

# **Public Hearing to Consider the Proposed Repeal of the In-Use Locomotive Regulation**

## **Final Statement of Reasons for Rulemaking, Including Summary of Comments and Agency Response**

*Public Hearing Date: June 26, 2025  
Agenda Item No.: 25-4-1*

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## **I. General**

The Staff Report: Initial Statement of Reasons for Rulemaking (staff report), entitled Public Hearing to Consider the Proposed Repeal of the In-Use Locomotive Regulation Staff Report: Initial Statement of Reasons, released April 29, 2025, is incorporated by reference herein. The staff report contained a description of the rationale for the proposed amendments. On April 29, 2025, all references relied upon and identified in the staff report were made available to the public.

As described in the staff report, the Proposed Repeal of the In-Use Locomotive Regulation (Proposed Repeal) would remove the In-Use Locomotive Regulation (section 2478 through 2478.17) from law.

### **|Mandates and Fiscal Impacts to Local Governments and School Districts**

The Board has determined that this regulatory action will not result in a mandate to any local agency or school district the costs of which are reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code.

### **|Creation or Elimination of Businesses**

No quantifiable impact is expected to the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. Additionally, no quantifiable impact is expected on the health and welfare of California residents, worker safety, and the state's environment.

### **|Consideration of Alternatives**

The Board has not identified any reasonable alternatives that would lessen any adverse impact on small business. Furthermore, staff has not identified any adverse impacts on small businesses from the Proposed Repeal.

For the reasons set forth in the Staff Report, in staff's comments and responses at the hearing, and in this Final Statement of Reasons (FSOR), the Board determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulatory action was proposed, or would be as effective and less burdensome to affected private persons, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law than the action taken by the Board.

## **II. Summary of Comments and Agency Response**

Written comments were received during the 45-day comment period in response to the April 29, 2025, public hearing notice, and oral comments were presented at the Board Hearing. Listed below are the organizations and individuals that provided comments during the 45-day comment period:

**Table 1. Written Comments Received During the 45-Day Comment Period and During the Board Hearing**

<b>Commenter, Date</b>	<b>Affiliation</b>	<b>Commentor Code</b>
Umair Abbas, 5-10-25	Global Environmental Advocacy Group	45-1
Quinn Rickert, 5-13-25	Self	45-2
Steve Roberts, 6-16-25	Rail Passenger Association of California (RailPAC)	45-3
Graham Noyes, 6-16-25	Sierra Northern Railroad and Sierra Railroad Company	45-4
Bill Magavern, 6-16-25	Coalition for Clean Air	45-5
Shawn Donaghy, 6-16-25	North County Transit District	45-6
Brian Yanity, 6-16-25	RailPAC	45-7
Yessenia Moreno, 6-26-25	Earthjustice	45-8

**Table 2. Oral Comment Presented at the Board Hearing**

<b>Commenter, Date</b>	<b>Affiliation</b>	<b>Commentor Code</b>
Graham Noyes, 6-26-25	Sierra Northern Railroad and Sierra Railroad Company	BH-OT-1
Chris Smith, 6-26-25	Associated General Contractors of California	BH-OT-2
Bill Magavern, 6-26-25	Coalition for Clean Air	BH-OT-3
Brian Yanity, 6-26-25	RailPAC	BH-OT-4
Mariela Ruacho, 6-26-25	American Lung Association	BH-OT-5
Jeffrey Beeman, 6-26-25	Scientist Rebellion	BH-OT-6
Polash Mukerjee, 6-26-25	Coalition for Clean Air	BH-OT-7

## **A. Comment Summaries and Responses**

A summary of comments on the Proposed Repeal received during the initial 45-day and at the Board Hearing are categorized and listed by commenter code. Multiple part comments have been separated into individual comments and categorized based on subject matter.

Staff acknowledges many of the comments discussed how CARB may pursue further emission reductions in rail. Staff appreciates the feedback. However, such topics are outside the scope of the Proposed Repeal and will not be addressed in this FSOR.

## **1. Comments in Support**

The California Air Resources Board (CARB) received broad support from a range of organizations, locomotive operators, and members of the public. The following comments support the objectives and goals of the Proposed Repeal: 45-2-1, 45-3-1, 45-4-1, 45-6-1, 45-7-1, BH-OT-1-1, BH-OT-2-1, BH-OT-4-1, and BH-OT-6-1.

**Agency Response:** No changes were made in response to comments in support of the process, public engagement, or actions in the rulemaking.

## **2. Comment Against**

### **a) Comment 45-1-1**

This regulation is not just a policy—it's a lifeline for communities burdened by the harmful emissions from locomotives. Repealing it would be a devastating step backward, jeopardizing the air quality and well-being of countless residents, especially in underserved areas near rail operations. The science is clear: locomotive emissions contribute significantly to air pollution, exacerbating respiratory illnesses, heart conditions, and environmental degradation. By maintaining this regulation, you have the power to champion cleaner technologies, reduce healthcare costs, and ensure a healthier future for generations to come. Repealing it, however, would signal a disregard for the urgent need to combat climate change and protect vulnerable populations. I implore you to act with foresight and responsibility. Strengthen, don't dismantle, this critical regulation. Show the public that you prioritize their health, their environment, and their future over short-term industry pressures.

**Agency Response:** No changes were made in response to this comment. CARB agrees on the urgency of addressing air pollution and climate change, especially for vulnerable communities. However, without United States Environmental Protection Agency (U.S. EPA) authorization, the anticipated emission benefits from the In-Use Locomotive Regulation (Locomotive Regulation) will not occur. It is highly unlikely that if CARB resubmitted an authorization request to U.S. EPA that it would be granted. Thus, the Locomotive Regulation's presence in the California Code of Regulations may cause confusion and uncertainty for California locomotive operators. Accordingly, CARB is moving forward with the Proposed Repeal.

CARB will continue efforts towards reducing rail emissions. To do so, CARB will meet and work with members of impacted communities, environmental justice advocates, local air districts, locomotive owners and operators, trade associations, locomotive manufacturers, and the public, especially in communities with high cumulative exposure burdens, such as those located near facilities where locomotives operate. Staff will continue to assist Class III and industrial operators with available incentive funding opportunities for cleaner rail technology. Additionally, staff will work with U.S. EPA and offer technical assistance as needed, to encourage the development of new nationwide standards for new locomotives that reflect emerging zero-emission (ZE) technologies.

On January 7, 2025, the California Department of Transportation (Caltrans) released the 2024 State Rail Plan, which envisions a ZE rail and transit network with 1,500 miles

of overhead electrification power by 2050. The Plan includes as key strategies a transition to a fully ZE intercity fleet and the piloting of new ZE technology. To support the 2024 State Rail Plan, staff will work with Caltrans on adopting ZE passenger locomotives. Staff will also continue to research ZE rail technology including overhead catenary and discontinuous catenary in key corridors in California.

CARB remains steadfastly committed to leveraging its overall portfolio of programs to meet the State's air quality and climate goals – regardless of the success of any individual measure. Despite the Proposed Repeal, CARB continues to work toward achieving all air quality and climate goals identified in the State Implementation Plan Strategy and Scoping Plan.

### **3. Neutral Comments**

CARB received many neutral comments about the Proposed Repeal. The commenters emphasized previously projected emission reduction and health benefits of the Locomotive Regulation. The commenters requested that CARB commit to reducing emissions from rail despite the Proposed Repeal. Suggestions were offered on how to do so, such as obtaining data from locomotive operators to build robust datasets. The following comments fall into this category: 45-5-1, 45-8-1, BH-OT-3-1, BH-OT-5-1, and BH-OT-7-1.

**Agency Response:** No changes were made in response to these comments. This response incorporates the response to comment 45-1-1.

#### **a) Comment 45-5-2**

Maintain the 30-minute automatic shut off idling cap for all locomotives equipped with shutoff devices.

**Agency Response:** No changes were made in response to this comment. This response incorporates the response to comment 45-1-1.

### **III. Peer Review**

Health and Safety Code section 57004 sets forth requirements for peer review of identified portions of rulemakings proposed by entities within the California Environmental Protection Agency, including CARB. Specifically, the scientific basis or scientific portion of a proposed rule may be subject to this peer review process. CARB determined that this rulemaking does not contain a scientific basis or a scientific portion subject to peer review, and thus no peer review as set forth in Health and Safety Code section 57004 was or needed to be performed.