

# DRAFT

## MODEL Limitation on Engine Idling Ordinance

This ordinance establishes a prohibition on the idling of on-and off-road engines when the vehicle is not moving or when the off-road equipment is not performing work for a period of time greater than five minutes in any one-hour period.

Be it ordained by the People of the *(insert name of local agency)*:

*(Insert name of local agency) Codes (need to insert the appropriate CODES such as ADMINISTRATIVE, GENERAL, BUILDING or PLANNING, TRAFFIC, ETC.)* are hereby amended by adding Chapter (\_\_\_), to read as follows:

### CHAPTER (\_\_\_)

#### LIMITATION ON ENGINE IDLING

##### SEC. \_\_.1. FINDINGS AND PURPOSE

The *(insert name of governing board of local agency)* 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.

(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 144 grams per hour of nitrogen oxide and 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 idling exhaust emissions in the Sacramento Region to be 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 emissions reductions from full implementation of the Limitation on Engine Idling Ordinance in the Sacramento Region 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 75% compliance).

(f) Under this Chapter, a Limitation on Engine Idling is established by *(insert name of local agency)* to discourage the idling of engines in the *(insert name of local agency)*.

## **SEC. \_\_.2. DEFINITIONS**

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

(b) "Emergency" means a sudden, urgent, usually unforeseen, occurrence.

- (c) "Equipment Operator" means any person who is in actual physical control of a piece of off-road equipment.
- (d) "Gross Vehicle Weight Rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.
- (e) "Heavy-Duty Vehicle" means any on-road motor vehicle with a manufacturer's gross vehicle weight rating greater than 14,000 pounds.
- (f) "Idling" means the engine is running while the vehicle is stationary or the piece of off-road equipment is not performing work.
- (g) "Medium-Duty Vehicle" means any on-road motor vehicle with a manufacturer's gross vehicle weight rating of 6,001 – 14,000 pounds.
- (h) "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.
- (i) "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.
- (j) "Off-Road Equipment" means all non-road equipment with a horsepower rating of 50 or greater.
- (k) "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.
- (l) "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.

(m) "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.

### **SEC. \_\_.3. APPLICABILITY**

There is hereby established an ordinance to be known as the Limitation on Engine Idling that applies to the operation of all diesel fueled vehicles regardless of gross vehicle weight rating, all heavy-duty vehicles regardless of fuel being used, all off-road diesel-powered equipment regardless of horsepower rating, and all off-road equipment regardless of fuel being used, except as provided in Section 5. Additionally, this ordinance applies to TRU engines as specified in Section 4 (c).

### **SEC. \_\_.4. IDLING LIMITATION**

(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:

(i) more than five consecutive minutes; or

(ii) a period or periods aggregating more than five minutes in any one-hour period.

(b) An equipment operator of an off-road piece of equipment not identified in (a) above:

(1) must not cause or allow an off-road piece of equipment to idle at any location for:

(i) more than five consecutive minutes; or

(ii) a period or periods aggregating more than five minutes in any one-hour period.

(c) An equipment operator of a TRU:

- (1) must not cause or allow a TRU to operate within 1,000 feet of a residential area or school unless the cargo will be loaded or has been unloaded within 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 Section 4 (a), (b) and (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, written notification is provided of the requirements in Section 4 (a), (b) and (c); and
  - (3) all complaints of non-compliance with, and enforcement actions related to, the requirements of Section 4 (a), (b) and (c) are reviewed and remedial action is taken as necessary; and
  - (4) records of Section 4 (c)(1),(2) and (3) are kept for at least three years and made available or accessible to enforcement personnel within three business days of their request.
- (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 Sections 4 (a), (b) and (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 Sections 4 (a), (b) and (c).

## **SEC. \_\_.5. EXEMPTIONS**

This chapter 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 or as recommended by 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, ready mixed concrete mixer vehicle, 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;
- (i) 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 1,000 feet of a residential area or school.

(ii) 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; or

(i) idling is necessary to operate equipment that runs intermittently.

## **SEC. \_\_.6. RELATIONSHIP TO OTHER LAWS**

Nothing in this Chapter 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 Chapter.

## **SEC. \_\_.7. PENALTIES**

(a) For each violation of Section 4(a), (b) or (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 two hundred dollars (\$200) and to criminal penalties to the maximum extent provided by law.

(b) For each violation of Section 4 (d), an owner of a vehicle, off-road piece of equipment or TRU is subject to a minimum civil penalty of two hundred dollars (\$200) and to criminal penalties to the maximum extent provided by law.

(c) For each violation of Section 4(a), (b) or (c), a private property owner is subject to a minimum civil penalty of two hundred dollars (\$200) and to criminal penalties to the maximum extent provided by law.

**SEC. \_\_.8. ENFORCEMENT**

(a) This chapter may be enforced by the *(insert local agency name department(s) such as code enforcement, planning or environmental management)*, the California Air Resources Board, the local air pollution control or air quality management district, and / or any peace officer with the jurisdiction.

(b) The *(insert local agency name)* may by written agreement determine how penalties collected through enforcing this chapter are distributed to the enforcing agency(ies) or *(insert local agency name department(s))*.

**SEC. \_\_.9. EFFECTIVE DATE**

The provisions of this Chapter shall be effective upon adoption by the *(insert name of governing board of local agency)* and certified by the *(insert City Clerk or other appropriate official)*.

APPROVED AS TO FORM:

*(Insert Agency Name)* Attorney

By: \_\_\_\_\_

Name