
HOUSE BILL 1097

State of Washington

57th Legislature

2001 Regular Session

By Representatives Fisher, Mitchell, Hankins and Haigh; by request of Department of Transportation

Read first time 01/16/2001. Referred to Committee on Transportation.

1 AN ACT Relating to transportation safety and planning; and amending
2 RCW 81.104.115.

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

4 **Sec. 1.** RCW 81.104.115 and 1999 c 202 s 7 are each amended to read
5 as follows:

6 (1) The department may collect and review the system safety and
7 security program plan prepared by each owner or operator of a rail
8 fixed guideway system. In carrying out this function, the department
9 may adopt rules specifying the elements and standard to be contained in
10 a system safety and security program plan, and the content of any
11 investigation report, corrective action plan, and accompanying
12 implementation schedule resulting from a reportable accident,
13 unacceptable hazardous condition, or security breach. These rules may
14 include due dates for the department's timely receipt of and response
15 to required documents.

16 (2) The security section of the system safety and security plan as
17 described in subsection (1)(d) of RCW 35.21.228, 35A.21.300, 36.01.210,
18 36.57.120, 36.57A.170, and 81.112.180 are exempt from public disclosure
19 under chapter 42.17 RCW by the department when collected from the

1 owners and operators of fixed railway systems. However, the activities
2 and plans as described in subsection (1)(a), (b), and (c) of RCW
3 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180
4 are not exempt from public disclosure.

5 (3) The department shall audit each system safety and security
6 program plan at least once every three years. The department may
7 contract with other persons or entities for the performance of duties
8 required by this subsection. The department shall provide at least
9 thirty days' advance notice to the owner or operator of a rail fixed
10 guideway system before commencing the audit. The owner or operator of
11 each rail fixed guideway system shall reimburse the reasonable expenses
12 of the department in carrying out its responsibilities of this
13 subsection within ninety days after receipt of an invoice. The
14 department shall notify the owner or operator of the estimated expenses
15 at least six months in advance of when the department audits the
16 system.

17 (4) In the event of a reportable accident, unacceptable hazardous
18 condition, or security breach, the department shall review the
19 investigation report, corrective action plan, and accompanying
20 implementation schedule, submitted by the owner or operator of the rail
21 fixed guideway system to ensure that it meets the goal of preventing
22 and mitigating a recurrence of the reportable accident, unacceptable
23 hazardous condition, or security breach.

24 (a) The department may, at its option, perform a separate,
25 independent investigation of a reportable accident, unacceptable
26 hazardous condition, or security breach. The department may contract
27 with other persons or entities for the performance of duties required
28 by this subsection.

29 (b) If the department does not concur with the investigation
30 report, corrective action plan, and accompanying implementation
31 schedule, submitted by the owner or operator, the department shall
32 notify that owner or operator in writing within forty-five days of its
33 receipt of the complete investigation report, corrective action plan,
34 and accompanying implementation schedule.

35 (5) The secretary may adopt rules to implement this section and RCW
36 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and
37 81.112.180, including rules establishing procedures and timelines for
38 owners and operators of rail fixed guideway systems to comply with RCW
39 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180

1 and the rules adopted under this section. If noncompliance by an owner
2 or operator of a rail fixed guideway system results in the loss of
3 federal funds to the state of Washington or a political subdivision of
4 the state, the owner or operator is liable to the affected entity or
5 entities for the amount of the lost funds.

6 (6) The department may impose sanctions upon owners and operators
7 of rail fixed guideway systems, but only for failure to meet reasonable
8 deadlines for submission of required reports and audits. The
9 department is expressly prohibited from imposing sanctions for any
10 other purposes, including, but not limited to, differences in format or
11 content of required reports and audits.

12 (7) The department and its employees have no liability arising from
13 the adoption of rules; the review of or concurrence in a system safety
14 and security program plan; the separate, independent investigation of
15 a reportable accident, unacceptable hazardous condition, or security
16 breach; and the review of or concurrence in a corrective action plan
17 for a reportable accident, unacceptable hazardous condition, or
18 security breach.

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