

# HOUSE BILL REPORT

## HB 2601

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**As Reported by House Committee On:**  
Environment

**Title:** An act relating to reducing air emissions associated with certain port trucking operations.

**Brief Description:** Reducing air emissions associated with certain port trucking operations.

**Sponsors:** Representatives Fey, Jinkins, Sawyer, Appleton, Wylie and Pollet.

**Brief History:**

**Committee Activity:**

Environment: 1/16/18, 1/25/18 [DPS].

**Brief Summary of Substitute Bill**

- Requires all container-transporting trucks serving certain high-volume ports to meet specified emission standards by January 1, 2019.
- Requires high-volume ports to develop and submit to the Legislature by January 1, 2020, a plan to transition container-transporting trucks serving the port to zero-emission vehicles by 2035.

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### HOUSE COMMITTEE ON ENVIRONMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Fey, Kagi and McBride.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Taylor, Ranking Minority Member; Maycumber, Assistant Ranking Minority Member; Buys and Dye.

**Staff:** Jacob Lipson (786-7196).

**Background:**

Clean Air Act Vehicle Emission Standards.

Under the federal Clean Air Act, the Environmental Protection Agency (EPA) is responsible for setting national standards for emissions from motor vehicle engines. States, other than

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California, are preempted from setting their own standards; although, states may choose to adopt California standards where California has adopted more stringent standards than has the EPA. Among the types of motor vehicle emission standards set by the EPA are standards for emissions from heavy-duty diesel engines, which is a class of engines typically used by trucks, tractors, buses, and other vehicles with a gross weight of at least 33,000 pounds. An EPA rule applicable to model year 2007 and later heavy-duty diesel engines (the 2007 truck engine standard) includes numeric limits on nitrogen oxides, carbon monoxide, nonmethane hydrocarbons, and particulate matter.

#### Washington Ports.

The United States Bureau of Transportation Statistics (BTS) compiles information on port operations nationwide, including data on port container traffic. Data from the 2016 Annual Report to Congress by the BTS shows that the Port of Tacoma and the Port of Seattle were the two busiest ports in the state as measured by total throughput volume in 2016, at 22.6 million short tons each.

The Port of Seattle and the Port of Tacoma, in conjunction with the Port of Vancouver, Canada, have voluntarily adopted a clean air strategy with a stated goal of reducing diesel and greenhouse gas emissions in advance of, and complementary to, the implementation of regulatory requirements governing those emissions. The strategy, which was first adopted in 2007 and updated in 2013, includes actions and performance measures applicable to the ports' ocean-going vessels, harbor vessels, cargo-handling equipment, trucks, and rail transport. Among the elements of the updated 2013 strategy for drayage trucks serving the port is a performance goal of having all drayage trucks meet the 2007 truck engine standard by the end of 2017.

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#### **Summary of Substitute Bill:**

By January 1, 2019, all drayage trucks transporting shipping containers to or from a high-volume port must meet the 2007 truck engine standard adopted by the EPA. High-volume ports are those ports whose total tonnage of domestic and foreign waterborne trade, as measured by the BTS, exceeded 20 million tons during the most recent year statistics were available. By January 1, 2020, high-volume ports must develop and submit to the Legislature a plan that provides a roadmap for transitioning the fleet of drayage trucks serving high-volume ports towards using only zero-emission vehicles (ZEVs) by January 1, 2035.

#### **Substitute Bill Compared to Original Bill:**

The substitute bill eliminates the requirement that all drayage vehicles serving high-volume ports be ZEVs by 2035; although, the substitute bill retains a requirement that high-volume ports develop a plan by 2020 to transition towards a ZEV-only drayage fleet by 2035.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Drayage trucks tend to be older trucks that have been retired from long-haul service, and thus tend not to meet modern air emission standards. The emissions from 2007 model year trucks are vastly cleaner than from 1994 model year trucks. Diesel is a toxic pollutant with a high potential to harm human health. The Tacoma area was recently in nonattainment under federal air quality standards, and the community and businesses committed to a multifaceted strategy to help the area avoid the economic damage caused by that federal designation. The ports of Seattle and Tacoma committed to a program to phase out 1994 model trucks by 2018, but are threatening to not fully follow through on that commitment. California ports have adopted a goal of using only ZEV trucks by 2035, and it is important that Washington ports adopt a similar goal to stay competitive with California. Reducing transportation emissions from trucks will also help reduce greenhouse gas emissions.

(Opposed) The commitment to improving air quality by the ports of Seattle and Tacoma was a voluntary and proactive effort not required by regulation. The ports' air quality strategy has been succeeding, and monitoring results show large reductions in certain air pollutants around the port. The ports plan to achieve the 2007 truck goal by April 1, 2018. The timelines in the bill are not realistic, because even if international container terminals are served by compliant trucks, it will not be possible to upgrade trucks serving other aspects of port operations. The 2035 ZEV requirement seems unrealistic, because such trucks are not yet commercially available, and drayage fleets have traditionally relied on older trucks rather than the newest technologies.

**Persons Testifying:** (In support) Representative Fey, prime sponsor; Craig Kenworthy, Puget Sound Clean Air Agency; Stu Clark, Department of Ecology; and Elyette Weinstein, Washington League of Women Voters.

(Opposed) Sean Eagan, Northwest Seaport Alliance Tacoma.

**Persons Signed In To Testify But Not Testifying:** None.