

ORDINANCE NO. **177893**

An Ordinance approving Order No. **6875** of the Board of Harbor Commissioners of the City of Los Angeles, amending the Port of Los Angeles Tariff No. 4.

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

Section 1. That Order No. **6875** passed and adopted by the Board of Harbor Commissioners of the City of Los Angeles on the 17th day of May, 2006, amending Port of Los Angeles Tariff No. 4, be and the same is hereby ratified, confirmed, and approved, which Order is in words and figures as follows, to wit:

ORDER NO. **6875**

An Order of the Board of Harbor Commissioners of the City of Los Angeles amending the 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. 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 follows:

(A) Change of Terminology in Table of Contents and for Los Angeles Port Pilots (Items 305 and 310); The rates, tolls, charges and fees for Pilotage (Item 330) are increased to the rates specifically set forth in the Tariff Items as follows:

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

SECTION THREE – Continued PILOTAGE – Continued	Item No.
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[C] LOS ANGELES PORT PILOTS

[C] (a) The City of Los Angeles, acting by and through its Board of Harbor Commissioners, the governing body of the Port of Los Angeles, maintains a force of federally licensed port pilots to perform the service of piloting vessels in, into and out of the Port of Los Angeles. Any vessel entering, leaving, or shifting within the Port of Los Angeles, by her owners, master, operators, charterers or agents, may, but is not required to, request the services of and be piloted by a port pilot. Such pilotage services are understood to be voluntarily requested and rendered in accordance with the terms set forth in this Tariff.

[C] (b) Upon boarding a vessel in response to the request of a vessel, by her owners, master, operators, charterers or agents, for pilotage service in the Port of Los Angeles, it shall be the duty of each port pilot to place his/her local knowledge of San Pedro Bay and its tributaries at the disposal of the vessel's master.

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[C] (c) The safe navigation of the vessel, including piloting, is at all times the paramount duty of her master, and the presence of a port pilot on the bridge shall in no way relieve the master of his duties. The master remains at all times in full command of the vessel; he shall continue to navigate, and shall take bearings and soundings, check compass courses, check radar, and take all action necessary to safeguard the vessel under his command. In that regard, it shall be the duty of the vessel and her master:

(1) To have posted, and at all times properly instructed, efficient and competent lookouts, each with no other duty to perform, and each with efficient means of rapid communication with the bridge.

(2) To immediately inform the pilot of all reports by lookouts.

(3) On radar-equipped vessels, to have the radar functioning and manned by a competent observer under instructions to keep the master and the pilot constantly and currently informed of observed targets.

See Item 10 for explanation of abbreviations and symbols.

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

SECTION THREE – Continued
PILOTAGE – Continued

Item No.

[C] LOS ANGELES PORT PILOTS – Continued

(4) To arrange for and provide adequate tug assistance, and to arrange for and have available adequate vessel's lines to assist in tying the tug or tugs.

(5) For the master to remain on the bridge at all times and to accompany the pilot in his duties on and about the bridge.

(6) To provide and supervise competent vessel's personnel.

(7) To understand and agree that, inasmuch as all orders of the pilot shall be given in the presence of the master, every such order, unless countermanded, shall, for all purposes, be deemed the order of the master and fully concurred in by him, it being further agreed that the pilot is acting in an advisory and not in a command capacity and has no authority independent of the master.

(8) To understand and agree that a pilot is employed only to have the benefit of his local knowledge of San Pedro Bay and its tributaries.

(9) To understand and agree that currents and winds within San Pedro Bay and its tributaries, while normally minimal, are at times wholly unpredictable as to place, extent or force; that because tidal changes are small, bottom suction cannot be predicted by the pilot.

(10) At all times, to have adequate ship's anchors properly manned and ready to drop.

(11) To provide officers conversant with the English language, or to advise the pilot of any language difficulty and then request that the pilot give his orders by hand signals through the master.

[C]
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(Cont.)

See Item 10 for explanation of abbreviations and symbols.

Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:
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SECTION THREE – Continued PILOTAGE – Continued	Item No.
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[C] LOS ANGELES PORT PILOTS – Continued

[C] (d) As every vessel has her own peculiarities in handling, and as the port pilot will be aboard for a brief time only and without an opportunity to determine by experience the vessel's peculiarities, it is compulsory upon, and the duty of, the vessel, her owners, master, operators, charterers or agents, to advise the pilot, either before or immediately upon his boarding, of such peculiarities, including but not limited to the following:

- (1) Any defects or deficiencies in the vessel, her personnel, engines or tackle;
- (2) The vessel's peculiarities concerning steering, stopping, handling, speed and maneuvering, and the propensity of the vessel to sheer;
- (3) The number and names of the tugs to be supplied to said vessel; and
- (4) Any other information, whether or not herein enumerated, that may or might assist the pilot in the pilotage of the vessel.

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(Cont.)

[C] (e) It is understood and agreed, and is the essence of the contract under which pilotage services are proffered and rendered, and are requested and accepted by the vessel, her owners, master, operators, charterers or agents, that the services of the pilot are requested and accepted on the express understanding that such pilotage services are given, done, or performed solely in the pilot's capacity as the servant of the vessel and of her owners, master, operators, charterers or agents, and not otherwise, and the owners, master, operators, charterers and agents of the vessel expressly covenant and agree to comply with the provisions of subitems (c) and (d) of this Item 305 and not to assert any personal liability against the pilot or the City of Los Angeles, the Board of Harbor Commissioners, or any of their officers or employees, to respond in damage (including any rights over) arising out of or connected with, directly or indirectly, any damage, loss or expense sustained by the vessel, her master, owners, charterers, operators, agents or crew, or by any third parties, even though resulting from acts, omissions or negligence of the pilot; and provided, further, that to the extent only to which liability is legally imposed against the vessel, taking into consideration any limitation thereof to which the vessel or its owners, master, operators, charterers or agents are entitled by reason of any contract or bill of lading, or of any statute or rule of law in force, such vessel and her owners, master, operators, charterers and agents further covenant and agree to indemnify and hold harmless the port pilot, the City of Los Angeles, the Board of Harbor Commissioners, and each of their officers and employees, in respect to any liability arising out of claims, suits or actions against the port pilot, the City of Los Angeles, the Board of Harbor Commissioners, or any of their officers or employees, by third parties, resulting from acts, omissions or negligence of the port pilot, excepting, however, such personal liability and rights over as may arise by reason of the willful misconduct or gross negligence of the pilot.

See Item 10 for explanation of abbreviations and symbols.

Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:
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SECTION THREE – Continued
PILOTAGE – Continued

Item No.

[C] LOS ANGELES PORT PILOTS – Continued

The vessel and her owners, master, operators, charterers and agents further covenant and agree that all damages to municipally owned or controlled facilities caused, directly or indirectly, by the vessel shall be paid promptly upon demand.

[C] If any vessel on whose behalf piloting services are requested and accepted is not owned by the person or company ordering piloting services, it is understood and agreed that such person or company warrants its authority to bind the vessel and her owners, master, operators and charters to all the provisions of paragraphs (c), (d) and (e) of this Item 305, and that such person or company agrees to indemnify and to hold harmless the port pilot, the City of Los Angeles and the Board of Harbor Commissioners with respect to all losses, damages and/or expenses that may be suffered or incurred in consequence of such person's or company's not having such authority.

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(Cont.)

[C] (f) The pilotage charges assessed for the services proffered or rendered by a port pilot under this Tariff have been computed and are assessed in accordance with and based upon each and every of the limitations, agreements, covenants, and conditions set forth in this Item 305. Said pilotage charges do not include marine insurance insuring the vessel, her owners, master, operators, charterers and agents, from the consequences of negligence of the port pilot. However, marine insurance may be provided on a "trip" basis as provided for in Item 330(c).

(g) All Persons providing piloting service in the Port of Los Angeles must hold a federal license for the Port of Los Angeles.

(h) Any vessel subject to pilotage that wishes to decline the use of a pilot provided by the City of Los Angeles shall before entering, leaving or shifting within the Port of Los Angeles:

(1) Obtain prior permission from the United States Coast Guard Captain of the Port.

(2) Any vessel having received the above permission from the Captain of the Port must notify the VTIS and the Los Angeles Pilot Station before arrival or commencement of any movement within the Harbor, and abide by all local rules and regulations.

(3) If for any reason a vessel's master or local representative permits the movement of a vessel without complying with regulations in this Section, he or she will be subject to misdemeanor penalty charges under Tariff Item 220.

See Item 10 for explanation of abbreviations and symbols.

Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:
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SECTION THREE – Continued PILOTAGE – Continued		Item No.
VESSELS SUBJECT TO PILOTAGE		
<p>All vessels entering, leaving or shifting in the Port of Los Angeles shall be subject to pilotage and be under the direction of a pilot federally licensed to perform piloting services into and out of the Port of Los Angeles, except the following vessels when not actually employing a pilot (except as otherwise provided in this Item):</p> <p>(a) Vessels under three hundred gross tons;</p> <p>(b) Vessels licensed and engaged in the fishing trades and vessels sailing under United States enrollment and license while under the control and direction of a pilot duly licensed under the laws of the United States of America for the Port of Los Angeles;</p> <p>(c) Vessel moving from any point in the Port of Los Angeles to any point in the Port of Long Beach when piloted by a pilot of the Port of Long Beach;</p> <p>[C] (d) Combat and training vessels of the U.S. Government, foreign nations or the State of California when, in the discretion of the Executive Director, the courtesies of the Port of Los Angeles are extended to such vessels, whether or not a port pilot is actually employed by such vessel;</p> <p>(e) Vessels moving under flat tow from point to point within the Port of Los Angeles and between points in the Port of Los Angeles and the Port of Long Beach;</p> <p>(f) Vessels entering or leaving the Port of Los Angeles under flat tow, when the tow is in charge of the bona fide master of the tugboat and such master holds a Federal pilot's license for the Port of Los Angeles;</p> <p>(g) Private yachts under 300 gross tons, when used for pleasure purposes only;</p> <p>[C] (h) Vessels engaged exclusively in the exhibition of goods for the sole purpose of the promotion of international trade, whether or not a port pilot is actually employed by that vessel;</p> <p>(i) Public vessels of the United States of America. As used herein, "public vessel" has the same meaning as used in the Public Vessels Act, 43 Stat. 112, 46 U.S.C. 781, et seq.</p>		[C] 310
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.

CHARGES FOR PILOTAGE

(a) Pilotage charges are in addition to all other charges contained in this Tariff and shall be assessed against all vessels subject to the payment of pilotage under this Section and shall be paid by the vessel so assessed to the Port of Los Angeles before any such vessel leaves the Port of Los Angeles, unless satisfactory credit is obtained (subject to Exceptions 1,2,3,4 and Note 1) (See Item No. 260, Credit List):

[A] (b) Pilotage charges will be assessed at \$0.0034 per gross registered ton in addition to a charge assessed on the overall length of the vessel according to the following table:

OVERALL LENGTH OF VESSEL
IN METERS (See Item 320)

DOLLARS PER MOVEMENT

[A]
330

<u>Over</u>	<u>But Not Over</u>	<u>Entering or Leaving</u>	<u>Inter Harbor</u>	<u>Intra Harbor</u>
0	125	392	392	392
125	128	410	392	392
128	131	429	392	392
131	134	448	392	392
134	137	471	392	392
137	140	499	392	392
140	143	531	392	392
143	146	558	392	392
146	149	591	414	392
149	152	619	433	392
152	155	649	454	392
155	158	680	473	406
158	161	707	496	424
161	164	737	516	443
164	167	766	535	460
167	170	795	556	477
170	173	826	576	496
173	176	854	598	515
176	179	891	624	534
179	182	931	651	557

See Item 10 for explanation of abbreviations and symbols.

Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:
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SECTION THREE – Continued
PILOTAGE – Continued

Item No.

CHARGES FOR PILOTAGE – Continued

OVERALL LENGTH OF VESSEL
IN METERS (See Item 320)

DOLLARS PER MOVEMENT

<u>Over</u>	<u>But Not Over</u>	<u>Entering or Leaving</u>	<u>Inter Harbor</u>	<u>Intra Harbor</u>
182	185	969	680	581
185	188	1008	707	606
188	191	1048	736	631
191	194	1089	763	653
194	197	1129	789	678
197	200	1168	815	700
200	203	1207	846	725
203	206	1246	874	749
206	210	1286	901	772
210	214	1326	930	795
214	220	1366	955	817
220	226	1407	985	843
226	232	1444	1011	866
232	238	1485	1041	891
238	244	1524	1065	913
244	250	1563	1094	937
250	256	1603	1121	964
256	262	1642	1150	988
262	268	1685	1177	1088
268	274	1735	1205	1032
274	280	1762	1233	1057
280	286	1801	1261	1081
286	292	1840	1288	1104
292	298	1881	1316	1129
298	304	1919	1344	1151

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(Cont.)

See Item 10 for explanation of abbreviations and symbols.

Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:
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SECTION THREE – Continued
PILOTAGE – Continued

Item No.

CHARGES FOR PILOTAGE – Continued

OVERALL LENGTH OF VESSEL
IN METERS (See Item 320)

DOLLARS PER MOVEMENT

<u>Over</u>	<u>But Not Over</u>	<u>Entering or Leaving</u>	<u>Inter Harbor</u>	<u>Intra Harbor</u>
304	310	1959	1371	1176
310	316	1999	1399	1201
316	322	2039	1426	1224
322	328	2080	1456	1246
328	334	2119	1482	1271
334	340	2157	1510	1294
340	346	2196	1539	1318
346	352	2236	1565	1342
352	358	2277	1594	1366
358	364	2317	1621	1388
364	370	2357	1649	1412
370	376	2392	1676	1438
376	382	2434	1723	1461
382	388	2474	1732	1484
388	394	2514	1761	1508

[A]
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(Cont.)

[C] Exception 1: Three-fourths (3/4) the entering or leaving charge shall be assessed when vessel subject to the payment of pilotage is not piloted by a port pilot. (Subject to Note 1.)

[C] Exception 2: One-half (1/2) the applicable charge shall be assessed when a vessel utilizes a port pilot for a movement between the open sea and anchorage in either direction when no other movement is involved and when the period at anchor does not exceed 24 hours. (Subject to Note 1.)

Exception 3: No intra-harbor shifting charge shall be assessed when entering vessels which anchor because of inclement weather or other causes beyond the control of such vessel, if such vessels proceed thence to berth immediately after such cause of delay ceases to exist.

See Item 10 for explanation of abbreviations and symbols.

Correction No.	Order No. Ordinance No.	Adopted Adopted	EFFECTIVE:
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SECTION THREE – Continued
PILOTAGE – Continued

Item No.

CHARGES FOR PILOTAGE -- Continued

Exception 4: For the purpose of assessing pilotage charges against barges, the sum of the overall length plus the overall width will be used. When the barge and tug or towboat are combined as an integrated unit, pilotage charges shall be assessed on the overall length and gross tonnage of the combined unit.

[A] NOTE 1: The minimum charge for pilotage shall be: \$392.00

(c) The pilotage charges assessed for the services proffered or rendered by a port pilot are assessed in accordance with and based upon each and every one of the limitations, agreements, covenants and conditions set forth in Item 305. However, said pilotage charges do not include marine insurance insuring the vessel, her owners, master, operators and charterers against the consequences of acts, omissions or negligence of the port pilot. Upon reasonable notice given to the Port of Los Angeles, marine insurance will be provided on a "trip" basis in an amount specified up to a maximum limit of liability of \$1,000,000.00, the premium of which will be assessed at cost in addition to the pilotage charges specified above.

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(Cont.)

The coverage provided will insure said vessel, her owners, master, operators and charterers, as their interests may appear, against those losses or physical damages to said vessel and against those legal liabilities and damages which arise from the consequences of acts, omissions or negligence of the port pilot; provided, however, that such insurance will provide coverage only for that proportion of losses, damages and liabilities sustained by the vessel, her owners, master, operators and charterers proximately caused by acts, omissions or negligence of the port pilot; and that no coverage is provided for losses, damages and liabilities resulting from any other cause whatsoever.

A copy of the insurance policy under which such insurance is available will be provided upon written request sent to the Port of Los Angeles.

[A] (d) If a request for a pilot is cancelled less than one hour prior to the requested time, a charge of \$367.00 will be assessed.

[A] (e) If a pilot is required to stand by, a standby charge of \$367.00 per hour, or fraction thereof, will be assessed in addition to the charges named in paragraph (a).

[A] (f) If the assistance of a second pilot is considered necessary for the safety of the vessel or Harbor Department property, or is requested by the master, owners, agents, charterers, operators or the pilot of the vessel, a charge of one-half (1/2) the total of the first pilot fee, subject to a minimum charge of \$392.00, will be assessed.

+ (g) A \$52.00 per move surcharge will be assessed for capital improvements, maintenance and training.

See Item 10 for explanation of abbreviations and symbols.

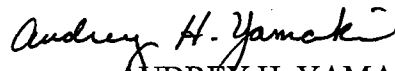
Correction No.	Order No.	Adopted	EFFECTIVE:
	Ordinance No.	Adopted	

Section 2. The Director of Environmental Management has determined that the proposed actions are ongoing administrative activities and as such are exempt from the California Environmental Quality Act (CEQA) in accordance with Article III, Class 1(31) of the City of Los Angeles 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 presented to the City Council for consideration of its adoption by Ordinance.

Section 4. Pursuant to Charter Section 653(a), this amendment to the Tariff shall become effective when this Order is approved by the City Council by Ordinance; provided, however, pursuant to Charter Section 653(b), this Order shall be effective prior to adoption by Ordinance for a period not to exceed 90 days from the date of its adoption.

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 MAY 17 2006.


AUDREY H. YAMAKI
Board Secretary

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Sec. 2. Any person, firm or corporation who violates or knowingly aids or abets a violation of any of the provisions of said Order respecting rules, regulations, rates or charges shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punishable by a fine in a sum not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the County jail for not more than six (6) months, or by both such fine and imprisonment.

Sec. 3. That, pursuant to the provisions of Section 653 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 the aforesaid Order of the Board of Harbor Commissioners for periods not exceeding ninety (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 the foregoing Ordinance was passed by the Council of the City of Los Angeles, at its meeting of SEP 20 2006.

FRANK T. MARTINEZ, City Clerk

By Frank T. Martinez
Deputy

Approved SEP 23 2006

[Signature]
APPROVED
CITY CLERK

Approved as to Form and Legality
[Signature]
ROCKARD J. DELGADILLO, City Attorney

By Steven Y. Otera
Date: 4/28/06
File No. 06-2035