

Redline Draft Rule For October 7, 2008 Meeting

1. *Requirements:* The following requirements shall apply:
 - (i) After May 1, 2009, no person who owns, operates or leases a heavy-duty vehicle shall cause, let, permit, suffer, or allow the propulsion engine to idle for a period greater than five consecutive minutes except as exempt by this rule.
 - (ii) After May 1, 2009, persons owning, leasing or occupying nonresidential land and engaging in activities involving the use of one or more heavy-duty vehicle(s) on such land shall implement policies, practices, and offer idling alternatives as needed to provide a practical and reasonable expectation for the operator to comply while on such land. Policies shall provide written guidance for decisions and actions that would encourage and enable operators of heavy-duty vehicles to comply. Practices are those actions carried out encouraging and enabling operators to comply. Actions may include, but are not limited to, displaying written policies, distribution of written or printed materials, radio communications, and contract stipulations. Idling alternative shall include any practical method, strategy, technology, structure, and/or mechanical or electrical device that would provide the same or similar function and/or comfort as idling the primary engine. These practical idling alternatives shall reduce idling and air pollution at a cost not to exceed the cost of the continued practice of idling. As a minimum, assessing a practical idling alternative shall compare the expense of the idling alternative to the financial benefit resulting from reduced fuel consumption. Financial benefit shall include the net benefit for the person owning, operating or leasing the heavy-duty vehicle and for the person owning, leasing or occupying land. The assessment shall cover the expected lifetime of the idling alternative. Any idling alternative used through sole discretion of the person owning, leasing or occupying land shall be considered practical even if the alternative exceeds the cost of idling. Practical idling alternatives may include, but are not limited to, shore power (electrification of parking spaces), building refuge (climate-controlled rooms at staging area), enhancement of loading and unloading equipment, and equipment used to disseminate information about loading/unloading conditions to operators;
 - (iii) Operation of an auxiliary power system (APS) shall be allowed except as prohibited in this paragraph. No person who installs a diesel fueled auxiliary power system (APS) after May 1, 2011 on any 2007 or new model year motor vehicle subject to this rule ~~after May 1, 2009~~ shall operate it the APS unless it is the APS is equipped with a verified level three in-use strategy for particulate matter control or the exhaust is routed directly into the vehicles exhaust pipe, upstream of the diesel particulate after treatment device as specified in Title 13, of the California Code of Regulations, Section 2485(c)(3). A level three in-use particulate matter control device shall reduce particulate matter emissions by at least 85 percent from the baseline emission level, or achieve particulate matter emission levels of 0.01 grams per brake-horsepower-hour (g/bhp-hr) or less as specified in Title 13, of the California Code of Regulations, Section 2708. Any motor vehicle complying with this section shall have a label affixed to the hood identifying it as a “certified clean APS” as specified in Title 13, of the California Code of Regulations, Section 86.001-35(B)4.

2. *Applicability:* The requirements of this subparagraph shall apply to heavy-duty vehicles powered in-part or entirely by an internal combustion engine including:
 - (i) any motor vehicle with a gross vehicle weight rating more than 10,000 pounds; or
 - (ii) any subject nonroad vehicle with a brake horsepower (bhp) rating more than 75.

3. *Exemptions:* Provided all reasonable precautions are taken to minimize idling, exemptions shall apply to this rule as follows:
 - (i) idling of emergency, law enforcement and military tactical vehicles;
 - (ii) idling necessary for vehicle repair or maintenance;
 - (iii) idling necessary to provide power take off (PTO) for refrigeration of cargo, processing of cargo, pumping, dumping, lifting, hoisting, drilling, mixing, loading, unloading, compacting, vacuuming, repairing, servicing, installing, constructing, agricultural operations, utility operations, industrial operations, commercial operations, residential operations and any other function as approved by the Division;
 - (iv) idling for research, development, performance evaluations or other case specific reason as approved by the Division;
 - (v) idling of a vehicle when needed to safely fight or manage a fire, to respond to traffic accidents, or to respond and assist stranded motorists;
 - (vi) idling required for a federal, state or municipal inspection;
 - (vii) idling of an armored vehicle when a person remains inside the vehicle to guard contents or while the vehicle is being loaded or unloaded;
 - (viii) idling of a crane;
 - (ix) idling necessary for queuing provided the vehicle's propulsion engine does not idle for more than fifteen consecutive minutes;
 - (x) idling of a transit bus provided the vehicle's propulsion engine does not idle for more than fifteen consecutive minutes;
 - (xi) idling of a bus as needed to accommodate an individual's impairment from a physiological or mental disorder covered by the Americans with Disabilities Act (ADA)-exceptional child's physical or mental condition;
 - (xii) idling of a heavy-duty vehicle with an occupied sleeper berth until January 1, 2012;
 - (xiii) idling of a motor vehicle meeting the optional NOx idling emission standard in lieu of using an engine shutdown system in accordance with Title 13, of the California Code of Regulations, Section 1956.8(a)(6) provided such motor vehicle has the required "clean idle engine" decal displayed on the hood as specified by Title 13, of the California Code of Regulations, Section 86.001-35(B)4;
 - (xiv) idling of a heavy-duty vehicle while remaining motionless due to traffic conditions, official traffic control devices or signals, congestion, or at the direction of a law enforcement official provided that such idling is not for the purpose of queuing;
 - (xv) idling of a heavy-duty vehicle when the outside temperature is 20 degrees Fahrenheit or below; and
 - (xvi) idling of a heavy-duty vehicle that is in the process of clearing snow or ice from paved surfaces; and

4. *Definitions:* For the purpose of this subsection, the following definitions shall apply:
- (i) “Emergency vehicle” means any vehicle that is legally authorized by a governmental authority to exceed the speed limit to transport people and equipment to and from situations in which speed is required to save lives or property, such as a rescue vehicle, fire truck, or ambulance.
 - (ii) “Idle (idling)” means the operation of a vehicle’s propulsion engine while the vehicle is stationary.
 - (iii) “Gross vehicle weight rating” means the weight specified by the manufacturer as the loaded weight of a single vehicle.
 - (iv) “Heavy-duty vehicle” means any vehicle powered in-part or entirely by an internal combustion engine, which is a motor vehicle with a gross vehicle weight rating more than 10,000 pounds or any subject nonroad vehicle with a brake horsepower (bhp) rating more than 75.
 - (v) “Law enforcement vehicle” means any vehicle that is primarily operated by a civilian or military police officer or sheriff or enforcement agencies of the federal government, by state highway patrols, municipal law enforcement, or by other similar law enforcement agencies and which is used for the purpose of law enforcement activities including, but not limited to, chase, apprehension, surveillance, or patrol of people engaged or potentially engaged in unlawful activities.
 - (vi) “Military tactical vehicle” means a motor vehicle or equipment owned by the U.S. Department of Defense and/or the U.S. military services and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.
 - (vii) “Motor vehicle” means any self-propelled vehicle that is used or intended to be used for transporting persons or commodities on public roads.
 - (viii) “Person” means any individual, corporation, partnership, association, State, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States, or any other entity, and includes any office, agent, or employee of any of the above. ~~“Physical or mental condition” means any physiological or mental disorder resulting in an impairment covered by the Americans with Disabilities Act (ADA).~~
 - (ix) “Propulsion engine” means an internal combustion engine used for the primary purposes of moving the vehicle.
 - (x) “Queuing” means keeping a vehicle in line for the purpose of an orderly receipt or delivery of items, services, fuel or people.
 - (xi) “Subject nonroad vehicle” means any non-rail vehicle that is designed to move across land and does not meet the definition of a Motor Vehicle. Examples of subject nonroad vehicles include, but is not limited to, tractors, dozers, loaders, backhoes, lifts, graders, combines, feller-bunchers, skidders and trucks. Subject Nonroad Vehicles exclude locomotives, ships, boats and planes.
 - (xii) “Transit bus” means any bus owned or operated by a publicly owned or operated transit system, or operated under contract with a publicly owned or operated transit system, and used to provide to the general public, regularly scheduled transportation for which a fare is charged. A paratransit bus shall be considered a transit bus. ~~A general public paratransit vehicle is not a transit bus.~~