

HB 414-FN - AS INTRODUCED

2015 SESSION

15-0076
08/03

HOUSE BILL ***414-FN***

AN ACT relative to idling by commuter rail locomotives.

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

COMMITTEE: Transportation

ANALYSIS

This bill prohibits the idling of a commuter rail 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Fifteen

AN ACT relative to idling by commuter rail locomotives.

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

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

3 125-C:10-d Idling by Commuter Rail 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 contravene the purpose of this section.
12 Commuter rail locomotives requiring electrical power for a period in excess of 30 minutes shall
13 obtain such power by means other than idling of the main engine.

14 III. Notwithstanding RSA 125-C:15, local law enforcement may enforce the provisions of this
15 section. Any person who violates any provision of this section shall be guilty of a violation and may
16 be assessed by local law enforcement, after notice and hearing, a fine for the first offense not to
17 exceed \$500 and for each subsequent offense not to exceed \$2,000 which shall be paid to the clerk of
18 the town or city where the violation occurred.

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

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

28 2 Effective Date. This act shall take effect July 1, 2015.

HB 414-FN - FISCAL NOTE

AN ACT relative to idling by commuter rail locomotives.

FISCAL IMPACT:

The Judicial Branch and the New Hampshire Municipal Association state this bill, **as introduced**, may increase state expenditures and local revenue by an indeterminable amount in FY 2016 and each fiscal year thereafter. There will be no impact on county and local expenditures, or state and county revenue.

METHODOLOGY:

The Judicial Branch and the New Hampshire Municipal Association state the proposed bill prohibits the “unnecessary and foreseeable” idling of a commuter rail diesel locomotive for a continuous period longer than 30 minutes, subject to certain exceptions. The proposed legislation provides for the enforcement of the prohibition by local law enforcement as a violation level offense punishable by a fine not to exceed \$500 for a first offense or \$2,000 for subsequent offenses. Fines collected as a result of the proposed legislation are directed to be paid to the municipality in which the violation occurs. Neither the Branch nor the Association has information on which to estimate the number of violations that would result from the passage of this bill. However, the Branch notes the cost of an average violation level offense is estimated to be \$46.86 in FY 2016 and \$49.01 in FY 2017. Based on these estimates, the Branch states the legislation would have to result in the issuance of 214 violations in FY 2016 and 205 violations in FY 2017 to increase state expenditures by an amount greater than \$10,000 in each fiscal year. The Branch states this estimate does not consider the costs associated with any appeals which could significantly reduce the number of violations required to have a fiscal impact greater than \$10,000 in each fiscal year.

The Association states local revenues would increase to the extent violations were issued and fines levied as a result of the legislation’s passage, however, they are unable to estimate the number of violations that would be issued. Accordingly, the Association is unable to estimate to what extent the proposed legislation would increase local revenues in FY 2016 and each fiscal year thereafter.