

State of California
AIR RESOURCES BOARD

Resolution 06-8

February 23, 2006

Agenda Item No.: 06-2-2

WHEREAS, Health and Safety Code sections 39600 and 39605 authorize the Board to act as necessary to execute the powers and duties granted to and imposed upon the Board;

WHEREAS, in section 43000 of the Health and Safety Code, the Legislature has declared that the emission of air pollutants from motor vehicles is the primary cause of air pollution in many parts of the state and, in sections 39002 and 39003 of the Health and Safety Code, has charged the Board with the responsibility of systematically addressing the serious air pollution problem caused by motor vehicles;

WHEREAS, on August 27, 1998, following extensive scientific review and public hearings, and consistent with the conclusions of the Scientific Review Panel and the Office of Environmental Health Hazard Assessment, the Board formally identified particulate matter (PM) emitted from diesel-fueled engines as a toxic air contaminant;

WHEREAS, on September 28, 2000, in Resolution 00-30, the Board adopted a comprehensive Diesel Risk Reduction Plan that includes the use of low-sulfur diesel fuel, retrofitting existing engines with PM filters, and reducing PM emissions from all new diesel engines and vehicles by nearly 90 percent;

WHEREAS, on January 27, 2000, in Resolution 00-02, the Board directed staff to work with school districts, the Department of Education, engine and bus manufacturers, the environmental community, and the public to evaluate the potential health risk to school children exposed to particulate matter from diesel-fueled school buses, and to report back to the Board on possible measures to reduce that exposure;

WHEREAS, on December 7, 2000, in Resolution 00-44, the Board approved the creation of the Lower-Emission School Bus Program to help facilitate the replacement of older school buses and the retrofit of diesel particulate filters on applicable school buses;

WHEREAS, the Legislature appropriated and Governor Schwarzenegger approved \$25 million in the 2005-2006 fiscal year State budget for the continuation of the Lower-Emission School Bus Program to replace the oldest high-polluting school buses with new buses and to retrofit older buses with ARB-verified retrofit technologies that reduce PM emissions by at least 85 percent;

WHEREAS, on October 11, 2005, a contingent of 27 State legislators requested that these school bus replacement funds be disbursed to replace pre-1977 school buses in California in order of oldest first;

WHEREAS, Board staff, in consultation with school districts, affected industries, public agencies and other interested parties, has proposed revised guidelines and funding allocation for the Lower-Emission School Bus Program, to be implemented by the California Energy Commission (CEC) and local air districts, that would provide grants for new buses and equip older buses with particulate filters;

WHEREAS, Board staff conducted a workshop on October 14, 2005, to discuss proposed revisions to the Lower-Emission School Bus Program guidelines and received valuable input from environmental organizations, engine and retrofit device manufacturers, school bus vendors, school transportation officials, and other stakeholders;

WHEREAS, the California Environmental Quality Act (CEQA) in section 21080.5 of the Public Resources Code, and Board regulations at title 17, CCR, section 60006, require that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, the Board has held a duly noticed public meeting to consider the approval of the guidelines for the Lower-Emission School Bus Program, and has heard and considered the comments made by representatives of school districts, air districts, affected industries, and other interested persons and agencies;

WHEREAS, based upon the staff report and the oral and written testimony and discussion presented at the February 23, 2006, public meeting, the Board finds that:

1. Continued use of more than 200 pre-1977 school buses, which emit substantial amounts of PM and oxides of nitrogen (NOx) and which do not meet current federal safety standards, is a public health and safety concern.
2. The guidelines proposed by staff will reduce school children's exposure to both cancer-causing and smog-forming pollution, and provide safer school transportation.
3. The school bus replacement program will replace about 90 pre-1977 buses with new, lower-emitting buses meeting the latest federal motor vehicle safety standards, resulting in estimated PM emission reductions of 5 pounds per day and NOx reductions of 135 pounds per day.
4. The pre-1977 buses replaced with State budget funds will be crushed or otherwise rendered inoperable.

5. The school bus replacement funds provided in the 2005-2006 fiscal year State budget will fund the entire cost of each new bus, and a school district match will not be required.
6. The retirement and replacement of the remaining pre-1977 school buses (about 200) still active in California public school bus fleets would provide further substantial reductions in school children's exposure to both cancer-causing and smog-forming pollution and safer school transportation.
7. The retrofit portion of the program will, at a cost of \$12.5 million, fund the installation of particulate filters on about 1,000 buses, resulting in estimated PM emission reductions of 45 to 60 tons over the next eleven years.
8. In accordance with the California Environmental Quality Act and Board regulations, the proposed guidelines and funding allocations will not have significant adverse environmental impacts, but will facilitate reductions in PM and NOx from school buses, improving air quality.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves the revised 2006 Lower-Emission School Bus Program Guidelines (Guidelines), as set forth in Attachment A hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the local air districts and the CEC to notify school districts of the availability of grant funds for the bus replacement and retrofit programs, and to distribute the Guidelines to a broad range of interested parties.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to continue working with school transportation officials, the CEC, air districts, and other stakeholders to ensure that the program is effectively and expeditiously implemented.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to work with the school districts to seek leveraged purchasing by using volume bids for their school bus purchases to maximize the use of State funds.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to suspend the program goal to spend two-thirds of all State allocated bus replacement funds for alternatively-fueled school buses and one-third for diesel-fueled buses for the 2005-2006 fiscal year to facilitate the replacement of the oldest school buses in California, and to reinstitute this goal for subsequent fiscal year funding.

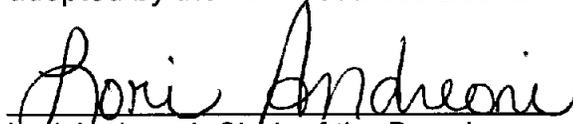
BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to present a plan to address the replacement of the remaining pre-1987 model year school buses the next time the Lower-Emission School Bus Program returns to the Board.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to encourage air districts and other public agencies to provide additional funds, from sources such as

funds from AB 923 and AB 2766 as well as the California Department of Education's Small School Districts School Bus Replacement Program, to accelerate the replacement and retrofitting of older school buses.

BE IT FURTHER RESOLVED, that the Board directs the Executive Officer to seek sufficient additional funding from the Legislature to accomplish the program's goals of enhancing children's health and safety by cleaning California's school bus fleet.

I hereby certify that the above is a true and correct copy of Resolution 06-8, as adopted by the Air Resources Board.


Lori Andreoni, Clerk of the Board