

# Title 13. California Air Resources Board

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

The California Air Resources Board (CARB or Board) will conduct a public hearing at the date and time noted below to consider approving for adoption the proposed Repeal of the In-Use Locomotive Regulation.

Date: June 26, 2025

Time: 4:00 P.M.

In-Person Location:

California Air Resources Board  
Byron Sher Auditorium  
1001 I Street, Sacramento, California 95814

Remote Option:

Zoom

This public meeting may continue at 9:00 a.m., on June 27, 2025. Please consult the public agenda, which will be posted ten days before the June 26, 2025, Board Meeting, for important details, including the day on which this item will be considered and how the public can participate via Zoom if they choose to be remote.

## Written Comment Period and Submittal of Comments

In accordance with the Administrative Procedure Act, interested members of the public may present comments orally or in writing during the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on May 2, 2025. Written comments not submitted during the hearing must be submitted on or after May 2, 2025 and received **no later than June 16, 2025**. Comments submitted outside that comment period are considered untimely. CARB may, but is not required to, respond to untimely comments, including those raising significant environmental issues. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail: Clerks' Office, California Air Resources Board  
1001 I Street, Sacramento, California 95814

[Electronic submittal:](https://ww2.arb.ca.gov/lispub/comm/bclist.php) <https://ww2.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Government Code section 7920.000 et seq.), your written and oral comments, attachments, and associated contact information

(e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

## **Authority and Reference**

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 38597, 39600, 39601, 39658, 39659, 39666, 39667, 39674, 39675, 41511, 42400, 42400.1, 42400.2, 42400.3.5, 42402, 42402.2, 42410, 43008.6, 43013, 43016, 43018, and 43019.1.

## **Informative Digest of Proposed Action and Policy Statement Overview (Gov. Code, § 11346.5, subd. (a)(3))**

### **Sections Affected:**

Proposed repeal of California Code of Regulations, title 13, sections 2478 through 2478.17.

### **Background and Effect of the Proposed Regulatory Action:**

#### Background

Locomotives are self-propelled off-road equipment used to push or pull rail-mounted cars carrying freight or passengers. Today, most locomotives are diesel-electric. Diesel-powered locomotives emit multiple air pollutants, including diesel particulate matter, PM2.5, NOx, and GHG. Exposure to these toxic and harmful diesel emissions is known to lead to cancer and increases in asthma, cardiopulmonary illness, hospitalizations, and premature mortality.

CARB approved the In-Use Locomotive Regulation (Locomotive Regulation) in April 2023 with the goal of reducing emissions from diesel-powered locomotives. As described in the Initial Statement of Reasons for this action, CARB is now proposing to repeal the Locomotive Regulation to provide clarity about its status given the absence of Clean Air Act authorization from the United States Environmental Protection Agency (U.S. EPA).

#### Effects

The Proposed Repeal would remove all the Locomotive Regulation requirements for all locomotive operators. CARB may also consider other changes to the sections affected, as listed on page 2 of this notice, or other sections within the scope of this notice, during the rulemaking process.

### **Objectives and Benefits of the Proposed Regulatory Action:**

#### Objectives and Benefits

- Make it clear to all California locomotive operators that they will not be required to comply with the Locomotive Regulation.

## **Comparable Federal Regulations:**

The Proposed Repeal does not conflict with nor duplicate any current federal regulations.

## **An Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code, § 11346.5, subd. (a)(3)(D)):**

The Proposed Repeal is neither inconsistent nor incompatible with existing state regulations.

## **Disclosure Regarding the Proposed Regulation Repeal**

## **Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Gov. Code, § 11346.5, subds. (a)(5)&(6)):**

The determinations of the Board's Executive Officer concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

Under Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings to any State agency, would not create costs or savings in federal funding to the State, would not create costs or mandate for any local agency or school district, whether or not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary costs or savings for State or local agencies.

## **Housing Costs (Gov. Code, § 11346.5, subd. (a)(12)):**

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

## **Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete (Gov. Code, §§ 11346.3, subd. (a), 11346.5, subd. (a)(7), 11346.5, subd. (a)(8)):**

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

## **Results of The Economic Impact Analysis/Assessment (Gov. Code, § 11346.5, subd. (a)(10)):**

Non-Major Regulation: Statement of the Results of the Economic Impact Assessment (EIA):

The creation or elimination of jobs within the State of California.

No quantifiable impact is expected.

The creation of new businesses or the elimination of existing businesses within the State of California.

No quantifiable impact is expected.

The expansion of businesses currently doing business within the State of California.

No quantifiable impact is expected.

The benefits of the proposed repeal to the health and welfare of California residents, worker safety, and the state's environment.

No quantifiable impact is expected.

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. More information can be found in the Economic Impact Analysis in the Initial Statement of Reasons (ISOR).

Benefits of the Proposed Repeal:

The objective of the proposed regulatory action is to make it clear that CARB will not be enforcing the Locomotive Regulation.

**Cost Impacts on Representative Private Persons or Businesses (Gov. Code, § 11346.5, subd. (a)(9)):**

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. CARB is not aware of any cost impacts that a representative private person or business would necessarily incur due to the proposed action.

**Effect on Small Business (Cal. Code Regs., tit. 1, § 4, subds. (a) and (b)):**

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses because it is a repeal of a regulation that was not enforced.

**Consideration of Alternatives (Gov. Code, § 11346.5, subd. (a)(13)):**

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

Staff considered two alternatives to the Proposed Repeal. As explained in section IX of the ISOR, no alternative proposal was found to be less burdensome and equally effective in achieving the purposes of the Proposed Repeal in a manner that ensures full compliance with the authorizing law.

## Environmental Analysis

CARB, as the lead agency for the Proposed Repeal, has concluded that this action is exempt from CEQA, as described in Pub. Resources Code § 21080(b)(5), because the action constitutes a project disapproval under CEQA; and it is also exempt as described in CEQA Guidelines § 15061(b)(3) (“common sense” exemption) because it can be seen with certainty that there is no possibility that the proposed action may result in a significant adverse impact on the environment. However, even if this action did not qualify for the CEQA exemptions discussed above, the proposed action does not present any of the circumstances requiring further environmental review because there are no changes that involve new significant environmental effects, or a substantial increase in severity of previously identified significant effects, or any other circumstances requiring further environmental review beyond the Final EA certified in April 2023. A brief explanation of the basis for reaching this conclusion is included in Chapter VI of the ISOR.

## Special Accommodation Request

Consistent with California Government Code section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; and
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerks’ Office at [cotb@arb.ca.gov](mailto:cotb@arb.ca.gov) or (916) 322-5594 as soon as possible, but no later than ten business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma; y
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al [cotb@arb.ca.gov](mailto:cotb@arb.ca.gov) o (916) 322-5594 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

## **Agency Contact Persons**

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Layla Gonzalez, Manager, Freight Systems Section, at (279) 208-7827 or [layla.gonzalez@arb.ca.gov](mailto:layla.gonzalez@arb.ca.gov) or Ajay Mangat, Branch Chief, Freight Technology Advancement Branch, at (279) 208-7136 or [ajay.mangat@arb.ca.gov](mailto:ajay.mangat@arb.ca.gov).

## **Availability of Documents**

CARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of CARB's consideration of the possibility of economic and environmental impacts from the proposal. The report is entitled: Public Hearing to Consider the Proposed Repeal of the In-Use Locomotive Regulation, Staff Report: Initial Statement of Reasons.

Copies of the ISOR and the full text of the proposed regulatory language in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on CARB's website listed below, on April 29, 2025. Please contact Jennifer Simpson, Manager, at [regulations@arb.ca.gov](mailto:regulations@arb.ca.gov) or (279) 208-7216 if you need physical copies of the documents. Pursuant to Government Code section 11346.5, subdivision (b), upon request to the aforementioned Regulations Coordinator, physical copies would be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Jennifer Simpson, Manager, (279) 208-7216. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

## **Hearing Procedures**

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may take action to approve for adoption the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also approve for adoption the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15-days before final adoption.

The public may request a copy of the modified regulatory text from CARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

## Final Statement of Reasons Availability

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on CARB's website listed below.

## Internet Access

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at <https://ww2.arb.ca.gov/rulemaking/2025/locomotiverepeal>

California Air Resources Board



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Steven S. Cliff, Ph.D.,  
Executive Officer

Date: April 15, 2025

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see [CARB's website](https://ww2.arb.ca.gov) (ww2.arb.ca.gov).*