Railroad Locomotive Language

A BILL

To phase out older freight locomotives, decrease emissions from passenger and freight locomotives, and establish a grant program to facilitate the upgrading of existing locomotives and purchase of new locomotives.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the "Green Rail Locomotives Act of 2021".

SEC. 2. REQUIREMENTS FOR CLASS I FREIGHT LOCOMOTIVES.

"(a) REQUIREMENTS FOR CLASS I LOCOMOTIVES—A line-haul or switcher locomotive owned or operated by a Class I railroad may only operate on the freight railroad interchange system, subject to the exceptions in Section 3, if-

(1) the locomotive is in compliance with the following standards—
  (A) meets or exceeds Tier 1 standards by 2025; and
  (B) meets or exceeds Tier 2 standards by 2028; and
  (C) meets or exceeds Tier 3 standards by 2030.

(2) Beginning every year starting on January 1st 2030—
  (A) the locomotive has not exceeded a total of 89,100 MWhs of operation since its original manufacture date; or
  (B) the original manufacture date for the locomotive was not more than twenty-three years ago; or
  (C) the primary NOx and PM emissions on the United States Environmental Protection Agency Certificate of Conformity for the locomotive are equal to or cleaner than the Cleanest Available Locomotive.

"(b) REMANUFACTURING LOCOMOTIVES.-An existing line-haul or switcher locomotive covered by subsection (a) may meet those standards by being remanufactured to such standards.

“(c) CERTIFICATION REQUIRED.—

(1) IN GENERAL.—To be eligible to own or operate a locomotive described in subsection (a) on the United States freight railroad interchange system, a Class I railroad shall certify to the Secretary that such locomotive meets the applicable requirements set forth in subsection (a).

(2) ENGINES.— As part of the certification under this section, the Secretary shall establish procedures to verify that any locomotives or engines that do not meet the requirements of this Section are retired.

(3) CERTIFICATION FORM.—The Secretary shall prescribe the information, manner, and timing of the certification required under paragraph (1) to enforce the requirements set forth in subsection (a).

“(d) REGULATIONS.—The Secretary is authorized to issue or modify such regulations as are necessary to carry out this section.

“(e) WAIVERS AUTHORIZED.—

(1) IN GENERAL.—Before January 1, 2030, the Secretary may issue a waiver to allow a Class I railroad to temporarily use freight locomotives that fall below the requirements under subparagraph (A) or (B) of subsection (a)(1), if the Class I railroad demonstrates, to the satisfaction of the Secretary, a sudden critical need for such locomotives due to emergency conditions.

(2) LIMITATIONS.—A waiver issued pursuant to paragraph (1)—

(A) may not remain in effect for longer than 90 days;

(B) may only be extended once, for up to an additional 90 days;

(C) may not apply to more than 10 percent of the Class I railroad’s fleet; and

(D) may not be issued more than once in any 12-month period on behalf of a single Class I railroad.

SEC. 3. REMANUFACTURED LOCOMOTIVE CREDIT PROGRAM

“(a) CREDIT PROGRAM .—The Secretary shall establish and carryout the following credit program for certain tier 3 locomotives.

“(b) CREDIT FOR TIER 3 LOCOMOTIVES.— For every three new locomotives purchased after the effective date of this Act by a Class I railroad that meet the requirements of subsection (c), said Class I railroad shall receive a credit to continue operating one tier 3 locomotive that meets the requirement in subsection (d) beyond the phaseout dates established in Section 2 of this Act.

“(c) NEW LOCOMOTIVE REQUIREMENTS.— Any new locomotive purchased for the purposes of counting toward the credit program in this section shall meet the stricter of the Tier 4 emission standard or the Cleanest Available Locomotive at the time of said purchase.

“(d) TIER 3 LOCOMOTIVE REQUIREMENTS.—Any tier 3 locomotive that receives credit under the program established in subsection (a) shall be a remanufactured locomotive.

“(e) LOCOMOTIVE REMANUFACTURING.— Any entity who receives a credit under this section for a tier 3 locomotive shall ensure that all remanufacture work on the locomotive under this Act is performed by Railway Labor Act –covered workers in the employ of rail carriers, as defined in Section 10102(5) of Title 49, United States Code.

“(f) SPECIAL RULES FOR PHASING OUT.—

(1) In General— A tier 3 locomotive that qualifies for the credit program established in this Section may continue operating for twenty-three years from the remanufacturing date; and
(2) May only continue further operating after said date if—
    (A) the locomotive has not exceeded a total of 89,100 MWhs of operation since its remanufacture; or
    (B) the locomotive is remanufactured again so that the primary NOx and PM emissions on the United States Environmental Protection Agency Certificate of Conformity for the locomotive are equal to or cleaner than the Cleanest Available Locomotive.

“(g) REGULATIONS.—The Secretary is authorized to issue or modify such regulations as are necessary to carry out this section.

SEC. 4. RAIL LOCOMOTIVE REPLACEMENT GRANT PROGRAM

“(a) GRANT PROGRAM.—There is established a competitive grant program in which the Secretary, from amounts made available to carry out this Act, shall make grants to assist an eligible entity with—

(1) acquiring low or zero emission locomotives, including battery, electric or other zero emission technology;
(2) rehabilitating or improving existing locomotives, including engines, to reduce emissions and meet the requirements of Section 2 of this Act;
(3) leasing low or zero emission locomotives, including battery, electric or other zero emission technology;

(4) acquiring low or zero emission locomotives with a leased power source, including battery, electric or other zero emission technology;
(5) at existing plants or facilities: constructing new structures and acquiring related equipment for, or to accommodate, low or zero emission locomotives, including battery, electric or other zero emission technology;
(6) rehabilitating or improving existing facilities for, or to accommodate, low or zero emission locomotives, including battery, electric or other zero emission technology;
(7) leasing facilities and related equipment for, or to accommodate, low or zero emission locomotives, including battery, electric or other zero emission technology; and
(8) workforce development and training to support the maintenance, deployment and operation of low or zero emission locomotives, including battery, electric or other zero emission technology locomotives.

"(b) ELIGIBLE ENTITY.—For the purposes of receiving a grant under subsection (a), an eligible entity shall mean—

(1) A Class I Railroad; or
(2) A Class II or Class III Railroad; or
(3) A commuter authority; or
(4) Amtrak

"(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) APPLICATION PARTNERS.—The Secretary shall allow eligible entities to partner with other eligible or non-eligible entities in an application. The Secretary shall define the non-eligible entities an eligible entity can partner with, provided that those partners shall at a minimum include a State or a State government agency, municipality, other railroad or rail carrier, locomotive manufacturer, rail supplier, port authority, and labor union.

"(e) GRANT AMOUNTS.—An amount awarded under subsection (a) for the purchasing or upgrading of an individual locomotive shall be—

(1) For upgrading an existing locomotive operating prior to the effective date of this Act to the Tier 4 or Tier 5 standard or purchasing a new Tier 4 or Tier 5 locomotive, limited to the lesser of:
    (A) $1,500,000; or

(B) 25% of the overall cost of upgrading or purchasing the locomotive.

(2) For upgrading an existing locomotive that was operating prior to the effective date of this Act to a Zero Emission Locomotive or the purchasing of a new Zero Emission Locomotive, limited to the lesser of:
    (A) $2,000,000; or
    (B) 33% of the overall cost of upgrading or purchasing the locomotive.

(3) For upgrading a Tier 4 or Tier 5 locomotive purchased after the effective date of this Act to a Zero Emission Locomotive, limited to the lesser of:
    (A) $3,000,000; or
    (B) 50% of the overall cost of upgrading the locomotive.

"(f) LOCOMOTIVE TIERS.—A grant awarded under subsection (a) for the purchasing or upgrading of an individual locomotive shall only be used to purchase a locomotive that meets or upgrades a locomotive to the stricter of—

(1) The Tier 4 standard; or
(2) The standard set for the Cleanest Available Locomotive by the Administrator under Section 7547 of Title 42, United States Code.

"(g) SELECTION CRITERIA.—The Secretary shall consider the following criteria when awarding a grant under subsection (a)—

(1) The non-federal share provided in the application;
(2) The economic impact of the grant, including the number of jobs created;
(3) The technical feasibility of the application;
(4) The estimated reduction in greenhouse gas emissions;
(5) The estimated reduction in air pollutants, including NOx and SOx, and particulate matter;
(6) Whether the applicant has received a grant under the program previously;
(7) The extent to which the entity is partnering with and/or its application is supported by labor unions;
(8) The extent to which the entity is planning to carry out any work funded with a grant under this Section at a unionized facility;
(9) The extent to which the locomotive will be built or remanufactured at an existing domestic, well-established union facility
(10) The extent to which the application would protect or enhance the existing domestic rail supply chain and industrial base; and
(11) Any other criteria as determined by the Secretary.

“(h) GRANT PRIORITIZATION.—When awarding a grant under subsection (a), the Secretary shall prioritize applications that—

(1) Replace or upgrade locomotives or locomotive engines with battery, electric, or other zero-emission locomotive technology;
(2) Replace or upgrade locomotives that operate in economically disadvantaged communities or environmental justice communities, including frontline communities, communities of color, or communities with poor air quality;
(3) Build or upgrade locomotives at existing, well-established, domestic manufacturing facilities and protect or enhance the existing domestic rail supply chain and industrial base;
(4) Carry out any worked funded with a grant under this Section at a unionized facility; and
(5) Utilize a well-established, domestic workforce in the building of new or upgrading of existing locomotives.

“(i) BUY AMERICA REQUIREMENTS.—The requirements of Section 22905(a) of Title 49, United States Code shall apply to any grant awarded pursuant to this Act.

“(j) GRANT CONDITIONS.—

(1) Amtrak may not receive a grant under this section unless such project complies with section 22905 of Title 49, United States Code.

(2) The amounts awarded under this section for commuter rail passenger transportation projects shall be transferred by the Secretary, after selection, to the Federal Transit Administration for administration of funds in accordance with chapter 53 of Title 49, United States Code.

(3) A Class I railroad may not receive a grant under this section unless such project complies with Section 836 of Title 45, United States Code.

“(l) STATE OWNED ENTERPRISES.—Any new or upgraded locomotive built or manufactured using funds awarded under this section shall comply with section 20704 of title 49, United States Code, as added by section 5.

“(m) VERIFICATION.—Any entity who receives a grant under this Act to purchase a new locomotive or upgrade an existing locomotive shall certify to the Secretary, in such manner as the Secretary shall prescribe, by rule, that—

(1) In the scenario where the entity is purchasing a new locomotive to replace an older locomotive, that the older locomotive has been retired and not sold, leased, exchanged, distributed, or otherwise operated elsewhere in the United States; and

(2) In the scenario where the entity is upgrading an existing locomotive and the old engine is no longer needed, that the old engine has been retired or otherwise extinguished and not re-issued for operation on another locomotive.

“(n) SAVINGS PROVISION.—Nothing in subsection (m) may be construed to preclude a entity from—

(1) removing any parts of a locomotive being replaced using funds under this Act, other than the engine, and selling them for use as replacement parts; or

(2) retaining the proceeds from such sale.

‘‘(o) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

(1) To carry out the grant program in subsection (a) for the purchase of new Tier 4 standard or Tier 5 standard locomotives or upgrading locomotives to Tier 4 standard or Tier 5 standard:

   (A) $3,500,000,000 for each of the fiscal years 2022 through 2031 for Class I, II, and III railroads. Such sums shall remain available until expended.
   (B) $1,000,000,000 for each of the fiscal years 2022 through 2031 for commuter authorities and Amtrak. Such sums shall remain available until expended.
   (C) Notwithstanding paragraphs (A) and (B), the authorization of appropriations shall expire beginning the first fiscal year following the implementation of a Zero Emission Standard pursuant to Section 8 of this Act.

(2) To carry out the grant program in subsection (a) for the purchase of new zero emission locomotives or upgrading of locomotives to zero emission locomotives:

   (A) $3,500,000,000 for each of the first ten fiscal years following the implementation of the Zero Emission Standard pursuant to Section 8 of

this Act for Class I, II, and III railroads. Such sums shall remain available until expended.

(B) $1,000,000,000 for each of the first ten fiscal years following the implementation of the Zero Emission Standard pursuant to Section 8 of this Act for commuter authorities and Amtrak. Such sums shall remain available until expended.

SEC. 5. REQUIREMENTS FOR RAILROAD FREIGHT CARS ENTERING SERVICE IN THE UNITED STATES.

(a) In General.—Chapter 207 of title 49, United States Code, is amended by adding at the end the following:

"20704. Requirements for railroad freight cars entering service in the United States

"(a) Definitions.—In this section:

"(1) COMPONENT.—The term 'component' means a part or subassembly of a railroad freight car.

"(2) CONTROL.—The term 'control' means the power, whether direct or indirect and whether or not exercised, through the ownership of a majority or a dominant minority of the total outstanding voting interest in an entity, representation on the board of directors of an entity, proxy voting on the board of directors of an entity, a special share in the entity, a contractual arrangement with the entity, a formal or informal arrangement to act in concert with an entity, or any other means, to determine, direct, make decisions, or cause decisions to be made for the entity.

"(3) COST OF SENSITIVE TECHNOLOGY.—The term 'cost of sensitive technology' means the aggregate cost of the sensitive technology located on a railroad freight car.

"(4) COUNTRY OF CONCERN.—The term 'country of concern' means a country that—

"(A) is identified by the Department of Commerce as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of the enactment of the Green Rail Locomotives Act of 2021;

"(B) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a foreign country included on the priority watch list defined in subsection (g)(3) of that section; and

"(C) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

"(5) NET COST.—The term 'net cost' has the meaning given the term in chapter 4 of the USMCA or any subsequent free trade agreement between the United States, Mexico, and Canada.

"(6) QUALIFIED FACILITY.—The term 'qualified facility' means a facility that is not owned

or under the control of a state-owned enterprise.

"(7) QUALIFIED MANUFACTURER.—The term 'qualified manufacturer' means a railroad freight car manufacturer that is not owned or under the control of a state-owned enterprise.

"(8) RAILROAD FREIGHT CAR.—The term 'railroad freight car' means a car designed to carry freight or railroad personnel by rail, including—

"(A) box car;

"(B) refrigerator car;

"(C) ventilator car;

"(D) intermodal well car;

"(E) gondola car;

"(F) hopper car;

"(G) auto rack car;

"(H) flat car;

"(I) special car;

"(J) caboose car;

"(K) tank car; and

"(L) yard car.

"(9) SENSITIVE TECHNOLOGY.—The term 'sensitive technology' means any device embedded with electronics, software, sensors, or other connectivity, that enables the device to connect to, collect data from, or exchange data with another device, including—

"(A) onboard telematics;

"(B) remote monitoring software;

"(C) firmware;

"(D) analytics;

"(E) global positioning system satellite and cellular location tracking systems;

"(F) event status sensors;

"(G) predictive component condition and performance monitoring sensors; and

"(H) similar sensitive technologies embedded into freight railcar components and subassemblies.

"(10) STATE-OWNED ENTERPRISE.—The term 'state-owned enterprise' means—

"(A) an entity that is owned by, or under the control of, a national, provincial, or local government of a country of concern, or an agency of such government; or

"(B) an individual acting under the direction or influence of a government or agency described in subparagraph (A).

"(11) SUBSTANTIALLY TRANSFORMED.—The term 'substantially transformed' means a

component of a railroad freight car that undergoes an applicable change in tariff classification as a result of the manufacturing process, as described in chapter 4 and related Annexes of the USMCA or any subsequent free trade agreement between the United States, Mexico, and Canada.

"(12) USMCA.—The term 'USMCA' has the meaning given the term in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502).

"(b) Requirements for Railroad Freight Cars Entering Service in the United States.—

"(1) LIMITATION ON RAILROAD FREIGHT CARS.—A railroad freight car wholly manufactured on or after the date that is 1 year after the date of the enactment of the Green Rail Locomotives Act of 2021, may only operate on the United States freight railroad interchange system if—

"(A) the railroad freight car is manufactured, assembled, and substantially transformed, as applicable, by a qualified manufacturer in a qualified facility;

"(B) none of the sensitive technology located on the railroad freight car, including components necessary to the functionality of the sensitive technology, originates from a country of concern or is sourced from state-owned enterprise; and

"(C) none of the content of the railroad freight car, excluding sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise that has been determined by a recognized court or administrative agency of competent jurisdiction and legal authority to have violated or infringed valid United States intellectual property rights of another including such a finding by a Federal district court under title 35 or the U.S. International Trade Commission under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

"(2) LIMITATION ON RAILROAD FREIGHT CAR CONTENT.—

"(A) PERCENTAGE LIMITATION.—Not later than 1 year after the date of the enactment of the Green Rail Locomotives Act of 2021, a railroad freight car manufactured may operate on the United States freight railroad interchange system only if—

"(i) not more than 20 percent of the content of the railroad freight car, calculated by the net cost of all components of the car and excluding the cost of sensitive technology, originates from a country of concern or is sourced from a state-owned enterprise; and

"(ii) not later than 2 years after the date of the enactment of the Green Rail Locomotives Act of 2021, the percentage described in clause (i) shall be not more than 15 percent.

"(B) CONFLICT.—The percentages specified in this paragraph apply notwithstanding any apparent conflict with provisions of chapter 4 of the USMCA.

"(c) Regulations and Penalties.—

"(1) RULEMAKING.—Not later than 1 year after the date of the enactment of the Green Rail Locomotives Act of 2021, the Secretary of Transportation shall issue such regulations as are necessary to carry out this section, including for the monitoring, enforcement, and sensitive technology requirements of this section.

"(2) CERTIFICATION REQUIRED.—To be eligible to provide a railroad freight car for operation on the United States freight railroad interchange system, the manufacturer of such car shall certify to the Secretary annually that any railroad freight cars to be so provided meet the requirements of this section.

"(3) COMPLIANCE.—

"(A) VALID CERTIFICATION REQUIRED.—At the time a railroad freight car begins operation on the United States freight railroad interchange system, the manufacturer of such railroad freight car shall have valid certification describe under paragraph (2) for the year in which such car begins operation.

"(B) REGISTRATION OF NONCOMPLIANT CARS PROHIBITED.—A railroad freight car manufacturer may not register, or cause to be registered, a railroad freight car that does not comply with the requirements of this section in the Association of American Railroad's Umler system.

"(4) CIVIL PENALTIES.—

"(A) IN GENERAL.—A railroad freight car manufacturer that has manufactured a railroad freight car for operation on the United States freight railroad interchange system that the Secretary of Transportation determines, after written notice and an opportunity for a hearing, has violated this section is liable to the United States Government for a civil penalty of at least $100,000, but not more than $250,000, for each violation for each railroad freight car.

"(B) PROHIBITION FOR VIOLATIONS.—The Secretary of Transportation may prohibit a railroad freight car manufacturer with respect to which the Secretary has assessed more than 3 violations under subparagraph (A) from providing additional railroad freight cars for operation on the United States freight railroad interchange system until the Secretary determines—

"(i) such manufacturer is in compliance with this section; and

"(ii) all civil penalties assessed to such manufacturer under subparagraph (A) have been paid in full.".

(b) Clerical Amendment.—The analysis for chapter 207 of title 49, United States Code, is amended by adding at the end the following:

"20704. Requirements for railroad freight cars entering service in the United States.".

SEC. 6. APPLICABILITY OF THE TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.

(a) Defined Term.—Paragraph 12(D) of Section 601(a) of title 23, United States Code, is amended—

(1) in subclause (IV) by striking "or" at the end;

(2) redesignating subclause (V) as subclause (VI); and

(3) adding the new subclause (V):

"(V) the replacement of one or more freight rail locomotives by a Class 1 freight rail line, provided that—

"(aa) the locomotives being replaced will not meet the requirements described in section 2 of the Green Rail Locomotives Act of 2021 on the date that is 2 years after the date on which an application is submitted for the secured loan or loan guarantee needed to finance the new locomotives;

"(bb) the new locomotives meet the lowest emissions standard available or are zero emission locomotives; and

"(cc) the new locomotives are purchased in accordance with the requirements set forth in—

"(AA) section 20704 of title 49, United States Code;

"(BB) section 22905(a) of title 49, United States Code; and

"(CC) section 4 of the Green Rail Locomotives Act of 2021.".

(b) Authorization of Appropriations.—There are authorized to be appropriated, in addition to the sums authorized in section four, the following sums to carry out this section—

(1) a total of $3,500,000,000 for fiscal years 2022 through 2032, which shall be used for direct loans and loan guarantees for projects described in section 601(a)(12)(D) of title 23, United States Code.

(2) amounts appropriated pursuant to paragraph (1) shall remain available for expenditure until 2032.

(3) a total of $3,500,000,000 for the first ten fiscal years following the implementation of the Zero Emission Standard pursuant to Section 8 of this Act, which shall be used for direct loans and loan guarantees for zero-emission locomotive projects.

(4) amounts appropriated pursuant to paragraph (3) shall remain available for expenditure until two years after the last fiscal year authorized in paragraph (3).

SEC.7. TIER 5 STANDARD FOR LOCOMOTIVES

"(a) TIER 5 STANDARD.— Pursuant to the authority granted under Section 7547 of Title 42 United States Code, the Administrator shall, in consultation with the Secretary, establish a new "Tier 5" standard to further reduce emissions from new locomotives and new engines used in locomotives.

"(b) DATE OF PROMULGATION.—The Administrator shall finalize the promulgation of the new "Tier 5" standard not later than two years after the date of enactment of this Act.

"(c) IMPLEMENTATION OF TIER 5 STANDARD.—Subject to Section 5(f) of this Act, the "Tier 5" standard required under subsection (a) shall take effect not later than five years after the date of enactment of this Act.

“(d) TERMINATION OF EMISSION CREDIT PROGRAM.—The Administrator, in consultation with the Secretary, shall terminate the Emission Credit Program referenced in part 1033.7 of title 40, Code of Federal Regulations after—

(1) the “Tier 5 standard” takes effect pursuant to subsection (c); and
(2) the Secretary establishes the grant program pursuant to Section 3 of this Act.

SEC. 8. ZERO EMISSION STANDARDS FOR LOCOMOTIVES

“(a) ZERO EMISSION STANDARD.—Pursuant to the authority granted under Section 7547 of Title 42 United States Code, the Administrator shall, in consultation with the Secretary, establish a new “Zero Emission Standard” to achieve the goal of eliminating carbon emissions and particulate matter from new locomotives and new engines used in locomotives.

“(b) DATE OF PROMULGATION.—The Administrator shall finalize the promulgation of the new Zero Emission Standard required in subsection (a) when, after consulting with the Secretary, the Administrator determines that zero emission technology for locomotives has been sufficiently developed and is feasible to be deployed at scale across the industry.

“(c) PERIODIC CHECK.—At least every two years, and until a Zero Emission Standard is implemented, the Administrator shall check with the Secretary as required by subsection (a) to determine if zero emission technology for locomotives has been developed and is feasible to be deployed at scale across the railroad industry.

“(d) WRITTEN REPORT.—After each periodic check under subsection (c), the Administrator shall submit a written report to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Committee on Environment and Public Works of the Senate, the Committee on Commerce, Science and Transportation of the Senate, and the Committees on Appropriations of the House of Representatives and Senate containing—

(1) its findings on whether it is feasible to implement a Zero Emission Standard for locomotives;
(2) an updated timeline of when it expects to implement a Zero Emission Standard for locomotives;
(3) any continued barriers to the development and deployment of zero emission locomotive technology;
(4) the expected impact of zero emission locomotives on the United States manufacturing sector and the amount and type of manufacturing jobs, including in the railroad manufacturing and supply industries;

(5) recommendations on actions Congress, federal agencies, railroads, and other rail industry entities can take to accelerate the development and deployment of zero emission locomotive technology; and
(6) a description of the actions taken and still needed to ensure rail workers are prepared, trained, and have access to the appropriate skills development for the transition to zero emission locomotives.

"(e) IMPLEMENTATION OF ZERO EMISSION STANDARD.— After the Administrator, pursuant to subsection (b), promulgates a Zero Emission Standard, the Administrator, in consultation with the Secretary shall implement the Zero Emission Standard by establishing an effective date that allows the United States to meet the carbon emission reduction goals contained in the Paris Climate Agreement or other carbon emission reduction goals set by the United States.

"(f) INTERACTION WITH TIER 5 STANDARD.—If, pursuant to this section, the Administrator determines that a Zero Emission Standard is feasible prior to the date of implementation of the Tier 5 standard under Section 4 of this Act, the Administrator shall have the authority to delay or terminate the implementation of the Tier 5 standard if the Administrator implements the Zero Emission Standard consistent with this Section.

"(g) SECRETARY AUTHORITY.—The Secretary shall have the authority to require line-haul or switcher locomotives owned or operated by a Class I railroad, for which the original manufacture of the locomotive was less than twenty-three years ago, to meet the Zero Emission Standard to continue operating on the freight railroad interchange system if, after consulting with the Administrator, the Secretary determines this requirement necessary to allow the United States to meet the carbon emission reduction goals contained in the Paris Climate Agreement or other carbon emission reduction goals set by the United States.

SEC. 9. DEFINITIONS

The following definitions shall apply in this Act:

(a) CERTIFICATE OF CONFORMITY.— "Certificate of Conformity" shall mean the document that the United States Environmental Protection Agency (U.S.EPA) issues to an engine manufacturer to certify that an engine class conforms to U.S. EPA requirements.

(b) CLEANEST AVALIABLE LOCOMOTIVE.— "Cleanest Available Locomotive" means the strictest standard set by the United States Environmental Protection Agency for the applicable locomotive under Section 7547 of Title 42, United States Code.

(c) SWITCHER LOCOMOTIVE.— "Switcher Locomotive" has the meaning given such term in part 1033.9 of title 40, Code of Federal Regulations (or any successor regulation).

(d) LINE-HAUL LOCOMOTIVE.— "Line-Haul Locomotive" has the meaning given such term in part 1033.9 of title 40, Code of Federal Regulations (or any successor regulation).

(e) ORIGINAL MANUFACTURE.— "Original Manufacture" has the meaning given such term in part 1033.9 of title 40, Code of Federal Regulations (or any successor regulation).

(f) BUILD DATE. – "Build Date" has the meaning given such term in part 229.5 of part 49 Code of Federal Regulations (or any successor regulation).

(g) REMANUFACTURE. – "Remanufacture" has the meaning given such term in part 229.5 of part 49 Code of Federal Regulations (or any successor regulation).

(h) REMANUFACTURED LOCOMOTIVE. – "Remanufactured locomotive" has the meaning given such term in part 229.5 of part 49 Code of Federal Regulations (or any successor regulation).

(i) TIER 0, TIER 1, TIER 2, TIER 3, TIER 4 STANDARD.—"Tier 0, Tier 1, Tier 2, Tier 3, or Tier 4 Standard" have the meaning given such terms in part 1033.1 of title 40, Code of Federal Regulations (or any successor regulation).

(j) ZERO EMISSION LOCOMOTIVE.— "Zero Emission Locomotive" means a locomotive that produces no carbon or particulate matter.

(k) PARIS CLIMATE AGREEMENT.—"Paris Agreement" means the decision by the United Nations Framework Convention on Climate Change's 21st Conference of Parties in Paris, France, adopted December 12, 2015.

(l) CLASS 1 RAILROAD, CLASS II RAILROAD, CLASS III RAILROAD.— "Class I railroad, Class II railroad, and Class III railroad" have the meaning given such terms in Section 20102 of Title 49, United States Code.

(m) NATIONAL PASSENGER RAIL CORPORATION (AMTRAK).—"Amtrak" means the entity established in section 301 of Public Law 91–518.

(n) COMMUTER AUTHORITY.— "Commuter authority" has the meaning given such term in Section 24102 of Title 49, United States Code.

(o) SECRETARY.— "Secretary" shall mean the Secretary of Transportation.

(p) ADMINISTRATOR.— "Administrator" shall mean the Administrator of the Environmental Protection Agency.

SEC. 10. SECRETARY & ADMINISTRATOR AUTHORITY ON REGULATIONS
The Secretary and Administrator are authorized to issue or modify such regulations as are necessary to carry out this Act.