

RULE 3502 MINIMIZATION OF EMISSIONS FROM LOCOMOTIVE IDLING

- (a) Purpose
The purpose of this rule is to minimize emissions from unnecessary idling of a locomotive.

- (b) Applicability
This rule shall apply to Class I freight railroads and switching and terminal freight railroads operating in the District.

- (c) Definitions
 - (1) ANTI-IDLING DEVICE means a device installed on a diesel locomotive designed to automatically shut-off the main diesel internal combustion engine used for locomotive motive power after a specified time period when specified parameters (e.g., engine water temperature, ambient temperature, battery charge, railcar brake pressure, etc.) are at acceptable levels, and then automatically restart the engine when parameters are no longer at acceptable levels.
 - (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) CONTROLLING or LEAD LOCOMOTIVE means the locomotive within a consist of locomotives, including consists made up of switching locomotives and locomotives not connected to railcars, that is arranged as having the only controls over all electrical, mechanical and pneumatic functions for one or more locomotives.
 - (4) DISTRICT means the South Coast Air Quality Management District's geographical area of jurisdiction, as defined in California Health and Safety Code Section 40410 consisting of the four-county South Coast Air Basin and the Riverside County portions of the Salton Sea Air Basin (SSAB) and the Mojave Desert Air Basin (MDAB). The South Coast Air Basin, which is a subarea of the District, is bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto

Mountains to the north and east and includes all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties. The Riverside County portion of the SSAB and MDAB is bounded by the San Jacinto Mountains in the west and the Palo Verde Valley in the east.

- (5) EMERGENCY means any sudden, unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services.
- (6) IDLE OR IDLING OR IDLING EVENT means the operation of a locomotive's diesel internal combustion engine(s) used for locomotive motive power during which the engine is not used to move the locomotive. It shall not be considered idling when the engine is operating while the locomotive is being slowed or moved by gravity.
- (7) 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. The following equipment is not a locomotive: equipment designed for operation both on highways and rails; specialized railroad equipment for maintenance, construction, post-accident recovery of equipment, or repairs; and vehicles propelled by engines with rated horsepower of less than 750 kW (1006 hp).
- (8) LOCOMOTIVE CONSIST means a collection of two or more locomotives connected to each other.
- (9) LOCOMOTIVE ENGINE means the diesel internal combustion engine or engines incorporated into a locomotive or intended for incorporation into a locomotive and used to provide locomotive motive power.
- (10) MAINTENANCE OR DIAGNOSTIC PURPOSES means activities including repairs, testing and adjustment of systems, preventative maintenance, and associated activities such as problem troubleshooting, in which a mechanic is working on a locomotive to conduct such activities, excluding queuing before or after these activities.
- (11) OPERATOR means, for the purpose of this rule, a railroad responsible for operations associated with movement of freight within the District.

- (12) RAILROAD means, for the purpose of this rule, a commercial entity that operates locomotives to primarily transport freight.
 - (13) SWITCHING AND TERMINAL RAILROAD means a non-Class I railroad engaged primarily in switching and/or terminal services for other freight railroads.
 - (14) TAMPERED OR TAMPERING means for the purpose of this rule, the modification or disabling of an anti-idling device that would circumvent its normal operation such that even if specified parameters (e.g. engine water temperature, ambient temperature, battery charge, railcar brake pressure, etc.) are at acceptable levels, the main diesel internal combustion engine used for locomotive motive power will not automatically shut-off after a specified time period.
 - (15) TRAILING LOCOMOTIVE means any locomotive in a consist of locomotives, including consists made up of switching locomotives and locomotives not connected to railcars, that is not the controlling locomotive.
 - (16) UNATTENDED means where no crew member is on board a locomotive.
- (d) Idling Requirement
- (1) On and after August 3, 2006, unless a locomotive is equipped with an anti-idling device that is set at 15 minutes or less, engaged, and not tampered with, an operator of a locomotive shall not idle an unattended locomotive for more than 30 minutes for any of the following reasons:
 - (A) the crew of the locomotive consist has been relieved and the relief crew has not arrived; or
 - (B) the crew of the locomotive consist has left for a meal; or
 - (C) the locomotive is within the railyard; or
 - (D) the locomotive is queuing for fueling, maintenance, or servicing; or
 - (E) maintenance or diagnostics are being conducted on the locomotive that does not require operation of the engine.
 - (2) On and after August 3, 2006, unless a locomotive is equipped with an anti-idling device that is set at 15 minutes or less, engaged, and not tampered with, an operator of a locomotive shall not idle a trailing locomotive for more than 30 minutes for the following reasons:

- (A) the dispatcher or yardmaster notifies the operator of a delay that will exceed 30 minutes; or
 - (B) there is a locomotive failure or breakdown that will result in a delay of more than 30 minutes.

- (e) Submittal of Emissions Equivalency Plan
 - (1) In lieu of complying with the idling requirements pursuant to subdivision (d), at least 90 days before its intended use, the operator may submit to the Executive Officer and comply with the provisions of an Emissions Equivalency Plan for diesel particulate matter and oxides of nitrogen for a locomotive demonstrating that the locomotive will achieve equivalent reductions in emissions over a calendar year as will be required under this rule. The submitted Emissions Equivalency Plan shall:
 - (A) identify the locomotive control technology(ies) to be implemented;
 - (B) quantify locomotive emission reductions, demonstrating that:
 - (i) there is no increase in total cancer potency-weighted emissions of toxic air contaminants; and
 - (ii) the reductions are greater than or equal to the annual emission reductions that would be achieved by complying with paragraphs (d)(1) and (d)(2)
 - (C) identify each locomotive(s) to be included; and
 - (D) specify an implementation schedule; and
 - (E) identify the mechanism(s) to be employed to ensure that emission reductions are enforceable for each locomotive.
 - (2) The operator shall comply with idling requirements pursuant to subdivision (d) until the Executive Officer approves the Emissions Equivalency Plan.
 - (3) Locomotives not included in an Emissions Equivalency Plan are subject to the following subdivisions of this rule: (a), (b), (c), (d), (h), (i), (j) and (k).

- (f) Approval of the Emissions Equivalency Plan

Within 90 days of submittal of an Emissions Equivalency Plan pursuant to subdivision (e), the Executive Officer will approve or disapprove the Emissions Equivalency Plan. The Executive Officer shall approve the Emissions Equivalency Plan if it meets the requirements of subdivision (e).

(g) Fees and Right of Appeal

- (1) The Emissions Equivalency Plan shall constitute a plan for the purpose of fees assessed under Rule 306 – Plan Fees.
- (2) The operator of a railyard may appeal the disapproval by the Executive Officer of an Emissions Equivalency Plan to the Hearing Board under Rule 216 – Appeals and Rule 221 - Plans. If the Hearing Board denies the appeal, the Emissions Equivalency 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.

(h) Circumvention

- (1) Tampering with an anti-idling device shall be considered a violation of this rule.
- (2) The moving of a locomotive for the purpose of preventing idling for more than the 30 minutes or to prevent an anti-idling device from shutting off a locomotive’s main propulsion engine shall be considered a violation of this rule.

(i) Penalties

Failure to comply with any requirement of this rule, or any provision of an approved Emission Equivalency Plan will result in a separate violation for each locomotive for each day of non-compliance and subject to penalties under Health and Safety Code Section 42400 et seq.

(j) Exemptions

- (1) An operator is exempt from provisions of paragraphs (d)(1), (d)(2), and (d)(3) if the operator demonstrates the following conditions are met: the locomotive is being used in an emergency; or
- (2) ambient temperatures of 40°F or lower occur or are predicted for the next 24 hours in the area where the locomotive is operated; or
- (3) idling is required to maintain battery charge or voltage at a level sufficient to start the locomotive.

(k) Severability

If any provision of this rule is held by judicial order to be invalid, or invalid or inapplicable to any person or circumstance, such order shall not affect the validity of the remainder of this rule, or the validity or applicability of such provision to other persons or circumstances. In the event any of the exceptions to this rule are held by judicial order to be invalid, the persons or circumstances covered by the exception shall instead be required to comply with the remainder of this rule.