

SSB 5402 - H COMM AMD
By Committee on Transportation

ADOPTED 04/06/2017

1 Strike everything after the enacting clause and insert the
2 following:

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

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

17 (1) Within amounts appropriated to the traffic safety commission,
18 the commission must convene the Cooper Jones bicyclist safety
19 advisory council comprised of stakeholders who have a unique interest
20 or expertise in bicyclist and road safety.

21 (2) The purpose of the council is to review and analyze data
22 related to bicyclist fatalities and serious injuries to identify
23 points at which the transportation system can be improved and to
24 identify patterns in bicyclist fatalities and serious injuries.

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

26 (i) A representative from the commission;

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

29 (iii) A representative from the Washington association of
30 sheriffs and police chiefs;

1 (iv) Multiple members of law enforcement who have investigated
2 bicyclist fatalities;

3 (v) A traffic engineer;

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

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

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

9 (ix) A transportation planner with a focus on multimodal
10 planning;

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

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

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

19 (4) The council must meet at least quarterly. By December 31st of
20 each year, the council must issue an annual report detailing any
21 findings and recommendations to the governor and the transportation
22 committees of the legislature. The commission must provide the annual
23 report electronically to all municipal governments and state agencies
24 that participated in the council during that calendar year.
25 Additionally, the council must report any budgetary or fiscal
26 recommendations to the office of financial management and the
27 legislature by August 1, 2018.

28 (5) As part of the review of bicyclist fatalities and serious
29 injuries that occur in Washington, the council may review any
30 available information, including accident information maintained in
31 existing databases; statutes, rules, policies, or ordinances
32 governing bicyclists and traffic related to the incidents; and any
33 other relevant information. The council may make recommendations
34 regarding changes in statutes, ordinances, rules, and policies that
35 could improve bicyclist safety. Additionally, the council may make
36 recommendations on how to improve traffic fatality and serious injury
37 data quality.

38 (6)(a) Documents prepared by or for the council are inadmissible
39 and may not be used in a civil or administrative proceeding, except
40 that any document that exists before its use or consideration in a

1 review by the council, or that is created independently of such
2 review, does not become inadmissible merely because it is reviewed or
3 used by the council. For confidential information, such as personally
4 identifiable information and medical records, which are obtained by
5 the council, neither the commission nor the council may publicly
6 disclose such confidential information. No person who was in
7 attendance at a meeting of the council or who participated in the
8 creation, retention, collection, or maintenance of information or
9 documents specifically for the commission or the council shall be
10 permitted to testify in any civil action as to the content of such
11 proceedings or of the documents and information prepared specifically
12 as part of the activities of the council. However, recommendations
13 from the council and the commission generally may be disclosed
14 without personal identifiers.

15 (b) The council may review, only to the extent otherwise
16 permitted by law or court rule when determined to be relevant and
17 necessary: Any law enforcement incident documentation, such as
18 incident reports, dispatch records, and victim, witness, and suspect
19 statements; any supplemental reports, probable cause statements, and
20 911 call taker's reports; and any other information determined to be
21 relevant to the review. The commission and the council must maintain
22 the confidentiality of such information to the extent required by any
23 applicable law.

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

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

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

37 (b) Subject to the appropriation of funds for this specific
38 purpose, the council may provide grants targeted at improving
39 bicyclist safety in accordance with recommendations made by the
40 council.

1 (10) By December 1, 2018, the council must report to the
2 transportation committees of the legislature on the strategies that
3 have been deployed to improve bicyclist safety by the council and
4 make a recommendation as to whether the council should be continued
5 and if there are any improvements the legislature can make to improve
6 the council.

7 (11) For purposes of this section:

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

12 (b) "Council" means the Cooper Jones bicyclist safety advisory
13 council.

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

18 (12) This section expires June 30, 2019."

19 Correct the title.

EFFECT: Makes the following changes to the laws governing the
Cooper Jones Bicyclist Safety Advisory Council (Bicyclist Council):

(1) Replaces the requirement that funds must be appropriated
specifically for the purpose of this act with a more general funding
availability requirement for the act to take effect; and

(2) Removes from the list of optional membership on the Bicyclist
Council an attorney who has worked in areas of the law related to
bicycles.

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