

2007 DRAFTING REQUEST

Bill

Received: **02/05/2008**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Sondy Pope-Roberts (608) 266-3520**

By/Representing: **Danica Sorensen**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters: **agary**

Subject: **Transportation - traffic laws**

Extra Copies: **BAB, PG**

Submit via email: **YES**

Requester's email: **Rep.Pope-Roberts@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

School bus idling

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 02/05/2008			_____			
/1	agary 02/05/2008 pgrant 02/08/2008	bkraft 02/07/2008 bkraft 02/11/2008	rschluet 02/07/2008	_____	sbasford 02/07/2008		
/2			nmatzke 02/12/2008	_____	sbasford 02/12/2008	cduerst 03/03/2008	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For: *N/A*

<END>

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1/2 bjk 2/11 nwn
2/11 nwn/rs
2/12

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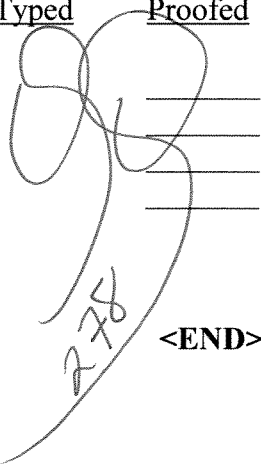
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/?	pgrant 02/05/2008 agary	1 bjk 2/7		_____	_____	_____	_____

FE Sent For:

<END>

Grant, Peter

From: Sorensen, Danica
Sent: Wednesday, January 30, 2008 9:07 AM
To: Grant, Peter
Subject: FW: TX idling bill, vetoed

From: Adam Schafer [mailto:adam@ncel.net]
Sent: Wednesday, September 12, 2007 4:33 PM
To: Sorensen, Danica
Subject: TX idling bill, vetoed

This bill passed the Texas legislature this year but was vetoed by the Governor:

HB3457

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 34, Education Code, is amended by adding

Section 34.0041 to read as follows:

Sec. 34.0041. IDLING BUS DIESEL ENGINE AT SCHOOL OR SCHOOL

EVENT PROHIBITED. (a) In this section, " idling " means allowing an engine to run while the motor vehicle is not engaged in forward or reverse motion.

(b) Except as provided by Subsection (c), the driver of a school bus equipped with a diesel engine may not allow the idling of the bus engine while the bus is parked at a school or school event.

(c) Subsection (b) does not prohibit the idling of a school bus diesel engine:

(1) for the minimum time necessary to heat or cool the bus before departure, provided that the engine is turned off when a student is embarking or disembarking; or

(2) as necessary to accommodate the physical needs of a student who receives special education services, regardless of whether students are embarking or disembarking.

Adam Schafer, Executive Director
National Caucus of Environmental Legislators
1920 L St, NW
Suite 800
Washington, DC 20036
adam@ncel.net
202-454-4588
202-835-0491 FAX
www.ncel.net

NCEL is a non-partisan, non-profit organization formed in 1996 by state legislators who felt the need to communicate regularly about their efforts to enact progressive environmental legislation and alert each other to efforts to pass anti-environmental legislation in states across the country. Currently, over 500 bi-partisan state legislators participate in the Caucus representing all 50 states. If you have legislative colleagues that would be interested in participating in the Caucus, please forward this email to them or email NCEL at adam@ncel.net.

Grant, Peter

From: Sorensen, Danica
Sent: Wednesday, January 30, 2008 9:11 AM
To: Grant, Peter
Subject: FW: legislation question

Attachments: illinois-clean-school-bus-program-info.pdf; state.regs.pdf

I believe CT's and TX's laws are almost exactly the same, but CT has a safe temperature line, which we would like in our draft and to keep it the same at 20 degrees. And if you could make the idling time no more 5 minutes (CT's law is 3 minutes)

Thank you so much!!

Danica

From: Adam Schafer [mailto:adam@ncel.net]
Sent: Wednesday, September 12, 2007 3:52 PM
To: Sorensen, Danica
Subject: RE: legislation question

Hi Danica,
This is CT's law passed in 2002 specific to school buses:

(b) The operator of any school bus shall not operate the engine of any school bus for more than three consecutive minutes when the school bus is not in motion except (1) when the school bus is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control, (2) when it is necessary to operate heating, cooling or auxiliary equipment installed on the school bus when such equipment is necessary to accomplish the intended use of the school bus, including, but not limited to, the operation of safety equipment, (3) when the outdoor temperature is below twenty degrees Fahrenheit, (4) when it is necessary to maintain a safe temperature for students with special needs, (5) when the school bus is being repaired, or (6) when the operator is in the process of receiving or discharging passengers on a public highway or public road.

(c) Any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars.

Here is Minnesota's law passed in 2002, as well:

123B.885 DIESEL SCHOOL BUSES; OPERATION OF ENGINE; PARKING.

Subdivision 1. **Operation of engine.** All operators of diesel school buses must minimize, to the extent practical, the idling of school bus engines and exposure of children to diesel exhaust fumes.

Subd. 2. **Parking.** On and after July 1, 2003, diesel school buses must be parked and loaded at sufficient distance from school air-intake systems to avoid diesel fumes from being drawn into the systems, unless, in the judgment of the school board, alternative locations block traffic, impair student safety, or are not cost effective.

History: 2002 c 364 s 2

The now-defunct State Environmental Resource Center compiled a list of school bus idling legislation introduced in 2004, which can be found here: <http://www.serconline.org/schoolbus/stateactivity.html>

Other states have specific clean school bus campaigns run by state agencies, which seem to focus more on retrofitting diesel engines to pollute less, as opposed to setting idling regulations. I'm having trouble locating other existing laws besides MN and CT aimed directly at school bus idling but I'll continue to look.

In the meantime, this information from EPA's Clean School Bus USA campaign, which you may have already found should be helpful in answering why reducing idling is a good thing:
<http://www.epa.gov/otaq/schoolbus/antiidling.htm>

With regards to the questions of why they idle in the first place, this is from the EPA website:

- Myth:** It's better to just leave the engine idling because a "cold start" produces more pollution.
- Fact:** A recent EPA study found that the emission pulse measured after the school bus is restarted contains less carbon monoxide, nitrogen oxides, and other pollutants than if the school bus idled continuously over a 10-minute period. The analysis indicated that continuous idling for more than three minutes emitted more fine particle (soot) emissions than at restart.

I have also attached a chart, albeit from 2002, of state idling regulations for various sources (a few include school buses). I'll also check with my other sources for information which I will send to you ASAP.

Illinois does have a school bus emission program, but from what I can tell the idling portion is an educational component and there is no specific IL law regarding school bus idling. They do have an idling law for semis operating in St. Louis and Chicago. If you'd like that law, let me know. Here's a link to IL school bus emissions program that was started by the Governor: <http://www.epa.state.il.us/air/cleanbus/>

Hope this is somewhat helpful. Let me know if you have questions about any of this and I'll send you more examples of more recent legislation or laws as soon as I find them. – Adam



illinois-clean-school-state.regs.pdf (32
bus-prog... KB)

-----Original Message-----

From: Sorensen, Danica [<mailto:Danica.Sorensen@legis.wisconsin.gov>]
Sent: Wednesday, September 12, 2007 3:18 PM
To: adam@ncel.net
Subject: legislation question

Adam,

We are looking at redrafting our "idling school busses" legislation. I have attached a pdf of the LRB. Could you tell me

which other states have similar legislation, particularly specific to school busses?

Also... would you happen to know or know who I could ask why the school busses idle in the first place? Is it because it uses more gas to stop and start the busses?

Thanks!

<< File: lrb 2768.pdf >>

Danica Sorensen

Office of Rep. Sody Pope-Roberts

Room 209 North, State Capitol

608-266-3520 (office)

1-888-534-0079 (toll free)

→ (Soon)

in 2/5

Lbjk

2007 BILL

SA ✓
X-ref ✓

gen. cat.

1 AN ACT ...; relating to: school bus idling. ✓

Analysis by the Legislative Reference Bureau

This bill prohibits the operator of a school bus from allowing the engine of the school bus to idle for more than five consecutive minutes unless: 1) the school bus is forced to remain motionless because of traffic conditions or mechanical difficulties; 2) such idling is necessary to operate heating, cooling, or auxiliary equipment installed on the school bus; 3) the outdoor temperature is below 20 degrees Fahrenheit; 4) such idling is necessary to maintain a safe temperature for a child with a disability; 5) the school bus is being repaired; or 6) the school bus is stopped to load or unload passengers. The operator of a school bus who violates this prohibition may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent conviction within a year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 346.94 (20) of the statutes is created to read:

3 ✓ 346.94 (20) SCHOOL BUS IDLING. The operator of a school bus may not allow the
4 engine of the school bus to idle for more than 5 consecutive minutes except under the
5 following circumstances: ✓

BILL

SECTION 1

1 (a) When the school bus is forced to remain motionless because of traffic
2 conditions or mechanical difficulties over which the operator has no control. ✓

3 (b) When it is necessary to operate heating, ✓ cooling, ✓ or auxiliary equipment, ✓
4 including safety equipment, ✓ that has been installed on the school bus, ✓ in order to
5 accomplish the intended use of the school bus. ✓

6 (c) When the outdoor temperature is below 20 degrees Fahrenheit. ✓

7 (d) When it is necessary to maintain a safe temperature for a child with a
8 disability, as defined in s. 115.76 (5). ✓

9 (e) When the school bus is being repaired. ✓

10 (f) When the school bus is stopped to load or unload passengers. ✓

11 **SECTION 2.** 346.95 (1) of the statutes is amended to read:

12 ✓ 346.95 (1) Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92
13 or 346.94 (1), (9), (10), (11), (12) ~~or~~, (15), or (20) may be required to forfeit not less than
14 \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100
15 for the 2nd or subsequent conviction within a year.

History: 1971 c. 278; 1973 c. 182, 314, 336; 1975 c. 297, 320; 1977 c. 68; 1983 a. 56, 175, 538; 1989 a. 335 s. 89; 1991 a. 83; 1993 a. 260, 455; 1995 a. 194, 373, 420; 1999 a. 109; 2001 a. 90; 2003 a. 192, 297, 327; 2005 a. 250.

16 (END) ✓

Grant, Peter

From: Sorensen, Danica
Sent: Friday, February 08, 2008 12:22 PM
To: Grant, Peter
Subject: LRB 4019/1

Hey Peter,

Thanks for getting the drafts of idling school busses to me! I think we only need to make one change, which is item 2 in the analysis "such idling is necessary to operate heating, cooling or auxiliary equipment installed on the school bus". Rep. Pope-Roberts thought that might make an easy excuse for letting a bus idle. I should have caught that in the other versions I sent you.

Thanks!

Danica Sorensen

Office of Rep. Sody Pope-Roberts
Room 209 North, State Capitol
608-266-3520 (office)
1-888-534-0079 (toll free)

SOON

12
One
Lstay

2007 BILL

SA ✓

regen. cat.

1 AN ACT to amend 346.95 (1); and to create 346.94 (20) of the statutes; relating
2 to: school bus idling.

Analysis by the Legislative Reference Bureau

This bill prohibits the operator of a school bus from allowing the engine of the school bus to idle for more than five consecutive minutes unless: 1) the school bus is forced to remain motionless because of traffic conditions or mechanical difficulties; ~~2) such idling is necessary to operate heating, cooling, or auxiliary equipment installed on the school bus;~~ 3) the outdoor temperature is below 20 degrees Fahrenheit; 4) such idling is necessary to maintain a safe temperature for a child with a disability; 5) the school bus is being repaired; or 6) the school bus is stopped to load or unload passengers. The operator of a school bus who violates this prohibition may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the second or subsequent conviction within a year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 346.94 (20) of the statutes is created to read:

Duerst, Christina

From: Sorensen, Danica
Sent: Monday, March 03, 2008 12:14 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-4019/2 Topic: School bus idling

Please Jacket LRB 07-4019/2 for the ASSEMBLY.