

BEFORE THE
ENVIRONMENTAL PROTECTION AGENCY

EPA-HQ-OAR-2004-0489; FRL-8604-02-OAR
REVISIONS TO THE AIR EMISSIONS REPORTING REQUIREMENTS

COMMENTS OF
THE AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION

The American Short Line and Regional Railroad Association (“ASLRRA”),¹ on behalf of itself and its member railroads, submits the following comments in response to the Environmental Protection Agency (“EPA”)’s August 9, 2023, Proposed Rule, “Revisions to the Air Emissions Reporting Requirements” (EPA-HQ-OAR-2004-0489; FRL-8604-02-OAR). More specifically, ASLRRA comments below on EPA’s proposal to formalize the emissions reporting requirements for railyards.²

Short Line Railroads Are Vital to the Freight Rail Network

Short line railroads are proud to be part of the U.S. freight rail network – the most environmentally-friendly way to move freight over land. Railroads account for roughly 40 percent of U.S. long-distance freight volume but account for only approximately 2 percent of transportation-related emissions.³ Globally, the calculation of rail’s contribution to net

¹ ASLRRA is a non-profit trade association representing approximately 500 short line and regional railroad members and hundreds of railroad supply company members in legislative and regulatory matters.

² 88 Fed. Reg. 54,118 (Aug. 9, 2023).

³ U.S. EPA, *Fast Facts on Transportation Greenhouse Gas Emissions*, <https://www.epa.gov/greenvehicles/fast-facts-transportation-greenhouse-gas-emissions> (last updated October 31, 2023).

greenhouse gas emissions is only 0.1 percent.⁴ Additionally, railroads can move one ton of freight nearly 500 miles per gallon of fuel and are 3-4 times more fuel efficient than trucks.⁵

Short line railroads are a critical part of the U.S. freight network. The nation's approximately 600 short line carriers provide the first and last mile service for one in every five rail cars moving each year.⁶ Operating nearly 50,500 route miles, or about 30 percent of the freight rail mileage in the U.S., they play a vital role in the transportation network.⁷ Short line rail service provides safe, efficient, competitive, and environmentally responsible access to transportation for nearly 10,000 rail customers.⁸

While almost all are considered small businesses, short line railroads come in many shapes and sizes.⁹ Some short lines are small but have some centralized functions as part of larger short line holding companies, some are larger regional railroads with hundreds of miles of track, and many are small, independent family-owned businesses. Together they represent a diverse, dynamic and entrepreneurial collection of small businesses that make wise use of the limited resources available to them. These small businesses operate the most vulnerable

⁴ Boehm, S., L. Jeffery, J. Hecke, C. Schumer, J. Jaeger, C. Fyson, K. Levin, A. Nilsson, S. Naimoli, E. Daly, J. Thwaites, K. Lebling, R. Waite, J. Collis, M. Sims, N. Singh, E. Grier, W. Lamb, S. Castellanos, A. Lee, M. Geffray, R. Santo, M. Balehegn, M. Petroni, and M. Masterson. 2023. *State of Climate Action 2023*. Berlin and Cologne, Germany, San Francisco, CA, and Washington, DC: Bezos Earth Fund, Climate Action Tracker, Climate Analytics, ClimateWorks Foundation, NewClimate Institute, the United Nations Climate Change High-Level Champions, and World Resources Institute. <https://doi.org/10.46830/wrirpt.23.00010>, p. 4.

⁵ Association of American Railroads, *Freight Railroads are Part of the Solution to Climate Change*, <https://www.aar.org/wp-content/uploads/2023/06/AAR-Climate-Change-Fact-Sheet.pdf> (last updated July 2023).

⁶ *Short Line and Regional Railroad Facts and Figures*, American Short Line and Regional Railroad Association, 2017; reprint Dec. 2019, p. 1.

⁷ *Id.*

⁸ *See id. and* Webber, Michael, *Freight trains are our future*, Popular Science, May 9, 2019, <https://www.popsci.com/power-trip-excerpt/> (last visited Nov. 16, 2023).

⁹ *See* 13 C.F.R. § 121.201 *and* North American Industry Classification System code 482112, "Short Line Railroad."

segments of the railroad system and, in many cases, are the only connection for rural businesses to the domestic and global marketplace. They maintain their viability by competing aggressively for business from existing and new customers, investing a significant percentage of their revenues, often 25 percent or more, into their rail infrastructure.¹⁰ The majority of railroads operating across America's rail network are privately owned and pay for their own infrastructure – a point of departure from other transportation modes that utilize publicly funded roads and waterways.¹¹

Short Line Railroads are Environmentally Friendly

Short line railroads are an efficient and environmentally sustainable mode of freight transportation. ASLRRA and its member railroads share EPA's goal of improving air quality. In fact, the association is currently engaged in a project funded by the Federal Railroad Administration to evaluate non-traditional methods of reducing emissions in short line railroad operations.¹² This project will develop an inventory of the short line locomotive fleet and test a methodology to evaluate short line railroad emissions through field testing of non-traditional fuel technologies, including but not limited to additives and injectors. A greater understanding of the efficacy of these technologies will encourage short line railroads to employ these alternative methods of curbing emissions, which will improve locomotive fuel economy and reduce locomotive emissions. Additionally, ASLRRA plans to use the results for discussions with the EPA SmartWay program for their potential integration into its Rail Carrier Tool Kit.¹³

¹⁰ Facts and Figures, *supra*, at 3.

¹¹ McGurk, Russ, *Five Reasons Freight Rail is an Infrastructure Leader*, GoRail, May 14, 2018 (<https://gorail.org/infrastructure/five-reasons-freight-rail-is-an-infrastructure-leader>).

¹² Broad Agency Announcement 2021 FRA-RS-003, Energy and Environmental Sustainability.

¹³ See U.S. EPA, *SmartWay Rail Carrier Tools and Resources*. Available at: <https://www.epa.gov/smartway/smartway-rail-carrier-tools-and-resources> (last updated April 6, 2022).

There are numerous additional examples of current efforts within the short line railroad industry to reduce locomotive emissions. For example, railroads have acquired and retrofitted hundreds of new, more fuel-efficient locomotives that emit fewer criteria pollutants and GHGs over the past few years. A few of these newer locomotives are zero emission locomotives, but that is currently only viable for short lines at a pilot program scale and with public entities paying close to 100% of the costs.¹⁴ Railroads have implemented operational improvements to reduce unnecessary train and railcar movements, which reduce fuel use. Advances in lubrication techniques have resulted in a reduction in friction, ultimately decreasing drag and saving fuel. The installation of idling-reduction technologies, such as stop-start systems that shut down a locomotive when it is not in use and restart it as needed, have resulted in a further reduction of fuel consumption. Finally, short line railroads have expanded their use of distributed power, which reduces the total horsepower required for train movements and thus the fuel consumption and emissions.¹⁵

The Proposed Rule

In this action, EPA proposes to require certain sources to report information regarding emission of hazardous air pollutants; certain sources to report criteria air pollutants, their precursors and HAP; and to require State, local, and certain tribal air agencies to report prescribed fire data. Specific to the railroad industry, in the Proposed Rule, the EPA is proposing distinct requirements for reporting of rail yard air emission data by States, which differ from the more general point source requirements. It proposes two options for States—they

¹⁴ See Baker, Chuck, *Short Lines: Part of the 'Green' Solution*, Railway Age, March 23, 2021. Available at: <https://www.railwayage.com/freight/short-lines-regionals/short-lines-part-of-the-green-solution/>. This article describes, *inter alia*, California's Pacific Harbor Line railroad's EMD Joule battery electric locomotive demonstration.

¹⁵ ASLRRRA, *Environmental Impact*. Available at: <https://www.aslrra.org/environmental-impact/>.

may either (1) submit rail yard activity data and documentation for some or all rail yards within the geographic scope of the States' implementation planning authority using formats provided by the EPA, or (2) review rail yard data and annual emission totals provided by EPA, submit comments on that data, and/or notify EPA that the State accepts that data.¹⁶ The EPA is also considering a "Rail Companies" Option that would require that railroads directly provide activity data to EPA. EPA notes that the Rail Companies Option would have the disadvantage of imposing more requirements than would be required continuing the ongoing voluntary approach with rail companies.

As noted in the Proposed Rule, the Association of American Railroads currently voluntarily collects and submits industry-level fleet data to the Eastern Research Technical Advisory Committee ("ERTAC").¹⁷ This information is then used by ERTAC in its calculations related to emissions data. The EPA then uses this information to generate an estimate of overall emissions from rail operations by state and county.

ASLRRA recommends that EPA use the second option proposed for States, which would permit them to review data voluntarily submitted to ERTAC from the rail industry. This approach promotes consistent methodology in calculating air emissions and has the benefit of using a single point of contact to liaise with EPA on this matter. It avoids the inconsistencies that would inevitably occur as State requirements may be different from each other.

The Proposed Rule Does Not Calculate the Potential Burden to Small Railroads

In addition to its potential for data inconsistencies, the "Rail Companies" Option also fails to calculate the cost to small entities. There are approximately 600 short line railroads in

¹⁶ 88 Fed. Reg. at 52,166.

¹⁷ *Id.*

the U.S., most of which are considered small businesses. However, the Proposed Rule and its supporting Regulatory Impact Analysis do not decide on the cost of the “Rail Companies” Option. To comply with its obligations under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act, EPA must calculate the burden to small businesses, provide regulatory relief and consider less burdensome alternatives for small businesses.¹⁸ As such, EPA should not advance the “Rail Companies” Option.

Conclusion

ASLRRA appreciates the opportunity to comment on this matter.

Respectfully submitted,



Sarah Yurasko
SVP Law & General Counsel
American Short Line and Regional Railroad Association
50 F Street NW, Suite 500
Washington, DC 20001

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¹⁸ 5 U.S.C. 601 *et seq.*