



New York City Administrative Code  
Title 24: Environmental Protection and Utilities  
Chapter 1: Air Pollution Control  
Subchapter 6: Emission Standards  
Section 24-163.9: Retrofitting of and Age Limitations on  
Diesel Fuel-Powered School Buses

- a. Definitions. For the purposes of this section only, the following terms shall have the following meanings:

“Department of education” means the New York city department of education, formerly known as the New York city board of education, and any successor agency or entity thereto, the expenses of which are paid in whole or in part from the city treasury.

“[School bus](#)” means any vehicle of the designation “[Type A bus](#),” “[Type B bus](#),” “[Type C bus](#),” or “[Type D bus](#),” as set forth in subdivisions x, y, z, and aa of section 720.1 of title seventeen of New York codes, rules and regulations, that is operated pursuant to a school bus contract and is used to transport children to or from any school located in the city of New York.

“School bus contract” means any agreement between any person and the department of education to transport children on a school bus.

- b. Diesel fuel-powered school buses shall utilize a closed crankcase ventilation system, selected from among the mobile sources devices identified and approved as part of the diesel retrofit verified technologies list by the United States environmental protection agency or the list of currently verified diesel emission control strategies by the California air resources board, to reduce engine emissions to the school bus cabin, in accordance with the following schedule:
- (1) fifty percent of diesel fuel-powered school buses used to fulfill each school bus contract shall be equipped with such a closed crankcase ventilation system by September 1, 2010;
  - (2) one hundred percent of diesel fuel-powered school buses used to fulfill each school bus contract shall be equipped with such a closed crankcase ventilation system by September 1, 2011;
- c. Notwithstanding subdivision b of this section, any diesel fuel-powered school bus of the designation "[Type A bus](#)" or "[Type B bus](#)," as set forth in subdivisions x and y of section 720.1 of title seventeen of New York codes, rules and regulations, with a pre-2007 engine model year shall utilize a closed crankcase ventilation system within six months of a finding by the United States environmental protection agency or the California air resources board that such technology is available for use in such bus and is available from the manufacturer, provided however, that such technology shall not be required to be installed if such bus is scheduled to be retired within twelve months of such finding pursuant to the schedule set forth in paragraph two of subdivision d of this section.

- d. (1) No diesel fuel-powered school bus of the designation "[Type A bus](#)" or "[Type B bus](#)," as set forth in subdivisions x and y of section 720.1 of title seventeen of New York codes, rules and regulations, with an engine model year of 2007 or later or that is utilizing a [closed crankcase ventilation system](#) pursuant to subdivision c of this section and no diesel fuel-powered school bus of the designation "[Type C bus](#)" or "[Type D bus](#)," as set forth in subdivisions z and aa of section 720.1 of title seventeen of New York codes, rules and regulations, shall be used to fulfill any school bus contract beyond the end of the sixteenth year from the date of manufacture, as noted on the vehicle registration, or the end of the school year in which that date falls, whichever is later.
- (2) Except for any "[Type A bus](#)" or "[Type B bus](#)" utilizing a [closed crankcase ventilation system](#) pursuant to subdivision c of this section, no diesel fuel-powered school bus of the designation "[Type A bus](#)" or "[Type B bus](#)," as set forth in subdivisions x and y of section 720.1 of title seventeen of New York codes, rules and regulations, with a pre-2007 engine model year shall be used to fulfill any school bus contract entered into pursuant to a request for proposals or request for bids issued after July 1, 2014 beyond the dates set forth in the following schedule:



- i. All 1997 engine model years, September 1, 2014;
- ii. All 1998 engine model years, September 1, 2015;
- iii. All 1999 engine model years, September 1, 2016;
- iv. All 2000 engine model years, September 1, 2017, and provided, further, that five percent of any contractor's "[Type A buses](#)" or "[Type B buses](#)" with 2001 through 2004 engine model years that are not utilizing a [closed crankcase ventilation system](#) pursuant to subdivision c of this section that are used to fulfill any school bus contract shall be replaced pursuant to subdivision e of this section by September 1, 2017;
- v. All 2001 engine model years, September 1, 2018, and provided, further that twenty percent of any contractor's "[Type A buses](#)" or "[Type B buses](#)" with 2002 through 2005 engine model years that are not utilizing a [closed crankcase ventilation system](#) pursuant to subdivision c of this section that are used to fulfill any school bus contract shall be replaced pursuant to subdivision e of this section by September 1, 2018;

- vi. All 2002 engine model years, September 1, 2019, and provided, further, that twenty percent of any contractor's "[Type A buses](#)" or "[Type B buses](#)" with 2003 through 2006 engine model years that are not utilizing a [closed crankcase ventilation system](#) pursuant to subdivision c of this section that are used to fulfill any school bus contract shall be replaced pursuant to subdivision e of this section by September 1, 2019;
  - vii. All 2003 through 2006 engine model years, September 1, 2020.
- e. School buses shall be replaced pursuant to subdivision d of this section with (1) a school bus meeting the most recent diesel engine emissions standards issued by the United States environmental protection agency, or (2) an all-electric, gasoline-powered, compressed natural gas, or hybrid school bus, as long as the particulate matter emissions of such school bus do not exceed emission levels permitted in the most recent diesel engine emissions standards issued by the United States environmental protection agency.
- f. No later than December 31, 2011, and no later than December 31 of every year thereafter, the department of education shall submit a report to the mayor and the speaker of the council on compliance with this section. Such report shall include, but not be limited to, data on the age and crankcase ventilation retrofit status of every school bus pursuant to a school bus contract. The department of education shall also perform yearly reviews on a sample of school buses from at least ten different vendors to verify the accuracy of data reported.

- g. This section shall not apply:
- (1) where federal or state funding precludes the city from imposing the requirements of this section;
  - (2) to purchases that are emergency procurements pursuant to section three hundred fifteen of the New York city charter; or
  - (3) where federal or state law prohibits the application of the requirements of this section.
- h. Any person who violates any provision of this section shall be liable for a civil penalty in accordance with section 24-178 of the code.
- i. Where a person has been found to have made a false claim with respect to the provisions of this section, such person shall be subject to enforcement pursuant to the provisions of chapter eight of title seven of the code.
- j. Nothing in this section shall be construed to limit the authority of the department of education or of the city of New York to cancel or terminate a contract, deny or withdraw approval to perform a subcontract or provide supplies, issue a non-responsibility finding, issue a non-responsiveness finding, deny a person or entity prequalification as a vendor, or otherwise deny a person or entity city business.