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March 28, 2014

VIA HAND DELIVERY

Ms. Cynthia Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0111

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

Dear Ms. Brown:

Enclosed for filing in the referenced proceeding, please find an original and ten (10) copies of the Supplemental Comments of the South Coast Air Quality Management District. An extra copy also is enclosed for time-stamping and return to our messenger, as confirmation of filing.

Additionally, by this letter we are submitting separately ten (10) copies of a letter regarding the matter at issue in this proceeding from the Honorable Miguel A. Pulido, Mayor of the City of Santa Ana, CA. We respectfully request that this letter be accepted by the Board and entered on the record of this proceeding.

Thank you for your attention to this matter.

Ms. Cynthia Brown
March 28, 2014
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Sincerely,

A handwritten signature in black ink, appearing to read "Kelvin J. Dowd". The signature is fluid and cursive, with the first name "Kelvin" being more prominent than the last name "Dowd".

Kelvin J. Dowd
An attorney for South Coast Air Quality
Management District

Enclosures

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CITY OF SANTA ANA

March 19, 2014

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

Re: U.S. Environmental Protection Agency – Petition for
Declaratory Order, STB Finance Docket No. 35803

Dear Chairman Elliott:

I am writing regarding the Petition for Declaratory Order filed by the Environmental Protection Agency related to rules addressing unnecessary and excessive locomotive idling which were proposed by the South Coast Air Quality Management District (SCAQMD) and recommended by the California Air Resources Board. I strongly support these rules to protect the health of my constituents and all 16 million Californians living in the Los Angeles-Palm Springs area. These rules are a minimally burdensome and measured approach to reducing the substantial air pollution, and resulting harm to human health, generated by locomotives operating in this area.

The question raised by EPA's petition is whether the Interstate Commerce Commission Termination Act (ICCTA) would preempt implementation of the SCAQMD rules if EPA were to approve those rules as part of the State Implementation Plan under the Clean Air Act. I commend the attached letter to you for an explanation of the extreme nature of the area's air quality problems, the significance of the contribution of locomotive emissions to unhealthy air quality in the area, the disproportionate impacts of this pollution on minority and low-income populations, and the reasonableness of the specific requirements.

In addition, I would note that the SCAQMD has the most stringent set of air quality controls on local sources in the nation, and virtually every source of air pollution subject to SCAQMD authority has been required to help address the problem. There is simply no rational argument for allowing very large contributors to the problem not to take simple measures to reduce their contribution.

CITY ATTORNEY
Sonia R. Carvalho

CITY MANAGER
David Cavazos

CLERK OF THE COUNCIL
Maria D. Huizar

Letter to Chairman Daniel R. Elliott III
March 19, 2014
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Finally, it is critical that you give due weight to the requirements of the federal Clean Air Act in making your assessment. California is required by federal law to identify and implement sufficient pollution control measures to bring the South Coast area into attainment of the federal air quality standards. If the state fails to do so, EPA is required by law to step in and issue a federal implementation plan adopting and implementing such measures. The question before you is not a simple question of whether the ICCTA preempts state law. It is a question of striking a reasonable balance between the directives of two federal laws - the ICCTA and the Clean Air Act - and the goals those laws aim to achieve, including proper functioning of the nation's rail services and protection of human health and the environment from air pollution. I believe that the regulations adopted by the SCAQMD are a reasonable and measured attempt to strike such a balance.

Thank you for your consideration of my views on this matter.

Sincerely,



Miguel A. Pulido
Mayor
and SCAQMD Board Member