

ORDER NO. 21-7292

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

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

Section 1. 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.

Section 2. The Director of Environmental Management has determined that the proposed action is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Article III, Class 1(31) of the Los Angeles City CEQA Guidelines.

Section 3. The Board Secretary shall certify to the adoption of this Order by the Board of Harbor Commissioners and shall cause the same to be published once in a daily newspaper printed and published in the City of Los Angeles, as well as posted electronically on the Port of Los Angeles website.

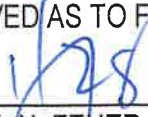
Section 4. The Board Secretary shall transmit to the City Council for approval the Order and Ordinance approving the amendment to Tariff No. 4 pursuant to City Charter Section 653(a).

Section 5. 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 February 18, 2021.


for AMBER M. KLESGES
Board Secretary

APPROVED AS TO FORM AND LEGALITY


_____, 2021
MICHAEL N. FEUER, City Attorney
JANNA B. SIDLEY, General Counsel

By 

JOHN T. DRISCOLL, Deputy City Attorney

JTD
Attachment

PORT OF LOS ANGELES – TARIFF NO. 4

Second Revised Page 40-A

Cancels

First Revised Page 40-A

| SECTION THREE – Continued PILOTAGE – Continued | Item No. |
|---|------------------|
| <p style="text-align: center;">VESSEL TRAFFIC SERVICE (VTS) (This rule not enforceable by the Federal Maritime Commission with whom this tariff is filed)</p> | |
| <p>Vessels entering, departing, or operating within San Pedro Bay and the approximately 25 mile approach to San Pedro Bay (collectively known as the Vessel Traffic Service (VTS) area as defined in Item No. 350) must comply with the obligations set forth in (1) Port of Los Angeles Tariff No. 4, Section Three, and (2) the Los Angeles-Long Beach Vessel Traffic Service (VTS) User Manual identified in Port of Los Angeles Tariff Item No. 345(D). Certain vessels as prescribed in Los Angeles Tariff Item No. 370 shall pay a VTS fee. The vessel non-fee obligations depend on the size and type of vessel as set forth in the Port of Los Angeles Tariff, Section Three. Certain vessels must actively communicate with the applicable Vessel Traffic Centers (VTC) as defined in the User Manual. Other vessels need not contact the VTC initially but must monitor vessel radio communications and respond to VTC inquiries when hailed. Consult the User Manual for detailed requirements.</p> <p style="text-align: center;">DEFINITIONS</p> <p>A. “Covered Vessel” (Mandatory Active Participation) means any of the following:</p> <ol style="list-style-type: none"> 1. Every power driven vessel of 40 meters (approximately 131 feet) or more in length, while navigating; 2. Every towing vessel of 8 meters (approximately 26 feet) or more in length, while navigating; 3. "Towing vessel", as used in this article, means any commercial vessel engaged in towing another vessel astern, or along side, or by pushing it ahead; 4. Every vessel issued a certificate to carry 50 or more passengers for hire, when engaged in trade, regardless of length of vessel, or whether under sail or power driven. <p>B. “Passive Vessel” (Mandatory Passive Participation) means any of the following:</p> <ol style="list-style-type: none"> 1. Every power driven vessel of at least 20 meters but less than 40 meters (approximately 65 to 131 feet) in length; 2. Every vessel of 100 gross tons or more carrying one or more passengers for hire; 3. Every dredge or floating plant. <p>C. Non-Participating Vessels:</p> <p>If your vessel does not fall into either of the above categories, you are not required by law to participate with VTS. However, your vessel is still subject to the following:</p> <ol style="list-style-type: none"> 1. Observe and obey all International Rules of the Road, especially Rule 9 and Rule 10; 2. Observe VTS measures (advice/information given by the VTS); 3. Comply with all other measures of safe navigation and prudent seamanship; 4. Contact VTS on VHF-FM 14 Channel to obtain information, seek assistance, or report emergencies; 5. Monitor VHF-FM Channel 14 at all times; 6. Use a radar reflector even if you are small vessel or recreational craft. | <p>* 340</p> |
| <p>See Item 10 for explanation of abbreviations and symbols.</p> | |

| | | | |
|--------------------|--|---|-------------------------|
| Correction No. 217 | Order No. 6720 Ordinance No. 173867 | Adopted February 28, 2001 Adopted March 27, 2001 | EFFECTIVE: May 13, 2001 |
|--------------------|--|---|-------------------------|

| SECTION THREE – Continued PILOTAGE – Continued | Item No. |
|---|------------------|
| <p style="text-align: center;">VESSEL TRAFFIC SERVICE (This rule not enforceable by the Federal Maritime Commission with whom this tariff is filed) <input type="checkbox"/></p> | |
| <p style="text-align: center;">VESSEL TRAFFIC SERVICE</p> <p>A. The purpose of the VTS is to improve vessel transit safety by providing vessel operators with advance information of other reported marine traffic and any additional information, advice and recommendations which may affect vessel traffic safety within the VTS area. The goal of the Los Angeles/Long Beach Vessel Traffic Service is to provide seamless navigation information to improve vessel transit safety. The Coast Guard/Marine Exchange, Los Angeles Pilots and Long Beach Pilots each specializing in their own area, have worked together to create a unique system. The Vessel Traffic Service is a cooperative effort of the State of California, U.S. Coast Guard, Marine Exchange of Los Angeles – Long Beach Harbor, Inc., Ports of Los Angeles and Long Beach, and under the authority of California Government Code Section 8670.21, Harbors and Navigation Code Section 445-449.5 and the port tariffs of Los Angeles and Long Beach.</p> <p>B. Vessels outside the federal breakwater to 25 nautical miles from Point Fermin will be provided with vessel traffic information through “San Pedro Vessel Traffic Center” (VTC.) San Pedro VTC is jointly operated by the Coast Guard and the Marine Exchange. The San Pedro VTC will provide vessel operators with information.</p> <p>C. Vessels inside the federal breakwater within the boundaries of the Los Angeles and Long Beach sectors will be provided with advisory information on other reported marine traffic and any additional information available to the VTS that may affect vessel traffic safety within their sector.</p> <p>D. VTS operation procedures may be found in the “Los Angeles – Long Beach Vessel Traffic Service (VTS) User Manual.” Copies of this manual may be obtained by contacting either the Marine Exchange of LA-LB Harbor or the United States Coast Guard.</p> | <p>* 345</p> |

See Item 10 for explanation of abbreviations and symbols.

| | | | |
|--------------------|--|---|-------------------------|
| Correction No. 218 | Order No. 6720 Ordinance No. 173867 | Adopted February 28, 2001 Adopted March 27, 2001 | EFFECTIVE: May 13, 2001 |
|--------------------|--|---|-------------------------|

SECTION THREE – Continued
PILOTAGE – Continued

Item No.

Intentionally left blank

See Item 10 for explanation of abbreviations and symbols.

| | | | |
|--------------------|--|---|-------------------------|
| Correction No. 219 | Order No. 6720 Ordinance No. 173867 | Adopted February 28, 2001 Adopted March 27, 2001 | EFFECTIVE: May 13, 2001 |
|--------------------|--|---|-------------------------|

SECTION THREE – Continued
PILOTAGE – Continued

Item No.

Intentionally left blank

See Item 10 for explanation of abbreviations and symbols.

| | | | |
|--------------------|--|---|-------------------------|
| Correction No. 220 | Order No. 6720 Ordinance No. 173867 | Adopted February 28, 2001 Adopted March 27, 2001 | EFFECTIVE: May 13, 2001 |
|--------------------|--|---|-------------------------|

| SECTION THREE – Continued PILOTAGE – Continued | Item No. | |
|---|---|------------------------------------|
| <p style="text-align: center;">VESSEL TRAFFIC SERVICE (This rule not enforceable by the Federal Maritime Commission with whom this tariff is filed)</p> | | |
| <p style="text-align: center;">VTS AREA</p> <p>The VTS Area, as authorized by California Harbors and Navigation Code (Section 445) and endorsed by the U.S. Coast Guard, will include the waters of San Pedro Bay and San Pedro Channel (outside the federal breakwater) and Santa Monica Bay that are encompassed within the arc of a circle having its center at Point Fermin Light, with a radius of twenty-five (25) nautical miles drawn from a position on the shore in the vicinity of Abalone Point to the south, (33 degrees – 33.8’N, 117 degrees – 49.5’W) clock wise to a point on the shore in the vicinity of Malibu Point to the north (34 degrees - 02.5’N, 118 degrees - 35.3’W).</p> | 350 | |
| <p style="text-align: center;">VTS “USER FEE” AUTHORIZATION</p> <p>Under the provisions of the State of California Harbors and Navigation Code, Section 446.5 and Government Code Section 8670.21 (f)(2), the Port of Los Angeles imposes "User Fees" upon all arriving covered vessels (see Item 340) transiting the VTS Area, for the purpose of anchoring or berthing at the Port of Los Angeles, (including anchorages outside the federal breakwater). As required by state law, these “User Fees” will pay the cost of operating the Vessel Traffic Service for the Ports of Los Angeles and Long Beach to facilitate safe, reliable, and efficient marine transportation, while protecting the environment.</p> | 355 | |
| <p style="text-align: center;">VTS “USER FEES” INVOICING AND PAYMENT PROCEDURES</p> <p>A. All Vessel Traffic Service “User Fees,” named in this Tariff (see Item 370,) shall be assessed against all <u>arriving</u> covered vessels (see Item 340 A), subject to the payment of the VTS “User Fees” under these rules. “User Fees” shall be paid by the vessel so assessed, through its master, owner, agent, charterers, or other person duly authorized to do so, upon each arrival to the Port of Los Angeles. In addition, any person responsible under this item (or, pursuant to a contract, the vessel, its owners, and charterers,) are jointly and severally responsible for payment of all VTS User Fees, and each agrees to guarantee such payment.</p> <p>* B. The Vessel Traffic Service User Fees under this section shall be invoiced by, and be paid to, the Marine Exchange of Los Angeles-Long Beach Harbor, Inc., P. O. Box 1949, San Pedro, CA 90733-1949. TELEPHONE: 310-519-3128; FAX: 310-241-0300.</p> <p>B. Non-payment or delinquent invoices may be subject to a late payment charge consisting of 1/30 of two percent of the invoice amount remaining unpaid each day.</p> | [C] 360 | |
| <p>See Item 10 for explanation of abbreviations and symbols.</p> | | |
| <p>Correction No. 681</p> | <p>Order No. 15-7179 Adopted June 18, 2015 Ordinance No. 183872 Adopted September 16, 2015</p> | <p>EFFECTIVE: October 24, 2015</p> |

| | |
|---|----------|
| SECTION THREE – Continued PILOTAGE – Continued | Item No. |
|---|----------|

VESSEL TRAFFIC SERVICE
 (This rule not enforceable by the Federal Maritime
 Commission with whom this tariff is filed)

VESSEL TRAFFIC SERVICE USER FEES

A. VTS User Fees shall be based on the actual Length Over All (LOA) of each arriving covered vessel (see Item 340 A.), in meters, as follows:

| OVER | BUT NOT OVER | 4/1/2021 | 4/1/2022 | 4/1/2023 |
|------|--------------|----------|----------|----------|
| 0 | 150 | \$261 | \$288 | \$318 |
| 150 | 190 | \$287 | \$317 | \$350 |
| 190 | 230 | \$334 | \$369 | \$408 |
| 230 | 270 | \$389 | \$430 | \$475 |
| 270 | 310 | \$438 | \$484 | \$535 |
| 310 | 335 | \$492 | \$544 | \$601 |
| 335 | -- | \$553 | \$611 | \$675 |

B. In addition to the above LOA VTS User Fees, each arriving covered vessel will be assessed the following fees per gross registered ton (GRT) as recorded by Lloyds.

+ * [A]
370

| 4/1/2021 | 4/1/2022 | 4/1/2023 |
|----------|----------|----------|
| \$0.0035 | \$0.0039 | \$0.0043 |

C. EXCEPTIONS:

1. Tugs with Commercial Tows – Every arriving power driven vessel of eight meters (approximately 26 feet) or longer engaged in towing astern, alongside, or pushing ahead another vessel or vessels shall be assessed a VTS User Fee of \$240.00. There is no VTS User Fee for the towed vessel or vessels.

2. Passenger Ferries (**) and other commercial vessels engaged in trade between LA/LB Harbor and Santa Catalina and the Channel Islands – During the months of June, July, and August, all such vessels shall be assessed a monthly VTS User Fee of \$395.00 for each vessel in operation, regardless of total trips made. For the rest of the year, the rate shall be \$195.00 per month per vessel in operation, regardless of total trips made.

(**) Note: Covered vessels in this category include all vessels certified to carry fifty or more passengers for hire regardless of LOA or gross tonnage; and any vessel (sail or power driven) 100 gross tons and over, carrying one or more passengers for hire.

See Item 10 for explanation of abbreviations and symbols.

| | | | |
|----------------|----------------------------|--------------------|------------|
| Correction No. | Order No. Ordinance No. | Adopted Adopted | EFFECTIVE: |
|----------------|----------------------------|--------------------|------------|

| SECTION THREE – Continued PILOTAGE – Continued | | Item No. |
|---|----------------------------|----------------------------------|
| <p>VESSEL TRAFFIC SERVICE (This rule not enforceable by the Federal Maritime Commission with whom this tariff is filed)</p> <p>3. Tugs with Commercial Tows; Dredges and Derrick Barges; Vessels Engaged in Offshore Oil Well Maintenance and Supply Services; and Other Vessels Engaged in “Port Construction Projects” Between Points on the California Coast from Pt. Dume to the North to Dana Pt. to the South (and including Santa Catalina Island), or a Designated Dumping Area for Dredging Spoils – All such vessels shall be assessed a monthly VTS User Fee of \$395.00 for each vessel in operation, regardless of total trips made in and out of LA/LB Harbor. However, that if such a vessel makes only one trip in any given month, then that vessel shall be assessed the basic \$240.00 VTS User Fee for a standard “tug with commercial tow”.</p> <p>4. Commercial Assist Vessels (8m or longer) and environmental response vessels – All such vessels shall be assessed a monthly VTS User Fee of \$35.00 for each vessel engaged in such service.</p> <p>5. “Whale Watching” and Commercial Sport Fishing Vessels – Any vessel certified to carry fifty or more passengers, and dedicated to whale watching; and/or commercial sport fishing, shall be assessed a monthly VTS User Fee of \$65.00 for each vessel engaged in such service.</p> <p>6. Support services – Every arriving power-driven vessel 40 meters or longer engaged in support services within the LA/LB Captain of the Port zone, to include Echo Pal, shall be assessed a monthly VTS User Fee of \$240 for each vessel engaged in such service.</p> <p>7. Innocent Passage – Any covered vessel that passes through the VTS “Area of Responsibility” (see Item 350), and that does <u>not</u> make any official arrival at either the Port of Los Angeles or Port of Long Beach (for the purpose of occupying a berth or anchorage), shall be considered to have made an “Innocent Passage,” and shall <u>not</u> be subject to any VTS User Fee.</p> | | <p>+ * [A] 370</p> |
| See Item 345 | | 380 |
| See Item 10 for explanation of abbreviations and symbols. | | |
| Correction No. | Order No. Ordinance No. | Adopted Adopted EFFECTIVE: |

| | | |
|--|---|-------------------------|
| PORT OF LOS ANGELES – TARIFF NO. 4 | Second Revised Page40-E Cancels First Revised Page40-E | |
| SECTION THREE – Continued PILOTAGE – Continued | Item No. | |
| VESSEL TRAFFIC SERVICE (This rule not enforceable by the Federal Maritime Commission with whom this tariff is filed) | | |
| Intentionally left blank | | |
| See Item 10 for explanation of abbreviations and symbols. | | |
| Correction No. 224 | Order No. 6720 Adopted February 28, 2001 Ordinance No. 173867 Adopted March 27, 2001 | EFFECTIVE: May 13, 2001 |