

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

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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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~~BUS--THE DEFINITION OF THE TERM "BUS" IN 75 PA.C.S. § 102 (RELATING TO DEFINITIONS) IS INCORPORATED BY REFERENCE.~~

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~~BUS DEPOT--A LOCATION WHERE BUSES ARE ROUTINELY KEPT OVERNIGHT, INCLUDING A GARAGE STRUCTURE OR OUTDOOR BUS PARKING AREA, OR BOTH.~~

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~~COMMERCIAL IMPLEMENT OF HUSBANDRY--THE DEFINITION OF THE TERM "COMMERCIAL IMPLEMENT OF HUSBANDRY" IN 75 PA.C.S. § 102 IS INCORPORATED BY REFERENCE.~~

~~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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DIESEL-POWERED-- WORK DELIVERED BY A TYPE OF ENGINE THAT HAS OPERATING CHARACTERISTICS SIGNIFICANTLY SIMILAR TO THE THEORETICAL DIESEL COMBUSTION CYCLE.

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FARM EQUIPMENT—THE DEFINITION OF THE TERM “FARM EQUIPMENT” IN 75 PA.C.S. § 102 IS INCORPORATED BY REFERENCE.

FARM VEHICLE—THE DEFINITION OF THE TERM “FARM VEHICLE” IN 75 PA.C.S. § 102 IS INCORPORATED BY REFERENCE.

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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.]THE DEFINITION OF THE TERM “HIGHWAY” IN 75 PA.C.S. § 102 IS INCORPORATED BY REFERENCE.

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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 was published for comment in the Pennsylvania Bulletin on April 19, 2008, 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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IMPLEMENT OF HUSBANDRY—THE DEFINITION OF THE TERM “IMPLEMENT OF HUSBANDRY” IN 75 PA.C.S. § 102 IS INCORPORATED BY REFERENCE.

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MOTOR HOME—THE DEFINITION OF THE TERM “MOTOR HOME” IN 75 PA.C.S. § 102 IS INCORPORATED BY REFERENCE.

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SCHOOL BUS—THE DEFINITION OF THE TERM “SCHOOL BUS” IN 75 PA.C.S. § 102 IS INCORPORATED BY REFERENCE.

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STATIONARY IDLE REDUCTION TECHNOLOGY—EQUIPMENT THAT TRANSFORMS POWER FROM THE ELECTRIC GRID FOR THE PURPOSE OF DELIVERING USABLE ELECTRIC POWER, HEAT OR AIR CONDITIONING TO A MOTOR VEHICLE FOR THE PURPOSE OF REDUCING MAIN ENGINE IDLING.

**CHAPTER 126. MOTOR VEHICLE AND
FUELS PROGRAMS**

Subchapter F. DIESEL VEHICLE IDLING

GENERAL PROVISIONS

Sec.

126.601. Applicability.

RESTRICTIONS ON DIESEL VEHICLE IDLING

126.611. Idling restriction.

126.612. Exemptions.

126.613. PERMANENT IDLING RESTRICTION SIGNS.

GENERAL PROVISIONS

§ 126.601. Applicability.

(a) This subchapter applies to owners and operators of diesel-powered [~~commercial motor vehicles~~] **MOTOR VEHICLES WITH A GVWR OF 10,001 POUNDS OR MORE** and owners and operators of locations at which diesel-powered [~~commercial motor vehicles~~] **MOTOR VEHICLES WITH A GVWR OF 10,001 POUNDS OR MORE** load, unload or park.

(b) THE IDLING RESTRICTIONS IN THIS SUBCHAPTER DO NOT APPLY TO MOTOR HOMES, COMMERCIAL IMPLEMENTS OF HUSBANDRY, IMPLEMENTS OF HUSBANDRY, FARM EQUIPMENT OR FARM VEHICLES.

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~~] **MOTOR VEHICLE WITH A GVWR OF 10,001 POUNDS OR MORE** to idle for more than **A TOTAL OF** 5 minutes in [~~a~~] **ANY CONTINUOUS** 60-minute period, except as provided in § 126.612 (relating to exemptions).

§ 126.612. Exemptions.

(a) A [~~diesel-powered commercial~~] motor vehicle **SUBJECT TO THIS SUBCHAPTER** 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 **AT THE START OF THE REST PERIOD** is less than 40° F or greater than 75° F. 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 **AT THE START OF THE REST PERIOD**.

(2) When idling is necessary for a [~~passenger~~] bus **OR SCHOOL BUS** to provide heating or air conditioning when nondriver passengers are onboard. For the purposes of this exemption, [~~the~~] **A** bus may idle for **A TOTAL OF 15 minutes in [a] ANY CONTINUOUS 60-MINUTE PERIOD AND A SCHOOL BUS MAY IDLE FOR ANY AMOUNT OF TIME WHEN IDLING IS NECESSARY TO MAINTAIN A SAFE TEMPERATURE FOR STUDENTS WITH SPECIAL NEEDS.**

(3) When idling is necessary for **SAMPLING, WEIGHING,** active loading or active unloading [~~of property or passengers~~] **OR FOR AN ATTENDED MOTOR VEHICLE WAITING FOR SAMPLING, WEIGHING, LOADING OR UNLOADING. FOR THE PURPOSES OF THIS EXEMPTION, THE VEHICLE MAY IDLE FOR A TOTAL OF 15 MINUTES IN ANY CONTINUOUS 60-MINUTE PERIOD.**

(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[~~s~~] **OR** repair[~~s~~] **OF THE VEHICLE** or **FOR VEHICLE** 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 **OR WHILE THE VEHICLE IS BEING LOADED OR UNLOADED.**

(11) When idling by a school bus **OFF OF SCHOOL PROPERTY** 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.

(12) WHEN IDLING IS NECESSARY FOR MAINTAINING SAFE OPERATING CONDITIONS WHILE WAITING FOR A POLICE ESCORT WHEN TRANSPORTING A LOAD THAT REQUIRES THE ISSUANCE OF A PERMIT IN ACCORDANCE WITH 75 Pa.C.S. CHAPTER 49, SUBCHAPTER D (RELATING TO SPECIAL PERMITS FOR EXCESSIVE SIZE AND WEIGHT).

(b) The restriction on idling 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 NOx idling emission standard.

(c) A person will not be considered in violation of § 126.611 for **[idling that exceeds 5 minutes in a 60-minute period] AN IDLING EXCEEDANCE** 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] EXCEEDED THE IDLING RESTRICTION** 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 adoption of this final-form rulemaking.*) may approve **[alternative compliance plans for bus terminals] IDLING TIME LIMITS FOR BUSES IN EXCESS OF THE TIME LIMITS IN THIS SUBCHAPTER IF THE FOLLOWING CONDITIONS ARE MET:**

(1) THE APPROVAL APPLIES ONLY TO THE WARM-UP OF BUSES STORED OUTDOORS AT A BUS [terminal] DEPOT.

(2) THE APPROVAL APPLIES ONLY WHEN THE TEMPERATURE IS BELOW 40° F.

(3) THE APPROVAL IS DESIGNED to minimize idling.

§ 126.613. PERMANENT IDLING RESTRICTION SIGNS.

AN OWNER OR OPERATOR OF A LOCATION WHERE VEHICLES SUBJECT TO THIS SUBCHAPTER LOAD OR UNLOAD OR A LOCATION THAT PROVIDES 15 OR MORE PARKING SPACES FOR VEHICLES SUBJECT TO THIS SUBCHAPTER SHALL ERECT AND MAINTAIN A PERMANENT SIGN TO INFORM DRIVERS THAT IDLING IS RESTRICTED IN THIS COMMONWEALTH, AS SPECIFIED IN 67 PA. CODE § 212.101(a) AND (b) (RELATING TO OFFICIAL SIGNS).

[Subchapter G. AUXILIARY POWER SYSTEMS

GENERAL PROVISIONS

Sec.

126.701. Applicability.

RESTRICTIONS ON AUXILIARY POWER SYSTEMS

126.701. Auxiliary power system.

GENERAL PROVISIONS

§ 126.701. Applicability.

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

RESTRICTIONS ON AUXILIARY POWER SYSTEMS

§ 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 this 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.