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News

CA Air Resources Board Narrowly Declines To Rescind (2-3 + 2 abstentions) Controversial RR MOU; LB City Council & AQMD Positions Clash With LB Chamber & RRs; One CARB Boardmember Publicly Rebukes LB Chamber's Stated Position on Environmental Justice

(January 27, 2006, updated Jan. 29) -- In a high-visibility Sacramento hearing that contrasted the positions of the City of LB, the South Coast Air Quality Management District and the American Lung Association with the positions of the LB Area Chamber of Commerce, the RR industry, the Pacific Merchant Shipping Association and CARB staff, the CA Air Resources (CARB) narrowly declined (2-3, 2 abstain) to rescind a controversial Memorandum of Understanding (MOU) with CA's major railroads (BNSF and UP).

Last year, the LB City Council unanimously voted to support SCAQMD's position and oppose the RR MOU. However, at today's hearing (and to our knowledge for the first time at a public hearing), the LB Area Chamber of Commerce took a position in favor of the RR MOU.

* [LB Councilwoman Tonia Reyes Uranga was in Sacramento to voice her opposition to the MOU personally. Also travelling to the state capital was Janet Nguyen, the LB Chamber's VP for Government Relations/Public Affairs...to testify in support of the RR MOU.

CARB Boardmember Ron Loveridge (Riverside's Mayor and a member of the SCAQMD governing board) found the contrast so noteworthy that he asked Chamber VP Nguyen to discuss it. When she twice gave responses that Boardmember Loveridge found less than adequate, he asked bluntly what the LB Chamber's policy was on Environmental Justice issues.

Ms. Nguyen's response to that question prompted Boardmember Loveridge to deliver a public rebuke to the Chamber...calling its position as articulated on Environmental Justice "vague and unacceptable." **LBReport.com** posts salient portions of Ms. Nguyen's testimony and the ensuing colloquy below.

agreement, reached in secret negotiations between the state and the railroads, to be a major strategy for protecting public health from these harmful emissions."

At least sixteen environmental, health and community groups, from the Natural Resources Defense Council to the San Pedro and Peninsula Homeowner's Coalition, joined SCAQMD in expressing concerns about the railroad agreement and calling for its rejection.

Among the groups testifying in support of the MOU were the CA Chamber of Commerce, the L.A. Chamber of Commerce and the Pacific Merchant Shipping Ass'n.

[update] The testimony of LB Councilwoman Tonia Reyes Uranga (text provided by her office on Jan. 28 from her notes) is posted below. It was followed in real-time by the LB Area Chamber of Commerce testimony and colloquy with CARB/SCAQMD Boardmember/Mayor of Riverside Ron Loveridge, also posted below:

X [**Councilwoman Reyes Uranga** [text from Councilwoman's notes]: As Chair of the Transportation and Infrastructure Committee, and on behalf of the City of Long Beach, I want to thank you for this opportunity to speak.

The area I represent is immediately adjacent to the existing Union Pacific Intermodal Container Transfer Facility, and the proposed Burlington Northern Santa Fe facilities, multiple oil refineries and several freeways with the Ports of Los Angeles and Long Beach literally in our back yard.

For many in my city and in my district, we are at the front line in the battle for clean air. While we may be the first casualties and first victims of being at ground zero of a massive goods movement chain -- whose harmful effects have still not been measured nor its mitigation and costs compiled -- we understand that the collateral damage reaches far beyond our cities boundaries. This is why I am here, to comment on the "Status Report on the Implementation of the 2005 ARB/Railroad Statewide Agreement" because what we do in Long Beach has far reaching effects not only our region, but throughout our great State.

The Air Resources Board decided not to take action to either ratify or rescind the agreement and has continued its consideration to this meeting; but according to your staff, this left the agreement in effect in the interim. And according to ARB staff, the railroads and ARB have continued to implement the agreement that has yet to be ratified, clarified or explained to the satisfaction of my community.

The agreement asks the railroads to meet with community members to identify measures to reduce the impacts of Rail Yard emissions on adjacent residential neighborhoods. These were to have been completed by Nov. '05 but these have been moved to the end of April '06. To date, no meetings have taken place at UP/ICTF and none have been planned or scheduled to my knowledge. In addition the agreement for a Health Risk Assessment at the UP/ICTF has a proposed completion date for the end of '07. All of these plans for a facility that has been there for over 15 years. I am always wary of agreements that mandate community dialogue, especially when it is virtually non existent.

...The Ports, especially the Long Beach area ports, are part of the distribution network, an important economic engine for the region, especially our city. The MOU achieves a 20% reduction in PM [particulate matter] around rail yards over the next three years. This is faster than any other regulatory agency could have achieved...

...The termination clause is essential to ensure consistency statewide regulation and to avoid a patchwork of regulations...

...We encourage you to leave the agreement [MOU] in place and allow communities to benefit from these reductions over the next three years and beyond.

Boardmember Loveridge...If I could ask, your position contrasts with the position taken by the Long Beach City Council. What is your working relationship with the City of Long Beach?

Ms. Nguyen: Our relationship with the City Council [is] to work very hard in support of the Port and the Long Beach Airport to help businesses and to continue to improve the economic growth of the city and to improve jobs for our [inaudible]

Boardmember Loveridge: I understand that that's what Chambers do, but your position is different than the position of the...

Ms. Nguyen: Sometimes our position is in opposition to the City Council because we take a stand on behalf of our [inaudible] members of our association.

Boardmember Loveridge: For goods movement to work [inaudible] we're talking about moving the goods and also Environmental Justice. Your Environmental Justice position of the Chamber is what?

Ms. Nguyen: We support helping and assisting in finding out ways to reduce [misspeak, means produce] environmental benefits for the city. However we also need to take into consideration hundreds of thousands of jobs that the Ports also bring into our city.

Boardmember Loveridge: I just find that vague and unacceptable.

The LB Area Chamber has endorsed Bob Foster for Mayor and candidates for City Council. ***LBReport.com*** today asked the Foster for Mayor campaign manager if Mr. Foster supports or opposes the RR MOU. We intend to pose the same question of the Chamber's other endorsees...and post their answers separately on ***LBReport.com***.

Earlier this month, incumbent Mayor Beverly O'Neill (as she has in previous years) chose to deliver her "State of the City" message not in the public City Council chamber but at a pay-to-attend fundraiser benefiting the LB Area Chamber.
