
SUBSTITUTE HOUSE BILL 1418

State of Washington

67th Legislature

2021 Regular Session

By House Transportation (originally sponsored by Representatives Leavitt, Bronoske, Lovick, Ryu, Ortiz-Self, Gregerson, Shewmake, Ramel, and Pollet)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to enhancing rail safety governance by expanding
2 the role of the utilities and transportation commission; amending RCW
3 81.04.540, 81.04.550, 81.104.115, 35.21.228, 35A.21.300, 36.01.210,
4 36.57.120, 36.57A.170, and 81.112.180; adding a new section to
5 chapter 81.04 RCW; creating new sections; recodifying RCW 81.104.115;
6 providing an effective date; and providing contingent effective
7 dates.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that rail
10 safety is critical to the impacts of the state's transportation
11 network on public safety and the environment. On December 18, 2017, a
12 passenger train derailed from a bridge near DuPont, Washington. Three
13 passengers were killed and 57 passengers and crewmembers were
14 injured. While the 2017 derailment had particularly tragic
15 consequences, the risks to public safety and the environment are
16 underscored by other rail incidents that have occurred in the past
17 several years, including the freight train transporting oil
18 derailment and resulting fire on June 3, 2016, in the Columbia river
19 gorge, near Mosier, Oregon, while in route to Tacoma, Washington, and
20 the derailment of a freight train transporting oil through Custer,
21 Washington, in late 2020 that also resulted in a fire.

1 (2) The national transportation safety board issued an accident
2 report on the 2017 derailment in early 2019. The report included
3 recommendations for government agencies that participated in
4 developing the new route related to improvements in safety oversight,
5 coordination, and communication. In 2020, the joint transportation
6 committee oversaw a rail safety governance study that provided an
7 assessment and recommendations for how rail safety oversight,
8 organizational structures and processes, and coordination activities
9 could be modified to improve rail safety governance across the state.

10 (3) The legislature intends to build on the recommendations of
11 the national transportation safety board and joint transportation
12 committee reports to strengthen rail safety governance by expanding
13 the utility and transportation commission's role in rail safety to
14 include oversight of all rail transportation in the state to the
15 extent permitted under federal law, including over implementation of
16 new and materially changed railroad operations and over the safety
17 management practices of railroad operations. The legislature intends
18 for this role to include promotion of safety and security of the
19 public and rail employees, as well as protection of the environment,
20 to the extent these goals can be furthered by the commission's
21 expanded role.

22 (4) The legislature does not intend for the expanded role of the
23 utility and transportation commission in rail safety to be funded
24 through the assessment of fees on rail entities.

25 **Sec. 2.** RCW 81.04.540 and 2007 c 234 s 2 are each amended to
26 read as follows:

27 (1) The commission is authorized to oversee rail safety in the
28 state to the extent permitted by federal law, including of rail fixed
29 guideway systems. This oversight shall include, but is not limited
30 to, the following:

31 (a) Oversight of the implementation of new and materially changed
32 railroad operations and infrastructure for rail service, as permitted
33 by federal law; and

34 (b) Oversight of the safety management practices for railroad
35 operations, as permitted by federal law. The department of
36 transportation shall coordinate with the commission and Amtrak to
37 facilitate the oversight of state passenger rail service to the
38 extent permitted under federal law.

1 (2) The commission shall cooperate with the federal government
2 and the United States department of transportation, or its successor,
3 or any other commission or agency delegated or authorized to regulate
4 interstate or foreign commerce by common carriers, to the end that
5 the transportation of property and passengers by common carriers in
6 interstate or foreign commerce into and through the state of
7 Washington may be regulated and that the laws of the United States
8 and the state of Washington are enforced and administered
9 cooperatively in the public interest.

10 ~~((2))~~ (3) In addition to its authority concerning interstate
11 commerce under this title, the commission may regulate common
12 carriers in interstate commerce within the state under the authority
13 of and in accordance with any act of congress that vests in or
14 delegates to the commission such authority as an agency of the United
15 States government or under an agreement with the United States
16 department of transportation, or its successor, or any other
17 commission or agency delegated or authorized to regulate interstate
18 or foreign commerce by common carriers.

19 ~~((3) For the purpose of participating with the United States~~
20 ~~department of transportation in investigation and inspection~~
21 ~~activities necessary to enforce federal railroad safety regulations,~~
22 ~~the))~~ (4) The commission has regulatory jurisdiction over the safety
23 practices for railroad equipment, facilities, rolling stock, and
24 operations in the state, including authority to investigate and
25 conduct inspections necessary to the enforcement of state railroad
26 safety regulations, as permitted by federal law. This jurisdiction
27 includes the authority to participate with the United States
28 department of transportation in investigation and inspection
29 activities necessary to enforce federal railroad safety regulations.

30 (5) The commission shall produce an annual report on rail safety
31 in the state and provide it to the transportation committees of the
32 legislature, including the joint transportation committee, and shall
33 make this report available to the public.

34 (6) The commission shall promote rail safety through the
35 facilitation of communication and collaboration among stakeholders
36 with an interest in rail, including local jurisdictions, host and
37 tenant railroads, and rail labor organizations.

38 (7) "Rail fixed guideway system," as used in this section, has
39 the same meaning as defined in RCW 81.104.015.

1 **Sec. 3.** RCW 81.04.550 and 2007 c 234 s 3 are each amended to
2 read as follows:

3 The commission shall administer the railroad safety provisions of
4 this title to the fullest extent allowed under federal law, including
5 49 U.S.C. Sec. 20106₁, and state law.

6 **Sec. 4.** RCW 81.104.115 and 2016 c 33 s 8 are each amended to
7 read as follows:

8 (1) The (~~department of transportation~~) commission is
9 established as the state safety oversight agency. As such, the
10 (~~department~~) commission is subject to the following conditions:

11 (a) The (~~department~~) commission must be financially and legally
12 independent from any public transportation agency that the
13 (~~department~~) commission is obliged to oversee;

14 (b) The (~~department~~) commission must not directly provide
15 public transportation services in an area with a rail fixed guideway
16 public transportation system that the (~~department~~) commission is
17 obliged to oversee;

18 (c) The (~~department~~) commission must not employ any individual
19 who is also responsible for administering a rail fixed guideway
20 public transportation system that the (~~department~~) commission is
21 obliged to oversee; and

22 (d) The (~~department~~) commission has investigative and
23 enforcement authority with respect to the safety and security of all
24 rail fixed guideway public transportation systems in Washington
25 state. The (~~department~~) commission shall adopt rules with respect
26 to its investigative and enforcement authority.

27 (2) The (~~department~~) commission shall collect, audit, review,
28 approve, oversee, and enforce the system safety program plan and the
29 system security and emergency preparedness plan prepared by each
30 owner or operator of a rail fixed guideway public transportation
31 system operating in Washington state. In carrying out this function,
32 the (~~department~~) commission shall adopt rules specifying the
33 elements and standard to be contained in a system safety program plan
34 and a system security and emergency preparedness plan, and the
35 content of any investigation report, corrective action plan, and
36 accompanying implementation schedule resulting from any reportable
37 incident, accident, security breach, hazard, or security
38 vulnerability. These rules must include due dates for the

1 ((~~department's~~)) commission's timely receipt of and response to
2 required documents.

3 (3) The ((~~department~~)) commission, in carrying out the duties in
4 this section, shall compel the rail fixed guideway public
5 transportation systems to comply with state and federal safety and
6 security regulations for rail fixed guideway public transportation
7 systems. The ((~~department~~)) commission may also impose financial
8 penalties for noncompliance with state or federal regulations, or
9 both, related to state safety and security oversight. Specific
10 financial penalties, if imposed, must be determined by rule. When
11 reportable safety or security deficiencies are identified and not
12 addressed in a timely manner by rail fixed guideway public
13 transportation system owners and operators, the ((~~department~~))
14 commission may require the suspension or modification of service or
15 the suspended use or removal of equipment. The ((~~department~~))
16 commission may impose sanctions upon owners and operators of rail
17 fixed guideway public transportation systems for failure to meet
18 deadlines of submissions of required reports and audits.

19 (4) The system security and emergency preparedness plan as
20 described in RCW 35.21.228(1), 35A.21.300(1), 36.01.210(1),
21 36.57.120(1), 36.57A.170(1), and 81.112.180(1) is exempt from public
22 disclosure under chapter 42.56 RCW by the ((~~department~~)) commission
23 when collected from the owners and operators of rail fixed guideway
24 public transportation systems. However, the system safety program
25 plan as described in RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120,
26 36.57A.170, and 81.112.180 is not exempt from public disclosure.

27 (5) The ((~~department~~)) commission shall audit each system safety
28 program plan and each system security and emergency preparedness plan
29 at least once every three years. The ((~~department~~)) commission may
30 contract with other persons or entities for the performance of duties
31 required by this subsection. The ((~~department~~)) commission shall
32 provide at least thirty days' advance notice to the owner or operator
33 of a rail fixed guideway public transportation system before
34 commencing the audit.

35 (6) In the event of any reportable incident, accident, security
36 breach, hazard, or security vulnerability, the ((~~department~~))
37 commission shall review the investigation report, corrective action
38 plan, and accompanying implementation schedule, submitted by the
39 owner or operator of the rail fixed guideway public transportation

1 system to safeguard against a recurrence of the incident, accident,
2 security breach, hazard, or security vulnerability.

3 (a) The ((~~department~~)) commission may, at its option, perform a
4 separate, independent investigation of any reportable incident,
5 accident, security breach, hazard, or security vulnerability. The
6 ((~~department~~)) commission may contract with other persons or entities
7 for the performance of duties required by this subsection.

8 (b) If the ((~~department~~)) commission does not concur with the
9 investigation report, corrective action plan, and accompanying
10 implementation schedule, submitted by the owner or operator, the
11 ((~~department~~)) commission shall notify that owner or operator in
12 writing within forty-five days of its receipt of the complete
13 investigation report, corrective action plan, and accompanying
14 implementation schedule.

15 (7) The ((~~secretary~~)) commission may adopt rules to implement
16 this section and RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120,
17 36.57A.170, and 81.112.180, including rules establishing procedures
18 and timelines for owners and operators of rail fixed guideway public
19 transportation systems to comply with RCW 35.21.228, 35A.21.300,
20 36.01.210, 36.57.120, 36.57A.170, and 81.112.180 and the rules
21 adopted under this section. If noncompliance by an owner or operator
22 of a rail fixed guideway public transportation system results in the
23 loss of federal funds to the state of Washington or a political
24 subdivision of the state, the owner or operator is liable to the
25 affected entity or entities for the amount of the lost funds.

26 (8) The ((~~department~~)) commission and its employees shall have no
27 liability for any actions taken pursuant to this chapter arising
28 from: The adoption of rules; the review of or concurrence in a system
29 safety program plan and a system security and emergency preparedness
30 plan; the separate, independent investigation of any reportable
31 incident, accident, security breach, hazard, or security
32 vulnerability; and the review of or concurrence in a corrective
33 action plan for any reportable incident, accident, security breach,
34 hazard, or security vulnerability.

35 (9) At least once every year, the ((~~department~~)) commission shall
36 report the status of the safety and security of each rail fixed
37 guideway public transportation system to the governor, the federal
38 transit administration, the board of directors or equivalent entity
39 of the rail fixed guideway public transportation system, and the
40 transportation committees of the legislature.

1 (10) "Rail fixed guideway system," as used in this section, has
2 the same meaning as defined in RCW 81.104.015.

3 **Sec. 5.** RCW 35.21.228 and 2016 c 33 s 2 are each amended to read
4 as follows:

5 (1) Each city or town that owns or operates a rail fixed guideway
6 public transportation system as defined in RCW 81.104.015 shall
7 submit a system safety program plan and a system security and
8 emergency preparedness plan for that guideway to the state
9 (~~department of transportation~~) safety oversight agency by September
10 1, 1999, or at least one hundred eighty calendar days before
11 beginning operations or instituting significant revisions to its
12 plans. These plans must describe the city's procedures for (a)
13 reporting and investigating any reportable incident, accident, or
14 security breach and identifying and resolving hazards or security
15 vulnerabilities discovered during planning, design, construction,
16 testing, or operations, (b) developing and submitting corrective
17 action plans and annual safety and security audit reports, (c)
18 facilitating on-site safety and security reviews by the state
19 (~~department of transportation~~) safety oversight agency and the
20 federal transit administration, and (d) addressing passenger and
21 employee safety and security. The plans must, at a minimum, conform
22 to the standards adopted by the state (~~department of~~
23 ~~transportation~~) safety oversight agency as set forth in the most
24 current version of the Washington state rail safety oversight program
25 standard manual as it exists on March 25, 2016, or such subsequent
26 date as may be provided by the (~~department~~) state safety oversight
27 agency by rule, consistent with the purposes of this section. If
28 required by the (~~department~~) state safety oversight agency, the
29 city or town shall revise its plans to incorporate the
30 (~~department's~~) state safety oversight agency's review comments
31 within sixty days after their receipt, and resubmit its revised plans
32 for review.

33 (2) Each city or town shall implement and comply with its system
34 safety program plan and system security and emergency preparedness
35 plan. The city or town shall perform internal safety and security
36 audits to evaluate its compliance with the plans, and submit its
37 audit schedule to the (~~department of transportation~~) state safety
38 oversight agency pursuant to the requirements in the most current
39 version of the Washington state rail safety oversight program

1 standard manual as it exists on March 25, 2016, or such subsequent
2 date as may be provided by the ((department)) state safety oversight
3 agency by rule, consistent with the purposes of this section. The
4 city or town shall prepare an annual report for its internal safety
5 and security audits undertaken in the prior year and submit it to the
6 ((department)) state safety oversight agency no later than February
7 15th. The ((department)) state safety oversight agency shall
8 establish the requirements for the annual report. The contents of the
9 annual report must include, at a minimum, the dates the audits were
10 conducted, the scope of the audit activity, the audit findings and
11 recommendations, the status of any corrective actions taken as a
12 result of the audit activity, and the results of each audit in terms
13 of the adequacy and effectiveness of the plans.

14 (3) Each city or town shall notify the ((~~department of~~
15 ~~transportation~~)) state safety oversight agency, pursuant to the most
16 current version of the Washington state rail safety oversight program
17 standard manual as it exists on March 25, 2016, or such subsequent
18 date as may be provided by the ((department)) state safety oversight
19 agency by rule, consistent with the purposes of this section, any
20 reportable incident, accident, security breach, hazard, or security
21 vulnerability. The ((department)) state safety oversight agency may
22 adopt rules further defining any reportable incident, accident,
23 security breach, hazard, or security vulnerability. The city or town
24 shall investigate any reportable incident, accident, security breach,
25 hazard, or security vulnerability and provide a written investigation
26 report to the ((department)) state safety oversight agency as
27 described in the most current version of the Washington state rail
28 safety oversight program standard manual as it exists on March 25,
29 2016, or such subsequent date as may be provided by the
30 ((~~department~~)) state safety oversight agency by rule, consistent with
31 the purposes of this section.

32 (4) The system security and emergency preparedness plan required
33 in subsection (1) of this section is exempt from public disclosure
34 under chapter 42.56 RCW. However, the system safety program plan as
35 described in this section is not subject to this exemption.

36 **Sec. 6.** RCW 35A.21.300 and 2016 c 33 s 3 are each amended to
37 read as follows:

38 (1) Each code city that owns or operates a rail fixed guideway
39 public transportation system as defined in RCW 81.104.015 shall

1 submit a system safety program plan and a system security and
2 emergency preparedness plan for that guideway to the state
3 (~~department of transportation~~) safety oversight agency by September
4 1, 1999, or at least one hundred eighty calendar days before
5 beginning operations or instituting significant revisions to its
6 plans. These plans must describe the code city's procedures for (a)
7 reporting and investigating any reportable incident, accident, or
8 security breach and identifying and resolving hazards or security
9 vulnerabilities discovered during planning, design, construction,
10 testing, or operations, (b) developing and submitting corrective
11 action plans and annual safety and security audit reports, (c)
12 facilitating on-site safety and security reviews by the state
13 (~~department of transportation~~) safety oversight agency and the
14 federal transit administration, and (d) addressing passenger and
15 employee safety and security. The plans must, at a minimum, conform
16 to the standards adopted by the state (~~department of~~
17 ~~transportation~~) safety oversight agency as set forth in the most
18 current version of the Washington state rail safety oversight program
19 standard manual as it exists on March 25, 2016, or such subsequent
20 date as may be provided by the (~~department~~) state safety oversight
21 agency by rule, consistent with the purposes of this section. If
22 required by the (~~department~~) state safety oversight agency, the
23 code city shall revise its plans to incorporate the (~~department's~~)
24 state safety oversight agency's review comments within sixty days
25 after their receipt, and resubmit its revised plans for review.

26 (2) Each code city shall implement and comply with its system
27 safety program plan and system security and emergency preparedness
28 plan. The code city shall perform internal safety and security audits
29 to evaluate its compliance with the plans, and submit its audit
30 schedule to the (~~department of transportation~~) state safety
31 oversight agency pursuant to the requirements in the most current
32 version of the Washington state rail safety oversight program
33 standard manual as it exists on March 25, 2016, or such subsequent
34 date as may be provided by the (~~department~~) state safety oversight
35 agency by rule, consistent with the purposes of this section. The
36 code city shall prepare an annual report for its internal safety and
37 security audits undertaken in the prior year and submit it to the
38 (~~department~~) state safety oversight agency no later than February
39 15th. The (~~department~~) state safety oversight agency shall
40 establish the requirements for the annual report. The contents of the

1 annual report must include, at a minimum, the dates the audits were
2 conducted, the scope of the audit activity, the audit findings and
3 recommendations, the status of any corrective actions taken as a
4 result of the audit activity, and the results of each audit in terms
5 of the adequacy and effectiveness of the plans.

6 (3) Each code city shall notify the (~~department of~~
7 ~~transportation~~) state safety oversight agency, pursuant to the most
8 current version of the Washington state rail safety oversight program
9 standard manual as it exists on March 25, 2016, or such subsequent
10 date as may be provided by the (~~department~~) state safety oversight
11 agency by rule, consistent with the purposes of this section, any
12 reportable incident, accident, security breach, hazard, or security
13 vulnerability. The (~~department~~) state safety oversight agency may
14 adopt rules further defining any reportable incident, accident,
15 security breach, hazard, or security vulnerability. The code city
16 shall investigate any reportable incident, accident, security breach,
17 hazard, or security vulnerability and provide a written investigation
18 report to the (~~department~~) state safety oversight agency as
19 described in the most current version of the Washington state rail
20 safety oversight program standard manual as it exists on March 25,
21 2016, or such subsequent date as may be provided by the
22 (~~department~~) state safety oversight agency by rule, consistent with
23 the purposes of this section.

24 (4) The system security and emergency preparedness plan required
25 in subsection (1) of this section is exempt from public disclosure
26 under chapter 42.56 RCW. However, the system safety program plan as
27 described in this section is not subject to this exemption.

28 **Sec. 7.** RCW 36.01.210 and 2016 c 33 s 4 are each amended to read
29 as follows:

30 (1) Each county functioning under chapter 36.56 RCW that owns or
31 operates a rail fixed guideway public transportation system as
32 defined in RCW 81.104.015 shall submit a system safety program plan
33 and a system security and emergency preparedness plan for that
34 guideway to the state (~~department of transportation~~) safety
35 oversight agency by September 1, 1999, or at least one hundred eighty
36 calendar days before beginning operations or instituting significant
37 revisions to its plans. These plans must describe the county's
38 procedures for (a) reporting and investigating any reportable
39 incident, accident, or security breach and identifying and resolving

1 hazards or security vulnerabilities discovered during planning,
2 design, construction, testing, or operations, (b) developing and
3 submitting corrective action plans and annual safety and security
4 audit reports, (c) facilitating on-site safety and security reviews
5 by the state (~~(department of transportation)~~) safety oversight agency
6 and the federal transit administration, and (d) addressing passenger
7 and employee safety and security. The plans must, at a minimum,
8 conform to the standards adopted by the state (~~(department of~~
9 ~~transportation)~~) safety oversight agency as set forth in the most
10 current version of the Washington state rail safety oversight program
11 standard manual as it exists on March 25, 2016, or such subsequent
12 date as may be provided by the (~~(department)~~) state safety oversight
13 agency by rule, consistent with the purposes of this section. If
14 required by the (~~(department)~~) state safety oversight agency, the
15 county shall revise its plans to incorporate the (~~(department's)~~)
16 state safety oversight agency's review comments within sixty days
17 after their receipt, and resubmit its revised plans for review.

18 (2) Each county functioning under chapter 36.56 RCW shall
19 implement and comply with its system safety program plan and system
20 security and emergency preparedness plan. The county shall perform
21 internal safety and security audits to evaluate its compliance with
22 the plans, and submit its audit schedule to the (~~(department of~~
23 ~~transportation)~~) state safety oversight agency pursuant to the
24 requirements in the most current version of the Washington state rail
25 safety oversight program standard manual as it exists on March 25,
26 2016, or such subsequent date as may be provided by the
27 (~~(department)~~) state safety oversight agency by rule, consistent with
28 the purposes of this section. The county shall prepare an annual
29 report for its internal safety and security audits undertaken in the
30 prior year and submit it to the (~~(department)~~) state safety oversight
31 agency no later than February 15th. The (~~(department)~~) state safety
32 oversight agency shall establish the requirements for the annual
33 report. The contents of the annual report must include, at a minimum,
34 the dates the audits were conducted, the scope of the audit activity,
35 the audit findings and recommendations, the status of any corrective
36 actions taken as a result of the audit activity, and the results of
37 each audit in terms of the adequacy and effectiveness of the plans.

38 (3) Each county shall notify the (~~(department of transportation)~~)
39 state safety oversight agency, pursuant to the most current version
40 of the Washington state rail safety oversight program standard manual

1 as it exists on March 25, 2016, or such subsequent date as may be
2 provided by the ((department)) state safety oversight agency by rule,
3 consistent with the purposes of this section, any reportable
4 incident, accident, security breach, hazard, or security
5 vulnerability. The ((department)) state safety oversight agency may
6 adopt rules further defining any reportable incident, accident,
7 security breach, hazard, or security vulnerability. The county shall
8 investigate any reportable incident, accident, security breach,
9 hazard, or security vulnerability and provide a written investigation
10 report to the ((department)) state safety oversight agency as
11 described in the most current version of the Washington state rail
12 safety oversight program standard manual as it exists on March 25,
13 2016, or such subsequent date as may be provided by the
14 ((department)) state safety oversight agency by rule, consistent with
15 the purposes of this section.

16 (4) The system security and emergency preparedness plan required
17 in subsection (1) of this section is exempt from public disclosure
18 under chapter 42.56 RCW. However, the system safety program plan as
19 described in this section is not subject to this exemption.

20 **Sec. 8.** RCW 36.57.120 and 2016 c 33 s 5 are each amended to read
21 as follows:

22 (1) Each county transportation authority that owns or operates a
23 rail fixed guideway public transportation system as defined in RCW
24 81.104.015 shall submit a system safety program plan and a system
25 security and emergency preparedness plan for that guideway to the
26 state ((~~department of transportation~~)) safety oversight agency by
27 September 1, 1999, or at least one hundred eighty calendar days
28 before beginning operations or instituting significant revisions to
29 its plans. These plans must describe the county transportation
30 authority's procedures for (a) reporting and investigating any
31 reportable incident, accident, or security breach and identifying and
32 resolving hazards or security vulnerabilities discovered during
33 planning, design, construction, testing, or operations, (b)
34 developing and submitting corrective action plans and annual safety
35 and security audit reports, (c) facilitating on-site safety and
36 security reviews by the state ((~~department of transportation~~)) safety
37 oversight agency and the federal transit administration, and (d)
38 addressing passenger and employee safety and security. The plans
39 must, at a minimum, conform to the standards adopted by the state

1 (~~department of transportation~~) safety oversight agency as set forth
2 in the most current version of the Washington state rail safety
3 oversight program standard manual as it exists on March 25, 2016, or
4 such subsequent date as may be provided by the (~~department~~) state
5 safety oversight agency by rule, consistent with the purposes of this
6 section. If required by the (~~department~~) state safety oversight
7 agency, the county transportation authority shall revise its plans to
8 incorporate the (~~department's~~) state safety oversight agency's
9 review comments within sixty days after their receipt, and resubmit
10 its revised plans for review.

11 (2) Each county transportation authority shall implement and
12 comply with its system safety program plan and system security and
13 emergency preparedness plan. The county transportation authority
14 shall perform internal safety and security audits to evaluate its
15 compliance with the plans, and submit its audit schedule to the
16 (~~department of transportation~~) state safety oversight agency
17 pursuant to the requirements in the most current version of the
18 Washington state rail safety oversight program standard manual as it
19 exists on March 25, 2016, or such subsequent date as may be provided
20 by the (~~department~~) state safety oversight agency by rule,
21 consistent with the purposes of this section. The county
22 transportation authority shall prepare an annual report for its
23 internal safety and security audits undertaken in the prior year and
24 submit it to the (~~department~~) state safety oversight agency no
25 later than February 15th. The (~~department~~) state safety oversight
26 agency shall establish the requirements for the annual report. The
27 contents of the annual report must include, at a minimum, the dates
28 the audits were conducted, the scope of the audit activity, the audit
29 findings and recommendations, the status of any corrective actions
30 taken as a result of the audit activity, and the results of each
31 audit in terms of the adequacy and effectiveness of the plans.

32 (3) Each county transportation authority shall notify the
33 (~~department of transportation~~) state safety oversight agency,
34 pursuant to the most current version of the Washington state rail
35 safety oversight program standard manual as it exists on March 25,
36 2016, or such subsequent date as may be provided by the
37 (~~department~~) state safety oversight agency by rule, consistent with
38 the purposes of this section, any reportable incident, accident,
39 security breach, hazard, or security vulnerability. The
40 (~~department~~) state safety oversight agency may adopt rules further

1 defining any reportable incident, accident, security breach, hazard,
2 or security vulnerability. The county transportation authority shall
3 investigate any reportable incident, accident, security breach,
4 hazard, or security vulnerability and provide a written investigation
5 report to the ((department)) state safety oversight agency as
6 described in the most current version of the Washington state rail
7 safety oversight program standard manual as it exists on March 25,
8 2016, or such subsequent date as may be provided by the
9 ((department)) state safety oversight agency by rule, consistent with
10 the purposes of this section.

11 (4) The system security and emergency preparedness plan required
12 in subsection (1) of this section is exempt from public disclosure
13 under chapter 42.56 RCW. However, the system safety program plan as
14 described in this section is not subject to this exemption.

15 **Sec. 9.** RCW 36.57A.170 and 2016 c 33 s 6 are each amended to
16 read as follows:

17 (1) Each public transportation benefit area that owns or operates
18 a rail fixed guideway public transportation system as defined in RCW
19 81.104.015 shall submit a system safety program plan and a system
20 security and emergency preparedness plan for that guideway to the
21 state ((~~department of transportation~~)) safety oversight agency by
22 September 1, 1999, or at least one hundred eighty calendar days
23 before beginning operations or instituting significant revisions to
24 its plans. These plans must describe the public transportation
25 benefit area's procedures for (a) reporting and investigating any
26 reportable incident, accident, or security breach and identifying and
27 resolving hazards or security vulnerabilities discovered during
28 planning, design, construction, testing, or operations, (b)
29 developing and submitting corrective action plans and annual safety
30 and security audit reports, (c) facilitating on-site safety and
31 security reviews by the state ((~~department of transportation~~)) safety
32 oversight agency and the federal transit administration, and (d)
33 addressing passenger and employee safety and security. The plans
34 must, at a minimum, conform to the standards adopted by the state
35 ((~~department of transportation~~)) safety oversight agency as set forth
36 in the most current version of the Washington state rail safety
37 oversight program standard manual as it exists on March 25, 2016, or
38 such subsequent date as may be provided by the ((department)) state
39 safety oversight agency by rule, consistent with the purposes of this

1 section. If required by the ((department)) state safety oversight
2 agency, the public transportation benefit area shall revise its plans
3 to incorporate the ((department's)) state safety oversight agency's
4 review comments within sixty days after their receipt, and resubmit
5 its revised plans for review.

6 (2) Each public transportation benefit area shall implement and
7 comply with its system safety program plan and system security and
8 emergency preparedness plan. The public transportation benefit area
9 shall perform internal safety and security audits to evaluate its
10 compliance with the plans, and submit its audit schedule to the
11 ((department of transportation)) state safety oversight agency
12 pursuant to the requirements in the most current version of the
13 Washington state rail safety oversight program standard manual as it
14 exists on March 25, 2016, or such subsequent date as may be provided
15 by the ((department)) state safety oversight agency by rule,
16 consistent with the purposes of this section. The public
17 transportation benefit area shall prepare an annual report for its
18 internal safety and security audits undertaken in the prior year and
19 submit it to the ((department)) state safety oversight agency no
20 later than February 15th. The ((department)) state safety oversight
21 agency shall establish the requirements for the annual report. The
22 contents of the annual report must include, at a minimum, the dates
23 the audits were conducted, the scope of the audit activity, the audit
24 findings and recommendations, the status of any corrective actions
25 taken as a result of the audit activity, and the results of each
26 audit in terms of the adequacy and effectiveness of the plans.

27 (3) Each public transportation benefit area shall notify the
28 ((department of transportation)) state safety oversight agency,
29 pursuant to the most current version of the Washington state rail
30 safety oversight program standard manual as it exists on March 25,
31 2016, or such subsequent date as may be provided by the
32 ((department)) state safety oversight agency by rule, consistent with
33 the purposes of this section, any reportable incident, accident,
34 security breach, hazard, or security vulnerability. The
35 ((department)) state safety oversight agency may adopt rules further
36 defining any reportable incident, accident, security breach, hazard,
37 or security vulnerability. The public transportation benefit area
38 shall investigate any reportable incident, accident, security breach,
39 hazard, or security vulnerability and provide a written investigation
40 report to the ((department)) state safety oversight agency as

1 described in the most current version of the Washington state rail
2 safety oversight program standard manual as it exists on March 25,
3 2016, or such subsequent date as may be provided by the
4 (~~department~~) state safety oversight agency by rule, consistent with
5 the purposes of this section.

6 (4) The system security and emergency preparedness plan required
7 in subsection (1) of this section is exempt from public disclosure
8 under chapter 42.56 RCW. However, the system safety program plan as
9 described in this section is not subject to this exemption.

10 **Sec. 10.** RCW 81.112.180 and 2016 c 33 s 1 are each amended to
11 read as follows:

12 (1) Each regional transit authority that owns or operates a rail
13 fixed guideway public transportation system as defined in RCW
14 81.104.015 shall submit a system safety program plan and a system
15 security and emergency preparedness plan for that guideway to the
16 state (~~department of transportation~~) safety oversight agency by
17 September 1, 1999, or at least one hundred eighty calendar days
18 before beginning operations or instituting significant revisions to
19 its plans. These plans must describe the authority's procedures for
20 (a) reporting and investigating any reportable incident, accident, or
21 security breach and identifying and resolving hazards or security
22 vulnerabilities discovered during planning, design, construction,
23 testing, or operations, (b) developing and submitting corrective
24 action plans and annual safety and security audit reports, (c)
25 facilitating on-site safety and security reviews by the state
26 (~~department of transportation~~) safety oversight agency and the
27 federal transit administration, and (d) addressing passenger and
28 employee safety and security. The plans must, at a minimum, conform
29 to the standards adopted by the state (~~department of~~
30 ~~transportation~~) safety oversight agency as set forth in the most
31 current version of the Washington state rail safety oversight program
32 standard manual as it exists on March 25, 2016, or such subsequent
33 date as may be provided by the (~~department~~) state safety oversight
34 agency by rule, consistent with the purposes of this section. If
35 required by the (~~department~~) state safety oversight agency, the
36 regional transit authority shall revise its plans to incorporate the
37 (~~department's~~) state safety oversight agency's review comments
38 within sixty days after their receipt, and resubmit its revised plans
39 for review.

1 (2) Each regional transit authority shall implement and comply
2 with its system safety program plan and system security and emergency
3 preparedness plan. The regional transit authority shall perform
4 internal safety and security audits to evaluate its compliance with
5 the plans, and submit its audit schedule to the (~~department of~~
6 ~~transportation~~) state safety oversight agency pursuant to the
7 requirements in the most current version of the Washington state rail
8 safety oversight program standard manual as it exists on March 25,
9 2016, or such subsequent date as may be provided by the
10 (~~department~~) state safety oversight agency by rule, consistent with
11 the purposes of this section. The regional transit authority shall
12 prepare an annual report for its internal safety and security audits
13 undertaken in the prior year and submit it to the (~~department~~)
14 state safety oversight agency no later than February 15th. The
15 (~~department~~) state safety oversight agency shall establish the
16 requirements for the annual report. The contents of the annual report
17 must include, at a minimum, the dates the audits were conducted, the
18 scope of the audit activity, the audit findings and recommendations,
19 the status of any corrective actions taken as a result of the audit
20 activity, and the results of each audit in terms of the adequacy and
21 effectiveness of the plans.

22 (3) Each regional transit authority shall notify the (~~department~~
23 ~~of transportation~~) state safety oversight agency, pursuant to the
24 most current version of the Washington state rail safety oversight
25 program standard manual as it exists on March 25, 2016, or such
26 subsequent date as may be provided by the (~~department~~) state safety
27 oversight agency by rule, consistent with the purposes of this
28 section, any reportable incident, accident, security breach, hazard,
29 or security vulnerability. The (~~department~~) state safety oversight
30 agency may adopt rules further defining any reportable incident,
31 accident, security breach, hazard, or security vulnerability. The
32 regional transit authority shall investigate any reportable incident,
33 accident, security breach, hazard, or security vulnerability and
34 provide a written investigation report to the (~~department~~) state
35 safety oversight agency as described in the most current version of
36 the Washington state rail safety oversight program standard manual as
37 it exists on March 25, 2016, or such subsequent date as may be
38 provided by the (~~department~~) state safety oversight agency by rule,
39 consistent with the purposes of this section.

1 (4) The system security and emergency preparedness plan required
2 in subsection (1) of this section is exempt from public disclosure
3 under chapter 42.56 RCW. However, the system safety program plan as
4 described in this section is not subject to this exemption.

5 NEW SECTION. **Sec. 11.** (1) To ensure this act is implemented
6 upon its effective date and all systems, processes, and collaboration
7 necessary to implement this act are in place, the utilities and
8 transportation commission may, prior to July 1, 2022:

9 (a) Adopt rules, policies, and procedures on railroad safety;

10 (b) Initiate the recruitment, training, and certification of
11 personnel dedicated to railroad safety; and

12 (c) Facilitate stakeholder communications and outreach on key
13 railroad safety initiatives, developments, and strategies.

14 (2) All rules adopted prior to July 1, 2022, shall have an
15 effective date that is consistent with those in this act.

16 NEW SECTION. **Sec. 12.** The utilities and transportation
17 commission must provide notice to the chief clerk of the house of
18 representatives, the secretary of the senate, and the office of the
19 code reviser once it has been certified by the federal government as
20 the state safety oversight agency for the state of Washington.

21 NEW SECTION. **Sec. 13.** (1) Sections 4 through 10 and 15 of this
22 act take effect upon receipt of the notice required by section 12 of
23 this act if that receipt occurs after July 1, 2022.

24 (2) If receipt of the notice required by section 12 of this act
25 occurs on or before July 1, 2022, sections 4 through 10 and 15 of
26 this act take effect July 1, 2022.

27 NEW SECTION. **Sec. 14.** Sections 1 through 3, 12, and 13 of this
28 act take effect July 1, 2022.

29 NEW SECTION. **Sec. 15.** RCW 81.104.115 is recodified as a section
30 in chapter 81.04 RCW.

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