

0150-12409-0000

T R A N S M I T T A L

TO Eugene D. Seroka, Executive Director Harbor Department	DATE 11/30/2023	COUNCIL FILE NO.
FROM The Mayor	COUNCIL DISTRICT 15	

**RESOLUTION NO. 23-10191 AND PROPOSED FIRST AMENDMENT TO RECIPROCAL
LICENSE AGREEMENT NO. 23-2012 WITH SOUTHERN CALIFORNIA EDISON COMPANY
TO EXTEND THE TERM BY FIVE YEARS, WITH NO ADDITIONAL FUNDING,
TO CONTINUE THE EXCHANGE OF CERTAIN COMPARABLE ACCESS RIGHTS**

Approved and transmitted for further processing including Council consideration.
See the City Administrative Officer report attached.



MAYOR
(Solomon Rivera for)

REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: September 20, 2023

CAO File Nos. 0150-12409-0000

Council File No.

Council District: 15

To: The Mayor

From: Matthew W. Szabo, City Administrative Officer

Reference: Correspondence from Los Angeles Board of Harbor Commissioners (Board) dated June 8, 2023 regarding June 7, 2023 Board Resolution; referred by the Mayor for report on June 8, 2023

Subject: **RESOLUTION NO. 23-10191 AND PROPOSED FIRST AMENDMENT TO RECIPROCAL LICENSE AGREEMENT NO. 23-2012 WITH SOUTHERN CALIFORNIA EDISON COMPANY TO EXTEND THE TERM BY FIVE YEARS, WITH NO ADDITIONAL FUNDING, TO CONTINUE THE EXCHANGE OF CERTAIN COMPARABLE ACCESS RIGHTS**

RECOMMENDATIONS

1. Approve Los Angeles Harbor Department (Port) Resolution No. 23-10191 authorizing the proposed First Amendment to Reciprocal License Agreement No. 2012 with Southern California Edison Company to extend the term by five years, retroactive from May 1, 2023 through April 30, 2028, with no additional funding, to continue the exchange of certain comparable access rights;
2. Adopt the June 7, 2023 Board of Harbor Commissioners findings that the proposed action is categorically exempt from the requirements of California Environmental Quality Act (CEQA) under Article III Class 1(14) of the Los Angeles City CEQA Guidelines; and
3. Authorize the Port Executive Director, or designee, to execute the proposed amendment, already approved as to form by the City Attorney, and return the Resolution to the Port for further processing, including Council consideration.

SUMMARY

The Los Angeles Board of Harbor Commissioners (Board) requested approval of its June 7, 2023 Resolution Nos. 23-10191 (Attachment 1) which authorizes the proposed First Amendment to Reciprocal License Agreement No. 2012 (Agreement) between the Los Angeles Harbor Department (Port) and Southern California Edison Company (SCE) to extend the term by five years, retroactive from May 1, 2023 through April 30, 2028 for a total term of 30 years. All other terms, conditions, and obligations remain the same. There is no compensation payable by either parties under this reciprocal Agreement.

The proposed amendment has been approved as to form by the City Attorney. Pursuant to Charter Section 373 and Los Angeles Administrative Code Section 10.5, Council approval is required because the cumulative contract term exceeds three years. Our Office has reviewed the request and recommends approval.

BACKGROUND

The Board approved the original Reciprocal License Agreement on August 4, 1998 for a contract term of 25 years from May 1, 1998 through April 30, 2023 (C.F. 98-1490). The Agreement was executed to resolve access issues due to the Port's development of a cargo terminal at Berths 142 – 146, which resulted in relocation of a rail yard owned by the Union Pacific Railroad (UPRR) and rail access needs across right-of-way owned by SCE in two places. The Agreement provides for the exchange of comparable access/connectivity rights as opposed to a 1:1 transfer of square footage/property rights.

Under the Agreement, SCE utilizes the land owned by the Port generally located at 2422 East Sepulveda Boulevard, Long Beach, California, including portions of an access road (*SCE Licensee Area*); and the Port utilizes the properties owned by SCE located near 2401 East Sepulveda Boulevard, Long Beach and 2404 East Pacific Coast Highway, Wilmington, California, and retain rights to an access road (*HD Licensee Area*). See Figure 1 for a site map.

- SCE Licensee Area – Used by SCE, consisting of a truck storage and staging area (80,964 square feet) for its tenant and allotted access road (34,578 square feet).
- HD Licensee Area – Used by the Port, consisting of the spur track areas (23,871 square feet) and allotted access road (30,240 square feet), for the operation and maintenance of spur tracks that connect the Union Pacific Intermodal Container Transfer Facility (ICTF) and one other Port's tenant to a former UPRR line which is a backup to the Alameda Corridor.

Retroactive Time Extension – The current Agreement expired on May 1, 2023. There is no mechanism for a holdover tenancy for a license agreement. To avoid interruptions, the Port and SCE executed an interim Extension of Reciprocal License Agreement in May 2023 to extend the Agreement term for a period not to



exceed eight months through December 31, 2023. This interim extension continues all the terms and conditions of the Agreement, and allows the finalization and authorization of the proposed Amendment by the Board and Council.

CITY COMPLIANCE

California Environmental Quality Act (CEQA) – On June 7, 2023, the Board determined that the proposed action is categorically exempt from requirements of the CEQA pursuant to Article III Class 1(14) of the Los Angeles City CEQA Guidelines.

The City Attorney has reviewed and approved the proposed amendment as to form. Pursuant to Charter Section 373 and Los Angeles Administrative Code Section 10.5, Council approval is required because the cumulative contract term exceeds three years.

FISCAL IMPACT STATEMENT

Approval of the proposed First Amendment to Reciprocal License Agreement No. 2012 between the Harbor Department (Port) and Southern California Edison will not have a financial impact on the Port. There will be no compensation exchanged between the parties due to the reciprocal nature of the Agreement. The recommendations in this report and proposed actions comply with the Port's Financial Policies. There is no impact on the City's General Fund.

Attachment 1 – June 7, 2023 Harbor Board report, Resolution 23-10191

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