



February 9, 2018

**Oregon Progressive Party
Position on Bill at 2018
Session of Oregon Legislature:**

SB 1509: Support, but should go much further

Dear Committee:

The Oregon Progressive Party supports this bill, which changes the law about prohibiting diesel engine idling, which is a major source of air pollution in Oregon.

The bill allows local governments to adopt idling prohibitions more stringent than state requirements. But it restricts such local prohibitions to certain areas only ("adjacent to" schools, child care facilities, hospitals, or residential care facilities). The bill does not define "adjacent to." Nor does ORS Chapter 825 (where this law resides) define "adjacent to." The leading law dictionary, Black's Law Dictionary, defines "adjacent" as:

Lying near or close to; contiguous. The difference between adjacent and adjoining seems to be that the former implies that the two objects are not widely separated, though they may not actually touch, while adjoining imports that they are so joined or united to each other that no third object intervenes.

Webster's 1913 Dictionary, the one most frequently cited by the Oregon Supreme Court, defines it as:

Lying near, close, or contiguous; neighboring; bordering on; as, a field adjacent to the highway.

Diesel pollution, once emitted, does not merely affect adjacent property. It does not stay on the same block or stay in the neighborhood. There should be no geographic limits on what diesel engines are subject to local regulation. Nor should local government be required to post signs "near the restricted idling zone." Local governments that care about public health will designate their entire jurisdictions as restricted idling zones.

Oregon Progressive Party

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