

## **AN ORDINANCE**

An Ordinance of the County of Allegheny amending Ordinance 16782 and Article XXI of the Allegheny County Health Department's Rules and Regulations, Article XXI, Air Pollution Control, amending Section 2105.92 that will regulate diesel powered motor vehicles in order to reduce emissions and their possible harmful effects on the public health.

**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 idling 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 vote at a publicly advertised meeting on March 2, 2005, adopted the attached amendment to its Article XXI that would regulate the amount of idling of diesel powered motor vehicles; 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 Ordinance 16782 and Article XXI to the Allegheny County Council with the recommendation that the County should approve the amendment.

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

***SECTION 1.           Incorporation of Preamble***

The provisions set forth in the Preamble to this Ordinance are incorporated by reference in their entirety herein as findings of fact made by Council.

***SECTION 2.           Approval of Amendment to Article XXI of Health Department Rules and Regulations.***

Pursuant to the Local Health Administration Law, County Council does hereby approve the addition of to Section 2105.92 of the Allegheny County Health Department's Rules and Regulations, Article XXI, Air Pollution Control, and Ordinance 16782, adopted by the Board on March 2, 2005 that is attached to this Ordinance.

**SECTION 3. 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 4. 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 continue in full force and effect.***

**SECTION 5. REPEALER. *Any Resolution and 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

Council Agenda No. \_\_\_\_\_.

\_\_\_\_\_  
Rich Fitzgerald  
President of Council

Attest: \_\_\_\_\_  
John Mascio  
Chief Clerk of Council

Chief Executive Office \_\_\_\_\_, 2005.

Approved: \_\_\_\_\_  
Dan Onorato  
Chief Executive

Attest: \_\_\_\_\_  
Donna Beltz  
Executive's Secretary

## *Proposed Regulation- 'Diesel Powered Motor Vehicle Idling'*

### **§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. Not withstanding 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.

## ***Proposed Regulation- 'Diesel Powered Motor Vehicle 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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## ***Proposed Regulation- 'Diesel Powered Motor Vehicle Idling'***

### **§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, ~~{or 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.



# REQUEST FOR EXECUTIVE ACTION

NUMBER

\_\_\_\_\_

**DEPARTMENT:** Health Department

**ADDRESS:** 3333 Forbes Avenue  
Pittsburgh, Pa. 15213

**CONTACT:** Janet M. Norkus Ext. 578-8005

**EST. COST:**  
**EST. REVENUE:**  
**FUTURE IMPACT:**

**SIGNATURE:** *Janet M. Norkus* 3/16/05  
DIRECTOR Date

**CHECK APPROPRIATE BOX:**

Operating  Capital  Grant

**COST CENTER:**  
**JOB:** **OBJECT:**

**DATE SUBMITTED TO COUNTY MANAGER** 3-16-05

**INCLUDED IN BUDGET**  Yes  No

**SUMMARY: Amendment to Article XXI "Air Pollution Control Regulations and Addition to State Implementation Plan"**  
**EXPLANATION:**

The Health Department requests approval to amend Article XXI, "Air Pollution Control Regulations and Addition to State Implementation Plan" to add §2105.92 "Diesel Powered Motored Vehicle Idling". This amendment will apply to the operation of every heavy-duty diesel powered motor vehicle.

These amendments were approved by the Board of Health on March 2, 2005. A public hearing was held on February 14, 2005.

cc. Controller  
Law Department  
Budget & Finance

Certified: \_\_\_\_\_  
County Manager

Date: \_\_\_\_\_