



Executive Director's
Report to the
Board of Harbor Commissioners

DATE: AUGUST 31, 2022

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 providing mutual agreements by approving a Notice of Mutual Agreements (NMA), which enables the Alameda Corridor Transportation Authority (ACTA) to execute two-year extensions of both 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). Both Agreements expire on October 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 and security provider via an NMA. There are no financial impacts to the Harbor Department if these NMA 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 2022-2 that enables ACTA to amend the current Dispatching Agreement with the BNSF and UPRR to extend the term for up to two years, to October 14, 2024;
3. Approve NMA 2022-3 that enables ACTA to amend the current Police and Security Services Agreement with the BNSF and UPRR to extend the term for up to two years, to October 14, 2024;
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. _____.

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**SUBJECT: ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY
DISPATCHING AND POLICE AND SECURITY SERVICES
AGREEMENTS**

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, 2022. The Ports, ACTA, BNSF, and UPRR are currently discussing establishment of a terminal company, jointly owned and operated by the UPRR and BSNF, in a truly joint lead dispatching role. The parties are presently reviewing a draft term sheet for establishing and operating a joint entity for dispatching. As proposed now by the railroads, the joint entity will procure and implement a new third-party dispatching system that will be compatible with the existing BNSF and UPRR systems. Such a process to implement a new operating entity and dispatching system could take up to two years. Hence, the need for the two-year extension of the existing Agreements.

ENVIRONMENTAL ASSESSMENT:

The proposed action is approval of two NMA 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 NMA 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.

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TRANSMITTALS:

1. Notice of Mutual Agreement No. 2022-2 (Dispatching)
2. Notice of Mutual Agreement No. 2022-3 (Police and Security Services)
3. Amended Alameda Corridor Dispatching Agreement
4. Amended Alameda Corridor Police and Security Services Agreement

FIS Approval: MB
CA Approval: SO



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

KC:S