

State of California
AIR RESOURCES BOARD

Executive Order G-10-006
January 2010

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (ARB or Board) to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, chapter 3.2 commencing with section 39625 of the Health and Safety Code established the Goods Movement Emission Reduction Program (Program) to implement the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, also known as Proposition 1B, which authorizes one billion dollars (\$1,000,000,000) in bond-funded incentives for ARB to reduce emissions associated with the movement of freight along California's trade corridors;

WHEREAS, on February 28, 2008, the Board adopted ARB Resolution 08-12 approving the *Proposition 1B Goods Movement Emission Reduction Program: Guidelines for Implementation* (Program Guidelines); these Guidelines identify a funding target of \$400 million for trucks serving ports and intermodal rail yards over the course of the Program;

WHEREAS, in Resolution 08-12, and Resolution 08-6 adopted on May 22, 2008, the Board approved a list of primary local agency projects with corresponding Program funding amounts, and directed the Executive Officer, or his or her designee, to enter into grant agreements with those local agencies and to take any other action the Executive Officer deemed necessary to implement those projects;

WHEREAS, in Resolution 08-6, the Board adopted a backup list of local agency projects, established priorities for funding backup projects, and delegated to the Executive Officer the authority to select the backup projects to be funded with Fiscal Year (FY) 2007-08 monies and any other additional funding that becomes available;

WHEREAS, in December 2007, the Board adopted the Drayage Truck Rule (California Code of Regulations, title 13, division 3, chapter 1, article 3, §2027) requiring trucks serving ports and intermodal rail yards to be upgraded to cleaner models through replacement and/or retrofit in two phases, beginning January 1, 2010;

WHEREAS, the Board awarded the largest portion of the FY2007-08 Program funds to high priority projects to help upgrade trucks serving ports and rail yards;

WHEREAS, local agencies in the Los Angeles/Inland Empire, Bay Area, and San Diego/Border trade corridors implemented projects with FY2007-08 funds to provide grants to owners of trucks serving ports and rail yards to co-fund upgrades to cleaner models;

WHEREAS, there was sufficient FY2007-08 Program and supplemental local funding available to meet the demand due to eligible grant applications submitted on time for the July 2009 solicitation by the South Coast Air Quality Management District for trucks serving the Port of Los Angeles and Port of Long Beach;

WHEREAS, there was sufficient FY2007-08 Program and supplemental local funding available to meet the demand due to eligible grant applications submitted on time for the Fall 2008 solicitation by the San Diego Air Pollution Control District for trucks serving the Port of San Diego;

WHEREAS, there was not sufficient FY2007-08 Program and supplemental local funding available to meet the demand due to eligible grant applications submitted on time for the Summer 2008 and Summer 2009 solicitations by the Bay Area Air Quality Management District (Bay Area District) for trucks serving the Port of Oakland;

WHEREAS, owners of 1,321 trucks currently serving the Port of Oakland who applied on time for grants in 2008 and 2009 were denied funding when the Bay Area District depleted the available FY2007-08 Program and supplemental local monies;

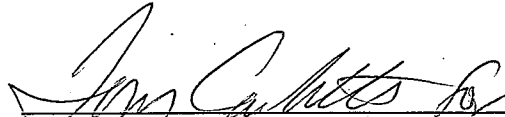
WHEREAS, the State FY2008-09 and FY2009-10 budgets appropriated to ARB \$250 million each in Proposition 1B funding, with the combined \$500 million to be allocated by the Board in June 2010; and

WHEREAS, the Executive Officer finds that a portion of the funds from the FY2009-10 appropriation should be made available to the Bay Area District to meet the demand for grants by the owners of trucks serving the Port of Oakland and to quickly reduce the localized health risk in highly impacted communities around the Port.

NOW, THEREFORE, BE IT ORDERED that pursuant to the delegation of authority by the Board in Resolution 08-6, the Executive Officer hereby allocates up to \$8,712,000 in FY2009-10 Program monies to the Bay Area District under Grant G07GMBP1 to offer funding to the owners of 1,321 trucks who were eligible but did not receive grants under the District's 2008 and 2009 solicitations. Any grants made with these new monies shall be subject to the funding caps and other provisions of the Program Guidelines, as modified via Board Resolution or Executive Order.

BE IT FURTHER ORDERED that the Executive Officer directs staff to reflect the final funding level for this allocation at the Board hearing to consider award of FY2008-09 and FY2009-10 Program funds.

Executed this 19 day of JANUARY 2010, at Sacramento, California.



James N. Goldstene
Executive Officer