CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5957**

Chapter 243, Laws of 2015

64th Legislature

2015 Regular Session

WASHINGTON TRAFFIC SAFETY COMMISSION--PEDESTRIAN SAFETY ADVISORY COUNCIL

EFFECTIVE DATE: 7/24/2015

Passed by the Senate April 16, 2015

Yeas 35 Nays 9

 BRAD OWEN

**President of the Senate**

Passed by the House April 15, 2015

Yeas 57 Nays 41

FRANK CHOPP

**Speaker of the House of Representatives**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5957** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

**Secretary**

Approved May 11, 2015 2:51 PM FILED

May 12, 2015

JAY INSLEE

**Governor of the State of Washington**

**Secretary of State**

**State of Washington**

**SUBSTITUTE SENATE BILL 5957**

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

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

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

READ FIRST TIME 02/27/15.

1 AN ACT Relating to the pedestrian safety advisory council; adding

2 a new section to chapter 43.59 RCW; and providing an expiration date.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.59

5 RCW to read as follows:

6 (1) Within amounts appropriated to the traffic safety commission,

7 the commission must convene a pedestrian safety advisory council

8 comprised of stakeholders who have a unique interest or expertise in

9 pedestrian and road safety.

10 (2) The purpose of the council is to review and analyze data

11 related to pedestrian fatalities and serious injuries to identify

12 points at which the transportation system can be improved and to

13 identify patterns in pedestrian fatalities and serious injuries.

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

15 (i) A representative from the commission;

16 (ii) A coroner from the county in which the most pedestrian

17 deaths have occurred;

18 (iii) A representative from the Washington association of

19 sheriffs and police chiefs;

20 (iv) Multiple members of law enforcement who have investigated

21 pedestrian fatalities;

3 (vii) A representative of cities, and up to two stakeholders,

4 chosen by the council, who represent municipalities in which at least

5 one pedestrian fatality has occurred in the previous three years; and

6 (viii) A representative from a pedestrian advocacy group.

7 (b) The commission may invite other representatives of

8 stakeholder groups to participate in the council as deemed

9 appropriate by the commission. Additionally, the commission may

10 invite a victim or family member of a victim to participate in the

11 council.

12 (4) The council must meet at least quarterly. By December 31st of

13 each year, the council must issue an annual report detailing any

14 findings and recommendations to the governor and the transportation

15 committees of the legislature. The commission must provide the annual

16 report electronically to all municipal governments and state agencies

17 that participated in the council during that calendar year.

18 Additionally, the council must report any budgetary or fiscal

19 recommendations to the office of financial management and the

20 legislature by August 1st on a biennial basis.

21 (5) As part of the review of pedestrian fatalities and serious

22 injuries that occur in Washington, the council may review any

23 available information, including accident information maintained in

24 existing databases; statutes, rules, policies, or ordinances

25 governing pedestrians and traffic related to the incidents; and any

26 other relevant information. The council may make recommendations

27 regarding changes in statutes, ordinances, rules, and policies that

28 could improve pedestrian safety. Additionally, the council may make

29 recommendations on how to improve traffic fatality and serious injury

30 data quality.

31 (6)(a) Documents prepared by or for the council are inadmissible

32 and may not be used in a civil or administrative proceeding, except

33 that any document that exists before its use or consideration in a

34 review by the council, or that is created independently of such

35 review, does not become inadmissible merely because it is reviewed or

36 used by the council. For confidential information, such as personally

37 identifiable information and medical records, which are obtained by

38 the council, neither the commission nor the council may publicly

39 disclose such confidential information. No person who was in

40 attendance at a meeting of the council or who participated in the

3 permitted to testify in any civil action as to the content of such

4 proceedings or of the documents and information prepared specifically

5 as part of the activities of the council. However, recommendations

6 from the council and the commission generally may be disclosed

7 without personal identifiers.

8 (b) The council may review, only to the extent otherwise

9 permitted by law or court rule when determined to be relevant and

10 necessary: Any law enforcement incident documentation, such as

11 incident reports, dispatch records, and victim, witness, and suspect

12 statements; any supplemental reports, probable cause statements, and

13 911 call taker's reports; and any other information determined to be

14 relevant to the review. The commission and the council must maintain

15 the confidentiality of such information to the extent required by any

16 applicable law.

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 council are immune from

20 civil liability for an activity related to reviews of particular

21 fatalities and serious injuries.

22 (8) This section must not be construed to provide a private civil

23 cause of action.

24 (9)(a) The council may receive gifts, grants, or endowments from

25 public or private sources that are made from time to time, in trust

26 or otherwise, for the use and benefit of the purposes of the council

27 and spend the gifts, grants, or endowments from the public or private

28 sources according to their terms, unless the receipt of the gifts,

29 grants, or endowments violates RCW 42.17A.560.

30 (b) Subject to the appropriation of funds for this specific

31 purpose, the council may provide grants targeted at improving

32 pedestrian safety in accordance with recommendations made by the

33 council.

34 (10) By December 1, 2018, the council must report to the

35 transportation committees of the legislature on the strategies that

36 have been deployed to improve pedestrian safety by the council and

37 make a recommendation as to whether the council should be continued

38 and if there are any improvements the legislature can make to improve

39 the council.

40 (11) For purposes of this section:

3 resulting from a collision with a vehicle, whether on a roadway, at

4 an intersection, along an adjacent sidewalk, or on a path that is

5 contiguous with a roadway.

6 (c) "Serious injury" means any injury other than a fatal injury

7 that prevents the injured person from walking, driving, or normally

8 continuing the activities the person was capable of performing before

9 the injury occurred.

10 (12) This section expires June 30, 2019.

Passed by the Senate April 16, 2015. Passed by the House April 15, 2015. Approved by the Governor May 11, 2015.

Filed in Office of Secretary of State May 12, 2015.