Introductions By: Representatives Sullivan, Ginaitt, McNamara, Landroche, and Gemma

Date Introduced: February 28, 2006

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby amended by adding thereto the following chapter:

CHAPTER 23.2

ANTI-IDLING ACT

23-23.2-1. Findings of fact. – The general assembly hereby finds as follows:

(a) Motor vehicle exhaust is the largest source of air pollution in Rhode Island, and idling vehicles emit higher concentrations of harmful pollutants than moving vehicles;

(b) Vehicle exhaust is hazardous to human health. Studies have linked pollution from vehicles to increased rates of cancer, lung and heart disease, asthma and allergies, urban smog and climate change;

(c) Fine particulate matter in diesel exhaust is particularly harmful to children and seniors. Tiny particles can lodge deep within human lungs, where they can trigger asthma attacks and stunt lung growth in children, and contribute to chronic obstructive pulmonary disorder and heart attacks in seniors;

(d) Asthma is reaching epidemic proportions in Rhode Island. More than one hundred thousand (100,000) people in Rhode Island have been diagnosed with asthma, including one out of every ten (10) children. Asthma is the most common chronic disease in children and responsible for the most school absences in Rhode Island;

(e) Vehicle idling waste money. On average, an idling truck burns one gallon of fuel per
hour. A locomotive or other heavy duty engine may burn anywhere from three (3) to eleven (11) gallons per hour;

(f) Excessive idling creates the need for more frequent oil and oil filter changes, and speeds engine wear, reducing the amount of time before an engine needs to be rebuilt;

(g) Even on the coldest winter days, modern engines need no more than five (5) minutes to warm up; and

(h) To date, other states including Connecticut and Massachusetts have passed laws that limit the amount of time vehicles are permitted to idle.

23-23.2-2. Purpose. – The purpose of this chapter is to protect public health and the environment by reducing emissions while conserving fuel and maintaining adequate rest and safety of all operators of mobile source engines.

23-23.2-3. General requirements for mobile sources. – (a) Except as provided otherwise in subsections (b) and (c) herein, no entity shall cause or allow a mobile source to idle for more than five (5) minutes in any sixty (60) minute period.

(b) Exemptions: The provisions of subsection (a) shall not apply to locomotives, marine vessels or aircraft. The provisions of subsection (a) shall apply to all other mobile sources except as follows:

(i) When a mobile source idles while forced to remain motionless because of on-highway traffic, an official traffic control device, or at the direction of a law enforcement official;

(ii) When a mobile source idles during weather conditions that require the operation of defrosters, or when installing equipment (such as putting chains on tires) to ensure the safe operation of the vehicle;

(iii) When a police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle used in an emergency capacity is operating in emergency or training mode;

(iv) When the primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is necessary for such activity;

(v) When a mobile source idles as part of a state or federal inspection to verify that all equipment is in good working order; provided, that idling is required as part of the inspection;

(vi) When a mobile source idles to power work-related mechanical or electrical operations for equipment located in or on the mobile source to accomplish the intended use of the mobile source (e.g., operating an extension, loading or unloading, mixing or processing cargo or cargo refrigeration) and substitute alternate power means can not be made available. Provided, this exemption shall not apply when idling for cabin comfort or to operate non-essential on-board equipment.
(vii) When an armored vehicle idles with a person inside the vehicle to guard the contents, or while the armored vehicle is being loaded or unloaded.

(c) Conditional exemptions. The provisions of subsection (a) shall not apply in the following instances:

(i) When a passenger bus idles a maximum of fifteen (15) minutes in any sixty (60) minute period for necessary operation of air conditioning or heating to maintain passenger comfort while non-driver passengers are onboard and the ambient temperature is below forty (40) degrees Fahrenheit or above eighty (80) degrees Fahrenheit. The exemption lapses five (5) years after implementing a Rhode Island financial assistance program for idle reduction technologies or after idle reduction technology has been installed on the vehicle, whichever comes sooner.

(ii) When an occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during rest or sleep period. The exemption lapses five (5) years after implementing a Rhode Island financial assistance program for idle reduction technologies or after idle reduction technology has been installed on the vehicle or made available for use at the resting location, whichever comes sooner.

(iii) When an occupied vehicle waiting to load or unload idles a maximum of fifteen (15) minutes in any sixty (60) minute period for necessary operation of heating or air conditioning and the ambient temperature is below forty (40) degrees Fahrenheit or above eighty (80) degrees Fahrenheit. The exemption lapses five (5) years after implementing a state financial assistance program for idle reduction technologies or after idle reduction technology has been installed on the vehicle, whichever comes sooner.

23-23.2-4. Diesel locomotives. – (a) No entity shall cause, suffer, allow or permit the unnecessary foreseeable idling of a diesel locomotive for a continuous period of time longer than thirty (30) minutes in any sixty (60) minute period. This prohibition shall not apply to diesel locomotives while being serviced; provided, that idling is essential to the proper repair of said locomotives and that such idling does not cause or contribute to a condition of air pollution.

23-23.2-5. Aircraft. – (a) No entity owning or operating an airport shall cause, suffer, allow or permit routine warm-ups, testing, or other operation of aircraft while on the ground, in such a manner as to cause or contribute to a condition of air pollution, outside of the property lines of the airport, that is deemed unreasonable and feasibly preventable by the authorized law enforcement agency.

23-23.2-6. Marine vessels. – (a) No entity shall cause, suffer, allow, or permit the unnecessary foreseeable idling of a marine vessel for a continuous period of time longer than thirty (30) minutes in any sixty (60) minute period while it is in Rhode Island waters. This
prohibition shall not apply to marine vessels while being serviced; provided, that idling is
esential to the proper repair of said marine vessel and that such idling does not cause or
contribute to a condition of air pollution.

23-23.2-7. Stationary diesel engines. – (a) No entity shall cause, suffer, allow or permit a
stationary diesel engine (e.g. a generator set, etc.) to remain on when not being used for its
intended purpose for a continuous period of time longer than thirty (30) minutes. This prohibition
shall not apply to stationary diesel engines while being serviced; provided, that unattended
operation is essential to the proper repair of said stationary diesel engine and that such idling does
not cause or contribute to a condition of air pollution.

23-23.2-8. Auxiliary power units and generator sets. – (a) Operating an auxiliary
power unit or generator set as a means to heat, air condition, or provide electrical power as an
alternative to idling the main engine is not considered to be an idling engine.
(b) If operating an auxiliary power unit on model year 2007 and subsequent model year
engines, the auxiliary power unit must meet the same or more stringent emission standards as a
2007 model year engine, as defined by the U.S. Environmental Protection Agency or the
California Air Resources Board.

23-23.2-9. Penalties. – (a) The owner and/or operator of a vehicle that is in violation of
this law shall be punished by a fine of not more than one hundred fifty dollars ($150) for the first
offense, nor more than five hundred dollars ($500) for each succeeding offense.
(b) The owner and/or operator of a commercial fleet and the owner and/or operator of a
load/unload location shall be punished by a fine of not more than three hundred dollars ($300) for
the first offense, nor more than one thousand dollars ($1,000) for each succeeding offense.
(c) Dollars assessed as penalties shall be allocated in the following way:
(i) Fifty percent (50%) of the value of the penalties assessed by an empowered
enforcement agency shall be allocated to a restricted receipt account known as the "Diesel Risk
Mitigation Fund." Moneys in said fund shall be appropriated to offset costs of diesel emissions
control equipment, including, but not limited to, idle reduction technology.
(ii) The remaining fifty percent (50%) of the penalties assessed by an empowered
enforcement agency shall go to the law enforcement agency and/or department issuing the
penalty.

23-23.2-10. Enforcement. – The responsibility and jurisdiction for enforcement of this
chapter shall be with state and local law enforcement authorities, including, but not limited to,
state and local police and parking enforcement personnel, the Rhode Island department of
environmental management and the Rhode Island department of motor vehicles.
SECTION 2. This act shall take effect upon passage.
This act would prohibit the idling of motor vehicles in an effort to prevent or reduce vehicle exhaust air pollution.

This act would take effect upon passage.

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