

5287

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed 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.