

King County (DeAnna Martin)

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Ms. Lauren Sanner
Department of Ecology
Climate Rulemaking Planner
Olympia, WA 98504-7600

Submitted online via: <https://ecology.commentinput.com/?id=r6j3iP8k4>

Re: Chapter 173-424 WAC and WAC 173-455-150, Clean Fuels Standard Rulemaking
Informal Comment Period for Transportation Electrification

Dear Ms. Sanner and Department of Ecology CFS Rulemaking staff:

Thank you for the opportunity to comment on the scope of Clean Fuels Standard rulemaking and provide input on the proposed draft rule. 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.

Confronting climate change and reducing emissions from the transportation sector are top priorities in King County's newly adopted 2025 Strategic Climate Action Plan (SCAP). The 2025 SCAP is 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 supports efforts to strengthen Washington state climate policies, including recent 2025 legislative actions to strengthen the Clean Fuels Standard carbon intensity targets. King County appreciates that the Department of Ecology is considering updates to harmonize the rule with California and Oregon's clean fuel programs. Given threats at the federal level to revoke the Clean Air Act waiver and limit Washington's ability to enforce the Advanced Clean Cars II and related Zero Emission Vehicle regulations, state level efforts to support clean fuels and vehicles are even more critical.

The Washington Clean Fuels Program is supporting King County's efforts to reduce emissions from County fleets via electrification and use of renewable fuels. King County has generated Clean Fuel Program 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. Both Metro Transit, Fleet Services, and the Solid Waste Division are expanding purchase and use of renewable diesel fuels in County fleets.

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 scope of the proposed rulemaking and draft rules for public comment related to public transportation Energy Economy Ratio (EER) values:

- 1. **Recommend vehicle efficiency of electrified fixed guideway light rail transit continue to be compared to the vehicle efficiency of a diesel bus and be normalized by passenger miles.** Current EER values for fixed guideway public transit light rail systems are based on a comparison of the passenger mile efficiency of an electrified light rail compared to passenger miles efficiency of a diesel bus. This is an appropriate like for like comparison of public transit modes. The appropriate baseline for comparing providing public transit powered by electricity is public transit powered by diesel.
- 2. **Recommend updating EER values for trolley buses to align with battery electric bus or California Low Carbon Fuel Standard values.** 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. Trolleybuses are regularly replaced with diesel buses due to construction and special events. Metro’s trolleybus fleet and overhead catenary system require significant ongoing investment in the system and vehicles. Thus, these electric trolley buses should be treated as diesel-hybrid bus replacement, equivalent to a battery electric bus with an EER of 5.0, compared to current EER of 2.1. Alternatively, we recommend that Ecology align the EER values of trolley buses to values under the California Low Carbon Fuel Standard, which apply an EER of 3.1.¹



- 3. **Do not recommend creating a new credit pathway for secondary transit benefits.** King County shares Dept. of Ecology’s assertion that transit can reduce emissions indirectly through compact land use/density, shorter trip distances, increased walking and biking,

¹ 17 CCR § 95486.1 Generating and Calculating Credits and Deficits Using Fuel Pathways. Table 5.
<http://oal.ca.gov/publications/ccr/>

reduced vehicle ownership, and more efficient trip chaining all contributing to reductions in vehicle miles traveled beyond those created by transit ridership alone. King County strongly supports increased funding for public transit service and infrastructure investments via revenue from the Climate Commitment Act (CCA), via the state Transportation Budget. For example, funding from the CCA has been used to support transit agencies in reducing emissions through acquisition of zero emissions buses, charging infrastructure, Commute Trip Reduction/Transportation Demand Management activities, and transit operations that serve overburdened communities.

We encourage maintaining the focus of the Clean Fuels Standard on regulation of emissions from transportation fuels via a standard for the carbon intensity of transportation fuels. Avoided emissions from mode shift resulting from public transit, are already captured in the Clean Fuels Standard. An avoided car trip by riding transit results in less gasoline being sold and fewer deficits being generated by fossil fuel producers. Creating a new pathway for credits from avoided car trips that result from transit may double count this benefit.

Additionally, Washington and region-specific land use multipliers are not available using a consistent or standardized methodology. Furthermore, it would be very challenging to parse out the contribution of different transit agencies that have overlapping service areas.

There is concern that if Ecology creates new credit pathways for secondary transit benefits that it may be challenging to delineate what additional indirect benefit pathways can and cannot be considered. For example, other activities such as an employer offering a hybrid workplace, installation of bike lanes, and construction of a park may want to explore credit pathways. We recommend that Ecology maintain current focus of the Clean Fuels Standard on regulating transportation fuels and avoid introducing indirect credit pathways.

4. **Increase the pool of credits available for advance crediting.** The intent of the advanced crediting program is to provide revenue to cover upfront capital costs to support public fleet electrification. The current limit prevents the advanced crediting program from achieving its goals. Currently, Ecology has limited the volume of credits available for advance crediting to no more than 5% of the total CFS deficits of a given year. In the example provided by Ecology, the total available credits using 2024 data would be 45,000.² Using current credit prices of approximately \$40/credit, the total available revenue would be approximately \$2M. For example, a single heavy duty bus charger with a single pantograph can cost approximately \$336,000 for just the equipment. This does not factor in the additional costs of design, wiring, construction, etc. Though it is not expected for any one project to be awarded all the available credits, at this scale of funding, only small-scale public sector investments will benefit. Recommend that Ecology consider a much larger cap of 10-20% percent to create more significant opportunities to provide upfront investment to public sector projects across the state.

² WA Dept of Ecology. Advanced Crediting Guide:
<https://apps.ecology.wa.gov/publications/documents/2514062.pdf>

5. **Enhance Capacity Credits for Heavy-Duty EVs:** These 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.

6. **Support utility efforts to reinvest revenues from Clean Fuels Program credits into transportation electrification and grid modernization.** King County has coordinated with local utilities Seattle City Light and Puget Sound Energy to enable further build out of EV charging for County fleets. King County Metro and WTD have both applied for Seattle City Light Fleet Electrification rebate program. In addition to funding and personnel resources available to support fleet electrification we encourage the utilities to increase investment in grid modernization. As more critical loads get connected and rely on electricity, it is critical for the utilities to increase investments in grid modernization to improve reliability and resiliency. Thank you for your continued partnership in furthering Washington state's emissions reductions goals.

Sincerely,

Signed by:

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DeAnna Martin
Chief of Staff