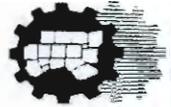




Regional Transportation Council

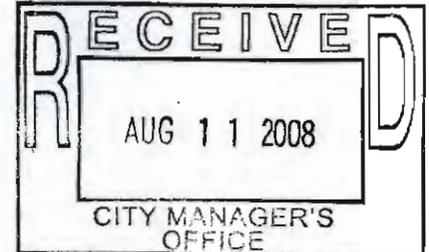
The Transportation Policy Body for the North Central Texas Council of Governments
(Metropolitan Planning Organization for the Dallas-Fort Worth Region)



TO: Honorable Mayors and County Judges
City Managers and County Commissioners

DATE: August 8, 2008

FROM: Linda Koop
Chair, Regional Transportation Council
Councilmember, City of Dallas



SUBJECT: North Central Texas Locally Enforced Idling Restrictions

On May 8, 2008, the Regional Transportation Council (RTC) approved a resolution supporting locally enforced motor vehicle idling restrictions in North Central Texas. Through this initiative, the RTC encourages local government adoption of the Texas Commission of Environmental Quality's (TCEQ) idling limitations rule as well as entrance into a North Texas memorandum of agreement (MOA) with the TCEQ for the purpose of enforcement. Local government support and participation is appreciated in this effort to reduce vehicle emissions and improve air quality within the region.

When idling, heavy-duty diesel vehicles produce roughly 15 times more emissions than light-duty gasoline vehicles; which further contributes to the air quality problem in Dallas-Fort Worth (DFW) and can lead to possible adverse health effects. To address these unnecessary emissions, locally enforced idling restrictions have been included as a control strategy in the Dallas-Fort Worth 8-Hour Ozone Attainment Demonstration State Implementation Plan (SIP) and is one of several policies the North Central Texas Council of Governments (NCTCOG) has committed to implement by the start of the 2009 ozone season.

Under this rule, all vehicles with a gross vehicle weight rating of 14,000 pounds or greater may not idle for more than five minutes within participating jurisdictions. This includes both public and private vehicles and is currently applicable between April and October, which is the peak of the ozone season. Several exemptions exist related to vehicle type, operations, and air-conditioning/heating provisions. A copy of the rule, including such exemptions, is provided for your reference.

Adopting this rule and entering into the North Texas MOA is voluntary; however, the RTC reserves the right to consider approval of this rule when evaluating future funding eligibility. NCTCOG staff will be available to provide assistance in various stages as outlined below.

Stage	Local Government Responsibility	NCTCOG Assistance
1-Initiation	Adopt Rule and Sign MOA	Provide information to council members and commissioners
2-Education	Install signs, promote program within jurisdiction	Develop regional signs, brochures, web site, and idling complaint hotline
3-Enforcement	Determine enforcement personnel and procedures	Provide officer training on emissions database and facilitate discussions between agencies pertaining to funding opportunities

August 8, 2008

Due to the region's SIP commitment deadline of March 1, 2009, NCTCOG would appreciate your entity's participation in this initiative by implementing idling restrictions as expeditiously as possible. Instigation of all three stages is most preferred in order for this program to yield the largest air quality benefit. In addition to being a SIP commitment, adoption of this rule may also qualify your entity for RTC funding in the near future. Copies of the signed RTC resolution, TCEQ idling rule, and North Texas MOA are enclosed for your review and consideration. Additional information on this initiative may be found at: www.nctcog.org/ldlingRule. If you have any questions, please contact Amanda Brimmer at (817) 608-2354 or abrimmer@nctcog.org.



Linda Koop
Chair, Regional Transportation Council
Councilmember, City of Dallas

WE:cg
Enclosures

cc: Theresa Pella, Air Quality Section Manager, TCEQ
Michael Morris, P.E., Director of Transportation, NCTCOG
Christopher Klaus, Senior Program Manager, NCTCOG
Carrie Reese, Program Manager, NCTCOG
Amanda Brimmer, Senior Transportation Planner, NCTCOG

**RESOLUTION SUPPORTING LOCALLY ENFORCED MOTOR VEHICLE
IDLING LIMITATIONS IN NORTH CENTRAL TEXAS
(R08-03)**

WHEREAS, the North Central Texas Council of Governments (NCTCOG) has been designated as the Metropolitan Planning Organization for the Dallas-Fort Worth Metropolitan Area by the Governor of Texas in accordance with federal law; and,

WHEREAS, the Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy body associated with the North Central Texas Council of Governments, and has been and continues to be a forum for cooperative decisions on transportation; and,

WHEREAS, the Dallas-Fort Worth area is a federally designated nonattainment area for the pollutant ozone and air quality impacts the public and economic health of the entire region; and,

WHEREAS, the Regional Transportation Council is responsible for air quality conformity; and the Clean Air Act Amendments of 1990 require that in air quality nonattainment areas, transportation plans and improvement programs conform to the applicable air quality implementation plan; and,

WHEREAS, Locally Enforced Idling Restriction is a Voluntary Mobile Source Emission Reduction Program commitment in the Dallas-Fort Worth Eight-Hour Ozone Attainment Demonstration State Implementation Plan (SIP); and,

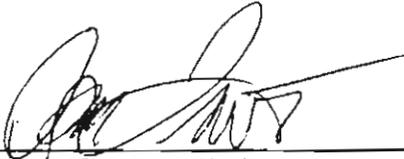
WHEREAS, the Regional Transportation Council has no regulatory authority to enforce idling restrictions; and recognizes that local governments have such authority upon entering into a Memorandum of Agreement (MOA) with the Texas Commission on Environmental Quality (TCEQ).

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

- Section 1.** The Regional Transportation Council endorses the TCEQ Idling Limitations Rule as published in the Texas Administrative Code, Chapter 114, Subchapter J, Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations.
- Section 2.** The Regional Transportation Council encourages local government adoption of the TCEQ Idling Limitations Rule by reference, and supports creation of a North Texas MOA to be entered into by local governments for the purpose of enforcement.
- Section 3.** The Regional Transportation Council commits to provide local governments assistance with development of applicable enforcement and education programs.
- Section 4.** The Regional Transportation Council may consider compliance with this resolution when considering future Regional Transportation Council funding action.

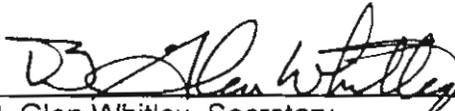
Section 5. This resolution will be transmitted to all local governments in the nine-county ozone nonattainment area.

Section 6. This resolution shall be in effect immediately upon adoption.



Oscar Trevino, Chair
Regional Transportation Council
Mayor, City of North Richland Hills

I hereby certify that this resolution was adopted by the Regional Transportation Council of the North Central Texas Council of Governments for the Dallas-Fort Worth Metropolitan Area on May 8, 2008.



B. Glen Whitley, Secretary
Regional Transportation Council
County Judge, Tarrant County

**MEMORANDUM OF AGREEMENT
VEHICLE IDLING LIMITATIONS IN THE NORTH CENTRAL TEXAS AREA**

I. PARTIES

This Memorandum of Agreement (“Agreement”) is entered into between the Texas Commission on Environmental Quality (“TCEQ”) and the local governments signing this agreement (Local Governments), collectively, the “Parties.”

1. The Parties represent that they have the authority to enter into this MOA, including the authority granted in the Texas Government Code Chapter 791 Interlocal Cooperation Contracts.

2. The TCEQ has authority under Section 5.229 of the Texas Water Code and Section 382.033 of the Texas Health and Safety Code to enter into this MOA.

3. The Performing Parties have authority under Section 382.115 of the Texas Health and Safety Code to enter into this MOA.

II. Intent and Purpose

The intent of this MOA is to memorialize the agreement between the Parties to implement the following rules aimed at the control of air pollution from motor vehicles: 30 Texas Administrative Code (“TAC”) Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter J, Operation Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitations, Sections 114.510 – 114.512 and 114.517.

The parties enter into this MOA for the purpose of delegating rule enforcement from TCEQ to Local Governments and incorporating the emission reductions resulting from the implementation and enforcement of the above-referenced rules into the State Implementation Plan (“SIP”).

III. Definitions

As used in this MOA the following terms have the meanings given below:

1. “EPA” shall mean the U.S. Environmental Protection Agency.
2. “TCEQ” shall mean the Texas Commission on Environmental Quality.
3. “Local Government” has the meaning assigned by 30 TAC Section 114.510.
4. “North Central Texas Area” shall refer to those Texas counties included in the Dallas-Fort Worth-Arlington (DFW) Texas, Metropolitan Statistical Area.
5. “SIP” shall refer to the State Implementation Plan.

IV. Background

1. Under Section 110 of the Federal Clean Air Act ("FCAA"), 42 U. S. Code (U.S.C.) Section 7410, each state that has a non-attainment area must submit a SIP to the EPA demonstrating strategies to come into compliance with the National Ambient Air Quality Standards ("NAAQS").

2. Section 110 of the FCAA, 42 U.S.C. Section 7410 requires Texas to submit to the EPA for approval any SIP revisions and to demonstrate that such SIP revisions will not interfere with any applicable requirement concerning attainment and reasonable further progress or any other requirement of the FCAA, as required by Section 110(1) of the FCAA.

3. On November 17, 2004, the TCEQ adopted rules concerning locally enforced motor vehicle idling limitations, which are applicable only within the jurisdiction of a Local Government that has signed a Memorandum of Agreement with TCEQ delegating enforcement of the rules. The TCEQ submitted the rules to EPA for approval on December 6, 2004. EPA approved the rules on June 10, 2005.

4. The Parties acknowledge that they have entered into this MOA voluntarily and it shall become binding upon the signature of the Executive Director of TCEQ or his designated representative. The Parties agree to comply with the terms of this MOA.

5. The Local Governments understand and agree that the commitments in this Agreement become federally enforceable by the EPA, and by persons using the citizen suits provision of the Federal Clean Air Act (42 U.S.C.A. Section 7604), upon approval of this Agreement into the SIP.

V. Obligations of Parties

(A) Performing Parties agree as follows:

1. In accordance with the terms of this MOA, the Performing Parties agree to implement the following TCEQ Rules:
 - a. 30 TAC Chapter 114, Control of Air Pollution from Motor Vehicles, Subchapter J, Operation Controls for Motor Vehicle Idling Limitations, Sections 114.510 – 114.512 and 114.517.
2. The Performing Parties agree to submit the following information to the TCEQ for the rules listed above not later than forty-five (45) calendar days after the effective date of this MOA.
 - a. Detailed description of the plan for implementation of these rules;
 - b. Copies of local ordinances or resolutions adopted to implement these rules; and

- c. Copies of agreements entered between Performing Parties and other units of Local Government for the purpose of the implementation of these rules. Agreements entered into after the effective date of this MOA shall be submitted within forty-five (45) calendar days of their execution.
 - 3. Copies of any requisite resolutions under Section 7.352 of the Texas Water Code shall be submitted to the TCEQ within fourteen (14) calendar days after passage by the local governing body.
- (B) The TCEQ agrees to submit this agreement to the U.S. EPA as a technical support document to the DFW eight-hour ozone attainment demonstration SIP.

VI. Term and Termination

This MOA will become effective upon signature by the Parties and shall expire on January 2, 2013, unless renewed in writing by mutual agreement of the Parties. A Party may withdraw from this Agreement at any time upon thirty days written notice to the other Parties of this agreement. Withdrawal by a Local Government does not constitute termination of the entire MOA. This Agreement may be terminated at any time by mutual written consent of the Parties.

VII. Miscellaneous

This MOA represents the entire agreement between the TCEQ and the Performing Parties and supersedes all other agreements, understandings or commitments, written or oral, relative to the intent of this MOA. This MOA may not be amended or modified except pursuant to a mutual written agreement executed by each of the Parties.

This MOA shall be governed by and interpreted in accordance with the laws of the State of Texas.

In Witness Whereof, Texas Commission on Environmental Quality and the Local Governments, by their authorized officers, have made and executed this MOA in multiple copies, each of which is deemed an original.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

By: _____

Name: Mark Vickery

Title: Executive Director

_____ Date

Memorandum of Agreement

Local Government Signature Page

In witness thereof, (*insert name of local government*), through its authorized officer, has made and executed this signature page that shall be attached to the Memorandum of Agreement to Control Air Pollution From Motor Vehicles Through Locally Enforced Vehicle Idling Limits, which is hereby incorporated by reference in its entirety.

Executed by:

[*NAME OF Each North Texas Local Government Signatory*]

By: _____
Name: [*name of designated signer*]
Title: [*title of designated signer*]

_____ Date