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Int. No. 230

By Council Members Vacca, Koo, Mendez, Richards, Constantinides, Lancman, Rodriguez, Torres, Deutsch, Johnson, Vallone, Reynoso, Koslowitz, Kallos, Crowley, Levin, Chin, Espinal and Van Bramer

A Local Law to amend the New York city charter, in relation to vehicle idling restrictions.

Be it enacted by the Council as follows:

Section 1. Section 24-163 of the administrative code of the city of New York is amended to read as follows:

§24-163 Operation of motor vehicle; idling of engine restricted. (a) [No] Definitions. When used in this section:

(1) “Bus” shall have the same meaning as set forth in section one hundred four of the vehicle and traffic

law.

(2) “Loading and unloading” means the activity of passengers boarding or exiting a bus.

(3) “Loading and unloading device” means a device used to move goods or people on or off of a vehicle.

(4) “Processing device” means a device necessary to operate an engine-powered refrigeration system designed to control the environment of temperature sensitive cargo, including but not limited to food. Processing device shall also mean a device necessary to accomplish the work, other than transporting goods, for which the vehicle or equipment was designed, including, but not limited to: operating a lift, crane, pump, drill, hoist, mixer or other auxiliary equipment other than a heater or air conditioner.

(5) “School bus depot” means any garage, lot or other facility where buses that transport children to or from schools are parked overnight.

(6) “Multiple use bus terminal point” means a location that is both a terminal point of at least one bus route, other than a school bus route, and at least one bus stop, other than a school bus stop, on a different bus route.

(b) (1) Except as provided in this subdivision or subdivisions (f) or (g) of this section, no person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes, [except as provided in subdivision (f) of this section,] while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is being used to actively operate a loading[,] and unloading device or processing device. [When the ambient temperature is in excess of forty degrees Fahrenheit, no person shall cause or permit the engine of a bus as defined in section one hundred four of the vehicle and traffic law to idle while parking, standing, or stopping (as defined above) at any terminal point, whether or not enclosed, along an established route.

(b)] (2) The prohibitions of this section shall not apply when a hybrid electric vehicle, as defined in section 86.1702-99 of title forty of the code of federal regulations, is idling for the purpose of providing energy for a battery or other form of energy storage recharging.

(3) The prohibitions of this section shall not apply to electric powered vehicles.

(4) Buses are permitted to idle for five minutes in any thirty minute period in order to operate heating or air conditioning during active loading and unloading of passengers. Any diesel powered vehicle that does not move for more than two hours shall be allowed to idle up to fifteen minutes for every three hour period in which it remains stationary when the outside temperature is continuously below twenty-five degrees Fahrenheit.

(5) Any motor vehicle that has an independent refrigeration system that includes a compressor operating on diesel fuel shall not run such system longer than five minutes in a particular location.

(c) The department of transportation shall post signs relating to prohibited idling that shall comply with the standards set forth in the Manual on Uniform Traffic Control Devices and, where practicable, include the maximum penalty that may be imposed for a violation of subdivision [a] (b) of this section as follows:

(1) a sign shall be posted at each exit within the city of New York of each bridge and tunnel having only one terminus in the city of New York;

(2) signs shall be posted at a minimum of five locations in each borough where two or more truck routes, whether local or through routes, intersect;

(3) a sign shall be posted at each bus layover area (other than school bus layover areas), designated by the commissioner of transportation pursuant to section 4-10(c)(3) of title 34 of the rules of the city of New York, or any successor rule;

(4) a sign shall be posted at each multiple use bus terminal point;

(5) a sign shall be posted in close proximity to each school bus depot; and,

(6) signs shall be posted at other appropriate locations throughout the city as jointly determined by the

commissioner and the commissioner of transportation, including but not limited to, locations for which the city receives a substantial number of complaints of idling motor vehicles.

[(c) For the purpose of this section only the term "school bus depot" shall mean any garage, lot or other facility where buses that transport children to or from schools are parked over night and the term "multiple use bus terminal point" shall mean a location that is both a terminal point of at least one bus route (other than a school bus route) and a bus stop (other than a school bus stop) on one or more other bus routes.]

(d) In any proceeding relating to a violation of the restrictions on idling it shall not be a defense that a sign required by this section was absent at the time of the violation.

(e) In addition to the department and the police department, the department of parks and recreation and the department of sanitation shall have the authority to enforce subdivision [a] (b) of this section and shall have the power to issue summonses, appearance tickets and/or notices of violation for violations of such subdivision.

(f) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than one minute if such motor vehicle is adjacent, as determined by rule, to any public park or to any public school under the jurisdiction of the New York city department of education or to any non-public school that provides educational instruction to students in any grade from pre-kindergarten to the twelfth grade level, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device, and provided that idling of an engine of a school bus may be permitted to the extent necessary: (1) for mechanical work; (2) to maintain an appropriate temperature for passenger comfort; or (3) in emergency evacuations where necessary to operate wheelchair lifts. It shall be an affirmative defense that any such school was not easily identifiable as a school by signage or otherwise at the time a violation of this subdivision occurred.

(g) Service vehicles operated by a gas or electric company or by a city or state agency or the port authority of New York and New Jersey are permitted to idle in order to operate traffic control signals during street work.

(h) A report shall be submitted to the city council on an annual basis by: (1) the environmental control board that states the number of notices of violation issued for engine idling violations returnable to the environmental control board, including the total amount of penalties imposed for such notices of violations; and (2) the department of finance that states the number of summonses issued for engine idling violations pursuant to subdivision (p) of section 4-08 of title 34 of the rules of the city of New York, or any successor rule, including the total amount of penalties imposed for such summonses.

§ 2. This local law shall take effect ninety days after its enactment.

jtb
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