



**THE PORT
OF LOS ANGELES**

Executive Director's

Report to the
Board of Harbor Commissioners

DATE: JULY 12, 2022

FROM: CARGO AND INDUSTRIAL REAL ESTATE

**SUBJECT: RESOLUTION NO. _____ - APPROVAL OF
RIGHT OF ENTRY PERMIT WITH CITY OF LONG BEACH HARBOR
DEPARTMENT**

SUMMARY:

Staff requests approval of the proposed Right of Entry Permit (ROE) with the City of Long Beach Harbor Department (i.e., the Port of Long Beach). The ROE would grant the Port of Long Beach the right to enter 10,913 square feet of City of Los Angeles Harbor Department (Port of Los Angeles) property located north of Seaside Avenue and west of New Dock Street on Terminal Island for purposes of constructing its Terminal Island Wye rail realignment project.

The Port of Long Beach granted the Port of Los Angeles a comparable right of entry instrument for access to Port of Long Beach-owned property so that the Port of Los Angeles could construct the Pier 400 lead track project. The rights and obligations set forth in this action are substantially reciprocal in nature.

The Ports of Los Angeles and Long Beach plan to present a separate real estate transaction to each respective Board of Harbor Commissioners concerning a conveyance of right of way for these rail projects. e.g. conveyance of easements and/or fee title interest. This ROE enables the Port of Long Beach to commence its construction while the larger transaction is being finalized.

There will be no compensation charged to the Port of Long Beach under the proposed ROE and the potential term is up to five years. The Port of Long Beach plans to present this ROE to the Long Beach Board of Harbor Commissioners for approval on July 25, 2022.

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 categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15301 of the State CEQA Guidelines;

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2. Approve the proposed Right of Entry Permit with City of Long Beach Harbor Department;
3. Authorize the Executive Director to execute and the Board Secretary to attest to proposed Right of Entry Permit; and
4. Adopt Resolution No. _____.

DISCUSSION:

Background – The proposed ROE would grant the Port of Long Beach the right to enter 10,913 square feet of Port of Los Angeles-owned property located north of Seaside Avenue and west of New Dock Street on Terminal Island for purposes of constructing its Terminal Island Wye rail realignment project. See Transmittal No. 1. The rail project is expected to streamline rail moves between Terminal Island and the Alameda Corridor by realigning and adding additional track.

The Port of Long Beach granted the Port of Los Angeles a comparable right of entry instrument so that the Port of Los Angeles could construct the Pier 400 lead track. The rights and obligations set forth in this action are substantially reciprocal in nature.

The Ports of Los Angeles and Long Beach plan to present a separate purchase and sale agreement to each respective Board of Harbor Commissioners concerning a conveyance of property rights for each respective rail project. This ROE (Transmittal 2) enables the Port of Long Beach to commence its construction while the larger transaction is being finalized.

Below are the material terms of the proposed ROE.

<u>PROVISION</u>	<u>DESCRIPTION</u>
Permitted Use	Construct and maintain railroad track, as permitted pursuant to Chief Harbor Engineer Permit 192020.
Term	5 years
Termination Rights	Either party may terminate with 30 days' written notice.
Premises	10,913 square feet, see Transmittal No. 1.
Monthly Rent	None
Maintenance	Port of Los Angeles has no maintenance obligations.
Improvements	Port of Long Beach may construct and maintain railroad track.

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Insurance	Insurance provision was stricken. In lieu, the Port of Long Beach will require that its contractor’s insurance policy names the Port of Los Angeles as an additional insured. This approach is generally consistent with the provisions in the ROE that Port of Long Beach granted Port of Los Angeles for the Pier 400 project.
Security Deposit	None

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of the proposed ROE with the Port of Long Beach to enter Port of Los Angeles property for the purposes of construction the Terminal Island Wye rail realignment project, which is an activity involving permitting, leasing, or licensing of existing facilities involving negligible or no expansion of use. Therefore, the Director of Environmental Management has determined that the proposed action is categorically exempt from the requirements of CEQA in accordance with Section 15301 of the State CEQA Guidelines.

FINANCIAL IMPACT:

Approval of the proposed ROE grants the Port of Long Beach the right to enter Port of Los Angeles-owned property, as depicted on Transmittal 1, for a maximum duration of five years. No compensation will be charged to the Port of Long Beach over the term of the proposed ROE.

CITY ATTORNEY:

The proposed ROE has been reviewed and approved as to form and legality by the Office of the City Attorney.

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TRANSMITTALS:

1. Site Map
2. Right of Entry Permit

FIS Approval: 
CA Approval: 

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APPROVED:

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Executive Director

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BL943raw Port of Long Beach ROE