

1 15A NCAC 02D .1010 Heavy-Duty Vehicle Idling Restrictions

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

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

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

8 (2) “Congestion” means a situation which occurs when the volume of traffic exceeds the  
9 capacity of a roadway.

10 (3) “Emergency” means a situation that poses an immediate risk to health, life, property, or  
11 environment.

12 (4) ~~“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 vehicle,~~  
15 ~~police vehicle, fire truck or ambulance.~~

16 (5) “Emergency vehicle” means any vehicle that is designated and authorized to respond to  
17 an emergency. These vehicles are operated by designated agencies, often part of the  
18 government, but also run by charities, non-governmental organizations and some  
19 commercial companies.

20 (6) “Gross vehicle weight rating” means the weight specified by the manufacturer as the  
21 loaded weight of a single vehicle.

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

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

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

27 (10) “Motor vehicle” means any self-propelled vehicle used for transporting property or  
28 persons.

29 (11) “Passenger bus” means any bus, including school buses, which are designed to carry  
30 sixteen or more passengers.

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

32 (13) ~~“Power take off” means providing power from the motor vehicle’s propulsion engine to a~~  
33 ~~trailer or other equipment.~~ a heavy-duty vehicle’s propulsion engine supplies mechanical,

1 pneumatic, hydraulic, or electric power to non-vehicular mechanical, pneumatic,  
2 hydraulic, or electrically operated devices.

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

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

6 (1) Heavy-duty vehicles may idle if they remain motionless due to traffic conditions, official  
7 traffic control devices or signals, congestion, or at the direction of a law enforcement  
8 ~~official.~~ officials;

9 (2) Emergency vehicles may idle while performing an emergency or training ~~function;~~  
10 function. This exemption does not apply when idling only for driver comfort;

11 (3) ~~Military vehicles~~ vehicles; are exempt;

12 (4) Heavy-duty vehicles may idle main propulsion engines to ~~provide~~ operate power take  
13 offs to perform the heavy-duty vehicle’s designed functions (e.g., for refrigeration of  
14 cargo, processing of cargo, dumping, lifting, hoisting, drilling, mixing, loading,  
15 unloading, and other necessary operations requiring the use of power take off offs). This  
16 exemption does not apply when idling only for driver comfort;

17 (5) Heavy-duty vehicles may idle if following manufacturer’s recommendations for cold  
18 engine startup and engine cool-down, maintenance, inspection, servicing, repairing, or  
19 diagnostic purposes, if idling is required for such activity;

20 (6) Heavy-duty vehicles with an occupied sleeper berth compartment may idle for the  
21 purposes of air conditioning or heating during federally mandated rest or sleep periods.  
22 This exemption shall expire on May 1, ~~2010;~~ 2011;

23 (7) ~~Auxiliary power units; units are exempt;~~

24 (8) Heavy-duty vehicles with a primary diesel engine meeting the NOx idling emission  
25 standard in Title 13, of the California Code of Regulations, Section 1956.8(a)(6)(C).

26 (9) A passenger bus shall meet the requirements in (d)(1) except when non-driver passengers  
27 are on board the vehicle. A passenger bus may idle in excess of 5 consecutive minutes in  
28 any 60-minute period when non-driver passengers are on board the vehicle to maintain  
29 passenger compartment temperature between 77 and 82 degrees and between 62 and 67  
30 degrees.

31 (10) Vendors that provide customer comfort in climate controlled heavy-duty vehicles for  
32 business purposes (e.g., library bookmobile, blood mobile, safety shoe and safety glasses  
33 vendors). This exemption does not apply when idling only for driver comfort.

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(d) Requirements.

- (1) No person who owns, operates or leases a heavy-duty vehicle ~~or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a heavy duty vehicle on such land~~ shall cause, let, permit, suffer or allow idling for a period of time in excess of 5 consecutive minutes in any 60 minute period;
- (2) Any person provided educational materials by the Division of Air Quality shall distribute the materials to heavy-duty vehicle operators on their property. Any person provided signage by the Division of Air Quality shall display the signage on their property at eye-level, no more than 10 feet on both sides of the entrance used by heavy-duty vehicle operators. Any person who voluntarily distributes educational materials or posts signage may request available materials from the Division of Air Quality. Electronic copies of educational materials and signage are available at <http://daq.state.nc.us/>.
- (3) Heavy-duty vehicles located in queue areas are not exempted from this Rule.
- ~~(2) — passenger bus shall meet the requirements in (d)(1), except when temperatures are below 50 degrees Fahrenheit or above 80 degrees Fahrenheit, a passenger bus may idle up to 15 minutes in any 60 minute period to provide heating or air conditioning when non-driver passengers are on board the vehicle.~~
- ~~(3) — Signage. [NCDAQ is interested in developing language requiring idle restriction signs where heavy duty vehicles are idling most often. We welcome comments and suggestions on this potential element to the rule.]~~

*Authority:* G.S. 143-215.3(a)(1); 143-215.107(a)(5); 143-215.107(a)(7); 143-215.107(b).