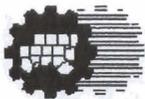


Local Government Guide to

North Texas Idling Restrictions



North Central Texas Council of Governments

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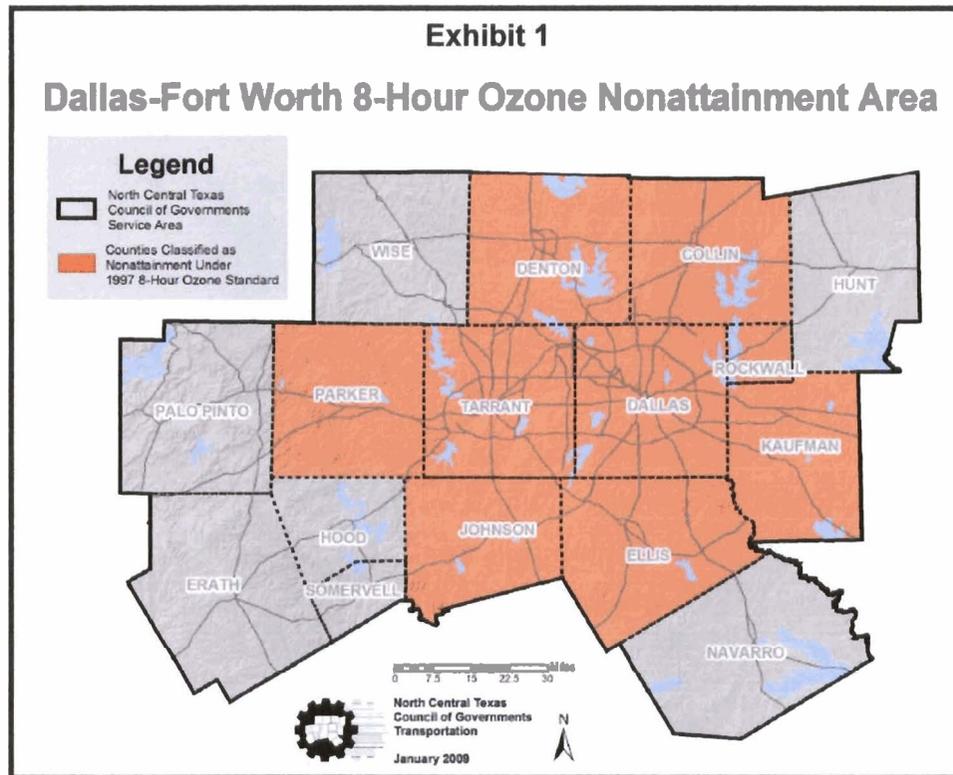
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Prepared by the North Central Texas Council of Governments
Transportation Department
February 2009

Introduction

Idling is the continuous operation of an engine in working mode where the engine is not engaged in gear and there is no load on the engine. Idling can occur excessively in local and long-haul trucking sectors during daily operations, waiting to load and unload goods, and during government-mandated driver rest periods. While idling cannot be completely eliminated, much of it is unnecessary and may cost companies and drivers hundreds, or even thousands, of dollars a year in wasted fuel, while also contributing to air quality problems throughout the region.

The Environmental Protection Agency (EPA) has designated nine North Central Texas counties as “moderate” nonattainment for the pollutant ozone. These counties are Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, and Tarrant (Exhibit 1). The region has until June 15, 2010, to demonstrate attainment of the ozone standard.



To meet this standard, states are required to develop a plan which details how the region will meet the attainment deadline. This document, referred to as the Dallas-Fort Worth (DFW) 8-hour Ozone Attainment Demonstration State Implementation Plan (SIP) includes numerous strategies aimed at reducing concentrations of ozone precursor pollutants; specifically nitrogen oxides (NO_x) and volatile organic compounds (VOC). One of the strategies included in the SIP is the implementation of locally enforced idling restrictions.

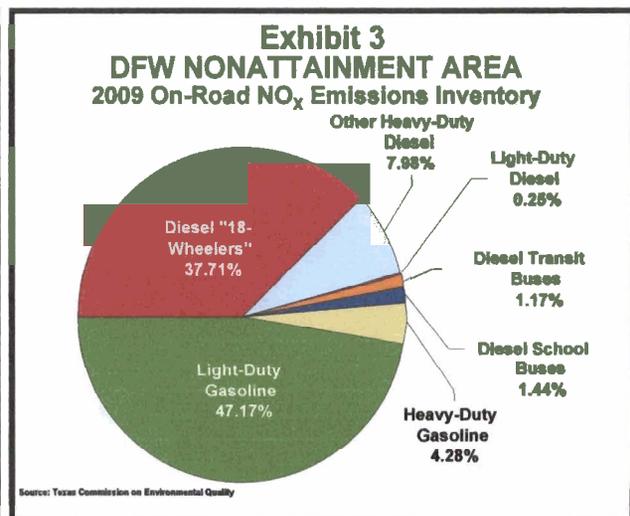
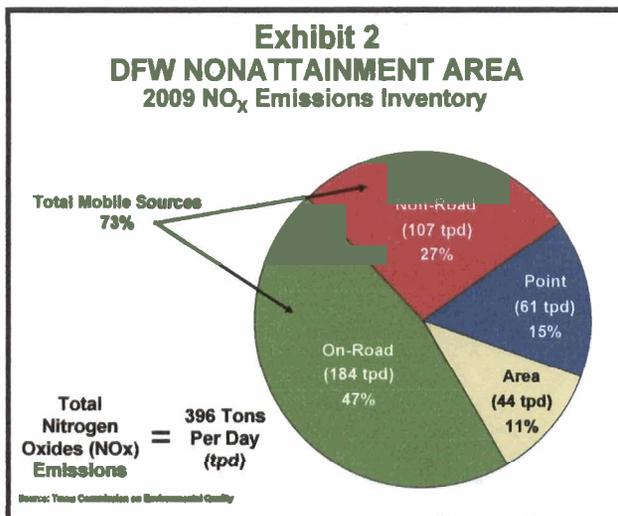
The North Central Texas Council of Governments (NCTCOG) Regional Transportation Council (RTC) approved a resolution on May 8, 2008, supporting locally enforced motor-vehicle idling restrictions in North Central Texas (Reference Item A). Through this initiative, the RTC has encouraged local government adoption of the Texas Commission of Environmental Quality's (TCEQ) rule limiting idling (Reference Item B) and entrance into the North Texas Memorandum of Agreement (MOA) (Reference Item C) with the TCEQ for the purpose of enforcement. Both initiatives are voluntary; however, the RTC has reserved the right to consider adoption and enforcement of this rule when evaluating an entity's eligibility for future funding.

The purpose of this guide is to disseminate information to local governments regarding adoption and enforcement of idling restrictions and to provide educational materials, best practices, and technical tools to successfully implement such restrictions. Local government support and participation is appreciated in this effort to reduce vehicle emissions and improve air quality.

Idling Facts

Motor vehicles emit numerous pollutants, including NO_x and VOC, which are precursors to ozone formation. These primarily come from engine combustion processes and evaporation of fuel. Currently, on-road sources contribute about half of the regional emissions of NO_x, and nearly half these emissions come from heavy-duty diesel vehicles (Exhibit 2, Exhibit 3).

EPA estimates that one heavy-duty truck burns as much as 1,830 gallons of fuel annually due to unnecessary idling. With diesel hitting a record price of \$4.80 per gallon in June 2008, upward of \$8,800 per year could be saved by simply eliminating idling. Thus, not only is there a significant air quality benefit to reducing idling, there is a considerable financial benefit as well.



Health Concerns

1) What is diesel exhaust?

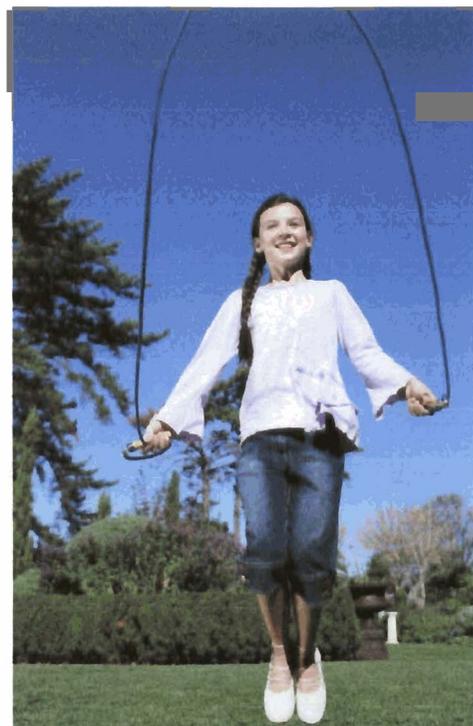
Combustion of diesel fuel produces a complex mixture of thousands of different compounds including fine particulate matter, NO_x, and other toxic air pollutants. Commonly called soot, diesel pollution accounts for more than 25 percent of the total hazardous pollution in the region's air, and 66 percent of particulate pollution is from on-road mobile sources.

2) What makes diesel exhaust so dangerous?

The EPA regards diesel exhaust as one of the greatest public health risks and affirms that it is a major contributor to ozone formation due to excess emissions of NO_x and VOC. Prolonged exposure to ozone can have adverse health effects, such as irritation of the airways and reduced lung function. It can also contribute to coughing, irritation of the throat and chest, and an inability to breathe as deeply or vigorously as normal.

In addition to ozone precursor emissions, exhaust from diesel engines contains particulate matter and many air toxins harmful to human health. These pollutants can be inhaled into the deepest parts of the lungs where they can enter the bloodstream. Diesel exhaust can cause an increase in premature deaths, asthma attacks, and emergency room visits and can exacerbate the symptoms of asthma and other chronic obstructive pulmonary diseases, including bronchitis and emphysema. Scientists and health experts have been unable to identify a safe level of exposure to diesel exhaust, or a level below which exposure has no health effects.

In the DFW region, asthma affects 151,071 children and 304,471 adults, according to the American Lung Association's 2008 State of the Air report. In addition, 172,097 North Texans have chronic bronchitis and 64,266 have emphysema, according to the report. All may face exacerbated health problems due to excessive pollution.



Source: Getty Images

Local Government Implementation

As the metropolitan planning organization of North Central Texas, NCTCOG has committed to support several Voluntary Mobile Emissions Reduction Program (VMEP) strategies in the DFW 8-Hour Ozone SIP, which includes promoting the adoption and enforcement of local idling restrictions. NCTCOG has separated implementation into three stages, which are discussed below and staff is available to provide assistance throughout the process.

Stage 1: Initiation

The initiation stage is the first step in reducing idling of heavy-duty vehicles within a jurisdiction. Local governments are responsible for adopting the TCEQ Idling Limitation Rule by reference (Reference Item B), and signing the North Texas MOA (Reference Item C), which transfers enforcement authority from TCEQ to the local jurisdiction. In accordance with the Texas Health and Safety Code: § 382.113(b) (Reference Item D), an ordinance enacted by a municipality must be consistent with the commission's rules and orders and may not make unlawful a condition or act approved or authorized under the commission's rules or orders. Counties must also ensure that court orders or resolutions are not inconsistent with the commission's rule. Reference Item E includes additional Texas Code pertinent to motor vehicle idling restrictions within the state of Texas. NCTCOG requests that TCEQ idling restrictions be adopted by reference to ensure continued compliance with the rule in the event it is modified at a later date by the Texas Legislature. A Model Ordinance is included as Reference Item F. NCTCOG staff is available to present information to council members, commissioners, and city/county staff upon request.

Part 1: Rule Adoption

Each local government shall adopt the TCEQ idling rule by reference. Highlights of the rule are outlined in Exhibit 4. The full rule is provided as Reference Item B.

**Exhibit 4
TCEQ Idling Restrictions and Exemptions**

Restrictions

- Between April 1 and October 31 of each year, no gasoline or diesel powered vehicle with a gross vehicle weight rating (GVWR) of 14,000 pounds or greater may idle for more than five minutes, within participating jurisdictions, when the vehicle is not in motion. GVWR is the maximum weight of a fully loaded vehicle.

- No driver using the vehicle's sleeper berth may idle in:*
 - A residential area
 - A school zone
 - Within 1,000 feet of a hospital
 - Within 1,000 feet of a public school during hours of operation
 - Within a two-mile radius of a public facility offering external heating/air conditioning (Exhibit 5)

Exemptions

- Vehicle Type:
 - Vehicles with a sleeper berth, only during a government-mandated rest period*
 - Military, emergency, or law enforcement vehicles
 - Airport ground support equipment
 - The owner of a vehicle rented or leased to a person not employed by the owner

- Operations:
 - Idling due to traffic congestion
 - Motor run as power source for mechanical operations
 - Idling during operation for maintenance/diagnostic purposes
 - Operation of engine while defrosting a windshield

- Air Conditioning And Heating Provisions:
 - For passenger comfort and safety in vehicles intended for commercial/public passenger transportation or passenger transit operations (30 minute maximum)
 - For employee health or safety while employee is using vehicle to perform an essential job function related to road construction or maintenance
 - During a government-mandated rest period*

*Exemptions expire September 1, 2009, but may be subject to extension during future Texas legislative sessions.

Submit three original, signed MOA's and supporting documentation to:

Theodore Kosub
MC-164
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

Please note that the MOA requires each entity to submit the following items to the TCEQ within 45 days of the effective date of the agreement:

- a. Detailed description of the plan for implementation of these rules (An example of a plan for implementation is included in the appendix as Reference Item G)
- b. Copy of local ordinance or court order adopted to implement these rules
- c. Copy of agreements entered into between performing parties and other units of local government for implementation of these rules

Stage 2: Education

The education stage is the next step in reducing idling by promoting awareness of local restrictions and providing information to truck drivers and local businesses on available technologies and funding opportunities to help reduce excessive idling. NCTCOG has developed regional anti-idling signs, driver education brochures, and an idling complaint Web site and toll-free number to report idling violations. Local governments may order and install signs in areas traditionally known for excessive idling to promote awareness of restrictions throughout each jurisdiction. Information on each of these educational materials is provided on the next page.

Education Materials

A) Report Idling Vehicles

To report an idling vehicle in the North Central Texas nine-county nonattainment area:

Visit www.EngineOffNorthTexas.org

-OR-

Call toll-free 877-NTX-IDLE (877-689-4353)

When submitting a report, provide the following within 30 days of observing a vehicle idling:

- Date
- Time
- City
- Nearest intersection
- Company name on vehicle and vehicle number, if known
- License plate (specify tractor or trailer; tractor preferred)

The owner of the reported vehicle will be mailed information on local idling restrictions, technology options, and funding opportunities to reduce idling. In addition, NCTCOG will periodically forward this information to participating jurisdictions, as applicable, to help local enforcement agencies target areas of frequent idling.

B) Order Anti-Idling Signs:

Signs are available to local governments and businesses to inform drivers of local idling restrictions. These signs will include the NCTCOG idling-restrictions Web site, where drivers and the public can find more information on this initiative.

C) Order Informational Brochures:

Bilingual brochures are available for truck drivers and local businesses. They explain the benefits of reducing idling and provide information on available technologies to help reduce the need for unnecessary idling.

Sample Sign



Materials can be ordered at www.nctcog.org/IdlingRule.

Stage 3: Enforcement

The enforcement stage is the final step in implementing idling restrictions. Local governments are responsible for determining necessary enforcement personnel and procedures to identify and cite violators, and log citations for reporting. NCTCOG staff will provide training on the NCTCOG Emissions Database (NED), which was developed to assist local law enforcement personnel in tracking vehicle emissions violations. NCTCOG staff will also help facilitate discussions among agencies pertaining to the potential availability and dissemination of state funding.

NOTE: The NED is available to enforcement officers in the DFW nine-county ozone nonattainment area that have signed an interlocal agreement with NCTCOG. For information on accessing the database, contact Richard McComb of the NCTCOG staff at 817-608-2340 or rmccomb@nctcog.org.

Enforcement Options

There are several options available related to idling enforcement.

Complaint-based enforcement:

Officers investigate idling violations based upon complaints received and issue citations as necessary. Specific complaints may be reported directly to the local enforcement division. Complaints may also be submitted through www.EngineOffNorthTexas.org or by calling 877-NTX-IDLE. They will be forwarded regularly to participating local enforcement agencies to help identify idling hot spots.

Target location-based enforcement:

Enforcement personnel periodically patrol areas known for excessive idling, including truck stops, loading docks, warehouses, construction material pick-up/drop-off sites, service roads, and parking lots and cite violators as appropriate.

Full-time dedicated environmental enforcement personnel:

Full-time enforcement personnel are dedicated solely to enforcing environmental codes, including idling, throughout the jurisdiction. Officers patrol the enforcement area, including areas known for high levels of idling, respond to idling complaints, investigate possible idling violations, and issue citations as necessary.

Potential Enforcement Procedures

Local enforcement agencies are encouraged to develop entity-specific procedures. Below is an example of potential idling enforcement procedures.

a) Upon identifying a parked vehicle with a GVWR rating of 14,000 pounds or greater, the officer shall drive by or stop to listen to verify that the main engine of the vehicle is operating while the vehicle is parked.

Types of vehicles over 14,000 pounds GVWR include:

Beverage Trucks	Heavy-Duty Utility Trucks	Stake Trucks
Bucket Trucks	Home Fuel Trucks	Step Vans
Delivery Trucks	Inner-City Tour Buses	Tanker Trucks
Dump Trucks	Large Motor Homes	Tow Trucks
Flat-Bed Trucks	Rack Trucks	Tractor-Trailer Rigs
Fuel Trucks	School Buses	Transit Buses
Furniture Trucks	Service Body Trucks	Utility Trucks
Garbage Trucks		

b) The officer shall use a stop watch to time five minutes of continuous idling.

c) After five minutes, the officer may approach the vehicle and ask to see appropriate identification and vehicle documentation.

d) If the vehicle has a sleeper berth, the officer shall ask to see the driver's log book to determine whether the driver was idling during a government-mandated rest period. Idling during this time is permitted under certain circumstances (Exhibit 4).

e) If the driver is not on a required rest period, determine whether any of the exemptions listed in the rule are applicable (Exhibit 4).

f) If not, the officer has the option to issue a warning or to issue a citation, consistent with local enforcement regulations, and not to exceed \$500. (Each violation is considered a separate offense).

g) Upon issuing a citation, the officer shall photograph the vehicle for verification in the event of a court appeal.

Funding Opportunities

Funding opportunities exist to reduce the amount of idling necessary during normal operation, and several of these programs are listed below. The most current list of funding opportunities is available on the NCTCOG Web site at www.nctcog.org/agfunding.

1) NCTCOG's Diesel Idle Reduction Program

On occasion, NCTCOG offers funding assistance for clean vehicle projects in the North Central Texas area, and idle reduction projects have been included in the past. As these funding opportunities become available, information will be posted online at www.nctcog.org/agfunding. An e-mail list sign-up is available to help interested parties stay informed of current and upcoming assistance programs.

2) Texas Emissions Reduction Plan (TERP)

TERP is administered by the TCEQ and includes a number of voluntary financial incentive programs to help improve the air quality in Texas. In particular, the Emissions Reduction Incentive Grants (ERIG) Program provides funding for eligible projects in affected counties to offset the incremental costs associated with the activities to reduce NOx emissions from high-emitting mobile sources. For information, visit www.terpgrants.org, call 800-919-TERP (8377), or e-mail terp@tceq.state.tx.us.

3) EPA SmartWay Transport Partnership - Innovative Financing

SmartWay provides information on several lenders that offer loans to owner-operators and small trucking companies to help pay for technologies that will save fuel while reducing pollution. These loans offer affordable monthly payment plans. The Small Business Administration-Approved Lenders offer affordable monthly principal and interest monthly payments with no collateral required for loans ranging from \$5,000 to \$25,000. For information, visit www.epa.gov/smartway.

4) National Idling Reduction Network News

The National Idling Reduction Network brings together trucking and transit companies, railroads, equipment manufacturers, local, state, and federal government agencies (including regulators), and national research laboratories to identify consistent, workable solutions to heavy vehicle idling for the entire United States. In addition, regular newsletters provide information on current local and national funding opportunities that may support idle-reduction technologies. For information visit: www1.eere.energy.gov/vehiclesandfuels/resources/fcvt_national_idling.html.

Contact Information

For additional information on locally enforced idling restrictions or to discuss implementation options, please contact:

Amanda Brimmer, E.I.T.
Senior Transportation Planner
NCTCOG
P.O. Box 5888
Arlington, TX 76011

817-608-2354 (phone: metro)
817-640-9028 (fax)
abrimmer@nctcog.org
www.nctcog.org/IdlingRule

Resources

The following links provide additional resources on idling restrictions.

- North Texas Idling
www.EngineOffNorthTexas.org
- Texas Commission on Environmental Quality
www.tceq.state.tx.us/implementation/air/sip/vehicleidling.html
- City of Dallas
www.EngineOffDallas.com
- Austin Early Action Compact Group
www.EngineOff.org
- EPA SmartWay
www.epa.gov/smartway
- National Clean Diesel Campaign
www.epa.gov/diesel

Summary

Due to the important nature of this program and the region's unwavering commitment to meeting clean air goals, NCTCOG encourages participation by all entities in North Central Texas in this valuable initiative. By implementing idling restrictions as expeditiously as possible, the region will benefit by reducing the amount of harmful emissions released into the air by unnecessary idling and help the region take one more step toward attainment of the ozone standard. In addition to the environmental impacts of implementing this rule, adoption of this rule may also qualify local government entities for future RTC funding.

Copies of the RTC resolution, an anti-idling model ordinance, North Texas MOA, sample implementation plan, and other related Texas legislative documents are included in the appendix for reference. Contact NCTCOG staff with any questions, concerns, or suggestions on how to more effectively implement idling restrictions in North Central Texas.

Sources

American Lung Association. "State of the Air 2008". www.stateoftheair.org.

Dockery, D.W., et. al., "An Association Between Air Pollution and Mortality in Six U.S. Cities," New England Journal of Medicine, 329:1753-59, 1993.

New Jersey Department of Environmental Protection's Diesel Risk Reduction Program. www.stopthesoot.org. Accessed July 20, 2008.

Pope, C.A., et. al., "Lung Cancer, Cardiopulmonary Mortality, and Long-term Exposure to Fine Particulate Air Pollution", Journal of the American Medical Association, March 6, 2002.

Pope III, C.A., et al., "Particulate Air Pollution as a Prospective Study of U.S. Adults," American Journal of Respiratory Critical Care Medicine, 151:669-674, 1995.

Shprentz, D., "Breathtaking: Premature Mortality Due to Particulate Air Pollution in 239 American Cities," New York, Natural Resources Defense Council, May 1996, pp. 13-32.

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www.tceq.state.tx.us/implementation/air/sip/dfw.html#Plans.

U.S. Environmental Protection Agency, New York Planning Federation, and New York State Environmental Protection Agency. A Municipal Official's Guide to Diesel Idling Reduction in New York State. September 2006.
www.nyserda.org/publications/09-06GuidetoDieselIdlingReduction.pdf.
Accessed July 2008.

Appendix

Reference Item A: RTC Resolution

Reference Item B: TCEQ Idling Limitations Rule (Texas Administrative Code: § 114.510-517)

Reference Item C: North Texas Memorandum of Agreement

Reference Item D: Texas Health and Safety Code: § 382.113-115

Reference Item E: Additional Texas Code

Reference Item E.1: Texas Water Code: § 7.351-7.352

Reference Item E.2: Texas Health and Safety Code: § 382.0191

Reference Item F: Model Ordinance

Reference Item G: Sample Implementation Plan

Reference Item A

RTC Resolution



**RESOLUTION SUPPORTING LOCALLY ENFORCED MOTOR VEHICLE
IDLING LIMITATIONS IN NORTH CENTRAL TEXAS
(R08-03)**

WHEREAS, the North Central Texas Council of Governments (NCTCOG) has been designated as the Metropolitan Planning Organization for the Dallas-Fort Worth Metropolitan Area by the Governor of Texas in accordance with federal law; and,

WHEREAS, the Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments, and has been and continues to be a forum for cooperative decisions on transportation; and,

WHEREAS, the Dallas-Fort Worth area is a federally designated nonattainment area for the pollutant ozone and air quality impacts the public and economic health of the entire region; and,

WHEREAS, the Regional Transportation Council is responsible for air quality conformity; and the Clean Air Act Amendments of 1990 require that in air quality nonattainment areas, transportation plans and improvement programs conform to the applicable air quality implementation plan; and,

WHEREAS, Locally Enforced Idling Restriction is a Voluntary Mobile Source Emission Reduction Program commitment in the Dallas-Fort Worth Eight-Hour Ozone Attainment Demonstration State Implementation Plan (SIP); and,

WHEREAS, the Regional Transportation Council has no regulatory authority to enforce idling restrictions; and recognizes that local governments have such authority upon entering into a Memorandum of Agreement (MOA) with the Texas Commission on Environmental Quality (TCEQ).

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

- Section 1.** The Regional Transportation Council endorses the TCEQ Idling Limitations Rule as published in the Texas Administrative Code, Chapter 114, Subchapter J, Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations.
- Section 2.** The Regional Transportation Council encourages local government adoption of the TCEQ Idling Limitations Rule by reference, and supports creation of a North Texas MOA to be entered into by local governments for the purpose of enforcement.
- Section 3.** The Regional Transportation Council commits to provide local governments assistance with development of applicable enforcement and education programs.
- Section 4.** The Regional Transportation Council may consider compliance with this resolution when considering future Regional Transportation Council funding action.

Section 5. This resolution will be transmitted to all local governments in the nine-county ozone nonattainment area.

Section 6. This resolution shall be in effect immediately upon adoption.



Oscar Trevino, Chair
Regional Transportation Council
Mayor, City of North Richland Hills

I hereby certify that this resolution was adopted by the Regional Transportation Council of the North Central Texas Council of Governments for the Dallas-Fort Worth Metropolitan Area on May 8, 2008.



B. Glen Whitley, Secretary
Regional Transportation Council
County Judge, Tarrant County

Reference Item B

TCEQ Idling Limitations Rule

Texas Administrative Code: § 114.510-517

<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

<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.

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 §114.512 and §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

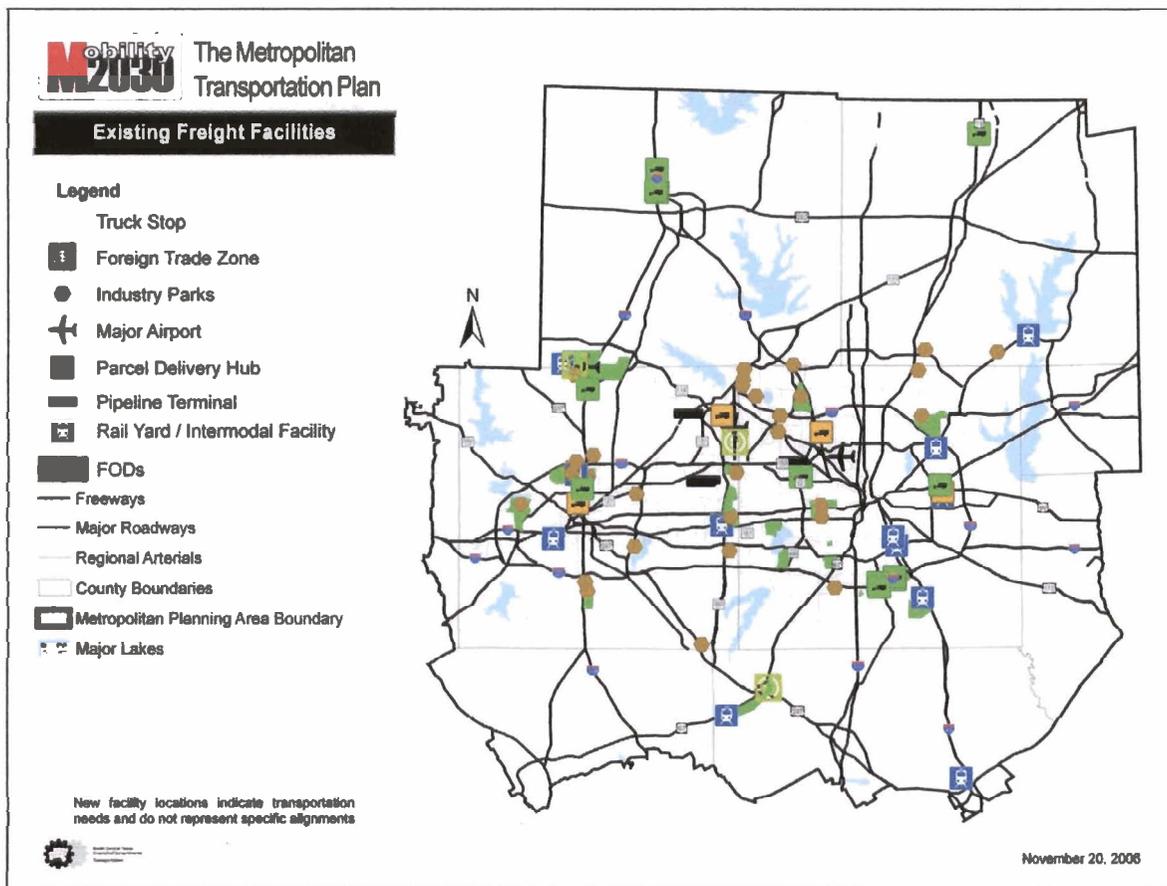
Areas suggested for enforcement include locations with significant heavy-duty vehicle traffic, such as existing freight facilities, shown in Exhibit 6. In addition, the following types of locations are also suggested for monitoring and enforcing idling activity:

Construction Material Loading Sites
Hospitals
Loading Docks
Parking Lots
Residential Neighborhoods

School Zones
Service Roads
Truck Stops
Warehouses

More detailed information on existing freight facilities in the North Central Texas can be obtained on NCTCOG's Web site, www.EngineOffNorthTexas.org.

Exhibit 6 Regional Activity Centers



Technology Options

EPA estimates that one heavy-duty truck could save as much as 1,830 gallons of fuel each year simply by eliminating unnecessary idling. With diesel fuel hitting an all time high of \$4.80 per gallon in June 2008, and with analysts projecting high prices continuing in the future, total savings could add up significantly by simply reducing idling. Fortunately, this sector benefits from a wide variety of technological solutions to aid in accomplishing just that. By utilizing the technologies described below, a driver can enjoy the same amenities with the added benefit of reducing pollution and fuel consumption. These idling alternatives are divided into two categories: on-board and on-site.

On-Board Options

On-board options enable a driver to be comfortable in the cab without operating the main engine of the vehicle. These devices are advantageous because they can be used nearly anywhere and do not require new infrastructure. Several types of on-board technology are available:

Automatic Shut-Down Device: Enables programming of the engine to turn on and off automatically after a predetermined time limit or at a certain temperature setting.

Auxiliary Power Unit or Generator: A second, smaller engine that provides a power supply for a wide range of driver needs, including climate control and electrical power for computers or other equipment, while allowing the main engine to remain off.

Battery-Powered or Alternative-Power Device: Provides stored energy for heating and cooling. It does not produce any emissions and lasts for the duration of the battery charge.

Fuel-Operated Heater: Commonly known as a bunk heater, it circulates heated coolant to the vehicle's regular heater system, which allows the sleeper cab to be heated without idling the main engine.

Thermal Storage System: Also known as an evaporative cooler, it holds energy in cold storage as the truck is driven. When the engine is turned off, it provides air conditioning.

On-Site Options

On-site options also enable driver comfort without running the main engine. Electrified truck stops are specific rest areas that provide power to trucks using existing infrastructure. This same type of technology can be utilized at other locations, such as warehouses and distribution centers. There are two ways a facility can supply external power to vehicles:

Single-Unit Electrified Parking Space (EPS): Provides power and climate control through a window unit that supplies processed air to the cab. The window unit can also offer other commodities, such as Internet access and television (Exhibit 5).

Dual-Unit EPS: Provides electricity by remote power hookups for trucks that have shorepower capabilities. This option requires heating, ventilating, and air conditioning (HVAC) units for climate control to be installed on individual trucks.

EPA maintains a list of verified idle-reduction technologies through the National Clean Diesel Campaign (www.epa.gov/cleandiesel/idle-ncdc.htm). Additional product information and descriptions are available through the EPA's SmartWay Transport Program (www.epa.gov/smartway/transport/index.htm).



Source: NCTCOG

Source: Sagebrush Logistics, LLC

Reference Item C

■ North Texas Memorandum of Agreement

**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, Operational 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, Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations, Sections 114.510 – 114.512 and 114.517. Changes to these rules shall be incorporated into this Agreement without requiring amendment of this Agreement.
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 R Vickery, P.G.

Title: Executive Director

_____ Date

Memorandum of Agreement

Local Government Signature Page

In witness thereof, / [REDACTED] /, 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

Reference Item D

■ Texas Health and Safety Code: § 382.113-115



§ 382.113. AUTHORITY OF MUNICIPALITIES.

(a) Subject to Section 381.002, a municipality has the powers and rights as are otherwise vested by law in the municipality to:

- (1) abate a nuisance; and
- (2) enact and enforce an ordinance for the control and abatement of air pollution, or any other ordinance, not inconsistent with this chapter or the commission's rules or orders.

(b) An ordinance enacted by a municipality must be consistent with this chapter and the commission's rules and orders and may not make unlawful a condition or act approved or authorized under this chapter or the commission's rules or orders.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.187, eff. Sept. 1, 1995.

§ 382.115. COOPERATIVE AGREEMENTS.

A local government may execute cooperative agreements with the commission or other local governments:

- (1) to provide for the performance of air quality management, inspection, and enforcement functions and to provide technical aid and educational services to a party to the agreement; and
- (2) for the transfer of money or property from a party to the agreement to another party to the agreement for the purpose of air quality management, inspection, enforcement, technical aid, and education.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.189, eff. Sept. 1, 1995.

Reference Item E

Texas Code

Reference Item E.1: Texas Water Code: § 7.351-7.352

Reference Item E.2: Texas Health and Safety Code: § 382.0191

Reference Item E.1: Texas Water Code: § 7.351-7.352

§ 7.351. CIVIL SUITS.

(a) If it appears that a violation or threat of violation of Chapter 16, 26, or 28 of this code, Chapter 361, 371, 372, or 382, Health and Safety Code, a provision of Chapter 401, Health and Safety Code, under the commission's jurisdiction, or Chapter 1903, Occupations Code, or a rule adopted or an order or a permit issued under those chapters or provisions has occurred or is occurring in the jurisdiction of a local government, the local government or, in the case of a violation of Chapter 401, Health and Safety Code, a person affected as defined in that chapter, may institute a civil suit under Subchapter D in the same manner as the commission in a district court by its own attorney for the injunctive relief or civil penalty, or both, as authorized by this chapter against the person who committed, is committing, or is threatening to commit the violation.

(b) If it appears that a violation or threat of violation of Chapter 366, Health and Safety Code, under the commission's jurisdiction or a rule adopted or an order or a permit issued under that chapter has occurred or is occurring in the jurisdiction of a local government, an authorized agent as defined in that chapter may institute a civil suit under Subchapter D in the same manner as the commission in a district court by its own attorney for the injunctive relief or civil penalty, or both, as authorized by this chapter against the person who committed, is committing, or is threatening to commit the violation.

Added by Acts 1997, 75th Leg., ch. 1072, § 2, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 193, § 1, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 1276, § 14A.845, eff. Sept. 1, 2003.

Reference Item E.2: Texas Health and Safety Code: § 382.0191

§ 382.0191. IDLING OF MOTOR VEHICLE WHILE USING SLEEPER BERTH.

(a) In this section, "idling" means allowing an engine to run while the motor vehicle is not engaged in forward or reverse motion.

(b) The commission may not prohibit or limit the idling of 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. Idling is not necessary to power a heater or air conditioner if the vehicle is within two miles of a facility offering external heating and air conditioning connections at a time when those connections are available.

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

(d) This section expires September 1, 2009.

Added by Acts 2005, 79th Leg., Ch. 578, § 1, eff. September 1, 2005. Amended by: Acts 2007, 80th Leg., R.S., Ch. 262, § 4.01, eff. June 8, 2007.

Reference Item F

■ **Model Ordinance**



ORDINANCE NO. _____

AN ORDINANCE OF THE [JURISDICTION] TO IMPLEMENT AND ENFORCE THE TEXAS STATE RULE ON LOCALLY ENFORCED MOTOR VEHICLE IDLING LIMITATIONS AND TO APPROVE ENTERING INTO A MEMORANDUM OF AGREEMENT WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO ENFORCE THIS RULE LOCALLY

WHEREAS, the Dallas-Fort Worth area is a federally designated nonattainment area for the pollutant ozone and air quality impacts the public and economic health of the entire region; and

WHEREAS, the U.S. Environmental Protection Agency ("EPA") and the Texas Commission on Environmental Quality ("TCEQ") jointly have considered emission reductions to control air pollution from motor vehicles, and the Texas Legislature has created the Texas Clean Air Act ("Act"), which addresses that purpose; and

WHEREAS, Section 382.113 of the Act provides authority for municipalities to enact and enforce local laws and ordinances for the control and abatement of air pollution; and

WHEREAS, Locally Enforced Idling Restrictions is a Voluntary Mobile Source Emissions Reduction Program commitment in the Dallas-Fort Worth 8-Hour Ozone Attainment Demonstration State Implementation Plan (SIP); and

WHEREAS, the [Jurisdiction] desires to actively participate in improving the air quality of the region; and

WHEREAS, the [Legislative Body] finds that the adoption of this ordinance serves a public purpose, and protects the health, safety, and welfare of the citizens of the [Jurisdiction] by limiting the pollution created by motor vehicles unnecessarily idling within the [city's or county's] jurisdiction;

NOW, THEREFORE, BE IT HEREBY ORDAINED THAT:

Section 1. The [Legislative Body] endorses the TCEQ Idling Limitations Rule as published in the Texas Administration Code, Title 30, Part 1, Chapter 114, Subchapter J, Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitation.

Section 2. The [Legislative Body] approves the adoption and implementation of the TCEQ Idling Limitation Rule by reference.

Section 3. The [Legislative Body] authorizes the [Title of the Authorized Personnel] to execute a Memorandum Of Agreement, attached hereto, with the TCEQ for the purposes of local enforcement of the Idling Limitation Rule in [Jurisdiction].

Section 4. This ordinance shall be in effect immediately upon adoption.

I hereby certify that this ordinance was adopted by [Jurisdiction] on [date].

[Name], [Title]
[Jurisdiction]

Reference Item G

■ Sample Implementation Plan

SAMPLE

[JURISDICTION] IMPLEMENTATION PLAN FOR LOCALLY ENFORCED MOTOR VEHICLE IDLING LIMITATION RULE

Background

Limiting motor vehicle idling is one component of the Dallas-Fort Worth 8-Hour Ozone Attainment Demonstration State Implementation Plan which is the federally mandated clean air plan for the region.

The locally enforced motor vehicle idling limitation rule (Texas Administrative Code, Title 30, Subsections 114.510-114.517) has been adopted by the [city/county] of [jurisdiction] in an effort to participate in regional programs aimed at reducing harmful emissions and improving air quality. The rule is applicable only within the jurisdiction of local governments that have signed a memorandum of agreement with Texas Commission on Environmental Quality (TCEQ) which extends the enforcement authority of the TCEQ to that governmental entity.

Education will begin February 1, 2009. Enforcement will begin April 1, 2009. Enforcement through warnings and traffic citations, including penalties of up to \$500 per offense, is allowable to ensure compliance with this rule and net maximum air quality benefits.

Public Education & Outreach:

- Educational brochures, developed by the North Central Texas Council of Governments (NCTCOG) will be distributed to area businesses, industry associations, and other targeted sectors identified to be most affected by the rule. These brochures will include information on rule details, anti-idling technologies, potential funding assistance, and other resources.
- Anti-Idling signs will be ordered and installed throughout the [city/county] to inform citizens and truck drivers of the anti-idling ordinance. Local businesses and target areas will be encouraged to order and post signs as well. Signs are available through the NCTCOG.
- A link to the NCTCOG Idling Reduction website will be posted on the [city/county] of [jurisdiction] website as a resource.

Enforcement:

- Appropriate personnel will be identified for enforcement activities. Activities will include identifying target areas, spotting violators, and issuing citations. Apposite personnel may include code enforcement officers and/or peace officers.
- Enforcement procedures used will be consistent with section 7.351 of the Texas Water Code and any applicable local government ordinances. Recommended penalties sought in civil action will be consistent with Subchapter D of the Texas Water Code. Each violation is considered a separate offense.
- [City/County] of [jurisdiction] enforcement training programs will be updated with information on regulatory requirements and compliance procedures.
- Identified enforcement personnel will establish a relationship with the NCTCOG to share information on area idling. Violations of the rule may be reported: 1) directly to local enforcement division for immediate response; or 2) to NCTCOG through a regional public outreach website, www.EngineOffNorthTexas.org, or toll-free line, (877) NTX-IDLE (877-689-4353), resulting in a letter being mailed to the owner of the reported vehicle informing him/her of local idling restrictions in North Central Texas and options to help reduce excessive idling.
- Violations and action taken will be tracked on a spreadsheet. This allows both a determination of rule effectiveness and adequate follow-up for noncompliant sources. At the end of each year, a summary of enforcement will be provided to NCTCOG upon request.