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WESTCHESTER COUNTY LEGISLATOR TOM ABINANTI'S FACT SHEET ON WESTCHESTER COUNTY'S ANTI-IDLING LAW

Westchester County's anti-idling legislation became **effective** on **February 10, 2009**.

The following are some commonly asked questions to help you better understand the impact of this legislation.

Question. What is the county law's idling limitation?

Answer. The county's anti-idling law limits the time any motor vehicle in Westchester County may idle, when the vehicle is not in motion, to three consecutive minutes.

Question. Are there any exceptions to this idling limitation?

Answer. Yes. The most common exceptions to the law are when:

1. The motor vehicle is stopped because of traffic conditions which the driver has no control over;
2. The temperature is 32 degrees Fahrenheit (0 degrees Celsius) and the motor vehicle is not powered by a diesel engine (i.e., trucks and buses);
3. Emergency vehicles and equipment, including fire trucks, police cars, ambulances and other emergency vehicles and equipment are being used in the performance of their duties;
4. The engine is being used to provide power for an essential auxiliary purpose or is required for the purpose of maintenance (i.e., ice cream truck to control temperature for ice cream, tow truck loading or discharging vehicle, vehicle inspections);
5. A hybrid electric vehicle is idling to provide energy for the battery; or
6. The motor vehicle is an electric vehicle.

Question. What are the penalties for violating the county's idling law?

Answer. Since the County's idling law is part of the County Sanitary Code the penalties for violations of the idling law can be found in Sections 873.218, 873.219 and 873.220 of the Code and include, for a first offense, a fine not exceeding \$250.00 or imprisonment not exceeding 15 days, or both; and for a second or subsequent offense, a fine not exceeding \$500.00 or imprisonment not exceeding 15 days, or both.

Question. Who is required to enforce the county's idling law?

Answer. The county's idling law must be enforced by the County's Department of Public Safety and may be enforced by all law enforcement officers in Westchester County, including enforcement officers authorized to enforce the New York State Vehicle and Traffic Law. The law may also be enforced by municipal traffic and parking enforcement agents if they are authorized by the municipality to issue appearance tickets.

Question. When an appearance ticket is issued for a violation of the county's idling law by law enforcement officers or enforcement agents where is it returnable?

Answer. The appearance ticket issued for a violation of the county's idling law is returnable in the local court of the jurisdiction where the violation occurred.

Question. Are motor vehicles that are on line for drive-thru banks and other drive-thru services (i.e., coffee, dry cleaners) subject to the county's idling law?

Answer. Yes. However, the law is only violated if a vehicle is idle for more than three consecutive minutes. If the motor vehicle continues to move in the drive-thru line every three minutes or less there will be no violation.

Question. Are school buses on school property subject to the county's idling law?

Answer. Yes. The county's anti-idling law has applied to motor vehicles powered by diesel engines since 2006. The current changes to the county's anti-idling law have expanded the anti-idling law to all motor vehicles in Westchester County.

Question. Can I idle my motor vehicle for more than three minutes in order to assist in removal of ice or frost on my window, or to warm the vehicle?

Answer. Maybe. The county's anti-idling law includes an exemption during temperatures below 32 degrees Fahrenheit (freezing), thus allowing vehicle idling during freezing conditions typically associated with icy windshields and the need to warm the vehicle.