

HB 508 – AS AMENDED BY THE HOUSE

20Mar2013... 0424h

2013 SESSION

13-0220
08/01

HOUSE BILL **508**

AN ACT relative to idling by diesel locomotives.

SPONSORS: Rep. Major, Rock 14; Rep. DeSimone, Rock 14; Rep. Friel, Rock 14

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill prohibits the idling of a diesel locomotive except in certain circumstances.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struckthrough.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to idling by diesel locomotives.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Idling by Diesel Locomotives. Amend RSA 125-C by inserting after section 10-c
2 the following new section:

3 125-C:10-d Idling by Diesel Locomotives.

4 I. For purposes of this section “commuter rail” means urban passenger train service
5 consisting of local short distance travel operating between adjacent cities and towns, or between a
6 central city and adjacent suburbs, using either locomotive hauled or multiple unit railroad passenger
7 cars.

8 II. No person shall cause or permit the unnecessary and foreseeable idling of a commuter
9 rail diesel locomotive for a continuous period of time longer than 30 minutes. This section shall not
10 apply to commuter rail diesel locomotives being serviced, provided that idling is essential to the
11 proper repair of said locomotive and that such idling does not cause or contribute to a condition of air
12 pollution. Diesel locomotives other than commuter rail shall not be subject to the idling restriction
13 in this section, unless the location where a locomotive idles is less than 1000 feet from any
14 residential area, school, nursing home, day care, hospital, or other sensitive receptor.

15 III. Local law enforcement may enforce the provisions of this section. Any person who
16 violates any provision of this section shall be guilty of a violation and may be assessed by local law
17 enforcement, after notice and hearing, a fine for the first offense not to exceed \$500 and for each
18 subsequent offense not to exceed \$2000 which shall be paid to the clerk of the town or city where the
19 violation occurred.

20 IV. Nothing in this section shall be construed to limit the authority of a municipality or the
21 department of health and human services to prevent and remove nuisances and protect public health
22 in accordance with RSA 147, or of a municipality to adopt and enforce land use ordinances and
23 regulations pursuant to RSA 674 and RSA 675 relative to idling of locomotives. A municipality shall
24 not establish quantifiable emission limits, require testing, monitoring, or certification, or specify the
25 types of fuels used. In exercising its authority under this section, a municipality shall not
26 unreasonably limit the operation of locomotives.

27 V. This section shall not apply to diesel locomotives used for amusement railroads. The term
28 “amusement railroad” shall have the same definition as in RSA 82:1, III.

29 2 Effective Date. This act shall take effect July 1, 2014.