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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 ~~§→ [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 ←§ 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.