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Roger Harris
President

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California Air Resources Board (CARB)
Board of Directors
1001 I Street
Sacramento, CA 95814

Re: Proposed In-Use Locomotive Regulation – Comment Letter

Dear CARB Board of Directors:

On behalf of the National Railroad Passenger Corporation (Amtrak), I am writing to provide comments on the California Air Resources Board (CARB) proposed In-Use Locomotive Regulation.

As an initial matter, Amtrak incorporates by reference the comments of the Association of American Railroads, specifically noting that CARB's proposed In-Use Locomotive Regulation would be preempted by federal law as it applies to Amtrak. Further, Amtrak respectfully submits that passenger rail should be exempted from CARB's proposed regulation, as the regulation undermines CARB's commitment to transition to the use of public transportation in California. However, Amtrak shares CARB's goals on reducing locomotive emissions, as this foundation at the root of the proposed regulation coincides with Amtrak's own well-laid environmental plans and programs. We welcome the opportunity to discuss these plans and programs below in this Letter.

Amtrak is fully committed to CARB's goals of reducing locomotive emissions and recently announced our pledge to achieve net-zero greenhouse gas (GHG) emissions across the Amtrak Network by 2045. Achieving this target will require transformational changes to our operations, including our equipment, and transitioning to zero-emissions energy sources. To guide our direction, our Net-Zero Strategy includes near and longer-term activities:

- In the short-term, Amtrak has taken steps to improve operational efficiencies, improve our fuel and energy monitoring systems, and has made significant investments in the cleanest available Tier 4 locomotive.
- We will start using renewable diesel, where feasible, to reduce emissions from the life-cycle use of diesel fuel.
- We will partner with the industry to develop and pilot zero-emissions (ZE) rail solutions in order to transition all of our locomotives by 2045.
- 71% of Amtrak's owned route miles are electrified, an existing zero-emissions technology. We are gradually converting our energy sources to carbon-free electricity for these routes and our buildings through market-based purchasing options supported by on-site power generation to reach 100% carbon-free electricity by 2030.

Given that the proposed regulation is subject to preemption under Federal law and that Amtrak has established and is implementing a commitment to net-zero GHG emissions by 2045, our position is that the proposed In-Use Locomotive Regulation should not apply to Amtrak and is not needed to drive change at Amtrak. As a national rail operator, we have the following additional comments on the proposed regulation as it applies to both passenger and freight railroads.

Holding passenger rail services to a Spending Account or Useful-Life Requirement as a means of further emissions reductions is counter-productive to CARB's goals and is infeasible for Amtrak. Passenger railroads are committed to reducing locomotive emissions. However, mandatory spending accounts siphon critical operating funds needed by passenger rail agencies and operators recovering from precipitous ridership declines due to the pandemic. Mandatory diversions of funding from operations and maintenance programs could jeopardize the reliability of railroad operations. A CARB imposed useful life requirement for locomotives of 23 years will be significantly shorter than the federal 30-year life standard and could force agencies and operators to repay federal funds if locomotives are retired early. Indeed, CARB's proposed Spending Account requirement cannot accord with Amtrak's funding process. Amtrak receives an annual funding allocation that does not include funds for state-level spending accounts. Any money that Amtrak would be required to spend under CARB's proposed regulation would need approval by the Federal Railroad Administration.

Passenger rail should not be held to a more stringent timeline than freight rail. The current regulation language imposes a 2030 date for passenger rail entities and affords a 5-year delay for freight rail operators. Passenger rail only accounts for 7% of all locomotive NOx emissions and 5% of PM2.5 emissions from the sector and operates many cleaner Tier 4 locomotives compared to freight that operates mostly Tier 2 and older locomotives.

Additionally, the proposed reporting requirements are burdensome, onerous, and technically infeasible for passenger rail agencies and operators. Much of the data requested, such as idling, the use of ground power and engine shutdowns are not automated. These data points would need to be primarily collected in a labor-intensive manual system that goes beyond the capacity of existing staff and technical resources.

CARB should provide a commensurate level of incentive funding required for the development of locomotive technologies as was provided to other public transit modes. There are mature commercial markets for hybrid and zero-emissions buses and personal vehicles in part because of decades of significant public investment at the federal and state levels in alternative technologies in these sectors, in partnership with private industry. Rail will require the time and incentive pilot funding afforded to the development of other zero-emissions technologies.

Passenger rail operators are united in their shared goal to accelerate and deploy zero-emissions technologies as soon as feasible. CARB's regulatory framework should account for the lessons learned and best practices from converting other sectors in a manner that is safe and appropriate. Unintended impacts from the proposed regulation risks the public benefits of operating rail service at a time when the state is encouraging the use of public transportation to reduce emissions and congestion in local communities.

Lastly, CARB should consider an independent market assessment and analysis prior to approving regulation language. This study will inform the timeline, incentives, and technologies necessary to meet the needs of operators across the state. A funded pilot phase should be implemented before penalties or purchase requirements are imposed. Such pilots will accelerate the development of technologies faster than will be possible with operators pursuing independently. A purchase requirement and fleet management framework with the appropriate timelines would better align shared zero-emissions goals with the realities of market availability, public procurements, and complex transition plans.

We appreciate your attention to these important concerns as the CARB Board of Directors seeks to reduce emissions from the rail sector. Please contact me if we may be of any assistance in your efforts.

Sincerely,

Roger Harris
President