

BILL ANALYSIS

Senate Research Center
79R11804 SMH-F

H.B. 3469
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Natural Resources
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The purpose of H.B. 3469 is to reduce diesel exhaust emissions from school buses. Often tailpipe exhaust dirties the air inside school buses in quantities greater than are found outside the bus. During a typical ride to school, which often involves waiting while school children board the bus and idling at stop signs or traffic lights, the levels of particulate matter inside a school bus can be four to eight times higher than outside the bus. Since children often ride buses to school every day for many years, this constant exposure can translate into higher risks of health problems later in life. The Texas Education Agency reports that during the 2002-2003 school year, Texas' public school buses took about 1.2 million children to school every day.

H.B. 3469 directs the Texas Commission on Environmental Quality to administer the Clean School Bus Program to reduce the exposure of school children to diesel exhaust in and around diesel fueled school buses.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commission [no definition for "commission" given in bill] of Chapter 390, Health and Safety Code, in SECTION 4 (Section 390.004) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 386.051(b), Health and Safety Code, to require the Texas Commission on Environmental Quality (TCEQ) and the comptroller of public accounts under the Texas Emissions Reduction Plan to provide grants or other funding for the clean school bus program established under Chapter 390. Makes a nonsubstantive change.

SECTION 2. Amends Section 386.052(b), Health and Safety Code, to include as an appropriate objective for TCEQ achieving reductions of emissions of diesel exhaust from school buses. Makes a nonsubstantive change.

SECTION 3. Amends Section 386.252, Health and Safety Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Authorizes money in the Texas emissions reduction plan fund (fund) to be allocated for the diesel emissions reduction incentive program, 87.5 percent of the money in the fund, of which not more than 1.5 percent may be used for the clean school bus program. Makes a nonsubstantive change.

(c) Authorizes money in the fund to be allocated to the clean school bus program only if the money is available for that purpose after money is allocated as needed to achieve the emissions reduction objectives in the state implementation plan.

SECTION 4. Amends Subtitle C, Title 5, Health and Safety Code, by adding Chapter 390 to read as follows:

CHAPTER 390. CLEAN SCHOOL BUS PROGRAM

Sec. 390.001. DEFINITIONS. Defines "diesel exhaust," "incremental cost," "program," "qualifying fuel," and "retrofit."

Sec. 390.002. PROGRAM. (a) Requires the commission [no definition for "commission" given in bill] to establish and administer a clean school bus program designed to reduce the exposure of schoolchildren to diesel exhaust in and around diesel-fueled school buses. Requires the commission to provide grants for eligible projects to offset the incremental cost of projects that reduce emissions of diesel exhaust under the program.

(b) Sets forth projects that may be considered for a grant under the program.

Sec. 390.003. APPLICATION FOR GRANT. (a) Authorizes a school district in this state that operates one or more diesel-fueled school buses or a transportation system provided by a countywide school district to apply for and receive a grant under the program.

(b) Authorizes the commission to adopt guidelines to allow a regional planning commission, council of governments, or similar regional planning agency, or a private nonprofit organization to also apply for and receive a grant to improve the ability of the program to achieve its goals.

(c) Requires an application for a grant under this chapter to be made on a form provided by the commission and must contain the information required by the commission.

Sec. 390.004. ELIGIBILITY OF PROJECTS FOR GRANTS. (a) Requires the commission by rule to establish criteria for setting priorities for projects eligible to receive grants under this chapter. Requires the commission to review and authorizes the commission to modify the criteria and priorities as appropriate.

(b) Requires a school bus proposed for retrofit to be used on a regular, daily route to and from a school and have at least five years of useful life remaining unless the applicant agrees to remove the retrofit device at the end of the life of the bus and reinstall the device on another bus.

Sec. 390.005. RESTRICTION ON USE OF GRANT. Requires a recipient of a grant under this chapter to use the grant to pay the incremental costs of the project for which the grant is made, which may include the reasonable and necessary expenses incurred for the labor needed to install emissions-reducing equipment. Prohibits the recipient from using the grant to pay the recipient's administrative expenses.

Sec. 390.006. EXPIRATION. Provides that this chapter expires August 31, 2013.

SECTION 5. Effective date: upon passage or September 1, 2005.