WSTA
WASHINGTON STATE TRANSIT ASSOCIATION

The Voice of Public Transit

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- WSDOT – Division of Public Transportation
- Yakima Transit

Department of Ecology
State of Washington
P.O. Box 47600
Olympia, WA 98504-7600

Date: July 31, 2025

Re: Comments on updates to the Clean Fuel Standard (Chapter 173-424 WAC)

Dear Adam Saul,

The Washington State Transit Association (WSTA) appreciates the opportunity to comment on the Clean Fuels Standard (CFS). WSTA supported the creation of the CFS and recently supported HB 1409 and remains a supporter of the CFS.

WSTA represents 31 public transit agencies and WSDOT Public Transportation Division. Our members, including Sound Transit and King County Metro as our largest members, to Garfield County Public Transpiration, our smallest members, provide critical service across this state. Many of them additionally actively participate in the CFS credit market.

When the CFS program began in the state, WSTA took the innovated step and created and currently operates a Carbon Credit Aggregating Pool (CCAP), enabling eight large and mid-to-small size transit agencies to more easily engage in the market. We believe the CCAP program is the first of its kind in the country.

While WSTA strongly supports the CFS, the program's early years have yielded lower-than-projected revenue due to low credit prices and a saturated market. Additionally, while the CFS is a performance-based program designed to reduce lifecycle carbon intensity not all public transit is fully credited. This has hindered the acquisition and incentivization of zero-emission transit vehicles and associated infrastructure. While we anticipate that increased carbon intensity requirements will improve credit prices, we urge you to ensure the CFS effectively and accurately supports zero-emission transit.

We recommend the following changes in the current rulemaking to strengthen this vital program:

Allow full credit generation for all fixed guideway systems:
Current rules, modeled after California's LCFS, limit credit generation to fixed guideway systems. Only fixed guideway placed in service on or after 2023 receives the higher Energy Economy Ratio (EER) multiplier. Pre-2023 systems must report electricity separately and receive no multiplier, despite providing the same benefit as later systems. This restriction was modeled after California's now-superseded policy. In its current version, CARB eliminated the restriction and now allows equal crediting across all fixed guideway systems. This change would correct a policy that undercredits actual emissions reduction. Agencies like Sound Transit and King County Metro have been leaders in transportation electrification.

They should not be penalized for this action. Other lower-carbon fuels used in Washington before the start of the CFS program have not been subject to such penalties. Modeling suggests that correctly crediting these systems may result in $500,000 annually in additional revenue (at $100/credit), which would directly support ZEV investments and ridership service. This amount of crediting would not significantly alter the credit pool but could boost funding for a chronically underfunded public service. The change would also ease reporting requirements for these agencies. The specific recommendation is to:

Delete the exclusion of "fixed guideway vehicles on track placed in service prior to 2023" in WAC 173-424-540(2)

Remove the requirement to report electricity separately for pre/post 2023 systems in WAC 173-424-420(3)(e)(ii)

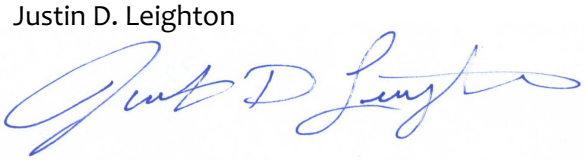
Create credit multipliers for Zero-Emission Vehicle (ZEV) projects that produce Vehicle Miles Traveled (VMT) reductions.

Public transit delivers both low-carbon fuels and GHG-reducing behavior. Transit riders reduce VMT and while this is reflected in the EER for fixed-guideways, the same is not true for other electrified transit. To more accurately reflect the role electrified buses play in meeting the State's climate goals, we support prioritizing and enhancing credit generation from ZEVs. As credit prices recover, this type of multiplier could be a modest but meaningful revenue stream, particularly as operational budgets are constrained. Further, recognizing transit's full emissions benefits supports environmental justice and affordability goals by making clean transportation more available. Existing studies have demonstrated that transit reduces CO2e emissions, and the effect that different types of transit have on emissions reduction.

We greatly appreciate DOE opening up comments during the rulemaking process. This allows the opportunity for a voice outside the legislative process.

Thank you for considering our comments. We look forward to collaborating with you to identify areas where public transit can further strengthen the CFS.

Justin D. Leighton



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1 In its justification for changing the provision in California's program, CARB stated "[t]his adjustment provides equal treatment to all fixed guideway systems for the purposes of LCFS crediting and improves LCFS support for transit services in California." https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2024/lcfs2024/15day_notice.pdf

2 For example, a US DOT study from 2010 showed that bus transit reduces CO2 emissions by 33-81%. https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/PublicTransportationsRoleInRespondingToClimateChange2010.pdf This is in addition to fuel switching from diesel to electric, which is accounted for in the current EER.
Another study found that direct trip substitution accounted for 1.8 billion gallons of gasoline saved per year in the US, while secondary effects, including indirect land use change, saves another 3.4 billion gallons of gasoline per year. Neither the primary or secondary benefits are accounted for in the current EER. https://www.apta.com/wp-content/uploads/Resources/resources/reportsandpublications/Documents/land_use.pdf and https://archive.epa.gov/epa/production/files/2016-04/documents/public_transportations_role_in_responding_to_climate_change.pdf