Vote Record

Committee on Transportation and Information Infrastructure

Date: 3/3/04 SB 436

Moved by: Leibham Seconded by: Kedzie

AB ____ SB 436 Clearinghouse Rule ____

AJR ____ SJR ____ Appointment ____

AR ____ SR ____ Other ____

A/S Amdt ____

A/S Amdt ____ to A/S Amdt ____

A/S Sub Amdt ____

A/S Amdt ____ to A/S Sub Amdt ____

A/S Amdt ____ to A/S Amdt ____ to A/S Sub Amdt ____

Be recommended for: SA 1

☒ Passage ☒ Adoption ☐ Confirmation ☐ Concurrence ☐ Indefinite Postponement

☒ Introduction ☐ Rejection ☐ Tabling ☐ Nonconcurrence

Committee Member	Aye	No	Absent	Not Voting
Senator Joseph Leibham, Chair	☒	☐	☐	☐
Senator Ted Kanavas	☐	☐	☐	☐
Senator Neal Kedzie	☒	☐	☐	☐
Senator Roger Breske	☒	☐	☐	☐
Senator Mark Meyer	☒	☐	☐	☐
Totals:	4			

☒ Motion Carried ☐ Motion Failed

Vote Record

Committee on Transportation and Information Infrastructure

Date: 3/3/04

Bill Number: SB 436 SB 436

Moved by: Leibham Seconded by: Kedzie

Motion:

intro & adopt

SA 2

Committee Member	Aye	No	Absent	Not Voting
Senator Joseph Leibham, Chair	☒	☐	☐	☐
Senator Ted Kanavas	☐	☐	☐	☐
Senator Neal Kedzie	☒	☐	☐	☐
Senator Roger Breske	☒	☐	☐	☐
Senator Mark Meyer	☒	☐	☐	☐
Totals:	4			

☒ Motion Carried ☐ Motion Failed

Vote Record

Committee on Transportation and Information Infrastructure

Date: 2/3/04 SB 436

Bill Number: SB 436

Moved by: Breske Seconded by: Kedzie

Motion:

PASSAGE AS AMEND

Committee Member	Aye	No	Absent	Not Voting
Senator Joseph Leibham, Chair	☒	☐	☐	☐
Senator Ted Kanavas	☐	☐	☐	☐
Senator Neal Kedzie	☒	☐	☐	☐
Senator Roger Breske	☒	☐	☐	☐
Senator Mark Meyer	☒	☒	☐	☐
Totals:	3	1		

☒ Motion Carried ☐ Motion Failed

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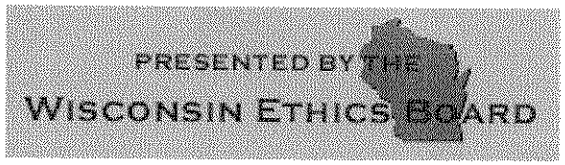

as of Tuesday, February 10, 2004

2003-2004 legislative session

Legislative bills and resolutions

(search for another legislative bill or resolution at the bottom of this page)

Text, Sponsors and Analysis
Status and Fiscal Estimate
Lobbying Effort on this item

Senate Bill 436

motor vehicle emission inspections. (FE)

No organization has reported lobbying activity on Senate Bill 436 2003 Regular Session.

Select a legislative proposal and click "go"

House Assembly / Senate

Proposal Type Bill / Joint Resolution / Resolution

Proposal Number 436 (enter proposal number)

Legislative Session 2003 Regular Session

Go

Wisconsin DNR Testimony on
SB 436
for the
Assembly and Senate
Joint Public Hearing
Assembly Committee on Transportation
Senate Committee on Transportation and Information Infrastructure
February 11, 2004

The Department of Natural Resources is happy to provide testimony on SB 436 that will make changes to the motor vehicle inspection and maintenance (I/M) program in Southeastern Wisconsin.

The purpose of this proposed legislation is to delay testing for two additional newer model years of vehicles. For instance, model year 2004 vehicles would not be tested until 2007 and 2005 model year vehicles would not be tested until 2008, etc. Under the current law, 2004 model year vehicles would be tested in 2005. The net effect of this change is to reduce the number of vehicles tested each year by about 100,000 or about 13% of testable fleet of vehicles. While we understand that reducing the size of the testable fleet will reduce the program costs and may increase customer satisfaction with the program, we have a number of concerns with the change in the law.

1. As a result in the change to the testable fleet, there is an increase in emissions of 0.08 tons/day of VOC and 0.03 tons/day of NOx. Ten counties in Eastern Wisconsin will be nonattainment areas for the 8-hour ozone standard. We need all the emission reduction that we can get to bring these areas into attainment. EPA has just proposed an Interstate Air Quality Rule to control the interstate transport of ozone and fine-particles. EPA's analysis shows that Kenosha and Sheboygan Counties will remain nonattainment areas, even after full implementation of both phases of the Interstate Air Quality Rule. We can not increase emissions in Eastern Wisconsin without compensating by reducing emissions from some other source such as industry or another mobile source program. Those additional programs will have to become effective by the end of 2006 to be incorporated in our attainment demonstration for the 8-hour standard. To put this emission increase in perspective, our rule to control VOC emissions at foundries resulted in a net reduction of 0.05 tons/day. In a following section in our testimony, we will provide several suggestions for legislative initiatives to make-up for the emissions increase resulting from this bill.

2. The motor vehicle inspection and maintenance program is a key tool to keep motor vehicle emissions in check. The Southeastern Wisconsin Regional Planning Commission and the Bay Lake Regional Planning Commission must demonstrate that the motor vehicle emissions in their respective areas are less than a limit (conformity budget) established in the State's air quality plan. While we had the foresight to include a safety margin in the motor vehicle conformity

budgets, any increase in vehicle emissions erodes the safety margins for the metropolitan planning organizations.

3. Many motor vehicle emission control parts have a 2 year or 24,000 mile warranty. Malfunctioning emission control parts in newer vehicles identified in the current test procedures can be replaced under vehicle warranties. With this proposed testing delay, many of the failed parts will not be identified in time to make those repairs under the vehicles' warranty.

4. Under the federal Clean Air Act, Wisconsin is required to operate a low-enhanced motor vehicle inspection maintenance program. While we will continue to meet the low-enhanced program standard after this change to the testable fleet, implementation of the provisions in this bill may put us close to non-compliance with the low-enhance test standard.

Before the legislature acts on this bill, we recommend that the legislature consider several options for mitigating the increase in VOC and NOx emissions as a result of adopting this bill. We would be happy to work with the legislature to explore any options for emission reductions to offset the emissions increase from the change in testing procedures. Along those lines, we have four suggestions for the legislature to consider.

1. Our first suggestion is to use 10% of the savings, or about $420,000, from the change in the testable fleet to install oxidation catalyst mufflers on approximately 300 school buses in Eastern Wisconsin. The Department of Natural Resources already has a grant through the Congestion Mitigation Air Quality program to install this equipment on 375 school buses in the ozone nonattainment and maintenance areas. Therefore, the DNR is already geared-up to handle this project and we could easily accommodate additional funding for this project. This suggestion mitigates the conformity issue as well as addressing the 8-hour ozone standard. Additionally, the school bus initiative is particularly attractive, since it reduces pollutant exposure for young children that are particularly sensitive to air pollution. This option mitigates all of the emissions increase from the change in the testable fleet.

2. The second option is to add vehicles in the 10,000 to 14,000 pound category to the vehicles to be tested in the I/M program. Compared to the number of passenger vehicles affected by this proposed change to the testable fleet, there are far fewer of these heavier vehicles, but on per vehicle basis their emissions are much greater. The State would still have reduced I/M program costs from the reduction in the testable fleet and there would still be an improvement in customer satisfaction with the I/M program. Including the larger vehicles in testing does not fully compensate for the increase in emissions from the smaller vehicles, but it does help. Testing the heavier vehicles would decrease VOC emissions by 0.02 tons/day and NOx emissions by 0.003 tons/day. Since our proposal affects the motor vehicle budget and the I/M program in particular, this mitigation strategy partially addresses concerns with the 8-hour ozone standard, the transportation

conformity budgets for the municipal planning organizations, and the low-enhanced I/M program standard.

3. Our third suggestion addresses emissions from heavy-duty diesel engines related to construction. DNR has been working with DOT and the Wisconsin Transportation Builders for the past year to find a way to mitigate the air quality effects of rebuilding of the Marquette Interchange in Milwaukee. While we have agreed to some simpler strategies, such as no idling for trucks waiting in the queue near the project or on-road diesel fuel for off-road equipment, we have not been able to address more significant emission reduction strategies due to the lack of funding. We suggest using a small portion 2.5 % of the savings from the change in the testable fleet to retrofit trucks servicing the Marquette rebuild project with oxidation catalysts. We suggest retrofitting dump trucks, or other vehicles that would bring "supplies" to the project or haul "waste" from the project. Since these "delivery" vehicles will often put on 60,000 miles per year in the ozone nonattainment area, we would need only to retrofit about 75 vehicles. This suggestion mitigates the conformity issue as well as addressing our concerns with the 8-hour ozone standard. This option mitigates all of the emissions increase from the change in the testable fleet.

4. Our fourth suggestion is to use 3% of the savings from the change to the testable fleet to install the oxidation catalyst mufflers on 100 municipal diesel powered vehicles in Eastern Wisconsin. This could include transit buses, garbage trucks or dump trucks. This suggestion is attractive since it mitigates the conformity issue as well as addressing the 8-hour ozone standard and reduces pollutant exposure in residential areas. Also, all of the retrofitted vehicles would be government owned. This option mitigates all of the emissions increase from the change in the testable fleet.

We appreciate the opportunity to provide testimony on this bill and we would be happy to work with the legislature on formulating any emission reduction strategy to compensate for the increase in emissions.

State Representative

Samantha J. Kerkman

Testimony of Representative Samantha Kerkman

SB 436/AB 832

Assembly Committee on Transportation

Senate Committee on Transportation and Information Infrastructure

February 11, 2004

Thank you for the opportunity to speak before you today regarding Senate Bill 436 and my companion legislation Assembly Bill 832. I am thrilled that Senator Leibham saw fit to introduce Senate Bill 436, as emissions' testing has been a touchy subject in southeast Wisconsin as well.

As a lifelong resident of southeast Wisconsin I have not only have participated in the emissions testing, but also received many calls from constituents with complaints about the procedure. In addition to these personal experiences, I also serve on the Audit Committee and was briefed on the subject during their 2002 audit.

In the Legislative Audit Bureau report they cite that Wisconsin's emissions testing program is more stringent than the model developed by the Environmental Protection Agency. These bills take a common sense approach to ensuring that we continue to work towards cleaner air while, at the same time, ensuring that constituents are not overburdened by unnecessary testing. According to the Legislative Audit Bureau the failure rate of testing for the four newest model years is only 1.7 percent. By making this change we will see 108,563 fewer tests, and only 704 failed tests being "missed." This minimal failure rate hardly justifies the time, expense, vehicle repairs and additional effort for the state and its drivers. In addition to making this logical change, we will be aligning ourselves with Illinois, Indiana, Maryland, Connecticut and California. These states also exempt the four newest model years.

Again, thank you for your time and consideration of this legislation. I believe that Senate Bill 436 and Assembly Bill 832 will provide the desired results, while at the same time, not sacrificing our environment. At this time I would be more than happy to answer any questions.

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Joe Leibham

STATE SENATOR

SB 436/ AB 832 Testimony – February 11, 2004
Joint Hearing
Senate Committee on Transportation and Information Infrastructure
Assembly Committee on Transportation

Good morning Chairman Ainsworth and members of the Assembly Committee on Transportation & Senate Committee on Transportation and Information Infrastructure. I appreciate your willingness to allow me to testify here today with State Representative Samantha Kerkman, who is joining me in co-authoring Senate Bill 436 & Assembly Bill 832.

SB 436 & AB 832 seek to make logical changes to the Wisconsin Vehicle Inspection Program (Program) that currently operates in seven southeastern Wisconsin counties including, Sheboygan, Kenosha, Milwaukee, Ozaukee, Racine, Washington, and Waukesha.

Under current law the Department of Transportation (DOT) is required to conduct a motor vehicle emission inspection program in counties in which the air quality does not meet certain federal standards. The primary goals of the Program are to identify and repair vehicles emitting excessive amounts of targeted air pollutants – carbon monoxide (CO), nitrogen oxides (NOx) and volatile organic compounds (VOCs). The program also reduces emissions of particulate matter and toxic chemicals such as benzene, 1-3 butadiene and formaldehyde.

In 2002, at the request of concerned and frustrated constituents who are burdened by the program and question its effectiveness, I requested an audit of the Program. The audit revealed many interesting and informative facts.

First, the audit revealed that our overall Program is more stringent than the model developed and required by the Environmental Protection Agency (EPA). A second interesting finding of the audit revealed a low failure rate for many vehicles that we currently test.

Specifically, under the current Program, most motor vehicles that are subject to emission limitations established by the Department of Natural Resources (DNR) must undergo emission inspections during the second year following the vehicle's model year and every two years thereafter.

The audit revealed that the failure rate for vehicles 4 years old and newer is only 1.7 percent. That's right, hundreds of thousand of vehicles are tested every two-years and less than two percent are found to be in violation.

SB 436/ AB 832 seek to make logical changes to our Program by extending the exemption of vehicles subject to vehicle emissions testing to automobiles that are 4-years old and newer. Vehicles would receive their first emissions test in the fourth year after their model year.

In May of 2003 the Wisconsin Department of Natural Resources (DNR) and the Wisconsin Department of Transportation (WisDOT) prepared an *Evaluation of Wisconsin's Vehicle Inspection Program.* In the report, the proposed changes of SB 436 & AB 832 were addressed.

(over)

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In the report, the DNR estimates that the proposed Program changes would reduce the Program's emission reductions by 0.08 ton of VOCs, 0.03 ton of NOx, and 0.89 ton of CO per summer weekday in 2007. The report also indicated that had a three-year exemption, as proposed by the bills, been in effect in 2002, the annual test volume would have decreased by 13.3 percent (roughly 678,000 tests instead of 782,000 tests). Unless future vehicle fleets in southeastern Wisconsin have age profiles that differ significantly from the 2002 fleet's age profile, this program change would continue to reduce annual test volumes by about 13 percent.

The report, again produced by the DNR and WisDOT, goes on to say, "Overall, exempting the two additional newest model year vehicles from emissions testing would increase customer satisfaction among newer vehicle owners, have little impact on emissions reductions achieved through the program, and save money. WisDOT estimates that this measure could reduce program costs by up to $5,500,000 over the 67-month term of its existing contract.

I hope you will join Representative Samantha Kerkman and me and the 26 other co-sponsors in making this logical change that will improve customer satisfaction and save our state money while having little impact on the quality of our air.

At this time I wish to hand things over to the Assembly co-author of this bill, Representative Samantha Kerkman, and stand ready for any questions you may have following her remarks. Thank you!