

SENATE BILL REPORT

SB 5383

As Reported By Senate Committee On:
Transportation, March 2, 1999

Title: An act relating to transportation safety and planning.

Brief Description: Planning for transportation safety and security.

Sponsors: Senators Haugen, Benton, Jacobsen, Horn and Winsley; by request of Department of Transportation.

Brief History:

Committee Activity: Transportation: 2/3/99, 3/2/99 [DPS].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5383 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Vice Chair; Benton, Costa, Eide, Heavey, Horn, Jacobsen, Johnson, Morton, Oke, Patterson, Prentice, Sellar, Sheahan, T. Sheldon, Shin and Swecker.

Staff: Gene Baxstrom (786-7303)

Background: A "rail fixed guideway system" is a light, heavy or rapid rail system, such as San Francisco's Bay Area Rapid Transit (BART) system, a monorail, trolley, or other high capacity transportation system, except for rail systems regulated by the federal railroad administration, such as Burlington Northern Santa Fe Railroad.

Recent federal law requires that the state of Washington, rather than the federal government, oversee and ensure the safe operations of these systems. Federal regulations require the state to: develop safety and security program standards; monitor the implementation of the safety and security programs at the local level; require reports when hazardous conditions, accidents, or security breaches occur; conduct on-site inspections at least every three years; and ensure that safety and security audits are conducted and that annual reports are submitted by the rail fixed guideway system's operator.

The Washington State Department of Transportation (WSDOT) has been designated the lead agency for purposes of implementing these federal regulations.

Summary of Substitute Bill: The Washington State Department of Transportation is directed to adopt administrative rules to oversee the safety and security of rail fixed guideway systems (guideway systems) in the state.

Cities, counties, public transportation benefit areas (PTBA) and regional transportation authorities that own or operate a guideway system must submit a system safety and security

plan to WSDOT by September 1, 1999. The security plan is exempt from public disclosure. These agencies are also required to prepare annual reports and notify WSDOT within 24 hours of an accident, an unacceptable hazardous condition, or security breach.

WSDOT is required to conduct audits of these guideway systems once every three years. WSDOT is also authorized (but not required) to perform a separate, independent investigation into any reportable accident, unacceptable hazardous condition, or security breach.

Agencies owning or operating a guideway system must reimburse WSDOT for the cost of audits and investigations. Until July 2007, and 30 days prior to conducting an audit, the department must notify the House and Senate Transportation committees.

WSDOT may establish timelines for implementation of safety and security programs, and may also establish sanctions for failure to comply. If the state loses any federal funds as a result of noncompliance by an owner/operator of a guideway system, the owner/operator is liable to the state for the loss of federal funds.

Substitute Bill Compared to Original Bill: The requirement that the program be funded from the High Capacity Transportation Account is removed. The exemption from public disclosure is narrowed to only include the security plan. The report to the Transportation committees prior to an audit being conducted was added.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Federal law requires that rail safety and security programs be developed. The Governor has designated the Department of Transportation as the lead agency and this bill is necessary to implement the program.

Testimony Against: The exception from disclosure laws is too broad and would prevent even disclosure of accident details.

Testified: PRO: Lois Anderson, Department of Transportation; CON: Rowland Thompson, Allied Daily Newspapers of Washington/Washington Newspaper Publishers.