

Model State Idling Law Workshop — San Francisco, California

Meeting Summary

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

NOTICE

*This Technical Report does not necessarily represent final EPA decisions or positions.
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 14, 2005, in San Francisco, California, to develop a model state idling law. Participants included EPA Regions VIII, IX, and X 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 the 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: Purpose of the law.

Discussion: Discussion focused on adding near-term exposure to diesel exhaust is part of the purpose (community and driver/operator). Participants raised the issue of including more than just heavy-duty diesel vehicles – why not passenger vehicles (CARB says heavy-duty diesel vehicles are significant percentage of emissions) or other classes of engines? Finally, truck drivers stated that they felt they were being blamed for the entire problem, and that if states want to really reduce emissions they should help out with the costs instead of just passing laws that are rarely, if ever, enforced.

Consensus: Agreement to add exposure. EPA should consider ways to build in incentives, especially financial, with the model.

B

Issue: Applicability

Discussion: Participants suggested decreasing the weight ratings to 8500 pounds, to include commercial trucks and some very large SUVs/passenger vehicles, and that smaller, commercial vehicles were part of the problem. A suggestion to remove “heavy-duty” so other diesels can be included. Some opposition to opening the law to all these vehicles because of the difficulty and impracticality of enforcing the law.

Consensus: General consensus reached on this issue provided that “heavy-duty” is removed and the weight limit is reduced to 8,500 pounds or add “commercial” diesel vehicles.

C

Issue: Non-Applicability

Discussion: General agreement that the law should not apply to reefers. Some mention that these manufacturers are progressive and “good players.”

Consensus: General consensus reached on this non-applicability section.

D

Issue: General Requirement

Discussion: Participants felt that the five minute general requirement was reasonable. Suggestion to edit “allow passengers to embark and disembark” – to “to condition the bus to allow passengers to embark and disembark” (in CA they allow 10 minutes for that). Question about how you enforce 5 minutes during a 60 minute period – why not just say 5 minutes – how can you check on this? This was put in there to remove a loop hole for people juts to turn off and turn on.

Consensus: Agreement to edit the “embark/disembark” language per suggestion.

E

Issue: Exemption for Traffic
Discussion: Very similar to CA and other state language on traffic.
Consensus: General consensus reached on this exemption.

F

Issue: Exemption for Adverse Weather
Discussion: Discussion focused on determining if this exemption applies to the driver or the vehicle. The key language is “safe operation of the vehicle.” Participants felt that other exemptions addressed driver comfort, so this one should be about vehicles. Discussion on adding “installing chains” as another example of a safety consideration.
Consensus: General consensus reached on this exemption provided that consideration be given to “safe operation of the vehicle” and “installing chains”.

G

Issue: Exemption for Law Enforcement
Discussion: No substantive discussion. Everyone agreed this was necessary.
Consensus: General consensus reached on this exemption.

H

Issue: Exemption for Maintenance
Discussion: Discussion focused on removing the words “at a recognized facility for such operations” because this penalizes those who do their own repairs. While a “recognized facility” may add greater assurance that a repair, for example, is actually underway it does not recognize that many truck owners do their own servicing or that servicing may occur outside of facilities (e.g., by a service truck).
Consensus: General consensus reached on this exemption provided that the words “at a recognized facility for such operations” is deleted.

I

Issue: Exemption for Inspection
Discussion: No discussion. Everyone felt this was necessary.
Consensus: General consensus reached on this exemption.

J

Issue: Exempting for Power Take Off
Discussion: Participants felt that this should be clearly exempted sine it was not an unnecessary idle mode. Some questioned whether or not electrical use (such as operating a laptop) should be included under this exemption.
Consensus: General consensus reached on this exemption, and consideration should be given to the limitations of PTO so not everything comes under it.

K

Issue: Exemption for Armored Vehicles
Discussion: No substantive discussion. All participants recognized the need to exempt this.
Consensus: General consensus reached on deleting this exemption.

L

Issue: Exemption for Passenger Buses
Discussion: Participants recommended adding “to maintain passenger comfort.”
Consensus: General agreement if new language suggested above is added.

M

Issue: Conditional Exemption for Mechanical Problems
Discussion: Suggestion to remove “at a recognized facility” and that the ticket is not be placed on their record.
Consensus: General agreement on this exemption.

N

Issue: Conditional Exemption for Sleeper Berth Trucks
Discussion: Some participants recommend not allowing this exemption if the truck is within 100 feet from a school or residential neighborhood. Others questioned whether this was an issue about technology availability or access to capital. Trucking industry openly requested financial assistance with purchase of idle reduction technologies. Much discussion on balancing the needs of truck drivers and the needs of the state and its citizens. While the trucking industry participants want to reduce fuel consumption and save money, and reduce health risks to themselves and others, much comes down to the issue of funding. Truck owners need assistance with the purchase of these technologies, and they generally resent laws that do not take the economics into account.
Consensus: No general agreement reached on the 100 foot circumstance, but discussion on considering it as a means to prevent diesel emissions near people’s homes or other sensitive populations. As to financing programs, an agreement to look into how this might be included in the model.

O

Issue: Conditional Exemption for Temperature
Discussion: Participants discussed the temperature cut-offs for heat and air conditioning and felt that it is very difficult to dictate one’s comfort level. Some participants stated that one way to avoid this issue is to add “to prevent a safety or health emergency.”
Consensus: General agreement to add recommended language.

P

- Issue:** Penalties
- Discussion:** Participants recommended changing “contravene” to “violates”; fining the company and not the driver; building a grace period and an educational campaign before enforcement; allowing the driver or company at the second offense to submit proof that either the technology was or was not provided (and therefore either the driver or the company would not be fined).
- Consensus:** No general consensus reached on who is responsible for paying the fine, but the conversation leaned towards making the truck owner liable for fines as an incentive for them to purchase alternative technologies. A guidance document to this model law should include information about an educational campaign before beginning any enforcement so truck drivers are on notice.
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Q

- Issue:** Enforcement
- Discussion:** Discussion focused on the liability of a property owner or operator. The prevailing view was that if the owner lacks control over the driver’s behavior or is not directly responsible for an unnecessary wait time (to load/unload), then the owner/operator should not be liable. For example, a truck stop owner should not be responsible because he/she does not control (or necessarily permit) the idling behavior, but is more a host for the trucker to utilize his/her facilities. Moreover, the truck stop owner is not creating a situation whereby the truck driver needs to idle. In the case of a distribution center with a long line of idling trucks waiting to load/unload, the case can be made that this owner has greater control over the trucks (via contracts) and may be the cause of the idling due to long wait times. Another often cited defense of truck stop operators is that they cannot, practically speaking, walk around their lot of hundreds of parking spaces and effectively tell truck drivers to not idle. They may be able to post no-idling signs, but enforcement of the law should not be imposed on the truck stop owner as a surrogate for law enforcement.
- Consensus:** General agreement reached on fining facility owners who share in the responsibility for idling.
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R

- Issue:** Auxiliary Power Units
- Discussion:** Most participants felt that if it was true that APUs emitted more than a model year 2007 or later truck, then the APU should be made to as clean or cleaner than this truck.
- Consensus:** General agreement reached if emissions testing validates the situation to be the case.