

SHB 1706 - S COMM AMD

By Committee on Labor, Commerce & Tribal Affairs

ADOPTED 03/02/2022

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.54
4 RCW to read as follows:

5 (1) The definitions in this subsection apply throughout this
6 section unless the context clearly requires otherwise.

7 (a) "Drayage truck operator" means the driver of any in-use on-
8 road vehicle with a gross vehicle weight rating greater than 33,000
9 pounds operating on or transgressing through port or intermodal rail
10 yard property for the purpose of loading, unloading, or transporting
11 cargo, including containerized, bulk, or break-bulk goods.

12 (b) (i) "Terminal operator" means the business entity operating a
13 marine terminal for loading and unloading cargo to and from marine
14 vessels.

15 (ii) "Terminal operator" includes the port if the port is
16 directly operating the marine terminal in loading and unloading cargo
17 to and from marine vessels.

18 (2) A terminal operator must provide a sufficient number of
19 restrooms for use by drayage truck operators in areas of the terminal
20 that drayage truck operators typically have access to, such as inside
21 the gate and truck queuing lots. Restrooms may include fixed
22 bathrooms with flush toilets or portable chemical toilets. At least
23 one restroom provided by the terminal operator must be a private
24 space suitable for and dedicated to expressing breast milk.

25 (3) A terminal operator is deemed in compliance with this section
26 if the terminal operator:

27 (a) Allows drayage truck operators access to existing restrooms
28 while the drayage truck operators are on port property in areas of
29 the terminal that drayage truck operators typically have access to
30 and when access does not pose an obvious safety risk to the drayage
31 truck operators and other workers in the area and does not violate
32 federal terminal security requirements;

1 (b) When necessary, provides additional restrooms at locations
2 where there is the most need. To determine need, the terminal
3 operator must assess the use and accessibility of existing restrooms
4 and conduct a survey of drayage truck operators; and

5 (c) Has a policy that allows drayage truck operators to leave
6 their vehicles at reasonable times and locations for purposes of
7 accessing restrooms.

8 (4) Restrooms for drayage truck operators must be located in
9 areas where access would not pose an obvious health or safety risk to
10 the drayage truck operators or other workers in the area.

11 (5)(a) The departments of health and labor and industries have
12 jurisdiction to enforce this section.

13 (b) The department of health may issue a warning letter to the
14 port terminal operator for a first violation of this section,
15 informing the port terminal operator of the requirements of this
16 section. A port terminal operator that violates this section after
17 receiving a warning letter is guilty of a class 2 civil infraction
18 under chapter 7.80 RCW.

19 (c) Failure of a terminal operator to comply with this section is
20 a violation of chapter 49.17 RCW.

21 (d) The departments may not take duplicate enforcement actions
22 against an individual or business for violations arising from the
23 same conduct."

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24 On page 1, line 2 of the title, after "facilities;" strike the
25 remainder of the title and insert "adding a new section to chapter
26 70.54 RCW; and prescribing penalties."

EFFECT: Restricts the limitation for restroom access for terminal
security requirements to federal terminal security requirements.

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