
HOUSE BILL 1661

State of Washington

58th Legislature

2003 Regular Session

By Representatives Cooper, McDermott and Cody

Read first time 02/04/2003. Referred to Committee on Fisheries,
Ecology & Parks.

1 AN ACT Relating to the idling time and emissions reduction program;
2 adding a new chapter to Title 70 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds and declares the
5 following:

6 (a) Air pollution in this state is an ongoing problem that impacts
7 the health and safety of its residents.

8 (b) Ocean marine terminals often become congested with long lines
9 forcing trucks to idle for extended periods of time.

10 (c) Idling trucks emit air contaminants, including oxides of
11 nitrogen, carbon dioxide, and particulate matter.

12 (d) Many marine terminals and ports in this state are close in
13 proximity to residential areas and businesses frequented by the public.

14 (e) Owners and operators of ocean marine terminals and ports
15 generally do not directly own or control trucks that move containers
16 and other cargo to and from or transact business at the terminals.
17 However, due to the manner in which some terminals are operated,
18 including but not limited to, setting short gate hours and maintaining
19 systems that do not disperse truck transactions throughout the day, and

1 because trucks must operate within the systems established by the
2 owners and operators of ocean marine terminals, trucks are forced to
3 idle for extended periods of time and create severe congestion on
4 public roadways in communities at and near ocean marine terminals and
5 ports.

6 (2) It is the intent of the legislature to prohibit extended idling
7 by trucks at ocean marine terminals and ports in order to protect the
8 health and safety of all Washington citizens.

9 (3) It is the intent of the legislature, in enacting this chapter,
10 to reduce only emissions of particulate matter that are caused by
11 trucks idling at ocean marine terminals in this state.

12 NEW SECTION. **Sec. 2.** (1) Each ocean marine terminal must operate
13 in a manner that does not cause the engines of diesel trucks to idle or
14 queue for more than thirty minutes while waiting to enter an ocean
15 marine terminal. Accordingly, an ocean marine terminal will receive a
16 citation and fine of two hundred fifty dollars for every truck that
17 idles for more than thirty minutes while waiting to enter the ocean
18 marine terminal.

19 (2) In addition, an ocean marine terminal that takes action
20 intended to avoid or circumvent the requirements of this chapter or to
21 avoid or circumvent the reduction of emissions of particulate matter
22 from idling or queuing trucks is subject to a fine of seven hundred
23 fifty dollars per truck per violation.

24 (3) Actions intended to avoid or circumvent the requirements of
25 this chapter, include, but are not limited to:

26 (a) Diverting an idling truck to area highways or alternate staging
27 areas;

28 (b) Requiring a truck to idle or queue inside the gate of a marine
29 terminal; and

30 (c) Requiring or directing a truck driver to turn on and off an
31 engine while queuing.

32 (4) An action taken by an ocean marine terminal to assess or seek
33 reimbursement from the driver or owner of a truck for a violation of
34 this section is a misdemeanor.

35 (5) An ocean marine terminal does not violate this chapter by
36 causing a truck to idle for more than thirty minutes while waiting to
37 enter the gate into a marine terminal, if the delay is caused by:

- 1 (a) Acts of God;
- 2 (b) Labor disputes;
- 3 (c) Declared state and federal emergencies; or
- 4 (d) If the department of ecology or the state patrol finds that an
- 5 unavoidable or unforeseeable event caused trucks to idle and that the
- 6 terminal is otherwise in good faith compliance with this chapter.

7 NEW SECTION. **Sec. 3.** (1) Section 2(1) of this act does not apply
8 to ocean marine terminals that provide two continuous hours of
9 uninterrupted, fully staffed receiving and delivery gates two hours
10 before and after peak commuter hours each day, at least five days per
11 week.

12 (a) "Peak commuter hours" are those hours determined by the
13 department of ecology, in consultation with the owners and operators of
14 the marine terminals and any labor union that is represented at those
15 marine terminals.

16 (b) The department of ecology shall notify marine terminals of the
17 final determination of the "peak commuter hours."

18 (2) Section 2(1) of this act does not apply to ocean marine
19 terminals that operate fully staffed receiving and delivery gates for
20 seventy or more hours, five days per week.

21 (3) To qualify under this section, ocean marine terminals must
22 notify the department of ecology of the date of implementation of
23 subsection (2) of this section. The ocean marine terminal is subject
24 to this chapter until the date of implementation of subsection (2) of
25 this section.

26 NEW SECTION. **Sec. 4.** (1) The department of ecology shall monitor
27 ocean marine terminals to ensure compliance with this chapter. The
28 state patrol district with geographical jurisdiction over that ocean
29 marine terminal is charged with enforcement of this chapter's
30 requirements.

31 (2) The department of ecology shall issue citations to the ocean
32 marine terminal for violations of section 2 of this act. Citations
33 must include the following information:

- 34 (a) Truck license plate number;
- 35 (b) Name of the marine terminal and port at which the violation
- 36 occurred; and

1 (c) Date and time of the violation.

2 (3) Failure to pay a fine under section 2 of this act, or receipt
3 of three or more such fines during a three-month period, is a
4 misdemeanor and will result in a suspension of the ocean marine
5 terminal's motor carrier property permit. The department of ecology
6 also shall forward a recommendation to the Federal Motor Carrier Safety
7 Administration for administrative or other action deemed necessary
8 against the carrier's interstate operating authority.

9 (4) The department of ecology shall determine the necessary level
10 of monitoring and enforcement commensurate with the level of the truck
11 idling problem at each marine terminal, and adopt such rules as are
12 necessary to effectuate the purpose of reducing emissions of
13 particulate matter from idling or queuing trucks intended by this
14 chapter.

15 NEW SECTION. **Sec. 5.** Nothing in this chapter relieves a
16 commercial driver or commercial motor carrier of any duty imposed by
17 state or federal law related to the safe operation of a commercial
18 motor vehicle.

19 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute
20 a new chapter in Title 70 RCW.

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