



# Assessment of Rail Safety Governance in Washington State

September 2020 Update to the Washington State  
Legislature Joint Transportation Committee

September 17, 2020

# Presentation map

Introduction to the CPCS Team

Background | objectives | key questions

Work plan and schedule

Stakeholder engagement

Key findings to-date and next steps

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# The CPCS Team – who is here today:



**Donald  
Ludlow**

Project Director

**Joel  
Carlson**

Project Manager

**Eddie  
Wytkind**

Project Coordinator

- Our team is also supported by specific task leads and senior advisors with expertise in rail safety governance and operations



# CPCS – a management consulting firm specializing in transportation strategy, policy and economic analysis

Formerly the consulting arm of the Canadian Pacific Railroad, independent since 1986.

Completed over  
**1,300** assignments  
in more than  
**115** countries  
including more than  
**200** assignments  
in North America

## Related projects:

- Florida Rail System Safety and Governance Study for the Florida state legislature
- Independent Reviews of Ohio's Rail Grade Crossing System
- Urban Rail Transit Safety Practices and Governances Models in Ontario



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# The 2017 Amtrak Cascades passenger train derailment outside of DuPont, Washington elevated the need to examine rail safety practices and governance in Washington

NTSB report findings identified an opportunity to further define oversight agency roles and responsibilities, including coordination efforts



## Objective:

To provide recommendations to the legislature on improving rail safety governance in Washington state, by class of rail (intercity, commuter, freight and transit) where applicable.



# Study objectives reframed as key questions

- **KQ1:** What are the roles of federal, state, regional, and local agencies in the State of Washington for rail safety oversight and governance? What other stakeholder agencies, related to rail safety, exist in Washington State?
- **KQ2:** What can be learned from rail safety governance practices in other states and countries?
- **KQ3:** What are the gaps and inconsistencies in the state statutory law and administrative rules germane to rail safety oversight?
- **KQ4:** How can Washington's rail safety governance be improved?

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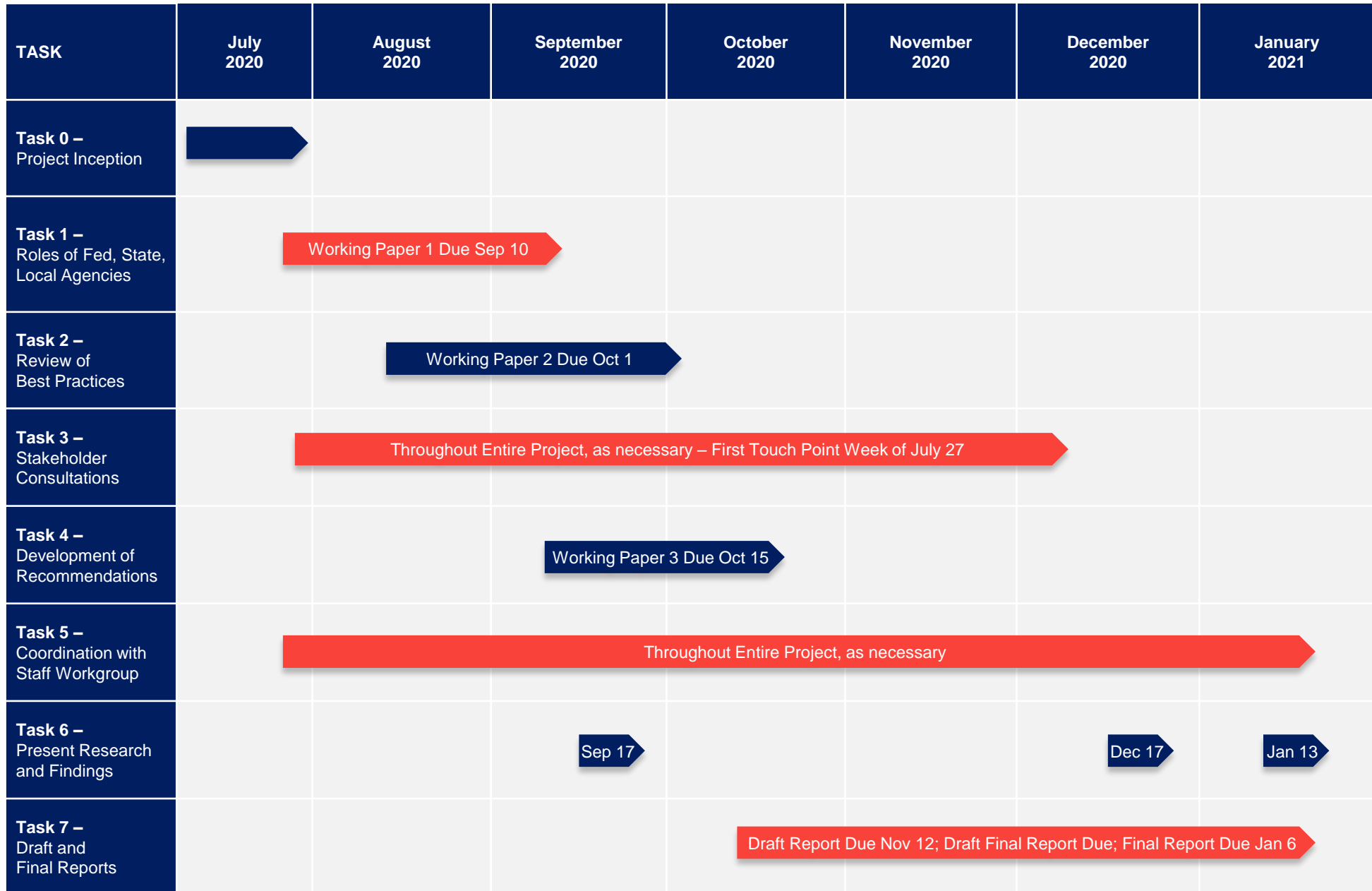
# The work plan has three analytical steps, supplemented by consultations

		Deliverable
	<b>Task 0</b> Project Inception	<ul style="list-style-type: none"> <li>Kickoff Meeting</li> <li>Inception Report</li> </ul>
<b>KQ1</b>	<b>Task 1</b> Describe Roles of Federal, State, Regional, and Local Agencies	<ul style="list-style-type: none"> <li><b>Working Paper 1 – Mandates for Rail Oversight:</b> Federal, State, Regional, and Local Agencies</li> </ul>
<b>KQ2</b>	<b>Task 2</b> Review of Best Practices for Rail Safety Governance	<ul style="list-style-type: none"> <li><b>Working Paper 2 – Best Practices in Rail Safety Oversight</b></li> </ul>
<b>KQ3 &amp; KQ4</b>	<b>Task 3</b> Consultations with Agencies and Stakeholders	<ul style="list-style-type: none"> <li>Meeting Minutes and Summaries</li> <li>Proposed improvements in Rail Safety Governance</li> </ul>
	<b>Task 4</b> Development of Recommendations	<ul style="list-style-type: none"> <li><b>Working Paper 3 – Recommendations for Implementation of Rail Safety Governance in Washington State</b></li> </ul>
	<b>Task 5</b> Coordinate with staff workgroup	<ul style="list-style-type: none"> <li>Monthly progress reports</li> <li>Twice-monthly project status calls</li> </ul>
	<b>Task 6</b> Present research and findings	<ul style="list-style-type: none"> <li>Presentations to the Washington JTC</li> <li>Presentations to the House/Senate Committees</li> </ul>
	<b>Task 7</b> Prepare draft and final reports	<ul style="list-style-type: none"> <li><b>Draft Report</b></li> <li><b>Draft Final Report and Final Report</b> (in electronic format)</li> </ul>

we are here



# The project is expected to conclude in January 2021





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# We are speaking with operators, regulators and other stakeholders with interest in rail safety

- We have been gathering views on the following topics:
  - Stakeholder's understanding and role of rail safety governance in Washington state
  - View of the coordination efforts between stakeholders and agencies
  - What elements of existing rail safety governance structure do and do not work well
  - Any gaps, inconsistencies, conflicts, or lack of clarity that exist
  - Recommendations that stakeholders have to improve rail safety governance.
- Most stakeholders are also involved in the study through the Project Working Group

## Stakeholders to be consulted

Washington State Department of Transportation

Washington State Utilities & Transportation Commission

Sound Transit

Amtrak

National Transportation Safety Board

BNSF Railway

Portland-Vancouver Junction Railroad (Short Line)

Brotherhood of Locomotive Engineers & Trainmen (Labor)

Federal Railroad Administration



# We are also carrying out a targeted best practices scan

➤ **Intended to focus on where information on effectiveness and/or lessons learned can be readily gleaned and easily applied to Washington**

➤ **Discussions with selected experts from other jurisdictions**

- Other states (Oregon, Texas, Illinois, Ohio, North Carolina, and New York)
- Other countries (United Kingdom, Canada and Australia)

➤ **Issues to explore:**

- Effective practices in the commissioning of new rail infrastructure and systems, including the roles and responsibilities of state entities
- Practices for ongoing communication between oversight agencies and regulated entities
- Practices for ensuring clarity in the roles and responsibilities of host and tenant railways
- Practices for enhancing safety at grade crossings and reducing trespassing occurrences
- Practices related to the safety of hazardous material transport.



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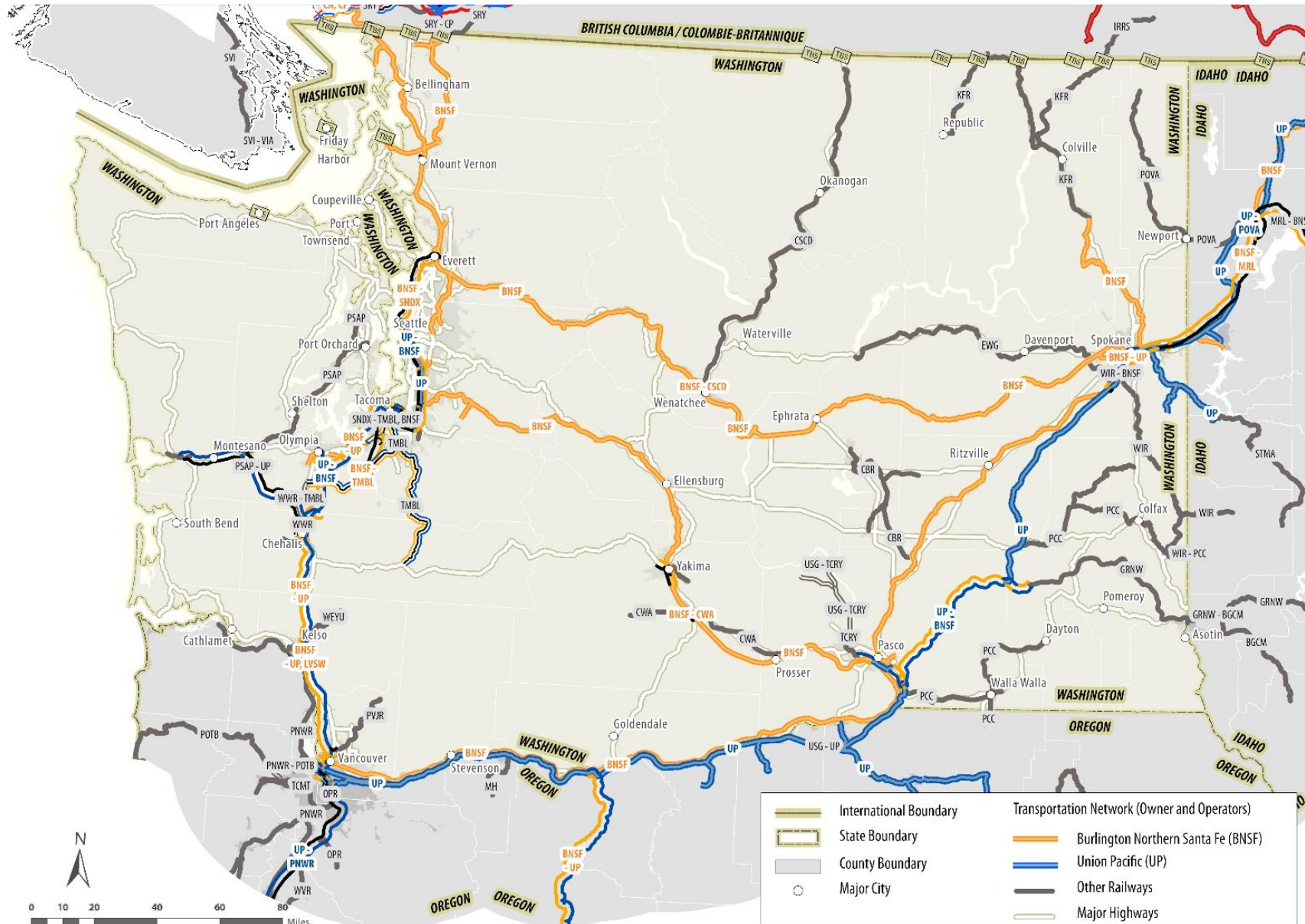
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# The rail system in Washington includes over 3,000 miles of track supporting passenger, commuter, freight, and transit operations



# There is a different regulatory system for *railroads* (intercity passenger, freight and commuter) and *transit* (including light rail, streetcars, and monorails, for example)

## Examples of *railroads* (passenger)



## Examples of *transit* systems



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# Federal requirements related to railroads are also more prescriptive than those covering transit, and generally pre-empt local regulations

## Railroads

- The **Federal Railroad Administration (FRA)** is the federal agency charged with oversight of railroad safety
- Federal regulations require **nationally-uniform** railroad laws, regulations, and orders “to the extent practicable,” which generally **pre-empt** local (state and local) regulations
- Under 49 CFR Part 212, the FRA cooperates with state agencies (in Washington State, the **Washington Utilities and Transportation Commission**), who supplement and strengthen FRA oversight with FRA-trained inspectors

## Transit

- The **Federal Transit Administration (FTA)** is the federal agency charged with overseeing rapid transit systems
- The FTA **delegates day-to-day safety oversight activities** to State Safety Oversight Agencies (SSOA) required under 49 CFR Part 674
- In Washington State, the **Washington Department of Transportation** is the designated SSOA



# Immediate next step is to continue the jurisdictional scan

- We are arranging calls with selected experts from other jurisdictions
- We are continuing outreach to stakeholders, including following up with selected stakeholders for further information
- We will use this information to begin formulating recommendations to the JTC this fall.



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**Thank you!**  
**Any questions?**