

CONCURRENT RESOLUTION ON CLEAN FUEL SCHOOL BUSES

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: J. Stuart Adams

Cosponsors:	Rebecca P. Edwards	Christine F. Watkins
Patrice M. Arent	Gage Froerer	R. Curt Webb
Stewart E. Barlow	Dixon M. Pitcher	John R. Westwood
Walt Brooks	Douglas V. Sagers	Mike Winder
LaVar Christensen	V. Lowry Snow	

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

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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 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 short-term 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 colder air is trapped by warmer 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

55 years to remove dirty diesel school buses from the fleet, there are still 433 buses that are model
56 year 2006 or older;

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

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

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

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

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

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

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

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

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

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

81 WHEREAS, numerous efforts have been made over the past several years to remove

82 older dirty diesel school buses in Utah and replace them with clean fuel alternatives such as
83 compressed natural gas, clean diesel, electric, propane, or hybrid, but significant funding has
84 been unavailable;

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

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

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

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

100 WHEREAS, the settlement consists of three major components:

- 101 (1) buyback or emission modification on at least 85% of the subject vehicles;
- 102 (2) \$2.7 billion to fully remediate the excess NOx; and
- 103 (3) investment of \$2 billion to promote the use of zero emission vehicles and
104 infrastructure;

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

108 WHEREAS, the Environmental Mitigation Trust will support projects that reduce NOx

109 emissions where the Volkswagen vehicles were, are, or will be operated;

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

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

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

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

118 (3) the expected range of emission benefits;

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

123 WHEREAS, a beneficiary has up to 10 years to spend 80% of its allocation, and up to
124 15 years to spend 100% of its allocation, but may request up to one-third of its allocation
125 during the first year, and up to two-thirds of its allocation during the first two years:

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

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