

SCHOOL ZONE SPEED LIMIT

House Bill 4251 (Substitute H-1) First Analysis (2-24-98)

**Sponsor: Rep. Ilona Varga
Committee: Transportation**

THE APPARENT PROBLEM:

From time to time, pedestrian traffic conflicts with automobile traffic near schools, jeopardizing the safety of school children. In the interest of pedestrian safety, Michigan law gives authority to school superintendents to set the speed limit in a school zone, in conjunction with local traffic officials. Under the law, a "school zone" is limited to the area 1,000 feet from a school's property line in all directions. Generally the speed limit in school zones is 25 miles per hour (sometimes called the prima facie speed limit), and that 25 mile per hour speed limit is in force in a designated school zone 30 minutes before and after the regularly scheduled school session, and during a lunch period when students are permitted to leave school.

The number of traffic fatalities in school zones in Michigan is unknown, since neither the Michigan State Police nor any other state agency records the location of fatalities with such particular precision. Although there are no data collected specifically from school zones, or from the 4,691 public and private school buildings throughout the state, the Department of State Police does distribute data information cards to local police agencies, and then collects and tabulates the information. Called the UD10, these forms give local officials the opportunity to record and report every traffic fatality and accident throughout the state, since the forms are filed regularly by local police agencies with the department. According to these reports tabulated by the state police, during 1996 there were a total of 80,368 crashes "involving the speed limit of 25 mile per hour." (This constitutes 18.4 percent of all crashes at all speeds during 1996.) Among the more than 80,000 crashes there were a total of 85 fatalities and 14,451 injuries. (In the case of the fatalities, the speed limit was posted less than 45 percent of the time.)

To ensure greater caution among drivers near schools, and greater protection for the school children who walk in the vicinity, some argue for a 15 mile per hour speed limit in a school zone. Further, they argue that in addition to superintendents of school districts, people such as building principals should be able to set speed limits.

THE CONTENT OF THE BILL:

House Bill 4251 would amend the provisions of the Michigan Vehicle Code that govern school zone speed limits. The bill would reduce the maximum allowable speed from 25 miles per hour to 15 miles per hour in a school zone, if a school superintendent or a presiding school official requests the appropriate jurisdictional authority to lower the speed limit to 15 miles per hour. (However, as under existing law, the school zone speed limit could not be more than 15 miles per hour below the regularly posted speed limit for any street within the zone.)

In certain instances, the bill also would eliminate some of the restrictions placed on superintendents, presiding school officials, and local officials who set speed limits in school zones, by deleting reference to a section of law that requires that local officials confer with the state transportation department, the Department of State Police, and the school board of the affected school district before they act to increase or decrease the prima facie speed limit on a state trunk line highway within a school zone.

MCL 257.627a

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, there would be no state or local fiscal impact if this legislation were enacted. (2-19-98)

ARGUMENTS:

For:

In January 1996, a 10 year old school child was killed by a speeding driver in a school zone located in southwest Detroit. Perhaps the deaths of other school children will be prevented, if the speed limits in school zones are set very low. This legislation will give school district superintendents and other presiding school officials the option of setting a 15 mile per hour speed in school zones near neighborhood schools.

Against:

Reducing traffic speed alone will not work. The most effective safety precautions to take in order to slow the speed of vehicular traffic in school zones are visible police presence, stop lights, and flashing lights on school zone speed signs. Simply posting a lower speed limit on a sign will not improve pedestrian safety.

a different goal of traffic policy: efficient movement of cars

Response:

In the school zone where the fatality that prompts this legislation occurred, local officials have already installed a traffic stop light, and have increased their enforcement of the speed laws. This legislation would allow local officials the option of lowering the speed limit, as well.

Against:

Many traffic studies undertaken by traffic engineers during the past five decades demonstrate that drastic changes in speed limits, for example a sudden reduction from 25 miles per hour to 15 miles per hour in a school zone, are ineffective. They do not slow traffic, but instead cause increased enforcement problems. According to JCW Consulting, "there is essentially no compliance with an arbitrary speed limit that is not justified by conditions." Further, "there is definitely no reduction in accidents, injuries or fatalities, and possibly an increase in them." It is difficult to accept counter-intuitive findings of this sort: It would seem that in all cases, slower speed would be better. However, there are some studies which show an increase in traffic accidents when speeds are set at what motorists have grown accustomed to thinking is a speed that is unreasonably low, or too slow. Some of the accidents are triggered by the increase in uncertainty in the motorist's environment (the much wider spread of speeds in the zone), the result of an inability or an unwillingness to acknowledge differing speeds along a route. That is to say, drivers do not adapt to the changes in speed limits quickly or good-naturedly.

Against:

Although the display of public grief by those who survive traffic fatalities is often raw and compelling, it is fact and reason, rather than an emotional appeal, that should form the basis of law. In this case, the findings reported by many transportation researchers do not support the policy outcome that is promised by this legislation. According to the science of speed zoning, the bill would not result in improved safety.

Response:

Traffic engineers direct their attention first to traffic flow, and in particular to the removal of impediments to smooth flow. In contrast, pedestrian advocates direct their attention first to safety. The two contrasting perspectives conflict, since each places an emphasis on

vs. secure movement of people. Further, since each aim accommodates different evidence to substantiate its different expectation, there is an ongoing tension or argument in the policy debate. For this reason and others, the creation of law, nearly always crafted primarily for the purpose of regulating behavior, is usually based on a combination of fact and reason, coupled with a personal (and often tragic) story. It is the role of lawmakers to blend different kinds of experience and evidence; both count when it comes to drafting workable law that people will acknowledge as "our law." It is difficult, in a transportation system that is designed to move high-performance cars, to clear the way for pedestrians. But that is precisely what lawmakers must do, most especially near schools where pedestrians are young and less cautious.

POSITIONS:

The Michigan State Police has no position on the bill at this time. (2-19-98)

The National Motorists Association opposes the bill. (2-19-98)

JCW Consulting opposes the bill. (2-19-98)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.