



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

**DATE: APRIL 5, 2018**  
**FROM: ENGINEERING**  
**SUBJECT: RESOLUTION NO. \_\_\_\_\_ APPROVAL OF AN  
EXTENSION TO ALAMEDA CORRIDOR TRANSPORTATION  
AUTHORITY'S MAINTENANCE AGREEMENT**

**SUMMARY:**

Staff requests the Board of Harbor Commissioners adopt a Resolution approving and providing mutual agreement to the terms of a proposed seventh amendment to the Alameda Corridor Transportation Authority's (ACTA) Maintenance Agreement (Rail Corridor and Non-Rail Components) with Balfour Beatty Infrastructure, Inc. dated April 15, 2007 (Agreement). The Agreement expires on April 14, 2018. The terms of the amendment consist of an eight-month extension to the Agreement (Amendment) through December 14, 2018.

**RECOMMENDATION:**

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

1. Find 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 as determined by the Director of Environmental Management;
2. Approve and provide mutual agreement to the terms of the Amendment which consist of an extension to the term of the ACTA Maintenance Agreement for up to an additional eight months ending on December 14, 2018;
3. 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
4. Adopt Resolution No. \_\_\_\_\_.

**DISCUSSION:**

On October 24, 2016, the Board approved the Amended and Restated Alameda Corridor Use and Operating Agreement (Amended and Restated UOA). The Amended and Restated UOA included revisions to the original Use and Operating Agreement, and among other things, replaced the former Alameda Corridor Operating Committee

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comprised of one representative from the Port of Los Angeles and Port of Long Beach (Ports) and a representative from the Union Pacific Railroad and the Burlington Northern Santa Fe Railroad (Railroads) with direct decision making authority by the Ports and Railroads.

The Amended and Restated Use and Operating Agreement (UOA) requires that the Ports and Railroads, through Mutual Agreement, select the Corridor Maintenance Contractor and that ACTA endeavor to enter into an agreement with the selected entity on the business terms specified by the Ports and Railroads.

The existing Agreement with Balfour Beatty Infrastructure, Inc. (BBII) expires on April 14, 2018. On February 16, 2017 the Board approved and provided mutual agreement to extend the Agreement for an initial six months pending completion of a new competitive process. The request for proposal (RFP) for the new maintenance contract was issued in March 2017, but all proposals were rejected in June 2017 due to issues with the RFP requirements and proposal submissions. On September 7, 2017 the Board approved and provided mutual agreement for a second six month extension. A new RFP was issued in August 2017, but the proposed contract award was challenged through a protest that is under legal evaluation. As the current maintenance contract expires on April 14, 2018, the existing contract needs to be extended to ensure that the Corridor is effectively and safely maintained, and provide time for a resolution of the protest or a re-issuance of the RFP.

The exact Agreement termination date will be established once the maintenance contractor is selected and a reasonable transition phase, if applicable, is completed. The termination date will be set forth in a written notice from ACTA to BBII. In no event shall the date be later than December 14, 2018 unless additional approval from the Ports and Railroads is obtained.

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is approval of an extension to a Maintenance Agreement. As an administrative activity, 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) of the City of Los Angeles CEQA Guidelines.

**FINANCIAL IMPACT:**

Approval of this proposed Board item is not expected to have a financial impact on the Harbor Department. The funds for this amendment are provided by the Railroads and the ACTA Reserve Account. The Reserve Account is funded by fees collected from the Railroads. No Harbor Department funds are required.

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**CITY ATTORNEY:**


The Office of the City Attorney has reviewed this Board Report and has determined there are no legal issues at this time.

**TRANSMITTALS:**

1. Notice of Mutual Agreement No. 2018-1

FIS Approval:   
CA Approval: 

  
DAVID M. WALSH, P.E.  
Chief Harbor Engineer

  
ANTONIO V. GIOIELLO, P.E.  
Deputy Executive Director

APPROVED:

 FOR  
EUGENE D. SEROKA  
Executive Director

Author: David M. Walsh, P.E.  
Eng\_ACTA Agreement Extension III

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