

Representative Stephen G. Handy proposes the following substitute resolution:

CONCURRENT RESOLUTION ON CLEAN FUEL SCHOOL BUSES

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This concurrent resolution of the Legislature and the Governor supports the dedication of a portion of the funds allocated to the state from the Volkswagen settlement for the purpose of replacing at least a portion of the 433 dirty diesel school buses with clean fuel school buses.

Highlighted Provisions:

This resolution:

- ▶ supports the dedication of a portion of the funds allocated to the state from the Volkswagen settlement for the purpose of replacing at least a portion of the 433 dirty diesel school buses with clean fuel school buses; and
- ▶ supports qualified school districts in bringing a plan and a 100% match to obtain a portion of the funds, resulting in an 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



26 five on a five-point scale in a recent survey, Wasatch Front residents had a slightly higher level
27 of concern than rural residents, ranking air quality as their first priority on their top 10 list of
28 priorities;

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

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

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

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

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

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

46 WHEREAS, as of the 2015-2016 school year, there are 2,895 school buses among the
47 41 school districts and public charter schools that travel a combined 31,935,834 miles within a
48 school year;

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

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

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

57 • the gas portion of diesel exhaust is mostly carbon dioxide, carbon
58 monoxide, nitric oxide, nitrogen dioxide, sulfur oxides, and
59 hydrocarbons, including polycyclic aromatic hydrocarbons; and

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

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

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

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

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

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

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

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

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

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

88 engines;

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

91 WHEREAS, on June 28, 2016, the United States lodged with the court a settlement that
92 partially resolves allegations that Volkswagen violated the Clean Air Act by the sale of
93 approximately 500,000 vehicles containing 2.0 liter diesel engines equipped with devices
94 designated to circumvent emissions tests;

95 WHEREAS, the settlement consists of three major components:

- 96 (1) buyback or emission modification on at least 85% of the subject vehicles;
97 (2) \$2.7 billion to fully remediate the excess NOx; and
98 (3) investment of \$2 billion to promote the use of zero emission vehicles and
99 infrastructure;

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

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

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

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

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

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

113 (3) the expected range of emission benefits;

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

118 WHEREAS, a beneficiary has up to 10 years to spend 80% of its allocation, and up to

119 15 years to spend 100% of its allocation, but may request up to one-third of its allocation
120 during the first year, and up to two-thirds of its allocation during the first two years:

121 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
122 Governor concurring therein, supports the dedication of a portion of the funds allocated to the
123 state from the Volkswagen settlement for the purpose of replacing at least a portion of the 433
124 school buses that are model year 2006 or older.

125 BE IT FURTHER RESOLVED THAT the Legislature and the Governor support
126 qualified school districts in bringing a plan and a 100% match to obtain a portion of the funds,
127 resulting in an initiative to replace all Utah dirty diesel school buses with one of the numerous
128 clean fuel school bus alternatives.