



August 31, 2022

Rachel Assink
Department of Ecology
Air Quality Program
P.O. Box 47600 Olympia, WA 98504-7600

RE: Rule Proposal Phase (CR-102) – Clean Fuels Program Rule in 172-424 WAC

Dear Ms. Assik:

The Washington State Department of Transportation (WSDOT) is pleased to submit comments regarding the Department of Ecology's filing of a CR-102 pursuant to the Clean Fuels Program. These rules are an important step in the state's efforts to reduce greenhouse gas emissions from the transportation sector and promote the use of clean fuels.

To enable credit generation from electrification of ferry fleets WSDOT recommends:

1. adding to WAC 173-424-110 Definitions - "*Ferry vessel*" means a vessel 65 feet or greater designed for operations on Lakes, Bays, and Sounds, built to 46 CFR Subchapter H, K or T standard that is used on a regular schedule - (1) To provide transportation only between places that are not more than 300 miles apart; (2) To transport only - (i) Passengers; or (ii) Vehicles, or railroad cars, that are being used, or have been used, in transporting passengers or goods,
2. adding to WAC 173-424-110 Abbreviations - "*eFV*" means electrical power for ferry vessel,
3. consolidating in WAC 173-424-110 Abbreviation duplicate "RFS" definitions,
4. clarifying in WAC 173-424-220 under what sub-section electric charging of public transit systems (vehicles and vessels) resides. Under the draft rule, public transit systems could be under sub-section (3) Nonresidential electric vehicle charging and (4) Fixed guideway systems, (See WSDOT's recommended approach in the following recommendation.)
5. replacing in WAC 173-424-220 sub-section (4) Fixed guideway systems with new category "*Public transit systems. For electricity used to power vehicles such as light rail systems, streetcars, aerial tram, transit buses or ferry vessels,*

the transit agency operating the system is eligible to generate the credits for the electricity used to propel the system,”

6. modifying WAC 173-424-420 Specific reporting requirements, subsection (3)(e)(ii) to *“Separated by electricity used in portions of their transit system placed in service before and after January 1, 2023,”*
7. revise WAC 173-424-540 Calculating credits and deficits, subsection (2) to *“Calculation method for transit vehicles and electric forklifts. For electricity used to power transit vehicles on route placed in service prior to 2023,”*
8. revising WAC 173-424-550 Advance crediting to allow flexibility for advanced credit generation from phased investments in infrastructure across multiple programs. It is not clear if WAC 173-424-550 subsection (7)(b) would allow for this flexibility. WSDOT looks forward to discussing how this could be included in the rule language.

In addition, WSDOT would like the following clarifications:

1. why bus rapid transit is included in the WAC 173-424-110 Definitions “Fixed guideway” and not other transit systems that have stationary fueling,
2. why EERs for non-fixed guideway transit are calculated differently than bus rapid transit,
3. how induction fueling infrastructure fits into proposed rule,

WSDOT looks forward to working with Department of Ecology staff to implement the provisions of the Clean Fuels Program in the WAC. Please contact Jonathan Olds at oldsj@wsdot.wa.gov with any questions or to discuss how we can assist through the process.

Sincerely,



Ahmer Nizam
Environmental Services Director

cc: Jonathan Olds, Sr. Policy Analyst for Climate Change