



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

**DATE: FEBRUARY 22, 2012**

**FROM: CLEAN TRUCK PROGRAM**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - MEMORANDUM OF  
UNDERSTANDING WITH THE CALIFORNIA AIR RESOURCES  
BOARD FOR ENFORCEMENT OF DRAYAGE TRUCK RULES**

**SUMMARY:**

The requested action is for the Los Angeles Board of Harbor Commissioners (Board) to approve a Memorandum of Understanding (MOU) between the California Air Resources Board (ARB) and the City of Los Angeles Harbor Department (Harbor Department) that sets forth terms and conditions for the two parties to work together in enforcing drayage truck rules in and around the Port of Los Angeles (Port). There will be no monetary contribution or obligation to this MOU by either agency, however, the Harbor Department will receive half of the monetary compensation for ARB citations issued by Los Angeles Port Police (Port Police).

**RECOMMENDATION:**

It is recommended that the Board of Harbor Commissioners:

1. Approve a MOU between the ARB and Harbor Department that sets forth the terms and conditions of the parties' administrative obligations in connection with enforcement of State regulations and the Clean Truck Program requirements;
2. Direct staff to set up a restricted Account to deposit funds received from ARB citations for use by the Harbor Department; and
3. Adopt Resolution No. \_\_\_\_\_.

**DISCUSSION:**

Background – The Harbor Department's Clean Truck Program (CTP) requires all licensed motor carriers (LMCs) providing drayage services to the Port's marine terminals to comply with Concession Agreement, Tariff and Administrative

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requirements. In addition to these requirements, LMCs are required to comply with local, State and federal trucking rules and requirements. The Port Police play a vital role in ensuring the LMCs are in compliance with the CTP requirements.

The Harbor Department and ARB share a common goal of protecting the public health through the reduction of emissions generated by the major Port sources including drayage trucks, and are committed to working together in achieving this common goal. For this reason, the two parties have collaborated to develop the proposed MOU (Transmittal 1) which will set a legal foundation for future cooperation with regards to CTP enforcement efforts. Specifically, this MOU is intended to further the parties' shared goal of ensuring the compliance of Port drayage trucks. Port tariff requirements, along with State laws and regulations, establish a collaborative enforcement model that builds upon each agency's extensive enforcement experience; allow certain Port Police enforcement actions to utilize the ARB administrative processes; and provide an ongoing framework for ARB training of Port Police officers.

One of the major enforcement issues that both parties currently address are "dray-offs", which occur when a clean truck switches its container with a dirty truck outside Port terminals to complete the delivery of a container to its final destination. This activity is a violation of the Port's tariff, as well as an ARB regulation which became enforceable in November 2011. Whereas the Port's tariff only applies to dray-offs occurring on Port property, the ARB regulation is enforceable inside and outside of the Port making it easier for the Port Police to enforce. By granting authority to the Port Police to issue administrative citations for violation of ARB regulations, this MOU simplifies the process that the Port would otherwise be obligated to follow in order to penalize LMCs for engaging in dray-off activity. In addition to "dray-offs", the proposed MOU would give Port Police the authority to enforce several other ARB enforcement regulations including the Drayage Truck Regulation, Diesel Engine Soot Filter Regulation, Smoke Emission Testing Regulation, and Truck Idling Regulation.

The MOU includes a provision for the ARB to equally split any civil penalties incurred for violations issued by Port Police. Civil penalties for the regulations range from \$200 to \$1000. Port Police will issue citations on ARB ticket itinerary. Those citations will be collected, recorded, and sent to ARB on a weekly basis where they will be processed and settled by the ARB Citation Administration Section and 50% of the proceeds will be set aside for the Harbor Department. ARB Accounting Section will issue batch payments to the Harbor Department on a monthly basis for use by the Harbor Department. This process, whereby citations are issued and proceeds are shared, will be modeled after the comparable MOU that ARB already has with the San Francisco Bay Area Air Quality Management District MOU.

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The ARB has and will continue to provide training to the Port Police on how to properly enforce each of the regulations. Even though this MOU grants the Port Police the authority to enforce the regulations listed in the MOU, the Port Police are under no obligation to enforce the regulations. Furthermore, there is no financial obligation under this MOU. By entering into this MOU with ARB, an ideal situation is created for both parties. The MOU will complement Port Police's efforts in enforcing the CTP including ARB's regulations, and in doing so, ARB will receive the benefit of having more officers enforcing their regulations.

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is approval of a MOU between the Harbor Department and ARB outlining term and conditions for cooperation in enforcing drayage truck rules in and around the Port. As an administrative activity, the Director of Environmental Management has determined that the proposed action is exempt from the California Environmental Quality Act (CEQA) in accordance with Article II, Section 2(f) of the Los Angeles City Guidelines.

**FINANCIAL IMPACT:**

The proposed MOU establishes the terms and conditions for ARB and the Harbor Department to collaborate in enforcing ARB drayage truck regulations around the Port. These regulations include "dray-offs", Drayage Truck Regulations, Diesel Engine Soot Filter Regulation, Smoke Emission Testing Regulation and Truck Idling Regulation.

The Harbor Department is not required to enforce these regulations, but the MOU gives the Harbor Department the authority to do so through the Port Police. Citations issued for violations of the ARB regulation vary between \$300 to \$1,000 each. ARB will receive the money from the citations and will issue the Harbor Department half of the amount of each citation or about \$150 to \$500, which is estimated to cover the costs to issue and process a citation.

Staff will work with the Accounting Division to establish the correct type of account for these funds.

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**ECONOMIC BENEFIT:**

This Board action will have no employment effect.

**CITY ATTORNEY:**

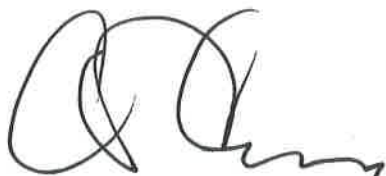
The City Attorney's Office has reviewed this Board Report and finds that there are no legal issues at this time.

**TRANSMITTAL:**

1. Memorandum of Understanding between the California Air Resources Board and the City of Los Angeles Harbor Department

**FIS Approval:** ef (initials)

**CA Approval:** ma (initials)



**CHRISTOPHER CANNON**  
Director of Environmental Management



**JOHN HOLMES**  
Deputy Executive Director

**APPROVED:**



**GERALDINE KNATZ, Ph.D.**  
Executive Director

AUTHOR: TIM DEMOSS  
BOARD MEETING: 3/1/2012

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