

SFGate.com**School bus company to fix or replace all its diesel vehicles**Bob Egelko, Chronicle Staff Writer
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The second-largest school bus company in California has agreed to repair or replace buses that allegedly expose children to diesel exhaust and respiratory problems - in leaky passenger cabins.

In a proposed settlement filed Tuesday in San Francisco Superior Court, Durham School Services pledged to replace all its buses in the state with low-emissions engines, by 2014. During the upgrade, which is to start by the end of this year, the company agreed to post notices in buses about the risks from diesel fumes, as required by California's toxics disclosure law, Proposition 65.

The suit, filed last year against Durham and another major school bus operator, Laidlaw Transit Co., alleged that some of the highest levels of diesel exhaust are found in the private buses that carry 1 million California students to and from school each day. About half the buses in the state were more than 15 years old as of 2003, making them vulnerable to cracks in the chassis that allow fumes into the cabin, the suit said.

Diesel exhaust, a mixture of gases and particles, was listed as a carcinogen by the state in 1990, and can also contribute to asthma and other respiratory problems. Lawyers for the plaintiffs said the settlement would reduce diesel emissions from Durham's buses by more than 85 percent.

Durham, based in Illinois, operates about 10,000 school buses in 22 states, according to its Web site.

"While (the settlement) ultimately reduces the amount of diesel some children breathe, it also gives families and the public the truth about diesel buses, information parents throughout California can use to demand their school districts provide clean school buses to all California children," said Shana Lazerow, a lawyer with Communities for a Better Environment.

The allegations were strongly disputed, however, by the remaining defendant in the case, Laidlaw, the largest school bus company in California and the nation. At a hearing next month before Judge Ernest Goldsmith, Laidlaw will argue for dismissal of the suit, while the plaintiffs will seek an injunction requiring cancer warnings on Laidlaw's diesel-powered buses.

"School buses are by far the safest means of getting your kids to and from school, safer than walking, safer than bicycling, safer than cars," said Mark Fogelman, a lawyer for Laidlaw. "Although there is an alleged risk from diesel engine exhaust, which we believe does not exist, the risk of serious injury and death if you scare kids off school buses by warnings is far greater."

The plaintiffs said Laidlaw was offered \$1.7 million by the Bay Area Air Quality Management District to retrofit 100 school buses in Richmond but turned it down. Fogelman said the funding came with conditions that "would have made it difficult for Laidlaw to do business."

E-mail Bob Egelko at beigelko@sfchronicle.com.

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