



State of New Jersey

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Department of Environmental Protection
Diesel Risk Reduction Program
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ENFORCEMENT OF NEW JERSEY'S IDLING REQUIREMENTS October 2011

LOCAL/STATE POLICE AUTHORITY:

- Enforcement of motor vehicle idling (diesel and gasoline)
 - Motor vehicle statute C. 39:3-70.2 revised by legislature to clarify that violation includes idling in addition to visible smoke or contaminants in excess of standards
 - Both Motor Vehicle and Traffic Act, C. 39:3-70.2, and Air Pollution Control Act, C. 26:2C-1 should be cited
 - Minimum penalty amount for violation of C. 39:3-70.2 is \$250.00
 - Does not apply to motor vehicles idling in traffic or in a queue of motor vehicles that are intermittently motionless due to traffic or other conditions over which the driver has no control
- **Idling can be enforced on public roadways and on private property**
- Penalty monies go to municipality, county and state
- State police also conduct roadside enforcement/inspection program of heavy duty diesel vehicles (they have done this for many years)

N.J. DEPARTMENT OF ENVIRONMENTAL PROTECTION AUTHORITY:

- Enforcement of motor vehicle idling (diesel and gasoline) anywhere except on public highways when the vehicle is moving. If the vehicle is parked or stopped on the side of a road, and is not in a lane of traffic, the owner or operator of the noncompliant vehicle may be cited once the inspector determines that an idling violation has occurred.
- All idling requirements are found in NJDEP regulations:
 - N.J.A.C. 7:27-14 for diesel vehicles
 - N.J.A.C. 7:27-15 for gasoline vehicles
- Idling limit is 3 minutes for diesel (trucks, buses, school buses, etc.) and gasoline vehicles (cars, some trucks and buses, etc.)
- Limited exceptions to 3 minute idling include vehicles stopped in traffic, waiting for vehicle inspection or being repaired, emergency vehicle in emergency situation, bus discharging/picking up passengers, or vehicles with a power source used for necessary and prescribed mechanical operation (refrigeration, maintaining suspension, mechanical lifts, etc.)
- Idling of a vehicle's main engine to heat/cool a driver while resting/sleeping in a sleeper berth is only allowed if the vehicle is equipped with a model year 2007 or newer engine, or

has been retrofitted with a diesel particulate filter that is connected and properly functioning.

- Use of Auxiliary Power Units (APUs) to provide heat, cooling and electric needs is allowed

NOTE: These NJDEP authorities are delegated to county environmental health (CEHA) agencies as well.

TECHNICAL NOTES:

- Diesel vehicles do not need to keep engines running to properly function. Modern diesel engines require only 3 minutes or less to “warm up”. Idling is a waste of fuel and money and causes excess wear and maintenance.
- Fine particle pollution in NJ may cause more premature deaths than homicides and car accidents combined. Diesel exhaust is a primary component of fine particle pollution and is known to cause or exacerbate a variety of heart and lung ailments.
- Neighboring states have idling laws that are similar to NJ. The idling limit in New York state is 5 minutes, New York City is 3 minutes with no exceptions, and Philadelphia is 2 minutes.

FOR MORE INFORMATION, visit www.StopTheSoot.org or contact Melinda Dower of the Diesel Risk Reduction Program (melinda.dower@dep.state.nj.us) or (609)292-7953).

Title 39 of the Motor Vehicle code

39:3-70.2 Air pollution; penalty.

2.Any person who operates a motor vehicle or owns a motor vehicle, other than a school bus, which the person permits to idle in violation of rules and regulations, or to be operated upon the public highways of the State when the motor vehicle is emitting smoke and other air contaminants in excess of standards adopted by the Department of Environmental Protection pursuant to the "Air Pollution Control Act (1954)," P.L.1954, c.212 (C.26:2C-1 et seq.) shall be liable to a penalty of not less than \$250 nor more than \$1,000 per day, per vehicle, which shall be enforced in accordance with the provisions of chapter 5 of Title 39 of the Revised Statutes and P.L.2005, c.219 (C.26:2C-8.26 et al.).

The owner of any school bus that is operated or is permitted to idle in violation of rules and regulations adopted pursuant to the Department of Environmental Protection pursuant to the "Air Pollution Control Act (1954)," P.L.1954, c.212 (C.26:2C-1 et seq.) or any applicable rules and regulations adopted pursuant to P.L.2005, c.219 (C.26:2C-8.26 et al.) shall be liable for a penalty of not less than \$250 nor more than \$1,000 per day, per vehicle, which shall be enforced in accordance with the provisions of chapter 5 of Title 39 of the Revised Statutes, except that no penalty may be assessed against any driver of a school bus who is not the owner of the school bus.

The provisions of this section shall not apply to a motor vehicle idling in traffic, or a motor vehicle other than a school bus idling in a queue of motor vehicles, that are intermittently motionless and moving because the progress of the motor vehicles in the traffic or the queue has been stopped or slowed by the congestion of traffic on the roadway or other conditions over which the driver of the idling motor vehicle has no control.

L.1966,c.15,s.2; amended 2005, c.219, s.33.