

1 PRE-DRAFT RULE CONCEPT – May 21, 2008

2
3 15A NCAC 02D .1010 Heavy-Duty Vehicle Idling Restrictions

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5 (a) Applicability. The requirements of this rule shall apply to heavy-duty vehicles powered in-
6 part or entirely by an internal combustion engine.

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8 (b) Definitions. For the purposes of this Rule, the following definitions shall apply:

9 (1) “Auxiliary power unit” means a mechanical or electrical device affixed to a vehicle
10 that is designed to be used to generate an alternative source of power for any of the
11 vehicle’s systems other than the primary propulsion engine.

12 (2) “Emergency vehicle” means any vehicle that is legally authorized by a governmental
13 authority to exceed the speed limit to transport people and equipment to and from
14 situations in which speed is required to save lives or property, such as a rescue
15 vehicle, police vehicle, fire truck or ambulance.

16 (3) “Gross vehicle weight rating” means the weight specified by the manufacturer as the
17 loaded weight of a single vehicle.

18 (4) “Heavy-duty vehicle” means a motor vehicle (excluding trailer(s)) with a gross
19 vehicle weight rating of 10,001 pounds or greater.

20 (5) “Idling” means the operation of a motor vehicle’s propulsion engine while the vehicle
21 is stationary.

22 (6) “Military vehicle” means a motor vehicle owned by the U.S. Department of Defense.

23 (7) “Motor vehicle” means any self-propelled vehicle used for transporting property or
24 persons.

25 (8) “Passenger bus” means any bus, including school buses, which are designed to carry
26 sixteen or more passengers.

27 (9) “Person” as defined in Rule 02D .0101 of this Section.

28 *from 02D .0101: "Person" as defined in G.S. 143-212 includes any individual,*
29 *partnership, co-partnership, firm, company, corporation, association, joint stock*
30 *company, trust, estate, political subdivision, or any other legal entity, or its legal*
31 *representative, agent or assigns.*

32 (10) “Power take off” means providing power from the motor vehicle’s propulsion engine
33 to a trailer or other equipment.

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35 (c) Exemptions. The following exemptions to idle restrictions shall apply to this rule:

36 (1) Heavy-duty vehicles may idle if they remain motionless due to traffic conditions,
37 official traffic control devices or signals, congestion, or at the direction of a law
38 enforcement official;

39 (2) Emergency vehicles may idle while performing an emergency or training function;

40 (3) Military vehicles are exempt;

41 (4) Heavy-duty vehicles may idle to provide power take off for refrigeration of cargo,
42 processing of cargo, dumping, lifting, hoisting, drilling, mixing, loading, unloading
43 and other necessary operations requiring power take off;

44 (5) Heavy-duty vehicles may idle for maintenance, inspection, servicing, repairing, or
45 diagnostic purposes, if idling is required for such activity;

- 1 (6) Heavy-duty vehicles with an occupied sleeper berth compartment may idle for the
- 2 purposes of air conditioning or heating during federally mandated rest or sleep
- 3 periods. This exemption shall expire on May 1, 2010;
- 4 (7) Auxiliary power units are exempt;
- 5 (8) Heavy-duty vehicles with a primary diesel engine meeting the NOx idling emission
- 6 standard in Title 13, of the California Code of Regulations, Section 1956.8(a)(6)(C).
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8 (d) Requirements.

- 9 (1) No person who owns, operates or leases a heavy-duty vehicle or who owns, leases or
- 10 occupies land and has the actual or apparent dominion or control over the operation of
- 11 a heavy-duty vehicle on such land shall cause, let, permit, suffer or allow idling for a
- 12 period of time in excess of 5 consecutive minutes in any 60 minute period;
- 13 (2) A passenger bus shall meet the requirements in (d)(1), except when temperatures are
- 14 below 50 degrees Fahrenheit or above 80 degrees Fahrenheit, a passenger bus may
- 15 idle up to 15 minutes in any 60 minute period to provide heating or air conditioning
- 16 when non-driver passengers are on board the vehicle.
- 17 (3) Signage. [NCDAQ is interested in developing language requiring idle restriction
- 18 signs where heavy duty vehicles are idling most often. We welcome comments and
- 19 suggestions on this potential element to the rule.]
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