

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 295 Session of
2007

INTRODUCED BY BROWNE, BOSCOLA, FERLO, COSTA, RAFFERTY, ORIE,
ERICKSON AND VANCE, MARCH 9, 2007

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 23, 2008

AN ACT

1 Providing for idling restrictions on diesel-powered ~~commercial~~ <—
2 MOTOR vehicles; and imposing a penalty. <—

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Diesel-
7 Powered ~~Commercial~~ Motor Vehicle Idling Act. <—

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 ~~"Auxiliary power system." A device installed on a commercial~~ <—
13 ~~motor vehicle to provide electrical, mechanical or thermal~~
14 ~~energy to the primary diesel engine, the cab or the sleeper~~
15 ~~berth compartment as an alternative to idling the primary diesel~~
16 ~~engine.~~

1 ~~"Commercial motor vehicle." A self propelled motor vehicle~~
2 ~~used on a highway to transport passengers or property when the~~
3 ~~vehicle meets any of the following conditions:~~

4 ~~(1) the vehicle is being used commercially and has a~~
5 ~~gross vehicle weight rating or gross combination weight~~
6 ~~rating, or gross vehicle weight or gross combination weight~~
7 ~~of 4,536 kg (10,001 pounds) or more, whichever is greater;~~

8 ~~(2) the vehicle is designed or used to transport more~~
9 ~~than eight passengers, including the driver, for~~
10 ~~compensation;~~

11 ~~(3) the vehicle is designed or used to transport more~~
12 ~~than 15 passengers, including the driver, and is not used to~~
13 ~~transport passengers for compensation; or~~

14 ~~(4) the vehicle is used in transporting material found~~
15 ~~by the Secretary of the United States Department of~~
16 ~~Transportation to be hazardous under 49 U.S.C. § 5103~~
17 ~~(relating to general regulatory authority) and transported in~~
18 ~~a quantity requiring placarding under regulations prescribed~~
19 ~~by the Secretary of the United States Department of~~
20 ~~Transportation under 49 CFR Subtitle B, Ch. 1 Subch. C~~
21 ~~(relating to hazardous materials regulations).~~

22 "BUS." AS DEFINED UNDER 75 PA.C.S. § 102 (RELATING TO
23 DEFINITIONS).

24 "BUS DEPOT." A LOCATION WHERE BUSES ARE ROUTINELY KEPT
25 OVERNIGHT, INCLUDING ANY GARAGE STRUCTURE OR OUTDOOR BUS PARKING
26 AREA OR BOTH.

27 "Department." The Department of Environmental Protection of
28 the Commonwealth.

29 "DIESEL-POWERED." A TYPE OF ENGINE THAT HAS OPERATING
30 CHARACTERISTICS SIGNIFICANTLY SIMILAR TO THE THEORETICAL DIESEL

1 COMBUSTION CYCLE.

2 "FARM EQUIPMENT." AS DEFINED UNDER 75 PA.C.S. § 102
3 (RELATING TO DEFINITIONS).

4 "FARM VEHICLE." AS DEFINED UNDER 75 PA.C.S. § 102 (RELATING
5 TO DEFINITIONS).

6 "Highway." The term as it is defined under 49 CFR 390.5
7 (relating to definitions).

8 "IDLE REDUCTION TECHNOLOGY." ANY DEVICE OR SYSTEM OF DEVICES <—
9 THAT IS INSTALLED ON A MOTOR VEHICLE SUBJECT TO THIS ACT AND IS
10 DESIGNED TO PROVIDE IT THOSE SERVICES, SUCH AS HEAT, AIR
11 CONDITIONING AND ELECTRICITY, THAT WOULD OTHERWISE REQUIRE THE
12 OPERATION OF THE MAIN DRIVE ENGINE WHILE THE MOTOR VEHICLE IS
13 TEMPORARILY PARKED OR REMAINS STATIONARY.

14 "Idling." Operation of the main propulsion engine of a
15 ~~commercial~~ motor vehicle while the vehicle is stationary. <—

16 "IMPLEMENT OF HUSBANDRY." AS DEFINED UNDER 75 PA.C.S. § 102 <—
17 (RELATING TO DEFINITIONS).

18 "MOTOR HOME." AS DEFINED UNDER 75 PA.C.S. § 102 (RELATING TO
19 DEFINITIONS).

20 "SCHOOL BUS." AS DEFINED UNDER 75 PA.C.S. § 102 (RELATING TO
21 DEFINITIONS).

22 "SCHOOL VEHICLE." AS DEFINED UNDER 75 PA.C.S. § 102
23 (RELATING TO DEFINITIONS).

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

28 Section 3. Restrictions on idling.

29 ~~(a) Restrictions. No operator of a commercial motor vehicle <—~~
30 ~~subject to this act shall cause or allow the engine of a diesel~~

1 ~~powered commercial motor vehicle to idle for more than five~~
2 ~~minutes in any 60 minute period, except as provided in~~
3 ~~subsection (b).~~

4 (A) RESTRICTIONS.--NO DRIVER OR OWNER OF A DIESEL-POWERED <—
5 MOTOR VEHICLE WITH A GROSS VEHICLE WEIGHT OF 10,001 POUNDS OR
6 MORE ENGAGED IN COMMERCE OR THE OWNER OR OPERATOR OF THE
7 LOCATION WHERE THE VEHICLES LOAD, UNLOAD OR PARK SHALL CAUSE OR
8 ALLOW THE ENGINE OF THE VEHICLE TO IDLE FOR MORE THAN FIVE
9 MINUTES IN ANY CONTINUOUS 60-MINUTE PERIOD, EXCEPT AS PROVIDED
10 UNDER SUBSECTIONS (B) AND (C).

11 (B) EXCLUSIONS.--THE IDLING RESTRICTIONS SET FORTH IN
12 SUBSECTION (A) DO NOT APPLY TO MOTOR HOMES, COMMERCIAL
13 IMPLEMENTS OF HUSBANDRY, IMPLEMENTS OF HUSBANDRY, FARM EQUIPMENT
14 OR FARM VEHICLES.

15 ~~(b)~~ (C) Exemptions.--A diesel-powered ~~commercial motor~~ <—
16 ~~vehicle~~ MOTOR VEHICLE WITH A GROSS VEHICLE WEIGHT OF 10,001 <—
17 POUNDS OR MORE may idle beyond the time allowed in subsection
18 (a) for one or more of the following reasons:

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

23 (2) When a vehicle must idle to operate defrosters,
24 heaters, air conditioners or cargo refrigeration equipment,
25 or to install equipment, in order to prevent a safety or
26 health emergency and not for the purpose of a rest period, or
27 as otherwise ~~required by~~ NECESSARY TO COMPLY WITH <—
28 MANUFACTURERS' OPERATING REQUIREMENTS, SPECIFICATIONS AND
29 WARRANTIES IN ACCORDANCE WITH Federal or State motor carrier
30 safety regulations or local requirements.

1 (3) When a police, fire, ambulance, public safety,
2 military, UTILITY SERVICE VEHICLE or other emergency or law <—
3 enforcement vehicle or any vehicle being used in an emergency
4 OR PUBLIC SAFETY capacity ~~idles~~ SHALL IDLE while in an <—
5 emergency or training mode and not for the convenience of the
6 ~~vehicle operator~~ DRIVER. <—

7 (4) When the primary propulsion engine idles for
8 ~~maintenance, servicing, repairing or~~ MAINTENANCE, PARTICULATE <—
9 MATTER TRAP REGENERATION, SERVICING OR REPAIR OF THE VEHICLE
10 OR FOR VEHICLE diagnostic purposes, if idling is required for
11 that activity.

12 (5) When a vehicle idles as part of a Federal or State
13 inspection to verify that all equipment is in good working
14 order, if idling is required as part of the inspection.

15 (6) When idling of a primary propulsion engine is
16 necessary to power work-related mechanical, safety or
17 electrical operations other than propulsion. This exemption
18 shall not apply when idling is done for cabin comfort or to
19 operate nonessential onboard equipment.

20 (7) WHEN IDLING OF A PRIMARY PROPULSION ENGINE IS <—
21 NECESSARY AS PART OF A SECURITY INSPECTION EITHER ENTERING OR
22 EXITING A FACILITY.

23 ~~(7)~~ (8) When an armored vehicle must idle when a person <—
24 remains inside the vehicle to guard contents or while the
25 vehicle is being loaded or unloaded.

26 ~~(8)~~ (9) When a vehicle must idle due to mechanical <—
27 difficulties over which the driver has no control, if the
28 vehicle owner submits the repair paperwork or product repair
29 verifying that the mechanical problem has been fixed, by mail
30 to the department within 30 days of the repair.

1 ~~(9)~~ (10) When a ~~passenger bus~~ BUS, SCHOOL BUS OR SCHOOL <—
2 VEHICLE must idle to provide heating or air conditioning when
3 non-driver passengers are onboard. For the purposes of this
4 exemption, the bus, SCHOOL BUS OR SCHOOL VEHICLE may idle for <—
5 no more than ~~15 minutes in a 60 minute period~~. A TOTAL OF 15 <—
6 MINUTES IN A CONTINUOUS 60-MINUTE PERIOD, EXCEPT WHEN IDLING
7 IS NECESSARY TO MAINTAIN A SAFE TEMPERATURE FOR STUDENTS WITH
8 SPECIAL NEEDS WHO ARE TRANSPORTED BY A SCHOOL BUS OR SCHOOL
9 VEHICLE.

10 ~~(10)~~ (11) An occupied vehicle with a sleeper-berth <—
11 compartment that idles for purposes of air conditioning or
12 heating during a rest or sleep period and the outside
13 temperature at the location of the vehicle AT THE START OF <—
14 THE REST PERIOD is less than 40 degrees or greater than 75
15 degrees Fahrenheit. This applies to a ~~commercial motor~~ <—
16 ~~vehicle~~ MOTOR VEHICLE SUBJECT TO THIS ACT parked in any place <—
17 that the ~~commercial motor~~ vehicle is legally permitted to <—
18 park, including but not limited to, a fleet trucking
19 terminal, commercial truck stop or designated rest area. This
20 exemption expires May 1, 2010. This exemption does not apply
21 if the vehicle is parked at a location equipped with
22 stationary idle reduction technology that is available for
23 use AT THE START OF THE REST PERIOD. <—

24 ~~(11) When idling is necessary for active loading or~~ <—
25 ~~active unloading of property or passengers.~~

26 (12) WHEN IDLING IS NECESSARY FOR SAMPLING, WEIGHING, <—
27 ACTIVE LOADING OR ACTIVE UNLOADING OR FOR AN ATTENDED MOTOR
28 VEHICLE WAITING FOR SAMPLING, WEIGHING, LOADING OR UNLOADING.
29 FOR THE PURPOSES OF THIS EXEMPTION, THE VEHICLE MAY IDLE FOR
30 UP TO A TOTAL OF 15 MINUTES IN ANY CONTINUOUS 60-MINUTE

1 PERIOD.

2 (13) WHEN IDLING BY A SCHOOL BUS OFF SCHOOL PROPERTY
3 DURING QUEUING FOR THE SEQUENTIAL DISCHARGE OR PICKUP OF
4 STUDENTS IS NECESSARY BECAUSE THE PHYSICAL CONFIGURATION OF A
5 SCHOOL OR THE SCHOOL'S SURROUNDING STREETS DOES NOT ALLOW FOR
6 STOPPING.

7 (14) WHEN IDLING IS NECESSARY FOR MAINTAINING SAFE
8 OPERATING CONDITIONS WHILE WAITING FOR A POLICE ESCORT WHEN
9 TRANSPORTING A LOAD THAT REQUIRES THE ISSUANCE OF A PERMIT IN
10 ACCORDANCE WITH 75 PA.C.S. CH. 49 SUBCH. D (RELATING TO
11 SPECIAL PERMITS FOR EXCESSIVE SIZE AND WEIGHT).

12 (15) WHEN ACTIVELY ENGAGED IN SOLID WASTE COLLECTION OR
13 THE COLLECTION OF SOURCE-SEPARATED RECYCLABLE MATERIALS. THIS
14 EXEMPTION DOES NOT APPLY WHEN A VEHICLE IS NOT ACTIVELY
15 ENGAGED IN SOLID WASTE COLLECTION OR THE COLLECTION OF
16 SOURCE-SEPARATED RECYCLABLE MATERIALS.

17 ~~(e)~~ (D) Exception.--The restriction on idling set forth in <—
18 subsection (a) does not apply to a diesel-powered ~~commercial~~ <—
19 motor vehicle that ~~has a model year of 2007 or newer engine and~~ <—
20 exhibits a label issued by the California Air Resources Board
21 under 13 CCR § 1956.8(a)(6)(C) (relating to exhaust emissions
22 standards and test procedures - 1985 and subsequent model heavy-
23 duty engines and vehicles) showing that the vehicle's engine
24 meets the optional NOx idling emission standard.

25 ~~Section 4. Auxiliary power system.~~ <—

26 ~~For a diesel powered commercial motor vehicle with a model~~
27 ~~year of 2007 or newer engine, an auxiliary power system powered~~
28 ~~by a diesel powered internal combustion engine may only be used~~
29 ~~in this Commonwealth if its exhaust is routed through the~~
30 ~~exhaust system of the main propulsion engine. This requirement~~

1 ~~does not apply if the vehicle or auxiliary power system exhibits~~
2 ~~a label issued by the California Air Resources Board under 13~~
3 ~~CCR § 2485(c)(3)(A)(1) (relating to airborne toxic control~~
4 ~~measure to limit diesel fueled commercial motor vehicle idling)~~
5 ~~for the auxiliary power system.~~

6 SECTION 4. INCREASE OF WEIGHT LIMIT. <—

7 THE MAXIMUM GROSS WEIGHT LIMIT AND AXLE WEIGHT LIMIT FOR ANY
8 MOTOR VEHICLE EQUIPPED WITH IDLE REDUCTION TECHNOLOGY MAY BE
9 INCREASED BY AN AMOUNT NECESSARY TO COMPENSATE FOR THE
10 ADDITIONAL WEIGHT OF THE IDLE REDUCTION TECHNOLOGY AS PROVIDED
11 UNDER 23 U.S.C. § 127(A)(12) (RELATING TO VEHICLE WEIGHT
12 LIMITATIONS - INTERSTATE SYSTEM), AS THAT SECTION EXISTS ON THE
13 EFFECTIVE DATE OF THIS ACT. THE ADDITIONAL AMOUNT OF WEIGHT
14 ALLOWED BY THIS SUBSECTION SHALL NOT EXCEED 400 POUNDS AND SHALL
15 NOT BE CONSTRUED TO BE IN ADDITION TO THE TOLERANCE AUTHORIZED
16 UNDER 75 PA.C.S. CH. 49 SUBCH. E (RELATING TO MEASURING AND
17 ADJUSTING VEHICLE SIZE AND WEIGHT).

18 Section 5. Penalties.

19 (a) Fines.--~~An operator of a diesel powered commercial motor~~ <—
20 ~~vehicle~~ THE DRIVER OR OWNER OF A DIESEL-POWERED MOTOR VEHICLE <—
21 WITH A GROSS VEHICLE WEIGHT OF 10,001 POUNDS OR MORE ENGAGED IN
22 COMMERCE OR THE OWNER OR OPERATOR OF A LOCATION WHERE SUCH
23 VEHICLES LOAD, UNLOAD OR PARK that violates the provisions of
24 this act commits a ~~summary offense and shall, upon conviction:~~ <—

25 ~~(1) For the first offense, be sentenced to pay a fine of~~
26 ~~\$50.~~

27 ~~(2) For second or subsequent offenses, be sentenced to~~
28 ~~pay a fine of not less than \$50 and not more than \$150.~~

29 SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE SENTENCED TO <—
30 PAY A FINE OF \$300.

1 (B) ENFORCEMENT ORDERS AND CIVIL PENALTIES.--IN ADDITION TO
2 PROCEEDING UNDER ANY OTHER REMEDY AVAILABLE AT LAW OR IN EQUITY
3 FOR A VIOLATION OF THIS ACT, THE DEPARTMENT MAY ISSUE SUCH
4 ORDERS AS ARE NECESSARY TO AID IN THE ENFORCEMENT OF THE
5 PROVISIONS OF THIS ACT, AS SPECIFIED IN SECTION 10.1 OF THE ACT
6 OF JANUARY 8, 1960 (1959 P.L.2119, NO.787), KNOWN AS THE AIR
7 POLLUTION CONTROL ACT, AND MAY ASSESS A CIVIL PENALTY FOR THE
8 VIOLATION IN ACCORDANCE WITH THE PROCEDURES AND FACTORS
9 SPECIFIED IN SECTION 9.1 OF THE AIR POLLUTION CONTROL ACT.
10 NOTWITHSTANDING THE PENALTY AMOUNTS SPECIFIED IN SECTION 9.1 OF
11 THE AIR POLLUTION CONTROL ACT, A CIVIL PENALTY ASSESSED UNDER
12 THIS ACT SHALL NOT EXCEED \$1,000 PER DAY FOR EACH VIOLATION OF
13 THIS ACT.

14 ~~(b) Notification.--If the operator~~ <—

15 (C) NOTIFICATION.--IF THE DRIVER of a diesel-powered motor <—
16 vehicle SUBJECT TO THIS ACT convicted of a summary offense under <—
17 this act is not the owner of the vehicle, the department shall,
18 under procedures established in cooperation with the Department
19 of Transportation, notify the vehicle owner that the ~~operator~~ <—
20 DRIVER has been convicted OR ASSESSED A CIVIL PENALTY. THE <—
21 DEPARTMENT MAY CONSULT WITH THE DEPARTMENT OF TRANSPORTATION IN
22 THE DEVELOPMENT OF NOTIFICATION PROCEDURES, AS APPROPRIATE. THE
23 PROCEDURES SHALL INCLUDE PROVISIONS TO ALLOW FOR REIMBURSEMENT
24 OF THE DEPARTMENT OF TRANSPORTATION EXPENSES INCURRED IN THE
25 IMPLEMENTATION OF THIS SECTION.

26 Section 6. Disposition of fines.

27 (a) General rule.--Except as provided in subsection (b), all
28 fines for prosecutions of an offense under this act, AND ALL <—
29 CIVIL PENALTIES FOR VIOLATIONS OF THIS ACT, shall be payable to
30 the Commonwealth for credit to the Clean Air Fund.

(b) Exception for local police action.--When prosecution of an offense under this act is the result of local police action, the fines shall be payable as follows:

(1) One-half to the municipal corporation under which the local police are organized.

(2) One-half to the Commonwealth for credit to the Clean Air Fund.

Section 7. Enforcement.

The Secretary of Environmental Protection may designate employees of the department to enforce the provisions of this act UNDER THE SUMMARY OFFENSE PROVISIONS OF SECTION 5(A).

EMPLOYEES OF THE DEPARTMENT SO DESIGNATED ARE HEREBY AUTHORIZED TO ISSUE OR FILE CITATIONS FOR SUMMARY VIOLATIONS UNDER THIS ACT, AND THE OFFICE OF GENERAL COUNSEL IS HEREBY AUTHORIZED TO PROSECUTE THESE OFFENSES. The employees shall exhibit proof of and be within the scope of the designation when instituting SUMMARY proceedings as provided by the Pennsylvania Rules of Criminal Procedure.

SECTION 8. PERMANENT IDLING RESTRICTION SIGNS.

AN OWNER OR OPERATOR OF A LOCATION WHERE VEHICLES SUBJECT TO THIS ACT LOAD OR UNLOAD OR A LOCATION THAT PROVIDES 15 OR MORE PARKING SPACES FOR VEHICLES SUBJECT TO THIS ACT 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).

Section 9. Preemption.

(a) General rule.--Except as provided in ~~subsection (b)~~ SUBSECTIONS (B) AND (C), this act shall preempt and supersede a local ordinance or rule concerning the subject matter of this act.

1 (b) Exception.--A local ordinance or rule concerning the
2 subject matter of this act that has been adopted by a county of
3 the first or second class shall remain in full force and effect
4 to the extent that the local ordinance or rule is more
5 restrictive than the requirements of this act if the local
6 ordinance or rule was in effect prior to January 1, 2007, and it
7 has not been amended, suspended or rendered invalid, in whole or
8 in part, by a court decision.

9 (C) PROCEDURE.--A COUNTY, CITY, TOWN, TOWNSHIP, BOROUGH OR <—
10 LOCAL AIR POLLUTION CONTROL AUTHORITY WITH IDLING REGULATIONS IN
11 EXISTENCE BEFORE THE EFFECTIVE DATE OF THIS ACT MAY APPROVE
12 IDLING TIME LIMITS FOR BUSES IN EXCESS OF THE TIME LIMITS IN
13 THIS ACT IF THE APPROVAL APPLIES ONLY TO THE WARM-UP OF BUSES
14 OUTDOORS AT A BUS DEPOT WHEN THE TEMPERATURE IS BELOW 40 DEGREES
15 AND THE APPROVAL IS DESIGNED TO MINIMIZE IDLING.

16 (D) DEPARTMENT.--THIS ACT SHALL NOT PREVENT THE DEPARTMENT
17 FROM REGULATING EMISSIONS FROM IDLING OF MOTOR VEHICLES, AS
18 APPROPRIATE, UNDER THE ACT OF JANUARY 8, 1960 (1959 P.L.2119,
19 NO.787), KNOWN AS THE AIR POLLUTION CONTROL ACT.

20 Section 9 20. Effective date. <—

21 This act shall take effect in ~~60~~ 120 days. <—