

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 categorically exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Article III, Class 1(31) 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 _____, 2022.

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 _____.

AMBER M. KLESGES
Board Secretary

APPROVED AS TO FORM AND LEGALITY

_____, 2022
MICHAEL N. FEUER, City Attorney
JANNA B. SIDLEY, General Counsel

By _____
JOHN T. DRISCOLL, Deputy City Attorney

JTD
Attachment

SECTION TWENTY-FIVE CONTAINER EXCESS DWELL FEE	Item No.
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DEFINITIONS CONTAINER EXCESS DWELL FEE	
<p>For purposes of Section 25 the following definitions shall apply:</p> <p>“Port of Los Angeles” has the meaning in Item 100(g) of this Tariff.</p> <p>“Intermodal Import Container” shall mean an intact loaded container that is unloaded from an ocean-going vessel and that is transported by <u>rail</u> to a point outside California directly from the Port of Los Angeles Container Terminal Tenant's premises (or from a rail facility in Los Angeles County after transport directly from the Port of Los Angeles Container Terminal Tenant's premises) after unloading from an ocean-going vessel.</p> <p>“Local Import Container” shall mean an intact loaded container that is unloaded from an ocean-going vessel and that is transported by <u>truck</u> to a point outside The Port of Los Angeles premises directly from the Port of Los Angeles Container Terminal Tenant's premises after unloading from an ocean-going vessel.</p> <p>“Approved Expedited Cargo Project” shall mean all Expedited Cargo Projects which have been: (1) approved by the applicable lead agency as defined in Section 21067 of the California Public Resources Code; (2) determined by the applicable lead agency to be eligible for use of tidelands funds; and (3) determined by the applicable lead agency to enhance efficiency, accelerate cargo velocity or address cargo congestion impacts throughout the San Pedro Bay.</p> <p>“Expedited Cargo Project Fund” shall mean a restricted fund to be used exclusively for payment of the Ports’ allocable share of costs of Approved Expedited Cargo Projects that are incurred following the approval of the Approved Expedited Cargo Project by the applicable lead agency. The Expedited Cargo Project Fund shall be comprised of the monies collected from the Container Excess Dwell Fee under Item 2505.</p> <p>“Terminal” shall mean any waterfront facility in the Port of Los Angeles used for the transfer of cargo from one mode to another, including all container terminals, break-bulk terminals, dry bulk terminals and rail yards.</p> <p>“Day” shall mean a twenty-four (24) hour period commencing at 3:00 am each calendar day.</p> <p>“Ocean Common Carrier” means an individual vessel-operating common carrier as defined in the Shipping Act of 1984, whose vessels call at the Port of Los Angeles.</p>	+ 2500

See Item 10 for explanation of abbreviations and symbols.

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

SECTION TWENTY-FIVE -- Continued
CONTAINER EXCESS DWELL FEE -- Continued

Item No.

CONTAINER EXCESS DWELL FEE

(a) Beginning January 30, 2022, at 3:00 a.m., PDT a Container Excess Dwell Fee shall be established in accordance with the schedule and provisions below against each Local Import Container and Intermodal Import Container that remains on a Terminal more than eight (8) days after discharge a, Saturdays, Sundays and Holidays included. This Container Excess Dwell Fee shall be billed directly to the Ocean Common Carrier under whose bill of lading a Container subject to this fee was discharged, monthly and without proration, notwithstanding anything to the contrary in Tariff No. 4. This fee shall be payable to the Port of Los Angeles and be deposited into the Expedited Cargo Project Fund.

Fee schedule:

**Local Import Container, Intermodal
Import Container**

Days on Terminal	Daily Charge (\$)	Cumulative Charge (\$)
9	\$ 100	\$ 100
10	\$ 200	\$ 300
11	\$ 300	\$ 600
12	\$ 400	\$ 1,000
13	\$ 500	\$ 1,500
More than 13	Incremental \$100 increase per day with no limit	

+
2505

(b) The assessment and collection of this fee shall commence no earlier than January 30, 2022 and upon notice provided by the Executive Director at a public meeting of the Board (“Collection Commencement Date”).

(c) All Local Import Containers and Intermodal Import Containers on a Terminal for more than 8 days at the Collection Commencement Date of the fee are deemed to be at 9 days for the purposes of fee charges per the above fee schedule.

(d) This Container Excess Dwell fee will continue until terminated at the discretion of the Board. The provisions of Item No. 220 shall not apply, but violations may be subject to civil penalties.

See Item 10 for explanation of abbreviations and symbols.

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