
ENGROSSED HOUSE BILL 2044

State of Washington

61st Legislature

2009 Regular Session

By Representatives Seaquist, Smith, Angel, Nelson, Morris, Finn, Appleton, Roberts, Rolfes, Cody, and Carlyle

Read first time 02/06/09. Referred to Committee on Transportation.

1 AN ACT Relating to Washington state ferries incident and accident
2 investigation policies; adding a new section to chapter 47.60 RCW; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) Recognizing the paramount importance of
6 sustaining the highest levels of ferry system safety, the legislature
7 finds that a rigorous, open incident and accident investigation policy
8 is essential to the safe and reliable operation of the Washington state
9 ferry system. Drawing on information provided in response to previous
10 legislative direction, and noting recent accident/incident history, the
11 legislature finds an urgent need to upgrade Washington state ferries'
12 accident/incident investigation policies and procedures.

13 (2) After fully considering proposed upgraded accident/incident
14 investigation policies and procedures, it is the intent of the
15 legislature to enact the policies into law and to publish that law and
16 procedures as a manual for Washington state ferries' accident/incident
17 investigations. Until that time, the Washington state ferry system is
18 enjoined to exercise particular diligence to assure that any incident

1 or accident investigations are conducted within the spirit of the
2 guidelines of this act.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.60 RCW
4 to read as follows:

5 As a priority task, the Washington state ferries is directed to
6 propose a comprehensive incident and accident investigation policy and
7 appropriate procedures, and to provide the proposal to the legislature
8 by November 1, 2009, using existing resources and staff expertise. In
9 addition to consulting with ferry system unions and the United States
10 coast guard, the Washington state ferries is encouraged to solicit
11 independent outside expertise on incident and accident investigation
12 best practices as they may be found in other organizations with a
13 similar concern for marine safety. The policy must contain, at a
14 minimum:

15 (1) The definition of an incident and an accident and the type of
16 investigation that is required by both types of events;

17 (2) The process for appointing an investigating officer or officers
18 and a description of the authorities and responsibilities of the
19 investigating officer or officers. The investigating officer or
20 officers must:

21 (a) Have the appropriate training and experience as determined by
22 the policy;

23 (b) Not have been involved in the incident or accident so as to
24 avoid any conflict of interest;

25 (c) Have full access to all persons, records, and relevant
26 organizations that may have information about or may have contributed
27 to, directly or indirectly, the incident or accident under
28 investigation, in compliance with any affected employee's or employees'
29 respective collective bargaining agreement and state laws and rules
30 regarding public disclosure under chapter 42.56 RCW;

31 (d) Be provided with, if requested by the investigating officer or
32 officers, appropriate outside technical expertise; and

33 (e) Be provided with staff and legal support by the Washington
34 state ferries as may be appropriate to the type of investigation;

35 (3) The process of working with the affected employee or employees
36 in accordance with the employee's or employees' respective collective

1 bargaining agreement and the appropriate union officials, within
2 protocols afforded to all public employees;

3 (4) The process by which the United States coast guard is kept
4 informed of, interacts with, and reviews the investigation;

5 (5) The process for review, approval, and implementation of any
6 approved recommendations within the department; and

7 (6) The process for keeping the public informed of the
8 investigation and its outcomes, in compliance with any affected
9 employee's or employees' respective collective bargaining agreement and
10 state laws and rules regarding public disclosure under chapter 42.56
11 RCW.

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