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**Fisheries, Ecology & Parks  
Committee**

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**HB 1661**

**Brief Description:** Reducing idling time and emissions.

**Sponsors:** Representatives Cooper, McDermott and Cody.

**Brief Summary of Bill**

- Prohibits non-exempted ocean marine terminals to operate in a manner that causes diesel trucks to idle or wait in a queue for more than 30 minutes.
- Directs the Department of Ecology to monitor ocean marine terminals to reduce emissions from idling trucks.

**Hearing Date:** 2/18/03

**Staff:** Jeff Olsen (786-7157).

**Background:**

The Department of Ecology (DOE) and local air pollution control authorities have the responsibility to manage state air quality regulations. The DOE's Air Quality Program regulates air quality through a variety of measures including permitting of major industrial air pollution industries, monitoring of agricultural burning, enforcement and education of wood stove use, and vehicle emission testing.

The Federal Motor Carrier Safety Administration (FMCSA) was established in the United States Department of Transportation on January 1, 2000. The FMCSA's primary mission is to prevent commercial motor vehicle-related fatalities and injuries. The FMCSA manages several programs including the Motor Carrier Safety Assistance Program, Regulatory Compliance and Enforcement, Licensing and Insurance, and the Commercial Driver's License Program. The Utilities and Transportation Commission regulates persons engaging in transportation in Washington, including the issuance of motor carrier permits.

**Summary of Bill:**

### Requirements

Ocean marine terminals are required to operate in a manner that does not cause diesel trucks to idle or wait in a queue for more than 30 minutes while waiting to enter the terminal. Exceptions to this requirement include acts of God, labor disputes, a declared state or federal emergency, or if the Department of Ecology (DOE) or the Washington State Patrol finds that an unavoidable and unforeseeable event caused the idling.

### Exemptions

An ocean marine terminal can be exempted from the prohibition against truck idling by satisfying one of two conditions:

1. Provide two continuous hours of fully staffed receiving and delivery gates two hours before and after peak commuter hours at least five days a week; or
2. Operate fully staffed receiving or delivery gates for 70 or more hours five days a week.

The DOE is responsible for determining the peak commuter hours for each ocean marine terminal after consulting with the terminal and any labor union represented at the terminal. Ocean marine terminals must notify the DOE of the date of implementation to qualify for an exemption.

### Enforcement and Penalties

The DOE is required to monitor ocean marine terminals to ensure that no diesel engine is idling for more than 30 minutes, and the Washington State Patrol is charged with enforcement. All citations must include the truck's license plate number, the name of the marine terminal and port at which the violations occurred, and the date and time of the violations.

Ocean marine terminals can be fined \$250 for each truck that idles for more than 30 minutes while waiting to enter the terminal. In addition, an ocean marine terminal can be charged \$750 for taking action that is intended to avoid or circumvent the idling restriction. Actions that can trigger the \$750 fine include diverting an idling truck to area highways, requiring idling trucks to wait inside the gates of the terminal, and directing a truck driver to turn his or her engine on and off while in a queue.

It is a misdemeanor for an ocean marine terminal to assess or seek reimbursement from a truck driver or owner for a violation of the idling prohibition. It is also a misdemeanor for an ocean marine terminal to fail to pay a fine, or to accumulate three or more fines in a three-month period. Conviction of the latter misdemeanors also results in a suspension of that terminal's Motor Carrier Property Permit and a letter being generated by the DOE to the Federal Motor Carrier Safety Administration that recommends action against that carrier's interstate operating authority.

**Appropriation:** None.

**Fiscal Note:** Requested on February 10, 2003.

**Effective Date:** The bill takes effect ninety days after adjournment of session in which bill

is passed.