Assembly
California Legislature

JUDY CHU
ASSEMBLYMEMBER, FORTY-NINTH DISTRICT

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0049
(916) 319-2049
FAX (916) 319-2149

DISTRICT OFFICE
1255 CORPORATE CENTER DRIVE
SUITE PH9
MONTEREY PARK, CA 91754
(323) 981-3426
FAX (323) 981-3436

EL MONTE DISTRICT OFFICE
10505 VALLEY BLVD., #306
EL MONTE, CA 91731
(626) 450-6116
FAX (626) 450-6119

January 24, 2006

California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium, Second Floor
1001 I Street Sacramento, CA 95814

XC: Board Members 06-1-6
Chairman CEW 1/27/05
TJ MHS
KT Legal (AM/MT) SSD

Members of the Air Resources Board:

I am writing to express my concerns regarding the Memorandum of Understanding (MOU) entered into between the California Air Resources Board (CARB), Union Pacific Railroad Company and Burlington Northern Santa Fe Railway.

The MOU states that the railroads can be released from the agreement under many clauses and do not have the stated obligations if local jurisdictions, the state or the United States Environmental Protection Agency adopts or enforces any requirements in the same general area of pollution control. This "poison pill" provision is intended to preclude all California agencies from taking any further regulatory actions to protect public health in this area, without potentially canceling the provision of the MOU for the entire state.

Another area of concern is the lack of regulation on locomotives traveling into California from neighboring states. Only trains which are fueled inside California, not the long-haul engines that are fueled out of state, would be expected to use lower sulfur diesel fuel. This loophole would allow a significant amount of emissions to be released in California.

I urge you to suspend the Memorandum of Understanding until it has received the appropriate review and revisions which are necessary to better protect the public's health have been included. If you have questions or concerns, please feel free to contact me or my Field Representative, Stephanie Magnien, at (323) 981-3426 in my district office.

Sincerely,

Judy Chu

JUDY M. CHU Ph.D.
49th Assembly District

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AIR RESOURCES BOARD
CLERK OF THE BOARD