CLEAN AIR NOW

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Board of Directors

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January 26, 2006

The Clerk of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95814
VIA FACSIMILE (916.322.3928) & EMAIL (ry2005@listserv.arb.ca.gov)

RE: **Rescind ARB/Railroad Statewide Agreement**, Agenda Item 06-1-6, January 27, 2006

Dear CARB:

Clean Air Now is very disturbed and concerned with the precedent CARB is setting with its handling, to date, of the "Railroad MOU" agreement with Union Pacific Railroad (UP) and BNSF Railway (BNSF). In both its inception and subsequent public hearings on this issue, CARB has exhibited what amounts to contempt for any of the public's concerns or input. CARB has also exhibited the same disregard for the concerns of the South Coast Air Quality Management District over the MOU. The latest staff report inadequately addresses any of the issues brought up in the October 27, 2005 public hearing; it is as if the October hearing never took place.

I cannot recall a time CARB has behaved in such an alienating and unilateral manner.

CARB has always prided itself in allowing an open and exhaustive discourse on issues that affect the public's health. CARB has been a refuge for organizations and individuals to find promise in government action on behalf of the citizens of California. Please do not transgress from those noble roots.

We ask that CARB rescinds the MOU, and work with the SCAQMD, other air districts in the state, the public, other interested groups, and the railroads in open, public meetings to address the concerns raised in this and earlier hearings on the subject. We all can work together to come up with a substantive agreement that serves all parties.

Thank you for your consideration.

Sincerely,

James J. Provenzano

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