

SSB 5957 - H AMD TO TR COMM AMD (H-2629.2/15) 467  
By Representative Hayes

WITHDRAWN 4/15/2015

1 Beginning on page 1, line 3 of the amendment, strike all material  
2 and insert the following:

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

5 (1) Within amounts appropriated to the traffic safety commission,  
6 including amounts provided specifically for this purpose, the  
7 commission must convene a pedestrian safety advisory review panel  
8 composed of stakeholders who have expertise in pedestrian and road  
9 safety. At a minimum, the panel must include: A representative from  
10 the commission, multiple members of law enforcement agencies from  
11 various jurisdictions throughout the state who have investigated  
12 pedestrian fatalities, a traffic engineer from the department of  
13 transportation, and a representative from a pedestrian advocacy  
14 group.

15 (2) The purpose of the panel is to review and analyze information  
16 related to pedestrian fatalities and serious injuries to identify  
17 potential improvements for the transportation system or identify  
18 patterns in pedestrian fatalities and serious injuries.

19 (3) The panel may review investigation reports, statutes, rules,  
20 policies, or ordinances governing pedestrians and traffic related to  
21 the incidents and specific information about incidents. The panel may  
22 also review publicly available information regarding pedestrian  
23 fatalities that have occurred in Washington in the last five years  
24 and, within the panel's discretion, review any pedestrian serious  
25 injury incidents that have occurred in Washington in the last five  
26 years.

27 (4) The panel must meet at least once during 2015. By December  
28 31, 2015, the panel must make recommendations for improving the  
29 transportation system and make recommendations to improve pedestrian  
30 safety, and the commission must submit a report with the panel's  
31 recommendations to the transportation committees of the legislature.

32 (5) Any information, such as reports and documents and including  
33 complaints and incident reports, that is created or retained

1 specifically for, or collected and maintained by, either the  
2 commission or the panel pursuant to this section is not subject to  
3 discovery or introduction into evidence in any civil action. For  
4 confidential information, such as personally identifiable information  
5 and medical records, which is obtained by the panel, neither the  
6 commission nor the panel may publicly disclose such confidential  
7 information. No person who was in attendance at a meeting of the  
8 panel or who participated in the creation, retention, collection, or  
9 maintenance of information or documents specifically for the  
10 commission or the panel is permitted to testify in any civil action  
11 as to the content of such proceedings or of the documents and  
12 information prepared specifically as part of the activities of the  
13 panel. However, recommendations from the panel and the commission  
14 generally may be disclosed without personal identifiers.

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

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 panel are immune from civil  
20 liability for an activity related to reviews of particular fatalities  
21 and serious injuries.

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

28 (9) For the purposes of this section:

29 (a) "Panel" means the pedestrian safety advisory review panel.

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

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

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

1 In addition to other responsibilities set forth in this chapter,  
2 the commission shall:

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

7 (2) Advise and confer with all agencies of state government whose  
8 programs and activities are within the scope of the Highway Safety  
9 Act including those agencies that are not subject to direct  
10 supervision, administration, and control by the governor under  
11 existing laws;

12 (3) Succeed to and be vested with all powers, duties, and  
13 jurisdictions previously vested in the Washington state safety  
14 council;

15 (4) Coordinate, administer, and participate in the pedestrian  
16 safety advisory review panel created under section 1 of this act;

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

19 NEW SECTION. **Sec. 3.** This act expires June 30, 2016."

EFFECT: Strikes the entirety of the amendment and instead:

(1) Directs the Washington traffic safety commission to create the pedestrian safety advisory review panel (Panel).

(2) Provides the stakeholders to participate in the work of the Panel, including multiple members of law enforcement agencies from various jurisdictions throughout the state and a representative from a pedestrian advocacy group.

(3) Requires the Panel to review information related to fatalities and serious injuries to identify improvements for the transportation system or identify patterns in such incidents.

(4) Provides that the Panel may review certain reports, statutes, rules, policies, or ordinances and publicly available information regarding pedestrian fatalities in the previous five years.

(5) Requires the Panel, by December 31, 2015, to make recommendations for improving the transportation system and make recommendations to improve pedestrian safety.

(6) Prohibits the use in any civil action of information created or retained by either the commission or the Panel.

(7) Requires confidential information to be kept confidential.

(8) Prohibits any person who participated in certain work of the Panel from testifying in any civil action related to such work.

(9) Provides certain legal protections to the members of the Panel.

(10) Allows the Panel to receive gifts, grants, or endowments for the use and benefit of the Panel and to spend such amounts according to their terms.

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