**Meeting #9 Summary**

**September 10, 2018, 11 AM – 3 PM**

**Washington Traffic Safety Commission, Olympia, WA**

|  |  |
| --- | --- |
| **Attending** | Alex Alston; Barb Chamberlain; Dongho Chang; Charlotte Claybrooke; Chris Comeau; Aimee D’Avignon; Josh Diekmann; Jessica Gould; Darrin Grondel; David Jones; Liz Kaster; Nancy Lillquist; Pam Pannkuk; Amy Person; Matthew Rollosson; Amy Shumann; Annie Szotkowski; Scott Waller; Nancy McClenny-Walters; Heidi Keller, facilitator. |

1. **Announcements – Scott Waller**

* The draft request (Z Bill) to establish an Active Transportation Safety Advisory Council was distributed and discussed. It proposes to merge the pedestrian and bicyclist advisory councils and continue their work.
* Request from Governor’s policy advisory John Snyder: highlight recommendations that can be enacted as written when submitting the Council’s 2018 report.

1. **Revisit and Refine 2018 Recommendations**

Participants formed small groups to further refine 2018 recommendations, sorting them into three categories:

1. **2019 Session Ready.** Recommendations that can be crafted into a specific legislative proposal to be passed by the 2019 Legislature and implemented beginning July 2019. This is a budget session so any recommendations requiring funding should be considered for this category.
2. **Agency Ready.** Recommendation is ready to be enacted for agency implementation outside the legislative process beginning July 2019.
3. **Needs More Work.** If all goes as planned, this council will be continued in some form past the 2019 sunset. Recommendations that are not “fully cooked” can become part of your work plan for coming years.

Through a voting process participants also indicated those that were of the highest priority. See results beginning on page 3.

1. **2018 Report Format**

Participants agreed to use the 5 Principles of Systematic Safety as the organizing framework for the recommendations in the 2018 report.

1. Speed control and separation
2. Functional harmony
3. Predictability and simplicity
4. Forgivingness and restrictiveness
5. State awareness

Actions:

* Draft will organize recommendations under these headings.
* Bring 2017 recommendations into the 2018 report

1. **Target Zero update** **– inclusion of systematic safety issues for all transportation modes**

Participants reviewed and discussed the bicycle chapter in Target Zero. Specific comments and recommendations were also documented on sticky notes directly into the last Target Zero update. Participants noted:

* Need to clarify data presentations where no cause was noted by law enforcement (for example see bar chart on page 170). The label “none” implies that the driver was not at fault (or conversely the bicyclist *was* at fault) when it actually means no cause was listed on the report form.
* Need to reframe the language around cause and prevention. Look at systematic safety principles for solutions – remove unsafe conditions, instead of “wear a helmet.”
* More emphasis throughout on safe travel for all users (ages and abilities)
* Include more data highlighting people of color who are experiencing much higher rates; add strategy based on equity data
* Lack of exposure data leads to confusing use of percentages (for example see pages 68 and 69)

**Next meetings:**

October 8, 11 am – 3 pm at Washington Association of Sheriffs and Police Chiefs, 3060 Willamette Drive NE, Lacey, WA 98516

December 12, joint meeting with Pedestrian Safety Advisory Council at Washington Traffic Safety Commission, Olympia.

**Revisit and Refine 2018 Recommendations Sorting Exercise Results**

**Category A. 2019 Session Ready.** Recommendations that can be crafted into a specific legislative proposal to be passed by the 2019 Legislature and implemented beginning July 2019. This is a budget session so any recommendations requiring funding should be considered for this category.

**The following recommendations in Category A were deemed high priority:**

**Recommendation:** The Legislature should provide funding to WSDOT to conduct an analysis of the active transportation network on state-owned and state-interest right-of-way and develop a prioritized plan and funding sources for network completion over a 10-year period. The analysis should identify a statewide bicycle network and address existing barriers to safe use of roadways and other infrastructure by persons of all ages and abilities. The Transportation Improvement Board (TIB) should be directed to incorporate this network analysis and priorities into its funding approach. (*Note: Merges 3B, 3D, 3E)*

**Recommendation:** The Legislature should clarify RCW 46.61.110 to require three or more feet of separation when vehicles are passing bicyclists. When road condition or issues with oncoming traffic preclude giving 3 feet motorist must wait until road condition or oncoming traffic is clear. *Other concepts to add to this recommendation:* *Add safe distance before pulling back into lane after passing bicyclist. Explore “move over law” including slowing down when passing*

**Recommendation:** The Washington State Legislature should strengthen and update the vulnerable user law.

Action Items:

* Assess current barriers to use and enforcement.
* Broaden stakeholders and make sure you include affected communities.
* Engage law enforcement and judiciary in crafting changes that 1) they can implement, and 2) will protect vulnerable road users.
* Explore presumptive liability and higher fines in certain situations, similar to traffic laws that call for citations in school and construction zones; higher fines based on severity.
* Fund a training component to educate law enforcement, the judiciary, drivers, and general public on the law and the benefit of enforcing it.
* Build in element of officer discretion in applying the law.
* Driver education to spark social cultural change.
* Assure equity in implementation/enforcement.
* Strengthen tools for local jurisdictions to increase safety.

**Recommendation:** The Legislature should fund a study to be conducted by WSDOT of jurisdictional use of design guides and professional education requirements for transportation professionals, with a report to the Legislature by July 1, 2021.

**Recommendation:** The Legislature shall amend RCW 47.04.280 to add increasing (improving?) health as a transportation policy goal.

**Recommendation:** The Legislature shall allocate sufficient funding to Office of Superintendent of Public Instruction to support 100 school districts to develop or update their designated school bike and walk routes by June 30, 2021.

**Recommendation:** The Legislature should provide sufficient resources for the Washington Institute for Public Policy to study the feasibility of setting fines based on potential for injury, e.g. failure to yield is a very common reason for fatal/serious injury crashes but we don’t know how many tickets are issued or what the fines are. Additionally, WSIPP should research guidance or recommendations for designing and implementing alternatives for fines/infractions – such as diversion or community service – for areas with high unemployment or high poverty.

**The following recommendations were also placed in Category A:**

**Recommendation:** The Washington State Legislature shall require that by June 30, 2021 all trucks and multi-axle vehicles operating in Washington State urban environments (areas with more than 25,000 population) that have exposed space between sets of wheels shall have “sideguard” equipment installed that will reduce the possibility of a bicyclist or pedestrian being swept under the vehicle in the event of a collision. The sideguard equipment shall extend to within 18 inches of the ground and cover a minimum of 85 percent of the open space between wheels. The City of Seattle has outfitted all city trucks and multi-axle vehicles with sideguards and many U.S. cities, including Boston and San Francisco, have enacted ordinances requiring installation of sideguards on trucks and multi-axle vehicles operating within their city limits.

**Recommendation:** The Legislature shall develop a policy of Systematic Safety that will include considerations of equity issues, adherence to which will be the primary consideration in allocation of resources for new roadway construction or improvements or revisions to existing roadways. The Systematic Safety policy shall be based on Vision Zero that has been widely used in U.S. cities and many European countries to effectively reduce traffic fatalities and serious injuries.

**Recommendation:** The Washington State Legislature shall amend RCW [46.61.130](http://app.leg.wa.gov/RCW/default.aspx?cite=46.61.130) to allow motorists travelling on two-lane roadways outside of city limits to cross a double yellow line or other no-passing designation – into the oncoming traffic lane - to allow adequate clearance between their vehicle and bicyclists, pedestrians or obstacles on the shoulder of the roadway provided there is no oncoming traffic and that they are committing no other traffic offense such as speeding.

**Recommendation:** The Washington State Legislature should amend RCW 35.75.060 to clarify that impact fees can be used for non-motorized transportation infrastructure.

**Recommendation:** The Washington State Legislature shall amend RCW [47.32.010](http://app.leg.wa.gov/RCW/default.aspx?cite=47.32.010) to clarify that owners of private property are required to – and responsible for – trimming vegetation that obscures visibility along roadways or at intersections. The clarification should provide authorization for local, county or regional officials or law enforcement to issue citations when vegetation impedes visibility on a roadway or at an intersection. Further, the clarification should state that the private property does not enjoy any protection from civil action in the event failure to maintain vegetation is determined to be a full or partial cause of a collision involving a motorized vehicle.

**Category B. Agency Ready.** Recommendation is ready to be enacted for agency implementation outside the legislative process beginning July 2019.

**The following recommendations in Category B were deemed high priority:**

**Recommendation:** WTSC should initiate a request to MRSC to research guidance, clarification, and best practices on:

* Use of impact fees for active transportation
* Additional performance measures for thru-put (people vs. vehicles). Provide a menu of choices for multi-modal metrics besides LOS (level of service)
* Note: Barb Chamberlain notes that alternative metrics are coming soon in the WSDOT active transportation plan
* Issues of liability related to bicycle and pedestrian projects (signage and infrastructure)

**Recommendation:** The Washington State Legislature shall RCW 36.70a to require that health and safety impacts be added to the list of required items to be addressed by Comprehensive Plans.

Action Items:

* Include more focus and education on multi modal level of service with comprehensive plan updates.
* Update GMA guidebook to educate local jurisdictions on multimodal level of service options
* Adhere to density goals in GMA. Examples: Rethink acreage requirements for school siting by co-locating with parks and community centers; locate large projects – such as schools, housing, bus bases – within growth boundaries instead of opting for cheap land outside the population centers that result in more car dependence.
* Emphasize “Transit-oriented development” instead of “development-oriented transit.”
* Set aside funding for small and under resourced jurisdictions to devote to developing comprehensive plans.

**Recommendation:** The Washington State Legislature shall create an Active Transportation Education Account to be supported by an allocation from state general fund dollars to support active transportation – bicycling and walking – education across the state through OSPI, public, and private schools’ physical education programs.  *Add “Active Transportation Education” to the category of “basic education” in K-12.**Comment:* *Somehow continue with driver education section. Needs more work…*

Action Items

* Review existing training materials to determine accessibility and appropriateness
* Ensure that persons involved in local bicycle rodeos and education events have appropriate training for the jobs they are doing, e.g., how to properly fit a helmet, how to install a patch a hole in a bicycle tube. Could involve identifying – or creating - some online training resources to increase access to the training.
* Identify and develop funding opportunities for helmets, bike repairs, etc.
* Work with League of Bicyclists to reduce cost and time commitments to become LCI
* Develop relationships with police departments, especially those with bicycle units, so that officers can receive training and serve as instructors for local events. Note: could also include reserves/posses.
* Develop relationships with service organizations so members can receive training and serve as instructors for local events.
* Encourage Commute Trip Reduction transportation coordinators to become LCI certified and to organize bicycle skills training classes.

**Recommendation:** The Legislature shall allocate sufficient funding to support development of a public information and outreach campaign to encourage parents and other adults to support bicycle riding by youth and to try riding themselves. *Suggestion: Move to funding, with wording to make actionable, can be ready.*

**The following recommendations were also placed in Category B:**

**Recommendation:** Washington Traffic Safety Commission to create a module to be used in driver’s education for young persons working toward earning their driver’s licenses that discusses forms of transportation other than driving a vehicle. The module would become part of the updated statewide driver’s education curriculum being developed through ESHB 1481 and will include instruction about – and practice with – at a minimum, using public transportation, walking and bicycling. The educational goals for the new module will be to develop awareness among new drivers about the ability to use public transportation to reduce traffic congestion and to build awareness about hazards faced by walkers and bicyclists. At a minimum, the following need to be involved in creating the new module: Washington State Department of Licensing, Office of Superintendent of Public Instruction, Washington State Department of Transportation, transit agencies, advocates for walking and bicycling, and private driver’s education providers. Require DOL adopt consideration for information in licensing process.

Action Items

* Work with Washington State Department of Transportation to create video training opportunities for drivers who renew their licenses online to receive education about active transportation – bicycling and walking – as part of the driver renewal process.
* Work with Washington State Insurance Commissioner’s Office to facilitate development of a privately-funded program to incentivize active transportation by all ages.

**Recommendation:** Work with Association of Washington Cities to inventory existing ordinances/regulations regarding “shared bike” programs and then disseminate that information to other Washington cities with the goal of expanding bike share programs. The rationale is that people who don’t have bikes would be able to try riding.

**Recommendation:** Department of Commerce update DMA guidebook to educate local jurisdictions [about] multimodal level of service.

**Category C. Needs More Work.**

**Recommendation:** The Washington State Legislature shall amend RCW [46.25.090](http://app.leg.wa.gov/RCW/default.aspx?cite=46.25.090) to include disqualification of a Commercial Driver’s License for any operator who has two or more collisions within a two-year period while operating a commercial vehicle where the operator is determined through investigation by the employer or insurance coverage to be at fault or where the operator has five or more collisions while operating a commercial vehicle– regardless of finding of fault. The two-year period shall be considered to be seven hundred thirty days preceding any date of inquiry associated with a collision involving a commercial vehicle. *Comments: Needs more work. What is best practice? Model? Doesn’t seem strict enough.)*

**Recommendation:** The Legislature should direct that local development impact fees can only be collected by counties, cities and towns if the funds collected will be used to remove or mitigate barriers to access by persons of all ages and abilities to roadways or other infrastructure or that create connections such as trails that can be used to safely navigate around the identified barriers. *Comments:**Infrastructure work needs to be ADA compliant already. Need to review utility/school/and other aspects of impact fees.*

**Recommendation:** The Washington State Legislature shall allocate sufficient resources to the Washington Traffic Safety Commission to develop and implement a public information campaign focused on driving speed limits or less in cities and towns to increase safety for bicyclists and pedestrians.

Action Items

* Conduct statewide survey to gather information that can be used to develop messages supporting driving the speed limit.
* Utilizing Intercity Transit’s Pace Car Pledge as one approach, develop a statewide informational campaign associated with keeping bicyclists and pedestrians safe by having drivers drive at the posted speed limit.
* Develop distribution networks for pledge materials, e.g., Target Zero Managers, Cascade Bicycle Club, service organizations, law enforcement, businesses, etc.

**Recommendation:** The Washington State Legislature shall appropriate sufficient funding to Washington State Institute of Public Policy to identify the circumstances under which bicycle skills education results in different behaviors. *Note: Expanding funding and partnerships to allow more bicycle skills education will create measurement potentials.*

**Three recommendations regarding automation and autonomous vehicles should be the subject of a joint meeting with the Governor’s AV Safety Workgroup:**

**AV 1. The Governor’s AV Workgroup should consider bicycle and pedestrian safety as core to their deliberations by ensuring each of the following:**

* Create an ethical framework for operation of AV that specifically recognizes the greater vulnerability of bicycles and pedestrians;
* Advocate for bicyclists and pedestrians in experimental research (see policy developed by the Texas A&M Transportation Institute)
* Consider the health impact of AVs (e.g. Health Impact Assessments)
* Consider growth management issues and the potential contribution to sprawl.
* Require data transparency before allowing the research, piloting, and operation of AVs in Washington State (data available on failures as well as successes).

**AV 2. The Washington State Legislature should adopt legislation prior to the deployment of Autonomous Vehicles (AVs) in the state that requires AVs to be considered motor vehicles and, as such, required to follow all current and future traffic laws and rules of the road.** Additionally, prior to receiving authorization to operate in the state, the legislation should require that manufacturers shall demonstrate that their vehicles can perform each of the following:

* Recognize bicyclists no matter their skin color, what they are wearing or what they are doing;
* Recognize all vulnerable road users regardless of color of skin or mode of travel, e.g. wheelchairs;
* Recognize other road hazards, e.g. construction sites;
* Interact safely with human drivers operating standard motor vehicles on the road; and,
* Use required software that selects routes to avoid streets where bicycling and walking are prioritized.

**AV 2. The Washington State Legislature shall pass legislation authorizing local governments to designate specific routes where AVs are not allowed and where bicycling and walking are prioritized.**

**New Recommendations submitted but not discussed at this meeting:**

AMEND state definition of “pedestrian” to allow for local planning and decision-making for skateboards, scooters, etc.

FUND a new statewide curriculum (optional) that meets state K-12 bicycle and pedestrian health and safety standards.

State Employee Education – create cross-agency staff expectations around bicycle safety.

* Crash not accident
* How to talk to the media

Invest additional funding in commute trip reduction demand management.