

ONE HUNDRED THIRTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

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February 12, 2014

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

ENTERED  
Office of Proceedings  
February 14, 2014  
Part of  
Public Record



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.

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

The Honorable Daniel R. Elliott III

February 12, 2014

Page 2

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,

A handwritten signature in black ink that reads "Henry A. Waxman". The signature is written in a cursive, slightly slanted style.

Henry A. Waxman  
Ranking Member