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**Written Testimony to the
Senate Environment and Natural Resources Committee
on Senate Bill 1509**

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Founded in 1968, the Oregon Environmental Council (OEC) is a nonprofit, nonpartisan, membership-based organization. We advance innovative, collaborative and equitable solutions to Oregon's environmental challenges for today and future generations.

Since 2011, when the Oregon Legislature passed HB 2081 to regulate idling by certain heavy vehicles, no conclusive evidence has been found to indicate the law has been effective.¹

Because idling poses serious health risks to the public and to drivers of heavy vehicles, we need to improve upon the 2011 legislation to ensure that fewer heavy vehicles idle unnecessarily. Below is a list of improvements needed, none of which are addressed by SB 1509. SB 1509 allows a local jurisdiction to restrict idling near certain facilities if signage is provided (schools, child care facilities, hospitals, and residential care facilities) and is a small step in the right direction, but it simply doesn't do enough to address the health impacts of idling.

We are also concerned that SB 1509 would allow model year 2008 or newer engines to idle. These engines are certainly far cleaner from a particulate pollution and air toxic perspective, but they don't address carbon pollution. Allowing these engines to idle is contrary to the state's commitment to reduce greenhouse gas emissions.

Rather than passing a very limited fix to Oregon's anti-idling statute, we ask the committee to strengthen Oregon's anti-idling law by amending SB 1509 to address the full range of necessary fixes presented below. Thank you for your consideration.

Improvements Needed for ORS 825.600-825.610

1. Broaden the types of heavy vehicles that are subject to the law, so that not only commercial vehicles of 10,000 or more pounds must comply, but also school buses, transit buses, heavy on-road vehicles involved in highway construction, and heavy on-

¹ As of spring 2017, five years after the idling law went into effect, Oregon had issued no citations for violations of the idling rule, and there has been no discernable uptick in the use of idle reduction facilities at truck stops. Certainly, education about the law by ODOT, police training officers, the Oregon Trucking Association, ATRI (the research arm of the American Trucking Association), Cascade Sierra Solutions, FMI Truck Sales & Services and possibly others must have had some effect, but many of us still see trucks idling unnecessarily as we go about our daily lives. We know that enforcement is difficult for an already overburdened police force, and we also know that the law does not measure up to many anti-idling regulations in place elsewhere around the country.

road vehicles used by nonprofit and charitable organizations. *Why:* These types of vehicles (and more) were precluded in the original legislation because it focused on “commercial” vehicles. There is no reason why these additional vehicles should be exempt.

2. Reduce the amount of time a driver can idle from 5 minutes to 3 or even 2 minutes. *Why:* One probable reason for no citations having been written is that police officers do not have time to wait around and monitor vehicles to see whether they turn their engines off within 5 minutes. Many jurisdictions around the country limit idling to 3 minutes or even less, including Connecticut, Delaware, District of Columbia, Hawaii, New Jersey, Rockland County in New York, St. Louis County in Missouri, Chicago, New York City, Philadelphia, Park City and Salt Lake City in Utah, and South Euclid in Ohio. See more details at http://www.atri-online.org/research/idling/ATRI_Idling_Compendum.pdf.
3. Ensure that commercial buses are not allowed to idle longer than 15 minutes within a continuous 60-minute period for the comfort of passengers. *Why:* If a bus is delayed in departure, passengers should use the waiting room for comfort. Just as idling is not healthy for kids on a school bus, it’s not healthy for passengers on a commercial bus. There may be an exceptional circumstance where a bus is stuck somewhere with passengers on board, but occasionally turning the engine on to provide heat or air conditioning for passenger comfort should work.
4. Create a tighter temperature band in which idling during a rest period is allowed. The current law allows the driver to idle for the purposes of air conditioning or heating during a rest or sleep period if, at any time during that period, the temperature is less than 50 or greater than 75 degrees. The lower temperature could be 45 degrees or even 32 degrees. *Why:* It is important for truck drivers to be able to rest comfortably and get the sleep they need so that they are alert when driving. But idling is not good for the driver’s health and pollutes the air wherever the truck idles. A 45-75 degree temperature bandwidth is very generous compared to other states. In Delaware, temperatures have to get to -10 degrees before unlimited idling is allowed, in Illinois and Utah to below 32 degrees. See more examples at http://www.atri-online.org/research/idling/ATRI_Idling_Compendum.pdf.
5. Further limit where idling during a rest period is allowed, specifically to not allow idling within 800 feet of a school, child care facility, hospital or nursing home. *Why:* Children, the elderly, and health-compromised people are particularly vulnerable to air pollution. The driver’s comfort should not be put above vulnerable populations’ health. Consider that many schools don’t even have air conditioning; why should a driver be more comfortable than the school kids?
6. Phase out the rest period exemption by 2020. *Why:* The current law gives drivers who sleep in their cabs little incentive to utilize shore power or purchase auxiliary power units that run heat, air conditioning and electrical power without having to leave the truck engine on. The temperature band is very generous, and drivers are technically following the law if they idle continuously while resting even if the temperature only dips below or rises above the temperature band for a few minutes during their rest period. This makes it almost impossible for a citation to be written. We do want drivers to get the rest they need, but the best solution—including for the driver’s health—is to park where there is shore power or to purchase auxiliary power units. By phasing out the rest period, drivers have the incentive to and can budget for auxiliary power units by 2020.
7. Clarify that the exception related to complying with manufacturers’ operating requirements, specifications and warranties or with federal, state or local safety

regulations is to prevent a safety or health emergency for the driver. *Why:* Other idling laws are written in this way to ensure that the fix needed is for the driver's safety and/or health.

8. Tighten the 30-minute load/unload exception by (1) changing the temperature band from 50-75 degrees to 32-75 degrees; (2) not allowing this exception within 800 feet of a school, child care facility, hospital or nursing home; (3) clarifying that the exception is allowed only for heavy vehicles greater than 26,000 pounds, not vehicles between 10,000 and 26,000 pounds. *Why:* As above, 45 degrees should be sufficient and idling should not be allowed near vulnerable populations. In addition, vehicles between 10,000 and 26,000 pounds can easily turn their engines off while waiting to load or unload or while loading and unloading.
9. Remove the preemption on local governments being able to adopt their own anti-idling ordinances. *Why:* For Multnomah County—and other concerned local governments—stricter idling provisions may be necessary to protect the health of residents.
10. Revise the traffic violation class – ORS 825.605 Section 5, amending it to, "The offense described in this section, unlawfully idling the primary engine of a commercial vehicle, is a Class C traffic violation." *Why:* Class B violations have higher upper limits on the dollar amount so will act as more of a deterrent to idling.
11. Allow Oregon Department of Environmental Quality and Lane Regional Air Pollution Authority to enforce. Also allow local parking enforcement and local entities that handle nuisance complaints to enforce. *Why:* No citations have been issued since the 2011 law went into effect. Police are too busy to enforce. By allowing DEQ, LRAPA and local entities to enforce, they could target "hot spots," perhaps starting with a notice, followed up with a citation if there are repeat offenses.
12. Clarify that the purpose of reducing idling is not only to reduce greenhouse gases, but also emissions that directly harm human health, including particulate matter and hazardous air pollutants. *Why:* Idling less saves fuel and lowers greenhouse gas emission, but it is also very important for the reduction of carcinogens and other air toxics that harm the brain, lungs and heart.