

**State of California
AIR RESOURCES BOARD**

**Notice of Public Comment Period Regarding Proposed
Modifications to the Lower-Emission School Bus Program Guidelines**

Public Availability Date: June 27, 2008
Deadline for Public Comment: July 7, 2008

The Air Resources Board (ARB or Board) is requesting public comments during a 7-day comment period regarding a proposed modification to the Guidelines for the Lower-Emission School Bus Program (Program) to allow a case-by-case exemption from grant eligibility criteria.

Background

The Lower-Emission School Bus Program is a grant program that funds the purchase of new buses to replace old, high-emitting public school buses and retrofit devices that significantly reduce toxic particulate matter emissions from in-use diesel school buses. Guidelines that govern the distribution of funds and the implementation of the program can be found at: <http://www.arb.ca.gov/bonds/schoolbus/schoolbus.htm>.

In accordance with Proposition 1B, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by California's voters in 2006, and Senate Bill 88 (SB 88; Statute 2007, Chapter 181), the Legislature has allocated \$200 million for the replacement of old, in-use public school buses and the installation of diesel particulate filters on middle-aged buses. After holding several workshops and a noticed, public meeting, the Board approved the current revisions to the Program Guidelines on March 27, 2008, to implement the requirements of SB 88. Historically, the Program has funded the replacement of about 75 buses and the retrofit of 450 school buses annually statewide since 2000. This new funding will allow the replacement of all remaining pre-1977 model year buses. Furthermore, the ARB estimates that more than 1,000 additional high-polluting buses will also be replaced, and over 3,000 retrofit devices that significantly reduce toxic particulate emissions will be installed. This large increase in school bus funding will present many unforeseeable implementation challenges. To fulfill its established statutory objectives, the Program needs to have a process that can accommodate projects that meet the spirit and goals of the Program, but, due to unforeseen circumstances, fail to meet the Program's eligibility criteria. Hence, ARB staff are proposing a process to consider case-by-case exemptions from specific replacement and retrofit eligibility criteria specified in the Program Guidelines. Staff anticipate these very unusual projects to be limited, however, it is necessary to include a process for consideration.

Summary of Proposed Modifications

The following is a summary of the modifications and staff's rationale for making them:

ARB staff are proposing a process that would allow school buses that are currently ineligible to be replaced or retrofitted to be considered on a case-by-case basis for an exemption from Program eligibility requirements, such as gross vehicle weight rating limits. All program eligibility criteria can be found in the 2008 Lower-Emission School Bus Program Guidelines. A case-by-case exemption from the replacement or retrofit eligibility criteria specified in the Program Guidelines could be granted by ARB's Executive Officer if the proposed project meets all statutory requirements, as well as the spirit and goals of the Program, while maintaining fiscal accountability and transparency. The proposed modification is intended to create flexibility within the Program to provide the most effective use of State funds in reducing children's and the public's exposure to cancer-causing and smog-forming pollution.

Text of the proposed modification to these guidelines is attached, as well as available for public inspection at ARB's website at the following address: <http://www.arb.ca.gov/bonds/schoolbus/schoolbus.htm>, or by contacting Earl Landberg, Air Pollution Specialist, at (916) 323-1384 or elandber@arb.ca.gov.

Health and Safety Code sections 39515 and 39516 grant to ARB's Executive Officer the authority to make these modifications to the Program Guidelines.

Submittal of Comments

This notice opens a 7-day public comment period on the proposed modifications to the Program's Guidelines. Written comments on the proposed modifications approved by the Board must be submitted by postal mail, electronic mail, or facsimile as follows:

Postal Mail: Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic Submittal: <http://www.arb.ca.gov/listpub/comm/bclist.php>

Facsimile Submittal: (916) 322-3928

Please note that under California Public Records Act (Government Code section 6250 et seq.), your written comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engine.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above, and received no later 5:00 p.m. on the deadline date, for public comment listed at the beginning of this notice. Only comments relating to the above described modification to the Program Guidelines shall be considered by the Executive Officer.

CALIFORNIA AIR RESOURCES BOARD

/s/

James N. Goldstene
Executive Officer

Date: June 17, 2008

Attachment