

TRANSMITTAL 1

NOTICE OF MUTUAL AGREEMENT

Number: NMA 2024-2

Subject: Request for Approval to Extend the Alameda Corridor Dispatching Agreement dated as of January 30, 2002, as amended.

Recommendation:

Approve an up to 2-year extension through October 14, 2026 to the term of the Alameda Corridor Dispatching Agreement, dated as of January 30, 2002, as amended, between ACTA, the BNSF Railway Company, and Union Pacific Railroad Company, which agreements are set to expire October 14, 2024.

Discussion:

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

The existing Dispatching Agreement (Agreement) between ACTA, the BNSF Railway (BNSF), and Union Pacific Railroad (UP) has been in place since 2002 and will expire on October 14, 2024. Costs for the services provided under Agreement are paid directly by the Railroads.

The original term of the Agreement was five years, as approved by the former Operating Committee (OC), and both were extended twice with OC approval for an additional 10 years via two amendments through April 14, 2017. An interim extension of up to one year through April 14, 2018 was provided for in the second amendment to the agreement, which was exercised. Additional six-month extensions through October 14, 2018 and April 14, 2019, a one-year extension through April 14, 2020, and additional six-month extensions through October 14, 2020, April 14, 2021, October 14, 2021, April 14, 2022, October 14, 2022 were approved (via NMA-2018-2, NMA-2018-3, NMA-2019-2, NMA-2020-2, NMA 2020-3, NMA 2021-1, NMA 2021-3, and NMA 2022-1, respectively). The latest 2-year extension was executed through October 14, 2024 via NMA 2022-2.

Approval of an additional up to 2-year extension of the existing Agreement is hereby requested, until such time as a restated Agreement may be approved and executed, or through October 14, 2026, whichever is earlier. The proposed amendment to the existing Agreement is attached as Exhibit C.

TRANSMITTAL 1

Please provide your acceptance and approval by affixing your signature, name and title below:

Port of Los Angeles

By: _____

Print Name: _____

Title: _____

Date: _____

Port of Long Beach

By: _____

Print Name: _____

Title: _____

Date: _____

BNSF Railway Company

By: _____

Print Name: _____

Title: _____

Date: _____

Union Pacific Railroad Company

By: _____

Print Name: _____

Title: _____

Date: _____