

## ATTACHMENT 1

### PROPOSED MODIFICATIONS TO THE ORIGINAL PROPOSED REGULATION ORDER

Amend the following sections of Title 13, California Code of Regulations, to read as set forth in the following pages:

§ 1956.8	Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Year Heavy-Duty Engines and Vehicles
§ 2404	Emission Control Labels and Consumer Information – 1995 and Later Small Off-Road Engines
§ 2424	Emission Control Labels – 1996 and Later Off-Road Compression-Ignition Engines
§ 2425	Defects Warranty Requirements for 1996 and Later Off-Road Compression-Ignition Engines
§ 2485	Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling

- Notes:
- a) Paragraphs within the section that are not proposed for amendment in this rulemaking are indicated by "[No Change.]".
  - b) The proposed regulatory amendments as noticed in the 45-day comment period are shown in underline to indicate additions to the text and ~~strikeout~~ to indicate deletions.
  - c) Modifications approved by the Board at the October 20, 2006 hearing, and conforming modifications developed by staff subsequent to the hearing, are shown in double underlined text to indicate additions and ~~double-strikeout~~ to indicate deletions. Headings are shown in italics so they will be published in a distinctive font in Barclays California Code of Regulations. Some subsection numbering has been changed to reflect the conventions used in Barclays.

Amend Title 13, California Code of Regulations, § 1956.8, to read:

**§ 1956.8. Exhaust Emissions Standards and Test Procedures - 1985 and Subsequent Model Heavy-Duty Engines and Vehicles.**

(a)(1) [No Change.]

(a)(2)(A) The exhaust emissions from new 2004 and subsequent model heavy-duty diesel engines, heavy-duty natural gas-fueled and liquefied-petroleum-gas-fueled engines derived from diesel-cycle engines, and heavy-duty methanol-fueled diesel engines, and the optional, reduced-emission standards for 2002 and subsequent model engines produced beginning October 1, 2002, except in all cases engines used in medium-duty vehicles, shall not exceed:

Exhaust Emission Standards for 2004 and Subsequent Model Heavy-Duty Engines, and Optional, Reduced Emission Standards for 2002 and Subsequent Model Heavy-Duty Engines Produced Beginning October 1, 2002, Other than Urban Bus Engines  
(grams per brake horsepower-hour [g/bhp-hr])

<i>Model Year</i>	<i>Oxides of Nitrogen Plus Non-methane Hydrocarbons</i>	<i>Optional Oxides of Nitrogen Plus Non-methane Hydrocarbons</i>	<i>Oxides of Nitrogen</i>	<i>Non-methane Hydrocarbons</i>	<i>Carbon Monoxide</i>	<i>Particulates</i>
2004-2006 <sup>H</sup>	2.4 <sup>A,C,E,J</sup>	2.5 <sup>B,C,E,J</sup>	n/a	n/a	15.5	0.10 <sup>C</sup>
October 1, 2002 – 2006	n/a	1.8 to 0.3 <sup>A,D,F</sup>	n/a	n/a	15.5	0.03 to 0.01 <sup>G</sup>
2007 and subsequent	n/a	n/a	0.2 <sup>I</sup>	0.14	15.5	0.01 <sup>K</sup>

- <sup>A</sup> This is the standard for the arithmetic sum of the oxides of nitrogen exhaust component certification value and the non-methane hydrocarbon exhaust component certification value, without individual restriction on the individual component values.
- <sup>B</sup> This is the standard for the arithmetic sum of the oxides of nitrogen exhaust component certification value and the non-methane hydrocarbon exhaust component certification value, with the non-methane hydrocarbon individual component value not to exceed 0.5 g/bhp-hr.
- <sup>C</sup> For 2004 through 2006 model years, emissions averaging may be used to meet this standard. Averaging must be based on the requirements of the averaging, banking and trading programs described in “California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles” incorporated by reference in section 1956.8 (b), below.
- <sup>D</sup> A manufacturer may elect to certify to an optional reduced-emission NOx+NMHC standard between the values, inclusive, by 0.3 grams per brake horsepower-hour increments. Engines certified to any of these optional reduced-emission NOx standards are not eligible for participation in any averaging, banking or trading programs described in “California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles” incorporated by reference in section 1956.8 (b), below.
- <sup>E</sup> May be used as the certification standard for the higher emitting fueling mode of an engine certified under the dual fueling mode certification process of section 1956.8 (a)(4), below.

- <sup>F</sup> May be used as the certification standard for the lower emitting fueling mode of an engine certified under the dual fueling mode certification process of section 1956.8 (a)(4), below.
- <sup>G</sup> A manufacturer may elect to certify to an optional reduced-emission PM standard between the specified values, inclusive, by 0.01 grams per brake horsepower-hour increments. Engines certified to any of these optional reduced-emission PM standards are not eligible for participation in any averaging, banking or trading programs described in "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles" incorporated by reference in section 1956.8 (b), below.
- <sup>H</sup> Engine manufacturers subject to the Heavy-Duty Diesel Engine Settlement Agreements (Settlement Agreements)<sup>1</sup> must produce engines in compliance with the requirements contained in their respective Settlement Agreement. Most engine manufacturers subject to the Settlement Agreements are required to manufacture engines meeting the exhaust emission standards for 2004 and subsequent model years engines beginning October 1, 2002.
- <sup>I</sup> A manufacturer may elect to include any or all of its heavy-duty diesel engine families in any or all of the NOx emissions averaging, banking, or trading programs for heavy-duty diesel engines, within the restrictions described in "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles" incorporated in section 1956.8 (b), below. If the manufacturer elects to include engine families in any of these programs, the NOx family emission limit (FEL) may not exceed the following FEL caps: 2.00 grams per brake horsepower-hour (0.75 grams per megajoule) for model years before 2010; 0.50 grams per brake horsepower-hour (0.19 grams per megajoule) for model years 2010 and later. The FEL cap applies whether credits for the engine family are derived from averaging, banking, or trading programs.
- <sup>J</sup> For 2007 through 2009 model years, a manufacturer may use these emission standards in accordance with section 1956.8 (a)(2)(B). A manufacturer may elect to include any or all of its heavy-duty diesel engine families in any or all of the NOx plus NMHC emissions averaging, banking, or trading programs for heavy-duty diesel engines, within the restrictions described in "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles" incorporated in section 1956.8 (b), below. If the manufacturer elects to include engine families in any of these programs, the NOx family emission limit (FEL) may not exceed the following FEL caps: 2.00 grams per brake horsepower-hour (0.75 grams per megajoule) for model years. The FEL cap applies whether credits for the engine family are derived from averaging, banking, or trading programs.
- <sup>K</sup> A manufacturer may elect to include any or all of its heavy-duty diesel engine families in any or all of the particulate averaging, banking, or trading programs for heavy-duty diesel engines, within the restrictions described in "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles" incorporated by reference in section 1956.8 (b), below. The particulate FEL for each engine family a manufacturer elects to include in any of these programs may not exceed an FEL cap of 0.02 grams per brake horsepower-hour (0.0075 grams per megajoule). The FEL cap applies whether credits for the engine family are derived from averaging, banking, or trading programs.

(a)(2)(B) through (5) [No Change.]

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<sup>1</sup> Seven of the largest heavy-duty diesel engine manufacturers will be implementing measures to reduce emissions beginning October 1, 2002, to meet the requirements of the Heavy-Duty Diesel Engine Settlement Agreements reached with the ARB. The Heavy-Duty Diesel Engine Settlements were agreements reached in response to lawsuits brought by the United States Environmental Protection Agency and violations alleged by the ARB pertaining to excess in-use emissions caused by the use of defeat devices and unacceptable algorithms. Navistar signed its Settlement Agreement on October 22, 1998. Cummins, Detroit Diesel Corporation, Caterpillar, Volvo, Mack and Renault signed their Settlement Agreements on December 15, 1998.

(a)(6) Heavy-Duty Diesel Engine Idling Requirements.

(A) Engine Shutdown System. The requirements in this subsection apply to engine manufacturers and original equipment manufacturers, as applicable, that are responsible for the design and control of engine and/or vehicle idle controls.

(i) 1. Requirements. Except as provided in subsections (a)(6)(B) and (a)(6)(C), all new 2008 and subsequent model-year heavy-duty diesel engines shall be equipped with an engine shutdown system that automatically shuts down the engine after 300 seconds of continuous idling operation once the vehicle is stopped, the transmission is set to “neutral” or “park”, and the parking brake is engaged. If the parking brake is not engaged, then the engine shutdown system shall shut down the engine after 900 seconds of continuous idling operation once the vehicle is stopped and the transmission is set to “neutral” or “park.” The engine shutdown system must be tamper-resistant and non-programmable. A warning signal, such as a light or sound indicator inside the vehicle cabin, may be used to alert the driver 30 seconds prior to engine shutdown. The engine shutdown system must be capable of allowing the driver to reset the engine shutdown system timer by momentarily changing the position of the accelerator, brake, or clutch pedal, or other mechanism within 30 seconds prior to engine shutdown. Once reset, the engine shutdown system shall restart the engine shutdown sequence described in this paragraph above, and shall continue to do so until the engine shuts down or the vehicle is driven.

(ii) 2. Engine Shutdown System Override. The engine shutdown system may be overridden, to allow the engine to run continuously at idle, only under the following conditions:

(i) a. If the engine is operating in power take-off (PTO) mode. The PTO system shall have a switch or a setting that can be switched “on” to override the engine shutdown system and will reset to the “off” position when the vehicle’s engine is turned off or when the PTO equipment is turned off. ~~In addition, the PTO switch or setting shall be designed so that if it fails it will fail in the “off” position.~~ Subject to advance Executive Officer approval, other methods for detecting or activating PTO operation may be allowed; or,

(ii) b. if the vehicle’s engine coolant temperature is below 60°F. The engine shutdown system shall automatically be activated once the coolant temperature reaches 60°F or above. The engine coolant temperature shall be measured with the engine’s existing engine coolant temperature sensor used for engine protection, if so equipped. Other methods of measuring engine coolant temperature may be allowed, subject to advance Executive Officer approval.

c. if an exhaust emission control device is regenerating, and keeping the engine running is necessary to prevent aftertreatment or engine damage, the engine shutdown system may be overridden for the duration necessary to complete the regeneration process up to a maximum of 30 minutes. Determination of what constitutes the need for regeneration will be based on data provided by the manufacturer at time of certification. Regeneration events that

may require longer than 30 minutes of engine idling to complete shall require advance Executive Officer approval. At the end of the regeneration process, the engine shutdown system shall automatically be enabled to restart the engine shutdown sequence described in subparagraph (a)(6)(A)1. above. A vehicle that uses a regeneration strategy under engine idling operating conditions shall be equipped with a dashboard indicator light that, when illuminated, indicates that the exhaust emission control device is regenerating. Other methods of indicating that the exhaust emission control device is regenerating may be used with advance Executive Officer approval.

d. if servicing or maintenance of the engine requires extended idling operation. The engine's electronic control module may be set to temporarily deactivate the engine shutdown system for up to a maximum of 60 minutes. The deactivation of the engine shutdown system shall only be performed with the use of a diagnostic scan tool. At the end of the set deactivation period, the engine's electronic control module shall reset to restart the engine shutdown system sequence described in subparagraph (a)(6)(A)1. above.

(B) Exempt Vehicles. Heavy-duty diesel engines to be used in buses as defined in California Vehicle Code §§ sections 233, 612 and 642, school buses as defined in California Vehicle Code § section 545, and recreational vehicles as defined in Health and Safety Code 18010, medium duty vehicles as defined in section 1900(b)(13) of title 13, California Code of Regulations, military tactical vehicles as defined in section 1905 of title 13, California Code of Regulations, and authorized emergency vehicles as defined in California Vehicle Code section 165 are exempted from these requirements.

(C) Optional NOx idling emission standard. In lieu of the engine shutdown system requirements specified in subsection (a)(6)(A) above, an engine manufacturer may elect to certify its new 2008 and subsequent model-year heavy-duty diesel engines to an optional NOx idling emission standard of 30 grams per hour, without increasing emissions of CO, PM, or ROG. Compliance with this optional standard will be determined based on testing conducted pursuant to the supplemental-steady-state NOx idling test cycle and procedures specified in section 86.1360-2007.B.4 of the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," adopted December 12, 2002, as last amended (amendment date), which is as incorporated by reference herein in subsection (b). The manufacturer may request an alternative test procedure if the technology used cannot be demonstrated using the procedures in section 86.1360-2007.B.4, subject to advance approval of the Executive Officer. A manufacturer certifying to the optional NOx idling standard must not increase emissions of CO, PM, or ROG, determined by comparing results from the supplemental NOx idling test cycle and procedures specified in section 86.1360-2007.B.4 of the referenced "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles" to emission results from the idle mode of the supplemental steady state test cycle and/or emission results from idle portions of the transient test cycle for

heavy duty diesel engines, respectively specified in sections 86-1360-2007 and 86.1327-98 of the referenced "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles." With advance Executive Officer approval, a manufacturer may use other methods of ensuring that emissions of CO, PM, and ROG are not adversely affected in meeting the optional NOx requirement. Also, manufacturers shall state in their application for certification that meeting the optional NOx idling requirement will not adversely affect the associated emissions of CO, PM and ROG.

An engine manufacturer certifying its engine to the optional NOx idling emission standard must also produce a vehicle label, as defined in subsection 35.B.4 of the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," adopted December 12, 2002, as last amended (~~amendment date~~), which is as incorporated by reference in subsection (b).

(D) *Optional Alternatives to Main Engine Idling.* All new 2008 and subsequent model year heavy duty diesel engines may also be equipped with idling emission reduction devices that comply with the compliance requirements specified in title 13, CCR, section 2485(c)(3).

(b) The test procedures for determining compliance with standards applicable to 1985 and subsequent model heavy-duty diesel engines and vehicles and the requirements for participating in the averaging, banking and trading programs, are set forth in the "California Exhaust Emission Standards and Test Procedures for 1985 Through 2003 Model Heavy-Duty Diesel Engines and Vehicles," adopted April 8, 1985, as last amended December 12, 2002, the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," adopted December 12, 2002, as last amended (**insert amendment date**), and the "California Interim Certification Procedures for 2004 and Subsequent Model Hybrid-Electric Vehicles, in the Urban Bus and Heavy-Duty Vehicle Classes," adopted October 24, 2002, which are incorporated by reference herein.

~~(b)~~ through (h) [No Change.]

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102, 43104 and 43105, Health and Safety Code; Sections 27156, 38390, 38391 and 38395, Vehicle Code. Reference: Sections 39002, 39003, 39500, 43000, 43013, 43017, 43018, 43100, 43101, 43101.5, 43102, 43104, 43106, 43150-43154, 43202, 43204, 43205.5, 43206, 43210, 43211, 43212 and 43213, Health and Safety Code.

Amend Title 13, California Code of Regulations, § 2404, to read:

**§ 2404. Emission Control Labels and Consumer Information – 1995 and Later Small Off-Road Engines.**

(a) *Purpose.* The Air Resources Board recognizes that certain emissions-critical or emissions-related parts must be properly identified and maintained in order for engines to meet the applicable emission standards. In addition, the Board recognizes that information regarding engines' emissions levels may influence consumer choice. These specifications require engine or equipment manufacturers to affix a label (or labels) on each production engine (or equipment, as applicable) to provide the engine or equipment owner and service mechanic with information necessary for the proper maintenance of these parts in customer use. These specifications further require engine or equipment manufacturers to make information regarding relative emissions levels available to potential ultimate purchasers. For engines used in auxiliary power systems which, in turn, are used to comply with the diesel-fueled commercial vehicle idling requirements of title 13, CCR, section 2485(c)(3)(A), additional labeling requirements for the engine or equipment manufacturers apply, as set forth in section 35.B.4 of the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," adopted December 12, 2002, as last amended (amendment date), which is as incorporated by reference herein in title 13, CCR, section 1956.8(b).

(b) through (k) [No Change.]

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.

Amend Title 13, California Code of Regulations, § 2424, to read:

**§ 2424. Emission Control Labels — 1996 and Later Off-Road Compression-Ignition Engines.**

(a) *Purpose.* The Air Resources Board recognizes that certain emissions-critical or emissions-related parts must be properly identified and maintained in order for engines to meet the applicable emission standards. The purpose of these specifications is to require engine manufacturers to affix a label (or labels) on each production engine (or equipment) to provide the engine or equipment owner and service mechanic with information necessary for the proper maintenance of these parts in customer use. For engines used in auxiliary power systems which, in turn, are used to comply with the diesel-fueled commercial vehicle idling requirements of title 13, CCR, section 2485(c)(3)(A), additional labeling requirements for the engine or equipment manufacturers apply, as set forth in section 35.B.4 of the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," adopted December 12, 2002, as last amended (amendment date), which is as incorporated by reference herein in title 13, CCR, section 1956.8(b).

(b) through (k) [No Change.]

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104 and 43105, Health and Safety Code.

Amend Title 13, California Code of Regulations, § 2425, to read:

**§ 2425. Defects Warranty Requirements for 1996 and Later Off-Road Compression-Ignition Engines.**

(a) through (d) [No Change.]

(e) Each manufacturer shall furnish with each new engine written instructions for the maintenance and use of the engine by the owner. The instructions shall be consistent with this article and applicable regulations contained herein. In addition, for engines less than 19 kilowatts, each manufacturer shall furnish with each new engine a written statement as follows: “In order to operate in California, a diesel-fueled engine in an auxiliary power system used to comply with the Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling requirements of the California Code of Regulations, must have one of the following apply: (1) be equipped with a verified Level 3 in-use strategy for particulate matter control, (2) have its exhaust routed directly into the vehicle’s exhaust pipe, upstream of the diesel particulate matter aftertreatment device, or (3) use an alternate particulate matter control strategy with prior Executive Officer approval. (For more details, please see the California Code of Regulations, title 13, ~~CCR~~, section 2485(c)(3)(A).)”

(f) through (g) [No Change.]

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102, 43104 and 43105, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102 and 43205.5, Health and Safety Code.

Amend Title 13, California Code of Regulations, § 2485, to read:

**§ 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.**

- (a) *Purpose.* The purpose of this airborne toxic control measure is to reduce public exposure to diesel particulate matter and other air contaminants by limiting the idling of diesel-fueled commercial motor vehicles.
- (b) *Applicability.* This section applies to diesel-fueled commercial motor vehicles that operate in the State of California with gross vehicular weight ratings of greater than 10,000 pounds that are or must be licensed for operation on highways. This specifically includes:
  - (1) California-based vehicles; and
  - (2) Non-California-based vehicles.
- (c) *Requirements.*

(1) Idling Restriction.

On or after February 1, 2005, the driver of any vehicle subject to this section shall comply with the following requirements, except as noted in subsection (d) below:

- ~~(4A)~~ the driver shall not idle the vehicle's primary diesel engine for greater than 5.0 minutes at any location, ~~except as noted in subsection (d); and~~
- ~~(2B)~~ the driver shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, ~~except as noted in Subsection (d).~~

(2) Use of Alternative Technologies.

(A) On or after January 1, 2008, the driver shall not operate an internal combustion APS on any vehicle equipped with a 2007 and subsequent model year primary diesel engine unless the vehicle is:

- (1) equipped with an APS meeting the emissions performance requirements found in subsection (c)(3)(A), below; and

(2) the vehicle is equipped with a label meeting the requirements pursuant to section 35.B.4 of the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," adopted December 12, 2002, as last amended (amendment date), which is as incorporated by reference herein in title 13, CCR, section 1956.8(b).

(B) On or after January 1, 2008, the driver shall not operate a fuel-fired heater on any vehicle equipped with a 2007 and subsequent model year primary diesel engine unless the fuel-fired heater meets the emissions performance requirements found in subsection (c)(3)(B), below;

(C) On or after January 1, 2008, the driver of a vehicle equipped with a 2006 or older model year primary diesel engine may use and operate in California any certified internal combustion APS with or without the additional PM control specified in subsection (c)(3)(A)(~~4~~)1, or any other certified alternative idling reduction technology.

(3) Compliance Requirements. As an alternative to idling the primary engine, diesel engines/vehicles may, as an option, be equipped with alternative technologies, as listed and defined below in (A), (B), and (C) of this subsection. If so equipped, these technologies are subject to the following requirements:

(A) Internal Combustion APS.

(~~4~~)1. In order to operate in California, an APS utilizing an internal combustion engine must comply with applicable California off-road and/or federal non-road emission standards and test procedures for its fuel type and power category. In addition, diesel-fueled APSs installed on vehicles equipped with primary engines certified to the 2007 and subsequent model year heavy-duty diesel engine standards, pursuant to section 1956.8(a)(2)(A) of title 13, CCR, shall either,

(~~i~~)a. be equipped with a verified Level 3 in-use strategy for particulate matter control (see title 13, CCR, sections 2700 to 2710), or

(~~ii~~)b. have its exhaust routed directly into the vehicle's exhaust pipe, upstream of the diesel particulate matter aftertreatment device.

(2)2. With advance Executive Officer approval, a certifying/verifying APS manufacturer may petition for an alternate compliance strategy other than described in (A)(1)(i)1.a. or (ii)b. in this subsection above. However, this provision is limited to manufacturers that can demonstrate, to the satisfaction of the Executive Officer, that their alternative strategy is equivalent (or “cleaner”), from an emissions standpoint, compared to the requirement described in (A)(1)(i)1.a. or (ii)b. in this subsection above. As an example, strategies that can use the available electric power infrastructure, instead of solely operating a diesel-fueled APS for engine and/or cab heating and cooling, may be able to use such a strategy to demonstrate compliance with these requirements.

(B) *Fuel-Fired Heaters.* Fuel-fired heaters must comply with the applicable California emission standards and test procedures as specified in the Low Emission Vehicle program requirements found in title 13, CCR, subsections 1961(a)(15) and (d), or in Part I.E.1.13 of the “California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles,” adopted August 5, 1999, as last amended May 28, 2004 incorporated by reference in title 13, CCR, section 1961(d). However, the specified requirement that limits fuel-fired heaters from being operated above 40°F does not apply.

(C) *Other Idle Reduction Technologies.* Other technologies that will reduce idling emissions may also be used, including the use of batteries, fuel cells, power inverter/chargers for on-shore electrical power, on-shore electric power infrastructure also known as truck stop electrification, and other technologies that produce minimal or no emissions. With the exception of battery and fuel cell powered APSs, power inverter/chargers, and electric power infrastructure, the use of other technologies are subject to advance Executive Officer approval and must be at least as effective in reducing idling emissions as the technologies described in subsections (c)(3)(A), above, or the NOx idling emission standard specified in title 13, CCR, section 1956.8(a)(6)(C). The Executive Officer shall use good engineering judgment and test data to determine if an idle reduction technology provides idling emission controls equivalent to the standards specified in subsection (c)(3)(A) above, or in title 13, CCR, subsection 1956.8(a)(6)(C).

(D) *Labeling Requirements.* 2007 and subsequent model year commercial diesel vehicles equipped with an internal combustion APS meeting the requirements specified in subsection (c)(3)(A) shall have a label affixed to the hood of the vehicle to allow operation of the APS in California. The labels shall meet the requirements specified in section 35.B.4 of

the “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles,” adopted December 12, 2002, as last amended (~~amendment date~~), which is as incorporated by reference herein in title 13, CCR, section 1956.8(b).

(d) *Exceptions.*

(1) Except when a vehicle is located within 100 feet of a restricted area, subsection (c)(1)(A) does not apply, if the vehicle is equipped with

(A) a primary diesel engine meeting the optional NOx idling emission standard pursuant to title 13, CCR, section 1956.8(a)(6)(C); and

(B) a label meeting the requirements pursuant to section 35.B.4 of the “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles,” adopted December 12, 2002, as last amended (~~amendment date~~), which is as incorporated by reference herein in title 13, CCR, section 1956.8(b).

(2) Subsection (c)(1) does not apply for the period or periods during which

(4A) a bus is idling for

(A1) up to 10.0 minutes prior to passenger boarding, or

(B2) when passengers are onboard;

(2B) prior to January 1, 2008, idling of the primary diesel engine is necessary to power a heater, air conditioner, or any ancillary equipment during sleeping or resting in a sleeper berth. This provision does not apply when operating within 100 feet of a restricted area;

(3C) idling when the vehicle must remain motionless due to traffic conditions, an official traffic control device, or an official traffic control signal over which the driver has no control, or at the direction of a peace officer, or operating a diesel-fueled APS or other device at the direction of a peace officer;

(4D) idling when the vehicle is queuing that at all times is beyond 100 feet from any restricted area;

(5E) idling of the primary diesel engine, ~~or operating a diesel-fueled APS, or operating other devices~~ when forced to remain motionless due to immediate adverse weather conditions affecting the safe

operation of the vehicle or due to mechanical difficulties over which the driver has no control;

- (6F) idling to verify that the vehicle is in safe operating condition as required by law and that all equipment is in good working order, either as part of a daily vehicle inspection or as otherwise needed, provided that such engine idling is mandatory for such verification;
- (7G) idling of the primary diesel engine, ~~or~~ operating a diesel-fueled APS, or operating other devices is mandatory for testing, servicing, repairing, or diagnostic purposes, including regeneration or maintenance of the exhaust emission control device during engine idling when the dashboard indicator light, if so equipped, is illuminated indicating that regeneration or maintenance is in progress;
- (8H) idling when positioning or providing a power source for equipment or operations, other than transporting passengers or propulsion, which involve a power take off or equivalent mechanism and is powered by the primary engine for:
  - (A1) ~~controlling~~ cargo temperature, operating a lift, crane, pump, drill, hoist, mixer (such as a ready mix concrete truck), or other auxiliary equipment;
  - (B2) ~~providing~~ mechanical extension to perform work functions for which the vehicle was designed and where substitute alternate means to idling are not reasonably available; or
  - (C3) ~~collection~~ of solid waste or recyclable material by an entity authorized by contract, license, or permit by a school or local government;
- (9I) idling of the primary diesel engine, ~~or~~ operating a diesel-fueled APS, or operating other devices when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;
- (10J) idling of the primary diesel engine, ~~or~~ operating a diesel-fueled APS, or operating other devices by authorized emergency vehicles while in the course of providing services for which the vehicle is designed;
- (11K) idling of military tactical vehicles during periods of training, testing, and deployment; and
- (12L) idling when operating equipment such as a wheelchair or people assist lift as prescribed by the Americans with Disabilities Act;

(e) *Relationship to Other Law.*

Nothing in this section allows idling in violation of other applicable law, including, but not limited to:

- (1) California Vehicle Code Section 22515;
- (2) Title 13, Section 2480, California Code of Regulations;
- (3) California Health and Safety Code Section 40720; or
- (4) any applicable ordinance, rule, or requirement as stringent as, or more stringent than, this section.

(f) *Enforcement.* This section may be enforced by the Air Resources Board; peace officers as defined in California Penal Code, title 3, chapter 4.5, Sections 830 et seq. and their respective law enforcement agencies' authorized representatives; and air pollution control or air quality management districts.

(g) *Penalties.* For violations of subsection (c)(1), (c)(2) or ~~(c)(23)~~, the driver of a subject vehicle is subject to a minimum civil penalty of 100 dollars and to criminal penalties as specified in the Health and Safety Code and the Vehicle Code.

(h) *Definitions.*

The following definitions apply to this section:

- (1) "Authorized emergency vehicle" is as defined in Vehicle Code Section 165.
- (2) "Auxiliary power system" or "APS" means any device that is permanently dedicated to the vehicle on which it is installed and provides electrical, mechanical, or thermal energy to the primary diesel engine, truck cab, and/or sleeper berth, bus's passenger compartment or any other commercial vehicle's cab, as an alternative to idling the primary diesel engine.
- (3) "Bus" means any vehicle defined in Title 13, California Code of Regulations, Section 2480, subsections (h) (13)-(16), inclusive or as defined in the Vehicle Code Section 233.
- (4) "Commercial Motor Vehicle" means any vehicle or combination of vehicles defined in Vehicle Code Section 15210(b) and any other motor truck or bus with a gross vehicle weight rating of 10,001 pounds or more, except the following:

- (A) a zero emission vehicle; or
  - (B) a pickup truck as defined in Vehicle Code Section 471.
- (5) "Driver" is as defined in Vehicle Code Section 305.
- (6) "Fuel-fired heater" means a fuel burning device that creates heat for the purpose of (1) warming the cab or sleeper berth compartment of a vehicle or (2) warming the engine oil and/or coolant for easy start-up of the vehicle's engine but does not contribute to the propulsion of the vehicle.
- (~~6~~7) "Gross vehicle weight rating" is as defined in Vehicle Code Section 350.
- (~~7~~8) "Highway" is as defined in Vehicle Code Section 360.
- (~~8~~9) "Idling" means the vehicle engine is running at any location while the vehicle is stationary.
- (~~9~~10) "Motor truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.
- (~~40~~11) "Official traffic control device" is as defined in Vehicle Code Section 440.
- (~~41~~12) "Official traffic control signal" is as defined in Vehicle Code Section 445.
- (~~42~~13) "Owner" is as defined in Vehicle Code Section 460.
- (~~43~~14) "Primary diesel engine" means the diesel-fueled engine used for vehicle propulsion.
- (~~44~~15) "Queuing" means (A) through (C)
- (A) the intermittent starting and stopping of a vehicle;
  - (B) while the driver, in the normal course of doing business, is waiting to perform work or a service; and
  - (C) when shutting the vehicle engine off would impede the progress of the queue and is not practicable.
  - (D) Queuing does not include the time a driver may wait motionless in line in anticipation of the start of a workday or opening of a location where work or a service will be performed.
- (~~45~~16) "Restricted area" means any real property zoned for individual or multifamily housing units that has one or more of such units on it.
- (~~46~~17) "Safety or health emergency" means:
- (A) a sudden, urgent, or usually unforeseen, occurrence; or
  - (B) a foreseeable occurrence relative to a medical or physiological condition.

(~~17~~18) "Sleeper berth" is as defined in Title 13, California Code of Regulations, Section 1265.

(~~18~~19) "Vehicle" is as defined in the Vehicle Code Section 670.

Authority: Sections 39600, 39601, 39614(b)(6)(A), 39658, 39667, 43000.5(d), 43013(b), 43013(h), 43018(b), and 43018(c), Health and Safety Code; and Western Oil & Gas Assn. v. Orange County Air Pollution Control Dist. (1975) [14 Cal.3d.411].

Reference: Sections 39002, 39003, 39027, 39500, 39600, 39650, 39655, 39656, 39657, 39658, 39659, 39662, 39665, 39674, 39675, 42400, 42400.1, 42400.2, 42400.3, 42402, 42402.1, 42402.2, 42402.3, 42403.5, 42410, 43013, 43018, Health and Safety Code; Sections 305, 336, 350, 440, 445, 545, 546, 642, 680, 21400, 22452, 22515, 27153, 40001, 40001(b)(5), Vehicle Code; and Sections 1201, 1900, 1962, 2480, Title 13, California Code of Regulations.