

State of California
AIR RESOURCES BOARD

Summary of Board Meeting
January 27, 2006

California Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California

MEMBERS PRESENT: Dr. Robert Sawyer
 Dorene D'Adamo
 Mark DeSaulnier
 Lydia Kennard
 Mayor Ronald Loveridge
 Barbara Patrick
 Barbara Riordan

Agenda Item #

06-1-6: Public Meeting to Consider an Update on the Implementation of the ARB/Railroad Statewide Agreement and to take Action as Appropriate.

SUMMARY OF AGENDA ITEM:

On June 24, 2005, the Executive Officer of the Air Resources Board (ARB or Board) entered into a statewide railroad pollution reduction agreement (Agreement) with Union Pacific Railroad and BNSF Railway (collectively referred to as the railroads). Since the Agreement was signed, there has been extensive public discussion and concern about the Agreement.

At an October 27, 2005, public meeting, the Board received a report from staff summarizing the Agreement. The Board also received extensive public testimony and written comments regarding the Agreement. At the meeting, the Board deferred taking any formal action on the Agreement and continued the item for further discussion until its January 2006 meeting. By deferring action, the Agreement remained in effect pending a determination by the Board at its January meeting. In the interim, the Board directed staff to clarify the Agreement, specifically its "release clause," and to prepare a six month status report on implementation of the Agreement.

At the January meeting, Staff presented the Board with a clarification document, which explained how the Agreement does not affect the ability of local air districts and government agencies to exercise preexisting enforcement authority, does not affect preexisting agreements that local air districts or government agencies may have had with the railroads, or their ability to enter into new agreements with the railroads. The document also explained how the release clause would operate, including when it may and may not be triggered by the railroads. The clarification document did not modify any of the terms of the Agreement.

At the meeting, staff also presented its status report on the Agreement's implementation to date. By late January, the only program requirement that had not been fully implemented on schedule was the community meetings that were to occur at the designated rail yards. Some of these community meetings were delayed in response to requests from community members and local air districts to not hold these meetings until after the Board fully considered the Agreement. Staff informed the Board that if the Agreement were to go forth, the meetings would occur by no later than the end of April 2005.

Based on the public testimony received, the Board considered a number of options regarding the Agreement, including taking no action and effectively leaving the Agreement in place, voting to ratify the Agreement, or voting to rescind the Agreement. After discussion, the Board chose to take no action. The Agreement thus remains in effect. The Board also directed ARB staff to return with an update on the implementation of the Agreement in six months.

ORAL TESTIMONY:

Chuck Cole, PMSA
Andrew Antwih, Mayor of Los Angeles
Andrew Langley, Assembly Member McLeod
Sam Cannon, Assembly Member Maze
Tonia Teyes Viasga, Councilmember Long Beach
Jamie Smith, Assembly Member Matthews
Gail Delihant, Assembly Member Aghazariai
Anthony Tannehill, Assembly Member Haynes
Cyndi Hillery, Assembly Member Lamalfa
Juliana Thomas, Assembly Member Villines
Dr. William Burke, Chair, SCAQMD
Peter Greenwald, SCAQMD
Chung Liu, SCAQMD

Peter Mieras, SCAQMD
Peter Lawson, General Electric
Scott Carpenter, Railpower
Dave Davies, National Railway Equipment Co.
Barbara Lee, CAPCOA
Larry Green, Sacramento AQMD
Aeron Genet, San Luis Obispo APCD
David Jones, City of Pasadena
Sylvia Betancourt, East Yard Communities EJ
Rachel Lopez, Modesto Avila Coalition
Andrea Samulon, Pacific Institute
A.J. Napolis, Communities Better Environment
Melissa Lin Perrella, NRDC
Margaret Gordon, West Oakland EIP
Wafoa Aborashed, EJ Air Quality Coalition
Christopher Weaver, EF&EE
Tom Jordan, San Joaquin Valley Unified APCD
Jean Roggenkamp, Deputy APCO BAAQMD
Lupe Valdez, Union Pacific Railroad
Mark Stehly, BNSF Railway
Michael Barr, Assoc. of American Railroads
Mike Rogge, Cal Trade
Janet Nguyen, Long Beach Chamber Commerce
Bob Lucas, CCEEB
Dorothy Rothrock, CA Manufacturers Tech. Assoc.
Colleen Callahan, ALA of Los Angeles County
John Sprague, City of Roseville
Amisha Patel, California Chamber of Commerce
Jalene Forbis, CA Shortline Railroad Assoc.
Paul Van Dyke, State Senator Nell Soto
Melissa Sherman, AAFA
Bonnie Holmes-Gen, American Lung Association
Fran Inman, Majestic Realty
Kirk Markwald, California Rail Industry (CEA)
Jose Velasco, CCAEJ
Susanna Negrete, Citizen
Josie Guitan, City of Mira Loma-CCAIEJ
Angelo Logan, Modesto Avila Coalition
Barry Wallerstein, SCAQMD
Bill Dewitt, City of Southgate

FORMAL BOARD ACTION: None

RESPONSIBLE DIVISION: Stationary Source Division

STAFF REPORT: Yes