

EHB 1795 - S COMM AMD

By Committee on Transportation

1 Strike everything after the enacting clause and insert the  
2 following:

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

15 NEW SECTION. **Sec. 2.** (1) Within amounts appropriated to the  
16 traffic safety commission, the commission must convene the Cooper  
17 Jones bicyclist safety advisory council comprised of stakeholders who  
18 have a unique interest or expertise in bicyclist and road safety.

19 (2) The purpose of the council is to review and analyze data  
20 related to bicyclist fatalities and serious injuries to identify  
21 points at which the transportation system can be improved and to  
22 identify patterns in bicyclist fatalities and serious injuries.

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

24 (i) A representative from the commission;

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

27 (iii) A representative from the Washington association of  
28 sheriffs and police chiefs;

29 (iv) Multiple members of law enforcement who have investigated  
30 bicyclist fatalities;

- 1 (v) A traffic engineer;
- 2 (vi) A representative from the department of transportation;
- 3 (vii) A representative of cities, and up to two stakeholders,  
4 chosen by the council, who represent municipalities in which at least  
5 one bicyclist fatality has occurred in the previous three years;
- 6 (viii) A representative from a bicyclist advocacy group;
- 7 (ix) A transportation planner with a focus on multimodal  
8 planning;
- 9 (x) A public health official, researcher, or epidemiologist; and
- 10 (xi) A member of an academic transportation research  
11 organization, such as the transportation research board.

12 (b) The commission may invite other representatives of  
13 stakeholder groups to participate in the council as deemed  
14 appropriate by the commission. Additionally, the commission may  
15 invite a victim or family member of a victim to participate in the  
16 council.

17 (4) The council must meet at least quarterly. By December 31st of  
18 each year, the council must issue an annual report detailing any  
19 findings and recommendations to the governor and the transportation  
20 committees of the legislature. The commission must provide the annual  
21 report electronically to all municipal governments and state agencies  
22 that participated in the council during that calendar year.  
23 Additionally, the council must report any budgetary or fiscal  
24 recommendations to the office of financial management and the  
25 legislature by August 1st on a biennial basis.

26 (5) As part of the review of bicyclist fatalities and serious  
27 injuries that occur in Washington, the council may review any  
28 available information, including accident information maintained in  
29 existing databases; statutes, rules, policies, or ordinances  
30 governing bicyclists and traffic related to the incidents; and any  
31 other relevant information. The council may make recommendations  
32 regarding changes in statutes, ordinances, rules, and policies that  
33 could improve bicyclist safety. Additionally, the council may make  
34 recommendations on how to improve traffic fatality and serious injury  
35 data quality.

36 (6)(a) Documents prepared by or for the council are inadmissible  
37 and may not be used in a civil or administrative proceeding, except  
38 that any document that exists before its use or consideration in a  
39 review by the council, or that is created independently of such  
40 review, does not become inadmissible merely because it is reviewed or

1 used by the council. For confidential information, such as personally  
2 identifiable information and medical records, which are obtained by  
3 the council, neither the commission nor the council may publicly  
4 disclose such confidential information. No person who was in  
5 attendance at a meeting of the council or who participated in the  
6 creation, retention, collection, or maintenance of information or  
7 documents specifically for the commission or the council shall be  
8 permitted to testify in any civil action as to the content of such  
9 proceedings or of the documents and information prepared specifically  
10 as part of the activities of the council. However, recommendations  
11 from the council and the commission generally may be disclosed  
12 without personal identifiers.

13 (b) The council may review, only to the extent otherwise  
14 permitted by law or court rule when determined to be relevant and  
15 necessary: Any law enforcement incident documentation, such as  
16 incident reports, dispatch records, and victim, witness, and suspect  
17 statements; any supplemental reports, probable cause statements, and  
18 911 call taker's reports; and any other information determined to be  
19 relevant to the review. The commission and the council must maintain  
20 the confidentiality of such information to the extent required by any  
21 applicable law.

22 (7) If acting in good faith, without malice, and within the  
23 parameters of and protocols established under chapter 43.59 RCW,  
24 representatives of the commission and the council are immune from  
25 civil liability for an activity related to reviews of particular  
26 fatalities and serious injuries.

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

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

35 (b) Subject to the appropriation of funds for this specific  
36 purpose, the council may provide grants targeted at improving  
37 bicyclist safety in accordance with recommendations made by the  
38 council.

39 (10) By December 1, 2018, the council must report to the  
40 transportation committees of the legislature on the strategies that

1 have been deployed to improve bicyclist safety by the council and  
2 make a recommendation as to whether the council should be continued  
3 and if there are any improvements the legislature can make to improve  
4 the council.

5 (11) For purposes of this section:

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

10 (b) "Council" means the Cooper Jones bicyclist safety advisory  
11 council.

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

16 (12) This section expires June 30, 2019."

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17 On page 1, line 2 of the title, after "council;" strike the  
18 remainder of the title and insert "creating new sections; and  
19 providing an expiration date."

EFFECT: Changes the date the council must report to 2018, from  
2020, to reflect that the council will finish on June 30, 2019.

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