Legislation Details (With Text)

File #:	Int 0622-2007 **Version:** A	**Name:**	Requiring retrofitting and the use of ultra-low sulfur diesel fuel for school buses that transport fewer than 10 students at one time.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Environmental Protection
On agenda:	9/25/2007		
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Title: A Local Law to amend the administrative code of the city of New York, in relation to retrofitting of and age limitations on diesel fuel-powered school buses.

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Indexes:

Attachments: 1. Int. No. 622 - 9/25/09, 2. Proposed Int. No. 622-A - 9/8/09, 3. Committee Report 9/8/09, 4. Hearing Transcript 9/8/09, 5. Hearing Testimony 9/8/09, 6. Committee Report 9/17/09, 7. Hearing Transcript 9/17/09, 8. Hearing Transcript - Stated Meeting 9/17/09, 9. Fiscal Impact Statement, 10. Mayor's Letter, 11. Fiscal Impact Statement, 12. Local Law 61

Date	Ver.	Action By	Action	Result
9/25/2007	*	City Council	Introduced by Council	
9/25/2007	*	City Council	Referred to Comm by Council	
9/8/2009	*	Committee on Environmental Protection	Hearing Held by Committee	
9/8/2009	*	Committee on Environmental Protection	Amendment Proposed by Comm	
9/8/2009	*	Committee on Environmental Protection	Laid Over by Committee	
9/17/2009	*	Committee on Environmental Protection	Hearing Held by Committee	
9/17/2009	*	Committee on Environmental Protection	Amendment Proposed by Comm	
9/17/2009	*	Committee on Environmental Protection	Amended by Committee	
9/17/2009	A	Committee on Environmental Protection	Approved by Committee	Pass
9/17/2009	A	City Council	Approved by Council	Pass
9/17/2009	A	City Council	Sent to Mayor by Council	
10/7/2009	A	Mayor	Signed Into Law by Mayor	
10/7/2009	A	Mayor	Hearing Held by Mayor	
10/7/2009	A	City Council	Recved from Mayor by Council	

Int. No. 622-A

By Council Members Gonzalez, Brewer, Dilan, Fidler, Gerson, James, Liu, Mark-Viverito, Palma, Seabrook, Vacca, White Jr., Arroyo, Gennaro, Vallone, Koppell, Eugene, Crowley, Jackson, Lappin, Gentile, Sears and Weprin

A Local Law to amend the administrative code of the city of New York, in relation to retrofitting of and age limitations on diesel fuel-powered school buses.

Be it enacted by the Council as follows:

Section 1. Subchapter 7 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-163.9 to read as follows:

§24-163.9 Retrofitting of and age limitations on diesel fuel-powered school buses.

a. Definitions. For the purposes of this section only, the following terms shall have the following meanings:

(1) "Department of education" means the New York city department of education, formerly known as the New York city board of education, and any successor agency or entity thereto, the expenses of which are paid in whole or in part from the city treasury.

(2) "Person" means any natural person, partnership, firm, company, association, joint stock association, corporation or other legal entity.

(3) "School bus" means any vehicle of the designation "Type A bus," "Type B bus," "Type C bus," or "Type D bus," as set forth in subdivisions x, y, z, and aa of section 720.1 of title seventeen of New York codes, rules and regulations, that is operated pursuant to a school bus contract and is used to transport children to or from any school located in the city of New York.

(4) "School bus contract" means any agreement between any person and the department of education to transport children on a school bus.

b. Diesel fuel-powered school buses shall utilize a closed crankcase ventilation system, selected from among the mobile sources devices identified and approved as part of the diesel retrofit verified technologies list by the United States environmental protection agency or the list of currently verified diesel emission control

strategies by the California air resources board, to reduce engine emissions to the school bus cabin, in accordance with the following schedule:

(1) fifty percent of diesel fuel-powered school buses used to fulfill each school bus contract shall be equipped with such a closed crankcase ventilation system by September 1, 2010;

(2) one hundred percent of diesel fuel-powered school buses used to fulfill each school bus contract shall be equipped with such a closed crankcase ventilation system by September 1, 2011;

c. Diesel fuel-powered school buses shall not be used to fulfill any school bus contract beyond the end of the sixteenth year from the date of manufacture, as noted on the vehicle registration, or the end of the school year in which that date falls, whichever is later.

d. School buses shall be replaced pursuant to subdivision c of this section with (1) a school bus meeting the most recent diesel engine emissions standards issued by the United States environmental protection agency, or (2) an all-electric, gasoline-powered, compressed natural gas, or hybrid school bus, as long as the particulate matter emissions of such school bus do not exceed emission levels permitted in the most recent diesel engine emissions standards issued by the United States environmental protection agency.

e. No later than December 31, 2011, and no later than December 31 of every year thereafter, the department of education shall submit a report to the mayor and the speaker of the council on compliance with this section. Such report shall include, but not be limited to, data on the age and crankcase ventilation retrofit status of every school bus pursuant to a school bus contract. The department of education shall also perform yearly reviews on a sample of school buses from at least ten different vendors to verify the accuracy of data reported.

f. This section shall not apply:

(1) where federal or state funding precludes the city from imposing the requirements of this section;

(2) to purchases that are emergency procurements pursuant to section three hundred fifteen of the New

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York city charter; or

(3) where federal or state law prohibits the application of the requirements of this section.

g. Any person who violates any provision of this section, except as provided in subdivision h of this section, shall be liable for a civil penalty of not less than one thousand dollars and not more than ten thousand dollars, in addition to twice the amount of money saved by such person for failure to comply with this section.

h. Where a person has been found to have made a false claim with respect to the provisions of this section, such person shall be liable for an additional civil penalty of twenty thousand dollars.

i. Nothing in this section shall be construed to limit the authority of the department of education or of the city of New York to cancel or terminate a contract, deny or withdraw approval to perform a subcontract or provide supplies, issue a non-responsibility finding, issue a non-responsiveness finding, deny a person or entity prequalification as a vendor, or otherwise deny a person or entity city business.

§2. This local law shall take effect on July 1, 2010.

SS
LS #3208
9/8/09 4:18 p.m.