

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

ARTICLE I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

SUBPART C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

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Auxiliary power system—A device installed on a commercial motor vehicle to provide electrical, mechanical or thermal energy to the primary diesel engine or the cab, sleeper berth or bus passenger compartment as an alternative to idling the primary diesel engine.

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Commercial motor vehicle -- A self-propelled motor vehicle used on a highway to transport passengers or property when the vehicle meets one or more of the following conditions:

(i) The vehicle has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater.

(ii) The vehicle is designed or used to transport more than 8 passengers, including the driver, for compensation.

(iii) The vehicle is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.

(iv) The vehicle is used in transporting material found by the Secretary of the United States Department of Transportation to be hazardous under 49 U.S.C. § 5103 (relating to general regulatory authority) and transported in a quantity requiring placarding under regulations prescribed by the Secretary of the United States Department of Transportation under 49 CFR, subtitle B, chapter I, subchapter C (relating to hazardous materials regulations).

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GCWR -- Gross combination weight rating—The value specified by the manufacturer as the loaded weight of a combination motor vehicle.

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Highway—The entire width between the boundary lines of every way publicly maintained when any part of the way is open to the use of the public for purposes of vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of a college, university, public or private school, or public or historical park.

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Idling—For purposes of Chapter 126, Subchapter F (relating to diesel vehicle idling), the operation of the main propulsion engine of a commercial motor vehicle while the vehicle is stationary. *(Editor's note: An unrelated definition of this term is expected to be published for comment in the Pennsylvania Bulletin later this year in a proposed amendment to Chapter 129 (relating to standards for sources) concerning glass melting furnaces. The later of these two rulemakings to be published as a final rulemaking will include both definitions.)*

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(Editor's note: Subchapters F and G are new and are printed in regular type to enhance readability.)

CHAPTER 126. MOTOR VEHICLE AND FUELS PROGRAMS

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Subchapter F. DIESEL VEHICLE IDLING

GENERAL PROVISIONS

§ 126.601. Applicability.

This subchapter applies to owners and operators of diesel-powered commercial motor vehicles and owners and operators of locations at which diesel-powered commercial motor vehicles load, unload or park.

RESTRICTIONS ON DIESEL VEHICLE IDLING

§ 126.611. Idling restriction.

No person subject to this subchapter may cause or allow the engine of a diesel-powered commercial motor vehicle to idle for more than 5 minutes in a 60-minute period, except as provided in § 126.612 (relating to exemptions).

§ 126.612. Exemptions.

(a) A diesel-powered commercial motor vehicle may idle beyond the time allowed in § 126.611 (relating to idling restriction) for one or more of the following reasons:

- (1) When idling is necessary for an occupied vehicle equipped with a sleeper berth compartment to operate air conditioning or heating during a rest period and the outside temperature at the location of the vehicle is less than 40 degrees or greater than 75 degrees Fahrenheit. This exemption expires May 1, 2010. This exemption does not apply if the vehicle is parked at a location equipped with stationary idle reduction technology that is available for use.
- (2) When idling is necessary for a passenger bus to provide heating or air conditioning when non-driver passengers are onboard. For the purposes of this exemption, the bus may idle for up to 15 minutes in a 60-minute period.
- (3) When idling is necessary for active loading or active unloading of property or passengers.
- (4) When idling is necessary for a vehicle to operate work-related mechanical or electrical operations other than propulsion.
- (5) When a vehicle must remain motionless because of one or more of the following:
 - (i) Traffic or other obstruction on the highway.
 - (ii) An official traffic control device or signal.
 - (iii) The direction of a uniformed police officer or other person authorized to direct traffic under 67 Pa. Code § 101.2 (relating to persons authorized to direct traffic).
- (6) When idling is necessary as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection.
- (7) When idling is necessary for maintenance, servicing, repairs or diagnostic purposes, provided idling is required for this activity.

(8) When idling is necessary to operate defrosters, heaters, air conditioners or cargo refrigeration equipment, or to install equipment, in order to prevent a safety or health emergency and not for the purpose of a rest period, or as otherwise required by federal or state motor carrier safety regulations or local requirements.

(9) When idling is necessary for a police, fire, ambulance, public safety, military or other vehicle while being used in an emergency or training capacity.

(10) When idling is necessary for an armored vehicle while a person remains inside the vehicle to guard the contents.

(11) When idling by a school bus during queuing for the sequential discharge or pickup of students is necessary because the physical configuration of a school or the school's surrounding streets does not allow for stopping.

(b) The restriction on idling set forth in § 126.611 does not apply to a vehicle that has a model year 2007 or newer engine and exhibits a label issued by CARB under 13 CCR § 1956.8(a)(6)(C) (relating to exhaust emissions standards and test procedures – 1985 and subsequent model heavy-duty engines and vehicles) showing that the vehicle's engine meets an optional NO_x idling emission standard.

(c) A person will not be considered in violation of § 126.611 (relating to idling restriction) for idling that exceeds 5 minutes in a 60-minute period if each of the following occurs:

(1) The vehicle owner or operator asserts at the time of the exceedance that the vehicle idled more than 5 minutes in a 60-minute period due to a mechanical problem over which the driver had no control.

(2) The vehicle owner or operator demonstrates to the Department or other enforcing agency within 10 business days of exceeding the idling restriction that the mechanical problem has been identified and repaired.

(d) A county, city, town, township, borough or local air authority with idling regulations in existence before _____ (*Editor's note: The blank refers to the effective date of this proposed rulemaking*) may approve alternative compliance plans for bus terminals to minimize idling.

Subchapter G. AUXILIARY POWER SYSTEMS

§ 126.701. Applicability

This subchapter applies to owners and operators of diesel-powered commercial motor vehicles with a model year 2007 or newer engine.

§ 126.702. Auxiliary power system.

For a diesel-powered commercial motor vehicle with a model year 2007 or newer engine, an auxiliary power system powered by a diesel-powered internal combustion engine may only be used in the Commonwealth if its exhaust is routed through the exhaust system of the main propulsion engine. This requirement does not apply if the vehicle or auxiliary power system exhibits a label issued by CARB under 13 CCR § 2485(c)(3)(A)(1) (relating to airborne toxic control measure to limit diesel-fueled commercial motor vehicle idling) for the auxiliary power system.