2020 deadline by reference to the Drayage Truck’s records in the DTR, as set forth as in Item 2005.</p>		2020
<p align="center"><b>DRAYAGE TRUCK REGISTRY</b></p> <p>+* 1. Drayage Trucks seeking entry upon Port Property on or after October 1, 2008, shall have been registered on the Port DTR database and State DTR database prior to the time of entry. Registration on the Port DTR Database shall be in electronic format or on forms and with supporting documentation as may be required by the Port of Los Angeles to provide required information in verifiable form. Drayage Trucks may be registered in the Port DTR Database only if compliant with the then applicable vehicle engine model year requirements in this Tariff. Marine Terminal Operators shall provide to the Port on a monthly basis, information reasonably requested by the Port regarding Drayage Truck access to their marine terminals to confirm compliance with the access requirements of this Tariff.</p> <p>2. In the event of a change in the information provided for registration on the Port DTR Database with respect to a Drayage Truck, the registration shall be amended within ten (10) calendar days of the change in electronic format or on forms and with supporting documentation as may be required by the Port of Los Angeles.</p>		[C] 2025
<p align="center">See Item 10 for explanation of abbreviations and symbols.</p>		

	Order No.	Adopted	
	Ordinance No.	Adopted	EFFECTIVE:

SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued	Item No.	
<p style="text-align: center;">CLEAN TRUCK FEE</p> <p>1. Beginning February 18, 2009, at 8:00 a.m., the following Clean Truck Fees shall be assessed:</p> <ul style="list-style-type: none"> <li>a. \$35.00 on containers with an outside length of 20 feet or less;</li> <li>b. \$70.00 on containers with an outside length of more than 20 feet.</li> </ul> <p>The Clean Truck Fee shall be assessed once, on containerized merchandise at the first point of entry to or departure from the Port of Los Angeles by Drayage Truck, with the exception of merchandise qualifying for the fee exemptions set forth in this Item 2030, paragraph 2. The Clean Truck Fee shall be paid by the cargo owner, notwithstanding anything to the contrary in Items 265 (c) or 265 (i) of this Tariff.</p> <p>2. The Clean Truck Fee shall not be assessed on containerized merchandise that:</p> <ul style="list-style-type: none"> <li>a. enters or leaves the Ports by Rail;</li> <li>b. moves between two Terminals within the Ports;</li> <li>c. enters or leaves the Ports by Alternative Drayage Truck, Legacy LNG Truck or Grant Vanguard Truck;</li> <li>d. enters or leaves the Port of Los Angeles by 2007 Drayage Truck registered in the Port DTR as purchased or acquired without Program Funds;</li> <li>e. enters or leaves the Port of Los Angeles by 2007 Drayage Truck registered in the Port DTR as purchased or acquired solely with Proposition 1B Funds; or</li> <li>f. is shipped under contract to the United States Transportation Command, United States Military or Department of Defense.</li> </ul> <p>+ 3. Licensed Motor Carriers, Drayage Truck Owners and Drayage Truck Operators that operate a Drayage Truck that received Clean Truck Fee exemption under this Item 2030 shall not transfer, switch or cause cargo from a fee-exempt Drayage Truck to be moved to a Drayage Truck that is non-exempt from the Clean Truck Fee while on Port Property or on public streets immediately adjacent to Port Property. In the event that containerized merchandise (i) is not assessed a Clean Truck Fee at the Port Terminal because it is moved by a fee-exempt Drayage Truck (such as a 2007 Drayage Truck, Alternative Drayage Truck, Legacy LNG Truck or Grant Vanguard Truck), and (ii) such containerized merchandise is subsequently transferred to a Drayage Truck that is non-exempt from the Clean Truck Fee on Port Property or on public streets within or immediately adjacent to Port Property, then the cargo owner shall be notified and the Clean Truck Fee shall be assessed.</p>	<p>[C]+ 2030</p>	
See Item 10 for explanation of abbreviations and symbols.		
	<p>Order No.                      Adopted Ordinance No.                Adopted</p>	EFFECTIVE:

SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued		Item No.
<p align="center"><b>CLEAN TRUCK FUND</b></p> <p>The first Terminal Operator to handle any containerized merchandise subject to the Clean Truck Fee shall collect and remit the Clean Truck Fee to the Port of Los Angeles, and the monies shall be used by the Board of Harbor Commissioners exclusively for programs for the replacement, repower and retrofit of Drayage Trucks and the rapid transition to 2007 Drayage Trucks serving the Ports of Los Angeles and Long Beach.</p>		2035
<p align="center"><b>*CONCESSIONS AND TEMPORARY ACCESS PERMITS</b></p> <p>* 1. Beginning October 1, 2008, at 8:00 a.m., no Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to any Drayage Truck unless such Drayage Truck is registered under a Concession or a Temporary Access Permit from the Port of Los Angeles in the Drayage Truck Registry.</p> <p>* 2. The terms and conditions for the Concession are set forth in the Port of Los Angeles Concession Agreement between the Port of Los Angeles and the Licensed Motor Carrier. Copies of the Port of Los Angeles Concession Agreement, Concession Application and Temporary Access Permit Terms and Conditions are posted on the <a href="http://www.portoflosangeles.org">www.portoflosangeles.org</a> website. Licensed Motor Carriers seeking to apply for a Concession or Temporary Access Permit may also obtain information and an application for Concession or Temporary Access Permit from the Port of Los Angeles, Attention: Concession Administrator, 425 South Palos Verdes Street, San Pedro, CA 90731. The Concession Fee shall be \$2,500 and the annual fee shall be \$100 per Drayage Truck operating under the Concession (collectively the "Concession Fees"). The Temporary Access Permit Fee shall be \$30 per Temporary Access Permit trip, plus the cost of the RFID or other required alternative identification. Concession Fees and Temporary Access Permit Fees shall be paid by the Licensed Motor Carrier applying for or holding the Concession or Temporary Access Permit.</p>		[C]+ 2040
<p align="center"><b>*TARIFF AND ARB DRAYAGE TRUCK RULE COMPLIANCE</b></p> <p>+ 1. While on any Port Property or public streets in or immediately adjacent to Port Property, Licensed Motor Carriers, Drayage Truck Owners and Drayage Truck Operators shall (i) operate only Drayage Trucks that comply with Terminal access requirements of Items 2010, 2015 and 2020 and (ii) shall not transfer, switch or cause cargo originating from or destined for Port Property to be moved to Drayage Trucks that do not comply with Terminal access requirements of Items 2010, 2015 and 2020.</p> <p>* 2. Terminal Operators, Licensed Motor Carriers, Drayage Trucks, Drayage Truck Owners and Drayage Truck Operators shall comply with the requirements of the CARB Drayage Truck Rule, including without limitation, registry, dispatch, and operation of compliant Drayage Trucks and timely reporting of information to ARB or to the Port of Los Angeles as the reporting port authority in accordance with Schedule A of Section 2027(d)(6) of the CARB Drayage Truck Rule.</p> <p>* 3. Drayage Trucks seeking entry upon Port Property after December 31, 2009 shall comply with the requirements of the CARB Drayage Truck Rule and the CARB Truck and Bus Rule in accordance with the transition schedule required by CARB, including without limitation, registration in the State DTR and compliance with Drayage Truck emissions requirements. See <a href="http://www.arb.ca.gov/msprog/onroad/porttruck/porttruck.htm">http://www.arb.ca.gov/msprog/onroad/porttruck/porttruck.htm</a> for a copy of the CARB Drayage Truck Rule and the transition to the CARB Truck and Bus Rule.</p>		[C]+ 2041
See Item 10 for explanation of abbreviations and symbols.		
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PORT OF LOS ANGELES – TARIFF NO. 4		Original Page . . . . . 195
SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued		Item No.
SEVERABILITY  If any provision of Port of Los Angeles Tariff No. 4 shall be determined by court or agency of competent jurisdiction to be unenforceable, unlawful or subject to an order of temporary or permanent injunction from enforcement, such determination shall only apply to the specific provision and the remainder of the provisions of this Tariff No. 4 shall continue in full force and effect.		2095
See Item 10 for explanation of abbreviations and symbols.		
	Order No.                      Adopted Ordinance No.                Adopted	EFFECTIVE