

HOUSE BILL REPORT

SSB 5402

As Reported by House Committee On: Transportation

Title: An act relating to the Cooper Jones bicyclist safety advisory council.

Brief Description: Creating the Cooper Jones bicyclist safety advisory council.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Liias, Walsh, Billig, Hobbs, King and Sheldon).

Brief History:

Committee Activity:

Transportation: 3/13/17, 3/15/17 [DPA].

**Brief Summary of Substitute Bill
(As Amended by Committee)**

- Establishes the Cooper Jones Bicyclist Safety Advisory Council (Bicyclist Council), to be convened by the Washington Traffic Safety Commission to review and analyze data related to bicycle fatalities and serious injuries to identify opportunities for safety improvements, and mandates that the Bicyclist Council meet at least quarterly.
- Mandates annual reporting by the Bicyclist Council that details any findings and recommendations to the Governor and the transportation committees of the Legislature.
- Requires a report be prepared for the transportation committees of the Legislature by December 1, 2018, that includes the strategies deployed to improve bicyclist safety and a recommendation on whether the Bicyclist Council should be continued.
- Expires laws governing the Bicyclist Council on June 30, 2019.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 17 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority

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Member; Chapman, Gregerson, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Riccelli, Stambaugh, Tarleton and Van Werven.

Minority Report: Do not pass. Signed by 6 members: Representatives Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Hayes, Irwin, Rodne and Shea.

Minority Report: Without recommendation. Signed by 1 member: Representative Pike.

Staff: Jennifer Harris (786-7143).

Background:

The Washington Traffic Safety Commission (WTSC) was established in 1967, following passage of the Federal Highway Safety Act of 1966, to oversee efforts to improve safety on Washington's public highways. The WTSC is the federally recognized highway safety office of Washington. In directing its work, the WTSC uses Target Zero—Washington State's Strategic Highway Safety Plan. The WTSC also collects fatal and serious injury crash data, engages in research studies, and oversees highway safety pilot projects. In 1998 the "Cooper Jones Act" directed the WTSC to establish a program for improving bicycle and pedestrian safety and to cooperate with stakeholders and independent representatives to form an advisory committee to develop programs and create public-private partnerships to promote bicycle and pedestrian safety.

A 2015 law directed the WTSC to convene a Pedestrian Safety Advisory Council (Pedestrian Council) to review and analyze data related to pedestrian fatalities and serious injuries to identify points at which the transportation system could be improved and to identify patterns in pedestrian fatalities and serious injuries. The Pedestrian Council is required to meet at least quarterly and to provide a report and make recommendations on measures that could improve pedestrian safety by December 31 of each year. By December 1, 2018, the Pedestrian Council is required to report to the Legislature on the strategies that have been deployed to improve pedestrian safety by the Pedestrian Council and to make recommendations on whether the Pedestrian Council should be continued and how it could be improved. Laws governing the Pedestrian Council expire June 30, 2019.

Summary of Amended Bill:

Within amounts appropriated to the WTSC, the WTSC must convene the Cooper Jones Bicyclist Safety Advisory Council (Bicyclist Council) to review and analyze data related to bicycle fatalities and serious injuries to identify opportunities for safety improvements in the transportation system. The Bicyclist Council may include, but is not limited to, the following membership: (1) a representative from the WTSC; (2) an emergency medical technician from the county in which the most bicyclist deaths have occurred; (3) a representative from the Washington Association of Sheriffs and Police Chiefs; (4) multiple members of law enforcement who have investigated bicyclist fatalities; (5) a traffic engineer; (6) a representative from the Washington State Department of Transportation; (7) a representative

of cities; (8) up to two stakeholders, chosen by the Bicyclist Council, who represent municipalities in which at least one bicyclist fatality has occurred in the previous three years; (9) a representative from a bicyclist advocacy group; (10) a transportation planner with a focus on multimodal planning; (11) a public health official, researcher, or epidemiologist; and (12) a member of an academic transportation research organization, such as the Transportation Research Board. The WTSC may invite other representatives of stakeholder groups to participate in the Bicyclist Council as it deems appropriate.

The Bicyclist Council is required to meet at least quarterly. By December 31 of each year, the Bicyclist Council must issue an annual report that details any findings and recommendations to the Governor and the transportation committees of the Legislature. The WTSC is required to provide the annual report electronically to all municipal governments and state agencies that participated in the Bicyclist Council during that calendar year. The Bicyclist Council is also required to report to the Legislature by August 1, 2018, any budgetary or fiscal recommendations to the Office of Financial Management. The Bicyclist Council may make recommendations related to changes to statutes, ordinances, rules, and policies that could improve bicyclist safety, and on how to improve the quality of data collected related to traffic fatalities and serious injuries.

In reviewing bicyclist fatalities and serious injuries in the state, the Bicyclist Council is permitted to review any available information, including accident information maintained in existing databases; statutes, rules, policies, and ordinances governing bicyclists and traffic related to these incidents; and any other relevant information. The Bicyclist Council may review law enforcement incident documentation, supplemental reports, probable cause statements, 9-1-1 dispatcher reports, and any other relevant and necessary information only to the extent otherwise permitted by law or court rule.

Documents prepared by and for the Bicyclist Council are inadmissible and may not be used in civil or administrative proceedings unless they exist independently of this use. Neither the WTSC nor the Bicyclist Council may publicly disclose any confidential information obtained by the Bicyclist Council, such as personally identifiable information or medical records. Those who attend Bicyclist Council meetings or who participate in the development, retention, collection, or maintenance of information or documents may not be permitted to testify in any civil action regarding the content of the meetings or of the documents or information prepared. Recommendations by the Bicyclist Council and the WTSC may be disclosed if they do not include personal identifiers.

When acting in good faith, without malice, and within the scope and authority granted under law, staff of the WTSC and members of the Bicyclist Council are immune from civil liability for an activity related to reviews of particular fatalities and serious injuries. No new private civil cause of action is created. The Bicyclist Council is permitted to receive gifts, grants, and endowments from public and private sources for the use and benefit of the purposes of the Bicyclist Council and to spend gifts, grants, and endowments according to their terms subject to state law that governs state official solicitation and acceptance of contributions. The Bicyclist Council may provide grants targeted at improving bicycle safety in accordance with recommendations made by the Bicyclist Council.

The Bicyclist Council is required to report to the transportation committees of the Legislature by December 1, 2018, on the following: the strategies it deploys to improve bicyclist safety; a recommendation regarding whether the Bicyclist Council should be continued; and a recommendation on whether there are any improvements the Legislature can make to improve the Bicyclist Council. Laws governing the Bicyclist Council expire June 30, 2019.

Amended Bill Compared to Substitute Bill:

The requirement that funds must be appropriated specifically for the purpose of this act is replaced with a more general funding availability requirement for the act to take effect, and an attorney who has worked in areas of the law related to bicycles is removed from the list of optional membership on the Bicyclist Council.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The purpose of this bill is to identify opportunities to make roadways safer for bicyclists. Cooper Jones passed away in 1997 after being struck while racing in a bike race. About a dozen bicyclists are killed every year biking in the state. More accidents and fatalities of bicyclists are occurring, while the Target Zero plan projects that these numbers should be declining. This bill will help identify strategies for improving traffic safety in the state and for achieving the goals set out in Target Zero. The two-year timeline will allow the work of the Bicyclist Council to be aligned with the work being done by the Pedestrian Council, and will provide for the opportunity to assess next steps in 2019.

(Opposed) None.

Persons Testifying: Senator Liias, prime sponsor; and Alex Alston, Washington Bikes.

Persons Signed In To Testify But Not Testifying: None.