



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

**BOARD OF DIRECTORS  
LEGISLATIVE COMMITTEE MEETING**

**COMMITTEE MEMBERS**

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

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

**TUESDAY  
DECEMBER 21, 2004  
9:30 A.M.**

**ROOM 716  
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 OCTOBER 13, 2004**

**4. POTENTIAL LEGISLATIVE PROPOSALS FOR 2005**

**J. Broadbent/5052**

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*Staff will present potential legislative measures for consideration by the Committee to form the District's legislative agenda for 2005.*

**5. DISCUSSION OF FUTURE TRANSPORTATION SALES TAX MEASURES**

**J. Broadbent/5052**

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*Staff will present a recommendation for circumstances for which the District should adopt positions on local county transportation sales tax measures.*

**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, October 13, 2004

1. **Call to Order - Roll Call:** Chairperson Wagenknecht called the meeting to order at 9:43 a.m.

**Present:** Brad Wagenknecht, Chairperson, Chris Daly (9:55 a.m.), Erin Garner, Erling Horn, Mark Ross, John Silva.

**Absent:** Mark DeSaulnier, Liz Kniss, Pamela Torliatt.

2. **Public Comment Period:** There were none.

3. **Approval of Minutes of March 17, 2004 and April 28, 2004:** Director Ross moved approval of the minutes; seconded by Director Silva; carried unanimously without objection.

4. **Summary of the Legislative Year:** *Staff presented a summary of the 2004 Legislative Year.*

Thomas Addison, Advanced Projects Advisor, summarized the 2004 legislative year and reviewed the three major issues that were on the District's legislative agenda: 1) improving the Smog Check program by ending the rolling 30-year exemption; 2) finding an on-going long-term source of funding for cleaning up diesel engines; and 3) getting authority for an increase in the motor vehicle registration fee surcharge for clean air.

Director Daly arrived at 9:55 a.m.

It was noted that none of the bills that the District opposed passed without first being amended or having the District's concerns addressed.

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

5. **Motor Vehicle Registration Fee Increase:** *The Committee considered a recommendation to the Board to allow a motor vehicle registration fee increase for air quality, as authorized by AB 923 (Firebaugh).*

Jack Broadbent, Executive Officer/APCO, stated that AB 923 (Firebaugh) authorizes the District to increase local registration fee surcharges for clean air from \$4 to \$6, and imposes a state tire fee for clean air. This fee increase would generate about \$11 million for emission reduction projects. Staff recommends the Committee recommend to the full Board that the increase be authorized.

Director Silva requested staff provide information on the total amount of fees for vehicle registration.

**Committee Action:** Director Silva moved that the Committee recommend the Board adopt a \$2 motor vehicle registration fee increase for clean air, as authorized by AB 923 (Firebaugh); seconded by Director Horn; carried unanimously without objection.

**6. Consideration of County Sales Tax Transportation Ballot Measures:** *Staff presented a summary of the five Bay Area County transportation sales tax measures.*

Mr. Broadbent explained that this item was a referral from Director Hill and it deals with the county sales tax transportation ballot measures.

Mr. Addison stated that the ballot measures vary on what would be funded and that it can be difficult to analyze the air quality impacts of the measures. There was discussion on the short- and long-term benefits of the measures and if it is appropriate for the Air District to become involved in local issues, such as these ballot measures.

**Committee Action:** Director Ross moved that the issue be forwarded to the full Board for further discussion without a recommendation from the Committee; seconded by Director Horn.

There was one speaker on this item:

Daryl K. Halls, Executive Director  
Solano Transportation Authority  
Suisun City, CA 94585

The motion then passed with dissenting votes from Directors Garner and Wagenknecht.

**7. Potential Legislative Proposals for 2005:** *Staff presented potential legislative measures for consideration by the Committee to form the District's 2005 legislative agenda.*

Staff presented a wide range of ideas to the Committee for consideration for the Air District's 2005 legislative agenda. The Committee provided input and requested staff develop the proposals and present them to the Committee at its next meeting.

**Committee Action:** None.

**8. California Performance Review Discussion:** *Staff presented a summary of the California Performance Review.*

Mr. Broadbent presented a summary of the California Performance Review, specifically on the elimination of the Air Resources Board and the issue of streamlining petroleum infrastructure permitting. The District's position on these two issues was addressed in a letter to the Governor.

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

9. **Committee Members' Comments:** There were none.
10. **Time and Place of Next Meeting:** At the Call of the Chair.
11. **Adjournment:** The meeting was adjourned at 11:10 a.m.

Mary Romaidis  
Clerk of the Boards

**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: December 13, 2005

Re: Potential Legislative Proposals for 2005

RECOMMENDED ACTION

Recommend 2005 legislative agenda to the Board.

DISCUSSION

At its last meeting, the Legislative Committee discussed a wide range of potential legislative proposals for the upcoming year. Staff are proposing that the District focus on the following issues for its 2005 legislative agenda.

The legislation establishing the Transportation Fund for Clean Air (TFCA) is now well over a decade old, and the annual \$4 fee on vehicle registrations has dramatically cut emissions in the Bay Area. The TFCA in many ways is viewed as a model program by the ARB and outside observers. However, staff suggest the Committee consider a statutory change that could significantly increase the public health benefits of the program. Under current law, the TFCA can only be used to provide funding to public agencies. This restriction is unique to the Bay Area. Staff are suggesting that private entities also be eligible for funding. For example, privately-owned heavy-duty vehicles are significant emitters of diesel particulate, and incentive funding for their cleanup is very cost-effective at obtaining emission reductions that would not otherwise occur. Staff believe it would be appropriate to have the District sponsor legislation to authorize adding these types of projects to the eligibility list.

The California Air Pollution Control Officers Association (CAPCOA) has indicated they will be sponsoring additional legislation this year to augment existing funding for incentive-based air quality programs such as the Carl Moyer and Low Emission School Bus programs. Furthermore, the Administration, along with both environmental and business groups, have expressed strong interest in such an effort. Staff are suggesting that part of the District's 2005 legislative agenda should be to actively engage in these efforts, and ensure that any resulting statewide legislation fairly benefit Bay Area residents.

Emissions from rail operations are significant in the Bay Area. Unlike both on-road motor vehicles or stationary sources which have a long history of control, rail emissions controls are in relative infancy. Trains (along with planes and ships) are so-called federal sources, whose emissions are regulated by the U.S. EPA. The U.S. EPA has recently initiated rule development to propose new emission standards for locomotives. Staff propose that the District co-sponsor, with the South Coast Air Quality Management District, a joint resolution from the California Legislature to Congress on this issue. The

**AGENDA: 4**

resolution would encourage the U.S. EPA to adopt the most stringent new standards on locomotive emissions that are both feasible and cost effective, and to implement such regulations as early as possible.

There will undoubtedly be many bills introduced in 2005 that will either harm or benefit air quality that the District will adopt positions on. As discussed in detail at the last Legislative Committee meeting, there are a wide range of potential bills that the District could sponsor. Staff anticipate legislation on smog check and illegally registered hotrods, 'streamlining' of the refinery permitting process, federal sources of air pollution, and many other topics. Because of our very visible sponsorship of AB 2683 (Lieber) in 2004, we will need to devote some time to further involvement in smog check legislation in the coming year.

However, staff anticipate that the three items discussed above will constitute an ambitious legislative agenda, and are recommending that the Legislative Committee recommend this agenda to the full Board.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None

Respectfully submitted,

Thomas Addison  
Advanced Projects Advisor

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

**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: December 13, 2004

Re: Discussion of Future Transportation Sales Tax Measures

RECOMMENDED ACTION

Consider whether to recommend criteria for District endorsement of future local transportation sales tax measures.

INTRODUCTION

Historically, the District has never adopted a position on any local transportation sales tax ballot measure. Several months ago, this Committee and subsequently the Board considered whether to endorse any of the five local transportation sales tax measures on the November 2004 ballot. After substantial deliberation, both the Committee and the Board declined to weigh in on any of these measures.

This item is before the Committee now to consider whether to establish a protocol or specific criteria for evaluating future transportation sales tax measures, and determining whether the District should endorse such future measures.

DISCUSSION

Because mobile sources are the greatest source of emissions in the Bay Area, transportation projects can significantly affect air quality, both in the short and long term. Within the set of five measures on the November ballot, some were better and some were worse from a strictly air quality perspective. Measures that devote substantial resources to successful alternatives to single-occupant vehicle travel are better at improving air quality than measures that are focused primarily on expanding the roadway network or speeding travel times.

However, it can be very difficult to determine quantitatively what the air quality impacts are from a specific set of transportation measures, or even if the package on balance is beneficial or detrimental to air quality. In part, this is because transportation measures can have variable effects over time on travel behavior, land use, and thus emissions. The best way to try to determine these impacts is through use of regional or sub-regional transportation, land use, and air quality models. This process not only involves



substantial assumptions, and thus some uncertainty, but more importantly takes significant time and money.

Thus staff are not recommending that the Committee pursue quantitative evaluation criteria for future transportation ballot measures. However, if the Committee chooses, staff will pursue the issue further, and can present a range of criteria for the Committee to consider at a future date.

BUDGET CONSIDERATION/FINANCIAL IMPACT

No direct impact.

Respectfully submitted,

Thomas Addison  
Advanced Projects Advisor

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