

BILL ANALYSIS

Senate Research Center
81R10121 JAM-D

S.B. 1828
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Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Great strides are being taken by the heavy-duty truck engine manufacturers to build cleaner engines. Some of these truck engines are actually emitting cleaner air than they are taking in. In effect these engines are cleaning the air in the nonattainment areas. Some states are recognizing these efforts and are certifying some engines as "clean idle" engines when they emit no more than 30 grams of nitrogen oxide emissions per hour when idling.

Under current federal law, truck drivers are required to take periodic rest breaks. The truck engine is left idling to power the air conditioner or heater. Truckers traverse the entire state in temperatures that range from over 100 degrees Fahrenheit to below freezing. Any restrictions placed on engine idling, and consequently on the use of air conditioning or heating, would interfere with the federally-mandated rest periods and the flow of goods across the state. The federal government allows a motor vehicle with an auxiliary power unit (APU) to carry an additional 400 pounds total in gross, axle, tandem, or bridge formula weight limits provided the APU is operational.

As proposed, S.B. 1828 requires the Texas Commission on Environmental Quality (TCEQ) to adopt rules to establish an engine certification program in this state. The bill prohibits TCEQ from limiting idling when it is necessary to power a heater or air conditioner during a government-mandated rest period. This bill establishes a 400-pound exemption provided the APU is operational.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC) the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Natural Resource Conservation Commission in SECTION 2 (Section 382.0192, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 382.0191(d), Health and Safety Code, to provide that this section expires November 1, 2010, rather than September 1, 2009.

SECTION 2. Amends Subchapter B, Chapter 382, Health and Safety Code, by adding Section 382.0192, as follows:

Sec. 382.0192. CERTIFICATION FOR OPTIONAL IDLING EMISSION STANDARDS. (a) Requires the Texas Natural Resource Conservation Commission (TNRCC):

(1) to adopt rules establishing:

(A) an optional nitrogen oxide idling emission standard for heavy-duty diesel engines manufactured during or after the 2008 model year; and

(B) a certification process for heavy-duty diesel engines that meet the standard established under Paragraph (A), including a method to visually verify that an engine is certified; and

(2) certify diesel engines that comply with rules adopted under this section.

(b) Prohibits a diesel engine certified under this section from being modified or altered unless the modification or alteration has been approved by TNRCC.

(c) Provides that a vehicle is not subject to idling restrictions, notwithstanding any provision to the contrary, if the vehicle:

(1) is powered by a diesel engine certified by TNRCC under this section or by a state whose certification standards are comparable to the standards developed by TNRCC under this section, as identified by TNRCC; and

(2) is marked or labeled as being powered by a diesel engine certified as described by Subdivision (1).

SECTION 3. Amends Subchapter Z, Chapter 622, Transportation Code, by adding Section 622.955, as follows:

Sec. 622.955. INCREASE OF MAXIMUM WEIGHT FOR VEHICLES WITH IDLE REDUCTION SYSTEMS. (a) Provides that, for purposes of this section, "idle reduction system" means a system that provides heating, cooling, or electrical service to a commercial vehicle's sleeper berth for the purpose of reducing the idling of a motor vehicle.

(b) Requires the maximum gross vehicle weight limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction system, notwithstanding any provision to the contrary, to be increased by an amount necessary to compensate for the additional weight of the idle reduction system.

(c) Prohibits the weight increase under Subsection (b) from being greater than 400 pounds.

(d) Requires a vehicle operator, on request by an appropriate law enforcement officer or an official of an appropriate regulatory agency, to provide proof that the idle reduction technology is fully functional at all times and the weight increase is not used for any purpose other than the use of the idle reduction system.

SECTION 4. Effective date: August 31, 2009.