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INDEPENDENT REGULATORY
REVIEW COMMISSION
March 11, 2008

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MAR 14 2008

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

ENVIRONMENTAL QUALITY BOARD

Dear Sir:

The Pennsylvania School Boards Association (PSBA) respectfully submits this letter in response to the publication of the proposed rulemaking related to Diesel Vehicle Idling in the Pennsylvania Bulletin, Vol. 38, No. 2, January 12, 2008. Although some school districts have adopted anti-idling policies for their school vehicle, our foremost concern is to ensure that the exceptions to the anti-idling regulations reasonably address school district issues related to transporting students.

One of our major concerns is that the proposed regulations fail to allow school vehicle idling to ensure school vehicles are maintained at a comfortable temperature for special needs children. Unfortunately, there are some special needs children particularly those with neuro-developmental or respiratory conditions that render their bodies unable to deal with fluctuations in temperature. Additionally, anti-psychotic medications, inherited conditions, infections, and dehydration interfere with normal functioning of sweat glands in some special education children. Their disability may also be complicated by the fact that a special needs child in distress may not be able to orally communicate his discomfort (especially if they're nonverbal). Autistic and mentally handicapped students would be examples of the latter. Additionally, children with severe disabilities might not even be able to communicate in a physical manner such as shivering.

Some may suggest that the regulation allows for sufficient heating and air conditioning of vehicles under Section 126.612(a)(2) or (a)(8). The former provides for an additional ten minutes of idling in a 60 minute time period. This is likely to be inadequate for normal children much less for physically disabled children. For example, on a warm, sunny day, windows collect light, trapping heat inside the vehicle, and pushing the temperature inside to dangerous levels. On an 85-degree Fahrenheit day, for example, the temperature inside a car with the windows opened slightly can reach 102 degrees within ten minutes. After 30 minutes, the temperature will reach 120 degrees. On hot and humid days, the temperature in a car parked in direct sunlight can rise more than 30 degrees per minute.

Additionally, a 2005 study by the Stanford University School of Medicine showed that temperatures inside cars can rise dramatically even on mild days. With outside temperatures as low as 72 degrees, researchers found that a car's interior temperature can heat up by an average of 40 degrees within an hour, with 80% of that increase in the first 30 minutes. A cracked window provides little relief from this oven effect. The Stanford researchers found that a cracked window had an insignificant effect on both the rate of heating and the final temperature after an hour.

With regard to the latter, Section 126.612(a)(8) allows longer periods of idling to prevent a health or safety emergency. We would be concerned that a school bus driver would not be equipped to make a determination whether the physical signs a special needs child is merely a manifestation of their disability or is in serious physical distress and in need of immediate emergency assistance. In any event, it is likely that vehicle operators and their employers will be in court defending citations on whether the situation rose to the level of an "emergency."

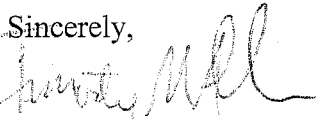
PSBA suggests that school bus drivers should be permitted to idle school buses for any length of time to ensure children with special needs are transported appropriately. We recommend that the regulations be clarified by mirroring Connecticut's statute that makes it clear that school buses may operate for any amount of time to accommodate special needs children. This will also prevent school bus operators and their employers from having to participate in needless legal proceedings to defend against vehicle citations.

Similarly, Section 126.612(a)(4) should be amended to allow for idling if needed to operate safety equipment. The language currently refers to mechanical or electrical equipment. With transportation of school student safety coming under increasing attention, we want to ensure that operation of bus flashing lights and other safety devices are included in the language in this section. Accordingly, we would suggest that the word "safety" be added following the word "mechanical" in this section. This eliminates any second-guessing by any interpreters of the regulations.

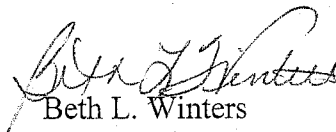
Finally, PSBA would note that we do support the language in section 126.612(11) that allows for idling when buses are queuing. This is a common sense exemption that allows for the efficient loading and unloading of students at school district buildings.

We appreciate your consideration of your comments. Kindly provide us with copies of any changes and the final regulations when adopted. If you have any questions, please contact Beth Winters at 717.506.2450 extension 3324.

Sincerely,



Timothy M. Allwein
Assistant Director for Governmental and
Member Services



Beth L. Winters
Director of Legislative Services