

**ORDINANCE No. 16-011**

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS TO IMPLEMENT AND ENFORCE THE TEXAS STATE RULE ON LOCALLY ENFORCED MOTOR VEHICLE IDLING LIMITATIONS AND TO APPROVE ENTERING INTO A MEMORANDUM OF AGREEMENT WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO ENFORCE THIS RULE LOCALLY.**

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**WHEREAS**, air quality impacts the public and economic health of the entire region; and

**WHEREAS**, the U.S. Environmental Protection Agency ("EPA") and the Texas Commission on Environmental Quality ("TCEQ") jointly have considered emission reductions to control air pollution from motor vehicles, and the Texas Legislature has created the Texas Clean Air Act ("Act"), which addresses that purpose; and

**WHEREAS**, Section 382.113 of the Act provides authority for municipalities to enact and enforce local laws and ordinances for the control and abatement of air pollution; and

**WHEREAS**, the City of Leon Valley desires to actively participate in improving the air quality of the region; and

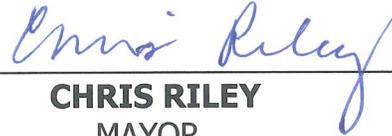
**WHEREAS**, the City of Leon Valley finds that the adoption of this ordinance serves a public purpose, and protects the health, safety, and welfare of the citizens of the City of Leon Valley, by limiting the pollution created by motor vehicles unnecessarily idling within the City of Leon Valley's jurisdiction;

**NOW, THEREFORE, BE IT HEREBY ORDAINED THAT:**

- Section 1.** The City of Leon Valley endorses the TCEQ Idling Limitations Rule as published in the Texas Administration Code, Title 30, Part 1, Chapter 114, Subchapter J, Operational Controls for Motor Vehicles, Division 2, Locally Enforced Motor Vehicle Idling Limitation.
- Section 2.** The City of Leon Valley approves the adoption and implementation of the TCEQ Idling Limitation Rule by reference.
- Section 3.** The City of Leon Valley authorizes the City Manager to execute a Memorandum Of Agreement, attached hereto, with the TCEQ for the purposes of local enforcement of the Idling Limitation Rule in the City of Leon Valley.
- Section 4.** This ordinance shall be in effect immediately upon adoption.

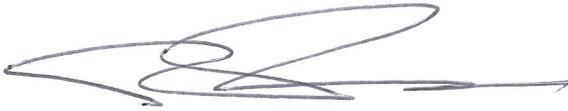
**PASSED, ADOPTED AND APPROVED** 5<sup>th</sup> day of April, 2016, at a regular meeting of the Elective City Council of Leon Valley, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A, CHAPTER 551.

APPROVED



**CHRIS RILEY**  
MAYOR

Attest:   
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:   
**ROXANN PAIS COTRONEO**  
City Attorney





MODEL ORDINANCE LANGUAGE

AN ORDINANCE AMENDING CHAPTER 10 MOTOR VEHICLES OF THE CITY CODE.  
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

PART 1. Section 10 (Idling Prohibited) of the City Code is amended to read as follows:

(A) No person shall cause, suffer, allow, or permit the primary propulsion engine of a motor vehicle to idle for more than five consecutive minutes when the motor vehicle is not in motion.

(B) No driver using the vehicle's sleeper berth may idle the vehicle;

(i) in a school zone;

(ii) within 1,000 feet of a public school during its hours of operation

(iii) within 1,000 feet of a hospital, or

(iv) in a residential area, as defined in Section 244.002 of the Texas Local Government Code.

The restriction in Section 6-1-51 (Idling Prohibited) does not apply to:

The provisions of §114.512 of this title (relating to Control Requirements for Motor Vehicle Idling) do not apply to:

(1) a motor vehicle that has a gross vehicle weight rating of 14,000 pounds or less;

(2) a motor vehicle that has a gross vehicle weight rating greater than 14,000 pounds and 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;

(3) the primary propulsion engine of a motor vehicle being used to provide air conditioning or heating necessary or employee health or safety in an armored vehicle while the employee remains inside the vehicle to guard the contents or while the vehicle is being loaded or unloaded;

(4) a motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control;

(5) a motor vehicle being used by the United States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle;

(6) the primary propulsion engine of a motor vehicle providing a power source necessary for mechanical operation, other than propulsion, and/or passenger compartment heating, or air conditioning;

(7) the primary propulsion engine of a motor vehicle being operated for maintenance or diagnostic purposes;

(8) the primary propulsion engine of a motor vehicle being operated solely to defrost a windshield;

(9) the primary propulsion engine of a motor vehicle that is 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, in which case idling up to a maximum of 30 minutes is allowed;



- (10) the primary propulsion engine of 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;
- (11) the primary propulsion engine of a motor vehicle being used as airport ground support equipment;
- (12) the owner of a motor vehicle rented or leased to a person that operates the vehicle and is not employed by the owner; or
- (13) a 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 at a time when those connections are available.

The City of San Antonio authorizes the City Manager or her designee to execute a Memorandum of Agreement, attached hereto, with the TCEQ for the purposes of local enforcement of the Idling Limitation Rule in the City of San Antonio.

This ordinance shall be in effect six months after adoption of this Ordinance.



**MEMORANDUM OF AGREEMENT  
FOR  
VEHICLE IDLING LIMITATIONS**

**I. PARTIES**

This Memorandum of Agreement (MOA) is entered into between the Texas Commission on Environmental Quality (TCEQ) and the local government signing this agreement (Local Government), 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 Local Government has 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 the TCEQ to the Local Government and potentially 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 United States 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. SIP shall refer to the Texas State Implementation Plan.

**IV. BACKGROUND**

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 an MOA with the TCEQ delegating enforcement of the rules. The EPA approved the rules in the April 11, 2005, *Federal Register* (70 FR 18308). The rules became effective December 9, 2004.



**V. OBLIGATIONS OF PARTIES**

- (A) The Local Government agrees as follows:
1. In accordance with the terms of this MOA the Local Government agrees to implement the following TCEQ Rule:
    - a. 30 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. Changes to these TCEQ Rules shall be incorporated into this Agreement without requiring amendment of this Agreement.
  2. The Local Government agrees 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 by each Local Government to implement these rules; and
    - c. copies of agreements entered between any Local Government and other units of Local Government for the purpose of the implementation of these rules.
  3. The Local Government agrees to submit copies of any requisite resolutions under Section 7.352 of the Texas Water Code to the TCEQ forty-five (45) calendar days after the effective date of this MOA or within fourteen (14) calendar days after passage by the local governing body, whichever is later.
- (B) The TCEQ agrees to consider this MOA for submission to the EPA for inclusion in the Texas SIP.

**VI. TERM AND TERMINATION**

This MOA will become effective upon signature by both Parties and shall expire on December 31, 2018 unless renewed in writing by mutual agreement of the Parties. A Party may withdraw from this MOA at any time upon thirty (30) calendar days written notice to the other Party. This MOA 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 Local Government 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 Government, 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: David Brymer

Title: Director, Air Quality Division

\_\_\_\_\_  
Date

LOCAL AREA

By: \_\_\_\_\_

Name: Kelly Kuenstler

Title: City Manager, City of Leon Valley, TX

\_\_\_\_\_  
Date



## **Implementation Plan**

### **Background**

Limiting motor vehicle idling is one component of the City of San Antonio's voluntary pollution reduction measures. The locally enforced motor vehicle idling limitation rule (Texas Administrative Code, Title 30, Subsections 114.510- 114.517) has been adopted by the City of San Antonio in an effort to participate in regional programs aimed at reducing harmful emissions and improving air quality. The rule is applicable only within the jurisdiction of local governments that have signed a memorandum of agreement with the Texas Commission on Environmental Quality (TCEQ) which extends the enforcement authority of the TCEQ to that governmental entity. Education will begin January 1, 2016. Enforcement will begin July 1, 2016. Enforcement through warnings and traffic citations, including penalties of up to \$500 per offense, is allowable to ensure compliance with this rule and net maximum air quality benefits.

### **Implementation**

#### **Public Education & Outreach:**

- Educational brochures, developed by the City of San Antonio will be distributed to area businesses, industry associations, and other targeted sectors identified to be most affected by the rule. These brochures will include information on rule details, anti-idling technologies, potential funding assistance, and other resources.
- Anti-idling signs will be ordered and installed throughout the City of San Antonio to inform citizens and truck drivers of the anti-idling ordinance.
- A link to the City of San Antonio's Idling Reduction Web site will be posted on the City of San Antonio Office of Sustainability Department page as a resource.

#### **Enforcement:**

- Appropriate personnel will be identified for enforcement activities – Parking Enforcement, SAPD, Park Police and Code Compliance. Activities will include identifying target areas, spotting violators, and issuing citations. Areas suggested for enforcement include locations with significant heavy-duty vehicle traffic, such as existing freight facilities. Apposite personnel may include Health Department Sanitarians and/or other certified peace officers.
- Enforcement procedures used will be consistent with the City of San Antonio's local government ordinance. Recommended penalties sought in civil action will be consistent with Local Government Code Chapter 10 for Motor Vehicles. Each violation is considered a separate offense.
- City of San Antonio enforcement training programs will be updated by Office of Sustainability with information on regulatory requirements and compliance procedures.
- Identified enforcement personnel will establish a relationship with the City of San Antonio Office of Sustainability to share information on area idling. Violations of the rule may be reported: 1) directly to local enforcement division for immediate response; 2) through 3-1-1 Customer Service or 3) to the City of San Antonio Office of



Sustainability website. A courtesy letter will be mailed to the owner of the reported vehicle informing him/her of local idling restrictions in the City of San Antonio and options to help reduce excessive idling.

- Violations and action taken will be tracked on a spreadsheet. This allows both a determination of rule effectiveness and adequate follow-up for noncompliant sources. At the end of each year, a summary of enforcement will be provided to enforcement personnel, City Manager's Office and City Council.