

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT
CALIFORNIA

For the Agenda of: January 27, 2005

To: District Board of Directors
From: Larry Greene, Air Pollution Control Officer
Subject: 2005 DISTRICT LEGISLATIVE POSITIONS

RECOMMENDATIONS Review and re-adopt the attached legislative policy statements, as amended, reaffirming the District's positions on legislative and public policy issues.

BACKGROUND The 2005-2006 legislative session has just begun. Your Board annually reviews and adopts policy statements that guide the District's legislative advocacy program (most recently reaffirmed on March 25, 2004).

2005 POLICY STATEMENTS AND REVIEW OF SPECIFIC LEGISLATION Although state budget issues will continue to monopolize much of this year's legislative agenda, there will also be legislation that could affect air district programs and the region's ability to meet state and federal health-based standards.

Attachment #1, "2005 Policy Recommendations for State and Federal Legislation" are the District legislative policy recommendations adopted by your Board at the April and May, 1999 Board meetings and reaffirmed by your Board at the March, 2001, May, 2002, March, 2003, and March 2004 Board meetings. Staff is recommending a deletion of an obsolete policy recommendation (#11) and staff is recommending an additional Policy Statement supporting legislation to control and/or mitigate air pollution impacts of rail transport and rail facility operations. The specifics are outlined in the following sections.

In March, I will provide an overview of the current pending state legislation affecting District programs and policies, organized by policy area.

BACKGROUND ON LOCOMOTIVE IMPACTS There are approximately 35,000 locomotives operating in the U.S., with over 1,400 operating in California at any given time. These engines produce over 57,000 tons per year of NOx statewide and over 4,700 tons per year in the Sacramento Federal Nonattainment Area (about 8% of Sacramento Region's NOx inventory).

Beyond the numbers, communities near rail yards and intermodal facilities, including but not limited to low-income communities, are adversely impacted by toxic diesel pollution from diesel-powered rail yard equipment and locomotives.

ON WHO'S AUTHORITY? The federal Environmental Protection Agency (EPA) has authority to adopt regulations limiting emissions from locomotives, but state and local regulatory authority to control emissions of air contaminants from locomotives is restricted by federal law. In order to attain state and federal air quality standards, it's necessary that emissions from locomotives and railyards be mitigated by the federal government or, if necessary, by state and local governments using the authority available to them.

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The South Coast AQMD has aggressively, but thus far unsuccessfully, pursued legislation to control and / or mitigate air pollution impacts of rail transport and rail facility operations. The South Coast AQMD will again be introducing legislation to:

1. Authorize the South Coast AQMD (and possibly other nonattainment areas in the state) to adopt a locomotive emission impact mitigation program.
2. Require mobile compression ignition diesel engines operating at rail yards to be retrofitted or capable of using alternative fuel.
3. Authorize a fee structure on railroad operations statewide to fund remote sensing of air pollutants from locomotive and railyard operations, and require the ARB to establish a program to identify high-emitting locomotives and request voluntary repair or tune-up by the operator.
4. In the form of a joint resolution of the California Legislature, request the Congress of the United States direct the U.S. EPA to develop the most stringent regulations which are feasible and cost effective for limiting emissions from locomotives and which would be implemented at the earliest feasible date.

RECOMMENDATION

Amend the current District Legislative Policies to add a new policy under Mobile Sources:

6. Locomotives -- Support legislation controlling and/or mitigating air pollution impacts of rail transport and rail facility operations.

Adding this policy will provide clear authority for the District to not only support the South Coast AQMD's legislation, but to work with them to ensure that these measures apply to the Sacramento Region as well.

**POTENTIAL
LEGISLATIVE ISSUES
FOR 2005**

Upcoming air quality issues for the 2005 legislative year include:

- * Establishing a permanent Sacramento Region seat on the California Air Resources Board.
- * Additional long-term funding of the Moyer and Moyer-like programs
- * Continued funding of state subvention
- * Air district authority to enforce measures aimed at reducing emissions from mobile sources.
- * Air quality elements required to be in city and county general plans.

Staff will be providing a more detailed and issue-specific update on these and other legislative efforts at your March 24, 2005 meeting.

RESPECTULLY SUBMITTED,

LARRY GREENE
Air Pollution Control Officer

Attachment