

Written Idling Policy Now Required

(Adapted from SCCA Magazine, November/December 2008)

Avoid hefty fines: train your operators, post the idling limits in the machine's cab and write a formal idling company policy, by March 1, 2009.

As of March 1, 2009, medium and large fleets must have a formal written idling policy.

This written policy **must be dated March 1, 2009 or before**. It should be distributed to operators of off-road vehicles, informing them idling is limited to five consecutive minutes, with specific exemptions. You should also keep a copy of the policy in your CARB file in your office and we recommend that you provide it to all field supervisors as a part of their field manual.

The fine for not having a written policy can be \$1000 per day from March 1, 2009, to the date CARB or local air district enforcement personnel discovered the fleet did not have a written idling policy, **so make sure your policy is completed and dated by March 1, 2009.**

While small fleets (<2,500 combined off-road diesel horsepower) are exempt from this requirement, we recommend that small fleet operators also comply with this regulation to avoid unnecessary enforcement activity.

CARB recommends use of the following language in the written policy, although it should “be adapted to the needs” of individual fleet requirements:

“No vehicle or engine subject to the in-use off-road diesel regulation may idle for more than five consecutive minutes with certain specific exemptions. The idling limits took effect on June 15, 2008, the day the off-road diesel regulation became effective under California law. Please contact (insert company contact name) at (insert contact's phone number) for more information if this policy is unclear or you have additional questions.”

Information should be included that explains when it is acceptable to exceed the idling limit, such as when waiting in line; during concrete agitation, lifting a load or fuel-pump operation; to keep equipment (including windows) clear of ice and snow; or to provide air conditioning or heat to ensure the health and safety of the operator. The list should also inform operators that they can idle more than five minutes if necessary to test or repair a vehicle or to warm up a vehicle to operating temperature when specified by the manufacturer

Although not required by the regulation, CARB “encourages” contractors to display the idling restriction prominently in the vehicle using a sticker or placard so operators are reminded of the policy while in the field.

Specific exemptions to the idling ban, from the regulation, include:

- Idling when necessary to complete a function of the vehicle (e.g. concrete agitation or to supply hydraulic power to a crane or fuel pump)
- Idling while servicing, testing or performing maintenance, including idling to regenerate exhaust filters that require the engine to be idled periodically to burn off solids collected in the filter
- Idling when required to warm a vehicle to operating temperatures, as specified by the equipment manufacturer
- Idling while queuing, such as when a line of off-road trucks forms to receive materials from an excavator.

However, according to CARB, queuing does not include time a vehicle spends waiting for materials or waiting for another vehicle to perform a function, such as when a scraper waits for a truck to deliver soil to complete a fill.

CARB enforcement personnel do have the discretion to make exceptions when idling is necessary to provide heating or air conditioning to ensure the health and safety of the machine operator. You should include this in your written policy as well.

Contractors and other companies that believe the idling limits prevent them from accomplishing work or create a safety concern can apply for a waiver by writing to CARB, detailing the circumstances and explaining why the waiver should be granted. Send the request to: James Goldstene, Executive Officer, California Air Resources Board, P.O. Box 2815, Sacramento, Calif. 95812, with a copy to Kim Heroy-Rogalski, Manager Off-Road Implementation Section at the same address. CARB says it will reply to requests with its decision on whether the waiver is granted or not.

In addition, CARB recommends fleets **develop and document** procedures that will:

- Train your staff on the idling policy
- Identify individual operator's needs, such as language or reading difficulty, and provide the instructions in a form that these operators can understand
- Update the written idling policy, as required
- Create signs/stickers for the machines and for the office that inform operators of the idling limits
- Outline corrective actions that will be taken against an operator by the employer, for violation of the idling policy

For more information about off-road diesel vehicle regulations, visit www.arb.ca.gov/msprog/ordiesel/ordiesel.htm or see the September/October 2008 issue of *SCCA Magazine*. Questions on enforcement should be directed to Tajinder Gill at (626) 459-4304 or tgill@arb.ca.gov.

Enforcement expectations

CARB adopted a regulation for in-use off-road diesel vehicles (see the September/October issue of *SCCA* for compliance details) June 15, 2008. The regulation also restricts idling of off-road self-propelled diesel-fueled vehicles rated at 25 hp or more to no more than five minutes.

After presenting proper credentials, CARB enforcement personnel can enter any area where off-road vehicles are located—construction sites, quarries, etc.—to determine if all machines are in compliance. If an off-road vehicle is observed idling more than five minutes, enforcement officials will contact the operator and supervisor to ask why. **If the reason given does not fall under one of the exemptions in the regulation, a violation will be issued.** The first violation will cost \$300, with subsequent violations jumping to \$1,000 to \$10,000. In addition, penalties can be assessed daily for each idling vehicle found to be in violation.

Paul Jacobs, chief of enforcement with CARB says the agency “will cite violators of the five-minute idling restrictions by taking swift enforcement action and seek maximum penalties.”

While the maximum regulatory penalty under CARB's civil procedures is \$10,000 per day per machine, if they believe the company has criminal intent fines can be \$40,000 per day and be accompanied by jail time.

Unless a vehicle is a rental unit, the vehicle owner is held accountable for all idling violations and fines, regardless of who was operating the vehicle at the time. If the owner of a rented or leased vehicle supplied the operator as part of the rental, the owner is still responsible for any idling violations.

The exception to owner liability is when a rented or leased vehicle is operated by the renter or lessee or an employee of the renter or lessee. In that case, responsibility lies with the renter or lessee. However, the owner of the rented or leased vehicles must indicate that the renter is responsible for complying with the idling limits in a signed rental agreement. Rental agencies are not required to supply a written idling policy to renters.

CARB is encouraging construction equipment operators, drivers and the general public to report idling restriction violations by calling (800) 363-7664 or completing an on-line form at www.arb.ca.gov/enf/complaints/icv.htm .