

Original Title Page

FEDERAL MARITIME COMMISSION

AGREEMENT NO. 201155

LOS ANGELES/LONG BEACH

REGIONAL GOODS MOVEMENT EFFICIENCY TEAM

MARINE TERMINAL OPERATORS DISCUSSION AGREEMENT
[as defined in 46 C.F.R. § 535.307(c)]

Expiration Date:

This Agreement shall remain in effect indefinitely, or so long as there remain at least two Party members to the Agreement.



TABLE OF CONTENTS

		<u>Page No.</u>
Title Page		
Article I	Full Name of the Agreement	1
Article II	Purpose of the Agreement	1
Article III	Parties to the Agreement	1
Article IV	Geographic Scope of the Agreement	1
Article V	Overview of Agreement Authority	1
Article VI	Officials of the Agreement and Delegation of Authority	2
Article VII	Membership and Withdrawal	4
Article VIII	Duration and Termination of the Agreement	5
Article IX	Amendments	5
Article X	Filing Agent	5

**A DISCUSSION AGREEMENT AMONG LOS ANGELES AND LONG BEACH MARINE
TERMINAL OPERATORS AND OCEAN COMMON CARRIERS**

ARTICLE I - FULL NAME OF THE AGREEMENT

This Agreement shall be known as the Los Angeles/Long Beach Regional Goods Movement Efficiency Team, hereinafter referred to as the "Agreement".

ARTICLE II - PURPOSE OF THE AGREEMENT

The purpose of the Agreement is, through authorization of discussion, consultation and development of consensus, to establish at the ports of Los Angeles and Long Beach an extended gate program for operation of the terminal facilities at these ports during off-peak hours for the purpose of handling the forecasted increase of container cargo at these ports and as a means to reduce container truck traffic on the area highways during peak commuter hours.

ARTICLE III - PARTIES TO THE AGREEMENT

The parties to the Agreement are set forth in Appendix A annexed hereto.

ARTICLE IV - GEOGRAPHIC SCOPE OF THE AGREEMENT

This Agreement covers the geographic scope of the ports of Los Angeles and Long Beach, California and the surrounding one-hundred fifty (150) mile radius of those ports.

ARTICLE V - OVERVIEW OF AGREEMENT AUTHORITY

A. The Parties may from time to time meet to confer, discuss, exchange information and agree on a voluntary basis with respect to rates, charges, operating costs, practices, legislation, regulations, terminal operations and port administration on matters concerning the establishment of extended gate programs, night time terminal operations and rail utilization for the ports of Los Angeles and Long Beach, California. The Parties are also authorized to discuss, consult and exchange information as to finding ways to reduce daytime truck traffic on the roadways surrounding the ports of Los Angeles

Los Angeles/Long Beach Regional Goods Movement Efficiency Team
FMC Agreement No. 201155

and Long Beach by improving rail utilization for cargo moving through the ports.

B. Parties may seek input and gather information on matters concerning the establishment of extended gate programs, night time terminal operations, rail utilization and truck traffic congestion from users of the services and facilities provided by the Parties to this Agreement. Ocean common carriers and marine terminal operators who are not Parties to the Agreement may attend and participate in public meetings as set forth in the Ralph M. Brown Act, California Government Code Section 54950 et seq., but shall not participate in any decisions made by the Parties to the Agreement. Attendance and commenting in public meetings shall not be deemed participation in the deliberation and decision making authority granted by this Agreement.

C. It is understood that the Parties may in the future by amendment to this Agreement, subject to the requirements of the Shipping Act of 1984, as amended, broaden the authority regarding this agreement.

D. The Parties are authorized to reach additional agreement(s) which shall be filed with the Federal Maritime Commission as provided in the Shipping Act of 1984, as amended.

ARTICLE VI - OFFICIALS OF THE AGREEMENT AND DELEGATION OF AUTHORITY

A. Co-Chairs

Four Co-Chairs shall call and preside over all meetings held pursuant to this agreement. The four Co-Chairs will consist of two individuals representing the Port of Los Angeles and two individuals representing the Port of Long Beach. Each Port shall have the authority to appoint its two respective Co-Chairs and each Port may appoint replacement Co-Chairs upon written notice to the Agreement members. Any future appointments of Co-Chair representatives will be effective upon filing notice with the Federal Maritime Commission. The initial Co-Chairs are:

- 1) Port of Los Angeles Commissioner James Acevedo, whose address is 425 S.

Palos Verdes Street, San Pedro, California 90731;

- 2) Long Beach Councilman Frank A. Colonna, whose address is 333 West Ocean Blvd., 14th Floor, Long Beach, California 90802;
- 3) Los Angeles Councilwoman Janice Hahn, whose address is 200 N. Spring St., Rm. 435, Los Angeles, California 90012;
- 4) Port of Long Beach Commissioner James C. Hankla, whose address is 925 Harbor Plaza, Long Beach, California 90802.

B. Secretary

The parties to this Agreement shall select a Secretary from among the party members to be responsible for all administrative tasks as directed by the parties hereto. The initial Secretary of this Agreement is the Los Angeles City Attorney's Office, whose address is 425 S. Palos Verdes Street, San Pedro, California 90731. The Secretary shall keep a minute record of the proceedings of all meetings and a record of all discussions and actions taken. Copies of the minute records and any other exchanged materials shall be furnished by the Secretary to the Federal Maritime Commission and to each Party. These minute records shall be filed in accordance with the requirements of the Federal Maritime Commission's regulations and shall be certified by the Secretary as to their accuracy.

C. Committees

The Co-Chairs may appoint such committees as may, from time to time, be necessary, and such committees may meet from time to time as may be necessary to accomplish their assignments. At meetings held by these committees, the Co-Chairs and the Secretary shall be entitled to participate *ex officio*.

1. Each such committee shall keep accurate minutes of each meeting, whether in person or by telephone conference, recording subjects discussed and views

expressed, and such minutes shall be promptly filed with the Co-Chairs. Each such committee shall also make an oral report of subjects discussed and views expressed within the committee to the full Team membership at each Team meeting, same to include all activities since the last report to the Team membership.

2. Any committee formed under this article shall be entitled to have and exercise all the applicable rights, privileges and processes as set out in this Agreement, and which are available to the parties of the Team as a whole.

D. Meetings

1. Meetings of the Parties to this Agreement may be called by any Party commencing on the effective date of this Agreement.
2. Meetings may be held in person or by telephone or video conference call, or other means agreed to by the members.

ARTICLE VII - MEMBERSHIP AND WITHDRAWAL

Any marine terminal operator, or ocean common carrier, conducting business at the ports of Los Angeles or Long Beach may become a Party to this Agreement, or may withdraw from membership, upon written notice to its Co-Chairs. Any additional Parties of the Team or any Parties withdrawing from the Team will be reflected on a new signature page which will be filed by the Secretary with the Federal Maritime Commission. The Federal Maritime Commission shall, in all cases, be promptly informed of any such changes in new membership and of any termination of membership in this Agreement. Any addition or withdrawal of a Party member shall be effective upon filing notice with the Federal Maritime Commission.

Los Angeles/Long Beach Regional Goods Movement Efficiency Team
FMC Agreement No. 201155

ARTICLE VIII - DURATION AND TERMINATION OF THIS AGREEMENT

This Agreement, and any amendments thereto, shall become effective when it has become effective under the Shipping Act of 1984, as amended. This Agreement shall remain in effect indefinitely, or so long as there remain at least two Party members to the Team.

ARTICLE IX - AMENDMENTS

This Agreement may be amended at any meeting provided that such amendment is filed with the Federal Maritime Commission and effective under the Shipping Act of 1984, as amended.

ARTICLE X - FILING AGENT

Each of the Parties appoints the Los Angeles City Attorney's Office as its representative authorized on their behalf to file this Agreement, and any modifications or amendments to this Agreement with the Federal Maritime Commission, and to make all other filings on their behalf with the Commission relating to this Agreement, including the filing of minutes required by 46 C.F.R. § 535.706.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed, in multiple copies, by their respective offices, as of February 27, 2004.

There follow on separate pages, duly executed and acknowledged signatures of authorized officials of each Party hereto.

This Agreement and each amendment to or republication of this Agreement may be executed in one or more counterparts, and all of such counterparts shall constitute one Agreement, notwithstanding that all Parties are not signatory to the same counterpart.

Los Angeles/Long Beach Regional Goods Movement Efficiency Team
FMC Agreement No. 201155

APPENDIX A

Port of Los Angeles
425 South Palos Verdes Street
San Pedro, CA 90731

Port of Long Beach
925 Harbor Plaza
Long Beach, CA 90802

P&O Nedlloyd Limited
6 Hutton Center Drive, Suite 520
Santa Ana, CA 92707

MOL America Inc.
As Agent for Mitsui O.S.K. Lines
4500 E. Pacific Coast Highway, Suite 300
Long Beach, CA 90804

Pasha Stevedoring & Terminals
802 S Fries Ave.
Wilmington, CA 90744