

1                   **CONCURRENT RESOLUTION CONCERNING**  
2                   **SWITCHER LOCOMOTIVE EMISSION STANDARDS**

3                                   2019 GENERAL SESSION

4                                   STATE OF UTAH

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

6                                   Senate Sponsor: Todd Weiler

---

---

8                   **LONG TITLE**

9                   **General Description:**

10                   This concurrent resolution requests that Congress allow states to regulate certain  
11 switcher locomotive emission standards.

12                   **Highlighted Provisions:**

13                   This resolution:

- 14                   ▶ recognizes the railroad's economic impact in Utah;
- 15                   ▶ describes the Environmental Protection Agency's (EPA) emission standards for  
16 switcher locomotives;
- 17                   ▶ recognizes that more stringent emission standards for switcher locomotives would  
18 reduce harmful emissions in the state;
- 19                   ▶ acknowledges that federal law prohibits states from adopting more stringent  
20 emission standards for switcher locomotives; and
- 21                   ▶ requests that Congress allow states to regulate certain switcher locomotive  
22 emissions standards.

23                   **Special Clauses:**

24                   None

---

---

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

- 27                   WHEREAS, railroads continue to play a vital role in Utah's economy;
- 28                   WHEREAS, there are approximately 63 switcher locomotives operating in Utah;
- 29                   WHEREAS, the vast majority of the switcher locomotives operating in Utah are

30 certified to the Environmental Protection Agency's (EPA) Tier 0 or Tier 0+ emission standards;

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

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

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

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

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

44 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the  
45 Governor concurring therein, hereby requests that Congress allow states to regulate switcher  
46 locomotive emissions standards so that a state can require that Tier 0 and 0+ locomotives be  
47 repowered to meet Tier 4 standards or otherwise be retired in a timely and cost-effective  
48 manner.

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