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SCHOOL DISTRICTS: State Aid--Transportation.

Section 11(a) of Act 312, P.A. 1957, as amended, requires allotments for transportation, assuming the other statutory criteria are met, to school districts transporting children by the nearest traveled public highway when any portion of such highway upon which the children are transported to or from school is routed outside the city or village limits.

No. 4675

August 14, 1969.

Dr. Edwin L. Novak
State Board of Education
Lansing, Michigan

You have requested my opinion on the following question:

Is a school district eligible to receive an allotment for the transportation of school children who are transported to school by the nearest traveled public highway when the portion of such highway upon which the children travel on the way to school is inside the city limits and the portion of such highway upon which the children travel on the way home from school is outside the city limits, under Section 11(a) of Act 312, P.A. 1957, as amended?

Act 312, P.A. 1957, as last amended by Act 22, P.A. 1969, being M.C.L.A. §388.611, et seq.; M.S.A. 1968 Rev. Vol. §15.1919(51) et seq., makes appropriations from the school aid fund.

Section 11(a) of Act 312, P.A. 1957, as last amended by Act 22, P.A. 1969, provides as follows:

"... Allotments for transportation shall be made to school districts for children living within the city or village limits within the district boundaries and more than 1½ miles from the school they attend by the nearest traveled public highway when such highway is routed outside of the city or village limits, before reaching the school the children attend..." (Emphasis supplied)

Your question is based upon a factual situation in which the nearest traveled public highway to the school the children attend is also the boundary line between the city in which the children live and an adjoining unit of local government. In interpreting and applying Section 11(a) of Act 312, P.A. 1957, as amended, supra, to the situation described in your question, the primary rule is to ascertain and effectuate the intent of the legislature. If the language employed in a statute has a plain and unambiguous meaning, the plain meaning is controlling and no interpretation is necessary. *City of Grand Rapids v. Crocker* (1922), 219 Mich. 178, 182.

The statutory language quoted above clearly refers to the public highway being routed outside the city limits before reaching the school the children attend. It does not refer to the particular side of a highway upon which the vehicle used for transporting the children to school is traveling. Thus, the unambiguous meaning is that, if any portion of the highway is routed outside the city limits before reaching the school the children attend, the school district transporting children over such highway is en-

titled to state aid reimbursement for such transportation as provided in Section 11(a).

The legislature has not defined the word highway in Section 11(a) of Act 312, P.A. 1957, as amended, *supra*. However, the Michigan Supreme Court has held that a street includes the whole width of a public way. *Brevoort v. The City of Detroit* (1872), 24 Mich. 322, 324. Further, the legislature has defined the word highway in Section 20 of Act 300, P.A. 1949, being M.C.L.A. §257.20; M.S.A. 1968 Rev. Vol. §9.1820, which is known as the Michigan vehicle code, as follows:

“ ‘Highway or street’ means the *entire width between the boundary lines* of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.” (Emphasis supplied)

In addition, the Michigan legislature has employed the identical definition quoted immediately above in Section 1(g) of Act 74, P.A. 1968, being M.C.L.A. §257.1501; M.S.A. 1969 Cum. Supp. §9.3200(1), which regulates the operation of snowmobiles. Thus, under both Michigan case law and other Michigan statutes the words highway and street have been consistently defined as encompassing the entire width between their boundaries.

In summary, the language found in Section 11(a) of Act 312, P.A. 1957, as amended, *supra*, unequivocally refers to the public highway upon which the children are being transported to school, rather than to any particular portion or side of the highway. Both Michigan case law and other statutes clearly indicate that a highway includes the entire width between its boundaries. Consequently, the conclusion is compelled that the use of the word highway reveals a legislative intent to include the entire width between the boundaries of the highway.

Therefore, it is my opinion that Section 11(a) of Act 312, P.A. 1957, as amended, *supra*, requires allotments for transportation, assuming the other statutory criteria are met, to school districts transporting children by the nearest traveled public highway when any portion of such highway upon which the children are transported to school is routed outside the city or village limits.

Finally, it should be noted that the requirement of state aid reimbursement to school districts under the above quoted portion of Section 11(a) of Act 312, P.A. 1957, as amended, *supra*, is applicable, assuming the criteria contained therein are met, regardless of whether the school the children attend is located inside or outside the city limits.

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