



**Before the
Senate Committee on Environment and Natural Resources
Questions: Senate Bill 1509
February 12, 2018**

Testimony of Jana Jarvis, President
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There were a number of questions regarding Senate Bill 1509 at the public hearing conducted on February 9, 2018. The following is an attempt to address these questions.

1. Does Senate Bill 1509 apply to commercial fishing boats? The short answer is no. The idling regulations are contained in ORS Chapter 825, which is part of Title 59 otherwise known as the Oregon Vehicle Code. Fishing boats are addressed in Title 61 known as Small Water Craft.

ORS 825.605 is the underlying statute that contains the truck idling regulations:

825.605 Unlawfully idling the primary engine of a commercial vehicle; penalty. (1) *A person commits the offense of unlawfully idling the primary engine of a commercial vehicle if the person is operating a commercial vehicle and the person:*

- (a) *Stops the commercial vehicle; and*
 - (b) *Allows the engine of the commercial vehicle to idle for more than five minutes in any continuous 60-minute period.*
- (2) *For purposes of this section, a person is not idling a primary engine if the person:*
- (a) *Operates an auxiliary power unit, generator set or other idle reduction technology as a means to heat, air condition or provide electrical power.*
 - (b) *Operates a cargo temperature control unit to maintain the cargo.*
- (3) *A citation issued under this section may be issued to the person operating the commercial vehicle, the motor carrier as defined in ORS 825.005, or both.*
- (4) *The offense described in this section, unlawfully idling the primary engine of a commercial vehicle, applies on any premises open to the public.*

(5) *The offense described in this section, unlawfully idling the primary engine of a commercial vehicle, is a Class C traffic violation. [2011 c.349 §4]*

The term “vehicle is defined at ORS 801.590 as follows:

801.590 “Vehicle.” *“Vehicle” means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means. “Vehicle” does not include a manufactured structure. [1983 c.338 §109; 2003 c.655 §94]*

A “commercial vehicle is further defined as:

801.210 “Commercial vehicle.” *“Commercial vehicle” means a vehicle that:*

- (1) Is used for the transportation of persons for compensation or profit; or*
- (2) Is designed or used primarily for the transportation of property. [1983 c.338 §34]*

Compare this to the definition of “boat” defined at ORS 830.005 as:

(2) “Boat” means every description of watercraft, including a seaplane on the water and not in flight, used or capable of being used as a means of transportation on the water, but does not include boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

2. Does the language on page 2, beginning on line 45 and ending on page 3, through line 3 permit the use of dump trucks and concrete trucks in a no idle zone? The answer is yes. This language was lifted from ORS 825.610(1)(f), and can be found on page 1 of the bill, lines 19 and 20. The purpose of this language is to allow idling of a truck when necessary to power other equipment on the truck that is not used to actually propel the truck. Dump trucks and concrete trucks are certainly examples but there are other applications as well. The most common are power lift tailgates that require idling the main engine in order to function.
3. How are the idling regulations enforced? (See ORS 825.605 above.) Violation of the idling statutes is a Class C traffic infraction. Any law enforcement officer, with citation authority, can enforce the truck idling regulations.

I hope that this addresses your questions. Thank you.