

ATTACHMENT D

PROPOSED AMENDMENTS TO RULE 1195 LANGUAGE

(Adopted April 20, 2001) (PAR 1195 May 5, 2006)

RULE 1195. CLEAN ON-ROAD SCHOOL BUSES

(a) Purpose

For public and private fleets of school buses operating in the South Coast Air Quality Management (District), this rule requires, that when adding or replacing school buses in their fleet, public and private school bus fleet operators acquire alternative-fueled school buses when procuring or leasing new school buses or to retrofit used or existing school buses with a California Air Resources Board (CARB) approved control device(s) to reduce air toxic and criteria pollutant emissions.

(b) Applicability

This rule applies to those school bus fleets with 15 or more school buses, operating in the District by public and private entities. This rule shall not apply to vehicles or services pursuant to subdivision (e) or to school bus fleets located outside of the District that transport passengers that reside outside of the District into the District for purposes of field trips or other student-related events.

(c) Definitions

For purposes of this rule, the following definitions shall apply:

- (1) ALTERNATIVE-FUELED ENGINE OR SCHOOL BUS means any engine or school bus that uses compressed or liquefied natural gas, propane, methanol, electricity, fuel cells, or other advanced technologies that do not rely on diesel fuel, and has been certified by the CARB.
- (2) APPROVED CONTROL DEVICE(S) is an exhaust control device(s) that is verified or certified by CARB to reduce particulate matter and possibly other precursor emissions. For the purposes of this rule, a new school bus equipped with approved control devices means that the engine family has been certified by CARB. A pre-owned school bus equipped with approved control devices means that the device has been verified or certified by CARB. To be considered fitted with an approved control

device(s), all diesel exhaust from the vehicle must be vented through such a device(s) that has been fitted at the time of vehicle purchase or fitted by a certified device installer at the time the device is delivered to the operator. The vehicle equipped with such a control device must use diesel fuel with a sulfur content no greater than 15 ppm by weight.

- (3) HEAVY-DUTY VEHICLE means any vehicle having a gross vehicle weight of at least 14,000 pounds.
- (4) LOW-EMISSION VEHICLE (LEV) means any vehicle certified to low-emission standards set forth in the "California Exhaust Emission Standards and Test Procedures for 1988-2000 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" and "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as incorporated by reference in Sections 1960.1(k) and 1961(d), Title 13, California Code of Regulations.
- (5) MEDIUM-DUTY VEHICLE means any vehicle having a gross vehicle weight of more than 6,000 pounds and less than 14,000 pounds.
- (6) PUBLIC OR PRIVATE SCHOOL BUS FLEET OPERATOR is a person who owns, leases, or operates substantially school buses in the District. A person is any public or private entity responsible for administering and managing school bus transportation services.
- (7) REPOWERED SCHOOL BUS means an existing, pre-owned school bus that has been converted to run on an alternative fuel or repowered with a new alternative-fueled engine.
- (8) SCHOOL BUS means any vehicle used for the express purpose of transporting students through Grade 12 from home to school as defined in California Vehicle Code Section 545. For the purposes of this rule, a school bus can be a Type A (A-I or A-II), B, C, or D school bus. A Type A or B school bus typically runs on either gasoline or diesel fuel and is considered a medium-duty vehicle. A Type A school bus is a conversion or body constructed upon a van-type or cutaway front-section vehicle with a left side driver's door with a gross vehicle weight rating of more than 10,000 pounds (Type A-I) or a gross vehicle weight rating less than 10,000 pounds (Type A-II). A Type A school bus is capable of transporting 10 to 24 passengers. A Type B school bus is a conversion or body constructed upon a van or front-section vehicle chassis, or stripped chassis, with a

gross vehicle weight rating of more than 10,000 pounds. A Type C school bus is a heavy-duty vehicle with a front mounted engine and is capable of transporting 42 to 72 passengers. A Type D school bus is a heavy-duty vehicle and is capable of transporting 66 or more passengers.

- (9) ULTRA-LOW-EMISSION VEHICLE (ULEV) means any vehicle certified to ultra-low-emission standards set forth in the “California Exhaust Emission Standards and Test Procedures for 1988-2000 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles” and “California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” as incorporated by reference in Sections 1960.1(k) and 1961(d), Title 13, California Code of Regulations.
- (10) VEHICLE means any self-propelled, motorized device that is permitted to operate on public roads through Department of Motor Vehicle registration.

(d) Fleet Requirements

Beginning 90 days after adoption of this rule,

- (1) For public or private school bus fleet operators with 15 or more school buses, additions or replacement of school buses to an existing fleet, or formation of a new fleet, by a public or private school bus fleet operator shall be by purchase or lease of:
 - (A) For newly manufactured Type A or B school buses that are considered medium-duty vehicles, certified by CARB as equivalent ULEV or cleaner non-diesel powered school buses, when adding or replacing vehicles to their vehicle fleet.
 - (B) For newly manufactured Type B, C or D school buses that are considered heavy-duty vehicles, alternative-fueled school buses, when adding or replacing school buses to their vehicle fleet.
 - (C) For existing, pre-owned Type A or B school buses that are considered medium-duty vehicles, certified by CARB as equivalent LEV or cleaner non-diesel powered school buses, when adding or replacing vehicles to their vehicle fleet.
 - (D) For existing, pre-owned Types B, C or D school buses that are considered heavy-duty vehicles, repowered school buses or alternative-fueled school bus, when adding or replacing school buses to their vehicle fleet.

- (2) Public or private school bus fleet operators with 15 or more but less than 50 school buses may begin compliance with the provisions of Paragraph (d)(1):

- (A) Beginning July 1, 2002 if the operator equips 25 percent of the school buses in the existing fleet with approved control devices no later than March 1, 2002. The diesel-powered school bus must be equipped with an approved control device if the school bus relies on diesel fuel. The school bus fleet operator may apply for external funding if available, to cover the cost to equip the school bus.
- (B) Beginning July 1, 2003 if the operator equips an additional 25 percent of the school buses in the existing fleet with approved control devices no later than January 1, 2003. The diesel-powered school bus must be equipped with an approved control device if the school bus relies on diesel fuel. The school bus fleet operator may apply for external funding if available, to cover the cost to equip the school bus.

(e) Exemptions

The provisions of this rule shall not apply to the following:

- (1) A public or private school bus fleet operator may purchase a Type A or B school bus that is not certified by CARB as ULEV or cleaner; or a Type C or D school bus that is not an alternative-fueled school bus as required under subdivision (d) of this rule, if sufficient grant funding or external sources of funding beyond that of the school bus fleet operator's fiscal budget is not available to fully offset the differential purchase cost (including costs of warranties comparable to base warranties provided with a comparable diesel purchase) of an alternative-fueled school bus that complies with subdivision (d) compared to the cost of a new [or, pre-existing if the purchase is considered under subparagraphs (d)(1)(C) or (d)(1)(D)] diesel-powered school bus equipped with an approved control device. The operator shall purchase an "intermediate diesel school bus" as defined in the latest version of the Statewide Lower-Emission School Bus Program (adopted by CARB December 2000) if funding is available for such a purchase. The intermediate diesel school bus must be certified by

CARB as part of the Statewide Lower-Emission School Bus Program. If funding is not available, the operator shall consider the viability of a gasoline-powered school bus and demonstrate to the Executive Officer by submitting supporting documentation as to the reasons for the need to purchase a diesel-powered school bus if the diesel-powered school bus is the final choice. A demonstration of need may be based upon safety of fuel usage, additional cost to deploy a gasoline refueling infrastructure, commercial unavailability, or other similar reasons. The diesel-powered school bus must be equipped with an approved control device if external funding beyond the school bus fleet operator's financial budget is made available. In addition, to the extent external funding is available to equip existing diesel-powered school buses with approved control device, the operator shall equip at a minimum 15 percent of the existing diesel school buses with approved control devices on a yearly basis until the entire fleet of existing diesel-powered school buses that are capable of operating with approved control devices are equipped with such devices.

- (2) Notwithstanding subparagraph (e)(1) and prior to January 1, 2004, if a public or private school bus fleet operator does not receive external funding (beyond the school bus fleet operator's financial budget) of at least \$13,000 until April 1, 2003, and then \$8,000 per alternative-fuel school bus purchased to build a new alternative-fuel refueling station and to upgrade an existing maintenance facility to required standards to handle alternative-fueled school buses, the school bus fleet operator may purchase a diesel-powered school bus. For the purpose of this provision, any external funding other than funds to cover the incremental cost of the purchase of the alternative-fueled school bus offered by a publicly-funded incentives program, shall be considered to be available to cover the cost of a new alternative-fuel refueling station. If the school bus is diesel powered, the school bus shall be equipped with an approved control device if external funding beyond the school bus fleet operator's financial budget is made available. In addition, to the extent external funding is available to equip existing diesel-powered school buses with approved control device, the operator shall equip at a minimum 15 percent of the existing diesel school buses with approved control devices on a yearly basis until the entire fleet of existing diesel-powered school buses that are capable of operating with approved control devices are equipped with such

devices.

- (3) Upon demonstration to the Executive Officer that an alternative-fueled or gasoline-powered engine/chassis/body configuration is not commercially available in a specific bus size or could be used on a specific fixed bus route, a diesel-powered school bus equipped with an approved control device may be purchased in that specific bus size or as needed for the specific fixed bus route.
- (4) A public or private school bus fleet operator may purchase a pre-owned school bus that does not meet the requirements of subdivision (d) if the oldest school bus in the operator's existing school bus fleet is scrapped or otherwise removed permanently from operation. The pre-owned school bus must be less than six (6) years old at the date of purchase. The pre-owned school bus shall be equipped with an approved control device at the expense of the school bus fleet operator. However, the school bus fleet operator may apply for external funding to offset any additional costs if such funding is available.
- (5) If during the year that school is in session, a public or private school bus fleet operator needs additional school buses due to unforeseen circumstances to operate during that school year, the operator may lease the needed quantity of school buses that do not comply with the provisions of subdivision (d) for the months necessary to purchase or lease school buses compliant to subdivision (d), not to exceed the remaining portion of the school year, if a demonstration is made that the rule-compliant school bus cannot be deployed by the school bus fleet operator within one month from the date of order.
- (6) For purposes of this rule, a private school bus fleet operator is not deemed to have purchased, leased, added to, or formed a new fleet if the private school bus fleet operator, as part of a purchase or merger with another private school bus fleet operator that provides contracted school bus transportation services, transfers ownership of school buses that are already operating in the District at the time of the purchase or merger.
- (7) Contract agreements signed prior to the date of adoption of this rule for the purchase or lease of school buses. The operator should consider equipping the diesel-powered school buses purchased under this provision with approved control devices to the extent that external funding is available for the approved control device. This provision shall not apply

to unsigned options to be executed at a future date under the contract agreement.

- (8) Prior to ~~January 1, 2003~~ July 1, 2008 and upon demonstration to the Executive Officer that an alternative-fuel refueling station for alternative-fueled school buses is not available within five miles of the vehicle storage or maintenance yards and the public or private school bus fleet operator has not received external funding (beyond the school bus fleet operator's fiscal budget) of at least ~~\$13,000~~ \$8,000 per alternative-fueled school bus purchased to build a new alternative-fuel refueling station, a public or private school bus fleet operator may purchase or lease school buses that are not alternative-fueled school buses as required under subdivision (d) if this rule. The operator shall purchase an "intermediate diesel school bus" as defined in the latest version of the Statewide Lower-Emission School Bus Program (adopted by CARB December 2000) if funding is available for such a purchase. The intermediate diesel school bus must be certified by CARB as part of the Statewide Lower-Emission School Bus Program. If funding is not available, the operator shall consider the viability of a gasoline-powered school bus and demonstrate to the Executive Officer by submitting supporting documentation as to the reasons for the need to purchase a diesel-powered school bus if the diesel-powered school bus is the final choice. A demonstration of need may be based upon safety of fuel usage, additional cost to deploy a gasoline refueling infrastructure, commercial unavailability, or other similar reasons. The diesel-powered school bus must be equipped with an approved control device if the school bus relies on diesel fuel.
- (9) For the purpose of transporting passengers on field trips outside of the jurisdiction of the District and when the remainder of the fleet consists of school buses that meet the requirements of subdivision (d), no more than 10 percent of the school buses for school bus fleets of 100 or more, or five (5) school buses for school bus fleets with 50 or less school buses or ten (10) school buses for school bus fleets with between 51 and 100 school buses, that do not meet the requirements of Subdivision (d) of this rule may be part of the fleet at any given time. Such vehicles shall be

equipped with approved control devices if the vehicles are diesel-powered and external funding is available.

(f) Compliance Auditing and Enforcement

- (1) The fleet operator shall provide at the request of the District any files and/or records created to comply with subdivision (d) including fleet-specific information, such as a list of official Department of Motor Vehicles registrations, principal vehicle location, and manufacturer, model-year, model, and fuel type of each fleet vehicle. This provision shall not apply for records that have been in existence for more than one (1) year.
- (2) Any fleet operator seeking an exemption under subdivision (e) shall supply proof that their vehicle or fleet is exempted from this rule when requested by the District.
- (3) Any fleet operator seeking an exemption under those portions of subdivision (e) that pertain to external funding availability shall apply for external funding or to external funding sources, identified annually by and with the assistance of the Executive Officer and demonstrate that funding is not available prior to the purchase or lease of school buses as allowed under subdivision (e).
- (4) Circumvention of this rule is prohibited, including artificially creating fleets under common ownership of smaller than 15 vehicles, without sufficient business justification.

(g) Severability

If any provision of this rule is held by judicial order to be invalid, or invalid or inapplicable to any person or circumstance, such order shall not affect the validity of the remainder of this rule, or the validity or applicability of such provision to other persons or circumstances. In the event any of the exceptions to this rule is held by judicial order to be invalid, the persons or circumstances covered by the exception shall instead be required to comply with the remainder of this rule.