

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 698**

**Introduced by Senator Poochigian**

February 22, 2005

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*An act to amend Sections 17910, 17910.1, 17910.2, 17911, 17911.2, 17911.3, 17912, and 17912.2 of, to amend the heading of Part 10.7 (commencing with Section 17910) of, to repeal Sections 17911.4, 17911.5, 17911.6, and 17911.7 of, and to repeal the heading of Chapter 3 (commencing with Section 17912) of Part 10.7 of, the Education Code, relating to schoolbuses.*

LEGISLATIVE COUNSEL'S DIGEST

SB 698, as amended, Poochigian. Schoolbus replacement.

Existing law, the Katz Safe Schoolbus Clean Fuel Efficiency Demonstration Program, ~~established~~ *establishes* the Katz Schoolbus Fund in the State Treasury. Existing law requires the State Energy Resources Conservation and Development Commission to design and administer a clean fuel efficiency demonstration program and to determine which local educational agencies are to receive replacement schoolbuses for participation in the program.

~~This bill would declare that it is the intent of the Legislature to enact legislation amending these provisions~~ *change the name of that program to the Clean Air and Schoolbus Safety Program. This bill would delete the existing provisions relating to the demonstration program and schoolbus replacement. This bill would change the name of the Katz Schoolbus Fund to the Clean Air and Schoolbus Safety Fund. This bill would require the commission to administer the fund according to a specified order of priority. This bill would require the Controller, for each fiscal year commencing with the 2006–07 fiscal year and ending with the 2010–11 fiscal year, and to the extent that*

*funds are available, to transfer \$50,000,000 from the Proposition 98 Reversion Account to the Clean Air and Schoolbus Safety Fund.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. It is the intent of the Legislature to enact~~  
2 ~~legislation amending Sections 17910 to 17912.3, inclusive, of the~~  
3 ~~Education Code.~~

4 *SECTION 1. The heading of Part 10.7 (commencing with*  
5 *Section 17910) of the Education Code is amended to read:*

6  
7 ~~PART 10.7. KATZ SAFE-THE CLEAN AIR AND~~  
8 ~~SCHOOLBUS-CLEAN FUEL EFFICIENCY~~  
9 ~~DEMONSTRATION PROGRAM SAFETY PROGRAM~~

10  
11 *SEC. 2. Section 17910 of the Education Code is amended to*  
12 *read:*

13 17910. This part shall be known and may be cited as the ~~Katz~~  
14 ~~Safe Clean Air and Schoolbus-Clean Fuel Efficiency~~  
15 ~~Demonstration Safety Program.~~

16 *SEC. 3. Section 17910.1 of the Education Code is amended to*  
17 *read:*

18 17910.1. As used in this part, the following terms have the  
19 following meanings:

20 (a) "Commission" means the State Energy Resources  
21 Conservation and Development Commission.

22 (b) ~~"Superintendent" means the Superintendent of Public~~  
23 ~~Instruction.~~

24 (e) "Fund" means the ~~Katz Clean Air and Schoolbus Safety~~  
25 ~~Fund~~ created pursuant to Section 17911.

26 (d) ~~"Department" means the Department of the California~~  
27 ~~Highway Patrol.~~

28 (e)  
29 (c) "Program" means the ~~Katz Safe Clean Air and Schoolbus~~  
30 ~~Clean Fuel Efficiency Demonstration Safety Program.~~

31 (f)  
32 (d) "Schoolbus" means a schoolbus, as defined in Section 545  
33 of the Vehicle Code, which is Type 1 and publicly owned.

1 ~~(g)~~

2 (e) “Local educational agency” means any of the following:

3 (1) A school district.

4 (2) A county office of education.

5 (3) A regional occupational program or center.

6 (4) A joint powers agency ~~which~~ *that* operates publicly owned  
7 schoolbuses.

8 *SEC. 4. Section 17910.2 of the Education Code is amended to*  
9 *read:*

10 17910.2. ~~(a) The Legislature finds and declares that there are~~  
11 ~~many schoolbuses operating in this state which are not fuel~~  
12 ~~efficient and do not meet current federal standards of safety, and~~  
13 ~~that ensuring the safety of schoolbus transportation is a matter of~~  
14 ~~the highest importance. It is, therefore, the intent of the~~  
15 ~~Legislature, in enacting this part, to create a program for the~~  
16 ~~purchase of new schoolbuses which meet federal safety standards~~  
17 ~~and operate with greater efficiency and produce fewer adverse air~~  
18 ~~emissions than the vehicles being replaced.~~

19 ~~It is further the intent of the Legislature that the replacement~~  
20 ~~schoolbuses provided under this program be distributed to as~~  
21 ~~diverse a selection of districts as is consistent with safety and~~  
22 ~~energy considerations. all of the following:~~

23 *(1) The Katz Safe Schoolbus Clean Fuel Efficiency*  
24 *Demonstration Program has been a successful program whose*  
25 *established administrative infrastructure within the California*  
26 *Energy Commission can be used to efficiently administer future*  
27 *schoolbus replacement programs.*

28 *(2) California’s public schools operate over 15,000*  
29 *schoolbuses, including over 6,000 schoolbuses manufactured*  
30 *before 1987, at least 1,000 of which were manufactured before*  
31 *1977.*

32 *(3) All schoolbuses manufactured before 1977 are a source of*  
33 *exposure to toxic diesel particulates and do not meet state air*  
34 *quality emission standards or federal or state safety standards.*

35 *(4) Ensuring the safety of schoolbus transportation is a matter*  
36 *of the highest importance.*

37 *(b) It is the intent of the Legislature to create a program for*  
38 *the purchase of new schoolbuses that meet federal and state*  
39 *safety standards and produce fewer adverse air emissions than*  
40 *the schoolbuses being replaced.*

1 (c) It is further the intent of the Legislature that the funds to  
2 purchase replacement schoolbuses under this program be  
3 distributed first to local educational agencies operating  
4 schoolbuses manufactured before 1977. After all schoolbuses  
5 manufactured before 1977 that are currently in operation have  
6 been removed from service by local educational agencies, any  
7 remaining funds may be used by local educational agencies to  
8 replace schoolbuses manufactured after 1977.

9 SEC. 5. Section 17911 of the Education Code is amended to  
10 read:

11 17911. (a) (1) There is hereby created in the State Treasury  
12 the ~~Katz~~ Clean Air and Schoolbus Safety Fund.

13 (2) For each fiscal year commencing with the 2006–07 fiscal  
14 year and ending with the 2010–11 fiscal year, the Controller  
15 shall, to the extent funds are available, annually transfer fifty  
16 million dollars (\$50,000,000) from the Proposition 98 Reversion  
17 Account to the Clean Air and Schoolbus Safety Fund. Moneys  
18 transferred pursuant to this paragraph shall be used for the  
19 purpose of replacing schoolbuses pursuant to this part.

20 (b) The commission shall administer the fund according to the  
21 following order of priority:

22 (1) The commission shall first select schoolbuses for  
23 replacement that were manufactured before 1977.

24 (2) After all schoolbuses manufactured before 1977 that are  
25 currently in operation have been removed from service by local  
26 educational agencies, the commission shall select schoolbuses  
27 for replacement based upon the following criteria:

28 (A) Earliest manufacture date.

29 (B) Average daily mileage.

30 SEC. 6. Section 17911.2 of the Education Code is amended to  
31 read:

32 17911.2. ~~The commission shall determine the local~~  
33 ~~educational agencies that are to receive replacement schoolbuses~~  
34 ~~for participation in the program. A local educational agency shall~~  
35 ~~use funds distributed under this part to purchase schoolbuses~~  
36 ~~that comply with federal and state safety standards and emission~~  
37 ~~standards adopted by the State Air Resources Board.~~

38 SEC. 7. Section 17911.3 of the Education Code is amended to  
39 read:

1 17911.3. ~~In determining which candidate schoolbuses will be~~  
2 ~~selected for replacement, the commission shall first, in~~  
3 ~~coordination with the department and the superintendent,~~  
4 ~~determine which local educational agencies meet the~~  
5 ~~demonstration project criteria. A schoolbus replaced pursuant to~~  
6 ~~this part shall not be used as a schoolbus, youth bus, school pupil~~  
7 ~~activity bus, general public paratransit vehicle, or farm labor~~  
8 ~~vehicle.~~

9 *SEC. 8. Section 17911.4 of the Education Code is repealed.*

10 17911.4. ~~All candidate schoolbuses selected by the~~  
11 ~~commission for replacement shall be inspected by the department~~  
12 ~~to determine all of the following criteria:~~

13 ~~(a) The dates of manufacture of the schoolbuses. The~~  
14 ~~schoolbuses shall have been manufactured prior to April 1, 1977,~~  
15 ~~and shall have been certified during the prior school year~~  
16 ~~pursuant to Section 2807 of the Vehicle Code.~~

17 ~~(b) The total accumulated mileage of each candidate~~  
18 ~~schoolbus, as supported by the owner's records and records of~~  
19 ~~the department. Any records maintained by the superintendent~~  
20 ~~may also be considered in determining the true accumulated~~  
21 ~~mileage of a candidate schoolbus. Only mileage accumulated on~~  
22 ~~the candidate schoolbus during usage by the applicant district~~  
23 ~~may be considered by the commission as mileage under this~~  
24 ~~subdivision.~~

25 ~~(c) The average number of miles per day each candidate~~  
26 ~~schoolbus traveled during the prior school year and to date~~  
27 ~~during the current school year, as evidenced by the owner's~~  
28 ~~records. Any records maintained by the department or by the~~  
29 ~~superintendent may also be considered in determining the true~~  
30 ~~average daily miles of a candidate schoolbus.~~

31 ~~(d) The dates of each of the last three annual certifications and~~  
32 ~~the odometer reading for each of those dates.~~

33 *SEC. 9. Section 17911.5 of the Education Code is repealed.*

34 17911.5. ~~(a) Schoolbuses shall be purchased by the~~  
35 ~~Department of General Services pursuant to specifications~~  
36 ~~developed by the commission. Title to any schoolbus purchased~~  
37 ~~by the Department of General Services pursuant to this section~~  
38 ~~shall be in the name of the local educational agency for which the~~  
39 ~~schoolbus was purchased.~~

1 ~~(b) Any schoolbus purchased with these funds shall meet all~~  
2 ~~applicable federal motor vehicle safety standards, operate with~~  
3 ~~greater energy efficiency, and produce fewer adverse air~~  
4 ~~emissions than the schoolbus being replaced.~~

5 ~~(e) Except as provided in this subdivision, no replacement~~  
6 ~~schoolbus shall exceed the capacity of the schoolbus being~~  
7 ~~replaced, as estimated by the department. A local educational~~  
8 ~~agency may use funds from any available source, other than~~  
9 ~~grants received pursuant to this part, to pay that part of the cost~~  
10 ~~of a schoolbus that exceeds the cost of a replacement schoolbus~~  
11 ~~of the same capacity and with the same features as the schoolbus~~  
12 ~~being replaced, as estimated by the Department of General~~  
13 ~~Services.~~

14 ~~(d) A replacement schoolbus may be of the same design,~~  
15 ~~configuration, and nonpower-train specifications as the retired~~  
16 ~~schoolbus.~~

17 *SEC. 10. Section 17911.6 of the Education Code is repealed.*

18 ~~17911.6. Local educational agencies may submit a statement~~  
19 ~~describing special circumstances which are applicable to a~~  
20 ~~qualified candidate schoolbus, such as the unavailability of repair~~  
21 ~~or replacement parts, or any necessary chassis modifications~~  
22 ~~requiring the approval of the manufacturer of the chassis, as~~  
23 ~~required by regulations of the department, with its application for~~  
24 ~~a replacement schoolbus. The commission may consider those~~  
25 ~~special circumstances in determining the local educational~~  
26 ~~agencies that are to receive replacement schoolbuses.~~

27 *SEC. 11. Section 17911.7 of the Education Code is repealed.*

28 ~~17911.7. Schoolbuses replaced under this part shall not be~~  
29 ~~used as schoolbuses, youth buses, school pupil activity buses,~~  
30 ~~general public paratransit vehicles, or farm labor vehicles in this~~  
31 ~~state.~~

32 *SEC. 12. The heading of Chapter 3 (commencing with Section*  
33 *17912) of Part 10.7 of the Education Code is repealed.*

34  
35 ~~CHAPTER 3. DEMONSTRATION PROGRAM~~

36  
37 *SEC. 13. Section 17912 of the Education Code is amended to*  
38 *read:*

39 ~~17912. The demonstration program established by this~~  
40 ~~chapter shall be designed and administered by the commission,~~

1 with the advice and consultation of the ~~department and the~~  
2 ~~superintendent State Air Resources Board.~~ The commission shall  
3 insure that fuel economy and exhaust emissions are monitored as  
4 a part of the demonstration, and shall ensure that at least 35  
5 percent of the vehicles are powered by methanol or other  
6 low-emission, clean-burning fuels, unless the commission  
7 determines, within 18 months of the effective date of this act, that  
8 the use of these funds for clean burning fuel projects is  
9 infeasible. The commission shall, within 30 days of making that  
10 determination, submit a report to the Legislature explaining its  
11 determination with respect to the feasibility or infeasibility of the  
12 project. The field demonstration shall be in accordance with State  
13 Energy Conservation Program guidelines.

14 *SEC. 14. Section 17912.2 of the Education Code is amended*  
15 *to read:*

16 17912.2. ~~When a local educational agency accepts a~~  
17 ~~replacement schoolbus, it shall also agree to participate in the~~  
18 ~~demonstration program. That participation shall include~~  
19 ~~maintaining records of mileage and fuel consumption, and~~  
20 ~~reporting that information to the commission in a timely manner.~~  
21 The commission shall establish a procedure and requirement for  
22 participation in the demonstration program. All vehicles acquired  
23 under the demonstration program, at a minimum, shall meet all  
24 applicable laws and regulations, including those related to their  
25 acquisition by school districts, operation, fuel efficiency, air  
26 emissions, and safety. *The commission shall not use more than 5*  
27 *percent of any state funds allocated to this program for*  
28 *administrative costs.*