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**SENATE BILL 5749**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Liias, King, and Shewmake

AN ACT Relating to enhancing rail safety governance by expanding the role of the utilities and transportation commission; amending RCW 81.04.540, 81.04.550, 81.104.115, 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180; adding a new section to chapter 81.04 RCW; creating new sections; recodifying RCW 81.104.115; providing an effective date; and providing contingent effective dates.

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

NEW SECTION. **Sec.**  The legislature intends to build on the recommendations of the national transportation safety board and joint transportation committee reports to strengthen rail safety governance by expanding the utility and transportation commission's role in rail safety to include oversight of all rail transportation in the state to the extent permitted under federal law, including over implementation of new and materially changed railroad operations and over the safety management practices of railroad operations. The legislature intends for this role to include promotion of safety and security of the public and rail employees, as well as protection of the environment, to the extent these goals can be furthered by the commission's expanded role.

**Sec.**  RCW 81.04.540 and 2007 c 234 s 2 are each amended to read as follows:

(1) The commission is authorized to oversee rail safety in the state to the extent permitted by federal law, including of rail fixed guideway systems. This oversight shall include, but is not limited to, the following:

(a) Oversight of the implementation of new and materially changed railroad operations and infrastructure for rail service, as permitted by federal law; and

(b) Oversight of the safety management practices for railroad operations, as permitted by federal law, including supplementation of the federal rail administration's railroad bridge inspection programs. The department of transportation shall coordinate with the commission and Amtrak to facilitate the oversight of state passenger rail service to the extent permitted under federal law.

(2) The commission shall cooperate with the federal government and the United States department of transportation, or its successor, or any other commission or agency delegated or authorized to regulate interstate or foreign commerce by common carriers, to the end that the transportation of property and passengers by common carriers in interstate or foreign commerce into and through the state of Washington may be regulated and that the laws of the United States and the state of Washington are enforced and administered cooperatively in the public interest.

((~~(2)~~)) (3) In addition to its authority concerning interstate commerce under this title, the commission may regulate common carriers in interstate commerce within the state under the authority of and in accordance with any act of congress that vests in or delegates to the commission such authority as an agency of the United States government or under an agreement with the United States department of transportation, or its successor, or any other commission or agency delegated or authorized to regulate interstate or foreign commerce by common carriers.

((~~(3) For the purpose of participating with the United States department of transportation in investigation and inspection activities necessary to enforce federal railroad safety regulations, the~~)) (4) The commission has regulatory jurisdiction over the safety practices for railroad equipment, facilities, rolling stock, and operations in the state, including authority to investigate and conduct inspections necessary to the enforcement of state railroad safety regulations, as permitted by federal law. This jurisdiction includes the authority to participate with the United States department of transportation in investigation and inspection activities necessary to enforce federal railroad safety regulations.

(5) The commission shall produce an annual report on rail safety in the state and provide it to the transportation committees of the legislature, including the joint transportation committee, and shall make this report available to the public.

(6) The commission shall promote rail safety through the facilitation of communication and collaboration among stakeholders with an interest in rail, including local jurisdictions, host and tenant railroads, and rail labor organizations.

(7) The commission shall formally define a process for railroad and transit regulators to be involved in the commissioning process for new or materially changed infrastructure.

(8) The commission shall examine implementation of a gross revenue fee within Washington state, consistent with similar fees assessed in California, Idaho, and Oregon. The commission shall make recommendations to the transportation committees of the legislature and the office of financial management by December 1, 2023, on:

(a) Proposed fee structures on intrastate revenue for class I, II, and III rail carriers operating within Washington state;

(b) Revenue estimates for all fee proposals; and

(c) Identifying rail safety or inspection programs at the commission that could be supported by proposed fee collections.

(9) "Rail fixed guideway system," as used in this section, has the same meaning as defined in RCW 81.104.015.

**Sec.**  RCW 81.04.550 and 2007 c 234 s 3 are each amended to read as follows:

The commission shall administer the railroad safety provisions of this title to the fullest extent allowed under federal law, including 49 U.S.C. Sec. 20106, and state law.

**Sec.**  RCW 81.104.115 and 2016 c 33 s 8 are each amended to read as follows:

(1) The ((~~department of transportation~~)) commission is established as the state safety oversight agency. As such, the ((~~department~~)) commission is subject to the following conditions:

(a) The ((~~department~~)) commission must be financially and legally independent from any public transportation agency that the ((~~department~~)) commission is obliged to oversee;

(b) The ((~~department~~)) commission must not directly provide public transportation services in an area with a rail fixed guideway public transportation system that the ((~~department~~)) commission is obliged to oversee;

(c) The ((~~department~~)) commission must not employ any individual who is also responsible for administering a rail fixed guideway public transportation system that the ((~~department~~)) commission is obliged to oversee; and

(d) The ((~~department~~)) commission has investigative and enforcement authority with respect to the safety and security of all rail fixed guideway public transportation systems in Washington state. The ((~~department~~)) commission shall adopt rules with respect to its investigative and enforcement authority.

(2) The ((~~department~~)) commission shall collect, audit, review, approve, oversee, and enforce the system safety program plan and the system security and emergency preparedness plan prepared by each owner or operator of a rail fixed guideway public transportation system operating in Washington state. In carrying out this function, the ((~~department~~)) commission shall adopt rules specifying the elements and standard to be contained in a system safety program plan and a system security and emergency preparedness plan, and the content of any investigation report, corrective action plan, and accompanying implementation schedule resulting from any reportable incident, accident, security breach, hazard, or security vulnerability. These rules must include due dates for the ((~~department's~~)) commission's timely receipt of and response to required documents.

(3) The ((~~department~~)) commission, in carrying out the duties in this section, shall compel the rail fixed guideway public transportation systems to comply with state and federal safety and security regulations for rail fixed guideway public transportation systems. The ((~~department~~)) commission may also impose financial penalties for noncompliance with state or federal regulations, or both, related to state safety and security oversight. Specific financial penalties, if imposed, must be determined by rule. When reportable safety or security deficiencies are identified and not addressed in a timely manner by rail fixed guideway public transportation system owners and operators, the ((~~department~~)) commission may require the suspension or modification of service or the suspended use or removal of equipment. The ((~~department~~)) commission may impose sanctions upon owners and operators of rail fixed guideway public transportation systems for failure to meet deadlines of submissions of required reports and audits.

(4) The system security and emergency preparedness plan as described in RCW 35.21.228(1), 35A.21.300(1), 36.01.210(1), 36.57.120(1), 36.57A.170(1), and 81.112.180(1) is exempt from public disclosure under chapter 42.56 RCW by the ((~~department~~)) commission when collected from the owners and operators of rail fixed guideway public transportation systems. However, the system safety program plan as described in RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180 is not exempt from public disclosure.

(5) The ((~~department~~)) commission shall audit each system safety program plan and each system security and emergency preparedness plan at least once every three years. The ((~~department~~)) commission may contract with other persons or entities for the performance of duties required by this subsection. The ((~~department~~)) commission shall provide at least thirty days' advance notice to the owner or operator of a rail fixed guideway public transportation system before commencing the audit.

(6) In the event of any reportable incident, accident, security breach, hazard, or security vulnerability, the ((~~department~~)) commission shall review the investigation report, corrective action plan, and accompanying implementation schedule, submitted by the owner or operator of the rail fixed guideway public transportation system to safeguard against a recurrence of the incident, accident, security breach, hazard, or security vulnerability.

(a) The ((~~department~~)) commission may, at its option, perform a separate, independent investigation of any reportable incident, accident, security breach, hazard, or security vulnerability. The ((~~department~~)) commission may contract with other persons or entities for the performance of duties required by this subsection.

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

(7) The ((~~secretary~~)) commission may adopt rules to implement this section and RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180, including rules establishing procedures and timelines for owners and operators of rail fixed guideway public transportation systems to comply with RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180 and the rules adopted under this section. If noncompliance by an owner or operator of a rail fixed guideway public transportation system results in the loss of federal funds to the state of Washington or a political subdivision of the state, the owner or operator is liable to the affected entity or entities for the amount of the lost funds.

(8) The ((~~department~~)) commission and its employees shall have no liability for any actions taken pursuant to this chapter arising from: The adoption of rules; the review of or concurrence in a system safety program plan and a system security and emergency preparedness plan; the separate, independent investigation of any reportable incident, accident, security breach, hazard, or security vulnerability; and the review of or concurrence in a corrective action plan for any reportable incident, accident, security breach, hazard, or security vulnerability.

(9) At least once every year, the ((~~department~~)) commission shall report the status of the safety and security of each rail fixed guideway public transportation system to the governor, the federal transit administration, the board of directors or equivalent entity of the rail fixed guideway public transportation system, and the transportation committees of the legislature.

(10) "Rail fixed guideway system," as used in this section, has the same meaning as defined in RCW 81.104.015.

**Sec.**  RCW 35.21.228 and 2016 c 33 s 2 are each amended to read as follows:

(1) Each city or town that owns or operates a rail fixed guideway public transportation system as defined in RCW 81.104.015 shall submit a system safety program plan and a system security and emergency preparedness plan for that guideway to the state ((~~department of transportation~~)) safety oversight agency by September 1, 1999, or at least one hundred eighty calendar days before beginning operations or instituting significant revisions to its plans. These plans must describe the city's procedures for (a) reporting and investigating any reportable incident, accident, or security breach and identifying and resolving hazards or security vulnerabilities discovered during planning, design, construction, testing, or operations, (b) developing and submitting corrective action plans and annual safety and security audit reports, (c) facilitating on-site safety and security reviews by the state ((~~department of transportation~~)) safety oversight agency and the federal transit administration, and (d) addressing passenger and employee safety and security. The plans must, at a minimum, conform to the standards adopted by the state ((~~department of transportation~~)) safety oversight agency as set forth in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section. If required by the ((~~department~~)) state safety oversight agency, the city or town shall revise its plans to incorporate the ((~~department's~~)) state safety oversight agency's review comments within sixty days after their receipt, and resubmit its revised plans for review.

(2) Each city or town shall implement and comply with its system safety program plan and system security and emergency preparedness plan. The city or town shall perform internal safety and security audits to evaluate its compliance with the plans, and submit its audit schedule to the ((~~department of transportation~~)) state safety oversight agency pursuant to the requirements in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section. The city or town shall prepare an annual report for its internal safety and security audits undertaken in the prior year and submit it to the ((~~department~~)) state safety oversight agency no later than February 15th. The ((~~department~~)) state safety oversight agency shall establish the requirements for the annual report. The contents of the annual report must include, at a minimum, the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity, and the results of each audit in terms of the adequacy and effectiveness of the plans.

(3) Each city or town shall notify the ((~~department of transportation~~)) state safety oversight agency, pursuant to the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section, any reportable incident, accident, security breach, hazard, or security vulnerability. The ((~~department~~)) state safety oversight agency may adopt rules further defining any reportable incident, accident, security breach, hazard, or security vulnerability. The city or town shall investigate any reportable incident, accident, security breach, hazard, or security vulnerability and provide a written investigation report to the ((~~department~~)) state safety oversight agency as described in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section.

(4) The system security and emergency preparedness plan required in subsection (1) of this section is exempt from public disclosure under chapter 42.56 RCW. However, the system safety program plan as described in this section is not subject to this exemption.

**Sec.**  RCW 35A.21.300 and 2016 c 33 s 3 are each amended to read as follows:

(1) Each code city that owns or operates a rail fixed guideway public transportation system as defined in RCW 81.104.015 shall submit a system safety program plan and a system security and emergency preparedness plan for that guideway to the state ((~~department of transportation~~)) safety oversight agency by September 1, 1999, or at least one hundred eighty calendar days before beginning operations or instituting significant revisions to its plans. These plans must describe the code city's procedures for (a) reporting and investigating any reportable incident, accident, or security breach and identifying and resolving hazards or security vulnerabilities discovered during planning, design, construction, testing, or operations, (b) developing and submitting corrective action plans and annual safety and security audit reports, (c) facilitating on-site safety and security reviews by the state ((~~department of transportation~~)) safety oversight agency and the federal transit administration, and (d) addressing passenger and employee safety and security. The plans must, at a minimum, conform to the standards adopted by the state ((~~department of transportation~~)) safety oversight agency as set forth in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section. If required by the ((~~department~~)) state safety oversight agency, the code city shall revise its plans to incorporate the ((~~department's~~)) state safety oversight agency's review comments within sixty days after their receipt, and resubmit its revised plans for review.

(2) Each code city shall implement and comply with its system safety program plan and system security and emergency preparedness plan. The code city shall perform internal safety and security audits to evaluate its compliance with the plans, and submit its audit schedule to the ((~~department of transportation~~)) state safety oversight agency pursuant to the requirements in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section. The code city shall prepare an annual report for its internal safety and security audits undertaken in the prior year and submit it to the ((~~department~~)) state safety oversight agency no later than February 15th. The ((~~department~~)) state safety oversight agency shall establish the requirements for the annual report. The contents of the annual report must include, at a minimum, the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity, and the results of each audit in terms of the adequacy and effectiveness of the plans.

(3) Each code city shall notify the ((~~department of transportation~~)) state safety oversight agency, pursuant to the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section, any reportable incident, accident, security breach, hazard, or security vulnerability. The ((~~department~~)) state safety oversight agency may adopt rules further defining any reportable incident, accident, security breach, hazard, or security vulnerability. The code city shall investigate any reportable incident, accident, security breach, hazard, or security vulnerability and provide a written investigation report to the ((~~department~~)) state safety oversight agency as described in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section.

(4) The system security and emergency preparedness plan required in subsection (1) of this section is exempt from public disclosure under chapter 42.56 RCW. However, the system safety program plan as described in this section is not subject to this exemption.

**Sec.**  RCW 36.01.210 and 2016 c 33 s 4 are each amended to read as follows:

(1) Each county functioning under chapter 36.56 RCW that owns or operates a rail fixed guideway public transportation system as defined in RCW 81.104.015 shall submit a system safety program plan and a system security and emergency preparedness plan for that guideway to the state ((~~department of transportation~~)) safety oversight agency by September 1, 1999, or at least one hundred eighty calendar days before beginning operations or instituting significant revisions to its plans. These plans must describe the county's procedures for (a) reporting and investigating any reportable incident, accident, or security breach and identifying and resolving hazards or security vulnerabilities discovered during planning, design, construction, testing, or operations, (b) developing and submitting corrective action plans and annual safety and security audit reports, (c) facilitating on-site safety and security reviews by the state ((~~department of transportation~~)) safety oversight agency and the federal transit administration, and (d) addressing passenger and employee safety and security. The plans must, at a minimum, conform to the standards adopted by the state ((~~department of transportation~~)) safety oversight agency as set forth in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section. If required by the ((~~department~~)) state safety oversight agency, the county shall revise its plans to incorporate the ((~~department's~~)) state safety oversight agency's review comments within sixty days after their receipt, and resubmit its revised plans for review.

(2) Each county functioning under chapter 36.56 RCW shall implement and comply with its system safety program plan and system security and emergency preparedness plan. The county shall perform internal safety and security audits to evaluate its compliance with the plans, and submit its audit schedule to the ((~~department of transportation~~)) state safety oversight agency pursuant to the requirements in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section. The county shall prepare an annual report for its internal safety and security audits undertaken in the prior year and submit it to the ((~~department~~)) state safety oversight agency no later than February 15th. The ((~~department~~)) state safety oversight agency shall establish the requirements for the annual report. The contents of the annual report must include, at a minimum, the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity, and the results of each audit in terms of the adequacy and effectiveness of the plans.

(3) Each county shall notify the ((~~department of transportation~~)) state safety oversight agency, pursuant to the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section, any reportable incident, accident, security breach, hazard, or security vulnerability. The ((~~department~~)) state safety oversight agency may adopt rules further defining any reportable incident, accident, security breach, hazard, or security vulnerability. The county shall investigate any reportable incident, accident, security breach, hazard, or security vulnerability and provide a written investigation report to the ((~~department~~)) state safety oversight agency as described in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section.

(4) The system security and emergency preparedness plan required in subsection (1) of this section is exempt from public disclosure under chapter 42.56 RCW. However, the system safety program plan as described in this section is not subject to this exemption.

**Sec.**  RCW 36.57.120 and 2016 c 33 s 5 are each amended to read as follows:

(1) Each county transportation authority that owns or operates a rail fixed guideway public transportation system as defined in RCW 81.104.015 shall submit a system safety program plan and a system security and emergency preparedness plan for that guideway to the state ((~~department of transportation~~)) safety oversight agency by September 1, 1999, or at least one hundred eighty calendar days before beginning operations or instituting significant revisions to its plans. These plans must describe the county transportation authority's procedures for (a) reporting and investigating any reportable incident, accident, or security breach and identifying and resolving hazards or security vulnerabilities discovered during planning, design, construction, testing, or operations, (b) developing and submitting corrective action plans and annual safety and security audit reports, (c) facilitating on-site safety and security reviews by the state ((~~department of transportation~~)) safety oversight agency and the federal transit administration, and (d) addressing passenger and employee safety and security. The plans must, at a minimum, conform to the standards adopted by the state ((~~department of transportation~~)) safety oversight agency as set forth in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section. If required by the ((~~department~~)) state safety oversight agency, the county transportation authority shall revise its plans to incorporate the ((~~department's~~)) state safety oversight agency's review comments within sixty days after their receipt, and resubmit its revised plans for review.

(2) Each county transportation authority shall implement and comply with its system safety program plan and system security and emergency preparedness plan. The county transportation authority shall perform internal safety and security audits to evaluate its compliance with the plans, and submit its audit schedule to the ((~~department of transportation~~)) state safety oversight agency pursuant to the requirements in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section. The county transportation authority shall prepare an annual report for its internal safety and security audits undertaken in the prior year and submit it to the ((~~department~~)) state safety oversight agency no later than February 15th. The ((~~department~~)) state safety oversight agency shall establish the requirements for the annual report. The contents of the annual report must include, at a minimum, the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity, and the results of each audit in terms of the adequacy and effectiveness of the plans.

(3) Each county transportation authority shall notify the ((~~department of transportation~~)) state safety oversight agency, pursuant to the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section, any reportable incident, accident, security breach, hazard, or security vulnerability. The ((~~department~~)) state safety oversight agency may adopt rules further defining any reportable incident, accident, security breach, hazard, or security vulnerability. The county transportation authority shall investigate any reportable incident, accident, security breach, hazard, or security vulnerability and provide a written investigation report to the ((~~department~~)) state safety oversight agency as described in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section.

(4) The system security and emergency preparedness plan required in subsection (1) of this section is exempt from public disclosure under chapter 42.56 RCW. However, the system safety program plan as described in this section is not subject to this exemption.

**Sec.**  RCW 36.57A.170 and 2016 c 33 s 6 are each amended to read as follows:

(1) Each public transportation benefit area that owns or operates a rail fixed guideway public transportation system as defined in RCW 81.104.015 shall submit a system safety program plan and a system security and emergency preparedness plan for that guideway to the state ((~~department of transportation~~)) safety oversight agency by September 1, 1999, or at least one hundred eighty calendar days before beginning operations or instituting significant revisions to its plans. These plans must describe the public transportation benefit area's procedures for (a) reporting and investigating any reportable incident, accident, or security breach and identifying and resolving hazards or security vulnerabilities discovered during planning, design, construction, testing, or operations, (b) developing and submitting corrective action plans and annual safety and security audit reports, (c) facilitating on-site safety and security reviews by the state ((~~department of transportation~~)) safety oversight agency and the federal transit administration, and (d) addressing passenger and employee safety and security. The plans must, at a minimum, conform to the standards adopted by the state ((~~department of transportation~~)) safety oversight agency as set forth in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section. If required by the ((~~department~~)) state safety oversight agency, the public transportation benefit area shall revise its plans to incorporate the ((~~department's~~)) state safety oversight agency's review comments within sixty days after their receipt, and resubmit its revised plans for review.

(2) Each public transportation benefit area shall implement and comply with its system safety program plan and system security and emergency preparedness plan. The public transportation benefit area shall perform internal safety and security audits to evaluate its compliance with the plans, and submit its audit schedule to the ((~~department of transportation~~)) state safety oversight agency pursuant to the requirements in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section. The public transportation benefit area shall prepare an annual report for its internal safety and security audits undertaken in the prior year and submit it to the ((~~department~~)) state safety oversight agency no later than February 15th. The ((~~department~~)) state safety oversight agency shall establish the requirements for the annual report. The contents of the annual report must include, at a minimum, the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity, and the results of each audit in terms of the adequacy and effectiveness of the plans.

(3) Each public transportation benefit area shall notify the ((~~department of transportation~~)) state safety oversight agency, pursuant to the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section, any reportable incident, accident, security breach, hazard, or security vulnerability. The ((~~department~~)) state safety oversight agency may adopt rules further defining any reportable incident, accident, security breach, hazard, or security vulnerability. The public transportation benefit area shall investigate any reportable incident, accident, security breach, hazard, or security vulnerability and provide a written investigation report to the ((~~department~~)) state safety oversight agency as described in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section.

(4) The system security and emergency preparedness plan required in subsection (1) of this section is exempt from public disclosure under chapter 42.56 RCW. However, the system safety program plan as described in this section is not subject to this exemption.

**Sec.**  RCW 81.112.180 and 2016 c 33 s 1 are each amended to read as follows:

(1) Each regional transit authority that owns or operates a rail fixed guideway public transportation system as defined in RCW 81.104.015 shall submit a system safety program plan and a system security and emergency preparedness plan for that guideway to the state ((~~department of transportation~~)) safety oversight agency by September 1, 1999, or at least one hundred eighty calendar days before beginning operations or instituting significant revisions to its plans. These plans must describe the authority's procedures for (a) reporting and investigating any reportable incident, accident, or security breach and identifying and resolving hazards or security vulnerabilities discovered during planning, design, construction, testing, or operations, (b) developing and submitting corrective action plans and annual safety and security audit reports, (c) facilitating on-site safety and security reviews by the state ((~~department of transportation~~)) safety oversight agency and the federal transit administration, and (d) addressing passenger and employee safety and security. The plans must, at a minimum, conform to the standards adopted by the state ((~~department of transportation~~)) safety oversight agency as set forth in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section. If required by the ((~~department~~)) state safety oversight agency, the regional transit authority shall revise its plans to incorporate the ((~~department's~~)) state safety oversight agency's review comments within sixty days after their receipt, and resubmit its revised plans for review.

(2) Each regional transit authority shall implement and comply with its system safety program plan and system security and emergency preparedness plan. The regional transit authority shall perform internal safety and security audits to evaluate its compliance with the plans, and submit its audit schedule to the ((~~department of transportation~~)) state safety oversight agency pursuant to the requirements in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section. The regional transit authority shall prepare an annual report for its internal safety and security audits undertaken in the prior year and submit it to the ((~~department~~)) state safety oversight agency no later than February 15th. The ((~~department~~)) state safety oversight agency shall establish the requirements for the annual report. The contents of the annual report must include, at a minimum, the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity, and the results of each audit in terms of the adequacy and effectiveness of the plans.

(3) Each regional transit authority shall notify the ((~~department of transportation~~)) state safety oversight agency, pursuant to the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section, any reportable incident, accident, security breach, hazard, or security vulnerability. The ((~~department~~)) state safety oversight agency may adopt rules further defining any reportable incident, accident, security breach, hazard, or security vulnerability. The regional transit authority shall investigate any reportable incident, accident, security breach, hazard, or security vulnerability and provide a written investigation report to the ((~~department~~)) state safety oversight agency as described in the most current version of the Washington state rail safety oversight program standard manual as it exists on March 25, 2016, or such subsequent date as may be provided by the ((~~department~~)) state safety oversight agency by rule, consistent with the purposes of this section.

(4) The system security and emergency preparedness plan required in subsection (1) of this section is exempt from public disclosure under chapter 42.56 RCW. However, the system safety program plan as described in this section is not subject to this exemption.

NEW SECTION. **Sec.**  (1) To ensure this act is implemented upon its effective date and all systems, processes, and collaboration necessary to implement this act are in place, the utilities and transportation commission may, prior to January 1, 2026:

(a) Adopt rules, policies, and procedures on railroad safety;

(b) Initiate the recruitment, training, and certification of personnel dedicated to railroad safety; and

(c) Facilitate stakeholder communications and outreach on key railroad safety initiatives, developments, and strategies.

(2) All rules adopted prior to January 1, 2026, shall have an effective date that is consistent with those in this act.

NEW SECTION. **Sec.**  The utilities and transportation commission must provide notice to the chief clerk of the house of representatives, the secretary of the senate, and the office of the code reviser once it has been certified by the federal government as the state safety oversight agency for the state of Washington.

NEW SECTION. **Sec.**  (1) Sections 4 through 10 and 15 of this act take effect upon receipt of the notice required by section 12 of this act if that receipt occurs after January 1, 2026.

(2) If receipt of the notice required by section 12 of this act occurs on or before January 1, 2026, sections 4 through 10 and 15 of this act take effect January 1, 2026.

NEW SECTION. **Sec.**  Sections 1 through 3, 12, and 13 of this act take effect July 1, 2024.

NEW SECTION. **Sec.**  RCW 81.104.115 is recodified as a section in chapter 81.04 RCW.

**--- END ---**