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**HOUSE BILL 1039**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Representatives McCaslin and Kloba

AN ACT Relating to reporting on, updating, and expanding deployment of existing government programs that provide education on bicycle and pedestrian travel; amending RCW 43.43.390, 43.70.410, and 47.04.300; adding a new section to chapter 28A.300 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that many state agencies are involved in creating educational and safety programs involving bicycle and pedestrian travel. The legislature intends to have agencies report and update their programs so that this generation of students are provided more opportunities to acquire safety skills. There is a need for increased training on hazard avoidance skills and the impacts of usage of modern technology on pedestrian, bicycle, and motor vehicle travel as it relates to their interactions with each other.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

(1) On or before June 30, 2023, the office of the superintendent of public instruction, in coordination with representatives of the Washington state patrol, local law enforcement agencies, the department of health traumatic brain injury prevention program, local school districts, local bicycle clubs, and the traffic safety commission's Cooper Jones active transportation safety council, must review and update its existing curriculum related to bicycle and pedestrian safety. The update must include more hazard avoidance skills and address the additional distractions associated with the use of modern technology when individuals are walking, biking, or driving. The update should include a plan to increase implementation of bicycle and safety education in communities throughout the state. This plan must improve opportunities in distressed areas as defined in RCW 43.168.020 while reducing disparities in communities of color and other marginalized communities.

(2) The office of the superintendent of public instruction must:

(a) Review curriculum and educational materials, videos, and training tools on bicycle and pedestrian safety and select appropriate information to be posted on its website. This should include a review of materials created by the United States department of transportation; and

(b) Coordinate with the Washington state patrol to create a bike safety awareness program for students enrolled in third to fifth grade. The program shall be deployed in at least two school districts that have a population of no more than 15,000 students and are located on either side of the Cascade mountain range. The program must include hazard avoidance skills and address the additional distractions associated with the use of modern technology when individuals are walking, biking, or driving.

(3) No later than November 1, 2023, the office of the superintendent of public instruction must report to the transportation committees of the house of representatives and the senate on its activities under this section.

**Sec.**  RCW 43.43.390 and 1991 c 214 s 1 are each amended to read as follows:

(1) Bicycling is increasing in popularity as a form of recreation and as an alternative mode of transportation. To make bicycling safer, the various law enforcement agencies should enforce traffic regulations for bicyclists. By enforcing bicycle regulations, law enforcement officers are reinforcing educational programs. Bicycling takes more skill than most people realize. Since bicyclists have a low profile in traffic and are unprotected, they need more defensive riding skills than motorists do.

(2) A bicycle awareness program is created within the Washington state patrol. In developing the curriculum for the bicycle awareness program the patrol shall consult with the traffic safety ((~~commission~~)) commission's Cooper Jones active transportation safety council and with bicycling groups providing bicycle safety education. The patrol shall conduct the program in conjunction with the safety education officer program and may use other law enforcement personnel and volunteers to implement the program for children in grades kindergarten through six. The patrol shall ensure that each safety educator presenting the bicycle awareness program has received specialized training in bicycle safety education and has been trained in effective defensive bicycle riding skills.

(3) No later than September 1, 2021, the chief of the Washington state patrol must report to the transportation committees of the house of representatives and the senate on the activities of the patrol under this section.

(4) During the 2021-2023 biennium, the Washington state patrol must coordinate with the office of the superintendent of public instruction to create a bike safety awareness program for students enrolled in third to fifth grade. The program shall be deployed in at least two school districts that have a population of no more than 15,000 students and are located on either side of the Cascade mountain range. The program must include hazard avoidance skills and address the additional distractions associated with the use of modern technology when individuals are walking, biking, or driving.

**Sec.**  RCW 43.70.410 and 1990 c 270 s 3 are each amended to read as follows:

As used in RCW 43.70.400 through 43.70.440, the term "head injury" means traumatic brain injury.

A head injury prevention program is created in the department of health. The program's functions may be integrated with those of similar programs to promote comprehensive, integrated, and effective health promotion and disease prevention.

In consultation with the traffic safety ((~~commission~~)) commission's Cooper Jones active transportation safety council, the department shall, directly or by contract, identify and coordinate public education efforts currently underway within state government and among private groups to prevent traumatic brain injury, including, but not limited to, bicycle safety, pedestrian safety, bicycle passenger seat safety, motorcycle safety, motor vehicle safety, and sports safety. If the department finds that programs are not available or not in use, it may, within funds appropriated for the purpose, provide grants to promote public education efforts. Grants may be awarded only after recipients have demonstrated coordination with relevant and knowledgeable groups within their communities, including at least schools, brain injury support organizations, hospitals, physicians, traffic safety specialists, police, and the public. The department may accept grants, gifts, and donations from public or private sources to use to carry out the head injury prevention program.

The department may assess or contract for the assessment of the effectiveness of public education efforts coordinated or initiated by any agency of state government. Agencies are directed to cooperate with assessment efforts by providing access to data and program records as reasonably required. The department may seek and receive additional funds from the federal government or private sources for assessments. Assessments shall contain findings and recommendations that will improve the effectiveness of public education efforts. These findings shall be distributed among public and private groups concerned with traumatic brain injury prevention.

No later than September 1, 2021, the secretary must report to the transportation committees of the house of representatives and the senate on the activities of the department under this section.

**Sec.**  RCW 47.04.300 and 2009 c 392 s 1 are each amended to read as follows:

(1) Concurrent with the federal safe, accountable, flexible, efficient transportation equity act of 2005, a safe routes to school program is established within the department. The purpose of the program is to:

((~~(1)~~)) (a) Enable and encourage children, including those with disabilities, to walk and bicycle to school;

((~~(2)~~)) (b) Make bicycling and walking to school a safer and more appealing transportation alternative, encouraging a healthy and active lifestyle from an early age; and

((~~(3)~~)) (c) Facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

(2) The department may award grant funding to school districts under the safe routes to school program for presentation to students of the bicycle awareness program created in RCW 43.43.390 and presented by an officer of the Washington state patrol or local law enforcement agencies.

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