

UPDATED INFORMATIVE DIGEST

AIRBORNE TOXIC CONTROL MEASURE TO LIMIT DIESEL-FUELED COMMERCIAL MOTOR VEHICLE IDLING

Sections Affected: Adoption of Chapter 10 - Mobile Source Operational Controls, Article 1- Motor Vehicles, section 2485, title 13, California Code of Regulations (CCR).

Background

The Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling (Proposed ATCM) was adopted by the Air Resources Board (ARB or the Board) on July 22, 2004, in accordance with the California Toxic Air Contaminant Identification and Control Program (Program), established under California law by Assembly Bill 1807 (Stats. 1983, Ch. 1047) and set forth in Health and Safety Code (HSC) sections 39650–39675 (as amended).

Following the identification of a substance as a toxic air contaminant (TAC), Health and Safety Code section 39665 requires the ARB, with participation of the air pollution control and air quality management districts (districts), and in consultation with affected sources and interested parties, to prepare a report on the need and appropriate degree of regulation for that substance. Health and Safety Code section 39665(b) requires that this “needs assessment” address, among other things, the technological feasibility of proposed airborne toxic control measures and the availability, suitability, and relative efficacy of substitute products or processes of a less hazardous nature.

Once the ARB has evaluated the need for and appropriate degree of regulation of a TAC, Health and Safety Code section 39667 requires the ARB to adopt regulations to achieve the maximum possible reduction in public exposure to TACs. The regulation of in-use motor vehicles is to apply the best available control technology (BACT) or a more effective control method, in consideration of cost, risk, environmental impacts, and other specified factors.

The Board identified diesel exhaust particulate matter (diesel PM) as a TAC in August 1998. A needs assessment for diesel PM was published in October 2000 as the "Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles." In the Risk Reduction Plan, the ARB indicated that idling measures could be used to "limit the amount of time heavy-duty vehicle engines are allowed to operate while not performing useful work, e.g., moving the vehicle or operating essential equipment."

ARB staff notified potentially affected individuals and organizations about the Proposed ATCM and worked with many of these individuals and organizations during its development. In the June of 2003, staff conducted a survey of 300 affected companies of random size. The purpose of the survey was to determine the existence and scope of company initiated idle limiting policies. Staff researched idle limiting regulations in other States and potential laws, rules or ordinances within California. Staff consulted with the California Highway Patrol (CHP), districts, interested parties, and developed a

web page with a list serve (<http://www.arb.ca.gov/toxics/idling/idling.htm>) describing the ATCM, its status, and contact information. Staff arranged and held personal meetings and conference calls with affected parties, observed traffic and usage patterns at truck stops; made presentations and discussed the ATCM at meetings with six affected organizations, and held one Public Consultation Meeting and five Public Workshops. As a result of public input and its own investigation, ARB staff prepared an Initial Statement of Reasons (ISOR) for the ATCM that, together with the needs assessment, served as the report on the need and appropriate degree of regulation for diesel-fueled commercial vehicles

In accordance with Health and Safety Code section 39665 and Government Code section 11346.4, the ISOR and proposed regulatory text were made available for a 45-day public review and comment period that began on June 4, 2004, and ended at a public hearing on July 22, 2004. At the hearing, the staff presented and the Board approved the ATCM and the modifications that staff had proposed in response to public comments. The modified regulatory language was made available for a 15-day public review and comment period that began on August 20, 2004 and ended on September 7, 2004.

Description of the Proposed Regulatory Action

The Proposed ATCM to limit motor vehicle idling is designed to reduce the general public's exposure to diesel PM, other TACs, and air pollutants. The Proposed ATCM would apply to diesel-fueled commercial motor vehicles with gross vehicle weight ratings (GVWR) greater than 10,000 pounds operating in California, regardless of the state or country in which the vehicle is registered. The ATCM is a simple pollution prevention measure that can be easily implemented to significantly reduce exposure to diesel PM, associated potential cancer risk, and other adverse health effects.

The requirements of the Proposed ATCM would impact both the public and private transportation industries. Public agencies that could be affected are transit agencies and public agencies with heavy-duty vehicles. Private businesses that could be affected are private transit and tour bus operations, contractors, distributors, transporters, delivery services, and heavy-duty vehicle fleets. Agencies and businesses would be affected to the extent they own, operate, or direct the operation of buses and heavy-duty vehicles.

Upon approval of the Proposed ATCM into state law, the driver of a subject vehicle would be required to manually shut off the engine before the idling time limit of five minutes is reached. Buses, including urban, coach, transit and tour types, are not subject to the five minute idling restriction when passengers are on board and are allowed no more than 10 minutes of idling time prior to boarding of passengers to acclimate the cabin compartment for passenger comfort.

Additionally, when within 100 feet of restricted areas, the Proposed ATCM limits queuing, and truck idling and auxiliary power system usage during periods of driver rest.

Idling restrictions contained in the Proposed ATCM would not apply when idling is necessary to prevent safety or health emergencies or when idling is necessary due to adverse weather conditions such as dense fog. Idling limits would not apply when the vehicle is stopped in situations in which the driver has no control such as being stopped at a traffic signal, railroad crossing, or construction zone. The Proposed ATCM's idle limitations would not apply when idling is necessary during servicing, testing, vehicle inspections or when idling is necessary to perform work for which the vehicle was designed such as turning a cement mixer. The Proposed ATCM's idle restrictions would also not apply to military tactical vehicles during training or to solid waste collection vehicles while operating under contract by schools or local governments.

Summary of Existing Laws and Regulations

The ATCM contains a provision that describes its relationship to other laws. To avoid potential conflict with those laws, the ATCM clearly states that it does not allow idling in excess of other applicable limits, or in excess of more stringent limits. The remainder of this section of the Updated Informative Digest contains a description of other anti-idling laws and regulations.

- Federal: There are no federal anti-idling laws or regulations; however, the United States Environmental Protection Agency (U.S. EPA) generally recommends that motor vehicles be turned off when not in motion.
- State: Health and Safety Code section 42403.5 (Bus Idling, Civil) specifies civil penalties for the owner of any idling diesel-powered bus that violates Health and Safety Code section 41700 (No Person Shall Discharge Pollutants) to cause injury, detriment, nuisance, etc. However, exemption is made for persons that can establish "by affirmative defense that the extent of harm caused does not exceed the benefit accrued to bus passengers as a result of idling the engine."

Beginning in 2003, State law (H&SC § 40720) limits the idling or queuing of diesel-fueled trucks to less than 30 minutes while waiting to enter the gate into a marine terminal in the State of California.

In December 2002, the Board adopted an ATCM that limits school bus idling and idling at schools. Title 13 CCR section 2480 requires engine shut-down upon arrival, and limits idling to thirty seconds before departure at schools. Additionally, idling is limited for school buses to 5 minutes outside of school properties.

In addition, title 13 California Code of Regulations section 1226 and Vehicle Code section 22515 effectively limit school bus and other motor vehicle idling under special circumstances. When children are aboard and a school bus driver leaves the driver's compartment, title 13, California Code of Regulations section 1226 requires the driver to park the bus, turn off the engine, and remove the ignition keys. Vehicle Code section 22515 essentially requires the driver of any unattended vehicle on a highway to do the same.

- Local: A review of California air quality management and air pollution control district rulebooks showed no specific idling regulations. However, some California cities and counties have adopted local engine idling ordinances. For example, San Francisco has an ordinance that limits the idling of tour buses and Placer County limits the idling of on and off-road engines to 5 minutes. The Proposed ATCM will not lessen the effect any existing ordinances because the regulation does not allow idling in excess of other applicable or more stringent limits.