

5287--B

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sens. SQUADRON, DILAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to prohibiting idling by heavy-duty vehicles

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1205 to read as follows:
3 S 1205. PROHIBITIONS ON IDLING BY HEAVY-DUTY VEHICLES. 1. NOTWITH-
4 STANDING ANY PROVISION OF LAW TO THE CONTRARY, NO PERSON WHO OWNS, OPER-
5 ATES OR LEASES A HEAVY-DUTY VEHICLE INCLUDING A BUS OR TRUCK, THE MOTIVE
6 POWER FOR WHICH IS PROVIDED BY A DIESEL OR NON-DIESEL FUELED ENGINE OR
7 WHO OWNS, LEASES OR OCCUPIES LAND AND HAS THE ACTUAL OR APPARENT DOMIN-
8 ION OR CONTROL OVER THE OPERATION OF A HEAVY-DUTY VEHICLE INCLUDING A
9 BUS OR TRUCK PRESENT ON SUCH LAND, THE MOTIVE POWER FOR WHICH SAID HEAV-
10 Y-DUTY VEHICLE IS PROVIDED BY A DIESEL OR NON-DIESEL FUELED ENGINE,
11 SHALL ALLOW OR PERMIT THE ENGINE OF SUCH HEAVY-DUTY VEHICLE TO IDLE FOR
12 MORE THAN ONE CONSECUTIVE MINUTE WHEN THE HEAVY-DUTY VEHICLE IS NOT IN
13 MOTION, EXCEPT AS OTHERWISE PERMITTED BY SUBDIVISION TWO OF THIS
14 SECTION.
15 2. THE PROHIBITIONS OF THIS SECTION SHALL NOT APPLY WHEN:
16 (A) A DIESEL OR NON-DIESEL FUELED HEAVY-DUTY VEHICLE INCLUDING A BUS
17 OR TRUCK IS FORCED TO REMAIN MOTIONLESS BECAUSE OF THE TRAFFIC CONDI-
18 TIONS OVER WHICH THE OPERATOR THEREOF HAS NO CONTROL;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 (B) REGULATIONS ADOPTED BY FEDERAL, STATE OR LOCAL AGENCIES HAVING
2 JURISDICTION CONFLICT WITH THE PROVISIONS OF SUBDIVISION ONE OF THIS
3 SECTION, INCLUDING THOSE PERTAINING TO PASSENGER SAFETY, SECURITY AND
4 ACCESSIBILITY; IN SUCH CASE, THE IDLING TIME SPECIFIED IN SUBDIVISION
5 ONE OF THIS SECTION MAY BE INCREASED, BUT ONLY TO THE EXTENT NECESSARY
6 TO COMPLY WITH SUCH REGULATIONS.

7 (C) A DIESEL OR NON-DIESEL FUELED ENGINE IS BEING USED TO PROVIDE
8 POWER FOR AN AUXILIARY PURPOSE, SUCH AS LOADING, DISCHARGING, MIXING OR
9 PROCESSING CARGO, CONTROLLING CARGO TEMPERATURE, CONSTRUCTION, LUMBER-
10 ING, OIL OR GAS WELL SERVICING, FARMING, OR WHEN OPERATION OF THE ENGINE
11 IS REQUIRED FOR THE PURPOSE OF MAINTENANCE;

12 (D) IDLING OF THE PRIMARY PROPULSION ENGINE IS NECESSARY TO POWER
13 ESSENTIAL WORK-RELATED MECHANICAL OR ELECTRICAL OPERATIONS OTHER THAN
14 PROPULSION;

15 (E) FIRE, POLICE AND PUBLIC UTILITY TRUCKS OR OTHER VEHICLES ARE
16 PERFORMING EMERGENCY SERVICES;

17 (F) TRUCKS OWNED OR OPERATED BY PERSONS ENGAGED IN MINING AND QUARRY-
18 ING ARE USED WITHIN THE CONFINES OF SUCH PERSON'S PROPERTY;

19 (G) A DIESEL FUELED TRUCK IS TO REMAIN MOTIONLESS FOR A PERIOD EXCEED-
20 ING TWO HOURS, AND DURING WHICH PERIOD THE AMBIENT TEMPERATURE IS
21 CONTINUOUSLY BELOW TWENTY-FIVE DEGREES FAHRENHEIT;

22 (H) A HEAVY-DUTY DIESEL VEHICLE THAT IS QUEUED FOR OR IS UNDERGOING A
23 STATE AUTHORIZED PERIODIC OR ROADSIDE DIESEL EMISSIONS INSPECTION;

24 (I) A HYBRID ELECTRIC VEHICLE, IDLING FOR THE PURPOSE OF PROVIDING
25 ENERGY FOR BATTERY OR OTHER FORM OF ENERGY STORAGE RECHARGING;

26 (J) HEAVY-DUTY VEHICLES USED FOR AGRICULTURAL PURPOSES ON A FARM;

27 (K) ELECTRIC POWERED VEHICLES; AND

28 (L) RECREATIONAL FACILITIES.

29 3. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL ON-ROAD
30 HEAVY-DUTY VEHICLES PROPELLED BY DIESEL FUELED AND NON-DIESEL FUELED
31 ENGINES EXCLUDING MARINE VESSELS. AS USED IN THIS SECTION "HEAVY-DUTY
32 VEHICLE" MEANS A VEHICLE THAT HAS A GVWR EXCEEDING EIGHT THOUSAND FIVE
33 HUNDRED POUNDS AND IS DESIGNED PRIMARILY FOR TRANSPORTING PERSONS OR
34 PROPERTIES.

35 S 2. This act shall take effect immediately.