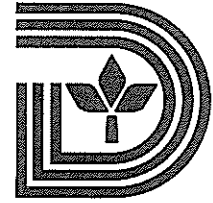


Memorandum



CITY OF DALLAS

DATE June 20, 2008

TO Members of the Transportation and Environment Committee:
Linda Koop (Chair), Sheffie Kadane (Vice Chair), Jerry R. Allen, Carolyn R. Davis, Vonciel Jones Hill, Angela Hunt, Pauline Medrano and Ron Natinsky

SUBJECT Modification to Locally Enforced Idling Restriction Ordinance

On June 23, 2008 you will be briefed on a proposed modification to the Locally Enforced Idling Restriction Ordinance. Please find attached a copy of the briefing.

Please contact me if you need additional information.

A handwritten signature in black ink, appearing to read 'Jill Jordan', with a long horizontal flourish extending to the right.

Jill A. Jordan
Assistant City Manager

C: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Deborah A. Watkins, City Secretary
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
Judge Jay E. Robinson
Ryan S. Evans, First Assistant City Manager
Chief David Brown, Interim Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Ramon F. Miguez, P.E., Assistant City Manager
David K. Cook, Chief Financial Officer
Theresa O'Donnell, Director of Development Services
Helena Stevens-Thompson, Assistant to the City Manager

Modification to the City of Dallas Locally Enforced Idling Restriction Ordinance



Nicole Cooper
Environmental Coordinator¹

Background: City of Dallas Idling Ordinance

- Ordinance passed by Council on May 23, 2007:
 - Prohibits vehicle operators with a gross weight over 14,000 lbs to idle for more than 5 minutes during ozone season (April – October of each year).
 - Penalty for violation is a fine not to exceed \$500
 - Certain exemptions apply
- MOU with State on enforcement signed on March 2008
 - Enforcement of the ordinance began in May 2008.

Government Mandated Rest Period

- Federal Motor Carriers Safety Administration:
 - Hours of Service Regulations:
 - Requires long haul truckers to take 10 hours off duty
- State Anti-Idling Law:
 - Has exemption allowing truck drivers to idle engine while in the sleeper berth (with A/C) during government mandated rest period
 - Originally set to expire in September 2007

Proposed Modification – Addition to Exemptions Section of Ordinance

- May 2007: City passed anti-idling ordinance and did not include State exemption on sleeper berth since exemption was set to expire in September 2007.
- State has now extended exemption until 2009; but has agreed that City does not need to add expiration date to ordinance.

Proposed Modification – Addition to Exemptions Section of Ordinance

- Since City ordinance does NOT match what State allows, there is a need to change our ordinance so that truck drivers can idle their engines and run AC during mandated rest periods.
- Proposed wording for exemption:
“The idling of the motor vehicle was necessary to power a heater or air conditioner while the driver was using the vehicle’s sleeper berth for a government-mandated rest period and was not within two miles of a facility offering external heating and air conditioning at a time when those connections were available.”

How Does Exemption Affect City of Dallas Ordinance

- Even though City ordinance does not currently allow this exemption, Marshal's Office is enforcing our ordinance according to State's criteria/exemption so that truckers are not being adversely affected by lack of inclusion of the exemption in our ordinance.

Action

- We are asking T & E to endorse a recommendation to the full Council to change our ordinance to include the proposed exemption.
- If recommendation is received, the proposed addition to the exemptions section in the Locally Enforced Idling Restriction Rule will be brought to full Council in August .