

# Agenda Report

**TO:** CITY COUNCIL

**DATE:** June 6, 2005

**THROUGH:** LEGISLATIVE POLICY COMMITTEE

**FROM:** CITY MANAGER

**SUBJECT:** ADOPTION OF A RESOLUTION IN SUPPORT OF ASSEMBLY BILLS 1222 (JONES) AND 888 (DE LA TORRE) AND SENATE BILL 459 (ROMERO) WHICH WOULD ENACT LOCOMOTIVE AND RAILYARD EMISSION REDUCTIONS.

## RECOMMENDATION

It is recommended that City Council adopt a resolution in support of Assembly Bill 1222 (Jones), Assembly Bill 888 (De La Torre), and Senate Bill 459 (Romero) which would enact locomotive and rail yard emissions reduction and mitigation programs and enact a remote sensing program.

## BACKGROUND

The South Coast Air Quality Management District (SCAQMD) has requested the City's support for three bills, summarized below, which will help implement control strategies to mitigate emissions from locomotives and establish other mitigation programs. The South Coast Air Basin is one of two "extreme" non-attainment areas for ozone in the nation. Additional emission reductions will be required for the region to meet the new federal clean air standards between 2010 and 2021.

Air pollution from rail yard equipment, including yard-tractors, cranes, fork lifts and other mobile source equipment primarily fueled with diesel fuel, contribute to exceeding of federal and state ozone and particulate standards in the South Coast Air Basin. Diesel exhaust emissions are also responsible for 70 percent of the cancer risk from air pollution in California.

Over the years, stringent regulations in California have reduced emissions by over 90 percent from most significant stationary sources and from motor vehicles and other mobile sources under the jurisdiction of state and local authorities. However, rail yard equipment has been controlled far less stringently and therefore has not achieved its fair share of emission reductions needed to meet state and federal clean air standards.

New technologies to reduce diesel particulate and ozone precursor emissions at rail yards are available and are cost-effective. Such emission reduction technologies include low sulfur diesel fuel, particulate matter traps, NOx reduction catalysts, and emulsified diesel fuel.

The ability of state and local governments to control emissions from these sources is constrained. Although federal law mandates that the state adopt rules to attain national ambient air quality standards, it preempts state and local jurisdiction from establishing exhaust emission standards or other requirements related to the control of emissions from this significant pollution source.

Staff from the SCAQMD presented the proposed legislation to the Legislative and Policy Committee at their April 28, 2005 meeting. The Committee requested that City staff review the proposed legislation and to return to their May meeting with a recommended Council action. The following is a brief summary of the three proposed bills that the SCAQMD is sponsoring to address emissions from locomotives and rail yards.

#### **AB 888 (De La Torre)**

This proposal would authorize the south coast district to adopt regulations within its jurisdiction requiring the owner or lessee of any heavy-duty motor vehicle, nonroad engine, or nonroad vehicle to install retrofit controls or replace existing equipment with clean technologies to reduce emissions of air contaminants to the maximum extent feasible if those vehicles or engines operate substantially in a rail yard.

However, new technologies such as remote air pollution sensing, can be used to identify high-polluting locomotives. Coupled with a program to alert the owners and operators of these locomotives (along with the community) as to which units are creating excessive air pollution - maintenance, repair, or replacement can be recommended on a voluntary basis to help reduce the public's exposure.

#### **AB 1222 (Jones)**

This proposal would direct the California Air Resources Board to establish a program to utilize remote-sensing technology, on a statewide basis, to monitor railroad locomotives and encourage voluntary repair, maintenance or replacement of high-polluting locomotives by their owners or operators. It would also provide a mechanism to allow the public easy access to the monitoring results so that they can be aware of air emissions within their communities.

The cost of this state program would be recovered through authorization by this proposed bill from a minimal fee levied upon the owners and operators of the locomotives.

**AB 459 (Romero)**

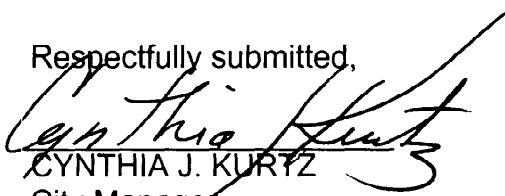
This proposal would provide that unless and until the United States Environmental Protection Agency adopts regulations requiring locomotives in the South Coast Air Basin to achieve all feasible emission reductions as necessary to achieve federal clean air standards, or until all of the affected railroads have entered into binding agreements with the south coast district to accomplish the same results, the south coast district would be authorized to adopt a locomotive emission impact mitigation program for operations within its jurisdiction.

The program would include a mitigation fee for locomotive emissions based on their hours of operation within the South Coast Air Basin.

**FISCAL IMPACT**

The proposed legislation would have no fiscal impacts for the City. The cost of the proposed state programs would be recovered through a fee levied upon the owners and operators of the locomotives or from fees for locomotive emissions based on their hours of operation within the South Coast Air Basin.

Respectfully submitted,



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City Manager

Prepared by:



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Principal Transportation Planner

Approved by:



for Joyce Y. Amerson  
Director of Transportation

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA, CALIFORNIA SUPPORTING ASSEMBLY BILL 1222 (JONES); ASSEMBLY BILL 888 (DE LA TORRE); AND SENATE BILL 459 (ROMERO); WHICH WOULD ENACT LOCOMOTIVE AND RAIL YARD EMISSIONS REDUCTION AND MITIGATION PROGRAMS; A REMOTE SENSING PROGRAM; AND CALL UPON U.S. EPA TO FURTHER LIMIT LOCOMOTIVE EMISSIONS

WHEREAS, the City Council, acting on behalf of the health and welfare of Pasadena citizens is committed to promoting actions that reduce air pollution; and

WHEREAS, the South Coast Air Basin is one of two “extreme non-attainment” air basins for ozone in the United States and to achieve attainment of federal and state public health standards requires extraordinary effort by federal, state and local regulatory authorities working in concert; and

WHEREAS, federal and state health-based ambient air quality standards for ozone and Particulate Matter smaller than ten microns (PM10) are exceeded regularly and by a wide margin in the South Coast Air Basin; and

WHEREAS, the federal Environmental Protection Agency has recently adopted more stringent 8-hour ozone and Particulate Matter smaller than two and a half microns (PM 2.5) standards that will require even greater emission reductions in the South Coast Air Basin; and

WHEREAS, emissions from locomotives and rail yard equipment in the South Coast Air Basin contribute significantly to exceedances of federal and state ozone and PM 10 standards, as well as to emissions of diesel exhaust, a toxic air contaminant; and

WHEREAS, in order to attain state and federal standards for ozone and PM 2.5, it is necessary that emissions from locomotives and rail yard equipment be controlled or otherwise mitigated; and

WHEREAS, the federal Environmental Protection Agency has authority to adopt regulations limiting emissions from locomotives and rail yard equipment, but state and local regulatory authority to control emission from these sources is restricted by federal law. In order to attain state and federal ambient air quality standards, it is necessary that emissions from locomotives and rail yard equipment be controlled or mitigated by the federal government or, if necessary, by state or local governments using authorities available to them; and

WHEREAS, in 1998, the California Air Resources Board entered into a Memorandum of Understanding with the Burlington Northern and Santa Fe Railroad Company, and the Union Pacific Railroad Company, under which the railroads agreed to utilize locomotives in the South Coast Air Basin that would meet certain emissions limitations; and

WHEREAS, in 2003, the South Coast Air Quality Management District adopted the most recent revision to its Air Quality Management Plan. The 2003 Plan includes stringent emissions

standards for factories, power plants, on-road and off-road mobile sources and other sources that are within the regulatory jurisdiction of the South Coast District and the California Air Resources Board – including sources powered by diesel engines similar to locomotives and rail yard equipment. The percentage of emission reductions that will be achieved by significant sources subject to state and local authority is substantially greater than the percentage of emissions reductions that will be achieved by locomotives under existing federal regulations and the 1998 MOU; and

WHEREAS, the 2003 South Coast District Plan proposes a significant amount of emissions reductions through means that are yet to be specifically determined. To the extent that emissions from locomotives and rail yard equipment are not controlled, additional emissions reductions from sources subject to state and local regulatory jurisdiction, which have already been stringently regulated, will be required; and

WHEREAS, one means of mitigating emissions from locomotives is by funding programs to reduce equivalent emissions from other sources that contribute to ozone, PM 10, PM 2.5, or toxic air pollution. For example, the lack of grade separations between rail lines and surface streets in the South Coast Air Basin contributes to emissions from idling vehicles and is an indirect emissions impact of increasing rail traffic in the Alameda Corridor and Alameda Corridor-East. Funds obtained through a locomotive emissions mitigation program could be utilized to establish additional grade separations, as well as other control strategies; and

WHEREAS, unless and until the federal Environmental Protection Agency adopts regulations requiring locomotives in the South Coast Air Basin to achieve all feasible emission reductions as necessary to achieve federal clean air standards, the South Coast Air Quality Management District should be authorized to adopt a locomotive mitigation fee for locomotive emissions that is proportionate to the health and environmental harms resulting from those emissions, provided such mitigation fee does not result in a shift or increase in emissions to other parts of the Basin; and

WHEREAS, it is therefore necessary that legislation authorize the South Coast Air Quality Management District to implement a locomotive emission reduction and mitigation program; and a retrofit requirement for rail yard equipment; and

WHEREAS, it is therefore necessary that legislation authorize the California Air Resources Board to implement a statewide remote sensing program to detect high polluting locomotives operating in the state;

**THEREFORE BE IT RESOLVED** that the Pasadena City Council supports Assembly Bills: 1222 & 888; and Senate Bill 459;

Adopted at the regular meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2005 by the following votes:

**AYES:**

**NOES:**


**ABSENT:**

**ABSTAIN:**

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JANE L. RODRIGUEZ  
City Clerk

APPROVED AS TO FORM:

  
NICHOLAS G RODRIGUEZ  
Assistant City Attorney