

SB 1509 A -A4 STAFF MEASURE SUMMARY

House Committee On Health Care

Prepared By: Oliver Droppers, LPRO Analyst

Meeting Dates: 2/23, 2/26

WHAT THE MEASURE DOES:

Removes exception to restrictions (ORS 825.605) on idling of a commercial vehicle primary engine during loading or unloading. Adds exception to such idling restrictions for a commercial vehicle when manufacturer has certified that a new 2008 or subsequent model year diesel engine is primarily responsible for vehicle propulsion and engine meets an optional nitrogen oxides idling emissions standard of 30 grams per hour while not affecting other specified, associated emissions. Requires certifying manufacturer to provide a sticker to be affixed to a vehicle to demonstrate compliance with the idling standard. Changes to idling restrictions apply to conduct on or after effective date of Act. Authorizes a local government to adopt an ordinance restricting idling of a commercial vehicle primary engine on or adjacent to: public or private K - 12 schools, specified child care facilities, hospitals, and residential care facilities. Requires local ordinance not be less stringent than idling restrictions in ORS 825.605. Prohibits local ordinance from restricting idling necessary to power work-related equipment installed on vehicle that is not used for propulsion. Specifies that a local ordinance is effective when appropriate signs giving notice of idling restrictions are posted in conspicuous locations near restricted zone and that the expense of erecting signs is borne by the local government.

ISSUES DISCUSSED:

- Year and make of diesel trucks operating in Oregon
- Health effects from diesel engines, idling, and emissions
- Residential neighborhoods that experience disproportionate exposure of diesel idling
- Ability for law enforcement to determine year and make of a diesel truck, whether the vehicle has been retrofitted, and ability to enforce Oregon's idling law (ORS 825.610)
- Potential amendment
- State preemption of local idling laws and allowing local governments to further regulate vehicle idling (ORS 825.615)

EFFECT OF AMENDMENT:

-A4 Replaces the measure. Repeals preemption of local government regulation of idling of primary engines in commercial vehicles (ORS 825.615). Narrows idling restrictions for commercial vehicles waiting to load or unload by applying restrictions to vehicles with a gross weight of more than 26,000 pounds. Starting January 1, 2020, removes idling exemption for commercial vehicles with a gross weight of more than 26,000 that idle for purposes of air conditioning or heating during a rest or sleep period (ORS 825.610). Establishes a new exemption for idling the primary engine of commercial vehicles that are certified by a manufacturer and demonstrate compliance with the idling emission standard with a sticker (30 grams per hour of nitrogen oxides).

REVENUE: No revenue impact.

FISCAL: Fiscal impact issued.

BACKGROUND:

Diesel engines are used throughout Oregon and the United States because of their reputation for reliability, durability, power, and fuel efficiency. On-road heavy duty diesel trucks and diesel construction equipment are the largest sources of diesel exhaust in Oregon. Diesel exhaust is considered a health risk, particularly in urban areas that are close to highways and major roads.

This Summary has not been adopted or officially endorsed by action of the committee.

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A person commits the offense of unlawfully idling the primary engine of a commercial vehicle when the person stops the vehicle and allows the engine to idle for more than five minutes in any continuous 60-minute period on a premises open to the public (ORS 825.605). A person who is operating an auxiliary power unit, generator set, or other idle reduction technology to heat, cool, or provide electrical power or who is operating a cargo control unit to maintain the cargo is not considered to be idling a primary engine. The offense is a Class C traffic violation. ORS 825.610 establishes exceptions to the idling restrictions. The authority to regulate the idling of primary commercial engines is solely vested in the Legislative Assembly.

Senate Bill 1509A would modify the exceptions to the restrictions on idling the primary engine of a commercial vehicle found in ORS 825.605. The measure would also authorize a local government to adopt idling restrictions that are not less stringent than state restrictions.