

No. 40-03-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing a policy on idling of diesel powered motor vehicles.

WHEREAS, transportation is the single largest source of air pollution in the United States causing nearly two-thirds of the carbon monoxide, a third of the nitrogen oxides and a quarter of the hydrocarbons in our atmosphere; and

WHEREAS, according to the Environmental Protection Agency (EPA), even though heavy-duty trucks and buses, most of which are diesel, make up only 2% of vehicles on the road, they are responsible for more than one-quarter of all ozone-forming nitrogen oxides and almost two-thirds of all particulate pollution emitted by all on-road vehicles; and

WHEREAS, research continues to demonstrate the serious health implications resulting from vehicle emissions; the EPA estimates that the air toxics emitted from cars and trucks account for half of all cancers caused by air pollution;

WHEREAS, it is the intent of the Allegheny County Council to follow the example of the EPA and 20 other states and regions in adopting a mobile vehicle idling policy to protect the health, safety and welfare of this County's residents.

The Council of the County of Allegheny hereby enacts as follows:

Section 1. DEFINITIONS

Diesel Powered Motor Vehicle – A self-propelled vehicle designed for transporting persons or property which is propelled by a compression ignition type of internal combustion engine.

Heavy-Duty – Any motor vehicle with a gross vehicle weight of more than 8,500 pounds or with a passenger carrying capacity of more than 12 persons.

Idling – 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, or when the accelerator is fully released and there is no load on the engine.

Motor Vehicle – All vehicles propelled other than by muscular power except such vehicles as run only on rail or tracks.

Person – Any individual, natural person, syndicate, association, partnership, firm, corporation, institution, agency, authority, department, bureau, or instrumentality of Federal, State or local government or other entity recognized by law as a subject of rights and duties.

Section 2. IDLING OF DIESEL POWERED MOTOR VEHICLES

The following provisions shall apply to the operation of heavy-duty diesel powered motor vehicles:

1. A. No person shall permit, cause, suffer or allow the engine of a heavy-duty diesel powered motor vehicle to idle prior to, during layover between, or at the conclusion of, any trip or route for any period of time beyond that which is reasonably required to attain, or to secure from, normal operating conditions. The Board of Health shall promulgate rules and regulations, subject to the approval of the County Council, regarding a maximum allowable period of idling. Such rules and regulations shall also define exceptions to the maximum allowable period that consider extreme temperatures.
- B. No person shall permit, cause, suffer or allow the engine of a heavy-duty diesel powered motor vehicle to be accelerated while idling unless such action is taken in order to operate other equipment.

Section 3. IDLING OF DIESEL POWERED LOCOMOTIVES

No person owning or operating a diesel powered locomotive shall permit, cause, suffer or allow said locomotive to be idled in a manner such as to cause or contribute to a condition of air pollution. The Board of Health shall promulgate rules and regulations, subject to the approval of the County Council, regarding a maximum allowable period of idling. Such rules and regulations shall also define exceptions to the maximum allowable period that consider extreme temperatures.

Section 4. EXCEPTIONS TO ANTI-IDLING POLICY

The Board of Health shall promulgate rules and regulations, subject to the approval of the County Council, that exempt the owner or operator of a diesel powered motor vehicle or diesel powered locomotive when certain conditions exist. Those exemptions shall include, but not be limited to:

- A. When a diesel powered motor vehicle or diesel powered locomotive is forced to remain motionless because of traffic conditions over which the operator has no control;

- B. When a diesel powered motor vehicle or diesel powered locomotive is being used as an emergency vehicle;
- C. When a diesel engine is providing power takeoff for refrigeration, lift gate pumps or other auxiliary uses, or supplying heat or air conditioning necessary for passenger comfort in those vehicles intended for commercial passenger transportation;
- D. When a diesel powered motor vehicle or diesel powered locomotive is being operated by a mechanic for maintenance or diagnostic purposes; or
- E. When a diesel powered motor vehicle or diesel powered locomotive is being operated solely to defrost a windshield.

Section 5. ENFORCEMENT

It shall be the responsibility of the Department of Health to enforce this ordinance and its provisions. Violators shall receive a warning for their first offense, a \$100 penalty for the second offense and a \$500 penalty for the third offense. The Department may make recommendations to Council regarding further enforcement mechanisms for this policy, if appropriate.

Section 6. ENACTMENT DATE

This Ordinance shall take effect immediately.

SECTION 7. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 8. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

SPONSORED BY COUNCIL MEMBER FITZGERALD

Enacted in Council, this 19th day of August, 2003

Council Agenda No. 1218-03

Rick Schwartz
President of Council

Attest: _____

John Mascio
Chief Clerk of Council

Approved as to form: _____

Charles P. McCullough
County Solicitor

Chief Executive Office August 26, 2003

Approved: _____

James C. Roddey
Chief Executive

Attest: _____

Victoria A. Spence
Executive's Secretary