

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1324

Chapter 202, Laws of 1999

56th Legislature
1999 Regular Session

RAIL FIXED GUIDEWAY SYSTEM--SAFETY AND SECURITY PROGRAM PLAN

EFFECTIVE DATE: 5/7/99

Passed by the House March 12, 1999
Yeas 96 Nays 0

CLYDE BALLARD
**Speaker of the House of
Representatives**

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate April 12, 1999
Yeas 44 Nays 0

BRAD OWEN
President of the Senate

Approved May 7, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1324** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 7, 1999 - 3:41 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1324

Passed Legislature - 1999 Regular Session

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Fisher, K. Schmidt, Mitchell and Hankins; by request of Department of Transportation)

Read first time 03/03/1999.

1 AN ACT Relating to transportation safety and planning; amending RCW
2 81.104.015; adding a new section to chapter 35.21 RCW; adding a new
3 section to chapter 35A.21 RCW; adding a new section to chapter 36.01
4 RCW; adding a new section to chapter 36.57 RCW; adding a new section to
5 chapter 36.57A RCW; adding a new section to chapter 81.112 RCW; adding
6 a new section to chapter 81.104 RCW; adding a new section to chapter
7 42.17 RCW; and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW
10 to read as follows:

11 (1) Each city or town that owns or operates a rail fixed guideway
12 system as defined in RCW 81.104.015 shall submit a system safety and
13 security program plan for that guideway to the state department of
14 transportation by September 1, 1999, or at least three months before
15 beginning operations or instituting revisions to its plan. This plan
16 must describe the city's procedures for (a) reporting and investigating
17 reportable accidents, unacceptable hazardous conditions, and security
18 breaches, (b) submitting corrective action plans and annual safety and
19 security audit reports, (c) facilitating on-site safety and security

1 reviews by the state department of transportation, and (d) addressing
2 passenger and employee security. The plan must, at a minimum, conform
3 to the standards adopted by the state department of transportation. If
4 required by the department, the city or town shall revise its plan to
5 incorporate the department's review comments within sixty days after
6 their receipt, and resubmit its revised plan for review.

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

19 (3) Each city or town shall notify the department of transportation
20 within twenty-four hours of an occurrence of a reportable accident,
21 unacceptable hazardous condition, or security breach. The department
22 may adopt rules further defining a reportable accident, unacceptable
23 hazardous condition, or security breach. The city or town shall
24 investigate all reportable accidents, unacceptable hazardous
25 conditions, or security breaches and provide a written investigation
26 report to the department within forty-five calendar days after the
27 reportable accident, unacceptable hazardous condition, or security
28 breach.

29 (4) The security section of the safety and security plan required
30 in subsection (1)(d) of this section is exempt from public disclosure
31 under chapter 42.17 RCW. However, the activities and plans as
32 described in subsections (1)(a), (b), and (c), (2), and (3) of this
33 section are not subject to this exemption.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21 RCW
35 to read as follows:

36 (1) Each code city that owns or operates a rail fixed guideway
37 system as defined in RCW 81.104.015 shall submit a system safety and
38 security program plan for that guideway to the state department of

1 transportation by September 1, 1999, or at least three months before
2 beginning operations or instituting revisions to its plan. This plan
3 must describe the code city's procedures for (a) reporting and
4 investigating reportable accidents, unacceptable hazardous conditions,
5 and security breaches, (b) submitting corrective action plans and
6 annual safety and security audit reports, (c) facilitating on-site
7 safety and security reviews by the state department of transportation,
8 and (d) addressing passenger and employee security. The plan must, at
9 a minimum, conform to the standards adopted by the state department of
10 transportation. If required by the department, the code city shall
11 revise its plan to incorporate the department's review comments within
12 sixty days after their receipt, and resubmit its revised plan for
13 review.

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

26 (3) Each code city shall notify the department of transportation
27 within twenty-four hours of an occurrence of a reportable accident,
28 unacceptable hazardous condition, or security breach. The department
29 may adopt rules further defining a reportable accident, unacceptable
30 hazardous condition, or security breach. The code city shall
31 investigate all reportable accidents, unacceptable hazardous
32 conditions, or security breaches and provide a written investigation
33 report to the department within forty-five calendar days after the
34 reportable accident, unacceptable hazardous condition, or security
35 breach.

36 (4) The security section of the safety and security plan required
37 in subsection (1)(d) of this section is exempt from public disclosure
38 under chapter 42.17 RCW. However, the activities and plans as

1 described in subsections (1)(a), (b), and (c), (2), and (3) of this
2 section are not subject to this exemption.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.01 RCW
4 to read as follows:

5 (1) Each county functioning under chapter 36.56 RCW that owns or
6 operates a rail fixed guideway system as defined in RCW 81.104.015
7 shall submit a system safety and security program plan for that
8 guideway to the state department of transportation by September 1,
9 1999, or at least three months before beginning operations or
10 instituting revisions to its plan. This plan must describe the
11 county's procedures for (a) reporting and investigating reportable
12 accidents, unacceptable hazardous conditions, and security breaches,
13 (b) submitting corrective action plans and annual safety and security
14 audit reports, (c) facilitating on-site safety and security reviews by
15 the state department of transportation, and (d) addressing passenger
16 and employee security. The plan must, at a minimum, conform to the
17 standards adopted by the state department of transportation. If
18 required by the department, the county shall revise its plan to
19 incorporate the department's review comments within sixty days after
20 their receipt, and resubmit its revised plan for review.

21 (2) Each county functioning under chapter 36.56 RCW shall implement
22 and comply with its system safety and security program plan. The
23 county shall perform internal safety and security audits to evaluate
24 its compliance with the plan, and submit its audit schedule to the
25 department of transportation no later than December 15th each year.
26 The county shall prepare an annual report for its internal safety and
27 security audits undertaken in the prior year and submit it to the
28 department no later than February 15th. This annual report must
29 include the dates the audits were conducted, the scope of the audit
30 activity, the audit findings and recommendations, the status of any
31 corrective actions taken as a result of the audit activity, and the
32 results of each audit in terms of the adequacy and effectiveness of the
33 plan.

34 (3) Each county shall notify the department of transportation
35 within twenty-four hours of an occurrence of a reportable accident,
36 unacceptable hazardous condition, or security breach. The department
37 may adopt rules further defining a reportable accident, unacceptable
38 hazardous condition, or security breach. The county shall investigate

1 all reportable accidents, unacceptable hazardous conditions, or
2 security breaches and provide a written investigation report to the
3 department within forty-five calendar days after the reportable
4 accident, unacceptable hazardous condition, or security breach.

5 (4) The security section of the safety and security plan required
6 in subsection (1)(d) of this section is exempt from public disclosure
7 under chapter 42.17 RCW. However, the activities and plans as
8 described in subsections (1)(a), (b), and (c), (2), and (3) of this
9 section are not subject to this exemption.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.57 RCW
11 to read as follows:

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

29 (2) Each county transportation authority shall implement and comply
30 with its system safety and security program plan. The county
31 transportation authority shall perform internal safety and security
32 audits to evaluate its compliance with the plan, and submit its audit
33 schedule to the department of transportation no later than December
34 15th each year. The county transportation authority shall prepare an
35 annual report for its internal safety and security audits undertaken in
36 the prior year and submit it to the department no later than February
37 15th. This annual report must include the dates the audits were
38 conducted, the scope of the audit activity, the audit findings and

1 recommendations, the status of any corrective actions taken as a result
2 of the audit activity, and the results of each audit in terms of the
3 adequacy and effectiveness of the plan.

4 (3) Each county transportation authority shall notify the
5 department of transportation within twenty-four hours of an occurrence
6 of a reportable accident, unacceptable hazardous condition, or security
7 breach. The department may adopt rules further defining a reportable
8 accident, unacceptable hazardous condition, or security breach. The
9 county transportation authority shall investigate all reportable
10 accidents, unacceptable hazardous conditions, or security breaches and
11 provide a written investigation report to the department within forty-
12 five calendar days after the reportable accident, unacceptable
13 hazardous condition, or security breach.

14 (4) The security section of the safety and security plan required
15 in subsection (1)(d) of this section is exempt from public disclosure
16 under chapter 42.17 RCW. However, the activities and plans as
17 described in subsections (1)(a), (b), and (c), (2), and (3) of this
18 section are not subject to this exemption.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.57A RCW
20 to read as follows:

21 (1) Each public transportation benefit area that owns or operates
22 a rail fixed guideway system as defined in RCW 81.104.015 shall submit
23 a system safety and security program plan for that guideway to the
24 state department of transportation by September 1, 1999, or at least
25 three months before beginning operations or instituting revisions to
26 its plan. This plan must describe the public transportation benefit
27 area's procedures for (a) reporting and investigating reportable
28 accidents, unacceptable hazardous conditions, and security breaches,
29 (b) submitting corrective action plans and annual safety and security
30 audit reports, (c) facilitating on-site safety and security reviews by
31 the state department of transportation, and (d) addressing passenger
32 and employee security. The plan must, at a minimum, conform to the
33 standards adopted by the state department of transportation. If
34 required by the department, the public transportation benefit area
35 shall revise its plan to incorporate the department's review comments
36 within sixty days after their receipt, and resubmit its revised plan
37 for review.

1 (2) Each public transportation benefit area shall implement and
2 comply with its system safety and security program plan. The public
3 transportation benefit area shall perform internal safety and security
4 audits to evaluate its compliance with the plan, and submit its audit
5 schedule to the department of transportation no later than December
6 15th each year. The public transportation benefit area shall prepare
7 an annual report for its internal safety and security audits undertaken
8 in the prior year and submit it to the department no later than
9 February 15th. This annual report must include the dates the audits
10 were conducted, the scope of the audit activity, the audit findings and
11 recommendations, the status of any corrective actions taken as a result
12 of the audit activity, and the results of each audit in terms of the
13 adequacy and effectiveness of the plan.

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

24 (4) The security section of the safety and security plan required
25 in subsection (1)(d) of this section is exempt from public disclosure
26 under chapter 42.17 RCW. However, the activities and plans as
27 described in subsections (1)(a), (b), and (c), (2), and (3) of this
28 section are not subject to this exemption.

29 NEW SECTION. **Sec. 6.** A new section is added to chapter 81.112 RCW
30 to read as follows:

31 (1) Each regional transit authority that owns or operates a rail
32 fixed guideway system as defined in RCW 81.104.015 shall submit a
33 system safety and security program plan for that guideway to the state
34 department of transportation by September 1, 1999, or at least three
35 months before beginning operations or instituting revisions to its
36 plan. This plan must describe the authority's procedures for (a)
37 reporting and investigating reportable accidents, unacceptable
38 hazardous conditions, and security breaches, (b) submitting corrective

1 action plans and annual safety and security audit reports, (c)
2 facilitating on-site safety and security reviews by the state
3 department of transportation, and (d) addressing passenger and employee
4 security. The plan must, at a minimum, conform to the standards
5 adopted by the state department of transportation. If required by the
6 department, the regional transit authority shall revise its plan to
7 incorporate the department's review comments within sixty days after
8 their receipt, and resubmit its revised plan for review.

9 (2) Each regional transit authority shall implement and comply with
10 its system safety and security program plan. The regional transit
11 authority shall perform internal safety and security audits to evaluate
12 its compliance with the plan, and submit its audit schedule to the
13 department of transportation no later than December 15th each year.
14 The regional transit authority 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 no later than February 15th. This annual
17 report must include the dates the audits were conducted, the scope of
18 the audit activity, the audit findings and recommendations, the status
19 of any corrective actions taken as a result of the audit activity, and
20 the results of each audit in terms of the adequacy and effectiveness of
21 the plan.

22 (3) Each regional transit authority shall notify the department of
23 transportation within twenty-four hours of an occurrence of a
24 reportable accident, unacceptable hazardous condition, or security
25 breach. The department may adopt rules further defining a reportable
26 accident, unacceptable hazardous condition, or security breach. The
27 regional transit authority shall investigate all reportable accidents,
28 unacceptable hazardous conditions, or security breaches and provide a
29 written investigation report to the department within forty-five
30 calendar days after the reportable accident, unacceptable hazardous
31 condition, or security breach.

32 (4) The security section of the safety and security plan required
33 in subsection (1)(d) of this section is exempt from public disclosure
34 under chapter 42.17 RCW. However, the activities and plans as
35 described in subsections (1)(a), (b), and (c), (2), and (3) of this
36 section are not subject to this exemption.

37 NEW SECTION. **Sec. 7.** A new section is added to chapter 81.104 RCW
38 to read as follows:

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

11 (2) The security section of the system safety and security plan as
12 described in subsection (1)(d) of sections 1 through 6 of this act are
13 exempt from public disclosure under chapter 42.17 RCW by the department
14 when collected from the owners and operators of fixed railway systems.
15 However, the activities and plans as described in subsection (1)(a),
16 (b), and (c) of sections 1 through 6 of this act are not exempt from
17 public disclosure.

18 (3) The department shall audit each system safety and security
19 program plan at least once every three years. The department may
20 contract with other persons or entities for the performance of duties
21 required by this subsection. The department shall provide at least
22 thirty days' advance notice to the owner or operator of a rail fixed
23 guideway system before commencing the audit.

24 (4) In the event of a reportable accident, unacceptable hazardous
25 condition, or security breach, the department shall review the
26 investigation report, corrective action plan, and accompanying
27 implementation schedule, submitted by the owner or operator of the rail
28 fixed guideway system to ensure that it meets the goal of preventing
29 and mitigating a recurrence of the reportable accident, unacceptable
30 hazardous condition, or security breach.

31 (a) The department may, at its option, perform a separate,
32 independent investigation of a reportable accident, unacceptable
33 hazardous condition, or security breach. The department may contract
34 with other persons or entities for the performance of duties required
35 by this subsection.

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

1 receipt of the complete investigation report, corrective action plan,
2 and accompanying implementation schedule.

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

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

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

25 NEW SECTION. **Sec. 8.** A new section is added to chapter 42.17 RCW
26 to read as follows:

27 The security section of transportation system safety and security
28 program plans required under sections 1 through 6 of this act are
29 exempt from disclosure under this chapter.

30 **Sec. 9.** RCW 81.104.015 and 1992 c 101 s 19 are each amended to
31 read as follows:

32 Unless the context clearly requires otherwise, the definitions in
33 this section apply throughout this chapter.

34 (1) "High_capacity transportation system" means a system of public
35 transportation services within an urbanized region operating
36 principally on exclusive rights of way, and the supporting services and
37 facilities necessary to implement such a system, including interim

1 express services and high occupancy vehicle lanes, which taken as a
2 whole, provides a substantially higher level of passenger capacity,
3 speed, and service frequency than traditional public transportation
4 systems operating principally in general purpose roadways.

5 (2) "Rail fixed guideway system" means a light, heavy, or rapid
6 rail system, monorail, inclined plane, funicular, trolley, or other
7 fixed rail guideway component of a high-capacity transportation system
8 that is not regulated by the Federal Railroad Administration, or its
9 successor. "Rail fixed guideway system" does not mean elevators,
10 moving sidewalks or stairs, and vehicles suspended from aerial cables,
11 unless they are an integral component of a station served by a rail
12 fixed guideway system.

13 (3) "Regional transit system" means a high-capacity transportation
14 system under the jurisdiction of one or more transit agencies except
15 where a regional transit authority created under chapter 81.112 RCW
16 exists, in which case "regional transit system" means the high-capacity
17 transportation system under the jurisdiction of a regional transit
18 authority.

19 ((+3+)) (4) "Transit agency" means city-owned transit systems,
20 county transportation authorities, metropolitan municipal corporations,
21 and public transportation benefit areas.

22 NEW SECTION. Sec. 10. This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 immediately.

Passed the House March 12, 1999.

Passed the Senate April 12, 1999.

Approved by the Governor May 7, 1999.

Filed in Office of Secretary of State May 7, 1999.