



Cities Take Snow Emergencies To New Restrictive Level

Lansing residents told "non-essential" driving was banned during snowstorm

By [TOM GANTERT](#) | Jan. 8, 2014

When Donna McPherson of Lansing received an automated phone message alerting her that a "snow emergency" had been declared and that "non-essential" travel had been banned, she said it raised a question.

McPherson said her family talked about whether Lansing police would pull over drivers and ask them why they were driving.

In the midst of the winter storm this week, Lansing Mayor Virg Bernero declared a snow emergency, [which prohibited](#) "non-essential" commercial, private and public travel on city roads.

It raised questions about how much authority the government should have to ban travel during bad snow storms.

In Indianapolis, Mayor Greg Ballard [declared a "red" travel emergency](#) Jan. 5 that made it illegal for residents to go out on city streets except in an emergency. Indianapolis also has an "orange" travel emergency that allows for "essential" travel only.

One constitutional expert said cities are within their rights to ban travel on city streets during emergencies.

"There is not much of a constitutional challenge here," said Trevor Burns, a research fellow for the Center for Constitutional Studies at the Cato Institute. "Driving is not a right, it is a privilege. The roads are public property and the government can reasonably manage its property for safety. Moreover, obeying such commands is a condition for having license. Now, if they were prohibiting you from driving on your own land then that would be a different story."

McPherson said the automated alert from Lansing was not draconian.

"I am assuming it means, 'if you don't have to, please don't,' " McPherson said. "It seemed like a suggestion."

Lansing city officials did not respond to questions clarifying if the alert was a suggestion or an order.

Randy Hannan, spokesman for Mayor Bernero, didn't respond to numerous voice messages and emails. However, Hannan [told MLive](#) that "essential" driving was considered going to work or class or getting food at the grocery store.

When asked whether the authority came from the city charter or an ordinance and if there was any enforcement with the snow emergency, Lansing City Clerk Chris Swope referred to the city's online listing of the charter and ordinances. But there is no mention in those documents of what constitutes "essential" driving or if there was any enforcement of the snow emergency declaration.

Swope said he could not answer whether there are penalties for disobeying the order.

McPherson said if Lansing's restrictions were portrayed like those in Indianapolis she would have been alarmed. "If it became a legal issue," she said, "you'd definitely hear an outcry from the public."