

1 15A NCAC 02D .1010 IS PROPOSED FOR ADOPTION AS FOLLOWS:
2

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

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

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

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

10 (2) "Congestion" means a situation which occurs when the volume of traffic exceeds
11 the capacity of a roadway.

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

14 (4) "Emergency vehicle" means any vehicle that is designated and authorized to
15 respond to or support an emergency. These vehicles are operated by designated
16 agencies, often part of the government, but also run by charities, non-
17 governmental organizations and some commercial companies.

18 (5) "Gross vehicle weight rating" means the weight specified by the manufacturer as
19 the loaded weight of a single vehicle.

20 (6) "Heavy-duty vehicle" means a motor vehicle (excluding trailer(s)) with a gross
21 vehicle weight rating of 10,001 pounds or greater.

22 (7) "Idling" means the operation of a motor vehicle's propulsion engine while the
23 vehicle is stationary.

24 (8) "Military vehicle" means a motor vehicle owned by the U.S. Department of
25 Defense.

26 (9) "Motor vehicle" means any self-propelled vehicle used for transporting property
27 or persons.

28 (10) "Passenger bus" means any bus, including school buses, which are designed to
29 carry sixteen or more passengers.

30 (11) "Person" as defined in Rule 02D .0101 of this Section.

1 (12) “Power take off” means a heavy-duty vehicle’s propulsion engine supplies
2 mechanical, pneumatic, hydraulic, or electric power to non-vehicular mechanical,
3 pneumatic, hydraulic, or electrically operated devices.

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

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

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

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

12 (3) Military vehicles;

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

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

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

24 (7) Auxiliary power units;

25 (8) Heavy-duty vehicles with a primary diesel engine meeting the NOx idling
26 emission standard in Title 13, of the California Code of Regulations, Section
27 1956.8(a)(6)(C).

28 (9) A passenger bus shall meet the requirements in (d)(1) except when non-driver
29 passengers are on board the vehicle and up to 20 minutes prior to passengers
30 boarding.

1 (10) Heavy-duty vehicles may idle to provide customer climate controlled comfort
2 during periods of providing customer services (e.g., library bookmobile, blood
3 mobile, safety shoe and safety glasses vendors). This exemption does not apply
4 when idling only for driver comfort;

5 (11) Heavy-duty vehicles may idle if when operating defrosters, heaters, air
6 conditioners, or other equipment solely to prevent a safety or health emergency.

7 (d) Requirements.

8 (1) No person who owns or operates a heavy-duty vehicle shall cause, let, permit,
9 suffer or allow idling for a period of time in excess of 5 consecutive minutes in
10 any 60 minute period;

11 (2) Any person provided educational materials by the Division of Air Quality shall
12 make the materials available to heavy-duty vehicle operators on their property.
13 Any person provided signage by the Division of Air Quality shall display the
14 signage on their property at eye-level, no more than 10 feet on both sides of the
15 building entrance used by heavy-duty vehicle operators. Any person wishing to
16 voluntarily distribute educational materials or post signage may request available
17 materials from the Division of Air Quality. Electronic copies of educational
18 materials and signage are available at <http://daq.state.nc.us/>.

19 (3) Heavy-duty vehicles located in a queue area are not exempted from this Rule.
20

21 *History Note: Authority: G.S. 143-215.3(a)(1); 143-215.107(a)(5); 143-215.107(a)(7); 143-*
22 *215.107(b).*