

Clean Air Board Analysis of the Diesel-Powered Motor Vehicle Idling Act ~ School District Responsibilities under the New Law ~

Act 124 of 2008 (S.B. 295, PN 2485), the Diesel-Powered Motor Vehicle Idling Act, was adopted by the General Assembly on Oct. 7, 2008, and signed by the Governor on Oct. 8, 2008. Act 124 takes effect on February 6, 2009. The new law was adopted when the Department of Environmental Protection was in the process of finalizing regulations restricting diesel engine idling. After the new law was adopted, DEP withdrew its regulations, since the regulations were no longer necessary. The law provides restrictions substantially identical to those proposed by DEP.

Idling Restrictions Apply to School Buses and School Vehicles

The statute prohibits drivers, owners, and facility owners from causing or allowing the engine of a diesel-powered motor vehicle with a GVWR of 10,001 pounds or more to idle more than a total of 5 minutes in any continuous 60-minute period, with certain exceptions. Section 3(a) of the Act states:

“No driver or owner of a diesel-powered motor vehicle with a gross vehicle weight of 10,001 pounds or more engaged in commerce and no owner or operator of the location where the vehicle loads, unloads or parks shall allow the engine of the vehicle to idle for more than five minutes in any continuous 60-minute period.” (emphasis added)

The law specifically governs the operation of school buses. The law provides a limited exception to the 5 minute restriction for school buses and school vehicles under certain conditions:

“(10) When a bus, school bus or school vehicle must idle to provide heating or air conditioning when non-driver passengers are onboard.” (Section 3(c)(10))

The terms “bus,” “school bus,” and “school vehicle” are defined terms in the statute, by incorporating the definitions contained in 75 PA.C.S. §102 (Vehicle Code):

“Bus. (1) A motor vehicle designed to transport 16 or more passengers including the driver; or,

(2) a motor vehicle, other than a taxicab or limousine, designed to transport not more than 15 passengers, including the driver, and used for the transportation of persons for compensation.

The term does not include a vehicle used in a ridesharing arrangement, as defined in the act of December 14, 1982 (P.L. 1211, No. 279), entitled "An act providing for ridesharing arrangements and providing that certain laws shall be inapplicable to ridesharing arrangements," or a school bus.”

A school bus is not considered a “bus”; it is separately defined. The term applies to school buses carrying 11 or more passengers, including the driver.

“School bus. A motor vehicle which:

(1) is designed to carry 11 passengers or more, including the driver; and

(2) is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.

The term does not include a motor vehicle used to transport preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities, which is designed to carry 11 to 15 passengers, including the driver, and which is registered in this Commonwealth as a bus prior to March 1, 1993, or a motor vehicle which is designed to carry 11 to 15 passengers, including the driver, and which was titled to any public, private or parochial school on or before March 1, 1993, and which is registered to that public, private or parochial school in this Commonwealth as a bus prior to September 15, 1993.”

A vehicle carrying fewer than 11 passengers, including the driver, is considered to be a school vehicle.

“School vehicle. A motor vehicle, except a motorcycle, designed for carrying no more than ten passengers, including the driver, and used for the transportation of preprimary, primary or secondary school students while registered by or under contract to a school district or private or parochial school. The term includes vehicles having chartered, group and party rights under the Pennsylvania Public Utility Commission and used for the transportation of school children.”

While some older (pre-1993) school buses are excluded from coverage under the Vehicle Code definition of “school bus” referenced above, it is clear that all other diesel powered school buses and transportation vehicles are regulated by Act 124.

School Bus Idling is Limited, Except in Special Situations

When a bus, school bus, or school vehicle does not have passengers on-board, the general restriction on idling (5 minutes per 60 minute period) applies.

The statute allows two periods of time to idle for the benefit of “non-driver passengers” – 15 minutes when passengers are on board and a longer period when students with special needs are on board:

“For the purposes of this exemption, the bus, school bus or school vehicle may idle for no more than a total of 15 minutes in a continuous 60-minute period, except when idling is necessary to maintain a safe temperature for students with special needs who are transported by a school bus or school vehicle.” (Section 3(c)(10) [emphasis added])

The terms "safe temperature" and "students with special needs" is defined by the law. When DEP was considering this amendment to its proposed regulations, DEP was responding to a public comment that: "An exemption should be allowed for school buses transporting special needs children that may have a pre-existing medical condition that requires specific environmental conditions." Therefore, the common sense meaning indicates that certain students with physical disabilities may require that the bus maintain

a comfortable temperature for them. School districts can adopt policies that define these limited circumstances in more detail.

Diesel Idling Restrictions Also Apply to Facility Owners

The general restriction on idling in Section 3, which applies to drivers and owners of the diesel powered vehicle, also applies to owners and operators of the facility where the idling occurs. Section 3 states that: “no driver or owner of a diesel-powered motor vehicle with a gross vehicle weight of 10,001 pounds or more engaged in commerce and no owner or operator of the location where the vehicle loads, unloads or parks shall allow the engine of the vehicle to idle for more than five minutes in any continuous 60-minute period.” (emphasis added) A school district, as a facility owner or operator of a school, is responsible for idling while diesel powered school bus or school vehicles are on school property.

Section 3(c)(13) provides a specific exemption to the general restriction on idling while queuing off school property:

“When idling by a school bus or school vehicle off school property during queuing for the sequential discharge or pickup of students is necessary because the physical configuration of a school or the school's surrounding streets does not allow for stopping.”

The inclusion of this specific provision indicates that the general idling restriction is meant to apply to diesel powered school buses and school vehicles while they are on school property.

School Districts May Need to Post Signs

Section 8 of the Act requires facility owners to install permanent idling restriction signs:

“An owner or operator of a location where vehicles subject to this act load or unload or a location that provides 15 or more parking spaces for vehicles subject to this act shall erect and maintain a permanent sign to inform drivers that idling is restricted in this commonwealth, as specified in 67 Pa. Code § 212.101(a) and (b) (relating to official signs).” [emphasis added]

A school district will need to assess the number of locations where diesel buses load or unload and the number of parking lots that provide 15 or more parking spaces for diesel powered school buses or school vehicles. A sign must be posted at each of these locations. The Department of Environmental Protection staff has been working with PennDOT to create the design of the official sign and its message. The official sign design (Publication 236 - R7-100) is published by PennDOT at its website (and attached to this memo on page 5).

<ftp://ftp.dot.state.pa.us/public/PubsForms/Publications/PUB%2012.pdf>

The sign must be manufactured by a PennDOT approved sign manufacturer. The following link provides a list of approved manufacturers:

ftp://ftp.dot.state.pa.us/public/pdf/BOCM_MTD_LAB/PUBLICATIONS/PUB_35/Section_1100/SECTION_1103_04_TRAFFIC_DIVISION_APPROVED_SIGN_MANUFACTURERS.pdf

Other Provisions

The statute allows a local government or local air authority with idling regulations prior to Jan. 1, 2007 to continue to enforce its regulations. This provision allows Allegheny County and Philadelphia County to continue to enforce their local idling regulations.

The Diesel-Powered Motor Vehicle Idling Act does not require DEP or PennDOT to adopt additional regulations to implement the law. No additional regulations are planned.

Fines and Penalties

The Department of Environmental Protection has the primary responsibility of enforcing and administering this statute. The statute specifies a summary offense for violation of the Act, with a fine of \$150 to \$300 per violation. A local police officer or a state police officer can also prosecute a summary offense for a violation of the Act. A state police officer's authority under this Act extends to the "use of highways." In addition to the summary offense provision, the Department of Environmental Protection is authorized to assess civil penalties of \$1000 per day for violations.

CAB is providing this explanation of the Diesel-Powered Motor Vehicle Idling Act to help school districts address new responsibilities. A school district should consult with its solicitor for legal advice on implementing the law.

R7-100
NO IDLING SIGN

(a) Justification: The No Idling Sign (R7-100) shall be authorized for use to comply with the requirements of Act 124 of 2008 to erect and maintain a permanent sign informing drivers that idling is restricted.

(b) Size: The 600 mm by 600 mm (24" x 24") size R7-100 should be mounted throughout the parking area at reasonable intervals to be readily visible to vehicles subject to the idling restriction. As an alternative, the 1200 mm by 1200 mm (48" x 48") sign may be prominently erected at all entrances to the parking area so it is readily visible by vehicles subject to the idling restriction.



SIGN SIZE A x B	DIMENSIONS - mm (IN)																MARG- GIN	BOY- DER	BLANK STD.
	C	D	E	F	G	H	I	K	L	M	N	O	P	Q	R	S			
600 x 600 24" x 24"	49 (1.7)	1000 (40)	63B (2.50)	63B (2.50)	63C (2.50)	25C (1.00)	33 (1.3)	46 (1.8)	37 (1.5)	37 (1.5)	58 (2.3)	233 (9.2)	242 (9.5)	222 (8.7)	136 (5.4)	10 (0.4)	6.0 (0.3)	B3-600 (B3-24)	
1200 x 1200 48" x 48"	80 (3.2)	1500 (59)	125B (5B)	125B (5B)	125C (5C)	43C (1.70)	70 (2.8)	85 (3.4)	88 (3.5)	100 (4.0)	103 (4.1)	509 (20.0)	485 (19.1)	460 (18.1)	340 (13.4)	10 (0.4)	15 (0.6)	B3-1200 (B3-48)	

COLOR:

TOP LEGEND:

WHITE (REFLECTORIZED)

BACKGROUND:

BLACK (NON-REFLECTORIZED)

BOTTOM LEGEND:

BLACK (NON-REFLECTORIZED)

BACKGROUND:

WHITE (REFLECTORIZED)

INDENT:

BLACK (NON-REFLECTORIZED)

MARGIN:

WHITE (REFLECTORIZED)

APPROVED FOR THE SECRETARY OF TRANSPORTATION

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