

Pennsylvania's Diesel-Powered Motor Vehicle Idling Act (Act 124 of 2008)

Diesel vehicles are a significant source of emissions that contribute to elevated ozone and fine particulate matter concentrations in Pennsylvania. The Diesel-Powered Motor Vehicle Idling Act (Act 124) became effective on February 6, 2009. The act reduces unnecessary idling of the main propulsion engine in diesel-powered motor vehicles, including trucks and buses, by imposing time limits and sign requirements. The act applies to public and private locations, statewide. While the requirements of the act will not be incorporated into any permit issued by the Department of Environmental Protection (DEP), those requirements remain independently enforceable by DEP.

Q. Who is subject to the requirements of Act 124?

- A. Owners and operators of any diesel-powered motor vehicle with a gross vehicle weight of 10,001 pounds or more, engaged in commerce, must comply with the provisions of Act 124. Additionally, owners and operators of locations where subject vehicles load, unload, or park must comply.

Q. What are the requirements of Act 124?

- A. Act 124 prohibits the owners and operators of any diesel-powered motor vehicle with a gross vehicle weight of 10,001 pounds or more, engaged in commerce, from causing the engine of the vehicle to idle for more than 5 minutes in any continuous 60-minute period, except as provided in the act. Act 124 also prohibits the owners and operators of locations where subject vehicles load, unload, or park from allowing the engine of the vehicle to idle for more than five minutes in any continuous 60-minute period, except as provided in the act. In addition, owners and operators of locations where subject vehicles load or unload, or where 15 or more parking spaces are provided for vehicles subject to the act, must erect and maintain at least one permanent sign to inform drivers that idling is restricted in Pennsylvania. A posted sign does not relieve the owner or operator of the site of its other responsibilities under the act.

Q. What is meant by the term 'engaged in commerce' as used in Act 124?

- A. A motor vehicle is 'engaged in commerce' under Act 124 if it has a business name or logo visible on the outside of the vehicle. The term includes, but is not limited to, vehicles carrying a load or a trailer and vehicles on their way to pick up a load or trailer. School buses and other types of vehicles specifically referenced in the act are also considered to be 'engaged in commerce' for purposes of Act 124. A diesel-powered motor vehicle used exclusively for private use is not considered to be engaged in commerce.

Q. What types of vehicles are exempt from the requirements of Act 124?

- A. Motor homes, commercial implements of husbandry, implements of husbandry, farm equipment, and farm vehicles are not covered by Act 124. The definitions of these types of vehicles can be found in Title 75, Pennsylvania Consolidated Statutes, Section 102 (relating to definitions). DEP does not consider vehicles identified as 'off-road' or 'non-road' to be subject to Act 124, either.

Q. Are there exemptions to allow idling longer than five minutes?

- A. Yes. Buses, school buses and school vehicles may idle for 15 minutes in a continuous 60-minute period when passengers are aboard. Other exemptions address excess idling due to factors outside the drivers' control, such as traffic or mechanical issues. There are also exemptions addressing idling during maintenance, vehicle equipment inspection, and emergency or utility service functions and idling for security reasons. Additionally, the restriction on idling does not apply if a vehicle exhibits a label issued by the California Air Resources Board (CARB) under Title 13 California Code of Regulations, Section 1956.8(a)(6)(C), showing the vehicle's engine meets the optional NOx idling emission standard. Additionally, subject vehicles equipped with auxiliary power units (APUs) can idle the APU unrestricted. Although not explicitly listed in the law, transportation refrigeration units (TRUs or reefers), which are subject vehicles that use the main engine to operate refrigeration equipment, may also idle unrestricted. See Act 124 at www.legis.state.pa.us. Navigate to the 'Legislation' tab, select 2007-2008 Regular Session under 'Bills and Resolutions,' and search for Senate Bill 295, Printer's No. 2485, for the full listing and details of exemptions.

Q. Can trucks idle during rest periods if the outside temperature is outside a certain range?

A. No, unless the vehicle exhibits a label issued by CARB indicating it meets CARB's optional NOx idling emission standard (13 CCR §1956.8(a)(6)(C)). The exemption relating to idling during rest periods when the outside temperature is less than 40 degrees or greater than 75 degrees Fahrenheit expired May 1, 2010.

Q. Who is required to post permanent idling restriction signs?

A. Owners and operators of locations where subject vehicles load or unload, as well as owners and operators of locations that provide 15 or more parking spaces for subject vehicles, are required to post approved signs. Information for the approved sign format is available on the DEP's website at www.dep.pa.gov, enter search term "Idling." Links available on the web page direct you to the Pennsylvania Department of Transportation's (PennDOT) Publication 236M, Sign R7-100, which is the PennDOT-approved sign. Signs must be manufactured by approved sign manufacturers; a link to a list of approved sign manufacturers is provided on the webpage.

Q. Who has the authority to enforce the idling restrictions imposed under Act 124?

A. State and local law enforcement officials are authorized to enforce Act 124. DEP personnel are also authorized to enforce Act 124. Act 124 was approved by the U.S. Environmental Protection Agency (EPA) as a State Implementation Plan revision and, as a result, is also federally enforceable by EPA.

Q. What are the penalties for violating the requirements of Act 124?

A. Drivers and owners of vehicles and owners and operators of locations where subject vehicles load or unload, or where 15 or more parking spaces are provided for vehicles subject to the Act, found to be in violation of this Act commit a summary offense. A conviction will result in a fine ranging from \$150 to \$300, plus court costs. When prosecution of an offense under this Act is the result of local law enforcement action, one half of any fines assessed will be received by the local municipality. DEP is also authorized to assess civil penalties, not to exceed \$1,000 per day for each violation of Act 124, in accordance with the procedures and factors specified in Section 9.1 of Pennsylvania's Air Pollution Control Act.

Q. Will local idling ordinances (laws, rules, etc.) still be enforced?

A. Act 124 pre-empts and supersedes local anti-idling ordinances or rules, unless the local ordinance or rule meets specific requirements listed in the Act. Allegheny and Philadelphia Counties are the only counties with ordinances or rules that are affected. DEP understands that the Allegheny County Health Department (ACHD) has determined that Act 124 preempts Allegheny County's local ordinance. DEP understands that ACHD will provide compliance assistance for Act 124 to citizens and companies, and will refer complaints requiring enforcement action to local or state police, or the DEP regional office. ACHD will continue to enforce its off-road anti-idling ordinance. Philadelphia Air Management Services, a division of the Philadelphia Department of Public Health, and the Philadelphia Parking Authority will continue to enforce their regulation and ordinance, respectively. Links to the anti-idling requirements in Philadelphia County are available on DEP's website at www.dep.pa.gov, enter search term "Idling."

Q. What options are available to reduce idling?

A. The simplest way to reduce idling is to turn off the engine. Modern diesel engines do not require long warm-up or cool-down periods or constant idling in order to operate efficiently. The most common alternatives for main engine idling are auxiliary power systems and stationary idle reduction technologies. APUs are devices installed on vehicles to provide power for cabin temperature control and other electric needs typically provided by main engine idling. Stationary idle reduction technology provides some type of plug-in system at locations where subject vehicles park.

Q. Who can respond to questions or complaints?

A. For questions on Act 124, please contact the Pennsylvania DEP, Bureau of Air Quality, by telephone at 717-787-9495 or visit DEP's website at www.dep.pa.gov, enter search term "Idling." If someone is idling illegally, get in touch with a DEP regional office by calling the statewide Citizen's Complaint Line toll free at 1-866-255-5158. Local or state law enforcement officials may also take idling complaints. State police telephone numbers are available on the Pennsylvania State Police website at: www.psp.pa.gov. Local law enforcement non-emergency numbers can be found in the local telephone book.

For more information, visit www.dep.pa.gov.