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TO: District Superintendents
Superintendents of Schools
Transportation Directors

FROM: Marion Edick, State Director Pupil Transportation Services

SUBJECT: Idling School Buses on School Grounds

Chapter 670 of the Laws of 2007 enacted section 3637 of Education Law. It requires that all school districts ensure that every driver of a school bus or other school vehicle turn off the engine of the vehicle while waiting for passengers to load or off load. The law requires the Commissioner of Education to promulgate regulations requiring school districts to minimize, to the extent practicable, the idling of school vehicles. It provides for certain exceptions when necessary for heating, mechanical or emergency circumstances. It also requires school districts to annually provide to school personnel a notice of the provisions of the law and regulations. This memorandum will give an overview of the statute and regulations and the materials which have been developed for school districts to use as the annual notice to school employees.

General Provisions of Section 156.3 (h)

- Applies to all public school districts and covers all employees, not just school bus drivers, when they are driving ...
- Vehicles which are school district owned or leased, not just school buses.
- Includes contractor owned and operated school buses under contract with the district
- Requires the driver to turn off the engine while parked on school grounds, in front of a school, or adjacent to a school while loading or off loading passengers
- Encourages districts to adopt a policy requiring prompt loading and off loading of individual school buses rather than await the arrival of all buses

Exceptions – Limited idling may be permitted when it is necessary for the following reasons:

- Mechanical work
- Maintain an appropriate temperature for passenger comfort
- Emergency evacuations where necessary to operate wheelchair lifts

Requirements of School Bus Drivers

- Instruct pupils on the necessity to board the bus promptly to reduce loading time
- Park the school bus diagonally in loading areas to minimize the amount of exhaust from adjacent buses that may enter the school bus and school buildings
- Turn off the engine during sporting or other events

Additional School District Responsibilities

- Annually provide their school personnel with a notice of the provisions of Education Law section 3637 and Commissioner's Regulation section 156.3 (h)
- Notice shall be provided no later than 5 days after the start of school
- Format and materials for the notice will be supplied by the Commissioner

- Monitor the compliance of drivers with the requirements
- Prepare a written report describing the actions taken to review compliance and the degree of adherence found.
- Copies of the report to be maintained by the district for six years and provided to SED only upon request.
- Include a provision in all pupil transportation contracts entered into on or after July 1, 2008 that requires the vendor's compliance with the provisions of reducing idling

To assist school districts with compliance, the State Education Department has prepared materials for the annual notice to school personnel and for training school bus drivers. These materials have been posted on our website at: www.emsc.nysed.gov/schoolbus/anti-idling/home.html. School districts may meet the notice requirement by providing employees with a copy of Education Law section 3637 and Commissioner's Regulations 156.3 (h). As an alternative, districts may notify employees that the materials have been posted on all employee bulletin boards and the district website. To assist with training school bus drivers, we have updated a PowerPoint presentation that was part of our 2004 Professional Development Seminar and school bus driver refresher training. Other materials such as driver handouts, pledge cards and a reducing idling campaign logo are part of the 2004 School Bus Driver Refresher materials.

We invite you to join the State Education Department in a statewide effort to reduce idling, save money, and protect the health of our children.

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.