

1 15A NCAC 02D .1010 is proposed for adoption as follows:

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

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

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

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

10 (2) “Congestion” means a situation which occurs when the volume of traffic exceeds the capacity of a
11 roadway;

12 (3) “Emergency” means a situation that poses an immediate risk to health, life, property, or
13 environment;

14 (4) “Emergency vehicle” means any vehicle that responds to or supports an emergency. These
15 vehicles are operated by part of the government, charities, non-governmental organizations, and
16 commercial companies;

17 (5) “Gross vehicle weight rating” means the weight specified by the manufacturer as the loaded
18 weight of a single vehicle;

19 (6) “Farm vehicle” means a vehicle used exclusively for farm use and operated within 150 miles of
20 the farmer's farm by the farmer or the farmer's employee to transport either agricultural product,
21 farm machinery, or farm supplies. It is not used in the operations of a for-hire motor carrier.

22 ~~(6)~~ (7) “Heavy-duty vehicle” means a motor vehicle (excluding trailer(s)) with a gross vehicle weight
23 rating of 10,001 pounds or greater for the purpose of this Rule;

24 ~~(7)~~ (8) “Idling” means the operation of a motor vehicle’s propulsion engine while the vehicle is
25 stationary;

26 ~~(8)~~ (9) “Military vehicle” means a motor vehicle owned by the U.S. Department of Defense;

27 ~~(9)~~ (10) “Motor vehicle” means any self-propelled vehicle used for transporting property or persons;

28 ~~(13)~~ (11) “On-road vehicle ” means a self-propelled vehicle that is designed for use on a highway.

29 ~~(10)~~ (12) “Passenger bus” means any bus, including school buses, which ~~are~~ is designed to carry sixteen or
30 more passengers;

31 ~~(11)~~ (13) “Power take off” means a device used to transfer mechanical energy from a heavy-duty vehicle’s
32 propulsion engine to equipment that supplies mechanical, pneumatic, hydraulic, or electric power
33 to non-vehicular mechanical, pneumatic, hydraulic, or electrically operated devices; and

34 ~~(12)~~ (14) “Queue area” means an area used by heavy-duty vehicles waiting to provide or receive services.

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

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

- 1 (2) Emergency vehicles may idle while performing an emergency or training function. This exemption
2 does not apply when idling only for driver comfort;
- 3 (3) Military vehicles;
- 4 (4) Heavy-duty vehicles may idle main propulsion engines to operate power take offs to perform the
5 heavy-duty vehicle's designed functions (e.g., refrigeration of cargo, processing of cargo,
6 dumping, lifting, hoisting, drilling, mixing, loading, unloading, other operations requiring the use
7 of power take offs). This exemption does not apply when idling only for driver comfort;
- 8 (5) Heavy-duty vehicles may idle if following manufacturer's recommendations for cold engine
9 startup and engine cool-down, maintenance, inspection, servicing, repairing, or diagnostic
10 purposes, if idling is required for such activity;
- 11 (6) Heavy-duty vehicles with an occupied sleeper berth compartment may idle for the purposes of air
12 conditioning or heating during federally mandated rest or sleep periods. This exemption shall
13 expire on May 1, 2011;
- 14 (7) Auxiliary power units;
- 15 (8) Heavy-duty vehicles with a primary diesel engine meeting the nitrogen oxide idling emission
16 standard in Title 13, of the California Code of Regulations, Section 1956.8(a)(6)(C);
- 17 (9) A passenger bus when non-driver passengers are on board the vehicle and up to 20 minutes prior
18 to passengers boarding;
- 19 (10) Heavy-duty vehicles may idle to provide customer climate controlled comfort during periods of
20 providing customer services (e.g., library bookmobile, blood mobile, safety shoe and safety
21 glasses vendors). This exemption does not apply when idling only for driver comfort; and
- 22 (11) Heavy-duty vehicles may idle if ~~when operating~~ defrosters, heaters, air conditioners, or other
23 equipment ~~are operating~~ solely to prevent a safety or health emergency.
- 24 (12) Heavy-duty farm vehicles.

25 (d) Requirements.

- 26 (1) No person who ~~owns or~~ operates a heavy-duty vehicle shall cause, let, permit, suffer or allow
27 idling for a period of time in excess of 5 consecutive minutes in any 60 minute period.
- 28 (2) Heavy-duty vehicles located in a queue area are not exempted from this Rule.

30 History Note: Authority: G.S. 143-215.3(a)(1); 143-215.107(a)(5); 143-215.107(a)(7); 143-215.107(b)
31 Eff. PENDING LEGISLATIVE REVIEW.