
HOUSE BILL 2127

State of Washington

64th Legislature

2015 Regular Session

By Representatives Farrell, Tarleton, Robinson, Walkinshaw, Riccelli, Gregerson, Lytton, Bergquist, Ormsby, Fitzgibbon, Pollet, and Santos

Read first time 02/16/15. Referred to Committee on Transportation.

1 AN ACT Relating to creating a pedestrian fatality and serious
2 injury review panel; amending RCW 43.59.040; and adding a new section
3 to chapter 43.59 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.59
6 RCW to read as follows:

7 (1) The commission must convene a pedestrian fatality and serious
8 injury review panel comprised of stakeholders who have a unique
9 interest or expertise in pedestrian and road safety. At a minimum,
10 the panel must include:

11 (a) A representative from the commission;

12 (b) A coroner from the county in which the most pedestrian deaths
13 have occurred;

14 (c) A representative from the Washington association of sheriffs
15 and police chiefs;

16 (d) A representative from the department of transportation;

17 (e) A representative from the transportation or planning
18 department of the municipality in which each pedestrian fatality
19 occurred; and

20 (f) A representative from a pedestrian advocacy group.

1 (2) The panel must identify all pedestrian fatalities and serious
2 injuries that occurred in Washington during the preceding calendar
3 year. The panel must meet at least once per calendar year.

4 (3) The panel must examine each individual pedestrian fatality
5 and serious injury that occurs in Washington; statutes, rules,
6 policies, or ordinances governing pedestrians and traffic related to
7 the incidents; and any other relevant information, and make
8 recommendations that could improve pedestrian safety. By December
9 31st of each year, the panel must issue an annual report detailing
10 any findings and recommendations to the governor, the transportation
11 committees of the legislature, and all municipal governments and
12 state agencies that participated in the panel during that calendar
13 year.

14 (4)(a) An oral or written communication or a document shared
15 within or produced by the panel related to a pedestrian fatality and
16 serious injury review is confidential and not subject to disclosure
17 or discoverable by a third party. An oral or written communication or
18 a document provided by a third party to the panel or between a third
19 party and the panel is confidential and not subject to disclosure or
20 discovery by a third party. However, recommendations from the panel
21 and the commission generally may be disclosed without personal
22 identifiers.

23 (b) The panel must review, only to the extent otherwise permitted
24 by law or court rule when determined to be relevant and necessary:
25 Any law enforcement incident documentation, such as incident reports,
26 dispatch records, and victim, witness, and suspect statements; any
27 supplemental reports, probable cause statements, and 911 call taker's
28 reports; and any other information determined to be relevant to the
29 review. The commission and the panel must maintain the
30 confidentiality of such information to the extent required by any
31 applicable law.

32 (5) If acting in good faith, without malice, and within the
33 parameters of and protocols established under this chapter,
34 representatives of the commission and the panel are immune from civil
35 liability for an activity related to reviews of particular fatalities
36 and serious injuries.

37 (6) Subject to the availability of amounts appropriated for this
38 specific purpose, data regarding each pedestrian fatality and serious
39 injury review must be collected on standard forms created by the
40 commission. Data collected on reviewed fatalities and serious

1 injuries must be compiled and analyzed for purposes of identifying
2 points at which the transportation system can be improved and
3 identifying patterns in pedestrian fatalities and serious injuries.

4 (7) This section must not be construed to provide a private civil
5 cause of action.

6 (8) For purposes of this section:

7 (a) "Panel" means the pedestrian fatality and serious injury
8 review panel.

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

13 (c) "Serious injury" means any bodily injury of a pedestrian
14 resulting from a collision with a vehicle that involves a substantial
15 risk of death, broken bones, permanent disfigurement, or protracted
16 loss or impairment of the function of any part or organ of the body.

17 **Sec. 2.** RCW 43.59.040 and 1983 1st ex.s. c 14 s 1 are each
18 amended to read as follows:

19 In addition to other responsibilities set forth in this chapter,
20 the commission shall:

21 (1) Advise and confer with the governing authority of any
22 political subdivision of the state deemed eligible under the federal
23 Highway Safety Act of 1966 (Public Law 89-564; 80 Stat. 731) for
24 participation in the aims and programs and purposes of that act;

25 (2) Advise and confer with all agencies of state government whose
26 programs and activities are within the scope of the Highway Safety
27 Act including those agencies that are not subject to direct
28 supervision, administration, and control by the governor under
29 existing laws;

30 (3) Succeed to and be vested with all powers, duties, and
31 jurisdictions previously vested in the Washington state safety
32 council;

33 (4) Coordinate, administer, and participate in the pedestrian
34 fatality and serious injury review panel created under section 1 of
35 this act;

36 (5) Carry out such other responsibilities as may be consistent
37 with this chapter.

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