H-2090.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUBSTITUTE HOUSE BILL 2127**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**By** House Transportation (originally sponsored by Representatives Farrell, Tarleton, Robinson, Walkinshaw, Riccelli, Gregerson, Lytton, Bergquist, Ormsby, Fitzgibbon, Pollet, and Santos)

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

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 fatality and serious injury review panel comprised of stakeholders who have a unique interest or expertise in pedestrian and road safety.

(a) At a minimum, the panel must include:

(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 from the department of health; and

(vi) A representative from a pedestrian advocacy group.

(b) The panel may also include, as chosen by the panel, up to two stakeholders who represent municipalities in which at least one pedestrian fatality has occurred in the previous three years.

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

(3) The panel must examine each individual pedestrian fatality that occurs in Washington, including accident information maintained in existing databases; statutes, rules, policies, or ordinances governing pedestrians and traffic related to the incidents; and any other relevant information, and make recommendations that could improve pedestrian safety. By December 31st of each year, the panel must issue an annual report detailing any findings and recommendations to the governor, the transportation committees of the legislature, and all municipal governments and state agencies that participated in the panel during that calendar year.

(4) Within appropriated amounts provided for the panel and at the discretion of the panel, the panel may also review incidents that result in a serious injury to a pedestrian.

(5)(a) An oral or written communication or a document shared within or produced by the panel 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 panel or between a third party and the panel is confidential and not subject to disclosure or discovery by a third party. However, recommendations from the panel and the commission generally may be disclosed without personal identifiers.

(b) Within appropriated amounts provided for the panel, the panel 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 panel must maintain the confidentiality of such information to the extent required by any applicable law.

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

(7) Subject to the availability of amounts appropriated for this specific purpose, data regarding each pedestrian fatality and serious injury review must be collected on standard forms created by the commission. Data collected on reviewed fatalities and serious injuries must be compiled and analyzed for purposes of identifying points at which the transportation system can be improved and identifying patterns in pedestrian fatalities and serious injuries.

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

(9) For purposes of this section:

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

(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 that the person was capable of performing before the injury occurred.

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

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

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

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

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

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

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

**--- END ---**