

**PROPOSED RULE 3501 RECORDKEEPING FOR LOCOMOTIVE IDLING**

- (a) Purpose  
This purpose of this rule is to record idling events to identify opportunities for reducing idling emissions and to assist the District to quantify idling emissions.
  
- (b) Applicability  
This rule shall apply to Class I freight railroads and switching and terminal freight railroads that operate locomotives in the district.
  
- (c) Definitions
  - (1) ANTI-IDLING DEVICE means a device installed on a locomotive designed to automatically shut-off the main propulsion engine after a specified time period when specified parameters are exceeded, and then automatically restart the engine when engine/operation parameters drop below their minimums.
  - (2) 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.
  - (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) LONG DURATION IDLING means an idling event that is greater than 30 consecutive minutes or longer in duration.
  - (6) OPERATOR means the railroad responsible for operations in the District.
  - (7) RAILROAD means a commercial entity that operates locomotives to transport passengers or freight.
  - (8) SWITCHING AND TERMINAL RAILROAD means a non-Class I railroad engaged primarily in switching and/or terminal services for other railroads.
- (d) Recordkeeping Requirements
- (1) For each idling event beginning 30-days after approval of the Idling Monitoring and Recording Plan, the operator of a locomotive shall record the following information for each idling event that occurs in the district:
    - (A) Name of owner and operator of locomotive;
    - (B) Locomotive identification information;
    - (C) Location of idling event, time and date of idling event, duration of idling event;
    - (D) Detailed statement explaining the reason why the idling event occurred.
  - (2) The operator of a locomotive shall record each idling event in the manner specified in an approved Idling Monitoring and Recording Plan.
- (e) Reporting Requirements
- (1) Beginning the first Wednesday following the commencement of recordkeeping pursuant to subdivision (d) and each Wednesday thereafter, the operator of a locomotive shall submit the records specified in subdivision (d) to the Executive Officer for each idling event that occurred over the past seven days:
    - (A) the information recorded pursuant to paragraph (d)(1);
    - (B) identification of the provision in which a long duration idling event was allowed pursuant to Rule 3502 paragraphs (d)(1), (d)(2), (d)(3), or (d)(4), if any; and
    - (C) for each long duration idling event that was allowed pursuant to Rule 3502 paragraph (d)(4), where actions that could be implemented to reduce idling below 30 minutes could not be

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regulated by the district due to preemption by federal law, the operator of a locomotive shall provide:

- (i) identification of the specific provision in federal law upon which the preemption is based; and
  - (ii) a description of the factual basis for the claim of federal preemption.
- (2) When submitting records required pursuant to paragraph (e)(1), the operator of a locomotive shall transmit the idling event information electronically in a format approved by the Executive Officer.
- (3) On or before March 1, 2007, the operator of a locomotive shall submit a report to the Executive Officer that includes:
  - (A) for each locomotive operated in the district within the past calendar year the following engine information:
    - (i) locomotive identifier;
    - (ii) a description of the type of service the locomotive
    - (iii) number of engines;
    - (iv) model classification, year(s) of manufacture or repower, whichever is later;
    - (v) engine horsepower;
    - (vi) description of any emissions control devices; and
    - (vii) statement whether or not the locomotive is equipped with a Global Positioning System (GPS); and
  - (B) a list of locomotives that are equipped with an anti-idling device that meet the exemption requirements specified under subdivision (i) that includes the following information:
    - (i) locomotive identifier;
    - (ii) description of the anti-idling device, that includes the manufacturer, model number, and date of installation;
    - (iii) statement that the idling device is designed and operated in manner to limit locomotive idling below 15 minutes; and
    - (iv) the name, title and signature of the responsible company official certifying the accuracy of the records submitted.
- (4) On or after March 1, 2008, and every March 1<sup>st</sup> thereafter, the operator of a locomotive shall submit a report to the Executive Officer to update information submitted pursuant to paragraph (e)(3). The update shall include:

- (A) for any additional locomotives that were not previously reported, engine information required under subparagraph (e)(3)(A);
  - (B) removal of locomotives that are no longer operated in the district that were previously reported;
  - (C) for any additional locomotives that are equipped with an anti-idling device that were not previously reported, information required pursuant to subparagraph (e)(3)(B); and
  - (D) changes to any information previously reported.
- (f) **Submittal of Idling Monitoring and Recording Plan**  
On or before (*3 months after rule adoption*), the locomotive operator shall submit to the Executive Officer a proposed Idling Monitoring and Recording Plan. The proposed Idling Monitoring and Recording Plan shall contain, at a minimum, the following information:
- (1) Name of owner and operator of each locomotive that is present in the district more than once per year;
  - (2) A description of the nomenclature or other identifier that will be used to distinctly identify each locomotive in records and reports required pursuant to subdivisions (d) and (e); and
  - (3) A description of method and/or technique(s) that will be used to record each idling event pursuant to subparagraph (d)(1)(C) to:
    - (A) identify the specific location of the idling event;
    - (B) record the time and date of the idling event onset;
    - (C) track the continuous minutes a locomotive idling;
    - (D) record the duration of an idling event; and
    - (E) record the detailed reason for the idling event.
- (g) **Approval of Idling Monitoring and Recording Plan**
- (1) Within 90 days of submittal of an Idling Monitoring and Recording Plan, the Executive Officer will approve or disapprove the Idling Monitoring and Recording Plan. The Executive Officer shall disapprove the plan unless the proposed Idling Monitoring and Recording Plan:
    - (A) is complete and contains, at a minimum, information required under subdivision (f); and
    - (B) specifies a method to monitor and record information required under subdivision (e) that is complete, timely, and accurate.

- (2) If the Executive Officer disapproves the Idling Monitoring and Recording Plan, the operator of the locomotive shall revise and resubmit the Idling Monitoring and Recording Plan within 90 days after the decision. The revised submittal shall correct all deficiencies identified by the Executive Officer.
  - (3) Within 90 days of the submittal of a revised Idling Monitoring and Recording Plan, the Executive Officer will approve or disapprove the revised Idling Monitoring and Recording Plan. The Executive Officer will modify the Idling Monitoring and Recording Plan to correct any deficiencies that the operator has not corrected and approve it as modified within 180 days of the disapproval of the second submittal or failure to resubmit.
  - (4) The operator of a locomotive subject to this rule shall perform monitoring and recording of the idling events subject to this rule and comply with all terms and conditions specified in the approved Idling Monitoring and Recording Plan.
- (h) Fees
- The Idling Monitoring and Recording Plan shall constitute a plan for the purpose of fees assessed under Rule 306 – Plan Fees.
- (i) Appeal of Disapproval of Idling Monitoring and Recording Plan
- The operator of a locomotive may appeal the disapproval by the Executive Officer of the Idling Monitoring and Recording Plan, or terms and conditions imposed by the Executive Officer pursuant to paragraph (g)(1) or (g)(3), to the Hearing Board under Rule 216 – Appeals and Rule 221 – Plans. If the Hearing Board denies the appeal, the Idling Monitoring and Recording Plan shall be revised consistent with the findings and rulings by the Hearing Board and resubmitted within 60 days after the Board’s decision. The revised submittal shall correct all deficiencies identified by the Hearing Board.
- (j) Exemptions
- A locomotive is exempt from the recordkeeping requirements specified under subdivision (d) if the locomotive is equipped with an anti-idling device that is designed and operated in a manner to limit idling below 15 minutes and the locomotive is identified in records submitted to the Executive Officer pursuant to paragraph (e)(3).