

**SUBJECT:** Allowing clean engine diesel idling

**COMMITTEE:** Environmental Regulation — favorable, without amendment

**VOTE:** 7 ayes — Cook, Chisum, Burnam, Dunnam, Farrar, Hancock, Legler  
1 nay — Weber  
1 absent — Veasey

**SENATE VOTE:** On final passage, April 30 — 31-0

**WITNESSES:** (*On House companion bill HB 3317:*)  
For — Ramon Alvarez, Environmental Defense Fund; Michael Bromhall, Texas Motor Transportation Association, FFE Transportation; John Esparza, Texas Motor Transportation Association; (*Registered, but did not testify:* Emily Shelton, Texas Impact)  
  
Against — None  
  
On — Doug Hatch, Texas Department of Public Safety

**BACKGROUND:** Health and Safety Code, sec. 382.0191, allows drivers to idle a vehicle while using the sleeper's berth during a government-mandated rest period. This section will expire September 1, 2009.

**DIGEST:** SB 1828 would allow, effective November 1, 2010, vehicles weighing more than 8,500 pounds to idle, provided the vehicle was equipped with a 2008 or later heavy-duty diesel engine certified by the EPA or another agency to emit no more than 30 grams of nitrogen oxides per hour while idling. The bill also would eliminate the expiration date for the idling exception for using a sleeper's berth.  
  
The bill would restrict vehicles from idling while using the sleeper's berth in school zones, residential areas, or near hospitals. Idling in these areas while using the sleeper's berth would be punishable by a \$500 fine.  
  
The bill would increase the maximum vehicle weight limit and axle

weight limit by an amount necessary to compensate for the additional weight of an idle reduction system not to exceed 400 pounds. The bill would require a driver to provide proof to a law enforcement officer or agency official that the idle reduction technology was fully functional and that the weight increase was only used for the idle reduction system.

The bill would take effect August 31, 2009.

**SUPPORTERS  
SAY:**

SB 1828 would allow trucks with new clean diesel engine technology to idle beginning on November 1, 2010. Trucks equipped with an EPA-certified “clean idle” engine contribute no more than 30 grams of dangerous nitrogen oxide emissions per hour when idling. Even California, a state known for strict air quality standards, allows these clean engine trucks to idle at any time. SB 1828 would give the trucking industry more than a year to upgrade trucks to cleaner engine technology.

The bill also would promote the use of Auxiliary Power Units in the trucking industry, which present a viable and eco-friendly alternative to idling. Auxiliary Power Units are small generators that allow trucks to operate heat and air conditioning systems without running the primary engine. These units use much less fuel and therefore emit much less pollution than standard truck engines. SB 1828 would prevent the weight of Auxiliary Power Units from being applied to the maximum vehicle weight allowable for trucks.

**OPPONENTS  
SAY:**

The bill would apply to too broad of a range of trucks, including farm trucks, recreational vehicles, and ranch trucks, all of which can weigh more than 8,500 pounds. The goal of idling legislation should be to target large commercial trucks that emit the most harmful particulate matter.

**NOTES:**

The companion bill, HB 3317 by Chisum, was reported favorably, as substituted, by the Environmental Regulation Committee on May 11.