AN ACT Relating to truck drivers ability to access restroom facilities; adding a new section to chapter 70.54 RCW; and prescribing penalties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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