

108TH CONGRESS
2D SESSION

H. R. 3833

To direct the Secretary of Transportation to establish a pilot program to facilitate the use of natural gas buses at public airports through grants for energy demonstration and commercial application of energy technology, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2004

Mr. CROWLEY (for himself, Mr. LEWIS of Georgia, and Mr. OWENS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Transportation to establish a pilot program to facilitate the use of natural gas buses at public airports through grants for energy demonstration and commercial application of energy technology, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Airport Bus Act
5 of 2003”.

1 **SEC. 2. ESTABLISHMENT OF PILOT PROGRAM.**

2 (a) ESTABLISHMENT.—The Secretary of Transpor-
3 tation shall establish a pilot program for awarding grants
4 on a competitive basis to eligible entities for facilitating
5 the use of natural gas buses at public airports through
6 airport bus replacement and fleet expansion programs
7 under this section.

8 (b) REQUIREMENTS.—Not later than 3 months after
9 the date of enactment of this Act, the Secretary shall es-
10 tablish and publish in the Federal Register grant require-
11 ments on eligibility for assistance, and on management,
12 transfer, and ultimate disposition of buses, including cer-
13 tification requirements to ensure compliance with this Act.

14 (c) SOLICITATION.—Not later than 6 months after
15 the date of enactment of this Act, the Secretary shall so-
16 licit proposals for grants under this section.

17 (d) ELIGIBLE RECIPIENTS.—A grant shall be award-
18 ed under this section only to a public agency responsible
19 for bus service at a public airport.

20 (e) TYPES OF GRANTS.—

21 (1) IN GENERAL.—Grants under this section
22 may be for the purposes described in paragraph (2),
23 paragraph (3), or both.

24 (2) REPLACEMENT BUS GRANTS.—A grant
25 under this section may be used for the acquisition of
26 replacement buses pursuant to subsection (f).

1 (3) FLEET EXPANSION BUS GRANTS.—A grant
2 under this section may be used for the acquisition of
3 not more than 10 buses to expand a fleet of airport
4 buses at any single airport.

5 (f) REPLACEMENT BUS GRANTS.—

6 (1) REPLACEMENT.—For each bus acquired
7 under a replacement bus grant, 1 older model year
8 bus shall be retired from active service and crushed
9 as provided in paragraph (2).

10 (2) BUS ACQUISITION.—Buses acquired under a
11 replacement bus grant shall be acquired in the fol-
12 lowing order:

13 (A) First, new buses will replace buses
14 manufactured before model year 1977, and the
15 older buses replaced shall be crushed.

16 (B) If all buses manufactured before model
17 year 1977 owned or operated by the grant re-
18 cipient have been replaced, additional new buses
19 will replace diesel-powered buses manufactured
20 before model year 1991, which shall either—

21 (i) be crushed; or

22 (ii) be exchanged by the grant recipi-
23 ent for buses manufactured before model
24 year 1977 from another bus fleet, with
25 that bus then being crushed.

1 Exchanges made under subparagraph (B)(ii)
2 shall be made without profit or other economic
3 benefit to the grant recipient.

4 (3) PRIORITY OF GRANT APPLICATIONS.—The
5 Secretary shall give priority to awarding grants to
6 applicants emphasizing the replacement of buses
7 manufactured before model year 1977.

8 (g) CONDITIONS OF GRANT.—A grant provided under
9 this section shall include the following conditions:

10 (1) All buses acquired with funds provided
11 under the grant shall be operated as part of the air-
12 port bus fleet for which the grant was made for a
13 minimum of 5 years.

14 (2) Funds provided under the grant may only
15 be used—

16 (A) to pay the cost, except as provided in
17 paragraph (3), of new natural gas airport
18 buses, including State taxes and contract fees;
19 and

20 (B) to provide—

21 (i) up to 10 percent of the price of the
22 natural gas buses acquired, for necessary
23 natural gas infrastructure if the infrastruc-
24 ture will only be available to the grant re-
25 cipient; and

1 (ii) up to 15 percent of the price of
2 the natural gas buses acquired, for nec-
3 essary natural gas infrastructure if the in-
4 frastructure will be available to the grant
5 recipient and to other bus fleets.

6 (3) The grant recipient shall be required to pro-
7 vide—

8 (A) in the case of a replacement bus ac-
9 quired as described in subsection (f)(2)(A) to
10 replace a bus manufactured before model year
11 1977, 10 percent of the total cost of the bus,
12 but not more than \$10,000;

13 (B) in the case of a replacement bus ac-
14 quired as described in subsection (f)(2)(B)(ii)
15 to replace a diesel-powered bus manufactured
16 before model year 1991 for exchange for a bus
17 manufactured before model year 1977, 10 per-
18 cent of the total cost of the bus, but not more
19 than \$10,000; and

20 (C) in the case of a replacement bus ac-
21 quired as described in subsection (f)(2)(B)(i) to
22 replace a diesel-powered bus manufactured be-
23 fore model year 1991, 25 percent of the total
24 cost of the bus, but not more than \$25,000.

1 (h) BUSES.—Funding under a grant made under this
2 section may be used to acquire only new airport buses—

3 (1) with a gross vehicle weight of greater than
4 14,000 pounds;

5 (2) that are powered by a heavy duty engine;

6 (3) that emit not more than—

7 (A) for buses manufactured in model years
8 2001 and 2002, 2.5 grams per brake horse-
9 power-hour of nonmethane hydrocarbons and
10 oxides of nitrogen and .01 grams per brake
11 horsepower-hour of particulate matter; and

12 (B) for buses manufactured in model years
13 2003 through 2006, 1.8 grams per brake horse-
14 power-hour of nonmethane hydrocarbons and
15 oxides of nitrogen and .01 grams per brake
16 horsepower-hour of particulate matter; and

17 (4) that are powered substantially by electricity
18 (including electricity supplied by a fuel cell), or by
19 liquefied natural gas, compressed natural gas, lique-
20 fied petroleum gas, hydrogen, propane, or methanol
21 or ethanol at no less than 85 percent by volume.

22 (i) DEPLOYMENT AND DISTRIBUTION.—The Sec-
23 retary shall seek to the maximum extent practicable to
24 achieve nationwide deployment of natural gas airport
25 buses through the program under this section, and shall

1 ensure a broad geographic distribution of grant awards,
2 with a goal of no State receiving more than 10 percent
3 of the grant funding made available under this section for
4 a fiscal year.

5 **SEC. 3. FUEL CELL BUS DEVELOPMENT AND DEMONSTRATION PROGRAM.**
6

7 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
8 of Transportation shall establish a program for entering
9 into cooperative agreements with private sector fuel cell
10 bus developers for the development of fuel cell-powered
11 airport buses, and subsequently with not less than 2 public
12 agencies using natural gas-powered airport buses and such
13 private sector fuel cell bus developers to demonstrate the
14 use of fuel cell-powered airport buses.

15 (b) COST SHARING.—The non-Federal contribution
16 for activities funded under this section shall be not less
17 than—

18 (1) 20 percent for fuel infrastructure develop-
19 ment activities; and

20 (2) 50 percent for demonstration activities and
21 for development activities not described in paragraph
22 (1).

23 (c) FUNDING.—No more than \$25,000,000 of the
24 amounts authorized under section 5 may be used for car-

1 rying out this section for the period encompassing fiscal
2 years 2004 through 2008.

3 (d) REPORTS TO CONGRESS.—

4 (1) INITIAL REPORT.—Not later than 3 years
5 after the date of enactment of this Act, the Sec-
6 retary shall transmit to Congress a report that—

7 (A) evaluates the process of converting
8 natural gas infrastructure to accommodate fuel
9 cell-powered airport buses; and

10 (B) assesses the results of the development
11 and demonstration program under this section.

12 (2) UPDATED REPORT.—Not later than October
13 1, 2006, the Secretary shall transmit to Congress a
14 updated version of the report transmitted under
15 paragraph (1).

16 **SEC. 4. DEFINITIONS.**

17 In this Act, the following definitions apply:

18 (1) AIRPORT BUS.—The term “airport bus”
19 means a bus operated by a public agency to provide
20 transportation between the facilities of a public air-
21 port.

22 (2) PUBLIC AIRPORT.—The term “public air-
23 port” has the meaning such term has under section
24 47102 of title 49, United States Code.

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Sec-
3 retary of Transportation for carrying out this Act—

4 (1) \$40,000,000 for fiscal year 2004;

5 (2) \$50,000,000 for fiscal year 2005;

6 (3) \$60,000,000 for fiscal year 2006;

7 (4) \$70,000,000 for fiscal year 2007; and

8 (5) \$80,000,000 for fiscal year 2008.

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