

BILL ANALYSIS

Senate Research Center

S.B. 493
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Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Federal law requires commercial truck drivers to take periodic rest breaks. In Texas, during many months of the year, it is impossible for a driver to get the rest he or she needs without air conditioning or heat. Trucks not equipped with an auxiliary power units (APU) must idle in order to run these environmental systems.

Great strides are being made by the heavy-duty truck engine manufacturers to build cleaner engines. Some states and the United States Environmental Protection Agency 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. This standard is so rigorous that even California, home to the nation's most stringent air quality standards, allows trucks with clean idle engines to idle at any time.

The federal government allows a motor vehicle with an APU to carry an additional 400 pounds total in gross, axle, tandem, or bridge formula weight limits provided the APU is operational.

S.B. 493 amends current law by allowing the "clean idle" engines to idle in this state as an exception to the rules relating to the idling of motor vehicles.

As proposed, S.B. 493 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.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 382, Health and Safety Code, by adding Section 382.0191, as follows:

Sec. 382.0191. IDLING OF MOTOR VEHICLE. (a) Defines "idling" in this section.

(b) Prohibits the Texas Natural Resource Conservation Commission (TNRCC) 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.

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" in this section.

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

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

(d) Requires the vehicle operator, on request by an appropriate law enforcement officer or an official of an appropriate regulatory agency, to provide proof that:

(1) the idle reduction technology is fully functional at all times; and

(2) the weight increase is not used for any purpose other than the use of an idle reduction system.

SECTION 3. Effective date: upon passage or September 1, 2011.