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**SUBSTITUTE SENATE BILL 5957**

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

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

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

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

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

(1) The commission must convene a pedestrian safety advisory council comprised of stakeholders who have a unique interest or expertise in pedestrian and road safety.

(2) 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.

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

(i) A representative from the commission;

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

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

(iv) A representative from the department of transportation;

(v) A representative of cities, and other representatives of municipal governments in which a pedestrian fatality has occurred that want to participate; and

(vi) A representative from a pedestrian advocacy group.

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

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

(5) As part of the review of pedestrian fatalities and serious injuries that occur in Washington, the council may review statutes, rules, policies, or ordinances governing pedestrians and traffic related to the incidents, and any other relevant information, and may make recommendations regarding changes in statues, ordinances, rules, and policies that could improve pedestrian safety. Additionally, the council may make recommendations on how to improve traffic fatality and serious injury data quality.

(6)(a) An oral or written communication or a document shared within or produced by the council related to a pedestrian fatality and serious injury review is confidential and not subject to disclosure or discoverable by a third party. An oral or written communication or a document provided by a third party to the council or between a third party and the council is confidential and not subject to disclosure or discovery by a third party. However, recommendations from the council and the commission generally may be disclosed without personal identifiers.

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

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

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

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

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

(10) By December 1, 2020, the council must report to the transportation committees of the legislature on the strategies that have been deployed to improve pedestrian safety by the council and make a recommendation as to whether the council should be continued and if there are any improvements the legislature can make to improve the council.

(11) For purposes of this section:

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

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

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

(12) This section expires June 30, 2021.

**--- END ---**