

HB 2044 - H AMD 98

By Representative Seaquist

ADOPTED 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 Washington state ferry system is
16 enjoined to exercise particular diligence to assure that any incident
17 or accident investigations are conducted within the spirit of the
18 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 Washington state ferries is directed to
22 propose a comprehensive incident and accident investigation policy and
23 appropriate procedures, and to provide the proposal to the legislature
24 by November 1, 2009, using existing resources and staff expertise. In
25 addition to consulting with ferry system unions and the United States
26 coast guard, the Washington state ferries is encouraged to solicit
27 independent outside expertise on incident and accident investigation
28 best practices as they may be found in other organizations with a

1 similar concern for marine safety. The policy must contain, at a
2 minimum:

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

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

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

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

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

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

21 (e) Be provided with staff and legal support by the Washington
22 state ferries as may be appropriate to the type of investigation;

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

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

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

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

36 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 review of the incident and accident investigation policy must be done 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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