

250-RICR-120-05-45

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 120 – AIR RESOURCES

SUBCHAPTER 05 – AIR POLLUTION CONTROL

PART 45 – Rhode Island Diesel Engine Anti-Idling Program

45.1 Purpose and Authority

45.1.1 Purpose

The purpose of this regulation is to specify the requirements for Rhode Island's Diesel Engine Anti-Idling Program and to protect public health and the environment by reducing emissions that result from unnecessary idling while conserving fuel and to codify the requirements of R.I. Gen. Laws Chapter 31-16.1 and R.I. Gen. Laws § 23-23-29.

45.1.2 Authority

These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(19) and R.I. Gen. Laws Chapter 23-23, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

45.2 Application

The terms and provisions of this regulation shall be liberally construed to permit the Department to effectuate the purposes of state laws, goals and policies.

45.3 Severability

If any provision of this regulation or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulation shall not be affected thereby.

45.4 Definitions

A. Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to Part 0 of this Subchapter (General Definitions). As used in this regulation, the following terms shall, where the context permits, be construed as follows:

1. "Diesel engine" means a compression ignition type of internal combustion engine.

2. "Diesel motor vehicle" means a vehicle powered by a diesel engine but shall not include non-road diesel engines, auxiliary power units on on-road motor vehicles, or stationary diesel engines.
3. "Idling" means the operation of the engine while the vehicle is stationary or the piece of non-road equipment is not performing work.
4. "Non-road diesel engine" means a diesel engine intended for use off public highways or in other similar applications, and include, but are not limited to, diesel engines in: farm vehicles, locomotives, aircraft, marine vessels, construction equipment, airport ground support equipment, commercial and industrial equipment.
5. "Unnecessary idling" means idling which does not meet one of the exemptions listed in § 45.8 of this Part.

45.5 Applicability

These regulations apply to any person, entity, owner or operator with control over the operations of diesel engines.

45.6 Diesel Motor Vehicle Engine Idling

No person, entity, owner or operator shall cause, allow or permit the unnecessary idling of the engine of a diesel motor vehicle while said vehicle is stopped for a period of time in excess of five (5) consecutive minutes in any sixty (60) minute period, except as provided in the exemptions listed in § 45.8 of this Part.

45.7 Non-Road Diesel Engine Idling

No person, entity, owner or operator shall cause, suffer, allow or permit the unnecessary idling of non-road diesel engines under its control or on its property.

45.8 Exemptions

- A. Vehicles, diesel engines and non-road diesel engines are exempt from the requirement of this regulation in the following circumstances:
 1. Vehicles that remain motionless due to traffic conditions or at the direction of a law enforcement official.
 2. Vehicles idling when it is necessary to operate defrosting, heating, or cooling equipment to ensure the health or safety of the driver or passengers. In the case of providing heat, the exemption allows idling for up to 15 minutes per hour when temperatures are between 0 degrees and 32 degrees Fahrenheit. Idling for the purpose of providing heat will be allowed as needed when temperatures are below 0 degrees Fahrenheit. A

passenger bus may idle a maximum of 15 minutes per hour to maintain passenger comfort while non-driver passengers are onboard whenever temperatures are below 50 degrees Fahrenheit.

3. Vehicles necessarily idling when the primary propulsion engine is needed to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate non-essential on-board equipment.
4. Non-road diesel engines may idle when the engine idles for maintenance, servicing, repairing, or diagnostic purposes, if idling is required for such activity. In addition, a non-road diesel engine may idle as part of a state or federal inspection to verify that all equipment is in good working order, if idling is required as part of the inspection.
5. An occupied vehicle with a sleeper berth compartment may idle for purposes of air conditioning or heating during federally mandated rest or sleep period. This exemption shall expire on July 1, 2010.
6. Vehicles may idle when the primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes, if idling is required for such activity. In addition, a vehicle may idle as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection.
7. Police, fire, rescue, ambulance and other public safety vehicles, military vehicles, armored vehicles, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, may idle while in an emergency or training mode and not for the convenience of the vehicle operator. Also, an armored vehicle may idle when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.
8. Airfield maintenance vehicles while actively being used to achieve their intended purpose on a state-owned or operated airport.
9. Diesel powered engines or vehicles that must continuously operate while stationary in order to perform their intended function, in accordance with all applicable regulations (e.g., an electricity generator which is actively being used to power equipment on-site).
10. Operating a vehicle mounted auxiliary power unit or generator set as a means to heat, air condition or provide electrical power as an alternative to idling the vehicle's main engine is not considered idling.

45.9 Penalties

Any person who violates the provisions of this regulation shall be punished by a fine of not more than one hundred dollars (\$100) for the first offense, not more than five hundred dollars (\$500) for each succeeding offense, as stated in R.I. Gen. Laws §§ 31-16.1-3 and 31-16.1-4. Penalties shall be assessed against the person, entity, owner or operator of any vehicle or non-road diesel engine found to be in violation of this regulation. Additionally, penalties may be assessed against any person who allows or permits unnecessary idling to occur on property under their control.

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