

**10 CSR 10-2.385 Control of Heavy Duty
Diesel Vehicle Idling Emissions**

(1) Applicability.

(A) This regulation applies throughout Clay, Platte, and Jackson Counties.

(B) This regulation applies to owners or operators of commercial, public, and institutional heavy duty diesel vehicles that are designed to operate on public streets and highways, whether or not the vehicles are operated on public roadways.

(C) This regulation applies to owners and operators of load/unload locations where commercial, public, and institutional heavy duty diesel vehicles load or unload passengers.

(D) Passenger vehicles as defined in subsection (2)(H) of this rule are exempt from this rule.

(2) Definitions.

(A) Auxiliary Power Unit (APU) - An integrated system that-

1. Provides heat, air conditioning, engine warming, or electricity to components on a heavy duty vehicle; and
2. Is certified by the Administrator under part 89 of title 40, *Code of Federal Regulations* (or any successor regulation), as meeting applicable emissions standards.

(B) Commercial Vehicle - Any motor vehicle, other than a passenger vehicle, and any trailer, semitrailer, or pole trailer drawn by such motor vehicle, that is designed, used, and maintained for the transportation of persons or property for hire, compensation, profit, or in the furtherance of a commercial enterprise.

(C) Gross Vehicle Weight Rating (GVWR) - The value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

(D) Heavy Duty Diesel Vehicle - A vehicle that-

1. Has a gross vehicle weight rating greater than ten thousand pounds (10,000 lbs.);
2. Is powered by a diesel engine; and
3. Is designed primarily for transporting persons or property on a public street or highway.

(E) Idling - The operation of an engine where the engine is not engaged in gear.

(F) Institutional Vehicles - Any motor vehicle, other than a passenger vehicle, and any trailer, semitrailer, or pole trailer drawn by such a motor vehicle, that is designed, used, and maintained for the transportation of persons or property for an establishment, foundation, society, or the like, devoted to the promotion of a particular cause or program especially one of a public, educational, or charitable character.

(G) Load/Unload Locations - Distribution centers, warehouses, retail stores, railroad facilities, ports, and any other sites where heavy duty diesel vehicles may idle their engines while waiting to load or unload.

(H) Passenger Vehicle - Every motor vehicle, except motorcycles, motor-driven cycles, and ambulances, designed for carrying ten (10) passengers or less and used for the transportation of persons.

(I) Public Vehicles - Any motor vehicle, other than a passenger vehicle, and any trailer, semitrailer, or pole trailer drawn by such a motor vehicle, which is designed, used, and maintained for the transportation of persons or property at the public expense and under public control.

(J) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Passenger load/unload locations. No passenger load/unload location owner or operator shall cause or allow vehicles covered by this rule to idle for a period greater than five (5) minutes in any sixty (60)-minute period.

(B) Requirement for heavy duty diesel vehicles. No owner/operator of a heavy duty diesel vehicle covered by this rule shall idle the vehicle for more than five (5) minutes in any sixty (60)-minute period except as noted in subsection (3)(C) of this rule.

(C) Exempt idling activities. The following activities are exempt from 10 CSR 10-2.385:

1. A heavy duty diesel vehicle idling while forced to remain motionless because of road traffic, an official traffic control device or signal, or at the direction of a law enforcement official;
2. A heavy duty diesel vehicle idling when operating defrosters, heaters, air conditioners, safety lights, or other equipment solely to prevent a safety or health emergency;
3. A police, fire, ambulance, public safety, utility service vehicle, military, other emergency or law enforcement vehicle, or any heavy duty diesel vehicle being used in an emergency capacity, idling while in an emergency or training mode, and not for the convenience of the heavy duty diesel vehicle operator;
4. The primary propulsion engine idling for maintenance, servicing, repairing, or diagnostic purposes if idling is necessary for such activity or if idling of the primary propulsion engine is being conducted in accordance with the manufacturer's recommendations;

5. A heavy duty diesel vehicle idling 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;

6. A primary propulsion engine idling when necessary to power work related mechanical or electrical operations other than propulsion (e.g., mixing, operating hydraulic lifts, processing cargo, or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate non-essential on-board equipment;

7. An armored vehicle idling when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded;

8. A bus idling for no greater than fifteen (15) minutes in any sixty (60)-minute period to maintain passenger comfort while non-driver passengers are onboard;

9. An occupied heavy duty diesel vehicle with a sleeper berth compartment idling for purposes of air conditioning or heating during government mandated rest periods;

10. A heavy duty diesel vehicle idling due to mechanical difficulties over which the driver has no control;

11. Heavy duty diesel vehicles used exclusively for agricultural operations and only incidentally operated or moved upon public roads;

12. Operating an auxiliary power unit as an alternative to idling the main engine; and

13. A heavy duty diesel vehicle idling for no greater than thirty (30) minutes in any sixty (60)-minute period while waiting to load or unload at a freight load/unload location.

(4) Reporting and Record Keeping. (*Not Applicable*)

(5) Test Methods. (*Not Applicable*)

EPA Rulemakings

CFR: 40 C.F.R. 52.1320(c)
 FRM: 79 FR 15017 (3/18/2014)
 PRM: 79 FR 15092 (3/18/2014)
 State Submission: 7/12/2012
 State Final: 10 C.S.R. 10-2 (3/29/2012)
 APDB File: MO-326 EPA-R07-OAR-2013-0817
 Description: This revision provides clarity to the rules in the applicability section (subsection (1)(C)) by listing owners and operators of passenger load/unload locations where commercial, public and institutional heavy-duty vehicles load or unload passengers. The affected parties were unintentionally omitted from the applicability section of the rule even though they are required to comply with the rule in the general provisions section.

CFR: 40 C.F.R. 52.1320(c)
 FRM: 76 FR 11083 (3/1/2011)
 PRM: 76 FR 11190 (3/1/2011)
 State Submission: 4/10/2009
 State Final: 10 C.S.R. 10-2 (1/29/2009)
 APDB File: MO-275
 Description: This new rule implements restrictions on the idling of heavy duty diesel vehicles in the Kansas City Metropolitan Area

Difference Between the State and EPA-Approved Regulation

None.