



Senate Fiscal Agency  
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BILL ANALYSIS

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House Bill 5094 (Substitute S-2 as reported)  
Sponsor: Representative Michael C. Murphy  
House Committee: Transportation  
Senate Committee: Transportation

Date Completed: 6-8-04

### **RATIONALE**

On May 13, 2003, 13-year-old Jasmine Miles was killed by a car while crossing the street near her school in the Waverly School District located in Eaton County, just west of Lansing. Since there was no sidewalk next to the road, despite its close proximity to the school, Jasmine had attempted to cross where there was no designated crosswalk. Since their daughter's death, the parents of Jasmine Miles have taken steps in their community to establish a parent action group, the Safe Miles for Jasmine Committee, to address the safety needs of children in their hometown of Delta Township. They have partnered with the Waverly School District, local township officials, the Eaton County Sheriff's Department, the Eaton County Road Commission, and the Governor's Council for Health and Physical Fitness. Through the Committee's efforts, speed limits have been lowered, new sidewalks have been installed, and new signs have been erected throughout the community. The Committee currently is in the process of writing grants to fund more measures to create a community that is safe for pedestrians. To extend such safety measures statewide, it has been suggested that crosswalks should be required near every school in the State.

### **CONTENT**

The bill would create the "Jasmine Miles Schoolchildren Safety Act" within the Michigan Vehicle Code to do the following:

- Require the Michigan Department of Transportation (MDOT), a county road commission, or a local authority to establish school crossings considered necessary for the safety of schoolchildren

on streets and highways under its jurisdiction.

- Require a school crossing to be established within a safe distance from a school located on a road having a speed limit of at least 25 miles per hour.

Also, upon the school district superintendent's request, the bill would require the authority having jurisdiction over the road, the school district superintendent, and the chief of police of the local unit of government or the county sheriff to meet at least every five years to consider whether a traffic and engineering study should be conducted to determine whether a school crossing was required. If those individuals determined by unanimous vote that a traffic and engineering study should be conducted, they would have to give written notice to the authority having jurisdiction to maintain the road, and the authority would have to conduct the study.

The Code currently permits, but does not require, MDOT, county road commissions, and local authorities to establish school crossings considered necessary for the safety of school children. The establishment of a school crossing must be based on a traffic and engineering study conducted by the road authority having jurisdiction, in consultation with the school district superintendent.

MCL 257.613a

### **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**

Over the last few years, as school districts have revised their policies regarding who is eligible to ride a school bus, it has become necessary for more children to walk to school. In many communities, however, pedestrian-friendly measures have not kept pace with development. In Chesterfield Township, for example, a student in the L'Anse Creuse school district recently was struck by a vehicle while crossing a freeway near the middle school; although the township's population has grown from 25,900 in 1990 to 42,500 this year, pedestrian walkways evidently do not exist in the township.

All children deserve to use safe routes when they walk to and from school, and all parents deserve the peace of mind that comes from knowing their children are safe en route to school each day. Not every school is located on a quiet, safe street, and not every motorist is as careful as he or she should be. The responsibility for children's wellbeing rests, in part, with the officials who have jurisdiction over the sidewalks, streets, and highways children must cross as they make their way to school. In requiring those officials to work together, and, where necessary, establish crosswalks close to all schools, the bill would create a safer environment for children while maintaining local control.

### **Supporting Argument**

It is important to identify and remove barriers that interfere with children's ability to engage in the routine physical activity of walking to and from school. The Governor's Council on Physical Fitness is conducting a Safe Routes to Schools program funded by a two-year grant from MDOT. The program involves a statewide coalition that includes representatives from MDOT, the Department of Community Health, the Department of Education, the Michigan State Police, AAA of Michigan, the Michigan Environmental Council, the Ruth Mott Foundation, Rails to Trails, the League of Michigan Bicyclists, the Michigan Elementary and Middle School Principals Association, the American Heart Association, Michigan State University, local governments, and local citizen groups.

This year, the program is performing walking audits at six pilot schools, evaluating environmental changes, and

encouraging the schools to make those changes to encourage routine walking and biking to school. Five more schools will be invited to join the pilot project for the next school year. The Council is hoping to develop a tool kit for Michigan schools by the end of the two-year pilot program to assist them in systematically assessing the environment surrounding their buildings and eliminating physical and psychological barriers to walking to school. The traffic study and crosswalk requirements in the bill would be one tool that schools could use to achieve the desired outcome of a more walkable school environment.

Legislative Analyst: Julie Koval

### **FISCAL IMPACT**

The bill would increase the costs to State and local road agencies associated with any increase in the number of school crossings.

Fiscal Analyst: Craig Thiel

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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.