

BILL ANALYSIS

S.B. 1828
By: Averitt
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

C.S.S.B. 1828 amends current law relating to the idling of motor vehicles.

[**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

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. (a) Repealer: Section 382.0191(d) (relating to the expiration of Section 382.0191 on September 1, 2009), Health and Safety Code.

(b) Amends Section 382.0191(b), Health and Safety Code, effective November 1, 2010, to prohibit the Texas Natural Resource Conservation Commission (TNRCC), except as provided by Subsection (c), from prohibiting or limiting the idling of any motor vehicle with a gross vehicle weight rating greater than 8,500 pounds that is equipped with a 2008 or subsequent model year heavy-duty diesel engine that has been certified by the United States Environmental Protection Agency or another state environmental agency to emit no more than 30 grams of nitrogen oxides emissions per hour when idling. Deletes existing text prohibiting TNRCC from prohibiting or limiting the idling of a motor vehicle when idling is necessary to power a heater or air conditioner while a driver is using the vehicle's sleeper berth for a government-mandated rest period, and providing that idling is not necessary to power a heater or air conditioner if the vehicle is within two miles of a facility offering external heating and air conditioning connections at a time when those connections are available.

SECTION 2. 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) Defines "idle reduction system."

(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 3. Effective date, except as provided by Section 1 (b) of this Act: August 31, 2009.

EFFECTIVE DATE

Except as provided by Subsection (b), Section 1 of this Act, this Act takes effect August 31, 2009. Subsection (b), SECTION 1 is effective on November 1, 2010.