

# Truck Efficiency & Reduced Idling Study Group

## Draft Meeting Notes

Tuesday, April 27, 2010

1:00 a.m. – 5:00 p.m.

DEQ Headquarters



### Attendance:

<u>Study group members</u>	<u>Member substitutes</u>
Miguel Figliozzi, Chair - Portland State University; Oregon Transportation Research and Education Consortium	Gary Hahn - CUSA Raz, LLC dba Raz Transportation
Emily Ackland - Association of Oregon Counties	Margi Lifsey – Oregon Department of Transportation
Jim Anderson - Truck and Travel Truckstop	
Brian Burton - Daimler Trucks North America LLC	
George Cartales - City of Hillsboro	<b><u>Public</u></b>
Tom Gardiner - Cummins Northwest	Gary Gaussoin – Silver Eagle Mfg. Co.
Cynthia Hilton - Biggs Insurance; National Utility Contractors Association; Associated General Contractors	Brendan McCarthy – Portland General Electric
Brock Howell - Environment Oregon	Fawn McNeely –Legislative Advocates
Arch Hudelson - NW Propane Gas Association	Grafton Sterling – Sterling Western Inc.
Gary McClellan - Ray’s Towing; Oregon Tow Truck Association	Jody Wiser – Tax Fairness Oregon
Wade Palmer - Kool-Pak	
Doug Pentecost - Cascade Sierra Solutions	<b><u>ODEQ</u></b>
John Rakowitz - Oregon Chapter of Associated General Contractors	Kevin Downing – ODEQ
Bob Russell – Oregon Trucking Associations	Andy Ginsburg - ODEQ
Matthew Smith - Navistar	Shelley Matthews - ODEQ
Vic Stibolt - Jubitz Corporation	Uri Papish - ODEQ
John Sullivan - Loren’s Sanitation	
Catherine Thomasson - Physicians for Social Responsibility	
Denise Thornton - Demitrakikes Trucking Inc.	
Rick Wallace - Oregon Department of Energy	
Chuck Williams - CalPortland Company	

## **Introductions and Welcome:**

Air Quality Division Administrator, Andy Ginsburg, welcomed study group members and thanked them for their willingness to participate. He began by stating that this is not a rulemaking; DEQ does not have the regulatory authority to develop a rule. Rather, the 2009 legislative directed DEQ to develop a report on truck efficiency and idling with recommendations for the interim legislative committees on the environment and natural resources. The group's purpose is to provide input on potential requirements to reduce aerodynamic drag and unnecessary long duration idling by commercial vehicles, thereby decreasing resultant greenhouse gas emissions. He also led the group in a round robin so members would get to know each other better. He asked everyone to provide the following information: name; title; company/affiliation; experience with commercial vehicles, truck efficiency and/or idling; something about themselves that the rest of us wouldn't necessarily know; biggest hope or fear for this process.

## **Agenda and Draft Charter:**

Mr. Figlozzi gave an overview of the agenda (handout) and draft charter (handout). He explained the purpose, process, roles and expectations of group members and went over the meeting schedule.

### Discussion highlights:

- Members requested that the first paragraph of the "Background" section, which summarizes the effects of global warming, be eliminated from the charter. They claim not everyone agrees global warming is occurring and they feel there are problems linking trucking to global warming. Another member stated that scientific evidence demonstrates the effects of greenhouse gases and global warming is a real and imminent issue. *Response: DEQ agreed to strike the first paragraph because the added information it provided on global warming was not necessary to have in the Charter.*
- Members stated that they don't want their names attached to DEQ's report to the interim legislative committees on environment and natural resources without qualifications for differences of opinion. *Response: DEQ will clarify to the legislature that this is DEQ's report and will document stakeholder comments.*
- A member requested that the "penalties" bullet be stricken from reduced idling in section three (Truck Efficiency and Reduced Idling Study Group Charge) of the draft. Another member suggested that it's important to have a compliance/enforcement representative participating in the Study Group. *Response: DEQ will delete the penalties bullet and add a compliance bullet to both truck efficiency and reduced idling.*
- A member emphasized the importance of documenting issues raised, as well as recommendations and thoughts of the study group members. Another member recommended using a format like the EPA's Model State Idling Law with study group discussion. *Response: DEQ will add the following wording to the draft charter: "DEQ will document concerns and issues raised by the study group". DEQ will also attach the minutes of the study group meetings to DEQ's report to the Legislature.*

## **Background and House Bill 2186:**

Mr. Ginsburg gave a presentation on the context for and provisions of House Bill 2186, with an emphasis on section one (handout), which authorizes the truck efficiency and reduced idling study and legislative report. He mentioned that DEQ had sought authority last session to implement these and other strategies, and on these two issues the legislature requested further detail on what an implementable program would look like. The legislature directed DEQ to study these issues taking into account comparable requirements of other states and the U.S. EPA, financing, differences among truck types, a phased-in schedule, and economic hardship.

Mr. Ginsburg reiterated that this is not a rulemaking and DEQ does not have authority to adopt regulations pertaining to truck efficiency and idling. Uri Papish pointed out that although DEQ does not have authority to develop rules, we have developed a draft rule as a straw proposal to show what an idling rule might look like if we had that authority. DEQ will first recommend an idle reduction plan to the legislature and may later outline the details in a bill requesting authorization to write a rule.

Mr. Ginsburg informed the group that the truck efficiency report has not been completed because we are currently analyzing and incorporating into our report the recently published national Academy of Sciences study on improving truck efficiency. Therefore, we will begin with the idling piece, which will cover the 1<sup>st</sup> and a portion of the 2<sup>nd</sup> meeting of the study group.

## **DEQ's Reduced Idling Proposal:**

Mr. Downing gave a presentation (PowerPoint and handout) on the draft recommended Oregon idling law. He began by summarizing the key components of the presentation: legislative charge; reasons for idling and its impact on fuel consumption, the company's bottom line, and public and environmental health; alternatives to idling; inconsistencies in nationwide idling regulations; EPA Model State Idling Law; and draft recommended Oregon idling law. Mr. Downing stressed that commercial vehicles play a vital role in Oregon's economy and while we are not attempting to eliminate idling, public policy can play a role in managing unnecessary and long duration idling more effectively in order to reduce greenhouse gas emissions.

### Discussion highlights:

#### *Legislative charge...*

- A member noted that HB 2186 directs DEQ to study potential restrictions on engine use by "parked" commercial vehicles, not trucks and buses stopped in traffic for reasons other than parking, and suggests a distinction should be made. *Response: DEQ is providing a report modeled after the EPA's Model State Idling law, which considers all sources of idling by commercial diesel vehicles designed to operate on highways and at load /unload locations and exempts some of those sources. DEQ will further investigate the language in the bill about parked vehicles.*

### *Effects of idling...*

- In response to Mr. Downing's comments on the effects of idling, diesel exhaust and fatigue on truck drivers, a member indicated that these findings are questionable and should be left out of the report, while another said that information should not have to be scientific to be included in the record. One member reported that there are significantly less industry fatalities since 2006 and they continue to decline. *Response: This is additional information that's being provided to the study group, which may or may not be included in the report. More discussion can occur on that later when the study group has an opportunity to review the report.*
- A member noted that the cost of fuel is a huge deterrent to idling, the commercial vehicle/trucking industry is doing a great deal to reduce idling, and that idling is not such a significant problem in the newer cleaner burning engines. *Response: We're focusing on the role public policy plays in reducing greenhouse gas emissions and trying to identify the barriers and opportunities to reduce idling. Policy adds to the benefits of idle reduction gained from high fuel prices. DEQ also asked the group if industry could provide documentation of their efforts to reduce idling.*

### *Idling controls...*

- One member asked about the potential of going from an Auxiliary Power Unit to a more integrated system in the future. *Response: Unlike place based systems (IdleAire, CabAire and Shorepower) an Auxilliary Power Unit can be used anywhere. Since an idling restriction must become mandatory at some point, DEQ would like APUs available for temperature extremes to phase-in the requirement without putting drivers in danger.*
- A member indicated that IdleAire is in bankruptcy and Shorepower use is low because drivers are challenged to use the system effectively and efficiently. Shorepower requires both on- and off-board equipment to operate and is difficult for trucks to plug in to. *Response: Oregon has been successful in establishing several Shorepower and IdleAire locations and although IdleAire has gone out of business, these locations are being taken over on an individual basis. Although there is a high initial infrastructure cost for these systems, they save on fuel and incentives can be built in to encourage Truck Stop Elelctrification use over time as an idling requirement is phased in.*
- Members suggested that the study group needs to address practical issues surrounding the use of TSE systems: availability, purchasing adapters, smoker vs. non-smoker use, space requirements, credit card availability and use. *Response: Running an engine is a very inefficient way of meeting need. Energy and emissions from a grid are 92% lower than idling, making TSE systems a viable option for controlling idling. DEQ is looking to study group members to help identify behavioral and technological issues, so we can find effective solutions.*
- Members discussed the various incentives available to assist with phase-in of idling regulations. They pointed out that the state is trying to curtail use of the Business Energy Tax Credit. We need to be aware of how incentives and phase-ins are structured.

### *EPA Model Law...*

- A member suggested that there is no model state idling law because the federal government is not involved in regulation and current idling regulations among states and local jurisdictions are highly inconsistent.

### *Draft recommended Oregon idling law*

#### *- Applicability...*

- A member suggested that the 10,000 lb. applicability limit proposed by DEQ in the draft recommended Oregon idling law is too low and should start at 26,000 lbs.; an idling law would be difficult to enforce for smaller vehicles.
- One member feels our proposal is not comprehensive because it only takes into account big fleets. He recommends that we develop our proposal further by looking at the needs and impacts of different classes of fleets to ensure that these smaller classes understand how it applies to them.

#### *– Exemptions...*

- Another member indicated that the temperature range (<32<sup>0</sup>F or > 75<sup>0</sup>F) provided on the conditional exemption for an occupied vehicle with a sleeper berth does not provide a reasonable comfort range for the driver. *Response: The range specified is consistent with the idling laws of many other states and jurisdictions. The range could also be adjusted or removed from the conditional exemption.*

#### *– Compliance and enforcement...*

- A member stressed that it's important to distinguish between local and long-haul in defining "owner." Also, she suggested that it wouldn't be appropriate to fine a vehicle owner for the driver's negligence in violating an idling law and pointed out that driver's make honest mistakes and should have the benefit of a warning for the first offense.
- One member mentioned that there are over 24,000 companies across North America with vehicles over 26,000 lbs. (more if you consider vehicles between 10,000 and 26,000) lbs. and without an effective enforcement system, we won't achieve a level playing field. The trucking industry prefers regulations that apply across the board. Specifically, without uniform enforcement some companies get away with violations, which means their costs are less, they pay cheaper rates to shippers, and this disrupts the market place.
- A couple members reminded us that the level of the penalty will have different impacts on drivers and owners and that penalties are easier to enforce on businesses than drivers when dealing with interstate commerce.
- Another member suggested we focus less on enforcement and more on encouraging volunteer compliance. For instance, setting a ratio of idle time to total time driven and providing incentives to meet the ratio.
- One member stated that greenhouse gas reduction is a noble cause, but questions the emphasis on idle reduction by commercial vehicles as an efficient means to reduce greenhouse gases. Establishing and enforcing an idling law is complex. It will result in pockets of enforcement with extreme hardship on some. He advocates avoiding bad legislation by taking no action on idling and focusing our time and efforts elsewhere.

*Response: We recognize that there are not enough DEQ staff and police to enforce all locations and that education and outreach, are primary enforcement mechanisms, in the early years with gradual movement towards enforcement. DEQ successfully enforces safety violations and other infractions on drivers now. Compliance focuses on frequency and severity, while warnings are a common response to minor violations.*

*The EPA may not have the authority to establish a national idling rule, which is why they developed the model law to establish some consistency among the states. DEQ's recommendations for compliance and enforcement are based on idling restrictions adopted by 26 other states throughout the U.S.; we have incorporated common features of those regulations rather than breaking new ground. Your input is important in helping us put appropriate parameters on the regulation and to maximize its success.*

### **Public Comment:**

**Gary Gaussoin of Silver Eagle Mfg. Co.** encouraged the use of a common language in preparing the report to the legislature. For example, describing exempted activities as necessary activities, versus non-exempt activities that are unnecessary. Mr. Gaussoin suggested that hybrid trucks are expensive and there's an issue with storage of energy. He also asked DEQ to be cautious in copying California's rules. For instance, under California law a shipper may be fined if they allow a vehicle to operate with damaged aerodynamic equipment. The shipper is not knowledgeable about the equipments condition.

**Grafton Sterling, owner of Sterling Western Inc.** encouraged DEQ to seek real time conditions at the major distribution centers in the Metro Areas of Portland, Clackamas, Woodburn, etc. He also suggested that Oregon should market their truck efficiency and idle reduction proposals in a positive manner, encouraging participation by everyone involved. For instance, DEQ should provide notices and inquiries to motor carriers and well thought-out information and materials to the legislature.

**Jody Wiser of Tax Fairness Oregon** suggested that if the idling rules phase-in over three years rather than becoming effective immediately, the first ticket should cost \$300 and subsequent tickets should be much higher, because \$100 is significantly lower than the cost of an APU unit and won't motivate change (she points to California's robust penalties). In addition, few people will be available to issue tickets. Jody also suggested that recommendations to the legislature include increased low-cost four-year financing for trucks that drive 51% or more of their total miles in Oregon and are from fleets of 50 or fewer – via Business Oregon ODOE or DEQ

### **Conclusion:**

Andy Ginsburg concluded the discussion by stating that no one thing can be done to reduce greenhouse gas emissions; it will take thousands of small efforts/steps, as well as financing to move forward. He reiterated that this process will be difficult to implement and the study group will need to think through it carefully and learn from California. He thanked group members and the public for their input, stated that DEQ will consider their comments, and indicated that more information will be provided in future meetings.