

Legislative Analysis



PASSING STATIONARY EMERGENCY, UTILITY, SOLID WASTE, OR MAINTENANCE VEHICLES

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Senate Bill 477 (H-2) as reported from House committee
Sponsor: Sen. Dale W. Zorn
House Committee: Transportation and Infrastructure
Senate Committee: Transportation
Complete to 6-1-18

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: Senate Bill 477 would amend Section 653a of the Michigan Vehicle Code to prescribe specific speed reductions and passing procedures for drivers approaching and passing stationary emergency, waste collection, utility service, or road maintenance vehicles under certain circumstances.

FISCAL IMPACT: Senate Bill 477 would have an indeterminate fiscal impact on the state and on local units of government. (See *Fiscal Information*, below, for further discussion.)

THE APPARENT PROBLEM:

Michigan law currently requires drivers passing an emergency, solid waste collection, utility service, or road maintenance vehicle that is stopped and has its flashing lights on to proceed with caution and move one lane over so as to ensure the safety of the personnel connected with the vehicle. However, the law does not specify any speed reduction that proceeding with caution might entail. Also, the law does not address cases when there is a divided highway and the stationary vehicle is on a median or separated from traffic by a barrier. Legislation has been proposed to bring further clarity to these provisions of law.

THE CONTENT OF THE BILL:

Emergency Vehicles

Currently under the Michigan Vehicle Code, the driver of a vehicle that is approaching and passing a stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights must proceed with caution and yield the right-of-way by moving into a lane at least one moving lane or two vehicle widths apart from the emergency vehicle. If another lane is not available or traffic does not allow the driver to move into an adjacent lane, the driver must reduce and maintain a safe speed and proceed with due care and caution.

Authorized emergency vehicle is defined in Section 2 of the Code to mean vehicles of the fire department, police vehicles, ambulances, and certain privately owned vehicles involved in providing emergency services.

For purposes of Section 653a, authorized emergency vehicle also includes a road service vehicle that is marked and recognizable as a vehicle used to assist disabled

vehicles and that is giving a visual signal by means of a flashing, rotating, or oscillating red or amber light.

The bill would amend these provisions to specify that the driver of a vehicle approaching and passing a stationary authorized emergency vehicle with its lights flashing must reduce his or her speed by 10 miles per hour, in addition to yielding the lane as described above. The bill would also require a driver who cannot yield the lane, either because of traffic conditions or because a lane is not available or does not exist, to reduce his or her speed by 10 miles per hour before proceeding with due care and caution.

The bill would exempt from the above provisions the driver of a vehicle passing a stationary authorized emergency vehicle if the highway has been divided into two roadways by leaving an intervening space, a physical barrier, or clearly indicated dividing sections constructed as to impede vehicular traffic and the emergency vehicle is stopped across the dividing space, barrier, or section that divides the highway in two.

Utility and Other Trucks

Currently under the Code, the driver of a vehicle that is approaching and passing stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle that is using flashing, rotating, or oscillating amber lights must reduce his or her speed to a safe speed, maintain that speed, and proceed with due care and caution.

Under the bill, the driver of a vehicle approaching and passing such a stationary solid waste collection vehicle, utility service vehicle, or road maintenance vehicle must reduce his or her speed by 10 miles per hour and yield the right-of-way by moving into a lane at least one moving lane or two vehicle widths apart from the stationary vehicle. If another lane is not available or traffic does not allow the driver to move into an adjacent lane, then the driver must reduce his or her speed by 10 miles per hour and proceed with due care and caution.

The bill would exempt from the above provisions the driver of a vehicle passing a stationary solid waste collection, utility service, or road maintenance vehicle if the highway has been divided into two roadways by leaving an intervening space, a physical barrier, or clearly indicated dividing sections constructed as to impede vehicular traffic and the stationary vehicle is stopped across the dividing space, barrier, or section that divides the highway in two.

The bill would take effect 90 days after being enacted.

MCL 257.653a and 257.653b

HOUSE COMMITTEE ACTION:

The House Committee on Transportation and Infrastructure adopted and reported an H-2 substitute for Senate Bill 477. The substitute removed references to individuals performing construction work and workers in the process of establishing a work zone from the

section's passing requirements. The Senate-passed version of the bill would require drivers to reduce their speed by at least 10 miles per hour below the posted speed limit; the H-2 substitute would require them to reduce their speed by 10 miles an hour. Finally, the H-2 substitute would add that drivers do not have to proceed with caution in the cases described above involving divided highways.

FISCAL INFORMATION:

Senate Bill 477 would have an indeterminate fiscal impact on the state and on local units of government. Information is not available on the number of convictions that would result under provisions of the bill. New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2017, the average cost of prison incarceration in a state facility was roughly \$37,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,600 per supervised offender in the same year. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenue would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

POSITIONS:

The following entities indicated support for the bill.

- Department of Transportation (4-24-18)
- Department of State Police (4-24-18)
- AAA of Michigan (4-24-18)
- Consumers Energy (4-24-18)
- ITC Holdings (4-24-18)
- Indiana Michigan Power Company (4-24-18)
- Oakland County Sheriff's Office (4-24-18)
- Michigan Towing Association (5-22-18)
- Telecom Association of Michigan. (4-24-18)

A representative of the National Motorist Association testified in opposition to the bill. (5-22-18)

ABATE indicated opposition to the bill. (4-24-18)

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