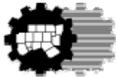


LOCALLY ENFORCED IDLING RESTRICTIONS

Keene City Council

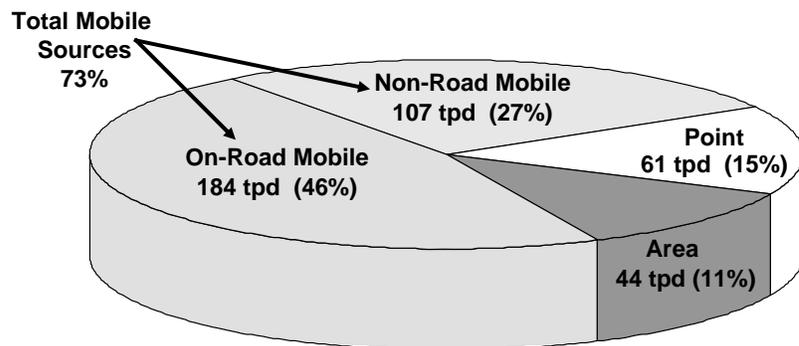
October 23, 2008



Amanda Brimmer, E.I.T.
North Central Texas Council of Governments

DFW NONATTAINMENT AREA 2009 Nitrogen Oxide (NO_x) Emissions Inventory

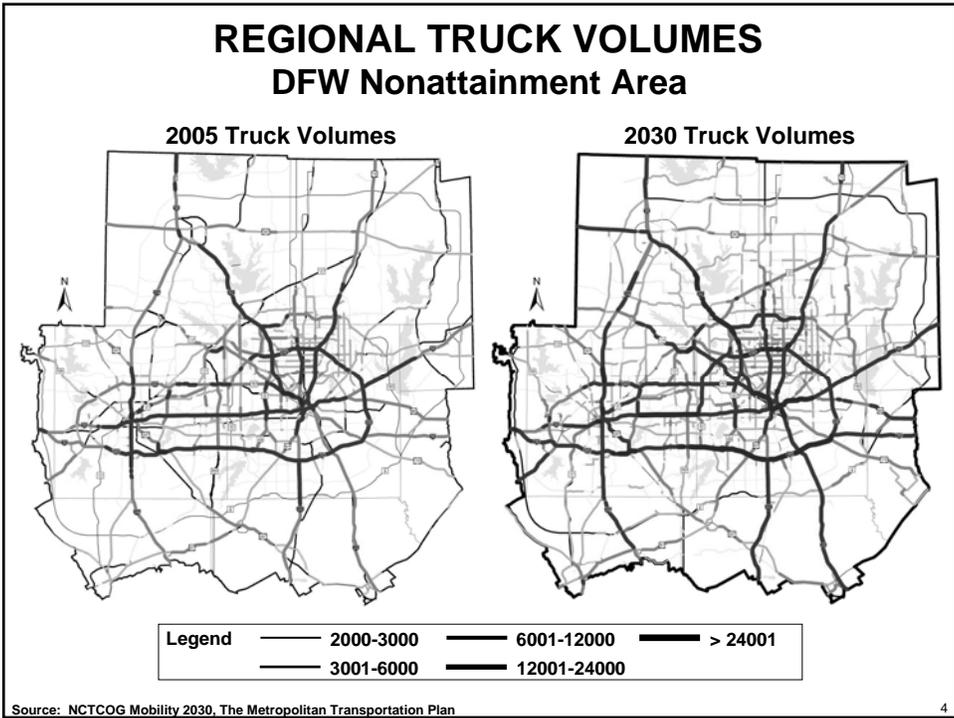
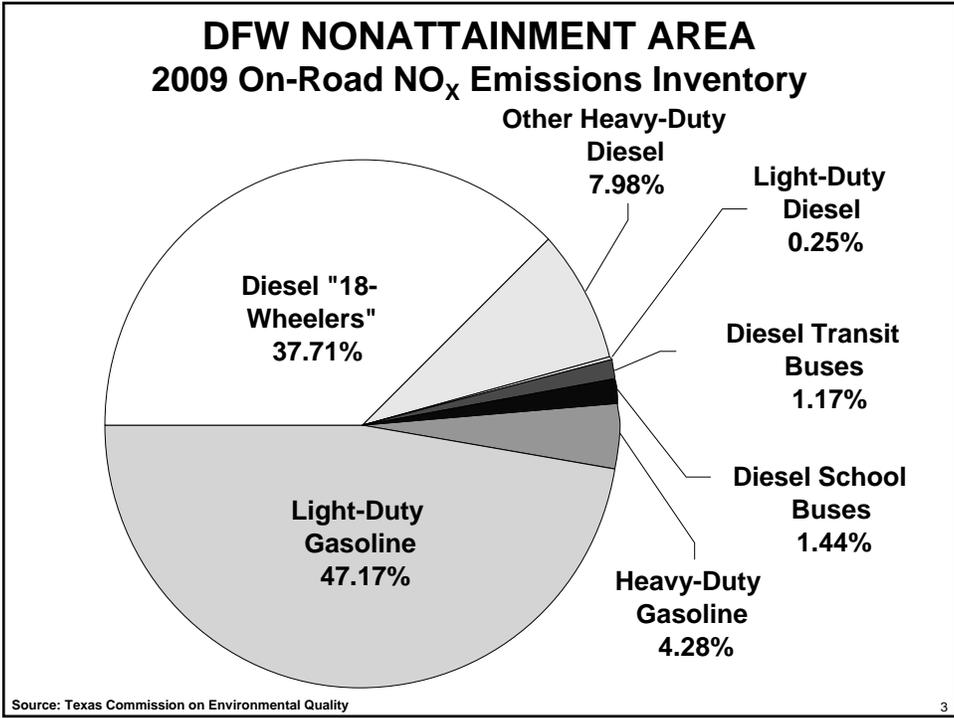
Emission Source Category Estimates



Total NO_x = 396 Tons Per Day (tpd)

Source: Texas Commission on Environmental Quality

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LOCALLY ENFORCED IDLING RESTRICTIONS **Control Requirements (TAC Title 30 Ch 114)**

**No Gasoline or Diesel Powered Motor Vehicle Over
14,000 Pounds (GVWR) May Idle the Main Engine for
More Than 5 Minutes When the Vehicle is Not in
Motion**

Applicable From April 1 Through October 31

No Driver Using Vehicle's Sleeper Berth May Idle In:

A Residential Neighborhood

A School Zone

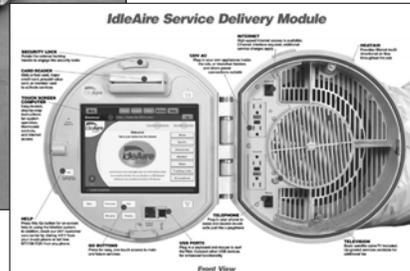
Within 1,000 Feet of a Hospital or School

**Within a 2-Mile Radius of a Facility Offering
External Heating and Air Conditioning**

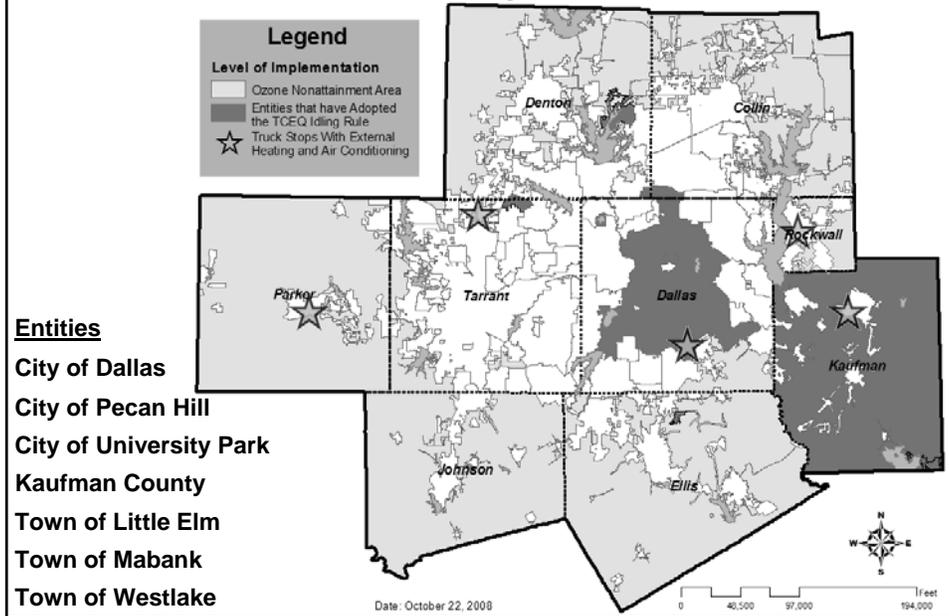
5

LOCALLY ENFORCED IDLING RESTRICTIONS **Idle Reduction Technology**

On-Site Infrastructure



LOCALLY ENFORCED IDLING RESTRICTIONS Local Government Adoption in North Texas



LOCALLY ENFORCED IDLING RESTRICTIONS Exemptions (TAC Title 30)

Vehicle Type

- Vehicles With Sleeper Berth (Before Sept. 2009 Only)
- Military, Emergency or Law Enforcement Vehicles
- Airport Ground Support Equipment
- The Owner of a Vehicle Rented or Leased to a Person Not Employed By Owner

Operations

- Idling Due to Traffic Congestion
- Motors Run as Power Source for Mechanical Operations
- Idling During Operation for Maintenance/Diagnostic Purposes
- Operation of Engine Solely to Defrost a Windshield

LOCALLY ENFORCED IDLING RESTRICTIONS
Exemptions Continued (TAC Title 30)

Air Conditioning And Heating Provision

**For Passenger Comfort and Safety in Vehicles
Intended For Commercial/Public Passenger
Transportation Or Passenger Transit Operations
(30 Minutes Maximum)**

**For Employee Health or Safety While Employee is
Using Vehicle to Perform an Essential Job
Function Related to Roadway Construction or
Maintenance**

**During Use of Sleeper Berth for a Government-
Mandated Rest Period (Subsection Expires
September 1, 2009)**

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LOCALLY ENFORCED IDLING RESTRICTIONS
Implementation

Three Stages

Stage 1: Initiation

Stage 2: Education

Stage 3: Enforcement

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LOCALLY ENFORCED IDLING RESTRICTIONS

Stage 1: Initiation

Local Government Activity:

- **Adopt TCEQ Idling Limitation Rule**
- **Sign North Texas Memorandum of Agreement (MOA)**

NCTCOG Staff Assistance:

- **Develop Guide for Local Governments**
- **Provide Information to Council Members, Commissioners, and City/County Staff (Upon Request)**

NOTE: For SIP reporting requirements, NCTCOG requests being notified following rule adoption and execution of MOA.

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LOCALLY ENFORCED IDLING RESTRICTIONS

Stage 2: Education

Local Government Activity:

- **Order and Install Signs in Areas Traditionally Known for Excessive Idling**
- **Promote Awareness of Restrictions and Idle Reduction Technology Options Within Jurisdiction**

NCTCOG Staff Assistance:

- **Develop for Regional Use:**
 - **Anti-idling Street Signs**
 - **Driver Education Brochures**
 - **Idling Complaint Hotline and Web site to Report Idling Vehicles (www.EngineOffNorthTexas.org)**



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LOCALLY ENFORCED IDLING RESTRICTIONS

Stage 3: Enforcement

Local Government Activity:

- **Identify Enforcement Personnel**
- **Determine Procedures to Spot and Cite Violators**
- **Log Citations for Requisite Reporting**

NCTCOG Staff Assistance:

- **Provide Training on Recommended Enforcement Procedures**
- **Provide Training on NCTCOG Emissions Database (NED)**
- **Facilitate Discussions Between Agencies on Potential Sources of Funding**

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LOCALLY ENFORCED IDLING RESTRICTIONS

Funding Opportunities

NCTCOG's Diesel Idling Reduction Program

**On-Site And On-Board Idle Reduction Projects
Call for Projects Anticipated in November 2008
www.nctcog.org/DIRP**

Texas Emissions Reduction Plan (TERP)

**On-Site And On-Board Idle Reduction Infrastructure
www.TERPGrants.org**

SmartWay Transport Partnership

**Innovative Financing For Fuel-Efficient Technologies
www.epa.gov/smartway/**

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LOCALLY ENFORCED IDLING RESTRICTIONS

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**Carrie Reese
Program Manager
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(817) 608-2353**

www.nctcog.org/IdlingRule

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Texas Administrative Code

<u>TITLE 30</u>	ENVIRONMENTAL QUALITY
<u>PART 1</u>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<u>CHAPTER 114</u>	CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES
<u>SUBCHAPTER J</u>	OPERATIONAL CONTROLS FOR MOTOR VEHICLES
<u>DIVISION 2</u>	LOCALLY ENFORCED MOTOR VEHICLE IDLING LIMITATIONS

Rules

<u>§114.510</u>	Definitions
<u>§114.511</u>	Applicability
<u>§114.512</u>	Control Requirements for Motor Vehicle Idling
<u>§114.517</u>	Exemptions

RULE §114.510 Definitions

Unless specifically defined in the Texas Health and Safety Code, Chapter 382 (also known as the Texas Clean Air Act) or in the rules of the commission, the terms used in this subchapter have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by Texas Health and Safety Code, Chapter 382; §3.2 of this title (relating to Definitions); §101.1 of this title (relating to Definitions); and §114.1 of this title (relating to Definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

- (1) Idle--The operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released, and there is no load on the engine.
- (2) Local government--A city, county, municipality, or political subdivision of the state.
- (3) Motor vehicle--Any self-propelled device powered by an internal combustion engine and designed to operate with four or more wheels in contact with the ground, in or by which a person or property is or may be transported, and is required to be registered under Texas Transportation Code, §502.002, excluding vehicles registered under §502.006(c).
- (4) Primary propulsion engine--A gasoline or diesel-fueled internal combustion engine attached to a motor vehicle that provides the power to propel the motor vehicle into motion and maintain motion.

Source Note: The provisions of this §114.510 adopted to be effective December 9, 2004, 29 TexReg 11355

RULE §114.511 Applicability

The provisions of §114.512 and §114.517 of this title (relating to Control Requirements for Motor Vehicle Idling; and Exemptions) are applicable only within the jurisdiction of a local government that has signed a Memorandum of Agreement with the commission to delegate enforcement of the provisions of this division to that local government.

Source Note: The provisions of this §114.511 adopted to be effective December 9, 2004, 29 TexReg 11355

RULE §114.512 Control Requirements for Motor Vehicle Idling

(a) No person shall cause, suffer, allow, or permit the primary propulsion engine of a motor vehicle to idle for more than five consecutive minutes when the motor vehicle, as defined in §114.510 of this title (relating to Definitions), is not in motion during the period of April 1 through October 31 of each calendar year.

(b) No driver using the vehicle's sleeper berth may idle the vehicle: in a residential area as defined by Local Government Code, §244.001, in a school zone, within 1,000 feet of a hospital, or within 1,000 feet of a public school during its hours of operation. An offense under this subsection may be punishable by a fine not to exceed \$500. This subsection expires September 1, 2009.

Source Note: The provisions of this §114.512 adopted to be effective December 9, 2004, 29 TexReg 11355; amended to be effective May 17, 2006, 31 TexReg 3900; amended to be effective February 21, 2008, 33 TexReg 1345

RULE §114.517 Exemptions

The provisions of §114.512 of this title (relating to Control Requirements for Motor Vehicle Idling) do not apply to:

(1) a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less and does not have a sleeper berth;

(2) a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less, after September 1, 2009;

(3) a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;

(4) a motor vehicle being used by the United States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle;

(5) the primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation, other than propulsion, and/or passenger compartment heating, or air conditioning;

(6) the primary propulsion engine of a motor vehicle being operated for maintenance or diagnostic purposes;

(7) the primary propulsion engine of a motor vehicle being operated solely to defrost a windshield;

(8) the primary propulsion engine of a motor vehicle that is being used to supply heat or air conditioning necessary for passenger comfort and safety in vehicles intended for commercial or public passenger transportation, or passenger transit operations, in which case idling up to a maximum of 30 minutes is allowed;

(9) the primary propulsion engine of a motor vehicle being used to provide air conditioning or heating necessary for employee health or safety while the employee is using the vehicle to perform an essential job function related to roadway construction or maintenance;

(10) the primary propulsion engine of a motor vehicle being used as airport ground support equipment;

(11) the owner of a motor vehicle rented or leased to a person that operates the vehicle and is not employed by the owner; or

(12) a motor vehicle when idling is necessary to power a heater or air conditioner while a driver is using the vehicle's sleeper berth for a government-mandated rest period and is not within two miles of a facility offering external heating and air conditioning connections at a time when those connections are available.

Source Note: The provisions of this §114.517 adopted to be effective December 9, 2004, 29 TexReg 11355; amended to be effective May 17, 2006, 31 TexReg 3900; amended to be effective February 21, 2008, 33 TexReg 1345

Source: [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.viewtac](http://info.sos.state.tx.us/pls/pub/readtac$ext.viewtac)

**MEMORANDUM OF AGREEMENT
VEHICLE IDLING LIMITATIONS IN THE NORTH CENTRAL TEXAS AREA**

I. PARTIES

This Memorandum of Agreement (“Agreement”) is entered into between the Texas Commission on Environmental Quality (“TCEQ”) and the local governments signing this agreement (Local Governments), collectively, the “Parties.”

1. The Parties represent that they have the authority to enter into this MOA, including the authority granted in the Texas Government Code Chapter 791 Interlocal Cooperation Contracts.

2. The TCEQ has authority under Section 5.229 of the Texas Water Code and Section 382.033 of the Texas Health and Safety Code to enter into this MOA.

3. The Performing Parties have authority under Section 382.115 of the Texas Health and Safety Code to enter into this MOA.

II. Intent and Purpose

The intent of this MOA is to memorialize the agreement between the Parties to implement the following rules aimed at the control of air pollution from motor vehicles: 30 Texas Administrative Code (“TAC”) Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter J, Operation Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations, Sections 114.510 – 114.512 and 114.517.

The parties enter into this MOA for the purpose of delegating rule enforcement from TCEQ to Local Governments and incorporating the emission reductions resulting from the implementation and enforcement of the above-referenced rules into the State Implementation Plan (“SIP”).

III. Definitions

As used in this MOA the following terms have the meanings given below:

1. “EPA” shall mean the U.S. Environmental Protection Agency.
2. “TCEQ” shall mean the Texas Commission on Environmental Quality.
3. “Local Government” has the meaning assigned by 30 TAC Section 114.510.
4. “North Central Texas Area” shall refer to those Texas counties included in the Dallas-Fort Worth-Arlington (DFW) Texas, Metropolitan Statistical Area.
5. “SIP” shall refer to the State Implementation Plan.

IV. Background

1. Under Section 110 of the Federal Clean Air Act (“FCAA”), 42 U. S. Code (U.S.C.) Section 7410, each state that has a non-attainment area must submit a SIP to the EPA demonstrating strategies to come into compliance with the National Ambient Air Quality Standards (“NAAQS”).

2. Section 110 of the FCAA, 42 U.S.C. Section 7410 requires Texas to submit to the EPA for approval any SIP revisions and to demonstrate that such SIP revisions will not interfere with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the FCAA, as required by Section 110(1) of the FCAA.

3. On November 17, 2004, the TCEQ adopted rules concerning locally enforced motor vehicle idling limitations, which are applicable only within the jurisdiction of a Local Government that has signed a Memorandum of Agreement with TCEQ delegating enforcement of the rules. The TCEQ submitted the rules to EPA for approval on December 6, 2004. EPA approved the rules on June 10, 2005.

4. The Parties acknowledge that they have entered into this MOA voluntarily and it shall become binding upon the signature of the Executive Director of TCEQ or his designated representative. The Parties agree to comply with the terms of this MOA.

5. The Local Governments understand and agree that the commitments in this Agreement become federally enforceable by the EPA, and by persons using the citizen suits provision of the Federal Clean Air Act (42 U.S.C.A. Section 7604), upon approval of this Agreement into the SIP.

V. Obligations of Parties

(A) Performing Parties agree as follows:

1. In accordance with the terms of this MOA, the Performing Parties agree to implement the following TCEQ Rules:
 - a. 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter J, Operation Controls for Motor Vehicle Idling Limitations, Sections 114.510 – 114.512 and 114.517.
2. The Performing Parties agree to submit the following information to the TCEQ for the rules listed above not later than forty-five (45) calendar days after the effective date of this MOA.
 - a. Detailed description of the plan for implementation of these rules;
 - b. Copies of local ordinances or resolutions adopted to implement these rules; and

- c. Copies of agreements entered between Performing Parties and other units of Local Government for the purpose of the implementation of these rules. Agreements entered into after the effective date of this MOA shall be submitted within forty-five (45) calendar days of their execution.
 - 3. Copies of any requisite resolutions under Section 7.352 of the Texas Water Code shall be submitted to the TCEQ within fourteen (14) calendar days after passage by the local governing body.
- (B) The TCEQ agrees to submit this agreement to the U.S. EPA as a technical support document to the DFW eight-hour ozone attainment demonstration SIP.

VI. Term and Termination

This MOA will become effective upon signature by the Parties and shall expire on January 2, 2013, unless renewed in writing by mutual agreement of the Parties. A Party may withdraw from this Agreement at any time upon thirty days written notice to the other Parties of this agreement. Withdrawal by a Local Government does not constitute termination of the entire MOA. This Agreement may be terminated at any time by mutual written consent of the Parties.

VII. Miscellaneous

This MOA represents the entire agreement between the TCEQ and the Performing Parties and supersedes all other agreements, understandings or commitments, written or oral, relative to the intent of this MOA. This MOA may not be amended or modified except pursuant to a mutual written agreement executed by each of the Parties.

This MOA shall be governed by and interpreted in accordance with the laws of the State of Texas.

In Witness Whereof, Texas Commission on Environmental Quality and the Local Governments, by their authorized officers, have made and executed this MOA in multiple copies, each of which is deemed an original.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

By: _____

Name: Mark Vickery, P.G.

Title: Executive Director

Date

Memorandum of Agreement

Local Government Signature Page

In witness thereof, (*insert name of local government*), through its authorized officer, has made and executed this signature page that shall be attached to the Memorandum of Agreement to Control Air Pollution From Motor Vehicles Through Locally Enforced Vehicle Idling Limits, which is hereby incorporated by reference in its entirety.

Executed by:

[*NAME OF Each North Texas Local Government Signatory*]

By: _____

Name: [*name of designated signer*]

Title: [*title of designated signer*]

_____ Date