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November 7, 2022

The Honorable Liane M. Randolph
Chair, California Air Resources Board
1001 I Street
Sacramento, CA 95812

RE: Proposed In-Use Locomotive Regulation

Dear Chair Randolph:

On behalf of the Riverside County Transportation Commission (RCTC), I write to request that a neutral and independent market analysis be completed by an informed third party before the California Air Resources Board (CARB) considers adoption of the proposed In-Use Locomotive Regulation. After this analysis, we encourage CARB to adopt a regulatory framework that accounts for the commercial viability of zero-emissions locomotives, the unique operating environments of each passenger rail operator, and does not require annual funding set asides or commitments for zero-emissions locomotives.

The financial harm and regulatory uncertainty of the proposed Spending Account or Useful-Life Requirement regulations would risk the availability of essential passenger rail service across the state. As a Joint Powers Authority (JPA) Member Agency of the Southern California Regional Rail Authority (SCRRA) which operates Metrolink service, the requirement to set aside as much as \$8 million annually for zero-emissions equipment is inconsistent with the Authority's required annual budget development process and current budget environment. An unfunded mandate would require financial resources at the cost of reducing the operating budget or delaying capital and state-of-good-repair projects in future fiscal years. Of additional concern, an imposed useful life requirement for locomotives of 23 years could force Metrolink to repay federal funds if locomotives are retired early.

Not only should the proposed Spending Account or Useful-Life Requirement provisions be stripped from the proposed regulation, RCTC believes that the proposed regulations should be equitably applied to Metrolink and other passenger rail operators, related to private freight companies, and that funding and flexibility should be applied to passenger rail operators in a manner commensurate with transit operators. For example, the current language imposes a 2030 zero emissions purchase date for passenger rail agencies and affords a 5-year delay for freight rail operators. Considering that freight accounts for the vast majority of emissions in the rail sector, it would only be fair to also allow for passenger rail agencies to have until 2035 as well. Furthermore, public transit operators under the Innovative Clean Transit (ICT) Rule are afforded regulatory offramps, including delayed implementation for financial emergencies and the availability of equipment that meets required safety, operations, and maintenance cycles. Passenger rail agencies should be afforded the same, as well as strong incentive funding to develop the technology via a pilot program.

RCTC also asks that CARB extend the time frame for an Alternative Compliance Plan (ACP) for no less than 15 years. The ACP should 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 and emissions reductions through passenger rail service will provide greater certainty for Metrolink and appropriately capture the environmental benefits accrued through the alternatives they provide to single-occupancy vehicles.


Metrolink has a history of successful partnerships that support the shared goal of cleaner air and reduced emissions in Southern California. Metrolink's pursuit of equity, accessibility, and affordability to better serve the needs of transit-dependent and vulnerable riders will benefit all served by the Metrolink system, especially communities served by the Inland Empire-Orange County Line, Riverside Line, and 91/Perris Valley Line.

It is in this spirit that RCTC requests your consideration of amendments to the proposed In-Use Locomotive Regulation. The current language creates unintended consequences without measurable reductions in emissions, threatening RCTC's ongoing efforts to increase daily trips, increase reverse-commute opportunities from Los Angeles to the region, improve multimodal connections to the nine stations we operate, and potentially expand the 91/Perris Valley Line further inland.

This position is consistent with RCTC's goal, as stated in our 2022 State and Federal Legislative Platform, to ensure that rural, low income, and disadvantaged communities in Riverside County benefit from equity-based transportation planning and implementation policies.

We appreciate your consideration of this request. We believe that a neutral and independent market analysis would benefit the proposed In-Use Locomotive Regulation with insights that support the requested amendments. Metrolink service in Riverside County provides immense benefits to our region's air quality and mobility. The wrong move could undo years of measurable success in reducing emissions and VMT. If we can provide further information, please contact Multimodal Services Director Lorelle Moe-Luna at (951) 787-7141.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Aaron Hake', is written over a horizontal line.

Aaron Hake
Deputy Executive Director

CC: Jeffrey Dunn, Director, Government and Community Relations, Metrolink