

## *Diesel Powered Motor Vehicle Idling Regulation*

### **§2105.92 Diesel Powered Motor Vehicle Idling**

*{This Section added by June 13, 2005 Amendment, effective July 10, 2005.}*

- a. **Applicability.** This Section applies to the operation of every heavy-duty diesel powered motor vehicle, except school buses.
- b. **General.**
  1. No driver shall cause or allow the engine of any heavy duty diesel powered motor vehicle subject to this section to idle prior to, during layover between, at the destination of, or at the conclusion of, any trip or route for more than five (5) consecutive minutes, except under the conditions described in Subsection c, below.
  2. No driver shall cause or allow the engine of any heavy duty diesel powered motor vehicle subject to this section to be accelerated while idling, unless such action is taken in order to operate vehicle mounted accessory or service equipment.
- c. **Exemptions.** This section does not apply for the period or periods during which idling is necessary for:
  1. **Traffic Conditions.**
    - A. For traffic conditions over which the driver has no control;
    - B. For an official traffic control device or signal; or
    - C. At the direction of a uniformed police officer or one of those persons authorized to direct traffic by the Vehicle Code, 67 Pa. Code §101.2.
  2. **Boarding and Discharging Passengers.**
    - A. When vehicles intended for commercial passenger transportation are boarding or discharging passengers; or
    - B. When vehicles intended for transporting people with disabilities are boarding or discharging passengers.
  3. **Queuing.** When a vehicle, situated in a queue of other vehicles, must intermittently move forward to perform work or a service, and when shutting the vehicle engine off would impede the progress of the queue and be impracticable.
  4. **Turbo-Charged Diesel Engine Cool Down or Warm Up.** When the manufacturer's specifications require more time than the five minute limitation in §2105.92.b.1, above, to cool down or warm up a turbo-charged diesel engine.
  5. **Cold/Hot Weather.**
    - A. If the outside temperature is less than 40°F, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period; or
    - B. If the outside temperature is greater than 75°F and a vehicle is equipped with air conditioning, then idling is allowed for a period or periods aggregating not more than 20 minutes in any 60 minute period.
    - C. Notwithstanding subparagraphs A and B, in order to supply heat or air conditioning necessary for the comfort of passengers, a vehicle intended for commercial passenger transportation may idle for up to 10 minutes prior to passenger boarding and anytime passengers are onboard.
    - D. The Department may, upon request of an owner or manager of a bus terminal, approve alternate limits for warm-up of buses stored outdoors at the terminal when the temperature is below 40°F. Such plan shall include enforceable time limits that minimize bus idling.

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6. **Sleeping.** When idling is necessary to power a heater, air conditioner, or any ancillary equipment during sleeping and resting in a truck cab or sleeper berth.
  7. **Safety and Emergencies.**
    - A. To verify that the vehicle is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the driver's daily vehicle inspection, or as otherwise needed;
    - B. To operate defrosters, or other equipment to ensure the safe operation of the vehicle, or as otherwise required by federal or state motor carrier safety regulations, or other local requirements; or
    - C. Use of vehicle as an emergency vehicle.
  8. **Operability and Maintenance.**
    - A. To provide power for vehicle mounted accessory or service equipment; or
    - B. When being operated by a mechanic for testing, servicing, repairing, or diagnostic purposes.
- d. **Penalties.** Notwithstanding the provisions of Part I of this Article, violators of this Section are subject to:
1. A warning for the first offense;
  2. A penalty of \$100 for the second offense;
  3. A penalty of \$500 for the third offense, and any subsequent offenses.
- e. **Enforcement.** Notwithstanding any other provisions of this Article the prohibitions of this Section may be enforced by any municipal or local government unit having jurisdiction over the place where the idling occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit and the Pa. Air Pollution Control Act. In addition, the Department may pursue the remedies provided by §2109.02 of this Article for any violation of this Section.
- f. **Relationship to Other Law.** Nothing in this Section allows idling in excess of other applicable law, including, but not limited to any local ordinance or requirement as stringent as, or more stringent than, this Section.
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### §2101.20 DEFINITIONS

*{The following two definitions are revised. }*

**“Heavy duty”** means any motor vehicle with a gross vehicle weight rating of more than 8,500 pounds, or that has a curb weight of more than 6000 pounds, or that has a passenger carrying capacity of more than 12 persons.

**“Idling”** means the operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine manufacturer, or when the accelerator is fully released and there is no load on the engine.

*{The following two definitions are being added.}*

**“Diesel powered motor vehicle”** means a self-propelled vehicle designed for transporting persons or property which is propelled by a compression ignition type of internal combustion engine. The definition does not include non-road diesel vehicles, or marine vessels.

**“Motor vehicle”** means all vehicles propelled other than by muscular power except such vehicles as run only on rail or tracks.