



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 755 (as passed by the Senate)
 Sponsor: Senator Doug Carl
 Committee: Transportation and Tourism

Date Completed: 2-28-96

RATIONALE

Highway construction zones apparently can be dangerous places in which to work and drive. According to Michigan State Police data, the State Police processed 5,146 construction zone accidents Statewide in 1991 and 5,992 in 1994. While the more recent data do not indicate the number of accidents in which speeding was a factor, the 1991 numbers show that more than one-half of the accidents were speed-related. Further, the 1994 accidents resulted in a total of 2,355 reported injuries and 29 deaths. While the Michigan Vehicle Code already sets a lower speed limit in highway construction zones than allowed elsewhere on highways (described in BACKGROUND), apparently many drivers disregard the lower limit. Some people believe that doubling the fine for moving violations in a construction zone would give motorists an incentive to obey the law.

The Vehicle Code also contains a "prima facie speed limit" of 25 miles an hour in school zones where signs designating the school zone and the speed limit are posted. It has been suggested that moving violations in school zones also should be subject to a double fine.

CONTENT

The bill would amend the Michigan Vehicle Code to provide that, notwithstanding any other provision of the Code, a person responsible for a moving violation in a construction zone, or in a school zone from 30 minutes before school in the morning and through 30 minutes after school in the afternoon, would be subject to a fine that was double the fine otherwise prescribed for that violation.

Whenever practical, signs designed in compliance with the Uniform Manual of Traffic Control Devices would have to be placed appropriately at the construction zone by the State Transportation Department or road authority having jurisdiction

over the construction zone, notifying vehicle operators that for the protection and safety of construction workers the fine for a moving violation in that work area would be double the fine otherwise prescribed for that moving violation.

"Construction zone" would mean a designated work area described in Section 627, which refers to an area where a normal lane or part of the lane of traffic has been closed due to highway construction, maintenance, or surveying. "Moving violation" would mean an act or omission prohibited under the Code or a substantially corresponding local ordinance that occurred while a person was operating a motor vehicle, and for which the person was subject to a fine.

The Code defines "school zone" as school property on which a school building is located and the area adjacent to the school property that is designated by signs. A school zone may extend up to 1,000 feet from the school's property line in each direction. ("School" means an educational institution operated by a local school district or by a private, denominational, or parochial organization, except an educational institution containing only grades above eighth grade.)

Proposed MCL 257.601b

BACKGROUND

The Michigan Vehicle Code provides, "A person operating a vehicle on a highway, when entering and passing through a designated work area where a normal lane or part of the lane of traffic has been closed due to highway construction, maintenance, or surveying activities, shall not exceed a speed of 45 miles per hour unless otherwise determined and posted by the state transportation department, a county road commission, or a local authority" (MCL 257.627(9)).

The Code also provides, "...the prima facie speed limit in a school zone, which shall be in force 30 minutes before the first regularly scheduled school session until school commences and from dismissal until 30 minutes after the last regularly scheduled school session, and during a lunch period when students are permitted to leave the school, shall be 25 miles an hour, if permanent signs designating the school zone and the speed limit in the school zone are posted at the request of the school superintendent... Local authorities may increase or decrease the prima facie speed limit within a school zone under their jurisdiction...". If a school zone has sidewalks on at least one side of the street, however, the prima facie speed limit cannot be more than 15 miles per hour below the regularly posted speed limit for that street or less than 25 miles per hour (MCL 257.627a).

Costs for signs notifying motorists that fines for moving violations in construction zones were double would depend on the size of sign required. The cost of movable signs currently used in construction areas is approximately \$80 per sign.

Fiscal Analyst: B. Bowerman

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Despite the lower speed limit provided for in construction zones and school zones, many people continue to drive excessively fast through these areas and accidents continue to occur. This makes construction zones hazardous for both highway workers and travelers, and makes school zones hazardous for children. Since the current penalties for moving violations apparently are not enough to discourage motorists from ignoring speed limits and driving carelessly, a double fine for violations could provide the necessary incentive. Moreover, by requiring the posting of signs informing vehicle operators of the double fine in construction zones, the bill would ensure that drivers were aware of the potential penalty and were reminded to obey the law for their own safety and that of road workers.

Legislative Analyst: S. Margules

FISCAL IMPACT

Revenue generated would depend on the level of enforcement at construction zones. The Michigan Department of State Police issued 1,427 moving violation tickets in construction zones in 1994. These data do not include tickets issued by local law enforcement officers. There were 5,992 crashes in construction zones Statewide in 1994.

A9596\S755B

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.