
SENATE BILL 5084

State of Washington 60th Legislature 2007 Regular Session

By Senators Murray, Swecker, Haugen and Delvin

Read first time 01/10/2007. Referred to Committee on Transportation.

1 AN ACT Relating to rail transit safety plans; and amending RCW
2 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, 81.112.180,
3 and 81.104.115.

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

5 **Sec. 1.** RCW 35.21.228 and 2005 c 274 s 264 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 (~~((program))~~) and emergency
10 preparedness plan for that guideway to the state department of
11 transportation by September 1, 1999, or at least (~~((three months))~~) one
12 hundred eighty calendar days before beginning operations or instituting
13 revisions to its plans. (~~((This))~~) These plans must describe the city's
14 procedures for (a) reporting and investigating reportable accidents,
15 unacceptable hazardous conditions, and security breaches, (b)
16 submitting corrective action plans and annual safety and security audit
17 reports, (c) facilitating on-site safety and security reviews by the
18 state department of transportation, and (d) addressing passenger and
19 employee security. The plans must, at a minimum, conform to the

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

5 (2) Each city or town shall implement and comply with its system
6 safety program plan and system security (~~((program))~~) and emergency
7 preparedness plan. The city or town shall perform internal safety and
8 security audits to evaluate its compliance with the plans, and submit
9 its 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 15th.
13 This annual report must include the dates the audits were conducted,
14 the scope of the audit activity, the audit findings and
15 recommendations, the status of any corrective actions taken as a result
16 of the audit activity, and the results of each audit in terms of the
17 adequacy and effectiveness of the plans.

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

28 (4) The system security (~~((section of the safety))~~) and (~~((security))~~)
29 emergency preparedness plan required in subsection (1)(~~((d))~~) of this
30 section is exempt from public disclosure under chapter 42.56 RCW.
31 However, the (~~((activities and plans))~~) system safety program plan as
32 described in (~~((subsections (1)(a), (b), and (c), (2), and (3) of))~~) this
33 section (~~((are))~~) is not subject to this exemption.

34 **Sec. 2.** RCW 35A.21.300 and 2005 c 274 s 267 are each amended to
35 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

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

16 (2) Each code city shall implement and comply with its system
17 safety program plan and system security (~~((program))~~) and emergency
18 preparedness plan. The code city shall perform internal safety and
19 security audits to evaluate its compliance with the plans, and submit
20 its audit schedule to the department of transportation no later than
21 December 15th each year. The code city shall prepare an annual report
22 for its internal safety and security audits undertaken in the prior
23 year and submit it to the department no later than February 15th. This
24 annual report must include 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 code city shall notify the department of transportation
30 within (~~((twenty-four))~~) two hours of an occurrence of a reportable
31 accident, unacceptable hazardous condition, or security breach. The
32 department may adopt rules further defining a reportable accident,
33 unacceptable hazardous condition, or security breach. The code city
34 shall investigate all reportable accidents, unacceptable hazardous
35 conditions, or security breaches and provide a written investigation
36 report to the department within forty-five calendar days after the
37 reportable accident, unacceptable hazardous condition, or security
38 breach.

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

7 **Sec. 3.** RCW 36.01.210 and 2005 c 274 s 268 are each amended to
8 read as follows:

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

26 (2) Each county functioning under chapter 36.56 RCW shall implement
27 and comply with its system safety program plan and system security
28 ~~((program))~~ and emergency preparedness plan. The county shall perform
29 internal safety and security audits to evaluate its compliance with the
30 plans, and submit its audit schedule to the department of
31 transportation no later than December 15th each year. The county shall
32 prepare an annual report for its internal safety and security audits
33 undertaken in the prior year and submit it to the department no later
34 than February 15th. This annual report must include the dates the
35 audits were conducted, the scope of the audit activity, the audit
36 findings and recommendations, the status of any corrective actions

1 taken as a result of the audit activity, and the results of each audit
2 in terms of the adequacy and effectiveness of the plans.

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

13 (4) The system security (~~(section of the safety and security)~~) and
14 emergency preparedness plan required in subsection (1)(~~(d)~~) of this
15 section is exempt from public disclosure under chapter 42.56 RCW.
16 However, the (~~(activities and plans)~~) system safety program plan as
17 described in (~~(subsections (1)(a), (b), and (c), (2), and (3) of)~~) this
18 section (~~(are)~~) is not subject to this exemption.

19 **Sec. 4.** RCW 36.57.120 and 2005 c 274 s 270 are each amended to
20 read as follows:

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

1 department's review comments within sixty days after their receipt, and
2 resubmit its revised plans for review.

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

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

27 (4) The system security (~~(section of the safety and security)~~) and
28 emergency preparedness plan required in subsection (1)(~~(d)~~) of this
29 section is exempt from public disclosure under chapter 42.56 RCW.
30 However, the (~~(activities and plans)~~) system safety program plan as
31 described in (~~(subsections (1)(a), (b), and (c), (2), and (3) of)~~) this
32 section (~~(are)~~) is not subject to this exemption.

33 **Sec. 5.** RCW 36.57A.170 and 2005 c 274 s 271 are each amended to
34 read as follows:

35 (1) Each public transportation benefit area that owns or operates
36 a rail fixed guideway system as defined in RCW 81.104.015 shall submit
37 a system safety program plan and a system security (~~(program)~~) and

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

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

30 (3) Each public transportation benefit area shall notify the
31 department of transportation within (~~twenty-four~~) two hours of an
32 occurrence of a reportable accident, unacceptable hazardous condition,
33 or security breach. The department may adopt rules further defining a
34 reportable accident, unacceptable hazardous condition, or security
35 breach. The public transportation benefit area shall investigate all
36 reportable accidents, unacceptable hazardous conditions, or security
37 breaches and provide a written investigation report to the department

1 within forty-five calendar days after the reportable accident,
2 unacceptable hazardous condition, or security breach.

3 (4) The system security (~~((section of the safety and security))~~) and
4 emergency preparedness plan required in subsection (1)~~((d))~~ of this
5 section is exempt from public disclosure under chapter 42.56 RCW.
6 However, the (~~activities and plans~~) system safety program plan as
7 described in (~~subsections (1)(a), (b), and (c), (2), and (3) of~~) this
8 section (~~are~~) is not subject to this exemption.

9 **Sec. 6.** RCW 81.112.180 and 2005 c 274 s 360 are each amended to
10 read as follows:

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

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

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

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

15 (4) The system security (~~(section of the safety and security)~~) and
16 emergency preparedness plan required in subsection (1)(~~(d)~~) of this
17 section is exempt from public disclosure under chapter 42.56 RCW.
18 However, the (~~(activities and plans)~~) system safety program plan as
19 described in (~~(subsections (1)(a), (b), and (c), (2), and (3) of)~~) this
20 section (~~(are)~~) is not subject to this exemption.

21 **Sec. 7.** RCW 81.104.115 and 2005 c 274 s 359 are each amended to
22 read as follows:

23 (1) The department may collect and review the system safety program
24 plan and the system security (~~(program)~~) and emergency preparedness
25 plan prepared by each owner or operator of a rail fixed guideway
26 system. In carrying out this function, the department may adopt rules
27 specifying the elements and standard to be contained in a system safety
28 program plan and a system security (~~(program)~~) and emergency
29 preparedness plan, and the content of any investigation report,
30 corrective action plan, and accompanying implementation schedule
31 resulting from a reportable accident, unacceptable hazardous condition,
32 or security breach. These rules may include due dates for the
33 department's timely receipt of and response to required documents.

34 (2) The (~~(security section of the)~~) system (~~(safety and)~~) security
35 and emergency preparedness plan as described in (~~(subsection (1)(d)~~
36 ~~of)~~) RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and
37 81.112.180 (~~(are)~~) is exempt from public disclosure under chapter 42.56

1 RCW by the department when collected from the owners and operators of
2 fixed railway systems. However, the ~~((activities and plans))~~ system
3 safety program plan as described in ~~((subsection (1)(a), (b), and (c)~~
4 ~~ef))~~ RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and
5 81.112.180 ~~((are))~~ is not exempt from public disclosure.

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

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

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

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

36 (5) The secretary may adopt rules to implement this section and RCW
37 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and
38 81.112.180, including rules establishing procedures and timelines for

1 owners and operators of rail fixed guideway systems to comply with RCW
2 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180
3 and the rules adopted under this section. If noncompliance by an owner
4 or operator of a rail fixed guideway system results in the loss of
5 federal funds to the state of Washington or a political subdivision of
6 the state, the owner or operator is liable to the affected entity or
7 entities for the amount of the lost funds.

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

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

22 (8) The department shall set by rule an annual fee for owners and
23 operators of rail fixed guideway systems to defray the department's
24 costs associated with the system safety program plans, system security
25 and emergency preparedness plans, and incident investigations, as
26 described in this section. The department shall establish by rule the
27 manner and timing of the collection of the fee.

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