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SENATE BILL 5223

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State of Washington

57th Legislature

2001 Regular Session

By Senators Gardner, Oke, Haugen and Horn; by request of Department of Transportation

Read first time 01/16/2001. Referred to Committee on Transportation.

1 AN ACT Relating to transportation safety and planning; and amending  
2 RCW 81.104.115.

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

4 **Sec. 1.** RCW 81.104.115 and 1999 c 202 s 7 are each amended to read  
5 as follows:

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

16 (2) The security section of the system safety and security plan as  
17 described in subsection (1)(d) of RCW 35.21.228, 35A.21.300, 36.01.210,  
18 36.57.120, 36.57A.170, and 81.112.180 are exempt from public disclosure  
19 under chapter 42.17 RCW by the department when collected from the

1 owners and operators of fixed railway systems. However, the activities  
2 and plans as described in subsection (1)(a), (b), and (c) of RCW  
3 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180  
4 are not exempt from public disclosure.

5 (3) The department shall audit each system safety and security  
6 program plan at least once every three years. The department may  
7 contract with other persons or entities for the performance of duties  
8 required by this subsection. The department shall provide at least  
9 thirty days' advance notice to the owner or operator of a rail fixed  
10 guideway system before commencing the audit. The owner or operator of  
11 each rail fixed guideway system shall reimburse the reasonable expenses  
12 of the department in carrying out its responsibilities of this  
13 subsection within ninety days after receipt of an invoice. The  
14 department shall notify the owner or operator of the estimated expenses  
15 at least six months in advance of when the department audits the  
16 system.

17 (4) In the event of a reportable accident, unacceptable hazardous  
18 condition, or security breach, the department shall review the  
19 investigation report, corrective action plan, and accompanying  
20 implementation schedule, submitted by the owner or operator of the rail  
21 fixed guideway system to ensure that it meets the goal of preventing  
22 and mitigating a recurrence of the reportable accident, unacceptable  
23 hazardous condition, or security breach.

24 (a) The department may, at its option, perform a separate,  
25 independent investigation of a reportable accident, unacceptable  
26 hazardous condition, or security breach. The department may contract  
27 with other persons or entities for the performance of duties required  
28 by this subsection.

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

35 (5) The secretary may adopt rules to implement this section and RCW  
36 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and  
37 81.112.180, including rules establishing procedures and timelines for  
38 owners and operators of rail fixed guideway systems to comply with RCW  
39 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, and 81.112.180

1 and the rules adopted under this section. If noncompliance by an owner  
2 or operator of a rail fixed guideway system results in the loss of  
3 federal funds to the state of Washington or a political subdivision of  
4 the state, the owner or operator is liable to the affected entity or  
5 entities for the amount of the lost funds.

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

12 (7) The department and its employees have no liability arising from  
13 the adoption of rules; the review of or concurrence in a system safety  
14 and security program plan; the separate, independent investigation of  
15 a reportable accident, unacceptable hazardous condition, or security  
16 breach; and the review of or concurrence in a corrective action plan  
17 for a reportable accident, unacceptable hazardous condition, or  
18 security breach.

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