

Representative Stephen G. Handy proposes the following substitute bill:

1 **CONCURRENT RESOLUTION** ~~Ŝ→ [URGING THE~~

2 ~~ENVIRONMENTAL PROTECTION AGENCY TO UPDATE]~~ **CONCERNING** ~~←Ŝ~~

3 **SWITCHER LOCOMOTIVE EMISSION STANDARDS**

4 2019 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Stephen G. Handy**

7 Senate Sponsor: Todd Weiler

8

LONG TITLE

9 **General Description:**

10 This concurrent resolution ~~Ŝ→ [urges the Environmental Protection Agency to update]~~
11 **requests that Congress allow states to regulate certain** ~~←Ŝ~~
12 **switcher locomotive emission standards.**

13 **Highlighted Provisions:**

14 This resolution:
15 ▶ recognizes the railroad's economic impact in Utah;
16 ▶ describes the Environmental Protection Agency's (EPA) emission standards for
17 switcher locomotives;
18 ▶ recognizes that more stringent emission standards for switcher locomotives would
19 reduce harmful emissions in the state;
20 ▶ acknowledges that federal law prohibits states from adopting more stringent
21 emission standards for switcher locomotives; and
22 ▶ ~~Ŝ→ [urges the EPA to develop and make more stringent emission standards for~~
22a **switcher**
23 **locomotives]** **requests that Congress allow states to regulate certain switcher locomotive**
23a **emissions standards** ~~←Ŝ~~ .

24 **Special Clauses:**

25 None

1st Sub. H.C.R. 3



26

27 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

28 WHEREAS, railroads continue to play a vital role in Utah's economy;

29 WHEREAS, there are approximately 63 switcher locomotives operating in Utah;

30 WHEREAS, the vast majority of the switcher locomotives operating in Utah are
31 certified to the Environmental Protection Agency's (EPA) Tier 0 or Tier 0+ emission standards;

32 WHEREAS, the Utah Division of Air Quality finds replacing and repowering switcher
33 locomotives to be a cost-effective emission control strategy;

34 WHEREAS, replacing or repowering a switcher locomotive certified to the Tier 0+
35 emission standard to meet Tier 4 emission standards would result in an 89% reduction in
36 nitrogen-oxide emissions and an 88.5% reduction in direct particulate-matter emissions;

37 WHEREAS, the Clean Air Act, 42 U.S.C. Sec. 7543(e) prohibits states from
38 establishing emission standards for locomotives;

39 WHEREAS, current EPA emissions standards only require switcher locomotives
40 certified to the Tier 0 emission standard to be remanufactured to meet the Tier 0+ emission
41 standard and such remanufacturing may continue indefinitely; and

42 WHEREAS, the EPA has continued to tighten the National Ambient Air Quality
43 Standards for fine particulate matter and ozone without providing improved locomotive
44 remanufacturing emissions requirements to help meet said standards:

45 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
46 Governor concurring therein, hereby requests that ~~Ŝ → [the EPA develop and make more stringent~~
47 ~~switcher locomotive emissions standards requiring]~~ Congress allow states to regulate switcher
47a locomotive emissions standards so that a state can require ←Ŝ that Tier 0 and 0+ locomotives be
48 repowered to meet Tier 4 standards or otherwise be retired in a timely and cost-effective
49 manner.

50 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of
51 the United States, the United States Environmental Protection Agency's Office of the
52 Administrator, and each member of Utah's congressional delegation.