
HOUSE BILL 2649

State of Washington

64th Legislature

2016 Regular Session

By Representatives Clibborn and Orcutt; by request of Department of Transportation

Read first time 01/18/16. Referred to Committee on Transportation.

1 AN ACT Relating to rail fixed guideway system safety and security
2 oversight; and amending RCW 35.21.228, 35A.21.300, 36.01.210,
3 36.57.120, 36.57A.170, 81.104.115, and 81.112.180.

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

5 **Sec. 1.** RCW 35.21.228 and 2007 c 422 s 1 are each amended to
6 read as follows:

7 (1) Each city or town that owns or operates a rail fixed guideway
8 system as defined in RCW 81.104.015 shall submit a system safety
9 program plan and a system security and emergency preparedness plan
10 for that guideway to the state department of transportation by
11 September 1, 1999, or at least one hundred eighty calendar days
12 before beginning operations or instituting revisions to its plans.
13 These plans must describe the city's procedures for (a) reporting and
14 investigating ~~((reportable accidents, unacceptable hazardous~~
15 ~~conditions, and security breaches))~~ any incident, accident, security
16 breach, identified hazard, or identified security vulnerability, (b)
17 submitting corrective action plans and annual safety and security
18 audit reports, (c) facilitating on-site safety and security reviews
19 by the state department of transportation, and (d) addressing
20 passenger and employee safety and security. The plans must, at a
21 minimum, conform to the standards adopted by the state department of

1 transportation. If required by the department, the city or town shall
2 revise its plans to incorporate the department's review comments
3 within sixty days after their receipt, and resubmit its revised plans
4 for review.

5 (2) Each city or town shall implement and comply with its system
6 safety program plan and system security and emergency preparedness
7 plan. The city or town shall perform internal safety and security
8 audits to evaluate its compliance with the plans, and submit its
9 audit schedule to the department of transportation no later than
10 December 15th each year. The city or town shall prepare an annual
11 report for its internal safety and security audits undertaken in the
12 prior year and submit it to the department no later than February
13 15th. ~~((This))~~ The department shall establish the requirements for
14 the annual report. The contents of the annual report must include, at
15 a minimum, the dates the audits were conducted, the scope of the
16 audit activity, the audit findings and recommendations, the status of
17 any corrective actions taken as a result of the audit activity, and
18 the results of each audit in terms of the adequacy and effectiveness
19 of the plans.

20 (3) Each city or town shall notify the department of
21 transportation within two hours of an occurrence of ~~((a reportable~~
22 ~~accident, unacceptable hazardous condition, or security breach))~~ any
23 incident, accident, security breach, identified hazard, or identified
24 security vulnerability. The department may adopt rules further
25 defining ~~((a reportable accident, unacceptable hazardous condition,~~
26 ~~or security breach))~~ any incident, accident, security breach,
27 identified hazard, or identified security vulnerability. The city or
28 town shall investigate ~~((all reportable accidents, unacceptable~~
29 ~~hazardous conditions, or security breaches))~~ any incident, accident,
30 security breach, identified hazard, or identified security
31 vulnerability and provide a written investigation report to the
32 department within forty-five calendar days after the ~~((reportable~~
33 ~~accident, unacceptable hazardous condition, or security breach))~~
34 incident, accident, security breach, identified hazard, or identified
35 security vulnerability.

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

1 **Sec. 2.** RCW 35A.21.300 and 2007 c 422 s 2 are each amended to
2 read as follows:

3 (1) Each code city that owns or operates a rail fixed guideway
4 system as defined in RCW 81.104.015 shall submit a system safety
5 program plan and a system security and emergency preparedness plan
6 for that guideway to the state department of transportation by
7 September 1, 1999, or at least one hundred eighty calendar days
8 before beginning operations or instituting revisions to its plans.
9 These plans must describe the code city's procedures for (a)
10 reporting and investigating (~~reportable accidents, unacceptable~~
11 ~~hazardous conditions, and security breaches~~) any incident, accident,
12 security breach, identified hazard, or identified security
13 vulnerability, (b) submitting corrective action plans and annual
14 safety and security audit reports, (c) facilitating on-site safety
15 and security reviews by the state department of transportation, and
16 (d) addressing passenger and employee safety and security. The plans
17 must, at a minimum, conform to the standards adopted by the state
18 department of transportation. If required by the department, the code
19 city shall revise its plans to incorporate the department's review
20 comments within sixty days after their receipt, and resubmit its
21 revised plans for review.

22 (2) Each code city shall implement and comply with its system
23 safety program plan and system security and emergency preparedness
24 plan. The code city shall perform internal safety and security audits
25 to evaluate its compliance with the plans, and submit its audit
26 schedule to the department of transportation no later than December
27 15th each year. The code city shall prepare an annual report for its
28 internal safety and security audits undertaken in the prior year and
29 submit it to the department no later than February 15th. (~~This~~) The
30 department shall establish the requirements for the annual report.
31 The contents of the annual report must include, at a minimum, the
32 dates the audits were conducted, the scope of the audit activity, the
33 audit findings and recommendations, the status of any corrective
34 actions taken as a result of the audit activity, and the results of
35 each audit in terms of the adequacy and effectiveness of the plans.

36 (3) Each code city shall notify the department of transportation
37 within two hours of an occurrence of (~~a reportable accident,~~
38 ~~unacceptable hazardous condition, or security breach~~) any incident,
39 accident, security breach, identified hazard, or identified security
40 vulnerability. The department may adopt rules further defining (~~a~~

1 ~~reportable accident, unacceptable hazardous condition, or security~~
2 ~~breach~~) any incident, accident, security breach, identified hazard,
3 or identified security vulnerability. The code city shall investigate
4 ((~~all reportable accidents, unacceptable hazardous conditions, or~~
5 ~~security breaches~~) any incident, accident, security breach,
6 identified hazard, or identified security vulnerability and provide a
7 written investigation report to the department within forty-five
8 calendar days after the ((~~reportable accident, unacceptable hazardous~~
9 ~~condition, or security breach~~) incident, accident, security breach,
10 identified hazard, or identified security vulnerability.

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

15 **Sec. 3.** RCW 36.01.210 and 2007 c 422 s 3 are each amended to
16 read as follows:

17 (1) Each county functioning under chapter 36.56 RCW that owns or
18 operates a rail fixed guideway system as defined in RCW 81.104.015
19 shall submit a system safety program plan and a system security and
20 emergency preparedness plan for that guideway to the state department
21 of transportation by September 1, 1999, or at least one hundred
22 eighty calendar days before beginning operations or instituting
23 revisions to its plans. These plans must describe the county's
24 procedures for (a) reporting and investigating ((~~reportable~~
25 ~~accidents, unacceptable hazardous conditions, and security breaches~~)
26 any incident, accident, security breach, identified hazard, or
27 identified security vulnerability, (b) submitting corrective action
28 plans and annual safety and security audit reports, (c) facilitating
29 on-site safety and security reviews by the state department of
30 transportation, and (d) addressing passenger and employee safety and
31 security. The plans must, at a minimum, conform to the standards
32 adopted by the state department of transportation. If required by the
33 department, the county shall revise its plans to incorporate the
34 department's review comments within sixty days after their receipt,
35 and resubmit its revised plans for review.

36 (2) Each county functioning under chapter 36.56 RCW shall
37 implement and comply with its system safety program plan and system
38 security and emergency preparedness plan. The county shall perform
39 internal safety and security audits to evaluate its compliance with

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

12 (3) Each county shall notify the department of transportation
13 within two hours of an occurrence of ~~((a reportable accident,~~
14 ~~unacceptable hazardous condition, or security breach))~~ any incident,
15 accident, security breach, identified hazard, or identified security
16 vulnerability. The department may adopt rules further defining ~~((a~~
17 ~~reportable accident, unacceptable hazardous condition, or security~~
18 ~~breach))~~ any incident, accident, security breach, identified hazard,
19 or identified security vulnerability. The county shall investigate
20 ~~((all reportable accidents, unacceptable hazardous conditions, or~~
21 ~~security breaches))~~ any incident, accident, security breach,
22 identified hazard, or identified security vulnerability and provide a
23 written investigation report to the department within forty-five
24 calendar days after the ~~((reportable accident, unacceptable hazardous~~
25 ~~condition, or security breach))~~ incident, accident, security breach,
26 identified hazard, or identified security vulnerability.

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

31 **Sec. 4.** RCW 36.57.120 and 2007 c 422 s 4 are each amended to
32 read as follows:

33 (1) Each county transportation authority that owns or operates a
34 rail fixed guideway system as defined in RCW 81.104.015 shall submit
35 a system safety program plan and a system security and emergency
36 preparedness plan for that guideway to the state department of
37 transportation by September 1, 1999, or at least one hundred eighty
38 calendar days before beginning operations or instituting revisions to
39 its plans. These plans must describe the county transportation

1 authority's procedures for (a) reporting and investigating
2 (~~reportable accidents, unacceptable hazardous conditions, and~~
3 ~~security breaches~~) any incident, accident, security breach,
4 identified hazard, or identified security vulnerability, (b)
5 submitting corrective action plans and annual safety and security
6 audit reports, (c) facilitating on-site safety and security reviews
7 by the state department of transportation, and (d) addressing
8 passenger and employee safety and security. The plans must, at a
9 minimum, conform to the standards adopted by the state department of
10 transportation. If required by the department, the county
11 transportation authority shall revise its plans to incorporate the
12 department's review comments within sixty days after their receipt,
13 and resubmit its revised plans for review.

14 (2) Each county transportation authority shall implement and
15 comply with its system safety program plan and system security and
16 emergency preparedness plan. The county transportation authority
17 shall perform internal safety and security audits to evaluate its
18 compliance with the plans, and submit its audit schedule to the
19 department of transportation no later than December 15th each year.
20 The county transportation authority shall prepare an annual report
21 for its internal safety and security audits undertaken in the prior
22 year and submit it to the department no later than February 15th.
23 (~~This~~) The department shall establish the requirements for the
24 annual report. The contents of the annual report must include, at a
25 minimum, the dates the audits were conducted, the scope of the audit
26 activity, the audit findings and recommendations, the status of any
27 corrective actions taken as a result of the audit activity, and the
28 results of each audit in terms of the adequacy and effectiveness of
29 the plans.

30 (3) Each county transportation authority shall notify the
31 department of transportation within two hours of an occurrence of (~~a~~
32 ~~reportable accident, unacceptable hazardous condition, or security~~
33 ~~breach~~) any incident, accident, security breach, identified hazard,
34 or identified security vulnerability. The department may adopt rules
35 further defining (~~a reportable accident, unacceptable hazardous~~
36 ~~condition, or security breach~~) any incident, accident, security
37 breach, identified hazard, or identified security vulnerability. The
38 county transportation authority shall investigate (~~all reportable~~
39 ~~accidents, unacceptable hazardous conditions, or security breaches~~)
40 any incident, accident, security breach, identified hazard, or

1 identified security vulnerability and provide a written investigation
2 report to the department within forty-five calendar days after the
3 (~~reportable accident, unacceptable hazardous condition, or security~~
4 ~~breach~~) incident, accident, security breach, identified hazard, or
5 identified security vulnerability.

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

10 **Sec. 5.** RCW 36.57A.170 and 2007 c 422 s 5 are each amended to
11 read as follows:

12 (1) Each public transportation benefit area that owns or operates
13 a rail fixed guideway system as defined in RCW 81.104.015 shall
14 submit a system safety program plan and a system security and
15 emergency preparedness plan for that guideway to the state department
16 of transportation by September 1, 1999, or at least one hundred
17 eighty calendar days before beginning operations or instituting
18 revisions to its plans. These plans must describe the public
19 transportation benefit area's procedures for (a) reporting and
20 investigating (~~reportable accidents, unacceptable hazardous~~
21 ~~conditions, and security breaches~~) any incident, accident, security
22 breach, identified hazard, or identified security vulnerability, (b)
23 submitting corrective action plans and annual safety and security
24 audit reports, (c) facilitating on-site safety and security reviews
25 by the state department of transportation, and (d) addressing
26 passenger and employee safety and security. The plans must, at a
27 minimum, conform to the standards adopted by the state department of
28 transportation. If required by the department, the public
29 transportation benefit area shall revise its plans to incorporate the
30 department's review comments within sixty days after their receipt,
31 and resubmit its revised plans for review.

32 (2) Each public transportation benefit area shall implement and
33 comply with its system safety program plan and system security and
34 emergency preparedness plan. The public transportation benefit area
35 shall perform internal safety and security audits to evaluate its
36 compliance with the plans, and submit its audit schedule to the
37 department of transportation no later than December 15th each year.
38 The public transportation benefit area shall prepare an annual report
39 for its internal safety and security audits undertaken in the prior

1 year and submit it to the department no later than February 15th.
2 ~~((This))~~ The department shall establish the requirements for the
3 annual report. The contents of the annual report must include, at a
4 minimum, the dates the audits were conducted, the scope of the audit
5 activity, the audit findings and recommendations, the status of any
6 corrective actions taken as a result of the audit activity, and the
7 results of each audit in terms of the adequacy and effectiveness of
8 the plans.

9 (3) Each public transportation benefit area shall notify the
10 department of transportation within two hours of an occurrence of ~~((a~~
11 ~~reportable accident, unacceptable hazardous condition, or security~~
12 ~~breach))~~ any incident, accident, security breach, identified hazard,
13 or identified security vulnerability. The department may adopt rules
14 further defining ~~((a reportable accident, unacceptable hazardous~~
15 ~~condition, or security breach))~~ any incident, accident, security
16 breach, identified hazard, or identified security vulnerability. The
17 public transportation benefit area shall investigate ~~((all reportable~~
18 ~~accidents, unacceptable hazardous conditions, or security breaches))~~
19 any incident, accident, security breach, identified hazard, or
20 identified security vulnerability and provide a written investigation
21 report to the department within forty-five calendar days after the
22 ~~((reportable accident, unacceptable hazardous condition, or security~~
23 ~~breach))~~ incident, accident, security breach, identified hazard, or
24 identified security vulnerability.

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

29 **Sec. 6.** RCW 81.104.115 and 2007 c 422 s 7 are each amended to
30 read as follows:

31 (1) The department of transportation is established as the state
32 safety oversight agency. As such, the state must ensure that:

33 (a) The department is financially and legally independent from
34 any public transportation agency that the department is obliged to
35 oversee;

36 (b) The department does not directly provide public
37 transportation services in an area with a rail fixed guideway system
38 that the department is obliged to oversee;

1 (c) The department does not employ any individual who is also
2 responsible for administering a rail fixed guideway system that the
3 department is obliged to oversee; and

4 (d) The department has investigative and enforcement authority
5 with respect to the safety and security of all rail fixed guideway
6 systems in Washington state.

7 (2) The department (~~may~~) shall collect (~~and~~), audit, review,
8 approve, oversee, and enforce the system safety program plan and the
9 system security and emergency preparedness plan prepared by each
10 owner or operator of a rail fixed guideway system operating in
11 Washington state. In carrying out this function, the department may
12 adopt rules specifying the elements and standard to be contained in a
13 system safety program plan and a system security and emergency
14 preparedness plan, and the content of any investigation report,
15 corrective action plan, and accompanying implementation schedule
16 resulting from (~~a reportable accident, unacceptable hazardous~~
17 condition, or security breach)) any incident, accident, security
18 breach, identified hazard, or identified security vulnerability.
19 These rules may include due dates for the department's timely receipt
20 of and response to required documents.

21 (~~(+2)~~) (3) The department shall promote the safety and security
22 of Washington state rail fixed guideway systems. The department, in
23 carrying out the duties under subsection (2) of this section, may
24 compel the rail fixed guideway system to address, in a timely manner,
25 any identified critical safety or security deficiencies and concerns.
26 The department may also impose financial penalties for noncompliance
27 with state or federal regulations, or both, related to state safety
28 oversight. Specific financial penalties must be determined by rule.
29 When critical safety or security deficiencies are identified and not
30 immediately addressed by rail fixed guideway system owners and
31 operators, the department may require the suspension or modification
32 of service or the suspended use or removal of equipment. The
33 department may impose sanctions upon owners and operators of rail
34 fixed guideway systems for failure to meet deadlines for submission
35 of required reports and audits.

36 (4) The system security and emergency preparedness plan as
37 described in (~~subsection (1)(d) of~~) RCW 35.21.228(1)(d),
38 35A.21.300(1)(d), 36.01.210(1)(d), 36.57.120(1)(d), 36.57A.170(1)(d),
39 and 81.112.180(1)(d) is exempt from public disclosure under chapter
40 42.56 RCW by the department when collected from the owners and

1 operators of fixed railway systems. However, the system safety
2 program plan as described in RCW 35.21.228, 35A.21.300, 36.01.210,
3 36.57.120, 36.57A.170, and 81.112.180 is not exempt from public
4 disclosure.

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

18 ~~(4))~~ (6) In the event of ~~((a reportable accident, unacceptable
19 hazardous condition, or security breach))~~ any incident, accident,
20 security breach, identified hazard, or identified security
21 vulnerability, the department shall review the investigation report,
22 corrective action plan, and accompanying implementation schedule,
23 submitted by the owner or operator of the rail fixed guideway system
24 to ensure that it meets the goal of preventing and mitigating a
25 recurrence of the ~~((reportable accident, unacceptable hazardous
26 condition, or security breach))~~ incident, accident, security breach,
27 identified hazard, or identified security vulnerability.

28 (a) The department may, at its option, perform a separate,
29 independent investigation of ~~((a reportable accident, unacceptable
30 hazardous condition, or security breach))~~ any incident, accident,
31 security breach, identified hazard, or identified security
32 vulnerability. The department may contract with other persons or
33 entities for the performance of duties required by this subsection.

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

1 ~~((5))~~ (7) The secretary may adopt rules to implement this
2 section and RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120,
3 36.57A.170, and 81.112.180, including rules establishing procedures
4 and timelines for owners and operators of rail fixed guideway systems
5 to comply with RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120,
6 36.57A.170, and 81.112.180 and the rules adopted under this section.
7 If noncompliance by an owner or operator of a rail fixed guideway
8 system results in the loss of federal funds to the state of
9 Washington or a political subdivision of the state, the owner or
10 operator is liable to the affected entity or entities for the amount
11 of the lost funds.

12 ~~((6) The department may impose sanctions upon owners and
13 operators of rail fixed guideway systems, but only for failure to
14 meet reasonable deadlines for submission of required reports and
15 audits. The department is expressly prohibited from imposing
16 sanctions for any other purposes, including, but not limited to,
17 differences in format or content of required reports and audits.~~

18 ~~(7))~~ (8) The department and its employees have no liability
19 arising from: The adoption of rules; the review of or concurrence in
20 a system safety program plan and a system security and emergency
21 preparedness plan; the separate, independent investigation of ((a
22 reportable accident, unacceptable hazardous condition, or security
23 breach)) any incident, accident, security breach, identified hazard,
24 or identified security vulnerability; and the review of or
25 concurrence in a corrective action plan for ~~((a reportable accident,~~
26 ~~unacceptable hazardous condition, or security breach.~~

27 ~~(8) The department shall set by rule an annual fee for owners and
28 operators of rail fixed guideway systems to defray the department's
29 direct costs associated only with the system safety program plans,
30 system security and emergency preparedness plans, and incident
31 investigations, as described in this section, and the fee shall not
32 be a flat fee but shall be imposed on each owner and operator in
33 proportion to the effort expended by the department in relation to
34 individual plans. The department shall establish by rule the manner
35 and timing of the collection of the fee)) any incident, accident,
36 security breach, identified hazard, or identified security
37 vulnerability.~~

38 (9) At least once every year, the department shall report the
39 status of the safety and security of each rail fixed guideway system
40 to the governor, the federal transit administration, the board of

1 directors or equivalent entity of the rail fixed guideway system, and
2 the transportation committees of the legislature.

3 **Sec. 7.** RCW 81.112.180 and 2007 c 422 s 6 are each amended to
4 read as follows:

5 (1) Each regional transit authority that owns or operates a rail
6 fixed guideway system as defined in RCW 81.104.015 shall submit a
7 system safety program plan and a system security and emergency
8 preparedness plan for that guideway to the state department of
9 transportation by September 1, 1999, or at least one hundred eighty
10 calendar days before beginning operations or instituting revisions to
11 its plans. These plans must describe the authority's procedures for
12 (a) reporting and investigating (~~reportable accidents, unacceptable~~
13 ~~hazardous conditions, and security breaches~~) any incident, accident,
14 security breach, identified hazard, or identified security
15 vulnerability, (b) submitting corrective action plans and annual
16 safety and security audit reports, (c) facilitating on-site safety
17 and security reviews by the state department of transportation, and
18 (d) addressing passenger and employee safety and security. The plans
19 must, at a minimum, conform to the standards adopted by the state
20 department of transportation. If required by the department, the
21 regional transit authority shall revise its plans to incorporate the
22 department's review comments within sixty days after their receipt,
23 and resubmit its revised plans for review.

24 (2) Each regional transit authority shall implement and comply
25 with its system safety program plan and system security and emergency
26 preparedness plan. The regional transit authority shall perform
27 internal safety and security audits to evaluate its compliance with
28 the plans, and submit its audit schedule to the department of
29 transportation no later than December 15th each year. The regional
30 transit authority shall prepare an annual report for its internal
31 safety and security audits undertaken in the prior year and submit it
32 to the department no later than February 15th. (~~This~~) The
33 department shall establish the requirements for the annual report.
34 The contents of the annual report must include, at a minimum, the
35 dates the audits were conducted, the scope of the audit activity, the
36 audit findings and recommendations, the status of any corrective
37 actions taken as a result of the audit activity, and the results of
38 each audit in terms of the adequacy and effectiveness of the plans.

1 (3) Each regional transit authority shall notify the department
2 of transportation within two hours of an occurrence of (~~(a reportable~~
3 ~~accident, unacceptable hazardous condition, or security breach)~~) any
4 incident, accident, security breach, identified hazard, or identified
5 security vulnerability. The department may adopt rules further
6 defining (~~(a reportable accident, unacceptable hazardous condition,~~
7 ~~or security breach)~~) any incident, accident, security breach,
8 identified hazard, or identified security vulnerability. The regional
9 transit authority shall investigate (~~(all reportable accidents,~~
10 ~~unacceptable hazardous conditions, or security breaches)~~) any
11 incident, accident, security breach, identified hazard, or identified
12 security vulnerability and provide a written investigation report to
13 the department within forty-five calendar days after the (~~reportable~~
14 ~~accident, unacceptable hazardous condition, or security breach)~~)
15 incident, accident, security breach, identified hazard, or identified
16 security vulnerability.

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

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