



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

September 10, 2018

The Honorable City Council
Palo Alto, California

SECOND READING: Adoption of an Ordinance Adding Chapter 10.62 to Title 10 (Vehicles and Traffic) of the Municipal Code to Regulate Unnecessary Idling of Vehicles (Continued From April 2, 2018 and June 12, 2018)(FIRST READING: July 30, 2018 PASSED: 9-0)

This was first heard by the Council on July 30, 2018, and it is now before you for a second reading. Below is the motion and vote on the item.

MOTION: Council Member Holman moved, seconded by Mayor Kniss to:

- A. Adopt an Ordinance amending the Municipal Code to add Chapter 10.62 to Title 10 (Vehicles and Traffic) to regulate unnecessary idling of vehicles; and
- B. Direct Staff to create cards detailing negative air quality impacts of vehicle idling and fuel savings from turning the engine off and restarting.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Part A, "including Municipal Code Section 10.62.040, Option 2."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Part A, "(with Option 3 applying to construction vehicles)."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove from the Motion Part A, "(with Option 3 applying to construction vehicles)."

MOTION AS AMENDED RESTATED: Council Member Holman moved, seconded by Mayor Kniss to:

- A. Adopt an Ordinance amending the Municipal Code to add Chapter 10.62 to Title 10 (Vehicles and Traffic) to regulate unnecessary idling of vehicles, including Municipal Code Section 10.62.040, Option 2; and
- B. Direct Staff to create cards detailing negative air quality impacts of vehicle idling and fuel savings from turning the engine off and restarting.

MOTION AS AMENDED PASSED: 9-0

ATTACHMENTS:

- Attachment A: Anti Idling ORD 20180830 (PDF)

Department Head: Beth Minor, City Clerk

Not Yet Approved

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Adding Chapter 10.62 to Title 10 (Vehicles and Traffic) of the Palo Alto Municipal Code to Regulate Unnecessary Idling of Vehicles.

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. The City Council finds and declares as follows:

A. Program N5.2.1 of the updated City of Palo Alto Comprehensive Plan instructs the city to “[p]romote understanding of the impacts of extended idling on air quality, for residents, auto-dependent businesses and schools.” Additionally, Program N5.2.1 of the updated Comprehensive Plan instructs the city to “[c]onsider adopting and enforcing penalties for drivers that idle for longer than 3-5 minutes.” This ordinance is intended to effectuate Policy N-5.2 and support behavior changes to reduce emissions of particulate matter and other air pollutants from automobiles.

B. Title 13, California Code of Regulations, section 2485 currently makes it unlawful for any diesel-fueled commercial vehicle weighing over 10,000 pounds and operating in California to idle for more than 5 minutes, subject to certain exceptions. Additionally, Title 13, California Code of Regulations, section 2480 requires that school busses and other school-serving busses turn off their engines when stopping at or within 100 feet of a public or private K-12 school, with idling permitted for only up to 30 seconds prior to departure. The California Air Resources Board is authorized to enforce these laws by issuing civil and/or criminal citations to vehicle owners and/or operators and penalties of at least \$300 per violation. These regulations do not preclude local governments from regulating vehicle idling more stringently or in a broader manner than the state does currently.

C. The unnecessary operation of internal combustion engines poses a number of public health concerns. In particular, airborne pollutants from engine emissions can cause or aggravate pulmonary diseases, including asthma, lung cancer, bronchitis, acute respiratory infections, and emphysema. In addition to public health concerns, idling engines also impose economic costs, including wasted energy, consumption of non-renewable resources, and costs related to medical care and lost productivity due to pollution-related illness. Idling engines also diminish citizens’ quality of life by generating noise, odor, and visible smog.

D. In addition to impacts on local community health and welfare, unnecessary idling contributes to environmental degradation in the Bay Area and more broadly by emitting greenhouse gases, hydrocarbons, nitrogen oxides, and particulate matter. Although technological advancements in internal combustion engines have reduced some of these impacts, increases in vehicle usage and the continued use of older vehicles has offset many of these technological benefits.

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E. The City of Palo Alto is committed to reducing greenhouse gas emissions from activities within the city. This commitment is demonstrated in part by the city's Sustainability and Climate Action Plan, which targets an 80-percent reduction in greenhouse gas emissions from 1990 levels by 2030. Additionally, Goal N-5 of the updated Comprehensive Plan demonstrates the city's commitment to developing local policies and working with BAAQMD to promote regional solutions to improve air quality in Palo Alto and throughout the Bay Area.

SECTION 2. Chapter 10.62 (Idling of Vehicles) of Title 10 (Vehicles and Traffic) is hereby added to read as follows:

Chapter 10.62 Idling of Vehicles

10.62.010 Intent and Purpose.

It is the intent and purpose of this chapter to discourage the Idling of Vehicle engines in the City of Palo Alto in order to protect public health, improve environmental conditions, conserve energy and resources, promote economic efficiency, and improve quality of life. This intent and purpose shall be effectuated through primarily educational means.

10.62.020 Definitions.

For the purposes of this chapter, these words shall have the following definitions:

(a) *Idle or Idling* means to operate a Vehicle's internal combustion engine while the Vehicle is stationary.

(b) *Vehicle* is defined as in California Vehicle Code section 670.

10.62.030 Restriction of Vehicle Idling.

(a) A Vehicle owner or a Vehicle operator shall not cause or permit the Vehicle to Idle on public property, in public rights of way, or on private property that is open to the general public within city limits for more than 3 consecutive minutes.

(b) Subsection (a) of this section shall not apply in any of the following circumstances:

(1) A Vehicle is forced to remain stationary because of an official traffic control device, direction of a law enforcement official, or any traffic conditions beyond the operator's control, including traffic congestion, railroad crossings, construction zones, security checkpoints, and vehicle queues for drive-through goods and services;

(2) Idling is necessary to operate defrosters, heaters, air conditioners, or other equipment to prevent a safety or health emergency for human or animal occupants, or

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to prevent the aggravation of a passenger's disability or health condition, but not merely to maintain the comfort of vehicle occupants;

(3) Idling is necessary to provide heat to an occupied Vehicle if the outside ambient temperature is below 40 degrees Fahrenheit, or Idling is necessary to provide cooling to an occupied vehicle if the outside temperature is more than 85 degrees Fahrenheit;

(4) Idling is necessary to power heaters or air conditioners to maintain the comfort of vehicle occupants while waiting for assistance when a vehicle is immobilized due to mechanical problems;

(5) An emergency or law enforcement vehicle, including police, fire, ambulance, public safety, military, or any vehicle being used in an emergency capacity, Idles in the course of or in preparation for emergency or law enforcement duties;

(6) An armored vehicle Idles while in the course of business;

(7) Idling is necessary to power auxiliary work equipment that is actively in use, including, but not limited to, cargo refrigeration units, waste collectors/compactors, lifts, winches, pumps, compressors, drills, mixers, and other safety and construction equipment. Auxiliary work equipment does not include equipment primarily intended for vehicle cabin comfort or occupancy, such as air conditioning, heating, radio, television, digital displays, or kitchen appliances;

(8) Idling is necessary for any Vehicle maintenance, service, repair, inspection, research and development, or diagnostics;

(9) An engine is operated in accordance with instructions from the Vehicle manufacturer for proper operation;

(10) Idling is necessary for a licensed private security provider to perform security duties;

(11) A Vehicle designed to carry 15 or more passengers Idles to maintain comfortable cabin temperatures while paying passengers are on board for up to 10 minutes prior to a scheduled embarkation; or

(12) Applicable federal, state, or local law requires Idling.

10.62.040 Enforcement.

It is the responsibility of the members of the police department or such persons as assigned by the chief of police to enforce the provisions of this chapter through any appropriate action, including administrative citation, compliance order, criminal citation, civil injunctive code

~~enforcement, and/or written warnings. Any criminal citation issued under this chapter shall be designated as an infraction. Until such time as the City Council designates, by resolution, an intent to administratively enforce this chapter and includes this chapter in a revision to the city's Administrative Penalty Schedule, the city shall not be authorized to enforce this chapter under Chapter 1.08 (Violations), 1.12 (Administrative Penalties – Citations), 1.16 (Administrative Compliance Orders), or by any criminal or civil means. Upon passage of such a resolution or resolutions, enforcement of this chapter shall be available solely through the administrative mechanisms in Chapters 1.12 and 1.16 of this code, and/or written warnings.~~

10.62.050 Penalties.

The maximum penalty for a first violation of this chapter occurring within a calendar year shall be a written warning with no fine. The maximum fine shall be \$100.00 for a second violation and \$150.00 for a third and any subsequent violation of this chapter occurring within a calendar year.

SECTION 3. This chapter shall be in pilot status until June 1, 2019. Before the end of the pilot period, staff will return to Council to review the program, make any necessary adjustments, and consider this chapter for permanent adoption, subject to amendment from time to time as deemed appropriate. Unless Council acts to extend the pilot period or make permanent this chapter before June 1, 2019, this chapter, as it may from time to time be amended, shall be deemed approved on a continuing basis on that date.

SECTION 4. If any section, subsection, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the ordinance. The Council hereby declares that it should have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 5. The Council finds that this project is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15308 of the CEQA Guidelines, as an action taken for the protection of the environment.

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SECTION 6. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

City Attorney

City Manager

Chief of Police

Director of Administrative Services