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## School crossing safety bill took sharply partisan turn

By Jim Broadway, Publisher, State School News Service

June 21, 2010 – Let's see how weird the legislative process can be. We'll take a bill that, on its surface, seemed to be a no-brainer but barely passed – and passed in a most mysterious way.

[HB 43](#), now awaiting a sign-or-veto decision of Gov. Pat Quinn, requires motorists to “stop and yield” as they approach school crosswalks or other pedestrian crossings with *no working traffic controls* in place and *children where are so close* “that a potential hazard exists.”

Currently, a driver may just “yield the right-of-way, slowing down or *stopping if need be.*” But that relies on the drivers' judgments. Remember, one out of five cars is driven by a driver in the bottom 20% in judgment, reflexes, eyesight – in any safety-related factor you can name.

For children's safety, wouldn't it be better for them to “stop and yield,” as HB 43 requires?

Surely most legislators would at least err on the side of caution. The bill started strong with a 7-0 vote in House Vehicles & Safety Committee. It came to the floor with the support of the AARP and the Illinois Association of Chiefs of Police – and no known opposition.

But *someone* by then opposed it. The bill struggled to get the [bare 60 votes](#) it needed to pass the House way back on February 25, 2009. It would be April 29 of this year before the Senate could wrestle it to a close-call [33-15](#) vote – *after failing to get even 30 on two prior roll calls.*

**What was going on with HB 43?** How the legislators could be so divided on such an innocuous bill seems strange. But *that's not the strangest part.*

Of the 93 legislators who ultimately voted “yes” to send this bill to Quinn, 90 were Democrats. Only two House Republicans and one in the Senate supported this bill. How could Democrats and Republicans be so extremely polarized on a school and pedestrian safety bill?

Sure, the legislators are of different parties, but they're not of different species are they?

Let's look at [the House transcript, starting on Page 24](#). [The Senate transcript is unavailable.] Rep. Luis Arroyo made the presentation on February 25, 2009. He said over 170 citizens die each year in circumstances addressed by the bill, and thousands are injured.

He cited the AARP and police chiefs' support and said the “Active Transportation Alliance” drafted the bill. No one opposed it in committee [the three Republicans on the committee voted for it, but switched to oppose it on the floor]. He invited questions.

First to rise was Rep. Bill Black (R-Danville), whose job is to derail bills the House GOP caucus decides to oppose. His first thrust was to note that, while the bill changes what drivers are supposed to do as they approach an intersection, it does not alter the penalty for failing to do it.

After some back-and-forth on the penalty issue, Black sought lengthy “clarification” of this simple bill. Do drivers “from both directions” have to stop? “Did you model this after the California law?” Black then complained about a strict, high-penalty provision in California.

Black was not finished.

“Does [HB 43] preempt Home Rule?” Arroyo said he did not think it did. This is a key point. If a bill forces home-rule communities to comply with a new law, a supermajority of 71 votes is required to pass it, not just the normal 60 votes. Black sought a ruling from the parliamentarian.

While the ruling was being researched, Rep. Mike Bost (R-Carbondale) rose to the attack. He demanded to know “the genesis of this bill that we need to change it? I mean, has there been tremendous amounts of issues in your district with this?”

Arroyo noted the deaths and injuries. “We have a record that says that. It’s in the synopsis of the bill.”

Bost responded: “I don’t think those pedestrians are being hit and killed based on this law.... I think you’re changing something that doesn’t need to be changed.” Arroyo said advocates for the bill believe “we’ll be able to save more lives and have less accidents....”

After more back-and-forth, Bost just declared: “Okay. I just disagree with this bill. Thank you.” Bost often seems to feel his “disagreement” with a bill requires no substantive policy rationale.

Next up was Rep. Mike Fortner (R-West Chicago). In a lengthy hypothesis, he envisioned a driver seeing a pedestrian from a quarter-mile away, but the pedestrian was across the street before his car arrived. Would he be in violation if he didn’t stop? Would the sponsor agree to an amendment clarifying the “visibility at a crosswalk” issue?

Arroyo saw no need for an amendment. The parliamentarian ruled the bill did not preempt home rule. Black arose to take another stab at killing HB 43. The bill gives “police the full authority to determine whether you should have stopped or didn’t have to stop,” he said.

“There are some people on both sides of the aisle who get very nervous when you let police do anything of that nature,” Black asserted, even though deciding if a law has been violated seems to be a fairly basic function of police officers.

**The attack continued.** Rep. Jil Tracy (R-Quincy), who voted for the bill in committee, now had qualms. Drivers could be “taken by surprise,” she said, especially at small-town cross-walks on state highways.

Rep. Monique Davis (D-Chicago), the only Democrat who spoke against the bill, thought Illinois already has sufficient traffic laws and feared that, by feeling more protected under HB 43, pedestrians may be so emboldened that they take more risky actions on their own. [Rep. Davis often speaks off the cuff and imagines creative scenarios for why bills should die.]

Mercifully, Rep. Kevin McCarthy (D-Orland Park) rose to “move the previous question.” That is a motion that cuts off debate and causes a vote to be taken. Two Republicans – Rep. Beth Coulsen (R-Glenview) and Rep. Angelo Saviano (R-Elmwood Park) – defied their caucus to help pass the bill.

**Back to the basic question:** How could a bill like this split legislators along such partisan lines?

A theory that makes some sense is that HB 43 was suspected by GOP leaders of being a political trap. It could pass as an innocent looking bill, but then be amended in the Senate in ways that the GOP caucus would hate – after House Republicans had already voted for it.

But if that’s the concern, why didn’t they just say that instead of lobbing goofy arguments against the bill? Why not give honesty a try? Also, that theory does not explain the bill’s struggle in the Senate, where no amendment was even filed. No, the GOP hated this bill.

Although I think this bill is interesting, this exercise was mainly to acquaint you with public information that is readily available – bill status reports, floor debate transcripts and the like. We are producing an educational product on this subject that soon will be available for free at our website.

Meanwhile, many of you will encounter legislators over the summer as they pander for your votes. If you happen to bring up HB 43 – the divisive child and pedestrian crosswalk safety bill – and a legislator offers a substantive explanation for the partisan divide, please pass it along.

[Click this link to comment](#) to SSNS on this or any other issue. Thank you.