

April 22, 2024

Hon. Michael S. Regan,
Administrator U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW;
1101-A Washington, D.C. 20460

Re: CARB's Clean Air Act Authorization Request [EPA-HQ-OAR-2023-0574]

Dear Administrator Regan:

The undersigned wish to express our concern and opposition to the pending California Air Resource Board (CARB) waiver request currently before the EPA. If granted, this waiver will adversely impact interstate commerce, raise costs and inflation, and strain supply chains for Missouri residents and businesses, as well as set precedent that could disrupt the integrity of our railroad network.

Taking effect on January 1 of this year, CARB's "In-Use Locomotive" regulation requires rail operators in California to phase out thousands of locomotives by 2030 to be replaced by "zero-emission configuration" locomotives, a technology that is not yet commercially viable. Approximately 65 percent of the fleet of 25,000 U.S. locomotives pass through California in a given year. To accommodate the CARB rule, these locomotives would have to be either jettisoned or refitted with technology that is not ready or does not exist.

Furthermore, the regulation mandates that railroads deposit significant amounts into "spending accounts" designed to eventually procure the zero-emission locomotives and infrastructure. California has admitted that high compliance costs would result in up to 20% of the state's short line railroads going out of business. California's two Class I railroads would be forced to deposit hundreds of millions into these accounts, monies that could be spent developing infrastructure, conducting R&D, or supporting jobs in California, Missouri, or elsewhere in the country.

This regulation is exceptionally burdensome on a major component of our national transportation network. Railroads play a key role in our multimodal system of air transportation, roadway traffic, and waterborne commerce. In a typical year, freight railroads haul around 1.6 billion tons of raw materials and finished goods. Trains move 40% of long-distance ton-miles — more than any other mode of transportation. It is crucial the rail system continues to play its role. The Federal Highway Administration forecasts that total U.S. freight movements will rise from around 19.3 billion tons in 2020 to 25.1 billion tons in 2040 — a 30% increase.

The impact to interstate commerce would be extremely disruptive to Missouri businesses and local economies. As a major east-west transshipment point, Missouri might be

separated by thousands of miles from California, but our states are intertwined when it comes to rail commerce. If the largest state in the country—one that is home to the nation’s largest port system—imposes this unworkable regulation, the downstream disruption in Missouri will cost us jobs and economic development opportunity. Not to mention the additional congestion on Missouri roadways as freight transportation shifts away from rail transportation. Surely our neighbors in Kansas, for example, would take issue if Missouri regulators suddenly imposed a major obstacle to accessing Missouri River ports or rail yards in Kansas City.

Granting this waiver would also legally allow other states to adopt the CARB rule. The impacts to the supply chain, rail investment, and access to ports and transportation hubs would be even more distinct if additional states followed California’s lead. Missourians should have confidence they will have equal, practical, access to transportation on the West Coast or East Coast just as other states expect practical access to Missouri.

For these reasons, we the undersigned, urge you not to grant the CARB waiver request.

Sincerely,

CC: Missouri Congressional Delegation

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I authorize GoRail to include my name, title, and organization on this group letter, which will be delivered to the EPA while copying members of the United States Congress.

Name: _____ Title: _____

Organization: _____

Signature: _____ Date: _____