

---

**SUBSTITUTE SENATE BILL 5710**

---

**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Lias, Saldaña, Cleveland, Takko, Billig, King, Nguyen, and Dhingra; by request of Washington Traffic Safety Commission)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to the Cooper Jones active transportation safety  
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))~~) the Cooper Jones active  
9 transportation safety (~~((advisory))~~) council comprised of stakeholders  
10 who have a unique interest or expertise in the safety of pedestrians,  
11 bicyclists, and (~~((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 including,  
16 whenever possible, privately owned areas of the system such as  
17 parking lots, and to identify patterns in pedestrian, bicyclist, and  
18 other nonmotorist fatalities and serious injuries. The council may  
19 also:

20 (a) Monitor progress on implementation of existing council  
21 recommendations; and

1 (b) Seek opportunities to expand consideration and implementation  
2 of the principles of systematic safety, including areas where data  
3 collection may need improvement.

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

5 (i) A representative from the commission;

6 (ii) A coroner from the county in which ~~((the most))~~ pedestrian,  
7 bicyclist, or nonmotorist deaths have occurred;

8 ~~((A representative from the Washington association of~~  
9 ~~sheriffs and police chiefs;~~

10 ~~(iv))~~ Multiple members of law enforcement who have investigated  
11 pedestrian, bicyclist, or nonmotorist fatalities;

12 ~~((v))~~ (iv) A traffic engineer;

13 ~~((vi))~~ (v) A representative from the department of  
14 transportation and a representative from the department of health;

15 ~~((vii))~~ (vi) A representative from the association of  
16 Washington cities ~~((, and up to two stakeholders, chosen by the~~  
17 ~~council, who represent municipalities in which at least one~~  
18 ~~pedestrian fatality has occurred in the previous three years));~~ ~~((and~~

19 ~~(viii))~~ (vii) A representative from the Washington state  
20 association of counties;

21 (viii) A representative from a pedestrian advocacy group; and

22 (ix) A representative from a bicyclist or other nonmotorist  
23 advocacy group.

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

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

38 (5) As part of the review of pedestrian, bicyclist, or  
39 nonmotorist fatalities and serious injuries that occur in Washington,  
40 the council may review any available information, including

1 ((~~accident~~)) crash information maintained in existing databases;  
2 statutes, rules, policies, or ordinances governing pedestrians and  
3 traffic related to the incidents; and any other relevant information.  
4 The council may make recommendations regarding changes in statutes,  
5 ordinances, rules, and policies that could improve pedestrian,  
6 bicyclist, or nonmotorist safety. Additionally, the council may make  
7 recommendations on how to improve traffic fatality and serious injury  
8 data quality, including crashes that occur in privately owned  
9 property such as parking lots. The council may consult with local  
10 cities and counties, as well as, local police departments and other  
11 law enforcement agencies and associations representing those  
12 jurisdictions on how to improve data quality regarding crashes  
13 occurring on private property.

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

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

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

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

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

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

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

24 ~~(11))~~ For purposes of this section:

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

28 (b) "Council" means the ((pedestrian)) Cooper Jones active  
29 transportation safety ((advisory)) council.

30 ~~((b))~~ (c) "Nonmotorist" means anyone using the transportation  
31 system who are not in a vehicle.

32 (d) "Pedestrian fatality" means any death of a pedestrian  
33 resulting from a collision ((with a vehicle)), whether on a roadway,  
34 at an intersection, along an adjacent sidewalk, or on a path that is  
35 contiguous with a roadway.

36 ~~((e))~~ (e) "Serious injury" means any injury other than a fatal  
37 injury that prevents the injured person from walking, driving, or  
38 normally continuing the activities the person was capable of  
39 performing before the injury occurred.

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

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

3        (1) RCW 43.59.150 (Bicycle and pedestrian safety—Committee) and  
4 2005 c 426 s 6; and

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

7        NEW SECTION.    **Sec. 3.**    This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of  
9 the state government and its existing public institutions, and takes  
10 effect July 1, 2019.

--- END ---