
SUBSTITUTE SENATE BILL 6358

State of Washington

64th Legislature

2016 Regular Session

By Senate Transportation (originally sponsored by Senators King and Hobbs; by request of Department of Transportation)

READ FIRST TIME 02/04/16.

1 AN ACT Relating to rail fixed guideway public transportation
2 system safety and security oversight, requiring rule making; amending
3 RCW 81.112.180, 35.21.228, 35A.21.300, 36.01.210, 36.57.120,
4 36.57A.170, 81.104.015, and 81.104.115; and declaring an emergency.

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

6 **Sec. 1.** RCW 81.112.180 and 2007 c 422 s 6 are each amended to
7 read as follows:

8 (1) Each regional transit authority that owns or operates a rail
9 fixed guideway public transportation system as defined in RCW
10 81.104.015 shall submit a system safety program plan and a system
11 security and emergency preparedness plan for that guideway to the
12 state department of transportation by September 1, 1999, or at least
13 one hundred eighty calendar days before beginning operations or
14 instituting significant revisions to its plans. These plans must
15 describe the authority's procedures for (a) reporting and
16 investigating (~~reportable accidents, unacceptable hazardous~~
17 ~~conditions, and security breaches~~) any reportable incident,
18 accident, or security breach and identifying and resolving hazards or
19 security vulnerabilities discovered during planning, design,
20 construction, testing, or operations, (b) developing and submitting
21 corrective action plans and annual safety and security audit reports,

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

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

33 (3) Each regional transit authority shall notify the department
34 of transportation (~~within two hours of an occurrence of a reportable~~
35 ~~accident, unacceptable hazardous condition, or security breach~~),
36 pursuant to the most current version of the Washington state rail
37 safety oversight program standard manual as it exists on the
38 effective date of this section, or such subsequent date as may be
39 provided by the department by rule, consistent with the purposes of
40 this section, any reportable incident, accident, security breach,

1 hazard, or security vulnerability. The department may adopt rules
2 further defining ~~((a reportable accident, unacceptable hazardous~~
3 ~~condition, or security breach))~~ any reportable incident, accident,
4 security breach, hazard, or security vulnerability. The regional
5 transit authority shall investigate ~~((all reportable accidents,~~
6 ~~unacceptable hazardous conditions, or security breaches))~~ any
7 reportable incident, accident, security breach, hazard, or security
8 vulnerability and provide a written investigation report to the
9 department ~~((within forty five calendar days after the reportable~~
10 ~~accident, unacceptable hazardous condition, or security breach))~~ as
11 described in the most current version of the Washington state rail
12 safety oversight program standard manual as it exists on the
13 effective date of this section, or such subsequent date as may be
14 provided by the department by rule, consistent with the purposes of
15 this section.

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

21 **Sec. 2.** RCW 35.21.228 and 2007 c 422 s 1 are each amended to
22 read as follows:

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

1 to the standards adopted by the state department of transportation as
2 set forth in the most current version of the Washington state rail
3 safety oversight program standard manual as it exists on the
4 effective date of this section, or such subsequent date as may be
5 provided by the department by rule, consistent with the purposes of
6 this section. If required by the department, the city or town shall
7 revise its plans to incorporate the department's review comments
8 within sixty days after their receipt, and resubmit its revised plans
9 for review.

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

29 (3) Each city or town shall notify the department of
30 transportation (~~within two hours of an occurrence of a reportable~~
31 ~~accident, unacceptable hazardous condition, or security breach~~),
32 pursuant to the most current version of the Washington state rail
33 safety oversight program standard manual as it exists on the
34 effective date of this section, or such subsequent date as may be
35 provided by the department by rule, consistent with the purposes of
36 this section, any reportable incident, accident, security breach,
37 hazard, or security vulnerability. The department may adopt rules
38 further defining (~~a reportable accident, unacceptable hazardous~~
39 ~~condition, or security breach~~) any reportable incident, accident,
40 security breach, hazard, or security vulnerability. The city or town

1 shall investigate (~~all reportable accidents, unacceptable hazardous~~
2 ~~conditions, or security breaches~~) any reportable incident, accident,
3 security breach, hazard, or security vulnerability and provide a
4 written investigation report to the department (~~within forty five~~
5 ~~calendar days after the reportable accident, unacceptable hazardous~~
6 ~~condition, or security breach~~) as described in the most current
7 version of the Washington state rail safety oversight program
8 standard manual as it exists on the effective date of this section,
9 or such subsequent date as may be provided by the department by rule,
10 consistent with the purposes of this section.

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

16 **Sec. 3.** RCW 35A.21.300 and 2007 c 422 s 2 are each amended to
17 read as follows:

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

1 consistent with the purposes of this section. If required by the
2 department, the code city shall revise its plans to incorporate the
3 department's review comments within sixty days after their receipt,
4 and resubmit its revised plans for review.

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

24 (3) Each code city shall notify the department of transportation
25 (~~within two hours of an occurrence of a reportable accident,~~
26 ~~unacceptable hazardous condition, or security breach~~), pursuant to
27 the most current version of the Washington state rail safety
28 oversight program standard manual as it exists on the effective date
29 of this section, or such subsequent date as may be provided by the
30 department by rule, consistent with the purposes of this section, any
31 reportable incident, accident, security breach, hazard, or security
32 vulnerability. The department may adopt rules further defining (~~a~~
33 ~~reportable accident, unacceptable hazardous condition, or security~~
34 ~~breach~~) any reportable incident, accident, security breach, hazard,
35 or security vulnerability. The code city shall investigate (~~all~~
36 ~~reportable accidents, unacceptable hazardous conditions, or security~~
37 ~~breaches~~) any reportable incident, accident, security breach,
38 hazard, or security vulnerability and provide a written investigation
39 report to the department (~~within forty five calendar days after the~~
40 ~~reportable accident, unacceptable hazardous condition, or security~~

1 breach)) as described in the most current version of the Washington
2 state rail safety oversight program standard manual as it exists on
3 the effective date of this section, or such subsequent date as may be
4 provided by the department by rule, consistent with the purposes of
5 this section.

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

11 **Sec. 4.** RCW 36.01.210 and 2007 c 422 s 3 are each amended to
12 read as follows:

13 (1) Each county functioning under chapter 36.56 RCW that owns or
14 operates a rail fixed guideway public transportation system as
15 defined in RCW 81.104.015 shall submit a system safety program plan
16 and a system security and emergency preparedness plan for that
17 guideway to the state department of transportation by September 1,
18 1999, or at least one hundred eighty calendar days before beginning
19 operations or instituting significant revisions to its plans. These
20 plans must describe the county's procedures for (a) reporting and
21 investigating ~~((reportable accidents, unacceptable hazardous~~
22 ~~conditions, and security breaches))~~ any reportable incident,
23 accident, or security breach and identifying and resolving hazards or
24 security vulnerabilities discovered during planning, design,
25 construction, testing, or operations, (b) developing and submitting
26 corrective action plans and annual safety and security audit reports,
27 (c) facilitating on-site safety and security reviews by the state
28 department of transportation and the federal transit administration,
29 and (d) addressing passenger and employee safety and security. The
30 plans must, at a minimum, conform to the standards adopted by the
31 state department of transportation as set forth in the most current
32 version of the Washington state rail safety oversight program
33 standard manual as it exists on the effective date of this section,
34 or such subsequent date as may be provided by the department by rule,
35 consistent with the purposes of this section. If required by the
36 department, the county shall revise its plans to incorporate the
37 department's review comments within sixty days after their receipt,
38 and resubmit its revised plans for review.

1 (2) Each county functioning under chapter 36.56 RCW shall
2 implement and comply with its system safety program plan and system
3 security and emergency preparedness plan. The county shall perform
4 internal safety and security audits to evaluate its compliance with
5 the plans, and submit its audit schedule to the department of
6 transportation (~~no later than December 15th each year~~) pursuant to
7 the requirements in the most current version of the Washington state
8 rail safety oversight program standard manual as it exists on the
9 effective date of this section, or such subsequent date as may be
10 provided by the department by rule, consistent with the purposes of
11 this section. The county shall prepare an annual report for its
12 internal safety and security audits undertaken in the prior year and
13 submit it to the department no later than February 15th. ~~((This))~~ The
14 department shall establish the requirements for the annual report.
15 The contents of the annual report must include, at a minimum, the
16 dates the audits were conducted, the scope of the audit activity, the
17 audit findings and recommendations, the status of any corrective
18 actions taken as a result of the audit activity, and the results of
19 each audit in terms of the adequacy and effectiveness of the plans.

20 (3) Each county shall notify the department of transportation
21 (~~within two hours of an occurrence of a reportable accident,~~
22 ~~unacceptable hazardous condition, or security breach~~), pursuant to
23 the most current version of the Washington state rail safety
24 oversight program standard manual as it exists on the effective date
25 of this section, or such subsequent date as may be provided by the
26 department by rule, consistent with the purposes of this section, any
27 reportable incident, accident, security breach, hazard, or security
28 vulnerability. The department may adopt rules further defining ~~((a~~
29 ~~reportable accident, unacceptable hazardous condition, or security~~
30 ~~breach))~~ any reportable incident, accident, security breach, hazard,
31 or security vulnerability. The county shall investigate ~~((all~~
32 ~~reportable accidents, unacceptable hazardous conditions, or security~~
33 ~~breaches))~~ any reportable incident, accident, security breach,
34 hazard, or security vulnerability and provide a written investigation
35 report to the department ~~((within forty five calendar days after the~~
36 ~~reportable accident, unacceptable hazardous condition, or security~~
37 ~~breach))~~ as described in the most current version of the Washington
38 state rail safety oversight program standard manual as it exists on
39 the effective date of this section, or such subsequent date as may be

1 provided by the department by rule, consistent with the purposes of
2 this section.

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

8 **Sec. 5.** RCW 36.57.120 and 2007 c 422 s 4 are each amended to
9 read as follows:

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

36 (2) Each county transportation authority shall implement and
37 comply with its system safety program plan and system security and
38 emergency preparedness plan. The county transportation authority
39 shall perform internal safety and security audits to evaluate its

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

17 (3) Each county transportation authority shall notify the
18 department of transportation (~~within two hours of an occurrence of a~~
19 ~~reportable accident, unacceptable hazardous condition, or security~~
20 ~~breach~~), pursuant to the most current version of the Washington
21 state rail safety oversight program standard manual as it exists on
22 the effective date of this section, or such subsequent date as may be
23 provided by the department by rule, consistent with the purposes of
24 this section, any reportable incident, accident, security breach,
25 hazard, or security vulnerability. The department may adopt rules
26 further defining (~~a reportable accident, unacceptable hazardous~~
27 ~~condition, or security breach~~) any reportable incident, accident,
28 security breach, hazard, or security vulnerability. The county
29 transportation authority shall investigate (~~all reportable~~
30 ~~accidents, unacceptable hazardous conditions, or security breaches~~)
31 any reportable incident, accident, security breach, hazard, or
32 security vulnerability and provide a written investigation report to
33 the department (~~within forty five calendar days after the reportable~~
34 ~~accident, unacceptable hazardous condition, or security breach~~) as
35 described in the most current version of the Washington state rail
36 safety oversight program standard manual as it exists on the
37 effective date of this section, or such subsequent date as may be
38 provided by the department by rule, consistent with the purposes of
39 this section.

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

6 **Sec. 6.** RCW 36.57A.170 and 2007 c 422 s 5 are each amended to
7 read as follows:

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

35 (2) Each public transportation benefit area shall implement and
36 comply with its system safety program plan and system security and
37 emergency preparedness plan. The public transportation benefit area
38 shall perform internal safety and security audits to evaluate its
39 compliance with the plans, and submit its audit schedule to the

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

16 (3) Each public transportation benefit area shall notify the
17 department of transportation (~~within two hours of an occurrence of a~~
18 ~~reportable accident, unacceptable hazardous condition, or security~~
19 ~~breach~~), pursuant to the most current version of the Washington
20 state rail safety oversight program standard manual as it exists on
21 the effective date of this section, or such subsequent date as may be
22 provided by the department by rule, consistent with the purposes of
23 this section, any reportable incident, accident, security breach,
24 hazard, or security vulnerability. The department may adopt rules
25 further defining (~~a reportable accident, unacceptable hazardous~~
26 ~~condition, or security breach~~) any reportable incident, accident,
27 security breach, hazard, or security vulnerability. The public
28 transportation benefit area shall investigate (~~all reportable~~
29 ~~accidents, unacceptable hazardous conditions, or security breaches~~)
30 any reportable incident, accident, security breach, hazard, or
31 security vulnerability and provide a written investigation report to
32 the department (~~within forty five calendar days after the reportable~~
33 ~~accident, unacceptable hazardous condition, or security breach~~) as
34 described in the most current version of the Washington state rail
35 safety oversight program standard manual as it exists on the
36 effective date of this section, or such subsequent date as may be
37 provided by the department by rule, consistent with the purposes of
38 this section.

39 (4) The system security and emergency preparedness plan required
40 in subsection (1)~~((d))~~ of this section is exempt from public

1 disclosure under chapter 42.56 RCW. However, the system safety
2 program plan as described in this section is not subject to this
3 exemption.

4 **Sec. 7.** RCW 81.104.015 and 2009 c 280 s 1 are each amended to
5 read as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "High capacity transportation corridor area" means a quasi-
9 municipal corporation and independent taxing authority within the
10 meaning of Article VII, section 1 of the state Constitution, and a
11 taxing district within the meaning of Article VII, section 2 of the
12 state Constitution, created by a transit agency governing body.

13 (2) "High capacity transportation system" means a system of
14 public transportation services within an urbanized region operating
15 principally on exclusive rights-of-way, and the supporting services
16 and facilities necessary to implement such a system, including
17 interim express services and high occupancy vehicle lanes, which
18 taken as a whole, provides a substantially higher level of passenger
19 capacity, speed, and service frequency than traditional public
20 transportation systems operating principally in general purpose
21 roadways.

22 (3) "Rail fixed guideway public transportation system" means a
23 rail fixed guideway system, but does not include a system that is not
24 public transportation, such as seasonal, tourist, or intraterminal
25 service.

26 (4) "Rail fixed guideway system" means a light, heavy, or rapid
27 rail system, monorail, inclined plane, funicular, trolley, or other
28 fixed rail guideway component of a high capacity transportation
29 system that is not regulated by the federal railroad administration,
30 or its successor. "Rail fixed guideway system" does not mean
31 elevators, moving sidewalks or stairs, and vehicles suspended from
32 aerial cables, unless they are an integral component of a station
33 served by a rail fixed guideway system.

34 ((+4)) (5) "Regional transit system" means a high capacity
35 transportation system under the jurisdiction of one or more transit
36 agencies except where a regional transit authority created under
37 chapter 81.112 RCW exists, in which case "regional transit system"
38 means the high capacity transportation system under the jurisdiction
39 of a regional transit authority.

1 ((+5)) (6) "Transit agency" means city-owned transit systems,
2 county transportation authorities, metropolitan municipal
3 corporations, and public transportation benefit areas.

4 **Sec. 8.** RCW 81.104.115 and 2007 c 422 s 7 are each amended to
5 read as follows:

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

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

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

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

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

23 (2) The department ((may)) shall collect ((and)), audit, review,
24 approve, oversee, and enforce the system safety program plan and the
25 system security and emergency preparedness plan prepared by each
26 owner or operator of a rail fixed guideway public transportation
27 system operating in Washington state. In carrying out this function,
28 the department ((may)) shall adopt rules specifying the elements and
29 standard to be contained in a system safety program plan and a system
30 security and emergency preparedness plan, and the content of any
31 investigation report, corrective action plan, and accompanying
32 implementation schedule resulting from ((a reportable accident,
33 unacceptable hazardous condition, or security breach)) any reportable

34 incident, accident, security breach, hazard, or security
35 vulnerability. These rules ((may)) must include due dates for the
36 department's timely receipt of and response to required documents.

37 ((+2)) (3) The department, in carrying out the duties in this
38 section, shall compel the rail fixed guideway public transportation
39 systems to comply with state and federal safety and security

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

13 (4) The system security and emergency preparedness plan as
14 described in ~~((subsection (1)(d) of))~~ RCW 35.21.228(1),
15 35A.21.300(1), 36.01.210(1), 36.57.120(1), 36.57A.170(1), and
16 81.112.180(1) is exempt from public disclosure under chapter 42.56
17 RCW by the department when collected from the owners and operators of
18 rail fixed ((railway)) guideway public transportation systems.
19 However, the system safety program plan as described in RCW
20 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and
21 81.112.180 is not exempt from public disclosure.

22 ~~((3))~~ (5) The department shall audit each system safety program
23 plan and each system security and emergency preparedness plan at
24 least once every three years. The department may contract with other
25 persons or entities for the performance of duties required by this
26 subsection. The department shall provide at least thirty days'
27 advance notice to the owner or operator of a rail fixed guideway
28 public transportation system before commencing the audit. ~~((The owner~~
29 ~~or operator of each rail fixed guideway system shall reimburse the~~
30 ~~reasonable expenses of the department in carrying out its~~
31 ~~responsibilities of this subsection within ninety days after receipt~~
32 ~~of an invoice. The department shall notify the owner or operator of~~
33 ~~the estimated expenses at least six months in advance of when the~~
34 ~~department audits the system.~~

35 ~~(4))~~ (6) In the event of ~~((a reportable accident, unacceptable~~
36 ~~hazardous condition, or security breach))~~ any reportable incident,
37 accident, security breach, hazard, or security vulnerability, the
38 department shall review the investigation report, corrective action
39 plan, and accompanying implementation schedule, submitted by the
40 owner or operator of the rail fixed guideway public transportation

1 system to ~~((ensure that it meets the goal of preventing and~~
2 ~~mitigating))~~ safeguard against a recurrence of the ~~((reportable~~
3 ~~accident, unacceptable hazardous condition, or security breach))~~
4 incident, accident, security breach, hazard, or security
5 vulnerability.

6 (a) The department may, at its option, perform a separate,
7 independent investigation of ~~((a reportable accident, unacceptable~~
8 ~~hazardous condition, or security breach))~~ any reportable incident,
9 accident, security breach, hazard, or security vulnerability. The
10 department may contract with other persons or entities for the
11 performance of duties required by this subsection.

12 (b) If the department does not concur with the investigation
13 report, corrective action plan, and accompanying implementation
14 schedule, submitted by the owner or operator, the department shall
15 notify that owner or operator in writing within forty-five days of
16 its receipt of the complete investigation report, corrective action
17 plan, and accompanying implementation schedule.

18 ~~((+5))~~ (7) The secretary may adopt rules to implement this
19 section and RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120,
20 36.57A.170, and 81.112.180, including rules establishing procedures
21 and timelines for owners and operators of rail fixed guideway public
22 transportation systems to comply with RCW 35.21.228, 35A.21.300,
23 36.01.210, 36.57.120, 36.57A.170, and 81.112.180 and the rules
24 adopted under this section. If noncompliance by an owner or operator
25 of a rail fixed guideway public transportation system results in the
26 loss of federal funds to the state of Washington or a political
27 subdivision of the state, the owner or operator is liable to the
28 affected entity or entities for the amount of the lost funds.

29 ~~((+6) The department may impose sanctions upon owners and~~
30 ~~operators of rail fixed guideway systems, but only for failure to~~
31 ~~meet reasonable deadlines for submission of required reports and~~
32 ~~audits. The department is expressly prohibited from imposing~~
33 ~~sanctions for any other purposes, including, but not limited to,~~
34 ~~differences in format or content of required reports and audits.~~

35 ~~(+7))~~ (8) The department and its employees shall have no
36 liability for any actions taken pursuant to this chapter arising
37 from: The adoption of rules; the review of or concurrence in a system
38 safety program plan and a system security and emergency preparedness
39 plan; the separate, independent investigation of ~~((a reportable~~
40 ~~accident, unacceptable hazardous condition, or security breach))~~ any

1 reportable incident, accident, security breach, hazard, or security
2 vulnerability; and the review of or concurrence in a corrective
3 action plan for (~~a reportable accident, unacceptable hazardous~~
4 ~~condition, or security breach.~~

5 ~~(8) The department shall set by rule an annual fee for owners and~~
6 ~~operators of rail fixed guideway systems to defray the department's~~
7 ~~direct costs associated only with the system safety program plans,~~
8 ~~system security and emergency preparedness plans, and incident~~
9 ~~investigations, as described in this section, and the fee shall not~~
10 ~~be a flat fee but shall be imposed on each owner and operator in~~
11 ~~proportion to the effort expended by the department in relation to~~
12 ~~individual plans. The department shall establish by rule the manner~~
13 ~~and timing of the collection of the fee)) any reportable incident,~~
14 accident, security breach, hazard, or security vulnerability.

15 (9) At least once every year, the department shall report the
16 status of the safety and security of each rail fixed guideway public
17 transportation system to the governor, the federal transit
18 administration, the board of directors or equivalent entity of the
19 rail fixed guideway public transportation system, and the
20 transportation committees of the legislature.

21 NEW SECTION. Sec. 9. This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of
23 the state government and its existing public institutions, and takes
24 effect immediately.

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