



THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 207, 305 and 3637 and Chapter 670 of the Laws of 2007

Subdivision (h) of section 156.3 of the Regulations of the Commissioner of Education is added, effective July 1, 2008, as follows:

(h) Idling school buses on school grounds.

(1) General provisions.

(i) Except as provided in paragraph (2) of this subdivision, each school district shall ensure that each driver of a school bus, as defined in Vehicle and Traffic Law section 142, or other vehicle owned, leased or contracted for by such school district, shall turn off the engine of such school bus or vehicle while waiting for passengers to load or off load on school grounds, or while such vehicle is parked or standing on school grounds or in front of or adjacent to any school.

(ii) School districts shall consider adopting policies which provide for the prompt loading and unloading of individual school buses rather than a policy of waiting for all buses to arrive before loading or unloading.

(2) Exceptions. Notwithstanding the provisions of paragraph (1) of this subdivision and unless otherwise required by State or local law, the idling of a school bus or vehicle engine may be permitted to the extent necessary to achieve the following purposes: (i) for mechanical work; or (ii) to maintain an appropriate temperature for passenger comfort; or (iii) in emergency evacuations where necessary to operate wheelchair lifts.

(3) Driver requirements. Each school district shall ensure that each driver of a school bus shall:

(i) instruct pupils on the necessity to board the school bus promptly in the afternoon in order to reduce loading time;

(ii) whenever possible, park the school bus diagonally in school loading areas to minimize the exhaust from adjacent buses that may enter the school bus and school buildings; and

(iii) turn off the bus engine during sporting or other events.

(4) Notice. Each school district shall annually provide their school personnel, no later than five school days after the start of school, with notice of the provisions of Education Law section 3637 and of this section, in a format prescribed and provided by the Commissioner to such school districts for dissemination.

(5) Monitoring and reports. Each school district shall periodically but at least semi-annually monitor compliance with the provisions of this subdivision by school bus drivers and drivers of vehicles owned, leased or contracted for by such school district. Each school district shall prepare a written report of such review, which shall describe the actions taken to review compliance and the degree of adherence found with the provisions of this subdivision. Copies of the report shall be retained in the school district's files for a period of six years and made available upon request. The Commissioner may also require specific school districts to provide additional information as necessary to address health concerns related to their compliance with the provisions of this subdivision.

(6) Private vendor transportation contracts. All contracts for pupil transportation services between a school district and a private vendor that are entered into on or after July 1, 2008, shall include a provision requiring such vendor's compliance with the provisions of this subdivision.

§ 3637. Idling school buses on school grounds

< [Expires and deemed repealed June 30, 2013, pursuant to L.2007, c. 670, § 2.] >

1. On or before July first, two thousand eight, the commissioner shall promulgate regulations requiring school districts to minimize, to the extent practicable, the idling of the engine of any school bus, as defined in section one hundred forty-two of the vehicle and traffic law, and other vehicles owned or leased by the school district while such bus or vehicle is parked or standing on school grounds, or in front of any school. Such regulations shall apply to school districts identified by the commissioner, in consultation with the department of health, with a significant number of children with asthma and those other school districts deemed by the commissioner as appropriate.
2. Such regulations shall include, but not be limited to, a requirement that the engines of all school buses and vehicles owned or leased by the school district be turned off while waiting for passengers to load or off load on school grounds. When necessary for heating, mechanical or emergency circumstances, the regulations may allow idling to the extent necessary to achieve such purpose. Provided, however, that such regulations shall not conflict with applicable state regulations and local laws.
3. School districts shall be required to annually provide their school personnel with notice of the provisions of this section, and the regulations promulgated pursuant to this section by the commissioner. The commissioner shall provide such notice for school districts to disseminate.

(Added L.2007, c. 670, § 1, eff. Aug. 28, 2007.)