



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

**BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE MEETING**

COMMITTEE MEMBERS

**BRAD WAGENKNECHT –
CHAIRPERSON
MARIA AYERDI
MARK DeSAULNIER
DENA MOSSAR
JOHN SILVA**

**PAMELA TORLIATT–VICE CHAIRPERSON
CHRIS DALY
LIZ KNISS
MARK ROSS**

**WEDNESDAY
JANUARY 14, 2004
9:30 A.M.**

**FOURTH FLOOR CONFERENCE ROOM
DISTRICT OFFICES**

AGENDA

1. CALL TO ORDER - ROLL CALL

2. PUBLIC COMMENT PERIOD

(Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.

3. APPROVAL OF MINUTES OF NOVEMBER 17, 2003 AND JUNE 9, 2003

4. DISCUSSION OF GOVERNOR'S PROPOSED BUDGET

Staff will present a summary of the Governor's Proposed Budget.

**J. Broadbent/5052
jbroadbent@baaqmd.gov**

5. DISCUSSION OF SMOG CHECK LEGISLATIVE PROPOSAL

Staff will present a proposed legislative improvement to the Smog Check program for the Committee's consideration.

**J. Broadbent/5052
jbroadbent@baaqmd.gov**

6. COMMITTEE MEMBERS' COMMENTS

Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may; ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)

7. **TIME AND PLACE OF NEXT MEETING AT THE CALL OF THE CHAIR**
8. **ADJOURNMENT**

**CONTACT CLERK OF THE BOARDS - 939 ELLIS STREET
SAN FRANCISCO, CA 94109**

**(415) 749-4965
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov**

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities (notification to the Clerk's Office should be given at least three working days prior to the date of the meeting so that arrangements can be made accordingly).

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000**

DRAFT MINUTES

Summary of Board of Directors
Legislative Committee Meeting
9:30 a.m., Monday, June 9, 2003

1. Call to Order - Roll Call: Chairperson Wagenknecht called the meeting to order at 9:45 a.m.

Present: Brad Wagenknecht, Chairperson, Maria Ayerdi, Liz Kniss, John Silva, Pam Torliatt.

Absent: Chris Daly, Mark DeSaulnier, Dena Mossar, Mark Ross.

Also Present: Scott Haggerty (9:47 a.m.).

2. Public Comment Period: There were none.

3. Approval of Minutes of April 9, 2003: Director Kniss moved approval of the minutes; seconded by Deputy Director Ayerdi; carried unanimously by acclamation with Directors Torliatt and Silva abstaining.

4. Consideration of new Legislation and Corresponding Agency Positions: Staff presented the following bills with a recommendation for each one:

Bill	Brief Description	Staff Recommendation
SB 288 (Sher)	<i>New Source Review Restoration Act of 2003</i>	Support in concept, and seek amendments
AB 170 (Reyes)	<i>Mandates that, over time, local governments in the San Joaquin Valley adopt air quality elements in their General Plans</i>	Support
AB 1409 (Wolk)	<i>Allows buses longer than 40 feet to have bike racks in front</i>	Support

Tom Addison, Advanced Projects Advisor, stated that there has been some significant legislation since the Committee last met. Mr. Addison discussed the bills as follows:

SB 288 (Sher) is an attempt to prevent the Federal New Source Review (NSR) program from being weakened. Staff are strongly supportive of this goal. However, there is language in the bill that sets up a new category of citizen suits whereby stationary sources, local districts, and the Air Resources Board (ARB) could all be sued by anyone, and could end up paying attorneys' fees to the plaintiffs, regardless of whether the plaintiffs won or lost. In addition, the bill as drafted, would weaken the Air District's NSR program, which is more stringent than that previously mandated by the US Environmental Protection Agency (EPA).

There was considerable discussion on what position the Committee should take on the bill.

Committee Action: Director Kniss moved the Committee recommend the Board adopt a position to "Oppose the current language, but support the intent of the legislation and seek amendments;" seconded by Deputy Director Ayerdi; carried unanimously by acclamation.

AB 170 (Reyes) would mandate that local governments in the San Joaquin Valley include air quality elements in their general plans. This bill is for the San Joaquin Valley only and looks at the transportation, land use, and air quality connection. Staff is recommending a support position. During discussion, the Committee determined that the staff position should be changed to "Watch" instead of "Support."

Committee Action: Director Kniss moved the Committee recommend the Board adopt a "Watch" position on AB 170 (Reyes); seconded by Director Torliatt; carried unanimously by acclamation.

AB 1409 (Wolk) is being sponsored by the Metropolitan Transportation Commission, and would amend state law to allow bike racks to be placed on the front of buses longer than 40 feet. The unions are no longer opposed to this bill.

Committee Action: Director Haggerty moved that the Committee recommend the Board adopt the staff's recommendation of "Support" on AB 1409; seconded by Director Silva; carried unanimously by acclamation.

5. Discussion or Comments by Committee Members on any Previously Agendized Legislation, or Bills Included on Attached "BAAQMD Bill Discussion List-June 2003":

Mr. Addison noted that the three bills that would fund the Carl Moyer Program are dead and briefly discussed property tax issues that could affect the Air District.

6. Committee Members' Comments: Director Torliatt requested the list of bills and the Board positions be forwarded to MTC after the June 18th Board meeting.

6. Time and Place of Next Meeting: 9:45 a.m., Monday, July 14, 2003, 939 Ellis Street, San Francisco, CA 94109.

7. Adjournment: The meeting adjourned at 10:30 a.m.

Mary Romaidis
Clerk of the Boards

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**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000**

DRAFT MINUTES

Summary of Board of Directors
Legislative Committee Meeting
9:30 a.m., Monday, November 17, 2003

1. **Call to Order - Roll Call:** Chairperson Wagenknecht called the meeting to order at 9:45 a.m.
Present: Brad Wagenknecht, Chairperson, Maria Ayerdi, Mark DeSaulnier, Pam Torliatt.
Absent: Chris Daly, Liz Kniss, Dena Mossar, Mark Ross, John Silva.
2. **Public Comment Period:** There were none.
3. **Approval of Minutes of June 9, 2003:** Due to the lack of a quorum, approval of the minutes was deferred to the next meeting.
4. **Summary of 2003 Legislation:** *Staff presented a summary of bills that the District adopted positions on, and how those bills fared this year.*

Tom Addison, Advanced Projects Advisor, presented the report and stated that the 2-year legislative session is about halfway through and noted that over 3,000 bills were introduced this year. Mr. Addison reported that most of the bills that had significant costs associated with them failed to become law. There were more air quality bills introduced this year than is typical, and the District adopted formal positions on 26 of these bills. None of the bills that the District opposed became law. Mr. Addison highlighted several bills for the Committee.

Mr. Addison reported on the State budget and noted that the District had a slight increase in subvention funds (5%), which had been cut by a third in 2003. The District did not lose any property tax revenues in 2003, despite a number of proposals that would have cut multi-county special district property tax funds. It is likely that the District will experience cuts in both subvention funds and property tax revenues in the 2004-2005 budget year.

Committee Action: None. This report provided for information only.

5. **Potential Legislative Proposals for 2004:** *Staff presented potential legislative measures for consideration by the Committee to for the District's legislative agenda for 2004.*

The Committee discussed potential ideas for a legislative agenda for 2004, and ultimately settled on the following ideas:

1. Attempt to mitigate any loss of funds in the 2004-2005 budget year.
2. Attempt to find a stable, long-term source of funding to reduce emissions of diesel particulate.
3. Continue to support clean air measures without significant costs.

On the second point in the agenda, the discussion focused on: 1) Higher registration fees for diesel vehicles; an increase in the diesel fuel tax with new funds targeted to cleanup measures; or a per-barrel petroleum fee. 2) An increase in the Transportation Fund for Clean Air (TFCA) (an additional dollar-per-vehicle in the Bay Area). The Committee believed an increase in the TFCA would prove more politically feasible.

Committee Action: The Committee endorsed a legislative agenda for 2004 as stated above.

6. **Committee Members' Comments:** There were none.
7. **Time and Place of Next Meeting:** At the Call of the Chair.
8. **Adjournment:** The meeting adjourned at 10:30 a.m.

Mary Romaidis
Clerk of the Boards

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Brad Wagenknecht and
Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 2, 2004

Re: DISCUSSION OF GOVERNOR'S PROPOSED BUDGET

RECOMMENDED ACTION:

Receive and file.

DISCUSSION

On January 10, 2004, Governor Schwarzenegger is due to release his initial budget proposal for the 2004-05 Fiscal Year. California's final budget is not scheduled to be adopted until June 15, 2004 and will likely be adopted several weeks or months later. The January 10, 2004, budget proposal will be the first clear indication of what program cuts the new Governor is inclined to make. However, the January 10, 2004, proposals will be adjusted at the May revise. Staff will review the January 10, 2004 budget, and discuss with the Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

See above discussion.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Thomas Addison

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Brad Wagenknecht and
Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 2, 2004

Re: SMOG CHECK LEGISLATIVE PROPOSAL

RECOMMENDED ACTION:

Endorse co-sponsoring the legislative improvement to the Smog Check program discussed below.

BACKGROUND

Since 1996, California's Smog Check program has contained provisions that exempt older vehicles from the program. Specifically, cars built prior to the 1974 model year are exempted, and starting in 2003, cars 30-or-more model years old are exempted. While many older vehicles are driven few miles annually, they can still have very substantial emissions. For example, missing parts such as gas caps, or incorrect air-fuel ratio adjustments, can transform an older car from relative cleanliness into a gross emitter. Thus, these exemptions significantly weaken the air quality benefits of the Smog Check program.

DISCUSSION

Including these older vehicles in the Smog Check program is an extremely cost-effective emission-reduction strategy, achieving reductions of ozone precursors for roughly \$9,000 per ton, per ARB data. But regardless of the cost-effectiveness, staff believe that vehicles that are subject to the Smog Check program today should continue to be subject to the program in the future. Fairness dictates that all car owners should do their share to clean the air.

At least two bills have been introduced to end or change the Smog Check exemptions for older vehicles. In 2001, Senator Sheila Kuehl introduced SB 1172 at the request of the ARB. This bill would have ended the rolling 30-year exemption, but retained the pre-1974 model year exemption. While the Air District supported this bill, it was amended into a bill dealing with municipal utilities before its first hearing. In 2003, the Air District also supported SB 708. This measure, authored by Senator Dean Florez, would have toughened Smog Check by only exempting vehicles made more than 45 years ago. Old car clubs rallied their members, and the Senator cut that provision in the face of the strong opposition.

One component of the Air District's adopted 2004 legislative agenda is to seek measures without significant state costs that would cut emissions. District staff has performed initial calculations of the air quality benefits of ending the rolling 30-year exemption (leaving exempt those vehicles that have already been exempted, but keeping cars that are currently in the program in the future). In the Bay Area alone, such a measure would potentially cut emissions of ozone precursors by roughly 7 tons per day by the year 2010. Given the magnitude of other control measures being contemplated, this legislative change to the Smog Check program offers very large benefits. Staff have had preliminary discussions about the issue with representatives of the business and environmental communities, and it appears that diverse organizations would like to co-sponsor such a measure with the Air District.

AGENDA : 5

Staff do not recommend trying to end the exemption for vehicles that have already been exempted. This has already proven to be politically difficult. Perhaps more importantly, many observers feel it would be unfair to those who modified their vehicles legally to now have to go back and (in some cases) modify their vehicles at significant expense to comply with smog requirements. Instead, staff are specifically recommending that the Air District co-sponsor a bill to end the rolling 30-year exemption. Such a bill would simply require that all vehicles currently in the Smog Check program remain in the Smog Check program.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Thomas Addison
Advanced Project Advisor