

MINUTES OF A REGULAR MEETING OF THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY GOVERNING BOARD HELD ON SEPTEMBER 9, 2021 AT 9:30 A.M. VIA TELECONFERENCE IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER N-08-21.

Members participating via teleconference:

Suzie Price, City of Long Beach
Joe Buscaino, City of Los Angeles
Frank Colonna, Port of Long Beach
Janice Hahn, Los Angeles County Metropolitan Transportation Authority
Edward Renwick, Port of Los Angeles

Alternate Members participating via teleconference:

Tony Gioiello, Port of Los Angeles
Duane Kenagy, Port of Long Beach

Also participating via teleconference:

Michael Leue, ACTA, Chief Executive Officer
Kevin Scott, ACTA, Chief Financial Officer
Heather McCloskey, ACTA, Co-General Counsel
Lauren Misajon, ACTA, Co-General Counsel
Maria Melendres, ACTA, Governing Board Secretary

CHAIR PRICE PRESIDED AS CHAIR.

The meeting was called to order at 9:32 a.m. by Vice Chair Buscaino. Roll call was taken. Chair Price arrived at 9:33 a.m.

REPORTS

1. JULY 2021 CORRIDOR PERFORMANCE

Mr. Michael Leue gave an update on Corridor performance statistics through July 2021. He stated that from July 2020, TEU volumes increased 22% and revenue increased 6.8%. He added that the reason revenue didn't increase as did the number of TEU's was due to the number of empties handled, which generate less revenue. In addition, there was a decrease in revenue performance in July 2021 due to the transportation logistic system. In regards to port container throughput, he stated that there was a slight drop of 4%. Mr. Leue added that, historically, ACTA's revenue continues to climb slowly. However, the percentage of port cargo handled by ACTA has dropped continuously over the years due to transloading.

Mr. Leue also provided a status report on short-haul rail. Mr. Leue presented the opportunities, challenges and next steps. Board Member Hahn asked that as part of the feasibility studies, the quantity of trucks being removed and jobs eliminated should be studied as well. Mr. Leue stated that he would make a note of the request. Board Member Renwick asked how the feasibility studies would assist with the first challenge, which is the railroad agreements. Mr. Leue stated that the first step would be to meet with the railroads

to begin engagement. Mr. Renwick stated that efforts should be coordinated with the ports. Mr. Leue stated that there is ongoing collaboration with port staff. Board Member Tony Gioello and Board Member Duane Kenagy both concurred that there is ongoing collaboration with ACTA and that it will continue.

Mr. Kevin Scott provided the information requested by Board Member Renwick at the August 2021 meeting in regards to the monthly financial report.

(Vice Chair Buscaino left the meeting at 9:53 a.m.)

CONSENT AGENDA – ITEM NO. 2

2. MINUTES - ACTA GOVERNING BOARD REGULAR MEETING OF AUGUST 12, 2021 – APPROVED.

Minutes of the Regular Meeting of August 12, 2021 of the Governing Board of the Alameda Corridor Transportation Authority were presented to the Governing Board.

REGULAR AGENDA – ITEM NOS. 3-5

3. DOLORES YARD CROSSOVER PROJECT – MOA WITH UP, BNSF, POLA AND POLB – PROJECT CATEGORICALLY EXEMPT FROM CEQA – TABLED.

Communication from Michael C. Leue, Chief Executive Officer, dated September 9, 2021, recommending that the Board: (1) find the Dolores Yard Crossover Project categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15301, Section 15302, Section 15303, Section 15304 and Section 15311 of the State CEQA Guidelines; (2) approve the Project Memorandum of Agreement (MOA) among the City of Los Angeles Harbor Department (POLA), the City of Long Beach Harbor Department (POLB), Union Pacific Railroad Company (UP), BNSF Railway Company (BNSF) and ACTA; (3) authorize ACTA's CEO to execute and the Governing Board Secretary to attest to the MOA on behalf of the Governing Board; and (4) authorize ACTA's CEO to file the Notice of Exemption (NOE) with the County of Los Angeles, was presented to the Governing Board.

Mr. Leue provided background information regarding the item. He stated that the item was tabled from the August 12, 2021 Board meeting based on public comment received by Ms. Gina Martinez, Chair of the Wilmington Neighborhood Council. He added that the Wilmington Neighborhood Council had not received information about the project prior to the August 12, 2021 Board meeting. The project is a minor project with benefits to the Wilmington Community.

Mr. Leue stated that beginning on August 12, 2021 he made a sustained effort to meet with the Wilmington Neighborhood Council. He added that he offered to make a presentation at their August meeting and to meet with council members individually. Mr. Leue spoke with Ms. Martinez on August 25, 2021 and addressed the concerns stated in her public comment. He provided a presentation via email with information on the project and addressing their concerns on September 8, 2021.

Board Member Hahn asked what the Wilmington Neighborhood Council's concerns were and how ACTA addressed them. Mr. Leue provided the information. Board Member Hahn stated that moving forward it's important that ACTA reaches out to the Wilmington Neighborhood Council in regards to projects being built in Wilmington, even if we think they are not being impacted.

Mr. Leue stated that public comment had just been received for Item 3.

Public Comment received from Ms. Gina Martinez, Chair, Wilmington Neighborhood Council for Item 3:

My name is Gina Martinez, and I am the chair of the Wilmington Neighborhood Council. I am extremely grateful that this item was previously tabled however I am respectfully requesting that agenda item 3 be tabled again until the concerns of the stakeholders of Wilmington be addressed. I previously had spoken with Michael Leue with ACTA regarding the Dolores yard crossover. Although Mr. Leue states he has been attempting to arrange a meeting with the Wilmington Neighborhood Council since August 12. My first contact with Mr. Leue was on August 23rd. Initially, we had planned to meet and discuss the project and have the opportunity to discuss any questions we may have. Due to Covid 19 affecting our board members and their family this meeting has yet to take place. We had people in quarantine, caregiving and suffering from Covid. I spoke with Mike 2 days ago who was very gracious and kind and explained the situation. He agreed to send over information regarding this project so I could forward it to our planning chair and committee to review as they are the most knowledgeable and said we could contact him with any questions. The information was received in my email box at 5:51 yesterday. (see attached) There was no attachment for project information for me to forward to our planning committee and this was done after hours and has made it impossible for us to be given the opportunity to ask any questions and less than 24 hours to review it before it will be voted on. I also want to point out that Mikes's email was sent to former board members and not current board members so no other board members received this email and for some reason, gmail sent it to my spam folder. In reality, we have had only approximately 15 hours to review the email information sent to us and no opportunity to ask any questions and our planning committee has not had an opportunity to review it. I understand that there may not be another meeting scheduled until close to the end of the year however ACTA does have it within its authority to hold a Special Meeting to address this one issue. In closing, I would like to point out that the community of Wilmington has ALWAYS been a good neighbor to the port and the railroad and all its related activities. We were overlooked previously regarding this project and we now ask that we be granted this small consideration. Please table this item until at least October 1 of this year so we can have a proper presentation to our Board by ACTA at our next meeting and if need be please have a Special meeting to address this issue. It is not fair for our community to not be given a proper presentation, proper review or not be able to ask questions.

Board Member Hahn moved that Item 3 be tabled until a presentation on the project is given to the Wilmington Neighborhood Council seconded by Chair Price. Roll call was taken and carried by the following vote.

AYES: Colonna, Gioiello, Hahn, Kenagy, Price, Renwick
NOES: None
ABSENT: Buscaino

Board Member Hahn added that ACTA's public relations and outreach firm should assist with the messaging, outreach and the presentation to the Wilmington Neighborhood Council.

4. ALAMEDA CORRIDOR DISPATCHING AGREEMENT – NINTH AMENDMENT – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated September 9, 2021, recommending the approval of the Ninth Amendment to the Alameda Corridor Dispatching Agreement and authorization of the Chief Executive Officer to execute the amendment, extending the term of the Alameda Corridor Dispatching Agreement between ACTA, the BNSF Railway Company, and Union Pacific Railroad Company, for up to six months through April 14, 2022, was presented to the Governing Board.

Board Member Hahn referenced to both Items 4 and 5 and stated that these agreements continue to be extended and it seems there is less accountability when the agreements are extended, instead of issuing new agreements. Chair Price asked Mr. Leue if the agreement was ever extended beyond 6 months. Mr. Leue responded that there have been extensions greater than 6 months in the past. He stated that the current extension requires BNSF approval and that BNSF has expressed they would not support a longer extension, desiring that the parties move forward with a rotating dispatch plan. Board Member Renwick added that ACTA's only other option is to not extend the agreement and that would result in no contracted dispatcher. Board Member Gioiello added that the delay occurred because of the concern to switch dispatchers in the current high cargo volume situation at the ports.

Board Member Hahn motioned, seconded by Board Member Colonna that Item No. 4 be approved as recommended. Roll call was taken and carried by the following vote:

AYES: Colonna, Gioiello, Hahn, Kenagy, Price, Renwick

NOES: None

ABSENT: Buscaino

5. POLICE AND SECURITY SERVICES AGREEMENT – NINTH AMENDMENT – APPROVED.

Communication from Michael C. Leue, Chief Executive Officer, dated September 9, 2021, recommending the approval of the Ninth Amendment to the Corridor Police and Security Services Agreement and authorization of the Chief Executive Officer to execute the amendment, extending the term of the Alameda Corridor Police and Security Services Agreement, between ACTA, the BNSF Railway Company, and Union Pacific Railroad Company, for up to one year through October 14, 2022, was presented to the Governing Board.

Chair Price stated that there have been some unfortunate incidents in regards to public safety. She asked what was being done to enhance the police and security efforts to ensure that people are not accessing dangerous areas. Mr. Leue responded that a diligent

effort is being made to keep fencing intact and repaired immediately when necessary. The incidents that have occurred were where the fencing and signage were intact. He added that the only thing that can be done to enhance the safety would be to add barbed wire to the fencing, however, the cities along the Corridor were against it for aesthetics purposes. The 20-mile-long Corridor is a long area to patrol. He added that cameras have been considered, however, there have been issues with vandalism and theft of cameras. Mr. Leue stated that enhancing the security of the Corridor is a top priority that ACTA is working on with the railroads, including considering outside patrol.

Board Member Hahn asked why the extension was just one year. Mr. Leue said that ACTA wanted to retain flexibility to adjust the contract to accommodate changing needs and strategies.

Board Member Colonna motioned, seconded by Chair Price that Item No. 5 be approved as recommended. Roll call was taken and carried by the following vote:

AYES: Colonna, Gioiello, Hahn, Kenagy, Price, Renwick

NOES: None

ABSENT: Buscaino

D. PUBLIC COMMENT ON NON-AGENDA ITEMS

None

E. CLOSED SESSION

None

F. ADJOURNMENT

At 10:43 a.m., the meeting was adjourned sine die.