

AN ORDINANCE

An Ordinance of the County of Allegheny amending Article XXI of the Allegheny County Health Department's Rules and Regulations, Article XXI, Air Pollution Control, adding Section 2105.91 that will regulate the amount of school bus idling in order to reduce emissions and their possible harmful effects on the public health.

Whereas, as a means of achieving better air quality for the citizens of Allegheny County, the Allegheny County Board of Health ("the Board"), desires to regulate the amount of school bus idling in order to reduce emissions and their possible harmful effects on the public health, and

Whereas, after a duly advertised public comment period of thirty days, including the presentation of oral comments and the consideration of those comments received, the Board, by a unanimous vote at a publicly advertised meeting on May 5, 2004, adopted the attached amendment to its Article XXI that would regulate the amount of school bus idling; and

Whereas, the Local Health Administration Law, Pa. Stat. Ann. tit. 16, § 12001 *et seq.*, provides for the submission of proposed health regulations or the amendment of existing health regulations to a County for approval and rejection; and

Whereas, in compliance with the Local Health Administration Law, the Director of the Allegheny County Health Department, on behalf of the Board, has submitted the amendment to Article XXI to the Allegheny County Council with the recommendation that the County should approve the amendment.

The Council of the County of Allegheny hereby enacts as follows:

Section 1. Approval of Amendment to Article XXI of Health Department Rules and Regulations.

Pursuant to the Local Health Administration Law, County Council does hereby approve the insertion of to Section 2105.91 of the Allegheny County Health Department's Rules and Regulations, Article XXI, Air Pollution Control, adopted by the Board on May 5, 2004 that is attached to this Ordinance.

Section 2.

Submission of Amendment to Article XXI to Appropriate State and Federal Authorities.

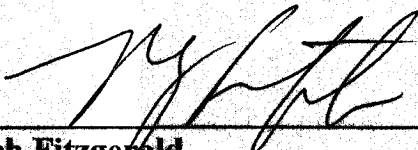
The Director, on behalf of the Board, is hereby authorized to submit the attached amendment to Article XXI changes to the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency.

Section 3. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

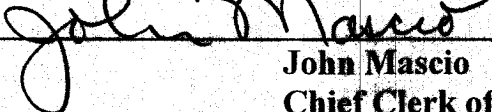
Section 4. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

Enacted in Council, this 31st day of August, 2004

Council Agenda No. 1642-04



Rich Fitzgerald
President of Council

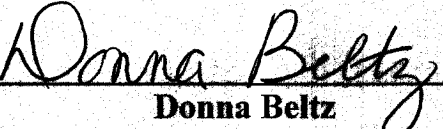
Attest: 

John Mascio
Chief Clerk of Council

Chief Executive Office SEPTEMBER 8, 2004

Approved: 

Dan Onorato
Chief Executive

Attest: 

Donna Beltz
Executive's Secretary

School Bus Idling Regulation

§2101.20 DEFINITIONS *{These definitions are to be added to Article XXI.}*

The following terms are defined for the purposes of this section:

"Diesel" means type of engine with operating characteristics significantly similar to the theoretical Diesel combustion cycle. The non-use of a throttle during normal operation is indicative of a diesel engine. (ref: 40 CFR 86.090-2)

"Gross vehicle weight rating" means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle. (ref: 40 CFR 86.082-2)

"Heavy duty" means, with respect to school buses, any school bus rated at more than 8,500 pounds gross vehicle weight rating, or that has a curb weight of more than 6000 pounds {or that has a passenger carrying capacity of more than 12 persons}. (ref: 40 CFR 86.082-2 for non-bracketed portion only)

"Hybrid electric bus or vehicle" means any school bus equipped with at least the following two sources of motive energy on board:

- a. an electric drive motor that must be used to partially or fully drive the bus or vehicle wheels; and
- b. one of the following:
 1. an internal combustion engine;
 2. a turbine; or
 3. a fuel cell.

"Idling" means the operation of an engine when the accelerator is fully released and there is no load on the engine.

"Motor carrier" means the registered owner, lessee, licensee, school district superintendent, or bailee of any school bus who operates or directs the operation of any such bus on either a for-hire or not-for-hire basis.

"Official traffic control device" means any sign, signal, marking or device, consistent with the Vehicle Code, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. (ref: Vehicle Code, 67 Pa Code §211.1)

"Official traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed. (ref: Vehicle Code, 67 Pa Code §211.1)

"School" means an institution for the education or training of children, including but not limited to kindergartens, rehabilitation centers, day care centers, Head Start centers, group day care homes, family day care homes and summer camps. (Vehicle Code, 67 Pa Code §171.2). Also, any public or private school used for the purposes of education and instruction of more than 12 school pupils at or below the 12th grade level, but does not include any private school in which education and instruction is primarily conducted in private homes. The term includes any building or structure, playground, athletic field, or other area of school property. The term excludes unimproved school property.

"School bus" means a motor vehicle designed to carry 11 passengers or more, including the driver, and used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to these schools or school-related activities, and as further defined in the Vehicle Code, 67 Pa Code §171.2.

"School bus driver" means a person who drives a school bus as defined in 75 Pa.C.S. §102 (relating to definitions) or 67 Pa Code §171 (relating to school buses and school vehicles) except an owner or employee of an official inspection station driving the vehicle for the purpose of inspection. (ref: Vehicle Code, 67 Pa Code §71.2)

School Bus Idling Regulation

§2105.91 School Bus Idling *{This Section to be added to Article XXI}*

- a. **Applicability.** This Section applies to the operation of every heavy-duty diesel powered school bus.
- b. **General.**
 1. No school bus driver shall cause or allow the engine of any school bus subject to this section to idle prior to, during layover between, at the destination of, or at the conclusion of, any trip or route for more than five (5) consecutive minutes, except under the conditions described in Subsection c, below.
 2. No school bus driver shall cause or allow the engine of a school bus subject to this section to be accelerated while idling, unless such action is taken in order to operate other equipment.
 3. A school bus driver shall not park or idle a bus within 100 feet from a known and active school air intake system, unless the school district has determined that alternative locations block traffic, impair student safety or are not cost effective.
- c. **Exemptions.** This section does not apply for the period or periods during which idling is necessary under the following circumstances:
 1. **Traffic Conditions.**
 - A. For traffic conditions over which the driver has no control;
 - B. For an official traffic control device or signal; or
 - C. At the direction of a uniformed police officer or one of those persons authorized to direct traffic by the Vehicle Code, 67 Pa. Code §101.2.
 2. **Queuing at a School.** Where the physical configuration of a school requires a queue of buses for the sequential discharge or pickup of students, and the queue of buses is actively engaged in the discharge or pickup of students.
 3. **Turbo-charged Diesel Engine Cool Down or Warm Up.** When the manufacturer's specifications require more time than the five minute limitation in §2105.91.b.1, above, to cool down or warm up a turbo-charged diesel engine.
 4. **Cold/Hot Weather.**
 - A. If the outside temperature is less than 40°F, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period; or
 - B. If the outside temperature is greater than 75°F and the bus is equipped with air conditioning, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period.
 5. **Safety and Emergencies.**
 - A. To ascertain that the school bus is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the driver's daily vehicle inspection, or as otherwise needed;
 - B. To operate the flashing signal lamps and/or stop signal arm devices;
 - C. To operate defrosters, or other equipment to ensure the safe operation of the vehicle, or as otherwise required by federal or state motor carrier safety regulations, or other local requirements;
 - D. To operate a heater or an air conditioner of a bus that has, or will have, one or more children aboard with temperature sensitive disabilities;
 - E. To operate a lift or other piece of equipment designed to ensure safe loading, unloading, or transport of persons with one or more disabilities; or
 - F. Use of school bus as an emergency vehicle.

School Bus Idling Regulation

6. **Maintenance of Operations.**
 - A. For testing, servicing, repairing, or diagnostic purposes; or
 - B. To recharge a battery or other energy storage unit of a hybrid electric bus.
 - d. **Signage.** Each school bus distribution center shall erect and maintain in a conspicuous location, a permanent sign(s) that is at least 12 inches by 18 inches in size indicating:
 1. This school bus idling regulation in succinct language, and
 2. The amount of money a violator will be fined.
 - e. **Training.** A motor carrier of a school bus shall ensure that the school bus driver, upon employment and at least once per year thereafter, is informed of the requirements of this Section and of the consequences of not complying with those requirements.
 - f. **Penalties.** Notwithstanding the provisions of Part I of this Article, violators of this Section are subject to:
 1. A warning for the first offense;
 2. A penalty of \$100 for the second offense; or
 3. A penalty of \$500 for the third offense, and any subsequent offenses.
 - g. **Enforcement.** Notwithstanding any other provisions of this Article the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where the idling occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit and the Pa. Air Pollution Control Act. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.
 - h. **Relationship to Other Law.** Nothing in this Section allows idling in excess of other applicable law, including, but not limited to any local ordinance or requirement as stringent as, or more stringent than, this Section.
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Summary of Legislation

This Ordinance will amend Article XXI of the Allegheny County Health Department's Rules and Regulations, Article XXI, Air Pollution Control, by adding Section 2105.91 that will regulate the amount of school bus idling in order to reduce emissions and their possible harmful effects on the public health.

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: James M. Flynn, Jr. *JA*
County Manager

DATE: July 8, 2004

RE: Proposed Ordinance

Attached is a Proposed Ordinance amending Article XXI of the Allegheny County Health Department's Rules and Regulations, Article XXI, Air Pollution Control, adding Section 2105.91 that will regulate the amount of school bus idling in order to reduce emissions and their possible harmful effects on the public health.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

Please place this on the next agenda for County Council approval.

Thank you.