SECTION 1. Chapter Comm 131 is created to read:

Chapter Comm 131
DIESEL TRUCK IDLING REDUCTION GRANTS

Comm 131.10 Purpose. Pursuant to s. 560.125 (5m), Stats., this chapter sets forth the requirements for applying for, receiving, and utilizing grants for purchasing and field testing diesel truck idling reduction units.

Comm 131.20 Definitions. In this chapter:

(1) The definitions in s. 560.125 (1) , Stats., shall apply.

Note: See Appendix for a reprint of s. 560.125 (1), Stats., and the statute sections referenced there.

(2) "Department" means the department of commerce.

(3) "Headquartered in this state," as referenced under s. Comm 131.30 (1), means the applicant's principal central administrative office is located in Wisconsin, or the applicant's business pays at least 80% of its payroll to employees employed in Wisconsin.

Comm 131.30 Eligibility. (1) ELIGIBLE APPLICANTS. (a) Only applicants meeting all of the eligibility criteria in s. 560.125 (3), Stats., and in par. (b) may receive grants under this chapter.

(b) The applicant is not failing to comply with any conditions imposed by the department on any previous grant received under this chapter.

(2) ELIGIBLE COSTS. Grants awarded under this chapter shall only be utilized to cover costs that are established as eligible in s. 560.125 (4) (a) and (b), Stats.

Note: See Appendix for a reprint of s. 560.125 (3) and (4) (a) and (b), Stats.

Comm 131.40 Applications for grants. Every application for a grant under this chapter shall be submitted to the department on a fully completed, valid form provided by the department.

Note: See Appendix for the version of the application form that became valid upon publication of this chapter. Any subsequent versions will become valid upon posting at the department's Web site at www.commerce.wi.gov., and can be accessed through links there for the diesel truck idling reduction grant program.

Comm 131.50 Awarding of grants. (1) LIMITS. Every grant awarded under this chapter shall comply with the limits established in s. 560.125 (4) (c), (d), and (f), Stats.

Note: See Appendix for a reprint of s. 560.125 (4) (c), (d), and (f), Stats.

Note: As specified in s. 560.125 (2), Stats., the department's authority to award grants under this chapter expires on June 30, 2011.

(2) TRUCK TRACTORS WITHOUT SLEEPER CABS. The department may refuse to award a grant for purchasing and installing an idling reduction unit on a truck tractor that does not have a sleeper berth.

(3) ALLOCATION FOR SMALL FLEETS. The department may annually allocate up to 25 percent of the grant funding under this chapter, for awarding only to applicants who own and operate 50 or fewer truck tractors.

(4) PRORATING AWARDS. The department may set deadlines for submitting the applications specified in s. Comm 131.40, and then prorate the awards to the applicants if the total funding requested in the applications exceeds the available revenue.

(6) CONDITIONS. Each recipient of a grant awarded under this chapter shall comply with any corresponding conditions imposed by the department, as authorized under s. 560.125 (4) (f), Stats.

Note: As required by s. 560.125 (4) (g), Stats., the department will withhold payment of at least 20 percent of any grant under this chapter until the recipient has complied with the conditions of the grant, as established by the department, including providing to the department information relating to the operation and performance of each idling reduction unit covered by the grant.

Note: As required by s. 560.125 (5), Stats., the department will collect information from recipients of grants under this section relating to the operation and performance of idling reduction units. The department will also summarize the information collected and make it available to common motor carriers, contract motor carriers, and private motor carriers, on the department's Web site at www.commerce.wi.gov., through links there for the diesel truck idling reduction grant program.

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Appendix

A–131.20 Reprint of s. 560.125 (1), Stats., and the statute sections (in italics) referenced there. "**560.125 (1)** (a) 'Common motor carrier' has the meaning given in s. 194.01 (1). *["194.01 (1) 'Common motor carrier' means any person who holds himself or herself out to the public as willing to undertake for hire to transport passengers by motor vehicle between fixed end points or over a regular route upon the public highways or property over regular or irregular routes upon the public highways. The transportation of passengers in taxicab service or in commuter car pool or van pool vehicles with a passenger-carrying capacity of less than 16 persons or in a school bus under s. 120.13 (27) shall not be construed as being that of a common motor carrier."]*

(b) 'Contract motor carrier' has the meaning given in s. 194.01 (2). *["194.01 (2) 'Contract motor carrier' means any person engaged in the transportation by motor vehicle over a regular or irregular route upon the public highways of property for hire."]*

(c) 'Idling reduction unit' means a device that is installed on a diesel truck to reduce the long-duration idling of the truck by providing heat, air conditioning, or electricity to the truck while the truck is stationary and the main drive engine of the truck is not operating.

(d) ‘Post-1998 diesel truck engine’ means a heavy-duty highway diesel engine that complies with the air pollutant emission standards promulgated by the federal environmental protection agency under 42 USC 7521 for engine model year 1998 or a later engine model year.

(e) ‘Private motor carrier’ has the meaning given in s. 194.01 (11). *[“194.01 (11) ‘Private motor carrier’ means any person except a common or contract motor carrier engaged in the transportation of property by motor vehicle other than an automobile or trailer used therewith, upon the public highways.”]*

(f) ‘Truck tractor’ has the meaning given in s. 340.01 (73).” *[“340.01 (73) ‘Truck tractor’ means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.”]*

A–131.30 and 131.50 Reprint of s. 560.125 (3) and (4) (a) to (d) and (f), Stats. “**560.125 (3)** ELIGIBLE APPLICANTS. An applicant is eligible for a grant under this section only if all of the following apply:

(a) The applicant is a common motor carrier, contract motor carrier, or private motor carrier that transports freight.

(b) The applicant is headquartered in this state.

(c) The applicant pays 30 percent of the eligible costs for each idling reduction unit covered by a grant under this section without the use of grants, loans, or other financial assistance from this state or from a local governmental unit in this state.

(d) The applicant agrees to collect information relating to the operation and performance of each idling reduction unit covered by a grant under this section, as required by the department, and to report that information to the department.

(4) GRANTS. (a) Except as provided in par. (b), the costs that an applicant has incurred or will incur to purchase and install an idling reduction unit on a truck tractor that is owned and operated by the applicant and that has a post-1998 diesel truck engine are eligible costs under this section if the use of the idling reduction unit will result, in the aggregate, in a decrease in the emissions of one or more air contaminants, as defined in s. 285.01 (1), from the truck tractor on which the idling reduction unit is installed or in a decrease in the use of energy by the truck tractor on which the idling reduction unit is installed.

(b) The following costs are not eligible costs:

1. The cost of shipping an idling reduction unit from the manufacturer to the facility where the idling reduction unit will be installed on the truck tractor.

2. The cost of operating an idling reduction unit.

3. The cost of maintaining an idling reduction unit.

(c) Subject to par. (d), the department may make a grant under this section of 70 percent of the eligible costs for not more than the following number of idling reduction units:

1. If the applicant owns and operates one truck tractor with a post-1998 diesel truck engine, one.

2. If the applicant owns and operates at least 2 but not more than 10 truck tractors with post-1998 diesel truck engines, 2.

3. If the applicant owns and operates at least 11 but not more than 50 truck tractors with post-1998 diesel truck engines, the greater of the following:

a. Two.

b. Ten percent of the number of truck tractors with post-1998 diesel truck engines that the applicant owns and operates.

4. If the applicant owns and operates at least 51 but not more than 250 truck tractors with post-1998 diesel truck engines, the greater of the following:

a. Six.

b. Seven percent of the number of truck tractors with post-1998 diesel truck engines that the applicant owns and operates.

5. If the applicant owns and operates at least 251 but not more than 500 truck tractors with post-1998 diesel truck engines, the greater of the following:

a. Eighteen.

b. Six percent of the number of truck tractors with post-1998 diesel truck engines that the applicant owns and operates.

6. If the applicant owns and operates at least 501 but not more than 2,500 truck tractors with post-1998 diesel truck engines, the greater of the following:

a. Twenty-five.

b. Five percent of the number of truck tractors with post-1998 diesel truck engines that the applicant owns and operates.

7. If the applicant owns and operates more than 2,500 truck tractors with post-1998 diesel truck engines, 3 percent of the number of truck tractors with post-1998 diesel truck engines that the applicant owns and operates.

(d) In any fiscal year, the department may not pay to any one applicant more than 20 percent of the amount appropriated under s. 20.143 (3) (sm) for the fiscal year.

(f) The department shall require that applicants receiving grants under this section covering more than one idling reduction unit purchase idling reduction units of more than one type and from more than one manufacturer. The department may impose other conditions on the receipt of grants."

A–131.40 Grant application form. The following pages contain the department's application form for applying for the grants awarded under this chapter.

(END)

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EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall become effective on the first day of the month commencing after publication in the Wisconsin administrative register.

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File reference: Diesel Idling/rules 2006e2