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**SUBSTITUTE HOUSE BILL 1324**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** House Committee on Transportation (originally sponsored by Representatives Fisher, K. Schmidt, Mitchell and Hankins; by request of Department of Transportation)

Read first time 03/03/1999.

1 AN ACT Relating to transportation safety and planning; amending RCW  
2 81.104.015; adding a new section to chapter 35.21 RCW; adding a new  
3 section to chapter 35A.21 RCW; adding a new section to chapter 36.01  
4 RCW; adding a new section to chapter 36.57 RCW; adding a new section to  
5 chapter 36.57A RCW; adding a new section to chapter 81.112 RCW; adding  
6 a new section to chapter 81.104 RCW; adding a new section to chapter  
7 42.17 RCW; and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW  
10 to read as follows:

11 (1) Each city or town that owns or operates a rail fixed guideway  
12 system as defined in RCW 81.104.015 shall submit a system safety and  
13 security program plan for that guideway to the state department of  
14 transportation by September 1, 1999, or at least three months before  
15 beginning operations or instituting revisions to its plan. This plan  
16 must describe the city's procedures for (a) reporting and investigating  
17 reportable accidents, unacceptable hazardous conditions, and security  
18 breaches, (b) submitting corrective action plans and annual safety and  
19 security audit reports, (c) facilitating on-site safety and security

1 reviews by the state department of transportation, and (d) addressing  
2 passenger and employee security. The plan must, at a minimum, conform  
3 to the standards adopted by the state department of transportation. If  
4 required by the department, the city or town shall revise its plan to  
5 incorporate the department's review comments within sixty days after  
6 their receipt, and resubmit its revised plan for review.

7 (2) Each city or town shall implement and comply with its system  
8 safety and security program plan. The city or town shall perform  
9 internal safety and security audits to evaluate its compliance with the  
10 plan, and submit its audit schedule to the department of transportation  
11 no later than December 15th each year. The city or town shall prepare  
12 an annual report for its internal safety and security audits undertaken  
13 in the prior year and submit it to the department no later than  
14 February 15th. This annual report must include the dates the audits  
15 were conducted, the scope of the audit activity, the audit findings and  
16 recommendations, the status of any corrective actions taken as a result  
17 of the audit activity, and the results of each audit in terms of the  
18 adequacy and effectiveness of the plan.

19 (3) Each city or town shall notify the department of transportation  
20 within twenty-four hours of an occurrence of a reportable accident,  
21 unacceptable hazardous condition, or security breach. The department  
22 may adopt rules further defining a reportable accident, unacceptable  
23 hazardous condition, or security breach. The city or town shall  
24 investigate all reportable accidents, unacceptable hazardous  
25 conditions, or security breaches and provide a written investigation  
26 report to the department within forty-five calendar days after the  
27 reportable accident, unacceptable hazardous condition, or security  
28 breach.

29 (4) The security section of the safety and security plan required  
30 in subsection (1)(d) of this section is exempt from public disclosure  
31 under chapter 42.17 RCW. However, the activities and plans as  
32 described in subsections (1)(a), (b), and (c), (2), and (3) of this  
33 section are not subject to this exemption.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21 RCW  
35 to read as follows:

36 (1) Each code city that owns or operates a rail fixed guideway  
37 system as defined in RCW 81.104.015 shall submit a system safety and  
38 security program plan for that guideway to the state department of

1 transportation by September 1, 1999, or at least three months before  
2 beginning operations or instituting revisions to its plan. This plan  
3 must describe the code city's procedures for (a) reporting and  
4 investigating reportable accidents, unacceptable hazardous conditions,  
5 and security breaches, (b) submitting corrective action plans and  
6 annual safety and security audit reports, (c) facilitating on-site  
7 safety and security reviews by the state department of transportation,  
8 and (d) addressing passenger and employee security. The plan must, at  
9 a minimum, conform to the standards adopted by the state department of  
10 transportation. If required by the department, the code city shall  
11 revise its plan to incorporate the department's review comments within  
12 sixty days after their receipt, and resubmit its revised plan for  
13 review.

14 (2) Each code city shall implement and comply with its system  
15 safety and security program plan. The code city shall perform internal  
16 safety and security audits to evaluate its compliance with the plan,  
17 and submit its audit schedule to the department of transportation no  
18 later than December 15th each year. The code city shall prepare an  
19 annual report for its internal safety and security audits undertaken in  
20 the prior year and submit it to the department no later than February  
21 15th. This annual report must include the dates the audits were  
22 conducted, the scope of the audit activity, the audit findings and  
23 recommendations, the status of any corrective actions taken as a result  
24 of the audit activity, and the results of each audit in terms of the  
25 adequacy and effectiveness of the plan.

26 (3) Each code city shall notify the department of transportation  
27 within twenty-four hours of an occurrence of a reportable accident,  
28 unacceptable hazardous condition, or security breach. The department  
29 may adopt rules further defining a reportable accident, unacceptable  
30 hazardous condition, or security breach. The code city shall  
31 investigate all reportable accidents, unacceptable hazardous  
32 conditions, or security breaches and provide a written investigation  
33 report to the department within forty-five calendar days after the  
34 reportable accident, unacceptable hazardous condition, or security  
35 breach.

36 (4) The security section of the safety and security plan required  
37 in subsection (1)(d) of this section is exempt from public disclosure  
38 under chapter 42.17 RCW. However, the activities and plans as

1 described in subsections (1)(a), (b), and (c), (2), and (3) of this  
2 section are not subject to this exemption.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.01 RCW  
4 to read as follows:

5 (1) Each county functioning under chapter 36.56 RCW that owns or  
6 operates a rail fixed guideway system as defined in RCW 81.104.015  
7 shall submit a system safety and security program plan for that  
8 guideway to the state department of transportation by September 1,  
9 1999, or at least three months before beginning operations or  
10 instituting revisions to its plan. This plan must describe the  
11 county's procedures for (a) reporting and investigating reportable  
12 accidents, unacceptable hazardous conditions, and security breaches,  
13 (b) submitting corrective action plans and annual safety and security  
14 audit reports, (c) facilitating on-site safety and security reviews by  
15 the state department of transportation, and (d) addressing passenger  
16 and employee security. The plan must, at a minimum, conform to the  
17 standards adopted by the state department of transportation. If  
18 required by the department, the county shall revise its plan to  
19 incorporate the department's review comments within sixty days after  
20 their receipt, and resubmit its revised plan for review.

21 (2) Each county functioning under chapter 36.56 RCW shall implement  
22 and comply with its system safety and security program plan. The  
23 county shall perform internal safety and security audits to evaluate  
24 its compliance with the plan, and submit its audit schedule to the  
25 department of transportation no later than December 15th each year.  
26 The county shall prepare an annual report for its internal safety and  
27 security audits undertaken in the prior year and submit it to the  
28 department no later than February 15th. This annual report must  
29 include the dates the audits were conducted, the scope of the audit  
30 activity, the audit findings and recommendations, the status of any  
31 corrective actions taken as a result of the audit activity, and the  
32 results of each audit in terms of the adequacy and effectiveness of the  
33 plan.

34 (3) Each county shall notify the department of transportation  
35 within twenty-four hours of an occurrence of a reportable accident,  
36 unacceptable hazardous condition, or security breach. The department  
37 may adopt rules further defining a reportable accident, unacceptable  
38 hazardous condition, or security breach. The county shall investigate

1 all reportable accidents, unacceptable hazardous conditions, or  
2 security breaches and provide a written investigation report to the  
3 department within forty-five calendar days after the reportable  
4 accident, unacceptable hazardous condition, or security breach.

5 (4) The security section of the safety and security plan required  
6 in subsection (1)(d) of this section is exempt from public disclosure  
7 under chapter 42.17 RCW. However, the activities and plans as  
8 described in subsections (1)(a), (b), and (c), (2), and (3) of this  
9 section are not subject to this exemption.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.57 RCW  
11 to read as follows:

12 (1) Each county transportation authority that owns or operates a  
13 rail fixed guideway system as defined in RCW 81.104.015 shall submit a  
14 system safety and security program plan for that guideway to the state  
15 department of transportation by September 1, 1999, or at least three  
16 months before beginning operations or instituting revisions to its  
17 plan. This plan must describe the county transportation authority's  
18 procedures for (a) reporting and investigating reportable accidents,  
19 unacceptable hazardous conditions, and security breaches, (b)  
20 submitting corrective action plans and annual safety and security audit  
21 reports, (c) facilitating on-site safety and security reviews by the  
22 state department of transportation, and (d) addressing passenger and  
23 employee security. The plan must, at a minimum, conform to the  
24 standards adopted by the state department of transportation. If  
25 required by the department, the county transportation authority shall  
26 revise its plan to incorporate the department's review comments within  
27 sixty days after their receipt, and resubmit its revised plan for  
28 review.

29 (2) Each county transportation authority shall implement and comply  
30 with its system safety and security program plan. The county  
31 transportation authority shall perform internal safety and security  
32 audits to evaluate its compliance with the plan, and submit its audit  
33 schedule to the department of transportation no later than December  
34 15th each year. The county transportation authority shall prepare an  
35 annual report for its internal safety and security audits undertaken in  
36 the prior year and submit it to the department no later than February  
37 15th. This annual report must include the dates the audits were  
38 conducted, the scope of the audit activity, the audit findings and

1 recommendations, the status of any corrective actions taken as a result  
2 of the audit activity, and the results of each audit in terms of the  
3 adequacy and effectiveness of the plan.

4 (3) Each county transportation authority shall notify the  
5 department of transportation within twenty-four hours of an occurrence  
6 of a reportable accident, unacceptable hazardous condition, or security  
7 breach. The department may adopt rules further defining a reportable  
8 accident, unacceptable hazardous condition, or security breach. The  
9 county transportation authority shall investigate all reportable  
10 accidents, unacceptable hazardous conditions, or security breaches and  
11 provide a written investigation report to the department within forty-  
12 five calendar days after the reportable accident, unacceptable  
13 hazardous condition, or security breach.

14 (4) The security section of the safety and security plan required  
15 in subsection (1)(d) of this section is exempt from public disclosure  
16 under chapter 42.17 RCW. However, the activities and plans as  
17 described in subsections (1)(a), (b), and (c), (2), and (3) of this  
18 section are not subject to this exemption.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.57A RCW  
20 to read as follows:

21 (1) Each public transportation benefit area that owns or operates  
22 a rail fixed guideway system as defined in RCW 81.104.015 shall submit  
23 a system safety and security program plan for that guideway to the  
24 state department of transportation by September 1, 1999, or at least  
25 three months before beginning operations or instituting revisions to  
26 its plan. This plan must describe the public transportation benefit  
27 area's procedures for (a) reporting and investigating reportable  
28 accidents, unacceptable hazardous conditions, and security breaches,  
29 (b) submitting corrective action plans and annual safety and security  
30 audit reports, (c) facilitating on-site safety and security reviews by  
31 the state department of transportation, and (d) addressing passenger  
32 and employee security. The plan must, at a minimum, conform to the  
33 standards adopted by the state department of transportation. If  
34 required by the department, the public transportation benefit area  
35 shall revise its plan to incorporate the department's review comments  
36 within sixty days after their receipt, and resubmit its revised plan  
37 for review.

1 (2) Each public transportation benefit area shall implement and  
2 comply with its system safety and security program plan. The public  
3 transportation benefit area shall perform internal safety and security  
4 audits to evaluate its compliance with the plan, and submit its audit  
5 schedule to the department of transportation no later than December  
6 15th each year. The public transportation benefit area shall prepare  
7 an annual report for its internal safety and security audits undertaken  
8 in the prior year and submit it to the department no later than  
9 February 15th. This annual report must include the dates the audits  
10 were conducted, the scope of the audit activity, the audit findings and  
11 recommendations, the status of any corrective actions taken as a result  
12 of the audit activity, and the results of each audit in terms of the  
13 adequacy and effectiveness of the plan.

14 (3) Each public transportation benefit area shall notify the  
15 department of transportation within twenty-four hours of an occurrence  
16 of a reportable accident, unacceptable hazardous condition, or security  
17 breach. The department may adopt rules further defining a reportable  
18 accident, unacceptable hazardous condition, or security breach. The  
19 public transportation benefit area shall investigate all reportable  
20 accidents, unacceptable hazardous conditions, or security breaches and  
21 provide a written investigation report to the department within forty-  
22 five calendar days after the reportable accident, unacceptable  
23 hazardous condition, or security breach.

24 (4) The security section of the safety and security plan required  
25 in subsection (1)(d) of this section is exempt from public disclosure  
26 under chapter 42.17 RCW. However, the activities and plans as  
27 described in subsections (1)(a), (b), and (c), (2), and (3) of this  
28 section are not subject to this exemption.

29 NEW SECTION. **Sec. 6.** A new section is added to chapter 81.112 RCW  
30 to read as follows:

31 (1) Each regional transit authority that owns or operates a rail  
32 fixed guideway system as defined in RCW 81.104.015 shall submit a  
33 system safety and security program plan for that guideway to the state  
34 department of transportation by September 1, 1999, or at least three  
35 months before beginning operations or instituting revisions to its  
36 plan. This plan must describe the authority's procedures for (a)  
37 reporting and investigating reportable accidents, unacceptable  
38 hazardous conditions, and security breaches, (b) submitting corrective

1 action plans and annual safety and security audit reports, (c)  
2 facilitating on-site safety and security reviews by the state  
3 department of transportation, and (d) addressing passenger and employee  
4 security. The plan must, at a minimum, conform to the standards  
5 adopted by the state department of transportation. If required by the  
6 department, the regional transit authority shall revise its plan to  
7 incorporate the department's review comments within sixty days after  
8 their receipt, and resubmit its revised plan for review.

9 (2) Each regional transit authority shall implement and comply with  
10 its system safety and security program plan. The regional transit  
11 authority shall perform internal safety and security audits to evaluate  
12 its compliance with the plan, and submit its audit schedule to the  
13 department of transportation no later than December 15th each year.  
14 The regional transit authority shall prepare an annual report for its  
15 internal safety and security audits undertaken in the prior year and  
16 submit it to the department no later than February 15th. This annual  
17 report must include the dates the audits were conducted, the scope of  
18 the audit activity, the audit findings and recommendations, the status  
19 of any corrective actions taken as a result of the audit activity, and  
20 the results of each audit in terms of the adequacy and effectiveness of  
21 the plan.

22 (3) Each regional transit authority shall notify the department of  
23 transportation within twenty-four hours of an occurrence of a  
24 reportable accident, unacceptable hazardous condition, or security  
25 breach. The department may adopt rules further defining a reportable  
26 accident, unacceptable hazardous condition, or security breach. The  
27 regional transit authority shall investigate all reportable accidents,  
28 unacceptable hazardous conditions, or security breaches and provide a  
29 written investigation report to the department within forty-five  
30 calendar days after the reportable accident, unacceptable hazardous  
31 condition, or security breach.

32 (4) The security section of the safety and security plan required  
33 in subsection (1)(d) of this section is exempt from public disclosure  
34 under chapter 42.17 RCW. However, the activities and plans as  
35 described in subsections (1)(a), (b), and (c), (2), and (3) of this  
36 section are not subject to this exemption.

37 NEW SECTION. **Sec. 7.** A new section is added to chapter 81.104 RCW  
38 to read as follows:



1 (1) The department may collect and review the system safety and  
2 security program plan prepared by each owner or operator of a rail  
3 fixed guideway system. In carrying out this function, the department  
4 may adopt rules specifying the elements and standard to be contained in  
5 a system safety and security program plan, and the content of any  
6 investigation report, corrective action plan, and accompanying  
7 implementation schedule resulting from a reportable accident,  
8 unacceptable hazardous condition, or security breach. These rules may  
9 include due dates for the department's timely receipt of and response  
10 to required documents.

11 (2) The security section of the system safety and security plan as  
12 described in subsection (1)(d) of sections 1 through 6 of this act are  
13 exempt from public disclosure under chapter 42.17 RCW by the department  
14 when collected from the owners and operators of fixed railway systems.  
15 However, the activities and plans as described in subsection (1)(a),  
16 (b), and (c) of sections 1 through 6 of this act are not exempt from  
17 public disclosure.

18 (3) The department shall audit each system safety and security  
19 program plan at least once every three years. The department may  
20 contract with other persons or entities for the performance of duties  
21 required by this subsection. The department shall provide at least  
22 thirty days' advance notice to the owner or operator of a rail fixed  
23 guideway system before commencing the audit.

24 (4) In the event of a reportable accident, unacceptable hazardous  
25 condition, or security breach, the department shall review the  
26 investigation report, corrective action plan, and accompanying  
27 implementation schedule, submitted by the owner or operator of the rail  
28 fixed guideway system to ensure that it meets the goal of preventing  
29 and mitigating a recurrence of the reportable accident, unacceptable  
30 hazardous condition, or security breach.

31 (a) The department may, at its option, perform a separate,  
32 independent investigation of a reportable accident, unacceptable  
33 hazardous condition, or security breach. The department may contract  
34 with other persons or entities for the performance of duties required  
35 by this subsection.

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

1 receipt of the complete investigation report, corrective action plan,  
2 and accompanying implementation schedule.

3 (5) The secretary may adopt rules to implement this section and  
4 sections 1 through 6 of this act, including rules establishing  
5 procedures and timelines for owners and operators of rail fixed  
6 guideway systems to comply with sections 1 through 6 of this act and  
7 the rules adopted under this section. If noncompliance by an owner or  
8 operator of a rail fixed guideway system results in the loss of federal  
9 funds to the state of Washington or a political subdivision of the  
10 state, the owner or operator is liable to the affected entity or  
11 entities for the amount of the lost funds.

12 (6) The department may impose sanctions upon owners and operators  
13 of rail fixed guideway systems, but only for failure to meet reasonable  
14 deadlines for submission of required reports and audits. The  
15 department is expressly prohibited from imposing sanctions for any  
16 other purposes, including, but not limited to, differences in format or  
17 content of required reports and audits.

18 (7) The department and its employees have no liability arising from  
19 the adoption of rules; the review of or concurrence in a system safety  
20 and security program plan; the separate, independent investigation of  
21 a reportable accident, unacceptable hazardous condition, or security  
22 breach; and the review of or concurrence in a corrective action plan  
23 for a reportable accident, unacceptable hazardous condition, or  
24 security breach.

25 NEW SECTION. **Sec. 8.** A new section is added to chapter 42.17 RCW  
26 to read as follows:

27 The security section of transportation system safety and security  
28 program plans required under sections 1 through 6 of this act are  
29 exempt from disclosure under this chapter.

30 **Sec. 9.** RCW 81.104.015 and 1992 c 101 s 19 are each amended to  
31 read as follows:

32 Unless the context clearly requires otherwise, the definitions in  
33 this section apply throughout this chapter.

34 (1) "High\_capacity transportation system" means a system of public  
35 transportation services within an urbanized region operating  
36 principally on exclusive rights of way, and the supporting services and  
37 facilities necessary to implement such a system, including interim

1 express services and high occupancy vehicle lanes, which taken as a  
2 whole, provides a substantially higher level of passenger capacity,  
3 speed, and service frequency than traditional public transportation  
4 systems operating principally in general purpose roadways.

5 (2) "Rail fixed guideway system" means a light, heavy, or rapid  
6 rail system, monorail, inclined plane, funicular, trolley, or other  
7 fixed rail guideway component of a high-capacity transportation system  
8 that is not regulated by the Federal Railroad Administration, or its  
9 successor. "Rail fixed guideway system" does not mean elevators,  
10 moving sidewalks or stairs, and vehicles suspended from aerial cables,  
11 unless they are an integral component of a station served by a rail  
12 fixed guideway system.

13 (3) "Regional transit system" means a high-capacity transportation  
14 system under the jurisdiction of one or more transit agencies except  
15 where a regional transit authority created under chapter 81.112 RCW  
16 exists, in which case "regional transit system" means the high-capacity  
17 transportation system under the jurisdiction of a regional transit  
18 authority.

19 ~~((3))~~ (4) "Transit agency" means city-owned transit systems,  
20 county transportation authorities, metropolitan municipal corporations,  
21 and public transportation benefit areas.

22 NEW SECTION. Sec. 10. This act is necessary for the immediate  
23 preservation of the public peace, health, or safety, or support of the  
24 state government and its existing public institutions, and takes effect  
25 immediately.

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