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ENGROSSED HOUSE BILL 1795

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Kloba, Farrell, Stambaugh, Stokesbary, Fitzgibbon, Doglio, Stanford, and McBride

Read first time 01/30/17. Referred to Committee on Transportation.

1 AN ACT Relating to the Cooper Jones bicyclist safety advisory  
2 council; adding a new section to chapter 43.59 RCW; creating a new  
3 section; and providing an expiration date.

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

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

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

19 (1) Within amounts appropriated to the traffic safety commission,  
20 the commission must convene the Cooper Jones bicyclist safety

1 advisory council comprised of stakeholders who have a unique interest  
2 or expertise in bicyclist and road safety.

3 (2) The purpose of the council is to review and analyze data  
4 related to bicyclist fatalities and serious injuries to identify  
5 points at which the transportation system can be improved and to  
6 identify patterns in bicyclist fatalities and serious injuries.

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

8 (i) A representative from the commission;

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

11 (iii) A representative from the Washington association of  
12 sheriffs and police chiefs;

13 (iv) Multiple members of law enforcement who have investigated  
14 bicyclist fatalities;

15 (v) A traffic engineer;

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

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

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

21 (ix) A transportation planner with a focus on multimodal  
22 planning;

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

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

26 (b) The commission may invite other representatives of  
27 stakeholder groups to participate in the council as deemed  
28 appropriate by the commission. Additionally, the commission may  
29 invite a victim or family member of a victim to participate in the  
30 council.

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

1 (5) As part of the review of bicyclist fatalities and serious  
2 injuries that occur in Washington, the council may review any  
3 available information, including accident information maintained in  
4 existing databases; statutes, rules, policies, or ordinances  
5 governing bicyclists and traffic related to the incidents; and any  
6 other relevant information. The council may make recommendations  
7 regarding changes in statutes, ordinances, rules, and policies that  
8 could improve bicyclist safety. Additionally, the council may make  
9 recommendations on how to improve traffic fatality and serious injury  
10 data quality.

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

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

37 (7) If acting in good faith, without malice, and within the  
38 parameters of and protocols established under this chapter,  
39 representatives of the commission and the council are immune from

1 civil liability for an activity related to reviews of particular  
2 fatalities and serious injuries.

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

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

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

15 (10) By December 1, 2020, the council must report to the  
16 transportation committees of the legislature on the strategies that  
17 have been deployed to improve bicyclist safety by the council and  
18 make a recommendation as to whether the council should be continued  
19 and if there are any improvements the legislature can make to improve  
20 the council.

21 (11) For purposes of this section:

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

26 (b) "Council" means the Cooper Jones bicyclist safety advisory  
27 council.

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

32 (12) This section expires June 30, 2019.

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