

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5957**

64th Legislature  
2015 Regular Session

Passed by the Senate April 16, 2015  
Yeas 35 Nays 9

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**President of the Senate**

Passed by the House April 15, 2015  
Yeas 57 Nays 41

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5957** as passed by Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5957**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

**State of Washington                      64th Legislature                      2015 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Lias, Rivers, Billig, King, Hobbs, Frockt, and Hasegawa)

READ FIRST TIME 02/27/15.

1            AN ACT Relating to the pedestrian safety advisory council; adding  
2 a new section to chapter 43.59 RCW; and providing an expiration date.

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

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

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

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

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

15           (i) A representative from the commission;

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

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

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

1 (v) A traffic engineer;

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

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

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

7 (b) The commission may invite other representatives of  
8 stakeholder groups to participate in the council as deemed  
9 appropriate by the commission. Additionally, the commission may  
10 invite a victim or family member of a victim to participate in the  
11 council.

12 (4) The council must meet at least quarterly. By December 31st of  
13 each year, the council must issue an annual report detailing any  
14 findings and recommendations to the governor and the transportation  
15 committees of the legislature. The commission must provide the annual  
16 report electronically to all municipal governments and state agencies  
17 that participated in the council during that calendar year.  
18 Additionally, the council must report any budgetary or fiscal  
19 recommendations to the office of financial management and the  
20 legislature by August 1st on a biennial basis.

21 (5) As part of the review of pedestrian fatalities and serious  
22 injuries that occur in Washington, the council may review any  
23 available information, including accident information maintained in  
24 existing databases; statutes, rules, policies, or ordinances  
25 governing pedestrians and traffic related to the incidents; and any  
26 other relevant information. The council may make recommendations  
27 regarding changes in statutes, ordinances, rules, and policies that  
28 could improve pedestrian safety. Additionally, the council may make  
29 recommendations on how to improve traffic fatality and serious injury  
30 data quality.

31 (6)(a) Documents prepared by or for the council are inadmissible  
32 and may not be used in a civil or administrative proceeding, except  
33 that any document that exists before its use or consideration in a  
34 review by the council, or that is created independently of such  
35 review, does not become inadmissible merely because it is reviewed or  
36 used by the council. For confidential information, such as personally  
37 identifiable information and medical records, which are obtained by  
38 the council, neither the commission nor the council may publicly  
39 disclose such confidential information. No person who was in  
40 attendance at a meeting of the council or who participated in the

1 creation, retention, collection, or maintenance of information or  
2 documents specifically for the commission or the council shall be  
3 permitted to testify in any civil action as to the content of such  
4 proceedings or of the documents and information prepared specifically  
5 as part of the activities of the council. However, recommendations  
6 from the council and the commission generally may be disclosed  
7 without personal identifiers.

8 (b) The council may review, only to the extent otherwise  
9 permitted by law or court rule when determined to be relevant and  
10 necessary: Any law enforcement incident documentation, such as  
11 incident reports, dispatch records, and victim, witness, and suspect  
12 statements; any supplemental reports, probable cause statements, and  
13 911 call taker's reports; and any other information determined to be  
14 relevant to the review. The commission and the council must maintain  
15 the confidentiality of such information to the extent required by any  
16 applicable law.

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

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

24 (9)(a) The council may receive gifts, grants, or endowments from  
25 public or private sources that are made from time to time, in trust  
26 or otherwise, for the use and benefit of the purposes of the council  
27 and spend the gifts, grants, or endowments from the public or private  
28 sources according to their terms, unless the receipt of the gifts,  
29 grants, or endowments violates RCW 42.17A.560.

30 (b) Subject to the appropriation of funds for this specific  
31 purpose, the council may provide grants targeted at improving  
32 pedestrian safety in accordance with recommendations made by the  
33 council.

34 (10) By December 1, 2018, the council must report to the  
35 transportation committees of the legislature on the strategies that  
36 have been deployed to improve pedestrian safety by the council and  
37 make a recommendation as to whether the council should be continued  
38 and if there are any improvements the legislature can make to improve  
39 the council.

40 (11) For purposes of this section:

1           (a) "Council" means the pedestrian safety advisory council.  
2           (b) "Pedestrian fatality" means any death of a pedestrian  
3 resulting from a collision with a vehicle, whether on a roadway, at  
4 an intersection, along an adjacent sidewalk, or on a path that is  
5 contiguous with a roadway.  
6           (c) "Serious injury" means any injury other than a fatal injury  
7 that prevents the injured person from walking, driving, or normally  
8 continuing the activities the person was capable of performing before  
9 the injury occurred.  
10          (12) This section expires June 30, 2019.

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