

US EPA ARCHIVE DOCUMENT

Compendium of Regulatory Language of U.S. Idle Ordinances and Laws

(February 2009)

Compiled by:



Beginning with EPA's model state idling law, this document presents the regulatory language for all known city, county, multi-jurisdictional, and statewide idle laws across the United States. The regulatory language presented represents idle laws as incorporated by the controlling authority at the time of collation. These laws vary in their prescribed maximum idle times, number and type of exceptions, and geographic scope. They are presented so that an interested party can use these laws to help guide creation of idle laws that suit their area.

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U.S. Environmental Protection Agency

MODEL STATE IDLING LAW

(a) **PURPOSE:** The purpose of this law is to protect public health and the environment by reducing emissions while conserving fuel and maintaining adequate rest and safety of all drivers of diesel vehicles.

(b) **APPLICABILITY:** This law applies to commercial diesel vehicles which are designed to operate on highways (as defined under 40 CFR 390.5), and to locations where commercial diesel vehicles load or unload (hereinafter referred to as “load/unload locations”).

(c) **GENERAL REQUIREMENT FOR LOAD/UNLOAD LOCATIONS:** No load/unload location owner shall cause vehicles covered by this rule to idle for a period greater than 30 minutes while waiting to load or unload at a location under their control.

(d) **GENERAL REQUIREMENT FOR VEHICLES:** No owner or operator of a vehicle shall cause or permit vehicles covered by this rule to idle for more than 5 minutes in any 60 minute period except as noted in sections (e) and (f), and except as provided in section (c) in the case of a load/unload location.

(e) **EXEMPTIONS:** Section (d) does not apply for the period or periods where:

(1) a vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official.

(2) a vehicle idles when operating defrosters, heaters, air conditioners, or installing equipment solely to prevent a safety or health emergency, and not as part of a rest period.

(3) a police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator.

(4) the primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is required for such activity.

(5) a vehicle idles as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection.

(6) idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate non-essential on-board equipment.

(7) an armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.

(f) **CONDITIONAL EXEMPTIONS:** Subsection (d) does not apply for the period or periods where:

(1) a passenger bus idles a maximum of 15 minutes in any 60 minute period to maintain passenger comfort while non-driver passengers are onboard. The exemption expires (x) years after implementing a state financial assistance program for idle reduction technologies or strategies.

(2) an occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during rest or sleep period, until (x) years after implementing a state financial assistance program for idle reduction technologies or strategies, whereupon this exemption expires.

(3) an occupied vehicle idles for purposes of air conditioning or heating while waiting to load or unload, until (x) years after implementing a state financial assistance program for idle reduction technologies or strategies, whereupon this exemption expires.

(4) a vehicle idles due to mechanical difficulties over which the driver has no control; PROVIDED that the vehicle owner submits the repair paperwork or product receipt (by mail; within (x) days) to the appropriate authority verifying that the mechanical problem has been fixed.

(g) AUXILIARY POWER UNITS: Operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine is not an idling engine.

(1) operating an auxiliary power unit or generator set on all model year 2006 or older commercial diesel vehicles is permitted.

(2) *[reserved for sub- section on operating an auxiliary power unit or generator set on 2007 and subsequent model year commercial vehicles.]*

(h) PENALTIES: The owner and/or operator of a vehicle, and/or the owner of a load/unload location, that is in violation of this law is responsible for penalties as follows.

(1) First offense: warning ticket issued to vehicle driver and owner, and where applicable, the load/unload facility owner.

(2) Second and subsequent offenses: \$150 citation is issued to the vehicle driver; and/or, \$500 citation issued to the registered vehicle owner or load/unload location owner.

**MARICOPA COUNTY
VEHICLE IDLING RESTRICTION ORDINANCE**

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Adopted 6/26/2002

**MARICOPA COUNTY
VEHICLE IDLING RESTRICTION ORDINANCE**

SECTION 1 - GENERAL

- A. PURPOSE:** The Vehicle Idling Restriction Ordinance restricts, from idling for more than five (5) consecutive minutes, any device or combination of devices that meets all of the following criteria:
1. designed with a gross vehicle weight rating of more than 14,000 pounds; and
 2. required under Arizona law (Arizona Revised Statute [ARS] Title 28 Chapters 7 and 9) to be registered; and
 3. designed to operate on public highways; and
 4. powered by a diesel engine.
- B. APPLICABILITY:** This Vehicle Idling Restriction Ordinance applies to vehicle idling within Maricopa County.

SECTION 2 - DEFINITIONS: For the purpose of this ordinance, the following definitions shall apply:

- A. COMBINATION OF DEVICES –** The coupling of two or more pieces of equipment that consist of the device which contains the diesel engine and an attached piece of equipment, which includes but is not limited to a trailer, cement mixer, refrigeration unit or automobile.
- B. DISTRIBUTION CENTER –** A place with multiple bays where vehicles load or unload materials.
- C. GROSS VEHICLE WEIGHT RATING –** The maximum vehicle weight for which the vehicle is designed as established by the manufacturer.¹
- D. IDLING –** The operation of a diesel engine when the engine is not engaged in gear.²
- E. POWER TAKE OFF (PTO) MECHANISM –** A unit that provides power from the engine to a trailer or other equipment.

¹ Mirrors the definition in R18-2-1001.36.

² Federal definition: "Curb-idle" means: (1) For manual transmission code light-duty trucks, the engine speed with the transmission in neutral or with the clutch disengaged. For automatic transmission code light-duty trucks, curb-idle means the engine speed with the automatic transmission in the Park position (or Neutral position if there is no Park position); (2) For manual transmission code heavy-duty engines, the manufacturer's recommended engine speed with the clutch disengaged. For automatic transmission code heavy-duty engines, curb idle means the manufacturer's recommended engine speed with the automatic transmission in gear and the output shaft stalled.

- F. PRIMARY PROPULSION ENGINE** – Any engine for which the primary function is to provide mechanical power to propel or direct a vehicle, regardless of whether that power is applied directly to the propeller shaft or indirectly by way of an electrical system.
- G. TRUCK STOP** – A place of business that provides services to drivers and their vehicles in which the service time may exceed one (1) hour.
- H. VEHICLE** – Any device or combination of devices with a gross vehicle weight rating of more than 14,000 pounds, required under Arizona law (ARS Title 28 Chapters 7 and 9) to be registered, designed to operate on public highways and powered by a diesel engine.³

3 Note: AAC R18-2-101(69): "motor vehicle" means any self-propelled vehicle designed or transporting persons or property on public highways;

ARS 44-1301: "motor vehicle" means any automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination or other vehicle operated on the roads of this state, used to transport person or property and propelled by power other than muscular power, but motor vehicle does not include traction engines, vehicles that run only on a track, bicycles or mopeds;

ARS 49-541(16): "Vehicle" means any automobile, truck, truck tractor, motor bus or self-propelled or motor-driven vehicle registered or to be registered in this state and used upon the public highways of this state for the purpose of transporting persons or property, except implements of husbandry, road rollers or road machinery temporarily operated upon the highway.

ARS 49-581: "Motor vehicle" means any self-propelled vehicle including a car, van, bus or motorcycle and all other motorized vehicles;

ARS 28-101(29): "Motor vehicle": (a) means either: (i) A self-propelled vehicle; (ii) For the purposes of the laws relating to the imposition of a tax on motor vehicle fuel, a vehicle that is operated on the highways of this state and that is propelled by the use of motor vehicle fuel. (b) Does not include a motorized wheelchair or a motorized skateboard. For the purposes of this subdivision: (i) "motorized wheelchair" means a self-propelled wheelchair that is used by a person for mobility. (ii) "motorized skateboard" means a self-propelled device that has a motor, a deck on which a person may ride and at least two tandem wheel in contact with the ground.

ARS 28-101(50): "Truck" means a motor vehicle designed or used primarily for the carrying of property other than the effects of the driver or passengers and includes a motor vehicle to which has been added a box, a platform or other equipment for such carrying.

ARS 28-101 (51): "Truck tractor" means a motor vehicle that is designed and used primarily for drawing other vehicles and that is not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

ARS 28-101 (52): "Vehicle" means a device in, on or by which a person or property is or may be transported or drawn on a public highway, excluding devices moved by human power or used exclusively on stationary rails or tracks.

ARS 28-101 (53): "Vehicle transporter" means either: (a) A truck tractor capable of carrying a load and drawing a semitrailer; (b) A truck tractor with a stinger-steered fifth wheel capable of carrying a load and drawing a semitrailer or a truck tractor with a dolly mounted fifth wheel that is securely fastened to the truck tractor at two or more points and that is capable of carrying a load and drawing a semitrailer.

R17-4-435: "Motor carrier" as defined in ARS § 28-5201 except a motor carrier transporting passengers for hire in a vehicle with a design capacity of 6 or fewer persons.

ARS 28-5201: "Motor vehicle" means a self-propelled motor driven vehicle or vehicle combination, except a lightweight motor vehicle, that is used on a public highway in the furtherance of a commercial enterprise.

In research done by ADEQ, no definitions exist for "heavy duty motor vehicle," or "heavy duty diesel engine."

SECTION 3 – REQUIREMENTS

- A. **ORDINANCE** – No owner or operator of a vehicle shall permit the engine of such vehicle to idle for more than five (5) consecutive minutes except as provided in Section 4 (Exemptions) of this ordinance.
- B. **VIOLATION** – Any owner or operator who violates this ordinance is subject to a civil penalty of \$100 for the first violation and \$300 for a second or any subsequent violation.⁴
- C. **SIGN** – Each truck stop owner or operator and distribution center owner or operator shall erect and maintain a permanent sign(s) that is at least 12 inches by 18 inches in size indicating that the maximum idle time allowed in Maricopa County is 5 minutes. The sign(s) shall be posted in a conspicuous location, near the dispatcher, if applicable. In addition to the above, the sign shall at a minimum contain language outlining the following:
 1. The County's vehicle idling information line, and
 2. The amount of money the violator will be fined.

SECTION 4 – EXEMPTIONS: This ordinance shall not apply when:

- A. A vehicle is forced to remain motionless because of traffic or adverse weather conditions affecting the safe operation of the vehicle.
- B. A vehicle is being operated for emergency or law enforcement purposes.
- C. The primary propulsion engine of a vehicle meets all of the following criteria:
 1. is providing a power source necessary for mechanical operations other than propulsion; and
 2. involves a power take off (PTO) mechanism, or other mechanical device performing the same function as a PTO; and
 3. is powered by the engine for:
 - a. loading and unloading cargo, or
 - b. mixing or processing cargo, or
 - c. controlling cargo temperature, or
 - d. providing a mechanical extension to perform work functions.
- D. The primary propulsion engine of a vehicle is being operated at idle to conform to manufacturer's warm up and cool down specifications, for maintenance or diagnostic purposes, or by manufacturers engaging the engines in testing for research and development.

⁴ Attorney General's Office (AGO) interpretation is that ARS Title 28 allows any law enforcement officer to enforce ARS 11-876, which authorized this ordinance, on private and/or public property.

- E. The primary propulsion engine of a vehicle is being operated to supply heat or air conditioning necessary for passenger comfort/safety in those vehicles operating for commercial passenger transportation or school purposes up to a maximum of 30 minutes/hour. If ambient temperatures exceed 75 degrees Fahrenheit, passenger buses are allowed to idle up to a maximum of 60 minutes in any 90-minute time period.

- F. The primary propulsion engine of a vehicle is being operated to comply with the U.S. Code of Federal Regulation 49 CFR Part 395 and the Arizona Department Of Transportation (DOT) regulation R17-5-202 referencing hours of service restrictions.

Placer County Code

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[Chapter 10 VEHICLES AND TRAFFIC](#)

Article 10.14 LIMITATION ON ENGINE IDLING**10.14.010 Findings and purpose.**

The Placer County board of supervisors finds that:

A. Air pollution is a major public health concern in California. The Sacramento region is currently designated as non-attainment for the one-hour federal ozone standard, as well as the more stringent state ozone standard. Air pollution can cause or aggravate lung illnesses such as acute respiratory infections, asthma, chronic bronchitis, emphysema, and lung cancer. In addition to health impacts, air pollution imposes significant economic costs and negative impacts on our quality of life (nuisance).

B. Exhaust from vehicles (both on- and off-road) is a substantial source of ozone precursors in the Sacramento region. Vehicle exhaust is also a source of carbon monoxide, particulate matter, toxic air contaminants, and greenhouse gases. Although new engines have become cleaner due to improved emission control technologies; the slow turn over in their inventory and the number of miles/hours these vehicles idle each year is hindering progress in improving regional air quality.

C. Public agencies can play an important role in improving air quality by limiting the amount of time engines are allowed to idle within their jurisdiction. Public agencies have the responsibility to lead the effort to improve air quality by adopting ordinances that are cost effective in reducing ozone precursor emissions and toxic air contaminants. This article is based on and derived from the Sacramento Ozone Summit Model Engine Idling Ordinance.

D. A study of idling exhaust emissions conducted by the U.S. Environmental Protection Agency (EPA420-R-02-025, October 2002) indicates that a typical 1980s-2001 model year truck operating on diesel fuel emits one hundred forty-four (144) grams per hour of nitrogen oxide and eight thousand, two hundred twenty-four (8,224) grams per hour of carbon dioxide emissions and consumes about 0.82 gallons of diesel fuel while idling.

E. TIAX, a consultant for the Sacramento Metropolitan Air Quality Management District, estimated idling exhaust emissions from heavy heavy duty diesel trucks (HHDV), medium heavy duty diesel trucks (MHDV) and off road construction equipment to be 2.3 tons per day of nitrogen oxide emissions and .23 tons per day of reactive organic gas emissions. (Control Measures OFMS 52 and ONMS 45, April 2003). The maximum emissions reductions from full implementation of the Limitation on Engine Idling Ordinance in the Sacramento region was estimated to be 1.725 tons per day of nitrogen oxides emissions and .173 tons per day of reactive organic gas emissions (assuming a seventy-five percent (75%) compliance).

F. Under this article, a limitation on engine idling is established by the board of supervisors to discourage the idling of engines in the unincorporated Placer County. (Ord. 5271-B, 2003)

10.14.020 Definitions.

“Driver” means any person who drives, operates, or is in actual physical control of a vehicle.

“Emergency” means a sudden, urgent, usually unforeseen, occurrence.

“Equipment operator” means any person who is in actual physical control of a piece of off-road equipment.

“Gross vehicle weight rating” means the weight specified by the manufacturer as the loaded weight of a single vehicle.

“Commercial motor vehicle” means any on-road motor vehicle with a manufacturer’s gross vehicle weight rating greater than twenty-six thousand (26,000) pounds or as defined in Motor Vehicle Code Section 15210(b).

“Idling” means the engine is running while the vehicle is stationary or the piece of off-road equipment is not performing work.

“Medium-duty vehicle” means any on-road motor vehicle with a manufacturer’s gross vehicle weight rating of six thousand one to fourteen thousand (6,001—14,000) pounds.

“Official traffic control device” means any sign, signal, marking or device, consistent with Section 21400 of the vehicle code, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps, or other roadway design features.

“Official traffic control signal” means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.

“Off-road diesel equipment” means all non-road equipment with a horsepower rating of seventy (70) or greater.

“Transport refrigeration unit” or “TRU” means a refrigeration system powered by an engine designed to control the environment of temperature sensitive cargo. A TRU is a piece of off-road equipment regardless of its horsepower rating.

“Vehicle” means any on-road, self-propelled vehicle that is required to be registered and have a license plate by the Department of Motor Vehicles.

“Vehicle/equipment owner” means the registered owner, lessee, licensee, or bailee of any heavy- or medium-duty vehicle or piece of off-road equipment who operates or directs the operation of any such vehicle or equipment on either a for-hire or not-for-hire basis. (Ord. 5271-B, 2003)

10.14.030 Applicability.

There is established an article to be known as “Limitation on Engine Idling” that applies to the operation of all diesel fueled commercial vehicles over twenty-six thousand (26,000) lbs. gross vehicle weight rating, and all off-road diesel-powered equipment over seventy (70) horsepower rating, except as provided in Section 10.14.050. Additionally, this article applies to TRU engines as specified in subsection 10.14.040(C). (Ord. 5271-B, 2003)

10.14.040 Idling.

- A. A driver of a vehicle:
 - 1. Must turn off the engine upon stopping at a destination; and
 - 2. Must not cause or allow an engine to idle at any location for more than five consecutive minutes.
- B. An equipment operator of an off-road piece of equipment not identified in subsection A of this section must not cause or allow an off-road piece of equipment to idle at any location for more than five consecutive minutes.
- C. An equipment operator of a TRU must not cause or allow a TRU to operate within one thousand (1,000) feet of a residential area or school unless the cargo will be loaded or has been unloaded within thirty (30) minutes.
- D. An owner of a vehicle, an off-road piece of equipment, or a TRU must ensure that:
 - 1. The vehicle driver or equipment operator, upon employment and at least once per year thereafter, is informed of the requirements in subsections 10.14.040(A)—(C), and of the consequences, under this section and the fleet owners terms of employment, of not complying with those requirements; and
 - 2. Upon rental or lease of a vehicle or piece of equipment, notification is provided of the requirements in subsections 10.14.040(A)—(C); and
 - 3. All complaints of non-compliance with, and enforcement actions related to, the requirements of subsections 10.14.040(A)—(C) are reviewed and remedial action is taken as necessary.
- E. A private property owner shall not allow a vehicle, an off-road piece of equipment or a TRU located on the owner’s property to violate subsections 10.14.040(A)—(C) respectively. A private property owner shall notify owners and operators of vehicles, off-road pieces of equipment, and TRUs entering the owner’s private property of the

requirements of subsections 10.14.040(A)—(C). (Ord. 5271-B, 2003)

10.14.050 Exemptions.

This article does not apply to a vehicle or piece of equipment for the period or periods during which:

- A. Idling is necessary while stopped:
 1. For an official traffic control device;
 2. For an official traffic control signal;
 3. For traffic conditions over which the driver has no control, including, but not limited to: stopped in a line of traffic, stopped at a railroad crossing, or stopped at a construction zone; or
 4. At the direction of a peace officer;
- B. Idling is necessary to ascertain that the vehicle and/or the off-road equipment is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the daily vehicle inspection, or as otherwise needed;
- C. Idling is necessary for testing, servicing, repairing, or diagnostic purposes;
- D. Idling is necessary, for a period not to exceed three to five minutes (as per the recommendation of the manufacturer), to cool down a turbo-charged heavy-duty vehicle before turning the engine off;
- E. Idling is necessary to accomplish work for which the vehicle/equipment was designed, other than transporting goods, for example: operating a lift, crane, pump, drill, hoist, mixer, or other auxiliary equipment other than a heater or air conditioner;
- F. Idling is necessary to operate a lift or other piece of equipment designed to ensure safe loading and unloading of goods and people;
- G. Idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to prevent a safety or health emergency, but not solely for the comfort of the driver or passengers;
 1. The only exception for driver comfort would be a vehicle driver that is required to have rest time by law. In this case, the driver may only idle at a designated rest area or truck stop and will not idle within one thousand (1,000) feet of a residential area or school.
 2. The only specific exception for passenger comfort would be a paratransit vehicle with a passenger on board with a disability or health condition that would be critically aggravated if the vehicle were not maintained at an adequate temperature.
- H. Idling is necessary solely to recharge a battery or other energy storage unit of a hybrid electric vehicle/equipment;
- I. Idling is necessary to operate equipment that runs intermittently;
- J. Alternative diesel fuel vehicles, or any Tier 2 4.8 g/bhp combined Nox and HMHC level;
- K. Idling is necessary in attainment portions of Placer County generally east of Donner Summit. (Ord. 5271-B, 2003)

10.14.060 Relationship to other laws.

Nothing in this article allows idling in excess of other applicable laws, including, but not limited to:

- A. Title 13 California Code of Regulations Section 1226;
- B. Title 13 California Code of Regulations Section 2480;
- C. Vehicle Code Section 22515; or
- D. Any local ordinance or requirement as stringent as, or more stringent than this article. (Ord. 5271-B, 2003)

10.14.070 Penalties.

A. For each violation of subsections 10.14.040(A)—(C), a driver of a vehicle, or an operator of off-road piece of equipment or TRU is subject to a minimum civil penalty of fifty dollars (\$50.00) and to criminal penalties to the maximum extent provided by law.

B. For each violation of subsection 10.14.040(D), an owner of a vehicle, off-road piece of equipment or TRU is subject to a warning on the first offense, followed by a one hundred dollar (\$100.00) minimum civil penalty for a second offense, with a minimum civil penalty of two hundred dollars (\$200.00) for all future offenses and to criminal penalties to the maximum extent provided by law.

C. All fees collected through Section 10.14.070 or the penalty phase of this article shall be accrued in a vehicle replacement grant fund for annual application by commercial and off road vehicle operators. The air pollution control district will manage this fund. (Ord. 5271-B, 2003)

10.14.080 Enforcement.

This article may be enforced by the local air pollution control or air quality management district, and/or any peace officer as defined in California Penal Code, Title 3, Chapter 4.5, Sections 830 et seq. and their respective agencies' authorized representative. (Ord. 5271-B, 2003)

10.14.090 Effective date.

The operation and effective date of the ordinance codified in this article is January 1, 2004. (Ord. 5271-B, 2003)

Sacramento City Code

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[Title 8 HEALTH AND SAFETY](#)

Chapter 8.116 LIMITATION ON ENGINE IDLING AND THE OPERATION OF TRANSPORT REFRIGERATION UNITS**8.116.010 Findings and purpose.**

A. Air pollution is a major public health concern in California. The Sacramento Region is currently designated as nonattainment for the one-hour federal ozone standard, as well as the more stringent state ozone standard. Air pollution can cause or aggravate lung illnesses such as acute respiratory infections, asthma, chronic bronchitis, emphysema, and lung cancer. In addition to health impacts, air pollution imposes significant economic costs and negative impacts on our quality of life.

B. Exhaust from vehicles (both on- and off-road) is a substantial source of ozone precursors in the Sacramento Region. Vehicle exhaust also is a source of carbon monoxide, particulate matter, toxic air contaminants, and greenhouse gases. Although new engines have become cleaner due to improved emission control technologies, the slow turnover in vehicle inventory and the number of miles/hours vehicles idle each year is hindering progress in improving regional air quality.

C. Public agencies can play an important role in improving air quality by limiting the amount of time engines are allowed to idle within their jurisdictions and leading the effort to improve air quality by adopting ordinances that are cost effective in reducing ozone precursor emissions and toxic air contaminants.

D. A study of idling exhaust emissions conducted by the U.S. Environmental Protection Agency (EPA420-R-02-025, October 2002) indicates that a typical 1980s to 2001 model year truck operating on diesel fuel emits one hundred forty-four (144) grams per hour of nitrogen oxide and eight thousand two hundred and twenty-four (8224) grams per hour of carbon dioxide emissions and consumes about 0.82 gallons of diesel fuel while idling.

E. TIAX, a consultant for the Sacramento metropolitan air quality management district, estimated that the total idling exhaust emissions in the Sacramento Region is 4.01 tons per day of nitrogen oxide emissions and 0.247 tons per day of reactive organic gas emissions (Episodic Strategies document, April 2002). The maximum potential emissions reductions from full implementation of limitations on engine idling by all jurisdictions in the Sacramento nonattainment area was estimated to be 3.08 tons per day of nitrogen oxides emissions and 0.186 tons per day of reactive organic gas emissions (assuming seventy-five (75) percent compliance).

F. This chapter is adopted under authority of the city's police power in furtherance of the public health, safety, and welfare and is authorized under Health and Safety Code Section 40717 (h) that permits local agencies to exercise their police authority to adopt transportation control measures that exceed local air district requirements. The purpose of this chapter is to achieve emission reductions by discouraging the excessive idling of engines in the city of Sacramento. (Ord. 2004-051 § 1 (part))

8.116.020 Definitions.

"Bus" means a vehicle designed, used, or maintained for carrying more than ten (10) persons, including the driver, that is used to transport persons for compensation or profit.

"Driver" means any person who drives, operates, or is in actual physical control of a vehicle.

"Dwelling unit" means a group of rooms or a single room within a dwelling, with kitchen facilities, and occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone. All rooms within a dwelling unit must have their principal entrance from inside the dwelling unit.

"Emergency" means a sudden, urgent, usually unforeseen, occurrence.

"Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single

vehicle.

“Heavy-duty vehicle” means any on-road motor vehicle with a manufacturer’s gross vehicle weight rating greater than fourteen thousand (14,000) pounds.

“Idling” or “to idle” means the engine is running while the vehicle is stationary or the piece of off-road equipment is not performing work.

“Off-highway vehicle” means a two-stroke or four-stroke air-cooled, liquid-cooled, gasoline, diesel, or alternate fuel powered engine that is designed for powering off-road recreational vehicles, including but not limited to off-road motorcycles, all-terrain vehicles, and golf carts.

“Official traffic control device” means any sign, signal, marking or device, consistent with Section 21400 of the Vehicle Code, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps, or other roadway design features.

“Official traffic control signal” means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and that is erected by authority of a public body or official having jurisdiction.

“Off-road equipment” means any nonstationary device powered by an internal combustion engine and used primarily off the highways to propel, move, or draw persons or property, including any device propelled, moved, or drawn exclusively by human power, including but not limited to marine vessels, construction equipment, utility engines, and lawn and garden equipment, but excluding off-road motorcycles and off-highway vehicles.

“Off-road motorcycle” means any two- or three-wheeled vehicle equipped with an internal combustion engine and weighing less than one thousand four hundred and ninety-nine (1,499) pounds. An off-road motorcycle is primarily designed for use off highways for recreational riding on dirt trails, but is not limited to this purpose.

“Operator” means any person who is in actual physical control of off-road equipment or vehicle equipped with a transport refrigeration unit.

“School” means any public or private school used for the purposes of education and instruction of more than twelve (12) school pupils at or below the twelfth (12th) grade level, but does not include any private school in which education and instruction is conducted primarily in private homes. The term “school” includes any building or structure, playground, athletic field, or other area of school property, but excludes unimproved school property.

“Transport refrigeration unit” or “TRU” means a refrigeration system powered by an engine designed to control the environment of temperature sensitive cargo.

“Vehicle” means any on-road, self-propelled vehicle that is required to be registered and have a license plate by the Department of Motor Vehicles.

“Vehicle/equipment/TRU owner” means the registered owner, owner, lessee, licensee, or bailee of any heavy-duty vehicle, piece of off-road equipment, or TRU who operates or directs the operation of the vehicle, equipment, or TRU on either a for-hire or not-for-hire basis. (Ord. 2004-051 § 1 (part))

8.116.030 Applicability.

This chapter shall apply only to the operation of vehicles with a manufacturer’s gross vehicle weight rating greater than fourteen thousand (14,000) pounds, all TRUs, and off-road equipment with a horsepower rating of fifty (50) or greater. (Ord. 2004-051 § 1 (part))

8.116.040 Limitations on idling.

- A. Except as provided in Section 8.116.080, a driver of a vehicle that is subject to this chapter:
 1. Shall turn off the vehicle’s engine upon stopping at a destination; and
 2. Shall not cause or allow a vehicle engine to idle at any location for:

- a. More than five consecutive minutes, or
 - b. Periods aggregating more than five minutes in any one-hour period.
- B. Except as provided in Section 8.116.080, an operator of off-road equipment that is subject to this chapter shall not cause or allow off-road equipment to idle at any location for:
1. More than five consecutive minutes; or
 2. Periods aggregating more than five minutes in any one-hour period. (Ord. 2004-051 § 1 (part))

8.116.050 Limitations on operation of TRU.

Except as provided in Section 8.116.080, an operator of a vehicle equipped with a TRU shall not cause or allow a TRU to operate within one hundred (100) feet of a dwelling unit or school while the vehicle is stationary. This limitation on the operation of a TRU shall not apply during the loading or unloading of cargo and during the thirty (30) minutes immediately preceding the loading or unloading of cargo. (Ord. 2004-051 § 1 (part))

8.116.060 Notification and recordkeeping requirements.

A vehicle/equipment/TRU owner shall comply with the following notification and recordkeeping requirements:

A. Inform the vehicle driver or off-road equipment or TRU operator, upon employment and at least once per year thereafter, of the limitations on engine idling and the operation of TRUs contained in this chapter and the penalties for violation of the provisions of this chapter;

B. Upon renting or leasing a vehicle, off-road equipment, or TRU, provide written notification to the renter or lessee of the limitations on engine idling and the operation of TRUs contained in this chapter and the penalties for violation of the provisions of this chapter;

C. Review all complaints of non-compliance with and enforcement actions undertaken under this chapter involving the owner's vehicle, off-road equipment, or TRU and take remedial action against the subject of the complaint or enforcement action as the owner deems necessary;

D. Keep records of compliance with the requirements of this Section 8.116.060 for at least three years and make the records available to city enforcement personnel within three business days of their request for the records. (Ord. 2004-051 § 1 (part))

8.116.070 Obligations of private property owners.

A private property owner shall not allow a vehicle, off-road equipment, or TRU that is subject to this chapter and that is located on the owner's property to violate this chapter. A private property owner shall notify drivers, owners, and operators of vehicles, off-road equipment, and TRUs entering the owner's private property of the requirements of this chapter. (Ord. 2004-051 § 1 (part))

8.116.080 Exemptions.

The following periods of idling by a vehicle or off-road equipment and of operation of a TRU shall be exempt from the provisions of this chapter:

- A. Idling or operation of a TRU while stopped:
1. For an official traffic control device,
 2. For an official traffic control signal,
 3. For traffic conditions over which the driver has no control, including, but not limited to: traffic congestion, a railroad crossing while a train is passing or crossbars are down, or for traffic controls in a construction zone, or
 4. At the direction of a peace officer;

- B. Idling as needed to ascertain that a vehicle, off road equipment, or TRU is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the daily vehicle inspection, or as otherwise needed;
- C. Idling as needed for testing, servicing, repairing, or diagnostic purposes;
- D. Idling for the period recommended by the manufacturer to cool down a turbo-charged heavy-duty vehicle before turning the engine off;
- E. Idling as needed to operate auxiliary equipment for which the vehicle or off road equipment was designed, other than transporting goods, such as: operating a TRU, lift, crane, pump, drill, hoist, ready mixed concrete mixer, or other auxiliary equipment, except a heater or air conditioner;
- F. Idling as needed to operate a lift or other piece of equipment designed to ensure safe loading and unloading of goods and people;
- G. Idling as needed to operate defrosters, heaters, air conditioners, or other equipment:
 - 1. To prevent a safety or health emergency, or
 - 2. For a paratransit vehicle passenger who has a disability or health condition that would be critically aggravated if the vehicle were not maintained at a controlled temperature, or
 - 3. For driver comfort when a vehicle driver is required by law to have rest time. In the case of driver comfort, the driver may only idle the engine at a designated rest area or truck stop and shall not idle the engine within one hundred (100) feet of a dwelling unit or school;
- H. Idling solely to recharge a battery or other energy storage unit of a hybrid electric vehicle / equipment; or
- I. Idling a bus for up to ten (10) minutes prior to passenger boarding or when passengers are on board. (Ord. 2004-051 § 1 (part))

8.116.090 Relationship with other laws.

Nothing in this chapter shall be construed to allow idling in excess of other applicable laws, including, but not limited to:

- A. Title 13 California Code of Regulations Section 1226;
- B. Title 13 California Code of Regulations Section 2480;
- C. Vehicle Code Section 22515; or
- D. Any other local ordinance or requirement as stringent as, or more stringent than this chapter. (Ord. 2004-051 § 1 (part))

8.116.100 Violations and penalties.

- A. Any person violating any provision of this chapter shall be guilty of an infraction.
- B. In addition to criminal sanctions and other remedies set forth in this title, administrative penalties may be imposed pursuant to Chapter 1.28 of this code against any person violating any provision of this chapter. Imposition, enforcement, collection and administrative review of administrative penalties imposed shall be conducted pursuant to Chapter 1.28 of this code.
- C. A violation of any provision of this chapter is declared to be a public nuisance subject to abatement pursuant to Section 731 of the Code of Civil Procedure and pursuant to the procedures specified in Title 8 of this code. The City Attorney, in the name of and on behalf of the city and the people of the state of California, may bring a civil action in a court of competent jurisdiction to enforce any provision of this chapter, or to restrain or abate any violation of the provisions of this chapter as a public nuisance. (Ord. 2004-051 § 1 (part))

8.116.110 Enforcement.

The city manager or his or her designee shall enforce each and all of the provisions of this chapter. (Ord. 2004-051 § 1 (part))

Final Regulation Order

Requirements to Reduce Idling Emissions From New and In-Use Trucks, Beginning in 2008

NOTE: The regulatory amendments to existing language are shown in underline to indicate additions to the text and ~~strikeout~~ to indicate deletions. Paragraphs within a section that are not being amended in this rulemaking are indicated by "[No Change.]" Subsection headings are shown in italics so they will be published in a distinctive font in Barclays California Code of Regulations.

Amend the following sections of Title 13, California Code of Regulations, to read as set forth in the following pages:

§ 1956.8	Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Year Heavy-Duty Engines and Vehicles
§ 2404	Emission Control Labels and Consumer Information – 1995 and Later Small Off-Road Engines
§ 2424	Emission Control Labels – 1996 and Later Off-Road Compression-Ignition Engines
§ 2425	Defects Warranty Requirements for 1996 and Later Off-Road Compression-Ignition Engines
§ 2485	Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling

Amend Title 13, California Code of Regulations, § 1956.8, to read:

§ 1956.8. Exhaust Emissions Standards and Test Procedures - 1985 and Subsequent Model Heavy-Duty Engines and Vehicles.

(a)(1) [No Change.]

(a)(2)(A) The exhaust emissions from new 2004 and subsequent model heavy-duty diesel engines, heavy-duty natural gas-fueled and liquefied-petroleum-gas-fueled engines derived from diesel-cycle engines, and heavy-duty methanol-fueled diesel engines, and the optional, reduced-emission standards for 2002 and subsequent model engines produced beginning October 1, 2002, except in all cases engines used in medium-duty vehicles, shall not exceed:

Exhaust Emission Standards for 2004 and Subsequent Model Heavy-Duty Engines, and Optional, Reduced Emission Standards for 2002 and Subsequent Model Heavy-Duty Engines Produced Beginning October 1, 2002, Other than Urban Bus Engines
(grams per brake horsepower-hour [g/bhp-hr])

<i>Model Year</i>	<i>Oxides of Nitrogen Plus Non-methane Hydrocarbons</i>	<i>Optional Oxides of Nitrogen Plus Non-methane Hydrocarbons</i>	<i>Oxides of Nitrogen</i>	<i>Non-methane Hydrocarbons</i>	<i>Carbon Monoxide</i>	<i>Particulates</i>
2004-2006 ^H	2.4 ^{A,C,E,J}	2.5 ^{B,C,E,J}	n/a	n/a	15.5	0.10 ^C
October 1, 2002 – 2006	n/a	1.8 to 0.3 ^{A,D,F}	n/a	n/a	15.5	0.03 to 0.01 ^G
2007 and subsequent	n/a	n/a	0.2 ^I	0.14	15.5	0.01 ^K

- ^A This is the standard for the arithmetic sum of the oxides of nitrogen exhaust component certification value and the non-methane hydrocarbon exhaust component certification value, without individual restriction on the individual component values.
- ^B This is the standard for the arithmetic sum of the oxides of nitrogen exhaust component certification value and the non-methane hydrocarbon exhaust component certification value, with the non-methane hydrocarbon individual component value not to exceed 0.5 g/bhp-hr.
- ^C For 2004 through 2006 model years, emissions averaging may be used to meet this standard. Averaging must be based on the requirements of the averaging, banking and trading programs described in “California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles” incorporated by reference in section 1956.8 (b), below.
- ^D A manufacturer may elect to certify to an optional reduced-emission NOx+NMHC standard between the values, inclusive, by 0.3 grams per brake horsepower-hour increments. Engines certified to any of these optional reduced-emission NOx standards are not eligible for participation in any averaging, banking or trading programs described in “California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles” incorporated by reference in section 1956.8 (b), below.
- ^E May be used as the certification standard for the higher emitting fueling mode of an engine certified under the dual fueling mode certification process of section 1956.8 (a)(4), below.

- ^F May be used as the certification standard for the lower emitting fueling mode of an engine certified under the dual fueling mode certification process of section 1956.8 (a)(4), below.
- ^G A manufacturer may elect to certify to an optional reduced-emission PM standard between the specified values, inclusive, by 0.01 grams per brake horsepower-hour increments. Engines certified to any of these optional reduced-emission PM standards are not eligible for participation in any averaging, banking or trading programs described in "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles" incorporated by reference in section 1956.8 (b), below.
- ^H Engine manufacturers subject to the Heavy-Duty Diesel Engine Settlement Agreements (Settlement Agreements)¹ must produce engines in compliance with the requirements contained in their respective Settlement Agreement. Most engine manufacturers subject to the Settlement Agreements are required to manufacture engines meeting the exhaust emission standards for 2004 and subsequent model years engines beginning October 1, 2002.
- ^I A manufacturer may elect to include any or all of its heavy-duty diesel engine families in any or all of the NOx emissions averaging, banking, or trading programs for heavy-duty diesel engines, within the restrictions described in "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles" incorporated in section 1956.8 (b), below. If the manufacturer elects to include engine families in any of these programs, the NOx family emission limit (FEL) may not exceed the following FEL caps: 2.00 grams per brake horsepower-hour (0.75 grams per megajoule) for model years before 2010; 0.50 grams per brake horsepower-hour (0.19 grams per megajoule) for model years 2010 and later. The FEL cap applies whether credits for the engine family are derived from averaging, banking, or trading programs.
- ^J For 2007 through 2009 model years, a manufacturer may use these emission standards in accordance with section 1956.8 (a)(2)(B). A manufacturer may elect to include any or all of its heavy-duty diesel engine families in any or all of the NOx plus NMHC emissions averaging, banking, or trading programs for heavy-duty diesel engines, within the restrictions described in "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles" incorporated in section 1956.8 (b), below. If the manufacturer elects to include engine families in any of these programs, the NOx family emission limit (FEL) may not exceed the following FEL caps: 2.00 grams per brake horsepower-hour (0.75 grams per megajoule) for model years. The FEL cap applies whether credits for the engine family are derived from averaging, banking, or trading programs.
- ^K A manufacturer may elect to include any or all of its heavy-duty diesel engine families in any or all of the particulate averaging, banking, or trading programs for heavy-duty diesel engines, within the restrictions described in "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles" incorporated by reference in section 1956.8 (b), below. The particulate FEL for each engine family a manufacturer elects to include in any of these programs may not exceed an FEL cap of 0.02 grams per brake horsepower-hour (0.0075 grams per megajoule). The FEL cap applies whether credits for the engine family are derived from averaging, banking, or trading programs.

(a)(2)(B) through (a)(5) [No Change.]

¹ Seven of the largest heavy-duty diesel engine manufacturers will be implementing measures to reduce emissions beginning October 1, 2002, to meet the requirements of the Heavy-Duty Diesel Engine Settlement Agreements reached with the ARB. The Heavy-Duty Diesel Engine Settlements were agreements reached in response to lawsuits brought by the United States Environmental Protection Agency and violations alleged by the ARB pertaining to excess in-use emissions caused by the use of defeat devices and unacceptable algorithms. Navistar signed its Settlement Agreement on October 22, 1998. Cummins, Detroit Diesel Corporation, Caterpillar, Volvo, Mack and Renault signed their Settlement Agreements on December 15, 1998.

(a)(6) Heavy-Duty Diesel Engine Idling Requirements.

(A) Engine Shutdown System. The requirements in this subsection apply to engine manufacturers and original equipment manufacturers, as applicable, that are responsible for the design and control of engine and/or vehicle idle controls.

1. Requirements. Except as provided in subsections (a)(6)(B) and (a)(6)(C), all new 2008 and subsequent model-year heavy-duty diesel engines shall be equipped with an engine shutdown system that automatically shuts down the engine after 300 seconds of continuous idling operation once the vehicle is stopped, the transmission is set to “neutral” or “park”, and the parking brake is engaged. If the parking brake is not engaged, then the engine shutdown system shall shut down the engine after 900 seconds of continuous idling operation once the vehicle is stopped and the transmission is set to “neutral” or “park.” The engine shutdown system must be tamper-resistant and non-programmable. A warning signal, such as a light or sound indicator inside the vehicle cabin, may be used to alert the driver 30 seconds prior to engine shutdown. The engine shutdown system must be capable of allowing the driver to reset the engine shutdown system timer by momentarily changing the position of the accelerator, brake, or clutch pedal, or other mechanism within 30 seconds prior to engine shutdown. Once reset, the engine shutdown system shall restart the engine shutdown sequence described in this paragraph above, and shall continue to do so until the engine shuts down or the vehicle is driven.

2. Engine Shutdown System Override. The engine shutdown system may be overridden, to allow the engine to run continuously at idle, only under the following conditions:

a. If the engine is operating in power take-off (PTO) mode. The PTO system shall have a switch or a setting that can be switched “on” to override the engine shutdown system and will reset to the “off” position when the vehicle’s engine is turned off or when the PTO equipment is turned off. Subject to advance Executive Officer approval, other methods for detecting or activating PTO operation may be allowed; or,

b. if the vehicle’s engine coolant temperature is below 60°F. The engine shutdown system shall automatically be activated once the coolant temperature reaches 60°F or above. The engine coolant temperature shall be measured with the engine’s existing engine coolant temperature sensor used for engine protection, if so equipped. Other methods of measuring engine coolant temperature may be allowed, subject to advance Executive Officer approval.

c. if an exhaust emission control device is regenerating, and keeping the engine running is necessary to prevent aftertreatment or engine damage, the engine shutdown system may be overridden for the duration necessary to complete the regeneration process up to a maximum of 30 minutes. Determination of what constitutes the need for regeneration will be based on data provided by the manufacturer at time of certification. Regeneration events that may require longer than 30 minutes of engine idling to complete shall require advance Executive Officer approval. At the end of the regeneration process, the engine shutdown system shall automatically be enabled to restart the engine

shutdown sequence described in subparagraph (a)(6)(A)1. above. A vehicle that uses a regeneration strategy under engine idling operating conditions shall be equipped with a dashboard indicator light that, when illuminated, indicates that the exhaust emission control device is regenerating. Other methods of indicating that the exhaust emission control device is regenerating may be used with advance Executive Officer approval.

d. if servicing or maintenance of the engine requires extended idling operation. The engine's electronic control module may be set to temporarily deactivate the engine shutdown system for up to a maximum of 60 minutes. The deactivation of the engine shutdown system shall only be performed with the use of a diagnostic scan tool. At the end of the set deactivation period, the engine's electronic control module shall reset to restart the engine shutdown system sequence described in subparagraph (a)(6)(A)1. above.

(B) Exempt Vehicles. Heavy-duty diesel engines to be used in buses as defined in California Vehicle Code sections 233, 612 and 642, school buses as defined in California Vehicle Code section 545, recreational vehicles as defined in Health and Safety Code 18010, medium duty vehicles as defined in section 1900(b)(13) of title 13, California Code of Regulations, military tactical vehicles as defined in section 1905 of title 13, California Code of Regulations, and authorized emergency vehicles as defined in California Vehicle Code section 165 are exempted from these requirements.

(C) Optional NOx idling emission standard. In lieu of the engine shutdown system requirements specified in subsection (a)(6)(A) above, an engine manufacturer may elect to certify its new 2008 and subsequent model-year heavy-duty diesel engines to an optional NOx idling emission standard of 30 grams per hour. Compliance with this optional standard will be determined based on testing conducted pursuant to the supplemental NOx idling test cycle and procedures specified in section 86.1360-2007.B.4 of the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as incorporated by reference in subsection (b). The manufacturer may request an alternative test procedure if the technology used cannot be demonstrated using the procedures in section 86.1360-2007.B.4, subject to advance approval of the Executive Officer. A manufacturer certifying to the optional NOx idling standard must not increase emissions of CO, PM, or NMHC, determined by comparing results from the supplemental NOx idling test cycle and procedures specified in section 86.1360-2007.B.4 of the referenced "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles" to emission results from the idle mode of the supplemental steady state test cycle or emission results from idle portions of the transient test cycle for heavy duty diesel engines, respectively specified in sections 86-1360-2007 and 86.1327-98 of the referenced "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles." With advance Executive Officer approval, a manufacturer may use other methods of ensuring that emissions of CO, PM, and NMHC are not

adversely affected in meeting the optional NOx requirement. Also, manufacturers shall state in their application for certification that meeting the optional NOx idling requirement will not adversely affect the associated emissions of CO, PM and NMHC.

An engine manufacturer certifying its engine to the optional NOx idling emission standard must also produce a vehicle label, as defined in subsection 35.B.4 of the “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles,” as incorporated by reference in subsection (b).

(D) *Optional Alternatives to Main Engine Idling.* All new 2008 and subsequent model year heavy duty diesel engines may also be equipped with idling emission reduction devices that comply with the compliance requirements specified in title 13, CCR, section 2485(c)(3).

(b) The test procedures for determining compliance with standards applicable to 1985 and subsequent model heavy-duty diesel engines and vehicles and the requirements for participating in the averaging, banking and trading programs, are set forth in the “California Exhaust Emission Standards and Test Procedures for 1985 Through 2003 Model Heavy-Duty Diesel Engines and Vehicles,” adopted April 8, 1985, as last amended December 12, 2002, the “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles,” adopted December 12, 2002, as last amended September 1, 2006, and the “California Interim Certification Procedures for 2004 and Subsequent Model Hybrid-Electric Vehicles, in the Urban Bus and Heavy-Duty Vehicle Classes,” adopted October 24, 2002, which are incorporated by reference herein.

(c) through (h) [No Change.]

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43100, 43101, 43102, 43104, 43105 and 43806, Health and Safety Code; and Section 28114, Vehicle Code. Reference: Sections 39002, 39003, 39500, 43000, 43013, 43017, 43018, 43100, 43101, 43101.5, 43102, 43104, 43106, 43202, 43204, 43205.5, 43206, 43210, 43211, 43212, 43213 and 43806, Health and Safety Code; and Section 28114, Vehicle Code.

Amend Title 13, California Code of Regulations, § 2404, to read:

§ 2404. Emission Control Labels and Consumer Information – 1995 and Later Small Off-Road Engines.

(a) ~~Purpose.~~ Purpose. The Air Resources Board recognizes that certain emissions-critical or emissions-related parts must be properly identified and maintained in order for engines to meet the applicable emission standards. In addition, the Board recognizes that information regarding engines' emissions levels may influence consumer choice. These specifications require engine or equipment manufacturers to affix a label (or labels) on each production engine (or equipment, as applicable) to provide the engine or equipment owner and service mechanic with information necessary for the proper maintenance of these parts in customer use. These specifications further require engine or equipment manufacturers to make information regarding relative emissions levels available to potential ultimate purchasers. For engines used in auxiliary power systems which, in turn, are used to comply with the diesel-fueled commercial vehicle idling requirements of title 13, CCR, section 2485(c)(3)(A), additional labeling requirements for the engine or equipment manufacturers apply, as set forth in section 35.B.4 of the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as incorporated by reference in title 13, CCR, section 1956.8(b).

(b) through (l) [No Change.]

NOTE: Authority cited: Sections 39600, 39601, 43013, 43017, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.

Amend Title 13, California Code of Regulations, § 2424, to read:

§ 2424. Emission Control Labels — 1996 and Later Off-Road Compression-Ignition Engines.

(a) ~~Purpose.~~ *Purpose.* The Air Resources Board recognizes that certain emissions-critical or emissions-related parts must be properly identified and maintained in order for engines to meet the applicable emission standards. The purpose of these specifications is to require engine manufacturers to affix a label (or labels) on each production engine (or equipment) to provide the engine or equipment owner and service mechanic with information necessary for the proper maintenance of these parts in customer use. For engines used in auxiliary power systems which, in turn, are used to comply with the diesel-fueled commercial vehicle idling requirements of title 13, CCR, section 2485(c)(3)(A), additional labeling requirements for the engine or equipment manufacturers apply, as set forth in section 35.B.4 of the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as incorporated by reference in title 13, CCR, section 1956.8(b).

(b) through (k) [No Change.]

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104 and 43105, Health and Safety Code.

Amend Title 13, California Code of Regulations, § 2425, to read:

§ 2425. Defects Warranty Requirements for 1996 and Later Off-Road Compression-Ignition Engines.

(a) through (d) [No Change.]

(e) Each manufacturer shall furnish with each new engine written instructions for the maintenance and use of the engine by the owner. The instructions shall be consistent with this article and applicable regulations contained herein. In addition, for engines less than 19 kilowatts, each manufacturer shall furnish with each new engine a written statement as follows: “In order to operate in California, a diesel-fueled engine in an auxiliary power system used to comply with the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling requirements of the California Code of Regulations, must have one of the following apply: (1) be equipped with a verified Level 3 in-use strategy for particulate matter control, (2) have its exhaust routed directly into the vehicle’s exhaust pipe, upstream of the diesel particulate matter aftertreatment device, or (3) use an alternate particulate matter control strategy with prior Executive Officer approval. (For more details, please see the California Code of Regulations, title 13, section 2485(c)(3)(A).)”

(f) through (g) [No Change.]

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102, 43104 and 43105, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102 and 43205.5, Health and Safety Code.

Amend Title 13, California Code of Regulations, § 2485, to read:

§ 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.

- (a) ~~Purpose.~~ Purpose. The purpose of this airborne toxic control measure is to reduce public exposure to diesel particulate matter and other air contaminants by limiting the idling of diesel-fueled commercial motor vehicles.
- (b) ~~Applicability.~~ Applicability. This section applies to diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds that are or must be licensed for operation on highways. This specifically includes:
- (1) California-based vehicles; and
 - (2) Non-California-based vehicles.
- (c) ~~Requirements.~~ Requirements.

(1) Idling Restriction.

On or after February 1, 2005, the driver of any vehicle subject to this section shall comply with the following requirements, except as noted in subsection (d) below:

- ~~(4A)~~ the driver shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location, except as noted in subsection (d); and
- ~~(2B)~~ the driver shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d).

(2) Use of Alternative Technologies.

(A) On or after January 1, 2008, the driver shall not operate an internal combustion APS on any vehicle equipped with a 2007 and subsequent model year primary diesel engine unless the vehicle is:

1. equipped with an APS meeting the emissions performance requirements found in subsection (c)(3)(A), below; and

2. the vehicle is equipped with a label meeting the requirements pursuant to section 35.B.4 of the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as incorporated by reference in title 13, CCR, section 1956.8(b).

(B) On or after January 1, 2008, the driver shall not operate a fuel-fired heater on any vehicle equipped with a 2007 and subsequent model year primary diesel engine unless the fuel-fired heater meets the emissions performance requirements found in subsection (c)(3)(B), below;

(C) On or after January 1, 2008, the driver of a vehicle equipped with a 2006 or older model year primary diesel engine may use and operate in California any certified internal combustion APS with or without the additional PM control specified in subsection (c)(3)(A)1. or any other certified alternative idling reduction technology.

(3) *Compliance Requirements.* As an alternative to idling the primary engine, diesel engines/vehicles may, as an option, be equipped with alternative technologies, as listed and defined below in (A), (B), and (C) of this subsection. If so equipped, these technologies are subject to the following requirements:

(A) *Internal Combustion APS.*

1. In order to operate in California, an APS utilizing an internal combustion engine must comply with applicable California off-road and/or federal non-road emission standards and test procedures for its fuel type and power category. In addition, diesel-fueled APSs installed on vehicles equipped with primary engines certified to the 2007 and subsequent model year heavy-duty diesel engine standards, pursuant to section 1956.8(a)(2)(A) of title 13, CCR, shall either,

a. be equipped with a verified Level 3 in-use strategy for particulate matter control (see title 13, CCR, sections 2700 to 2710), or

b. have its exhaust routed directly into the vehicle's exhaust pipe, upstream of the diesel particulate matter aftertreatment device.

2. With advance Executive Officer approval, a certifying/verifying APS manufacturer may petition for an alternate compliance strategy other than described in (A)1.a. or b. in this subsection above. However, this provision is limited to manufacturers that can

demonstrate, to the satisfaction of the Executive Officer, that their alternative strategy is equivalent (or “cleaner”), from an emissions standpoint, compared to the requirement described in (A)1.a. or b. in this subsection above. As an example, strategies that can use the available electric power infrastructure, instead of solely operating a diesel-fueled APS for engine and/or cab heating and cooling, may be able to use such a strategy to demonstrate compliance with these requirements.

- (B) *Fuel-Fired Heaters.* Fuel-fired heaters must comply with the applicable California emission standards and test procedures as specified in the Low Emission Vehicle program requirements found in title 13, CCR, subsections 1961(a)(15) and (d), or in Part I.E.1.13 of the “California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles,” as incorporated by reference in title 13, CCR, section 1961(d). However, the specified requirement that limits fuel-fired heaters from being operated above 40°F does not apply.
- (C) *Other Idle Reduction Technologies.* Other technologies that will reduce idling emissions may also be used, including the use of batteries, fuel cells, power inverter/chargers for on-shore electrical power, on-shore electric power infrastructure also known as truck stop electrification, and other technologies that produce minimal or no emissions. With the exception of battery and fuel cell powered APSs, power inverter/chargers, and electric power infrastructure, the use of other technologies are subject to advance Executive Officer approval and must be at least as effective in reducing idling emissions as the technologies described in subsections (c)(3)(A), above, or the NOx idling emission standard specified in title 13, CCR, section 1956.8(a)(6)(C). The Executive Officer shall use good engineering judgment and test data to determine if an idle reduction technology provides idling emission controls equivalent to the standards specified in subsection (c)(3)(A) above, or in title 13, CCR, section 1956.8(a)(6)(C).
- (D) *Labeling Requirements.* 2007 and subsequent model year commercial diesel vehicles equipped with an internal combustion APS meeting the requirements specified in subsection (c)(3)(A) shall have a label affixed to the hood of the vehicle to allow operation of the APS in California. The labels shall meet the requirements specified in section 35.B.4 of the “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles,” as incorporated by reference in title 13, CCR, section 1956.8(b).

(d) ~~Exceptions.~~ Exceptions.

(1) Except when a vehicle is located within 100 feet of a restricted area, subsection (c)(1)(A) does not apply, if the vehicle is equipped with

(A) a primary diesel engine meeting the optional NOx idling emission standard pursuant to title 13, CCR, section 1956.8(a)(6)(C); and

(B) a label meeting the requirements pursuant to section 35.B.4 of the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as incorporated by reference in title 13, CCR, section 1956.8(b).

(2) Subsection (c)(1) does not apply for the period or periods during which

(1A) a bus is idling for

(A1) up to 10.0 minutes prior to passenger boarding, or

(B2) when passengers are onboard;

(2B) prior to January 1, 2008, idling of the primary diesel engine is necessary to power a heater, air conditioner, or any ancillary equipment during sleeping or resting in a sleeper berth. This provision does not apply when operating within 100 feet of a restricted area;

(3C) idling when the vehicle must remain motionless due to traffic conditions, an official traffic control device, or an official traffic control signal over which the driver has no control, or at the direction of a peace officer, or operating a diesel-fueled APS or other device at the direction of a peace officer;

(4D) idling when the vehicle is queuing that at all times is beyond 100 feet from any restricted area;

(5E) idling of the primary diesel engine, ~~or~~ operating a diesel-fueled APS, or operating other devices when forced to remain motionless due to immediate adverse weather conditions affecting the safe operation of the vehicle or due to mechanical difficulties over which the driver has no control;

(6F) idling to verify that the vehicle is in safe operating condition as required by law and that all equipment is in good working order, either as part of a daily vehicle inspection or as otherwise needed, provided that such engine idling is mandatory for such verification;

- (7G) idling of the primary diesel engine, ~~or operating a diesel-fueled APS, or operating other devices~~ is mandatory for testing, servicing, repairing, or diagnostic purposes, including regeneration or maintenance of the exhaust emission control device during engine idling when the dashboard indicator light, if so equipped, is illuminated indicating that regeneration or maintenance is in progress;
- (8H) idling when positioning or providing a power source for equipment or operations, other than transporting passengers or propulsion, which involve a power take off or equivalent mechanism and is powered by the primary engine for:
- (A1) controlling cargo temperature, operating a lift, crane, pump, drill, hoist, mixer (such as a ready mix concrete truck), or other auxiliary equipment;
 - (B2) providing mechanical extension to perform work functions for which the vehicle was designed and where substitute alternate means to idling are not reasonably available; or
 - (C3) collection of solid waste or recyclable material by an entity authorized by contract, license, or permit by a school or local government;
- (9I) idling of the primary diesel engine, ~~or operating a diesel-fueled APS, or operating other devices~~ when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;
- (10J) idling of the primary diesel engine, ~~or operating a diesel-fueled APS, or operating other devices~~ by authorized emergency vehicles while in the course of providing services for which the vehicle is designed;
- (11K) idling of military tactical vehicles during periods of training, testing, and deployment; and
- (12L) idling when operating equipment such as a wheelchair or people assist lift as prescribed by the Americans with Disabilities Act;

(e) ~~Relationship to Other Law.~~ Relationship to Other Law.

Nothing in this section allows idling in violation of other applicable law, including, but not limited to:

- (1) California Vehicle Code Section 22515;

- (2) Title 13, Section 2480, California Code of Regulations;
 - (3) California Health and Safety Code Section 40720; or
 - (4) any applicable ordinance, rule, or requirement as stringent as, or more stringent than, this section.
- (f) ~~Enforcement.~~ Enforcement. This section may be enforced by the Air Resources Board; peace officers as defined in California Penal Code, title 3, chapter 4.5, Sections 830 et seq. and their respective law enforcement agencies' authorized representatives; and air pollution control or air quality management districts.
- (g) ~~Penalties.~~ Penalties. For violations of subsection (c)(1), (c)(2) or (c)(23), the driver of a subject vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties as specified in the Health and Safety Code and the Vehicle Code.
- (h) ~~Definitions.~~ Definitions.

The following definitions apply to this section:

- (1) "Authorized emergency vehicle" is as defined in Vehicle Code Section 165.
- (2) "Auxiliary power system" or "APS" means any device that is permanently dedicated to the vehicle on which it is installed and provides electrical, mechanical, or thermal energy to the primary diesel engine, truck cab, and/or sleeper berth, bus's passenger compartment or any other commercial vehicle's cab, as an alternative to idling the primary diesel engine.
- (3) "Bus" means any vehicle defined in Title 13, California Code of Regulations, Section 2480, subsections (h) (13)-(16), inclusive or as defined in the Vehicle Code Section 233.
- (4) "Commercial Motor Vehicle" means any vehicle or combination of vehicles defined in Vehicle Code Section 15210(b) and any other motor truck or bus with a gross vehicle weight rating of 10,001 pounds or more, except the following:
 - (A) a zero emission vehicle; or
 - (B) a pickup truck as defined in Vehicle Code Section 471.
- (5) "Driver" is as defined in Vehicle Code Section 305.
- (6) "Fuel-fired heater" means a fuel burning device that creates heat for the purpose of (1) warming the cab or sleeper berth compartment of a vehicle

or (2) warming the engine oil and/or coolant for easy start-up of the vehicle's engine but does not contribute to the propulsion of the vehicle.

- (~~6~~7) "Gross vehicle weight rating" is as defined in Vehicle Code Section 350.
- (~~7~~8) "Highway" is as defined in Vehicle Code Section 360.
- (~~8~~9) "Idling" means the vehicle engine is running at any location while the vehicle is stationary.
- (~~9~~10) "Motor truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.
- (~~40~~11) "Official traffic control device" is as defined in Vehicle Code Section 440.
- (~~41~~12) "Official traffic control signal" is as defined in Vehicle Code Section 445.
- (~~42~~13) "Owner" is as defined in Vehicle Code Section 460.
- (~~43~~14) "Primary diesel engine" means the diesel-fueled engine used for vehicle propulsion.
- (~~44~~15) "Queuing" means (A) through (C)
 (A) the intermittent starting and stopping of a vehicle;
 (B) while the driver, in the normal course of doing business, is waiting to perform work or a service; and
 (C) when shutting the vehicle engine off would impede the progress of the queue and is not practicable.
 (D) Queuing does not include the time a driver may wait motionless in line in anticipation of the start of a workday or opening of a location where work or a service will be performed.
- (~~45~~16) "Restricted area" means any real property zoned for individual or multifamily housing units that has one or more of such units on it.
- (~~46~~17) "Safety or health emergency" means:
 (A) a sudden, urgent, or usually unforeseen, occurrence; or
 (B) a foreseeable occurrence relative to a medical or physiological condition.
- (~~47~~18) "Sleeper berth" is as defined in Title 13, California Code of Regulations, Section 1265.
- (~~48~~19) "Vehicle" is as defined in the Vehicle Code Section 670.

Authority: Sections 39600, 39601, 39614(b)(6)(A), 39658, 39667, 43000.5(d), 43013(b), 43013(h), 43018(b) and 43018(c), Health and Safety Code; and *Western Oil & Gas Assn. v. Orange County Air Pollution Control Dist.* (1975) 14 Cal.3d.411.

Reference: Sections 39002, 39003, 39027, 39500, 39600, 39650, 39655, 39656, 39657, 39658, 39659, 39662, 39665, 39674, 39675, 39667, 42400, 42400.1, 42400.2, 42400.3, 42402, 42402.1, 42402.2, 42402.3, 42403.5, 42410, 43000.5(d), 43013 and 43018, Health and Safety Code; Sections 305, 336, 350, 440, 445, 545, 546, 642, 680, 21400, 22452, 22515, 27153, 40001 and 40001(b)(5), Vehicle Code; and Sections 1201, 1900, 1962 and 2480, Title 13, California Code of Regulations.

Chapter 13.08 AIR QUALITY

Section 13.08.110 Engine Idling.

(a) Except as hereinafter provided, it shall be unlawful for any person to idle or permit the idling of the motor of any stationary motor vehicle for a prolonged or unreasonable period of time determined herein to be five (5) minutes or more within any one (1) hour period of time.

(b) This section shall not apply when an engine must be operated in the idle mode for safety reasons including, but not limited to, the operation of cranes and fork lifts used in the construction industry.

(c) The time required by a diesel powered motor vehicle with a gross weight rating of ten thousand (10,000) pounds or more while operating in a stationary position to achieve a temperature of one hundred twenty (120) degrees Fahrenheit and an air pressure of one hundred (100) pounds per square inch, shall not be included in the computation of the five (5) minutes determined herein to be a prolonged or unreasonable period of time. The temperature and air pressure as indicated on the vehicle's gauges may be used for determining the diesel engine's temperature and air pressure.

(d) The time during which transportation vehicles are actively loading or discharging passengers shall not be included in the computation of the five (5) minutes determined herein to be a prolonged or unreasonable period of time. A transportation vehicle shall be defined for purposes of this section to mean motor vehicles designed to transport a minimum of sixteen (16) persons. (Ord. No 74-1992, § 1: Code 1971, § 11-2.70)

ARTICLE IV. MOBILE SOURCES

Sec. 4-41. Emissions and opacity.

(a) *Emissions from gasoline-powered engines.* It shall be unlawful for any owner or operator of any gasoline-powered engine to cause or permit to be operated in the city any gasoline-powered engine which emits any visible air contaminants for a period of time greater than five (5) seconds.

(b) *Emissions from diesel-powered engines.* It shall be unlawful for any owner or operator of any diesel-powered engine to cause or permit to be operated in the city any diesel-powered engine which emits any visible air contaminants which exceed twenty (20) percent opacity for a period of time greater than ten (10) seconds; provided, however, that the percentage opacity standard of this subsection shall not apply to diesel-powered locomotives engaged in switching or railroad yard activities. Emissions from such locomotives shall not exceed forty (40) percent opacity for longer than ten (10) seconds.

(c) *Deception by owner.* It shall be unlawful for any person to misrepresent or give any false or inaccurate information or in any other way attempt to deceive a licensed repair garage or the department in order to avoid compliance with the provisions of this article.

(d) *Deception by licensed garage.* It shall be unlawful for any licensed repair garage or its agents to misrepresent any fact, falsely certify any repair or in any other way attempt to mislead the department into believing that air pollution standards are being met.

(Ord. No. 330-90, 6-4-90)

Sec. 4-42. Reserved.

Editor's note: Ord. No. 380-01, § 1, adopted May 7, 2001, repealed section 4-42 in its entirety. Former section 4-42 pertained to fuels and derived from Ord. No. 330-90, adopted June 4, 1990; Ord. No. 19-93, adopted Jan. 11, 1993; and Ord. No. 1110-96, § 4, adopted Dec. 16, 1996.

Sec. 4-43. Idling restriction.

(a) Effective July 1, 1990, no person shall allow a vehicle to idle for more than ten (10) minutes in any one-hour period unless:

(1) The ambient outside air temperature has been less than twenty (20) degrees Fahrenheit for the previous twenty-four-hour period; or

(2) The ambient outside air temperature is less than ten (10) degrees Fahrenheit.

(b) The idling restriction in subsection (a) shall not apply to emergency vehicles; to vehicles engaged in traffic operations; to vehicles which are being serviced; to vehicles that must idle to operate auxiliary equipment, including but not limited to pumps, compressors or refrigeration units; or to vehicles en route to a destination that are stopped by traffic congestion.

(Ord. No. 330-90, 6-4-90)

Secs. 4-44--4-50. Reserved.

EFFECTIVE APRIL 1, 2004

Section 22a-174-18. Control of particulate matter and visible emissions.

(a) **Definitions.** For the purposes of this section, the following definitions shall apply:

- (1) “Calendar quarter” means a consecutive three (3) month period (non-overlapping) beginning on January 1, April 1, July 1 or October 1;
- (2) “Flue-fed incinerator” means an incinerator with a single flue that serves as both the charging chute and the flue to transport combustion products to the atmosphere;
- (3) “Incinerator” means, notwithstanding section 22a-174-1 of the Regulations of Connecticut State Agencies, any device, apparatus, equipment or structure used for destroying, reducing or salvaging by fire any material or substance, including but not limited to, refuse, rubbish, garbage, trade waste, debris or scrap, or facilities for cremating human or animal remains;
- (4) “One-minute block average” means, for measurements taken at a source using opacity CEM equipment, the average of six (6) or more data points equally spaced over one minute; and, for measurements taken using 40 CFR 60, Appendix A, Reference Method 9, the average of four or more data points equally spaced over a one minute period;
- (5) “Shutdown” means the period of time beginning when the owner or operator of a stationary source initiates the process of ceasing the operation of such source and ending when operation thereof has completely ceased;
- (6) “Six-minute block average” means, for measurements taken at a source using opacity CEM equipment, the average of thirty-six (36) or more data points equally spaced over a six (6) minute period; and, for measurements taken using 40 CFR 60, Appendix A, Reference Method 9, the average of twenty-four or more data points equally spaced over a six (6) minute period;
- (7) “Stationary reciprocating internal combustion engine” means any spark ignited or compression ignited engine that is also a stationary source as defined in section 22a-174-1 of the Regulations of Connecticut State Agencies; and
- (8) “Startup” means the time beginning when the owner or operator of a stationary source initiates the process of setting such source into operation.

(b) **Visible emission standards.**

- (1) Stationary sources without opacity CEM equipment. Except as provided in subsection (j) of this section, an owner or operator of any stationary source without opacity CEM equipment for which opacity is measured using visual observation shall not exceed the following visible emissions limits:

- (A) Twenty percent (20%) opacity during any six-minute block average as measured by 40 CFR 60, Appendix A, Reference Method 9; or
- (B) Forty percent (40%) opacity as measured by 40 CFR 60, Appendix A, Reference Method 9, reduced to a one-minute block average.

(2) Stationary sources with opacity CEM equipment. Except as provided in subsection (j) of this section, an owner or operator of a stationary source for which opacity is measured using opacity CEM equipment shall not exceed the following visible emissions limits:

- (A) Twenty percent (20%) opacity during any six-minute block average; or
- (B) Forty percent (40%) opacity during any one-minute block average.

(3) Mobile sources. Except as provided in subsection (j) of this section, no person shall cause or allow:

- (A) Any visible emissions from a gasoline powered mobile source for longer than five (5) consecutive seconds;
- (B) Visible emissions from a diesel powered mobile source of a shade or density equal to or darker than twenty percent (20%) opacity for more than ten (10) consecutive seconds, during which time the maximum shade or density shall be no darker than forty percent (40%) opacity; or
- (C) A mobile source to operate for more than three (3) consecutive minutes when such mobile source is not in motion, except as follows:
 - (i) When a mobile source is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control,
 - (ii) When it is necessary to operate defrosting, heating or cooling equipment to ensure the safety or health of the driver or passengers,
 - (iii) When it is necessary to operate auxiliary equipment that is located in or on the mobile source to accomplish the intended use of the mobile source,
 - (iv) To bring the mobile source to the manufacturer's recommended operating temperature,
 - (v) When the outdoor temperature is below twenty degrees Fahrenheit (20 degrees F),
 - (vi) When the mobile source is undergoing maintenance that requires such mobile source be operated for more than three (3) consecutive minutes, or

- (vii) When a mobile source is in queue to be inspected by U.S. military personnel prior to gaining access to a U.S. military installation.

(c) Control of airborne particulate matter and fugitive particulate matter.

(1) No person shall cause or allow any materials to be handled, transported, or stored; or a building, its appurtenances, or a road to be used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall be in accordance with good industrial practice as determined by the commissioner and shall include, but not be limited to:

- (A) The use of water or other appropriate material to prevent airborne particulate matter generated by the demolition of buildings or other structures; construction operations; the clearing or grading of land; or the grading, construction or improvement of roads;
- (B) The application of asphalt, water, suitable materials or covers to material stockpiles and other surfaces that can give rise to airborne particulate matter;
- (C) The use of hoods, fans, fabric filters or other devices to enclose and vent the handling of materials that can give rise to airborne particulate matter;
- (D) The covering, while in motion, of open-bodied trucks, open-bodied trailers and railroad cars transporting materials capable of giving rise to airborne particulate matter;
- (E) The prompt removal of earth or other material deposited onto paved streets by trucking, earth moving equipment, erosion or other means; and
- (F) The use of containment methods for sandblasting or similar operations.

(2) No person shall cause or allow the emission of visible particulate matter beyond the legal boundary of the property on which such emission occurs that either:

- (A) Remains near ground level beyond such property boundary; or
- (B) Diminishes the health, safety or enjoyment of people using a building or structure located beyond the property boundary.

(3) No person shall emit particulate matter into the ambient air in such a manner as to cause a nuisance.

Regulation 45
Excessive Idling of Heavy Duty Vehicles

04/11/05

Section 1 - Applicability

This regulation applies to all on-road heavy-duty motor vehicles with a gross vehicle weight rating (GVWR) of greater than 8,500 pounds operating in the State of Delaware.

04/11/05

Section 2 - Definitions

The following definitions are applicable to this regulation:

Emergency vehicle means any publicly owned and operated ambulance, lifeguard, or lifesaving equipment or any privately owned or operated vehicle which is responding to an emergency call. Any publicly owned vehicle operated by the following persons, agencies, or organizations: (a) any federal, state, or local agency, department, or district employing peace officers for use by those officers in the performance of their duties, and; (b) any forestry or fire department of any public agency or fire department. Any vehicle owned or operated for the purpose of: (a) fighting fires, (b) towing or servicing other vehicles, (c) caring for injured persons, or (d) repairing, maintaining and restoring public utility services necessary for the health and/or safety by any of the following: (1) the state, (2) a bridge and highway district, (3) a municipality and (4) a public or private utility. Any state-owned vehicle used in responding to emergency fire, rescue or communications calls and operated either by the Delaware Emergency Management Agency or by any public agency or industrial fire department to which the Delaware Emergency Management Agency has assigned the vehicle. Any vehicle owned or operated by any department or agency of the United States government when the vehicle is used in responding to emergency fire, ambulance, or lifesaving calls or is actively engaged in law enforcement work. Any emergency vehicle which a permit has been issued by the Superintendent of the Delaware State Police.

On-road heavy-duty motor vehicle means any vehicle with a gross vehicle weight rating (GVWR) of greater than 8,500 pounds which is self-propelled and designed for transporting persons or property, including but not limited to trucks, buses, and farm vehicles.

04/11/05

Section 3 - Severability

Each section of this regulation shall be deemed severable. If any section of this regulation is held to be invalid, the remainder shall continue in full force and effect.

04/11/05

Section 4 - Operational Requirements for Heavy Duty Motor Vehicles.

The owner or operator of an on-road heavy duty motor vehicle shall comply with the following operational requirements unless specifically exempted from the operational requirements for these motor vehicles:

No on-road heavy duty motor vehicle shall be allowed to operate for more than three (3) consecutive minutes when the vehicle is not in motion.

04/11/05

Section 5 - Exemptions

- a. any on-road heavy duty motor vehicle which is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control; or
- b. any situation where it is necessary to bring the on-road heavy duty vehicle to the manufacturer's recommended operating temperature; or
- c. any situation when the on-road heavy duty vehicle is being repaired; or
- d. any emergency vehicle defined in Section 2 of this regulation; or
- e. any vehicle using auxiliary power for equipment to perform the intended operation of the vehicle, including, by way of example, a power take off generator for any utility truck; or
- f. any vehicle idling for the necessary power for a heater, air conditioner, or any ancillary equipment during sleeping or resting in a sleeper berth such that the vehicle's location is not within 25 miles of a parking facility with available truckstop electrification equipment, either shore power or an advance system that is approved by the Department including meeting all compatibility requirements with existing onboard truck shorepower equipment; or
- g. any vehicle idling to verify that the vehicle is in safe operating condition as required by law and that all equipment is in good working order, either as part of a daily vehicle inspection or as otherwise needed, provided that such engine idling is mandatory for such verification; or
- h. any transit or school bus for up to five (5) minutes prior to passenger boarding; or
- i. any transit or school bus when passengers are onboard; or
- j. any vehicle when providing heat to the occupant and when the temperature is between -23 and 0 C, or -10 and 32 F, an engine shall not idle for more than 15 consecutive minutes; or when the temperature is below -23 C or -10 F, and where no nuisance is created, an engine shall not be subject to idling restrictions, or
- k. any military tactical vehicle engaged in training operations.

04/11/05

Section 6 - Enforcement and Penalty

This regulation is enforceable under Title 7 Chapter 60, §§ 6005 and 6013 of the Delaware Code. Violators are subject to a penalty of not less than fifty dollars (\$50) and not more than five-hundred dollars (\$500) for each offense.

2418.3 No person operating or having control over the engine of a gasoline or diesel powered motor vehicle, the engine of a public vehicle for hire, including buses with a seating capacity of twelve (12) or more persons, shall allow that engine to idle for more than three (3) minutes while the motor vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment in those vehicles, on public or private space except as follows:

- (a) To operate private passenger vehicles;
- (b) To operate power takeoff equipment including, dumping, cement mixers, refrigeration systems, content delivery, winches, or shredders: or
- (c) To idle the engine for five (5) minutes to operate heating equipment when the ambient air temperature is thirty-two degrees Fahrenheit (32F) or below.

2418.4 No person shall throw or deposit upon any street, highway, sidewalk, or alley, any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon the street, highway, sidewalk, or alleyway.

2418.5 Any person who drops, or permits to be dropped or thrown, upon any street, highway, sidewalk, or alley, any destructive or injurious material, shall immediately remove the same or cause it to be removed.

2418.6 Any person removing a wrecked or damaged vehicle from a street, highway, sidewalk, or alley shall remove any glass or other injurious substance dropped upon the street, highway, sidewalk, or alley from the vehicle.

2418.7 A horse shall not be left unbridled or unattended in a street or unenclosed space, public or private, without being securely fastened or unless harnessed to a vehicle with wheels so secured as to prevent its being dragged faster than a walk.

2419 MUNICIPAL CENTER PARKING RESTRICTIONS

2419.1 No motor vehicle, either public or private, shall be left standing or parked, whether attended or unattended, in any place or space in the Municipal Center area described in this section, except in a place or space assigned to the vehicle, and when bearing an identification sticker or permit issued by the Mayor or his or her designee.

2419.2 The provisions of this section shall be applicable to the following Municipal Center parking areas:

- (a) East Parking Plaza of the East Administration Building;

CHAPTER 62-285 GREENHOUSE GAS EMISSIONS REDUCTION

62-285.420 Purpose and Scope. (Effective 12/15/08)

62-285.420 Heavy-Duty Vehicle Idling Reduction.

(1) Applicability. This rule applies to any heavy-duty diesel engine powered motor vehicle. For the purposes of this rule:

(a) Heavy-duty diesel engine powered motor vehicle means a motor vehicle:

1. With a gross vehicle weight rating equal to or greater than 8,500 pounds;
2. Used on roads for the transportation of passengers or freight; and
3. Serving a commercial, governmental, or public purpose.

(b) Gross vehicle weight rating means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

(2) Requirement. Owners or operators of heavy-duty diesel engine powered motor vehicles are prohibited from idling for more than five consecutive minutes. Idling is the continuous operation of a vehicle's main drive engine while the vehicle is stopped.

(3) Exemptions. The idling restriction of subsection 62-285.420(2), F.A.C., shall not apply:

(a) To idling while stopped for traffic conditions over which the driver has no control, including being stopped for an official traffic control device or signal, in a line of traffic, at a railroad crossing, at a construction zone, or at the direction of law enforcement;

(b) To idling of buses 10 minutes prior to passenger loading and when passengers are onboard if needed for passenger comfort;

(c) To idling of an armored vehicle in which a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded.

(d) If idling is necessary for a police, fire, ambulance, public safety, military, or other vehicle being used in an emergency or training capacity;

(e) If idling is necessary to verify that the vehicle is in safe operating condition as required by law and that all equipment is in good working order, either as part of a daily vehicle inspection or as otherwise needed, provided that engine idling is mandatory for such verification;

(f) If idling is necessary to accomplish work for which the vehicle was designed, other than propulsion, for example: collecting solid waste or recyclable material; controlling cargo temperature; or operating a lift, crane, pump, drill, hoist, mixer, or other auxiliary equipment other than a heater or air conditioner;

(g) If idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to prevent a safety or health emergency, but not solely for the comfort of the driver;

(h) To idling while the driver is sleeping or resting in a sleeper berth. This exemption expires at midnight September 30, 2013.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061 FS. History--New 12-15-08.

Sec. 150-97. Restrictions for trucks, buses.

(a) *Time limit for trucks.* No person shall park or stand any truck or other freight-carrying vehicle, including any truck tractor, in excess of one-half ton capacity upon any public street or highway for longer than one hour at any time during the day or no person shall park any truck or other freight-carrying vehicle, including any truck tractor or their cabs, in excess of one-half ton capacity upon any public street or highway from 6:00 p.m. to 8:00 a.m. during standard time and from 8:00 p.m. to 7:00 a.m. during day light savings time.

(b) *Attendant required for certain trucks, buses.* No person shall stop or stand any truck or bus with a body more than eight feet wide or ten feet high on any street or public place without the driver or chauffeur being actually present and in charge thereof.

(c) *Time limit for idling.* No person shall stop or stand any truck or bus on any street or public place and idle for more than 15 minutes. A violation of this subsection shall, upon conviction, be punishable by a minimum fine of \$500.00. This limitation shall not apply under the following conditions:

- (1) Emergency vehicles, utility company, construction and maintenance vehicles where the engines must run to perform needed work;
- (2) Truck or bus is forced to remain motionless because of traffic conditions;
- (3) Truck or bus is being used to supply heat or air conditioning necessary for passenger safety or comfort, and such truck or bus is being used for commercial passenger transportation or is a transit authority bus or school bus, in which idling shall be limited to a maximum of 25 minutes;
- (4) If the ambient temperature is less than 32 degrees Fahrenheit, idling shall be limited to a maximum of 25 minutes; or
- (5) Any vehicle, truck, bus, or transit authority bus in which the primary source of fuel is Natural Gas (CNG) or electricity shall be exempt from the idling limitations set forth in this section.

(Code 1977, § 13-2238; Ord. No. 2001-8, § 1, 2-13-01; Ord. No. 2002-84, § 1, 11-26-02)

§11-60.1-34 Motor vehicles. (a) No person shall operate a gasoline-powered motor vehicle which emits visible smoke while upon streets, roads, or highways.

(b) No person shall operate a diesel-powered motor vehicle which emits visible smoke for a period of more than five consecutive seconds while upon streets, roads, or highways.

(c) No person shall cause, suffer, or allow any engine to be in operation while the motor vehicle is

§11-60.1-35

stationary at a loading zone, parking or servicing area, route terminal, or other off street areas, except:

- (1) During adjustment or repair of the engine at a garage or similar place of repair;
- (2) During operation of ready-mix trucks, cranes, hoists, and certain bulk carriers, or other auxiliary equipment built onto the vehicle or equipment that require power take-off from the engine, provided that there is no visible discharge of smoke and the equipment is being used and operated for the purposes as originally designed and intended. This exception shall not apply to operations of air conditioning equipment or systems;
- (3) During the loading or unloading of passengers, not to exceed three minutes; and
- (4) During the buildup of pressure at the start-up and cooling down at the closing down of the engine for a period of not more than three minutes.

(d) No person shall remove, dismantle, fail to maintain, or otherwise cause to be inoperative any equipment or feature constituting an operational element of the air pollution control system or mechanism of a motor vehicle as required by the provisions of the Act except as permitted or authorized by law. [Eff 11/26/93; comp 10/26/98; comp 9/15/01; comp 11/14/03] (Auth: HRS §§342B-3, 342B-12; 42 U.S.C. §§7407, 7416) (Imp: HRS §§342B-3, 342B-12; 42 U.S.C. §§7407, 7416)

Historical note: §11-60.1-34 is based substantially upon §11-60-4. [Eff 11/29/82; am, ren §11-60-4 and comp 4/14/86; am and comp 6/29/92; R 11/26/93]

Public Act 094-0845

HB4782 Enrolled

LRB094 18830 DRH 54241 b

AN ACT concerning transportation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Vehicle Code is amended by adding Section 11-1429 as follows:

(625 ILCS 5/11-1429 new)

Sec. 11-1429. Excessive idling.

(a) The purpose of this law is to protect public health and the environment by reducing emissions while conserving fuel and maintaining adequate rest and safety of all drivers of diesel vehicles.

(b) As used in this Section, "affected areas" means the counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison, St. Clair, and Monroe and the townships of Aux Sable and Goose Lake in Grundy County and the township of Oswego in Kendall County.

(c) A person that operates a motor vehicle operating on diesel fuel in an affected area may not cause or allow the motor vehicle, when it is not in motion, to idle for more than a total of 10 minutes within any 60 minute period, except under the following circumstances:

(1) the motor vehicle has a Gross Vehicle Weight Rating of less than 8,000 pounds;

(2) the motor vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official;

(3) the motor vehicle idles when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;

(4) a police, fire, ambulance, public safety, other emergency or law enforcement motor vehicle, or any motor vehicle used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator;

(5) the primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is necessary for such activity;

(6) a motor vehicle idles as part of a government inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection;

(7) when idling of the motor vehicle is required to operate auxiliary equipment to accomplish the intended use of the vehicle (such as loading, unloading, mixing, or processing cargo; controlling cargo temperature; construction operations; lumbering operations; oil or gas well servicing; or farming operations), provided that this exemption does not apply when the vehicle is idling solely for cabin comfort or to operate non-essential equipment such as air conditioning, heating, microwave ovens, or televisions;

(8) an armored motor vehicle idles when a person

remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded;

(9) a bus idles a maximum of 15 minutes in any 60 minute period to maintain passenger comfort while non-driver passengers are on board;

(10) if the motor vehicle has a sleeping berth, when the operator is occupying the vehicle during a rest or sleep period and idling of the vehicle is required to operate air conditioning or heating;

(11) when the motor vehicle idles due to mechanical difficulties over which the operator has no control;

(12) the motor vehicle is used as airport ground support equipment, including, but not limited to, motor vehicles operated on the air side of the airport terminal to service or supply aircraft;

(13) the motor vehicle is (i) a bus owned by a public transit authority and (ii) being operated on a designated bus route or on a street or highway between designated bus routes for the provision of public transportation;

(14) the motor vehicle is an implement of husbandry exempt from registration under subdivision A(2) of Section 3-402 of this Code;

(15) the motor vehicle is owned by an electric utility and is operated for electricity generation or hydraulic pressure to power equipment necessary in the restoration, repair, modification or installation of electric utility service; or

(16) the outdoor temperature is less than 32 degrees Fahrenheit or greater than 80 degrees Fahrenheit.

(d) When the outdoor temperature is 32 degrees Fahrenheit or higher and 80 degrees Fahrenheit or lower, a person who operates a motor vehicle operating on diesel fuel in an affected area may not cause or allow the motor vehicle to idle for a period greater than 30 minutes in any 60 minute period while waiting to weigh, load, or unload cargo or freight, unless the vehicle is in a line of vehicles that regularly and periodically moves forward.

(e) This Section does not prohibit the operation of an auxiliary power unit or generator set as an alternative to idling the main engine of a motor vehicle operating on diesel fuel.

(f) This Section does not apply to the owner of a motor vehicle rented or leased to another entity or person operating the vehicle.

(g) Any person convicted of any violation of this Section is guilty of a petty offense and shall be fined \$50 for the first conviction and \$150 for a second or subsequent conviction within any 12 month period.

Section 99. Effective date. This Act takes effect July 1, 2006.

Effective Date: 7/1/2006

PLEASE NOTE: The Office of the Revisor of Statutes **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Public Law
 123rd Legislature
 Second Regular Session
 Chapter 582
 H.P. 1440 - L.D. 2056

An Act To Conserve Gasoline and Preserve Clean Air

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §585-K is enacted to read:

§ 585-K. Idling requirements for motor vehicles

1. Applicability. This section applies to:

- A. Commercial motor vehicles, as defined in 49 Code of Federal Regulations, Section 390.5 (2007), and commercial motor vehicles used on a highway in intrastate commerce;
- B. Locations where commercial motor vehicles load or unload; and
- C. Gasoline-powered motor vehicles except private passenger vehicles.

2. General requirement for loading and unloading locations. A person who owns a location where a commercial motor vehicle that is not subject to an exemption under subsection 4 loads or unloads may not cause a driver of that vehicle to idle for a period longer than 30 minutes by requesting that the vehicle continue running while waiting to load or unload at that location. To the maximum extent practical, a person subject to this subsection shall minimize delays in loading and unloading operations in order to reduce idling times.

3. General requirement for vehicles. An owner or operator of a commercial motor vehicle may not cause or permit such a vehicle to idle for more than 5 minutes in any 60-minute period except as provided in subsection 4. An owner or operator of a gasoline-powered motor vehicle, except a private passenger vehicle, may not cause or permit such a vehicle to idle for more than 5 minutes in any 60-minute period except as provided in subsection 4.

4. Exemptions. Subsection 3 does not apply for the period or periods when:

- A. A motor vehicle idles while forced to remain motionless because of traffic or an official traffic control device or signal or at the direction of a law enforcement official;
- B. A motor vehicle idles when operating a defroster, heater, air conditioner or installing equipment solely to prevent a safety or health emergency and not as part of a rest period;

C. A police, fire, ambulance, public safety, military or other emergency or law enforcement vehicle idles while being used in the course of official business;

D. The primary propulsion engine idles for maintenance, servicing, repair or diagnostic purposes if idling is required for such an activity;

E. A motor vehicle idles as part of a state or federal inspection to verify that all equipment is in good working order if idling is required as part of the inspection;

F. Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion, including, but not limited to, mixing, dumping or processing cargo, straight truck refrigeration or to protect prescription or over-the-counter drug products. This exemption does not apply when idling for cabin comfort or to operate nonessential on-board equipment;

G. A utility vehicle idles during electric utility service restoration operations or when needed to protect temperature-sensitive electrical testing equipment;

H. An armored vehicle idles when a person remains inside the vehicle to guard the contents or the vehicle is being loaded or unloaded;

I. An occupied commercial motor vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during a rest or sleep period;

J. An occupied commercial motor vehicle idles for purposes of air conditioning or heating while waiting to load or unload;

K. A passenger bus idles a maximum of 15 minutes in any 60-minute period to maintain passenger comfort while nondriver passengers are on board;

L. A motor vehicle idles due to mechanical difficulties over which the operator has no control if the vehicle owner submits the repair paperwork or product receipt by mail within 30 days to the appropriate authority verifying that the mechanical problem has been fixed. If no repair paperwork is submitted within 30 days, the vehicle owner is subject to penalties as provided in subsection 5;

M. A motor vehicle idles for not longer than an additional 10 minutes beyond the limit imposed in subsection 3 to operate heating equipment when the ambient air temperature is 32 degrees Fahrenheit or below; or

N. A motor vehicle idles as needed for the purpose of providing heat when the ambient air temperature is below 0 degrees Fahrenheit.

5. Penalties. A person who violates this section is subject to the following penalties.

A. A person who violates this section commits a traffic infraction under Title 29-A, chapter 23, subchapter 6.

B. A vehicle operator who violates this section after having previously violated this section commits a civil violation for which a fine of \$150 must be adjudged. A vehicle owner or a person who owns a location where a commercial motor vehicle loads or unloads who violates this section after having previously violated this section commits a civil violation for which a fine of \$500 must be adjudged.

§ 22-402. Mufflers; prevention of noise; discharge of smoke; maximum period of idling.

(a) *Mufflers.*- Every motor vehicle with an internal combustion engine shall be equipped with an exhaust muffler system in good working order and in constant operation to prevent excessive or unusual noise, and no person may use a muffler cutout, bypass, or similar device on a motor vehicle on a highway. Noise levels in excess of those adopted by the Administrator under [§ 22-601 of this title](#) are excessive.

(b) *Prevention of noise.*- A person may not use on the exhaust or "tail pipe" of a motor vehicle any extension or other device to cause excessive or unusual noise.

(c) *Discharge of smoke; maximum period of idling.*-

(1) No motor vehicle may be operated, nor may the owner or lessee of a motor vehicle permit it to be operated, on any highway in this State unless the engine power and exhaust mechanism is equipped, adjusted, and operated to prevent:

(i) The discharge of clearly visible smoke (comparable to smoke equal to or darker in shade than that designated as No. 1 of the Ringelmann Chart as published by the U.S. Bureau of Mines) in the exhaust emissions within the proximity of the exhaust outlet for more than 10 consecutive seconds; and

(ii) The discharge of smoke from any other part of the engine in such amounts and of such opacity as to partially obscure persons or objects from view.

(2) In this subsection, "smoke" means small gasborne and airborne particles, exclusive of water vapor, from a process of combustion in sufficient numbers to be observable.

(3) A motor vehicle engine may not be allowed to operate for more than 5 consecutive minutes when the vehicle is not in motion, except as follows:

(i) When a vehicle is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control;

(ii) When it is necessary to operate heating and cooling or auxiliary equipment installed on the vehicle;

(iii) To bring the vehicle to the manufacturer's recommended operating temperature; or

(iv) When it is necessary to accomplish the intended use of the vehicle.

(4) For a period of 1 year from July 1, 1971, this subsection shall be enforced by issuance of a warning. One year from July 1, 1971, it shall be enforced in the same manner as other violations of this section.

(5) This subsection does not apply to Class L (historic) vehicles.

(d) *"Muffler" defined.*- In this section, "muffler" means a device designed for and effective in reducing noise while permitting the flow of gases.

(e) *Leakproof construction.*- All mufflers and exhaust pipes carrying exhaust gases from the motor shall be of leakproof construction.

[An. Code 1957, art. 661/2, § 12-402; 1977, ch. 14, § 2.]

PART I. ADMINISTRATION OF THE GOVERNMENT**TITLE XIV. PUBLIC WAYS AND WORKS****CHAPTER 90. MOTOR VEHICLES AND AIRCRAFT****MOTOR VEHICLES****Chapter 90: Section 16A. Stopped motor vehicles; operation of engine; time limit; penalty**

Section 16A. No person shall cause, suffer, allow or permit the unnecessary operation of the engine of a motor vehicle while said vehicle is stopped for a foreseeable period of time in excess of five minutes. This section shall not apply to (a) vehicles being serviced, provided that operation of the engine is essential to the proper repair thereof, or (b) vehicles engaged in the delivery or acceptance of goods, wares, or merchandise for which engine assisted power is necessary and substitute alternate means cannot be made available, or (c) vehicles engaged in an operation for which the engine power is necessary for an associate power need other than movement and substitute alternate power means cannot be made available provided that such operation does not cause or contribute to a condition of air pollution. Whoever violates any provision of this section shall be punished by a fine of not more than one hundred dollars for the first offense, nor more than five hundred dollars for each succeeding offense.

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Title 3, Chapter 58 City of Minneapolis Code of Ordinances

CHAPTER 58. IDLING**ARTICLE I. DIESEL ENGINE POWERED COMMERCIAL MOTOR VEHICLES**

58.10. Purpose. The purpose of this chapter is to protect the public health and the environment by reducing vehicular emissions and conserving fuel while enhancing the rest and safety of all drivers of diesel vehicles.

58.20. Applicability. This chapter applies to diesel engine powered commercial motor vehicles (as that term is defined in 49 Code of Federal Regulations (CFR) Part 390.5) which are designed to operate on highways, and to locations where such vehicles load or unload (hereinafter referred to as "load/unload locations").

58.30. General requirement for load/unload locations. No load/unload location owner or operator shall cause vehicles covered by this chapter to idle for a period greater than thirty (30) minutes in any sixty (60) minute period while in the act of or waiting to load or unload at a location under the control of the owner or operator.

58.40. General requirement for vehicles. No owner or operator of a vehicle shall cause or permit vehicles covered by this chapter to idle for more than five (5) minutes in any sixty (60) minute period except as noted in section 58.50, and except as provided in section 58.30 in the case of a vehicle located at a load/unload location.

58.50. Exemptions. Section 58.40 does not apply for the period or periods where:

- (1) A vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official.
- (2) A vehicle idles when operating defrosters, heaters, air conditioners, or installing equipment solely to prevent a safety or health emergency, and not as part of a rest period.
- (3) A police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator.
- (4) The primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is required for such activity.
- (5) A vehicle idles as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection.
- (6) Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate nonessential on-board equipment.
- (7) An armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.
- (8) A passenger bus idles a maximum of fifteen (15) minutes in any sixty (60) minute period to maintain passenger comfort while non-driver passengers are onboard.
- (9) An occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during a rest or sleep period.
- (10) An occupied vehicle idles for purposes of air conditioning or heating while waiting to load or unload.
- (11) A vehicle idles due to mechanical difficulties over which the driver has no control; an officer or inspector enforcing this chapter may require that the owner or operator of the vehicle submit repair documentation or receipt within a specified number of days in order for this conditional exemption to apply.

58.60. Auxiliary power units. Operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine shall not be precluded under this chapter.

58.70. Penalties. Violations of the provisions of this chapter may be enforced by any one (1), all, or any combination of the following penalties and remedies:

Title 3, Chapter 58 City of Minneapolis Code of Ordinances

- (1) Violations shall be punishable as criminal offenses as stated in section 1.30 of the Minneapolis Code of Ordinances.
- (2) Violations may be enforced as administrative offenses pursuant to chapter 2 of the Minneapolis Code of Ordinances.
- (3) This chapter may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

58.80. Severability. (a) *Severability of text.* If any portion of this chapter is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the regulations, and such determination shall not affect the validity of the remainder of the chapter.

(b) *Severability of application.* If the application of any provision of this chapter to a particular person or property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other property.

ARTICLE II. GENERALLY

58.90. Purpose. The purpose of this article is to protect the public health and the environment by reducing vehicular emissions and conserving fuel.

58.100. Applicability. This article applies to all gasoline or diesel powered motor vehicles not otherwise regulated under Article I of this chapter.

58.110. General Requirement. No person shall allow a motor vehicle to idle for more than three (3) consecutive minutes in any one-hour period.

58.120. Exemptions. Section 58.110 does not apply for the periods or period where:

- (1) A police, fire, ambulance, public safety, public utility, military, other emergency or law enforcement or other City vehicle idles for the purpose of running lights, maintaining circulation of water in tanks, or to maintain accessories necessary to accomplish its mission or while engaged in emergency or enforcement activities.
- (2) A police K9 or Animal Control vehicle idles for the purpose of maintaining an appropriate and safe climate for animals.
- (3) A motor vehicle owned and operated by the city idles at a job site during inclement weather situations when authorized to do so by a supervisor.
- (4) The primary propulsion engine idles for maintenance, servicing, repairing, mandated inspection or diagnostic purposes if idling is required for such activity.
- (5) A motor vehicle is stopped due to traffic congestion.
- (6) A vehicle idles when operating defrosters, heaters, air conditioners, or installing equipment solely to prevent a safety or health emergency, and not as part of a rest period.
- (7) A vehicle idles a maximum of fifteen (15) minutes in any sixty (60) minute period to maintain comfort for paying passengers.
- (8) The ambient outside air temperature is less than zero (0) degrees or more than ninety (90) degrees Fahrenheit, in which case no person shall allow a motor vehicle to idle for more than fifteen (15) consecutive minutes in any one-hour period for the comfort and safety of the driver or passengers.
- (9) Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo, operating lifts, etc.). This exemption does not apply when idling for cabin comfort or to operate non-essential on-board equipment.

58.130. Auxiliary power units. Operating an auxiliary power unit, generator set, or other mobile idle-reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine shall not be precluded under this chapter.

58.140. Penalties. Violations of the provisions of this article may be enforced by any one (1), all,

Title 3, Chapter 58 City of Minneapolis Code of Ordinances

or any combination of the following penalties and remedies:

(a) Violations may be punishable as criminal offenses as stated in section 1.30 of the Minneapolis Code of Ordinances only if there are repeat offenses within a two (2) year period.

(b) Violations may be enforced as administrative offenses pursuant to chapter 2 of the Minneapolis Code of Ordinances.

(c) This article may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

58.150. Severability. (a) *Severability of text.* If any portion of this article is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the regulations, and such determination shall not affect the validity of the remainder of the article.

(b) *Severability of application.* If the application of any provision of this article to a particular person or property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other property.

Adopted 6/6/2008.

OWATONNA
Minnesota

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City Code: 900:10

CHAPTER X.
NUISANCES DEFINED AND REGULATED
Section 900:00

CHAPTER IX.

PENAL REGULATIONS AND PENAL OFFENSES

Section 900 - Offenses Against Public Peace

Section 900:10. Idling of Engines in Residential Districts. No person shall have or allow a motor vehicle engine to idle in residential districts of this City, as defined in Ordinance No. 827 (Owatonna Zoning Ordinance), for longer than fifteen (15) minutes. No idling period shall be repeated at shorter intervals than five (5) hours.

Section 700:90. West St. Germain Street. In order to implement elements of the City's transportation control plan for air quality improvements, measures must be taken to control the parking and movement of vehicles on West St. Germain Street from its intersection with 8th Avenue to its intersection with 10th Avenue. Efforts must be focused on those hours of the day in greatest need of air quality improvement, presently 8 a.m. to 5 p.m.

- Subd 1. Double Parking. No person will stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device on the roadway side of any vehicle stopped or parked at either edge or curb of that portion of West St. Germain Street from its intersection with 8th Avenue to its intersection with 10th Avenue.
- Subd 2. Idling of Engines. No person who has stopped or parked a vehicle at the edge or curb of that portion of West St. Germain Street from its intersection with 8th Avenue to its intersection with 10th Avenue will idle or otherwise leave the engine of that vehicle running for a period of time in excess of 5 minutes.
- Subd 3. Delivery Vehicles. Parking space for delivery vehicles will be established on the south side of West St. Germain between the intersection with 8th Avenue and its intersection with 9th Avenue. The parking space will be 65 feet in length. It is a violation of this ordinance for any vehicle other than designated delivery vehicles to stop or park in the established space.
- Subd 4. Posting. Signs will be posted and maintained to give notice of the provisions of this section as follows:
 - (a) No double parking. Two signs to a block on both sides of St. Germain Street from its intersection with 8th Avenue to its intersection with 10th Avenue (total of eight signs).
 - (b) Delivery vehicles only. Two signs will be posted designating the zone and indicating its limits. The curb within the delivery zone will be painted to indicate its limits.
- Subd 5. Enforcement. Law enforcement personnel will concentrate enforcement efforts between the hours of 8 a.m. and 5 p.m. in respect to violations of provisions of this section as well as all other traffic regulations affecting West St. Germain Street from its intersection with 8th Avenue to its intersection with 10th Avenue.
- Subd. 6. Illegal Acts, Penalties. It is unlawful to park a motor vehicle contrary to the provisions of this ordinance. Any vehicle so parked is the act of the registered owner as well as the act of the person actually parking the vehicle. For the purposes of this section, the registered owner is defined to include motor vehicle rental or leasing of corporate owners. It is a defense to any violation if the registered owner shows that on the date of the offense title had been transferred to another.

D. Motor vehicles, except for emergency vehicles, shall not operate in idle for more than ten (10) consecutive minutes.

612.340 Air Pollution Nuisances Prohibited.

(1) It is unlawful for any person, firm or corporation to permit or cause the escape of such quantities of soot, cinders, noxious acids, fumes and gases or other particulate matter from whatever source in such place or manner as to be detrimental to any person or to the public or to endanger the health, comfort and safety of any such person or the public, or in such manner as to cause or have a tendency to cause injury or damage to property or business. The escape of such matter is declared to be a public nuisance. Each day wherein a violation of this Section occurs shall constitute a separate offense.

(2) No person shall cause or permit the engine of a motor vehicle, other than an emergency vehicle, to idle for longer than three (3) consecutive minutes while parking, standing or stopped as defined in the St. Louis County Traffic Code, unless the engine is being used to operate a loading, unloading or processing device.

(O. No. 4365 - 6/19/67)

CLARK COUNTY
AIR QUALITY REGULATIONS

SECTION 45 - IDLING OF DIESEL POWERED MOTOR VEHICLES

45.1 Diesel Powered Motor Vehicle Idling

Except as otherwise provided in this subsection, a person shall not idle the engine of a diesel truck or a diesel bus for more than 15 consecutive minutes. The provisions of this subsection do not apply to a diesel truck or a bus:

- (a) For which the Clark County Air Pollution Control Hearing Board has issued a variance from the requirements of this subsection. A variance is not effective during an air pollution emergency episode stage declared by the Department of Air Quality and Environmental Management.
- (b) Which is an emergency vehicle.
- (c) Used to repair or maintain other MOTOR VEHICLES.
- (d) Which is stopped because of traffic congestion while in transit on a highway, roadway or street.
- (e) The EMISSION from which is contained and treated by a method approved by the CONTROL OFFICER.
- (f) The engine of which must idle to perform a specific task for which is it designed such as well drilling, trenching or hoisting. Such an engine may not idle for more than 15 consecutive minutes during an air quality emergency episode stage declared by the Department of Air Quality and Environmental Management.
- (g) Which is idling while maintenance procedures are being performed at a repair facility.

History: Amended: September 26, 1991; May 17, 2001; June 3, 2003; July 1, 2004.

NAC 445B.576 Vehicles powered by gasoline or diesel fuel: Restrictions on visible emissions and on idling of diesel engines. ([NRS 445B.210](#), [445B.760](#), [445B.770](#))

1. A person shall not operate a motor vehicle powered by gasoline which emits smoke.
2. Except as otherwise provided in subsection 3, visible emissions of diesel-powered motor vehicles or special mobile equipment manufactured:
 - (a) Before January 1, 1970, must not exceed an opacity of 40 percent for more than 15 consecutive seconds or for periods aggregating more than 5 minutes in any 1 hour.
 - (b) On or after January 1, 1970, must not exceed an opacity of 20 percent for more than 15 consecutive seconds or for periods aggregating more than 5 minutes in any 1 hour.
3. For the purpose of compliance with the inspection and maintenance program of this State required by subsection 1 of [NRS 445B.795](#), visible emissions of light-duty motor vehicles powered by diesel engines must not exceed an opacity of:
 - (a) Thirty percent at an elevation of less than 4,000 feet above mean sea level for more than 5 consecutive seconds or for periods aggregating more than 5 minutes in any 1 hour; or
 - (b) Forty percent at an elevation of 4,000 feet or more above sea level for more than 5 consecutive seconds or for periods aggregating more than 5 minutes in any 1 hour.
4. Except as otherwise provided in this subsection, a person shall not idle the engine of a diesel truck or a bus for more than 15 consecutive minutes. The provisions of this subsection do not apply to a diesel truck or a bus:
 - (a) For which the Commission has issued a variance from the requirements of this subsection. A variance is not effective during an air pollution emergency as defined in the air quality plan for the State of Nevada.
 - (b) Which is an emergency vehicle.
 - (c) Used for the removal of snow.
 - (d) Used to repair or maintain other motor vehicles.
 - (e) Which is stopped because of traffic congestion while in transit on a highway, roadway or street.
 - (f) Which is idling while a repair or maintenance is being performed on it at a shop or facility for the repair and maintenance of motor vehicles.

- (g) The emission from which is contained and treated by a method approved by the Commission.
- (h) The engine of which must idle to perform a specific task for which it is designed such as well drilling, trenching or hoisting. Such a diesel truck or a bus may not idle for more than 15 consecutive minutes during an air pollution emergency as defined in the air quality plan for the State of Nevada.
5. As used in this section, “mean sea level” means the average level of the sea between high and low tide.

[Environmental Comm’n, Engine Emission Control Reg. §§ 3.2-3.4, eff. 1-10-78]—
(NAC A by Environmental Comm’n & Dep’t of Motor Veh. & Pub. Safety, 11-19-85, eff. 1-1-86; 11-23-87, eff. 1-1-88; A by Environmental Comm’n, 12-26-89; 10-22-92)—
(Substituted in revision for NAC 445.920)

040.200 DIESEL ENGINE IDLING (Amended 12/15/93)

Except as otherwise provided in this subsection, a person shall not idle the engine of a diesel truck or a bus for more than 15 consecutive minutes. The provisions of this subsection do not apply to a diesel truck or a bus:

- A. Which is an emergency vehicle.
- B. Used for the removal of snow.
- C. Used to repair or maintain other motor vehicles.
- D. Which is traveling on a public right of way from one place to another.
- E. The engine of which must idle to perform a specific task for which it is designed such as well drilling, trenching or hoisting. Such a diesel truck or a bus may not idle for more than 15 consecutive minutes during an air pollution emergency episode stage declared by the Health Authority.
- F. When idling is necessary as part of a maintenance procedure performed at a repair facility.

Env-A 1101.05 Operational Requirements for Diesel-Powered Motor Vehicles.

The owner or operator of a diesel-powered motor vehicle shall comply with the following operational requirements unless specifically exempted from the operational requirements for diesel-powered motor vehicles:

- (a) When the temperature is above 0 °C (32 °F), a diesel engine shall not idle for more than 5 consecutive minutes;
- (b) When the temperature is -23 °C (-10 °F), 0 °C (32 °F), or anywhere in between the 2 temperatures, a diesel engine shall not idle for more than 15 consecutive minutes; or
- (c) When the temperature is below -23 °C (-10 °F), and where no nuisance is created, a diesel engine shall not be subject to idling restrictions.

Env-A 1101.06 Exemptions From the Operational Requirements for Diesel-Powered Motor Vehicles.

The owner or operator of a diesel-powered motor vehicle shall be exempted from the operational requirements for diesel-powered motor vehicles when any one of the following conditions exists:

- (a) When a diesel-powered motor vehicle is forced to remain motionless because of traffic conditions over which the operator has no control;
- (b) When a diesel-powered motor vehicle is being used as an emergency motor vehicle;
- (c) When a diesel engine is providing power takeoff for refrigeration, lift gate pumps or other auxiliary uses, or supplying heat or air conditioning necessary for passenger comfort in those vehicles intended for commercial passenger transportation;
- (d) When a diesel-powered motor vehicle is being operated by a mechanic for maintenance or diagnostic purposes; or
- (e) When a diesel-powered motor vehicle is being operated solely to defrost a windshield.

14. The violations of 7:27-14, Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles, and the civil administrative penalty amounts for each violation, per vehicle, are as set forth in the following table:

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>
7:27-14.3 (a)	Passenger Vehicle Registration	NM	\$ 100	\$ 200
	School Bus Owner	NM	\$ 250	\$ 500
	School District, if the School District Does not Own the Bus n1	NM	\$ 0	\$ 500
	Commercial Vehicle Registration	NM	\$ 250	\$ 500
	Property Owner	NM	\$ 250	\$ 500
	7:27-14.3 (d)	Disabled Closed Crankcase Ventilation System or Retrofit Device	NM	\$ 1,000

§ 7:27-14.3 General prohibitions

(a) No person shall cause, suffer, allow, or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion, except:

1. A motor vehicle that has been stopped for three or more hours may idle for up to 15 consecutive minutes when the ambient temperature is below 25 degrees Fahrenheit; and

2. A diesel bus while it is actively discharging or picking up passengers may idle for 15 consecutive minutes in a 60-minute period.

(b) The provisions of (a) above shall not apply to:

1. Any motor vehicle idling in traffic, or a motor vehicle other than a school bus idling in a queue of motor vehicles, that are intermittently motionless and moving because the progress of the motor vehicles in the traffic or the queue has been stopped or slowed by the congestion of traffic on the roadway or by other conditions over which the driver of the idling motor vehicle has no control;

2. A motor vehicle whose primary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion. This use includes, but is not limited to, operating lift gate pumps and controlling cargo temperature. This exemption does not apply to passenger compartment heating or passenger compartment air conditioning;

3. A motor vehicle being or waiting to be examined by a State or Federal motor vehicle inspector;

4. Vehicles that are actively performing emergency services. Examples include fire vehicles, police vehicles, public utility vehicles, military tactical vehicles and snow removal vehicles, during the time that such vehicles are actively performing emergency services;

5. A motor vehicle while it is being repaired or serviced, provided that operation of the engine is essential to the proper repair or service;

6. Subject to (b)7i below, on or before April 30, 2010, a motor vehicle, manufactured with a sleeper berth, while it is being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting, unless the vehicle is equipped with a functional auxiliary power system designed in whole or in part to maintain cabin or sleeper berth comfort or to mitigate cold weather start-up difficulties;

7. Beginning May 1, 2010, a vehicle equipped with a sleeper berth, which vehicle is equipped with a model year 2007 or newer engine, or has been retrofitted with a diesel particulate filter that is connected and properly functioning.

i. If the Commissioner, after consulting with the New Jersey Department of Transportation and the State Police, determines that public safety would be adversely affected if the exemption in (b)7 above were to take effect on May 1, 2010, the Commissioner may, by notice published in the New Jersey Register on or before May 1, 2010, delay the operative date of the exemption in (b)7 above, and extend the exemption in (b)6 above, for up to one year, but in no case may the exemption of (b)6 above be extended beyond April 30, 2011; or

8. The operation of technology designed to reduce engine idling, such as auxiliary or alternate power units (APUs), generator sets, and bunk heaters, provided the vehicle's main engine is not operating.

(c) Beginning May 1, 2008, no person shall cause, suffer, allow, or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes when that vehicle is parked in a parking space with available electrification technology.

(d) In no case shall the provisions of (a) and (b) above relieve any person from compliance with [7:27-5](#), Prohibition of Air Pollution, or any other applicable local, State or Federal law.

(e) No person shall cause, suffer, allow or permit any emission control apparatus or element of design installed on any diesel-powered motor vehicle or diesel engine to be disconnected, detached, deactivated, or in any other way rendered inoperable or less effective, in respect to limiting or controlling emissions than it was designed to be by the original equipment or vehicle manufacturer, except for the purposes of diagnostics, maintenance, repair or replacement and only for the duration of such operations.

(f) No person shall cause, suffer, allow or permit any retrofit device or any part thereof, or any closed crankcase ventilation system or any part thereof, installed on any diesel-powered motor vehicle pursuant to N.J.S.A. 26:2C-8.26 et seq. and [7:27-32](#) to be disconnected, detached, deactivated, or in any other way rendered inoperable or less effective, in respect to limiting or controlling emissions, than it was designed to be by the original retrofit device or closed crankcase ventilation system manufacturer, except for the purposes of diagnostics, maintenance, repair or replacement and only for the duration of such operations.

HISTORY:

R.1970 d.148, eff. June 19, 1971.

See: 2 N.J.R. 54(c), 3 N.J.R. 4(a).

Amended by R.1985 d.1, effective January 21, 1985 (operative July 1, 1985).

See: 16 N.J.R. 2888, 17 N.J.R. 189(b).

Section recodified to 14.2 and this section repealed.

New Rule, R.1985 d.610, effective December 2, 1985 (operative May 5, 1986).

See: 16 N.J.R. 2886(a), 17 N.J.R. 2887(a).

Amended by R.1997 d.393, effective September 15, 1997 (operative October 7, 1997).

See: 29 N.J.R. 971(a), 29 N.J.R. 4108(a).

In (b)1, substituted "diesel bus" for "autobus"; in (b)8, added ", unless the vehicle ... start-up difficulties"; and added (c) and (d).

Amended by R.2007 d.201, effective July 2, 2007.

See: 38 N.J.R. 3728(b), 39 N.J.R. 2531(a).

Rewrote the section.

Amended by R.2007 d.235, effective August 6, 2007 (operative September 8, 2007).

See: 38 N.J.R. 5244(a), 39 N.J.R. 3352(a).

Added new (f).

[Chapter Notes](#)

§ 312-33 Idling.

[Added 9-21-2004 by L.L. No. 8-2004]

No person shall allow, cause or permit the engine of any motor vehicle to idle for more than five consecutive minutes while parking, standing, or stopping on public or private property in the City of New Rochelle, subject to the exceptions for heavy-duty vehicles set forth in Section 217.3 of Title 6 of the State of New York Codes, Rules, and Regulations.

CHAPTER 377 VEHICLES, IDLING OF

[HISTORY: Adopted by the Rockland County Legislature 4-4-2007 by L.L. No.4-2007. Amendments noted where applicable.]

§ 377-1 Legislative intent.

The Legislature of the County of Rockland hereby intends to reinforce and supplement, and to be construed in a manner not inconsistent with, the Sanitary Code of the County of Rockland as enacted by the Board of Health of the Rockland County Health District pursuant to § 347 of the Public Health Law and as from time to time amended.

§ 377-2 Operation of motor vehicle; idling of engine restricted; signs.**A.**

No person shall cause or permit the engine of a motor vehicle, except as otherwise permitted by Sections 12.12.1.2, 12.12.2.1, 12.12.2.2., 12.12.2.3, and 12.12.2.4 of the Sanitary Code of Rockland County, to idle for longer than three consecutive minutes when the motor vehicle is not in motion.

B.

At appropriate locations throughout the County, including but not limited to locations for which the County receives a substantial number of complaints of idling motor vehicles, the County shall post signs relating to prohibited idling that shall comply with the standards set forth in the Manual on Uniform Traffic Control Devices and, where practicable, include the maximum penalty that may be imposed for a violation of Subsection A.

C.

In any proceeding relating to a violation of the restrictions on idling, it shall not be a defense that a sign required by this section was absent at the time of the violation.

§ 377-3 Penalties for offenses.**A.**

Criminal penalties. Any person who violates this law shall be guilty of an offense; namely, a violation, punishable on conviction for a first offense by a fine not exceeding \$250 or by imprisonment for not exceeding 15 days, or both; and for a second or subsequent offense, by a fine not exceeding \$1,000 or by imprisonment for not exceeding 15 days, or both.

B.

Civil penalties.

(1)

Any person who violates this chapter shall be subject to the imposition of a civil penalty by the Commissioner of Health not exceeding \$1,000 for each single violation of this chapter.

(2)

The penalty provided for by this section may be sued for and recovered by the Commissioner of Health in any court of competent jurisdiction.

(3)

Each day or a part of a day on which a violation continues shall constitute a separate violation.



Subpart 217-3: Idling Prohibition For Heavy Duty Vehicles

(Statutory authority: Environmental Conservation Law, §§ 1-0101, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-0320, 71-2103, 71-2105; Vehicle and Traffic Law, §§ 301[c], 375.28)

[Filed 9/30/02. Effective 30 days after filing.]

[This is page 1 of 1 of this Subpart. A complete list of Subparts in this regulation appears in the [Chapter 3](#) contents page. A list of sections in this subpart appears below.]

For administrative information about this posting, contact: [Division of Air Resources](#). The Bureau of Mobile Sources and Technology Development at (518) 402-8292 is the contact for technical questions pertaining to this rule.

Contents:

Sec.

[217-3.1 Applicability](#)

[217-3.2 Prohibitions](#)

[217-3.3 Exceptions](#)

§217-3.1 Applicability

This Part shall apply to all on-road heavy duty vehicles propelled by diesel fueled and non-diesel fueled engines excluding marine vessels. *Heavy duty vehicle* means a vehicle that has a GVWR exceeding 8,500 pounds and is designed primarily for transporting persons or properties.

§217-3.2 Prohibitions

No person who owns, operates or leases a heavy duty vehicle including a bus or truck, the motive power for which is provided by a diesel or non-diesel fueled engine or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a heavy duty vehicle including a bus or truck present on such land, the motive power for which said heavy duty vehicle is provided by a diesel or non-diesel fueled engine, shall allow or permit the engine of such heavy duty vehicle to idle for more than five consecutive minutes when the heavy duty vehicle is not in motion, except as otherwise permitted by section 217-3.3 of this Subpart.

§217-3.3 Exceptions

The prohibitions of section 217-3.2 of this Subpart shall not apply when:

- (a) A diesel or non-diesel fueled heavy duty vehicle including a bus or truck is forced to remain motionless because of the traffic conditions over which the operator thereof has no control.
- (b) Regulations adopted by Federal, State or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort. The idling time specified in section 217-3.2 of this Subpart may be increased, but only to the extent necessary to comply with such regulations.
- (c) A diesel or non-diesel fueled engine is being used to provide power for an auxiliary purpose, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; lumbering; oil or gas well servicing; farming; or when operation of the engine is required for the purpose of maintenance.
- (d) Fire, police and public utility trucks or other vehicles are performing emergency services.
- (e) Trucks owned or operated by persons engaged in mining and quarrying are used within the confines of such person's property.
- (f) A diesel fueled truck is to remain motionless for a period exceeding two hours, and during which period the ambient temperature is continuously below 25°F.
- (g) A heavy duty diesel vehicle, as defined in subdivision [217-5.1\(o\)](#) of this Part, that is queued for or is undergoing a state authorized periodic or roadside diesel emissions inspection pursuant to Subpart [217-5](#) of this Part.
- (h) A hybrid electric vehicle, as defined in subdivision [217-5.1\(r\)](#) of this Part, idling for the purpose of providing energy for battery or other form of energy storage recharging.
- (i) Heavy duty vehicles used for agricultural purposes on a farm.
- (j) Electric powered vehicles.

§ 24-163 Operation of motor vehicle; idling of engine restricted.

(a) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device. When the ambient temperature is in excess of forty degrees Fahrenheit, no person shall cause or permit the engine of a bus as defined in section one hundred four of the vehicle and traffic law to idle while parking, standing, or stopping (as defined above) at any terminal point, whether or not enclosed, along an established route.

(b) The department of transportation shall post signs relating to prohibited idling that shall comply with the standards set forth in the Manual on Uniform Traffic Control Devices and, where practicable, include the maximum penalty that may be imposed for a violation of subdivision a of this section as follows:

(1) a sign shall be posted at each exit within the city of New York of each bridge and tunnel having only one terminus in the city of New York;

(2) signs shall be posted at a minimum of five locations in each borough where two or more truck routes, whether local or through routes, intersect;

(3) a sign shall be posted at each bus layover area (other than school bus layover areas), designated by the commissioner of transportation pursuant to section 4-10(c)(3) of title 34 of the rules of the city of New York;

(4) a sign shall be posted at each multiple use bus terminal point;

(5) a sign shall be posted in close proximity to each school bus depot; and,

(6) signs shall be posted at other appropriate locations throughout the city as jointly determined by the commissioner and the commissioner of transportation, including but not limited to, locations for which the city receives a substantial number of complaints of idling motor vehicles.

(c) For the purpose of this section only the term "school bus depot" shall mean any garage, lot or other facility where buses that transport children to or from schools are parked over night and the term "multiple use bus terminal point" shall mean a location that is both a terminal point of at least one bus route (other than a school bus route) and a bus stop (other than a school bus stop) on one or more other bus routes.

(d) In any proceeding relating to a violation of the restrictions on idling it shall not be a defense that a sign required by this section was absent at the time of the violation

15A NCAC 02D .1010 IS PROPOSED FOR ADOPTION AS FOLLOWS:

15A NCAC 02D .1010 Heavy-Duty Vehicle Idling Restrictions

(a) Applicability. The requirements of this rule apply to on-road heavy-duty vehicles powered in-part or entirely by an internal combustion engine.

(b) Definitions. For the purposes of this Rule, the following definitions apply:

- (1) “Auxiliary power unit” means a mechanical or electrical device affixed to a vehicle that is designed to be used to generate an alternative source of power for any of the vehicle’s systems other than the primary propulsion engine;
- (2) “Congestion” means a situation which occurs when the volume of traffic exceeds the capacity of a roadway;
- (3) “Emergency” means a situation that poses an immediate risk to health, life, property, or environment;
- (4) “Emergency vehicle” means any vehicle that responds to or supports an emergency. These vehicles are operated by part of the government, charities, non-governmental organizations, and commercial companies;
- (5) “Gross vehicle weight rating” means the weight specified by the manufacturer as the loaded weight of a single vehicle;
- (6) “Heavy-duty vehicle” means a motor vehicle (excluding trailer(s)) with a gross vehicle weight rating of 10,001 pounds or greater for the purpose of this Rule;
- (7) “Idling” means the operation of a motor vehicle’s propulsion engine while the vehicle is stationary;
- (8) “Military vehicle” means a motor vehicle owned by the U.S. Department of Defense;
- (9) “Motor vehicle” means any self-propelled vehicle used for transporting property or persons;
- (10) “Passenger bus” means any bus, including school buses, which is designed to carry sixteen or more passengers;
- (11) “Power take off” means a device used to transfer mechanical energy from a heavy-duty vehicle’s propulsion engine to equipment that supplies mechanical, pneumatic, hydraulic, or electric power to non-vehicular mechanical, pneumatic, hydraulic, or electrically operated devices; and
- (12) “Queue area” means an area used by heavy-duty vehicles waiting to provide or receive services.

(13) "On-road vehicle " means a self-propelled vehicle that is designed for use on a highway.

(c) Exemptions. The following exemptions to idle restrictions apply to this rule:

- (1) Heavy-duty vehicles may idle if they remain motionless due to traffic conditions, traffic control devices or signals, congestion, or at the direction of law enforcement officials;
- (2) Emergency vehicles may idle while performing an emergency or training function. This exemption does not apply when idling only for driver comfort;
- (3) Military vehicles;
- (4) Heavy-duty vehicles may idle main propulsion engines to operate power take offs to perform the heavy-duty vehicle's designed functions (e.g., refrigeration of cargo, processing of cargo, dumping, lifting, hoisting, drilling, mixing, loading, unloading, other operations requiring the use of power take offs). This exemption does not apply when idling only for driver comfort;
- (5) Heavy-duty vehicles may idle if following manufacturer's recommendations for cold engine startup and engine cool-down, maintenance, inspection, servicing, repairing, or diagnostic purposes, if idling is required for such activity;
- (6) Heavy-duty vehicles with an occupied sleeper berth compartment may idle for the purposes of air conditioning or heating during federally mandated rest or sleep periods. This exemption shall expire on May 1, 2011;
- (7) Auxiliary power units;
- (8) Heavy-duty vehicles with a primary diesel engine meeting the nitrogen oxide idling emission standard in Title 13, of the California Code of Regulations, Section 1956.8(a)(6)(C);
- (9) A passenger bus when non-driver passengers are on board the vehicle and up to 20 minutes prior to passengers boarding;
- (10) Heavy-duty vehicles may idle to provide customer climate controlled comfort during periods of providing customer services (e.g., library bookmobile, blood mobile, safety shoe and safety glasses vendors). This exemption does not apply when idling only for driver comfort; and
- (11) Heavy-duty vehicles may idle if when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency.

(d) Requirements.

- (1) No person who owns or operates a heavy-duty vehicle shall cause, let, permit, suffer or allow idling for a period of time in excess of 5 consecutive minutes in any 60 minute period.
- (2) Heavy-duty vehicles located in a queue area are not exempted from this Rule.

History Note: Authority: G.S. 143-215.3(a)(1); 143-215.107(a)(5); 143-215.107(a)(7); 143-215.107(b).

§2105.91 School Bus Idling {This Section added by September 8, 2004 Amendment, effective October 10, 2004.}

a. Applicability.

This Section applies to the operation of every heavy-duty diesel powered school bus.

b. General.

1. No school bus driver shall cause or allow the engine of any school bus subject to this section to idle prior to, during layover between, at the destination of, or at the conclusion of, any trip or route for more than five (5) consecutive minutes, except under the conditions described in Subsection c, below.

2. No school bus driver shall cause or allow the engine of a school bus subject to this section to be accelerated while idling, unless such action is taken in order to operate other equipment.

3. A school bus driver shall not park or idle a bus within 100 feet from a known and active school air intake system, unless the school district has determined that alternative locations block traffic, impair student safety or are not cost effective.

c. Exemptions.

This section does not apply for the period or periods during which idling is necessary under the following circumstances:

1. Traffic Conditions.

A. For traffic conditions over which the driver has no control;

B. For an official traffic control device or signal; or

C. At the direction of a uniformed police officer or one of those persons authorized to direct traffic by the Vehicle Code, 67 Pa. Code §101.2.

2. Queuing at a School. Where the physical configuration of a school requires a queue of buses for the sequential discharge or pickup of students, and the queue of buses is actively engaged in the discharge or pickup of students.

3. Turbo-Charged Diesel Engine Cool Down or Warm Up. When the manufacturer's specifications require more time than the five minute limitation in §2105.91.b.1, above, to cool down or warm up a turbo-charged diesel engine.

4. Cold/Hot Weather.

A. If the outside temperature is less than 40°F, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period; or

B. If the outside temperature is greater than 75°F and the bus is equipped with air conditioning, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period.

5. Safety and Emergencies.

- A. To ascertain that the school bus is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the driver's daily vehicle inspection, or as otherwise needed;
- B. To operate the flashing signal lamps and/or stop signal arm devices;
- C. To operate defrosters, or other equipment to ensure the safe operation of the vehicle, or as otherwise required by federal or state motor carrier safety regulations, or other local requirements;
- D. To operate a heater or an air conditioner of a bus that has, or will have, one or more children aboard with temperature sensitive disabilities;
- E. To operate a lift or other piece of equipment designed to ensure safe loading, unloading, or transport of persons with one or more disabilities; or
- F. Use of school bus as an emergency vehicle.

6. Maintenance of Operations.

- A. For testing, servicing, repairing, or diagnostic purposes; or
- B. To recharge a battery or other energy storage unit of a hybrid electric bus.

d. Signage.

Each school bus distribution center shall erect and maintain in a conspicuous location, a permanent sign(s) that is at least 12 inches by 18 inches in size indicating:

1. This school bus idling regulation in succinct language, and
2. The amount of money a violator will be fined.

e. Training.

A motor carrier of a school bus shall ensure that the school bus driver, upon employment and at least once per year thereafter, is informed of the requirements of this Section and of the consequences of not complying with those requirements.

f. Penalties.

Notwithstanding the provisions of Part I of this Article, violators of this Section are subject to:

1. A warning for the first offense;
2. A penalty of \$100 for the second offense; or
3. A penalty of \$500 for the third offense, and any subsequent offenses.

g. Enforcement.

Notwithstanding any other provisions of this Article the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where the idling occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit and the Pa. Air Pollution Control Act.

In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.

h. Relationship to Other Law.

Nothing in this Section allows idling in excess of other applicable law, including, but not limited to any local ordinance or requirement as stringent as, or more stringent than, this Section.

§2105.92 Diesel Powered Motor Vehicle Idling {This Section added by June 13, 2005 Amendment, effective June 23, 2005.}

a. Applicability.

This Section applies to the operation of every heavy-duty diesel powered motor vehicle, except school buses.

b. General.

1. No driver shall cause or allow the engine of any heavy duty diesel powered motor vehicle subject to this section to idle prior to, during layover between, at the destination of, or at the conclusion of, any trip or route for more than five (5) consecutive minutes, except under the conditions described in Subsection c, below.

2. No driver shall cause or allow the engine of any heavy duty diesel powered motor vehicle subject to this section to be accelerated while idling, unless such action is taken in order to operate vehicle mounted accessory or service equipment.

c. Exemptions.

This section does not apply for the period or periods during which idling is necessary for:

1. Traffic Conditions.

- A. For traffic conditions over which the driver has no control;
- B. For an official traffic control device or signal; or
- C. At the direction of a uniformed police officer or one of those persons authorized to direct traffic by the Vehicle Code, 67 Pa. Code §101.2.

2. Boarding and Discharging Passengers.

- A. When vehicles intended for commercial passenger transportation are boarding or discharging passengers; or
- B. When vehicles intended for transporting people with disabilities are boarding or discharging passengers.

3. Queuing.

When a vehicle, situated in a queue of other vehicles, must intermittently move forward to perform work or a service, and when shutting the vehicle engine off would impede the progress of the queue and be impracticable.

4. Turbo-Charged Diesel Engine Cool Down or Warm Up.

When the manufacturer's specifications require more time than the five minute limitation in §2105.92.b.1, above, to cool down or warm up a turbo-charged diesel engine.

5. Cold/Hot Weather.

A. If the outside temperature is less than 40°F, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period; or

B. If the outside temperature is greater than 75°F and a vehicle is equipped with air conditioning, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period.

C. Notwithstanding subparagraphs A and B, in order to supply heat or air conditioning necessary for the comfort of passengers, a vehicle intended for commercial passenger transportation may idle for up to 10 minutes prior to passenger boarding and anytime passengers are onboard.

D. The Department may, upon request of an owner or manager of a bus terminal, approve alternate limits for warm-up of buses stored outdoors at the terminal when the temperature is below 40°F. Such plan shall include enforceable time limits that minimize bus idling.

6. Sleeping.

When idling is necessary to power a heater, air conditioner, or any ancillary equipment during sleeping and resting in a truck cab or sleeper berth.

7. Safety and Emergencies.

A. To verify that the vehicle is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the driver's daily vehicle inspection, or as otherwise needed;

B. To operate defrosters, or other equipment to ensure the safe operation of the vehicle, or as otherwise required by federal or state motor carrier safety regulations, or other local requirements; or

C. Use of vehicle as an emergency vehicle.

8. Operability and Maintenance.

A. To provide power for vehicle mounted accessory or service equipment; or

B. When being operated by a mechanic for testing, servicing, repairing, or diagnostic purposes.

d. Penalties.

Notwithstanding the provisions of Part I of this Article, violators of this Section are subject to:

1. A warning for the first offense;

2. A penalty of \$100 for the second offense;
3. A penalty of \$500 for the third offense, and any subsequent offenses.

e. Enforcement.

Notwithstanding any other provisions of this Article the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where the idling occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit and the Pa. Air Pollution Control Act. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.

f. Relationship to Other Law.

Nothing in this Section allows idling in excess of other applicable law, including, but not limited to any local ordinance or requirement as stringent as, or more stringent than, this Section.

CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
AIR POLLUTION CONTROL BOARD

AIR MANAGEMENT REGULATION IX
CONTROL OF EMISSIONS FROM MOBILE SOURCES

Approved By:

Air Pollution Control Board.....July 18, 1972

Board of Health.....July 18, 1972

Department of LawJuly 21, 1972

Department of RecordsAugust 20, 1972

(CONTAINING AMENDMENTS AND REVISIONS THROUGH JANUARY 9, 1986)

AIR MANAGEMENT REGULATION IX

CONTROL OF EMISSIONS FROM MOBILE SOURCES

SECTION I. DEFINITIONS

Air Contaminants - Any smoke, soot, flyash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, mists, aerosols, vapors, odors, toxic or radioactive substances, waste, particulate, solid, liquid or gaseous matter, or any other materials in the outdoor atmosphere.

Diesel Powered Motor Vehicle - A self propelled vehicle designed for transporting persons or property which is propelled by a compression ignition type of internal combustion engine.

Gasoline Powered Motor Vehicle - A self propelled vehicle designed primarily for transporting persons or property which is propelled by a thermal ignition type of internal combustion engine, using gasoline as the fuel.

Motor Vehicle - All vehicles propelled other than by muscular power except such vehicles as run only on rails or tracks.

Opacity - The property of a substance which renders it partially or wholly obstructive to the transmission of visible light expressed as a percentage to which the light is obstructed.

Person - Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau, or instrumentality of Federal, State, or local government or other entity recognized by law as a subject of rights and duties.

SECTION II. STANDARD OF EMISSIONS

- A. No person shall permit, cause, suffer, or allow the discharge into the atmosphere of a visible emission of air contaminants except uncombined water from a gasoline powered motor vehicle at any time, except for three (3) consecutive seconds after starting the engine.
- B. No person shall permit, cause, suffer or allow the discharge into the atmosphere of a visible emission of air contaminants except uncombined water from a diesel powered motor vehicle at any time, except for three(3) consecutive seconds after starting the engine, except as otherwise provided in Section II, Part C of this Regulation.
- C. No person shall permit, cause, suffer, or allow the discharge into the atmosphere of a visible emission of air contaminants except uncombined water from a diesel powered motor vehicle except for a period of less than five (5) consecutive seconds while in motion.
- D. No person shall permit, cause, suffer or allow the discharge into the atmosphere of a visible

emission of air contaminants except uncombined water in excess of 20 percent opacity from a motor vehicle at any time.

- E. Persons certified by the Department may make observations to determine compliance with Section II, Part D of this Regulation without direct reference to standards.

SECTION III. IDLING OF DIESEL POWERED MOTOR VEHICLES

In addition to the emission limitations set forth in Section II, the following provisions shall apply to the operation of heavy-duty diesel powered motor vehicles:

- A. No person shall permit, cause, suffer or allow the engine of a heavy-duty diesel powered motor vehicle to idle prior to, during layover between, or at the conclusion of, any trip or route for any period of time beyond that which is reasonably required to attain, or to secure from, normal operating conditions. The maximum allowable period of idling shall not exceed two (2) consecutive minutes or zero (0) for layovers, except under the following conditions:
1. The engine may be idled for a period of up to five (5) consecutive minutes when the ambient temperature is less than 32° F (0°C).
 2. The engine may be idled for a period of up to twenty (20) consecutive minutes when the ambient temperature is less than 20°F (-7°C).
 3. The engine may be idled for a period of up to twenty (20) consecutive minutes for buses equipped with air conditioning and non-openable windows and the ambient temperature is equal to or greater than 75° F.
- B. No person shall permit, cause, suffer or allow the engine of a heavy-duty diesel powered motor vehicle to be accelerated while idling at any time.

For the purposes of this Section, the term "heavy-duty" shall apply to any motor vehicle with a gross vehicle weight of more than 8500 pounds or with a passenger carrying capacity of more than 12 persons.

SECTION IV. CIRCUMVENTION

No person shall build, erect, install or use any article, machine, equipment or other contrivance, the sole purpose of which is to dilute or conceal an emission without resulting in a reduction in total release of air contaminants to the atmosphere.

SECTION V. SEVERABILITY

The provisions of these Regulations are severable and if any provision, sentence, clause, section or part thereof shall be held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the ordinance or their application to him or to other persons and circumstances. It is hereby declared to be the legislative intent that these regulations would have been adopted if such illegal, invalid, or unconstitutional provision, sentence, clause or part had not been included therein, and if the person or circumstance to which the ordinance or any part thereof is inapplicable had not specifically been exempted therefrom.

SECTION VI. EFFECTIVE DATE

Except as otherwise provided, this Regulation shall become effective upon adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

~~Auxiliary power system—A device installed on a commercial motor vehicle to provide electrical, mechanical or thermal energy to the primary diesel engine or the cab, sleeper berth or bus passenger compartment as an alternative to idling the primary diesel engine.~~

* * * * *

~~BUS--THE DEFINITION OF THE TERM “BUS” IN 75 PA.C.S. § 102 (RELATING TO DEFINITIONS) IS INCORPORATED BY REFERENCE.~~

* * * * *

~~BUS DEPOT—A LOCATION WHERE BUSES ARE ROUTINELY KEPT OVERNIGHT, INCLUDING A GARAGE STRUCTURE OR OUTDOOR BUS PARKING AREA, OR BOTH.~~

* * * * *

~~COMMERCIAL IMPLEMENT OF HUSBANDRY—THE DEFINITION OF THE TERM “COMMERCIAL IMPLEMENT OF HUSBANDRY” IN 75 PA.C.S. § 102 IS INCORPORATED BY REFERENCE.~~

~~Commercial motor vehicle—A self-propelled motor vehicle used on a highway to transport passengers or property when the vehicle meets one or more of the following conditions:~~

~~—(i) The vehicle has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater.~~

~~—(ii) The vehicle is designed or used to transport more than 8 passengers, including the driver, for compensation.~~

~~—(iii) The vehicle is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.~~

~~—(iv) The vehicle is used in transporting material found by the Secretary of the United States Department of Transportation to be hazardous under 49 U.S.C. § 5103 (relating to general regulatory authority) and transported in a quantity requiring placarding under regulations prescribed by the Secretary of the United States Department of Transportation under 49 CFR, Subtitle B, Chapter I, Subchapter C (relating to hazardous materials regulations).]~~

* * * * *

DIESEL-POWERED--WORK DELIVERED BY A TYPE OF ENGINE THAT HAS OPERATING CHARACTERISTICS SIGNIFICANTLY SIMILAR TO THE THEORETICAL DIESEL COMBUSTION CYCLE.

* * * * *

FARM EQUIPMENT—THE DEFINITION OF THE TERM “FARM EQUIPMENT” IN 75 PA.C.S. § 102 IS INCORPORATED BY REFERENCE.

FARM VEHICLE—THE DEFINITION OF THE TERM “FARM VEHICLE” IN 75 PA.C.S. § 102 IS INCORPORATED BY REFERENCE.

* * * * *

~~[GCWR—Gross combination weight rating—The value specified by the manufacturer as the loaded weight of a combination motor vehicle.]~~

* * * * *

Highway—[The entire width between the boundary lines of every way publicly maintained when any part of the way is open to the use of the public for purposes of vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of a college, university, public or private school, or public or historical park.]THE DEFINITION OF THE TERM “HIGHWAY” IN 75 PA.C.S. § 102 IS INCORPORATED BY REFERENCE.

* * * * *

Idling--For purposes of Chapter 126, Subchapter F (relating to diesel vehicle idling), the operation of the main propulsion engine of a [commercial] motor vehicle while the vehicle is stationary. (*Editor's Note: An unrelated definition of this term was published for comment in the Pennsylvania Bulletin on April 19, 2008, in a proposed amendment to Chapter 129 (relating to standards for sources) concerning glass melting furnaces. The later of these two rulemakings to be published as a final rulemaking will include both definitions.*)

* * * * *

IMPLEMENT OF HUSBANDRY—THE DEFINITION OF THE TERM “IMPLEMENT OF HUSBANDRY” IN 75 PA.C.S. § 102 IS INCORPORATED BY REFERENCE.

* * * * *

MOTOR HOME—THE DEFINITION OF THE TERM “MOTOR HOME” IN 75 PA.C.S. § 102 IS INCORPORATED BY REFERENCE.

* * * * *

SCHOOL BUS—THE DEFINITION OF THE TERM “SCHOOL BUS” IN 75 PA.C.S. § 102 IS INCORPORATED BY REFERENCE.

* * * * *

STATIONARY IDLE REDUCTION TECHNOLOGY—EQUIPMENT THAT TRANSFORMS POWER FROM THE ELECTRIC GRID FOR THE PURPOSE OF DELIVERING USABLE ELECTRIC POWER, HEAT OR AIR CONDITIONING TO A MOTOR VEHICLE FOR THE PURPOSE OF REDUCING MAIN ENGINE IDLING.

CHAPTER 126. MOTOR VEHICLE AND FUELS PROGRAMS

Subchapter F. DIESEL VEHICLE IDLING

GENERAL PROVISIONS

Sec.

126.601. Applicability.

RESTRICTIONS ON DIESEL VEHICLE IDLING

126.611. Idling restriction.

126.612. Exemptions.

126.613. PERMANENT IDLING RESTRICTION SIGNS.

GENERAL PROVISIONS

§ 126.601. Applicability.

(a) This subchapter applies to owners and operators of diesel-powered ~~[commercial motor vehicles]~~ **MOTOR VEHICLES WITH A GVWR OF 10,001 POUNDS OR MORE** and owners and operators of locations at which diesel-powered ~~[commercial motor vehicles]~~ **MOTOR VEHICLES WITH A GVWR OF 10,001 POUNDS OR MORE** load, unload or park.

(b) THE IDLING RESTRICTIONS IN THIS SUBCHAPTER DO NOT APPLY TO MOTOR HOMES, COMMERCIAL IMPLEMENTS OF HUSBANDRY, IMPLEMENTS OF HUSBANDRY, FARM EQUIPMENT OR FARM VEHICLES.

RESTRICTIONS ON DIESEL VEHICLE IDLING

§ 126.611. Idling restriction.

No person subject to this subchapter may cause or allow the engine of a diesel-powered ~~[commercial motor vehicle]~~ **MOTOR VEHICLE WITH A GVWR OF 10,001 POUNDS OR MORE** to idle for more than **A TOTAL OF** 5 minutes in ~~[a]~~ **ANY CONTINUOUS** 60-minute period, except as provided in § 126.612 (relating to exemptions).

§ 126.612. Exemptions.

(a) A ~~[diesel-powered commercial]~~ motor vehicle **SUBJECT TO THIS SUBCHAPTER** may idle beyond the time allowed in § 126.611 (relating to idling restriction) for one or more of the following reasons:

(1) When idling is necessary for an occupied vehicle equipped with a sleeper berth compartment to operate air conditioning or heating during a rest period and the outside temperature at the location of the vehicle **AT THE START OF THE REST PERIOD** is less than 40° F or greater than 75° F. This exemption expires May 1, 2010. This exemption does not apply if the vehicle is parked at a location equipped with stationary idle reduction technology that is available for use **AT THE START OF THE REST PERIOD**.

(2) When idling is necessary for a [~~passenger~~] bus **OR SCHOOL BUS** to provide heating or air conditioning when nondriver passengers are onboard. For the purposes of this exemption, [~~the~~] **A** bus may idle for **A TOTAL OF 15 minutes in [a] ANY CONTINUOUS 60-MINUTE PERIOD AND A SCHOOL BUS MAY IDLE FOR ANY AMOUNT OF TIME WHEN IDLING IS NECESSARY TO MAINTAIN A SAFE TEMPERATURE FOR STUDENTS WITH SPECIAL NEEDS.**

(3) When idling is necessary for **SAMPLING, WEIGHING,** active loading or active unloading [~~of property or passengers~~] **OR FOR AN ATTENDED MOTOR VEHICLE WAITING FOR SAMPLING, WEIGHING, LOADING OR UNLOADING. FOR THE PURPOSES OF THIS EXEMPTION, THE VEHICLE MAY IDLE FOR A TOTAL OF 15 MINUTES IN ANY CONTINUOUS 60-MINUTE PERIOD.**

(4) When idling is necessary for a vehicle to operate work-related mechanical or electrical operations other than propulsion.

(5) When a vehicle must remain motionless because of one or more of the following:

(i) Traffic or other obstruction on the highway.

(ii) An official traffic control device or signal.

(iii) The direction of a uniformed police officer or other person authorized to direct traffic under 67 Pa. Code § 101.2 (relating to persons authorized to direct traffic).

(6) When idling is necessary as part of a State or Federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection.

(7) When idling is necessary for maintenance, servicing[~~s~~] **OR** repair[~~s~~] **OF THE VEHICLE** or **FOR VEHICLE** diagnostic purposes, provided idling is required for this activity.

(8) When idling is necessary to operate defrosters, heaters, air conditioners or cargo refrigeration equipment, or to install equipment, **IN ORDER** to prevent a safety or health emergency and not for the purpose of a rest period, or as otherwise required by Federal or State motor carrier safety regulations or local requirements.

(9) When idling is necessary for a police, fire, ambulance, public safety, military or other vehicle while being used in an emergency or training capacity.

(10) When idling is necessary for an armored vehicle while a person remains inside the vehicle to guard the contents **OR WHILE THE VEHICLE IS BEING LOADED OR UNLOADED.**

(11) When idling by a school bus **OFF OF SCHOOL PROPERTY** during queuing for the sequential discharge or pickup of students is necessary because the physical configuration of a school or the school's surrounding streets does not allow for stopping.

(12) WHEN IDLING IS NECESSARY FOR MAINTAINING SAFE OPERATING CONDITIONS WHILE WAITING FOR A POLICE ESCORT WHEN TRANSPORTING A LOAD THAT REQUIRES THE ISSUANCE OF A PERMIT IN ACCORDANCE WITH 75 Pa.C.S. CHAPTER 49, SUBCHAPTER D (RELATING TO SPECIAL PERMITS FOR EXCESSIVE SIZE AND WEIGHT).

(b) The restriction on idling in § 126.611 does not apply to a vehicle that **[has a model year 2007 or newer engine and]** exhibits a label issued by CARB under 13 CCR 1956.8(a)(6)(C) (relating to exhaust emissions standards and test procedures--1985 and subsequent model heavy-duty engines and vehicles) showing that the vehicle's engine meets an optional NOx idling emission standard.

(c) A person will not be considered in violation of § 126.611 for **[idling that exceeds 5 minutes in a 60-minute period]** **AN IDLING EXCEEDANCE** if each of the following occurs:

(1) The vehicle owner or operator asserts at the time of the exceedance that the vehicle **[idled more than 5 minutes in a 60-minute period]** **EXCEEDED THE IDLING RESTRICTION** due to a mechanical problem over which the driver had no control.

(2) The vehicle owner or operator demonstrates to the Department or other enforcing agency within 10 business days of exceeding the idling restriction that the mechanical problem has been identified and repaired.

(d) A county, city, town, township, borough or local air authority with idling regulations in existence before _____ (*Editor's Note: The blank refers to the effective date of adoption of this final-form rulemaking.*) may approve **[alternative compliance plans for bus terminals]** **IDLING TIME LIMITS FOR BUSES IN EXCESS OF THE TIME LIMITS IN THIS SUBCHAPTER IF THE FOLLOWING CONDITIONS ARE MET:**

(1) THE APPROVAL APPLIES ONLY TO THE WARM-UP OF BUSES STORED OUTDOORS AT A BUS [terminal] DEPOT.

(2) THE APPROVAL APPLIES ONLY WHEN THE TEMPERATURE IS BELOW 40° F.

(3) THE APPROVAL IS DESIGNED to minimize idling.

§ 126.613. PERMANENT IDLING RESTRICTION SIGNS.

AN OWNER OR OPERATOR OF A LOCATION WHERE VEHICLES SUBJECT TO THIS SUBCHAPTER LOAD OR UNLOAD OR A LOCATION THAT PROVIDES 15 OR MORE PARKING SPACES FOR VEHICLES SUBJECT TO THIS SUBCHAPTER SHALL ERECT AND MAINTAIN A PERMANENT SIGN TO INFORM DRIVERS THAT IDLING IS RESTRICTED IN THIS COMMONWEALTH, AS SPECIFIED IN 67 PA. CODE § 212.101(a) AND (b) (RELATING TO OFFICIAL SIGNS).

[Subchapter G. AUXILIARY POWER SYSTEMS

GENERAL PROVISIONS

Sec.

126.701. Applicability.

RESTRICTIONS ON AUXILIARY POWER SYSTEMS

126.701. Auxiliary power system.

GENERAL PROVISIONS

§ 126.701. Applicability.

This subchapter applies to owners and operators of diesel-powered commercial motor vehicles with a model year 2007 or newer engine.

RESTRICTIONS ON AUXILIARY POWER SYSTEMS

§ 126.702. Auxiliary power system.

For a diesel-powered commercial motor vehicle with a model year 2007 or newer engine, an auxiliary power system powered by a diesel-powered internal combustion engine may only be used in this Commonwealth if its exhaust is routed through the exhaust system of the main propulsion engine. This requirement does not apply if the vehicle or auxiliary power system exhibits a label issued by CARB under 13 CCR 2485(c)(3)(A)(1) (relating to airborne toxic control measure to limit diesel-fueled commercial motor vehicle idling) for the auxiliary power system.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR RESOURCES

AIR POLLUTION CONTROL REGULATION NO. 45

RHODE ISLAND DIESEL ENGINE ANTI-IDLING PROGRAM



Effective 19 July 2007

AUTHORITY: These regulations are authorized pursuant to R.I. Gen. Laws § 23-23-29 and §31-16.1, as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

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**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR RESOURCES
AIR POLLUTION CONTROL REGULATION NO. 45**

45. RHODE ISLAND DIESEL ENGINE ANTI-IDLING PROGRAM

45.1. Definitions

Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to the Rhode Island Air Pollution Control General Definitions Regulation. As used in this regulation, the following terms shall, where the context permits, be construed as follows:

45.1.1. "Diesel engine" means a compression ignition type of internal combustion engine.

45.1.2. "Diesel motor vehicle" means a vehicle powered by a diesel engine but shall not include non-road diesel engines, auxiliary power units on on-road motor vehicles, or stationary diesel engines.

45.1.3. "Idling" means the operation of the engine while the vehicle is stationary or the piece of non-road equipment is not performing work.

45.1.4. "Non-road diesel engine" means a diesel engine intended for use off public highways or in other similar applications, and include, but are not limited to, diesel engines in: farm vehicles, locomotives, aircraft, marine vessels, construction equipment, airport ground support equipment, commercial and industrial equipment.

45.1.5. "Unnecessary idling" means idling which does not meet one of the exemptions listed in 45.5.

45.2. Applicability

These regulations apply to any person, entity, owner or operator with control over the operations of diesel engines.

45.3. Diesel motor vehicle engine idling

No person, entity, owner or operator shall cause, allow or permit the unnecessary idling of the engine of a diesel motor vehicle while said vehicle is stopped for a period of time in

excess of five (5) consecutive minutes in any sixty (60) minute period, except as provided in the exemptions listed in section 45.5.

45.4. Non-road diesel engine idling

No person, entity, owner or operator shall cause, suffer, allow or permit the unnecessary idling of non-road diesel engines under its control or on its property.

45.5. Exemptions

Vehicles, diesel engines and non-road diesel engines are exempt from the requirement of this regulation in the following circumstances:

45.5.1. Vehicles that remain motionless due to traffic conditions or at the direction of a law enforcement official.

45.5.2. Vehicles idling when it is necessary to operate defrosting, heating, or cooling equipment to ensure the health or safety of the driver or passengers. In the case of providing heat, the exemption allows idling for up to 15 minutes per hour when temperatures are between 0 degrees and 32 degrees Fahrenheit. Idling for the purpose of providing heat will be allowed as needed when temperatures are below 0 degrees Fahrenheit. A passenger bus may idle a maximum of 15 minutes per hour to maintain passenger comfort while non-driver passengers are onboard whenever temperatures are below 50 degrees Fahrenheit.

45.5.3. Vehicles necessarily idling when the primary propulsion engine is needed to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate non-essential on-board equipment.

45.5.4. Non-road diesel engines may idle when the engine idles for maintenance, servicing, repairing, or diagnostic purposes, if idling is required for such activity. In addition, a non-road diesel engine may idle as part of a state or federal inspection to verify that all equipment is in good working order, if idling is required as part of the inspection..

45.5.5. An occupied vehicle with a sleeper berth compartment may idle for purposes of air conditioning or heating during federally mandated rest or sleep period. This exemption shall expire on July 1, 2010.

45.5.6. Vehicles may idle when the primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes, if idling is required for such activity. In addition, a vehicle may idle as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection.

45.5.7. Police, fire, rescue, ambulance and other public safety vehicles, military vehicles, armored vehicles, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, may idle while in an emergency or training mode and not for the convenience of the vehicle operator. Also, an armored vehicle may idle when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.

45.5.8. Airfield maintenance vehicles while actively being used to achieve their intended purpose on a state-owned or operated airport.

45.5.9. Diesel powered engines or vehicles that must continuously operate while stationary in order to perform their intended function, in accordance with all applicable regulations (e.g., an electricity generator which is actively being used to power equipment on-site).

45.5.10. Operating a vehicle mounted auxiliary power unit or generator set as a means to heat, air condition or provide electrical power as an alternative to idling the vehicle's main engine is not considered idling.

45.6. Penalties

Any person who violates the provisions of this regulation shall be punished by a fine of not more than one hundred dollars (\$100) for the first offense, not more than five hundred dollars (\$500) for each succeeding offense, as stated in RIGLs § 31-16.1-3 and § 31-16.1-4. Penalties shall be assessed against the person, entity, owner or operator of any vehicle or non-road diesel engine found to be in violation of this regulation. Additionally, penalties may be assessed against any person who allows or permits unnecessary idling to occur on property under their control.

45.7. General Provisions

45.7.1. Purpose

The purpose of this regulation is to specify the requirements for Rhode Island's Diesel Engine Anti-Idling Program and to protect public health and the environment by reducing emissions that result from unnecessary idling while conserving fuel and to codify the requirements of RIGLs § 31-16.1 and § 23-23-29.

45.7.2. Authority

These regulations are authorized pursuant to R.I. Gen. Law § 31-16.1-2, as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35

45.7.3. Application

The terms and provisions of this regulation shall be liberally construed to permit the Department to effectuate the purposes of state law, goals and policies.

45.7.4. Severability

If any provision of this regulation or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulation shall not be affected thereby.

45.7.5. Effective Date

The foregoing regulation, "Rhode Island Motor Anti-Idling Program", as amended, after due notice, is hereby adopted and filed with the Secretary of State this 29th day of June, 2007 to become effective twenty (20) days thereafter, in accordance with the provisions of Chapters 23-23, 31-16.1, 42-35, 42-17.1, 42-17.6, of the General Laws of Rhode Island of 1956, as amended.

W. Michael Sullivan, PhD., Director
Department of Environmental Management

Notice Given on:	May 15, 2007
Public Hearing held:	June 15, 2007
Filing Date:	June 29, 2007
Effective Date:	July 19, 2007

South Carolina General Assembly
117th Session, 2007-2008

SECTION 6. Title 56 of the 1976 Code is amended by adding:

"CHAPTER 35
Idling Restrictions for Commercial Diesel Vehicles

Section [56-35-10](#). As used in this chapter:

- (1) 'Auxiliary power unit' means a mechanical or electrical device affixed to a vehicle that is designed to be used to generate an alternative source of power for any of the vehicle's systems other than the primary propulsion engine.
- (2) 'Commercial diesel vehicle' means a self-propelled diesel motor vehicle licensed for use on a public roadway to transport passengers or property when the vehicle has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight of ten thousand and one pounds or more, whichever is greater.
- (3) 'Passenger bus' means a vehicle designed to carry sixteen or more passengers.
- (4) 'Vehicle' means a commercial diesel vehicle.

Section [56-35-20](#).

(A)

- (1) An operator of a commercial diesel vehicle may not allow the vehicle to idle for more than ten minutes in any sixty-minute period.
- (2) A passenger bus may idle up to fifteen minutes in a sixty-minute period to provide heating or air conditioning when nondriver passengers are on board the vehicle.

(B) A vehicle operator does not violate the idling restrictions contained in subsection (A) if he is idling:

- (1) a vehicle while forced to remain motionless because of traffic conditions beyond his control, an official traffic-control device or signal, or at the direction of a law enforcement official;
- (2) a vehicle while operating defrosters, heaters, air conditioners, cargo refrigeration equipment, or to install equipment to prevent a safety or health emergency, or as otherwise required by federal or state motor carrier safety

regulations or local requirements. This exception does not apply when idling during a rest period;

(3) a police, fire, ambulance, public safety, military, or other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity while in an emergency or training mode. This exception does not apply when idling for the convenience of the vehicle operator;

(4) the primary propulsion engine of a vehicle for maintenance, servicing, repairing, or diagnostic purposes if idling is required;

(5) a vehicle as part of a federal or state inspection to verify that all equipment is in good working order, if idling is required as part of the inspection;

(6) a primary propulsion engine necessary to power work-related mechanical or electrical operations. This exception shall not apply when idling is done for cabin comfort or to operate nonessential onboard equipment;

(7) an armored vehicle when a person remains inside the vehicle to guard contents or while the vehicle is being loaded or unloaded;

(8) an occupied vehicle with a sleeper berth compartment for purpose of air conditioning or heating:

(a) during a rest or sleep period;

(b) when the outside temperature at the location of the vehicle is less than forty degrees Fahrenheit or greater than eighty degrees Fahrenheit; or

(c) while the vehicle is at a rest area, fleet trucking terminal, commercial truck stop, state designated location designed for the intended purpose of a driver's rest area, or any location that the vehicle is legally permitted to park that is at least five hundred feet from residential housing, schools, daycare facilities, hospitals, or other similar locations; or

(9) an occupied vehicle while waiting in line or queuing to load or unload.

Section [56-35-30](#).

(A) For the purposes of this chapter, operating an auxiliary power unit, generator set, or another mobile idling reduction technology as a means to heat, air condition, or provide electrical power, as an alternative to idling the main engine, does not constitute idling an engine.

(B) For a vehicle equipped with an auxiliary power unit designed for idling reduction, the gross vehicle weight or axle weight used to determine the fine for a violation of

commercial vehicle weight restrictions is the actual gross vehicle weight or axle weight reduced by four hundred pounds.

Section [56-35-40](#).

A violation of the provisions contained in this chapter is a nonmoving traffic offense that is punishable by:

- (1) a warning ticket for an offense that occurs between July 1, 2008, to July 1, 2009; or
- (2) a fine of seventy-five dollars for each offense that occurs after July 1, 2009.

Section [56-35-50](#).

(A) The State Transport Police Division of the Department of Public Safety is primarily responsible for enforcing the provisions of this chapter. An officer or agent of the State Transport Police that observes a vehicle operator violating the provisions of this chapter is authorized to issue a citation to the offender. The provisions of this chapter do not apply to a commercial diesel vehicle idling on the premises of a restricted access facility or in areas on the private property of a business that are generally designed and intended for commercial vehicle access, loading or unloading when the facility or business is located at least five hundred feet away from any church, school, playground, daycare facility, or hospital.

(B) The officer must inform the individual receiving the citation that he has the option, at that time, to elect to pay his fine directly to the Department of Public Safety or to receive a hearing in magistrates court. If the individual at the time the citation is issued elects to pay his fine directly to the Department of Public Safety within twenty-eight days, as specified on the citation, no assessments may be added to the original fine pursuant to this section. The fine may be deposited with the arresting officer or a person the Department of Public Safety may designate. Within forty-five days of collection, fifty dollars of the monies collected by the Department of Public Safety must be forwarded to the Department of Health and Environmental Control for deposit in the Diesel Idling Reduction Fund, twenty-five dollars of the monies collected must be deposited into an account to be used by the Department of Public Safety's State Transport Police Division in support of the Idling Restrictions for Commercial Diesel Vehicles program which at the end of a fiscal year does not lapse to the general fund, but is instead carried forward to the succeeding fiscal year.

(C)

- (1) Magistrates have jurisdiction of all contested violations of this chapter. Where a contested hearing is requested, any fine imposed is subject to all assessments and surcharges applicable by law. The fine, surcharges, and assessments shall be distributed as set forth in the applicable law.

(2) If the fine is not paid in full to the Department of Public Safety within forty-five days after conviction, the driver's license of the vehicle operator found in violation of this chapter must be suspended. The suspension continues until the fine is paid in full.

(D) The State Transport Police shall use the citation form referenced in Section [56-1-4160](#)(G) for idling violations. The Department of Public Safety must electronically transmit to the Department of Motor Vehicles all tickets issued pursuant to this section. The Department of Public Safety and the Department of Motor Vehicles must work together to develop an electronic exchange of information over the next two years.

Section [56-35-60](#).

(A) There is established by the State Treasurer a fund separate and distinct from the general fund and all other funds entitled the Diesel Idling Reduction Fund. Fifty dollars of the fines pursuant to this section must be credited to it and a balance in the fund at the end of a fiscal year does not lapse to the general fund but is instead carried forward to the succeeding fiscal year. The monies in the fund must be used only to cover costs associated with the idling awareness program operated by the Department of Health and Environmental Control.

(B) The Department of Health and Environmental Control, as funds become available, may develop and operate an idling awareness program that promotes the benefits of idling reductions. The program must encourage businesses and vehicle operators to develop practices to reduce idling.

Section [56-35-70](#).

The provisions of this chapter are the sole source of idling restrictions on commercial diesel vehicles in this State and this chapter is the sole source of penalties for violations of the idling restrictions. The provisions in this chapter supercede and preempt any ordinance enacted by a local political subdivision purporting to regulate idling on commercial diesel vehicles.

Section [56-35-80](#).

The Department of Health and Environmental Control may promulgate regulations to administer and enforce the provisions of this chapter."

RULE §114.510 Definitions

Unless specifically defined in the Texas Health and Safety Code, Chapter 382 (also known as the Texas Clean Air Act) or in the rules of the commission, the terms used in this subchapter have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by Texas Health and Safety Code, Chapter 382; §3.2 of this title (relating to Definitions); §101.1 of this title (relating to Definitions); and §114.1 of this title (relating to Definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

(1) Idle--The operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released, and there is no load on the engine.

(2) Local government--A city, county, municipality, or political subdivision of the state.

(3) Motor vehicle--Any self-propelled device powered by an internal combustion engine and designed to operate with four or more wheels in contact with the ground, in or by which a person or property is or may be transported, and is required to be registered under Texas Transportation Code, §502.002, excluding vehicles registered under §502.006(c).

(4) Primary propulsion engine--A gasoline or diesel-fueled internal combustion engine attached to a motor vehicle that provides the power to propel the motor vehicle into motion and maintain motion.

RULE §114.511 Applicability

The provisions of §114.512 and §114.517 of this title (relating to Control Requirements for Motor Vehicle Idling; and Exemptions) are applicable only within the jurisdiction of a local government that has signed a Memorandum of Agreement with the commission to delegate enforcement of the provisions of this division to that local government.

RULE §114.512 Control Requirements for Motor Vehicle Idling

(a) No person shall cause, suffer, allow, or permit the primary propulsion engine of a motor vehicle to idle for more than five consecutive minutes when the motor vehicle, as defined in §114.510 of this title (relating to Definitions), is not in motion during the period of April 1 through October 31 of each calendar year.

(b) No driver using the vehicle's sleeper berth may idle the vehicle: in a residential area as defined by Local Government Code, §244.001, in a school zone, within 1,000 feet of a hospital, or within 1,000 feet of a public school during its hours of operation. An offense

under this subsection may be punishable by a fine not to exceed \$500. This subsection expires September 1, 2009.

RULE §114.517 **Exemptions**

The provisions of §114.512 of this title (relating to Control Requirements for Motor Vehicle Idling) do not apply to:

- (1) a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less and does not have a sleeper berth;
- (2) a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less, after September 1, 2009;
- (3) a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;
- (4) a motor vehicle being used by the United States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle;
- (5) the primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation, other than propulsion, and/or passenger compartment heating, or air conditioning;
- (6) the primary propulsion engine of a motor vehicle being operated for maintenance or diagnostic purposes;
- (7) the primary propulsion engine of a motor vehicle being operated solely to defrost a windshield;
- (8) the primary propulsion engine of a motor vehicle that is being used to supply heat or air conditioning necessary for passenger comfort and safety in vehicles intended for commercial or public passenger transportation, or passenger transit operations, in which case idling up to a maximum of 30 minutes is allowed;
- (9) the primary propulsion engine of a motor vehicle being used to provide air conditioning or heating necessary for employee health or safety while the employee is using the vehicle to perform an essential job function related to roadway construction or maintenance;
- (10) the primary propulsion engine of a motor vehicle being used as airport ground support equipment;
- (11) the owner of a motor vehicle rented or leased to a person that operates the vehicle and is not employed by the owner; or

(12) a motor vehicle when idling is necessary to power a heater or air conditioner while a driver is using the vehicle's sleeper berth for a government-mandated rest period and is not within two miles of a facility offering external heating and air conditioning connections at a time when those connections are available. This subsection expires September 1, 2009.

4.1.9. **Vehicle Idling Limitation.** No owner or operator of a diesel powered vehicle shall allow or permit such vehicle to remain in an idling mode or condition for a period of time exceeding fifteen (15) minutes.

- (i) **Exemption to Idling Limitations** . Vehicles may be exempted from the idling limitation requirements of part 4.1.9 under the following conditions:
 - a. To supply power to a refrigeration unit for the purpose of cooling the contents of a trailer.
 - b. To provide heat or air conditioning to a sleeper unit of the vehicle.
 - c. Emergency vehicles.
- (ii) Vehicles exempted from the Vehicle Idling Limitations as applicable under chapters 4.1.9 (i) a. and b. of this regulation shall not remain in an idling condition for a period longer than fifteen (15) minutes if located within five hundred (500) feet of any residence.

41-6a-1403. Motor vehicle left unattended -- Requirements.

(1) A person operating or in charge of a motor vehicle may not permit the vehicle to stand unattended without:

- (a) stopping the engine;
- (b) locking the ignition and removing the key;
- (c) placing the transmission in "park" or the gears in "low" or "reverse" if the vehicle has a manual shift; or
- (d) effectively setting the brakes thereon.

(2) A person shall turn the front wheels to the curb or side of the highway when standing a vehicle on any perceptible grade.

Renumbered and Amended by Chapter 2, 2005 General Session

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9VAC5-40-5670. Motor vehicles.

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C. In commercial or residential urban areas, propulsion engines of motor vehicles licensed for commercial or public service use shall not be left running for more than three minutes when the vehicle is parked, unless the propulsion engine is providing auxiliary power for other than heating or air conditioning; except that:

1. Tour buses may idle for up to 10 minutes during hot weather in order to maintain power to the air conditioning system; and
2. Diesel powered vehicles may idle for up to 10 minutes to minimize restart problems.