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**HOUSE BILL 1418**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Representatives Leavitt, Bronoske, Lovick, Ryu, Ortiz-Self, Gregerson, Shewmake, Ramel, and Pollet

Read first time 01/29/21. Referred to Committee on Transportation.

1 AN ACT Relating to enhancing rail safety governance by expanding  
2 the role of the utilities and transportation commission; amending RCW  
3 81.04.540, 81.04.550, 81.104.115, 35.21.228, 35A.21.300, 36.01.210,  
4 36.57.120, 36.57A.170, and 81.112.180; adding a new section to  
5 chapter 81.04 RCW; creating new sections; recodifying RCW 81.104.115;  
6 providing an effective date; and providing contingent effective  
7 dates.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that rail  
10 safety is critical to the impacts of the state's transportation  
11 network on public safety and the environment. On December 18, 2017, a  
12 passenger train derailed from a bridge near DuPont, Washington. Three  
13 passengers were killed and 57 passengers and crewmembers were  
14 injured. While the 2017 derailment had particularly tragic  
15 consequences, the risks to public safety and the environment are  
16 underscored by other rail incidents that have occurred in the past  
17 several years, including the freight train transporting oil  
18 derailment and resulting fire on June 3, 2016, in the Columbia river  
19 gorge, near Mosier, Oregon, while in route to Tacoma, Washington, and  
20 the derailment of a freight train transporting oil through Custer,  
21 Washington, in late 2020 that also resulted in a fire.

1 (2) The national transportation safety board issued an accident  
2 report on the 2017 derailment in early 2019. The report included  
3 recommendations for government agencies that participated in  
4 developing the new route related to improvements in safety oversight,  
5 coordination, and communication. In 2020, the joint transportation  
6 committee oversaw a rail safety governance study that provided an  
7 assessment and recommendations for how rail safety oversight,  
8 organizational structures and processes, and coordination activities  
9 could be modified to improve rail safety governance across the state.

10 (3) The legislature intends to build on the recommendations of  
11 the national transportation safety board and joint transportation  
12 committee reports to strengthen rail safety governance by expanding  
13 the utility and transportation commission's role in rail safety to  
14 include oversight of all rail transportation in the state to the  
15 extent permitted under federal law, including over implementation of  
16 new and materially changed railroad operations and over the safety  
17 management practices of railroad operations. The legislature intends  
18 for this role to include promotion of safety and security of the  
19 public and rail employees, as well as protection of the environment,  
20 to the extent these goals can be furthered by the commission's  
21 expanded role.

22 **Sec. 2.** RCW 81.04.540 and 2007 c 234 s 2 are each amended to  
23 read as follows:

24 (1) The commission is authorized to oversee rail safety in the  
25 state to the extent permitted by federal law, including of rail fixed  
26 guideway systems. This oversight shall include, but is not limited  
27 to, the following:

28 (a) Oversight of the implementation of new and materially changed  
29 railroad operations for rail service, as permitted by federal law;  
30 and

31 (b) Oversight of the safety management practices for railroad  
32 operations, as permitted by federal law. The department of  
33 transportation shall coordinate with the commission and Amtrak to  
34 facilitate the oversight of state passenger rail service to the  
35 extent permitted under federal law.

36 (2) The commission shall cooperate with the federal government  
37 and the United States department of transportation, or its successor,  
38 or any other commission or agency delegated or authorized to regulate  
39 interstate or foreign commerce by common carriers, to the end that

1 the transportation of property and passengers by common carriers in  
2 interstate or foreign commerce into and through the state of  
3 Washington may be regulated and that the laws of the United States  
4 and the state of Washington are enforced and administered  
5 cooperatively in the public interest.

6 ~~((2))~~ (3) In addition to its authority concerning interstate  
7 commerce under this title, the commission may regulate common  
8 carriers in interstate commerce within the state under the authority  
9 of and in accordance with any act of congress that vests in or  
10 delegates to the commission such authority as an agency of the United  
11 States government or under an agreement with the United States  
12 department of transportation, or its successor, or any other  
13 commission or agency delegated or authorized to regulate interstate  
14 or foreign commerce by common carriers.

15 ~~((3) For the purpose of participating with the United States~~  
16 ~~department of transportation in investigation and inspection~~  
17 ~~activities necessary to enforce federal railroad safety regulations,~~  
18 ~~the))~~ (4) The commission has regulatory jurisdiction over the safety  
19 practices for railroad equipment, facilities, rolling stock, and  
20 operations in the state, including authority to investigate and  
21 conduct inspections necessary to the enforcement of state railroad  
22 safety regulations, as permitted by federal law. This jurisdiction  
23 includes the authority to participate with the United States  
24 department of transportation in investigation and inspection  
25 activities necessary to enforce federal railroad safety regulations.

26 (5) The commission shall produce an annual report on rail safety  
27 in the state and provide it to the transportation committees of the  
28 legislature, including the joint transportation committee, and shall  
29 make this report available to the public.

30 (6) The commission shall promote rail safety through the  
31 facilitation of communication and collaboration among stakeholders  
32 with an interest in rail, including local jurisdictions and host and  
33 tenant railroads.

34 (7) "Rail fixed guideway system," as used in this section, has  
35 the same meaning as defined in RCW 81.104.015.

36 **Sec. 3.** RCW 81.04.550 and 2007 c 234 s 3 are each amended to  
37 read as follows:

1 The commission shall administer the railroad safety provisions of  
2 this title to the fullest extent allowed under federal law, including  
3 49 U.S.C. Sec. 20106, and state law.

4 **Sec. 4.** RCW 81.104.115 and 2016 c 33 s 8 are each amended to  
5 read as follows:

6 (1) The (~~department of transportation~~) commission is  
7 established as the state safety oversight agency. As such, the  
8 (~~department~~) commission is subject to the following conditions:

9 (a) The (~~department~~) commission must be financially and legally  
10 independent from any public transportation agency that the  
11 (~~department~~) commission is obliged to oversee;

12 (b) The (~~department~~) commission must not directly provide  
13 public transportation services in an area with a rail fixed guideway  
14 public transportation system that the (~~department~~) commission is  
15 obliged to oversee;

16 (c) The (~~department~~) commission must not employ any individual  
17 who is also responsible for administering a rail fixed guideway  
18 public transportation system that the (~~department~~) commission is  
19 obliged to oversee; and

20 (d) The (~~department~~) commission has investigative and  
21 enforcement authority with respect to the safety and security of all  
22 rail fixed guideway public transportation systems in Washington  
23 state. The (~~department~~) commission shall adopt rules with respect  
24 to its investigative and enforcement authority.

25 (2) The (~~department~~) commission shall collect, audit, review,  
26 approve, oversee, and enforce the system safety program plan and the  
27 system security and emergency preparedness plan prepared by each  
28 owner or operator of a rail fixed guideway public transportation  
29 system operating in Washington state. In carrying out this function,  
30 the (~~department~~) commission shall adopt rules specifying the  
31 elements and standard to be contained in a system safety program plan  
32 and a system security and emergency preparedness plan, and the  
33 content of any investigation report, corrective action plan, and  
34 accompanying implementation schedule resulting from any reportable  
35 incident, accident, security breach, hazard, or security  
36 vulnerability. These rules must include due dates for the  
37 (~~department's~~) commission's timely receipt of and response to  
38 required documents.

1           (3) The ((~~department~~)) commission, in carrying out the duties in  
2 this section, shall compel the rail fixed guideway public  
3 transportation systems to comply with state and federal safety and  
4 security regulations for rail fixed guideway public transportation  
5 systems. The ((~~department~~)) commission may also impose financial  
6 penalties for noncompliance with state or federal regulations, or  
7 both, related to state safety and security oversight. Specific  
8 financial penalties, if imposed, must be determined by rule. When  
9 reportable safety or security deficiencies are identified and not  
10 addressed in a timely manner by rail fixed guideway public  
11 transportation system owners and operators, the ((~~department~~))  
12 commission may require the suspension or modification of service or  
13 the suspended use or removal of equipment. The ((~~department~~))  
14 commission may impose sanctions upon owners and operators of rail  
15 fixed guideway public transportation systems for failure to meet  
16 deadlines of submissions of required reports and audits.

17           (4) The system security and emergency preparedness plan as  
18 described in RCW 35.21.228(1), 35A.21.300(1), 36.01.210(1),  
19 36.57.120(1), 36.57A.170(1), and 81.112.180(1) is exempt from public  
20 disclosure under chapter 42.56 RCW by the ((~~department~~)) commission  
21 when collected from the owners and operators of rail fixed guideway  
22 public transportation systems. However, the system safety program  
23 plan as described in RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120,  
24 36.57A.170, and 81.112.180 is not exempt from public disclosure.

25           (5) The ((~~department~~)) commission shall audit each system safety  
26 program plan and each system security and emergency preparedness plan  
27 at least once every three years. The ((~~department~~)) commission may  
28 contract with other persons or entities for the performance of duties  
29 required by this subsection. The ((~~department~~)) commission shall  
30 provide at least thirty days' advance notice to the owner or operator  
31 of a rail fixed guideway public transportation system before  
32 commencing the audit.

33           (6) In the event of any reportable incident, accident, security  
34 breach, hazard, or security vulnerability, the ((~~department~~))  
35 commission shall review the investigation report, corrective action  
36 plan, and accompanying implementation schedule, submitted by the  
37 owner or operator of the rail fixed guideway public transportation  
38 system to safeguard against a recurrence of the incident, accident,  
39 security breach, hazard, or security vulnerability.

1 (a) The ((~~department~~)) commission may, at its option, perform a  
2 separate, independent investigation of any reportable incident,  
3 accident, security breach, hazard, or security vulnerability. The  
4 ((~~department~~)) commission may contract with other persons or entities  
5 for the performance of duties required by this subsection.

6 (b) If the ((~~department~~)) commission does not concur with the  
7 investigation report, corrective action plan, and accompanying  
8 implementation schedule, submitted by the owner or operator, the  
9 ((~~department~~)) commission shall notify that owner or operator in  
10 writing within forty-five days of its receipt of the complete  
11 investigation report, corrective action plan, and accompanying  
12 implementation schedule.

13 (7) The ((~~secretary~~)) commission may adopt rules to implement  
14 this section and RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120,  
15 36.57A.170, and 81.112.180, including rules establishing procedures  
16 and timelines for owners and operators of rail fixed guideway public  
17 transportation systems to comply with RCW 35.21.228, 35A.21.300,  
18 36.01.210, 36.57.120, 36.57A.170, and 81.112.180 and the rules  
19 adopted under this section. If noncompliance by an owner or operator  
20 of a rail fixed guideway public transportation system results in the  
21 loss of federal funds to the state of Washington or a political  
22 subdivision of the state, the owner or operator is liable to the  
23 affected entity or entities for the amount of the lost funds.

24 (8) The ((~~department~~)) commission and its employees shall have no  
25 liability for any actions taken pursuant to this chapter arising  
26 from: The adoption of rules; the review of or concurrence in a system  
27 safety program plan and a system security and emergency preparedness  
28 plan; the separate, independent investigation of any reportable  
29 incident, accident, security breach, hazard, or security  
30 vulnerability; and the review of or concurrence in a corrective  
31 action plan for any reportable incident, accident, security breach,  
32 hazard, or security vulnerability.

33 (9) At least once every year, the ((~~department~~)) commission shall  
34 report the status of the safety and security of each rail fixed  
35 guideway public transportation system to the governor, the federal  
36 transit administration, the board of directors or equivalent entity  
37 of the rail fixed guideway public transportation system, and the  
38 transportation committees of the legislature.

39 (10) "Rail fixed guideway system," as used in this section, has  
40 the same meaning as defined in RCW 81.104.015.

1       **Sec. 5.** RCW 35.21.228 and 2016 c 33 s 2 are each amended to read  
2 as follows:

3       (1) Each city or town that owns or operates a rail fixed guideway  
4 public transportation system as defined in RCW 81.104.015 shall  
5 submit a system safety program plan and a system security and  
6 emergency preparedness plan for that guideway to the state  
7 (~~department of transportation~~) safety oversight agency by September  
8 1, 1999, or at least one hundred eighty calendar days before  
9 beginning operations or instituting significant revisions to its  
10 plans. These plans must describe the city's procedures for (a)  
11 reporting and investigating any reportable incident, accident, or  
12 security breach and identifying and resolving hazards or security  
13 vulnerabilities discovered during planning, design, construction,  
14 testing, or operations, (b) developing and submitting corrective  
15 action plans and annual safety and security audit reports, (c)  
16 facilitating on-site safety and security reviews by the state  
17 (~~department of transportation~~) safety oversight agency and the  
18 federal transit administration, and (d) addressing passenger and  
19 employee safety and security. The plans must, at a minimum, conform  
20 to the standards adopted by the state (~~department of~~  
21 ~~transportation~~) safety oversight agency as set forth in the most  
22 current version of the Washington state rail safety oversight program  
23 standard manual as it exists on March 25, 2016, or such subsequent  
24 date as may be provided by the (~~department~~) state safety oversight  
25 agency by rule, consistent with the purposes of this section. If  
26 required by the (~~department~~) state safety oversight agency, the  
27 city or town shall revise its plans to incorporate the  
28 (~~department's~~) state safety oversight agency's review comments  
29 within sixty days after their receipt, and resubmit its revised plans  
30 for review.

31       (2) Each city or town shall implement and comply with its system  
32 safety program plan and system security and emergency preparedness  
33 plan. The city or town shall perform internal safety and security  
34 audits to evaluate its compliance with the plans, and submit its  
35 audit schedule to the (~~department of transportation~~) state safety  
36 oversight agency pursuant to the requirements in the most current  
37 version of the Washington state rail safety oversight program  
38 standard manual as it exists on March 25, 2016, or such subsequent  
39 date as may be provided by the (~~department~~) state safety oversight  
40 agency by rule, consistent with the purposes of this section. The

1 city or town shall prepare an annual report for its internal safety  
2 and security audits undertaken in the prior year and submit it to the  
3 ((department)) state safety oversight agency no later than February  
4 15th. The ((department)) state safety oversight agency shall  
5 establish the requirements for the annual report. The contents of the  
6 annual report must include, at a minimum, the dates the audits were  
7 conducted, the scope of the audit activity, the audit findings and  
8 recommendations, the status of any corrective actions taken as a  
9 result of the audit activity, and the results of each audit in terms  
10 of the adequacy and effectiveness of the plans.

11 (3) Each city or town shall notify the ((department—of  
12 ~~transportation~~)) state safety oversight agency, pursuant to the most  
13 current version of the Washington state rail safety oversight program  
14 standard manual as it exists on March 25, 2016, or such subsequent  
15 date as may be provided by the ((department)) state safety oversight  
16 agency by rule, consistent with the purposes of this section, any  
17 reportable incident, accident, security breach, hazard, or security  
18 vulnerability. The ((department)) state safety oversight agency may  
19 adopt rules further defining any reportable incident, accident,  
20 security breach, hazard, or security vulnerability. The city or town  
21 shall investigate any reportable incident, accident, security breach,  
22 hazard, or security vulnerability and provide a written investigation  
23 report to the ((department)) state safety oversight agency as  
24 described in the most current version of the Washington state rail  
25 safety oversight program standard manual as it exists on March 25,  
26 2016, or such subsequent date as may be provided by the  
27 ((department)) state safety oversight agency by rule, consistent with  
28 the purposes of this section.

29 (4) The system security and emergency preparedness plan required  
30 in subsection (1) of this section is exempt from public disclosure  
31 under chapter 42.56 RCW. However, the system safety program plan as  
32 described in this section is not subject to this exemption.

33 **Sec. 6.** RCW 35A.21.300 and 2016 c 33 s 3 are each amended to  
34 read as follows:

35 (1) Each code city that owns or operates a rail fixed guideway  
36 public transportation system as defined in RCW 81.104.015 shall  
37 submit a system safety program plan and a system security and  
38 emergency preparedness plan for that guideway to the state  
39 ((department of transportation)) safety oversight agency by September



1 1, 1999, or at least one hundred eighty calendar days before  
2 beginning operations or instituting significant revisions to its  
3 plans. These plans must describe the code city's procedures for (a)  
4 reporting and investigating any reportable incident, accident, or  
5 security breach and identifying and resolving hazards or security  
6 vulnerabilities discovered during planning, design, construction,  
7 testing, or operations, (b) developing and submitting corrective  
8 action plans and annual safety and security audit reports, (c)  
9 facilitating on-site safety and security reviews by the state  
10 (~~department of transportation~~) safety oversight agency and the  
11 federal transit administration, and (d) addressing passenger and  
12 employee safety and security. The plans must, at a minimum, conform  
13 to the standards adopted by the state (~~department of~~  
14 ~~transportation~~) safety oversight agency as set forth in the most  
15 current version of the Washington state rail safety oversight program  
16 standard manual as it exists on March 25, 2016, or such subsequent  
17 date as may be provided by the (~~department~~) state safety oversight  
18 agency by rule, consistent with the purposes of this section. If  
19 required by the (~~department~~) state safety oversight agency, the  
20 code city shall revise its plans to incorporate the (~~department's~~)  
21 state safety oversight agency's review comments within sixty days  
22 after their receipt, and resubmit its revised plans for review.

23 (2) Each code city shall implement and comply with its system  
24 safety program plan and system security and emergency preparedness  
25 plan. The code city shall perform internal safety and security audits  
26 to evaluate its compliance with the plans, and submit its audit  
27 schedule to the (~~department of transportation~~) state safety  
28 oversight agency pursuant to the requirements in the most current  
29 version of the Washington state rail safety oversight program  
30 standard manual as it exists on March 25, 2016, or such subsequent  
31 date as may be provided by the (~~department~~) state safety oversight  
32 agency by rule, consistent with the purposes of this section. The  
33 code city shall prepare an annual report for its internal safety and  
34 security audits undertaken in the prior year and submit it to the  
35 (~~department~~) state safety oversight agency no later than February  
36 15th. The (~~department~~) state safety oversight agency shall  
37 establish the requirements for the annual report. The contents of the  
38 annual report must include, at a minimum, the dates the audits were  
39 conducted, the scope of the audit activity, the audit findings and  
40 recommendations, the status of any corrective actions taken as a

1 result of the audit activity, and the results of each audit in terms  
2 of the adequacy and effectiveness of the plans.

3 (3) Each code city shall notify the (~~department of~~  
4 ~~transportation~~) state safety oversight agency, pursuant to the most  
5 current version of the Washington state rail safety oversight program  
6 standard manual as it exists on March 25, 2016, or such subsequent  
7 date as may be provided by the (~~department~~) state safety oversight  
8 agency by rule, consistent with the purposes of this section, any  
9 reportable incident, accident, security breach, hazard, or security  
10 vulnerability. The (~~department~~) state safety oversight agency may  
11 adopt rules further defining any reportable incident, accident,  
12 security breach, hazard, or security vulnerability. The code city  
13 shall investigate any reportable incident, accident, security breach,  
14 hazard, or security vulnerability and provide a written investigation  
15 report to the (~~department~~) state safety oversight agency as  
16 described in the most current version of the Washington state rail  
17 safety oversight program standard manual as it exists on March 25,  
18 2016, or such subsequent date as may be provided by the  
19 (~~department~~) state safety oversight agency by rule, consistent with  
20 the purposes of this section.

21 (4) The system security and emergency preparedness plan required  
22 in subsection (1) of this section is exempt from public disclosure  
23 under chapter 42.56 RCW. However, the system safety program plan as  
24 described in this section is not subject to this exemption.

25 **Sec. 7.** RCW 36.01.210 and 2016 c 33 s 4 are each amended to read  
26 as follows:

27 (1) Each county functioning under chapter 36.56 RCW that owns or  
28 operates a rail fixed guideway public transportation system as  
29 defined in RCW 81.104.015 shall submit a system safety program plan  
30 and a system security and emergency preparedness plan for that  
31 guideway to the state (~~department of transportation~~) safety  
32 oversight agency by September 1, 1999, or at least one hundred eighty  
33 calendar days before beginning operations or instituting significant  
34 revisions to its plans. These plans must describe the county's  
35 procedures for (a) reporting and investigating any reportable  
36 incident, accident, or security breach and identifying and resolving  
37 hazards or security vulnerabilities discovered during planning,  
38 design, construction, testing, or operations, (b) developing and  
39 submitting corrective action plans and annual safety and security

1 audit reports, (c) facilitating on-site safety and security reviews  
2 by the state (~~(department of transportation)~~) safety oversight agency  
3 and the federal transit administration, and (d) addressing passenger  
4 and employee safety and security. The plans must, at a minimum,  
5 conform to the standards adopted by the state (~~(department of~~  
6 ~~transportation)~~) safety oversight agency as set forth in the most  
7 current version of the Washington state rail safety oversight program  
8 standard manual as it exists on March 25, 2016, or such subsequent  
9 date as may be provided by the (~~(department)~~) state safety oversight  
10 agency by rule, consistent with the purposes of this section. If  
11 required by the (~~(department)~~) state safety oversight agency, the  
12 county shall revise its plans to incorporate the (~~(department's)~~)  
13 state safety oversight agency's review comments within sixty days  
14 after their receipt, and resubmit its revised plans for review.

15 (2) Each county functioning under chapter 36.56 RCW shall  
16 implement and comply with its system safety program plan and system  
17 security and emergency preparedness plan. The county shall perform  
18 internal safety and security audits to evaluate its compliance with  
19 the plans, and submit its audit schedule to the (~~(department of~~  
20 ~~transportation)~~) state safety oversight agency pursuant to the  
21 requirements in the most current version of the Washington state rail  
22 safety oversight program standard manual as it exists on March 25,  
23 2016, or such subsequent date as may be provided by the  
24 (~~(department)~~) state safety oversight agency by rule, consistent with  
25 the purposes of this section. The county shall prepare an annual  
26 report for its internal safety and security audits undertaken in the  
27 prior year and submit it to the (~~(department)~~) state safety oversight  
28 agency no later than February 15th. The (~~(department)~~) state safety  
29 oversight agency shall establish the requirements for the annual  
30 report. The contents of the annual report must include, at a minimum,  
31 the dates the audits were conducted, the scope of the audit activity,  
32 the audit findings and recommendations, the status of any corrective  
33 actions taken as a result of the audit activity, and the results of  
34 each audit in terms of the adequacy and effectiveness of the plans.

35 (3) Each county shall notify the (~~(department of transportation)~~)  
36 state safety oversight agency, pursuant to the most current version  
37 of the Washington state rail safety oversight program standard manual  
38 as it exists on March 25, 2016, or such subsequent date as may be  
39 provided by the (~~(department)~~) state safety oversight agency by rule,  
40 consistent with the purposes of this section, any reportable

1 incident, accident, security breach, hazard, or security  
2 vulnerability. The ((department)) state safety oversight agency may  
3 adopt rules further defining any reportable incident, accident,  
4 security breach, hazard, or security vulnerability. The county shall  
5 investigate any reportable incident, accident, security breach,  
6 hazard, or security vulnerability and provide a written investigation  
7 report to the ((department)) state safety oversight agency as  
8 described in the most current version of the Washington state rail  
9 safety oversight program standard manual as it exists on March 25,  
10 2016, or such subsequent date as may be provided by the  
11 ((department)) state safety oversight agency by rule, consistent with  
12 the purposes of this section.

13 (4) The system security and emergency preparedness plan required  
14 in subsection (1) of this section is exempt from public disclosure  
15 under chapter 42.56 RCW. However, the system safety program plan as  
16 described in this section is not subject to this exemption.

17 **Sec. 8.** RCW 36.57.120 and 2016 c 33 s 5 are each amended to read  
18 as follows:

19 (1) Each county transportation authority that owns or operates a  
20 rail fixed guideway public transportation system as defined in RCW  
21 81.104.015 shall submit a system safety program plan and a system  
22 security and emergency preparedness plan for that guideway to the  
23 state ((~~department of transportation~~)) safety oversight agency by  
24 September 1, 1999, or at least one hundred eighty calendar days  
25 before beginning operations or instituting significant revisions to  
26 its plans. These plans must describe the county transportation  
27 authority's procedures for (a) reporting and investigating any  
28 reportable incident, accident, or security breach and identifying and  
29 resolving hazards or security vulnerabilities discovered during  
30 planning, design, construction, testing, or operations, (b)  
31 developing and submitting corrective action plans and annual safety  
32 and security audit reports, (c) facilitating on-site safety and  
33 security reviews by the state ((~~department of transportation~~)) safety  
34 oversight agency and the federal transit administration, and (d)  
35 addressing passenger and employee safety and security. The plans  
36 must, at a minimum, conform to the standards adopted by the state  
37 ((~~department of transportation~~)) safety oversight agency as set forth  
38 in the most current version of the Washington state rail safety  
39 oversight program standard manual as it exists on March 25, 2016, or

1 such subsequent date as may be provided by the ((department)) state  
2 safety oversight agency by rule, consistent with the purposes of this  
3 section. If required by the ((department)) state safety oversight  
4 agency, the county transportation authority shall revise its plans to  
5 incorporate the ((department's)) state safety oversight agency's  
6 review comments within sixty days after their receipt, and resubmit  
7 its revised plans for review.

8 (2) Each county transportation authority shall implement and  
9 comply with its system safety program plan and system security and  
10 emergency preparedness plan. The county transportation authority  
11 shall perform internal safety and security audits to evaluate its  
12 compliance with the plans, and submit its audit schedule to the  
13 ((department of transportation)) state safety oversight agency  
14 pursuant to the requirements in the most current version of the  
15 Washington state rail safety oversight program standard manual as it  
16 exists on March 25, 2016, or such subsequent date as may be provided  
17 by the ((department)) state safety oversight agency by rule,  
18 consistent with the purposes of this section. The county  
19 transportation authority shall prepare an annual report for its  
20 internal safety and security audits undertaken in the prior year and  
21 submit it to the ((department)) state safety oversight agency no  
22 later than February 15th. The ((department)) state safety oversight  
23 agency shall establish the requirements for the annual report. The  
24 contents of the annual report must include, at a minimum, the dates  
25 the audits were conducted, the scope of the audit activity, the audit  
26 findings and recommendations, the status of any corrective actions  
27 taken as a result of the audit activity, and the results of each  
28 audit in terms of the adequacy and effectiveness of the plans.

29 (3) Each county transportation authority shall notify the  
30 ((department of transportation)) state safety oversight agency,  
31 pursuant to the most current version of the Washington state rail  
32 safety oversight program standard manual as it exists on March 25,  
33 2016, or such subsequent date as may be provided by the  
34 ((department)) state safety oversight agency by rule, consistent with  
35 the purposes of this section, any reportable incident, accident,  
36 security breach, hazard, or security vulnerability. The  
37 ((department)) state safety oversight agency may adopt rules further  
38 defining any reportable incident, accident, security breach, hazard,  
39 or security vulnerability. The county transportation authority shall  
40 investigate any reportable incident, accident, security breach,

1 hazard, or security vulnerability and provide a written investigation  
2 report to the ((department)) state safety oversight agency as  
3 described in the most current version of the Washington state rail  
4 safety oversight program standard manual as it exists on March 25,  
5 2016, or such subsequent date as may be provided by the  
6 ((department)) state safety oversight agency by rule, consistent with  
7 the purposes of this section.

8 (4) The system security and emergency preparedness plan required  
9 in subsection (1) of this section is exempt from public disclosure  
10 under chapter 42.56 RCW. However, the system safety program plan as  
11 described in this section is not subject to this exemption.

12 **Sec. 9.** RCW 36.57A.170 and 2016 c 33 s 6 are each amended to  
13 read as follows:

14 (1) Each public transportation benefit area that owns or operates  
15 a rail fixed guideway public transportation system as defined in RCW  
16 81.104.015 shall submit a system safety program plan and a system  
17 security and emergency preparedness plan for that guideway to the  
18 state ((~~department of transportation~~)) safety oversight agency by  
19 September 1, 1999, or at least one hundred eighty calendar days  
20 before beginning operations or instituting significant revisions to  
21 its plans. These plans must describe the public transportation  
22 benefit area's procedures for (a) reporting and investigating any  
23 reportable incident, accident, or security breach and identifying and  
24 resolving hazards or security vulnerabilities discovered during  
25 planning, design, construction, testing, or operations, (b)  
26 developing and submitting corrective action plans and annual safety  
27 and security audit reports, (c) facilitating on-site safety and  
28 security reviews by the state ((~~department of transportation~~)) safety  
29 oversight agency and the federal transit administration, and (d)  
30 addressing passenger and employee safety and security. The plans  
31 must, at a minimum, conform to the standards adopted by the state  
32 ((~~department of transportation~~)) safety oversight agency as set forth  
33 in the most current version of the Washington state rail safety  
34 oversight program standard manual as it exists on March 25, 2016, or  
35 such subsequent date as may be provided by the ((department)) state  
36 safety oversight agency by rule, consistent with the purposes of this  
37 section. If required by the ((department)) state safety oversight  
38 agency, the public transportation benefit area shall revise its plans  
39 to incorporate the ((~~department's~~)) state safety oversight agency's

1 review comments within sixty days after their receipt, and resubmit  
2 its revised plans for review.

3 (2) Each public transportation benefit area shall implement and  
4 comply with its system safety program plan and system security and  
5 emergency preparedness plan. The public transportation benefit area  
6 shall perform internal safety and security audits to evaluate its  
7 compliance with the plans, and submit its audit schedule to the  
8 (~~department of transportation~~) state safety oversight agency  
9 pursuant to the requirements in the most current version of the  
10 Washington state rail safety oversight program standard manual as it  
11 exists on March 25, 2016, or such subsequent date as may be provided  
12 by the (~~department~~) state safety oversight agency by rule,  
13 consistent with the purposes of this section. The public  
14 transportation benefit area shall prepare an annual report for its  
15 internal safety and security audits undertaken in the prior year and  
16 submit it to the (~~department~~) state safety oversight agency no  
17 later than February 15th. The (~~department~~) state safety oversight  
18 agency shall establish the requirements for the annual report. The  
19 contents of the annual report must include, at a minimum, the dates  
20 the audits were conducted, the scope of the audit activity, the audit  
21 findings and recommendations, the status of any corrective actions  
22 taken as a result of the audit activity, and the results of each  
23 audit in terms of the adequacy and effectiveness of the plans.

24 (3) Each public transportation benefit area shall notify the  
25 (~~department of transportation~~) state safety oversight agency,  
26 pursuant to the most current version of the Washington state rail  
27 safety oversight program standard manual as it exists on March 25,  
28 2016, or such subsequent date as may be provided by the  
29 (~~department~~) state safety oversight agency by rule, consistent with  
30 the purposes of this section, any reportable incident, accident,  
31 security breach, hazard, or security vulnerability. The  
32 (~~department~~) state safety oversight agency may adopt rules further  
33 defining any reportable incident, accident, security breach, hazard,  
34 or security vulnerability. The public transportation benefit area  
35 shall investigate any reportable incident, accident, security breach,  
36 hazard, or security vulnerability and provide a written investigation  
37 report to the (~~department~~) state safety oversight agency as  
38 described in the most current version of the Washington state rail  
39 safety oversight program standard manual as it exists on March 25,  
40 2016, or such subsequent date as may be provided by the

1 ((department)) state safety oversight agency by rule, consistent with  
2 the purposes of this section.

3 (4) The system security and emergency preparedness plan required  
4 in subsection (1) of this section is exempt from public disclosure  
5 under chapter 42.56 RCW. However, the system safety program plan as  
6 described in this section is not subject to this exemption.

7 **Sec. 10.** RCW 81.112.180 and 2016 c 33 s 1 are each amended to  
8 read as follows:

9 (1) Each regional transit authority that owns or operates a rail  
10 fixed guideway public transportation system as defined in RCW  
11 81.104.015 shall submit a system safety program plan and a system  
12 security and emergency preparedness plan for that guideway to the  
13 state (~~department of transportation~~) safety oversight agency by  
14 September 1, 1999, or at least one hundred eighty calendar days  
15 before beginning operations or instituting significant revisions to  
16 its plans. These plans must describe the authority's procedures for  
17 (a) reporting and investigating any reportable incident, accident, or  
18 security breach and identifying and resolving hazards or security  
19 vulnerabilities discovered during planning, design, construction,  
20 testing, or operations, (b) developing and submitting corrective  
21 action plans and annual safety and security audit reports, (c)  
22 facilitating on-site safety and security reviews by the state  
23 (~~department of transportation~~) safety oversight agency and the  
24 federal transit administration, and (d) addressing passenger and  
25 employee safety and security. The plans must, at a minimum, conform  
26 to the standards adopted by the state (~~department of~~  
27 ~~transportation~~) safety oversight agency as set forth in the most  
28 current version of the Washington state rail safety oversight program  
29 standard manual as it exists on March 25, 2016, or such subsequent  
30 date as may be provided by the ((department)) state safety oversight  
31 agency by rule, consistent with the purposes of this section. If  
32 required by the ((department)) state safety oversight agency, the  
33 regional transit authority shall revise its plans to incorporate the  
34 (~~department's~~) state safety oversight agency's review comments  
35 within sixty days after their receipt, and resubmit its revised plans  
36 for review.

37 (2) Each regional transit authority shall implement and comply  
38 with its system safety program plan and system security and emergency  
39 preparedness plan. The regional transit authority shall perform



1 internal safety and security audits to evaluate its compliance with  
2 the plans, and submit its audit schedule to the (~~department of~~  
3 ~~transportation~~) state safety oversight agency pursuant to the  
4 requirements in the most current version of the Washington state rail  
5 safety oversight program standard manual as it exists on March 25,  
6 2016, or such subsequent date as may be provided by the  
7 (~~department~~) state safety oversight agency by rule, consistent with  
8 the purposes of this section. The regional transit authority shall  
9 prepare an annual report for its internal safety and security audits  
10 undertaken in the prior year and submit it to the (~~department~~)  
11 state safety oversight agency no later than February 15th. The  
12 (~~department~~) state safety oversight agency shall establish the  
13 requirements for the annual report. The contents of the annual report  
14 must include, at a minimum, the dates the audits were conducted, the  
15 scope of the audit activity, the audit findings and recommendations,  
16 the status of any corrective actions taken as a result of the audit  
17 activity, and the results of each audit in terms of the adequacy and  
18 effectiveness of the plans.

19 (3) Each regional transit authority shall notify the (~~department~~  
20 ~~of transportation~~) state safety oversight agency, pursuant to the  
21 most current version of the Washington state rail safety oversight  
22 program standard manual as it exists on March 25, 2016, or such  
23 subsequent date as may be provided by the (~~department~~) state safety  
24 oversight agency by rule, consistent with the purposes of this  
25 section, any reportable incident, accident, security breach, hazard,  
26 or security vulnerability. The (~~department~~) state safety oversight  
27 agency may adopt rules further defining any reportable incident,  
28 accident, security breach, hazard, or security vulnerability. The  
29 regional transit authority shall investigate any reportable incident,  
30 accident, security breach, hazard, or security vulnerability and  
31 provide a written investigation report to the (~~department~~) state  
32 safety oversight agency as described in the most current version of  
33 the Washington state rail safety oversight program standard manual as  
34 it exists on March 25, 2016, or such subsequent date as may be  
35 provided by the (~~department~~) state safety oversight agency by rule,  
36 consistent with the purposes of this section.

37 (4) The system security and emergency preparedness plan required  
38 in subsection (1) of this section is exempt from public disclosure  
39 under chapter 42.56 RCW. However, the system safety program plan as  
40 described in this section is not subject to this exemption.

1        NEW SECTION.        **Sec. 11.**        The utilities and transportation  
2 commission must provide notice to the chief clerk of the house of  
3 representatives, the secretary of the senate, and the office of the  
4 code reviser once it has been certified by the federal government as  
5 the state safety oversight agency for the state of Washington.

6        NEW SECTION.        **Sec. 12.**        (1) Sections 4 through 10 and 14 of this  
7 act take effect upon receipt of the notice required by section 11 of  
8 this act if that receipt occurs after July 1, 2022.

9        (2) If receipt of the notice required by section 11 of this act  
10 occurs on or before July 1, 2022, sections 4 through 10 and 14 of  
11 this act take effect July 1, 2022.

12        NEW SECTION.        **Sec. 13.**        Sections 1 through 3 and 11 through 13 of  
13 this act take effect July 1, 2022.

14        NEW SECTION.        **Sec. 14.**        RCW 81.104.115 is recodified as a section  
15 in chapter 81.04 RCW.

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