

FINAL BILL REPORT

SHB 1706

C 204 L 22
Synopsis as Enacted

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

Sponsors: House Committee on Transportation (originally sponsored by Representatives Sells, Ryu, Wicks, Berry, Valdez, Graham, Berg, Macri, Peterson, Senn, Shewmake, Orwall, Gregerson, Dolan, Fitzgibbon, Paul, Stonier, Davis, Riccelli, Santos, Taylor and Kloba).

House Committee on Transportation

Senate Committee on Transportation

Senate Committee on Labor, Commerce & Tribal Affairs

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 L&I 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.

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

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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:

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. At least one restroom must be a private space that is both suitable for and dedicated to expressing breast milk.

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, is in areas where drayage truck operators typically have access, and does not violate federal terminal security requirements;
- 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.

Enforcement.

The Department of Health (DOH) and the L&I are granted jurisdiction to enforce the restroom requirements. The DOH is allowed to issue a warning for a first violation of the section and a class 2 civil infraction for subsequent violations. Failure to comply with the restroom requirement is a violation of the WISHA.

The DOH and L&I may not take duplicate enforcement actions on violations arising from the same conduct.

Votes on Final Passage:

House	98	0	
Senate	48	0	(Senate amended)
House	97	1	(House concurred)

Effective: June 9, 2022