



Bureau of Air Quality

BACKGROUND AND DEVELOPMENT OF ACT 124

BACKGROUND

PURPOSE: This document provides information about the Diesel-Powered Motor Vehicle Idling Act (Act 124 of 2008). This document is designed to aid the Pennsylvania Department of Environmental Protection's (Department or DEP) enforcement personnel, law enforcement, and the general public in understanding the act. Not all provisions of Act 124 are addressed in this document; however, the sections most likely to impact implementation are discussed.

The information provided in this document is based on DEP's understanding and interpretation of the provisions of Act 124. In addition to DEP inspectors, local and state law enforcement personnel have the authority and responsibility to enforce Act 124. Citizens may contact either DEP or law enforcement for resolution of a complaint regarding excessive idling. It is important to note that DEP inspectors are only available for complaint response during normal business hours. Law enforcement personnel, however, are usually available at all times. ***This document is not intended to limit or direct law enforcement personnel in enforcing the act.*** The information provided, however, may be useful to law enforcement personnel.

APPLICABILITY OF THE DIESEL-POWERED MOTOR VEHICLE IDLING ACT: Act 124 applies to drivers and owners of diesel-powered motor vehicles, engaged in commerce, with a gross weight of 10,001 pounds or more, and owners and operators of locations where these vehicles load, unload, or park. Any time this document refers to vehicles, it is referring to vehicles subject to Act 124, unless otherwise specified. All citations are referencing Act 124, unless otherwise specified.

Act 124 restricts vehicle idling to five minutes in any continuous 60-minute period. The law contains provisions that modify this basic restriction for some vehicles and in some circumstances. Most trucks and buses are subject to the act. Some vehicles are specifically excluded from the provisions of the act. Vehicle drivers, as well as vehicle owners, and owners and operators of locations where these vehicles load, unload or park have responsibility for compliance with Act 124.

In Allegheny and Philadelphia counties, owners and operators may be subject both to Act 124 and county idling ordinances and rules. While Act 124 prohibits municipalities from adopting new idling restrictions, the regulated community is still responsible for complying with previously established idling restrictions in Allegheny and Philadelphia counties to the extent the counties' rules are more stringent than the state law. Links to these local regulations are available on DEP's Diesel Idling Web site at <http://www.dep.state.pa.us/dep/deputate/airwaste/aq/cars/idling.htm>.

REGULATORY AND LEGISLATIVE DEVELOPMENT OF IDLING RESTRICTIONS

Many states and localities have adopted regulations that restrict diesel idling for highway diesel vehicles. Affected industries, primarily the long-haul trucking industry, expressed concern about the patchwork of regulations in effect across the country. Truck drivers experienced difficulties knowing what requirements were in effect in different localities. The United States Environmental Protection Agency (EPA) developed a Model State Idling Law after coordinating a number of workshops around the country, involving public, private, and government stakeholders. The model law was meant to assist states with adopting a consistent nationwide standard for idling restrictions that would result in less confusion for most affected industries, particularly interstate long-haul truck drivers.

On October 18, 2006, the Clean Air Board of Central Pennsylvania (CAB) submitted a petition that asked the Environmental Quality Board (EQB) to establish regulations restricting the idling of diesel-powered vehicles. The petitioner offered regulatory language in the petition that was consistent with the language in the EPA Model State Idling Law. The EQB accepted the petition and asked DEP to study the proposal for possible development of a rulemaking. The study determined that adopting an idling regulation would have a net positive benefit for air quality in Pennsylvania, especially in high volume interstate travel corridors. DEP developed a proposed rulemaking to restrict idling, which was approved October 16, 2007, and released for public comment. The proposed rulemaking was based on the suggested regulatory language as presented by CAB and additional provisions from the EPA model law. The proposed rulemaking also considered the language of idling ordinances already in place in the counties of Allegheny and Philadelphia. Based on the public comments received, DEP amended the regulatory language and submitted a final-form rulemaking to the EQB. While DEP was developing an idling regulation, the Pennsylvania Senate began drafting an idling law, Senate Bill 295 (S.B.295). DEP continued processing its rulemaking in case the Senate bill did not become law.

On September 16, 2008, the EQB approved DEP's final-form rulemaking. The EQB members who represented the environmental committees in the Pennsylvania General Assembly, however, expressed concern at the September 2008 EQB meeting that nothing in the rulemaking prevented local governments and municipalities from adopting more stringent standards than state regulations. Indeed, DEP lacks the authority to prevent local governments from adopting more stringent standards.

The General Assembly acted quickly after the September 2008 EQB meeting to revise S.B. 295, the bill drafted and approved by the Pennsylvania Senate in January 2008. The revised bill was passed by the full General Assembly. The final bill included a provision to prohibit local governments from adopting more stringent idling restrictions. The final bill also incorporated requirements developed in response to public comments received by DEP during the development of DEP's rulemaking and accommodated specific concerns of General Assembly members. On October 9, 2008, Governor Rendell signed the Diesel-Powered Motor Vehicle Idling Act (Act 124 of 2008; P.L. 1511, No. 124). Act 124 of 2008 became effective on February 6, 2009, and is codified at 35 P.S. § 4601-4610. Since there was now a state law

Background and Development: Diesel-Powered Motor Vehicle Idling Act

restricting idling, DEP withdrew its final rulemaking and did not adopt an idling restriction regulation.

HEALTH AND ENVIRONMENTAL BENEFITS OF ACT 124

The Act is designed to reduce unnecessary idling of the main propulsion engine in diesel-powered motor vehicles, including trucks and buses. Act 124 restricts idling to five minutes in any continuous 60-minute period. The law contains provisions that modify this basic restriction for some vehicles and in some circumstances. Most trucks and buses are subject to the act. Vehicle drivers, as well as vehicle owners, and owners and operators of locations where these vehicles load, unload or park, have responsibility for compliance with Act 124.

Particulate matter (PM) and ozone pollution impact the health of residents throughout Pennsylvania. Diesel vehicles are a significant source of emissions that contribute to ozone and PM pollution problems. DEP expects that the largest emission reductions from the idling restrictions in Act 124 will result from limiting long duration idling from long-haul trucks that idle the main engine to support travel rest. DEP also anticipates emission reductions from a decline in short-term idling resulting from activities other than mandated rest periods. Reducing main engine idling in diesel vehicles will lead to significant reductions in particulate pollution and other air pollutants all across Pennsylvania. Similar idling restrictions have been enacted in a number of the states surrounding Pennsylvania. Table 1 identifies the projected emission reductions of volatile organic compounds (VOC), nitrogen oxides (NOx) and fine particulate matter ($PM_{2.5}$) from the reduction in long-duration idling resulting from Act 124, assuming 50% compliance.

**Table 1: Projected Emission Reductions from Act 124
(tons per year)**

	2009	2018
VOC	45	30
NOx	1622	1600
PM_{2.5}	30	7

The emission reductions are 50% of the idling emissions identified in the report prepared for the Department by Michael Baker Jr. Inc. titled “Quantification of Pennsylvania’s Heavy-Duty Diesel Vehicle Idling and Emissions: Final Report”. Emission reductions are projected to be similar or less in 2018 than in 2009 due to newer, cleaner diesel engines replacing older engines. The difference in emission reductions may also be due to the fact that the study used current idling activity levels in forecasting future emission reductions.