

<p style="text-align: center;">SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS</p>	<p style="text-align: center;">Item No.</p>
<p style="text-align: center;">DEFINITIONS HEAVY DUTY DRAYAGE TRUCKS</p> <p>* For purposes of Section 20 the following definitions shall apply:</p> <p>“2007 Drayage Truck” means a Drayage Truck equipped with a heavy duty engine that meets or exceeds 2007 model year California or federal heavy-duty Diesel-Fueled On-Road emissions standards.</p> <p>“Alternative Drayage Truck” means a 2007 Drayage Truck with a heavy duty engine operating on liquefied or compressed natural gas, electricity or hybrid technology.</p> <p>“ARB” means the California Air Resources Board.</p> <p>“Authorized Emergency Vehicle” is as defined in California Vehicle Code Section 165.</p> <p>“CARB Diesel Fuel” is Diesel Fuel certified by ARB as meeting the fuel specification standards set forth at Title 13, California Code of Regulations (CCR) Section 2280 et seq.</p> <p>“Compliance Label” is a tag issued by ARB under the Drayage Truck Registry for Drayage Trucks operated at the ports and intermodal rail yards that meet ARB requirements and compliance schedules.</p> <p>“Concession” means a written agreement between the Port of Los Angeles and a Licensed Motor Carrier to allow Drayage Truck access to a Port of Los Angeles Terminal for drayage services under terms and conditions set forth therein.</p> <p>+ “Day Pass” means a temporary right of access from the Port of Los Angeles to a Licensed Motor Carrier to allow Drayage Truck access to a Port of Los Angeles Terminal for drayage services under the terms and conditions issued by the Port.</p> <p>“Dedicated Use Vehicles” are On-Road Vehicles that do not have separate tractors and trailers, including auto transports, fuel delivery vehicles, concrete mixers, mobile cranes and construction equipment.</p> <p>“Diesel Fuel” means any fuel that is commonly or commercially known, sold, or represented by the supplier as diesel fuel, including any mixture of primarily liquid hydrocarbons – organic compounds consisting exclusively of the elements carbon and hydrogen – that is sold or represented by the supplier as suitable for use in an internal combustion, compression – ignition engine.</p> <p>“Diesel-Fueled” means a compression - ignition engine fueled by Diesel Fuel, CARB Diesel Fuel, or jet fuel, in whole or part, including liquid natural gas engines using diesel-fuel for pilot ignition.</p>	<p>[C] 2000</p>

See Item 10 for explanation of abbreviations and symbols.

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Ordinance No.	Adopted		

SECTION TWENTY
 CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued

Item No.

DEFINITIONS HEAVY DUTY DRAYAGE TRUCKS –Continued

“Diesel Particulate Matter” or “PM” means the particles emitted in the exhaust of Diesel-Fueled compression - ignition engines.

“Drayage Truck” means any in-use On-Road Vehicle with a Gross Vehicle Weight Rating of 33,000 pounds or greater operating on property owned by the Port of Los Angeles for the purpose of loading, unloading or transporting cargo, including containerized, bulk, break-bulk and neo-bulk goods. Drayage Truck does not include Dedicated Use Vehicles, Authorized Emergency Vehicles, Military Tactical Support Vehicles or Yard Trucks.

“Drayage Truck Registry” or “DTR” is a database that contains information on trucks that conduct business on Port Property at the Ports of Los Angeles and Long Beach, including:
 Owner’s name, address, phone numbers, email address, and fax number;
 Drayage Truck and engine make, model, and model year and fuel source;
 Dispatching Licensed Motor Carrier(s) and Concession Number(s)
 Vehicle identification number (VIN), license number and state of issuance;
 VDECS equipment

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+ “Early Replacement Drayage Trucks” means 2007 Drayage Trucks which are replacing older Drayage Trucks and are (i) funded by Program Funds under grant applications which are approved by the Ports of Los Angeles or Long Beach prior to October 1, 2008, or (ii) privately funded without Program Funds under committed sales orders issued prior to October 1, 2008.

“Gross Vehicle Weight Rating” is defined in California Vehicle Code Section 350.

“International Registration Plan” is a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees on the basis of total distance operated in all jurisdictions.

+ “Legacy LNG Trucks” means Kenworth Model T-800 trucks equipped with Cummins ISX-G engines with emissions certified to 0.96 grams per brake horsepower hour (g/bhp-hr) for oxides of nitrogen (NO_x) and 0.02 g/bhp-hr for particulate matter (PM), retrofitted with the Westport High-Pressure Direct Injection Liquified Natural Gas (LNG) conversion kit, funded by the Ports of Los Angeles and Long Beach under Cost Sharing Agreement No. 2588 and Los Angeles contracts numbered 2589, 2590, 2596, 2597, 2598, 2600, 2683, 2684, and 2685, when operated on LNG.

“Lessee” has the same meaning as in California Vehicle Code Section 371.

* “Licensed Motor Carrier” means a licensed motor carrier in good standing and in compliance with the requirements of a valid license/permit under either (1) a California Motor Carrier Permit issued by the California Department of Motor Vehicles under the California Vehicle Code, or (2) a state motor carrier permit issued by any U.S. State, or (3) a Federal Motor Carrier License (USDOT Number) and Operating Authority (MC or MX Number).

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SECTION TWENTY
CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued

DEFINITIONS HEAVY DUTY DRAYAGE TRUCKS –Continued

“Military Tactical Support Vehicles” is as defined in Title 13, CCR, Section 1905.

“On-Road” means a vehicle that is designed to be driven on public highways and roadways and that is registered or is capable of being registered by the California Department of Motor Vehicles (DMV) under Vehicle Code sections 4000 et seq., or DMV’s equivalent in another state, province, or country, or the International Registration Plan.

“Optical Character Recognition” or “OCR” is a system designed to read and digitize existing On-Road vehicle identifiers, such as state license plates, which will enable the Terminal Operator to access the Drayage Truck’s records in the DTR.

“Oxides of nitrogen” or “NOx” means compounds of nitrogen and oxygen, including nitric oxide and nitrogen dioxide.

“Ports” means all waterfront property owned by Ports of Los Angeles and Long Beach and the Terminal Island Container Transfer Facility.

“Port Property” means all property owned by the Port of Los Angeles within the Harbor District of Los Angeles.

* “Program Funds” means monies disbursed by the Ports of Long Beach and Los Angeles through the Clean Truck Fund, including funds received for that purpose from South Coast Air Quality Management District and State Proposition 1B general obligation bond funds.

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See Item 10 for explanation of abbreviations and symbols

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SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued	Item No.
<p style="text-align: center;">DEFINITIONS HEAVY DUTY DRAYAGE TRUCKS –Continued</p> <p>“Terminal” is any facility on Port Property used for the transfer of cargo from one mode to another, including container terminals, break bulk terminals, dry bulk terminals and railyards.</p> <p>“Terminal Operator” is the entity with contractual authority from the Port of Los Angeles to operate a Terminal.</p> <p>“Radio Frequency Identification Device” or “RFID” is an electronic device with a unique identification number, installed on a Drayage Truck which will enable the Terminal Operator to access the Drayage Truck’s records in the DTR.</p> <p>“Vehicle” is as defined in Vehicle Code Section 670.</p> <p>“Verified Diesel Emission Control Strategy” or “VDECS” is an emission control strategy that has been verified pursuant to the “Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines” in Title 13, California Code of Regulations, commencing with Section 2700, and incorporated by this reference.</p> <p>“Yard Truck” means an off-road mobile utility vehicle used to carry cargo containers with or without chassis; also known as utility tractor rig (UTR), yard tractor, yard goat, yard hostler, or prime mover.</p>	<p>[C] 2000 (Con’t)</p>
See Item 10 for explanation of abbreviations and symbols.	

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SECTION TWENTY
 CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued

Item No.

AUGUST 1, 2008 GATE ACCESS DEADLINE

* By August 1, 2008, at 8:00 a.m., all Terminal Operators shall have installed appropriate means, approved by the Port, of accessing the Port’s Drayage Truck Registry for the purposes of (i) obtaining relevant information to confirm Drayage Trucks’ compliance with Terminal access requirements under this tariff, and (ii) enabling Terminal Operator to collect and remit the Clean Truck Fee. Acceptable alternative means include RFID or OCR readers at all truck processing gates or written consent to other alternative means from the Executive Director of the Port of Los Angeles.

[C][D]
 2005

OCTOBER 1, 2008 DRAYAGE TRUCK DEADLINE

Beginning October 1, 2008, at 8:00 a.m., no Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to:

- (1) any Drayage Truck of model year 1988 or older, or
- (2) any Drayage Truck that cannot be verified as compliant with this Item 2010 deadline by reference to the Drayage Truck’s records in the DTR, as set forth in Item 2005.

* This Item shall not apply to pre-1989 model year Drayage Trucks which are equipped or repowered with 1989 or newer model year engines, which shall be treated as subject to the deadlines applicable to their engine model year set forth in Items 2015 and 2020, below, following adequate demonstration to the Port of the installation of the newer engine. Pre-1989 model year Drayage Trucks meeting certain criteria may qualify for the Port of Los Angeles Scrap Truck Buyback Program. See www.portoflosangeles.org for details. Pre-1989 model year Drayage Trucks which are registered in the DTR as being replaced by Early Replacement Drayage Trucks shall be permitted an extended deadline until January 1, 2009 if being replaced by diesel engine 2007 Drayage Trucks and until April 1, 2009 if being replaced by Alternative Drayage Trucks.

[C]
 2010

JANUARY 1, 2010 DRAYAGE TRUCK DEADLINE

Beginning January 1, 2010, at 8:00 a.m., no Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to

- (1) any Drayage Truck that is not equipped with:
 - (a) a 1994 – 2003 model year engine certified to California or federal emission standards, and a level 3 VDECS which achieves a minimum 85% reduction in PM emissions and a minimum 25% reduction in NO_x emissions; or
 - (b) a 2004 or newer model year engine certified to California or federal emission standards, or
- (2) any Drayage Truck that cannot be verified as compliant with this Item 2015 deadline

2015

See Item 10 for explanation of abbreviations and symbols.

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SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued		Item No.
<p style="text-align: center;">* JANUARY 1, 2012 DRAYAGE TRUCK DEADLINE</p> <p>Beginning January 1, 2012, at 8:00 a.m., no Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to:</p> <p>* (1) any Drayage Truck that is not a 2007 Drayage Truck or a Legacy LNG Truck, or</p> <p> (2) any Drayage Truck that cannot be verified as compliant with this Item 2020 deadline by reference to the Drayage Truck’s records in the DTR, as set forth as in Item 2005.</p>	<p>[C] 2020</p>	
<p style="text-align: center;">* DRAYAGE TRUCK REGISTRY</p> <p>* 1. Drayage Trucks seeking entry upon Port Property on or after October 1, 2008, shall have been registered on the DTR database prior to the time of entry. Registration on the DTR Database shall be in electronic format or on forms and with supporting documentation as may be required by the Port of Los Angeles to provide required information in verifiable form.</p> <p> 2. In the event of a change in the information provided for registration on the DTR Database with respect to a Drayage Truck, the registration shall be amended within ten (10) calendar days of the change in electronic format or on forms and with supporting documentation as may be required by the Port of Los Angeles.</p>	<p>[C] 2025</p>	
<p style="text-align: center;">CLEAN TRUCK FEE</p> <p>*1. Beginning October 1, 2008, at 8:00 a.m., the following Clean Truck Fees shall be assessed:</p> <p> a. \$35.00 on containers with an outside length of 20 feet or less;</p> <p> b. \$70.00 on containers with an outside length of more than 20 feet.</p> <p>The Clean Truck Fee shall be assessed once, on containerized merchandise at the first point of entry to or departure from the Port of Los Angeles by Drayage Truck, with the exception of merchandise qualifying for the fee exemptions set forth in this Item 2030, paragraph 2. The Clean Truck Fee shall be paid by the cargo owner, notwithstanding anything to the contrary in Items 265 (c) or 265 (i) of this Tariff.</p> <p> 2. The Clean Truck Fee shall not be assessed on containerized merchandise that:</p> <p> a. enters or leaves the Ports by Rail;</p> <p> b. moves between two Terminals within the Ports;</p> <p>* c. enters or leaves the Ports by Alternative Drayage Truck or Legacy LNG Truck;</p> <p>* d. enters or leaves the Port of Los Angeles by 2007 Drayage Truck registered in the DTR as purchased without Program Funds; or</p> <p>+ e. is shipped under contract to the United States Transportation Command, United States Military or Department of Defense.</p>	<p>[C] + 2030</p>	
See Item 10 for explanation of abbreviations and symbols.		
	<p>Order No. Adopted</p> <p>Ordinance No. Adopted</p>	<p>EFFECTIVE:</p>

SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued		Item No.
* CLEAN TRUCK FUND * The first Terminal Operator to handle any containerized merchandise subject to the Clean Truck Fee shall collect and remit the Clean Truck Fee to the Port of Los Angeles, and the monies shall be used by the Board of Harbor Commissioners exclusively for programs for the replacement and retrofit of Drayage Trucks and the rapid transition to 2007 Drayage Trucks serving the Ports of Los Angeles and Long Beach.		2035
* CONCESSIONS * 1. Beginning October 1, 2008, at 8:00 a.m., no Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to any Drayage Truck unless such Drayage Truck is registered under a Concession or a Day Pass from the Port of Los Angeles in the Drayage Truck Registry. * 2. The terms and conditions for the Concession are set forth in the Port of Los Angeles Concession Agreement between the Port of Los Angeles and the Licensed Motor Carrier. Copies of the Port of Los Angeles Concession Agreement and Concession Application are posted on the www.portoflosangeles.org website. Licensed Motor Carriers seeking to apply for a Concession may also obtain information and an application for Concession or Day Pass from the Port of Los Angeles, Attention: Concession Administrator, 425 South Palos Verdes Street, San Pedro, CA 90731. The Concession Fee shall be \$2,500 and the annual fee shall be \$100 per Drayage Truck operating under the Concession (collectively the “Concession Fees”). The Day Pass Fee shall be \$100 per Day Pass. Concession Fees and Day Pass Fees shall be paid by the Licensed Motor Carrier applying for or holding the Concession or Day Pass.		[C] 2040
See Item 10 for explanation of abbreviations and symbols.		
	Order No. Adopted Ordinance No. Adopted	EFFECTIVE:

<p style="text-align: center;">SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued</p>	<p style="text-align: center;">Item No.</p>
<p style="text-align: center;">SEVERABILITY</p> <p>If any provision of Port of Los Angeles Tariff No. 4 shall be determined by court or agency of competent jurisdiction to be unenforceable, unlawful or subject to an order of temporary or permanent injunction from enforcement, such determination shall only apply to the specific provision and the remainder of the provisions of this Tariff No. 4 shall continue in full force and effect.</p>	<p style="text-align: center;">2095</p>
<p style="text-align: center;">See Item 10 for explanation of abbreviations and symbols.</p>	

	<p>Order No. Adopted Ordinance No. Adopted</p>	<p style="text-align: center;">EFFECTIVE</p>
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ORDER NO. _____

An Order of the Board of Harbor Commissioners of the City of Los Angeles amending the Port of Los Angeles Tariff No. 4.

FINDINGS

BACKGROUND

1. On July 12, 1989, the Board of Harbor Commissioners of the City of Los Angeles (Board) adopted Order No. 5837, which Order was approved by the City Council of the City of Los Angeles (City Council) by Ordinance No. 165789, adopted on April 10, 1990. Said Order and Ordinance designated Port of Los Angeles Tariff No. 4 (Tariff No. 4), which sets forth rates at which, and terms under which, the Port of Los Angeles, California (Port) is willing to provide marine terminal services. Tariff No. 4 has been amended from time to time since 1989. The current version of Tariff No. 4 is made available to the public on the Port website at www.portoflosangeles.org.
2. The San Pedro Bay Ports Clean Air Action Plan (CAAP) was adopted by the Boards of Harbor Commissioners of Los Angeles and Long Beach on November 20, 2006. The Ports of Los Angeles and Long Beach are located side-by-side in San Pedro Bay. In the CAAP, the two ports recognized that their ability to accommodate projected growth in international trade will depend on their ability to address adverse environmental impacts, and in particular, air quality impacts, that result from such trade. The CAAP was designed, in collaboration with the Federal Environmental Protection Agency (U.S. EPA), the California Air Resources Board (CARB) and the South Coast Air Quality Management District (SCAQMD), "to develop mitigation measures and incentive programs necessary to reduce air emissions and health risks while allowing port development to continue." CAAP, p. 2. As part of the overall implementation of the CAAP, the Ports of Los Angeles and Long Beach have considered numerous proposals to address air pollution from a variety of sources operating within the ports.
3. On November 1, 2007, the Board adopted Order No. 6935, approved by the City Council by Ordinance No. 179707, adopted on February 27, 2008, which added Section 20, Clean Air Action Plan, Items 2000 through 2025, titled Heavy Duty Drayage Trucks, to Tariff No. 4. The drayage truck measures result in substantial reduction in air pollution through the progressive ban of older, dirtier trucks calling at the Ports. The tariff requires that by the year 2012 drayage trucks must meet USEPA 2007 heavy duty truck emissions standards to be allowed entry into terminals at the Port, accomplished through truck emissions control retrofits or truck replacement.

4. On December 20, the Board adopted Order No. 6943, approved by the City Council by Ordinance No. 179708, adopted on February 27, 2008, adding to and amending Section 20 of Tariff No. 4 to establish a Clean Truck Fee (CTF) and Clean Truck Fund to fund in part the retrofit or replacement of older drayage trucks.
5. On March 20, 2008 the Board adopted Order No.6956, approved by the City Council by Ordinance No. 179981, adopted on June 17, 2008, adding to and amending Section 20 of Tariff No. 4 to, among other things, establish Concessions for drayage truck access to the Port terminals and exemptions from the Clean Truck Fee.
6. On the Board adopted Order No. 08-6971, approved by the City Council by Ordinance No. _____, adopted on _____, 2008, adding to and amending Section 20 of Tariff No. 4 to, among other things, establish access and exemptions for certain liquid natural gas (LNG) trucks, revise the Drayage Truck Registry deadline, provide that the Clean Truck Fund may be used to fund incentives, and clarify the Concession fee.
7. The Board now wishes to further amend Tariff No. 4 by amendment of Section 20, Items 2000, 2005, and 2030 relating to the Clean Air Action Plan drayage truck measures, in order to implement the following actions: (1) Item 2000: modify the definition of "Program Funds" to delete reference to Harbor Revenue Fund; (2) Item 2005: simplify the DTR access requirement for consistency with the PortCheck Agreement approved by the Board; (3) Item 2030: clarify the basis for charging the Clean Truck Fee as \$35 for 20 feet or less in length, \$70 for more than 20 feet; clarify that the Clean Truck Fee will be assessed only once on containers at the first point of entry to or departure from the Port; add a new exemption for shipments under contract to the U.S. Transportation Command, U.S. Military and Department of Defense; and add a new exemption for Terminals without On Dock Rail

PROGRAM FUNDS

8. The Port has provided a variety of subsidies and incentives to encourage the early replacement of dirty trucks with USEPA 2007 compliant trucks (Clean Trucks) including incentives that may be funded by the Port's Harbor Revenue Fund. The definition of "Program Funds" shall be modified in Item 2000 of the tariff, to delete the reference to "Harbor Revenue Fund", to allow the Clean Truck exemption from the Clean Truck Fee to apply to containers drayed by Clean Trucks that are privately funded but have received early implementation incentives from the Port's Harbor Revenue Fund.

DRAYAGE TRUCK REGISTRY CLARIFICATION

9. To conform the tariff to the Port Fee Services Agreement between the Ports of Los Angeles and Long Beach and PortCheck LLC, the tariff shall be amended to clarify that marine terminal operators may select the appropriate means to identify drayage trucks and access the Drayage Truck Registry, from various alternatives that may include radio frequency identification or optical character readers, or other means approved by the Executive Director of the Port.

CLEAN TRUCK FEE CLARIFICATION

10. Due to the fact that the Port supports shipping of containers of various outside lengths, the tariff shall be amended to simplify the enforcement process by providing more exact definitions for charging the Clean Truck Fee ("CTF"). The amendment assesses a CTF of \$35 for containerized merchandise in a container that is 20 feet or less in outside length, and a CTF of \$70 for containerized merchandise in a container that is more than 20 feet in outside length. This amendment is consistent with the existing PierPass fee assessment process and it alleviates the need for multipliers or fractions for non-standard size containers.
11. A small fraction of containers may involve more than one move in and out of a terminal for Customs' inspections. Some of these containers are returned to the Port for drayage and some are drayed directly from Customs. Other situations arise from containers being recalled or rerouted. The tariff shall be amended to ensure that the CTF is assessed only once on such containerized merchandise.

MILITARY CARGO EXEMPTION

12. The tariff shall be amended to add an exemption from the CTF for containerized merchandise under contract with the United States Transportation Command, United States Military or Department of Defense. The progressive ban on dirty trucks still fully applies to the drayage trucks carrying such military cargo containers, and shall be fully enforced. The fee exemption is based on a request and discussions with the United States Transportation Command, a division of the United States Department of Defense, which has raised various issues concerning the unique nature, missions and processes of the Department of Defense ("DOD") and its operations. For the Port of Los Angeles this is a very small percentage of cargo (less than 1%). This practice is also consistent with the current PierPass fee billing system.
13. There are several substantial and complex issues related to imposing the CTF on DOD shipments. Among them are the fact that the Port can not lien the cargo to affect collection, some cargo is owned by foreign governments and the imposition of the fee on the shipment of household goods of service members would impose the charge directly on service members as they are the beneficial cargo owners. Due to the administrative complexity of distinguishing between

these various categories of DOD shipments the board authorizes an exemption from the CTF for all DOD material shipped under contract with the United States Transportation Command, United States Military or Department of Defense.

NOW, THEREFORE, THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LOS ANGELES DOES HEREBY ORDER AS FOLLOWS:

Section 1. The Board of Harbor Commissioners of the City of Los Angeles hereby adopts the findings set forth above.

Section 2. The 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. The Executive Director is directed to submit this amendment to the California Association of Port Authorities (CAPA) to secure approval or proceed to take independent action in accordance with CAPA procedure.

Section 3. The Director of Environmental Management has determined that these amendments to the Tariff are exempt from the California Environmental Quality Act (CEQA) as provided by the following sections of the State of California CEQA Guidelines in California Public Resources Code 21084, Title 14 of the California Code of Regulations, Section 15273 (rates, tolls, fares, and charges), Section 15301 (d) (restoration or rehabilitation of mechanical equipment) and Section 15061(b) (3) (no possibility of significant adverse effect on the environment).

Section 4. The Board Secretary shall certify to the adoption of the Order by the Board of Harbor Commissioners and cause the same to be published once in a newspaper printed and published in the City of Los Angeles, to take effect prior to adoption by Ordinance for a period not to exceed 90 days pursuant to Charter Section 653(b).

Section 5. The Board Secretary shall transmit to the City Council for approval the Order and Ordinance approving and authorizing the amendment to Tariff No. 4 pursuant to City Charter 653(a).

Section 6. The Board Secretary shall execute the proposed Board Order and Ordinance amending Tariff No. 4, and upon its publication, transmit the Order and Ordinance to the Chief Wharfinger for implementation of the tariff change and posting

he amended Tariff No. 4 to the Port's website as regulated by the Federal Maritime Commission.

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

ROSE DWORSHAK
Acting Board Secretary

Approved as to Form:

_____, 2008
ROCKARD J. DELGADILLO, City Attorney

By _____
JOY CROSE
Assistant General Counsel

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SECTION TWENTY
 CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued

Item No.

DEFINITIONS HEAVY DUTY DRAYAGE TRUCKS –Continued

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“Drayage Truck” means any in-use On-Road Vehicle with a Gross Vehicle Weight Rating of 33,000 pounds or greater operating on property owned by the Port of Los Angeles for the purpose of loading, unloading or transporting cargo, including containerized, bulk, break-bulk and neo-bulk goods. Drayage Truck does not include Dedicated Use Vehicles, Authorized Emergency Vehicles, Military Tactical Support Vehicles or Yard Trucks.

“Drayage Truck Registry” or “DTR” is a database that contains information on trucks that conduct business on Port Property at the Ports of Los Angeles and Long Beach, including:

- Owner’s name, address, phone numbers, email address, and fax number;
- Drayage Truck and engine make, model, and model year and fuel source;
- Dispatching Licensed Motor Carrier(s) and Concession Number(s)
- Vehicle identification number (VIN), license number and state of issuance;
- VDECS equipment

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SECTION TWENTY
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DEFINITIONS HEAVY DUTY DRAYAGE TRUCKS –Continued

“Military Tactical Support Vehicles” is as defined in Title 13, CCR, Section 1905.

“On-Road” means a vehicle that is designed to be driven on public highways and roadways and that is registered or is capable of being registered by the California Department of Motor Vehicles (DMV) under Vehicle Code sections 4000 et seq., or DMV’s equivalent in another state, province, or country, or the International Registration Plan.

“Optical Character Recognition” or “OCR” is a system designed to read and digitize existing On-Road vehicle identifiers, such as state license plates, which will enable the Terminal Operator to access the Drayage Truck’s records in the DTR.

“Oxides of nitrogen” or “NOx” means compounds of nitrogen and oxygen, including nitric oxide and nitrogen dioxide.

“Ports” means all waterfront property owned by Ports of Los Angeles and Long Beach and the Terminal Island Container Transfer Facility.

“Port Property” means all property owned by the Port of Los Angeles within the Harbor District of Los Angeles.

* “Program Funds” means monies disbursed by the Ports of Long Beach and Los Angeles through the Clean Truck Fund, including funds received for that purpose from South Coast Air Quality Management District and State Proposition 1B general obligation bond funds.

[C]
 2000
 (Cont.)

See Item 10 for explanation of abbreviations and symbols

Order No.
 Ordinance No.

Adopted
 Adopted

EFFECTIVE:

SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued	Item No.
<p style="text-align: center;">DEFINITIONS HEAVY DUTY DRAYAGE TRUCKS –Continued</p> <p>“Terminal” is any facility on Port Property used for the transfer of cargo from one mode to another, including container terminals, break bulk terminals, dry bulk terminals and railyards.</p> <p>“Terminal Operator” is the entity with contractual authority from the Port of Los Angeles to operate a Terminal.</p> <p>“Radio Frequency Identification Device” or “RFID” is an electronic device with a unique identification number, installed on a Drayage Truck which will enable the Terminal Operator to access the Drayage Truck’s records in the DTR.</p> <p>“Vehicle” is as defined in Vehicle Code Section 670.</p> <p>“Verified Diesel Emission Control Strategy” or “VDECS” is an emission control strategy that has been verified pursuant to the “Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines” in Title 13, California Code of Regulations, commencing with Section 2700, and incorporated by this reference.</p> <p>“Yard Truck” means an off-road mobile utility vehicle used to carry cargo containers with or without chassis; also known as utility tractor rig (UTR), yard tractor, yard goat, yard hostler, or prime mover.</p>	<p>[C] 2000 (Con’t)</p>
See Item 10 for explanation of abbreviations and symbols.	

	Order No. Adopted	Adopted	EFFECTIVE:
	Ordinance No.	Adopted	

SECTION TWENTY
 CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued

Item No.

AUGUST 1, 2008 GATE ACCESS DEADLINE

* By August 1, 2008, at 8:00 a.m., all Terminal Operators shall have installed appropriate means, approved by the Port, of accessing the Port’s Drayage Truck Registry for the purposes of (i) obtaining relevant information to confirm Drayage Trucks’ compliance with Terminal access requirements under this tariff, and (ii) enabling Terminal Operator to collect and remit the Clean Truck Fee. Acceptable alternative means include RFID or OCR readers at all truck processing gates or written consent to other alternative means from the Executive Director of the Port of Los Angeles.

[C][D]
 2005

OCTOBER 1, 2008 DRAYAGE TRUCK DEADLINE

Beginning October 1, 2008, at 8:00 a.m., no Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to:

- (1) any Drayage Truck of model year 1988 or older, or
- (2) any Drayage Truck that cannot be verified as compliant with this Item 2010 deadline by reference to the Drayage Truck’s records in the DTR, as set forth in Item 2005.

* This Item shall not apply to pre-1989 model year Drayage Trucks which are equipped or repowered with 1989 or newer model year engines, which shall be treated as subject to the deadlines applicable to their engine model year set forth in Items 2015 and 2020, below, following adequate demonstration to the Port of the installation of the newer engine. Pre-1989 model year Drayage Trucks meeting certain criteria may qualify for the Port of Los Angeles Scrap Truck Buyback Program. See www.portoflosangeles.org for details. Pre-1989 model year Drayage Trucks which are registered in the DTR as being replaced by Early Replacement Drayage Trucks shall be permitted an extended deadline until January 1, 2009 if being replaced by diesel engine 2007 Drayage Trucks and until April 1, 2009 if being replaced by Alternative Drayage Trucks.

[C]
 2010

JANUARY 1, 2010 DRAYAGE TRUCK DEADLINE

Beginning January 1, 2010, at 8:00 a.m., no Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to

- (1) any Drayage Truck that is not equipped with:
 - (a) a 1994 – 2003 model year engine certified to California or federal emission standards, and a level 3 VDECS which achieves a minimum 85% reduction in PM emissions and a minimum 25% reduction in NO_x emissions; or
 - (b) a 2004 or newer model year engine certified to California or federal emission standards, or
- (2) any Drayage Truck that cannot be verified as compliant with this Item 2015 deadline

2015

See Item 10 for explanation of abbreviations and symbols.

Order No.	Adopted	EFFECTIVE:
Ordinance No.	Adopted	

SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued		Item No.
<p style="text-align: center;">* JANUARY 1, 2012 DRAYAGE TRUCK DEADLINE</p> <p>Beginning January 1, 2012, at 8:00 a.m., no Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to:</p> <p>* (1) any Drayage Truck that is not a 2007 Drayage Truck or a Legacy LNG Truck, or</p> <p> (2) any Drayage Truck that cannot be verified as compliant with this Item 2020 deadline by reference to the Drayage Truck’s records in the DTR, as set forth as in Item 2005.</p>	<p>[C] 2020</p>	
<p style="text-align: center;">* DRAYAGE TRUCK REGISTRY</p> <p>* 1. Drayage Trucks seeking entry upon Port Property on or after October 1, 2008, shall have been registered on the DTR database prior to the time of entry. Registration on the DTR Database shall be in electronic format or on forms and with supporting documentation as may be required by the Port of Los Angeles to provide required information in verifiable form.</p> <p> 2. In the event of a change in the information provided for registration on the DTR Database with respect to a Drayage Truck, the registration shall be amended within ten (10) calendar days of the change in electronic format or on forms and with supporting documentation as may be required by the Port of Los Angeles.</p>	<p>[C] 2025</p>	
<p style="text-align: center;">CLEAN TRUCK FEE</p> <p>*1. Beginning October 1, 2008, at 8:00 a.m., the following Clean Truck Fees shall be assessed:</p> <p> a. \$35.00 on containers with an outside length of 20 feet or less;</p> <p> b. \$70.00 on containers with an outside length of more than 20 feet.</p> <p>The Clean Truck Fee shall be assessed once, on containerized merchandise at the first point of entry to or departure from the Port of Los Angeles by Drayage Truck, with the exception of merchandise qualifying for the fee exemptions set forth in this Item 2030, paragraph 2. The Clean Truck Fee shall be paid by the cargo owner, notwithstanding anything to the contrary in Items 265 (c) or 265 (i) of this Tariff.</p> <p> 2. The Clean Truck Fee shall not be assessed on containerized merchandise that:</p> <p> a. enters or leaves the Ports by Rail;</p> <p> b. moves between two Terminals within the Ports;</p> <p>* c. enters or leaves the Ports by Alternative Drayage Truck or Legacy LNG Truck;</p> <p>* d. enters or leaves the Port of Los Angeles by 2007 Drayage Truck registered in the DTR as purchased without Program Funds; or</p> <p>+ e. is shipped under contract to the United States Transportation Command, United States Military or Department of Defense.</p>	<p>[C] + 2030</p>	
See Item 10 for explanation of abbreviations and symbols.		
	<p>Order No. Adopted</p> <p>Ordinance No. Adopted</p>	<p>EFFECTIVE:</p>

SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued		Item No.
* CLEAN TRUCK FUND * The first Terminal Operator to handle any containerized merchandise subject to the Clean Truck Fee shall collect and remit the Clean Truck Fee to the Port of Los Angeles, and the monies shall be used by the Board of Harbor Commissioners exclusively for programs for the replacement and retrofit of Drayage Trucks and the rapid transition to 2007 Drayage Trucks serving the Ports of Los Angeles and Long Beach.		2035
* CONCESSIONS * 1. Beginning October 1, 2008, at 8:00 a.m., no Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to any Drayage Truck unless such Drayage Truck is registered under a Concession or a Day Pass from the Port of Los Angeles in the Drayage Truck Registry. * 2. The terms and conditions for the Concession are set forth in the Port of Los Angeles Concession Agreement between the Port of Los Angeles and the Licensed Motor Carrier. Copies of the Port of Los Angeles Concession Agreement and Concession Application are posted on the www.portoflosangeles.org website. Licensed Motor Carriers seeking to apply for a Concession may also obtain information and an application for Concession or Day Pass from the Port of Los Angeles, Attention: Concession Administrator, 425 South Palos Verdes Street, San Pedro, CA 90731. The Concession Fee shall be \$2,500 and the annual fee shall be \$100 per Drayage Truck operating under the Concession (collectively the “Concession Fees”). The Day Pass Fee shall be \$100 per Day Pass. Concession Fees and Day Pass Fees shall be paid by the Licensed Motor Carrier applying for or holding the Concession or Day Pass.		[C] 2040
See Item 10 for explanation of abbreviations and symbols.		
	Order No. Adopted Ordinance No. Adopted	EFFECTIVE:

<p style="text-align: center;">SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued</p>	<p style="text-align: center;">Item No.</p>
<p style="text-align: center;">SEVERABILITY</p> <p>If any provision of Port of Los Angeles Tariff No. 4 shall be determined by court or agency of competent jurisdiction to be unenforceable, unlawful or subject to an order of temporary or permanent injunction from enforcement, such determination shall only apply to the specific provision and the remainder of the provisions of this Tariff No. 4 shall continue in full force and effect.</p>	<p style="text-align: center;">2095</p>
<p style="text-align: center;">See Item 10 for explanation of abbreviations and symbols.</p>	

	<p>Order No. Adopted Ordinance No. Adopted</p>	<p style="text-align: center;">EFFECTIVE</p>
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ORDINANCE NO. _____

An ordinance approving Order No. _____ of the Board of Harbor Commissioners of the City of Los Angeles, amending the Port of Los Angeles Tariff No. 4, Section 20 – Clean Air Action Plan Clean Truck Program.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Order No. _____, passed and adopted by the Board of Harbor Commissioners of the City of Los Angeles on the 23rd day of October, 2008, amending Port of Los Angeles Tariff No. 4, is hereby ratified, confirmed, and approved. This Order is in words and figures as follows:

“ORDER NO. _____

An Order of the Board of Harbor Commissioners of the City of Los Angeles amending the Port of Los Angeles Tariff No. 4.

FINDINGS

BACKGROUND

1. On July 12, 1989, the Board of Harbor Commissioners of the City of Los Angeles (Board) adopted Order No. 5837, which Order was approved by the City Council of the City of Los Angeles (City Council) by Ordinance No. 165789, adopted on April 10, 1990. Said Order and Ordinance designated Port of Los Angeles Tariff No. 4 (Tariff No. 4), which sets forth rates at which, and terms under which, the Port of Los Angeles, California (Port) is willing to provide marine terminal services. Tariff No. 4 has been amended from time to time since 1989. The current version of Tariff No. 4 is made available to the public on the Port website at www.portoflosangeles.org.
2. The San Pedro Bay Ports Clean Air Action Plan (CAAP) was adopted by the Boards of Harbor Commissioners of Los Angeles and Long Beach on November 20, 2006. The Ports of Los Angeles and Long Beach are located side-by-side in San Pedro Bay. In the CAAP, the two ports recognized that their ability to accommodate projected growth in international trade will depend on their ability to address adverse environmental impacts, and in particular, air quality impacts, that result from such trade. The CAAP was designed, in collaboration with the Federal Environmental Protection Agency (U.S. EPA), the California Air Resources Board (CARB) and the South Coast Air Quality Management District (SCAQMD), “to develop mitigation measures and incentive programs necessary to reduce air emissions and health risks while allowing port development to continue.” CAAP, p. 2. As part of the overall implementation of

the CAAP, the Ports of Los Angeles and Long Beach have considered numerous proposals to address air pollution from a variety of sources operating within the ports.

3. On November 1, 2007, the Board adopted Order No. 6935, approved by the City Council by Ordinance No. 179707, adopted on February 27, 2008, which added Section 20, Clean Air Action Plan, Items 2000 through 2025, titled Heavy Duty Drayage Trucks, to Tariff No. 4. The drayage truck measures result in substantial reduction in air pollution through the progressive ban of older, dirtier trucks calling at the Ports. The tariff requires that by the year 2012 drayage trucks must meet USEPA 2007 heavy duty truck emissions standards to be allowed entry into terminals at the Port, accomplished through truck emissions control retrofits or truck replacement.
4. On December 20, the Board adopted Order No. 6943, approved by the City Council by Ordinance No. 179708, adopted on February 27, 2008, adding to and amending Section 20 of Tariff No. 4 to establish a Clean Truck Fee (CTF) and Clean Truck Fund to fund in part the retrofit or replacement of older drayage trucks.
5. On March 20, 2008 the Board adopted Order No.6956, approved by the City Council by Ordinance No. 179981, adopted on June 17, 2008, adding to and amending Section 20 of Tariff No. 4 to, among other things, establish Concessions for drayage truck access to the Port terminals and exemptions from the Clean Truck Fee.
6. On the Board adopted Order No. 08-6971, approved by the City Council by Ordinance No. _____, adopted on _____, 2008, adding to and amending Section 20 of Tariff No. 4 to, among other things, establish access and exemptions for certain liquid natural gas (LNG) trucks, revise the Drayage Truck Registry deadline, provide that the Clean Truck Fund may be used to fund incentives, and clarify the Concession fee.
7. The Board now wishes to further amend Tariff No. 4 by amendment of Section 20, Items 2000, 2005, and 2030 relating to the Clean Air Action Plan drayage truck measures, in order to implement the following actions: (1) Item 2000: modify the definition of "Program Funds" to delete reference to Harbor Revenue Fund; (2) Item 2005: simplify the DTR access requirement for consistency with the PortCheck Agreement approved by the Board; (3) Item 2030: clarify the basis for charging the Clean Truck Fee as \$35 for 20 feet or less in length, \$70 for more than 20 feet; clarify that the Clean Truck Fee will be assessed only once on containers at the first point of entry to or departure from the Port; add a new exemption for shipments under contract to the U.S. Transportation Command, U.S. Military and Department of Defense; and add a new exemption for Terminals without On Dock Rail

PROGRAM FUNDS

8. The Port has provided a variety of subsidies and incentives to encourage the early replacement of dirty trucks with USEPA 2007 compliant trucks (Clean Trucks) including incentives that may be funded by the Port's Harbor Revenue Fund. The definition of "Program Funds" shall be modified in Item 2000 of the tariff, to delete the reference to "Harbor Revenue Fund", to allow the Clean Truck exemption from the Clean Truck Fee to apply to containers drayed by Clean Trucks that are privately funded but have received early implementation incentives from the Port's Harbor Revenue Fund.

DRAYAGE TRUCK REGISTRY CLARIFICATION

9. To conform the tariff to the Port Fee Services Agreement between the Ports of Los Angeles and Long Beach and PortCheck LLC, the tariff shall be amended to clarify that marine terminal operators may select the appropriate means to identify drayage trucks and access the Drayage Truck Registry, from various alternatives that may include radio frequency identification or optical character readers, or other means approved by the Executive Director of the Port.

CLEAN TRUCK FEE CLARIFICATION

10. Due to the fact that the Port supports shipping of containers of various outside lengths, the tariff shall be amended to simplify the enforcement process by providing more exact definitions for charging the Clean Truck Fee ("CTF"). The amendment assesses a CTF of \$35 for containerized merchandise in a container that is 20 feet or less in outside length, and a CTF of \$70 for containerized merchandise in a container that is more than 20 feet in outside length. This amendment is consistent with the existing PierPass fee assessment process and it alleviates the need for multipliers or fractions for non-standard size containers.
11. A small fraction of containers may involve more than one move in and out of a terminal for Customs' inspections. Some of these containers are returned to the Port for drayage and some are drayed directly from Customs. Other situations arise from containers being recalled or rerouted. The tariff shall be amended to ensure that the CTF is assessed only once on such containerized merchandise.

MILITARY CARGO EXEMPTION

12. The tariff shall be amended to add an exemption from the CTF for containerized merchandise under contract with the United States Transportation Command, United States Military or Department of Defense. The progressive ban on dirty trucks still fully applies to the drayage trucks carrying such military cargo containers, and shall be fully enforced. The fee exemption is based on a request and discussions with the United States Transportation Command, a division of the United States Department of Defense, which has raised various issues concerning the unique nature, missions and processes of the Department of

Defense (“DOD”) and its operations. For the Port of Los Angeles this is a very small percentage of cargo (less than 1%). This practice is also consistent with the current PierPass fee billing system.

13. There are several substantial and complex issues related to imposing the CTF on DOD shipments. Among them are the fact that the Port can not lien the cargo to affect collection, some cargo is owned by foreign governments and the imposition of the fee on the shipment of household goods of service members would impose the charge directly on service members as they are the beneficial cargo owners. Due to the administrative complexity of distinguishing between these various categories of DOD shipments the board authorizes an exemption from the CTF for all DOD material shipped under contract with the United States Transportation Command, United States Military or Department of Defense.

NOW, THEREFORE, THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LOS ANGELES DOES HEREBY ORDER AS FOLLOWS:

Section 1. The Board of Harbor Commissioners of the City of Los Angeles hereby adopts the findings set forth above.

Section 2. The 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. The Executive Director is directed to submit this amendment to the California Association of Port Authorities (CAPA) to secure approval or proceed to take independent action in accordance with CAPA procedure.

Section 3. The Director of Environmental Management has determined that these amendments to the Tariff are exempt from the California Environmental Quality Act (CEQA) as provided by the following sections of the State of California CEQA Guidelines in California Public Resources Code 21084, Title 14 of the California Code of Regulations, Section 15273 (rates, tolls, fares, and charges), Section 15301 (d) (restoration or rehabilitation of mechanical equipment) and Section 15061(b) (3) (no possibility of significant adverse effect on the environment).

Section 4. The Board Secretary shall certify to the adoption of the Order by the Board of Harbor Commissioners and cause the same to be published once in a newspaper printed and published in the City of Los Angeles, to take effect prior to adoption by Ordinance for a period not to exceed 90 days pursuant to Charter Section 653(b).

Section 5. The Board Secretary shall transmit to the City Council for approval the Order and Ordinance approving and authorizing the amendment to Tariff No. 4 pursuant to City Charter 653(a).

Section 6. The Board Secretary shall execute the proposed Board Order and Ordinance amending Tariff No. 4, and upon its publication, transmit the Order and Ordinance to the Chief Wharfinger for implementation of the tariff change and posting the amended Tariff No. 4 to the Port's website as regulated by the Federal Maritime Commission.

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

ROSE DWORSHAK
Acting Board Secretary"

Sec. 2. Any person, firm or corporation who violates or knowingly aids or abets a violation of any of the provisions of this Order respecting the rules, regulations, rates or charges shall be deemed guilty of a misdemeanor, and, upon conviction shall be punishable by a fine in a sum not exceeding \$1,000.00, or by imprisonment in the County jail for not more than six months, or by both fine and imprisonment.

Sec. 3. Pursuant to the provisions of Section 653 (b) of the City Charter, the Board of Harbor Commissioners shall have the power to suspend, modify, or amend temporarily any of the rules or regulations, or any of the rates, tolls, or charges prescribed by this Order of the Board of Harbor Commissioners for periods not exceeding 90 days, and shall have power to place in effect for a like period of time any temporary rule or regulation, or rate, toll or charge for the Harbor District.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

_____, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By _____
JOY CROSE
Assistant General Counsel

Date _____

File No. _____

<p style="text-align: center;">SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS</p>	<p style="text-align: center;">Item No.</p>
<p style="text-align: center;">DEFINITIONS HEAVY DUTY DRAYAGE TRUCKS</p> <p>* For purposes of Section 20 the following definitions shall apply:</p> <p>“2007 Drayage Truck” means a Drayage Truck equipped with a heavy duty engine that meets or exceeds 2007 model year California or federal heavy-duty Diesel-Fueled On-Road emissions standards.</p> <p>“Alternative Drayage Truck” means a 2007 Drayage Truck with a heavy duty engine operating on liquefied or compressed natural gas, electricity or hybrid technology.</p> <p>“ARB” means the California Air Resources Board.</p> <p>“Authorized Emergency Vehicle” is as defined in California Vehicle Code Section 165.</p> <p>“CARB Diesel Fuel” is Diesel Fuel certified by ARB as meeting the fuel specification standards set forth at Title 13, California Code of Regulations (CCR) Section 2280 et seq.</p> <p>“Compliance Label” is a tag issued by ARB under the Drayage Truck Registry for Drayage Trucks operated at the ports and intermodal rail yards that meet ARB requirements and compliance schedules.</p> <p>“Concession” means a written agreement between the Port of Los Angeles and a Licensed Motor Carrier to allow Drayage Truck access to a Port of Los Angeles Terminal for drayage services under terms and conditions set forth therein.</p> <p>+ “Day Pass” means a temporary right of access from the Port of Los Angeles to a Licensed Motor Carrier to allow Drayage Truck access to a Port of Los Angeles Terminal for drayage services under the terms and conditions issued by the Port.</p> <p>“Dedicated Use Vehicles” are On-Road Vehicles that do not have separate tractors and trailers, including auto transports, fuel delivery vehicles, concrete mixers, mobile cranes and construction equipment.</p> <p>“Diesel Fuel” means any fuel that is commonly or commercially known, sold, or represented by the supplier as diesel fuel, including any mixture of primarily liquid hydrocarbons – organic compounds consisting exclusively of the elements carbon and hydrogen – that is sold or represented by the supplier as suitable for use in an internal combustion, compression – ignition engine.</p> <p>“Diesel-Fueled” means a compression - ignition engine fueled by Diesel Fuel, CARB Diesel Fuel, or jet fuel, in whole or part, including liquid natural gas engines using diesel-fuel for pilot ignition.</p>	<p style="text-align: center;">[C] 2000</p>
<p>See Item 10 for explanation of abbreviations and symbols.</p>	

	<p>Order No. Adopted Ordinance No. Adopted</p>	<p>EFFECTIVE:</p>
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SECTION TWENTY
CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued

Item No.

DEFINITIONS HEAVY DUTY DRAYAGE TRUCKS –Continued

“Diesel Particulate Matter” or “PM” means the particles emitted in the exhaust of Diesel-Fueled compression - ignition engines.

“Drayage Truck” means any in-use On-Road Vehicle with a Gross Vehicle Weight Rating of 33,000 pounds or greater operating on property owned by the Port of Los Angeles for the purpose of loading, unloading or transporting cargo, including containerized, bulk, break-bulk and neo-bulk goods. Drayage Truck does not include Dedicated Use Vehicles, Authorized Emergency Vehicles, Military Tactical Support Vehicles or Yard Trucks.

“Drayage Truck Registry” or “DTR” is a database that contains information on trucks that conduct business on Port Property at the Ports of Los Angeles and Long Beach, including:
 Owner’s name, address, phone numbers, email address, and fax number;
 Drayage Truck and engine make, model, and model year and fuel source;
 Dispatching Licensed Motor Carrier(s) and Concession Number(s)
 Vehicle identification number (VIN), license number and state of issuance;
 VDECS equipment

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+ “Early Replacement Drayage Trucks” means 2007 Drayage Trucks which are replacing older Drayage Trucks and are (i) funded by Program Funds under grant applications which are approved by the Ports of Los Angeles or Long Beach prior to October 1, 2008, or (ii) privately funded without Program Funds under committed sales orders issued prior to October 1, 2008.

“Gross Vehicle Weight Rating” is defined in California Vehicle Code Section 350.

“International Registration Plan” is a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees on the basis of total distance operated in all jurisdictions.

+ “Legacy LNG Trucks” means Kenworth Model T-800 trucks equipped with Cummins ISX-G engines with emissions certified to 0.96 grams per brake horsepower hour (g/bhp-hr) for oxides of nitrogen (NO_x) and 0.02 g/bhp-hr for particulate matter (PM), retrofitted with the Westport High-Pressure Direct Injection Liquified Natural Gas (LNG) conversion kit, funded by the Ports of Los Angeles and Long Beach under Cost Sharing Agreement No. 2588 and Los Angeles contracts numbered 2589, 2590, 2596, 2597, 2598, 2600, 2683, 2684, and 2685, when operated on LNG.

“Lessee” has the same meaning as in California Vehicle Code Section 371.

* “Licensed Motor Carrier” means a licensed motor carrier in good standing and in compliance with the requirements of a valid license/permit under either (1) a California Motor Carrier Permit issued by the California Department of Motor Vehicles under the California Vehicle Code, or (2) a state motor carrier permit issued by any U.S. State, or (3) a Federal Motor Carrier License (USDOT Number) and Operating Authority (MC or MX Number).

See Item 10 for explanation of abbreviations and symbols.

Order No.	Adopted	EFFECTIVE:
Ordinance No.	Adopted	

SECTION TWENTY
 CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued

DEFINITIONS HEAVY DUTY DRAYAGE TRUCKS –Continued

“Military Tactical Support Vehicles” is as defined in Title 13, CCR, Section 1905.

“On-Road” means a vehicle that is designed to be driven on public highways and roadways and that is registered or is capable of being registered by the California Department of Motor Vehicles (DMV) under Vehicle Code sections 4000 et seq., or DMV’s equivalent in another state, province, or country, or the International Registration Plan.

“Optical Character Recognition” or “OCR” is a system designed to read and digitize existing On-Road vehicle identifiers, such as state license plates, which will enable the Terminal Operator to access the Drayage Truck’s records in the DTR.

“Oxides of nitrogen” or “NOx” means compounds of nitrogen and oxygen, including nitric oxide and nitrogen dioxide.

“Ports” means all waterfront property owned by Ports of Los Angeles and Long Beach and the Terminal Island Container Transfer Facility.

“Port Property” means all property owned by the Port of Los Angeles within the Harbor District of Los Angeles.

* “Program Funds” means monies disbursed by the Ports of Long Beach and Los Angeles through the Clean Truck Fund, including funds received for that purpose from South Coast Air Quality Management District and State Proposition 1B general obligation bond funds.

[C]
 2000
 (Cont.)

See Item 10 for explanation of abbreviations and symbols

Order No.
 Ordinance No.

Adopted
 Adopted

EFFECTIVE:

SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued	Item No.
<p style="text-align: center;">DEFINITIONS HEAVY DUTY DRAYAGE TRUCKS –Continued</p> <p>“Terminal” is any facility on Port Property used for the transfer of cargo from one mode to another, including container terminals, break bulk terminals, dry bulk terminals and railyards.</p> <p>“Terminal Operator” is the entity with contractual authority from the Port of Los Angeles to operate a Terminal.</p> <p>“Radio Frequency Identification Device” or “RFID” is an electronic device with a unique identification number, installed on a Drayage Truck which will enable the Terminal Operator to access the Drayage Truck’s records in the DTR.</p> <p>“Vehicle” is as defined in Vehicle Code Section 670.</p> <p>“Verified Diesel Emission Control Strategy” or “VDECS” is an emission control strategy that has been verified pursuant to the “Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines” in Title 13, California Code of Regulations, commencing with Section 2700, and incorporated by this reference.</p> <p>“Yard Truck” means an off-road mobile utility vehicle used to carry cargo containers with or without chassis; also known as utility tractor rig (UTR), yard tractor, yard goat, yard hostler, or prime mover.</p>	<p>[C] 2000 (Con’t)</p>
See Item 10 for explanation of abbreviations and symbols.	

	Order No. Adopted	Adopted	EFFECTIVE:
	Ordinance No.	Adopted	

SECTION TWENTY
 CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued

Item No.

AUGUST 1, 2008 GATE ACCESS DEADLINE

* By August 1, 2008, at 8:00 a.m., all Terminal Operators shall have installed appropriate means, approved by the Port, of accessing the Port’s Drayage Truck Registry for the purposes of (i) obtaining relevant information to confirm Drayage Trucks’ compliance with Terminal access requirements under this tariff, and (ii) enabling Terminal Operator to collect and remit the Clean Truck Fee. Acceptable alternative means include RFID or OCR readers at all truck processing gates or written consent to other alternative means from the Executive Director of the Port of Los Angeles.

[C][D]
 2005

OCTOBER 1, 2008 DRAYAGE TRUCK DEADLINE

Beginning October 1, 2008, at 8:00 a.m., no Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to:

- (1) any Drayage Truck of model year 1988 or older, or
- (2) any Drayage Truck that cannot be verified as compliant with this Item 2010 deadline by reference to the Drayage Truck’s records in the DTR, as set forth in Item 2005.

* This Item shall not apply to pre-1989 model year Drayage Trucks which are equipped or repowered with 1989 or newer model year engines, which shall be treated as subject to the deadlines applicable to their engine model year set forth in Items 2015 and 2020, below, following adequate demonstration to the Port of the installation of the newer engine. Pre-1989 model year Drayage Trucks meeting certain criteria may qualify for the Port of Los Angeles Scrap Truck Buyback Program. See www.portoflosangeles.org for details. Pre-1989 model year Drayage Trucks which are registered in the DTR as being replaced by Early Replacement Drayage Trucks shall be permitted an extended deadline until January 1, 2009 if being replaced by diesel engine 2007 Drayage Trucks and until April 1, 2009 if being replaced by Alternative Drayage Trucks.

[C]
 2010

JANUARY 1, 2010 DRAYAGE TRUCK DEADLINE

Beginning January 1, 2010, at 8:00 a.m., no Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to

- (1) any Drayage Truck that is not equipped with:
 - (a) a 1994 – 2003 model year engine certified to California or federal emission standards, and a level 3 VDECS which achieves a minimum 85% reduction in PM emissions and a minimum 25% reduction in NO_x emissions; or
 - (b) a 2004 or newer model year engine certified to California or federal emission standards, or
- (2) any Drayage Truck that cannot be verified as compliant with this Item 2015 deadline

2015

See Item 10 for explanation of abbreviations and symbols.

Order No.	Adopted	EFFECTIVE:
Ordinance No.	Adopted	

SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued		Item No.
<p style="text-align: center;">* JANUARY 1, 2012 DRAYAGE TRUCK DEADLINE</p> <p>Beginning January 1, 2012, at 8:00 a.m., no Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to:</p> <p>* (1) any Drayage Truck that is not a 2007 Drayage Truck or a Legacy LNG Truck, or</p> <p> (2) any Drayage Truck that cannot be verified as compliant with this Item 2020 deadline by reference to the Drayage Truck’s records in the DTR, as set forth as in Item 2005.</p>	<p>[C] 2020</p>	
<p style="text-align: center;">* DRAYAGE TRUCK REGISTRY</p> <p>* 1. Drayage Trucks seeking entry upon Port Property on or after October 1, 2008, shall have been registered on the DTR database prior to the time of entry. Registration on the DTR Database shall be in electronic format or on forms and with supporting documentation as may be required by the Port of Los Angeles to provide required information in verifiable form.</p> <p> 2. In the event of a change in the information provided for registration on the DTR Database with respect to a Drayage Truck, the registration shall be amended within ten (10) calendar days of the change in electronic format or on forms and with supporting documentation as may be required by the Port of Los Angeles.</p>	<p>[C] 2025</p>	
<p style="text-align: center;">CLEAN TRUCK FEE</p> <p>*1. Beginning October 1, 2008, at 8:00 a.m., the following Clean Truck Fees shall be assessed:</p> <p> a. \$35.00 on containers with an outside length of 20 feet or less;</p> <p> b. \$70.00 on containers with an outside length of more than 20 feet.</p> <p>The Clean Truck Fee shall be assessed once, on containerized merchandise at the first point of entry to or departure from the Port of Los Angeles by Drayage Truck, with the exception of merchandise qualifying for the fee exemptions set forth in this Item 2030, paragraph 2. The Clean Truck Fee shall be paid by the cargo owner, notwithstanding anything to the contrary in Items 265 (c) or 265 (i) of this Tariff.</p> <p> 2. The Clean Truck Fee shall not be assessed on containerized merchandise that:</p> <p> a. enters or leaves the Ports by Rail;</p> <p> b. moves between two Terminals within the Ports;</p> <p>* c. enters or leaves the Ports by Alternative Drayage Truck or Legacy LNG Truck;</p> <p>* d. enters or leaves the Port of Los Angeles by 2007 Drayage Truck registered in the DTR as purchased without Program Funds; or</p> <p>+ e. is shipped under contract to the United States Transportation Command, United States Military or Department of Defense.</p>	<p>[C] + 2030</p>	
See Item 10 for explanation of abbreviations and symbols.		
	<p>Order No. Adopted</p> <p>Ordinance No. Adopted</p>	<p>EFFECTIVE:</p>

SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued		Item No.
* CLEAN TRUCK FUND * The first Terminal Operator to handle any containerized merchandise subject to the Clean Truck Fee shall collect and remit the Clean Truck Fee to the Port of Los Angeles, and the monies shall be used by the Board of Harbor Commissioners exclusively for programs for the replacement and retrofit of Drayage Trucks and the rapid transition to 2007 Drayage Trucks serving the Ports of Los Angeles and Long Beach.		2035
* CONCESSIONS * 1. Beginning October 1, 2008, at 8:00 a.m., no Terminal Operator shall permit access into any Terminal in the Port of Los Angeles to any Drayage Truck unless such Drayage Truck is registered under a Concession or a Day Pass from the Port of Los Angeles in the Drayage Truck Registry. * 2. The terms and conditions for the Concession are set forth in the Port of Los Angeles Concession Agreement between the Port of Los Angeles and the Licensed Motor Carrier. Copies of the Port of Los Angeles Concession Agreement and Concession Application are posted on the www.portoflosangeles.org website. Licensed Motor Carriers seeking to apply for a Concession may also obtain information and an application for Concession or Day Pass from the Port of Los Angeles, Attention: Concession Administrator, 425 South Palos Verdes Street, San Pedro, CA 90731. The Concession Fee shall be \$2,500 and the annual fee shall be \$100 per Drayage Truck operating under the Concession (collectively the “Concession Fees”). The Day Pass Fee shall be \$100 per Day Pass. Concession Fees and Day Pass Fees shall be paid by the Licensed Motor Carrier applying for or holding the Concession or Day Pass.		[C] 2040
See Item 10 for explanation of abbreviations and symbols.		
	Order No. Adopted Ordinance No. Adopted	EFFECTIVE:

<p style="text-align: center;">SECTION TWENTY CLEAN AIR ACTION PLAN – GENERAL RULES AND REGULATIONS - Continued</p>	<p style="text-align: center;">Item No.</p>
<p style="text-align: center;">SEVERABILITY</p> <p>If any provision of Port of Los Angeles Tariff No. 4 shall be determined by court or agency of competent jurisdiction to be unenforceable, unlawful or subject to an order of temporary or permanent injunction from enforcement, such determination shall only apply to the specific provision and the remainder of the provisions of this Tariff No. 4 shall continue in full force and effect.</p>	<p style="text-align: center;">2095</p>
<p style="text-align: center;">See Item 10 for explanation of abbreviations and symbols.</p>	

	<p>Order No. Adopted Ordinance No. Adopted</p>	<p style="text-align: center;">EFFECTIVE</p>
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