

CERTIFICATION OF ENROLLMENT

SENATE BILL 6493

66th Legislature
2020 Regular Session

Passed by the Senate February 17,
2020

Yeas 48 Nays 0

President of the Senate

Passed by the House March 4, 2020

Yeas 83 Nays 14

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6493** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 6493

Passed Legislature - 2020 Regular Session

State of Washington

66th Legislature

2020 Regular Session

By Senators Lias, King, Hobbs, Billig, Saldaña, and Wilson, C.

Read first time 01/20/20. Referred to Committee on Transportation.

1 AN ACT Relating to the Cooper Jones active transportation safety
2 council; adding a new section to chapter 43.59 RCW; and repealing RCW
3 43.59.155.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.59
6 RCW to read as follows:

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

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

19 (a) Monitor progress on implementation of existing council
20 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 pedestrian, bicyclist, or
7 nonmotorist deaths have occurred;

8 (iii) Multiple members of law enforcement who have investigated
9 pedestrian, bicyclist, or nonmotorist fatalities;

10 (iv) A traffic engineer;

11 (v) A representative from the department of transportation and a
12 representative from the department of health;

13 (vi) A representative from the association of Washington cities;

14 (vii) A representative from the Washington state association of
15 counties;

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

17 (ix) A representative from a bicyclist or other nonmotorist
18 advocacy group.

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

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

33 (5) As part of the review of pedestrian, bicyclist, or
34 nonmotorist fatalities and serious injuries that occur in Washington,
35 the council may review any available information, including crash
36 information maintained in existing databases; statutes, rules,
37 policies, or ordinances governing pedestrians and traffic related to
38 the incidents; and any other relevant information. The council may
39 make recommendations regarding changes in statutes, ordinances,
40 rules, and policies that could improve pedestrian, bicyclist, or

1 nonmotorist safety. Additionally, the council may make
2 recommendations on how to improve traffic fatality and serious injury
3 data quality, including crashes that occur in privately owned
4 property such as parking lots. The council may consult with local
5 cities and counties, as well as local police departments and other
6 law enforcement agencies and associations representing those
7 jurisdictions on how to improve data quality regarding crashes
8 occurring on private property.

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

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

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

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

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

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

13 (10) For purposes of this section:

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

17 (b) "Council" means the Cooper Jones active transportation safety
18 council.

19 (c) "Nonmotorist" means anyone using the transportation system
20 who is not in a vehicle.

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

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

29 NEW SECTION. **Sec. 2.** RCW 43.59.155 (Cooper Jones active
30 transportation safety council) and 2019 c 54 s 1 & 2015 c 243 s 1 are
31 each repealed.

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