

Representative Christine A. Johnson proposes the following substitute bill:

SCHOOL BUS AMENDMENTS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine A. Johnson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Environmental Quality Code and the Motor Vehicles Code by amending provisions relating to school buses.

Highlighted Provisions:

This bill:

- ▶ requires the Air Quality Board, in consultation with local school districts, to adopt idling reduction standards and implement an idling reduction program;
- ▶ requires an operator of a school bus to turn off the bus or vehicle engine upon stopping at a school;
- ▶ prohibits an operator of a school bus from turning a school bus on more than five minutes before departing or idling within certain locations for more than a certain period of time; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

This bill appropriates:

- ▶ for the fiscal year 2008-09 only, \$817,600 from the Uniform School Fund to the State Board of Education for a clean school bus purchase or retrofit program.

Other Special Clauses:



26 This bill takes effect on July 1, 2008.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **19-2-102**, as last amended by Laws of Utah 1995, Chapter 250

30 **19-2-104**, as last amended by Laws of Utah 2006, Chapter 223

31 ENACTS:

32 **41-6a-1308**, Utah Code Annotated 1953

33

34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **19-2-102** is amended to read:

36 **19-2-102. Definitions.**

37 As used in this chapter:

38 (1) "Air contaminant" means any particulate matter or any gas, vapor, suspended solid,
39 or any combination of them, excluding steam and water vapors.

40 (2) "Air contaminant source" means all sources of emission of air contaminants
41 whether privately or publicly owned or operated.

42 (3) "Air pollution" means the presence in the ambient air of one or more air
43 contaminants in the quantities and duration and under conditions and circumstances as is or
44 tends to be injurious to human health or welfare, animal or plant life, or property, or would
45 unreasonably interfere with the enjoyment of life or use of property, as determined by the rules
46 adopted by the board.

47 (4) "Ambient air" means the surrounding or outside air.

48 (5) "Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite
49 (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite-tremolite.

50 (6) "Asbestos-containing material" means any material containing more than 1%
51 asbestos, as determined using the method adopted in 40 CFR Part 61, Subpart M, National
52 Emission Standard for Asbestos.

53 (7) "Asbestos inspection" means an activity undertaken to determine the presence or
54 location, or to assess the condition of, asbestos-containing material or suspected
55 asbestos-containing material, whether by visual or physical examination, or by taking samples
56 of the material.

57 (8) (a) "Board" means the Air Quality Board.

58 (b) "Board" means, as used in Sections 19-2-123 through 19-2-126, the Air Quality
59 Board or the Water Quality Board.

60 (9) "Clean school bus" has the same meaning as defined in 42 U.S.C. Sec. 16091.

61 [~~(9)~~] (10) "Executive secretary" means the executive secretary of the board.

62 [~~(10)~~] (11) (a) "Facility" means machinery, equipment, structures, or any part or
63 accessories of them, installed or acquired for the primary purpose of controlling or disposing of
64 air pollution.

65 (b) "Facility" does not include an air conditioner, fan, or other similar facility for the
66 comfort of personnel.

67 [~~(11)~~] (12) "Friable asbestos-containing material" means any material containing more
68 than 1% asbestos, as determined using the method adopted in 40 CFR Part 61, Subpart M,
69 National Emission Standard for Asbestos, that hand pressure can crumble, pulverize, or reduce
70 to powder when dry.

71 [~~(12)~~] (13) "Indirect source" means a facility, building, structure, or installation which
72 attracts or may attract mobile source activity that results in emissions of a pollutant for which
73 there is a national standard.

74 [~~(13)~~] (14) (a) "Pollution control facility" or "facility" means, as used in Sections
75 19-2-123 through 19-2-126, any land, structure, building, installation, excavation, machinery,
76 equipment, or device, or any addition to, reconstruction, replacement or improvement of, land
77 or an existing structure, building, installation, excavation, machinery, equipment, or device
78 reasonably used, erected, constructed, acquired, or installed by any person if the primary
79 purpose of the use, erection, construction, acquisition, or installation is the prevention, control,
80 or reduction of air or water pollution by:

81 (i) the disposal or elimination of or redesign to eliminate waste and the use of treatment
82 works for industrial waste as defined in Title 19, Chapter 5, Water Quality Act; or

83 (ii) the disposal, elimination, or reduction of or redesign to eliminate or reduce air
84 contaminants or air pollution or air contamination sources and the use of air cleaning devices.

85 (b) "Pollution control facility" or "facility" does not include air conditioners, septic
86 tanks, or other facilities for human waste, nor any property installed, constructed, or used for
87 the moving of sewage to the collection facilities of a public or quasi-public sewerage system.

88 Section 2. Section **19-2-104** is amended to read:

89 **19-2-104. Powers of board.**

90 (1) The board may make rules in accordance with Title 63, Chapter 46a, Utah

91 Administrative Rulemaking Act:

92 (a) regarding the control, abatement, and prevention of air pollution from all sources
93 and the establishment of the maximum quantity of air contaminants that may be emitted by any
94 air contaminant source;

95 (b) establishing air quality standards;

96 (c) requiring persons engaged in operations which result in air pollution to:

97 (i) install, maintain, and use emission monitoring devices, as the board finds necessary;

98 (ii) file periodic reports containing information relating to the rate, period of emission,
99 and composition of the air contaminant; and

100 (iii) provide access to records relating to emissions which cause or contribute to air
101 pollution;

102 (d) implementing 15 U.S.C.A. 2601 et seq. Toxic Substances Control Act, Subchapter
103 II - Asbestos Hazard Emergency Response, and reviewing and approving asbestos management
104 plans submitted by local education agencies under that act;

105 (e) establishing a requirement for a diesel emission opacity inspection and maintenance
106 program for diesel-powered motor vehicles;

107 (f) implementing an operating permit program as required by and in conformity with
108 Titles IV and V of the federal Clean Air Act Amendments of 1990;

109 (g) establishing requirements for county emissions inspection and maintenance
110 programs after obtaining agreement from the counties that would be affected by the
111 requirements;

112 (h) with the approval of the governor, implementing in air quality nonattainment areas
113 employer-based trip reduction programs applicable to businesses having more than 100
114 employees at a single location and applicable to federal, state, and local governments to the
115 extent necessary to attain and maintain ambient air quality standards consistent with the state
116 implementation plan and federal requirements under the standards set forth in Subsection (2);
117 and

118 (i) implementing lead-based paint remediation training, certification, and performance

119 requirements in accordance with 15 U.S.C.A. 2601 et seq., Toxic Substances Control Act,
120 Subchapter IV -- Lead Exposure Reduction, Sections 402 and 406.

121 (2) When implementing Subsection (1)(h) the board shall take into consideration:

122 (a) the impact of the business on overall air quality; and

123 (b) the need of the business to use automobiles in order to carry out its business
124 purposes.

125 (3) The board may:

126 (a) hold hearings relating to any aspect of or matter in the administration of this chapter
127 and compel the attendance of witnesses and the production of documents and other evidence,
128 administer oaths and take testimony, and receive evidence as necessary;

129 (b) issue orders necessary to enforce the provisions of this chapter, enforce the orders
130 by appropriate administrative and judicial proceedings, and institute judicial proceedings to
131 secure compliance with this chapter;

132 (c) settle or compromise any civil action initiated to compel compliance with this
133 chapter and the rules made under this chapter;

134 (d) secure necessary scientific, technical, administrative, and operational services,
135 including laboratory facilities, by contract or otherwise;

136 (e) prepare and develop a comprehensive plan or plans for the prevention, abatement,
137 and control of air pollution in this state;

138 (f) encourage voluntary cooperation by persons and affected groups to achieve the
139 purposes of this chapter;

140 (g) encourage local units of government to handle air pollution within their respective
141 jurisdictions on a cooperative basis and provide technical and consultative assistance to them;

142 (h) encourage and conduct studies, investigations, and research relating to air
143 contamination and air pollution and their causes, effects, prevention, abatement, and control;

144 (i) determine by means of field studies and sampling the degree of air contamination
145 and air pollution in all parts of the state;

146 (j) monitor the effects of the emission of air contaminants from motor vehicles on the
147 quality of the outdoor atmosphere in all parts of this state and take appropriate action with
148 respect to them;

149 (k) collect and disseminate information and conduct educational and training programs

150 relating to air contamination and air pollution;

151 (l) advise, consult, contract, and cooperate with other agencies of the state, local
152 governments, industries, other states, interstate or interlocal agencies, the federal government,
153 and with interested persons or groups;

154 (m) consult, upon request, with any person proposing to construct, install, or otherwise
155 acquire an air contaminant source in the state concerning the efficacy of any proposed control
156 device, or system for this source, or the air pollution problem which may be related to the
157 source, device, or system, but a consultation does not relieve any person from compliance with
158 this chapter, the rules adopted under it, or any other provision of law;

159 (n) accept, receive, and administer grants or other funds or gifts from public and
160 private agencies, including the federal government, for the purpose of carrying out any of the
161 functions of this chapter;

162 (o) require the owner and operator of each new source which directly emits or has the
163 potential to emit 100 tons per year or more of any air contaminant or the owner or operator of
164 each existing source which by modification will increase emissions or have the potential of
165 increasing emissions by 100 tons per year or more of any air contaminant, to pay a fee
166 sufficient to cover the reasonable costs of:

167 (i) reviewing and acting upon the notice required under Section 19-2-108; and

168 (ii) implementing and enforcing requirements placed on the sources by any approval
169 order issued pursuant to notice, not including any court costs associated with any enforcement
170 action;

171 (p) assess and collect noncompliance penalties as required in Section 120 of the federal
172 Clean Air Act, 42 U.S.C. Sec. 7420;

173 (q) meet the requirements of federal air pollution laws;

174 (r) establish work practice, certification, and clearance air sampling requirements for
175 persons who:

176 (i) contract for hire to conduct demolition, renovation, salvage, encapsulation work
177 involving friable asbestos-containing materials, or asbestos inspections;

178 (ii) conduct work described in Subsection (3)(r)(i) in areas to which the general public
179 has unrestrained access or in school buildings that are subject to the federal Asbestos Hazard
180 Emergency Response Act of 1986;

181 (iii) conduct asbestos inspections in facilities subject to 15 U.S.C.A. 2601 et seq.,
182 Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response; or

183 (iv) conduct lead paint inspections in facilities subject to 15 U.S.C.A. 2601 et seq.,
184 Toxic Substances Control Act, Subchapter IV -- Lead Exposure Reduction;

185 (s) establish certification requirements for persons required under 15 U.S.C.A. 2601 et
186 seq., Toxic Substances Control Act, Subchapter II - Asbestos Hazard Emergency Response, to
187 be accredited as inspectors, management planners, abatement project designers, asbestos
188 abatement contractors and supervisors, or asbestos abatement workers;

189 (t) establish certification requirements for asbestos project monitors, which shall
190 provide for experience-based certification of persons who, prior to establishment of the
191 certification requirements, had received relevant asbestos training, as defined by rule, and had
192 acquired at least 1,000 hours of experience as project monitors;

193 (u) establish certification procedures and requirements for certification of the
194 conversion of a motor vehicle to a clean-fuel vehicle, certifying the vehicle is eligible for the
195 tax credit granted in Section 59-7-605 or 59-10-1009;

196 (v) establish a program to certify private sector air quality permitting professionals
197 (AQPP), as described in Section 19-2-109.5; ~~and~~

198 (w) establish certification requirements for persons required under 15 U.S.C.A. 2601 et
199 seq., Toxic Control Act, Subchapter IV -- Lead Exposure Reduction, to be accredited as
200 inspectors, risk assessors, supervisors, project designers, or abatement workers[:]; and

201 (x) in consultation with local school districts, adopt school bus idling reduction
202 standards and implement an idling reduction program in accordance with Section 41-6a-1308.

203 (4) Any rules adopted under this chapter shall be consistent with provisions of federal
204 laws, if any, relating to control of motor vehicles or motor vehicle emissions.

205 (5) Nothing in this chapter authorizes the board to require installation of or payment for
206 any monitoring equipment by the owner or operator of a source if the owner or operator has
207 installed or is operating monitoring equipment that is equivalent to equipment which the board
208 would require under this section.

209 Section 3. Section **41-6a-1308** is enacted to read:

210 **41-6a-1308. School bus idling restrictions -- Exceptions.**

211 (1) An operator of a school bus:

212 (a) shall turn off the bus or vehicle engine upon stopping at a school or within 100 feet
213 of a school; and

214 (b) may not:

215 (i) turn the bus or vehicle engine on more than five minutes before beginning to depart
216 from a school or from within 100 feet of a school; and

217 (ii) cause or allow a bus or vehicle to idle at any location greater than 100 feet from a
218 school for:

219 (A) more than five consecutive minutes; or

220 (B) a period or periods aggregating more than five minutes in any one hour.

221 (2) This section does not apply for the period or periods which idling is necessary
222 while stopped:

223 (a) for an official traffic control device;

224 (b) for traffic conditions over which the operator has no control, including:

225 (i) at the direction of a peace officer;

226 (ii) when idling is necessary to ascertain that:

227 (A) the school bus is in safe operating condition and equipped as required by law; or

228 (B) all equipment is in good working order, either as part of the driver's daily vehicle
229 inspection or as otherwise needed;

230 (iii) when idling is necessary for testing, servicing, repairing, or diagnostic purposes; or

231 (iv) when idling is necessary to operate:

232 (A) a lift or other piece of equipment designed to ensure safe loading, unloading, or
233 transport of persons with one or more disabilities; or

234 (B) to operate defrosters, heaters, air conditioners, or other equipment to ensure the
235 comfort, safety, and health of the operator or passengers, or as otherwise required by law.

236 (3) The Air Quality Board shall, in consultation with local school districts:

237 (a) implement an idling reduction program for all school bus drivers in the state; and

238 (b) adopt idling reduction standards as established in the Utah Standards for Utah
239 School Bus and Operators, 1999 edition.

240 **Section 4. Appropriation.**

241 (1) There is appropriated from the Uniform School Fund for fiscal year 2008-09 only,
242 \$817,600 to the State Board of Education.

243 (2) The appropriation under Subsection (1) is nonlapsing.

244 (3) The State Board of Education shall use funds appropriated under Subsection (1) to
245 provide matching funds for grants awarded by the federal government to local school districts
246 for the purchase or retrofit of clean school buses as defined in 42 U.S.C. Sec. 16091.

247 Section 5. **Effective date.**

248 This bill takes effect on July 1, 2008.

H.B. 146 1st Sub. (Buff) - School Bus Amendments

Fiscal Note

2008 General Session
State of Utah

State Impact

The bill appropriates \$817,600 one-time from the Uniform School Fund to the State Board of Education as matching monies for federal grants to purchase or retrofit school buses.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
Uniform School Fund, One-time	\$0	\$817,600	\$0	\$0	\$0	\$0
Total	\$0	\$817,600	\$0	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.