
SUBSTITUTE SENATE BILL 5383

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Haugen, Benton, Jacobsen, Horn and Winsley; by request of Department of Transportation)

Read first time 03/05/1999.

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 new sections to chapter 81.104 RCW; adding a new section to chapter
7 42.17 RCW; providing an effective date; providing an expiration date;
8 and declaring an emergency.

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

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

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

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

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

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

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

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

37 (1) Each code city that owns or operates a rail fixed guideway
38 system as defined in RCW 81.104.015 shall submit a system safety and

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

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

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

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

1 as 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 as
6 described in subsection (1)(d) of this section is exempt from public
7 disclosure under chapter 42.17 RCW. However, the activities and plans
8 as 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 as
15 described in subsection (1)(d) of this section is exempt from public
16 disclosure under chapter 42.17 RCW. However, the activities and plans
17 as 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 as
25 described in subsection (1)(d) of this section is exempt from public
26 disclosure under chapter 42.17 RCW. However, the activities and plans
27 as 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 as
33 described in subsection (1)(d) of this section is exempt from public
34 disclosure under chapter 42.17 RCW. However, the activities and plans
35 as 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 owners or operators of a rail fixed guideway system shall
4 reimburse the expenses of the department in carrying out the
5 responsibilities under subsections (3) and (4) of this section.

6 (6) The secretary may adopt rules to implement this section and
7 sections 1 through 6 of this act, including rules establishing
8 procedures and timelines for owners and operators of rail fixed
9 guideway systems to comply with sections 1 through 6 of this act and
10 the rules adopted under this section, and sanctions that may be imposed
11 and collected by the department for failure to comply. If
12 noncompliance by an owner or operator of a rail fixed guideway system
13 results in the loss of federal funds to the state of Washington or a
14 political subdivision of the state, the owner or operator is liable to
15 the affected entity or entities for the amount of the lost funds, in
16 addition to any sanction imposed by the department because of the
17 noncompliance.

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 81.104 RCW
26 to read as follows:

27 Until June 30, 2007, and at least thirty days before contracting
28 for and conducting an audit under section 7(3) of this act, the
29 department shall provide written notification to the house and senate
30 transportation committees of the proposed scope and estimated costs of
31 the audits.

32 This section expires July 1, 2000.

33 NEW SECTION. **Sec. 9.** A new section is added to chapter 42.17 RCW
34 to read as follows:

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

1 **Sec. 10.** RCW 81.104.015 and 1992 c 101 s 19 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "High_capacity transportation system" means a system of public
6 transportation services within an urbanized region operating
7 principally on exclusive rights of way, and the supporting services and
8 facilities necessary to implement such a system, including interim
9 express services and high occupancy vehicle lanes, which taken as a
10 whole, provides a substantially higher level of passenger capacity,
11 speed, and service frequency than traditional public transportation
12 systems operating principally in general purpose roadways.

13 (2) "Rail fixed guideway system" means a light, heavy, or rapid
14 rail system, monorail, inclined plane, funicular, trolley, or other
15 fixed rail guideway component of a high-capacity transportation system
16 that is not regulated by the Federal Railroad Administration, or its
17 successor. "Rail fixed guideway system" does not mean elevators,
18 moving sidewalks or stairs, and vehicles suspended from aerial cables,
19 unless they are an integral component of a station served by a rail
20 fixed guideway system.

21 (3) "Regional transit system" means a high_capacity transportation
22 system under the jurisdiction of one or more transit agencies except
23 where a regional transit authority created under chapter 81.112 RCW
24 exists, in which case "regional transit system" means the high_capacity
25 transportation system under the jurisdiction of a regional transit
26 authority.

27 (~~(3)~~) (4) "Transit agency" means city-owned transit systems,
28 county transportation authorities, metropolitan municipal corporations,
29 and public transportation benefit areas.

30 NEW SECTION. **Sec. 11.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of the
32 state government and its existing public institutions, and takes effect
33 July 1, 1999.

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