
HOUSE BILL 2655

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Seaquist and Moscoso

Read first time 01/20/12. Referred to Committee on Transportation.

1 AN ACT Relating to promoting increased safety, efficiency, and
2 accountability in the Washington state ferry system by an improved
3 system of investigation of accidents, incidents, and casualties; adding
4 a new section to chapter 47.60 RCW; and creating new sections.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that previous
7 directives to develop a comprehensive incident and accident
8 investigation policy and procedures have not been fully implemented.
9 Seemingly serious machinery casualties and accidents appear not to have
10 been properly investigated and not fully disclosed to the public in a
11 timely manner. The legislature reaffirms the importance, to safe and
12 efficient ferry system operations, of a rigorous system of
13 investigation, accountability, corrective action, and public
14 disclosure, considered an industry safety standard in other public
15 transportation systems such as the airline industry. The legislature
16 intends to require the publication of a concise investigations manual
17 that clearly and concisely, in one document, defines the investigation
18 process in a format useable by investigators and employees of the ferry
19 system and understandable by the general public. The legislature

1 further intends that the resulting investigations manual will provide
2 clear and fair procedures for assuring that public comments on ferry
3 system or ferry employee performance be processed in a manner that
4 assures responsiveness to public concerns, but respects employee
5 responsibilities for safety in the special maritime conditions in which
6 the ferry system operates.

7 NEW SECTION. **Sec. 2.** This act may be known and cited as the
8 marine highways safety reform act.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 47.60 RCW
10 to read as follows:

11 (1)(a) The department shall develop a comprehensive incident,
12 accident, and machinery casualty investigation policy and procedures
13 proposal to submit to the transportation committees of the legislature
14 by November 1, 2012. The proposal must be accompanied by a summary of
15 public comments under subsection (3) of this section.

16 (b) In addition to consulting with ferry system unions and the
17 United States coast guard, the department is encouraged to solicit
18 independent outside expertise on incident, accident, and machinery
19 casualty investigation best practices. The department shall also
20 review processes for accident investigations by the national
21 transportation safety board with a view to adopting applicable
22 processes.

23 (c) The proposal must contain:

24 (i) The definition of an incident, accident, and machinery casualty
25 and the types of investigation that are required for these events;

26 (ii) The process for appointing an investigating officer and a
27 description of the authorities and responsibilities of the
28 investigating officer. The investigating officer must:

29 (A) Have the appropriate knowledge, training, and experience
30 required to conduct a comprehensive investigation;

31 (B) Not have been involved in the incident, accident, or machinery
32 casualty or to have had or have acted in any role that might reasonably
33 be found to be a potential contribution factor so as to avoid any
34 conflict of interest or the perception of a conflict of interest;

35 (C) Have full access to all persons, records, and relevant
36 organizations that may have information about or may have contributed

1 to, directly or indirectly, the incident, accident, or machinery
2 casualty under investigation, in compliance with any affected
3 employee's or employees' respective collective bargaining agreement and
4 state laws and rules regarding public disclosure under chapter 42.56
5 RCW;

6 (D) Be provided with, if reasonably requested by the investigating
7 officer, appropriate outside technical expertise; and

8 (E) Be provided with staff and legal support as may be appropriate
9 to the type of investigation;

10 (iii) The process of working with the affected employee or
11 employees in accordance with the employee's or employees' respective
12 collective bargaining agreement and the appropriate union officials,
13 within protocols afforded to all public employees;

14 (iv) The process by which the United States coast guard is kept
15 informed of, interacts with, and reviews the investigation;

16 (v) The process for review, approval, and implementation of any
17 approved recommendations within the department; and

18 (vi) The process for keeping the public informed of the
19 investigation and its outcomes, in compliance with any affected
20 employee's or employees' respective collective bargaining agreement and
21 state laws and rules regarding public disclosure under chapter 42.56
22 RCW.

23 (2) The department shall submit to the transportation committees of
24 the legislature by July 1, 2012, a comprehensive and detailed summary
25 of all incidents, accidents, and machinery casualties that have
26 occurred in the ferry system since May 13, 2009. The summary must
27 include a synopsis of the investigating activities, the results of the
28 investigation, the cost of repairs and corrective measures, and the
29 impact on ferry service. Thereafter, the department shall submit the
30 summary annually on January 15th covering the prior calendar year.

31 (3) Prior to submitting the proposal to the legislature, the
32 department must conduct a series of public meetings with the ferry
33 advisory committees created under RCW 47.60.310. The draft proposal
34 under subsection (1) of this section and the data under subsection (2)
35 of this section must be presented and an opportunity for public comment
36 must be provided.

--- END ---