The Modesta Avila Coalition
A Coalition of Affected Communities United for Change

Member Groups: East Yard Communities for Environmental Justice (Commerce); Coalition for A Safe Environment (Wilmington); Center for Community Action and Environmental Justice (Riverside/San Bernardino); Citizens Improving Colton (Colton); Westside Residents for Clean Air Now!(San Bernardino); HOME- Helping Our Mira Loma Environment (Mira Loma)

January 20, 2006

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

Dr. Robert Sawyer, Appointed Chair
California Air Resources Board
PO Box 28151
Sacramento, CA 95812

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JAN 23 2006
AIR RESOURCES BOARD
CLERK OF THE BOARD

Dear Chairman Sawyer:

On behalf of the Modesta Avila Coalition, we would like to take this opportunity to congratulate you on your new position as Chair of CARB. We look forward to working with you on the important issues of air quality for Californians. As you know an important issue before the Board is the Memorandum of Understanding (MOU) with the railroad industry

We look forward to meet once again for what we expect will be a decisive discussion on this pressing issue. However, it is the overall sentiment, as community members in the southern California area that it is truly a hardship to attend a Board meeting held in Sacramento. Many of the people most directly impacted by this agreement are financially unable to travel for this meeting. While we would prefer to have the hearing in southern California, we understand the need to be fair in allowing those in the central/northern parts of the state to also participate. With this in mind, we respectfully request video/audio conferencing be provided for the session. This could be arranged through the CARB El Monte office as it has been done in the past, South Coast Air Quality Management District office or another facility of your choice. This arrangement would

8

allow for those of us in the south to participate in this vitally important discussion. We know that CARB is committed to ensuring that all be allowed to participate fully on this issue. Taking this small step would serve as a positive sign to our communities and reflect CARB staff consideration towards improving relationships with these affected communities.

After receiving and reviewing the staff's report on the response to Board's direction for clarification on several ambiguous and unclear language in the MOU, there are certain very important points that continue to be unclear. We emphasize that we are deeply disappointed that the staff chose to disregard the Board's direction only responding to one item— the release clause— often referred to as the "poison pill".

Some of these issues that are not well defined by CARB staff include:

- The language regarding the provision to reduce idling is unclear and unenforceable. The MOU refers to reducing idling when it is "feasible" to do so. This broad choice of words creates a loophole by making it difficult to identify the legal requirements of the railroads to reduce idling—under what conditions, to what level, etc.
- Is the true intent for CARB to conduct extensive health risk assessments for rail yards, and not require actual risk reduction? If not where does it outline the risk reduction actions?

Due to the confusing, ambiguous language that remains in the MOU; our belief that the MOU simply doesn't provide the protections necessary for our affected communities; the process of negotiation on a major public policy agreement without all stakeholders present; and now the staff's unresponsive report to the issues raised by you and your Board members and the public leaves us with one conclusion—

The CARB Board must reject the MOU, start a new process that involves all the stakeholders and negotiate a stronger agreement that is truly protective of our communities. We also believe that a healthy environment is achievable, but only with the

cooperation of all stakeholders and policy makers. We offer support and enthusiasm at creating a process and agreement that meets all stakeholders needs.

Sincerely,

The Modesta Avila Coalition

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