

# HOUSE BILL REPORT

## SSB 6358

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### As Reported by House Committee On: Transportation

**Title:** An act relating to rail fixed guideway public transportation system safety and security oversight, requiring rule making.

**Brief Description:** Concerning rail fixed guideway public transportation system safety and security oversight.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators King and Hobbs; by request of Department of Transportation).

#### **Brief History:**

##### **Committee Activity:**

Transportation: 2/22/16, 2/29/16 [DP].

#### **Brief Summary of Substitute Bill**

- Expands the reporting requirements to the Washington State Department of Transportation (WSDOT) for various entities operating a rail fixed guideway public transportation system (RFGPTS).
- Establishes the WSDOT as the state safety oversight agency for RFGPTSs in Washington, and requires the WSDOT to establish various reporting requirements.
- Grants the WSDOT expanded enforcement authority over RFGPTSs, and places various restrictions on the WSDOT relative to RFGPTSs.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 25 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist, Gregerson, Hayes, Hickel, Kochmar, McBride, Moeller, Morris, Ortiz-Self, Pike, Riccelli, Rodne, Rossetti, Sells, Shea, Stambaugh, Tarleton and Young.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** David Munnecke (786-7315).

**Background:**

State Safety Oversight Program.

Under federal law, states are required to have a State Safety Oversight (SSO) program for all rail transit systems. Rail transit systems are defined as "rail transit systems operating on a fixed guideway that is not regulated by the Federal Railroad Administration." In Washington, this would include Sound Transit's light rail in the Puget Sound area, Seattle's streetcars, and the Seattle Monorail.

Washington's SSO program is housed within the Washington State Department of Transportation (WSDOT), which is the designated SSO agency required by federal law. Agencies operating rail transit systems are required to submit a safety plan and a security and emergency preparedness plan to the WSDOT. These plans describe various procedures, including how accidents and security breaches will be investigated and reported, corrective action plans, and internal audits. Agencies must submit internal audit results evaluating compliance with submitted plans to the WSDOT annually by December 15. Agencies must notify the WSDOT within two hours of an accident, hazard, or security breach; and provide a written report within 45 days.

Recent Changes to the State Safety Oversight Program.

The federal Transportation Funding Act of 2012, known as MAP-21, required additional enforcement authority, and made various other changes to the SSO program. Under MAP-21, states may no longer seek reimbursement for SSO program activities from the entities that they regulate.

States are required to update their SSO authority, or risk losing Federal Transit Authority (FTA) funding that would otherwise have been granted to entities within that state. Fines may also be assessed upon rail transit systems that do not comply with the new SSO program requirements.

The WSDOT does not currently have the authority to impose fines upon a rail transit system. The FTA is currently developing new rules to implement the new rail transit system requirements in MAP-21, and states have three years from the time final rules are adopted to comply. The FTA certifies each state's SSO program and its plans to ensure compliance with current federal law.

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**Summary of Bill:**

A rail fixed guideway public transportation system (RFGPTS) is defined as rail operating on a fixed guideway by certain public transportation providers that is not regulated by the Federal Railroad Administration (FRA). This definition specifically excludes systems that are not considered public transportation, such as seasonal, tourist, or intra-terminal service.

New Requirements for Entities Operating Rail Fixed Guideway Public Transportation Systems.

Transit agencies, cities, and counties owning or operating RFGPTSs must include in the reports that are currently required to be submitted to the WSDOT additional information about security vulnerabilities and identifying and resolving hazards. The WSDOT is required to establish the requirements for the annual audit report. Specific dates and notification periods are stricken and replaced with a requirement to comply with the relevant information in the most current version of the WSDOT SSO program manual or the WSDOT rule.

New Requirements for the Washington State Department of Transportation.

The WSDOT is established as the SSO agency for Washington, and it has safety and security-related investigative and enforcement authority over all RFGPTSs. The WSDOT is required to adopt rules regarding its authority. The WSDOT must be independent from any agency that it is obliged to oversee, must not employ anyone who is also responsible for administering a RFGPTS, and must not provide direct public transportation in an area with RFGPTSs.

Additional information about security vulnerabilities and hazards is required to be included in the plans the WSDOT must collect, audit, approve, oversee, and enforce. The WSDOT may impose financial penalties, determined by rule, for noncompliance with state or federal RFGPTS regulations, and it may suspend service and require equipment removal if safety or security deficiencies are not addressed in a timely manner. The WSDOT's ability to charge a fee or seek reimbursement for the cost of the SSO program from owners or operators of RFGPTSs is eliminated.

The WSDOT is required to report the status of the safety and security of each RFGPTS annually to the Governor, the FTA, the transportation committees of the Legislature, and each RFGPTS.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:**

(In support) This bill fills statutory gaps created by MAP-21, by providing the state authority regulatory authority required by MAP-21.

The Federal Transit Administration (FTA) has a grant program that will provide 80 percent of the costs of compliance.

The FTA has the authority to withhold all FTA funds that would otherwise come to the state, if the state is not in compliance. This amounted to approximately \$400 million in 2013.

(Opposed) None.

**Persons Testifying:** Allison Camden, Washington State Department of Transportation.

**Persons Signed In To Testify But Not Testifying:** None.