



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

BOARD OF DIRECTORS  
LEGISLATIVE COMMITTEE MEETING  
COMMITTEE MEMBERS

MARK DeSAULNIER – CHAIRPERSON  
ROBERTA COOPER  
CHRIS DALY  
DAN DUNNIGAN

LIZ KNISS – VICE CHAIRPERSON  
ERIN GARNER  
MARK ROSS  
TIM SMITH  
BRAD WAGENKNECHT

MONDAY  
JANUARY 30, 2006  
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 OCTOBER 31, 2005**

4. **LEGISLATIVE AGENDA FOR 2006**

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee will consider a proposed legislative agenda for 2006.*

5. **CONSIDERATION OF NEW BILLS AND CORRESPONDING AGENCY POSITIONS**

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*Staff will present newly-introduced air quality bills for the Committee's deliberation.*

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

Memorandum

To: Chairperson Mark DeSaulnier and  
Members of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 4, 2006

Re: Legislative Committee Draft Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Legislative Committee meeting of October 31, 2005.

DISCUSSION

Attached for your review and approval are the draft minutes of the October 31, 2005, Legislative Committee meeting.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

**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, October 31, 2005

1. **Call to Order - Roll Call:** Chairperson Brad Wagenknecht called the meeting to order at 9:35 a.m.  
  
**Present:** Brad Wagenknecht, Chairperson, Chris Daly (9:39 a.m.), Dan Dunnigan (9:39 a.m.), Scott Haggerty (9:43 a.m.), Mark Ross, John Silva, Pamela Torliatt.  
  
**Absent:** Erin Garner, Liz Kniss.  
  
**Also Present:** Marland Townsend.
2. **Public Comment Period:** There were none.
3. **Approval of Minutes of June 6, 2005:** Director Townsend moved approval of the minutes; seconded by Director Silva; carried with Director Torliatt abstaining.
4. **Summary of 2005 Legislative Year:** *Staff presented a summary of the recently concluded year in Sacramento, highlighting the outcome of measures on which the District adopted positions.*

Thomas Addison, Sr. Advanced Projects Advisor, presented the report and reviewed the last legislative year in Sacramento. Mr. Addison stated that two things influenced the outcome of environmental and air quality bills this year: 1) the special election, and 2) a large number of new members of the Assembly.

Directors Chris Daly and Dan Dunnigan arrived at 9:39 a.m.

Mr. Addison highlighted the outcome of measures on which the District adopted positions. There was considerable discussion on AB 694 (Chan) regarding the region's Transportation Fund for Clean Air (TFCA). Jack Broadbent, Executive Officer/APCO stated that the District's Mobile Source Committee will be discussing several issues regarding projects funded by TFCA grants.

Director Scott Haggerty arrived at 9:43 a.m.

Mr. Addison discussed bills that the Air District supported, but failed to pass the Legislature.

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

5. **Potential Legislative Proposals for 2006:** *Staff presented potential legislative measures for consideration by the Committee to recommend to the Board of Directors for the Air District's legislative agenda for 2006.*

Mr. Addison presented potential legislative measures for consideration for incorporation into the District's 2006 legislative agenda. The proposed measures discussed include: 1) efforts to improve goods movement; 2) a smoke check component to Smog Check; 3) remote sensing; 4) increasing the ceiling for air pollution penalties; and 5) wood smoke ordinances.

Other ideas were discussed by the Committee for consideration. Director Torliatt suggested that a presentation be given to the Mobile Source Committee on a Safe Rides to School Program.

**Committee Action:** The Committee recommended that the Board of Directors adopt a legislative agenda for 2006.

6. **Committee Members' Comments:** There were none.
7. **Time and Place of Next Meeting:** At the Call of the Chair.
8. **Adjournment:** The meeting was adjourned at 11:02 a.m.

Mary Romaidis  
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Mark DeSaulnier and  
Members of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: January 23, 2006

Re: Legislative Agenda for 2006

RECOMMENDED ACTION:

Recommend a 2006 legislative agenda for Board adoption.

DISCUSSION

The Committee had a wide-ranging discussion of potential legislative ideas at its last meeting. Staff has since met with a variety of potential stakeholders, co-sponsors, and authors to further explore these ideas. Staff is recommending two general strategies for the District's 2006 legislative agenda: cutting goods movement emissions and adding a smoking vehicle component to the smog check program.

The Bay Area is heavily impacted by emissions associated with international goods movement. In particular, diesel particulate emissions associated with the Port of Oakland are a significant health risk for Bay Area residents, especially those downwind of the multitude of sources of port emissions. A recent ARB analysis of health impacts from diesel emissions associated with the Ports of Long Beach and Los Angeles shows the potential magnitude of the problem. The forecasts of dramatically increased cargo shipments and associated activity at the Port of Oakland and the resulting increase in emissions will only exacerbate the current problem.

The Southern California ports have begun to acknowledge their air quality impacts with a number of voluntary measures. These include the Port of Los Angeles policy of "no net increase" in emissions, a basin-wide vessel speed reduction program, and the PierPass program of off-peak, expanded terminal hours. The Port of Oakland, while smaller than the Southern California ports, is still the fourth largest port in the United States, with very large air quality impacts.

Staff suggests that a key part of the District's 2006 legislative agenda be a measure to reduce diesel particulate emissions associated with goods movement. One strategy would be to implement a lower marine vessel speed limit adjacent to and within the Golden Gate. Currently, Vessel Traffic Service (which oversees ship traffic in the San Francisco Bay) has a 15-knot speed limit, enacted primarily for safety and collision avoidance reasons. In contrast, the voluntary limit--- enacted for its air quality benefit--- in Southern California is 12 knots. Because small increases in velocity have an exponential increase in emissions, dropping the limit by 3 knots would significantly reduce emissions of oxides of nitrogen, diesel particulate, and oxides of sulfur.

Another strategy would be to tie the berthing fee that vessels currently pay to the level of emission reduction technology on board the vessel. Under such a scenario, vessels using cleaner-burning fuels or newer or retrofitted cleaner engines, or equipped for cold-ironing (using shore-side electricity when in port, instead of creating their power using auxiliary engines as generators) would be rewarded with lower berthing fees. Proceeds from such a fee could be used to cut emissions at the port, through such strategies as providing land-side cold-ironing infrastructure.

Staff recommends the Committee endorse the concept generally that the District's 2006 legislative agenda include goods movement emissions reduction, and review specific bill language for such a proposal at its next meeting.

Staff is also suggesting that the district co-sponsor a measure to cut particulate emissions from the light-duty vehicle fleet. Smog Check is the primary emission control program for in-use light-duty cars and trucks. The Smog Check program currently has tailpipe emission testing for hydrocarbons, oxides of nitrogen, and carbon monoxide. However, a vehicle can have particulate emissions high enough to be readily visible, yet pass the test. A number of recent studies show both that the magnitude of particulate emissions from the light-duty fleet appears to be far higher than previously realized, and that these emissions have negative health impacts comparable to diesel particulate. One way that Smog Check could be improved at minimal cost would be to include a visual inspection for tailpipe smoke as part of the test. The Inspection and Maintenance Review Committee (with appointees by the Governor and the Legislature) has studied the issue and formally recommended this as a needed statutory improvement to the program. Assemblymember Lieber has expressed her strong interest in continuing her successful collaboration with the District to improve Smog Check. Staff has discussed co-sponsorship with both environmental and business organizations, who are interested in doing so. Staff suggests that such an effort comprise the second component of the District's 2006 legislative agenda.

#### BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Tom Addison  
Reviewed by: Jean Roggenkamp

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Mark DeSaulnier and  
Members of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: December 28, 2005

Re: Consideration of New Bills and Corresponding Agency Positions

RECOMMENDED ACTION:

Discuss newly-introduced bills and recommend Board positions on them.

DISCUSSION

2006 is the second and concluding year of the 2005-06 Regular Session of the California Legislature. Legislators have until the end of January to move lingering bills introduced in 2005 out of their House of origin. The ostensible last day to introduce new legislation is February 24<sup>th</sup>. While staff expects that most of the new 2006 measures will be introduced shortly before the February deadline, we anticipate that some measures will be introduced after the preparation date of this memorandum but before January 9<sup>th</sup>. Staff will have copies of any such air quality measures for the Committee to discuss at its meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

No direct impact.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Tom Addison  
Reviewed by: Jean Roggenkamp