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ENTERED
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Public Record

The Honorable Daniel R. Elliot III
Chairman
Surface Transportation Board
395 E. Street SW
Washington, DC 20423

Re: Docket No. FD 35803, United States Environmental Protection Agency Petition for Declaratory Order

Dear Chairman Elliot,

I write with regard to the petition for Declaratory Order filed by the Environmental Protection Agency (EPA) pending before the Surface Transportation Board (STB). The petition concerns two rules that address excessive locomotive idling within the South Coast Air Quality Management District (SCAQMD). One rule limits idling by locomotives to 30 minutes in certain circumstances, and the other rule requires basic records be kept of such idling events. I support these rules and their inclusion in California's State Implementation Plan under the federal Clean Air Act.

Protecting the environment and the quality of the air my constituents breathe is of great importance to me. The rail line along San Fernando Road bisects California's 29th Congressional District and is used extensively by freight locomotives. It is one of several significant sources of air pollution in the district I represent.

The question raised by the EPA petition is whether the Interstate Commerce Commission Termination Act (ICCTA) would preempt the implementation of the SCAQMD locomotive idling rules, if the rules were approved by the EPA under the federal Clean Air Act. I respectfully request that STB give due weight to the federal Clean Air Act when making its assessment. It is my hope that STB will confirm that the federal Clean Air Act and ICCTA can be harmonized to allow approval of these reasonable idling rules. Unlike an impermissible "patchwork" local regulation, the comprehensive State Implementation Plan process under the federal Clean Air Act ensures that the rules are well-founded and have the force of federal law.

While rail is integral to our nation's ability to move freight and passengers, it can also represent a significant source of pollution. The protection of air quality can go hand in hand with the protection of our economy. The tailored rules proposed by SCAQMD are a reasonable approach to balancing economic vitality with healthy federal air quality standards for Southern California. The rules will help protect air quality under the federal Clean Air Act, and therefore can be harmonized with the ICCTA.

Thank you for your consideration and I look forward to hearing about your decision.

Sincerely,


TONY CÁRDENAS
Member of Congress

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