

Notice of Preparation

To: California Office of Planning and Research, Responsible Agencies, Trustee Agencies, and Other Interested Parties

Subject: Notice of Preparation of a Draft Substitute Environmental Document

Project Title: In-Use Locomotive Regulation

Lead Agency: California Air Resources Board

Date: October 27, 2020

Review Period: October 27, 2020 to November 26, 2020

As the Lead Agency, the California Air Resources Board (CARB) will prepare a substitute environmental document (referred to as an "Environmental Analysis" or "EA") as part of the Staff Report prepared for the proposed project identified above. CARB would like to know the views of your agency as to the scope and content of the environmental information that is relevant to your agency's statutory responsibilities in connection with the proposed project. If the proposed project has no relevance to you or your organization, no action on your part is necessary.

Information on the project description, location, and potential environmental effects, as currently known, are contained in the attached materials, including the notice for public workshop to be held on October 29 and October 30, 2020. In addition to soliciting input on the proposed project, this workshop will also serve as a CEQA scoping meeting to solicit input on scope and content of the EA to be prepared for the proposed project. Additional information on this proposed project is available for review on the Program webpage at the following link: <https://ww2.arb.ca.gov/our-work/programs/reducing-rail-emissions-california/concepts-reduce-emissions-locomotives-and>

The NOP is available for review and comment for 30 days, per CEQA Guidelines (14 CCR 15082(b)). The comment period for this NOP begins October 27, 2020 and ends on November 26, 2020. Due to the limits mandated by State law, responses should be sent at the earliest possible date, but no later than 5:00 PM on November 26, 2020.

Please submit your written comments to ceqa.unit@arb.ca.gov or via mail to Rebecca Fancher, Air Resources Board Legal Office/CEQA Unit, P.O. Box 2815 Sacramento, CA 95812-2815. In your response, please indicate the public agency or other entity you represent, and the name and phone number of a contact person.

Date: 10/27/2020

Signature:

Nicole Haven

Nicole Haven
Legal Office Analyst
California Air Resources Board
Legal Office/CEQA Unit
P.O. Box 2815
Sacramento, CA 95812-2815
ceqa.unit@arb.ca.gov

List of Agencies to Review

Distributed to agencies marked with an "X" below:

STATE AGENCIES	
<ul style="list-style-type: none"> <input type="checkbox"/> Boating & Waterways, Department of <input type="checkbox"/> California Highway Patrol <input checked="" type="checkbox"/> CalRecycle <input checked="" type="checkbox"/> Caltrans <input checked="" type="checkbox"/> Caltrans Planning <input checked="" type="checkbox"/> Coastal Commission <input type="checkbox"/> Conservation, Department of -- Oil, Gas Geothermal Resources <input type="checkbox"/> Delta Protection Commission <input checked="" type="checkbox"/> Energy Commission <input checked="" type="checkbox"/> Fish & Wildlife, Department of <input checked="" type="checkbox"/> Food & Agriculture, Department of <input type="checkbox"/> Forestry and Fire Protection, Department of <input type="checkbox"/> Health Services, Department of <input type="checkbox"/> Housing & Community Development <input checked="" type="checkbox"/> Integrated Waste Management Board <input type="checkbox"/> Native American Heritage Commission <input checked="" type="checkbox"/> California Environmental Protection Agency <input type="checkbox"/> Department of General Services <input type="checkbox"/> Strategic Growth Council <input checked="" type="checkbox"/> California High Speed Rail Authority <input checked="" type="checkbox"/> Department of Conservation – Division of Land Resource Protection 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> OEHHA <input type="checkbox"/> Office of Historic Preservation <input type="checkbox"/> Office of Emergency Services <input type="checkbox"/> Parks & Recreation, Department of <input type="checkbox"/> Pesticide Regulation, Department of <input checked="" type="checkbox"/> Public Utilities Commission <input type="checkbox"/> Regional Water Quality Control Board #____ <input checked="" type="checkbox"/> Resources Agency <input type="checkbox"/> SF Bay Conservation & Development Commission <input type="checkbox"/> State Lands Commission <input type="checkbox"/> State Water Resources Control Board <input type="checkbox"/> Tahoe Regional Planning Agency <input checked="" type="checkbox"/> Toxic Substances Control, Department of <input type="checkbox"/> University of California <input checked="" type="checkbox"/> Water Resources, Department of <input type="checkbox"/> Building Standards Commission <input checked="" type="checkbox"/> Department of Public Health <input type="checkbox"/> Tahoe Nature Conservancy <input type="checkbox"/> Sierra Nevada Nature Conservancy <input type="checkbox"/> Delta Conservancy <input checked="" type="checkbox"/> Other: Military Department
AIR DISTRICTS	
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Amador County APCD <input checked="" type="checkbox"/> Antelope Valley AQMD <input checked="" type="checkbox"/> Bay Area AQMD <input checked="" type="checkbox"/> Butte County AQMD <input checked="" type="checkbox"/> Calaveras County APCD <input checked="" type="checkbox"/> Colusa County APCD <input checked="" type="checkbox"/> County of El Dorado AQMD <input checked="" type="checkbox"/> Eastern Kern APCD <input checked="" type="checkbox"/> Feather River AQMD <input checked="" type="checkbox"/> Glenn County APCD <input checked="" type="checkbox"/> Great Basin Unified APCD <input checked="" type="checkbox"/> Imperial County APCD <input checked="" type="checkbox"/> Lake County AQMD <input checked="" type="checkbox"/> Lassen County APCD <input checked="" type="checkbox"/> Mariposa County APCD <input checked="" type="checkbox"/> Mendocino County AQMD <input checked="" type="checkbox"/> Modoc County APCD <input checked="" type="checkbox"/> Mojave Desert AQMD 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Monterey Bay Unified APCD <input checked="" type="checkbox"/> North Coast Unified AQMD <input checked="" type="checkbox"/> Northern Sierra AQMD <input checked="" type="checkbox"/> Northern Sonoma County APCD <input checked="" type="checkbox"/> Placer County APCD <input checked="" type="checkbox"/> Sacramento Metropolitan AQMD <input checked="" type="checkbox"/> San Diego County APCD <input checked="" type="checkbox"/> San Joaquin Valley APCD <input checked="" type="checkbox"/> San Luis Obispo County APCD <input checked="" type="checkbox"/> Santa Barbara County APCD <input checked="" type="checkbox"/> Shasta County AQMD <input checked="" type="checkbox"/> Siskiyou County APCD <input checked="" type="checkbox"/> South Coast AQMD <input checked="" type="checkbox"/> Tehama County APCD <input checked="" type="checkbox"/> Tuolumne County APCD <input checked="" type="checkbox"/> Ventura County APCD <input checked="" type="checkbox"/> Yolo-Solano AQMD
OTHER INTERESTED PARTIES	

PROJECT DESCRIPTION AND ENVIRONMENTAL EFFECTS

A copy of an Initial Study is not attached because CARB complies with the California Environmental Quality Act (CEQA) through its regulatory program certified by the California Secretary for Natural Resources under Public Resources Code section 21080.5 (14 CCR 15251(d)). Public agencies with certified regulatory programs are exempt from certain CEQA requirements, including but not limited to, preparing environmental impact reports, negative declarations, and initial studies (14 CCR 15250).

The Environmental Analysis (EA) will evaluate the potential for impacts to the environment as a result of the proposed project: In-Use Locomotive Regulation. The project and the nature of potential impacts that could result from the project are described below.

- **PROJECT TITLE:**

In-Use Locomotive Regulation

- **PROJECT LOCATION:**

The project has statewide applicability.

- **PROJECT DESCRIPTION:**

CARB is proposing a regulatory strategy to reduce in-use emissions of all locomotives – Class 1, Class 3, Military and Industrial, and Passenger – and to encourage adoption of Tier 4 or higher emission standard technology to meet air quality, climate, and public health protection goals. The proposed In-Use Locomotive Regulation is one step in a broader strategy to minimize the health impacts on communities caused by emissions of criteria pollutants by freight vehicles and equipment. The proposed regulation would require locomotive operators to annually report and mitigate their locomotive emissions that are emitted within California on a per locomotive basis, based on MWh of operation, by placing funds into a spending account. Spending account funds would be reserved within a trust controlled by each operator for purchase of locomotives that meets the current cleanest emissions standard, or cleaner near-zero or zero-emission technologies in the demonstration/pilot phases of development. The proposed In-Use Locomotive Regulation spending accounts would start between 2023 and 2024, depending on the operator. Additionally, all locomotives would be allowed two useful lives (approximately 23 years total) before being banned from operation within California, unless the locomotive is remanufactured/repowered to the current cleanest locomotive emissions standard. Lastly, California would adopt the federal requirements imposing a 30-minute limit on unnecessary idling. Exceptions to the idling limit concept would be made for safety and maintenance purposes, based on the exceptions listed in the federal idling limit rule.¹

To implement the regulation, locomotive operators would be required to report usage, idling, and maintenance information on an annual basis. These data would also allow CARB to better respond to community requests for information related to locomotive emissions, support future actions to protect Californians' health, and support CARB's statutory obligations to understand and address sources of air pollution within the state.

¹ 40 CFR § 1033.115(g)(2)

- **PROBABLE ENVIRONMENTAL EFFECTS:**

The EA will evaluate the potential for impacts on the environmental resource areas found in Appendix G of the CEQA Guidelines. Potential adverse impacts would be associated with the reasonably foreseeable compliance responses related to the regulation, which may include but are not limited to the introduction of new zero emission and partially zero emissions locomotives; new charging, fueling and electrical infrastructure, and battery second life and water consumption of hydrogen production.

The reasonably foreseeable compliance responses associated with the proposed In-Use Locomotive Regulation could potentially adversely or beneficially affect several resource areas, including but not limited to the following, which will be further evaluated in the EA:

- Aesthetics
- Agricultural and Forest Resources
- Air Quality and Odors
- Biological Resources
- Cultural Resources
- Geology, Seismicity, and Soils
- Greenhouse Gases
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Transportation and Traffic
- Utilities and Service Systems

Potential cumulative impacts and potential for growth inducement will be evaluated in the EA, as well as alternatives, including the No Project Alternative.

October 15, 2020

To All Interested Parties:

California Air Resources Board (CARB) staff invites you to participate in a two-day public presentation to discuss locomotive technology and updates to the initial concepts for the new statewide in-use locomotive regulation. Staff held two public workshops in late-2019 to discuss the initial concepts.

Staff will also solicit input on scope and content of the environmental analysis, as well as alternative regulatory concepts for consideration in the environmental analysis and the standardized regulatory impact analysis that will be prepared for this regulatory action.

A [comment submittal form](#) is available for interested parties to submit general input prior to the workshop and feedback on the updated concepts following the workshop. Comments may be submitted using this form until November 13, 2020 at 12:00 PM. After November 13, stakeholders can also continue to comment through the formal regulatory process and comments may be submitted to Freight@arb.ca.gov.

Public Presentation Information

The presentations are open to the public and we encourage participation by all parties. The public presentations will be held on the dates and times shown below. Materials will be posted on the [Concepts to Reduce Emissions from Locomotives and Railyards](#) webpage in advance. Information on submitting questions and comments will be provided during the presentations for remote participants.

The public presentations will be held on the dates and times shown below:

Day 1

Date: October 29, 2020

Time: 9:00 a.m. to 12:00 p.m. (PST)

Link: [Zoom](#)

Topics: Locomotive Technology, Truck v. Train, strategies to achieve 100 percent zero-emission off-road vehicles and equipment operations in the State by 2035

Day 2

Date: October 30, 2020

Time: 9:00 a.m. to 12:00 p.m. (PST)

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Link: [Zoom](#)

Topics: Regulatory Concepts, Health Impacts and Risk Characterization, CEQA

Please use the links above to register and login to participate in the public presentations. Participants will have the ability to submit questions via the Zoom interface to staff during the presentation.

Background

In the absence of federal action to address harmful emissions from locomotives, CARB is developing regulatory concepts to reduce criteria pollutants, toxic air contaminants, and greenhouse gas emissions from locomotives in-use. These concepts are intended to be implemented statewide, and provide an opportunity for the railroads to better address regional pollution and long-standing environmental justice concerns with communities near railyards.

The goal of the regulatory concepts is to accelerate immediate adoption of advanced cleaner technologies for all locomotive operations. The Governor recently highlighted the importance of transitioning to zero-emission transportation technology in his [Executive Order N-79-20](#), which calls for 100 percent of off-road vehicles and equipment operations to be zero-emission by 2035. CARB is working with industry to create and test zero-emission locomotive technologies. As discussed in CARB's Draft 2020 [Mobile Source Strategy](#), such technologies are critical to the State's ability to protect public health, address climate change, and meet both State and federal air quality standards.

Environmental Analysis

The public presentations will serve as a scoping meeting as required by the California Environmental Quality Act (CEQA). Pursuant to CEQA and CARB's Certified Regulatory Program (Cal. Code Regs., Title 14, §15251(d); Cal. Code Regs., Title 17, §§ 60000–60008), staff will review the proposed In-Use Locomotive Regulation to determine if the proposed project would result in any potentially significant adverse environmental impacts. Staff will provide an overview of CARB's process for preparing the environmental analysis (EA) and its content. Staff welcomes public input at the workshop on the appropriate scope and content of the EA at the beginning of our process, including the reasonably foreseeable methods of compliance with the proposed In-Use Locomotive Regulation, the potential significant adverse impacts, potential feasible mitigation measures, and feasible alternatives to the proposal that could reduce or eliminate any significant adverse impacts. A Draft EA will be released for a minimum of a 45-day public review and comment period with the proposed In-Use Locomotive Regulation. Comments received at this public workshop will be considered when preparing the CEQA document.

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Special Accommodation Request

If you require a special accommodation or need this document in an alternate format (i.e. Braille, large print) or another language, please contact Alyssa Rhodes via email Alyssa.Rhodes@arb.ca.gov, no later than 10 business days before the scheduled meeting.

TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service. Para solicitar estas comodidades especiales o necesidades de otro idioma, favor de contactar a Stephen Cutts al scutts@arb.ca.gov no menos de 10 días de trabajo antes de la junta programada. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

For More Information

For more information, visit CARB's [Concepts to Reduce Emissions from Locomotives and Railyards](#). To receive updates and notices of upcoming meetings, sign up for our [email subscription service](#).

If you have questions about the public presentations, please email Freight@arb.ca.gov. If you need technical support during the public presentations, please message Alyssa Rhodes in Zoom. For problems accessing the public presentations, contact Alyssa Rhodes via email Alyssa.Rhodes@arb.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Cari Anderson". The signature is fluid and cursive, with the first name "Cari" and last name "Anderson" clearly legible.

Cari Anderson, Chief
Freight Transport Branch
Transportation and Toxics Division