

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending Chapter 21 of the Code of Ordinances, Houston, Texas by adding a new Article II: Emissions Reduction from Idling Motor Vehicles		Category #9	Page 1 of 2	Agenda Item #
FROM (Department or other point of origin): Houston Department of Health and Human Services		Origination Date 7/14/15		Agenda Date
DIRECTOR'S SIGNATURE:		Council District affected: All		
For additional information contact: Kathy Barton Telephone: 832-393-5045; 713-826-5801		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Approval of an ordinance amending Chapter 21 of the Code of Ordinances, Houston, by adding a new Article II: Emissions Reduction from Idling Motor Vehicles				
Amount of Funding: N/A			Finance Department:	
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify) –				
SPECIFIC EXPLANATION: The Houston Department of Health and Human Services (HDHHS) requests City Council approval of an ordinance amending Chapter 21 of the Code of Ordinances, Houston, Texas by adding a new Article II: Emissions Reduction from Idling Motor Vehicles. Nitrogen oxides (NOx), volatile organic compounds (VOCs) and particulate matter (PM) are emitted from vehicle engine exhaust; These chemicals react to form ground-level ozone (smog) in the presence of sun light. Ozone has been Houston's top air quality concern for years. Diesel engines emit hazardous air pollutants which have been linked to serious illnesses, including asthma, heart disease, chronic bronchitis, and cancer. Children, elderly, and those with asthma and other chronic health problems are especially vulnerable to the health dangers of exhaust. The proposed ordinance makes it unlawful for an owner or operator of a motor vehicle operated within the city to cause or allow the engine of the vehicle to idle for more than five minutes when the vehicle is not in motion. For the purposes of this ordinance a motor vehicle has a gross vehicle weight rating of more than 14,000 pounds. The penalty for a violation of this ordinance is a fine of \$500 - \$2000 per violation. The following are affirmative defenses for which the underlying prohibition does not apply: <ul style="list-style-type: none">• a motor vehicle that is equipped with a 2008 or subsequent model year heavy-duty diesel engine or liquefied or compressed natural gas engine that has been certified by the United States Environmental Protection Agency or another state environmental agency to emit no more than 30 grams of nitrogen oxides emissions per hour when idling;				
cc: Finance Department Legal Department Agenda Director				
REQUIRED AUTHORIZATION				
Finance Department		Other Authorization:		Other Authorization:

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- a motor vehicle forced to remain motionless because of traffic;
- a motor vehicle being used to supply heat or air conditioning necessary for passenger comfort and safety in vehicles intended for commercial or public passenger transportation, or passenger transit operations can idle for up to a maximum of 15 minutes;
- a motor vehicle being used to provide air conditioning or heating necessary for employee health or safety in an armored vehicle while the employee remains inside the vehicle to guard the contents while the vehicle is being loaded or unloaded;
- a motor vehicle being used to provide air conditioning or heating necessary for employee health or safety while the employee is using the vehicle to perform an essential job function related to roadway construction or maintenance;
- a motor vehicle providing a power source necessary for mechanical operation, other than propulsion, and/or passenger compartment heating, or air conditioning;
- a motor vehicle being operated for maintenance or diagnostic purposes;
- a motor vehicle being operated solely to defrost a windshield;
- a motor vehicle being used as airport ground support equipment;
- the owner of a motor vehicle rented or leased to a person that operates the vehicle and is not employed by the owner; or
- the motor vehicle when idling is necessary to power a heater or air conditioner while a driver is using the vehicle's sleeper berth for a government-mandated rest period and is not within two miles of a facility offering external heating and air conditioning connections.

This ordinance was reviewed and approved by the Council Committee on Quality of Life on June 25, 2015.

cc: Finance Department
Legal Department
Agenda Director