

Frequently Asked Questions In-Use Off-Road Diesel Vehicle Regulation

Written idling policy Guidelines FAQ Revised May 2011

Q - Why do I need to limit the idling of my off-road vehicles and develop an idling policy?

A - The Air Resources Board's in-use off-road diesel vehicle regulation (the regulation) contains a limit on unnecessary idling. The regulation states: "No vehicle or engines subject to this regulation may idle for more than 5 consecutive minutes." This limit applies to all off-road diesel vehicles subject to the regulation, unless the vehicle is idling for specific circumstances defined in the regulation or a waiver has been granted. The idling limits are effective and enforceable as of **June 15, 2008**, when the regulation became effective under California law.

The regulation also requires that all fleets that meet the medium or large fleet categories create a written idling policy and make the policy available to vehicle operators by **March 1, 2009**.

Q - Who is held responsible for idling violations?

A - Unless the vehicle is a rental vehicle, the vehicle owner will be held accountable for all idling violations, regardless of who was operating the vehicle at the time. For example, if an employee is operating a vehicle owned by a fleet owner, the fleet owner is responsible for ensuring the employee complies with the idling limits. If the owner of a rented or leased vehicle provides an operator along with the vehicle (such as when companies rent out scrapers along with scraper operators), then the owner is responsible for idling.

The exception to owner responsibility for idling is a vehicle which is rented or leased and operated by the renter or lessee. Idling of such rented or leased vehicles is the responsibility of the renter or lessee. The owner of such rented or leased vehicles must indicate in the rental agreement that the renter is responsible for complying with the idling limits. ARB recommends that rental agencies include language on a rental form which is signed by the renter that they are responsible for meeting idling limits and that they understand the idling limits. Rental agencies are not required to supply a written idling policy to the renters.

Q - Who needs a written idling policy?

A - All medium and large off-road diesel fleets are required to develop a written idling policy and make it available to operators by March 1, 2009. Fleets meeting the

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small fleet definition are not required to maintain a written idling policy, but will be held accountable for meeting the idling limits. The definition of a small fleet from section 2449(c)(24)(C) of the off-road regulation is:

“A fleet with total maximum power of less than or equal to 2,500 hp that is owned by a business, non-profit organization, or local municipality, or a local municipality fleet in a low population county irrespective of total maximum power, a non-profit training center irrespective of total maximum power, or a captive attainment area fleet irrespective of total maximum power.”

Q - What are the penalties for not having a written idling policy?

A - California Health and Safety Code section 39674 (b) authorizes a fine of up to \$10,000 per day from the day the written idling policy was supposed to be in place and available to operators, which was March 1, 2009. A medium or large fleet that does not have a written idling policy could therefore be fined up to \$10,000 per day for each day from March 1, 2009 to the date enforcement personnel discover that the fleet did not have a written idling policy.

Q - When is idling for more than 5 minutes allowed?

A - The idling limitations were not put into effect to limit the functions of a vehicle or business, but to prevent idling when it is not necessary. If you find that the idling limits prevent you from accomplishing work, or create a safety concern, and you are not certain if the situation is covered by the idling exemptions listed below please contact ARB at 1(866) 6-DIESEL to discuss your circumstances.

The regulation explicitly grants exemptions to the idling limit for the following cases, and will consider other circumstances on a case-by-case basis:

- when it is necessary to complete a function of the vehicle (e.g. concrete agitation, or for hydraulic power to a crane or fuel pump)
- when it is necessary for servicing, testing or maintenance
 - the exemption for servicing includes idling necessary to regenerate exhaust filters which require the engine to be idled periodically to regenerate, or burn off solids collected in the filter
- when idling is required for safety reasons
- when warming a vehicle up to operating temperatures, as specified by the equipment manufacturer
- when queuing, such as when a line of off-road trucks forms to receive materials from an excavator
 - queuing does not include a vehicle waiting for materials or another vehicle to perform a function, such as a scraper waiting for a truck to deliver soil to complete a fill, or a truck being loaded by an excavator over a period of an hour

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Enforcement personnel will have the discretion to make exceptions to the idling limitations when idling is necessary to provide heating or air conditioning to ensure the health and safety of the operators.

Q - What if I need to idle for more than 5 minutes for a reason not described above?

A - Fleet owners who believe they have a unique situation which qualifies their vehicles for a waiver from the idling limits may write a letter to ARB's Executive Officer detailing their circumstances and explaining why they should receive a waiver. If you have questions about what information should be included in your application for an idling waiver, please call 1(866)-6DIESEL. To submit an application for an idling waiver, send a written request to:

James Goldstene, Executive Officer
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

cc: Kim Heroy-Rogalski, Manager
Off-Road Implementation Section

ARB will respond with a decision on whether the waiver is granted.

If ARB grants blanket waivers to specific vehicles or applications, notification will be posted on the off-road regulation homepage (www.arb.ca.gov/ordiesel) to prevent multiple fleets from completing the waiver process for the exact same vehicle or function.

Q - What should the written idling policy include?

A - The written idling policy must inform the vehicle operator that idling is limited to five consecutive minutes or less.

ARB recommends the following information be included in the written policy as well, to ensure the operators are aware of the requirements and limits of the idling policy. An example of language that could be included is shown as well, although many fleets will need to expand upon the examples shown here to address their specific circumstances.

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- A description of the idling limits, and an employer point of contact to handle operator questions relating to idling:

No vehicle or engine subject to the in-use off-road diesel regulation may idle for more than 5 consecutive minutes. The idling limits took effect on June 15, 2008, the day that the off-road diesel regulation became effective under California law.

Please contact _____ at _____ for more information if this policy is unclear or you have additional questions.

- A list of applicable off-road vehicles in the fleet if possible, or applicable vehicle types used by the employer (i.e., fleet owner). In either case, the fleet owner should provide enough information to ensure the operators understand which vehicles the idling limits apply to.
- Non-compliance reporting information, so concerned operators can report non-compliant parties:

To report off-road diesel vehicles that are violating the idling limits, call 1-800-END-SMOG (1-800-363-7664), or fill out a form on-line at www.arb.ca.gov/enf/complaints/icv.htm.

- The regulation language relating to idling, and how to look up the off-road diesel regulation:

No vehicle or engines subject to this regulation may idle for more than 5 consecutive minutes. Idling of a vehicle that is owned by a rental company is the responsibility of the renter or lessee, and the rental agreement should so indicate. The idling limit does not apply to:

1. idling when queuing,
2. idling to verify that the vehicle is in safe operating condition,
3. idling for testing, servicing, repairing or diagnostic purposes,
4. idling necessary to accomplish work for which the vehicle was designed (such as operating a crane),
5. idling required to bring the machine system to operating temperature, as specified by the manufacturer, and
6. idling necessary to ensure safe operation of the vehicle.

The off-road diesel homepage is on ARB's website at www.arb.ca.gov/ordiesel and contains links to the regulation language, fact sheets, and reporting forms. The idling limits are listed in the final regulation order in section 2449(d)(2).

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- Additional information detailing when it is acceptable to exceed the idling limit. For example, the following language could be included, if applicable:

Idling when waiting in line is allowed. (Idling to wait for other vehicles or materials is not allowed.)

Idling to accomplish secondary functions, such as concrete agitation, load hoisting, fuel pump operation, or other necessary functions is allowed.

Idling to keep equipment (including equipment windows) clear of ice and snow is allowed.

Idling to provide air conditioning or heat to ensure the health and safety of the operator is allowed.

Idling to test or repair a vehicle is allowed.

Idling to warm up a vehicle to operating temperature as specific by the manufacturer is allowed.

- A description of the penalties for an idling violation, as assessed by ARB enforcement staff:

The ARB enforcement advisory for idling is available online from ARB's website at: www.arb.ca.gov/enf/advs/advs377.pdf

The enforcement advisory describes the method by which the idling policy will be enforced by ARB staff, and states that penalties of up to \$10,000 per day, from the first day the idling policy was required until the violation is found, may be assessed.

- If ARB has issued a waiver for an engine model or vehicle type that is used by the fleet, this information should be included as well.

ARB also recommends that fleets develop procedures for:

- Training and informing staff regarding the idling policy,
- Identifying fleet specific needs for its operators, such as language or reading needs (e.g. instructions in Spanish, or a class that goes over the idling limits for operators who cannot read the idling policy).
- Maintaining and updating the written idling policy.
- Locations where the policy will be kept or displayed.
- Designating any signs or labels in the vehicle, and their meaning, that inform the operator of the idling limits.
- Any corrective actions to be taken against the operator, by the employer, for violation of the idling policy.
- Any additional idling requirements that apply, such as local or project-specific limits, if applicable.

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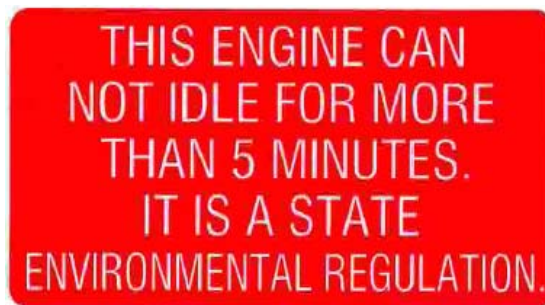
Q - Where should the idling policy be kept?

A - ARB recommends that fleet owners consider keeping either the policy or a sticker or placard with the vehicle to ensure that all operators are aware of the idling limits. At the least, vehicle owners must make the written idling policy available to operators.

Q - Do I need an idling sticker or label?

A - Fleet owners may wish to place stickers or labels in the vehicles that indicate that the idling limits apply to the vehicle. Although this is not required by the regulation, it is encouraged by ARB to ensure that vehicle operators are reminded of the policy while in the field. One example of an idling policy sticker is shown on the following page.

Sample Idling Sticker



Q - Who can I contact if I have questions about the idling limits or the written idling policy?

A - If you have questions about vehicle applicability, limits, written idling policy, or other concerns, please contact ARB's diesel hotline at 866-6DIESEL (866-634-3735).

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