

November 4, 2022

Liane M. Randolph
Chair, California Air Resources Board (CARB)
1001 I Street
Sacramento, CA 95814

Dear Chair Randolph:

I am writing on behalf of the San Bernardino County Transportation Authority (SBCTA) to provide comment on the proposed In-Use Locomotive Regulation that will be considered at your November 17, 2022, Board meeting. As a member agency of the Southern California Regional Rail Authority (SCRRA) that operates the Metrolink commuter rail service in six counties, we are very concerned by the potential impacts the proposed regulation will have on Metrolink's operations and ability to provide quality service to commuters.

We urge you to ensure that public agencies are not held to a Spending Account or Useful-Life Requirement under any scenario as a means of furthering emissions reductions. Passenger railroads such as Metrolink are already committed to achieving the proposed locomotive emission reduction targets. However, mandatory spending accounts siphon critical operating funds needed by commuter rail agencies recovering from precipitous ridership declines due to the pandemic. Mandatory diversions of funding from operations and maintenance programs could jeopardize the safety and 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 to repay federal funds if locomotives are retired early.

Additionally, any regulation must provide a consistent 2035 zero emissions purchase date between freight and passenger rail agencies. The current regulation language imposes a 2030 date for passenger rail agencies 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. Passenger rail should not be held to a more stringent timeline than freight rail. 2035 gives the entire industry the needed time for the technology to develop. Independent industry experts expect commercially viable zero-emissions technologies in this sector over decades, not years.

We also urge CARB to extend the period of approval for an Alternative Compliance Plan (ACP) – preferably for no less than 15 years. The ACP should also account for early emissions-reduction actions, technology adoptions, and provide credit for reductions in Vehicle Miles Travelled (VMT) and emissions that are facilitated through public rail service. A longer-term ACP and accounting for VMT/emissions reductions through passenger rail service will provide greater certainty for operators and capture the environmental benefits accrued through service.

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The unintended impacts of this regulation on public agencies will negatively curtail the public benefits provided by operating passenger rail service. Operators would likely be unable to absorb the anticipated costs of the penalty provision without potentially impacting ridership, service, and/or public agency budgets, particularly considering steep ongoing COVID-19 related ridership declines at a time when the State is pushing for more mass transit to reduce greenhouse gas emissions.

We applaud CARB for their commitment to helping bring about cleaner rail service throughout California. In deliberating this new regulation, we urge you to take into account the significant work already being done by passenger rail providers to move toward cleaner technologies, the challenges these providers face in recovering ridership, post-COVID, as well as the fiscal difficulties and impacts to service the regulation will cause.

We respectfully ask that you continue to work with passenger rail providers, such as SCRRA, to craft a regulation that will not only accomplish future air quality goals, but help increase passenger rail ridership and expand public transit. If you have any questions, please contact me at (909) 884-8276. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Wolfe", with a stylized flourish at the end.

Dr. Raymond W. Wolfe

Executive Director, San Bernardino County Transportation Authority