S T A T E O F N E W Y O R K

4870--A

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. ALESSI, PAULIN, LUPARDO, STIRPE, ROSENTHAL, JAFFEE, CARROZZA, LATIMER, ORTIZ, BENEDETTO -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to required use of biodiesel fuel blends in school buses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative intent. The legislature hereby finds and declares that school buses operating on diesel fuels transport millions of New York children daily. Children's bodies are uniquely susceptible to toxins. Studies have shown that diesel fumes contain particulate matter which can trigger asthma attacks and other respiratory ailments in children and that levels of diesel fumes are up to four times greater inside a bus than ambient levels.

The legislature further finds and declares that diesel exhaust is classified as a probable human carcinogen by many governmental authorities including the state attorney general. In addition, dark particles from diesel fuel have been found embedded in glacial ice contributing to rapid melting of polar ice.

Therefore, the legislature finds and declares that it is in the interest of the citizens of this state to reduce the use of diesel fuels by the many school buses used to transport children in this state and increase the use of alternative low emission fuels.

S 2. This act shall be known and may be cited as the "cleaner fuels school bus act".

S 3. Section 3623 of the education law is amended by adding a new subdivision 3 to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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3. A. THE COMMISSIONER OF TRANSPORTATION IN CONSULTATION WITH THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS REQUIRING ALL OWNERS OF SCHOOL BUSES, AS DEFINED IN SECTION ONE HUNDRED FORTY-TWO OF THE VEHICLE AND TRAFFIC LAW, TO REPLACE OR RETROFIT DIESEL OPERATED VEHICLES TO BE CAPABLE OF OPERATING ON A TWENTY PERCENT OR GREATER BLEND OF BIODIESEL FUEL AS DEFINED IN THIS SUBDIVISION, SUCH REPLACEMENT OR RETROFITTING TO COMMENCE NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION.

B. FOR THE PURPOSES OF THIS SUBDIVISION, "BLEND OF BIODIESEL FUEL" SHALL MEAN A RENEWABLE, BIODEGRADABLE, MONO ALKYL ESTER COMBUSTIBLE LIQUID FUEL DERIVED FROM AGRICULTURAL PLANT OILS, ANIMAL FATS OR WASTE RESTAURANT GREASE OR OILS.

S 4. This act shall take effect one year after it shall have become a law.