



EDWARD B. CROWELL
PRESIDENT & CEO

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Mr. McDonald:

The following comments are submitted on behalf of the Georgia Motor Trucking Association, Inc. (GMTA) in regards to the Environmental Protection Division's proposal to impose statewide regulations on engine idling by heavy duty commercial vehicles.

GMTA is a trade association representing nearly 1,000 member firms statewide, the majority of which are Georgia-based trucking operations. Our members include owners and/or operators of fleets that range from 1 to 100,000 vehicles, and service every facet of the economy of Georgia. Additionally, our membership includes hundreds of companies with tens of thousands of employees whose economic well-being depends directly on the health and vitality of Georgia's trucking industry.

Comments of the Georgia Motor Trucking Association

At the outset, GMTA wishes to voice strong objection to the proposal. The proposed regulations are ill-timed, unnecessary, lacking in adequate justification or basis and will impose needless burdens on the industry without achieving any substantial benefit.

The overwhelming majority of GMTA member firms already have policies and practices in place which control the idling of truck engines by drivers. These include, but are not limited to the use of written policies, driver incentives, software and hardware controls, the installation of auxiliary power units and more. These practices and policies provide substantially all the public benefit sought by EPD while imposing no additional regulatory costs on carriers.

At the same time, it is indisputable that situations can and do arise where extended idling of an engine is required because of outside circumstances in order to protect sensitive cargo or even the life and health individuals. The owners and operators of trucks are in far better positions to make the proper judgment in these situations than any regulation or government office.

Proposal seeks to regulate the wrong entities

All for-profit businesses have a vested interest in reducing waste in every way possible and in the current economic situation this is something of which trucking companies are acutely aware. In fact, government agencies which operate heavy-duty commercial vehicles are far more likely to be involved in long-term idling than members of the trucking industry. If EPD must pursue a regulation, it would be most productive for the agency to regulate other government entities such as school systems and transit systems, while letting the private sector follow its own best practices. If there is any benefit to be had from a statewide anti-idling regulation it is likely to be found in those government operations. EPD, unfortunately, is proposing to go in exactly the opposite direction.

Proposal will create safety hazards and increased need for idling

Yet another flaw in EPD's proposal is the threat to assess monetary fines on property owners where trucks are found to be in violation. This too, will result in greater burdens on the trucking industry (and the private sector in general) with no benefit to anyone except the entity collecting the fines. Moreover, this aspect of the proposed regulation will create a safety hazard and likely increase the need for idling.

If EPD threatens to impose fines on property owners, property owners will not react by timing the idling of trucks on the yard, nor by taking on the expense of running their loading/unloading operations to keep EPD's preferred pace. Rather, they will simply instruct truck operators to stay off the property until specifically called in. This will leave drivers further from any building or driver lounge and require them to remain in their cabs – thus creating a greater need for idling in inclement conditions. Moreover, this may also leave trucks on road shoulders, exit ramps or even in travel lanes, creating unsafe conditions for truck operators and other motorists.

Proposal lacks Georgia-based data to justify 5-minute limit

EPD has not produced any valid study of current statewide truck idling practices. Rather, using a variety of statistics from a variety of sources to support a claim that idling must be regulated (because “low-hanging fruit” has been picked). There is nothing in the EPD data to show EPD knows the current idling practices of the industry, and EPD makes no effort to show that the cost of meeting the regulation will equal the benefit derived by those regulated (or by anyone). Without a solid baseline, it cannot truly justify any limit as being beneficial. As such, it should exercise good judgment and refrain from regulating; instead gathering real-world Georgia specific data. Failing that, it should begin with a generous ceiling and only seek to fine tune it as it learns what effects (positive and negative) the regulation has; and again, should limit itself to regulating other government entities.

Proposal is lacking in common sense and common humanity

The wording of the proposed regulation calls for a five minute limit to idling – but sets no time frame to this. In other words it does not specify five minutes per hour, or per stop, it simply states “...five consecutive minutes at a time.”

A literal reading of this language indicates that should a driver shut off an engine after five minutes of idling, he will be free to immediately restart it for another “five consecutive minutes at a time.” Further, the driver will be free to do this as frequently as desired during a wait. Starting an engine uses much more fuel and produces more waste than idling. As such, the regulation will create ridiculous

situations that result in greater air pollution than simply leaving the driver or company to make reasonable choices.

The proposal also lacks any humane treatment of a truck driver. If EPD means the five consecutive minutes to be only a single instance when at a location, this could result in a truck driver being asked to sit for extended periods of time without air conditioning or heating. Without air conditioning, the temperature of a truck cab could easily exceed 120 degrees in a South Georgia summer. To ask truck drivers to endure these sorts of conditions is unreasonable, unhealthy and inhumane.

Minimums that should be in any Anti-idling Regulation

If, despite all reason, EPD should pursue this regulation, the regulation should at a minimum contain the following language:

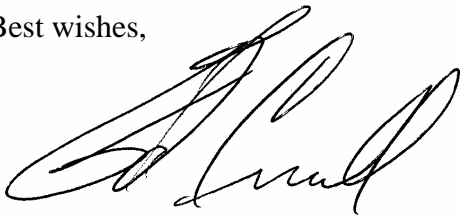
“A person that operates a motor vehicle operating on diesel fuel in Georgia may not cause or allow the motor vehicle, when it is not in motion, to idle for more than a total of 15 minutes within any 60 minute period, except under the following circumstances:

- (1) the motor vehicle has a Gross Vehicle Weight Rating equal to or more than 26,000 pounds;
- (2) the motor vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official;
- (3) the motor vehicle idles when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;
- (4) a police, fire, ambulance, public safety, other emergency or law enforcement motor vehicle, or any motor vehicle used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator;
- (5) the primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is necessary for such activity;
- (6) a motor vehicle idles as part of a government inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection;
- (7) idling of the motor vehicle is required to operate auxiliary equipment to accomplish the intended use of the vehicle (such as loading, unloading, mixing, or processing cargo; controlling cargo temperature; construction operations; lumbering operations; oil or gas well servicing; or farming operations; for electricity generation or hydraulic pressure to power equipment necessary in the restoration, repair, modification or installation of electric utility service), provided that this exemption does not apply when the vehicle is idling solely for cabin comfort or to operate non-essential equipment such as air conditioning, heating, microwave ovens, or televisions;
- (8) an armored motor vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded;
- (9) a bus idles a maximum of 30 minutes in any 60 minute period to maintain passenger comfort while non-driver passengers are on board;

- (10) if the motor vehicle has a sleeping berth, when the operator is occupying the vehicle during a rest or sleep period and idling of the vehicle is required to operate air conditioning or heating;
- (11) when the motor vehicle idles due to mechanical difficulties over which the operator has no control;
- (12) the motor vehicle is used as airport ground support equipment, including, but not limited to, motor vehicles operated on the air side of the airport terminal to service or supply aircraft;
- (13) the outdoor temperature is less than 32 degrees Fahrenheit or greater than 80 degrees Fahrenheit.
(a) When the outdoor temperature is 32 degrees Fahrenheit or higher and 80 degrees Fahrenheit or lower, a person who operates a motor vehicle operating on diesel fuel may not cause or allow the motor vehicle to idle for a period greater than 45 minutes in any 60 minute period while waiting to weigh, load, or unload cargo or freight, unless the vehicle is in a line of vehicles that regularly and periodically moves forward.
(b) This regulation does not prohibit the operation of an auxiliary power unit or generator set as an alternative to idling the main engine of a motor vehicle operating on diesel fuel.
- (14) Any person convicted of any violation of this regulation shall be fined \$50 for the first conviction and \$100 for a second or subsequent conviction within any 12 month period.”

Again, these comments are submitted on behalf of GMTA. GMTA stands ready to assist the EPD in any way that helps develop reasonable, efficient and cost-effective improvements to air quality in Georgia and looks forward to continuing to work together for the good of all Georgians.

Best wishes,

A handwritten signature in black ink, appearing to be 'J. L. ...', written in a cursive style.

EC:cls