

WSR 24-10-001

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed April 17, 2024, 12:41 p.m., effective May 18, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of this proposed rule making is to implement the Federal Transit Administration's Special Directive 22-51 that requires Washington state department of transportation (WSDOT) to implement a risk-based inspection program for the rail fixed guideway public transportation systems that it oversees. Its anticipated effects will be to expand WSDOT's state safety oversight program reach to the authority and capability to enter facilities of each rail fixed guideway public transportation system that the state safety oversight agency oversees to inspect infrastructure, equipment, records, personnel, and data. This proposed rule making would not change any existing rules. Rather, it expands WSDOT's authority for risk-based inspections.

Citation of Rules Affected by this Order: New WAC 486-550-071.

Statutory Authority for Adoption: RCW 81.1.4.115 [81.104.115], 43.06.120.

Other Authority: 49 U.S.C. § [5329(k)].

Adopted under notice filed as WSR 23-21-066 on October 12, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: April 1, 2024.

Sam Wilson, Director
Business Support Services

OTS-4874.1NEW SECTION

WAC 468-550-071 Access and implementation of risk-based inspections. All WSDOT trained inspection personnel, including consultants hired for the purpose of conducting inspections, are granted authority under the state safety oversight program to conduct both announced and unannounced inspections of the rail fixed guideway public transportation system (RFGPTS). Each RFGPTS must allow WSDOT and/or consultants to do all things reasonable and necessary to conduct their inspections including, but not limited to, entering RTA facilities and other relevant locations, and inspecting infrastructure, equipment, records,

personnel, and data, including the data that the rail fixed guideway public transportation agency collects when identifying and evaluating safety risks. It is expected that the RTA will provide the WSDOT inspection staff with the resources and information necessary to conduct the inspection in an effective and efficient manner.

WSDOT, in consultation with each rail fixed guideway public transportation agency that it oversees, will establish policies and procedures regarding the access to each RFGPTS for the purpose of conducting inspections of the rail fixed guideway public transportation system, including access for inspections that occur without advance notice to the rail fixed guideway public transportation agency.