

DBA REPORTER

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PENNSYLVANIA BUS ASSOCIATION • 4405 North Front Street • Harrisburg, PA 17110 • 717.236.9042 • www.pabus.org

ACT 124 (Idling Restrictions) and Motorcoaches

The ***Diesel-Powered Motor Vehicle Idling Act 124*** was signed into law by Governor Rendell on October 9, 2008, and is **effective February 6, 2009**. This Act affects the Pennsylvania motorcoach industry in many ways as detailed below.

1. Important Definitions in the Act

The Act includes several definitions that clarify which vehicles and locations are affected by the idling legislation. The two most important definitions for the purpose of the motorcoach industry are as follows:

Bus - The Act includes a definition of “Bus” as defined under the Pennsylvania Vehicle Code 75 PA C.S. Section 102, as follows:

- (1) *A motor vehicle designed to transport 16 or more passengers, including the driver; or*
- (2) *A motor vehicle, other than a taxicab or limousine, designed to transport not more than 15 passengers, including the driver, and used for the transportation of persons for compensation.*

The term does not include a vehicle used in a ridesharing arrangement, as defined in the act of December 14, 1982 (P.L.1211, No.279), entitled "An act providing for ridesharing arrangements and providing that certain laws shall be inapplicable to ridesharing arrangements" or a school bus (which has its own definition).

Bus Depot – The Act includes a definition of “Bus Depot” which is a location where buses are routinely kept overnight, including any garage structure or outdoor bus parking area or both.

School Bus – A motor vehicle which 1) is designed to carry 11 passengers or more, including the driver; and 2) is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.

2. The Law

Overall, this new law restricts how a diesel-powered motor vehicle may idle although there are several exemptions following this section:

*No driver or owner of a diesel-powered motor vehicle with a **gross vehicle weight of 10,001 pounds or more engaged in commerce** shall cause and no owner or operator of the location where the vehicle loads, unloads or parks shall allow **the engine of the vehicle to idle for more than five minutes in any continuous 60 minute period**, except as provided under the exemptions below.*

3. Exemptions

Because there are situations that require a diesel-powered motor vehicle to idle, the following exemptions from the 5 minute rule affect the operation of a motorcoach. Please review carefully. (Note: the list has been edited and does not include specific trucking exemptions)

A diesel powered motor vehicle weighing 10,001 lbs or more **may idle beyond the 5 minutes** for one or more of the following reasons:

- (1) When 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) When a vehicle must idle to operate defrosters, heaters, air conditioners or cargo refrigeration equipment, or to install equipment, in order 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) When 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 or public safety capacity idles shall idle while in an emergency or training mode and not for the convenience of the driver.
- (4) When the primary propulsion engine idles for maintenance, particulate matter trap regeneration, servicing or repair of the vehicle or for vehicle diagnostic purposes, if idling is required for that activity.
- (5) When a vehicle idles as part of a Federal or State inspection to verify that all equipment is in good working order, if idling is required as part of the inspection.
- (6) When idling of a primary propulsion engine is necessary to power work-related mechanical, safety or electrical operations other than propulsion. This exemption shall not apply when idling is done for cabin comfort or to operate nonessential onboard equipment.
- (7) When idling of a primary propulsion engine is necessary as part of a security inspection either entering or exiting a facility.
- (9) When a vehicle must idle due to mechanical difficulties over which the driver has no control, if the vehicle owner submits the repair paperwork or product repair verifying that the mechanical problem has been fixed, by mail to the department within 30 days of the repair.
- (10) When a bus, school bus or school vehicle must idle to provide heating or air conditioning when non-driver passengers are onboard. For the purposes of this exemption, the bus, school bus or school vehicle may idle for no more than a total of 15 minutes in a continuous 60-minute period, except when idling is necessary to maintain a safe temperature for students with special needs who are transported by a school bus or school vehicle.
- (13) When idling by a school bus or school vehicle off school property during queuing for the sequential discharge or pickup of students is necessary because the physical configuration of a school or the school's surrounding streets does not allow for stopping.

4. Penalties if Violate the Law

Fines – the driver or owner who violates the law commits a summary offense and shall upon conviction be sentenced to pay a fine of not less than \$150 and not more than \$300 and court costs.

Additional – the courts may assess a civil penalty for the violation under the Air Pollution Control Act Section 9.1 which comes with fines not to exceed \$1,000 per day for each violation of the Act.

5. Notification of Motor Vehicle Owner if Driver Convicted

The law requires PennDOT in conjunction with the PA DEP to notify an owner of a diesel-powered motor vehicle defined in the law if the driver is convicted, as follows:

If the driver of a diesel-powered motor vehicle subject to this act is convicted of a summary offense under the act is not the owner of the vehicle, the department SHALL notify the vehicle owner that the driver has been convicted or assessed a civil penalty.

All fines for prosecutions of an offense and all civil penalties will be payable to the Commonwealth for credit to the Clean Air Fund.

6. Enforcement

Employees of the PA Department of Environmental Protection will enforce the provisions of this law and are authorized to issue or file citations for summary violations.

7. Permanent Idling Restriction Signs -

This is one of the most important items in this new law because as a motorcoach operator or owner, you are required to have specific signage at your location notifying drivers of the idling restriction. In addition, a location providing 15 or more parking spaces for the vehicles included in the law such as an attraction, stadium, etc. also need a sign indicating idling restrictions. Here is the wording in the law and what PBA has researched:

An owner or operator of a location where vehicles subject to this act load or unload, OR a location that provides 15 or more parking spaces for vehicles subject to this act shall erect and maintain a permanent sign to inform drivers that idling is restricted in this Commonwealth, as specified in 67 PA. CODE Section 212.101 (A) and (B) (relating to official signs).

PLEASE SEE THE LAST PAGE FOR ACTUAL SIGN DIMENSIONS AND PLACEMENT.

8. Preemption Local Ordinances

The law indicates that the Act shall preempt and supersede a local ordinance or rule concerning idling with the following exception:

A local ordinance or rule concerning the subject matter of this act that has been adopted by a county of the first or second class shall remain in full force and effect to the extent that the local ordinance or rule is more restrictive than the requirements of this act if the local ordinance or rule was in effect prior to January 1, 2007, and it has not been amended, suspended or rendered invalid, in whole or in part, by a court decision.

If a locality has idling regulations in existence before the effective date of the Act, there is reference to buses, as follows:

Procedure.--a county, city, town, township, borough or local air pollution control authority with idling regulations in existence before the effective date of this act may approve idling time limits for buses in excess of the time limits in this act if the approval applies only to the warm-up of buses outdoors at a bus depot when the temperature is below 40 degrees and the approval is designed to minimize idling.

9. Additional Information

Act 124 which was Senate Bill 295, printer's number 2485, can be found on the Pennsylvania General Assembly website: www.legis.state.pa.us. When you get to the site, under "Law Information", click on the first item "Legislation Enacted Since 1975", then enter 2008 in the YEAR box, and 124 in the ACT box. Click on SB 295, click on printer's number 2485, and you will have the final version of the bill which is now Act 124.

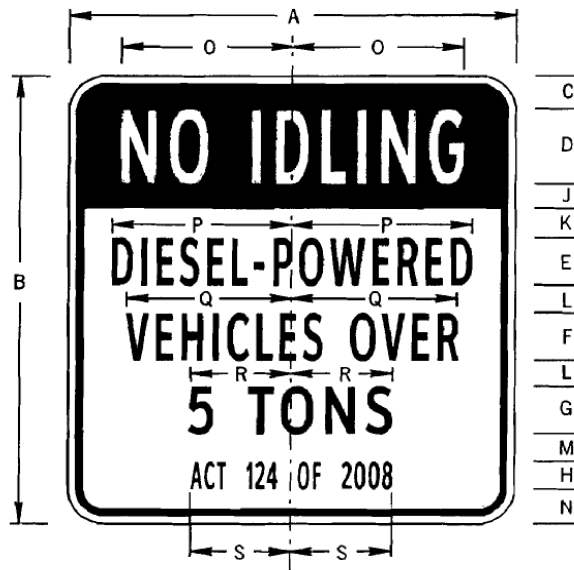
PA Department of Transportation Sign for NO IDLING

R7-100

NO IDLING SIGN

(a) Justification. The No Idling Sign (R7-100) shall be authorized for use to comply with the requirements of Act 124 of 2008 to erect and maintain a permanent sign informing drivers that idling is restricted.

(b) Size. The 600 mm by 600 mm (24"x 24") size R7-100 should be mounted throughout the parking area at reasonable intervals to be readily visible to vehicles subject to the idling restriction. As an alternative, the 1200 mm by 1200 mm (48"x 48") sign may be prominently erected at all entrances to the parking area so it is readily visible by vehicles subject to the idling restriction.



DIMENSIONS - mm (IN)																			
SIGN SIZE A x B	C	D	E	F	G	H	J	K	L	M	N	O	P	Q	R	S	MAR- GIN	BOR- DER	BLANK STD.
600 x 600 24" x 24"	43 (1.7)	100B (4B)	63B (2.5B)	63B (2.5B)	63C (2.5C)	25C (1.0C)	33 (1.3)	40 (1.6)	37 (1.5)	37 (1.5)	58 (2.3)	233 (9.2)	242 (9.6)	222 (8.8)	136 (5.4)	136 (5.4)	10 (0.4)	8.0 (0.3)	B3-600 (B3-24)
1200 x 1200 48" x 48"	80 (3.2)	150D (6D)	125B (5B)	125B (5B)	125C (5C)	63C (2.5C)	70 (2.8)	85 (3.4)	88 (3.5)	100 (4.0)	103 (4.1)	509 (20.0)	485 (19.1)	450 (17.7)	340 (13.4)	340 (13.4)	10 (0.4)	10 (0.4)	B3-1200 (B3-48)

COLOR:

TOP LEGEND:

WHITE (REFLECTORIZED)

BACKGROUND:

BLACK (NON-REFLECTORIZED)

BOTTOM LEGEND:

BLACK (NON-REFLECTORIZED)

BACKGROUND:

WHITE: (REFLECTORIZED)

BORDER:

BLACK (NON-REFLECTORIZED)

MARGIN:

WHITE (REFLECTORIZED)

APPROVED FOR THE SECRETARY OF TRANSPORTATION

By : *H. Mozli* Date : 12-31-08
 Chief, Traffic Engineering and Operations Division
 Bureau of Highway Safety and Traffic Engineering

R7-100.06N