



New Jersey

Council On Special Transportation

P.O. Box 184, Manville, NJ 08835

September 26, 2005

Dear COST Members,

Last month, representatives from the NJ Council on Special Transportation's Executive Committee, met with representatives of the NJ Department of Environmental Protection to discuss the issue of diesel engine idling. *N.J.A.C. 7:27-14 requires that diesel powered vehicles idle for no more than 3 minutes.*

This issue was brought to COST's attention last year when one of our member agencies received a citation and another received a warning.

Calls were immediately made to the NJDEP who expeditiously sent a memorandum (see attached) "Interpretation of Idling Regulations" to county health officers, environmental coordinators and NJDEP Air Program Staff. The interpretation affecting paratransit and community transportation services read:

...Another issue that has been raised is regarding vehicles used to transport senior citizens or disabled people to stores and medical offices. The three-minute idling standard does not apply while a driver is loading or unloading passengers. In the case of vehicles that transport the elderly or people with physical disabilities, the driver may need to leave the vehicle unattended while retrieving persons from a building. In these situations, the driver may idle the vehicle only if necessary to operate heat or air-conditioning for the safety of passengers already on-board; if the bus does not have heat or air conditioning; the vehicle may not idle while the driver is retrieving persons from a building.

Upon receipt of this memorandum, COST strongly recommended to its membership that a copy be placed inside each vehicle as a precaution. Although at this time inspectors are only concentrating on diesel idling vehicles, there is also a similar 3-minute idling regulation for gasoline vehicles.

On July 1, 2005, the NJDEP updated its handout "Frequently Asked Questions About NJ's Idling Restrictions" (see attached). Question three on the handout pertains to paratransit and community transportation vehicles. It reads:

3. Will I get a ticket for idling while I am waiting for passengers to board my bus?

No, idling is allowed while passengers are loading and unloading buses only if the bus needs to run the heat or air-conditioner for passengers already on-board. If a bus is transporting medically needy passenger(s) that require a specific temperature for medical reasons, the Department can use its enforcement discretion and allow idling for a limited time. However, the bus owner may be required to provide written proof of the passenger's medical needs. If the bus does not have air-conditioning (e.g., school buses), it cannot idle except during the coldest months. However, buses cannot idle for extended periods of time while claiming to be waiting for passengers, such as a tour bus on a layover waiting for the group to return.

The focus of COST's recent meeting with the NJDEP pertained to objections with the wording in question three especially the word "bus". COST recommended the word be changed to "paratransit and or community transportation vehicle". In addition, providing written proof of a passengers medical needs was a second issue as well as the NJDEP's enforcement of the regulation and their interpretation of the word "discretion".

The NJDEP clearly stated at our meeting that their interpretation of the word bus does indeed also mean paratransit and community transportation vehicles and that their inspectors have already been informed of such interpretation. The NJDEP also assured COST that their inspectors have been informed in writing about uses of paratransit and community transportation vehicles and that discretion will be given in such cases as long as regulations are not abused.

In addition, as long as there is no abuse and drivers follow the idling regulations, there will be no need to require medical documentation. Idling in the middle of a parking lot while eating lunch is not an acceptable reason to idle however, idling in a parking lot waiting for a connecting client transfer may be acceptable as long as a driver can justify that the waiting vehicle is operating to keep the interior of the vehicle at a comfortable temperature for the rider. In this case, COST provided the NJDEP with documentation on air conditioning pull -down test results using various vehicle types.

I believe that the NJDEP understands our issue and as long as our drivers follow these regulations, there should not be any issuance of summonses. It should be noted that fines are based on the number of offenses received however, this does not necessarily mean the offenses must occur with the same driver or vehicle. For example, if three different drivers from your agency receive a summons, it is your agencies third offense....If your county's Welfare Department receives a summons for \$200 (first offense) and your driver receives a summons the next day, it is your agencies second offense and the fine higher.

With all this being communicated, it should also be noted that the NJDEP will soon allow local municipal law officers to enforce idling requirements. Furthermore, COST has requested that the NJDEP keep COST informed of any regulation changes/revisions however, it is suggested that you make contact with your county health officer who should also be able to keep you informed.

As a result of the meeting, COST and the NJDEP have agreed to work cooperatively together to provide education regarding the 3-minute diesel (and gasoline) idling regulations. I ask that all COST members speak with your drivers about the importance of following these regulations and make it a part of your driver training procedures.

Sincerely,

Michael M. Vieira

Michael M. Vieira,
President
NJ Council on Special Transportation

Email Sent to NJDEP Verifying Contents of Letter

Subject: Re: NJ Council on Special Transportation
Date: 9/29/2005 2:36:27 PM Eastern Daylight Time
From: Melinda.Dower@dep.state.nj.us

To: Njcost@aol.com, Amy.Hillman@dep.state.nj.us, ed.choramanski@dep.state.nj.us, Ed.Choromanski@dep.state.nj.us

The language in your letter is consistent with our discussions. I noticed that Ed's name was spelled wrong, so I am copying him on this so that he has a chance to review the letter as well.

Melinda

>>> <Njcost@aol.com> 9/20/05 10:40 AM >>>
To: Melinda Dower, Ed Chormanski, Amy Hillman

This is a followup of our meeting on August 19, 2005 regarding the 3 minute diesel idling regulations. I have attached a letter that will be sent to our statewide membership however, as previously mentioned at our meeting, I would like to get your response to the letter in terms of accuracy before I send it out.

Second, after the letter has been sent out, I would like to work with you on a plan to "Get the Word Out." Our executive Committee has already authorized the purchase of keytags however, there may be other ideas I would like to discuss.

Thank you for your time and should you have any questions, you can reach me at (973) 395-8418.

Michael M. Vieira, President
NJ Council on Special Transportation

Melinda Dower
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Diesel Risk Reduction Team
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Frequently Asked Questions About N.J.'s Idling Restrictions

Updated July 1, 2005

NOTE: This document is intended to answer commonly asked questions about N.J.'s idling restrictions, "Control and Prohibition of Air Pollution From Diesel-Powered Motor Vehicles", N.J.A.C. 7:27-14.

For a full copy of the regulations, see <http://www.state.nj.us/dep/aqm/sub14v2001-10-01.htm>

1. Am I allowed to idle my diesel truck while I'm sleeping in it?

Yes, idling is allowed for heating or air-conditioning a sleeper cab while the driver or another driver is sleeping or resting in the sleeper berth in a non-residential area. An enforcement officer may need to confirm that there is someone sleeping in the sleeper berth. Drivers and trucking companies are encouraged to use alternatives to engine idling for temperature control that will save fuel and maintenance costs such as alternate power units or plug-in power available at [Travel Centers of America in Paulsboro, NJ](#).

2. How long am I allowed to idle to warm up my diesel engine?

A motor vehicle may idle for 15 consecutive minutes when the vehicle has been stopped for 3 or more hours. However, most diesel engines take 3 minutes or less to warm up (consult the engine manufacturer's recommendations). Limiting idling will save gas and money.

3. Will I get a ticket for idling while I am waiting for passengers to board my bus?

No, idling is allowed while passengers are loading and unloading buses only if the bus needs to run the heat or air-conditioner for passengers already on-board. If a bus is transporting medically needy passenger(s) that require a specific temperature for medical reasons, the Department can use its enforcement discretion and allow idling for a limited time. However, the bus owner may be required to provide written proof of the passenger's medical needs.

If the bus does not have air-conditioning (e.g., school buses), it cannot idle except during the coldest months. However, buses cannot idle for extended periods of time while claiming to be waiting for passengers, such as a tour bus on a layover waiting for the group to return.

4. Are school buses subject to the 3 minute idling limit?

Yes, except for when they are sitting in traffic or loading or unloading passengers. However, school districts are encouraged to sign a No Idling Pledge, in which they agree to implement practices to eliminate or reduce idling (see www.StopTheSoot.org). Because children are especially vulnerable to the effects of diesel exhaust, drivers should turn off engines even when loading and unloading students. Diesel exhaust from queuing school buses often enters a school's ventilation system where the entire school population is exposed.

5. Are there exceptions to allow idling for more than 3 minutes?

Yes. Diesel vehicles whose primary power source (engine) is necessary for operation of

mechanical devices such as refrigerated trailers commonly called reefers, hydraulic lift gate pumps, air leveling equipment, cherry-pickers, etc. Some turbo-diesel engines, especially newer models, require approximately 3 to 5 minutes of idling to cool down the engine and avoid damage. These vehicles will be allowed to idle for a length of time necessary for cooling as determined by the engine manufacturer and set with automatic timers.

In addition to these situations, armored trucks are exempt from idling requirements for several reasons. In order to assure the security of the cargo and drivers, these vehicles' engines must be on at all times. The windows of armored vehicles cannot be rolled down, which results in temperatures inside the vehicle that can be harmful to occupants. Most armored vehicle companies require that one person be in these vehicles at all times and this passenger would be exposed to dangerous temperatures.

Vehicles that are transporting live animals that need to be temperature controlled would be exempt from the 3 minute idling requirement.

Vehicles that serve as portable service operations, where customers enter the vehicles to receive services or make purchases, are exempt from the 3 minute idling requirement only if the engine must be on to provide electricity, air conditioning or heat to the service portion of the vehicle. This would include vehicles like libraries on wheels, bloodmobiles and Snap-On Tools trucks.

6. Am I allowed to idle while my diesel vehicle is being repaired?

Yes, as long as someone is actively working on the vehicle and the vehicle needs to be running to ensure effective diagnosis and repair.

7. If my vehicle is waiting to be inspected, am I allowed to idle?

Yes, vehicles can idle while being inspected or waiting to be inspected by a State or Federal motor vehicle inspector when the vehicle needs to be running to ensure effective diagnosis and repair. However, if you are waiting in line, shutting off the engine will save fuel and money as well as benefit the environment.

8. Are Alternate Power Units (APUs) subject to idling regulations?

APUs are devices attached to diesel vehicles that can power the vehicle's heating and air-conditioning systems without the need to have the engine turned on. These devices allow truck drivers to sleep comfortably without the noise, smell and health effects of diesel exhaust. In addition, APUs are cost-effective and often pay for themselves within a year or two of installation due to reduced fuel costs and less frequent maintenance. At the current time, APUs are not subject to idling restrictions. Information on APUs is available from EPA at www.epa.gov/otaq/smartway/idlingtechnologies.htm

9. What if my vehicle is stuck in traffic for more than 3 minutes?

Motor vehicles stopped in traffic are exempt from the 3 minute idling limit. However, if the traffic is not moving, shutting off the engine will save fuel and money as well as benefit the environment.

10. Are emergency vehicles allowed to idle?

By their nature, emergency vehicles such as fire, police, ambulances or public utility trucks may need to keep engines running to operate emergency equipment when they are engaged in the process of performing emergency services. They are exempt from idling restrictions when being used for emergency services.

11. Are regular gasoline-powered vehicles subject to idling restrictions?

Yes, gasoline-powered motor vehicles are subject to similar idling restrictions including a 3 minute limit on idling (see [N.J.A.C. 7:27-15](#)). However, diesel vehicles emit much more fine particulate matter, commonly called soot, than do gasoline-powered vehicles and they will continue to be the subject of increased enforcement oversight.

12. Will DEP still enforce the 3 minute idling limit now that the sweep is over?

These regulations have been in place since the mid-1980s and we will continue to enforce them as part of the Department's renewed emphasis on reducing fine particulate matter from diesel vehicles.

13. Who can enforce the regulations besides DEP?

Nearly all local health departments have been delegated authority to enforce the Department's air regulations, which include the idling standards. In addition, the State Police can enforce the standard on public property. We are currently seeking legislative changes to ensure that local police can also enforce the standard.

14. Whom should I contact with questions or complaints?

DEP Diesel Risk Reduction Team (609) 292-3600 -- for general questions

Northern Field Office (973) 299-7700
for complaints in Hunterdon, Morris, Passaic, Somerset, Sussex and Warren counties

Metro Field Office (973) 656-4444
for complaints in Bergen, Essex and Hudson counties

Central Field Office (609) 584-4100
for complaints in Mercer, Middlesex, Monmouth, Ocean and Union counties

Southern Field Office (856) 614-3601
for complaints in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem counties

15. Will reducing idling really make a significant difference in reducing soot?

According to the EPA, the U.S. Department of Energy and other organizations, the average long-haul truck idles at least 1,830 hours per year, and, in the process, uses \$2,200 of unnecessary fuel and emits 17 tons of carbon dioxide, 10 pounds of fine particles and 615 pounds of nitrogen oxides every year. Reducing idling will lower maintenance costs on each vehicle, and save fuel and protect public health and air quality.

16. Wouldn't the continual shutting off and turning on of diesel engines actually damage the engine and emit more soot than idling?

Idling an engine for more than about 10 seconds actually uses more fuel than if the engine had been turned off. It is more efficient to turn an engine off if it will be stopped for more than 10 seconds. Frequent restarts of an engine will not have a negative impact on engine components.

17. Isn't it bad to drive a cold engine if it hasn't been warmed up?

Electronically controlled engines need no more than about 30 seconds to warm up. Driving a vehicle cuts warm-up times in half. The best way to warm up an engine is by driving it, while avoiding rapid acceleration and high speeds for approximately the first four miles in cold weather.

*New Jersey Department of Environmental Protection
Compliance & Enforcement*

MEMORANDUM

To: CEHA Health Officers, Environmental Coordinators, & Air Program Staff

From: Debbie Pinto, Chief
Office of Local Environmental Management

Date: August 31, 2004

RE: Idling Enforcement Update

During the month of August, the Department commenced a two-week "mini-sweep" throughout the State to enforce the anti-idling regulations found at N.J.A.C. 7:27-14.3(a). The Department focused on areas where complaints of idling trucks have been received, and areas where diesel engine trucks park such as warehouses, industrial parks, bus depots, transportation centers, along major highways and large parking lots. The Department posted its findings on the DEP website at: www.nj.gov/dep/enforcement/otb-idle.htm (under Compliance & Enforcement, in the "On the Beat" section).

The regulation at N.J.A.C. 7:27-14 requires that diesel powered vehicles idle for no more than 3 minutes. Vehicles that are parked permanently at a business may not idle for more than 30 minutes. Vehicle drivers are issued a Field Notice of Violation by inspectors if their vehicle is observed idling for more than 3 minutes.

Enforcement Actions

During the sweep, departmental inspectors visited 863 locations in 20 counties, and cited violations at 95 locations involving 115 vehicles. Property owners were issued a Field Notice of Violation if a truck operator was cited on their property. Please be aware that the Department may waive the penalty in cases where the facility installs permanent signs in visible areas advising vehicle operators not to idle more than three-minutes.

Civil administrative penalty amounts for each violation, per vehicle or property owner					
Citation	Class	1st Offense	2nd Offense	3rd Offense	4th and Final Offense
N.J.A.C. 14.3(a)	Passenger Vehicle Registration	\$100	\$200	\$500	\$1,500
	Commercial Vehicle Registration	\$200	\$400	\$1,000	\$3,000
	Property Owner	\$200	\$400	\$1,000	\$3,000

Interpretation of Idling Regulations

As a result of the sweep, the Department was asked by CEHA agencies and facilities to provide clarification on the interpretation of the idling regulations.

The first issue deals with whether a trucker is exempt if he is "resting" in the driver's seat, while the vehicle idles. A vehicle manufactured with a sleeper berth, which is being used by the truck driver or passenger for sleeping or resting in a non-residentially zoned area, is exempt from the three-minute idling restriction. The vehicle's driver or passenger must be sleeping or resting in the sleeper berth in order for this exemption to apply; the exemption does not apply to a driver sitting in the cab of the truck whether in the driver's seat or passenger's seat. In addition, the driver may be asked to show proof that a person is actually sleeping or resting in the berth.

Another issue that has been raised is regarding vehicles used to transport senior citizens or disabled people to stores and medical offices. The three-minute idling standard does not apply while a driver is loading or unloading passengers. In the case of vehicles that transport the elderly or people with physical disabilities, the driver may need to leave the vehicle unattended while retrieving persons from a building. In these situations, the driver may idle the vehicle only if necessary to operate heat or air-conditioning for the safety of passengers already on-board; if the bus does not have heat or air conditioning; the vehicle may not idle while the driver is retrieving persons from a building.

If your agency has any questions, please contact the applicable air regional enforcement office or John Walsh at (609) 984-6570.

- c. John Walsh, Section Chief, Air Compliance & Enforcement
CEHA Coordinators