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H.C.R. 5

CONCURRENT RESOLUTION ON CLEAN FUEL SCHOOL BUSES

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: _____

LONG TITLE

General Description:

This concurrent resolution of the Legislature and the Governor urges the state to secure $20 million from the approximately $32 million allocated to the state from the Volkswagen settlement funds to begin replacing dirty diesel school buses with clean fuel school buses.

Highlighted Provisions:

This resolution:

- urges the state to secure $20 million from the approximately $32 million allocated to the state from the Volkswagen settlement funds to begin replacing dirty diesel school buses with clean fuel school buses; and
- urges qualified school districts to bring a plan and a 100% match to obtain a portion of the funds, resulting in a $40 million initiative to replace all Utah dirty diesel school buses with one of the numerous clean fuel school bus alternatives.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS, Utahns rank air quality with a high level of concern - 68% rated it four or five on a five-point scale in a recent survey, Wasatch Front residents had a slightly higher level

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of concern than rural residents, ranking air quality as their first priority on their top 10 list of priorities;

WHEREAS, Utahns' major concerns with air quality include ozone and very fine particulate matter, including PM2.5 and nitrogen oxide (NOx) emissions from fossil fuel exhaust that is exposed to high temperatures and sunlight;

WHEREAS, the Wasatch Front and Cache County are known to have some of the worst PM2.5 and NOx pollution in the country;

WHEREAS, the Environmental Protection Agency (EPA) recently reclassified the Wasatch Front and Cache Valley from "moderate" to "serious" nonattainment areas, based on the Clean Air Act's air quality health standards.

WHEREAS, the Wasatch Front's and Cache Valley's unique geography are major contributors to serious air pollution during winter inversions as polluted warmer air is trapped by colder air and hemmed in by Utah's mountain ranges;

WHEREAS, although vehicles' contribution to air pollution has been shrinking over time and will continue to decline with the rapidly increasing fuel economy standards and the implementation of Tier III fuel and automobile standards from 2017 to 2025, fossil fuel combustion engines still cause 48% of pollutants;

WHEREAS, as Utah's population continues to grow, so will the challenges to reducing vehicle pollutants;

WHEREAS, as of the 2015-2016 school year, there are 2,895 school buses among the 41 school districts and public charter schools that travel a combined 31,935,834 miles within a school year;

WHEREAS, although numerous efforts have been undertaken over the past several years to remove dirty diesel school buses from the fleet, there are still 433 buses that are model year 2006 or older;

WHEREAS, diesel is a type of fuel derived from crude oil and is used in large engines, including those in many trucks, buses, trains, construction and farm equipment, generators, ships, and cars;

WHEREAS, the exhaust from diesel engines is made up of two main parts, gases and soot - each of these in turn is made up of different substances:

- the gas portion of diesel exhaust is mostly carbon dioxide, carbon

monoxide, nitric oxide, nitrogen dioxide, sulfur oxides, and hydrocarbons, including polycyclic aromatic hydrocarbons; and

• the soot (particulate) portion of diesel exhaust is made up of particles such as carbon, organic materials, and traces of metallic compounds;

WHEREAS, exposure to diesel exhaust is widespread in the modern world and diesel exhaust brings a complex mixture of soot and gases to roadways, cities, farms, and other places;

WHEREAS, health concerns about diesel exhaust relate not only to cancer, but also to other health problems such as lung and heart diseases;

WHEREAS, people are exposed to diesel exhaust by breathing in the soot and gases, which then enter the lungs;

WHEREAS, exposure to diesel exhaust may be higher in a vehicle, especially when traveling on roads with heavier truck or bus traffic;

WHEREAS, numerous studies have concluded that the younger a person is the more susceptible he or she is to dangerous diesel exhaust fumes;

WHEREAS, the concentration of numerous idling dirty diesel school buses around schools during early mornings and afternoons is especially harmful to young people and their developing brains and lungs;

WHEREAS, numerous efforts have been made over the past several years to remove older dirty diesel school buses in Utah and replace them with clean fuel alternatives such as compressed natural gas, clean diesel, electric, propane, or hybrid, but significant funding has been unavailable;

WHEREAS, the Utah Division of Air Quality in 2016 calculated that with the replacement of just 119 model year 1996 diesel school buses with the same number of clean fuel school buses, the yearly emissions would be reduced to 6.5 tons from 32.1 tons, an 80% reduction in PM2.5 per year assuming that each bus would travel approximately 10,930 miles per year;

WHEREAS, the EPA filed a complaint against Volkswagen Group of America (Volkswagen) alleging that the defendants violated the Clean Air Act with regard to approximately 580,000 model year 2009-to-2016 motor vehicles containing 2.0 and 3.0 liter engines;

WHEREAS, Volkswagen agreed to spend up to $14.7 billion to settle allegations that Volkswagen cheated emissions;

WHEREAS, on June 28, 2016, the United States lodged with the court a settlement that partially resolves allegations that Volkswagen violated the Clean Air Act by the sale of approximately 500,000 vehicles containing 2.0 liter diesel engines equipped with defective devices;

WHEREAS, the settlement consists of three major components:

(1) buyback or emission modification on at least 85% of the subject vehicles;

(2) $2.7 billion to fully remediate the excess NOx; and

(3) investment of $2 billion to promote the use of zero emission vehicles and infrastructure;

WHEREAS, the $2.7 billion will be placed in the Environmental Mitigation Trust, and will be allocated to beneficiaries, states, tribes, and certain territories based on the number of impacted Volkswagen vehicles in those jurisdictions;

WHEREAS, the Environmental Mitigation Trust will support projects that reduce NOx emissions where the Volkswagen vehicles were, are, or will be operated;

WHEREAS, the state of Utah is projected to receive $32,356,471 of the $2.7 billion;

WHEREAS, after being designated a beneficiary, the state must submit a high-level beneficiary mitigation plan that summarizes the following:

(1) how the funds will be spent, including the state's overall goal for the use of funds, categories of anticipated eligible mitigation actions, and preliminary assessment of the percentages of funds anticipated to be used for each type of action;

(2) how the proposed actions will impact air quality in areas that bear a disproportionate share of the air pollution burden within its jurisdiction; and

(3) the expected range of emission benefits;

WHEREAS, one category of the Environmental Mitigation Trust includes 2006 model year or older Class 4-8 school buses, shuttles, or transit buses and stipulates that eligible buses must be scrapped and may be repowered or replaced with new diesel, alternative fuel, or all electric engine buses; and

WHEREAS, a beneficiary has up to 10 years to spend 80% of its allocation, and up to 15 years to spend 100% of its allocation, but may request up to one-third of its allocation

during the first year, and up to two-thirds of its allocation during the first two years:

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the Governor concurring therein, urges the state to secure $20 million of the approximately $32 million allocated to the state from the Environmental Mitigation Trust for the purpose of establishing an endowment in the Utah Department of Environmental Quality to begin replacing a significant portion of the 433 school buses that are model year 2006 or older.

BE IT FURTHER RESOLVED THAT the Legislature and the Governor urge qualified school districts to bring a plan and a 100% match to obtain a portion of the funds, resulting in a $40 million initiative to replace all Utah dirty diesel school buses with one of the numerous clean fuel school bus alternatives.

Legislative Review Note
Office of Legislative Research and General Counsel