

**HB 2044 - H AMD 48**

By Representative Seaquist

WITHDRAWN 03/04/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) Recognizing the paramount importance of  
4 sustaining the highest levels of ferry system safety, the legislature  
5 finds that a rigorous, open incident and accident investigation policy  
6 is essential to the safe and reliable operation of the Washington state  
7 ferry system. Drawing on information provided in response to previous  
8 legislative direction, and noting recent accident/incident history, the  
9 legislature finds an urgent need to upgrade Washington state ferries'  
10 accident/incident investigation policies and procedures.

11 (2) After fully considering proposed upgraded accident/incident  
12 investigation policies and procedures, it is the intent of the  
13 legislature to enact the policies into law and to publish that law and  
14 procedures as a manual for Washington state ferries' accident/incident  
15 investigations. Until that time, the department of transportation and  
16 the Washington state ferry system are enjoined to exercise particular  
17 diligence to assure that any incident or accident investigations are  
18 conducted within the spirit of the guidelines of this act.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.60 RCW  
20 to read as follows:

21 As a priority task, the department is directed to propose a  
22 comprehensive incident and accident investigation policy and  
23 appropriate procedures for Washington state ferries, and to provide the  
24 proposal to the legislature by October 1, 2009. Using existing  
25 resources and staff expertise, Washington state ferries shall provide  
26 staff and resource support in the execution of this task. In addition  
27 to consulting with ferry system unions and the United States coast  
28 guard, the department is encouraged to solicit independent outside

1 expertise on incident and accident investigation best practices as they  
2 may be found in other organizations with a similar concern for marine  
3 safety. The policy must contain, at a minimum:

4 (1) The definition of an incident and an accident and the type of  
5 investigation that is required by both types of events;

6 (2) The process for appointing an investigating officer or officers  
7 and a description of the authorities and responsibilities of the  
8 investigating officer or officers. The investigating officer or  
9 officers must:

10 (a) Have the appropriate training and experience as determined by  
11 the policy;

12 (b) Not have been involved in the incident or accident so as to  
13 avoid any conflict of interest;

14 (c) Have full access to all persons, records, and relevant  
15 organizations that may have information about or may have contributed  
16 to, directly or indirectly, the incident or accident under  
17 investigation, in compliance with any affected employee's or employees'  
18 respective collective bargaining agreement and state laws and rules  
19 regarding public disclosure under chapter 42.56 RCW;

20 (d) Be provided with, if requested by the investigating officer or  
21 officers, appropriate outside technical expertise; and

22 (e) Be provided with staff and legal support by the department as  
23 may be appropriate to the type of investigation;

24 (3) The process of working with the affected employee or employees  
25 in accordance with the employee's or employees' respective collective  
26 bargaining agreement and the appropriate union officials, within  
27 protocols afforded to all public employees;

28 (4) The process by which the United States coast guard is kept  
29 informed of, interacts with, and reviews the investigation;

30 (5) The process for review, approval, and implementation of any  
31 approved recommendations within the department; and

32 (6) The process for keeping the public informed of the  
33 investigation and its outcomes, in compliance with any affected  
34 employee's or employees' respective collective bargaining agreement and  
35 state laws and rules regarding public disclosure under chapter 42.56  
36 RCW."

37 Correct the title.

EFFECT: The intent section is revised to include that it is the intent of the legislature to enact the revised policies required in this act into law, and to publish these policies as a manual for Washington state ferries' accident and incident investigations.

The due date for the department to submit a proposed incident and accident investigation policy to the legislature is changed from November 1, 2009, to October 1, 2009.

The department must provide staff and legal support for the development of the policy and procedures, within existing resources.

The investigating officer or officers must have full access to all persons, records, and organizations with information about, or who have contributed directly or indirectly to, the incident or accident, in compliance with collective bargaining agreements and public record disclosure laws.

The policy must describe the process by which the United States coast guard is kept informed of, interacts with, and reviews the investigation.

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