

Model State Idling Law Workshop — Hartford, Connecticut

Meeting Summary

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Transportation and Regional Programs Division
Office of Transportation and Air Quality
U.S. Environmental Protection Agency

NOTICE

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It is intended to present technical analysis of issues using data that are currently available.*

*The purpose in the release of such reports is to facilitate an exchange of
technical information and to inform the public of technical developments.*

The U.S. Environmental Protection Agency (EPA) sponsored a meeting on July 26, 2005, in Hartford, Connecticut, to develop a model state idling law. Participants included representatives from states and local governments, trucking industry, and environmental and community groups. This document summarizes the views and opinions of the participants which do not necessarily represent official EPA policy, positions, or views. The purpose of this meeting was, among other things, to reach consensus on a model state idling law. EPA takes no position on state or local idling laws. EPA's role in these meetings was that of organizer and facilitator only.

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A

Issue: **General issues raised at the beginning of the meeting.**

Discussion: Discussion took place about why this model law would cover only diesel vehicles, and some expressed an interest in including all motor vehicles, including gasoline vehicles. The discussion that ensued focused on the need to consider not just the amount of pollution generated by vehicles, but also the type of pollution. Some participants pointed out that it is because of the high profile of diesel vehicles that they are the main focus. Discussion also took place concerning the use of the term “idle reduction” in place of “anti-idling”.

Consensus: N/A

B

Issue: **Purpose: The purpose of this law is to reduce emissions and conserve fuel while maintaining adequate rest and safety of all drivers of diesel vehicles.**

Discussion: Discussion centered around the desire to include “health of the driver” and “public health and the environment” as part of the purpose along with reducing emissions.

Consensus: General consensus reached on this issue provided that the phrase “protect public health and the environment” is added and health of the driver is addressed.

C

Issue: **Applicability: This law applies to diesel vehicles with gross vehicular weight ratings of greater than 8,500 pounds and which are designed to operate on highways.**

Discussion: Significant discussion took place concerning whether the law should apply to vehicles with GVWR over 8,500 pounds, or those with GVWR over 10,000 pounds. Those in favor of 10,000 pounds indicated that this would make the most sense to the industry, since this is the weight at which Federal Motor Carrier Safety Administration (FMCSA) regulations become applicable. Those in favor of 8,500 pounds expressed a need to use this weight in order to capture tens of thousands of delivery trucks (such as those used by overnight delivery services) under the law, since these vehicles have a GVWR of between 8,500 and 10,000 pounds. It was pointed out as well that EPA uses 8,500 pounds as the weight at which its on-road diesel regulations kick in. One state in the process of drafting an idling law indicated an intention to use 10,000 pounds.

Consensus: No consensus reached on this issue.

D

Issue: **Non-Applicability: This law does not apply to an independent engine operating for the sole purpose of controlling cargo temperature.**

Discussion: All agreed that this section is needed, and no changes were recommended.

Consensus: Consensus reached on text as written.

E

Issue: **GENERAL REQUIREMENT: To allow for a reasonable amount of time to warm-up or cool-down a diesel engine; to allow for pre-trip inspection; and to condition the bus to allow passengers to embark and disembark, diesel vehicles are permitted to idle for no more than 5 minutes in any 60 minute period, except as noted in section (e).**

Discussion: Discussion focused on the issue of buses, in particular the amount of time needed to cool down or heat up a bus prior to passenger boarding. An opinion was offered that nobody should be guaranteed 5 minutes of idling just for the purposes of cooling down or heating up a bus, but others expressed the opinion that most states would not approve regulations that denied people comfort. It was also noted that the issue of bus cooling and heating is really while passengers are boarding, and not while they are disembarking.

Consensus: General consensus was reached on this issue, with some disagreement remaining about whether or not 5 minutes was an appropriate amount of time to allow for cooling or warming a bus, in particular prior to passenger boarding.

F

Issue: **EXEMPTION: a vehicle is forced to remain motionless because of traffic, an official traffic control device or signal, or at the direction of a law enforcement official.**

Discussion: There was little discussion on this issue, but it was suggested that traffic should be specified as being “on-road”. For example, queuing at a distribution center or warehouse would not qualify as traffic.

Consensus: General consensus reached on this exemption provided that traffic is clarified as being “on-road.”

G

Issue: **EXEMPTION: a vehicle idles during adverse weather conditions to ensure the safe operation of the vehicle (e.g., operating defrosters, installing chains).**

Discussion: Discussion centered around the question of whether this exemption, as written, allowed too much flexibility and would provide a loophole, in particular for drivers to idle while using only the fact that the temperature is cold as an excuse. It was pointed out that in very cold weather, fuel might gel, and it would be necessary to leave the engine running to keep the fuel warm and to ensure the safe operation of the vehicle. A suggestion was made to add “no longer than necessary” to the exemption. Another suggestion was to change “operating defrosters,” which many felt would allow virtually unlimited idling as long as the defroster was on, to “in order to defrost windows.”

Consensus: General consensus reached on this exemption though it was asked that suggested changes to wording listed above be considered as measures to tighten a potential loophole.

H

Issue: **EXEMPTION: a police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity idles while in an emergency or training mode.**

Discussion: There was no significant discussion on this issue.

Consensus: General consensus reached on this exemption with no changes.

I

Issue: **EXEMPTION: the primary propulsion engine is idling for maintenance, servicing, repairing, or diagnostic purposes.**

Discussion: Discussion focused around the possibility that some might use this as a loophole, and claim that idling was necessary for one of these purposes, with an enforcement official being unable to truly verify the claim. Nevertheless, all agreed that this type of exemption is needed. It was suggested that the phrase “if idling is necessary for such activity” be added as an additional clarification.

Consensus: General consensus reached on this exemption provided that the phrase “if idling is necessary for such activity” is added to the end of the exemption.

J

Issue: **EXEMPTION: a vehicle is required to idle by law to verify that all equipment is in good working order, as part of a State or Federal inspection, provided that such engine idling is mandatory for such verification.**

Discussion: There was minimal discussion on this issue, though it was suggested that the word “mandatory” be changed to “necessary” because inspection rules typically don’t say that you must idle, rather idling is necessary to accomplish some other activity required by the inspection rules.

Consensus: General consensus reached on this exemption provided that the word “mandatory” is changed to “necessary.”

K

Issue: **EXEMPTION: the primary propulsion engine idles to provide a power source necessary for mechanical or electrical operations other than propulsion (e.g., loading or unloading, mixing or processing cargo, straight truck refrigeration).**

Discussion: Discussion focused on what qualified as a necessary power source. There was some discussion of whether this exemption could be used by truck drivers who are resting and want to power their auxiliary equipment, such as microwaves and televisions. Overall though, participants took this exemption only to cover Power Take-Off applications. A number of participants suggested a minor change to the wording to clarify the intent of the exemption.

Consensus: General consensus reached on this exemption, with the suggestion that it be reworded to say “it is necessary to idle the primary propulsion engine in order to provide a power source for mechanical or electrical . . .”

L

Issue: **EXEMPTION: an armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.**

Discussion: There was no significant discussion on this issue.

Consensus: General consensus reached on this exemption with no changes.

M

Issue: **EXEMPTION: a passenger bus idles while passengers are onboard to maintain passenger comfort.**

Discussion: Discussion centered around the vague nature of the term “passenger comfort,” as well as the lack of any time limit in this exemption. Some participants believed that there should be no time limit as long as a single passenger is on-board, while others believed there should be no idling allowed at all. Many believed that the exemption for “passenger comfort” was okay if no alternative shelter was available. An example was cited where in Atlantic City, NJ, passengers finish gambling and return to buses at widely varied times, which sometimes results in buses idling for several hours to keep these passengers comfortable.

Consensus: General consensus was reached on this exemption, with a few suggested changes. First is to add “where no alternatives are available” to the end of the exemption. Second is to consider a time limit, such as 15 minutes or 30 minutes in each 60 minute period.

N

Issue: **CONDITIONAL EXEMPTION: a vehicle idles due to mechanical difficulties over which the driver has no control; PROVIDED that: the driver is ticketed but the ticket is dismissed if the vehicle owner submits the repair paperwork or product receipt (by mail; within 30 days) to the appropriate authority verifying that the mechanical problem has been fixed.**

Discussion: Discussion on this conditional exemption focused on the difficulties of putting into place the system where a driver receives a ticket, but is able to submit proof of repair and have the ticket dismissed. A number of State representatives indicated that they didn’t believe this type of system could be implemented in their state. They also indicated that they believed this type of system might unduly clog the court system. Discussion also addressed whether the driver or the company should receive the ticket and have the burden of proving that the mechanical difficulty claimed was later repaired.

Consensus: General consensus was reached on the need for this type of exemption, but no agreement was reached on the use of the system whereby a ticket is issued and later dismissed.

O

Issue: **CONDITIONAL EXEMPTION: idling of an occupied vehicle with a sleeper berth compartment for purposes of air conditioning, heating, or powering any ancillary equipment during sleeping or resting, until 2010 whereupon this exemption is no longer valid. [Depending on when enacted, allow 5 years for the industry to evaluate, select, and finance an idle reduction technology (or technologies) that addresses cab comfort needs].**

Discussion: As in previous workshops, discussion focused on balancing needs of the state with that of the truck driver. States are seeking emission reductions, and idling while sleeping represents one of the largest sources of idling emissions. On the other hand, truck drivers want to ensure that they can sleep comfortably, thereby ensuring that they will be well-rested and safe the next day. Trucking representatives indicated that if idling of sleepers is banned, fewer sleepers will be used, and the price of trucking will increase significantly, in turn leading to increased prices for nearly all goods. All participants acknowledged the need for truck drivers to get a restful sleep, and there was general agreement on the need for this type of exemption. On the issue of the sunset of this exemption in 2010, there was significant discussion about the impacts of this sunset on truck owners, particularly independent owner-operators and small trucking companies. Trucking representatives indicated that, regardless of the lead time given to identify suitable technologies, the additional cost of \$5,000 - \$8,000 for a device like an auxiliary power unit (APU) would make trucks too expensive for independent drivers, and would likely drive many of them out of business. Trucking representatives also indicated that if some states adopted a sunset and others did not, many drivers would simply avoid traveling through those states, which could have implications for the transport of goods to stores in those states. Most government representatives were generally in favor of the sunset provision. A suggestion was also made to change “sleeping or resting” to “sleeping, resting, or queuing”.

Consensus: General consensus was reached on the need for a sleeper berth exemption at the present time, as well as on the need to ultimately reduce idling while sleeping. However, many participants, particularly from the trucking industry, were not in favor of a sunset provision due to the undue burden they feel it would place on independent owner-operators and small trucking companies. As an alternative, it was suggested that the Model Law might contain a sunset provision only for those trucks that are older, and therefore dirtier, and that newer trucks (in particular 2007 MY trucks) might not be subject to the sunset provision, since their engines are cleaner, and in fact cleaner than most APUs that would otherwise be used to eliminate idling. This would need to be considered in conjunction with the possible Conditional Exemption for APUs described below.

P

Issue: **CONDITIONAL EXEMPTION: idling of an occupied vehicle for purposes of air conditioning or heating to prevent a safety or health emergency, until 2010 whereupon this exemption is no longer valid. [Depending on when enacted, allow 5 years for the industry to evaluate, select, and finance an idle reduction technology (or technologies) that addresses cab comfort needs].**

Discussion: Discussion focused on whether or not this exemption could be combined with the exemption on sleeper berths, as well as on the situation in which delays that result in drivers idling are caused by distribution centers and other similar facilities. On the second point, trucking representatives pointed out that in many cases where a driver idles to remain comfortable while queuing, he or she is waiting to load or unload because the facility is not running on schedule. In these cases, the sentiment was that there should be some way to hold the facility causing the delay liable for any idling. A suggestion was made that some way be found to work into the Model Law a clause and related penalties for those facilities that “cause or permit” idling to take place. There was also significant discussion on just how “safety or health emergency” would be defined, and how these terms related to “driver comfort.” Some thought the phrase “safety or health emergency” might be too vague.

Consensus: General consensus was reached on the need for an exemption such as this, but as with the sleeper berth exemption, there was considerable disagreement on the issue of the sunset provision. It was also suggested that the wording be modified to specify that this exemption refers to trucks, rather than “an occupied vehicle” to distinguish from buses, which are covered under a different exemption.

Q

Issue: **CONDITIONAL EXEMPTION: operating a diesel-powered auxiliary engine to provide air conditioning, heat, or electrical power to the truck or engine as an alternative to idling the primary engine for all 2006 or older model year diesel vehicles; except for 2007 and subsequent model year diesel vehicles whereupon the diesel auxiliary engine must be verified by the U.S. Environmental Protection Agency or certified by the California Air Resources Board to meet the same or more stringent emission levels for fine particulate matter (PM2.5) as model year 2007 and subsequent heavy-duty diesel engines.**

Discussion: This is an issue of growing concern mainly due to California’s proposed regulation that would make 2007 model APUs meet a more stringent standard based on the assumption that these smaller engines will emit more in particulate matter than a 2007 and subsequent model year truck. Participants believed in the need to clean up the APUs, and their comments focused on tightening the language so it reads more clearly.

Consensus: General consensus was reached.

R**Issue: Penalties**

Discussion: There was significant discussion on a number of topics, including who should receive tickets and be liable for fines (drivers and/or owners), whether or not drivers should receive points on the CDL for idling violations, and the difficulties that come with trying to recommend one set of penalties in a model law such as this. On the final point, many participants suggested that, rather than specifying liable parties and fine structures, the Model Law might simply list a variety of options, since the abilities of states vary so greatly. For example, some states indicated that while they might like to issue tickets to companies, their computer systems are set up only to allow tickets to be issued to drivers. Similarly, some states indicated that they can only track such tickets by company name and not by driver. Generally, there was agreement that it is useful to fine the company, as this will ensure that they management is aware of idling violations, and will encourage them to work with drivers to reduce unnecessary idling. There was also agreement that the proposed penalty structure with fines increasing with each offense is too complicated, and should be simplified. Some also felt that the fines for companies were too high.

Consensus: General consensus was reached on the value of trying to standardize fines, but some indicated that standardizing who receives tickets may be difficult. Consensus was also reached on the need to simplify the penalty structure, to include a warnings or low fines for a first offense, and then a higher set of fines for the second offense, with these fines remaining the same for all subsequent offenses. There was also consensus that points should not be applied to a driver's CDL for idling violations, which is consistent with policies for other nonmoving violations.

S**Issue: Enforcement**

Discussion: Due to time constraints, there was minimal discussion of enforcement. However, one suggestion made was that a "rule effectiveness study" be conducted as a method of determining the most efficient method of enforcement for idling laws.

Consensus: N/A.

T

Issue: Education/Outreach

Discussion: All agreed that the key to the success of any idling regulation will be education, since drivers will only be able to comply with the laws if they are aware of the provisions of the laws. It was noted that the requirements of idling laws need to be conveyed to drivers in layman's terms, rather than in legal language. Suggestions for methods to educate drivers about laws in particular states included: sending mailings to drivers through state trucking associations and other membership organizations, sending information with bills or statements for E-Z Pass, Pre-Pass, and other similar programs used frequently by truck drivers, putting information on placemats at truck stops, and informing drivers of the existence of an idling law via roadside signs as they enter and travel throughout the state. It was also suggested that trucking companies who are making compliance a high priority with their drivers could put "reminders" on the side of their trucks so that other drivers will see it, as well as the public.

Consensus: N/A.