ORDER NO

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

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

Section 1. 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.

Section 2. 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 II, Section 1 and Article II Section 2 (f) of the Los Angeles City CEQA Guidelines.

Section 3. The Board Secretary shall certify to the adoption of this Order by the Board of Harbor Commissioners and shall cause the same to be published once in a daily newspaper printed and published in the City of Los Angeles as well as posted electronically on the Port of Los Angeles website, to take effect prior to adoption by Ordinance for a period not to exceed 90 days pursuant to Charter Section 653(b), commencing effective ______, 2021.

	HEREBY	CERTIFY	THAT	the
for	regoing Ord	der was add	opted by	the
Bo	ard of Harb	or Commiss	sioners of	the
Cit	ty of Los An	igeles at its	meeting I	neld
on				

AMBER M. KLESGES Board Secretary

APPROVED AS TO FORM AND LEGALITY

MICHAEL N. FEUER, City Attorney

JANNA B. SIDLEY, General Counsel

JUSTIN HOUTERMAN, Deputy City Attorney

JMH

Attachment

DODT OF LOCANICELES TABLEFNO A	Original Page210C
PORT OF LOS ANGELES – TARIFF NO. 4	Cancels Circular No
SECTION TWENTY-T	
INCENTIVES - GENERAL RULES A	l l
CONTAINER TERMINAL TENANT TRUCK TUR DEFINITIONS	N TIME INCENTIVE PROGRAM
"CONTAINER TERMINAL TENANT" An entity that has Standing under a current permit or lease with the City of L property and facilities at the Port of Los Angeles that load from ocean-going vessels. They are the legal entity approved Harbor Department Permits: Permit No. 999, Permit No. 7 Permit No. 888, Permit No. 733, and Permit No. 827.	os Angeles for use and occupancy of and unload cargo containers onto or yed as tenants under the following
"FINANCIAL INCENTIVE" The amount of money due a terms of this Program.	Container Terminal Tenant under the
"INCENTIVE PERIOD" The period of time a Container T Financial Incentive under this Program shall begin Februar January 31, 2022, and continue thereafter until terminated Angeles Board of Harbor Commissioners by Order of the I	ry 1, 2021 and shall continue through at the discretion of the City of Los Board.
"IN GATE AND OUT GATE" The beginning and end ma Container Terminal Tenant's facility.	rk of a truck's transit through each 2345
"PORT OF LOS ANGELES" has the meaning in Item 100	(g) of this Tariff.
"PORT OPTIMIZER TM " A privately developed digital sup channeled access visibility to supply chain stakeholders for movement (see https://www.portoflosangeles.org/business.optimizer%E2%84%A2).	the purpose of enhancing cargo
"TENANT IN GOOD STANDING as defined in Section I Policy, adopted by the Board of Harbor Commissioners on https://www.portoflosangeles.org/business/leasing-property	August 8, 2013 and available at
"TRUCK TURN TIME" The period of time it takes a truck a shipping container and exit a Container Terminal Tenant Optimizer™. The In Gate located at the entrance and the Container Tenant's facility will mark the beginning and encof this Program.	's facility as reported through Port Out Gate located at the exit of each
"TRUCK TURN TIME AVERAGE" A report produced by Truck Turn Time for a calendar month of a Container Term	
"TRUCK TURN TIME BASELINE" A Container Termina for each quarter respectively (the first quarter beginning Ja Container Terminal Tenant for calendar year 2020, subject Department. The Truck Turn Baseline for each Container years shall be each Container Terminal Tenant's previous averages as reported through Port Optimizer™. The quarter of each year.	nuary 1, 2020) as provided by the to verification by the Harbor Terminal Tenant in subsequent calendar year's quarterly Truck Turn Time
See Item 10 for explanation of abbreviations and symbol	ols.
Order No. Adopted Correction No. Ordinance No. Adopted	EFFECTIVE:

INCENTIVES – GENERAL RULES AND REGULATIONS CONTAINER TERMINAL TENANT TRUCK TURN TIME INCENTIVE PROGRAM AND ELIGIBILITY REQUIREMENTS The Container Terminal Tenant Truck Turn Time Incentive Program (Program) shall commence on February 1, 2021 and shall remain in effect at least through January 31, 2022, and continue thereafter until terminated at the discretion of the City of Los Angeles Board of Harbor Commissioners (Board) by Order of the Board. During the Incentive Period, the Harbor Department shall provide Port of Los Angeles' Container Terminal Tenants a Financial Incentive for maintaining or decreasing Truck Turn Time at their respective facilities as set forth herein. a) A Container Terminal Tenant is eligible to receive a Financial Incentive for maintaining a Truck Turn Time Average of thirty-five (35) minutes or less during any calendar month within the Incentive Period as set forth hereunder. b) A Container Terminal Tenant is eligible to receive a Financial Incentive for improving its Truck Turn Time Average over its corresponding quarterly Truck Turn Time Baseline related to the number of Twenty-foot Equivalent Units (TEU) moved by drayage truck	DODT	OF LOCAL	ICELES TABLES	NO 4	Or	iginal Page	210D
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ELIGIBILITY REQUIREMENTS The Container Terminal Tenant Truck Turn Time Incentive Program (Program) shall commence on February 1, 2021 and shall remain in effect at least through January 31, 2022, and continue thereafter until terminated at the discretion of the City of Los Angeles Board of Harbor Commissioners (Board) by Order of the Board. During the Incentive Period, the Harbor Department shall provide Port of Los Angeles' Container Terminal Tenants a Financial Incentive for maintaining or decreasing Truck Turn Time at their respective facilities as set forth herein. a) A Container Terminal Tenant is eligible to receive a Financial Incentive for maintaining a Truck Turn Time Average of thirty-five (35) minutes or less during any calendar month within the Incentive Period as set forth hereunder. b) A Container Terminal Tenant is eligible to receive a Financial Incentive for improving its Truck Turn Time Average over its corresponding quarterly Truck Turn Time Baseline related to the number of Twenty-foot Equivalent Units (TEU) moved by drayage truck (truck) through its In Gate and/or Out Gate during any calendar month within the Incentive Period as set forth hereunder. c) The Financial incentive shall be calculated in connection to the number of TEUs moved by truck through a participating Container Terminal Tenant's In Gate and/or Out Gate on a calendar month basis. d) Financial Incentive under the Program: I. Financial Incentive Amount. a. A Container Terminal Tenant that achieves a Truck Turn Time Average of thirty-five (35) minutes or less shall be eligible to receive a Financial Incentive of \$3.00 per TEU moved by truck through its In Gate and/or Out Gate. b. A Container Terminal Tenant that improves its Truck Turn Time Average in terms of its percentage improvement from its Container Terminal Tenant's Truck Turn Time Baseline shall be eligible to receive a Financial Incentive in accordance with the below schedule: See Item 10 for explanation of abbreviations and symbols.		IN				IONS	Item No.
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I. Financial Incentive Amount. a. A Container Terminal Tenant that achieves a Truck Turn Time Average of thirty-five (35) minutes or less shall be eligible to receive a Financial Incentive of \$3.00 per TEU moved by truck through its In Gate and/or Out Gate. b. A Container Terminal Tenant that improves its Truck Turn Time Average in terms of its percentage improvement from its Container Terminal Tenant's Truck Turn Time Baseline shall be eligible to receive a Financial Incentive in accordance with the below schedule: See Item 10 for explanation of abbreviations and symbols. Order No. Adopted	c)	by truck through a participating Container Terminal Tenant's In Gate and/or Out Gate on					
a. A Container Terminal Tenant that achieves a Truck Turn Time Average of thirty-five (35) minutes or less shall be eligible to receive a Financial Incentive of \$3.00 per TEU moved by truck through its In Gate and/or Out Gate. b. A Container Terminal Tenant that improves its Truck Turn Time Average in terms of its percentage improvement from its Container Terminal Tenant's Truck Turn Time Baseline shall be eligible to receive a Financial Incentive in accordance with the below schedule: See Item 10 for explanation of abbreviations and symbols. Order No. Adopted	d)	Financial I	ncentive under the P	rogram:			
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terms of its percentage improvement from its Container Terminal Tenant's Truck Turn Time Baseline shall be eligible to receive a Financial Incentive in accordance with the below schedule: See Item 10 for explanation of abbreviations and symbols. Order No. Adopted		fiv	e (35) minutes or les	ss shall be eligible to	receive a Financi	ial Incentive of \$3.00	
Order No. Adopted		ter Tu	ms of its percentage rn Time Baseline sh	improvement from i all be eligible to rece	s Container Tern	ninal Tenant's Truck	
Order No. Adopted							
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PORT OF LOS AN	GELES – TARIFF NO. 4		Original PageCancels Circular No			
SECTION TWENTY-THREE INCENTIVES – GENERAL RULES AND REGULATIONS						
II. Calcula each ca Tenant: Time B Turn To Termin that Co than this has ach a. The	CENTIVES – GENERAL E CRMINAL TENANT TRUCE ELIGIBILITY REQUI	Incentive Amount per TEU \$0.50 \$0.65 \$0.80 \$0.95 \$1.10 \$1.25 \$1.40 \$1.55 \$1.70 \$1.85 \$2.00 \$2.15 \$2.30 \$2.45 \$2.60 \$2.75 vement. The Harbor Dee Period shall compare ex Average against its releventage improvement (i.e. Tenant has achieved, if a tent making it eligible for lareceive payment which month for which a Contement subject to the condendate of	partment at the end of ach Container Terminal rant quarterly Truck Turn ., reduction of Truck any. Should a Container ra Financial Incentive, shall be made no sooner ainer Terminal Tenant itions below:	# 2346 (Cont.)		
1)	A Container Terminal Tena calendar month the Contain Turn Times under the Progr	er Terminal Tenant achie	eves qualifying Truck			
See Item 10	for explanation of abbreviations	and symbols.				
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PORT OF LOS ANGELES – TARIFF NO. 4 Cancels Circular No					
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SECTION TWENTY-THREE		Item No.			
INCENTIVES – GENERAL RULES AND REGULA	TIONS	200111 1 101			
CONTAINER TERMINAL TENANT TRUCK TURN TIME INCENTIV	VE PROGRAM AND				
ELIGIBILITY REQUIREMENTS – Continued					
A Container Terminal Tenant shall be required to transm	it algotropically to the				
Harbor Department the following information within thin	•				
occurrence:	(50) 111111111111111111111111111111111111				
a. Truck appointment information:					
i. Time and date of appointment;					
ii. Confirmation or cancellation verification, and iii. All known container identification numbers co	onnected to the				
appointment.	infected to the				
b. In Gate and Out Gate information:					
 Date and time every truck enters In Gate and e 					
ii. Truck radio frequency identification number, a	and	10			
iii. Container information: 1. Container present at In Gate;		11			
2. Container present at in Gate;					
3. Container identification number of container	niner, when present, at In	2346			
Gate and Out Gate, and	, ,	(Cont.)			
4. Load status (empty or loaded) of contain	ner, when present, at In	(=====,			
Gate and Out Gate.					
Reasonable delays in providing this electronic information	on may be excused upon				
written request and a showing of good cause, in a manne					
determined in the sole and absolute discretion of the Exe					
payment shall be made until the data in conformance wit					
any month a Financial Incentive is claimed has been rece					
Department. This electronic transmission shall be throug contractual electronic data interchange procedures or through					
and formats approved by the Executive Director.	ough other procedures				
<u> </u>					
III. Executive Director, in his or her sole and absolute discretion, sha					
disputes and/or issues regarding the Program including but not li					
Financial Incentive qualification, and amount of Financial Incent	ive due.				
IV Other than implementing an incentive program via inclusion in t	he Tariff, which Tariff is				
IV. Other than implementing an incentive program via inclusion in the Tariff, which Tariff is incorporated by reference in such contracts, nothing in this Item No. 2346 shall amend,					
vary or otherwise alter the terms and conditions of any contract, lease, permit, or any					
other legal agreement between the Port of Los Angeles or the City of Los Angeles, on one					
hand, and Container Terminal Tenants, on the other hand. For the avoidance of doubt,					
any payments provided under this Item No. 2346 shall be independent of payment duties and obligations under the Container Terminal Tenants' permits and shall not operate as					
either offsets or credits thereunder.	Strait St of every mo				
See Item 10 for explanation of abbreviations and symbols.					
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SECTION TWENTY-THREE INCENTIVES – GENERAL RULES AND REGULATIONS						
CONTAINER TERMINAL TENANT DUAL TRANSACTION INCENTIVE PROGRAM DEFINITIONS						
Standing under a currer property and facilities a ocean-going vessels. T	nt permit or lease with at the Port of Los Ange They are the legal entity No. 787, Permit No 8	entity that has entered into an the City of Los Angeles for eles that load and unload carg y holding the following Harb 81, Permit No. 692, Permit N	use and occupancy of go containers onto or from or Department Permits:			
	nant processed at its fa	rt showing the percentage of acility during any given caler this Program.				
	lity and without leavin	arrives and delivers a shipping the facility obtains a differ	Č .	+		
"FINANCIAL INCENTIVE" The amount of money due a Container Terminal Tenant under the terms of this Program.						
"INCENTIVE PERIOD" The period of time a Container Terminal Tenant is eligible to receive a Financial Incentive under this Program shall begin February 1, 2021 and shall continue through January 31, 2022, and continue thereafter until terminated at the discretion of the City of Los Angeles Board of Harbor Commissioners by Order of the Board.						
"IN GATE AND OUT Container Terminal Ter		g and end mark of a truck's t	ransit through each			
"PORT OF LOS ANGI	ELES" has the meanin	g in Item 100(g) of this Tari	f.			
"PORT OPTIMIZER TM " A privately developed digital supply chain data platform that provides channeled access visibility to supply chain stakeholders for the purpose of enhancing cargo movement (see https://www.portoflosangeles.org/business/supply-chain/port-optimizer%E2%84%A2).						
"TENANT IN GOOD STANDING as defined in Section III of the Port of Los Angeles Leasing Policy, adopted by the Board of Harbor Commissioners on August 8, 2013 and available at https://www.portoflosangeles.org/business/leasing-property or upon request.						
See Item 10 for	explanation of abbreviat	ions and symbols				
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PORT OF LOS ANGELES - TARIFF NO. 4

SECTION TWENTY-THREE INCENTIVES – GENERAL RULES AND REGULATIONS

Item No.

CONTAINER TERMINAL TENANT DUAL TRANSACTION INCENTIVE PROGRAM AND ELIGIBILITY REQUIREMENTS

The Container Terminal Tenant Dual Transaction Incentive Program (Program) shall commence on February 1, 2021 and shall remain in effect at least through January 31, 2022, and continue thereafter until terminated at the discretion of the Board by Order of the Board. During the Incentive Period, the Harbor Department shall provide Port of Los Angeles' Container Terminal Tenants a Financial Incentive, when they achieve a set percentage of Dual Transactions as set forth herein.

- a) A Container Terminal Tenant is eligible to receive a Financial Incentive when a minimum of fifty percent (50%) of its gate transactions are Dual Transactions within a calendar month.
- b) The Twenty-foot Equivalent Unit (TEU) incentive shall be applied to all loaded TEUs moved by truck through a Container Terminal Tenant's In Gate and Out Gate at the Port of Los Angeles in accordance with the respective Container Terminal Tenants' Permit with the Harbor Department.
- c) Financial Incentive under the Program:

The Financial Incentive shall be based on the percentage of Dual Transactions a Container Terminal Tenant achieved at its facility during any given calendar month, per the schedule below:

+ 2351

Dual Transaction Percentage	pe	Incentive r dual isaction	Dual Transaction Percentage	pe	Incentive er dual nsaction	Dual Transaction Percentage	pe	Incentive er dual nsaction
50	\$	0.40	67	\$	0.74	84	\$	1.08
51	\$	0.42	68	\$	0.76	85	\$	1.10
52	\$	0.44	69	\$	0.78	86	\$	1.12
53	\$	0.46	70	\$	0.80	87	\$	1.14
54	\$	0.48	71	\$	0.82	88	\$	1.16
55	\$	0.50	72	\$	0.84	89	\$	1.18
56	\$	0.52	73	\$	0.86	90	\$	1.20
57	\$	0.54	74	\$	0.88	91	\$	1.22
58	\$	0.56	75	\$	0.90	92	\$	1.24
59	\$	0.58	76	\$	0.92	93	\$	1.26
60	\$	0.60	77	\$	0.94	94	\$	1.28
61	\$	0.62	78	\$	0.96	95	\$	1.30
62	\$	0.64	79	\$	0.98	96	\$	1.32
63	\$	0.66	80	\$	1.00	97	\$	1.34
64	\$	0.68	81	\$	1.02	98	\$	1.36
65	\$	0.70	82	\$	1.04	99	\$	1.38
66	\$	0.72	83	\$	1.06	100	\$	1.40

See Item 10 for explanation of abbreviations and symbols.

Order No. Adopted
Correction No. Ordinance No. Adopted EFFECTIVE:

 PORT OF LOS ANGELES – TARI	FE NO 4	Original Page Cancels	210I			
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	SECTION TWENTY-THREE GENERAL RULES AND REG	ULATIONS	Item No.			
	CONTAINER TERMINAL TENANT DUAL TRANSACTION INCENTIVE PROGRAM AND					
ELIGIB	ILITY REQUIREMENTS Contir	ued				
month of the Incentive Period Dual Transaction percentage Optimizer TM . Should a minitransactions be Dual Transa Financial Incentive according the above table. The Containshall be made no sooner that	on Percentage. The Harbor Department of shall determine each Container Te using the Dual Transaction Repormum of fifty percent (50%) of a Coctions, that Container Terminal Teng to the actual Dual Transaction Peiner Terminal Tenant shall receive an thirty (30) days after end of the med the qualifying improvement subject of the distribution of the med the qualifying improvement subject in thirty (30) days after end of the med the qualifying improvement subject in the provention of the med the qualifying improvement subject in the provention of the med the qualifying improvement subject in the provention of the med the qualifying improvement subject in the provention of th	rerminal Tenant's monthly to produced by Port ontainer Terminal Tenant's gate ant would be eligible for a creentage achieved according to a Financial Incentive which onth for which a Container				
a. Payment under this	Program is contingent upon and sul	oject to the following:				
calendar month	rminal Tenant must be a Tenant in 6 the Container Terminal Tenant ach ons under the Program to receive a F	ieves qualifying percentages of	+ 2351 (Cont.)			
	rminal Tenant shall be required to to nent the following information with					
a. Truck	appointment information:					
i. ii. iii.	Time and date of appointment; Confirmation or cancellation verifi All known container identification appointment.					
See Item 10 for explanation of	abbreviations and symbols.					
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CONTAINER TERMINAL TENANT DUAL TRANSACTION INCENTIVE PROGRAM AND ELIGIBILITY REQUIREMENTS Continued					
	b. In Gate and Ou	nt Gate information:			
	ii. Truck	nd time every truck enters In Ga radio frequency identification no ner information:			
	2. 3. 4.	Container present at In Gate; Container present at Out Gate; Container identification number present, at In Gate and Out Gat Load status (empty or loaded) at In Gate and Out Gate.	te, and of container, when present,		
3) Reasonable delays in providing this electronic information may be excused upon written request and a showing of good cause, in a manner and for a period of time determined in the sole and absolute discretion of the Executive Director. No payment shall be made until the data in conformance with Tariff Item 2351 for any month a Financial Incentive is claimed has been received by the Harbor Department. This electronic transmission shall be through preapproved contractual electronic data interchange procedures or through other procedures and formats approved by the Executive Director.					
II. Executive Director, in his or her absolute discretion, shall resolve any and all disputes and/or issues regarding the Program including but not limited to: eligibility, Financial Incentive qualification, and amount of Financial Incentive due.					
III. Other than implementing an incentive program via inclusion in the Tariff, which Tariff is incorporated by reference in such contracts, nothing in this Item No. 2351 shall amend, vary or otherwise alter the terms and conditions of any contract, lease, permit, or any other legal agreement between the Port of Los Angeles or the City of Los Angeles, on one hand, and Container Terminal Tenants, on the other hand. For the avoidance of doubt, any payments provided under this Item No. 2351 shall be independent of payment duties and obligations under the Container Terminal Tenants' permits and shall not operate as either offsets or credits thereunder.					
See Item 10 for	explanation of abbrevia				
Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:		