
SENATE BILL 5749

State of Washington

68th Legislature

2023 Regular Session

By Senators Lias, King, and Shewmake

Read first time 02/17/23. Referred to Committee on Transportation.

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

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

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

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

10 (b) Oversight of the safety management practices for railroad
11 operations, as permitted by federal law, including supplementation of
12 the federal rail administration's railroad bridge inspection
13 programs. The department of transportation shall coordinate with the
14 commission and Amtrak to facilitate the oversight of state passenger
15 rail service to the extent permitted under federal law.

16 (2) The commission shall cooperate with the federal government
17 and the United States department of transportation, or its successor,
18 or any other commission or agency delegated or authorized to regulate
19 interstate or foreign commerce by common carriers, to the end that
20 the transportation of property and passengers by common carriers in
21 interstate or foreign commerce into and through the state of
22 Washington may be regulated and that the laws of the United States
23 and the state of Washington are enforced and administered
24 cooperatively in the public interest.

25 (~~(2)~~) (3) In addition to its authority concerning interstate
26 commerce under this title, the commission may regulate common
27 carriers in interstate commerce within the state under the authority
28 of and in accordance with any act of congress that vests in or
29 delegates to the commission such authority as an agency of the United
30 States government or under an agreement with the United States
31 department of transportation, or its successor, or any other
32 commission or agency delegated or authorized to regulate interstate
33 or foreign commerce by common carriers.

34 (~~(3) For the purpose of participating with the United States~~
35 ~~department of transportation in investigation and inspection~~
36 ~~activities necessary to enforce federal railroad safety regulations,~~
37 ~~the)) (4) The commission has regulatory jurisdiction over the safety
38 practices for railroad equipment, facilities, rolling stock, and
39 operations in the state, including authority to investigate and
40 conduct inspections necessary to the enforcement of state railroad~~

1 safety regulations, as permitted by federal law. This jurisdiction
2 includes the authority to participate with the United States
3 department of transportation in investigation and inspection
4 activities necessary to enforce federal railroad safety regulations.

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

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

13 (7) The commission shall formally define a process for railroad
14 and transit regulators to be involved in the commissioning process
15 for new or materially changed infrastructure.

16 (8) The commission shall examine implementation of a gross
17 revenue fee within Washington state, consistent with similar fees
18 assessed in California, Idaho, and Oregon. The commission shall make
19 recommendations to the transportation committees of the legislature
20 and the office of financial management by December 1, 2023, on:

21 (a) Proposed fee structures on intrastate revenue for class I,
22 II, and III rail carriers operating within Washington state;

23 (b) Revenue estimates for all fee proposals; and

24 (c) Identifying rail safety or inspection programs at the
25 commission that could be supported by proposed fee collections.

26 (9) "Rail fixed guideway system," as used in this section, has
27 the same meaning as defined in RCW 81.104.015.

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

30 The commission shall administer the railroad safety provisions of
31 this title to the fullest extent allowed under federal law, including
32 49 U.S.C. Sec. 20106, and state law.

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

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

1 (a) The ((department)) commission must be financially and legally
2 independent from any public transportation agency that the
3 ((department)) commission is obliged to oversee;

4 (b) The ((department)) commission must not directly provide
5 public transportation services in an area with a rail fixed guideway
6 public transportation system that the ((department)) commission is
7 obliged to oversee;

8 (c) The ((department)) commission must not employ any individual
9 who is also responsible for administering a rail fixed guideway
10 public transportation system that the ((department)) commission is
11 obliged to oversee; and

12 (d) The ((department)) commission has investigative and
13 enforcement authority with respect to the safety and security of all
14 rail fixed guideway public transportation systems in Washington
15 state. The ((department)) commission shall adopt rules with respect
16 to its investigative and enforcement authority.

17 (2) The ((department)) commission shall collect, audit, review,
18 approve, oversee, and enforce the system safety program plan and the
19 system security and emergency preparedness plan prepared by each
20 owner or operator of a rail fixed guideway public transportation
21 system operating in Washington state. In carrying out this function,
22 the ((department)) commission shall adopt rules specifying the
23 elements and standard to be contained in a system safety program plan
24 and a system security and emergency preparedness plan, and the
25 content of any investigation report, corrective action plan, and
26 accompanying implementation schedule resulting from any reportable
27 incident, accident, security breach, hazard, or security
28 vulnerability. These rules must include due dates for the
29 ((department's)) commission's timely receipt of and response to
30 required documents.

31 (3) The ((department)) commission, in carrying out the duties in
32 this section, shall compel the rail fixed guideway public
33 transportation systems to comply with state and federal safety and
34 security regulations for rail fixed guideway public transportation
35 systems. The ((department)) commission may also impose financial
36 penalties for noncompliance with state or federal regulations, or
37 both, related to state safety and security oversight. Specific
38 financial penalties, if imposed, must be determined by rule. When
39 reportable safety or security deficiencies are identified and not
40 addressed in a timely manner by rail fixed guideway public

1 transportation system owners and operators, the ((department))
2 commission may require the suspension or modification of service or
3 the suspended use or removal of equipment. The ((department))
4 commission may impose sanctions upon owners and operators of rail
5 fixed guideway public transportation systems for failure to meet
6 deadlines of submissions of required reports and audits.

7 (4) The system security and emergency preparedness plan as
8 described in RCW 35.21.228(1), 35A.21.300(1), 36.01.210(1),
9 36.57.120(1), 36.57A.170(1), and 81.112.180(1) is exempt from public
10 disclosure under chapter 42.56 RCW by the ((department)) commission
11 when collected from the owners and operators of rail fixed guideway
12 public transportation systems. However, the system safety program
13 plan as described in RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120,
14 36.57A.170, and 81.112.180 is not exempt from public disclosure.

15 (5) The ((department)) commission shall audit each system safety
16 program plan and each system security and emergency preparedness plan
17 at least once every three years. The ((department)) commission may
18 contract with other persons or entities for the performance of duties
19 required by this subsection. The ((department)) commission shall
20 provide at least thirty days' advance notice to the owner or operator
21 of a rail fixed guideway public transportation system before
22 commencing the audit.

23 (6) In the event of any reportable incident, accident, security
24 breach, hazard, or security vulnerability, the ((department))
25 commission shall review the investigation report, corrective action
26 plan, and accompanying implementation schedule, submitted by the
27 owner or operator of the rail fixed guideway public transportation
28 system to safeguard against a recurrence of the incident, accident,
29 security breach, hazard, or security vulnerability.

30 (a) The ((department)) commission may, at its option, perform a
31 separate, independent investigation of any reportable incident,
32 accident, security breach, hazard, or security vulnerability. The
33 ((department)) commission may contract with other persons or entities
34 for the performance of duties required by this subsection.

35 (b) If the ((department)) commission does not concur with the
36 investigation report, corrective action plan, and accompanying
37 implementation schedule, submitted by the owner or operator, the
38 ((department)) commission shall notify that owner or operator in
39 writing within forty-five days of its receipt of the complete

1 investigation report, corrective action plan, and accompanying
2 implementation schedule.

3 (7) The (~~secretary~~) commission may adopt rules to implement
4 this section and RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120,
5 36.57A.170, and 81.112.180, including rules establishing procedures
6 and timelines for owners and operators of rail fixed guideway public
7 transportation systems to comply with RCW 35.21.228, 35A.21.300,
8 36.01.210, 36.57.120, 36.57A.170, and 81.112.180 and the rules
9 adopted under this section. If noncompliance by an owner or operator
10 of a rail fixed guideway public transportation system results in the
11 loss of federal funds to the state of Washington or a political
12 subdivision of the state, the owner or operator is liable to the
13 affected entity or entities for the amount of the lost funds.

14 (8) The (~~department~~) commission and its employees shall have no
15 liability for any actions taken pursuant to this chapter arising
16 from: The adoption of rules; the review of or concurrence in a system
17 safety program plan and a system security and emergency preparedness
18 plan; the separate, independent investigation of any reportable
19 incident, accident, security breach, hazard, or security
20 vulnerability; and the review of or concurrence in a corrective
21 action plan for any reportable incident, accident, security breach,
22 hazard, or security vulnerability.

23 (9) At least once every year, the (~~department~~) commission shall
24 report the status of the safety and security of each rail fixed
25 guideway public transportation system to the governor, the federal
26 transit administration, the board of directors or equivalent entity
27 of the rail fixed guideway public transportation system, and the
28 transportation committees of the legislature.

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

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

33 (1) Each city or town that owns or operates a rail fixed guideway
34 public transportation system as defined in RCW 81.104.015 shall
35 submit a system safety program plan and a system security and
36 emergency preparedness plan for that guideway to the state
37 (~~department of transportation~~) safety oversight agency by September
38 1, 1999, or at least one hundred eighty calendar days before
39 beginning operations or instituting significant revisions to its

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

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

1 result of the audit activity, and the results of each audit in terms
2 of the adequacy and effectiveness of the plans.

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

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

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

27 (1) Each code city that owns or operates a rail fixed guideway
28 public transportation system as defined in RCW 81.104.015 shall
29 submit a system safety program plan and a system security and
30 emergency preparedness plan for that guideway to the state
31 (~~department of transportation~~) safety oversight agency by September
32 1, 1999, or at least one hundred eighty calendar days before
33 beginning operations or instituting significant revisions to its
34 plans. These plans must describe the code city's procedures for (a)
35 reporting and investigating any reportable incident, accident, or
36 security breach and identifying and resolving hazards or security
37 vulnerabilities discovered during planning, design, construction,
38 testing, or operations, (b) developing and submitting corrective
39 action plans and annual safety and security audit reports, (c)

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

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

35 (3) Each code city shall notify the (~~department of~~
36 ~~transportation~~) state safety oversight agency, pursuant to the most
37 current version of the Washington state rail safety oversight program
38 standard manual as it exists on March 25, 2016, or such subsequent
39 date as may be provided by the (~~department~~) state safety oversight
40 agency by rule, consistent with the purposes of this section, any

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

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

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

19 (1) Each county functioning under chapter 36.56 RCW that owns or
20 operates a rail fixed guideway public transportation system as
21 defined in RCW 81.104.015 shall submit a system safety program plan
22 and a system security and emergency preparedness plan for that
23 guideway to the state ((~~department of transportation~~)) safety
24 oversight agency by September 1, 1999, or at least one hundred eighty
25 calendar days before beginning operations or instituting significant
26 revisions to its plans. These plans must describe the county's
27 procedures for (a) reporting and investigating any reportable
28 incident, accident, or security breach and identifying and resolving
29 hazards or security vulnerabilities discovered during planning,
30 design, construction, testing, or operations, (b) developing and
31 submitting corrective action plans and annual safety and security
32 audit reports, (c) facilitating on-site safety and security reviews
33 by the state ((~~department of transportation~~)) safety oversight agency
34 and the federal transit administration, and (d) addressing passenger
35 and employee safety and security. The plans must, at a minimum,
36 conform to the standards adopted by the state ((~~department of~~
37 ~~transportation~~)) safety oversight agency as set forth in the most
38 current version of the Washington state rail safety oversight program
39 standard manual as it exists on March 25, 2016, or such subsequent

1 date as may be provided by the ((department)) state safety oversight
2 agency by rule, consistent with the purposes of this section. If
3 required by the ((department)) state safety oversight agency, the
4 county shall revise its plans to incorporate the ((department's))
5 state safety oversight agency's review comments within sixty days
6 after their receipt, and resubmit its revised plans for review.

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

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

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

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

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

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

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

22 (3) Each county transportation authority shall notify the
23 (~~department of transportation~~) state safety oversight agency,
24 pursuant to 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, any reportable incident, accident,
29 security breach, hazard, or security vulnerability. The
30 (~~department~~) state safety oversight agency may adopt rules further
31 defining any reportable incident, accident, security breach, hazard,
32 or security vulnerability. The county transportation authority shall
33 investigate any reportable incident, accident, security breach,
34 hazard, or security vulnerability and provide a written investigation
35 report to the (~~department~~) state safety oversight agency as
36 described in the most current version of the Washington state rail
37 safety oversight program standard manual as it exists on March 25,
38 2016, or such subsequent date as may be provided by the
39 (~~department~~) state safety oversight agency by rule, consistent with
40 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 **Sec. 9.** RCW 36.57A.170 and 2016 c 33 s 6 are each amended to
6 read as follows:

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

35 (2) Each public transportation benefit area shall implement and
36 comply with its system safety program plan and system security and
37 emergency preparedness plan. The public transportation benefit area
38 shall perform internal safety and security audits to evaluate its
39 compliance with the plans, and submit its audit schedule to the

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

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

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

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

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

31 (2) Each regional transit authority shall implement and comply
32 with its system safety program plan and system security and emergency
33 preparedness plan. The regional transit authority shall perform
34 internal safety and security audits to evaluate its compliance with
35 the plans, and submit its audit schedule to the (~~department of~~
36 ~~transportation~~) state safety oversight agency pursuant to the
37 requirements in the most current version of the Washington state rail
38 safety oversight program standard manual as it exists on March 25,
39 2016, or such subsequent date as may be provided by the
40 (~~department~~) state safety oversight agency by rule, consistent with

1 the purposes of this section. The regional transit authority shall
2 prepare an annual report for its internal safety and security audits
3 undertaken in the prior year and submit it to the ((department))
4 state safety oversight agency no later than February 15th. The
5 ((department)) state safety oversight agency shall establish the
6 requirements for the annual report. The contents of the annual report
7 must include, at a minimum, the dates the audits were conducted, the
8 scope of the audit activity, the audit findings and recommendations,
9 the status of any corrective actions taken as a result of the audit
10 activity, and the results of each audit in terms of the adequacy and
11 effectiveness of the plans.

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

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

34 NEW SECTION. **Sec. 11.** (1) To ensure this act is implemented
35 upon its effective date and all systems, processes, and collaboration
36 necessary to implement this act are in place, the utilities and
37 transportation commission may, prior to January 1, 2026:

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

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

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

5 (2) All rules adopted prior to January 1, 2026, shall have an
6 effective date that is consistent with those in this act.

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

12 NEW SECTION. **Sec. 13.** (1) Sections 4 through 10 and 15 of this
13 act take effect upon receipt of the notice required by section 12 of
14 this act if that receipt occurs after January 1, 2026.

15 (2) If receipt of the notice required by section 12 of this act
16 occurs on or before January 1, 2026, sections 4 through 10 and 15 of
17 this act take effect January 1, 2026.

18 NEW SECTION. **Sec. 14.** Sections 1 through 3, 12, and 13 of this
19 act take effect July 1, 2024.

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

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