

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF AIR AND WASTE MANAGEMENT

Statutory Authority: 7 Delaware Code, Chapter 60, (7 Del.C. Ch. 60)

PROPOSED

1145 Excessive Idling of Heavy Duty Vehicles

~~Regulation No. 45~~ 1145 Excessive Idling of Heavy Duty Vehicles

04/11/2005

1.0 Applicability

This regulation applies to all on-road heavy-duty motor vehicles with a gross vehicle weight rating (GVWR) of greater than 8,500 pounds operating in the State of Delaware.

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2.0 Definitions

The following definitions are applicable to this regulation:

“Emergency vehicle” means any publicly owned and operated ambulance, lifeguard, or lifesaving equipment or any privately owned or operated vehicle which is in response to an emergency call. Any publicly owned vehicle operated by the following persons, agencies, or organizations: (a) any federal, state, or local agency, department, or district employing peace officers for use by those officers in the performance of their duties, and; (b) any forestry or fire department of any public agency or fire department. Any vehicle owned or operated for the purpose of: (a) fighting fires, (b) towing or servicing other vehicles, (c) caring for injured persons, or (d) repairing, maintaining and restoring public utility services necessary for the health and/or safety by any of the following: (1) the state, (2) a bridge and highway district, (3) a municipality and (4) a public or private utility. Any state-owned vehicle used in responding to emergency fire, rescue or communications calls and operated either by the Delaware Emergency Management Agency or by any public agency or industrial fire department to which the Delaware Emergency Management Agency has assigned the vehicle. Any vehicle owned or operated by any department or agency of the United States government when the vehicle is used in responding to emergency fire, ambulance, or lifesaving calls or is actively engaged in law enforcement work. Any emergency vehicle which a permit has been issued by the Superintendent of the Delaware State Police.

“On-road heavy-duty motor vehicle” means any vehicle with a gross vehicle weight rating (GVWR) of greater than 8,500 pounds which is self-propelled and designed for transporting persons or property, including but not limited to trucks, buses, and farm vehicles.

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3.0 Severability

Each ~~section~~ provision of this regulation shall be deemed severable. If any ~~section~~ provision of this regulation is held to be invalid, the remainder shall continue in full force and effect.

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4.0 Operational Requirements for Heavy Duty Motor Vehicles

The owner or operator of an on-road heavy duty motor vehicle shall comply with the following operational requirements unless specifically exempted from the operational requirements for these motor vehicles:

No on-road heavy duty motor vehicle shall be allowed to operate for more than three ~~(3)~~ consecutive minutes when the vehicle is not in motion.

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5.0 Exemptions

- 5.1 Any on-road heavy duty motor vehicle which is forced to remain motionless because of traffic conditions or mechanical difficulties over which the operator has no control; or
- 5.2 Any situation where it is necessary to bring the on-road heavy duty vehicle to the manufacturer's recommended operating temperature; or
- 5.3 Any situation when the on-road heavy duty vehicle is being repaired; or
- 5.4 Any emergency vehicle defined in ~~Section~~ 2.0 of this regulation; or
- 5.5 Any vehicle using auxiliary power for equipment to perform the intended operation of the vehicle, including, by way of example, a power take off generator for any utility truck; or
- 5.6 Any vehicle idling for the necessary power for a heater, air conditioner, or any ancillary equipment during sleeping or resting in a sleeper berth such that the vehicle's location is not within 25 miles of a parking facility with available truck-stop electrification equipment, either shore power or an advance system that is approved by the Department including meeting all compatibility requirements with existing onboard truck shore-power equipment; or
- 5.7 Any vehicle 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; or
- 5.8 Any transit or school bus for up to five ~~(5)~~ minutes prior to passenger boarding; or
- 5.9 Any transit or school bus when passengers are onboard; or
- 5.10 Any vehicle when providing heat to the occupant and when the temperature is between -23 and 0°C, or -10 and 32°F, an engine shall not idle for more than 15 consecutive minutes; or when the temperature is below -23°C or -10°F, and where no nuisance is created, an engine shall not be subject to idling restrictions, or
- 5.11 Any military tactical vehicle engaged in training operations.

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6.0 Enforcement and Penalty

This regulation is enforceable under Title 7 **Del.C.**, Chapter 60, §§6005 and 6013 of the Delaware Code. Violators are subject to a penalty of not less than fifty 50 dollars (\$50) and not more than five-hundred 500 dollars (\$500) for each offense.

12 DE Reg. 29 (07/01/08) (Prop.)