



## King County

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July 31, 2025

Mr. Adam Saul  
Department of Ecology  
Climate Pollution Reduction Program  
PO Box 47600  
Olympia, WA 98504-7600

Submitted online via: <https://ecology.commentinput.com?id=bS4tQR6WV>

Re: June 16 proposed amendments to the Clean Fuel Standard (CFS)

Dear Mr. Saul and Department of Ecology CFS Rulemaking staff:

Thank you for the opportunity to comment on the proposed Rule Language shared on June 16<sup>th</sup> for the Clean Fuels Program. The Clean Fuels Program is a powerful tool to meet the state's climate goals by incentivizing use of fuels with lower carbon intensity and accelerating the transition to a clean energy economy. King County appreciates that the Department of Ecology is considering updates to harmonize the rule with California and Oregon's clean fuel programs.

As mentioned in prior comment letters, confronting climate change and reducing emissions from the transportation sector. King County's Strategic Climate Action Plan (SCAP), a five-year blueprint for County climate action, sets ambitious targets to reduce emissions by half by 2030, lead with climate justice, and prepare for the impacts of climate change. Transportation is the largest source of greenhouse gas emissions in King County, and Washington State, and we must take urgent and immediate action to lower emissions from that sector.

King County is working to reduce transportation related emissions through electrification of our bus fleet and conversion to electric light-, medium- and heavy-duty vehicles across our King County vehicle fleets. As active participants in the Clean Fuels Program, King County has generated credits from fueling of County fleets with electricity since the program began in 2023. King County values the opportunity to use revenue from the sale of Clean Fuels Program credits to reinvest in efforts to provide services to residents using zero-emission vehicles. We thank you for your work to date to make this program a success and for your continued work to enhance the Department of Ecology's proposed rule to increase alignment with other Clean Fuels Programs in the region.

King County asks the Department of Ecology to incorporate the following recommendations into the proposed rule:

1. **Ensure ongoing public investments in fixed guideways systems generate equivalent credits to investments in new systems.** It is in the public interest to maximize credit generation for public transportation that is zero-emission and shifts load from passenger vehicles to public transportation. Fixed guideways systems (such as Metro's trolleybus fleet, which is an overhead catenary system bus powered by electricity with a battery for limited off-wire travel) require significant ongoing investment in the system and vehicles. New investments in vehicles and systems result in efficiency improvements that should be reflected in credit generation. For example, in 2015, the new trolley bus fleet Metro Transit improved electricity efficiency by 20% as a result of regenerative braking functionality. Metro received a rebate from Seattle City Light for that efficiency improvement.

Electric trolley buses are an essential part of King County Metro's zero-emission fleet and Clean Fuels Program credits can help stabilize funding to support ongoing use of this zero-emission technology given the uncertainty in federal funding for public transit and zero-emission technology. When trolley buses cannot be used on designated routes due to construction and special events, they are currently replaced with diesel-hybrid buses. Thus, these trolley buses should be treated as diesel-hybrid bus replacement, equivalent to a battery electric bus, regardless of the date they went into service. Electric trolley buses that are 2023 or newer receive a 2.1 ERR value, while electric trolley buses in service pre-2023 receive an equivalent 1.0 ERR for purposes of the credit calculation. Given these considerations, we recommend that the:

- a. **In-service date for public transportation fixed guideway systems be removed to give electric trolley buses an ERR of 2.1 regardless of the in-service date; or,**
- b. **Zero-emission electric trolley buses are treated the same as zero-emission battery electric buses, with an ERR of 5.**

**If the pre-2023 in-service date is not removed, we recommend that the in-service requirements apply to the system or vehicle** to allow for new more efficient electric transit vehicles to generate credits commensurate with their improved efficiency and not be restricted by the system date.

An approach that removes the in-service date for public transportation fixed guideway systems would ensure alignment with California's Low Carbon Fuel Standard (LCFS), which is a stated goal of Ecology's rulemaking process.

- **California LCFS Precedent:** Under the California LCFS, trolley buses in service before 2011 (the 'go-live' year for the program) did not benefit from the 3.1 Energy Economy Ratio (EER) value granted to vehicles in service after 2010, and energy consumption was reported separately for these two groups. However, as of California's most recent amendment cycle (effective July 1, 2025), the California Air Resources Board (CARB) has eliminated the separate reporting for trolley buses, meaning now all trolley buses can use the 3.1 EER value. As a result, older trolley buses now generate 3.1 times as many credits for the same energy consumed, and there is no distinction based on in-service date.

- **Administrative Relief & Decarbonization:** Adopting California's approach of eliminating reporting based on in-service dates would provide significant administrative relief for Ecology and WA transit agencies. It would also support the program's goal of increasing funding to decarbonize heavy-duty vehicles, since trolley buses replace diesel-hybrid buses.
  - **Discrepancy in EER Values:** Trolley buses in California are granted a 3.1 EER value, while even post-2023 trolley buses in Washington only receive a 2.1 EER. It seems that Ecology has adopted Oregon's Clean Fuels Program's lower 2.1 EER value, categorizing trolley buses similarly to streetcars, although the Oregon regulation (including current and past versions) does not include trolley buses under "fixed guideway" or at all.
  - **Comparison with California:** In contrast, the CA LCFS explicitly names trolley buses with an EER value of 3.1. This reinforces the idea that trolley buses, whether in California or Washington, don't differ in mechanical design or function. This means that – all else being equal – the same trolley bus procured by a transit agency in California will receive 3.1 times as many credits as a trolley bus procured by a transit agency in Washington, simply due to being located in California.
2. **Delay Third Party Verification of Electricity Credit Generators.** Delaying third-party verification for five years for electricity would align with California's strategy as the CARB intentionally did not include electricity in the third-party verification provisions in the LCFS from 2019 to mid-2025 in order to incentivize the electricity credit generators and give time for the third-party verification industry to emerge. Washington is at a similar place to where California was in 2019, and this delay could help reduce the significant costs that can be associated with this verification, thereby serving to encourage more credit generators to participate in CFS and transportation electrification.
  3. **Remove requirements for site visits for third party verification of electricity.** Whether or not the Department delays third party verification of electricity, we recommend not having site visits for meter accuracy checks as this is already done by other regulators. The June 16 CFS proposal is inconsistent regarding requiring third-party verifiers to check meter / measurement accuracy for EV charging.<sup>i</sup> While WAC 173-424-800 (c) (vii) has language stating that monitoring plans do not apply to EV charging, the other subsections are not clear if they apply to EV charging – specifically (ix),(x), (xi) and (xii). Revenue-grade meters for electricity tracking by utilities are regulated by industry standards and enforced by utilities and their governing boards or by the Washington Utilities and Transportation Commission. Further, meter accuracy for public charging is regulated by the Legislature<sup>ii</sup> and Washington State Department of Agriculture's Weights and Measures Division.<sup>iii</sup>

Re: WAC 173-424-820 - Requirements for verification of the CFS reports and validation of fuel pathway applications. Using the CFS to also regulate meter accuracy for charging stations (FSE) would be double regulation and disincentivize transportation electrification by adding substantial costs because enforcement of meter accuracy is a cost already borne by charging station operators under the Department of Agriculture's regulation.

4. **Enhance Capacity Credits for Heavy-Duty EVs:** These credits, also known as Fast Charge Infrastructure (FCI) credits for heavy duty EVs, are meant to improve the business case for DC fast charging. King County supports adding these credits in this rulemaking, but believes they should be expanded to individual fleets not just fleets where two or more entities use the same charging depot. Specifically, we request that the Department of Ecology follow CARB's example and provide these to "private fleets" and use the formula that CARB uses, which allows half the credit compared to shared depots and truck stops.

Thank you for your continued partnership in furthering Washington state's emissions reductions goals.

Sincerely,

Signed by:  
  
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Marissa Aho  
Director

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<sup>i</sup> See page 36 of the June 16 proposed CFS. WAC 173-424-800 (c) (vii) Descriptions of measurement devices used to report CFP data and how acceptable accuracy is demonstrated, e.g., installation, maintenance, and calibration method and frequency for internal meters and financial transaction meters; this provision does not apply to data reported in the WFRS for generating credits for EV charging.

<sup>ii</sup> See [Chapter 19.94 RCW: WEIGHTS AND MEASURES](#).

<sup>iii</sup> See [Chapter 16-662 WAC](#).