

SSB 5957 - H COMM AMD
By Committee on Transportation

ADOPTED AS AMENDED 4/15/2015

1 Strike everything after the enacting clause and insert the
2 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 the commission must convene a pedestrian safety advisory council
7 comprised of stakeholders who have a unique interest or expertise in
8 pedestrian and road safety.

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

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

14 (i) A representative from the commission;

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

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

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

21 (v) A representative from the department of transportation;

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

25 (vii) A representative from a pedestrian advocacy group.

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

31 (4) The council must meet at least quarterly. By December 31st of
32 each year, the council must issue an annual report detailing any
33 findings and recommendations to the governor and the transportation

1 committees of the legislature. The commission must provide the annual
2 report electronically to all municipal governments and state agencies
3 that participated in the council during that calendar year.
4 Additionally, the council must report any budgetary or fiscal
5 recommendations to the office of financial management and the
6 legislature by August 1st on a biennial basis.

7 (5) As part of the review of pedestrian fatalities and serious
8 injuries that occur in Washington, the council may review any
9 available information, including accident information maintained in
10 existing databases; statutes, rules, policies, or ordinances
11 governing pedestrians and traffic related to the incidents; and any
12 other relevant information. The council may make recommendations
13 regarding changes in statutes, ordinances, rules, and policies that
14 could improve pedestrian safety. Additionally, the council may make
15 recommendations on how to improve traffic fatality and serious injury
16 data quality.

17 (6)(a) Documents prepared by or for the council are inadmissible
18 and may not be used in a civil or administrative proceeding, except
19 that any document that exists before its use or consideration in a
20 review by the council, or that is created independently of such
21 review, does not become inadmissible merely because it is reviewed or
22 used by the council. For confidential information, such as personally
23 identifiable information and medical records, which are obtained by
24 the council, neither the commission nor the council may publicly
25 disclose such confidential information. No person who was in
26 attendance at a meeting of the council or who participated in the
27 creation, retention, collection, or maintenance of information or
28 documents specifically for the commission or the council shall be
29 permitted to testify in any civil action as to the content of such
30 proceedings or of the documents and information prepared specifically
31 as part of the activities of the council. However, recommendations
32 from the council and the commission generally may be disclosed
33 without personal identifiers.

34 (b) The council may review, only to the extent otherwise
35 permitted by law or court rule when determined to be relevant and
36 necessary: Any law enforcement incident documentation, such as
37 incident reports, dispatch records, and victim, witness, and suspect
38 statements; any supplemental reports, probable cause statements, and
39 911 call taker's reports; and any other information determined to be
40 relevant to the review. The commission and the council must maintain

1 the confidentiality of such information to the extent required by any
2 applicable law.

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

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

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

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

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

26 (11) For purposes of this section:

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

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

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

36 (12) This section expires June 30, 2021."

37 Correct the title.

EFFECT: (1) Clarifies that the pedestrian safety advisory council (Council) must be convened within amounts appropriated to the traffic safety commission.

(2) Makes several changes regarding how information used by the Council may be disseminated, including requiring the traffic safety commission and the Council to keep confidential any confidential information obtained by the Council, making certain documents prepared by or for the Council inadmissible in a civil proceeding, and prohibiting certain Council participants from testifying in a civil action.

(3) Adds representatives of local law enforcement agencies and certain local stakeholders to the list of people who may serve on the Council.

(4) Clarifies that the Council may review any available information regarding pedestrian fatality and serious injury incidents.

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