

Texas Administrative Code

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TITLE 30 ENVIRONMENTAL QUALITY

PART 1 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 114 CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES

SUBCHAPTER J OPERATIONAL CONTROLS FOR MOTOR VEHICLES

DIVISION 2 LOCALLY ENFORCED MOTOR VEHICLE IDLING LIMITATIONS

RULE §114.510 Definitions

Unless specifically defined in the Texas Health and Safety Code, Chapter 382 (also known as the Texas Clean Air Act) or in the rules of the commission, the terms used in this subchapter have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms which are defined by Texas Health and Safety Code, Chapter 382; §3.2 of this title (relating to Definitions); §101.1 of this title (relating to Definitions); and §114.1 of this title (relating to Definitions), the following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

(1) Idle--The operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released, and there is no load on the engine.

(2) Local government--A city, county, municipality, or political subdivision of the state.

(3) Motor vehicle--Any self-propelled device powered by an internal combustion engine and designed to operate with four or more wheels in contact with the ground, in or by which a person or property is or may be transported, and is required to be registered under Texas Transportation Code, §502.002, excluding vehicles registered under §502.006(c).

(4) Primary propulsion engine--A gasoline or diesel-fueled internal combustion engine attached to a motor vehicle that provides the power to propel the motor vehicle into motion and maintain motion.

RULE §114.511 Applicability

The provisions of §114.512 and §114.517 of this title (relating to Control Requirements for Motor Vehicle Idling; and Exemptions) are applicable only within the jurisdiction of a local government that has signed a Memorandum of Agreement with the commission to delegate enforcement of the provisions of this division to that local government.

Source Note: The provisions of this §114.511 adopted to be effective December 9, 2004, 29 TexReg 11355

RULE §114.512 Control Requirements for Motor Vehicle Idling

(a) No person shall cause, suffer, allow, or permit the primary propulsion engine of a motor vehicle to idle for more than five consecutive minutes when the motor vehicle, as defined in §114.510 of this title (relating to Definitions), is not in motion during the period of April 1 through October 31 of each calendar year.

(b) No driver using the vehicle's sleeper berth may idle the vehicle: in a residential area as defined by Local Government Code, §244.001, in a school zone, within 1,000 feet of a hospital, or within 1,000 feet of a public school during its hours of operation. An offense under this subsection may be punishable by a fine not to exceed \$500. This subsection expires September 1, 2009.

Source Note: The provisions of this §114.512 adopted to be effective December 9, 2004, 29 TexReg 11355; amended to be effective May 17, 2006, 31 TexReg 3900; amended to be effective February 21, 2008, 33 TexReg 1345

RULE §114.517 Exemptions

The provisions of §114.512 of this title (relating to Control Requirements for Motor Vehicle Idling) do not apply to:

(1) a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less and does not have a sleeper berth;

(2) a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less, after September 1, 2009;

(3) a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;

(4) a motor vehicle being used by the United States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle;

(5) the primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation, other than propulsion, and/or passenger compartment heating, or air conditioning;

(6) the primary propulsion engine of a motor vehicle being operated for maintenance or diagnostic purposes;

(7) the primary propulsion engine of a motor vehicle being operated solely to defrost a windshield;

(8) the primary propulsion engine of a motor vehicle that is being used to supply heat or air conditioning necessary for passenger comfort and safety in vehicles intended for commercial or public passenger transportation, or passenger transit operations, in which case idling up to a maximum of 30 minutes is allowed;

(9) the primary propulsion engine of a motor vehicle being used to provide air conditioning or heating necessary for employee health or safety while the employee is using the vehicle to perform an essential job function related to roadway construction or maintenance;

(10) the primary propulsion engine of a motor vehicle being used as airport ground support equipment;

(11) the owner of a motor vehicle rented or leased to a person that operates the vehicle and is

not employed by the owner; or

(12) a motor vehicle when idling is necessary to power a heater or air conditioner while a driver is using the vehicle's sleeper berth for a government-mandated rest period and is not within two miles of a facility offering external heating and air conditioning connections at a time when those connections are available. This subsection expires September 1, 2009.

Source Note: The provisions of this §114.517 adopted to be effective December 9, 2004, 29 TexReg 11355; amended to be effective May 17, 2006, 31 TexReg 3900; amended to be effective February 21, 2008, 33 TexReg 1345