

Repeal of the In-Use Locomotive Regulation

Resolution 25-4

June 26, 2025

Agenda Item No.: 25-4-1

Whereas, sections 39600 and 39601 of the Health and Safety Code authorize the California Air Resources Board (CARB or Board) to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

Whereas, on April 27, 2023, the Board adopted the In-Use Locomotive Regulation to reduce toxic air contaminants and greenhouse gas emissions from locomotives operating in California;

Whereas, on November 7, 2023, CARB submitted its request for authorization of the In-Use Locomotive Regulation from the United States Environmental Protection Agency (U.S. EPA), under section 209(e)(2) of the federal Clean Air Act;

Whereas, on January 13, 2025, CARB withdrew its request for authorization of the In-Use Locomotive Regulation from U.S. EPA, due to unlikelihood of approval;

Whereas, CARB will not enforce the In-Use Locomotive Regulation without U.S. EPA authorization;

Whereas, the In-Use Locomotive Regulation is unlikely to achieve any emission reductions without U.S. EPA authorization;

Whereas, the continued existence of the In-Use Locomotive Regulation in the California Code of Regulations will cause confusion to locomotive operators regarding their compliance requirements;

Whereas, on September 22, 2022, the Board adopted the 2022 State Strategy for the State Implementation Plan (SIP), which includes the In-Use Locomotive Regulation as a CARB measure to achieve established near and long-term air quality targets;

Whereas, the SIP recognizes that CARB's commitment is to achieve the State's air quality goals in the aggregate, and that the portfolio of individual measures for achieving those goals will continue to evolve;

Whereas, the Board maintains its discretion to evaluate and adjust the individual measures for achieving the State's air quality goals as needed over time;

Whereas, CARB remains steadfastly committed to leveraging its overall portfolio of programs to meet the State's air quality goals, regardless of the success of any individual measure;

Whereas, CARB recognizes locomotive emissions must be reduced;

Whereas, CARB continues to work on quantifying locomotive emissions with the best data available;

Whereas, CARB continues to 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 to reduce rail emissions, especially in communities with high cumulative exposure burdens located near facilities where locomotives operate;

Whereas, on January 7, 2025, the California Department of Transportation (Caltrans) released the 2024 State Rail Plan, which envisions a zero-emission rail and transit network with 1,500 miles of overhead electrification power by 2050 and includes as key strategies a transition to a fully zero-emission intercity fleet and the piloting of new zero-emission technology;

Whereas, a public hearing and other administrative proceedings have been held according to the provisions of the Administrative Procedures Act, Chapter 3.5 (commencing with section 11340), part 1, division 3, title 2 of the Government Code;

Whereas, staff has proposed the repeal of the In-Use Locomotive Regulation (Proposed Repeal) in the Initial Statement of Reasons (ISOR) released to the public on April 29, 2025;

Whereas, CARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans has been certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)), and CARB conducts its CEQA review according to this certified program (California Code of Regulations, title 17, sections 60000-60007);

Whereas, CARB determined that the Proposed Repeal is exempt from the requirements of CEQA under Pub. Resources Code § 21080(b)(5), as described in Chapter VI of the ISOR;

Whereas, CARB also determined that for the Proposed Repeal CARB can rely on the environmental analysis prepared under its certified regulatory program included in the Final Environmental Analysis for the Locomotive Regulation certified on April 14, 2023 in Resolution 23-12 and the Board has considered the prior environmental analysis and the addendum prepared thereto. As explained in the addendum-equivalent chapter in CARB's Staff Report for the Proposed Repeal, no additional environmental review is required because the record evidence shows that the Proposed Repeal will not result in new significant adverse environmental impacts, or a substantial increase in the severity of previously identified significant adverse impacts, or any other circumstances requiring further environmental review beyond the Final EA certified in April 2023, as described in Chapter VI of the ISOR;

Whereas, a public hearing and other administrative proceedings have been held according to the provisions of Chapter 3.5 (commencing with section 11340), part 1, division 3, title 2 of the Government Code; and

Whereas, in consideration of the ISOR, written comments, and public testimony, the Board finds that:

The Proposed Repeal was developed in an open public process, in consultation with affected parties, through individual meetings and other outreach efforts, and these efforts are expected to continue;

The Proposed Repeal will clarify to California locomotive operators that they are not required to comply with the In-Use Locomotive Regulation;

The Proposed Repeal will not increase emissions, due to the lack of U.S. EPA authorization for the In-Use Locomotive Regulation; and

No reasonable alternatives to the Proposed Repeal considered to date, or that have otherwise been identified and brought to the attention of CARB, would be more effective at carrying out the purpose for which the Proposed Repeal is proposed or would be as effective and less burdensome to affected entities than the Proposed Repeal.

The Proposed Repeal is determined to be exempt from the requirements of CEQA under Pub. Resources Code § 21080(b)(5).

The Proposed Repeal 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.

Now, therefore, be it resolved that the Board hereby approves for repeal section 2478, Title 13, California Code of Regulations, as set forth in the Appendix A-1: Proposed Regulation Order released to the public on CARB's Locomotives rulemaking page on April 29, 2025.

Be it further resolved that the Board directs the Executive Officer to finalize the Final Statement of Reasons and submit the completed rulemaking package to the Office of Administrative Law.

Be it further resolved that the Board hereby determines that the repeal adopted herein, will not cause California off-road engine emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards.

Be it further resolved that CARB staff shall continue outreach efforts to ensure that affected industry and stakeholders are aware of the repeal.

Be it further resolved that CARB staff, in collaboration with Class I and Class III operators, shall continue to explore ways to achieve emission reductions from locomotives operating in California.

Be it further resolved that the Board directs staff to continue to assist Class III and industrial operators with available incentive funding opportunities for cleaner rail technology.


Be it further resolved that the Board directs staff to continue to 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 technologies.

Be it further resolved that the Board directs staff to monitor progress made in zero-emission locomotive technologies and associated infrastructure.

Be it further resolved that the Board directs staff to continue to work with Caltrans on adopting zero-emission passenger locomotives, in support of the 2024 California State Rail Plan.

Be it further resolved that the Board directs staff to continue to research zero emission rail technology including overhead catenary and discontinuous catenary in key corridors in California, in support of the 2024 California State Rail Plan.

I hereby certify that the above is a true and correct copy of Resolution 25-4, as adopted by the Air Resources Board.


Shelby Levirini, Clerk of the Board