

Redline Draft Rule

1. *Requirements:* After May 1, 2009, no person who owns, operates or leases a heavy-duty vehicle ~~or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a heavy-duty vehicle on such land~~ shall cause, let, permit, suffer, or allow the propulsion engine to idle for a period greater than five consecutive minutes extended idling except as exempt by this rule.

After May 1, 2009, persons owning, leasing or occupying 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.

No person who installs a diesel fueled auxiliary power system (APS) on any 2007 or new model year motor vehicle subject to this rule after May 1, 2009 shall operate the APS unless it 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, ~~and~~ 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; ~~and~~
 - (iv) idling for research, ~~and~~ 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;
 - (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 as needed to accommodate an 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;

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) "~~extended-idle (idling)~~" shall mean the operation of a vehicle's propulsion engine while the vehicle is stationary. ~~for a period greater than five consecutive minutes at a time while the propulsion engine is not engaged in gear excluding routine stoppage due to traffic movement or congestion. Routine stoppage due to traffic movement or congestions shall not include queuing.~~
- (iii) "gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.
- (iv) "heavy-duty vehicle" shall mean 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.

(ix) “Physical or mental condition” means any physiological or mental disorder resulting in an impairment covered by the Americans with Disabilities Act (ADA).

~~(ix)~~(x) “propulsion engine” shall mean an internal combustion engine used for the primary purposes of moving the vehicle.

~~(x)~~(xi) “queuing” means keeping a vehicle in line for the purpose of an orderly receipt or delivery of items, services or people.

~~(xi)~~(xii) “subject nonroad vehicle” shall mean 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.

(xiii) “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, regulary scheduled transportation for which a fare is charged. A general public paratransit vehicle is not a transit bus.