

HOUSE BILL REPORT

SB 5084

As Reported by House Committee On:
Transportation

Title: An act relating to rail transit safety plans.

Brief Description: Updating rail transit safety plan provisions to comply with federal regulation.

Sponsors: Senators Murray, Swecker, Haugen and Delvin.

Brief History:

Committee Activity:

Transportation: 3/27/07, 3/28/07 [DPA].

Brief Summary of Bill
(As Amended by House Committee)

- Modifies the rail fixed guideway system safety and security plan to comply with federal regulations.
- Requires the Department of Transportation (Department) to set by rule an annual fee for owners and operators of rail fixed guideway systems to defray the Department's costs associated with the plans and related investigations. The fee must be variable, and imposed in proportion to the work performed on each plan.
- Clarifies that no change is made to information currently exempt from public disclosure under the plans.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 25 members: Representatives Clibborn, Chair; Flannigan, Vice Chair; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton, Armstrong, Campbell, Curtis, Dickerson, Eddy, Ericksen, Hailey, Hankins, Hudgins, Kristiansen, Lovick, Rodne, Rolfes, Simpson, Springer, B. Sullivan, Takko, Upthegrove, Wallace and Wood.

Staff: Kathryn Leathers (786-7114).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

The Federal Transit Administration (FTA) requires that states provide oversight of rail fixed guideway system safety. In Washington, the Department of Transportation (Department) is the agency responsible for safety oversight of rail fixed guideway systems.

A "rail fixed guideway system" includes a light, heavy, or rapid rail system; monorail; trolley; or other fixed rail guideway component of a high-capacity transit system that is not regulated by the Federal Railroad Administration or its successor. The FTA regulations exclude trains operating on the interstate rail system. (The Federal Railroad Association separately regulates the interstate rail system.)

Rail transit operators develop safety plans and submit them to the Department for approval. The Department verifies that plans are consistent with federal guidelines, monitors safety reporting requirements, and investigates reported incidents.

Summary of Amended Bill:

The state requirements for fixed guideway system safety and security plans are modified to comply with updated federal requirements. Specifically, recent changes in federal law require that each rail transit owner or operator:

- prepare two separate plans: a System Safety Program Plan (Safety Plan), and a System Security and Emergency Preparedness Plan (Security and Emergency Plan);
- submit a Safety Plan and a Security and Emergency Plan to the Department 180 days before the plans go into effect, instead of current law which requires that the plans be submitted 90 days in advance; and
- notify the Department of reportable incidents within two hours of the incident, instead of current law which requires notification within 24 hours of a reportable incident.

The Department is required to establish by rule an annual fee for owners and operators of rail fixed guideway systems to defray the Department's costs associated with the plans and related investigations. The fee must be limited to costs directly associated with the plans, and must be imposed in proportion to the work performed by the Department on each plan.

Affected rail transit owners and operators include: Sound Transit Link Light Rail, Seattle Center Monorail, Seattle South Lake Union Streetcar (after operation begins in 2007), Sound Transit Central Link Light Rail (after operation begins in 2009), and Seattle Waterfront Streetcar (when operation resumes).

It is clarified that the only information that is exempt from public disclosure under the modified plans is the information that is currently exempt from public disclosure (information addressing passenger and employee security).

Amended Bill Compared to Original Bill:

The plan fee imposed by the Department is required to be limited to costs directly associated with the plans, and is imposed in proportion to the work performed by the Department on each plan.

It is clarified that the only information exempt from public disclosure under the modified plans is the information that is currently exempt from public disclosure (information addressing passenger and employee security).

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) The Department requested this legislation to update the plans to meet federal requirements. An issue was raised regarding a potential public disclosure issue related to the security plans, and the Department is prepared to propose a slight amendment to address the issue.

(Opposed) None.

Persons Testifying: Cathy Silins, Department of Transportation.

Persons Signed In To Testify But Not Testifying: None.