



Enforcement Division

Advisory

To: Owners, Operators, Renters
or Lessees of In-Use Off-
Road Vehicles in California

Number 391

February 2009
Revised July 2015
Revised April 2016

WRITTEN IDLING POLICY REQUIREMENTS FOR OWNERS OF IN-USE OFF-ROAD DIESEL VEHICLES EFFECTIVE 3/01/09

The Air Resources Board (ARB) has a regulation for In-Use Off-Road Diesel Vehicles (Off-road regulation), which became effective under California law on June 15, 2008. The Off-road regulation is intended to reduce harmful emissions from diesel powered construction and mining vehicles operating in California. Among other things, the Off-road regulation imposes idling limitations, which became effective as of June 15, 2008. The Off-road regulation also requires that medium and large fleets (those with over 2,500 horsepower of affected off-road vehicles) have a written idling policy and make it available to operators of such vehicles.

This written idling policy requirement is effective and enforceable as of March 1, 2009, and can be found in title 13, California Code of Regulations as follows:

§2449(d)(2)(B) Written Idling Policy

As of March 1, 2009, medium and large fleets must also have a written idling policy that is made available to operators of the vehicles and informs them that idling is limited to 5 consecutive minutes or less.

Non-Compliance: Health and Safety Code, Section 39674 (a) authorizes civil penalties for the violation of the programs for the regulation of toxic air contaminants not to exceed one thousand dollars (\$1,000) for each day in which the violation occurs.

Health and Safety Code, Section 39674 (b) authorizes civil penalties for the violation of the programs for the regulation of toxic air contaminants not to exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

As a matter of policy, fleets found to be missing the required written idling policy will be assessed a minimum civil penalty up to \$10,000 a day. Failure to submit a written idling policy within 30 days from the first offense will result in additional per day penalties. The standard for assessing penalties is one of strict liability.

An enforcement advisory concerning the idling limits is available at www.arb.ca.gov/enf/advs/advs377.pdf

For further information about the Off-road regulation, please visit our website at:
www.arb.ca.gov/ordiesel.

Fact sheets and guidance documents, including suggested content of the written idling policy, are available at www.arb.ca.gov/msprog/ordiesel/knowcenter.htm, and the full text of the regulation is available at www.arb.ca.gov/msprog/ordiesel/reglanguage.htm.

For questions regarding enforcement of the Off-road regulation, please contact Mr. Christopher Patno at (626) 450-6173 or christopher.patno@arb.ca.gov.

If you have questions about the Off-road regulation or our outreach efforts, please contact Mr. Thien Tran at (916) 322-0517 or Thien.Tran@arb.ca.gov.