

## U.S. EPA FACT SHEET

### **CLEAN AIR ACT SETTLEMENT WITH THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY (MBTA) AND MASSACHUSETTS BAY COMMUTER RAILROAD COMPANY (MBCR) FOR COMMUTER TRAIN IDLING VIOLATIONS, 8/4/10**

**Summary.** In response to a federal Clean Air Act (CAA) enforcement action for excessive train engine idling, the Massachusetts Bay Transportation Authority (MBTA) and the Massachusetts Bay Commuter Railroad Company (MBCR) will spend over \$2 million to reduce diesel locomotive emissions throughout the MBTA's commuter rail system. The MBTA and MBCR will also pay a \$225,000 fine. The U.S. Environmental Protection Agency (EPA) and the U.S. Department of Justice (DOJ) negotiated with the two defendants to settle the CAA enforcement case with a judicial consent decree, which was lodged in federal court on August 4, 2010.

**MBTA and MBCR.** The MBTA, a subdivision within Massachusetts state government, is the fifth largest mass transit system in the nation, serving 175 cities and towns in Eastern Massachusetts with buses, subways, and commuter railroads. The MBTA owns 80 commuter locomotives, which are used on thirteen commuter rail routes. The MBCR, a private corporation, has managed and operated the commuter rail system under contract with MBTA since 2003.

**Train Layover Facilities.** The MBTA's commuter rail system includes fourteen "layover facilities," where the locomotives and passenger rail cars are parked and serviced between runs. Many of these facilities are at end-of-line commuter rail stations (e.g., Worcester, Greenbush and Rockport), but there are also two major service/maintenance facilities located near North and South Stations. The Commuter Rail Maintenance Facility is located in Somerville near North Station, and the Widett Circle Commuter Rail Service and Inspection Facility (Widett Circle facility), and various nearby outdoor tracks, is located in South Boston near South Station.

**Electric Plug-Ins.** The fourteen layover facilities contain varying numbers of electric-powered plug-in stations. These plug-in stations are designed to supply the trains with electric power for lights, ventilation and temperature control. If a plug-in station is not available, a train on layover idles its auxiliary diesel engine to supply any needed electric power, for example to light the train for night cleaning. Many of the train idling violations cited at the Widett Circle facility were due to insufficient plug-ins there.

**Law and Violations.** The Massachusetts locomotive idling regulation is a federally-enforceable state regulation that prohibits all unnecessary foreseeable diesel locomotive idling for a continuous period longer than 30 minutes, except when idling during train servicing is necessary for the train's proper repair. For example, the Federal Railroad Administration requires that safety checks be performed on locomotives and their train sets; some of these safety checks require engine idling and can take up to an hour to perform.

\*\*\* MORE \*\*\*

In response to citizen complaints regarding excessive train idling at the Widett Circle facility and Greenbush rail station, EPA required the MBTA and MBCR to provide layover records from the Widett and Greenbush facilities. These records showed numerous instances of excessive train idling in January through March 2008. EPA issued the MBTA and MBCR a formal written notice for these excessive idling violations. EPA and DOJ subsequently began case settlement negotiations with the MBTA and MBCR, which resulted in today's settlement. The settlement must still be approved by the federal district court.

**Settlement.** To settle the enforcement action, the MBTA and MBCR will do the following:

- Install or upgrade electric plug-ins at the MBTA's layover stations to ensure that there are sufficient plug-ins to supply electric power to all commuter locomotives that lay over at all stations at all times, in order to prevent excessive idling during train layovers, at a cost of over \$1 million;
- Switch to cleaner burning, ultra-low sulfur diesel fuel for all trains running on the MBTA's commuter rail lines until June 2012, benefitting train riders and the communities through which the trains pass, at an estimated cost of \$1 million (after June 2012, MBTA/MBCR will be required to keep using this ultra-clean fuel by federal regulation);
- Install new, less polluting auxiliary diesel engines on fourteen commuter locomotives by no later than December 2012; and
- Pay a \$225,000 fine.

**Additional Settlement Terms.** At the Widett Circle facility, a temporary generator was installed in December 2009 in order to bring three temporary plug-ins to the South Hampton Front Yard (Front Yard), a group of outdoor railroad tracks south of the facility. Under the settlement, commuter trains are allowed to lay over at the Front Yard only as long as there are sufficient plug-ins there. Separately, by the end of September, one additional plug-in (capable of supplying electric power to two trains) will be installed outside the Widett facility's maintenance/storage building. Plug-ins will also be modified and upgraded at the South Hampton Main Yard (Big Yard), another set of outdoor tracks south of the facility. As with the Front Yard, train layovers are only allowed at the Big Yard to the extent that there are sufficient plug-ins there.

To ensure continued compliance with the Massachusetts locomotive idling regulation, the MBTA and MBCR must provide quarterly reports to EPA listing any instances where a diesel locomotive idled unnecessarily for more than 30 minutes. MBTA and MBCR are subject to stipulated penalties of up to \$5,000 for each train idling violation.

\*\*\* MORE \*\*\*

**Clean Air Benefits.** About 50,000 people live within a half mile of the MBTA's fourteen layover facilities, and almost 1.5 million more live within one half mile of the MBTA's railway stations and tracks. All these residents, together with the 70,000-plus persons who ride the MBTA's commuter trains each day, will benefit from the air pollution reductions contained in today's settlement. For example, if the MBTA's train fleet cut diesel engine idling by one hour per train per day, this action, together with the clean diesel fuel switch and the auxiliary engine replacements, could result in estimated yearly nitrogen oxides emission reductions of about 167 tons, carbon monoxide reductions of 82 tons, particulate reductions of 23 tons, and sulfur dioxide reductions of 1-2 tons. Carbon dioxide would also be reduced by an estimated 800 tons/year.

**Diesel Health Risks.** Idling diesel locomotives emit many air pollutants, including nitrogen oxides and volatile organic compounds (both of which contribute to ozone smog), carbon dioxide (a greenhouse gas that contributes to climate change), carbon monoxide, sulfur dioxide and particulate matter. The fine particles in diesel exhaust can cause lung damage, and can aggravate respiratory conditions such as asthma and bronchitis. There is also considerable evidence, based on human and laboratory studies, that diesel exhaust is a likely human carcinogen. Children, the elderly and persons with existing heart or lung disease are more sensitive to diesel exhaust and are subject to greater health risks.

**Environmental Justice.** The Widett Circle facility is located in densely populated South Boston and has nearby environmental justice neighborhoods – communities with substantial numbers of low-income and/or minority residents. Many of the MBTA's other layover facilities and stations, e.g., the Worcester, Fitchburg and Pawtucket layover facilities, and the Lowell, Framingham and Providence rail stations, are located in or near environmental justice neighborhoods. Persons living in these neighborhoods are often subject to multiple pollution sources and can be at greater risk from cumulative health impacts.