
HOUSE BILL 2756

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Seaquist, Appleton, Tarleton, and Fitzgibbon

Read first time 01/31/14. Referred to Committee on Transportation.

1 AN ACT Relating to investigations of accidents and incidents in the
2 Washington state ferry system; adding a new section to chapter 47.60
3 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** In order to maintain a safe and efficient
6 Washington state ferry system, the legislature recognizes the
7 importance of a rigorous investigation process in response to accidents
8 and incidents in the ferry system. The legislature recognizes further
9 the importance of a process that is structured, uniform, and
10 accountable to the people of Washington. The legislature also
11 recognizes the public trust developed through the credible, fair, and
12 thorough investigations conducted by the national transportation safety
13 board and the United States navy's judge advocate general corps. To
14 these ends, the legislature intends to establish and codify an
15 investigation process that is clear and fair to both the public and
16 ferry employees, recognizes the special maritime conditions in which
17 the ferry system operates, is useful to accident investigators, and is
18 responsive to public concerns.

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

3 (1)(a) The department must develop a proposal of comprehensive
4 accident and incident investigation procedures to submit to the
5 governor and the transportation committees of the legislature by
6 November 1, 2014. The proposal must be accompanied by a summary of
7 public comments authorized under subsection (2) of this section.

8 (b) During the development of the procedures, the department must
9 consult with ferry system unions, the United States coast guard,
10 comparable ferry systems, and independent outside experts on incident
11 and accident investigation best practices. The department must also
12 review processes for accident investigations by the national
13 transportation safety board and other industry sources to adopt
14 applicable processes.

15 (c) The proposal must contain:

16 (i) The definitions of an "incident" and an "accident" and the
17 types of investigations required for these events;

18 (ii) The process for employees to report accidents and incidents;

19 (iii) An identification of the proper convening authority to (A)
20 initiate an investigation of an accident or incident, (B) determine the
21 scope of the investigation, and (C) appoint an investigating officer;

22 (iv) The process for appointing an investigating officer and a
23 description of the authorities and responsibilities of the
24 investigating officer. The investigating officer must:

25 (A) Have the appropriate knowledge, training, and experience
26 required to conduct a comprehensive investigation;

27 (B) Not have been involved in the incident or accident or have
28 acted in any role that could have contributed to the accident or
29 incident so as to avoid any real or potential appearance of a conflict
30 of interest;

31 (C) Have full access to all facilities and equipment involved in
32 the accident or incident under investigation, as well as any persons,
33 records, and relevant organizations that may have information about or
34 may have contributed to the incident or accident under investigation;

35 (D) Be provided with appropriate outside technical expertise; and

36 (E) Be provided with staff and legal counsel as may be appropriate
37 to the type of investigation;

1 (v) A process of working with employees in accordance with
2 collective bargaining agreements;

3 (vi) The manner in which the United States coast guard is kept
4 informed of, interacts with, and, if necessary, reviews the
5 investigation;

6 (vii) The process within the department for review, approval, and
7 implementation of any recommendations by the investigator;

8 (viii) The process for keeping the public and the media informed of
9 the investigation and its outcomes without reaching conclusions before
10 the investigation has been completed; and

11 (ix) A method for the investigator to deliver a final report on the
12 accident or incident, summarizing all relevant information together
13 with the investigator's explanation of the accident or incident and
14 recommendations to avoid a future accident or incident. The department
15 must publish these final reports and make them available on its web
16 site for the benefit of the public at large.

17 (2) Prior to submitting the proposal required under subsection (1)
18 of this section, the department must conduct public meetings with the
19 ferry advisory committees established under RCW 47.60.310. During
20 these meetings, the department must provide the public with the draft
21 proposal and allow for public comment.

22 (3)(a) Upon approval by the transportation committees of the
23 legislature, the department must publish a manual on accident and
24 incident investigations, containing the rules to be followed by the
25 department in conducting an investigation. The department must make
26 the manual available on its web site for the benefit of the public at
27 large.

28 (b) The department must republish the manual described in (a) of
29 this subsection every odd-numbered year, incorporating any necessary
30 changes, additions, or deletions.

31 (4) The department must submit to the transportation committees of
32 the legislature by August 31, 2014, a comprehensive summary of all
33 incidents and accidents that have occurred in the ferry system since
34 January 1, 2008. The summary must include a synopsis of the
35 investigating activities, the results of the investigation, the cost of
36 repairs and corrective measures, and the impact on ferry service.

1 Thereafter, the department must submit the summary annually on January
2 15th covering the prior calendar year.

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