
Transportation Committee

HB 1418

Brief Description: Enhancing rail safety governance by expanding the role of the utilities and transportation commission.

Sponsors: Representatives Leavitt, Bronoske, Lovick, Ryu, Ortiz-Self, Gregerson, Shewmake, Ramel and Pollet.

Brief Summary of Bill

- Authorizes the Utilities and Transportation Commission (UTC) to oversee rail safety to the extent permitted by federal law, including oversight over all new and materially changed railroad operations and the safety management practices for all rail operations.
- Expands the UTC's investigative and inspection authority over rail safety practices to the extent permitted by federal law.
- Transfers the safety oversight of rail fixed guideway public transportation systems from the Washington State Department of Transportation to the UTC, pending federal certification.
- Requires the UTC to promote rail safety through the facilitation of communication and collaboration among stakeholders with an interest in rail.

Hearing Date: 2/8/21

Staff: Jennifer Harris (786-7143).

Background:

Roles of the Federal Railroad Administration and Utilities and Transportation Commission in

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

Rail Safety Oversight.

Federal law mandates a national rail safety program that 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.

Under state law, for the purposes of participating in the enforcement of federal rail safety regulations in cooperation with the FRA, the Utilities and Transportation Commission (UTC) is granted regulatory jurisdiction over the safety practices for railroad equipment, facilities, rolling stock, and operations. In this role, the UTC collects rail inspection information.

Role of the Washington State Department of Transportation in Rail Safety Oversight.

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 includes 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 Washington SSO agency in state 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.

Under state and federal requirements, the WSDOT has safety and security-related investigative and enforcement authority over all rail fixed guideway public transportation systems (RFGPTS), 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.

Agencies with RFGPTSs must notify the WSDOT within two hours of an accident, hazard, or security breach, and provide a written report within 45 days. 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 is required to report the status of the safety and security of each RFGPTS annually to the Governor, the Federal Transit Administration (FTA), the transportation committees of the Legislature, and each RFGPTS.

Point Defiance Bypass Derailment.

In 2019 the National Transportation Safety Board (NTSB) issued an accident report on the 2017

Point Defiance Bypass derailment that occurred on the first revenue service run along a new Amtrak Cascades route. The derailment resulted in three passenger deaths, 57 passengers and crew members injured, and property damage estimated at more than \$25.8 million. The NTSB report included recommendations to, among others, the FRA, WSDOT, Amtrak, and Sound Transit, and found that there was an absence of clearly defined roles and responsibilities among these agencies during preparation for the start of service on this route.

Study on Rail Safety Governance.

The 2020 Transportation Budget directed the Joint Transportation Committee (JTC) to oversee a study on rail safety governance best practices. The study assessed rail safety governance for passenger and freight rail, including rail transit services, and considered recommendations made by the NTSB accident report on the bypass derailment relevant to rail safety governance. The report included recommendations related to strengthening the UTC's role as the regulator of railroad safety and increasing rail safety coordination in the state.

Summary of Bill:

The UTC is authorized to oversee rail safety to the extent permitted by federal law, including of RFGPTSs. This oversight includes, but is not limited to, oversight of all new and materially changed railroad operations and oversight of the safety management practices for all rail operations, as permitted by federal law. The WSDOT is directed to coordinate with the UTC and Amtrak to facilitate this oversight to the extent permitted by federal law.

The UTC's investigative and inspection authority over rail safety practices is expanded to the extent permitted by federal law.

The SSO program is transferred from the WSDOT to the UTC, pending federal certification of this transfer of RFGPTS-related rail safety responsibilities.

The UTC is required to promote rail safety through the facilitation of communication and collaboration among stakeholders with an interest in rail, including local jurisdictions and host and tenant railroads. The UTC must produce an annual report on rail safety and provide it to the transportation committees of the Legislature, including the JTC, and make it available to the public.

Appropriation: None.

Fiscal Note: Requested on February 4, 2021.

Effective Date: This bill takes effect July 1, 2022, except for sections 4 through 10 and 14, relating to the transfer of the State Safety Oversight (SSO) program from the WSDOT to the UTC, which have contingent effective dates of the latter of July 1, 2022, or when the required conditions have been met.