

SENATE BILL REPORT

SSB 6358

As Passed Senate, February 15, 2016

Title: An act relating to rail fixed guideway public transportation system safety and security oversight, requiring rule making.

Brief Description: Concerning rail fixed guideway public transportation system safety and security oversight.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators King and Hobbs; by request of Department of Transportation).

Brief History:

Committee Activity: Transportation: 1/25/16, 2/02/16 [DPS].
Passed Senate: 2/15/16, 48-0.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6358 be substituted therefor, and the substitute bill do pass.

Signed by Senators King, Chair; Benton, Vice Chair; Fain, Vice Chair, Budget; Hobbs, Ranking Minority Member; Lias, Assistant Ranking Minority Member; Carlyle, Cleveland, Ericksen, Jayapal, Litzow, Miloscia, Rivers, Sheldon and Takko.

Staff: Hayley Gamble (786-7452)

Background: State Safety Oversight Plan. Under federal law, the state is required to have a State Safety Oversight Program (SSOP) for rail transit systems. Rail transit systems are defined as all rail operating on a fixed guideway that is not regulated by the Federal Railroad Administration (FRA). Currently this would include light rail in the Puget Sound area, Seattle streetcars and the Seattle Monorail. The SSOP is housed within the Washington State Department of Transportation (WSDOT). Agencies operating rail transit systems are required to submit a safety plan and a security and emergency preparedness plan to WSDOT. These plans describe various procedures, including how accidents and security breaches will be investigated and reported, corrective action plans, and internal audits. Agencies must submit internal audit results evaluating compliance with the submitted plans to WSDOT annually by December 15th. Agencies must notify WSDOT within two hours of an accident, hazard, or security breach; and provide a written report within 45 days.

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.

Recent Changes to the SSOP. The federal transportation funding act of 2012, known as MAP-21, provided additional enforcement authority, and made other changes to the SSOP. Under MAP-21, states may no longer seek reimbursement for SSOP activities from the entities that they regulate. States are required to update their SSOP, or risk losing Federal Transit Authority (FTA) funding that would otherwise have been granted to entities within that state. Fines may also be leveraged upon rail transit systems that do not comply with the new SSOP requirements. WSDOT does not currently have authority to impose fines upon a rail transit system. The FTA is currently developing new rules to implement the requirements in MAP-21, and states have three years from the time final rules are adopted to comply. The FTA certifies each state's SSOP to ensure compliance with current federal law.

Summary of Substitute Bill: A rail fixed guideway public transportation system (RFGPTS) is defined as rail operating on a fixed guideway that is not regulated by the Federal Railroad Administration (FRA), but excludes systems that are not considered public transportation, such as seasonal, tourist or intra-terminal service.

New requirements for entities operating RFGPTSs. Transit agencies, cities, and counties owning or operating RFGPTSs must include in the reports required to be submitted to WSDOT additional information about security vulnerabilities and identifying and resolving hazards. WSDOT shall establish the requirements for the annual audit report. Specific dates and notification periods are stricken and replaced with a requirement to comply with the relevant information in the most current version of the WSDOT SSOP manual or WSDOT rule.

New requirements for WSDOT. WSDOT is established as the state safety oversight agency for Washington and has safety and security related investigative and enforcement authority over all RFGPTSs. WSDOT shall adopt rules on its authority. WSDOT must be independent from any agency that they are obliged to oversee, must not employ anyone who is also responsible for administering a RFGPTS, and must not provide direct public transportation in an area with RFGPTSs.

Additional information about security vulnerabilities and hazards is included in the plans WSDOT must - rather than 'may' - collect, audit, approve, oversee and enforce. WSDOT may impose financial penalties, determined by rule, for non compliance with state or federal RFGPTS regulations; and may suspend service and require equipment removal if safety or security deficiencies are not addressed in a timely manner.

WSDOT may not charge a fee or seek reimbursement for the cost of the SSOP from owners or operators of RFGPTSs.

WSDOT shall report the status of the safety and security of each RFGPTS annually to the governor, the FTA, transportation committees of the Legislature, and each RFGPTS.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony on First Substitute: PRO: This bill makes significant steps toward improving rail fixed guideway public transportation systems. It provides needed state authority to comply with new federal requirements. States may no longer receive reimbursement but there are federal funds available for this. FTA may withhold all FTA funding to the state if the state is not compliant.

Persons Testifying on First Substitute: PRO: Allison Camden, DOT.

Persons Signed In To Testify But Not Testifying on First Substitute: No one.