PROPOSED RULE 3502 MINIMIZATION OF EMISSIONS FROM LONG DURATION IDLING

(a) Purpose

The purpose of this rule is to minimize emissions from long duration idling events.

(b) Applicability

This rule shall apply to Class I freight railroads and switching and terminal freight railroads operating in the district.

(c) Definitions

(1) CLASS I FREIGHT RAILROAD means a Class I railroad, as classified by the Surface Transportation Board in 49 CFR Part 1201 Subpart A, that primarily transports freight rather than passengers.

(2) EMERGENCY VEHICLE means a publicly or privately owned and operated authorized emergency vehicle operated in response to emergency calls, as defined in California Vehicle Code, Division 1, Section 165.

(3) IDLING OR IDLING EVENT means the operation of a locomotive's propulsion engine for a period greater than 15 consecutive minutes at a time at which the main drive engine is not engaged in gear.

(4) LOCOMOTIVE means, for the purpose of this rule, a self-propelled piece of on-track equipment designed for moving or propelling railroad cars that are designed to carry freight or other equipment, but which itself is not designed or intended to carry freight, passengers (other than those operating the locomotive) or other equipment. Other equipment that is designed for operation both on highways and rails; specialized railroad equipment for maintenance, construction, post accident recovery of equipment, and repairs, and other similar equipment; and vehicles propelled by engines with rated horsepower of less than 750 kW (1006 hp) are not locomotives (see 40 Code of Federal Regulations Parts 86 and 89 for this equipment).

(5) LOCOMOTIVE ENGINE means the main propulsion engine or engines incorporated into a locomotive or intended for incorporation into a locomotive.

(6) LONG DURATION IDLING means an idling event that is greater than 30 consecutive minutes or longer in duration.

(7) MAINTENANCE OR DIAGNOSTIC PURPOSES means scheduled and emergency activities including repairs, testing and adjustment of systems, and preventative maintenance, and associated activities such as problem troubleshooting.

(8) OPERATOR means the railroad responsible for operations in the District.

(9) RAILROAD means a commercial entity that operates locomotives to transport passengers or freight.

(10) SWITCHING AND TERMINAL RAILROAD means a non-Class I railroad engaged primarily in switching and/or terminal services for other railroads.

(d) Prohibition

On and after January 1, 2006, a railroad subject to this Rule shall not operate a locomotive within the District so as to continuously idle for 30 minutes or more unless:

(1) the locomotive is being used as an emergency vehicle; or

(2) a mechanic is idling the locomotive for maintenance or diagnostic purposes which can be conducted only when the locomotive engine is in operation; or

(3) the district could not require an action to be implemented to reduce idling below 30 minutes due to preemption by federal law; or

(4) the operator has received approval from the Executive Officer of an Alternative Compliance Plan authorizing the operator to obtain equivalent reductions from locomotives using a control technology or alternative fuel. The operator of a locomotive shall submit the Alternative Compliance Plan no later than 90 days from its intended use. The Alternative Compliance Plan shall include quantifiable, enforceable emission control measures that will achieve emission reductions equivalent to the emission reductions that would be achieved by complying with subdivision (d).

(e) Approval of the Alternative Compliance Plan

Within 90 days of submittal of the Alternative Compliance Plan pursuant to paragraph (d)(4), the Executive Officer will approve or disapprove the Alternative Compliance Plan. The Executive Officer shall disapprove the Alternative Compliance Plan unless the Alternative Compliance Plan:

(1) is complete and contains the information required under paragraph (d)(4);

(2) demonstrates that equivalent emission reductions will be obtained over the same period of time as with subdivision (d).

(f) Fees

The Alternative Compliance Plan shall constitute a plan for the purpose of fees assessed under Rule 306 – Plan Fees.

(g) Appealing Disapproval of Alternative Compliance Plan

The operator of a railroad may appeal the disapproval by the Executive Officer of an Alternative Compliance Plan to the Hearing Board under Rule 216 – Appeals and Rule 221 – Plans. If the Hearing Board denies the appeal, the Alternative Compliance Plan shall be revised consistent with the findings and rulings by the Hearing Board and resubmitted within 90 days after the Board's decision. The revised submittal shall correct all deficiencies identified by the Hearing Board.