
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)

READ FIRST TIME 02/27/15.

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

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

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

7 (1) The commission must convene a pedestrian fatality and serious
8 injury review panel comprised of stakeholders who have a unique
9 interest or expertise in pedestrian and road safety.

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

11 (i) A representative from the commission;

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

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

16 (iv) A representative from the department of transportation;

17 (v) A representative from the department of health; and

18 (vi) A representative from a pedestrian advocacy group.

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

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

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

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

17 (5)(a) An oral or written communication or a document shared
18 within or produced by the panel related to a pedestrian fatality and
19 serious injury review is confidential and not subject to disclosure
20 or discoverable by a third party. An oral or written communication or
21 a document provided by a third party to the panel or between a third
22 party and the panel is confidential and not subject to disclosure or
23 discovery by a third party. However, recommendations from the panel
24 and the commission generally may be disclosed without personal
25 identifiers.

26 (b) Within appropriated amounts provided for the panel, the panel
27 may review, only to the extent otherwise permitted by law or court
28 rule when determined to be relevant and necessary: Any law
29 enforcement incident documentation, such as incident reports,
30 dispatch records, and victim, witness, and suspect statements; any
31 supplemental reports, probable cause statements, and 911 call taker's
32 reports; and any other information determined to be relevant to the
33 review. The commission and the panel must maintain the
34 confidentiality of such information to the extent required by any
35 applicable law.

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

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

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

10 (9) For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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