United States
Environmental Protection
Agency

Office of Transportation
and Air Quality

EPA420-S-05-008
August 2005

Model State Idling Law Workshop — Baltimore, Maryland

Meeting Summary

EPA420-S-05-008
August 2005

Model State Idling Law Workshop — Baltimore, Maryland

Meeting Summary

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

The U.S. Environmental Protection Agency (EPA) sponsored a meeting on May 6, 2005, in Baltimore, Maryland, to develop a model state idling law. Participants included EPA Region III stakeholders, such as representatives from states and local governments, and the trucking industry. 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.

List of Issues

A

Issue: Purpose of the law

Discussion: Idling laws should articulate their purpose. These laws are more than reductions in noise and emissions. The purpose of these laws should include all of the following benefits: emission reductions, noise reductions, fuel savings, maintenance reductions, and improved driver health and safety. This last one is often overlooked, but if a truck driver does not get sufficient rest they may be prone to accidents.

Consensus: The group agreed that stating the benefits of reducing idling should be included in the "purpose" section of the law.

B

Issue: Incentives

Discussion: Today's idle laws restrict idling yet provide a long list of exemptions. While many of these exemptions are absolutely necessary as the list below demonstrates, some idling behavior is simply a matter of personal choice and behavior (discretionary). Especially when considering a weather related exemption or a sleeper berth exemption, many participants felt that a blanket exemption for this activity simply defeated the purpose of an idling law which is to reduce emission by deterring idling, and not simply excuse or exempt every type of idling behavior. If the purpose of these laws is to reduce idling, then the model law needs to provide some kind of incentive to reduce this discretionary type of idling and not simply exempt it. An incentive that provides for idle reduction technologies is an important component of the effort to reduce idling because they allow for the driver to rest comfortably without idling the main engine. The laws by themselves have minimal impact, especially when considering all the exemptions. If we want to balance drafting a humane and reasonable law that allows truck drivers to idle for cab comfort needs with a law that reduces idling, then the law must provide incentives for technologies.

Consensus: Many participants agreed that this was an important goal to reach, but some expressed the difficulty in legislating a technology solution because of the high up-front capital costs associated with some technologies, the need for a voluntary approach to technology use, and in some cases, the unreasonable request to mandate technology that may not yet be ready. The group agreed that the way to get this done is through a voluntary approach at encouraging technology use. One example is EPA's **SmartWay Transport Partnership for Truck Parking Locations**. This is a voluntary agreement whereby truck parking location owners/operators create a non-idling zone to encourage non-idlers and those with mobile idle reduction technologies to use a designated area for non-idling. By doing this, they would receive EPA recognition under EPA's SmartWay Transport Program. A co-benefit is that SmartWay trucking partners would visit their location and use the non-idling zone as a means to receive more credit towards their own truck program goals. An addendum to the SmartWay agreement for truck parking locations encourages the voluntary deployment of

electrified parking spaces in return for a State agreement to place the location on a "low enforcement priority." The State gets the benefit of knowing that the truck parking location has an alternative to idling even in extreme weather conditions where an idling law would have exempted the idling, and the truck drivers get their cab comfort needs. This is especially helpful for those states that exempt sleeper berths from the idling law or have weather exemptions. In the case of a sleeper berth or weather exemption, truck idling is permitted. Under this voluntary approach, the weather and sleeper berth idling can be addressed through the use of electrified parking spaces. Therefore, the State receives the benefit of greater emission reductions where the law would not have achieved such reductions. States may want to consider adopting this voluntary approach with truck stops in their state as a means to encourage the voluntary adoption of idle reduction technologies. For more information contact your EPA SmartWay representative.

Another related idea was the use of the SmartWay logo on **SmartWay Trucks**. The logo would mean the truck meets certain emission reduction and energy efficiency standards established by the SmartWay program. Similar to the State agreement not to enforce at SmartWay truck stops, law enforcement would agree not to enforce against SmartWay trucks.

C

Issue: Exemption for Traffic and Adverse Weather

Allow idling when 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. Also, exempt vehicles idling while waiting in a queue. Finally, exempt vehicle idling when adverse weather conditions affect the safe operation of the vehicle (e.g., operating defrosters, heaters, air conditioning) to prevent a safety or health emergency.

Discussion: Issues beyond the control of a truck driver, like traffic, should always be included as an exemption in any state idle law. Same with idling due to adverse weather conditions. Many of us have all experienced the need to idle to operate the defroster so we can see out the window. The harder issue is idling due to waiting in a queue. Much depends on the movement of the queue. For a queue that is moving along very slowly, it doesn't make much sense to require drivers to keep turning their engine on and off. However, in the circumstance of a queue to enter a port or distribution center in the morning, where the queue is not expected to move for awhile, the truck drivers should not be allowed to idle merely to wait. Some discussion focused on who is responsible for the queue. If it is a Federal, state, or local authority causing the wait then there's not much the truck driver can do. But if the truck driver shows up early at a private facility to get a good place in the queue, then he is more responsible for this behavior.

Consensus: The group agreed that an exemption to idling applies to traffic and weather conditions, but no consensus was reached on idling in a queue. Much depends on

the movement of the queue and who is responsible for the wait. If the queue is not in a "creep" mode (i.e., inching forward) and the driver is responsible for the wait, then the driver should not be exempted from idling.

D

Issue: Exemption for Emergency Vehicles

Exempt idling for police, fire, ambulance, public safety, military, and other emergency or law enforcement vehicles in an emergency or training mode.

Discussion: Almost everyone understood the need for an exemption for emergency vehicles. Some discussion focused on whether or not the emergency vehicle had to be in an emergency mode to qualify for the exemption.

Consensus: General consensus reached on this exemption.

E

Issue: Exemption for Maintenance

Exempt idling of a vehicle when the primary propulsion engine is being operated for maintenance, servicing, repairing, or diagnostic purposes. Also, exempt a vehicle if idling due to mechanical difficulties over which the driver has no control.

Discussion: Most participants recognized the need for an exemption for vehicle idling while undergoing maintenance; however, some participants mentioned that this was an area subject to abuse. For example, some truck drivers have claimed mechanical difficulties to avoid receiving an idling ticket when there was no real mechanical difficulty or the mechanical difficulty did not require engine idling. This is an issue of enforcement, and interpretation of specific idling exemption provisions. To try to define what mechanical repairs would require engine idling would be too difficult.

Consensus: General consensus reached on this exemption.

F

Issue: Exemption for Research and Development

Exempt a vehicle when the primary engine, vehicle, or device is engaged in idling testing operated by the manufacturers or their partners (including labs, research facilities, and trucking companies).

Discussion: General agreement by participants for this exemption. However, this is another area subject to abuse. Participants recommended that any truck undergoing this testing be required to carry official documentation verifying that the truck is, in fact, part of a test. While there are no guidelines for what constitutes official documentation, at a minimum this additional language adds some protection against egregious abuses.

Consensus: General consensus reached on this exemption.

G

Issue: Exemption for Power Take Off

Exempt a vehicle when the primary propulsion engine is providing a power source necessary for mechanical or electrical operations other than propulsion such as loading or unloading, mixing or processing cargo, direct drive trailer refrigeration, or providing a mechanical extension to perform work functions.

Discussion: Participants found this exemption important. It was widely recognized that this exemption was necessary.

Consensus: General consensus reached on this exemption.

H

Issue: Exemption for Transportation Refrigeration Units

Exempt any trailer with an independent engine used for the sole purpose of controlling cargo temperature.

Discussion: Participants stressed that TRUs don't technically idle but operate to keep their cargo cool. At times the TRU will cycle on and off once the appropriate temperature is reached. The fact that the cargo can be (and should be) rejected if the temperature falls below acceptable standards is a considerable economic incentive to not turn off the TRU's auxiliary power unit.

Consensus: General consensus reached on this exemption.

I

Issue: Exemption for OEM Warm-Up and Cool-Down

Exempt the vehicle when the primary propulsion engine is idling to reach the manufacturer's recommended operating temperature or idling to cool down the engine.

Discussion: Most participants agreed that truck engines need a warm-up and cool-down period. The warm-up period will depend on the ambient temperature. The Engine Manufacturer's Association informed EPA that they will provide OEM recommended warm-up and cool-down times for future meetings. The group talked about the need to pick a conservative estimate so law enforcement did not have to distinguish between different engine warm-up/cool-down times among the different engines.

Consensus: General consensus reached on this exemption, but pending more specific information from EMA.

J

Issue: Exemption for Weather (Long Haul Trucks)

Exempt vehicles during certain weather conditions, both low and high temperature conditions.

Discussion: One of the more difficult issues to reconcile is recognizing that truck drivers must live in their sleeper berth, and during hot or cold days/nights the truck driver will need to operate the air conditioning or heat to rest comfortably. Much discussion centered around the fact that states without weather exemptions have an unrealistic and inhumane view of truck drivers. For those states with a weather exemption, most were considered unrealistic. For example, a 20 degree Fahrenheit exemption was considered absurd. Trying to determine the appropriate weather exemption temperatures proved difficult. One group agreed that a broad exemption for all sleeper berths was appropriate because the comfort level of one person may not be that of another. Another group selected a low range of 50 degrees Fahrenheit and a high range of 80 degrees Fahrenheit. The third group could not agree on any weather exemption, and the discussion focused on creating incentives. See Section B above for discussion on incentives.

Consensus: No consensus reached. One option is possible implementation of the SmartWay Transport Partnership Agreement for Truck Parking Locations. This approach recognizes that truck drivers need to rest comfortably, and encourages the deployment of technology that allows the truck driver to rest comfortably without idling the engine. In this case no exemption for weather or sleeper berths would exist. The state applies a "low enforcement priority" status to the location, and focuses enforcement of the law at other non-partner locations. In time, the hope is that all locations deploy technology that allow for non-idling.

K

Issue: Exemption for Weather (School, Transit, Tour Buses)

Exempt vehicles during certain weather conditions, both low and high temperature conditions.

Discussion: For school, transit, and tour buses the need for cab comfort differs from that of a long haul truck driver. The long haul truck drivers needs a 8-10 hour mandated rest period, and during this time the engine may be at idle. Buses, on the other hand, have distinct idling times throughout the day. School and transit buses need to warm up at the beginning of the day; tour buses need to cool and warm the compartment whenever passengers are about to board the bus. School and transit buses have openable windows, but tour buses do not. Pre-heaters are common on newer buses which would require a relatively short warm-up period. The need for idling is to allow the engine to reach its optimal engine temperature before starting the trip, and to begin to warm or cool the interior. Buses should not be allowed to wait until the entire compartment reaches a comfortable temperature because this could take hours at idle for buses.

Consensus: One group reached the following consensus: (1) allow 20 minutes of idling in any 90 minute period if above 75 degrees Fahrenheit and the vehicle has air conditioning and non-openable windows; (2) allow 10 minutes of idling in any 90 minute period if below 32 degrees Fahrenheit; (3) allow 20 minutes of idling in any 90 minute period if between -10 degrees Fahrenheit and 32 degrees Fahrenheit; and (4) completely exempt idling if below -10 degrees Fahrenheit. These apply to buses only.

L

Issue: Exemption for Required Inspections

Exempt the time required for a truck to pass through any State/Federal inspection where the engine must be in idle.

Discussion: All participants agreed that there was a need to exempt trucks during any State or Federal inspection. However, the group was divided about the need to exempt idling during the pre-trip inspection period. While some noted that the engine needed to be on to check the air brake pressure, they also noted that this would take only a couple of minutes, and that the time needed would overlap with the engine warm-up time to bring the truck to the OEM's recommended operating temperature.

Consensus: No consensus reached on this exemption.

M

Issue: Exemption for Clean Vehicles

Exempt natural gas, electric, or hybrid vehicles

Discussion: The group felt strongly that there should not be an exemption for these types of vehicles because the policy to reduce idling should apply to all vehicles regardless of their fuel source. The idea here was to encourage fuel conservation.

Consensus: General consensus reached on not allowing this exemption.

N

Issue: Motor Coach/Tour Bus/Passenger Bus Loading/Unloading

Discussion: Passenger buses should be allowed to idle while loading or unloading. Some considered this a PTO function, especially if the bus needed to be lowered or there was a wheel chair lift. Generally, this idea would not allow idling while the bus waited for its passengers to return to the bus, but it recognizes the need for the bus to warm or cool the interior <u>while</u> the passengers where boarding. No time limit should be imposed for this activity because of the different sizes of buses.

Consensus: General consensus on the need to allow passenger buses an idling exemption only when passengers where loading or unloading.

O

Issue: Exemption for Mobile Idle Reduction Technologies

Exempt any mobile idle reduction technology (generator sets, auxiliary power units, direct fuel fired heaters) operating to provide heating, air conditioning, or auxiliary power to the vehicle.

Discussion: Currently no state has an exemption for these technologies. While these technologies may not be technically idling (they cycle on and off to provide the necessary heat or air conditioning), reports of truck drivers receiving idling tickets for using an auxiliary power unit has been confirmed. The group felt that it was important to exempt these technologies because we should be encouraging their use. One state has proposed regulating auxiliary power units (APUs) more stringently than current state law on the basis that heavy-duty diesel engines in the near future will emit less on a grams per hour basis than the APUs. Several participants questioned how this state could make such a determination since the newer engines have not been tested in a long duration idle mode, and that some of the anticipated control technologies may perform effectively for some pollutants but not others, and that generally not enough is known. Finally, some participants expressed concern on how to define a mobile idle reduction technology.

Consensus: General consensus reached on the need to exempt mobile idle reduction technologies. Further, any action to more stringently regulate APUs should wait until testing is conducted on the newer engines in the long duration idle mode. Finally, EPA should verify mobile idle reduction technologies.

P

Issue: Penalties

Discussion: Some states issue the fine to the truck driver, while other states mail the fine to the company owner. Participants felt that making the company pay was one way to ensure that companies required that their drivers not idle, but other participants noted that company owners have little or no control over their driver behavior. Compounding this issue is the fact that many company owners who passed on this fine to the driver resulted in that driver leaving the company (truck drivers have a notoriously high turn-over rate). Truck owners want their drivers to reduce idling times to conserve fuel costs, but many of these owners were drivers themselves so they recognize the need to idle for cab comfort needs. Another issue is the escalating fine (first offense - warning; 2nd offense - $100, 3rd offense - $500, etc.). If the fine is sent to the owner and passed on to the driver, a first time offender who is the 4th or 5th offender in the company ends up paying hundreds of dollars for their first offense. The truck owner still needs to be involved in their employee actions, so education about the laws and the benefits of not idling are important.

Consensus: The fines should be issued to the truck driver only, with accompanying documentation warning the truck company owner to educate their drivers about the idling law. For each subsequent fine issued to the truck driver, a warning

should be sent to the company owner indicating that the 10th offense by one of their employees will result in a fine to the company. At the 10th violation of a company driver, the truck owner should be issued a fine. The first infraction by a truck driver should always be a warning, and the next fine should begin at $100, then $500, and then $1,000 for the third and subsequent offenses. The 10th company driver violation should result in a $1,000 fine to the company, and any subsequent fine should be at $1,000 to the truck company owner.

Q

Issue: Enforcement

Discussion: Enforcement is a sensitive issue whereby a few states are actively enforcing the law but many other states are not actively enforcing. This is partly due to higher priorities, limited budgets, and an unwillingness to issue tickets at some locations. Some in the trucking industry felt that if all the laws were uniformly enforced then they would make the investment in a idle reduction technology, but since that is not the case they are more likely to gamble that they will not be caught. Another issue involves issuing a ticket to the truck parking location facility owner (e.g., truck owner or distribution center owner). Participants felt strongly that unless the facility owner has control over the drivers, they should not be held responsible for the violation. Truck parking location owners should not be made to enforce the state's laws, especially if the state's own enforcement officials were not doing so. One exception would be if the company driver is idling on company property. In this case, the company owner has greater control over their driver and their location.

Consensus: (1) If the states adopt a uniform idling law, they should also adopt a policy of active enforcement so truck drivers and owners invest in technology to reduce idling. (2) Fines should not be issued to the truck parking location owner, unless the owner has direct control over the driver (employee-employer relationship).

R

Issue: Outreach and Education

Discussion: While an idling law would not explicitly mandate outreach or education, it should accompany any state effort to reduce idling. If a state has an idling law, they should make an effort at educating the affected entities about the law. This may include publishing brochures, creating signs, and distributing the brochures and signs in areas where trucks park.

Consensus: States should conduct outreach by educating truck drivers and owners about the idling law. Signs should be posted at public truck parking locations. During state truck registration, driver training, or licensing information about the law should be distributed. Private truck parking facility owners should be required to post permanent signs that state the idling law and its fine for violation.

S

Issue: Other

Discussion: The groups felt that a discussion of a sleeper berth exemption was redundant because of the weather related discussion. In other words, the sleeper berth exemption and a weather related exemption, at least for long haul trucks, addresses the same concern. As stated above under B, both weather and sleeper berth exemptions, while important to recognize the need for drivers to rest comfortably, should not simply be given a blanket exemption. Rather, States should implement voluntary incentives whereby the State recognizes trucks and truck stops that use or deploy idle reduction technologies. These trucks or locations should be exempt from the law, and law enforcement should concentrate on those entities that do not have the idle reduction technologies.