



## Establish Vulnerable Roadway User Protections

### Action

Trans4M requests that the Governor and Michigan Legislature:

**Adopt standards that create enhanced penalties for drivers who injure or kill bicyclists, pedestrians, and wheelchair users.**

### Status

HB 4792 (Nathan) and 5080 (McBroom) were introduced in May of 2013 and referred to the Criminal Justice Committee, where they received hearings on 9/11/13 and 10/16/13. On October 16, the House Criminal Justice Committee unanimously approved House Bills 5080 and 4792 for vulnerable roadway users. Those measures now head to the full House for consideration.

### Issue

Modeled after accepted European standards and containing penalties similar to those used in numerous states and communities across the country, this legislation creates enhanced penalties for drivers who injure or kill a vulnerable roadway user, defined as a bicyclist, pedestrian or wheelchair user. Enhanced fines and jail time would apply only if a driver committed a criminal moving violation that resulted in the injury or death of a non-motorized user who was following Michigan traffic laws.

In Michigan, similar enhanced penalties already exist for drivers who injure or kill construction workers, children in designated school zones, and operators of slow-moving farm vehicles.

An undeniable disparity exists between drivers and non-motorized users. While the percentage of motorist deaths has fallen in Michigan in recent years, the percentage of road fatalities that are bicyclist and pedestrian related has grown. Pedestrian and bicycle fatalities equaled 17% of all roadway fatalities in 2012 yet they only accounted for 1.5% of all traffic crashes.

Currently, crashes involving bicyclists legally using public roads often result in minor consequences for drivers that injure non-motorized users. Unless a victim can prove that the driver was grossly negligent, he or she usually has limited legal recourse. In fact, blame often gets shifted to victims with statements like “this wouldn’t have happened if they weren’t in the road.”

Killing a cyclist rarely even merits court appearances. In practice, Michigan law places little burden on drivers to be alert for other roadway users. Non-motorists have every right to expect that drivers will safely maneuver around them. Drivers who injure or kill bicyclists and pedestrians deserve to have their driving skills called into question and face stiffer penalties under state law.

A vulnerable roadway user provision would provide law enforcement and prosecutors with an enhanced set of penalties that fill the gap between basic traffic infractions and more serious crimes.

Recognizing that penalizing drivers after the fact does not alone protect users, we also support parallel efforts to enhance Michigan’s driver’s education curriculum, helping to prevent these tragedies from happening in the first place.