



Assembly California Legislature

JUDY CHU
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January 24, 2006

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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.

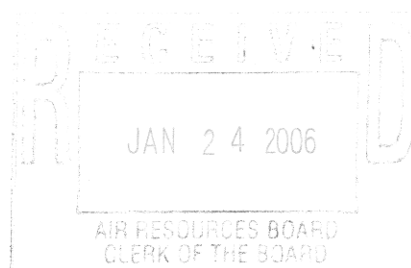
The MOU states that the railroads can be released from the agreement under many clauses and do not have the stated obligations if local jurisdictions, the state or the United States Environmental Protection Agency adopts or enforces any requirements in the same general area of pollution control. This "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 M. CHU Ph.D.
 49th Assembly District



10