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November 7, 2022

The Honorable Liane Randolph
Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95811

RE: Comment on Proposed In-Use Locomotive Regulation

Dear Chair Randolph:

On behalf of the North County Transit District (NCTD), I write to you regarding the California Air Resources Board (CARB) proposed In-Use Locomotive Regulation (Regulation). I appreciate your attention and consideration of potential impacts of the proposed Regulation on NCTD and other passenger rail operators. I respectfully ask that CARB amend the current Regulation to remove requirements related to the Spending Account and rail vehicle Useful-Life, as well as consider the deficiencies in the Technology Feasibility Assessment (Appendix F) used as a basis for the Regulation.

NCTD fundamentally shares CARB's goal to reduce locomotive emissions and is completely committed to offering public transit services that limit the harmful effects of air pollution on the public. In fact, NCTD's transportation services are effective reducers of greenhouse gas emissions (GHG) and NCTD's commuter rail service, known as the COASTER, is the San Diego region's most efficient tool in reducing vehicle miles traveled (VMT). On average, COASTER customers travel approximately 26 miles per trip and based on pre-COVID data, the COASTER reduced VMT by approximately 19.4 million in Fiscal Year (FY) 2018.

NCTD has also taken aggressive steps toward achieving emissions reduction goals by improving operational efficiencies and transforming its fleet. COASTER is now operated using Tier IV locomotives, which possess the cleanest available emissions technology. The entire COASTER fleet will be transitioned to Tier IV locomotives by December 31, 2023, at a cost of approximately \$69 million.

NCTD's proactive transition to Tier IV operations demonstrates its commitment to reducing locomotive emissions. It is within that context that I am sharing NCTD's concerns about the proposed Regulation. First, requiring passenger rail operators, such as NCTD, to pay into a Spending Account would divert critical operating and maintenance funds needed for rail, bus, and Americans with Disabilities Act (ADA)

paratransit services. This punitive requirement is counterproductive to achieving clean air objectives because it would directly divert funding from public transit services that play a critical role in achieving the State's GHG reduction goals.

Second, the CARB-imposed Useful-Life Requirement as proposed in the Regulation necessitates premature replacement of locomotives and is in conflict with federal requirements. CARB's proposed 23-year Useful-Life Requirement is inconsistent with the Federal Transit Administration's minimum standard of 25 years. Complying with the requirement would force NCTD to be in non-compliance with federal funding agreements. NCTD requests that, at minimum, CARB align the Regulation's Useful-Life Requirement with federal standards.

In general, the Regulation is based upon the presumption that passenger rail equipment needs can be met using zero emission technology within the proposed timeframe of the Regulation. However, this technology is not currently available. CARB's Technology Feasibility Assessment asserting the availability of implementable technology is insufficient and does not accurately reflect the current marketplace.

There are no production-ready zero emission passenger rail technologies that are commercially available beyond conceptual prototypes, except those that require full electrification of the railroad, which is not currently feasible for NCTD's operating environment. Although several manufacturers have indicated interest in developing potential zero emission passenger rail products at some point in the future, passenger rail agencies initiating the order will likely bear the brunt of research and development costs. NCTD urges CARB to coordinate with passenger rail rolling stock manufacturers, passenger railroads, other subject matter experts, and federal partners to perform a true market availability analysis to understand the actual feasibility of these locomotives for passenger railroads before approving this Regulation.

To be clear, as written, the Regulation can only serve to delay the adoption of cleaner rail technology by the public sector by limiting public agencies' ability to efficiently move towards a zero emissions goal. CARB should instead establish a grant program to fund the pilot implementation of zero emission locomotives and multiple-unit trains, as well as associated infrastructure. The establishment of pilots would allow NCTD and other passenger rail operators to determine which zero emission technology can serve as an adequate replacement to ensure no disruptions of service to customers. NCTD encourages CARB to consider how its regulatory framework can help advance such pilot programs that will truly help accelerate the adoption of zero emission technologies by addressing the impediments that will prevent it from being a commercially viable technology for the foreseeable future, with or without regulation.

Finally, the proposed Regulation does not reflect the collaborative relationship that should exist between CARB and passenger rail agencies to achieve the shared goal of fighting climate change and protecting public health. NCTD is taking a very

proactive approach that recognizes that its next rail vehicle procurement will be zero emissions. NCTD is also keenly aware that it operates one of the few passenger rail operations with the characteristics necessary for the potential capability of today's battery-electric and hydrogen technology options. These characteristics include the length and topography of NCTD's rail line, as well as the co-habitant intercity, freight and other commuter rail operators with which NCTD's shares its railroad. These factors make NCTD a test environment for the feasibility of zero emission technology adoption statewide and beyond. NCTD embraces the important role it can play to help move the development of zero emission rail technology forward through the adoption of a proactive Zero Emissions Rail Fleet Strategy. This proactive strategy, however, will only be successful if a collaborative approach with CARB exists.

Thank you for your consideration. I look forward to the Board's discussion on alternative solutions that reduce emissions without unintended and potentially serious impacts that could arise from the current proposed Regulation. If you have any questions, please contact me at 760-967-2869 or via e-mail at mtucker@nctd.org.

Sincerely,



Matthew O. Tucker
Executive Director

cc: Members, California Air Resources Board
Members, NCTD Board of Directors
Chad Edison, Chief Deputy Secretary of Rail and Transit, California State Transportation Agency
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