

HOUSE BILL REPORT

EHB 2044

As Passed House:

March 4, 2009

Title: An act relating to Washington state ferries incident and accident investigation policies.

Brief Description: Directing the Washington state ferries to propose a comprehensive incident and accident investigation policy.

Sponsors: Representatives Seaquist, Smith, Angel, Nelson, Morris, Finn, Appleton, Roberts, Rolfes, Cody and Carlyle.

Brief History:

Committee Activity:

Transportation: 2/16/09, 2/19/09 [DP].

Floor Activity

Passed House: 3/4/09, 95-0.

Brief Summary of Engrossed Bill

- Requires the Washington State Department of Transportation Ferries Division to create a comprehensive incident and accident investigation policy and provide a copy to the Legislature by November 1, 2009.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 26 members: Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Cox, Driscoll, Eddy, Ericksen, Finn, Flannigan, Herrera, Johnson, Klippert, Kristiansen, Moeller, Morris, Rolfes, Sells, Shea, Simpson, Springer, Takko, Wallace, Williams and Wood.

Staff: Teresa Berntsen (786-7301)

Background:

The Washington State Department of Transportation (WSDOT) Ferries Division operates and maintains ferry vessels and terminals that link eight Washington counties and one

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Canadian province. The Division investigates accidents and incidents involving ferry vessels or terminals owned or operated by the WSDOT. The 2008 Transportation Budget required the WSDOT to review its ferry system accident and incident investigation procedures and report the results to the Legislature by November 1, 2008.

Summary of Engrossed Bill:

The WSDOT Ferries Division must create a comprehensive incident and accident investigation policy and provide a copy to the Legislature by November 1, 2009, within existing resources. The policy must contain:

- the definition of an incident and an accident and the type of investigation that is required by both types of events;
- the process for appointing an investigating officer and a description of the authorities and responsibilities of the investigating officer. The investigating officer must:
 - (a) have the appropriate training and experience as determined by the policy;
 - (b) not have been involved in the incident or accident so as to avoid any conflict of interest; and
 - (c) have full access to all persons, records, and organizations with information about, or who have contributed directly or indirectly to, the incident or accident, in compliance with collective bargaining agreements and public record disclosure laws;
- the process of working with affected employees and the appropriate union officials;
- the process by which the United States Coast Guard is kept informed of, interacts with, and reviews the investigation;
- the process for review, approval, and implementation of any approved recommendations within the WSDOT; and
- the process for keeping the public informed of the investigation and its outcomes, in compliance with any affected employee's collective bargaining agreement and state laws and rules regarding public disclosure.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Marine safety is exceedingly important. The main purpose of a rigorous investigation is to examine procedures, find deficiencies, and continually improve processes so that the problem does not occur again, and this process does not appear to be in place at the Washington State Ferries. Safety of customers is the Ferries' number one priority. There should be consensus about what the Ferries' investigation process should contain.

(Opposed) None.

Persons Testifying: Representative Seaquist, prime sponsor; and David Moseley, Washington State Department of Transportation Ferries Division.

Persons Signed In To Testify But Not Testifying: None.