

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

(517) 373-5383

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Senate Bill 1128 (as enrolled)

Sponsor: Senator Frederick P. Dillingham

Senate Committee: State Affairs, Tourism, and Transportation

House Committee: Transportation

PUBLIC ACT 322 of 1990

Date Completed: 1-29-91

RATIONALE

The Pupil Transportation Act was enacted last September to incorporate into a single statute many of the provisions concerning the transportation of pupils on school buses that previously were found in the School Code, the Motor Vehicle Code, and rules promulgated under these Codes. Further, the Act provides for statewide uniformity on the use and observance of flashing red lights on a school bus, gradual adoption of an eight-light (red and yellow) warning system on buses, and stopping distances that are greater than were previously specified in the Codes or the rules. Apparently, however, there has been some confusion over certain provisions in the Act, especially those pertaining to the use of flashing red and amber lights, and there have occurred some situations that the Act evidently does not address.

For example, before the Pupil Transportation Act was created, buses with four-light systems (two red lights in the front and two in the back) would use the red lights to indicate that they were slowing down or stopping. Under the Act, however, such buses must flash their emergency lights before they stop and their red lights while they are stopped. According to an article in the Lansing State Journal (12-11-90), motorists have reported difficulty in seeing the emergency flashers from a distance. Moreover, since the flashers are used for other purposes such as stopping at a railroad crossing, motorists are uncertain as to the meaning of the flashing emergency lights. It has been suggested, therefore, that buses with four-light systems again be allowed to use the flashing red lights rather than the yellow hazard lights.

Apparently, other provisions in the Act that are confusing to bus drivers and motorists alike concern procedures for receiving or discharging passengers on divided highways, application of the statutorily mandated mirror systems to pupil transportation vehicles, and proper stopping and parking procedures near intersections and in certain other situations.

CONTENT

The bill would amend the Pupil Transportation Act to :

- Specify that the Act's provisions concerning mirror systems and sun shades would not apply to pupil transportation vehicles other than a passenger van that was used as a pupil transportation vehicle.
- Require the driver of a school bus equipped with only the alternately flashing red lights to activate the red lights, rather than the hazard warning lights as currently required, if pupils were required to cross the roadway.
- Specify that school buses would have to be parked as far off the right side of the roadway or private road as possible "for the safety of the pupils being boarded or discharged".
- Specify that if the pupils were not required to cross the roadway and the road were wide enough for the bus to be pulled to the far right of the roadway or private road allowing traffic to flow, the driver could use the hazard warning lights if the posted speed limit were 35

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miles per hour or less.

- Allow school bus drivers to use certain prescribed stopping procedures for, and to stop at, stops approved by a school administrator or board-approved contractor. Currently, only a school administrator can approve the procedures' use.
- Prohibit a school bus driver from stopping the bus to receive or discharge pupils on a highway or roadway that had been divided into two roadways by leaving an intervening space, a physical barrier, or clearly divided sections constructed so as to impede vehicular traffic, if the pupils were required to cross the highway or roadway.
- Prohibit a bus driver from stopping the bus within 50 feet of an intersection to receive or discharge pupils when using flashing red lights.
- Specify that the phrase "required to cross the highway or roadway" would not include crossing the road with the assistance of a traffic control signal or a crossing guard and would apply only to the road on which the stop was being made.
- Allow a school district to use a vehicle constructed to standards comparable to those used by Greyhound-type buses for occasional transportation to school-related events, provided that a contract for the construction and delivery of the vehicle was entered into after January 1, 1990, but before the effective date of the Act (September 11, 1990). The vehicle could not be used for the regular route transportation of students to and from school and home.

MCL 257.1823 et al.

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

### **ARGUMENTS**

#### **Supporting Argument**

The bill would make several changes in the Pupil Transportation Act to address questions concerning the implementation of some of the provisions and specify procedures to be followed

for situations that were not addressed or had not occurred when the Act was passed. As a result, the bill would eliminate confusion that has arisen under the Act, particularly in regard to the use of flashing emergency lights, and thus would avert potentially dangerous situations.

#### **Opposing Argument**

There is no reason to change yet again the warning light system used by school buses that are slowing down or stopping to receive or discharge passengers. The Pupil Transportation Act provided for the use of red and yellow lights on all buses so that motorists would become familiar with the two-color light system that is used in many other states and that eventually will be the system used by all school buses in Michigan. Although there is some confusion on the part of the motorists concerning the meaning and use of the flashing yellow lights on the four-light system buses, time and additional efforts to educate the public should help to minimize and ultimately eliminate the confusion. Reversion to the flashing red light system that was used before enactment of the Pupil Transportation Act would cause only greater confusion for motorists and bus drivers.

Legislative Analyst: L. Burghardt  
Fiscal Analyst: A. Rich

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