
Transportation Committee

HB 2439

Brief Description: Making rail investigation and inspection information available to certain state and local governmental entities.

Sponsors: Representatives Kilduff, Leavitt, Gregerson and Pollet.

Brief Summary of Bill

- Requires the Utilities and Transportation Commission (UTC) to share information collected through UTC rail inspection and investigation activities, as well as information collected by Federal Railroad Administration inspectors, with other state agencies and first-class cities as necessary to assist them in the performance of their agency functions under state law, subject to certain exceptions.

Hearing Date: 1/27/20

Staff: Jennifer Harris (786-7143).

Background:

A national rail safety program is in place, the purpose of which under federal law is to promote safety in all areas of railroad operations to reduce deaths, injuries, and property damage resulting from railroad collisions. The national rail safety program is carried out, in part, through the issuance of federal safety requirements and through inspection efforts to monitor compliance with these requirements. The Federal Railroad Administration (FRA) and participating states conduct inspections and investigations as part of the national rail safety program.

The State Safety Participation Program's role is to provide an enhanced investigative and surveillance capabilities through a partnership with state agencies that conduct planned routine compliance inspections. In Washington, the Utilities and Transportation Commission (UTC) is the agency responsible for working with the FRA to carry out the national rail safety program.

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.

Under state law, for the purposes of participating in the enforcement of federal rail safety regulations in cooperation with the FRA, the UTC is granted regulatory jurisdiction over the safety practices for railroad equipment, facilities, rolling stock, and operations. In this role, the UTC collects and retains rail inspection information for internal use, as well as to share with the FRA.

It is the UTC's current policy to execute agreements with other state agencies, such as the Washington State Department of Transportation, the Department of Labor and Industries, and first-class cities with certain rail crossing safety responsibilities, in order to share the rail inspection information it collects that is not subject to confidentiality restrictions.

Summary of Bill:

The UTC is required to share information collected through the UTC rail inspection and investigation activities with other state agencies and first-class cities as necessary to assist them in the performance of their agency functions under state law. Information collected by the FRA inspectors must be shared by the UTC unless sharing this information is prohibited by federal law, federal regulation, or the FRA.

Mandatory disclosure of information collected through rail inspection and investigation activities does not apply when an active investigation is in progress and until all related court and administrative proceedings that require confidentiality have been completed. However, if the UTC determines that rail equipment is unsafe over the course of conducting rail investigation activities, information relevant to this finding must be shared (as long as the exceptions listed below do not apply).

Mandatory disclosure does not apply when federal law requires the UTC to treat this information as confidential. Mandatory disclosure also does not apply if disclosure of information could create a substantial risk of a threat to public safety.

The UTC is required to explore options for the development of an information technology application to facilitate compliance with these mandatory disclosure requirements, and must provide a report to the transportation committees of the Legislature summarizing these options and their associated costs by December 1, 2020.

Appropriation: None.

Fiscal Note: Requested on January 24, 2020.

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