



THE DOCKET

The Newsletter of the Michigan Association
of District Court Magistrates

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ARE TRAFFIC CAMERAS A DEAD ISSUE IN MICHIGAN ?

On January 30, 2007, Michigan A.G. Mike Cox issued Opinion 7199 that says that "an ordinance adopted by a city pursuant to its authority under the Home Rule City Act, 1909 PA 279, MCL 117.1 *et seq*, that allows the city to issue citations for civil infractions for disobeying a traffic control signal based on the photograph or video produced by an unmanned traffic monitoring device at a location other than a railroad grade crossing conflicts with the Michigan Vehicle Code, 1949 PA 300, MCL 257.1 *et seq*, and, thus, is invalid."

Mr. Cox states that the Motor Vehicle Code [MVC] specifically allows for unmanned traffic monitoring devices at railroad grade crossings [MCL 257.667a], but it does not allow for such devices at other locations. This A.G. Opinion could be read to mean that such devices could be legal if the legislature were to amend the MVC to authorize their installation at locations other than railroad grade crossings.

In a 2007 article for the AAA Foundation for Traffic Safety, entitled *Changing America's Culture of Speed on the Roads*, authors Barbara Harsha and James Hedlund state:

Automated enforcement with speed cameras has been used quite extensively in other countries but only rarely in America. As of October 2006, only 21 communities in 10 states and the District of Columbia used speed cameras, and some states explicitly prohibited their use (IHHS 2006a, 2006b). Speed cameras have proven their value in other countries. Pilkington and Kinra (2005) reviewed 14 high-quality studies of speed camera programs in Australia, Canada, New Zealand, Norway, and the United Kingdom and concluded that speed cameras reduce traffic crashes, injuries, and fatalities.

However, many people in our country oppose speed cameras because they argue such cameras violate privacy rights and give too much authority to police. A solution suggested by the above authors is to start with red light running cameras first. They say that "red light runners are easy to identify and pose a clear danger to other drivers and pedestrians. Public support for red light cameras may well be stronger than for speed cameras." The studies reveal that red light running cameras "reduce overall injury crashes by as much as 25%" (Hedlund 2006, Sec. 3.2.2).

Michigan Recognized Nationally for Truck Safety

*Based upon materials contained in an April 13, 2007 Press Release from Lt. David Ford, MSP Traffic Safety Division.
http://www.michigan.gov/documents/msp/0129_193202_7.pdf*

Michigan was one of four states to be honored with the newly created U.S. Department of Transportation (USDOT) Motor Carrier Safety Leadership Award, which was presented at the Motor Carrier Safety Assistance Program National Leadership Conference in Atlanta, Ga., on March 26.

The award was presented to Capt. Robert R. Powers, Jr., of the MSP Traffic Safety Division (formerly the Motor Carrier Division) in recognition of Michigan's efforts to reduce truck-related crashes by closely monitoring commercial vehicle traffic.

The award recognizes states that experienced a significant reduction in truck-related crashes; exceeded USDOT thresholds for truck inspection and crash data accuracy, completeness and timeliness; and had a high percentage of commercial vehicle traffic stops that resulted in a driver or vehicle inspection.

Michigan has the lowest commercial motor vehicle fatality rate in the Midwest and one of the lowest rates in the nation at .12 per 100 million vehicle miles traveled. In 2006, there were 13,069 truck involved crashes, 2,372 injury crashes and 108 fatal crashes compared to 15,641 crashes, 2,823 injury crashes and 111 fatal crashes in 2005.

MSP Announces Merger

MSP Traffic Services Section – Field Update 29.

MSP recently merged the Traffic Services Section and the Motor Carrier Division to form a new "TRAFFIC SAFETY DIVISION". For now, the Traffic Services Section phone numbers and email addresses will remain the same, but their offices will be relocated and webpage links may change.

April Board Meeting -

The Board of Directors met on Thursday, April 19, 2007 at the Sheraton in Lansing, MI, and received reports and/or updates from Sandi Hartnell and Jill Booth (SCAO), Sandy Aguirre (SOS), Jason Hamblen (OHSP) and Pete Stathakis (MJI).

The Board discussed the 2007 Annual Conference to be held on September 26-28, 2007. It appears that the conference location has changed, and it will not be in Ann Arbor, MI as previously thought. The idea of conducting a Traffic Safety Summit during the conference fell through, so the Conference Committee is looking to put the location back up North. More details soon!!

New Laws Passed

Based upon materials provided by Sandi Hartnell, Manager of Court Services Team, SCAO.

2006 PA 486 (HB 5221)

Municipalities may file up to 20 small claims in one week. Limit of 5 per week still applies to others. (MCL 600.8407)

Work Zone Crashes Down 20%

Based upon materials contained in a press release from Bob Felt, DOT Office of Communications

<http://www.michigan.gov/som/0,1607,7-192-167731-,00.html>

"We believe the new speed rules are working," said Dennis Gillow, infrastructure director, International Union of Operating Engineers Local 324. "Our group (and other labor organizations) collaborated with Michigan's GEAB Safety Coalition on the work zone signing scheme. While 2006 was safer than 2005, we still have more work to do. The bottom line is this: Appropriate speeds save lives of workers and motorists."

In 2006, there were 5,216 crashes, 1,450 injuries and 18 fatalities in Michigan work zones, a 20 percent improvement over 2005 data. In 2005, there were 6,545 crashes, 1,811 injuries, and 20 fatalities.

"We don't want to rest on our laurels now," said Rob Coppersmith, vice president of membership services, Michigan Infrastructure & Transportation Association. "The 'Where Workers Present 45' signs seem to be working but we must focus on reducing crashes even more. Safety is serious business and motorists need to take their job behind the wheel as such.

Hang Up And Drive

Based on information contained in a news article entitled "State lawmakers propose measures to address cell phone safety". By Erik Potter, POST-DISPATCH SPRINGFIELD BUREAU, 04/09/2007.

Illinois legislators aren't quite ready to mandate that citizens "hang up and drive," as the popular bumper sticker suggests, but they are considering several bills that would put restrictions on cell phone use or increase punishment for drivers whose phone use results in fatalities.

Studies show that 85 percent of people who own a cell phone and hold a drivers license use that cell phone while driving, which quadruples their risk of being involved in an accident.

A 2002 study by the Harvard Center for Risk Analysis estimated the annual death toll from cell phone-related crashes at 2,600. However, many states do not track whether a cell phone contributed to a collision or fatality, making any national estimate uncertain.

Among other provisions the Illinois House is considering bills that would prohibit drivers from using a hand-held cell phone, and create a task force that would make recommendations to curtail distracted driving.

The Illinois Senate is considering bills that would add a distracted driving section to all drivers' education classes. It has already passed a bill that would prohibit cell phone use by drivers through age 18.

15 NEW MAGISTRATES

Pete Stathakis, MJI Program Manager, reported that 15 new Magistrates completed the most recent training March 20-21, 2007. Below is the list of the new magistrates across the state. Look them up and welcome them aboard.

Alan Bell	73 rd	Sandusky	(810) 648-3910
Daniel Clise	77-B	Reed City	(231) 832-6155
Jill Davis	92 nd -Luce	Newberry	(906) 293-5531
Michael Greer	80 th	Gladwin	(989) 426-9207
John Gyorgy	23 rd	Taylor	(734) 374-1334
Linda Mack	19 th	Dearborn	(313) 943-2060
Robert Nickels	10 th	Battle Creek	(269) 969-6662
Michael Sawicky	47 th	Farmington Hills	(248) 871-2970
Millicent Sherman	36 th	Detroit	(313) 965-8744
Mary Soorus	Berrien	Trial Court	(269) 983-7111
Judy St. Louis	92 nd	St. Ignace	(906) 643-7321
Kathleen Walsh	19 th	Dearborn	(313) 943-2060
Lynette Ward	68 th	Flint	(810) 766-8970
Warren Waterman	23 rd	Taylor	(734) 374-1334
Susan Wilson	96 th	Marquette	(906) 225-8235

Upcoming MJI Training, *based upon information from Pete Stathakis, MJI Program Manager.*

Experienced Magistrates Seminar – which was tentatively scheduled for June 14, 2007 has been postponed. MJI expects the training to be sometime in July 2007. More information will be coming soon.

On the Record

Based on information contained in actual court records.

A citation for **Disobey Stop Sign**, which contained an interesting remark entered by the officer: **"Driver stated she was putting candles on her son's cake did not see other car."**

A.G. Opinions via Listserv

One way to stay on top of opinions from the Michigan Attorney General's Office is to subscribe to their Listserv options. It is a free service. You can sign up by email to receive Attorney General formal opinions, press releases or consumer alerts. To sign up or for more information go to:

<http://www.michigan.gov/ag/0,1607,7-164-80028--00.html>

Overall Traffic Deaths Fell in 2006, But Alcohol and/or Drug Related Traffic Deaths Rose

Based on information from a March 29, 2007 Press Release from Anne Readatt, Michigan Office of Highway Safety Planning

Overall, Michigan fared well in 2006 when traffic fatalities, crashes and injuries fell to levels last seen during World War II, according to figures from the Michigan State Police, Criminal Justice Information Center.

A sizable decrease came in traffic-related injuries, which fell 9 percent, from 90,510 in 2005 to 81,942 in 2006. Deaths fell 4 percent, from 1,129 in 2005 to 1,084 in 2006. Total crashes declined almost 10 percent, from 350,838 in 2005 to 315,322 in 2006.

However, for the first time in six years, alcohol and/or drug-related traffic deaths rose from 408 in 2005 to 440 in 2006, a jump of almost 8 percent. That represents just over 40 percent of all traffic deaths. Michigan has not experienced an alcohol/drug involved percentage in traffic deaths that high in more than 10 years.

Some of the increase can be attributed to a rise in drug-impaired involvement in crashes, which rose 16 percent in 2006. Michigan's .08 drunk driving law allows motorists who are impaired by illegal drugs to be charged under the intoxicated driving statutes. As a result, officers are more frequently requesting blood tests to detect the presence of illegal drugs, which may be leading to a more accurate picture of alcohol and drug involvement in traffic crashes.

The crash data also shows:

- **Motorcycle crashes** decreased, from 3,504 in 2005 to 3,296 in 2006. The number of motorcyclists killed fell approximately 7 percent, from 122 in 2005 to 114 in 2006.
- **Commercial motor vehicle** crashes fell nearly 16 percent, from 15,635 in 2005 to 13,059 in 2006.
- **Deer-vehicle crashes** rose about 4 percent, from 58,741 in 2005 to 60,875 in 2006. There were 12 people killed in deer-vehicle crashes in 2006, up from 9 in 2005.

Proposed Legislation to Watch

Bill #	Description	Status	Bill #	Description	Status
HB 4006	end driver responsibility fees	Judiciary			
HB 4038	medical use marijuana	Judiciary	SB 25	Expands when interpreters must be hired – attys, banks, employers, schools	Judiciary
HB 4065	leave scene of dog bite	Pass House			
HB 4071	prohibit racial profiling stops	Judiciary			
HB 4088	spectator assault on player	Judiciary	SB 35	Cops could no longer require minor to take a PBT, but may get a court order if they refuse. Would also eliminate the C/I for a minor refusing a PBT	Judiciary
HB 4133	Microchip implant w/out consent	Judiciary	SB 105	DC magistrates could do PV & contempt arraignments	Judiciary
HB 4228	Field tests admissible for P.E.	Pass House	SB 195	Allow probationary SAI more than once & w/ prior prison term	Judiciary
HB 4422	Increase small claims to \$6,000	Judiciary	HB 4272		
HB 4488	Increase DC marriage fees	Judiciary			
HB 4489	Probate marriage fee ≤ \$40	Judiciary			