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NEIGHBORHOOD SERVICES
DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

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SACRAMENTO, CA
95814

August 25, 2004

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: AN ORDINANCE ADDING CHAPTER 8.116 TO THE SACRAMENTO
CITY CODE RELATING TO LIMITATION ON ENGINE IDLING**

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION:

This report recommends that City Council adopt the attached Limitation on Engine Idling ordinance, adding Chapter 8.116 to the Sacramento City Code.

**CONTACT: Max Fernandez, Neighborhood Services Area Director, 808-7940
Ron O'Connor, Chief of Housing and Dangerous Buildings, 808-8183**

FOR COUNCIL MEETING OF: September 7, 2004

SUMMARY:

- It has been requested that staff bring forward an ordinance that would establish a prohibition on the idling of on- and off-road engines when the vehicle is not moving or when the off-road equipment is not performing work for a period of time greater than five minutes in any one-hour period.
- The attached ordinance applies to all diesel and non-diesel fueled vehicles with a manufacturer's gross vehicle weight rating greater than 14,000 pounds, all off-road diesel- and non-diesel powered equipment with a horsepower rating of 50 or greater, and all Transport Refrigeration Units (TRUs).

COMMITTEE/COMMISSION ACTION:

On June 1, 2004, staff presented a discussion paper on the proposed Limitation on Engine Idling ordinance to the Law and Legislation Committee. The Law and Legislation Committee directed staff to draft an ordinance to be forwarded to City Council for approval.

BACKGROUND:

In 1994 the Sacramento region failed to meet Federal clean air standards and was designated as a "severe ozone non-attainment area" by the U.S. Environmental Protection Agency (U.S. EPA). This non-attainment area includes all of Sacramento County and parts of El Dorado, Placer, Solano, Sutter and Yolo counties. Air pollution is a major public health concern in California and can cause or aggravate acute respiratory infections, asthma, and lung cancer. In addition to health impacts, air pollution imposes significant economic costs and negative impacts on our quality of life.

Since exhaust from both on-and off-road vehicles is a substantial source of air contaminants, the Sacramento Metropolitan Air Quality Management District (SMAQMD) developed a model Limitation on Engine Idling ordinance for assessment and adoption by all jurisdictions as one measure to help the Sacramento region reach attainment of EPA standards. City staff from the Code Enforcement Division, Department of Finance, and the Attorney's Office, working closely with SMAQMD, tailored an ordinance that meets the requirements of the City and achieves the intent of the model. The City of Sacramento will be the first City in the region to adopt such an ordinance.

In July 2004, the California Air Resources Board (ARB) adopted a diesel air toxic control measure that requires big rig truck and interstate bus operators to shut their engines down after five minutes of non-essential engine idling. Primary enforcement of this State regulation will be carried out by the ARB Enforcement Division and the Highway Patrol. Off-road vehicles and equipment would still be covered by the City's ordinance.

Adoption of the ordinance by the City of Sacramento is estimated to result in a NOx reduction of 0.80 tons/day, or the equivalent of removing 40,450 cars from the Sacramento region. A discussion paper on the proposed engine idling ordinance attached as EXHIBIT A.

FINANCIAL CONSIDERATIONS:

The workload related to the idling engine ordinance will be absorbed by the code enforcement officer position approved in the FY2005 budget. Staff may need to come back to Council to further discuss staffing needs after some experience with this new ordinance and its impacts are better understood.

ENVIRONMENTAL CONSIDERATIONS:

The adoption of an ordinance, which is not in conjunction with any project subject to CEQA review, is not considered to be a "project" and is, therefore, exempt from CEQA.

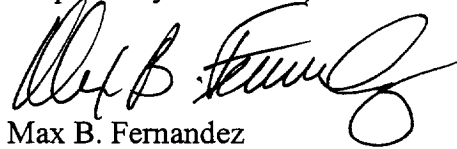
POLICY CONSIDERATIONS:

Establishment of an ordinance restricting engine idling is consistent with the SMAQMD'S overall mission to achieve clean air goals and supports efforts to address the Sacramento region's failure to meet Federal clean air standards. By taking positive action to decrease diesel engine exhaust emissions, the City will demonstrate leadership in improving regional air quality. As such, this report is consistent with the City's Mission to protect, preserve and enhance the quality of life for present and future generations.

ESBD CONSIDERATIONS:

No goods or services are being purchased under this report and is, therefore, exempt from ESBD considerations.

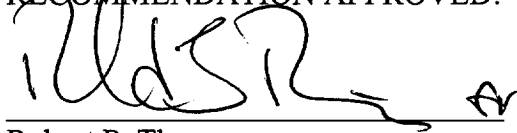
Respectfully submitted,



Max B. Fernandez
Area Director

Richard J. Ramirez
Deputy City Manager

RECOMMENDATION APPROVED:



Robert P. Thomas
City Manager

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ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE ADDING CHAPTER 8.116 TO THE SACRAMENTO CITY CODE RELATING TO ENGINE IDLING AND THE OPERATION OF TRANSPORT REFRIGERATION UNITS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Chapter 8.116 is added to the Sacramento City Code to read as follows;

CHAPTER 8.116 LIMITATION ON ENGINE IDLING AND THE OPERATION OF TRANSPORT REFRIGERATION UNITS

8.116.010 Findings and purpose.

A. Air pollution is a major public health concern in California. The Sacramento Region is currently designated as non-attainment for the one-hour Federal ozone standard, as well as the more stringent State ozone standard. Air pollution can cause or aggravate lung illnesses such as acute respiratory infections, asthma, chronic bronchitis, emphysema, and lung cancer. In addition to health impacts, air pollution imposes significant economic costs and negative impacts on our quality of life.

B. Exhaust from vehicles (both on- and off-road) is a substantial source of ozone precursors in the Sacramento Region. Vehicle exhaust also is a source of carbon

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monoxide, particulate matter, toxic air contaminants, and greenhouse gases. Although new engines have become cleaner due to improved emission control technologies, the slow turnover in vehicle inventory and the number of miles/hours vehicles idle each year is hindering progress in improving regional air quality.

C. Public agencies can play an important role in improving air quality by limiting the amount of time engines are allowed to idle within their jurisdictions and leading the effort to improve air quality by adopting ordinances that are cost effective in reducing ozone precursor emissions and toxic air contaminants.

D. A study of idling exhaust emissions conducted by the U.S. Environmental Protection Agency (EPA420-R-02-025, October 2002) indicates that a typical 1980s – 2001 model year truck operating on diesel fuel emits 144 grams per hour of nitrogen oxide and 8224 grams per hour of carbon dioxide emissions and consumes about 0.82 gallons of diesel fuel while idling.

E. TIAX, a consultant for the Sacramento Metropolitan Air Quality Management District, estimated that the total idling exhaust emissions in the Sacramento Region is 4.01 tons per day of nitrogen oxide emissions and 0.247 tons per day of reactive organic gas emissions. (Episodic Strategies document, April 2002) The maximum potential emissions reductions from full implementation of limitations on engine idling by all jurisdictions in the Sacramento non-attainment area was estimated to be 3.08 tons per day of nitrogen oxides emissions and 0.186 tons per day of reactive organic gas emissions (assuming 75% compliance).

F. This chapter is adopted under authority of the City's police power in furtherance of the public health, safety, and welfare and is authorized under Health and Safety Code section 40717 (h) that permits local agencies to exercise their police authority to adopt transportation control measures that exceed local air district requirements. The purpose of this chapter is to achieve emission reductions by discouraging the excessive idling of engines in the City of Sacramento.

8.116.020 Definitions.

"Bus" means a vehicle designed, used, or maintained for carrying more than ten (10) persons, including the driver, that is used to transport persons for compensation or

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profit.

"Driver" means any person who drives, operates, or is in actual physical control of a vehicle.

"Dwelling unit" means a group of rooms or a single room within a dwelling, with kitchen facilities, and occupied or intended for occupancy as separate living quarters by a family or other group of persons living together, or by a person living alone. All rooms within a dwelling unit must have their principal entrance from inside the dwelling unit.

"Emergency" means a sudden, urgent, usually unforeseen, occurrence.

"Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.

"Heavy-duty vehicle" means any on-road motor vehicle with a manufacturer's gross vehicle weight rating greater than 14,000 pounds.

"Idling" or "to idle" means the engine is running while the vehicle is stationary or the piece of off-road equipment is not performing work.

"Official traffic control device" means any sign, signal, marking or device, consistent with Section 21400 of the Vehicle Code, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, but does not include islands, curbs, traffic barriers, speed humps, speed bumps, or other roadway design features.

"Official traffic control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and proceed and that is erected by authority of a public body or official having jurisdiction.

"Off-highway vehicle" means a two-stroke or four-stroke air-cooled, liquid-cooled, gasoline, diesel, or alternate fuel powered engine that is designed for powering off-road recreational vehicles, including but not limited to off-road motorcycles, all-terrain vehicles, and golf carts.

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"Off-road equipment" means any non-stationary device powered by an internal combustion engine and used primarily off the highways to propel, move, or draw persons or property, including any device propelled, moved, or drawn exclusively by human power, including but not limited to marine vessels, construction equipment, utility engines, and lawn and garden equipment, but excluding off-road motorcycles and off-highway vehicles.

"Off-road motorcycle" means any two- or three-wheeled vehicle equipped with an internal combustion engine and weighing less than 1,499 pounds. An off-road motorcycle is primarily designed for use off highways for recreational riding on dirt trails, but is not limited to this purpose.

"Operator" means any person who is in actual physical control of off-road equipment or vehicle equipped with a TRU.

"School" means any public or private school used for the purposes of education and instruction of more than twelve (12) school pupils at or below the 12th grade level, but does not include any private school in which education and instruction is conducted primarily in private homes. The term "school" includes any building or structure, playground, athletic field, or other area of school property, but excludes unimproved school property.

"Transport Refrigeration Unit" or "TRU" means a refrigeration system powered by an engine designed to control the environment of temperature sensitive cargo.

"Vehicle" means any on-road, self-propelled vehicle that is required to be registered and have a license plate by the Department of Motor Vehicles.

"Vehicle/equipment/TRU owner" means the registered owner, owner, lessee, licensee, or bailee of any heavy-duty vehicle, piece of off-road equipment, or TRU who operates or directs the operation of the vehicle, equipment, or TRU on either a for-hire or not-for-hire basis.

8.116.030 Applicability.

This chapter shall apply only to the operation of vehicles with a manufacturer's gross

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vehicle weight rating greater than 14,000 pounds, all TRU's, and off-road equipment with a horsepower rating of 50 or greater.

8.116.040 Limitations on idling.

A. Except as provided in section 8.116.080, a driver of a vehicle that is subject to this chapter:

1. Shall turn off the vehicle's engine upon stopping at a destination, and
2. Shall not cause or allow a vehicle engine to idle at any location for:
 - a. more than five consecutive minutes; or
 - b. periods aggregating more than five minutes in any one-hour period.

B. Except as provided in section 8.116.080, an operator of off-road equipment that is subject to this chapter shall not cause or allow off-road equipment to idle at any location for:

1. More than five consecutive minutes, or
2. Periods aggregating more than five minutes in any one-hour period.

8.116.050 Limitations on operation of TRU.

Except as provided in section 8.116.080, an operator of a vehicle equipped with a TRU shall not cause or allow a TRU to operate within 100 feet of a dwelling unit or school while the vehicle is stationary. This limitation on the operation of a TRU shall not apply during the loading or unloading of cargo and during the thirty (30) minutes immediately preceding the loading or unloading of cargo.

8.116.060 Notification and recordkeeping requirements.

A vehicle/equipment/TRU owner shall comply with the following notification and recordkeeping requirements:

- A. Inform the vehicle driver or off-road equipment or TRU operator, upon

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employment and at least once per year thereafter, of the limitations on engine idling and the operation of TRUs contained in this chapter and the penalties for violation of the provisions of this chapter;

B. Upon renting or leasing a vehicle, off-road equipment, or TRU, provide written notification to the renter or lessee of the limitations on engine idling and the operation of TRUs contained in this chapter and the penalties for violation of the provisions of this chapter;

C. Review all complaints of non-compliance with and enforcement actions undertaken under this chapter involving the owner's vehicle, off-road equipment, or TRU and take remedial action against the subject of the complaint or enforcement action as the owner deems necessary.

D. Keep records of compliance with the requirements of this section 8.116.060 for at least three years and make the records available to city enforcement personnel within three business days of their request for the records.

8.116.070 Obligations of private property owners.

A private property owner shall not allow a vehicle, off-road equipment, or TRU that is subject to this chapter and that is located on the owner's property to violate this chapter. A private property owner shall notify drivers, owners, and operators of vehicles, off-road equipment, and TRUs entering the owner's private property of the requirements of this chapter.

8.116.080 Exemptions.

The following periods of idling by a vehicle or off-road equipment and of operation of a TRU shall be exempt from the provisions of this chapter:

- A. Idling or operation of a TRU while stopped:
 - 1. For an official traffic control device;
 - 2. For an official traffic control signal;

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3. For traffic conditions over which the driver has no control, including, but not limited to: traffic congestion, a railroad crossing while a train is passing or cross-bars are down, or for traffic controls in a construction zone; or

4. At the direction of a peace officer;

B. Idling as needed to ascertain that a vehicle, off-road equipment, or TRU is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the daily vehicle inspection, or as otherwise needed;

C. Idling as needed for testing, servicing, repairing, or diagnostic purposes;

D. Idling for the period recommended by the manufacturer to cool down a turbo-charged heavy-duty vehicle before turning the engine off;

E. Idling as needed to operate auxiliary equipment for which the vehicle or off-road equipment was designed, other than transporting goods, such as: operating a TRU, lift, crane, pump, drill, hoist, ready mixed concrete mixer, or other auxiliary equipment, except a heater or air conditioner;

F. Idling as needed to operate a lift or other piece of equipment designed to ensure safe loading and unloading of goods and people;

G. Idling as needed to operate defrosters, heaters, air conditioners, or other equipment:

1. To prevent a safety or health emergency; or

2. For a paratransit vehicle passenger who has a disability or health condition that would be critically aggravated if the vehicle were not maintained at a controlled temperature, or

3. For driver comfort when a vehicle driver is required by law to have rest time. In the case of driver comfort, the driver may only idle the engine at a designated

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rest area or truck stop and shall not idle the engine within 100 feet of a dwelling unit or school.

H. Idling solely to recharge a battery or other energy storage unit of a hybrid electric vehicle / equipment; or

I. Idling a bus for up to ten (10) minutes prior to passenger boarding or when passengers are on board.

8.116.090 Relationship with other laws.

Nothing in this chapter shall be construed to allow idling in excess of other applicable laws, including, but not limited to:

A. Title 13 California Code of Regulations Section 1226;

B. Title 13 California Code of Regulations Section 2480;

C. Vehicle Code Section 22515; or

D. Any other local ordinance or requirement as stringent as, or more stringent than this chapter.

8.116.100 Violations and penalties.

A. Any person violating any provision of this chapter shall be guilty of an infraction.

B. In addition to criminal sanctions and other remedies set forth in this title, administrative penalties may be imposed pursuant to Chapter 1.28 of this code against any person violating any provision of this chapter. Imposition, enforcement, collection and administrative review of administrative penalties imposed shall be conducted pursuant to Chapter 1.28 of this code.

C. A violation of any provision of this chapter is declared to be a public nuisance subject to abatement pursuant to Section 731 of the Code of Civil Procedure or pursuant to the procedures specified in Title 8 of this code. The City Attorney, in the

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name of and on behalf of the City and the People of the State of California, may bring a civil action in a court of competent jurisdiction to enforce any provision of this chapter, or to restrain or abate any violation of the provisions of this chapter as a public nuisance.

8.116.110 Enforcement.

The city manager or his or her designee shall enforce each and all of the provisions of this chapter.

SECTION 2. Severability.

The City Council of the City of Sacramento declares that should any section, subsection, sentence, clause, phrase, or word of this ordinance be found for any reason to be invalid and unenforceable, it is the intent of the City Council that it would have passed all other portions of this ordinance, independent of the provision found invalid, and the finding of invalidity shall not affect the validity of the remaining provisions of this chapter.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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Discussion Paper on Limitation on Engine Idling Ordinance

The City's Limitation on Engine Idling ordinance would establish a prohibition on the idling of on- and off-road engines when the vehicle is not moving or when the off-road equipment is not performing work for a period of time greater than five minutes in any one-hour period.

The ordinance applies to all diesel and non-diesel fueled vehicles with a manufacturer's gross vehicle weight rating greater than 14,000 pounds*, all off-road diesel- and non-diesel powered equipment with a horsepower rating of 50 or greater, and all Transport Refrigeration Units (TRUs).

The ordinance provides:

- Limitations on operating TRUs within 100 feet of a residential area or school
- Requirements for notifying vehicle or equipment operator of requirements and consequences of non-compliance
- Requirements for keeping records of compliance and making those records available on request
- Exemptions for emergencies, public safety, and normal operation of vehicle or equipment
- Misdemeanor penalties for non-compliance
- For enforcement by the city manager or his or her designee

*Most delivery vans and mobile kitchens will fall into this category as do line-haul trucks, delivery trucks, trash trucks, bulk hauling trucks, tankers, utility trucks, and construction vehicles. It may also include smaller construction trucks used to carry tools and equipment. The proposal does not apply to emergency vehicles, motor homes, or buses.

In adopting and implementing the provisions of this ordinance the City will be:

- Targeting the largest contributors of mobile sources of ozone emissions, diesel-fueled vehicles and equipment
- Demonstrating regional leadership in local air quality policy

Other jurisdictions in the Sacramento Region Non-Attainment area are also considering Limitation on Engine Idling regulations. Placer County adopted such an ordinance in November 2003. Yolo-Solano Air Quality Management District (AQMD) has approved model ordinance language and has urged Yolo County, Solano County and cities located in both counties to consider adopting a similar Limitation on Engine Idling Ordinance. In addition, the Boards of Supervisors for Sacramento and El Dorado Counties have currently directed their staffs to review the model ordinance and provide the Boards with recommendations.

The State of California has a proposed engine idling regulation scheduled to go before the Air Resources Board July 22-23, 2004 with enforcement beginning after final approval from the Office of Administrative Law.

The State regulation proposes to limit the idling of commercial heavy-duty, diesel-fueled vehicles to a period of time not greater than five minutes at any location. The regulation would be enforced by the Air Resources Board, peace officers, and their respective law enforcement agencies' authorized representatives, and air pollution control or air quality management districts. The proposed ordinance would:

- apply to commercial heavy-duty, diesel-fueled vehicles with gross vehicular weight ratings of greater than 14,000 pounds that are or must be licensed for operation on highways.
- require that the vehicle driver is informed of the requirements and of the consequences of not complying with the requirements.
- exempt vehicles equipped with a diesel engine certified to the 2007 federal emission standards.
- exempt, until December 31, 2008, trucks equipped with a sleeper berth when idling solely for sleeping or resting.
- apply to buses when there are no passengers on board.
- provide for exceptions for emergencies, public safety, normal operation of vehicle or equipment, and certain other exceptions.
- provide for penalties for non-compliance as specified in the Health and Safety Code.

The State regulation is applicable only to on-road vehicles. Since the City Ordinance is applicable to both on-road and off-road equipment, the State regulation would preempt the on-road portion if the State regulation is more stringent than the local ordinance. The local off-road portion would still be covered by the local jurisdiction. Below is a chart comparing the provisions of the City ordinance, the Placer County ordinance, the Yolo-Solano AQMD endorsed ordinance, and the proposed State regulation.

Alternatives to engine idling for long-haul trucks is available. Many states already have engine-idling ordinances in place, most limiting idling to 2, 3 or 5 minutes (AZ, CT, MD, MA, NJ, NY, PA, and VA) and have facilities equipped with truckstop electrification and other technology. As more states adopt these ordinances the number of trucks equipped to use these facilities continues to grow. Under a Shore Power Pilot Program sponsored by SMUD and 49er Travel Plaza, 16 outlets have been installed at the 49er truck stop at I-80 & I-5 that trucks can plug into and run their AC/heater and other hotel loads. Truckstop electrification and other technology and devices/systems are increasingly available and in use across the country and in Canada.