NEEDED LEGISLATION

Clem F. Hazinski
Director of Traffic Engineering
South Bend, Indiana

INTRODUCTION

The title of this presentation could be misleading in that it may be interpreted to mean that at its conclusion there will be found a panacea for those traffic safety needs and desires that all of us surely entertain. This paper however, is intended to point out some of the needs which exist and that could be remedied by new legislation or amendments to statutes already in existence. Because of the allotment of time I will refer to needed legislation in generalities with specific references made occasionally.

Too often, people who are involved in and who are dedicated to improvement in safe and expeditious and of course economical traffic flow on our streets and highways become so engrossed in those efforts, particularly in reducing carnage, that they fail to see the need for becoming well versed in legislative needs. They do not acquaint themselves with the methods recommending legislation that would become important tools in their work. Traffic engineers whether involved in administrative or operational duties in city, county or state level should adjust their thinking to include some practical politics and, to become acquainted with procedures of promoting legislation. They should become acquainted with legislators who make up the General Assembly and thereby take advantage of the vast experience and knowledge they possess. For the past year and one half it has been my privilege to serve as a member of the Governor's State Traffic Advisory Committee and as chairman of the Engineering Subcommittee. The membership of this committee is composed of educators, law enforcement people, engineers, legislators and individuals involved in traffic safety from various walks of life from all over the state. By devoting a portion of one's schedule to work with or serve on committees of this type an insight is developed reference the ramifications involved in proposing, promoting and eventually securing passage of needed legislation. It behooves each of us then as the current phrase goes—"to get involved."

Space-age technology in the midst of which we find ourselves has rapidly produced an accelerated change in demands of transportation of
a population constantly on the move. We must recognize that antiquated laws cannot fit into the present trend and new legislation that is applicable must be passed. I suppose that one of the trends of our times is the attitude of the public toward regulations that have been in effect for some time and are obviously in need of change. This same public is indeed in favor of safety as long as it does not delay them or hinder them in their movements. In other words they are interested in safety for the other fellow but prefer to operate as they have in the past. Can it be that the riots and unrest in the past few years has brought about a general disregard for those regulations pertaining to traffic safety because they are such minor rules in comparison to those that are broken during the periods of unrest?

A colleague of mine stated facetiously that, "there ought to be a law to make people obey the law." Perhaps we can influence the people so that adherence to present reasonable statutes can be regained. Perhaps this can be done by new legislation.

NEEDS IN GENERAL

Legislation for Study of Statutes

I believe that the most important advance towards traffic safety which involves not only education and enforcement but engineering as well was the National Highway Act of 1966, and approved by the governor September 6th, of that year. Specific recommendations were handed down to the states. In 1967 the General Assembly of Indiana put some of them into effect by legislation. This was a step in the right direction. The General Assembly of 1969 also passed legislation pertaining to safety on our streets and highways advancing us further towards our goal. These laws were sorely needed but I feel that a most needed bit of legislation for safety would involve a careful, comprehensive study of existing laws in Indiana which refer to traffic safety and control. This study should determine which laws are antiquated and no longer applicable to our present times and trends. There should be a decided effort in this study to clarify certain sections of the laws which are vague in their intent. Last year the Governor's State Traffic Advisory Committee proposed a bill for an act that would require adherence to the Indiana Manual on Uniform Traffic Control Devices For Streets and Highways. This bill included a provision that the State of Indiana's manual shall conform with the Federal Manual on Uniform Traffic Control Devices for Streets and Highways, 1961 edition, with which we are familiar, and also the Manual for Signing and Pavement Markings of the National System of Interstate and Defense Highways, 1962 edition. The committee in studying for
the presentation of this proposed legislation found that several of our existing statutes were in conflict. For instance, in Indiana one such example of conflict is that section in respect to pedestrian signals. The Indiana law according to Burns' Statutes #47-1906 specifies very clearly that the message on pedestrian signals shall be "Walk" and "Wait." The more desirable messages which are more easily understood by pedestrians are "Walk" and "Don't Walk" and are prescribed in the national manual. Discovery of this conflict led to further study and it was found that over 60 other conflicts existed. A list of these statutes pertaining to traffic control devices was attached to the bill. Section 3 of the bill would repeal those statutes. This piece of legislation passed the 1969 Legislature and was signed into law by the Governor. I feel that this clearly indicates a need for the comprehensive study that I recommend as a bit of needed legislation. This legislation should clearly indicate that the study be made of all existing statutes that not only pertain directly to traffic safety but those which affect it in some manner.

Sessions of General Assembly Increase

Another piece of legislation which I believe should be considered since the impact on traffic safety could be tremendous, would be the legislation that would increase in length the time the General Assembly is in session. Presently the 61 days spent every two years is in my opinion insufficient for members of the legislature to become even vaguely familiar with some of the needs to improve our traffic safety. True, they have committees which work occasionally during the interim and who report back to the assembly but the time limitation prohibits complete explanation and understanding of the merits of some recommendations. I have met with legislators who agree that their actions and efforts become sporadic and spotty and this is not a result of disinterest. Suppose the 61 days (which are calendar days by the way) were devoted strictly to legislative duties the time would still be too short. But this time cannot be devoted to those duties because of interferences created by, social duties, entertainment of constituents, receptions, meeting with local lobbying groups, handling of personal business which happens to be a livelihood and of course last but not least—fatigue. I think that sorely needed legislation is not reviewed sufficiently and studied and debated. Those bills sometimes falls by the wayside till perhaps another time. I believe this needed legislation should be considered.

Department of Transportation

If you find time to review the hundreds of papers presented at road schools since their inception you will find many references to the word
“communication.” This magic word initiates and leads to coordination and close cooperation between the several agencies that have been charged with responsibilities in traffic safety. Consideration should be given to legislation that would create a Department of Transportation or a department with some similar title that would be a coordinating agency. One of the duties, amongst others, of this department would be to act as a clearing house that could insure the efforts of several groups. This department would be devoting the time of its experts to eliminate trial and error methods that have existed in the past. Coordination between state and federal branches for participation in solving problems within the corporate limits of our cities is sorely needed and could be another function of the proposed department. Presently, achievement or accomplishment of a goal towards improvements in traffic safety can very well be bogged down due to the lack of the existence of such a department or agency.

Local requests or recommendations sometimes become lost in a stack of papers on the desk of an individual in a governmental unit due to indifference, opposite political belief, clash of personalities or other reasons and never reach the persons or department that would make a final decision.

Uniform Vehicle Code

The field of uniformity has long been a goal of the Institute of Traffic Engineers and other similarly interested organizations. Consideration should be given to legislation that would provide conformity with the Uniform Vehicle Code. The least we can do for motorists of Indiana is to provide them with a common set of rules consistent with other states who would hopefully legislate in the same direction. Some sections of the Indiana statutes generally known as “Rules of the Road” affect people daily as they drive and walk. It is important that people in Indiana driving outside of the state as well as people from other states driving in Indiana be granted the opportunity of driving under uniform laws and conditions.

The Uniform Vehicle Code I refer to is described in the revised 1968 edition as follows: “It is a specimen set of motor vehicle laws designed and advanced as a comprehensive guide or standard for state motor vehicle and traffic laws. It is not based on theory. It is based on actual experience under various state laws throughout the nation. It reflects the need for uniformity in traffic regulation throughout the United States and, to this end, serves as a reliable contemporary guide for use by state legislatures.
"Since its inception, the code has been renewed periodically and revised where warranted by new developments in state and federal laws and by practical experience. However, changes are not made lightly or in hope of any panacea but only on clear preponderance of evidence of need and practicality." (Excerpt from 1968 code book). The 1968 revised edition of *Uniform Vehicle Code* which now includes the "Model Traffic Ordinance" is available from the National Committee on Uniform Traffic Laws and Ordinances in Washington, D. C.

**SOME SPECIFIC NEEDED LEGISLATION**

The aforementioned needed legislation encompass in general broad action to be taken in greater scope. Each person here, I am sure, entertains thoughts and desires for something more specific that would result in improvement or elimination of hazardous situations. Here are a few that you may wish to discuss or make comment upon:

**Lane Use**

With the advent of multilane facilities the laws reference lane use may need to be re-evaluated especially those pertaining to trucks.

**Tax Base**

Here is a thought-provoking need where present legislation may need to be amended or replaced. Methods of acquiring funds through taxation and their distribution are unfair in our thinking depending on whether we are city, county or state recipients. Re-evaluation of regulations which dictate the use of such funds could be made. For instance, perhaps assistance could be given in providing off-street facilities for parking vehicles that we have removed from our streets in order to provide for increased capacity. I am thinking here of the central business district where demolished structures provide the land for such parking facilities but there the tax loss is great because of the eliminated structure.

**Right-Of-Way**

I spoke earlier of the need for uniformity and the uniform vehicle code. If the code in its entirety were not adopted then legislation reference right-of-way, providing for *absolute* right-of-way should be enacted in accordance with the code. Indiana at present uses the shifting right-of-way principle. For instance according to Burns' [47-2027](#) *turning left* the Indiana statute reads as follows: "The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard but said driver having so yielded and hav-
ing given a signal when and as required by this act may make such left turn and the drivers of all other vehicles approaching the intersection shall yield right-of-way to the vehicle making the left turn."

The Uniform Vehicle Code adds to the title the words “vehicle” and “at intersection” and expands the wording to include left turns into passageways that would not constitute intersections with public streets or highways under the definition of the term “intersection.” So this law would simply read: “The driver of a vehicle intending to turn left within an intersection or into an alley, private road or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto to constitute an immediate hazard.”

The modification makes for the absolute right-of-way rule I referred to. An absolute right-of-way rule is also applied by the code in reference to the “Stop” or “Yield” sign. It amends the obedience to “Yield” sign rule to include “Stop” signs and then rewords that rule to be more clear and concise. The Uniform Vehicle Code eliminates the superfluous phraseology found in our statutes. Section 47-2028 would be entitled, “Vehicle Entering Stop or Yield Intersection.”

“(a) Preferential right-of-way at intersection may be indicated by “Stop” signs or “Yield” signs as authorized in Section 47-2118 (a) of this act.

“(b) Except when directed by a police officer or a traffic control signal every driver of a vehicle approaching a stop intersection indicated by a “Stop” sign shall stop as required by Section 47-2118 (c) at a clearly marked “Stop” line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersection roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection. Section (c) of this rule applies to the “Yield” sign and is similar to the wording for the “Stop” sign except for the added provision reference the driver being involved in a collision deeming prima facie evidence of failure to yield right-of-way.” (1968 revision —Uniform Vehicle Code).

Pedestrian Control Laws

Some of the present laws are rather vague as to the responsibility of pedestrians. Some local ordinances are quite specific but apply only to
that community. More uniformity with necessary compliance through inducement or enforcement is needed not only for the pedestrians but for the motorist as well.

**Vehicle Types**

One has but to step out on Main Street or observe traffic along our highways and see a vast assortment of bicycles, motorcycles, snowmobiles, “bugs,” foreign cars, trucks and buses and find it is difficult in the task of providing for sight distance restrictions, parking restrictions and other traffic control and capacity features which require at least a uniform type vehicle. For example—our four-foot measuring height for determining passing sight distance is certainly lost on some of these very small vehicles.

**Construction Zones**

Studies should be made for the feasibility of legislation to cover a neglected area. I refer to the construction zones. Rules and regulations should be standardized to increase safety through these zones and promulgated. I do not refer to highway construction people alone, but to those other agencies and groups who encroach on the roadway such as utilities, pipeline construction companies, tree trimmers, house-movers and the like. There are others perhaps you can think of who occupy the roadway in utter disregard for the safety of the motorist. All of them should be required to provide adequate, uniform safety devices.

**SUMMARY AND CONCLUSION**

The National Highway Act of 1966 has given the state an impetus for improvement of traffic safety. There has been good legislation proposed and some of the bills presented to the General Assembly have resulted in law. There is still much to be done, however, and recommendations from people who are directly responsible for traffic safety should forward those recommendations. Communication can be made with the legislative committee of the Indiana Section of the Institute of Traffic Engineers through the chairman or members of that committee. This committee is eager to assist in any manner possible to gain needed legislation.

The Chambers of Commerce in the state have long been interested in representing constituents in the General Assembly and this organization has a wealth of knowledge from actual experience available. In spite of disappointments or set backs, efforts must continue in a vigorous manner to eventually obtain legislation needed for a traffic safe Indiana.
In conclusion, I would like to re-iterate a statement I made earlier, that it behooves all of us to "become involved" rather than sit back and hope that something will happen in each legislative session to insure greater safety on our streets and highways.