REGULATION OF MOTOR VEHICLE IDLING ON SCHOOL GROUNDS

The Governor signed Chapter 386 of the Acts of 2008, An Act to Improve School Campus Air Quality on December 16, 2008 to be implemented by August 1, 2009. The Registry of Motor Vehicles promulgated regulations (504 CMR 27.00) that became effective on August 21, 2009. It is my understanding that the Registry informed, through the Superintendent, each school district regarding the implementation of the Motor Vehicle Idling Law.

Pursuant to Section 1 of the law each superintendent shall publish the district’s policies pertaining to among other matters the idling of motor vehicles on school grounds. Below you will find a draft policy for adoption by the school committee, and a copy of the law and the regulations implementing it.

School districts are responsible for posting NO IDLING signage, reasonable efforts shall be made by the district to identify by signage car intake systems, which may be within 100 feet of an idling motor vehicle, and if the district directly employs school bus drivers it must provide to them once each year the regulations and a copy of G.L.c. 90, § 16B. The fines imposed by statute for violating the Motor Vehicle Idling Law are exclusively enforced by state and local police.

POLICY REGARDING MOTOR VEHICLE IDLING ON SCHOOL GROUNDS

No motor vehicle operator shall cause or allow any motor vehicle operated by him or her on school grounds to idle unnecessarily, except for any of the following reasons: traffic conditions; queuing at a school for the purpose of picking up or discharging students; turbo-charged diesel engine cool down or warm up; maintenance of appropriate temperature for school buses when accepting or discharging passengers not to exceed three minutes in any fifteen minute period or one minute in any fifteen minute period for other motor vehicles; for circumstances involving safety or emergencies and for servicing or repairing motor vehicles; and as these exceptions are more completely described in the below referenced regulations. The term “school grounds” shall mean in, on or within 100 feet of the real property of the school whether or not it is in session, and shall include any athletic field or facility and any playground used for school purposes or functions which is owned by the municipality or school district, regardless of proximity to a school building, as well as any parking lot appurtenant to such school athletic field, facility or playground. Reasonable efforts shall be made by the district to identify by signage all known and actual air intake systems, which may be within 100 feet of an idling motor vehicle. A motor vehicle operator shall not idle a motor within 100 feet of such air intake system, unless the Mohawk Trail Regional School District has determined that alternative locations block traffic, impair student safety or are not cost effective.
The Mohawk Trail Regional School District shall erect and maintain in a conspicuous location on school grounds “NO IDLING” signage as described below. All such signage shall contain appropriate sized font so as to be visible from a distance of 50 feet.

**NO IDLING**

**PENALTIES OF $100 FOR FIRST OFFENSE AND $500 FOR SECOND AND SUBSEQUENT OFFENSES**

**M.G.L. C. 90, § 16B AND 540 CMR 27.00**

It shall be the responsibility of the school administration to ensure that each school bus driver employed by the Mohawk Trail Regional School District and not by a school bus contractor shall, upon employment and at least once per year thereafter, sign a document acknowledging the receipt of copies of M.G.L. c. 90, § 16B and 540 CMR 27.00. The prohibitions contained in M.G.L. c. 90, § 16B shall be enforced by state or local law enforcement agencies.

**Legal References:** M.G.L. c. 71:37H, c. 90:16B and 540 CMR 27.00

540 CMR.: REGISTRY OF MOTOR VEHICLES

540 CMR 27.00: REGULATION OF MOTOR VEHICLE IDLING ON SCHOOL GROUNDS

Section
27.01: Scope and Applicability
27.02: Definitions
27.03: General Restrictions
27.04: Exemptions
27.05: Signage
27.06: Training of School Bus Drivers
27.07: Penalties
27.08: Enforcement

Score and Applicability

540 CMR 27.00 is adopted by the Registrar of Motor Vehicles pursuant to the authority of M.G.L. c. 90, § 1613. 540 CAR 27.00 governs the operation and idling of all motor vehicles on school grounds. The purpose of 540 CMR. 27.00 is to restrict unnecessary idling time and to govern the time during which a motor vehicle can idle on school grounds, in order to improve and protect school campus air quality. Enforcement of 540 CMR 27.00 is to be undertaken by local law enforcement authorities.

7.02: Definitions
In addition to the definitions contained in M.G.L. c. 90, § I, the following definitions shall also apply. School Grounds For the purposes of 540 CMR 27.00, school grounds shall mean in, on or within 100 feet of the real property comprising a public or private accredited preschool, accredited Head Start facility, elementary, vocational or secondary school whether or not in session, and shall include any athletic field or facility and any playground used for school purposes or functions which are owned by a municipality or school district, regardless of proximity to a school building, as well as any parking lot appurtenant to such school athletic field, facility, or playground.

27.03: General Restrictions
(1) No motor vehicle operator shall cause or allow the engine of any motor vehicle operated by him or her on school grounds to idle unnecessarily, except under the conditions described in
540 CMR 27.04: Exemptions.

(2) A motor vehicle operator shall not idle a motor vehicle within 100 feet from a known and active school air intake system, unless the school has determined that alternative locations block traffic, impair student safety or are not cost effective. Reasonable efforts should be made by schools to identify by signage all such known and active air intake systems.

540 GMR 27.04 does not apply for the period or periods during which idling is necessary under the following circumstances:

(a) Traffic Conditions.

1. For traffic conditions over which the driver has no control; or

2. For an official traffic control device or signal; or

3. At the direction of a uniformed police officer or a person authorized to direct traffic.

(b) Queuing at a School

I. Where the physical configuration of a school requires a queue of vehicles for the sequential discharge or pickup of students, and the queue of vehicles is actively engaged in the discharge or pickup of students.

27.04. Exemptions

8/21/09 540 CMR - 135

540 GMR: REGISTRY OF MOTOR VEHICLES

27.04: continued

(c) Turbo-charged Diesel Engine Cool Down or Warm Up. When the manufacturer's specifications require idling the engine, to cool down or warm up a turbo-charged diesel engine. Documentation of this requirement shall be kept in the vehicle at all times.

(d) Cool/Hot Weather - School Buses.

1. If the interior temperature of any school bus is less than 35°F, then idling is allowed to heat the interior of the school bus for a period or periods aggregating not more than three minutes in any 15 minute period during which the school bus is waiting to accept or discharge passengers; or

2. If the interior temperature of any school bus is greater than 80°F and it is not practical or possible to open the windows or to park in a shaded area, and the school bus is equipped with air conditioning, then idling is allowed to cool the interior of the motor vehicle for a period or periods aggregating not more than three minutes in any 15 minute period during which the school bus is waiting to accept or discharge passengers.

(e) Cold/Hot Weather - Motor Vehicles Other Than School Buses.

1. If the exterior temperature is less than 35°F, then idling is allowed to heat the interior of any motor vehicle other than a school bus for a period or periods aggregating not more than one minute in any 15 minute period during which the motor vehicle is waiting to accept or discharge passengers; or

2. If the exterior temperature is greater than 80°F and it is not practical or possible to open the windows or to park in a shaded area, and the vehicle is equipped with air conditioning, then idling is allowed to cool the interior of the motor vehicle other than a school bus for a period or periods aggregating not more than one minute in any 15 minute period during which the motor vehicle is waiting to accept or discharge passengers.

(f) Safety and Emergencies

1. To ascertain that the school bus or other commercial vehicle is in safe operating condition and equipped as required by all provisions of law, and all equipment is in good working order, either as part of the driver's daily vehicle inspection, or as otherwise needed; or
2. To operate the flashing signal lamps and/or stop signal arm devices required by law where the operation of those devices can not be undertaken by battery power alone; or

3. To operate defrosters, or other equipment to ensure the safe operation of the vehicle, or as otherwise required by federal or state motor carrier safety regulations, or other local requirements; or

4. To operate a heater or an air conditioner for only the period necessary to ensure a reasonable interior temperature in a vehicle that has, or will have, one or more children aboard with temperature sensitive disabilities; or.

5. To operate a lift or other piece of equipment designed to ensure safe loading, unloading, or transport of persons with one or more disabilities; or

6. Use of school bus as an emergency vehicle.

(g) Maintenance of Operations.

1. For testing, servicing, repairing, or diagnostic purposes; or

2. To recharge a battery or other energy storage unit of a hybrid electric bus.

27.05: Signage
Each public or private accredited preschool, accredited Head Start facility, elementary, vocational, secondary school, school district or municipality shall erect and maintain in a conspicuous location on school grounds 'NO IDLING' permanent signage as described below.

All such signage shall be sized and contain appropriate sized font so as to be visible from a distance of 50 feet.

NO IDLING.
PENALTIES OF $100 FOR FIRST OFFENSE AND $500 FOR SECOND AND SUBSEQUENT OFFENSES
M.G.L. C. 90, § 16B and 540 CMR 27.00

540 CMR: REGISTRY OF MOTOR VEHICLES

27.06: Training of School Bus Drivers

(1) The Registry of Motor Vehicles shall notify, during the annual school bus driver certification process required by M.G.L. c. 90, all individuals certified and endorsed to be school bus operators of the requirements of M.G.L. c. 90, § 168 and 540 CMR 27.00 relative to idling on school grounds and of the consequences of not complying with those requirements.

(2) School bus companies within the Commonwealth of Massachusetts shall ensure that each school bus driver employed by them, upon employment and at least once per year thereafter, is informed of the requirements of M.G.L. c. 90, § 168 and 540 CMR 27.00 relative to idling on school grounds and of the consequences of not complying with those requirements.

27.07: Penalties
An operator or owner of a motor vehicle who violates the provisions of M.G.L. c. 90, § 16B or the regulations promulgated there under at 540 CMR 27.00 shall be subject to a civil assessment as follows:

(a) A penalty of $100 for the first offense; or

(h) A penalty of $500 for the second offense, and any subsequent offenses.

27.08: Enforcement
The prohibitions of M.G.L. c. 90, § 168 shall be enforced by state or local law enforcement agencies.

REGULATORY AUTHORITY
540 CMR 27.00: M.G.L. c. 90, § 16B.
Chapter 386 of the Acts of 2008

AN ACT TO IMPROVE SCHOOL CAMPUS AIR QUALITY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Section 37H of chapter 71 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after the second sentence the following sentence:- Said policies shall further restrict operators of school buses and personal motor vehicles, including students, faculty, staff and visitors, from idling such vehicles on school grounds, consistent with section 16B of chapter 90 and regulations adopted pursuant thereto and by the department.

SECTION 2. Chapter 90 of the General Laws is hereby amended by inserting after section 16A the following section:-

Section 16B. (a) For the purposes of this section, the term "school grounds" shall mean in, on or within 100 feet of the real property comprising a public or private accredited preschool, accredited Head Start facility, elementary, vocational or secondary school whether or not in session, and shall include any athletic field or facility and any playground used for school purposes or functions. which are owned by a municipality or school district, regardless of proximity to a school building, as well as any parking lot appurtenant to such school, athletic field, facility or playground.

(b) No person shall cause, suffer, allow or permit the prolonged idling of a motor vehicle engine on school property in violation of registry of motor vehicles regulations relative thereto, adopted pursuant to subsection (c). An operator or owner of a motor vehicle who violates this section shall be subject to a civil assessment of $100 for the first violation and $500 for a second or subsequent violation. This subsection shall be enforced by law enforcement agencies.

(c) The registrar of motor vehicles, in consultation with the department of education, the department of environmental protection, the executive office of public safety and the executive office of health and human services, shall adopt regulations to implement this section. Such regulations shall include, but not be limited to, establishing the length of time an operator on school grounds may idle an engine before such idling becomes prolonged, and the limited circumstances under which the prolonged idling of an engine shall be permitted, including periods necessary to operate defrosting, heating or cooling equipment to ensure the health or safety of a driver or passengers or to operate auxiliary equipment and to undergo inspection or during maintenance. Such regulations shall not prohibit an operator of a school bus from idling a school bus engine while waiting for children to board or exit a bus on school grounds and from starting a school bus engine.
for any unnecessary period of time in advance of leaving the school grounds, unless the registrar determines that a school bus engine must be fully engaged in order to operate safety devices or that such idling prohibition would otherwise compromise the safety of children boarding or exiting a bus. Such regulations shall further prescribe templates for "no idling" signage to be posted by schools.

(d) The registry of motor vehicles shall notify all individuals certified and endorsed to be school bus drivers of the provisions of this section and regulations adopted pursuant thereto during the annual certification process required by this chapter.

SECTION 3. Consistent with regulations promulgated pursuant to this act and not later than August 1, 2009, every public or private elementary, vocational and secondary school shall post "no idling" signs conspicuously in the school's passenger loading and unloading areas such that the signs are clearly visible to all motorists entering those areas.

Approved December 16, 2008