

By: Hochberg

H.B. No. 3469

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Texas Clean School Bus program.

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

SECTION 1. Section 386.051(b) Health and Safety Code is amended to read as follows:

(b) Under the plan, the commission and the comptroller shall provide grants or other funding for:

(1) the diesel emissions reduction incentive program established under Subchapter C, including for infrastructure demonstration projects established under that subchapter;

(2) the motor vehicle purchase or lease incentive program established under Subchapter D; ~~and~~

(3) the new technology research and development program established under Chapter 387; and

(4) the Texas Clean School Bus program established under Chapter 390.

SECTION 2. Section 386.052(b), Health and Safety Code, is amended to read as follows:

(b) Appropriate commission objectives include:

(1) achieving maximum reductions in oxides of nitrogen to demonstrate compliance with the state implementation plan;

(2) preventing areas of the state from being in violation of national ambient air quality standards; ~~and~~

(3) achieving cost-saving and multiple benefits by

1 reducing emissions of other pollutants; and [-]

2 (4) achieving reductions of diesel exhaust from school
3 buses through the Texas Clean School Bus program established under
4 Chapter 390.

5 SECTION 3. Section 386.252(a)(1) Health and Safety Code is
6 amended to read as follows:

7 (1) for the diesel emissions reduction incentive
8 program, 87.5 percent of the money in the fund, of which no more
9 than 1.5 percent may be allocated each year for the Texas Clean
10 School Bus program under Chapter 390 and not more than 10 percent
11 may be used for on-road diesel purchase or lease incentives;

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

14 CHAPTER 390. TEXAS CLEAN SCHOOL BUS PROGRAM

15 Sec. 390.101. DEFINITIONS. In this chapter:

16 (1) "Diesel exhaust" means one or more of the air
17 pollutants emitted by the combustion of diesel fuel, including
18 particulate matter, nitrogen oxides, volatile organic compounds,
19 air toxics and carbon monoxide.

20 (2) "Qualifying fuel" includes any liquid or gaseous
21 fuel or additives registered or verified by the United States
22 Environmental Protection Agency, other than standard gasoline or
23 diesel, that is ultimately dispensed into a covered vehicle that
24 provides reductions of emissions of particulate matter.

25 (3) All other terms have the same meaning as in Section
26 386.101.

27 Sec. 390.102. PROGRAM. (a) The commission shall establish

1 and administer a Clean School Bus program designed to reduce the
2 exposure of school children to diesel exhaust in and around diesel
3 fueled school buses. Under the program, the commission shall
4 provide grants for eligible projects to offset the incremental cost
5 of projects that reduce emissions of diesel exhaust.

6 (b) Emissions-reducing projects that may be considered for
7 a grant under the program include:

8 (1) diesel oxidation catalysts for school buses built
9 prior to 1994;

10 (2) diesel particulate filters for school buses built
11 from 1994 to 1998;

12 (3) purchase and use of emissions-reducing add-on
13 equipment for school buses, including devices that reduce crankcase
14 emissions;

15 (4) use of qualifying fuel; or

16 (5) other technologies that the commission finds will
17 bring significant emissions reductions.

18 Sec. 390.103. APPLICATION FOR GRANT. (a) Any school
19 district in the state that operates one or more diesel fueled school
20 buses or a transportation system provided by a countywide school
21 district may apply for a grant under the program.

22 (b) An application for a grant under this subchapter must be
23 made on an application provided by the commission and must contain
24 information required by the commission.

25 Sec. 390.104. ELIGIBILITY REQUIREMENTS. (a) The
26 commission shall by rule establish priorities for projects eligible
27 to receive grants under this chapter. The commission shall review

1 and may modify the criteria and priorities as appropriate.

2 (b) School buses proposed for retrofit must be used on
3 regular, daily routes to and from schools and have at least five
4 years of useful remaining life unless the applicant agrees to
5 remove the retrofit devices at the end of life of buses with less
6 than five years of remaining life and reinstall them on other buses.

7 (d) The commission may approve payments for reasonable and
8 necessary expenses for the labor to install emissions-reducing
9 equipment.

10 Sec. 390.106. EXPIRATION. This chapter expires August 31,
11 2010.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2005.