

540 CMR: REGISTRY OF MOTOR VEHICLES

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

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27.01: Scope and Applicability

540 CMR 27.00 is adopted by the Registrar of Motor Vehicles pursuant to the authority of M.G.L. c. 90, § 16B. 540 CMR 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.

27.02: Definitions

In addition to the definitions contained in M.G.L. c. 90, § 1, 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.

27.04. Exemptions

540 CMR 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.

1. 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.

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(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) Cold/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

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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, § 16B 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, § 16B 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 thereunder at 540 CMR 27.00 shall be subject to a civil assessment as follows:

- (a) A penalty of \$100 for the first offense; or
- (b) A penalty of \$500 for the second offense, and any subsequent offenses.

27.08: Enforcement

The prohibitions of M.G.L. c. 90, § 16B shall be enforced by state or local law enforcement agencies.

REGULATORY AUTHORITY

540 CMR 27.00: M.G.L. c.90, § 16B.