



Memorandum

To: Members of the House Transportation Committee

**From: Beth Winters, Director of Legislative Services
Timothy Allwein, Assistant Executive Director for
Governmental and Member Relations**

Date: April 9, 2008

Re: Senate Bill 295 – Anti-Idling Legislation

** Submitted
for transcript
after hearing
↳ not presented.*

The Pennsylvania School Boards Association (PSBA) respectfully submits this written testimony to the House Transportation Committee for its consideration. Our organization has concerns about Senate Bill 295 as well as similar anti-idling proposed rulemaking published in the Pennsylvania Bulletin, (Vol. 38, No. 2, January 12, 2008). Although some school districts have adopted anti-idling policies for their school vehicles and there are some exceptions that specifically address school district busing issues, there remain a few outstanding issues regarding transporting students that should be addressed.

One of our major concerns is that Senate Bill 295 does not allow 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 individuals may suggest that Senate Bill 295 allows for sufficient heating and air conditioning of vehicles under Section 3(b)(2) or 3(b)(9). The former subsection allows for idling to prevent safety emergencies and the latter provides for an additional 15 (fifteen) minutes of idling in a 60 minute time period. Neither provision is likely to be adequate for normal children much less for physically disabled children. With regard to the latter, 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 former section (Section 3(b)(2)), it 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 might make are merely a manifestation of their disability or an indication of 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.

Additionally, PSBA would note support for the language in section 3(b)(11) that allows for idling when buses are actively loading and unloading. We think that the regulatory language speaks to school buses queuing and should be inserted here to ensure consistent interpretation.

Finally, Section 5(b) provides for notification to the owner of the vehicle for an operator's conviction of a summary offense under this bill. We suggest that the notice should be provided promptly so that the owner, i.e. a school district, can be responsive. We would suggest that the notice to the owner should occur within 30 days of the conviction.

We appreciate your consideration of your comments. If you have any questions, please contact Beth Winters at 717.506.2450 extension 3324.

Sincerely,

Timothy M. Allwein
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Beth L. Winters
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