
HOUSE BILL 1723

State of Washington**66th Legislature****2019 Regular Session**

By Representatives Kloba, Goodman, Lovick, Doglio, Bergquist, Eslick, Shewmake, Kilduff, Ortiz-Self, Stanford, and Riccelli; by request of Washington Traffic Safety Commission

Read first time 01/29/19. Referred to Committee on Transportation.

1 AN ACT Relating to the active transportation safety advisory
2 council; amending RCW 43.59.155; repealing RCW 43.59.150 and
3 43.59.160; providing an effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 43.59.155 and 2015 c 243 s 1 are each amended to
6 read as follows:

7 (1) Within amounts appropriated to the traffic safety commission,
8 the commission must convene ((a pedestrian)) an active transportation
9 safety advisory council comprised of stakeholders who have a unique
10 interest or expertise in the safety of pedestrians, bicyclists, and
11 ((road safety)) other nonmotorists.

12 (2) The purpose of the council is to review and analyze data and
13 programs related to ((pedestrian)) fatalities and serious injuries
14 involving pedestrians, bicyclists, and other nonmotorists to identify
15 points at which the transportation system can be improved and to
16 identify patterns in pedestrian, bicyclist, and other nonmotorist
17 fatalities and serious injuries. The council may also:

18 (a) Monitor progress on implementation of existing council
19 recommendations; and

20 (b) Seek opportunities to expand consideration and implementation
21 of the principles of systematic safety.

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

- (i) A representative from the commission;
- (ii) A coroner from the county in which ((the most)) pedestrian, bicyclist, or nonmotorist deaths have occurred;
- (iii) ((A representative from the Washington association of sheriffs and police chiefs;))
Multiple members of law enforcement who have investigated pedestrian, bicyclist, or nonmotorist fatalities;
- ((v)) (iv) A traffic engineer;
- ((vi)) (v) A representative from the department of transportation;
- ((vii)) (vi) A representative from the association of Washington cities ((, and up to two stakeholders, chosen by the council, who represent municipalities in which at least one pedestrian fatality has occurred in the previous three years)); ((and
(viii))) (vii) A representative from the Washington state association of counties;
- (viii) A representative from a pedestrian advocacy group; and
- (ix) A representative from a bicyclist or other nonmotorist advocacy group.

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

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

(5) As part of the review of pedestrian, bicyclist, or nonmotorist fatalities and serious injuries that occur in Washington, the council may review any available information, including ((accident)) crash information maintained in existing databases; statutes, rules, policies, or ordinances governing pedestrians and traffic related to the incidents; and any other relevant information.

1 The council may make recommendations regarding changes in statutes,
2 ordinances, rules, and policies that could improve pedestrian,
3 **bicyclist, or nonmotorist** safety. Additionally, the council may make
4 recommendations on how to improve traffic fatality and serious injury
5 data quality.

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

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

32 (7) If acting in good faith, without malice, and within the
33 parameters of and protocols established under this chapter,
34 representatives of the commission and the council are immune from
35 civil liability for an activity related to reviews of particular
36 fatalities and serious injuries.

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

39 (9) (a) The council may receive gifts, grants, or endowments from
40 public or private sources that are made from time to time, in trust

1 or otherwise, for the use and benefit of the purposes of the council
2 and spend the gifts, grants, or endowments from the public or private
3 sources according to their terms, unless the receipt of the gifts,
4 grants, or endowments violates RCW 42.17A.560.

5 (b) Subject to the appropriation of funds for this specific
6 purpose, the council may provide grants targeted at improving
7 pedestrian, bicyclist, or nonmotorist safety in accordance with
8 recommendations made by the council.

9 (10) ~~((By December 1, 2018, the council must report to the~~
10 ~~transportation committees of the legislature on the strategies that~~
11 ~~have been deployed to improve pedestrian safety by the council and~~
12 ~~make a recommendation as to whether the council should be continued~~
13 ~~and if there are any improvements the legislature can make to improve~~
14 ~~the council.~~

15 (11)) For purposes of this section:

16 (a) "Bicyclist fatality" means any death of a bicyclist resulting
17 from a collision, whether on a roadway, at an intersection, along an
18 adjacent sidewalk, or on a path that is contiguous with a roadway.

19 (b) "Council" means the ~~((pedestrian))~~ active transportation
20 safety advisory council.

21 ((b)) (c) "Nonmotorist" means anyone using the transportation
22 system who are not in a vehicle.

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

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

31 ((12) ~~This section expires June 30, 2019.~~))

32 NEW SECTION. **Sec. 2.** The following acts or parts of acts are
33 each repealed:

34 (1) RCW 43.59.150 (Bicycle and pedestrian safety—Committee) and
35 2005 c 426 s 6; and

36 (2) RCW 43.59.160 (Cooper Jones bicyclist safety advisory
37 council) and 2017 c 324 s 2.

1 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect June 30, 2019.

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