
Transportation Committee

HB 1706

Brief Description: Concerning truck drivers ability to access restroom facilities.

Sponsors: Representatives Sells, Ryu, Wicks, Berry, Valdez, Graham, Berg, Macri, Peterson, Senn, Shewmake, Orwall, Gregerson, Dolan, Fitzgibbon, Paul, Stonier, Davis, Riccelli, Santos, Taylor and Kloba.

Brief Summary of Bill
<ul style="list-style-type: none">• Requires retail establishments to allow the use of restrooms by common carriers making deliveries to the establishment, within certain parameters.• Requires port terminal operators to provide sufficient restrooms in appropriate locations for drayage drivers.

Hearing Date: 1/17/22

Staff: David Munnecke (786-7315).

Background:

Restroom Requirements.

Under the Washington Industrial Safety and Health Act (WISHA), an employer must provide a workplace free from recognized hazards. The Department of Labor and Industries (L&I) administers WISHA. The Department of Labor and Industries has adopted general health and safety standards, pursuant to WISHA, that apply to most industries, and has safety standards that apply only to specific industries, many of which include requirements regarding the provision of restroom facilities.

Port Districts.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Port districts are a type of special purpose district, and there are 75 port districts in Washington. Port districts can include harbors and marine transport, but can also include airports, railroads, and other facilities. Port districts are generally funded by property taxes, services fees, lease fees, and bonds, but they may also receive funding from the federal government and the state.

Marine cargo generally comes in three forms: containerized (cargo transported by container), bulk (cargo transported unpackaged, like grain or oil), and break bulk (cargo, such as a car or barrels, that is loaded individually, rather than in containers or in bulk). Most non-bulk cargo is transported by intermodal container. Such containers can be transferred between different modes of transportation—for example, from ship to rail—without removing the cargo from the container. Drayage trucks are generally diesel-fueled, heavy-duty trucks that transport containers and bulk freight between a port and intermodal rail facilities, distribution centers, and other locations near the port.

Summary of Bill:

Retail Establishments.

A retail establishment that has a restroom must allow a common carrier delivering goods to the establishment to use that restroom during normal business hours if:

- the restroom is located in an area where providing access would not create an obvious health or security risk to the common carrier; and
- allowing the common carrier access would not pose an obvious security risk to the retail establishment or its employees.

For a first violation of this requirement, the city or county attorney must issue a warning letter to the owner or operator of the retail establishment, and to any employee of a retail establishment who denies access to a restroom. A retail establishment or an employee of a retail establishment that violates this requirement after receiving a warning letter is guilty of a class 2 civil infraction under chapter 7.80 RCW.

A retail establishment is not required to make any physical changes to a restroom to be in compliance with the restroom use requirement.

Port Districts.

A terminal operator, which may or may not be the port district, must provide a sufficient number of restrooms for use by drayage truck operators in areas of the terminal that drayage truck operators typically access. These restrooms may include fixed bathrooms with flush toilets or portable chemical toilets.

A terminal operator complies with this restroom requirement if the terminal operator:

- allows drayage truck operators access to existing restrooms while the drayage truck operators are on port property, when access does not pose an obvious safety risk to the drayage truck operators and other workers in the area;
- provides additional restrooms at locations where there is the most need; and

- has a policy that allows drayage truck operators to leave their vehicles at reasonable times and locations for purposes of accessing restrooms.

The Department of Health and the local health departments or divisions of each county have concurrent jurisdiction regarding enforcement.

Appropriation: None.

Fiscal Note: Requested on January 11, 2022.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.