

# HOUSE BILL REPORT

## HB 2127

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### As Reported by House Committee On: Transportation

**Title:** An act relating to creating a pedestrian fatality and serious injury review panel.

**Brief Description:** Creating a pedestrian fatality and serious injury review panel.

**Sponsors:** Representatives Farrell, Tarleton, Robinson, Walkinshaw, Riccelli, Gregerson, Lytton, Bergquist, Ormsby, Fitzgibbon, Pollet and Santos.

**Brief History:**

**Committee Activity:**

Transportation: 2/24/15, 2/25/15 [DPS].

**Brief Summary of Substitute Bill**

- Requires the Washington Traffic Safety Commission to establish a panel composed of various stakeholders to review each pedestrian fatality in Washington and to provide a report including recommendations that could improve pedestrian safety.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Bergquist, Gregerson, McBride, Moeller, Morris, Ortiz-Self, Riccelli, Sells, Tarleton and Zeiger.

**Minority Report:** Do not pass. Signed by 8 members: Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Hayes, Kochmar, Pike, Shea, Wilson and Young.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Harmsworth and Rodne.

**Staff:** Andrew Russell (786-7143).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Background:**

The Washington Traffic Safety Commission (WTSC) was established in 1967, and oversees efforts to improve safety on Washington's public highways. In directing its work, the WTSC uses Target Zero, Washington State's Strategic Highway Safety Plan. The Commission also collects fatal and serious injury crash data, engages in research studies, oversees highway safety pilot projects, and maintains a registry of driving under the influence (DUI) Victim Impact Panels. These panels meet with DUI offenders and focus on the emotional, physical, and financial suffering of DUI victims.

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**Summary of Substitute Bill:**

The WTSC must convene a Pedestrian Fatality and Serious Injury Review Panel (Panel). This Panel must include a representative from the WTSC, a county coroner, a law enforcement representative, a Washington State Department of Transportation official, a representative from the Department of Health, and a pedestrian advocate. Additionally, the Panel may choose up to two representatives from municipalities in which at least one pedestrian fatality has occurred in the previous three years.

This Panel must meet at least once each year, and it must identify all pedestrian fatalities in the preceding calendar year. The Panel must examine each incident using information maintained in existing databases, and it must examine laws and policies governing pedestrians and traffic that relate to the incident. In addition, if it is relevant, necessary, and permitted by law or court rule, the Panel may review law enforcement incident documentation, probable cause statements, 911 call reports, and any other supplemental reports. Additionally, the Panel may review incidents that cause serious injury to a pedestrian. By December 31 of each year, the Panel must report its findings and recommendations that could improve pedestrian safety to the Transportation Committees of the Legislature and all municipal governments and state agencies that participated in the Panel.

Any oral or written communication or document shared within or produced by the panel is confidential and not subject to disclosure or discovery by a third party. Additionally, if acting in good faith, without malice, and within the provisions of the Act, members of the Panel are immune from civil liability for an activity related to the reviews conducted by the Panel. Finally, the Act does not provide a private civil cause of action.

**Substitute Bill Compared to Original Bill:**

The original bill required a representative from each municipality in which an incident caused a pedestrian fatality to sit on the Panel; instead, the substitute bill allows the Panel to choose up to two people to represent local interests. Additionally, the original bill required the Panel to review each serious injury incident, while the substitute bill provides discretion to the panel in reviewing such incidents. The substitute bill also removes a mandate that the Panel review certain supplemental incident information, and instead provides discretion to the Panel to review this information. Finally, the definition of "serious injury" is amended to

make it conform to the definition that is currently used in data collection regarding serious injury incidents.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) There have been a number of recent tragic pedestrian deaths in the state. Every time the community loses someone, it is a tragedy. This bill allows the state to get more information and look at systemic issues in looking at pedestrian fatalities. This type of review might help the Legislature make decision-focusing investments and policy decisions in future biennia.

The conditions and circumstances are not always inviting for people who walk. In communities across the state, pedestrians have been injured or killed on our streets. From 2003 to 2012, more than 47,000 people nationwide died while walking. Between 2000 and 2009, 683 people were killed while walking in Washington, which has cost the state \$2.9 billion. Between 2010 and 2012, there have been 202 fatalities and 917 serious injuries, representing 13 and 15 percent of all traffic incidents on our roads. The panel created by this bill would dig in a little deeper into why a person was injured or killed while walking.

(In support with amendment(s)) Pedestrian safety is a big concern for cities across the state. There are some concerns with this bill relating to potential liability and the necessary staff costs for this bill.

(Neutral) The Commission partners with groups across the state. The Fostering Leadership to Facilitate Impaired Driving System Improvements Program (Program) could provide an example. The Program systematically spent funds across the state to help eliminate gaps in the system. The Commission is open and welcoming to partnerships to look at pedestrian serious injuries and fatalities.

(Opposed) None.

**Persons Testifying:** (In support) Representative Farrell, prime sponsor; and Alisa Quinn, Feet First.

(In support with amendment(s)) Alison Hellberg, Association of Washington Cities.

(Neutral) Shelly Baldwin, Washington Traffic Safety Commission.

**Persons Signed In To Testify But Not Testifying:** None.