

8238

2009-2010 Regular Sessions

I N A S S E M B L Y

May 11, 2009

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Transportation

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. NO PERSON
4 WHO OWNS, OPERATES OR LEASES A HEAVY-DUTY VEHICLE INCLUDING A BUS OR
5 TRUCK, THE MOTIVE POWER FOR WHICH IS PROVIDED BY A DIESEL OR NON-DIESEL
6 FUELED ENGINE OR WHO OWNS, LEASES OR OCCUPIES LAND AND HAS THE ACTUAL OR
7 APPARENT DOMINION OR CONTROL OVER THE OPERATION OF A HEAVY-DUTY VEHICLE
8 INCLUDING A BUS OR TRUCK PRESENT ON SUCH LAND, THE MOTIVE POWER FOR
9 WHICH SAID HEAVY-DUTY VEHICLE IS PROVIDED BY A DIESEL OR NON-DIESEL
10 FUELED ENGINE, SHALL ALLOW OR PERMIT THE ENGINE OF SUCH HEAVY-DUTY VEHI-
11 CLE TO IDLE FOR MORE THAN ONE CONSECUTIVE MINUTE WHEN THE HEAVY-DUTY
12 VEHICLE IS NOT IN MOTION, EXCEPT AS OTHERWISE PERMITTED BY SUBDIVISION
13 TWO OF THIS SECTION.

14 2. THE PROHIBITIONS OF THIS SECTION SHALL NOT APPLY WHEN:

15 (A) A DIESEL OR NON-DIESEL FUELED HEAVY-DUTY VEHICLE INCLUDING A BUS
16 OR TRUCK IS FORCED TO REMAIN MOTIONLESS BECAUSE OF THE TRAFFIC CONDI-
17 TIONS OVER WHICH THE OPERATOR THEREOF HAS NO CONTROL;

18 (B) REGULATIONS ADOPTED BY FEDERAL, STATE OR LOCAL AGENCIES HAVING
19 JURISDICTION REQUIRE THE MAINTENANCE OF A SPECIFIC TEMPERATURE FOR
20 PASSENGER COMFORT; IN SUCH CASE, THE IDLING TIME SPECIFIED IN SUBDIVI-
21 SION ONE OF THIS SECTION MAY BE INCREASED, BUT ONLY TO THE EXTENT NECES-
22 SARY TO COMPLY WITH SUCH REGULATIONS.

23 (C) A DIESEL OR NON-DIESEL FUELED ENGINE IS BEING USED TO PROVIDE
24 POWER FOR AN AUXILIARY PURPOSE, SUCH AS LOADING, DISCHARGING, MIXING OR
25 PROCESSING CARGO, CONTROLLING CARGO TEMPERATURE, CONSTRUCTION, LUMBER-

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

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1 ING, OIL OR GAS WELL SERVICING, FARMING, OR WHEN OPERATION OF THE ENGINE
2 IS REQUIRED FOR THE PURPOSE OF MAINTENANCE;

3 (D) FIRE, POLICE AND PUBLIC UTILITY TRUCKS OR OTHER VEHICLES ARE
4 PERFORMING EMERGENCY SERVICES;

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

7 (F) A DIESEL FUELED TRUCK IS TO REMAIN MOTIONLESS FOR A PERIOD EXCEED-
8 ING TWO HOURS, AND DURING WHICH PERIOD THE AMBIENT TEMPERATURE IS
9 CONTINUOUSLY BELOW TWENTY-FIVE DEGREES FAHRENHEIT;

10 (G) A HEAVY-DUTY DIESEL VEHICLE THAT IS QUEUED FOR OR IS UNDERGOING A
11 STATE AUTHORIZED PERIODIC OR ROADSIDE DIESEL EMISSIONS INSPECTION;

12 (H) A HYBRID ELECTRIC VEHICLE, IDLING FOR THE PURPOSE OF PROVIDING
13 ENERGY FOR BATTERY OR OTHER FORM OF ENERGY STORAGE RECHARGING;

14 (I) HEAVY-DUTY VEHICLES USED FOR AGRICULTURAL PURPOSES ON A FARM;

15 (J) ELECTRIC POWERED VEHICLES; AND

16 (K) RECREATIONAL FACILITIES.

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

23 S 2. This act shall take effect immediately.