

NORTH TEXAS

HEAVY-DUTY VEHICLE IDLING RESTRICTIONS

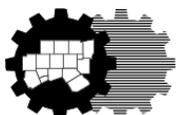
LOCAL GOVERNMENT GUIDE



November 2020



LOCAL GOVERNMENT GUIDE TO NORTH TEXAS HEAVY- DUTY VEHICLE IDLING RESTRICTIONS



**North Central Texas
Council of Governments**

Prepared by the North Central Texas Council of Governments
Transportation Department
October 2020

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SUMMARY

The North Central Texas Council of Governments (NCTCOG) is a voluntary association of, by, and for local governments, and was established to assist local governments in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development. NCTCOG serves as the Metropolitan Planning Organization (MPO) for transportation in the Dallas-Fort Worth (DFW) Metropolitan Area. The Regional Transportation Council (RTC) is the policy body for the MPO.

According to Title 30 of the Texas Administrative Code §114.510(1),

Idle--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 or vehicle manufacturer for when the accelerator is fully released, and there is no load on the engine.

Idling is a problem for light- and medium- duty vehicles like passenger cars and class 6-7 trucks, however, idling occurs excessively in local and heavy- duty long-haul trucking sectors during daily operations, waiting to load and unload goods, and during government-mandated driver rest periods. NCTCOG has put together the Engine Off North Texas program to help reduce unnecessary idling throughout our region by spreading awareness, providing resources and information, as well as guidance for idling enforcement.

This guide is intended to share information for local governments to identify whether excessive unnecessary idling from heavy-duty diesel vehicles is occurring and possible solutions including how to adopt and enforce idling restrictions and provide educational materials, best practices, and technical tools to successfully implement such restrictions. **Local government support and participation is much appreciated in the effort to reduce vehicle emissions and improve air quality.**

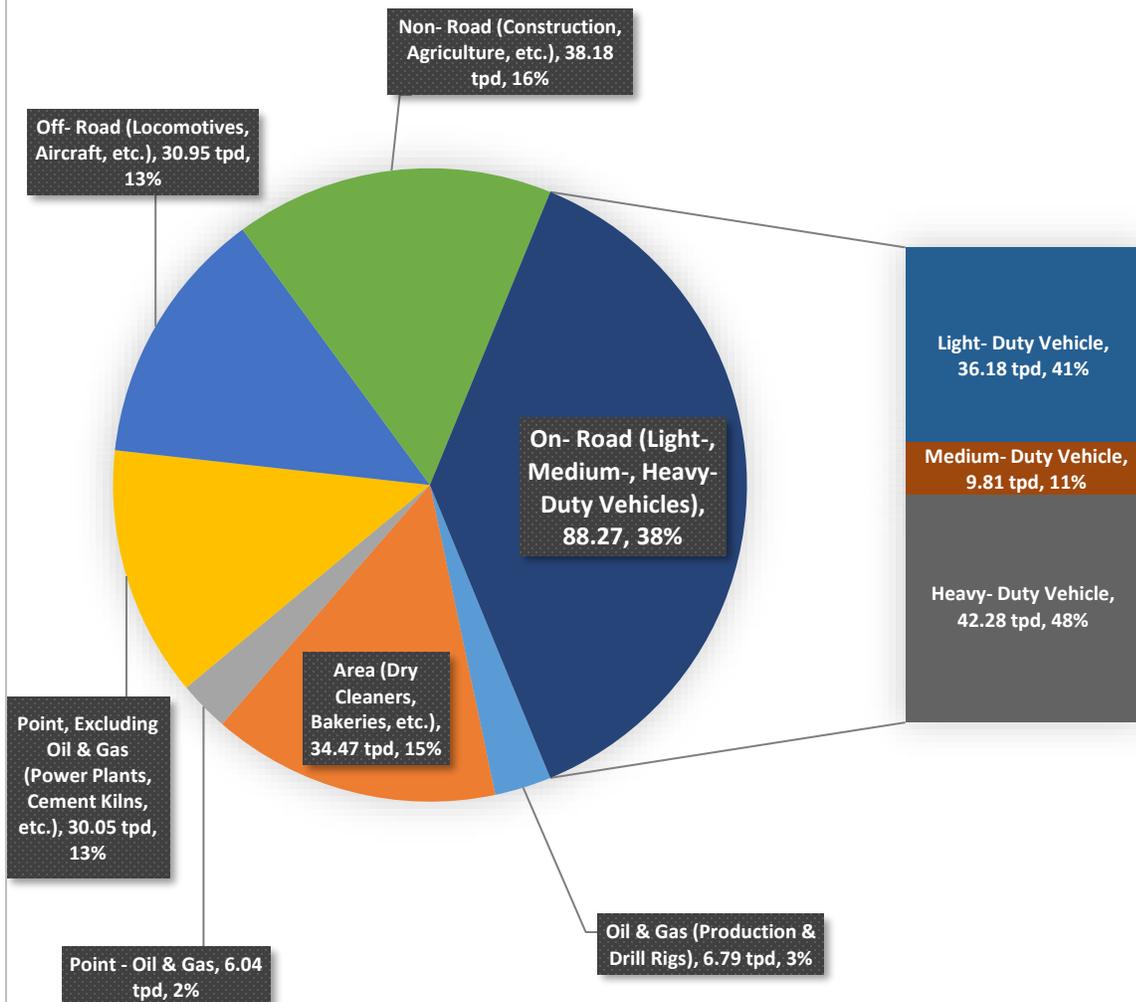
EFFECTS OF IDLING

The combustion of diesel fuel in motor vehicles produces fine particulate matter (PM), nitrogen oxides (NOx), volatile organic compounds (VOC), and other toxic air pollutants.

VEHICLE POLLUTION

Mobile sources like cars and trucks contribute approximately two-thirds of the regional emissions of NOx, with diesel vehicles contributing nearly half of the on-road source emissions.

Estimated 2020 NOx Emissions Inventory (categorized by source) Source Category Estimates = 234.75 tons per day (tpd)



HEALTH CONCERNS

The Environmental Protection Agency (EPA) regards diesel exhaust as one of the greatest public health risks and affirms that it is a major contributor to ozone formation due to excess emissions of NO_x and VOC. Prolonged exposure to ozone can have adverse health effects, such as irritation of the throat and chest, and an inability to breathe as deeply or vigorously as normal.

In addition to ozone precursor emissions, exhaust from diesel engines contains PM and many air toxins harmful to human health. These pollutants can be inhaled into the deepest parts of the lungs where they can enter the bloodstream. Diesel exhaust can cause an increase in premature deaths, asthma attacks, and emergency room visits and can exacerbate the symptoms of asthma and other chronic obstructive pulmonary diseases, including bronchitis and emphysema. Scientists and health experts have been unable to identify a safe level of exposure to diesel exhaust, or a level below which exposure has no health effects. According to the California Air Resource Board, diesel particulate matter is a toxic air contaminant based on evidence documenting the relationship between diesel exhaust exposure and lung cancer.¹ The World Health Organization classified diesel engine exhaust as carcinogenic to humans in 2012.²

In the DFW region (Dallas and Tarrant County combined), asthma affects 97,985 children and 253,133 adults, according to the American Lung Association's State of the Air 2019 report³. In addition, 158,567 North Texans have chronic obstructive pulmonary disease and 2,352 have lung cancer, according to the report. All may face exacerbated health problems due to excessive pollution.

¹ <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>

² <https://www.iarc.fr/news-events/iarc-diesel-engine-exhaust-carcinogenic/>

³ <https://www.lung.org/our-initiatives/healthy-air/sota/city-rankings/states/texas/>

LOCAL GOVERNMENT IN ACTION

Local governments play an important role in helping the region achieve better air quality by educating the public on, implementing, and enforcing anti-idling restrictions. One of the first steps to reduce and potentially eliminate unnecessary idling is to implement an idling restriction ordinance. There are several options a city, county, or local jurisdiction can go about doing this.

HOW TO IMPLEMENT IDLING RULE

BRIEF HISTORY OF THE IDLING RULE

The Locally Enforced Motor Vehicle Idling Limitations rule ([Texas Administrative Code: Title 30, §114.510-517](#)), which was first established in December 2004, placed time limits on the idling of gasoline and diesel-powered engines of heavy-duty motor vehicles within the jurisdiction of any local government that has signed a Memorandum of Agreement (MOA) with the Texas Commission on Environmental Quality (TCEQ) to delegate enforcement of the state's motor vehicle idling limitations to that local government. This rule prohibits any person in the affected local jurisdiction from permitting the primary propulsion engine of a heavy-duty motor vehicle to idle for more than five consecutive minutes when the vehicle is not in motion unless an exemption is met⁴. The goal of this air quality control program is to lower NOx and other pollutant emissions from fuel combustion by heavy-duty motor vehicles.

NCTCOG encourages all local governments to reduce unnecessary idling within their jurisdiction whether it is through adopting an idle restriction ordinance/resolution or installation of idle reduction infrastructure such as electrified parking spaces. Emission benefits from the implementation of an idling ordinance/resolution will be included as a weight-of-evidence measure in the State Implementation Plan (SIP). Additionally, adoption of an idle reduction ordinance/resolution would be consistent with Locally Enforced Motor Vehicle Idling Restrictions Resolution (R21-06) (see Appendix 1) and would contribute to the local government being able to receive Transportation Development Credits which can be used to offset local matching funding for federal transportation projects.

HOME RULE:

Texas cities with home rule charters have the option to adopt the Locally Enforced Motor Vehicle Idling Limitation Rule by signing the MOA or develop their own idling ordinance so long as it is not inconsistent or contradicts state law. Home ruled local jurisdictions' efforts can be documented in the SIP through weight of evidence and earn TDCs. If a local jurisdiction signs a TCEQ MOA, the jurisdiction will not be eligible for TERP idle reduction project funding.

GENERAL LAW:

Texas General Law cities and counties can only enforce the Local Enforcement Motor Vehicle Idling Limitation Rule if they agree to sign the MOA with the TCEQ.

SUMMARY OF IDLING RESTRICTION ORDINANCE ADOPTION OUTCOMES

⁴ Texas Administrative Code: Title 30, §114.517; Local governments should consult their legal advisors on how to implement and enforce anti-idling restrictions within their jurisdictions.

The table below shows the likely outcomes for home ruled and general law jurisdictions resulting from the method for adopting an idling ordinance or from not adopting an idling ordinance at all.

| | Adoption of Idling Restriction Ordinance through Signing TCEQ MOA | Adoption of an Idling Restriction Ordinance without Signing a MOA | No Adoption of Idling Restriction Ordinance |
|--|---|---|--|
| <i>Home Ruled Cities/ Counties</i> | <ul style="list-style-type: none"> • Eligible to receive credit in SIP through Weight of Evidence • Not eligible for TERP funding for idle reduction projects • Contribute to earning RTC TDC's • May be eligible for other funding | <ul style="list-style-type: none"> • Eligible to receive credit in SIP through Weight of Evidence • Eligible for TERP funding for idle reduction projects • Contribute to earning RTC TDC's • May be eligible for other funding | <ul style="list-style-type: none"> • Not eligible to receive credit in SIP through Weight of Evidence • Eligible for TERP funding for idle reduction projects • Does not contribute to earning RTC TDC's • May be eligible for other funding |
| <i>General Law Cities/ Counties</i> | <ul style="list-style-type: none"> • Eligible to receive credit in SIP through Weight of Evidence • Not eligible for TERP funding for idle reduction projects • Contribute to earning RTC TDC's • May be eligible for other funding | Not Applicable | <ul style="list-style-type: none"> • Not eligible to receive credit in SIP through Weight of Evidence • Eligible for TERP funding for idle reduction projects • Does not contribute to earning RTC TDC's • May be eligible for other funding |

CONSIDERATIONS FOR CITIES AND COUNTIES

In an effort to build a strong foundation for idle reduction in our region, NCTCOG offers some considerations to help local jurisdictions make the best decision for their community.

1. Determine whether heavy-duty vehicle idling issues are present within the jurisdiction boundaries.
 - a. Are there truck stops within jurisdiction boundaries?
 - b. Are there trucks idling on highway ramps?
 - c. Are there truck terminals, warehouses, and distribution centers within jurisdiction boundaries?
 - d. Are there complaints about idling?
2. Determine whether there are enough resources available to enforce an idling ordinance.
 - a. Can a department manage idling ordinance enforcement?
 - b. Can a designated champion lead idling ordinance enforcement?
 - c. Are there enough personnel available to enforce ordinance?
 - d. Are there enough funds to pay for personnel, provide educational idle restriction material, and other costs associated to ensure compliance?
3. Determine if there is a need or interest in applying for funding for idle reduction projects.
 - a. Would idling issues be better addressed with implementation of
 - i. An idle reduction policy/ordinance and enforcement?
 - ii. With building infrastructure that reduces idling?
 - iii. Both?

- b. How does the cost benefit of implementing and enforcing idle reduction policies/ordinances compare to building idle reduction infrastructure?

IDLING RESTRICTION ORDINANCE ADOPTION OPTIONS

ADOPTION OF A VEHICLE IDLING RESTRICTION ORDINANCE THROUGH SIGNING AN MOA

1. Adopt the TCEQ Idling Limitation rule by Reference
2. Sign the North Texas MOA, which enables the transfer of enforcement authority from the TCEQ to the local jurisdiction
3. Submit Original agreement with required documentation to TCEQ and NCTCOG.
4. Submit the following items to the TCEQ within 45 days of the effective date of the agreement:
 - a. Detailed description of the plan for implementation of these rules;
 - b. Copies of local ordinances or resolutions adopted to implement these rules; and
 - c. Copies of agreements entered between Performing Parties and other units of Local Government for the implementation of these rules (see Appendix 4).

Please submit documentation to:

ORIGINAL
Michael Reagan
MC-164
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

COPY
Attn: Engine Off North Texas
Transportation Department
NCTCOG
P.O. Box 5888
Arlington, TX 76005-588

NCTCOG suggests that if TCEQ Idling Restrictions are to be adopted, to do so by reference to ensure continued compliance with the rule in the event it is modified later by the Texas Legislature. Provide copies of submitted documentation to NCTCOG to track regional participation and enforcement efforts.

ADOPTION OF A VEHICLE IDLING RESTRICTION ORDINANCE WITHOUT SIGNING AN MOA

Home ruled cities or counties that decide to develop their own vehicle idling ordinances can reference the TCEQ Idling Limitation rule or create their own ordinance. NCTCOG has developed sample ordinance language cities may find helpful and easier to implement. (See Appendix 2).

EDUCATION

Once an idling ordinance is adopted, the next step is to promote awareness of local idling restrictions and provide information to truck drivers on available technologies and funding opportunities to help reduce excessive idling. Local governments can install signs in areas traditionally known for excessive idling and promote awareness of restrictions throughout the jurisdiction. Information on each of these education materials is provided below.

Educational materials provided by NCTCOG Include:

1. Regional anti-idling regulatory signs- Deter truck drivers from idling in restricted areas
2. Driver education brochures- Inform truck drivers of anti-idling ordinance, idling negative effects, and anti-idling strategies

3. Anti-idling posters- Provide information about how to submit an idling complaint
4. Local Government Guide- Provide guidance to local governments on how to implement and enforce an anti-idling ordinance
5. Infographics- Provide general idling information targeted towards specific audiences that can be used in presentations and webpages
6. Idling Complaint Hotline- Allow the public to submit an idling complaint to NCTCOG. More information in the following section
7. Engine Off North Texas Website- Access to idling information and all resources provided by NCTCOG

ENFORCEMENT

It is the responsibility of local government to determine necessary enforcement personnel and procedures to identify and cite violators and log citations for reporting. NCTCOG maintains an idling complaint hotline, vehicle emissions inspection database, and can provide training to law enforcement on idling enforcement options.

There are several options available related to idling enforcement. NCTCOG has resources available for local law enforcement to use and have provided an example of potential idling enforcement procedure below.

NCTCOG EMISSION DATABASE (NED)

NED assists local law enforcement personnel track vehicle emission inspections. This database is available to enforcement officers in the DFW non-attainment area (see Appendix 8) that have signed an interlocal agreement with the NCTCOG.

COMPLAINT HOTLINE AND WEBSITE

Officers can investigate idling violations based upon complaints received and issue citations as necessary. Specific complaints may be reported directly to the local enforcement division. Complaints may also be submitted through NCTCOG's website (www.EngineOffNorthTexas.org) or toll-free number (1-877-NTX-IDLE (1-877-689-4353)) and will be forwarded regularly to participating local enforcement agencies to help identify idling hot spots.

To report an idling vehicle in the North Central Texas 10-county non-attainment area:

Visit www.EngineOffNorthTexas.org

-OR-

Call toll-free [1-877-NTX-IDLE \(1-877-689-4353\)](tel:1-877-NTX-IDLE)

When making a report, please provide the following within 30 days of observing an idling vehicle:

- Time of Day
- Date
- City
- Nearest Intersection
- Texas License Plate Number (specify Tractor or Trailer; Tractor preferred)
- Company Name on Vehicle (if known)

The owner of the idling vehicle will be mailed information on local idling restrictions as well as technology options and funding opportunities to reduce idling. In addition, NCTCOG will periodically forward this information to participating jurisdictions, as applicable, to help local enforcement agencies target areas of frequent idling.

TARGET LOCATION-BASED ENFORCEMENT

Enforcement personnel can periodically patrol areas known for excessive idling including truck stops, loading docks, warehouses, construction material pick-up/drop-off sites, service roads, and parking lots, and issue citations as necessary.

FULL-TIME DEDICATED ENVIRONMENTAL ENFORCEMENT PERSONNEL

Local government can employ fulltime enforcement personnel dedicated solely to enforcing environmental codes, including idling, throughout the jurisdiction. Officers patrol the enforcement area, including areas know for high levels of idling, respond to idling complaints, investigate possible idling violations, and issue citations as necessary.

POTENTIAL ENFORCEMENT PROCEDURES

1. Upon identifying a parked vehicle with a gross vehicle weight rating (GVWR) 14,000 pounds or greater, the officer shall drive by or stop to listen to verify that the main engine of the vehicle is operating while the vehicle is parked (see Appendix 5).

Examples of vehicles over 14,000 pounds GVWR include

| | | |
|------------------|-----------------------|----------------------|
| Beverage Trucks | Garbage Trucks | Stake Trucks |
| Bucket Trucks | Inner-City Tour Buses | Step Vans |
| Delivery Trucks | Larger Motor Homes | Tanker Trucks |
| Dump Trucks | Rack Trucks | Tow Trucks |
| Flat Bed Trucks | School Buses | Tractor-Trailer Rigs |
| Furniture Trucks | Service Body Trucks | Transit Buses |
| | | Utility Trucks |

2. Drive by or stop to listen to verify that the main engine of the vehicles operating while the vehicle is parked.
3. Use stopwatch to time continuous idling for at least 5 minutes or minimum time limit as stated in local idling ordinance.
4. Use exemption checklist to determine if any idling ordinance exemptions apply (see Appendix 6)
5. Issue a warning or citation (see Appendix 7) if vehicle does not meet any exemption for idling in excess of idling limit.
6. Photograph or video record vehicle for verification in the event of a court appeal.

Areas suggested for enforcement include locations with significant heavy-duty vehicle traffic, such as existing freight facilities. In addition, the following types of locations are also suggested for monitoring and enforcing idling activity:

| | |
|---|--|
| Construction Material Loading Sites Hospitals Loading Docks Parking Lots Residential Neighborhood | School Zones Service Roads Truck Stops Warehouses |
|---|--|

More detailed information on existing freight facilities in the North Central Texas can be obtained on NCTCOG's website, www.EngineOffNorthTexas.org

ENFORCEMENT CONSIDERATIONS

Every local government operates differently and there may not be a one size fits all solution. However, being able to learn how other local governments enforce their idling ordinances can help provide solutions to common issues encountered.

Visit EngineOffNorthTexas.org to see which cities have active ordinances and get in touch to learn more about how they are enforcing them. Also, below are a few questions that should be considered when deciding how to enforce an idling ordinance.

1. What will be the citation for a vehicle be once confirmed is idling?
2. What will be the fine?
3. Who would be cited, driver, owner, property owner, or any combination thereof?
4. How should the citation be prosecuted through the courts?

TECHNOLOGY SOLUTIONS

EPA estimates that one heavy-duty truck can save as much as 900 gallons of fuel annually due to unnecessary idling⁵.

Even at diesel prices of \$3.02, as of September 2019, upward of \$2,718 per year could be saved simply by eliminating idling⁶.

Thus, not only is there a significant air quality benefit to reducing idling, there is considerable financial benefit as well. On-board technology options allow drivers to lessen the effects of volatile fuel prices and remain competitive. By utilizing the technologies described below, a driver can enjoy the same amenities with the added benefit of reducing pollution and fuel consumption. These idling alternatives are divided into two categories: on-board and on-site. List of the EPA SmartWay Verified Technology can be found at <https://www.epa.gov/verified-diesel-tech/smartway-verified-list-idling-reduction-technologies-irts-trucks-and-school>.

ON-BOARD OPTIONS

On-board options enable a driver to be comfortable in the cab without operating the main engine of the vehicle. These devices are advantageous because they can be used nearly anywhere and do not require new infrastructure. Several types of on-board technology are available:

AUTOMATIC SHUT-DOWN DEVICE

Enables programming of the engine to turn on and off automatically after a predetermined time limit or at a certain temperature setting.

AUXILIARY POWER UNIT OR GENERATOR

A second, smaller engine that provides a power supply for a wide range of driver needs, including climate control and electrical power for computers or other equipment, while allowing the main engine to remain off. Also known as APU.

BATTERY-POWERED OR ALTERNATIVE-POWER DEVICE

Provides stored energy for heating and cooling. It does not produce any emissions and lasts for the duration of the battery charge.

FUEL-OPERATED HEATER

Commonly known as a bunk heater, it circulates heated coolant to the vehicle's regular heater system, which allows the sleeper cab to be heated without idling the main engine.

THERMAL STORAGE SYSTEM

Also known as an evaporative cooler, it holds energy in cold storage as the truck is driven. When the engine is turned off, it provides air conditioning.

⁵ <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P100XM9V.pdf>

⁶ <https://www.eia.gov/petroleum/gasdiesel/>

ON-SITE OPTIONS

On-site options also enable driver comfort without running the main engine. Electrified truck stops are specific rest areas that provide power to trucks using existing infrastructure. This same type of technology can be utilized at other locations, such as warehouses and distribution centers. There are two ways a facility can supply external power to vehicles:

SINGLE-UNIT ELECTRIFIED PARKING SPACE (EPS)

Provides power and climate control through a window unit that supplies processed air to the cab. The window unit can also offer other commodities, such as Internet access and television.

DUAL-UNIT EPS

Provides electricity by remote power hookups for trucks that have shore power capabilities. This option requires heating, ventilating, and air conditioning, or HVAC, units for climate control to be installed on individual trucks.

National Clean Diesel Campaign

EPA maintained list of verified idle-reduction technologies

www.epa.gov/cleandiesel/

EPA's SmartWay Technology Program

SmartWay verified product information and descriptions

www.epa.gov/smartway/learn-about-smartway-verified-technologies

Alternative Fuels Data Center

Map of truck stop electrification sites

www.afdc.energy.gov/afdc/locator/tse

FUNDING OPPORTUNITIES

Funding opportunities exist to reduce the amount of idling necessary during normal operation, and several of these programs are listed below. An email list sign-up is available to help interested parties stay informed of current and upcoming assistance programs.

NCTCOG AIR QUALITY FUNDING

Funding assistance for clean vehicle projects in the North Central Texas area, and idle reduction projects have been included in the past. As these funding opportunities become available, information will be posted online.

www.nctcog.org/aqfunding

TEXAS EMISSION REDUCTION PLAN (TERP)

TERP is administered by the TCEQ and includes a number of voluntary financial incentive programs to help improve the air quality in Texas. In particular, the Emissions Reduction Incentive Grants (ERIG) Program provides funding for eligible projects in affected counties to offset the incremental costs associated with the activities to reduce NOx emissions from high-emitting mobile sources.

www.terpgrants.org

800-919- TERP (8377)

terp@tceq.state.tx.us

VEHICLES TECHNOLOGIES OFFICE

The Vehicle Technologies Office (VTO) supports high impact projects that can significantly advance its mission to develop more energy efficient and environmentally friendly highway transportation technologies that enable America to use less petroleum. VTO is strongly committed to partnerships to help ensure the eventual market acceptance of the technologies being developed. New funding opportunities are announced regularly.

<https://www.energy.gov/eere/vehicles/funding-opportunities>

CLEAN DIESEL AND DIESEL EMISSION REDUCTION ACT (DERA) FUNDING

The Clean Diesel Program provides support for projects that protect human health and improve air quality by reducing harmful emissions from diesel engines. This program includes grants and rebates funded under the Diesel Emissions Reduction Act (DERA).

<https://www.epa.gov/cleandiesel>

RESOURCES

Air North Texas

<https://www.airnorthtexas.org/>

City of Dallas

<http://greendallas.net/air-quality/city-air-quality/reduce-idling/>

Clean Diesel Program

<https://www.epa.gov/cleandiesel>

Engine Off North Texas

Transportation Air Quality, NCTCOG

Phone: 817-640-3300

Email: EngineOffNorthTexas@nctcog.org

www.engineoffnorthtexas.org

IdleBox

<https://cleancities.energy.gov/technical-assistance/idlebox/>

National Idling Reduction Network News

<https://www.energy.gov/eere/vehicles/national-idling-reduction-network-news>

SmartWay

www.epa.gov/smartway

Texas Commission on Environmental Quality

Michael Regan

Air Quality Division, TCEQ

Phone: 512-239-2988

E-mail: Michael.Regan@tceq.texas.gov

www.tceq.texas.gov/airquality/mobilesource/vehicleidling.html

CONTACT INFORMATION

North Central Texas Council of Texas

Engine Off North Texas

EngineOffNorthTexas@nctcog.org

616 Six Flags Dr.

Arlington, Texas 76011

817-704-5678

APPENDIX

1. [Regional Transportation Council Resolution](#)
2. [Model Ordinance](#)
3. [Memorandum of Agreement for Vehicle Idling Limitations](#)
4. [Sample Implementation Plan](#)
5. [Examples of Vehicles Over 14,000 pounds GVWR](#)
6. [Vehicle Idling Exemption Checklist](#)
7. Citations
 - a. [Texas Commission on Environmental Quality Limitations Rule: 30 Texas Administrative Code §114.510-517](#)
 - b. [Texas Health and Safety Code: § 382.113-115](#)
 - c. [Texas Water Code: § 7.351-7.352](#)
 - d. [Texas Health and Safety Code: § 382.0191](#)
8. [North Texas Ozone Non- Attainment Area Map](#)

Regional Transportation Council Resolution

**RESOLUTION SUPPORTING LOCALLY ENFORCED MOTOR VEHICLE IDLING
RESTRICTIONS IN NORTH CENTRAL TEXAS**

(R21-06)

WHEREAS, the North Central Texas Council of Governments (NCTCOG) is designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth Metropolitan Area by the Governor of Texas in accordance with federal law; and,

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments, and has been and continues to be the regional forum for cooperative decisions on transportation; and,

WHEREAS, the Dallas-Fort Worth area is a federally designated nonattainment area for the pollutant ozone and air quality impacts the public and economic health of the entire region; and,

WHEREAS, the Regional Transportation Council is responsible for air quality conformity; and the Clean Air Act Amendments of 1990 require that in air quality nonattainment areas, transportation plans and improvement programs conform to the applicable air quality implementation plan; and,

WHEREAS, Locally Enforced Motor Vehicle Idling Restriction is a commitment that will be documented in the Dallas-Fort Worth Eight-Hour Ozone Attainment Demonstration State Implementation Plan (SIP) as Weight-of-Evidence; and,

WHEREAS, the Regional Transportation Council has no regulatory authority to enforce idling restrictions; and recognizes that local governments have such authority by implementing an idling restriction ordinance or resolution, or by entering into a Memorandum of Agreement (MOA) with the Texas Commissions on Environmental Quality (TCEQ).

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

Section 1. The Regional Transportation Council endorses the implementation of a locally enforced motor vehicle idling restriction ordinance or resolution to aid in reducing mobile source emissions and as Weight-of-Evidence in the State Implementation Plan.

Section 2. The Regional Transportation Council encourages local government adoption of an idling restriction ordinance or resolution.

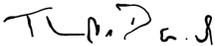
Section 3. The Regional Transportation Council commits to provide local governments assistance with development of applicable enforcement and education programs.

Section 4. The Regional Transportation Council may consider compliance with this resolution when considering future Regional Transportation Council funding action.

Section 5. This resolution will be transmitted to local governments in the ten county ozone nonattainment area.

Section 6. This resolution shall be in effect immediately upon its adoption.

DocuSigned by:



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Theresa M. Daniel, Ph.D., Chair
Regional Transportation Council
Commissioner, Dallas County

I hereby certify that this resolution was adopted by the Regional Transportation Council of the North Central Texas Council of Governments for the Dallas-Fort Worth Metropolitan Area on October 14, 2021.

DocuSigned by:



80BCD0E9B75548F...

Cary Moon, Secretary
Regional Transportation Council
Councilmember, City of Fort Worth

Model Ordinance

SAMPLE ORDINANCE – LOCALLY ENFORCED IDLING RESTRICTIONS

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE REDUCTION OF MOTOR VEHICLE EMISSIONS BY ESTABLISHING LIMITATIONS PROHIBITING IDLING ACTIVITIES AND PROVIDING FOR ENFORCEMENT ACTIVITIES RELATED TO THE FOLLOWING SUBJECT.

WHEREAS, the Dallas-Fort Worth area is a federally designated nonattainment area for the pollutant ozone and air quality impacts the public and economic health of the entire region; and

WHEREAS, the U.S Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) jointly have considered emission reductions to control air pollution from motor vehicles, and the Texas Legislature has created the Texas Clean Air Act, which addresses that purpose; and

WHEREAS, Section 382.113 of the Texas Health and Safety Code provides authority for municipalities to enact and enforce local laws and ordinances for the control and abatement of air pollution; and

WHEREAS, Locally Enforced Idling Restrictions is a weight of evidence commitment in the Dallas-Fort Worth 8-Hour Ozone Attainment Demonstration State Implementation Plan (SIP); and

WHEREAS, idling vehicles emit more emissions while idling due to incomplete combustion than at normal on-road speeds; and

WHEREAS, the [*Jurisdiction*] desires to actively participate in improving the air quality of the region; and

WHEREAS, the [*Legislative Body*] finds that the adoption of this ordinance serves a public purpose, and protects the health, safety, and welfare of the citizens of the [*Jurisdiction*] by limiting the pollution created from unnecessary idling of motor vehicles within the [*city's or county's*] jurisdiction;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE [*Legislative Body*] of the [*Jurisdiction*], TEXAS:

SECTION 1: That Chapter _____, Section _____, of the Code of Ordinances, of [*Jurisdiction*], Texas is to read as follows:

A. CONTROL REQUIREMENTS FOR MOTOR VEHICLE IDLING

1. No person shall cause, suffer, allow, or permit the primary propulsion engine of a motor vehicle under their operation to idle for more than five consecutive minutes when the motor vehicle is not in motion.
2. No person using the vehicle's sleeper berth may idle;

- (i) in a school zone;
- (ii) within 1,000 feet of a public school during its hours of operation
- (iii) within 1,000 feet of a hospital, or
- (iv) in a residential area, as defined in Section 244.002 of the Texas Local Government Code.

3. No driver may idle within 1,000 feet of an air intake valve of the following structures as adopted by §70.100.(a).(1) of this Code and further defined by [Section 302.2 of the International Building Code](#):

- (i) Assembly Group – occupancy includes, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption or awaiting transportation.
- (ii) Educational Group— occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade. Religious educational rooms and religious auditoriums, which are accessory to *places of religious worship* and have *occupant loads* of less than 100.
- (iii) Institutional Group-- occupancy includes, among others, the use of a building or structure, or a portion thereof, in which people are cared for or live in a supervised environment, having physical limitations because of health or age are harbored for medical treatment or other care or treatment, or in which people are detained for penal or correctional purposes or in which the liberty of the occupants is restricted.
- (iv) Mercantile Group-- includes, among others, the use of a building or structure or a portion thereof, for the display and sale of merchandise and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public.

B. DEFINITIONS

Unless specifically defined herein, the terms used in this article have the meanings commonly ascribed to them in the field of air pollution control, unless the context provides otherwise.

Idle shall mean 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 or manufacture for when the accelerator is fully released and there is no load on the engine.

Motor vehicle shall mean any self-propelled device powered by an internal combustion engine and designed to operate with four or more wheels in contact with the ground, in or by which a person or property is or may be transported, and is required to be registered under Texas Transportation Code, §502.002.

Primary propulsion engine shall mean a gasoline or diesel-fueled internal combustion engine attached to a motor vehicle that provides the power to propel the motor vehicle into motion and maintain motion.

C. EXEMPTIONS

1. The provisions of this ordinance (relating to Control Requirements for Motor Vehicle Idling) does not apply to:

- (1) a motor vehicle that has a gross vehicle weight rating of 8,500 pounds or less;
- (2) a motor vehicle that has a gross vehicle weight rating greater than 8,500 pounds and that has been certified by the United States Environmental Protection Agency or another state environmental agency to emit no more than 30 grams of nitrogen oxides emissions per hour when idling;
- (3) a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;
- (4) the primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation or airport ground support and/or maintenance or diagnostic purposes,
- (5) the primary propulsion engine of a motor vehicle that is being used to supply heat or air conditioning necessary for passenger comfort and safety during extreme weather conditions in vehicles intended for commercial or public passenger transportation, or passenger transit operations, in which case idling up to a maximum of 30 minutes is allowed;
- (6) the primary propulsion engine of a motor vehicle being used to provide air conditioning or heating necessary for employee health or safety while the employee is using the vehicle to perform an essential job function related to roadway construction or maintenance; a motor vehicle being used by the United States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle; or as an armored vehicle when the driver is present;
- (7) a motor vehicle when idling is necessary to power a heater or air conditioner while a driver is using the vehicle's sleeper berth for a government-mandated rest period and is not within two miles of a facility offering external heating and air conditioning connections at a time when those connections are available.

D. ENFORCEMENT

1. An offense under this title shall be punishable by a fine not to exceed [amount determined by legislative body].

SECTION 2: If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid (for any reason unenforceable), the validity of the remaining portions of this ordinance

or the application to such other persons or sets of circumstances shall not be affected thereby, it being the intent of the [Legislative Body] of the _____ [Jurisdiction] of _____,

In adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any other portion or provision.

SECTION 3: This ordinance shall be published and become effective in accordance with state law.

READ, CONSIDERED, PASSED, AND APPROVED ON FIRST READING by the [Jurisdiction] at a regular meeting the ___ day of _____ 20___, at which a quorum was present.

PASSED, APPROVED, and ADOPTED on the ___ day of _____, 20___.

Attest: _____ [Jurisdiction] of _____, Texas

Memorandum of Agreement for Vehicle Idling Limitations

**Memorandum of Agreement
For
Vehicle Idling Limitations**

I. Parties

This Memorandum of Agreement (MOA) is entered into between the Texas Commission on Environmental Quality (TCEQ) and the [*name of the City/Town/County signing this agreement*] (Local Government), collectively the "Parties."

1. The Parties represent that they have the authority to enter into this MOA, including the authority granted in the Texas Government Code Chapter 791 Interlocal Cooperation Contracts.
2. The TCEQ has authority under Section 5.229 of the Texas Water Code and Section 382.033 of the Texas Health and Safety Code to enter into this MOA.
3. The Local Government has authority under Section 382.115 of the Texas Health and Safety Code to enter into this MOA.

II. Intent and Purpose

The intent of this MOA is to memorialize the agreement between the Parties to implement the following rules aimed at the control of air pollution from motor vehicles: 30 Texas Administrative Code (TAC) Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter J, Operation Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations, Sections 114.510 - 114.512 and 114.517.

The parties enter into this MOA for the purpose of delegating rule enforcement from the TCEQ to the Local Government and potentially incorporating the emission reductions resulting from the implementation and enforcement of the above-referenced rules into the State Implementation Plan (SIP).

III. Definitions

As used in this MOA the following terms have the meanings given below:

1. EPA shall mean the United States Environmental Protection Agency.
2. TCEQ shall mean the Texas Commission on Environmental Quality.
3. Local Government has the meaning assigned by 30 TAC Section 114.510.
4. SIP shall refer to the Texas State Implementation Plan.

IV. Background

On November 17, 2004, the TCEQ adopted rules concerning locally enforced motor vehicle idling limitations, which are applicable only within the jurisdiction of a Local Government that has signed a MOA with the TCEQ delegating enforcement of the rules. The rules became effective December 9, 2004. The EPA approved the rules as a revision to the SIP in the April 11, 2005, *Federal Register* (70 FR 18308), effective on June 10, 2005.

V. Obligations of Parties

- (A) The Local Government agrees as follows:

1. In accordance with the terms of this MOA the Local Government agrees to implement the following TCEQ Rule:
 - a. 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter J, Operation Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations, Sections 114.510 - 114.512 and 114.517. Changes to these TCEQ Rules shall be incorporated into this Agreement without requiring amendment of this Agreement.
 2. The Local Government agrees to submit the following information to the TCEQ for the rules listed above not later than forty-five (45) calendar days after the effective date of this MOA:
 - a. detailed description of the plan for implementation of these rules;
 - b. copies of local ordinances or resolutions adopted by each Local Government to implement these rules; and
 - c. copies of agreements entered between any Local Government and other units of Local Government for the purpose of the implementation of these rules.
 3. The Local Government agrees to submit copies of any requisite resolutions under Section 7.352 of the Texas Water Code to the TCEQ forty-five (45) calendar days after the effective date of this MOA or within fourteen (14) calendar days after passage by the local governing body, whichever is later.
- (B) The TCEQ agrees to consider this MOA for submission to the EPA for inclusion in the Texas SIP.

VI. Term and Termination

This MOA will become effective upon signature by both Parties and shall expire on December 31, [Year] unless renewed in writing by mutual agreement of the Parties. A Party may withdraw from this MOA at any time upon thirty (30) calendar days written notice to the other Party. This MOA may be terminated at any time by mutual written consent of the Parties.

VII. Miscellaneous

This MOA represents the entire agreement between the TCEQ and the Local Government and supersedes all other agreements, understandings or commitments, written or oral, relative to the intent of this MOA. This MOA may not be amended or modified except pursuant to a mutual written agreement executed by each of the Parties.

This MOA shall be governed by and interpreted in accordance with the laws of the State of Texas.

In Witness Whereof, Texas Commission on Environmental Quality and the Local Government, by their authorized officers, have made and executed this MOA in multiple copies, each of which is deemed an original.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

By: _____

Name: Donna F. Huff

Title: Director, Air Quality Division

Date

[CITY/TOWN/COUNTY] OF _____

By: _____

Name:

Title:

Date

Sample Implementation Plan

SAMPLE

[JURISDICTION] IMPLEMENTATION PLAN FOR LOCALLY ENFORCED MOTOR VEHICLE IDLING LIMITATION RULE

Background

Limiting motor vehicle idling is one component of the Dallas-Fort Worth 8-Hour Ozone Attainment Demonstration State Implementation Plan which is the federally mandated clean air plan for the region.

The locally enforced motor vehicle idling limitation rule (Texas Administrative Code, Title 30, Subsections §114.510-114.517) has been adopted by the [city/county] of [jurisdiction] in an effort to participate in regional programs aimed at reducing harmful emissions and improving air quality. The rule is applicable only within the jurisdiction of local governments that have signed a memorandum of agreement with the Texas Commission on Environmental Quality (TCEQ) which extends the enforcement authority of the TCEQ to that governmental entity.

Education will begin [date]. Enforcement will begin [date]. Enforcement through warnings and traffic citations, including penalties of up to \$500 per offense, is allowable to ensure compliance with this rule and net maximum air quality benefits.

Public Education & Outreach:

- Educational brochures, developed by the North Central Texas Council of Governments (NCTCOG) will be distributed to area businesses, industry associations, and other targeted sectors identified to be most affected by the rule. These brochures will include information on rule details, anti-idling technologies, potential funding assistance, and other resources.
- Anti-idling signs will be ordered and installed throughout the [city/county] to inform citizens and truck drivers of the anti-idling ordinance. Local businesses and target areas will be encouraged to order and post signs as well. Signs are available through the NCTCOG.
- A link to the NCTCOG Idling Reduction Web site will be posted on the [city/county] of [jurisdiction] Web site as a resource.

Enforcement:

- Appropriate personnel will be identified for enforcement activities. Activities will include identifying target areas, spotting violators, and issuing citations. Apposite personnel may include code enforcement officers and/or peace officers.
- Enforcement procedures used will be consistent with section 7.351 of the Texas Water Code and any applicable local government ordinances. Recommended penalties sought in civil action will be consistent with Subchapter D of the Texas Water Code. Each violation is considered a separate offense.
- [City/County] of [jurisdiction] enforcement training programs will be updated with information on regulatory requirements and compliance procedures.
- Identified enforcement personnel will establish a relationship with the NCTCOG to share information on area idling. Violations of the rule may be reported: 1) directly to local enforcement division for immediate response; or 2) to the NCTCOG through a regional public outreach Web site, www.EngineOffNorthTexas.org, or toll-free line, 877-NTX-IDLE (877-689-4353), resulting in a letter being mailed to the owner of the reported vehicle informing him/her of local idling restrictions in North Central Texas and options to help reduce excessive idling.
- Violations and action taken will be tracked on a spreadsheet. This allows both a determination of rule effectiveness and adequate follow-up for noncompliant sources. At the end of each year, a summary of enforcement will be provided to the NCTCOG upon request.

Examples of Vehicles Over 14,000 pounds GVWR



Bucket Truck



Delivery Truck



Dump Truck



Inner-City Tour Bus



Large Motor Home



Refuse Hauler



School Bus



Stake Truck



Step Van



Tanker Truck



Tow Truck



Tractor- Trailer Rig



Transit Bus

Vehicle Idling Exemption Checklist

Vehicle Idling Exemption Check List

Cities and counties that have signed a Memorandum of Agreement (MOA) for the Locally Enforced Motor Vehicle Idling Limitations rule (Texas Administrative Code: Title 30, §114.510-517) with Texas Commission on Environmental Quality (TCEQ), can use this template checklist to quickly determine whether an idling vehicle meets an exemption to the rule.

Home Rule cities/counties can also use this checklist if they have not signed the MOA but have adopted an ordinance that references Texas Administrative Code: Title 30, §114.510-517. The exemptions have been divided into 5 categories.

Vehicle Type:

- Vehicle has a gross weight rating of 14,000 or LESS
- Vehicle has a Certified Clean Idle sticker

Type of Operation:

- Vehicle idling is due to traffic conditions outside of the driver's control
- Vehicle is being used by the US military, national guard, or reserve forces
- Vehicle is being used as an emergency or law enforcement motor vehicle
- Vehicle is being used as airport group support equipment
- The primary propulsion engine of the vehicle being used for any of the following
 - Defrost a windshield
 - Maintenance purposes
 - Diagnosis purposes
 - Mechanical Operation (other than propulsion and passenger heating or air conditioning)

Temperature Regulation:

- Vehicle is supplying heat or air conditioning needed for passenger comfort and safety for more than 30 minutes
- Vehicle is supplying heating or air conditioning for employee health or safety while vehicle is being used for roadway construction or maintenance?

Responsible Party:

- Owner of the vehicle is not the person operating the vehicle
- Owner of the vehicle if the person operating the vehicle is not employed by the owner

Location:

- Vehicle is beyond 2 miles of a facility offering external heating and air conditioning connections when the driver must stop for a government mandated rest period and heating or air conditioning is necessary

Citations

Texas Health and Safety Code: §382.113-115

Sec. 382.113. AUTHORITY OF MUNICIPALITIES. (a) Subject to Section 381.002, a municipality has the powers and rights as are otherwise vested by law in the municipality to:

- (1) abate a nuisance; and
 - (2) enact and enforce an ordinance for the control and abatement of air pollution, or any other ordinance, not inconsistent with this chapter or the commission's rules or orders.
- (b) An ordinance enacted by a municipality must be consistent with this chapter and the commission's rules and orders and may not make unlawful a condition or act approved or authorized under this chapter or the commission's rules or orders.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 11.187, eff. Sept. 1, 1995.

Sec. 382.115. COOPERATIVE AGREEMENTS. A local government may execute cooperative agreements with the commission or other local governments:

- (1) to provide for the performance of air quality management, inspection, and enforcement functions and to provide technical aid and educational services to a party to the agreement; and
- (2) for the transfer of money or property from a party to the agreement to another party to the agreement for the purpose of air quality management, inspection, enforcement, technical aid, and education.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 11.189, eff. Sept. 1, 1995.

Texas Water Code: §7.351-7.352

SUBCHAPTER H. SUIT BY OTHERS

Sec. 7.351. CIVIL SUITS. (a) Subject to Section 7.3511, if it appears that a violation or threat of violation of Chapter 16, 26, or 28 of this code, Chapter 361, 371, 372, or 382, Health and Safety Code, a provision of Chapter 401, Health and Safety Code, under the commission's jurisdiction, or Chapter 1903, Occupations Code, or a rule adopted or an order or a permit issued under those chapters or provisions has occurred or is occurring in the jurisdiction of a local government, the local government or, in the case of a violation of Chapter 401, Health and Safety Code, a person affected as defined in that chapter, may institute a civil suit under Subchapter D in the same manner as the commission in a district court by its own attorney for the injunctive relief or civil penalty, or both, as authorized by this chapter against the person who committed, is committing, or is threatening to commit the violation.

(b) Subject to Section 7.3511, if it appears that a violation or threat of violation of Chapter 366, Health and Safety Code, under the commission's jurisdiction or a rule adopted or an order or a permit issued under that chapter has occurred or is occurring in the jurisdiction of a local government, an authorized

agent as defined in that chapter may institute a civil suit under Subchapter D in the same manner as the commission in a district court by its own attorney for the injunctive relief or civil penalty, or both, as authorized by this chapter against the person who committed, is committing, or is threatening to commit the violation.

Added by Acts 1997, 75th Leg., ch. 1072, Sec. 2, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 193, Sec. 1, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 1276, Sec. 14A.845, eff. Sept. 1, 2003.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 857 (H.B. 2533), Sec. 1, eff. September 1, 2017.

Sec. 7.3511. PROCEDURE FOR CIVIL PENALTY; REQUIRED NOTICE. (a) In this section:

(1) "Authorized agent" has the meaning assigned by Section 366.002, Health and Safety Code.

(2) "Person affected" has the meaning assigned by Section 401.003, Health and Safety Code.

(b) This section applies only to a claim for a civil penalty in a civil suit under this subchapter for a violation of a statute, rule, order, or permit described by Section 7.351.

(c) Before instituting any claim described by Subsection (b), a local government, a person affected, or an authorized agent shall provide to the attorney general and the executive director of the commission written notice of each alleged violation, the facts in support of the claim, and the specific relief sought.

(d) A local government, a person affected, or an authorized agent may institute a claim described by Subsection (b) on or after the 90th day after the date the attorney general and the executive director of the commission receive the notice required by Subsection (c) unless before the 90th day after the date the notice is received the commission has commenced a proceeding under Subchapter C or the attorney general has commenced a civil suit under Subchapter D concerning at least one of the alleged violations set forth in the notice.

(e) If a local government, a person affected, or an authorized agent discovers a violation that is within 120 days of the expiration of the limitations period described in Section 7.360, the local government, person affected, or authorized agent may institute a claim described by Subsection (b) on or after the 45th day after the date the attorney general and the executive director of the commission receive the notice required by Subsection (c) unless before the 45th day after the date the notice is received the commission has commenced a proceeding under Subchapter C or the attorney general has commenced a civil suit under Subchapter D concerning at least one of the alleged violations set forth in the notice. In the circumstances described by this subsection, in addition to providing the notice required by Subsection (c), the local government, person affected, or authorized agent must:

(1) provide a copy of the notice by certified mail or hand delivery to the chief of the division of the attorney general's office responsible for handling environmental enforcement claims; and

(2) include with the copy of the notice under Subdivision (1) a statement providing that the copy of the notice is being provided pursuant to this subsection.

Added by Acts 2017, 85th Leg., R.S., Ch. 857 (H.B. 2533), Sec. 2, eff. September 1, 2017.

Sec. 7.352. RESOLUTION REQUIRED. In the case of a violation of Chapter 26 of this code or Chapter 382, Health and Safety Code, a local government may not exercise the enforcement power authorized by this subchapter unless its governing body adopts a resolution authorizing the exercise of the power.

Added by Acts 1997, 75th Leg., ch. 1072, Sec. 2, eff. Sept. 1, 1997.

Texas Health and Safety Code: §382.0191

Sec. 382.0191. IDLING OF MOTOR VEHICLE. (a) In this section, "idling" means allowing an engine to run while the motor vehicle is not engaged in forward or reverse motion.

(b) The commission may not prohibit or limit the idling of any motor vehicle with a gross vehicle weight rating greater than 8,500 pounds that is equipped with a 2008 or subsequent model year heavy-duty diesel engine or liquefied or compressed natural gas engine that has been certified by the United States Environmental Protection Agency or another state environmental agency to emit no more than 30 grams of nitrogen oxides emissions per hour when idling.

Added by Acts 2011, 82nd Leg., R.S., Ch. 390 (S.B. 493), Sec. 1, eff. June 17, 2011.

North Texas Ozone Non- Attainment Area Map

