

SENATE BILL REPORT

SB 5581

As of February 10, 2025

Title: An act relating to implementing safe system approach strategies for active transportation infrastructure.

Brief Description: Implementing safe system approach strategies for active transportation infrastructure.

Sponsors: Senators Shewmake, Lias, Nobles and Valdez.

Brief History:

Committee Activity: Transportation: 2/10/25.

Brief Summary of Bill

- Integrates shared-use paths that are part of a state or local active transportation plan into certain highway planning, design, and construction.
- Defines the term roundabout, and updates definitions for crosswalk and intersection within the context of roundabouts.
- Requires the Washington State Department of Transportation (WSDOT) to identify existing or planned active transportation facilities on publicly or tribally owned property and determine if such facility provides equal or better access to destinations and is an appropriate network connection providing mitigation in lieu of fulfilling Complete Streets requirements on state rights-of-way, subject to a cooperative agreement and certain conditions.
- Authorizes WSDOT to implement Complete Streets requirements on Safe Routes to School Program, Connecting Communities Program, and Bike and Pedestrian Grant Program recipients, when there are changes on state rights-of-way.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Brandon Popovac (786-7465)

Background: Safe System Approach. The safe system approach consists of six principles, which form the framework for the approach, and six elements that work together to achieve a goal of zero traffic fatalities. This approach acknowledges human mistakes and vulnerability and guides the design and management of road systems with multiple layers of protection that work together to create a comprehensive, systematic, and redundant environment that protects all road users. The six elements are: safer vehicles, safer roads, safer speeds, safer road users, safer landuse planning, and post-crash care and response.

Cooper Jones Active Transportation Safety Council. The Cooper Jones Active Transportation Safety Council (council) is comprised of stakeholders who have a unique interest or expertise in the safety of pedestrians, bicyclists, and other nonmotorists. The council's purpose is to review and analyze data and programs related to fatalities and serious injuries involving pedestrians, bicyclists, and other nonmotorists to identify points at which the transportation system can be improved including, whenever possible, privately owned areas of the system, and to identify patterns in pedestrian, bicyclist, and other nonmotorist fatalities and serious injuries. The council must meet at least quarterly, and issue an annual report detailing any findings and recommendations to the Governor and the Transportation Committees of the Legislature. The council's 2023 report recommended statutory changes to provisions addressing recreational trails and paths. The council's 2024 report recommended statutory changes to provisions defining roundabouts, and crosswalks and intersections within the context of roundabouts.

Active Transportation Infrastructure—Trails and Paths. If the construction of a highway will sever or destroy an existing recreational trail of substantial usage for pedestrians or bicyclists, the Department of Transportation (WSDOT) must reestablish such trail or, if no alternative route exists, must design the facility and acquire sufficient right-of-way to accommodate future construction of the trail.

WSDOT must also use signage sufficient to ensure safety on highways that cross recreational trails.

Bicycle and pedestrian facilities must be incorporated into the design of highways in corridors where these facilities do not exist, based upon a finding that the facility would be of use and conform with public agency comprehensive plans, would not duplicate existing or proposed routes, and that enhance safety for all corridor users.

WSDOT or the local jurisdiction with control over facilities for pedestrians and bicyclists that are part of a comprehensive trail plan may expend reasonable amounts of funds received from statewide fuel taxes for the planning, accommodation, establishment, and maintenance of the facilities.

Public safety, cost compared to need and use, and inclusion in a comprehensive trail system plan are criteria that must be considered when establishing paths and trails.

For the state transportation system, a shared-use path is a facility designed for active transportation use and physically separated from motorized vehicular traffic within the highway right-of-way or on an exclusive right-of-way with minimal crossflow by motor vehicles. Shared-use paths are primarily used by pedestrians and people using bicycles or micromobility devices, including those who use nonmotorized or motorized wheeled mobility or assistive devices.

Crosswalks and Intersections. As applied to the state transportation system and general rules of the road:

- a crosswalk is any portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or, if no sidewalks, between the intersection area and a line ten feet from such area, except as modified by a marked crosswalk; and
- an intersection area is an area:
 1. embraced within the prolongation or connection of the lateral curb lines or, if no curb lines, the lateral boundary lines of the roadways of two or more highways that join one another at right angles; or
 2. within which vehicles traveling upon different highways joining at any other angle may come in conflict.

For rules of the road purposes, circular intersection is an intersection characterized by a circulatory roadway, generally circular in design, located in the center of the intersection, and encompasses the area bounded by the outermost curb line or, if there is no curb, the edge of the pavement, and includes crosswalks on any entering or exiting roadway. Circular intersection includes roundabouts, rotaries, and traffic circles.

Complete Streets Program. For transportation projects that are \$500,000 or more, WSDOT must:

- identify locations on state rights-of-way without a complete and ADA accessible sidewalk or shared-use path, without certain bicycle facilities, with a posted speed limit of more than 30-miles per hour and no buffer or physical separation between vehicular traffic and pedestrians or bicyclists, or have a design impairing the ability for drivers to see crossing pedestrians and stop in time;
- consult with local jurisdictions to confirm any existing and planned active transportation connections at such locations, any connections to existing and planned public transportation services, any existing and planned facilities connecting to such locations, and any potential use of speed management techniques;
- adjust to a lower speed limit while modifying roadway design and operations to achieve the desired operating speed in such locations; and
- plan, design, and construct facilities to ensure network connectivity and safety for

active transportation and public transportation users.

Transportation projects required to reopen state highways due to a natural disaster or other emergency are exempt from program requirements.

Safe Routes to School Program. Concurrent with federal law, WSDOT administers a Safe Routes to School Program to:

- enable and encourage children, including those with disabilities, to walk and bicycle to school;
- make bicycling and walking to school a safer and more appealing transportation alternative; and
- facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution near schools.

Sandy Williams Connecting Communities Program. WSDOT administers the Sandy Williams Connecting Communities Program to:

- provide safe, continuous routes for pedestrians, bicyclists, and other nonvehicle users;
- mitigate the health, safety, and access impacts of transportation infrastructure bisecting communities and creating obstacles in the local active transportation network;
- invest in greenways that provide protected routes for nonvehicular users; and
- facilitate projects and activities that will improve the connectivity and safety of the active transportation network.

WSDOT is required to select projects to propose to the Legislature for funding, and must consider certain criteria in the selection process, including but not limited to, facility access, service in overburdened communities and for vulnerable populations, environmental health disparities, and proximity to tribal lands.

Bicyclist and Pedestrian Grant Program. WSDOT administers a Bicyclist and Pedestrian Grant Program to improve pedestrian and bicyclist safety and mobility and increase active transportation trips, with projects to include buffered bike lanes, sidewalks, speed management, and crossing improvements.

Summary of Bill: Active Transportation Infrastructure. Legislative intent is declared to support a complete and comprehensive active transportation network, including shared-use paths, and more specifically, transportation system policy goals, vehicle miles traveled reduction goals, and greenhouse gas emissions reduction goals. It is also clarified that WSDOT may expend reasonable amounts of funds received from statewide fuel taxes necessary for the planning, design, construction, operation, and maintenance of active transportation facilities.

The policies and remedies addressing limited access highway construction severing or

destroying existing or planned recreational trails are extended to existing or planned shared-use paths. Where a highway crosses a recreational trail or shared-use path, signage, including consideration for the use of traffic control devices, must be provided to promote safety.

The incorporation of active transportation facilities in highway design when such facilities do not exist in the highway corridor is modified to when there is a finding that the facilities will conform to an adopted plan and will provide connections to existing or proposed routes. The provision of active transportation facilities, including shared-use paths, is authorized when separation of vehicular traffic and active transportation users increase the safety of users of all modes of travel.

Trails or shared-use paths in a trail or active transportation plan adopted by any government authority with jurisdiction over the trail or path must be considered before establishing such trails or paths. The cost of such trails or paths in light of need or use is removed from mandatory consideration.

Roundabouts. As applied to the state transportation system and general rules of the road, roundabout is defined as an intersection of two or more joining highways characterized by a one-way traffic pattern that travels counterclockwise around a central island, and in which traffic entering the intersection must yield to circulating traffic within the intersection as indicated by official traffic control devices. A roundabout, including the central island, circulating traffic pattern, and all connections to joining highways, is a single intersection of all joining highways.

Definitions for crosswalk and intersection area are updated to include within the context of a roundabout. The definition of circular intersection is removed.

Rules of the road provisions regarding lane direction and deviation are modified to include roundabouts.

Complete Streets Program. For Complete Streets projects, WSDOT must consult with local jurisdictions to confirm existing or planned active transportation facilities on local routes providing access to the same destinations as the state route. WSDOT must also identify any existing or planned active transportation facility on public or tribal lands. If WSDOT determines that such facility provides equal or better access to destinations, WSDOT may identify such facility as an appropriate active transportation network connection providing mitigation in lieu of fulfilling Complete Streets requirements, but subject to a cooperative agreement with the local jurisdiction or tribe with responsibility for the facility where:

- the facility is identified in an adopted local or tribal active transportation plan or other relevant plan, or community engagement with facility users most impacted takes place to inform a local plan update;
- the facility as an alternative meets or exceeds WSDOT's standards for Complete Streets design;

- the facility's real property is free of encumbrances, including utilities; and
- the facility provides equal or better safety improvements to decrease crashes involving vulnerable road users.

WSDOT may use Complete Streets project funds to participate in local or tribal system projects and construct necessary wayfinding connections from the state highway to the local or tribal facility if:

- the cost of participation needed to meet the terms of the cooperative agreement is deemed reasonable by WSDOT; and
- use of state funds do not supplant committed program funding to the project.

WSDOT may identify an active transportation facility as an appropriate network connection providing mitigation in lieu of satisfying Complete Streets requirements only when:

- available state rights-of-way do not reasonably permit construction of an adequate facility;
- an appropriate facility exists or may be constructed within a local jurisdiction or tribal lands within a timely manner;
- completion of or connection to the local or tribal facility provides active transportation connectivity sooner than completion of the state highway project under consideration; or
- the local jurisdiction or tribe has proposed such improvements as an alternative.

The authority for WSDOT to expend reasonable amounts received from statewide fuel tax collection revenue for the planning, construction, and operation of active transportation facilities is reiterated for purposes of the Complete Streets Program.

WSDOT may implement and require compliance on Complete Streets requirements for Safe Routes to School Program, Sandy Williams Connecting Communities Program, and Bike and Pedestrian Grant Program recipients, when there are changes on state rights-of-way.

Appropriation: None.

Fiscal Note: Requested on February 4, 2025.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The bill builds upon council recommendations to ensure a safer system for bicyclists, pedestrians, and vulnerable users, and makes other technical changes. One traffic fatality occurs every 13 hours based on 2023 fatality numbers. The cost of human lives lost as compared to highway infrastructure improvements needs to be considered, and there needs to be less conflict between vehicles and active transportation users. The bill addresses gaps in how roads are designed and

maintained, and provides clear definitions for WSDOT and local jurisdictions to use to ensure safety. Active transportation is the transportation system. The cost of death and injury impacts the transportation system and society as a whole. The bill emphasizes connections so people can choose not to drive.

CON: The bill may potentially add tens of millions of dollars in costs on any given project. Roundabout improvements and marked crossings would drive up project costs. The state is already facing budget issues, and this bill will add more cost to expensive projects.

OTHER: Washington in 2023 had its highest number of traffic fatalities on its roadways, with 60 percent occurring outside of intersections and marked crossings. The state Target Zero 2024 update addresses active transportation safety and emphasizes the safe system approach, especially on multimodal facilities. Physical separation from vehicles makes it safe for everyone. Better land use planning and road design will reduce crashes. Maintaining facilities for walkers and rollers will reduce vehicle miles traveled.

Persons Testifying: PRO: Senator Sharon Shewmake, Prime Sponsor; Katy Ricchiuto, Transportation Choices Coalition; David Jones, Cooper Jones Active Transportation Safety Council.

CON: Morgan Irwin, Association of Washington Business.

OTHER: Mark McKechnie, Washington Traffic Safety Commission.

Persons Signed In To Testify But Not Testifying: No one.