DEQ Reduced Idling Proposal

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 255

TRUCK EFFICIENCY AND IDLING RULES

Idling

340-255-0005

Purpose and Scope

The purpose of this law is to protect public health and the environment by reducing greenhouse gas and other diesel emissions while conserving fuel and maintaining adequate rest and safety of all drivers of diesel vehicles.

Stat. Auth.:
Stats. Implemented:
Hist.:

340-255-0010

Applicability

This division is in effect as of Date and applies to diesel-fueled commercial motor vehicles that operate in the State of Oregon with a gross vehicle weight rating of greater than 10,000 pounds that are or must be licensed for operation on highways (as defined under 40 CFR 390.5), and to locations where commercial diesel vehicles load or unload.

This specifically includes:

(1) Oregon-based vehicles; and

(2) Non-Oregon-based vehicles operating in Oregon.

340-255-0015

Definitions

The definitions in OAR 340-200-0020, 340-204-0010, and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020 or 340-204-0010, the definition in this rule applies to this division.

(1) “Authorized emergency vehicle” means an emergency vehicle as defined in ORS 801.260.

(2) “Auxiliary power unit” or “APU” means any device that is permanently dedicated to the vehicle on which it is installed and provides electrical, mechanical, or thermal energy to the primary diesel engine, truck cab, and/or sleeper berth, bus’s passenger compartment or any other commercial vehicle’s cab, as an alternative to idling the primary diesel engine.

(3) “Commercial motor vehicle” means a vehicle with a manufacturer’s gross vehicle weight rating greater than10,000 pounds, which is self-propelled by a compression ignition type of internal combustion engine and is designed primarily for transporting persons or property on a public street or highway.

(4) “Idle reduction technologies” means any device or system of devices that is installed on a motor vehicle subject to this rule and is designed to provide it those services, such as heat, air conditioning and electricity, that would otherwise require the operation of the primary diesel engine while the motor vehicle is temporarily parked or remains stationary.

(5) “Idling” means operation of the main propulsion engine of a motor vehicle while the vehicle is stationary.

(6) “Greenhouse gas” has the meaning given that term in ORS 468A.210

(6) “Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the maximum loaded weight of a single vehicle.

(7) “Highway” is means a “highway” as defined in ORS 801.305.

(8) “Official traffic control device” means any sign, signal, marking or device placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps or other roadway design features.

(9) “Official traffic control signal” means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.

(10) “Primary diesel engine” A diesel-fueled internal combustion engine attached to a motor vehicle that provides the power to propel the motor vehicle into motion and maintain motion.

(11) "Safety or health emergency" means:

(a) a sudden, urgent, or usually unforeseen, occurrence; or

(b) a foreseeable occurrence relative to a medical or physiological condition.

(12) “Primary diesel engine” means the diesel-fueled engine used for vehicle propulsion.

(13) “Vehicle operator” means any person who is in actual physical control of a on-road vehicle.

(14) “Vehicle owner” means the registered owner, lessee, licensee, or bailee of any commercial vehicle who operates or directs the operation of any such vehicle on either a for-hire or not-for-hire basis.

340-255-0020

General Requirement for Vehicles

No owner or operator of a vehicle shall cause, allow or permit vehicles covered by this rule to idle for more than five minutes in any continuous 60-minute period except as noted in 340-255-0030 and 340-255-0035 below.

340-255-0025

General Requirement for Load/Unload Locations

No load/unload location owner shall cause vehicles covered by this rule to idle for a period greater than 30 minutes while waiting to load or unload.

340-255-0030

Exemptions: The general requirement for vehicles does not apply for the period or periods where:

(1) a vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official.

(2) a vehicle idles when operating defrosters, heaters, air conditioners, or installing equipment solely to prevent a safety or health emergency, and not for the purpose of a rest period, or as otherwise necessary to comply with manufacturers' operating requirements, specifications and warranties in accordance with Federal or State motor carrier safety regulations or local requirements.

(3) a police, fire, ambulance, public safety, military, utility service vehicle or other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator. Same

(4) idling of the primary diesel engine is necessary for maintenance, servicing, repairing, particulate matter trap regeneration, or diagnostic purposes, if idling is required for such activity.

(5) a vehicle idles as part of a state or federal inspection to verify that all equipment is in good working order, if idling is required as part of the inspection.

(6) idling of the primary diesel engine is necessary to power work-related mechanical, safety, or electrical operations other than propulsion (e.g., controlling cargo temperature; operating lift, crane, pump, drill, hoist, mixer or other auxiliary equipment; collecting solid waste, recyclable material). This exemption does not apply when idling for cabin comfort or to operate non-essential on-board equipment.

(7) an armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.

340-255-0035

Conditional Exemptions: The general requirement for vehicles does not apply for the period or periods where:

(1) a passenger bus idles a maximum of 15 minutes in any 60 minute period to maintain passenger comfort while non-driver passengers are onboard. This applies to a motor vehicle subject to this article parked in any place that the vehicle is legally permitted to park, including, but not limited to, a fleet trucking terminal, commercial truck stop or designated rest area. This exemption expires three years following adoption of the rule. This exemption does not apply if the vehicle is parked at a location equipped with stationary idle reduction technology that is available for use at the start of the rest period.

(2) an occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during a rest or sleep period, or a vehicle waiting to load or unload and the outside temperature at the location of the vehicle is less than thirty-two degrees or greater than seventy-five degrees fahrenheit at any time during the rest, sleep or load/unload period. This applies to a motor vehicle subject to this article parked in any place that the vehicle is legally permitted to park, including, but not limited to, a fleet trucking terminal, commercial truck stop or designated rest area. This exemption expires three years following adoption of the rule. This exemption does not apply if the vehicle is parked at a location equipped with stationary idle reduction technology that is available for use at the start of the rest period.

340-255-0040

Relationship to Other Law

Nothing in this Section allows idling in excess of other applicable law, including, but not limited to any applicable ordinance, rule, or requirement as stringent as, or more stringent than, this section.

340-255-0040

Auxiliary Power Units

Operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine is not an idling engine.

(1) Operating an auxiliary power unit or generator set on all model year 2006 or older commercial diesel vehicles is permitted.

(2) On or after three years following the effective date of this rule, the driver shall not operate an internal combustion APS on any vehicle equipped with a 2007 and subsequent model year primary diesel engine unless the vehicle is:

a) Equipped with a verified Level 3 in-use strategy for particulate matter control, or

b) Have its exhaust routed directly into the vehicle's exhaust pipe, upstream of the diesel particulate matter aftertreatment device.

Labeling Requirements. 2007 and subsequent model year commercial diesel vehicles equipped with an internal combustion APS meeting the requirements specified in subsection X shall have a label affixed to the hood of the vehicle to allow operation of the APS in Oregon. The labels shall meet the requirements specified in section…..

340-255-0045

Enforcement and Penalties

The owner and/or operator of a vehicle, and/or the owner of a load/unload location that is in violation of this rule is responsible for penalties. Enforcement. This section may be enforced by the Department of Environmental Quality; peace officers as defined in Oregon Revised Statute 133.005 and their respective law enforcement agencies and air pollution control public officials or air quality management districts.

Penalties. For violations of section X, the driver of a subject vehicle is subject to a civil penalty as authorized under ORS 468.140 and established pursuant to OAR chapter 340 Division 12 and to criminal penalties as