

## MACKINAC BRIDGE POLICE POWERS, "PHOTOCOP"

House Bill 6287 with committee amendments  
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First Analysis (11-29-90)

Sponsor: Rep. Bart Stupak  
Committee: Transportation

### THE APPARENT PROBLEM:

Public Act 214 of 1952 created the Mackinac Bridge Authority and specifies the authority's duties in operating and maintaining the Mackinac Bridge. Employees of the bridge authority, however, do not currently possess general police powers in order to enforce, for instance, traffic laws on the bridge. Though statistics from over 30 years of operation indicate the bridge has been relatively safe to traverse, some people feel bridge safety could be improved if bridge authority employees were granted police powers. Apparently, speeding on the bridge has been and continues to be a problem. (This, in fact, was implicated as one of the contributing causes to last year's fatal accident in which a car jumped a bridge railing, resulting in the death of a Michigan woman.)

In conjunction with the granting of police powers, the Department of State Police believes bridge safety could be improved by installing a special photographic system on the bridge, known as "photocop," which could efficiently monitor the speed of bridge vehicles. This system involves the use of lasers and cameras working together, in which a speeding vehicle's license plates — along with the time, date, and location of the violation — are recorded, and apparently is now being used in California and Arizona. The department has received a \$250,000 federal grant for developing the photocop program somewhere in the state before January 1, 1993. As normal law enforcement practices are dangerous on the bridge due to the lack of space in which to make traffic stops, some people believe the bridge would be ideally suited for the state's photocop pilot program. When violations were captured on film, bridge police officers would issue violators speeding tickets by mail.

### THE CONTENT OF THE BILLS:

House Bill 6287 would amend Public Act 214 of 1952 (MCL 254.317a) to authorize employees of the Mackinac Bridge Authority who were certified as police officers under the law enforcement officers training council act, and who were authorized by the bridge authority, to do the following:

- enforce the state's traffic laws on the bridge and its approaches;
- enforce the state's general criminal laws if done incidentally to traffic stops made on the bridge;
- arrest a person who violated a traffic law or a general criminal law (when enforcement occurred incidental to making a traffic stop) on the bridge or its approaches, or pursuant to a court-issued warrant; and
- assist other law enforcement agencies at their request.

House Bill 6288 would amend the Vehicle Code (MCL 257.631a and 257.742) to authorize a certified police officer who saw a person commit a traffic violation, which was a civil infraction, on the bridge to stop and detain the violator, make a record check of the person's vehicle, and issue the driver a ticket to appear in

court. A certified police officer could pursue, stop, and detain the alleged violator off of the bridge, where the officer could enforce the state's general traffic laws. A ticket for a speeding violation on the bridge could be mailed to the violator if photographic evidence was obtained pursuant to the bill. The ticket would have to be sent not later than two days after the violation occurred.

Under the bill, a photograph taken of a speeding violation that occurred on the bridge would be admissible as evidence if:

- it showed the violating vehicle's speed and the time, date, and location of the violation;
- it was taken by a camera which was working according to standards set by the Department of State Police; and
- the camera operator established that the camera was working properly when the picture was taken.

If a photograph used for evidence did not meet these requirements, it would still be admissible as evidence of a violation on the bridge as otherwise allowed by state law or a court order. In a prosecution under the bill, there would be a rebuttable presumption that the vehicle's registered owner was driving the vehicle. The Department of State Police would have to promulgate rules setting standards for the use of bridge cameras.

The bill's provisions would expire on January 1, 1993.

### FISCAL IMPLICATIONS:

According to the Department of State Police, House Bill 6288 would not have state or local fiscal impact as the state would use \$250,000 in federal grant monies to develop and operate the "photocop" program on the Mackinac Bridge. The department also reported that House Bill 6287 would not affect state or local budget expenditures. (11-28-90)

### ARGUMENTS:

#### For:

Granting police powers to Mackinac Bridge Authority employees and permitting the Department of State Police to install the "photocop" system on the bridge could help reduce what apparently is a common problem there: speeding. Although the bridge's safety record has been relatively good since its opening in 1957, the bridge could be made safer if vehicle speeds were more closely tracked. Under the bill, bridge employees would have to be certified under the law enforcement officers training council act just as other police officers now must be, and generally would only be authorized to enforce traffic laws on the bridge and its causeways (unless a criminal violation were discovered during a traffic stop). More importantly, granting bridge employees police powers would enable them to use data obtained via the photocop and then issue speeding tickets to

violators by mail. Thus, speed limits could be better monitored and enforcement would be safer, as traffic tickets could be issued by mail rather than right on the bridge. Ultimately, though, just the presence of photocop on the bridge would help to discourage drivers from ignoring speed limits which have been designed to protect them. The bill also includes a sunset date of January 1, 1993 to allow a review of photocop's effectiveness.

### ***Against:***

Despite good intentions, the increasing use of surveillance systems like photocop threatens to undo privacy rights which Americans are constitutionally guaranteed and have come to expect living in a free society. Even though photocop would be well-suited for use on the Mackinac Bridge, traffic safety there has remained relatively good over its 30-year history. Speeding may or may not have been a major cause in last year's fatal accident. Allowing use of photocop there could encourage wider use of the system throughout the state (some people would like the bill to allow use of the system in construction areas, too), further eroding civil rights. Once accepted, surveillance of people wherever they are — whether at home, work, or play — could become the norm. Traffic problems on the bridge to date have not been so bad as to warrant use of the system there.

***Response:*** According to testimony by the Department of State Police, speeding on the bridge is becoming more common and has been involved in many of the accidents occurring there. If society expects established laws to be enforced, it must also be willing to accept the reality of surveillance — whether by man or machine. The bridge's narrow confines simply rule out traffic stops on the bridge and photocop would eliminate any need for these.

### ***Against:***

Even with the "rebuttable presumption" provision in the bill, a registered vehicle owner could be issued a ticket for which he or she was not responsible (for instance if a relative was driving the vehicle).

### ***POSITIONS:***

The Department of State Police supports both bills. (11-28-90)

The Department of Transportation supports the concept of the bills. (11-28-90)