



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

**BOARD OF DIRECTORS  
LEGISLATIVE COMMITTEE MEETING**

**COMMITTEE MEMBERS**

**BRAD WAGENKNECHT –  
CHAIRPERSON  
CHRIS DALY  
LIZ KNISS  
JOHN SILVA**

**PAMELA TORLIATT–VICE CHAIRPERSON  
MARK DeSAULNIER  
MARK ROSS**

**WEDNESDAY  
MARCH 17, 2004  
9:45 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 JANUARY 14, 2004**

**4. CONSIDERATION OF NEW LEGISLATION AND CORRESPONDING AGENCY POSITIONS**

**T. Addison/5109  
[taddison@baaqmd.gov](mailto:taddison@baaqmd.gov)**

- (a) AB 1991 (Lowenthal)—Intent language to establish a one-stop permitting process for petroleum refining projects*
- (b) AB 2366 (Chan)—Authorizes a “fifth dollar” for clean air on vehicle registrations within the BAAQMD*
- (c) AB 2424 (LaMalfa)—Spot bill from Specialty Equipment Manufacturers Association to halt vehicle scrappage programs*
- (d) AB 2526 (Oropeza)—Funds the Moyer program with a quarter of a cent of existing diesel fuel tax*
- (e) AB 2628 (Pavley)—Allows hybrids into HOV lanes*
- (f) AB 2847 (Oropeza)—Five cents per gallon fee on gas and diesel to mitigate air impacts*
- (g) AB 2880 (Pavley)—Authorizes increase from \$4 to \$6 in motor vehicle registration fees for clean air*
- (h) AB 2939 (Diaz)—Spot bill that will become a Moyer funding bill via a petroleum rack fee*
- (i) SB 1247 (Soto)—Spot bill that will become a funding mechanism for the Moyer Program*
- (j) SB 1614 (Torlakson)—Ten cents per gallon fee on gas and diesel, with a penny for air quality*
- (k) SB 1615 (Denham)—Eliminates smog check requirement for out-of-state vehicles older than 30 years*

*imported into California*

**5. UPDATE ON DISTRICT-SPONSORED SMOG CHECK BILL**

**T. Addison/5109**  
[taddison@baaqmd.gov](mailto:taddison@baaqmd.gov)

*Staff will inform the Committee of the status of AB 2683 (Lieber), which would clean the air by keeping vehicles that are in the Smog Check program today in the program in the future.*

**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](http://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., Wednesday, January 14, 2004

1. **Call to Order - Roll Call:** Chairperson Brad Wagenknecht called the meeting to order at 9:36 a.m.  
  
**Present:** Brad Wagenknecht, Chairperson, Maria Ayerdi (9:43 a.m.), Chris Daly, Mark Ross, John Silva.  
  
**Absent:** Mark DeSaulnier, Liz Kniss, Dena Mossar, Pamela Torliatt.
2. **Public Comment Period:** There were none.
3. **Approval of Minutes of November 17, 2003 and June 9, 2003:** Approval of the minutes was deferred until a quorum was present.
4. **Discussion of Governor's Proposed Budget:** *Staff presented a summary of the Governor's Proposed Budget.*

Tom Addison, Advanced Projects Advisor, presented a summary of the Governor's Proposed Budget, and emphasized that the impact of California's Fiscal Year 2004/05 budget on the Air District is unclear. Mr. Addison stated this is both because the impact of the Governor's proposal on this Air District is ambiguous, and because the Governor's proposal is not the final, adopted budget. Mr. Addison reviewed some of the major points in the budget timeline as follows:

- The \$15 billion bond measure will be on the March 2<sup>nd</sup> ballot, and its fate will dramatically affect the final budget.
- On about May 14<sup>th</sup>, the Governor will release a revised version of his budget proposal.
- From May to June, the Senate and Assembly will finalize their budgets, which are consolidated in the Conference Committee.
- June 15<sup>th</sup> is the deadline for the Legislature to enact the Budget bill.
- Recent budgets have actually been enacted in July, August, and September.
- Mr. Addison briefly reviewed the state's revenues and expenses for the 2004/05 fiscal year.

Mr. Addison noted that the Governor's proposal keeps subvention at the same level as the previous two years. The Air District's share would be \$1.8 million, which is down from the \$2.6 million in fiscal year 2001/02. The Governor does not propose an increase in fees that stationary sources pay to the Air Resources Board (ARB). Most significantly, the Governor's proposal would shift \$1.3 billion of property taxes from local governments to the State. Mr. Addison stated that the Governor's proposal does not specify that the Air District is included in this shift, and if the District is, how much property tax would be taken. Property tax revenues of \$15.5 million are 37% of the Air District's current operating budget. Mr. Addison also noted that there is little support in the Legislature for any additional Educational Reimbursement Augmentation Fund (ERAF) shifts.

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

3. **Approval of Minutes of November 17, 2003 and June 9, 2003:** With the arrival of Deputy Director Ayerdi, the Committee had a quorum and Director Ross moved approval of the minutes; seconded by Director Ayerdi; carried unanimously by acclamation.
5. **Discussion of Smog Check Legislative Proposal:** *Staff presented a proposed legislative improvement to the Smog Check program for the Committee's consideration.*

Mr. Addison reviewed the background of the Smog Check program and presented a proposal that the Air District co-sponsor a bill to end the rolling 30-year exemption for Smog Check. Mr. Addison stated that this measure would simply require that all vehicles currently in the Smog Check program remain in the Smog Check program in the future. The Planning and Conservation League and the California Council for Economic and Environmental Balance would like to join the Air District in sponsoring such a bill.

Mr. Addison noted that there would be some opposition to this type of bill. He also noted that the emission reductions would be close to two tons a day of reactive organic compounds (ROG) and nitrogen oxides (NOx). There was discussion on classic cars and collectors and how they might be impacted.

**Committee Action:** Director Silva moved the Committee recommend the Board endorse the District co-sponsoring the legislative improvement to the Smog Check program; seconded by Director Daly; carried unanimously by acclamation.

6. **Committee Members' Comments:** Director Ross inquired if there has been any attempt from the new administration to do some rollbacks on the environmental legislation that was passed in the last few years. Mr. Addison indicated this administration has said they are not supportive of environmental rollbacks.

Director Silva commented that the key to getting the cars off the road is through local law enforcement. Mr. Addison stated that many people in California are driving non-registered vehicles due to many factors such as the cost, smog check, high insurance rates, higher registration costs to name a few. It is also estimated that 2% of the cars being driven in the state

are not registered and thus out of the smog check system. If there was a change in how the vehicle registration is distributed (to local jurisdictions and not to the State), that could result in a higher registration rate, which would ultimately reduce emissions.

7. **Time and Place of Next Meeting:** At the Call of the Chair.
8. **Adjournment:** The meeting adjourned at 10:16 a.m.

Mary Romaidis  
Clerk of the Boards

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**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Inter Office Memorandum

To: Chairperson Brad Wagenknecht and  
Members of the Legislative Committee

From: Thomas Addison  
Advanced Projects Advisor

Date: March 10, 2004

Re: CONSIDERATION OF NEW BILLS AND CORRESPONDING  
AGENCY POSITIONS

RECOMMENDED ACTION: Adopt positions on recently introduced bills.

DISCUSSION

Legislators responded to their February 20<sup>th</sup> bill introduction deadline by introducing literally thousands of new measures. If enacted into law, some of these bills would have either direct or indirect air quality impacts. All bills of potential significance to the District (either newly introduced or still alive in the current legislative session) are listed in the “BAAQMD Bill Discussion List”, which will be distributed at the Committee meeting. Staff is recommending the Committee adopt positions on some of these bills as listed in the table below. A copy of each of these bills is attached. Staff will present verbal analyses of these bills.

Staff will also discuss some additional bills on the longer Discussion List, and the Committee may wish to take positions on some of those bills as well.

<b>Bill</b>	<b>Brief Description</b>	<b>Staff Recommendation</b>
AB 1991 (Lowenthal)	Intent language to establish a one-stop permitting process for petroleum infrastructure projects	Watch
AB 2366 (Chan)	Authorizes a ‘fifth dollar’ for clean air on vehicle registrations within the BAAQMD	Support
AB 2424 (LaMalfa)	Spot bill from Specialty Equipment Manufacturers Association to halt vehicle scrappage programs	Oppose in Concept
AB 2526 (Oropeza)	Funds the Moyer program with a quarter of a cent of existing diesel fuel tax	Support
AB 2628 (Pavley)	Allows hybrids into HOV lanes	Support if amended
AB 2847 (Oropeza)	Five cents per gallon fee on gas and diesel to mitigate air impacts	Support
AB 2880 (Pavley)	Authorizes increase from \$4 to \$6 in motor vehicle registration fees for clean air	Support and seek amendments
AB 2939 (Diaz)	Spot bill that will become a funding measure for a new Moyer-type program	Support

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SB 1247 (Soto)	Spot bill that will become a funding measure for a new Moyer-type program	Support
SB 1614 (Torlakson)	Ten cents per gallon fee on gasoline and diesel with a penny going to clean air projects	Support
SB 1615 (Denham)	Ends California requirement that out-of-state vehicles older than 30 years be subject to smog check	Oppose unless amended

BUDGET CONSIDERATION/FINANCIAL IMPACT

No direct impact.

Respectfully submitted,

Thomas Addison  
Advanced Projects Advisor

FORWARDED: \_\_\_\_\_

Reviewed by: Peter Hess

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Inter Office Memorandum

To: Chairperson Brad Wagenknecht and  
Members of the Legislative Committee

From: Thomas Addison  
Advanced Projects Advisor

Date: March 10, 2004

Re: UPDATE ON SMOG CHECK LEGISLATIVE PROPOSAL

RECOMMENDED ACTION: Receive and file.

DISCUSSION

AB 2683, authored by Assemblymember Sally Lieber, was introduced on February 20<sup>th</sup>. This bill, co-sponsored by the District, the Planning and Conservation League, and the California Council for Economic and Environmental Balance, affects California's Smog Check program. It would ensure that all vehicles subject to the program today would remain in the program in the future. A fact sheet about the bill that staff have prepared is attached.

The bill is formally opposed by the Specialty Equipment Manufacturers Association (SEMA), which is an organization of businesses that build after-market parts for hot rods and vehicle customizers. SEMA has issued many press releases about the bill, urging hot rod and classic car enthusiasts to express their opposition to the bill. Regrettably, SEMA grossly misrepresented what the bill would do, claiming the bill would require all vehicles manufactured before 1976 to be smogged. (A representative such story, from Streetrodder.com, is attached; the text is taken verbatim from a SEMA press release.) As of today, the author's office had received roughly 800 emails in opposition, and many phone calls as well. However, virtually all of the individuals, including television personality Jay Leno, who have called to express opposition own vehicles that would not be affected by the bill (i.e., they own pre-1976 cars).

The bill has been set for hearing in the Assembly Transportation Committee April 12<sup>th</sup>, and staff expects that lobbying prior to the hearing will be intense. Staff are working with our co-sponsors on securing as much support for the bill as possible prior to the hearing.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Thomas Addison  
Advanced Projects Advisor

FORWARDED: \_\_\_\_\_

Reviewed by: Peter Hess



# AB 2683 (Lieber)

## Elimination of the Rolling 30-Year Smog Check Exemption For 1976 and Later Vehicles

### Summary of AB 2683

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- AB 2683 will improve air quality and reduce emissions by keeping vehicles with a model year of 1976 or later in the smog check program and subject to smog checks.
- Under this bill, as of January 1, 2005, all pre-1976 model-year vehicles would remain exempted from California smog check requirements. AB 2683 will not bring 1975 and earlier model year vehicles into the smog check program – it makes permanent their current exemption from smog checks.
- Motor vehicles that are 1976 model-year or later would remain part of the smog check program. This means that all vehicles currently part of the smog check program would remain in the smog check program.
- In addition, AB 2683 does not change existing pass-fail emission levels. Older vehicles in the smog check program (post-1976 model year cars) will continue to have the same pass-fail thresholds they currently have – which are much more generous than the thresholds for newer cars.

### Background

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Motor vehicles are California's single greatest source of air pollution. California's Smog Check program is a cost-effective and equitable way for motorists to do their share to clean the air. Smog Check ensures that motorists maintain their vehicles in good condition, minimizing their emissions.

Prior to 1997, only pre-1966 model years were exempt from Smog Check. Starting in 1997, state law was changed so that pre-1974 vehicles were also exempted, and beginning in January 2003, vehicles 30 or more model years old would become exempt. (In 2003, 1975 to 1999 model year vehicles were subject to the Smog Check program, and in 2004, 1976 to 2000 model year vehicles are subject to the program.) This is known as the "30 year rolling exemption."

Older vehicles contribute disproportionately to California's air pollution problem, despite their relatively low numbers and use. Excluding older vehicles from the program significantly reduces the effectiveness of the Smog Check program. AB

2683 would end the 30-year rolling exemption, simply ensuring that cars that are already being smog checked will continue to be smog checked in the future.

### **Fast Facts**

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- An average 1976-model year car emits about 155 times more hydrocarbons per mile driven than a 2004-model year car.
- While there are over 24 times more 2004 cars on the road today than 1976 cars, and the 2004 cars are driven 58 times further each day, the emissions from the 1976 cars are between 2 and 3 times greater.
- In 2010, pre-1982 cars (i.e., those that would be exempt in 2012 without AB 2683) are projected to account for 22 percent of the hydrocarbons and 11 percent of the nitrogen oxide (NO<sub>x</sub>) emissions from the light-duty fleet despite accounting from only about 2.6 percent of the vehicle population and 1.3 percent of the miles traveled.
- AB 2683 will cut emissions of smog precursors by roughly 6 tons per day in 2010, and over 12 tons per day in 2015.

### **Support AB 2683!**

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Send letters of support to Assemblywoman Sally Lieber's office.

Phone: (916) 319-2022

Fax: (916) 319-2122

E-mail: [Assemblywoman.Lieber@assembly.ca.gov](mailto:Assemblywoman.Lieber@assembly.ca.gov)

Mailing Address: P.O. Box 942849, Sacramento, CA 94249-0022

### **Contact Information**

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Tom Addison

Bay Area Air Quality Management District

Phone: (415) 749-5109

Email: [taddison@baaqmd.gov](mailto:taddison@baaqmd.gov)

AB 2683 is co-sponsored by the Bay Area Air Quality Management District, the Planning and Conservation League, and the California Council for Economic and Environmental Balance.