

CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC MEETING TO CONSIDER PUBLIC COMMENT ON THE JUNE 24, 2005, ARB/RAILROAD STATEWIDE AGREEMENT FOR A PARTICULATE EMISSIONS REDUCTION PROGRAM AT CALIFORNIA RAIL YARDS, AND TO TAKE ACTION AS APPROPRIATE

The Air Resources Board (ARB or Board) will conduct a public meeting at the time and place noted below to consider public comment on the "ARB/Railroad Statewide Agreement for a Particular Emissions Reduction Program at California Rail Yards" (the "Agreement"). The Agreement was entered into on June 24, 2005, by the BNSF Railway Company, the Union Pacific Railroad Company, and ARB's Executive Officer on behalf of ARB.

Date: September 22, 2005

Time: 2:00 p.m. to 5:00 p.m. and
6:00 p.m. to 9:00 p.m.

Place: Embassy Suites LAX North
9801 Airport Boulevard
Los Angeles, California 90045

This item will be considered at a one-day meeting of the Board, which will consist of two sessions. At the start of the public meeting (at 2:00 p.m.), staff will present background information about the use of voluntary agreements at ARB and the staff's overall strategy for addressing railroad related emissions. Staff will then describe the circumstances leading to the June 24 Agreement with the railroads and the specific provisions of the Agreement. Following staff's presentation and Board member questions, the proceeding will be opened to public testimony. Staff will recap the afternoon's discussion when the meeting reconvenes after dinner (6:00 p.m.) and then continue with public testimony.

After hearing all public comments, the Board may consider a number of options regarding the Agreement, including but not limited to expressing support for the Agreement, directing the Executive Officer to engage in further negotiations with the railroads to achieve specified modifications and then report back to the Board for potential ratification, or voting to rescind the Agreement.

The Agreement establishes ten statewide program elements to reduce particulate emissions from locomotives at the state's rail yards, including:

- reducing locomotive idling through operational controls and accelerated introduction of automatic idling control devices;
- expediting the introduction of ultra low sulfur diesel fuel in locomotives;

- ensuring that smoking locomotives are systematically identified and promptly repaired;
- expeditiously identifying and pursuing feasible measures that can reduce air emissions from rail yards, with substantial community involvement;
- conducting risk assessments from the release of toxic air contaminants at 17 designated rail yards in the state, with public participation in the development of risk assessment criteria and subsequent updating of feasible mitigation measures that should be taken;
- working cooperatively to seek any available private and public funding sources for mitigation components in the Agreement;
- evaluating remote sensing to identify high-emitting locomotives;
- ensuring that evaluation and implementation of other medium-term and longer-term feasible mitigation measures continue expeditiously;
- developing and implementing effective compliance reporting mechanisms for all program elements; and
- ensuring compliance of the program elements through an enforcement and penalty program.

The Agreement also provides that after meeting and conferring with ARB and providing 30-days notice, the participating railroads may elect to be released from their obligations under a specific program element if an agency or political subdivision of California adopts or attempts to enforce any requirement addressing the goal of that program element, or the United States Environmental Protection Agency adopts or attempts to enforce more stringent requirements addressing the goal of the program element. The release clause does not terminate the Agreement in its entirety.

The Agreement further provides that nothing in the Agreement modifies any existing rights of the community or any person or entity (including air districts) not a party to the Agreement.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

Copies of the Agreement may be obtained from ARB's Internet site at <http://www.arb.ca.gov/railyard>, or from the Board's Public Information Office, 1001 "I" Street, 1st Floor, Environmental Services Center, Sacramento, California 95814, (916) 322-2990.

Interested members of the public may present comments orally or in writing at the meeting, and in writing or by email before the meeting. To be considered by the Board, written comments or submissions not physically submitted at the meeting must be received **no later than 12:00 noon, September 21, 2005**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to ry2005@listserv.arb.ca.gov and received at ARB **no later than 12:00 noon, September 21, 2005.**

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at ARB **no later than 12:00 noon, September 21, 2005.**

The Board requests, but does not require, 30 copies of any written submission. Also, ARB requests that written and email statements be filed at least 10 days prior to the meeting so that ARB staff and Board members have time to fully consider each comment. Further inquiries regarding this matter should be directed to Mr. Dean C. Simeroth, Chief, Criteria Pollutants Branch, at (916) 322-6020 or dsimerot@arb.ca.gov.

CALIFORNIA AIR RESOURCES BOARD

Catherine Witherspoon
Executive Officer

Date: August 24, 2005