

No. 31-05-OR

Bill No. 1956-05

AN ORDINANCE

An Ordinance of the County of Allegheny amending Article XXI of the Allegheny County Health Department's Rules and Regulations, Article XXI, Air Pollution Control, adding Section 2105.92 that will regulate the amount of diesel powered motor vehicle idling, except school buses, in order to reduce emissions and their possible harmful effects on the public health, and that will modify Section 2101.20 associated with the new Section 2105.92.

Whereas, as a means of achieving better air quality for the citizens of Allegheny County, the Allegheny County Board of Health ("the Board"), desires to regulate the amount of diesel powered motor vehicle idling, except school buses, in order to reduce emissions and their possible harmful effects on the public health, and

Whereas, after a duly advertised public comment period of thirty days, including the presentation of oral comments and the consideration of those comments received, the Board, by a unanimous vote at a publicly advertised meeting on March 2, 2005, adopted the attached amendment to its Article XXI that would regulate the amount of diesel powered motor vehicle idling, except school buses; and

Whereas, the Local Health Administration Law, Pa. Stat. Ann. tit. 16, § 12001 *et seq.*, provides for the submission of proposed health regulations or the amendment of existing health regulations to a County for approval and rejection; and

Whereas, in compliance with the Local Health Administration Law, the Director of the Allegheny County Health Department, on behalf of the Board, has submitted the amendment to Article XXI to the Allegheny County Chief Executive, with the recommendation that the County should approve the amendment; and

Whereas, the Allegheny County Chief Executive has submitted this Ordinance to Allegheny County Council for its consideration.

The Council of the County of Allegheny hereby enacts as follows:

Section 1.

Council Approval of Amendment to Article XXI of Health Department Rules and Regulations.

Pursuant to a request from the Chief Executive, County Council does hereby approve the insertion of Section 2105.92 to, and modification of the existing Section 2101.20 of, the Allegheny County Health Department's Rules and Regulations, Article XXI, Air Pollution Control, adopted by the Board on March 2, 2005 that is attached to this Ordinance. Upon execution of this Ordinance by the Chief Executive, the insertion of Section 2105.92 and the modifications to Section 2101.20 of the Allegheny County Health Department's Rules and Regulations, Article XXI, Air Pollution Control shall be adopted by Allegheny County.

Section 2.

Submission of Amendment to Article XXI to Appropriate State and Federal Authorities.

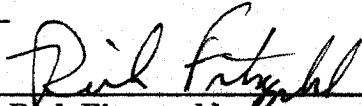
The Director, on behalf of the Board, is hereby authorized to submit the attached amendment to Article XXI changes to the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency.

Section 3. **Severability.** If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

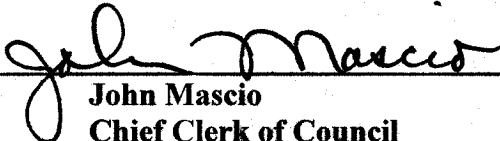
Section 4. **Repealer.** Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

Enacted in Council this 7th day of June, 2005

Council agenda number: 1956-05



Rich Fitzgerald
President of Council

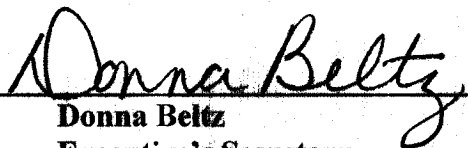
Attest: 

John Mascio
Chief Clerk of Council

Chief Executive Office June 13, 2005

Approved: 

Dan Onorato
Chief Executive

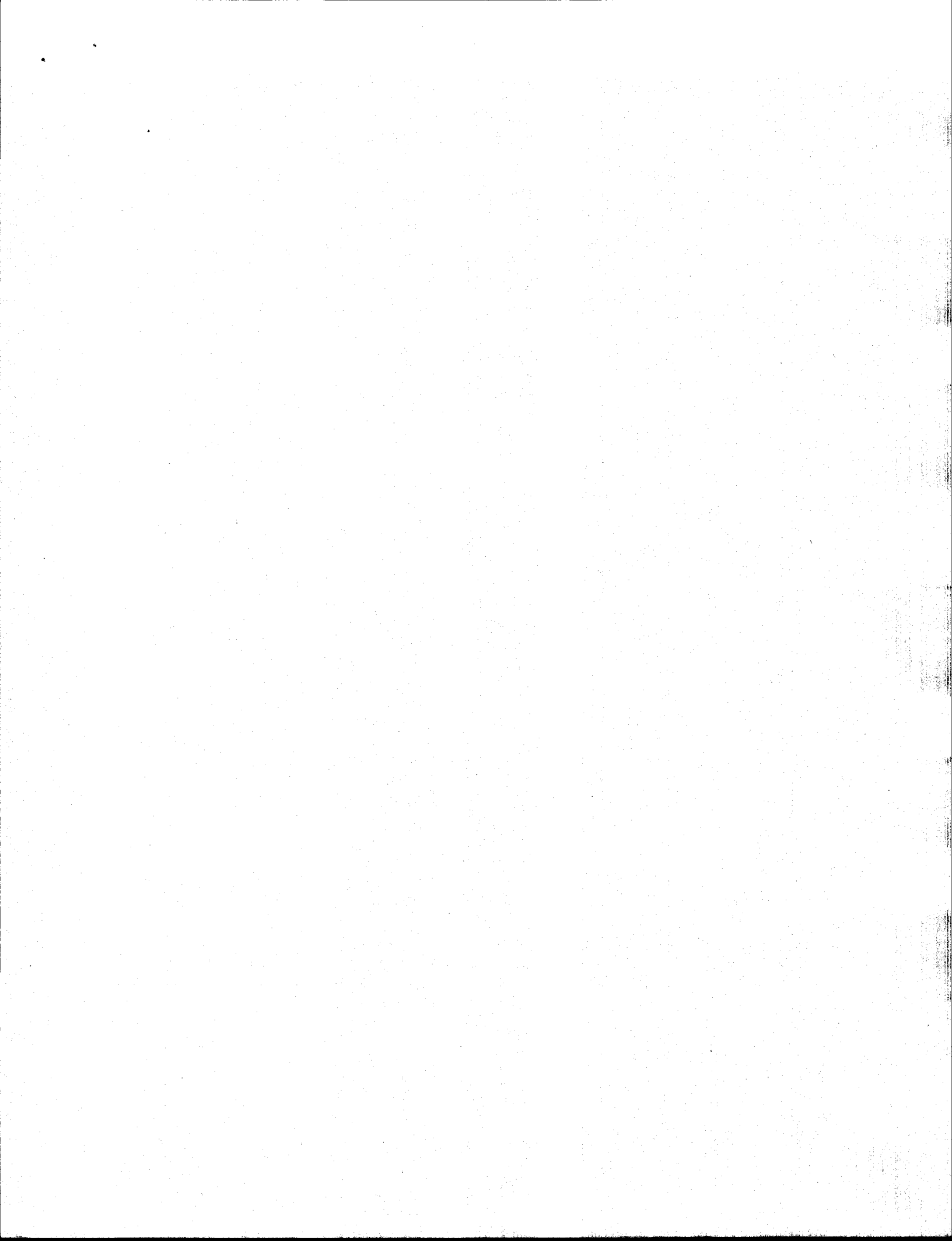
Attest: 

Donna Beltz
Executive's Secretary

§2105.92 Diesel Powered Motor Vehicle Idling *{This Section to be added to Article XXI.}*

- 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.
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 being revised. Deletions are shown lined out. Additions are shown underlined.}

“**Heavy duty**” means, ~~with respect to school buses, any school bus rated at more than~~ any motor vehicle with a gross vehicle weight rating of more than 8,500 pounds ~~gross vehicle weight rating,~~ or that has a curb weight of more than 6000 pounds, ~~{for that has a passenger carrying capacity of more than 12 persons}. (ref: 40 CFR 36.082-2 for non-bracketed portion only)~~

“**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 to Article XXI.}

“**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.

Summary

This Ordinance will amend Allegheny County Health Department's Rules and Regulations to regulate the amount of diesel powered motor vehicle idling, except school buses, in order to reduce emissions and their possible harmful effects on the public health

MEMORANDUM
OFFICE OF THE COUNTY MANAGER

TO: John Mascio
Chief Clerk

FROM: James M. Flynn, Jr. 
County Manager

DATE: April 28, 2005

RE: Proposed Ordinance

Attached is an Ordinance amending Article XXI of the Allegheny County Health Department's Rules and Regulations, Article XXI, Air Pollution Control, adding Section 2105.92 that will regulate the amount of diesel powered motor vehicle idling, except school buses, in order to reduce emissions and their possible harmful effects on the public health, and that will modify Section 2101.20 associated with the new Section 2105.92.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

Please place this on the next agenda for County Council approval.

Thank you.