S T A T E O F N E W Y O R K

3865

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. RAIA, McKEVITT, WALKER -- read once and referred to the Committee on Transportation

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

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

Section 1. Section 375 of the vehicle and traffic law is amended by adding a new subdivision 52 to read as follows:

52. (A) NO PERSON WHO OWNS, OPERATES OR LEASES A HEAVY DUTY VEHICLE INCLUDING A BUS OR TRUCK, THE MOTIVE POWER FOR WHICH IS PROVIDED BY A DIESEL OR NONDIESEL FUELED ENGINE OR WHO OWNS, LEASES OR OCCUPIES LAND AND HAS THE ACTUAL OR APPARENT DOMINION OR CONTROL OVER THE OPERATION OF A HEAVY DUTY VEHICLE INCLUDING A BUS OR TRUCK PRESENT ON SUCH LAND, THE MOTIVE POWER FOR WHICH SAID HEAVY DUTY VEHICLE IS PROVIDED BY A DIESEL OR NON-DIESEL FUELED ENGINE SHALL ALLOW OR PERMIT THE ENGINE OF SUCH HEAVY DUTY VEHICLE TO IDLE FOR MORE THAN FIVE CONSECUTIVE MINUTES WHEN THE HEAVY DUTY VEHICLE IS NOT IN MOTION.

(B) THE PROHIBITIONS OF PARAGRAPH (A) OF THIS SUBDIVISION SHALL NOT APPLY WHEN:

(I) A DIESEL OR NONDIESEL FUELED HEAVY DUTY VEHICLE INCLUDING A BUS OR TRUCK IS FORCED TO REMAIN MOTIONLESS BECAUSE OF THE TRAFFIC CONDITIONS OVER WHICH THE OPERATOR THEREOF HAS NO CONTROL.

(II) REGULATIONS ADOPTED BY FEDERAL, STATE OR LOCAL AGENCIES HAVING JURISDICTION REQUIRE THE MAINTENANCE OF A SPECIFIC TEMPERATURE FOR PASSENGER COMFORT. THE IDLING TIME SPECIFIED IN PARAGRAPH (A) OF THIS SUBDIVISION MAY BE INCREASED, BUT ONLY TO THE EXTENT NECESSARY TO COMPLY WITH SUCH REGULATIONS.

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

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

LBD06593-01-9

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

(IV) FIRE, POLICE AND PUBLIC UTILITY TRUCKS OR OTHER VEHICLES ARE PERFORMING EMERGENCY SERVICES.

(V) TRUCKS OWNED OR OPERATED BY PERSONS ENGAGED IN MINING AND QUARRYING ARE USED WITHIN THE CONFINES OF SUCH PERSON'S PROPERTY.

(VI) A DIESEL FUELED TRUCK REMAINS MOTIONLESS FOR A PERIOD EXCEEDING TWO HOURS, AND DURING WHICH PERIOD THE AMBIENT TEMPERATURE IS CONTINUOUSLY BELOW TWENTY-FIVE DEGREES FAHRENHEIT.

(VII) A HEAVY DUTY DIESEL VEHICLE, AS DEFINED IN NYCRR6, THAT IS QUEUED FOR OR IS UNDERGOING A STATE AUTHORIZED PERIODIC OR ROADSIDE DIESEL EMISSIONS INSPECTION TO NYCRR6.

(VIII) A HYBRID ELECTRIC VEHICLE, AS DEFINED IN NYCRR6, IDLING FOR THE PURPOSE OF PROVIDING ENERGY FOR BATTERY OR OTHER FORM OF ENERGY STORAGE RECHARGING.

(IX) HEAVY DUTY VEHICLES USED FOR AGRICULTURAL PURPOSES ON A FARM.

(X) ELECTRIC POWERED VEHICLES.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. The commissioner of motor vehicles shall promulgate rules and regulations as are necessary to effectuate the implementation of this act and shall assign points for violations of section one of this act as the commissioner of motor vehicles deems appropriate.