

# HOUSE BILL REPORT

## SSB 5957

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### As Reported by House Committee On: Transportation

**Title:** An act relating to the pedestrian safety advisory council.

**Brief Description:** Creating a pedestrian safety advisory council.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Liias, Rivers, Billig, King, Hobbs, Frockt and Hasegawa).

#### **Brief History:**

##### **Committee Activity:**

Transportation: 3/25/15, 4/7/15 [DPA].

#### **Brief Summary of Substitute Bill (As Amended by Committee)**

- Establishes the Pedestrian Safety Advisory Council (Council) within the Washington Traffic Safety Commission to review and analyze data related to pedestrian fatalities and serious injuries.
- Provides the members who will comprise the Council and directs what the Council may review.
- Requires the Council to provide annual reports to the Legislature and a final report that recommends whether the Council should be continued and how it could be improved.
- Provides certain legal protections to the members of the Council and for information produced by or shared with the Council.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass as amended. Signed by 15 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Bergquist, Gregerson, McBride, Moeller, Morris, Ortiz-Self, Riccelli, Sells, Takko, Tarleton and Zeiger.

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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.*

**Minority Report:** Do not pass. Signed by 10 members: Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Hayes, Kochmar, Pike, Rodne, Shea, Wilson and Young.

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

**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 WTSC also collects fatal and serious injury crash data, engages in research studies, and oversees highway safety pilot projects.

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**Summary of Amended Bill:**

The WTSC must convene a Pedestrian Safety Advisory Council (Council). The members of the Council may include a coroner from the county where the most pedestrian deaths have occurred and representatives from each of the WTSC, the Washington Association of Sheriffs and Police Chiefs, the Washington State Department of Transportation, cities, and a pedestrian advocacy group. The Council may also include multiple members of law enforcement who have investigated pedestrian fatalities, up to two stakeholders representing municipalities in which at least one pedestrian fatality has occurred in the previous three years, and the Council may invite representatives from other stakeholder groups to participate.

The purpose of the Council is to review and analyze data related to pedestrian fatalities and serious injuries to identify points at which the transportation system can be improved and to identify patterns in pedestrian fatalities and serious injuries. The Council may examine any available information, including accident information maintained in existing databases. The review may also include statutes, ordinances, and policies governing pedestrians and traffic related to the incidents; law enforcement incident reports; victim, witness, and suspect statements; and any other information determined to be relevant for the review.

Documents prepared by or for the Council are inadmissible in civil proceedings, but a document does not become inadmissible merely because it is reviewed or used by the Council. Additionally, confidential information obtained by the Council may not be disclosed. People who attend Council meetings or who participate in the Council's work are prohibited from testifying in any civil action as to the content of such proceedings. Recommendations from the Council, however, may be disclosed without personal identifiers.

The Council must meet quarterly and must provide a report and make recommendation on measures that could improve pedestrian safety by December 31 of each year. The report must be provided to the Governor, the Transportation committees of the Legislature, and all municipal governments and state agencies participating in the panel. By December 1, 2020, the Council must report to the Legislature on the strategies that have been deployed to

improve pedestrian safety by the Council and make recommendations whether the Council should be continued and how it could be improved.

Representatives of the WTSC and the other members of the Council are immune from civil liability for the good-faith exercise of the duties of the council related to the reviewing of fatalities and serious injuries. Nothing in the act is intended to create a private civil cause of action.

**Amended Bill Compared to Substitute Bill:**

The amended bill clarifies that the Council must be convened within amounts appropriated to the WTSC. The amended bill also adds several stakeholders to the Council who were not included in the substitute bill: members of local law enforcement, and representatives of municipalities in which at least one pedestrian fatality has occurred in the previous three years. The amended bill clarifies that the Council's review may include any available information regarding pedestrian fatality and serious injury incidents. Finally, the amended bill clarifies how certain information related to the Council's work is protected, making documents inadmissible in a civil proceeding, prohibiting the Council from revealing confidential information, and prohibiting certain people from testifying at a civil proceeding regarding the Council's activity.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended 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) This is a statewide issue. The state operates about 15 percent of the lane miles in the state, but almost half of the pedestrian fatalities occur on the state highways. This is not just a local issue, the state has a serious policy interest in making sure the highways are safe for everyone. Statewide last year about 70 people were killed, and about 300 people were seriously injured on state highways. The Council would help get the state to zero deaths. It will look at the data and find realistic solutions to problems across the state.

(Neutral) The WTSC's Strategic Highway Safety Plan provides fatality data and possible solutions that the WTSC currently looks at. The WTSC also has a council relating to impaired driving that is similar to what the Council in this bill could look like.

(Opposed) None.

**Persons Testifying:** (In support) Senator Liias, prime sponsor.

(Neutral) Shelly Baldwin, Washington Traffic Safety Commission.

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