

# SENATE BILL REPORT

## SB 5723

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As Reported by Senate Committee On:  
Transportation, February 27, 2019

**Title:** An act relating to increasing safety on roadways for pedestrians, bicyclists, and other roadway users.

**Brief Description:** Increasing safety on roadways for pedestrians, bicyclists, and other roadway users.

**Sponsors:** Senators Randall, Saldaña, Lias, Rolfes, Billig and Nguyen.

**Brief History:**

**Committee Activity:** Transportation: 2/18/19, 2/27/19 [DPS].

**Brief Summary of First Substitute Bill**

- Modifies the rules of the road to clarify how motor vehicles, pedestrians, bicyclists and other users are to share the road.
- Provides an additional penalty for certain traffic infractions involving a motor vehicle and a vulnerable user of the road, and deposits the penalty monies into a new account dedicated to educating law enforcement officers, prosecutors and judges about opportunities for enforcement of traffic infractions and offenses committed against vulnerable roadway users.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5723 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland, Das, Fortunato, Lovelett, Nguyen, O'Ban, Padden, Randall, Takko, Wilson, C. and Zeiger.

**Staff:** Kim Johnson (786-7472)

**Background:** The rules of the road generally specify how vehicles and other roadway users are to operate on the roads. Examples of the rules of the road include overtaking and

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passing, following distance, yielding the right of way at an intersection, yielding right of way when turning left, yielding the right of way at a stop sign or crosswalk, and yielding right of way when entering a roadway.

The penalty for violating any of the above rules of the road is a traffic infraction and is subject to total fine of \$136.

Non-motor vehicle uses of the road are also covered under the rules of the road.

Pedestrian Use of Sidewalks and the Road. When a sidewalk is provided, a pedestrian must not walk along or on an adjacent road. Where sidewalks are not provided, a pedestrian walking along or on the road must walk on the left side of the road or the shoulder facing traffic and when a vehicle approaches the pedestrian must move clear of the road.

The penalty for violating rules of the road for a pedestrian is a total fine of \$106.

Bicycles on the Road. Generally, a bicycle must be operated as near to the right side of the right through lane as is safe. The exceptions include when the bicycle is preparing to or making a turn; when overtaking and passing another bicycle or vehicle moving in the same direction; and, on one-way roadways with two or more lanes, a bicycle may operate on the left side of the left through lane.

The penalty for violating any of the above rules of the road for bicycles is a total fine of \$116.

"Vulnerable user of the public way" means a pedestrian; a person riding an animal; or, a person operating a farm tractor, bicycle, electric personal assistive mobility device, moped, motorized foot scooter or a motorcycle.

**Summary of Bill (First Substitute):** The Legislature finds the number of collision types that result in a high number of serious injuries and deaths of vulnerable roadway users can be associated with certain traffic infractions. By clarifying how vehicles and vulnerable users use the road in certain circumstances, increasing the penalty for certain infractions, and dedicating the fines to fund education for law enforcement officers, prosecutors, and judges about opportunities for the enforcement of traffic violations committed against vulnerable users, the Legislature hopes to reduce the frequency with which drivers violate traffic laws and endanger vulnerable users.

Overtaking and Passing. When a pedestrian, bicyclist, person riding an animal, or a farm tractor without an enclosed shell is traveling in the right lane of a roadway or on the right hand shoulder or in a bicycle lane, the driver of an approaching vehicle must:

- on a roadway with two or more lanes moving in the direction of travel, before passing and until safely clear of the individual, move completely into the lane to the left of the right lane, when it is safe to do so;
- on a roadway with only one lane moving in the direction of travel, reduce speed to a safe speed for passing relative to the speed of the individual; and pass at a safe distance, where practicable of at least 3 feet, to clearly avoid coming into contact with the individual or the individual's vehicle or animal; and

- on a roadway where there is insufficient room to the left of the individual to pass in the same lane of travel, the driver must move completely into the lane for traffic moving in the opposite direction when it is safe to do so, before passing and until safely clear of the individual.

If a vehicle improperly overtakes and passes a vulnerable user of the public way, the operator must be assessed an additional penalty, equal to the base penalty adopted by rule by the Supreme Court—currently \$48. The additional penalty may not be waived and is not subject to the allotments or additional fees applicable to traffic infractions and must be deposited into the Vulnerable Roadway User Education Account.

Following Distance and Yielding Right of Way. If a vehicle follows too closely to a vulnerable user of the public way or fails to properly yield the right of way to a vulnerable user of a public way at an intersection, when turning left, at a stop sign, or when entering a roadway, the driver of the motor vehicle must be assessed an additional penalty, equal to the base penalty adopted by rule by the Supreme Court—currently \$48. The additional penalty may not be waived and is not subject to the allotments or additional fees applicable to traffic infractions and must be deposited into the Vulnerable Roadway User Education Account.

Pedestrians Use of Sidewalks and the Road. A sidewalk must be accessible in order for a pedestrian to be required to use the sidewalk and not the road. Where sidewalks are not provided or are inaccessible, a pedestrian may walk along or on a highway under the following circumstances:

- when shoulders are provided and are accessible, walk on the shoulder as far from the edge of the road as is practicable, facing traffic; and
- when shoulders are not provided or are inaccessible, walk as near to the outside edge of the roadway facing traffic, and move clear of the road when meeting an oncoming vehicle, when practicable.

Pedestrians traveling to the nearest emergency reporting device on a one-way controlled access highway do not have to travel facing traffic.

Bicycles on the Road. The law governing the operation of bicycles is modified to provide additional circumstances where a bicycle does not have to operate as far on the right side of the through lane as is safe. The exceptions include:

- when preparing to make a turn at an intersection or into a private road or driveway;
- when approaching an intersection where right turns are permitted and there is a dedicated right turn lane, a bicycle may be operated in the right turn lane even if not turning right;
- when reasonably necessary to avoid unsafe conditions; and
- when operating on the road with only one lane for traffic moving in the direction of travel that can accommodate both a bike and a motor vehicle, the bike must operate far enough to the right to allow the movement of an overtaking vehicle unless other conditions make it unsafe or if preparing or making a turn.

The Vulnerable Roadway User Education Account is created in the state treasury. Appropriations from the account can only be used by the Washington Traffic Safety Commission to support programs dedicated to increasing awareness by law enforcement

officers, prosecutors, and judges of opportunities for enforcement of traffic infractions and offenses committed against vulnerable roadway users.

**EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (First Substitute):**

- Establishes an additional fine equal to the base penalty (\$48) for unlawfully passing motorcycles, motor-driven cycles, and mopeds, which are also vulnerable road users.
- Specifies that a safe distance for passing certain vulnerable roadway users, when practicable, should be considered at least three feet.
- Clarifies that the additional penalty of \$48, is not subject to traffic infraction fees and assessments.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Effective Date:** The bill takes effect on January 1, 2020.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: This bill will increase the penalties for six traffic infractions that have the worst outcomes for vulnerable road users. The increased penalty will go to a new account and be dedicated to funding education for law enforcement, prosecutors, and judges about the options available to protect vulnerable road users in our justice system. This bill will both serve as a deterrent for bad behavior and is a way to provide funding for education of the justice system participants.

I was struck by a truck and had surgery and missed months of work. The driver walked away with a traffic ticket of \$136. As I began to get involved in advocacy for pedestrians and bicyclists I was shocked at how many law enforcement officers and judges had no idea about the vulnerable user law. We need to do better.

Only 50 percent of adults get the minimum 150 minutes of exercise per week. We need to be intentional about how we create our active environments so that people feels safe to be active.

OTHER: We would like to see a three foot passing rule for motorists and vulnerable users. We also think that the definition of vulnerable user should be consistent throughout the bill.

**Persons Testifying:** PRO: Senator Emily Randall, Prime Sponsor; Vic Colman, Childhood Obesity Prevention Coalition; Jessica Gould, concerned citizen; Alex Alston, Washington Bikes; Shelly Baldwin, Legislative Director, Washington Traffic Safety Commission; Paul Parker, Washington State Transportation Commission.

OTHER: Charlotte Claybrooke, WSDOT/Active Transportation Programs Manager.

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