

SSB 5957 - H COMM AMD
By Committee on Transportation

ADOPTED AND ENGROSSED 4/15/2015

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.59
4 RCW to read as follows:

5 (1) Within amounts appropriated to the traffic safety commission,
6 the commission must convene a pedestrian safety advisory council
7 comprised of stakeholders who have a unique interest or expertise in
8 pedestrian and road safety.

9 (2) The purpose of the council is to review and analyze data
10 related to pedestrian fatalities and serious injuries to identify
11 points at which the transportation system can be improved and to
12 identify patterns in pedestrian fatalities and serious injuries.

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

14 (i) A representative from the commission;

15 (ii) A coroner from the county in which the most pedestrian
16 deaths have occurred;

17 (iii) A representative from the Washington association of
18 sheriffs and police chiefs;

19 (iv) Multiple members of law enforcement who have investigated
20 pedestrian fatalities;

21 (v) A traffic engineer;

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

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

26 (viii) A representative from a pedestrian advocacy group.

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

32 (4) The council must meet at least quarterly. By December 31st of
33 each year, the council must issue an annual report detailing any

1 findings and recommendations to the governor and the transportation
2 committees of the legislature. The commission must provide the annual
3 report electronically to all municipal governments and state agencies
4 that participated in the council during that calendar year.
5 Additionally, the council must report any budgetary or fiscal
6 recommendations to the office of financial management and the
7 legislature by August 1st on a biennial basis.

8 (5) As part of the review of pedestrian fatalities and serious
9 injuries that occur in Washington, the council may review any
10 available information, including accident information maintained in
11 existing databases; statutes, rules, policies, or ordinances
12 governing pedestrians and traffic related to the incidents; and any
13 other relevant information. The council may make recommendations
14 regarding changes in statutes, ordinances, rules, and policies that
15 could improve pedestrian safety. Additionally, the council may make
16 recommendations on how to improve traffic fatality and serious injury
17 data quality.

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

35 (b) The council may review, only to the extent otherwise
36 permitted by law or court rule when determined to be relevant and
37 necessary: Any law enforcement incident documentation, such as
38 incident reports, dispatch records, and victim, witness, and suspect
39 statements; any supplemental reports, probable cause statements, and
40 911 call taker's reports; and any other information determined to be

1 relevant to the review. The commission and the council must maintain
2 the confidentiality of such information to the extent required by any
3 applicable law.

4 (7) If acting in good faith, without malice, and within the
5 parameters of and protocols established under this chapter,
6 representatives of the commission and the council are immune from
7 civil liability for an activity related to reviews of particular
8 fatalities and serious injuries.

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

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

17 (b) Subject to the appropriation of funds for this specific
18 purpose, the council may provide grants targeted at improving
19 pedestrian safety in accordance with recommendations made by the
20 council.

21 (10) By December 1, 2018, the council must report to the
22 transportation committees of the legislature on the strategies that
23 have been deployed to improve pedestrian safety by the council and
24 make a recommendation as to whether the council should be continued
25 and if there are any improvements the legislature can make to improve
26 the council.

27 (11) For purposes of this section:

28 (a) "Council" means the pedestrian safety advisory council.

29 (b) "Pedestrian fatality" means any death of a pedestrian
30 resulting from a collision with a vehicle, whether on a roadway, at
31 an intersection, along an adjacent sidewalk, or on a path that is
32 contiguous with a roadway.

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

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

1 Correct the title.

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