

Purpose

The purpose of this Action Team is to review and discuss detailed case materials for fatal crashes involving bicyclists, walkers or people using other forms of active transportation to identify patterns and points at which the transportation system could be improved. Following a fatality case review, the action team develops a summary of findings to be considered by the ATSC in developing actionable recommendations. The observations from case reviews presented here are based on the discussion of the factors involved in the individual cases randomly selected for review by the Action team. **These observations are not the official recommendations of the ATSC** and are further researched and discussed by all members of the ATSC for applicability and evidence base for developing actionable ATSC recommendations for preventing death and serious injury among active transportation users. The official recommendations made by the ATSC are published in the Annual Report <https://wtsc.wa.gov/programs-priorities/active-transportation-safety-council/>.

Meeting date: May 22, 2023

Case Selection Topic for Review: Interstate Pedestrian Fatalities – In Roadway Improper

Case Selection Criteria: Pedestrian fatalities occurring in 2021 on Interstates where the pedestrian was coded as “In Roadway Improperly (Standing, Lying, Working, Playing, etc.)”. “In Roadway Improperly” is used when a person was indicated to have been in the roadway improperly other than making an improper crossing (such as jaywalking) or walking in the roadway. Examples include playing in the road (other than dart/dash), working in the road other than because of job requirement, in the street voluntarily, attempting to hail a cab or flag assistance at a non-designated stop, and sitting, getting up, asleep/unconscious, kneeling, etc.

Data Context: In 2021, there were 12 pedestrian fatalities that occurred on Interstates that also involved “In Roadway Improperly”. An additional 12 pedestrian fatalities occurred on Interstates that did not involve “In Roadway Improperly”. Seven cases were randomly selected for review. Among the five that were not selected for review, three involved pedestrians walking in the roadway on I-5, and the other two involved persons involved in an immediate previous crash that had exited their vehicles – one went into the roadway to retrieve a bumper and the other was a witness to a previous crash standing on the left narrow shoulder of HOV.

Modifiable Risk and Protective Factors – Circumstances involved in the death that if absent or present could prevent future cases. Review and discussion of case materials are organized around modifiable risk factors within the [Safe System Approach](#). Within each Safe System Element, modifiable risk and protective factors are identified across the [Spectrum of Prevention](#) framework.

Observations based on Case Review

Safe Road Users

- Get a WA Dept. of Licensing (DOL) person to the reviews. This would allow the ATSC Fatality Case Review Action Team to understand DOL efforts on strategies, laws, education, assessment of concerning drivers and more. Key issues identified in this review included license suspension and accountability, young driver issues. Rationale: All these factors have contributed to cases reviewed including this fatal review. This would help with knowing factors contributing to fatalities and ways to prevent future crashes through DOL and DOL efforts with other groups.
- As part of a broader public education effort as to what to do when a vehicle breakdown occurs particularly on interstates ask WSDOT to do reader board education to stay with the car if a breakdown occurs. Rationale: fatalities observed when the occupants attempt to repair the vehicle in or next to the roadway, standing near a broken-down vehicle or while trying to cross the roadway to likely perceived safety.
- Educate on use of having battery operated flares for vehicle breakdowns that can be easier to access and use than traditional flares. Educate to access (maybe under the driver seat) and use if safe to briefly leave the vehicle on shoulder or out of the way of traffic.
- ATSC and others should work with organizations serving unhoused persons to discuss active transportation safety. Research what is occurring in Portland OR and other places to address this issue. Is there an audit or safety tool in use? This will help determine promising practices for safety improvements that are informed by those in that community and those that work directly with them. Rationale: unhoused people are overrepresented in ATSC related fatal cases.
- Continue to fund and increase translation and interpretation needs (more languages needed) for driver safety behavior including distracted driving, other contributing causes. Rationale: English and Spanish is only the “tip of the iceberg” in terms of needed languages for road safety education. Thirteen to fifteen languages would capture a much larger proportion of the WA State driving population.
- Provide broad education to call 911 if you observe someone walking on the interstates and limited access roadways. Rationale: fatal cases observed from this situation. Perhaps WSDOT incident response or law enforcement response would get the endangered removed from the interstate faster.
- How much is Vulnerable User law being used for vehicular homicide cases? Is more education on part of law enforcement and prosecutors needed?

Safe Vehicles

- Examine reinstatement of routine vehicle inspections for safety as part of car licensing. Examine a system to help pay for fixes for low SES drivers of vehicles. Rationale: unsafe



vehicles contribute to ATSC related cases including vehicle breakdown, equipment violations and other safety violations. Sometimes the driver is lower SES and it's likely cost of repair contributed to decisions to not fix. These still have societal and safety implications.

Safe Speeds

- This case review was for limited access interstates with high speeds. The group did not identify any observations related to posted speeds.

Safe Roads

- Support the ability for the counties-roads and public works departments to increase funding for infrastructure improvements. Rationale: we see less infrastructure in unincorporated county areas of the state compared to cities and the State which is appearing to hamper active transportation safety. It's been presented that the property tax levy lid (1% per year) hampers some counties from being able to raise revenue or keep up with inflation as it's been described as a "fundamentally broken funding system".
- And for some counties related to the above, medical examiner funding as part of property tax levy lid is also constrained. Due to lack of staff and funding, support for investigation of cases and response time to retrieve the decedent, identification of "DOEs", and next of kin notification is less than adequate. For one this would allow officers to get back on the roads sooner and sometimes opening of the road following a fatal is hampered. For both is and above, as it is with shortages of funds for county roads/public works some key active transportation projects go unaddressed and medical examiner often takes a long time to arrive at the scene due to understaffing.
- As part of routine law enforcement response and investigation of fatal cases include measurement of light using a light meter for dark, dusk, sunset and other low light conditions. Document the levels of light to help inform potential site and system roadway lighting improvements. Rationale: a significant percentage of ATSC related fatalities are in low or no light conditions. Gathering more precise site and system wide information will inform understanding and prevention. Likely piloting use of light meters for investigations in a few select jurisdictions will help with this scoping.
- Arrange to get a WSDOT person that oversees incident response to an ATSC meeting or to the Fatality Case Review Action Team meeting to understand further about how the whole crash response and incident response system works.

Post-Crash Care

- See medical examiner and coroner issues above on response times
- See above for need for more information from WSDOT on post-crash response.

Considerations for ATSC Action (Action Teams, White Papers, Policy Considerations)

- And a representative from DOL to the ATSC and Fatal Case Review Action teams.
- Address light meters use and execution in fatal crash investigation in the upcoming lighting study.
- Conduct a study or develop an action team to better determine the link between homelessness and pedestrian fatalities – similar to the work done in Portland, OR.
- Invite WSDOT incident response to present at a future ATSC – specifically, where are their services deployed and how densely on which roadways; how do they assist with clearing/helping with disabled vehicles; how can members of the public contact incident response directly in the event of disabled vehicles/how is incident response notified?