

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5402

65th Legislature
2017 Regular Session

Passed by the Senate April 17, 2017
Yeas 48 Nays 1

President of the Senate

Passed by the House April 6, 2017
Yeas 59 Nays 38

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5402** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5402

AS AMENDED BY THE HOUSE

Passed Legislature - 2017 Regular Session

State of Washington 65th Legislature 2017 Regular Session

By Senate Transportation (originally sponsored by Senators Lias, Walsh, Billig, Hobbs, King, and Sheldon)

READ FIRST TIME 02/14/17.

1 AN ACT Relating to the Cooper Jones bicyclist safety advisory
2 council; adding a new section to chapter 43.59 RCW; creating a new
3 section; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that Washington
6 state is the nation's number one "Bike Friendly State." However,
7 people who bike encounter road safety dangers that result in severe
8 injury and death. Bicycle ridership has significantly increased over
9 the last ten years, and the number of injuries and fatalities are
10 also on the rise, despite the five percent annual reduction goal. The
11 Cooper Jones act of 1998 laid the groundwork to begin a focus on
12 bicycle safety and education. It is the intent of the legislature
13 that the Cooper Jones bicycle safety advisory council continue that
14 work with a focus on a review of best practices for the reduction and
15 eventual elimination of bicycle-related injuries and fatalities in
16 contribution to Washington state's adoption of Target Zero.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.59
18 RCW to read as follows:

19 (1) Within amounts appropriated to the traffic safety commission,
20 the commission must convene the Cooper Jones bicyclist safety

1 advisory council comprised of stakeholders who have a unique interest
2 or expertise in bicyclist and road safety.

3 (2) The purpose of the council is to review and analyze data
4 related to bicyclist fatalities and serious injuries to identify
5 points at which the transportation system can be improved and to
6 identify patterns in bicyclist fatalities and serious injuries.

7 (3)(a) The council may include, but is not limited to:

8 (i) A representative from the commission;

9 (ii) An emergency medical technician from the county in which the
10 most bicyclist deaths have occurred;

11 (iii) A representative from the Washington association of
12 sheriffs and police chiefs;

13 (iv) Multiple members of law enforcement who have investigated
14 bicyclist fatalities;

15 (v) A traffic engineer;

16 (vi) A representative from the department of transportation;

17 (vii) A representative of cities, and up to two stakeholders,
18 chosen by the council, who represent municipalities in which at least
19 one bicyclist fatality has occurred in the previous three years;

20 (viii) A representative from a bicyclist advocacy group;

21 (ix) A transportation planner with a focus on multimodal
22 planning;

23 (x) A public health official, researcher, or epidemiologist; and

24 (xi) A member of an academic transportation research
25 organization, such as the transportation research board.

26 (b) The commission may invite other representatives of
27 stakeholder groups to participate in the council as deemed
28 appropriate by the commission. Additionally, the commission may
29 invite a victim or family member of a victim to participate in the
30 council.

31 (4) The council must meet at least quarterly. By December 31st of
32 each year, the council must issue an annual report detailing any
33 findings and recommendations to the governor and the transportation
34 committees of the legislature. The commission must provide the annual
35 report electronically to all municipal governments and state agencies
36 that participated in the council during that calendar year.
37 Additionally, the council must report any budgetary or fiscal
38 recommendations to the office of financial management and the
39 legislature by August 1, 2018.

1 (5) As part of the review of bicyclist fatalities and serious
2 injuries that occur in Washington, the council may review any
3 available information, including accident information maintained in
4 existing databases; statutes, rules, policies, or ordinances
5 governing bicyclists and traffic related to the incidents; and any
6 other relevant information. The council may make recommendations
7 regarding changes in statutes, ordinances, rules, and policies that
8 could improve bicyclist safety. Additionally, the council may make
9 recommendations on how to improve traffic fatality and serious injury
10 data quality.

11 (6)(a) Documents prepared by or for the council are inadmissible
12 and may not be used in a civil or administrative proceeding, except
13 that any document that exists before its use or consideration in a
14 review by the council, or that is created independently of such
15 review, does not become inadmissible merely because it is reviewed or
16 used by the council. For confidential information, such as personally
17 identifiable information and medical records, which are obtained by
18 the council, neither the commission nor the council may publicly
19 disclose such confidential information. No person who was in
20 attendance at a meeting of the council or who participated in the
21 creation, retention, collection, or maintenance of information or
22 documents specifically for the commission or the council shall be
23 permitted to testify in any civil action as to the content of such
24 proceedings or of the documents and information prepared specifically
25 as part of the activities of the council. However, recommendations
26 from the council and the commission generally may be disclosed
27 without personal identifiers.

28 (b) The council may review, only to the extent otherwise
29 permitted by law or court rule when determined to be relevant and
30 necessary: Any law enforcement incident documentation, such as
31 incident reports, dispatch records, and victim, witness, and suspect
32 statements; any supplemental reports, probable cause statements, and
33 911 call taker's reports; and any other information determined to be
34 relevant to the review. The commission and the council must maintain
35 the confidentiality of such information to the extent required by any
36 applicable law.

37 (7) If acting in good faith, without malice, and within the
38 parameters of and protocols established under this chapter,
39 representatives of the commission and the council are immune from

1 civil liability for an activity related to reviews of particular
2 fatalities and serious injuries.

3 (8) This section must not be construed to provide a private civil
4 cause of action.

5 (9)(a) The council may receive gifts, grants, or endowments from
6 public or private sources that are made from time to time, in trust
7 or otherwise, for the use and benefit of the purposes of the council
8 and spend the gifts, grants, or endowments from the public or private
9 sources according to their terms, unless the receipt of the gifts,
10 grants, or endowments violates RCW 42.17A.560.

11 (b) Subject to the appropriation of funds for this specific
12 purpose, the council may provide grants targeted at improving
13 bicyclist safety in accordance with recommendations made by the
14 council.

15 (10) By December 1, 2018, the council must report to the
16 transportation committees of the legislature on the strategies that
17 have been deployed to improve bicyclist safety by the council and
18 make a recommendation as to whether the council should be continued
19 and if there are any improvements the legislature can make to improve
20 the council.

21 (11) For purposes of this section:

22 (a) "Bicyclist fatality" means any death of a bicyclist resulting
23 from a collision with a vehicle, whether on a roadway, at an
24 intersection, along an adjacent sidewalk, or on a path that is
25 contiguous with a roadway.

26 (b) "Council" means the Cooper Jones bicyclist safety advisory
27 council.

28 (c) "Serious injury" means any injury other than a fatal injury
29 that prevents the injured person from walking, driving, or normally
30 continuing the activities the person was capable of performing before
31 the injury occurred.

32 (12) This section expires June 30, 2019.

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