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BILL



ANALYSIS

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Senate Bill 477 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Dale W. Zorn
Committee: Transportation

Date Completed: 1-12-18

RATIONALE

Every year, road workers and emergency responders are injured or killed on highways throughout Michigan while working. Provisions under the Michigan Vehicle Code require drivers to slow down and drive cautiously when approaching and passing certain stationary emergency or utility vehicles. Evidently, however, it is difficult for law enforcement officers to enforce this requirement. Moreover, some believe that workers in more occupations who operate on roadways should be protected under the statute. In order to enhance the safety of those working on Michigan roads, it has been suggested that the Code should require drivers to decelerate to a specified speed when approaching certain stationary vehicles or individuals working on or near a roadway.

CONTENT

The bill would amend the Michigan Vehicle Code to do the following:

- **Require drivers approaching and passing a stationary emergency vehicle to reduce their speed by 10 miles per hour below the posted speed limit.**
- **Specify that a driver would not have to reduce speed or yield when the authorized emergency vehicle was stopped across a dividing space on a divided roadway.**
- **Extend the current and proposed requirements for passing a stopped emergency vehicle to drivers--except when in a work zone--approaching and passing stationary solid waste collection vehicles, utility service vehicles, road maintenance vehicles, individuals performing surveying work, and construction workers in the process of establishing a work zone.**
- **Refer to amber lights, in addition to flashing, rotating, or oscillating red, blue, or white lights, in the requirement that a driver exhibit due care and caution upon approaching and passing a stationary authorized emergency vehicle that is giving a visual signal by means of those lights.**

Under the Code, upon 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, the driver of an approaching vehicle must exhibit due care and caution, as described below. The bill also would refer to amber lights.

On any public roadway with at least two adjacent lanes proceeding in the same direction of a stationary authorized emergency vehicle, the driver of an approaching vehicle 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, unless directed otherwise by a police officer. The bill also would require the driver to reduce his or her speed by at least 10 miles per hour below the posted speed limit.

If a public roadway does not have at least two adjacent lanes proceeding in the same direction as the stationary authorized emergency vehicle, or if moving into an adjacent lane or two vehicle

widths apart is not possible, the approaching vehicle must reduce and maintain a safe speed for weather, road conditions, and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a police officer. The bill would remove the requirement to reduce and maintain a safe speed for weather, road conditions, and vehicular traffic. Instead, the bill would require a driver to reduce his or her speed by at least 10 miles per hour below the posted speed limit.

The bill also specifies that the operator of a vehicle upon a highway that had been divided into two roadways by leaving an intervening space, or by a physical barrier or clearly indicated dividing sections so constructed as to impede vehicular traffic, would not be required to reduce his or her speed or yield the right-of-way for an authorized emergency vehicle that was stopped across the dividing space, barrier, or section.

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

Under the bill, except when in a work zone as defined under the Code, the driver of an approaching vehicle would be subject to the same requirements as provided under current law and under the bill for the driver of a vehicle approaching a stationary authorized emergency vehicle. The bill also would require the speed reduction when individuals performing surveying work or construction workers in the process of establishing a work zone were present.

(A violation of the requirements concerning emergency vehicles is a misdemeanor punishable by a maximum fine of \$500 or imprisonment for up to 90 days, or both. If the violation injures or kills a police officer, firefighter, or other emergency response personnel, the offense is a felony punishable by up to \$1,000 and/or two years (for a violation causing injury) or up to \$7,500 and/or 15 years (for a violation causing death).

A violation of the requirements involving a solid waste collection vehicle, utility service vehicle, or road maintenance vehicle is a misdemeanor punishable by a \$100 maximum fine and/or up to 90 days' imprisonment.)

The bill would take effect 90 days after its enactment.

MCL 257.653a & 257.653b

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

Emergency service personnel, utility workers, construction workers, and other people are injured or killed each year while working on or alongside Michigan roadways. High speeds, distracted driving, heavy traffic, and poor weather can create a dangerous work environment for these individuals. According to the Michigan Department of Transportation, in 2016, there were 3,868 work zone crashes in Michigan that did not involve an injury, and 1,023 work zone crashes where there was a possible injury, a nonincapacitating injury, an incapacitating injury, or a death. During the same year, the Department reports that six workers were struck in Michigan trunkline work zones, and there were 430 crashes involving first responders and towing personnel that included a possible injury, a nonincapacitating injury, an incapacitating injury, or a death.

People working on busy roadways deserve the highest protections possible in such hazardous situations. The bill would improve the safety of those working on or beside Michigan roads by

creating an enforceable deceleration metric, and extending statutory protections to members of more at-risk occupations.

Opposing Argument

The bill is unnecessary and could decrease safety in some circumstances. Current law requires drivers to move over at least one lane from a stationary emergency vehicle or other listed vehicle and proceed with caution when approaching those vehicles. Requiring drivers to move over a lane or reduce their speed by at least 10 miles per hour, or both when appropriate, would create needless actions that could distract drivers' attention. Merging with traffic at a lower speed can be dangerous, particularly in poor driving conditions. The bill also could require drastic speed changes with little notice. For example, if a person were driving above a posted speed limit and were required to reduce his or her speed to 10 miles per hour below the posted speed limit, the driver would have to reduce his or her speed by more than 10 miles per hour in a short period of time. This would disrupt traffic flow and create hazardous driving conditions.

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bill could have a negative fiscal impact on State and local government. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue increases funding to public libraries.

Fiscal Analyst: Ryan Bergan

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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.