

Prohibiting school buses from idling at a school or school event

HB 3457 by Hochberg (Zaffirini)

DIGEST: HB 3457 would have prohibited the driver of a school bus equipped with a diesel engine from idling the engine while parked at a school or school event. The bill would not have prohibited idling for the minimum time necessary to heat or cool the bus before departure or as necessary to accommodate the physical needs of a student receiving special education services.

**GOVERNOR'S
REASON FOR
VETO:**

“House Bill 3457 would prohibit buses from idling while parked on a school campus or at a school event under certain circumstances. I believe educators should be focusing on more pressing priorities, such as: teaching a standards-based curriculum; providing a classroom environment conducive to children with special needs; providing free lunch for students from low-income families; providing a safe learning environment; providing extra-curricular activities such as athletics, the arts and band; providing a bilingual education to more than 600,000 students who speak English as a second language; operating day and after-school programs, and; providing after-hour tutoring services. These are the core functions of our education system. If schools believe they should also regulate and enforce school bus idling policies, I think they should do so, not because it is mandated by the state, but because they have chosen to do so as a matter of policy decided on the local level.

“I am also concerned that schools would have a difficult time enforcing this law with regard to the provision prohibiting a school bus engine from idling for more than the *minimum time necessary to heat or cool the bus before departure.*”

RESPONSE: Rep. Scott Hochberg, the bill’s author, said: “The veto of this legislation makes no sense to me. Rarely do we have the opportunity to save taxpayers’ money and improve the health of our children at the same time. This bill would have done both.

“In his message, the governor lists his priorities for our schools, all of which are excellent priorities. That’s exactly why we need this legislation, and why it should not have been vetoed. We should be spending our education tax dollars on exactly those priorities that the governor lists, not wasting it on diesel fuel for buses that idle longer than necessary, sometimes for hours. I can’t look at that priority list and say that school districts should be allowed to waste even one penny by unnecessary idling.

“In the current budget, we are spending millions of state and local dollars to retrofit our school bus fleet to reduce the amount of toxic diesel fumes they emit (which I agree we should be doing). Turning off the engine when it does not need to be running eliminates 100 percent of the pollution that is generated during unnecessary idling, and costs nothing. In fact it saves money.

“As to the issue of local control, it seems strange to bring that up in this context when the governor recently signed a bill that will require school districts to have seat belts in school buses. Why is this a local control issue if that is not? Usually, the Texas

Association of School Boards can be counted on to point out where we are invading the realm of local control unnecessarily. But in this case, that association expressed support for this bill, as did every other organization that either testified or submitted a position.

“My office had much input from the governor’s staff on various legislation throughout the session. They brought constructive suggestions, and I thought we worked well with them. That’s particularly why it is a surprise that we never heard any concerns from the governor’s staff about this bill until we were notified of the veto. Had concerns been expressed, I’m confident that we could have found a way to craft this legislation to meet those concerns.”

Sen. Judith Zaffirini, the Senate sponsor, said: “It is unbelievable that Gov. Rick Perry vetoed HB 3457 by Rep. Scott Hochberg. State government is responsible for the safety of all students. This good bill was based on best practices that would have enhanced the health and safety of schoolchildren while they are in the state’s care.

“The tailpipe exhaust generated by diesel engines accumulates in and around school buses and poses a known health risk to children and bus drivers. Breathing air heavy with exhaust particulates can be dangerous even during a short time because these substances can enter the circulatory system and damage blood vessels. Children are more susceptible to this damage than adults. By limiting the amount of time a bus may idle, HB 3457 would have reduced these dangerous exhaust emissions.

“Teacher and parent groups, environmental organizations, and school administrators worked collectively to ensure that this bill would protect schoolchildren while saving school districts money and precluding health care costs. It is unfortunate that this important legislation will not be implemented statewide because it would have helped us provide the safest possible environment for Texas students.

“My prayer is that parents of schoolchildren who suffer the consequences of this veto will inform Gov. Perry. Perhaps he will be more sensitive and better informed when we introduce this legislation anew in 2009.”

NOTES: HB 3457 passed the House on the Local, Consent and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.