

STATE OF MICHIGAN
IN THE SUPREME COURT

HELEN YONO,

Plaintiff-Appellee,

v

DEPARTMENT OF TRANSPORTATION,

Defendant-Appellant.

Supreme Court Case No. 150364

Court of Appeals Case No. 308968

Court of Claims Case No. 11-000117-MD

L. Page Graves (P51649)
SMITH & JOHNSON ATTORNEYS PC
Attorneys for Plaintiff-Appellee
603 Bay Street
P.O. Box 705
Traverse City, Michigan 49685-0705
231.946.0700

Michael J. Dittenber (P72238)
MICHIGAN DEPARTMENT OF
ATTORNEY GENERAL
Attorneys for Defendant-Appellant
425 West Ottawa Street
P.O. Box 30050
Lansing, Michigan 48909-7550
517.373.1470

Gaëtan Gerville-Réache (P68718)
John J. Bursch (P57679)
WARNER NORCROSS & JUDD LLP
Attorneys for *Amici Curiae* Michigan County
Road Commission Self-Insurance Pool and
County Road Association of Michigan
900 Fifth Third Center
111 Lyon Street, N.W.
Grand Rapids, Michigan 49503-2487
616.752.2000

**AMICI CURIAE BRIEF OF MICHIGAN COUNTY ROAD COMMISSION
SELF-INSURANCE POOL AND COUNTY ROAD ASSOCIATION OF
MICHIGAN IN SUPPORT OF MICHIGAN DEPARTMENT OF
TRANSPORTATION**

TABLE OF CONTENTS

| | <u>Page</u> |
|--|-------------|
| TABLE OF AUTHORITIES | ii |
| QUESTIONS PRESENTED..... | 1 |
| INTEREST OF <i>AMICI</i> | 2 |
| STATUTE INVOLVED | 3 |
| INTRODUCTION | 4 |
| OVERVIEW OF HIGHWAY DESIGN..... | 5 |
| I. A highway is an operational system comprising numerous distinctive design elements, including paint markings..... | 5 |
| II. Road agencies communicate the design of a highway and regulate its use through traffic-control devices, such as paint markings | 8 |
| III. Curb-side parking facilities are designed to provide a space to station vehicles off the traveled way, not another way for travel..... | 10 |
| ARGUMENT..... | 12 |
| I. The term “travel” as it is used in MCL 691.1402(1) does not include the act of parking the vehicle..... | 12 |
| A. In the context of “public travel” and highway design, “travel” does not include the act of parking; they are mutually exclusive | 13 |
| B. The Court should narrowly construe the immunity waiver as excluding areas designed for vehicular parking..... | 16 |
| II. MDOT presented evidence that the relevant portion of highway is not “designed for vehicular travel”; Plaintiff offered no contrary evidence..... | 19 |
| A. The highway’s design is indicated in the roadway’s geometry, signage, and paint markings..... | 19 |
| B. MDOT presented evidence sufficient to show that Ms. Yono fell in a parking lane, and Yono’s expert agreed; there is no factual dispute..... | 22 |
| III. Questions of fact concerning governmental immunity should be decided by a judge—but this case does not present that issue | 24 |
| CONCLUSION AND REQUESTED RELIEF | 24 |

TABLE OF AUTHORITIES

Page(s)

Federal Cases

Atlantic Cleaners & Dryers, Inc v United States,
286 US 427 (1932)..... 14

Bailey v United States,
516 US 137 (1995)..... 13

State Cases

Feyz v Mercy Mem’l Hosp,
475 Mich 663; 719 NW2d 1 (2006)..... 13

Grimes v Michigan Dep’t of Transp,
475 Mich 72; 715 NW2d 275 (2006)..... 12, 14, 20

Kincaid v Cardwell,
300 Mich App 513; 834 NW2d 122 (2013)..... 19

Maiden v Rozwood,
461 Mich 109; 597 NW2d 817 (1999)..... 19

Nawrocki v Macomb Co Rd Comm’n,
463 Mich 143; 615 NW2d 702 (2000)..... 15

Ross v Consumers Power Co (On Rehearing),
420 Mich 567; 363 NW2d 641 (1984)..... 16, 21, 24

Yono v Dep’t of Transp,
306 Mich App 671; 858 NW2d 128 (2014)..... 20, 21

State Statutes

MCL 8.3a 13

MCL 257.608 8

MCL 257.610 8

MCL 257.637 16

MCL 257.70 9

MCL 691.1402 passim

State Rules

MCR 2.116..... 1, 19, 24

Other Authorities

American Association of State Highway & Transportation Officials, *A Policy on Geometric Design of Highways and Streets* (2011)..... passim

Garber & Hoel, *Traffic & Highway Engineering* (5th ed, 2014)..... 5, 6, 7, 11

Mannering & Washburn, *Principles of Highway Engineering and Traffic Analysis* (5th ed, 2012)..... 6, 7

Michigan Manual on Uniform Traffic Control Devices passim

The Oxford Compact English Dictionary (2d ed, 1991)..... 13

The Oxford Companion to the English Language (Oxford Univ Press, 1992)..... 13

QUESTIONS PRESENTED

1. Does a vehicle engage in “travel” under MCL 691.1402(1) when it parks in, including pulls into and out of, a lane of a highway designated for parking?

Appellant answers: No.

Appellee answers: Yes.

The circuit court did not answer this question.

The Court of Appeals did not answer this question.

Amici CRA and MCRCSIP answer: No.

2. Did MDOT present evidence of the design of the highway at issue which, if left unrebutted, would establish that the plaintiff fell in an area of the highway not “designed for vehicular travel” under MCL 691.1402(1)?

Appellant answers: Yes.

Appellee answers: No.

The circuit court answered: No.

The Court of Appeals answered: No.

Amici CRA and MCRCSIP answer: Yes.

3. If so, did the plaintiff produced evidence establishing a question of fact regarding the defendant’s entitlement to immunity under MCL 691.1402(1)?

Appellant answers: No.

Appellee answers: Yes.

The circuit court answered: Yes.

The Court of Appeals answered: Yes.

Amici CRA and MCRCSIP answer: No.

4. Must questions of fact on a motion under MCR 2.116(C)(7) involving governmental immunity be resolved by the trial court at a hearing rather than a jury?

Appellant answers: Yes.

Appellee answers: The issue is not properly before the Court

The circuit court did not answer.

The Court of Appeals did not answer.

Amici CRA and MCRCSIP answer: Yes, but the issue is not properly before the Court.

INTEREST OF AMICI

The Michigan County Road Commission Self-Insurance Pool (“Pool”) provides general liability coverage to more than 70 county road commissions in Michigan. The Pool was organized by county road commissions in 1983 pursuant to statutory authority and is governed by a Trust Agreement and an Inter-Local Agreement signed by its county road commission members. Through the Pool, the member road commissions seek to preserve scarce taxpayer dollars needed for building and repairing roads by ensuring that courts faithfully enforce the immunity the Legislature intended to bestow on governmental entities responsible for maintaining our roadways.

The County Road Association of Michigan (“CRA”) represents the interests and concerns of Michigan’s 83 county road agencies. The CRA works alongside each county road agency to ensure safe and efficient roads for all who travel in Michigan.

County road commissions are responsible for 75% of the roadways in Michigan, or 90,000 miles of county roads, and also maintain roads for the Michigan Department of Transportation (“MDOT”) in 63 counties. Like MDOT, the county road commissions may be held liable under MCL 691.1402(1) only for failure to reasonably repair and maintain those portions of their improved roads that are “designed for vehicular travel.” Because the Court of Appeals’ published decision significantly expands their members’ obligations to repair and maintain the roadway by redefining parking spaces as roads “designed for vehicular travel,” the Pool and CRA have a substantial interest in restoring the scope of immunity the Legislature intended..

STATUTE INVOLVED

MCL 691.1402(1) states:

Each governmental agency having jurisdiction over a highway shall maintain the highway in reasonable repair so that it is reasonably safe and convenient for public travel. A person who sustains bodily injury or damage to his or her property by reason of failure of a governmental agency to keep a highway under its jurisdiction in reasonable repair and in a condition reasonably safe and fit for travel may recover the damages suffered by him or her from the governmental agency. The liability, procedure, and remedy as to county roads under the jurisdiction of a county road commission shall be as provided in section 21 of chapter IV of 1909 PA 283, MCL 224.21. *Except as provided in section 2a, the duty of a governmental agency to repair and maintain highways, and the liability for that duty, extends only to the improved portion of the highway designed for vehicular travel and does not include sidewalks, trailways, crosswalks, or any other installation outside of the improved portion of the highway designed for vehicular travel.* A judgment against the state based on a claim arising under this section from acts or omissions of the state transportation department is payable only from restricted funds appropriated to the state transportation department or funds provided by its insurer. [Emphasis added.]

INTRODUCTION

This case turns on one of two principles: (1) the principle that words in a statute must be understood in context, or (2) the principle that immunity waivers must be narrowly construed. Either way, the Court should reach the same conclusion: that on-street parking facilities—or parking lanes as they are sometimes called—are not areas “designed for vehicular travel” as that phrase is used in MCL 691.1402(1)’s immunity waiver.

Stated most simply, (1) parking spaces are not “highway[s] designed for vehicular travel,” (2) vehicular travel cannot be equated to vehicular parking, and (3) the incremental movement required to pull into or out of a parking space is not the same as “public travel.” To the contrary, parking is a separate and distinct function, and the differing road impact from vehicular parking versus public highway travel is something the government should logically take into account when conceiving and implementing a highway’s “design,” from the roadbed to signage to roadway markings. To hold differently requires ignoring the statutory context and expanding governmental liability far past the point the Legislature contemplated when enacting MCL 691.1402(1).

As for the questions this Court raised regarding the evidence, both sides’ experts agree that the area at issue is a lane designed for parking. Accordingly, there is no factual dispute requiring a trial. This case turns solely on statutory interpretation. For that reason, and because there is no jury at all, the question of whether fact questions should be decided by a judge or a jury is not properly before the Court. Else, the Court should hold that immunity issue should be resolved by a judge, particularly here, where there is no overlap between the factual issues determining immunity and the factual issues determining liability.

OVERVIEW OF HIGHWAY DESIGN

To understand the meaning of “travel” in the context of highway design and identify a suitable standard for determining what portion of the improved highway is “designed for vehicular travel,” it is helpful for the Court to understand some basic highway-design principles. The discussion below provides a very basic background of how highways are designed, the elements of that design, and the function of those various elements in communicating to the driver what part of the highway is designed for vehicular travel and what part is designed for parking.

I. A highway is an operational system comprising numerous distinctive design elements, including paint markings.

The highways are a complex operational system “designed and developed to provide for the safe and efficient movement of vehicles operating on the system.” American Association of State Highway & Transportation Officials, *A Policy on Geometric Design of Highways and Streets* (2011), pp 1-2, 4-72 (“AASHTO”). To design a road network that functions safely and efficiently, engineers consider numerous design elements such as the road’s geometry (curvature, grade, sight distances, etc.), traffic controls (signage, paint markings, and lights), shoulder design, drainage design, and of course, pavement design, just to name a few. See generally *id.*, chs 3 & 4. Each of these elements functions together for the sake of directing and regulating the safe and efficient movement of vehicles along the travelled way. See *id.* at 3-1. Because the lower courts and experts focused on M-22’s geometric design, pavement, and traffic-control markings, those design elements will be the focus of the discussion below.

“Geometric design deals with the dimensioning of the elements of highways, such as vertical and horizontal curves, cross sections, truck climbing lanes, bicycle paths, and parking facilities.” Garber & Hoel, *Traffic & Highway Engineering* (5th ed, 2014), p 771 (“Garber”). For the traveled way, primary geometric design components include sight-distances, horizontal

alignments (the curves), vertical alignments (grades), the number of lanes, and lane widths. AASHTO, at 2-46; Mannering & Washburn, *Principles of Highway Engineering and Traffic Analysis* (5th ed, 2012), p 47 (“Mannering”). “The fundamental objective of geometric design is to produce a smooth-flowing and safe highway facility.” Garber, at 771.

The geometric design is influenced by other design elements such as design speed and traffic volume. For instance, to accommodate higher design speeds and heavier traffic volumes, arterial roads like M-22¹ are geometrically designed with wider traffic lanes, broader paved shoulders, larger curve radii, and more gradual inclines to provide a greater margin of safety. Mr. Gary Niemi, MDOT’s development engineering expert, testified to M-22’s geometric design when he discussed MDOT’s standard for lane widths and measured the clearance zone and curbside parking facility width. (MDOT’s Br in Supp of Mot for Summ Disp, Attach 3, Niemi Aff.)

Pavement can perform several functions and includes more than the asphalt surface. Garber, at 1007. A flexible (as opposed to rigid) pavement design, such as that found on M-22, consists of a “subgrade” (the compacted roadbed soils), a “subbase course” usually consisting of crushed aggregate, a base course also consisting of crushed stone, gravel, and sand (with higher strength than the subbase), and a surface course consisting of an aggregate and asphalt cement mixture. *Id.* at 1040. The roadbed soils and anticipated axle weights on the highway will determine pavement depths and base course materials required to prevent cracking and deformation.

¹ Roads are assigned “functional classifications” according to “motor vehicle travel characteristics and the degree of access provided to adjacent properties” along the way. American Association of State Highway & Transportation Officials, *A Policy on Geometric Design of Highways and Streets* (2011), p 1-1. Some roads known as “arterials” allow the movement of large volumes of traffic at moderate speed away from freeways into the vicinity of neighborhoods or shopping districts. Others, known as “collectors,” penetrate the neighborhood or commercial area, connecting the arterial to local access roads that deposit travelers at their home or other destinations. The road’s function plays a primary role in the selection of the specific design elements, all of which must integrate to provide a safe and efficient operational design. See *id.*, at 3-1.

Id. at 60, 1084. For instance, roads that function as local access to a residential neighborhood will use a shallower and less costly pavement design because they do not need to accommodate the regular travel of vehicles with heavy axle loads. Much of the pavement’s actual design—whether it has a subbase, the base course materials, and the thickness of each layer—are imperceptible from the surface.

The only design element that is perceptible is the asphalt surface course or “wearing surface.” Within the traveled way, the primary functions of the asphalt surface course are to protect the base course from wheel abrasion and to waterproof the pavement structure. Mannering, at 98. But asphalt surfaces also serve other functions. With or without asphalt, the shoulder can serve as an emergency stopping area, provide a margin of safety, and laterally support the traveled way. Garber, at 226; AASHTO, at 4-8. Paving the shoulder, however, provides an added benefit of protecting the travel way from water damage and erosion. *Id.* In the case of parking facilities, the asphalt may be laid to eliminate the dust and mud that is a common problem on unpaved surfaces. See Garber, at 1007; see, e.g., Photographs of Unpaved Curb-side Parking, attached as **Exhibit A**.

The last design element at issue here, and the one dismissed by the Court of Appeals as completely insignificant, is the traffic-control design on M-22, specifically the centerline and parking-bay paint markings. That element is addressed next.

II. Road agencies communicate the design of a highway and regulate its use through traffic-control devices, such as paint markings.

Traffic-control devices, which include traffic signs, pavement markings, and traffic signals, “are related to and complement the design highways and streets,” and are “critical features of traffic control and operation that the designer considers in the geometric layout of such a facility.” AASHTO, at 3-175. “Communication with the motorist is probably one of the most complex challenges for the designer.” *Id.* at 2-84. Traffic-control devices promote the safety and efficiency of the roadway by communicating its operational design to the driver and regulating vehicle movement. See Michigan Manual on Uniform Traffic Control Devices §§ 1A.01, 1A.03 (“Manual”); see also AASHTO, at 2-83, 3-176. In fact, “highway users are [so] dependent on traffic control devices (signs, markings, and signals) for information, warning, and guidance” “that uniform, high-quality traffic control devices are needed for effective use and public acceptance of any highway regardless of its excellence in width, alignment, and structural design.” *Id.* Uniformity is particularly important. It simplifies the task of the road user because “it aids in the recognition and understanding, thereby reducing perception/reaction time.” Manual § 1A.06.

MDOT has adopted the provisions of the Manual and declared them to be the state, county, and local standards for design, construction, and application of traffic control devices. Manual § 1; MCL 257.608 (requiring adoption of “a manual and specifications for a uniform system of traffic-control devices . . . for use upon highways within this state”); MCL 257.610 (requiring local authorities and county road commissions to comply with the state manual). According to the Manual, traffic-control devices include “all signs, markings, and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regu-

lating, warning or guiding traffic.” Manual, at I-1; see MCL 257.70. Curbs, like certain other design features such as speed humps, are not considered “traffic control devices,” though they do “have a significant impact on traffic operations and safety.” Manual § 1A.08, ¶ 05. In this case, the experts and lower courts addressed two traffic-control devices: the yellow center line pavement marking and the curb-side parking-bay pavement markings.

According to the Manual, “[c]enter line pavement markings, when used, shall be the pavement markings used to delineate the separation of traffic lanes that have opposite directions of travel on a roadway and shall be yellow.” Manual § 3B.01. Such markings should be placed on all paved arterials and collectors that have a traveled way of 20 feet or more in width and an ADT of 4,000 vehicles per day or greater. *Id.* § 3B.01, ¶ 10. M-22 is an arterial highway with a traveled way of greater than 20 feet and an ADT of 7,500. (Niemi Aff ¶ 9.)

Parking-bay markings are optional, but when used, they serve a dual purpose. First, the “[m]arking of parking space boundaries encourages more orderly and efficient use of parking spaces where parking turnover is substantial.” Manual § 3B.19. They “tend to prevent encroachment into fire hydrant zones, bus stops, loading zones, approaches to intersections, curb ramps, and clearance spaces.” *Id.*

Second—and most important for purposes of this lawsuit—parking-bay markings function to delineate the edge of the “traveled way” from the parking facility.

The Manual defines the “traveled way” as “the portion of the roadway for the movement of vehicles, exclusive of the shoulders, berms, sidewalks, and parking lanes.” Manual § 1A.13(242). Highway designers sometimes delineate the right edge of the traveled way from the shoulder or curb-side parking using solid white lines called “edge line markings.” Manual § 3B.06; § 3B.07, ¶ 01; see, e.g., Photographs of Edge-Lined Curb-side Parking, attached as

Exhibit B. But “[e]dge line markings may be excluded, based on engineering judgment, for reasons such as if the traveled way edges are delineated by curbs, parking, or other markings.” *Id.* § 3B.08, ¶ 05; see, e.g., Photograph of M-22 Curb-side Parking in Yono Br in Resp to MDOT’s Mot for Summ Disp, Ex 10, Novak Aff, attached as **Exhibit C**.

In sum, the paint markings, whether edge-line markings or parking-space markings, serve the important function of communicating the highway’s design to the driver, so that the driver will use those areas according to their operational design. For example, a highway shoulder is sometimes separated from the traveled way by a solid white line to signal to drivers that the shoulder serves a different purpose than the traveled way. The same is true of parking facilities.

These markings matter to governmental entities charged with maintaining our roads just as much as they matter to drivers. Given a finite amount of funding for road repairs and two significant pavement problems to fix, one in the middle of the traveled way and one on the far edge of a paved shoulder, drivers would expect the government to fix the problem in the middle of the traveled way because that is where the vast majority of vehicles travel, and at much higher speeds than a vehicle that has an emergency need to use a shoulder.

III. Curb-side parking facilities are designed to provide a space to station vehicles off the traveled way, not another way for travel.

While a curb-side or “on-street” parking facility may run contiguously to and be paved similarly to an adjacent travel lane, its purpose, like a paved shoulder, is not to function as a travel lane; it is instead meant to operate as a space for parking. “Although the movement of vehicles is the primary function of a roadway network, segments of the network may, as a result of land use, also provide on-street parking.” AASHTO, at 4-72.

There is no requirement to provide curb-side parking; it is not a necessary element of any roadway. Rather, it is a service that road authorities sometimes provide for the economic well-being of abutting property, particularly businesses along the way. *Id.* at 4-73.

On-street parking generally decreases through-traffic capacity, impedes traffic flow, and increases crash potential. Where the primary service of an arterial is the movement of vehicles, it may be desirable to prohibit parking on urban arterial streets and rural arterial highway sections. However, within urban areas and in rural communities located on arterial highway routes, on-street parking should be considered in order to accommodate existing and developing land uses. Often, adequate off-street parking facilities are not available. Therefore, the designer should consider on-street parking so that the proposed street or highway improvement will be compatible with the land use. [*Id.* at 4-2.]

Operationally, curb-side parking facilities serve the same function as off-street parking facilities. They both provide space for the driver to exit the traveled way and station her vehicle when she desires to terminate her trip. The only meaningful distinction is that curb-side parking facilities are contiguous to the traveled way.

From a design perspective, this distinction is an important one which influences the parking facility's geometric design. For instance, unlike an off-street facility, a curb-side parking facility cannot always make the best use of the available area by angling the spaces or making them perpendicular to the curb, because cars backing out of angled parking spaces tend to interfere with the movement of traffic along the traveled way. Garber, at 827 (attached as **Exhibit D**) (providing a diagram of various curb-side parking configurations). Whether the spaces will be angled, as in off-street parking, or parallel depends on the width of the clearance zone and the traffic volume along the traveled way. See AASHTO, at 4-72. A parking facility painted with parallel spaces is no more "designed" to function as a travel lane than a curb-side parking facility painted with angled spaces; they are, at the end of the day, both parking facilities. While it is true that in some instances a curb-side parking facility is only temporary and serves as a travel

lane during specific times of day, such as rush hour, there is no indication that the parking facility at issue here serves that dual purpose.

Though some parallel parking spaces have no paint markings, such markings are not the only way to delineate a parking facility from the traveled way. Designers sometimes “curb” the end of the curb-side parking area at intersections to delineate the parking facility from the traveled way. The curb prevents motorists from using the curb-side parking facility as a travel lane, such as an additional right-turn lane, and prevents parked cars from encroaching on the travel lanes and interfering with the line of sight at intersections. AASHTO, at 4-74 & Figure 4-26 (attached as **Exhibit E**); see, e.g., Photographs of Curbed Parking, attached as **Exhibit F**. The curbing alters the geometric design of the parking lane to make it readily apparent to drivers that the parking facility is not intended to be used as a travel lane.

ARGUMENT

I. The term “travel” as it is used in MCL 691.1402(1) does not include the act of parking the vehicle.

In *Grimes v Michigan Department of Transportation*, 475 Mich 72, 91; 715 NW2d 275 (2006), this Court held that “only the travel lanes of a highway are subject to the duty of repair and maintenance specified in MCL 691.1402(1).” Because MDOT has thoroughly and accurately discussed *Grimes* and its controlling effect on the outcome of this case, this brief will not revisit that issue. It will instead show why the structure and placement of the word “travel” in the statute demonstrate that “travel” does not include parking within the context of the statute, and that the immunity waiver in MCL 691.1402(1) should not be interpreted as encompassing on-street parking facilities.

A. In the context of “public travel” and highway design, “travel” does not include the act of parking; they are mutually exclusive.

“In defining statutory words, [this Court] considers the ‘plain meaning of the critical word or phrase as well as ‘its placement and purpose in the statutory scheme.’ ” *Feyz v Mercy Mem’l Hosp*, 475 Mich 663, 672–673; 719 NW2d 1 (2006) (quoting *Bailey v United States*, 516 US 137 (1995)). Similarly, Michigan law requires that “[a]ll words and phrases shall be construed and understood according to the common and approved usage of the language” but adds that “technical words and phrases, and such as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.” MCL 8.3a.

Setting aside the context of the statute for a moment, there are two alternative senses to the substantive² use of the word “travel” that may be fueling this debate. On the one hand, “travel” can mean “the action of travelling or journeying,” as in “The [waves] are everywhere unsafe for travel” or “Continental travel is looking up. By travel we mean quick and comfortable travel.” *The Oxford Compact English Dictionary* (2d ed, 1991), p 2102 (attached in addendum). On the other hand, it can alternatively mean “[p]assage of anything in its course or path, or over a distance; movement,” such as “[A comet] revisits the earth, From the long travel of a thousand years” or “Cardiomotive force is equal to the output of the heart plus the resistance to the travel of the blood in the cardiovascular system.” *Id.*

These senses of travel are significantly different. When used in the first sense, the phrase “vehicular travel” refers to a method of travel (or journeying), travel by or in a vehicle (as opposed to travel by foot). In the other sense, “vehicular travel” refers to travel *of* a vehicle, as in

² A substantive is a word that serves as an object of thought, like a noun. *The Oxford Companion to the English Language* (Oxford Univ Press, 1992), p 999.

its movement along a path, regardless of whether it is being driven on a journey or rolling un-manned down a hill. This latter sense is considered a personification; inanimate objects such as comets and ions do not literally embark on journeys. *Id.* (referring to this sense as the “transferred sense”).

This Court intuitively rejected that latter sense of the word and chose the former sense in *Grimes*, when it held that “travel” in MCL 691.1402(1) does not refer to incremental movements of a vehicle. 475 Mich at 89-90. The Court’s interpretation in *Grimes* is consistent with how “travel” is used earlier in the same provision.³ The term first appears in the phrase “reasonably safe and convenient for *public travel*.” MCL 691.1402(1) (emphasis added). “Public travel” inherently refers to people journeying from one place to another, not the movement of inanimate objects in space. Having spoken broadly about the need for safe and convenient travel, the Legislature then narrowed the immunity waiver to those “improved portions of the highway” designed for a specific kind of public travel—travel by vehicle, as opposed to public travel by foot or rail. In context, “vehicular travel,” refers to journeying by vehicle, not the mere travel or movement of a vehicle. See *Grimes*, 475 Mich at 89.

When the Court asked in its order granting leave “whether a *vehicle* engages in ‘travel,’ ” it used “travel” in the transferred sense that this Court rejected in *Grimes*. Because travel in MCL 691.1402(1) refers to public travel, the real question should be whether a *person* engages in travel when she “parks in or pulls in and out of a lane of a highway designated for parking.”

³ “[T]here is a natural presumption that identical words used in different parts of the same act are intended to have the same meaning.” *Atlantic Cleaners & Dryers, Inc v United States*, 286 US 427, 433 (1932).

Appellee Yono presumes (rightly) that this “public travel” sense of the word applies, but argues that pulling in and out of a parking space is part of journeying by vehicle, and contends that this Court already so ruled in *Nawrocki v Macomb County Road Commission*, 463 Mich 143; 615 NW2d 702 (2000). *Nawrocki* does not resolve this question, since the only issue decided in that case was whether the road authority could be liable for a pedestrian’s injury. *Id.* at 148. Yono offers no other meaningful explanation for the proposition that parking is part of one’s journey. In the abstract, one just as easily can take the opposite position, i.e., that the journey ends once the driver has arrived at the destination, and parking is merely finding a suitable and legal location to station the vehicle; the journey is over *before* the driver starts parking the car.

But the Court need not engage in that semantic debate, because this question is resolved by looking at how the word “travel” operates in the grammatical context of the phrase “improved portion of the highway designed for vehicular travel.” The term “travel” is found in the prepositional phrase “for vehicular travel,” which modifies the term “designed.” The word “designed” is a past participle modifying the word noun “portion.” Thus, the word “designed” directs us to parse portions of the highway according to their design, while the word “travel” informs us what sort of highway design to look for.

Grounded in this context of highway design, the line between those areas that are and are not designed for vehicular travel becomes more obvious. As discussed above, travel and parking are functionally distinct concepts in the context of highway design. All highways have an improved portion designed for vehicular travel, but only some have an improved portion designed for parking. One cannot effectively travel in an area of the highway where cars are parked, nor can one safely park in an area where cars are traveling. Because lanes cannot effectively serve

both purposes simultaneously, those designated to serve a dual purpose as a parking and a travel lane *prohibit* parking during specific times of the day to allow their use as a travel lane. See, e.g., Photograph of Dual-Purpose Lane, attached as **Exhibit G**. The incompatibility of travel and parking is so commonsensical that Michigan’s Manual on Uniform Traffic Control Devices deems the parking-bay markings—such as those in this case—to serve as an edge line that marks the outer edge of the traveled way and delineates the travel lanes from the parking facility. Manual § 3B.08, ¶ 05.⁴ Thus, from the perspective of highway design—a perspective the statutory language itself calls for—it would be bizarre to say that areas of the highway designated for parking are “designed for vehicular travel.”

B. The Court should narrowly construe the immunity waiver as excluding areas designed for vehicular parking.

In addition, any ambiguity in the statutory language should be resolved in MDOT’s favor by narrowly construing the immunity waiver. When a court is presented with two reasonable interpretations of an immunity waiver and one interpretation results in a broader waiver than the other, it must always choose the narrower one. *Ross v Consumers Power Co (On Rehearing)*, 420 Mich 567; 363 NW2d 641 (1984).

This case is a perfect illustration of why that is so. If MCL 691.1402(1)’s immunity waiver is interpreted broadly, it places a greater burden on road authorities and the public fisc. Local, county, and state highway authorities operate on tight budgets; the Court of Appeals’ interpretation of MCL 691.1402 forces road authorities to spread those limited resources even

⁴ The Court of Appeals was mistaken when it opined that a parking lane is equivalent to a left-turn lane, an off ramp, or a U-turn lane because it is lawful to use a parking lane to pass left-turning vehicles. While MCL 257.637 allows a driver to pass on the right when another vehicle is making a left turn, it prohibits a driver from doing this by “driving off the pavement or *main-traveled portion* of the roadway” (emphasis added). A law-enforcement official would be no less justified in pulling over and ticketing a driver who uses parking spaces to pass a vehicle waiting to make a left turn, than if the driver used the shoulder for that purpose.

more thinly. Expanding the government's statutory duty to repair and maintain to include curb-side parking facilities will divert resources that are sorely needed to repair and maintain travel lanes and bridges. And broadening the immunity waiver will increase governmental exposure to damages claims for failing to maintain parking facilities, inducing them to maintain them to standards that are, in reality, not necessary for those areas to safely serve their intended function. The sort of vehicular movement that takes place in a parking facility does not call for the same quality of wearing surface as the travel lanes of a highway; the risks and safety concerns are quite different.

Consider all of the cities, villages, and township business districts throughout the State of Michigan where road authorities have already constructed curb-side parking as a service to local businesses and urban or suburban residents. Expanding the scope of the exception to highway immunity would cause governmental units to spend more time and money maintaining parking spaces at the expense of the actual traveled portion of the highway.

Such a broad interpretation of the statutory immunity waiver also presents a serious practical problem for road authorities. For example, the spalling or breaking of asphalt that occurred here is both common and difficult to manage in curb-side parking facilities. These defects frequently occur along the curb of the curb-side parking facility due to the difference in material expansion rates between the concrete and the asphalt, and the defect can only be repaired when there is no vehicle parked over it. See, e.g., Photographs of Spalling in Curbed Parking, attached as **Exhibit H**.

Imposing such a maintenance duty will affect not only the road agencies but also future economic development. The only way local and county authorities can limit the exposure created by a broad interpretation of the immunity waiver is if they decline to construct curb-side

parking facilities in the first instance, to the detriment of small business districts and urban or suburban neighborhoods. Road authorities have no obligation to construct new curb-side parking facilities, and they would now think twice before doing so. This would be an unfortunate result, because the absence of curb-side parking facilities “can reduce the economic well-being of the abutting property” in urban settings. AASHTO, at 4-73. It reduces the space available for patrons of local businesses to park their vehicles and enter local establishments to purchase goods and services, making it more difficult for small businesses in urban settings to attract customers and compete with others that have space to offer private parking or are located nearer off-street public parking. It also forces customers to spend more time searching for off-street parking and to walk farther distances to reach the business establishments, thereby decreasing the time available for shopping or discouraging patronage altogether.

Moreover, providing space for parking is not a road authority’s principal concern. The principal concern is making the traveled way safe for public travel. That is another reason why the Legislature imposed the duty to repair on portions “designed for vehicular travel” and *not* on portions designed for vehicular parking.

There can be no mistake that including every on-street parking facility in the State within the scope of MCL 691.1402(1)’s immunity waiver will significantly expand government’s liability. The Court should not presume this heavy burden is what the Legislature intended and should instead narrowly interpret the immunity waiver to exclude on-street parking facilities, otherwise known as “parking lanes.”

II. MDOT presented evidence that the relevant portion of highway is not “designed for vehicular travel”; Plaintiff offered no contrary evidence.

If the Court concludes that the improved portion of the highway designed for vehicular travel does not include on-street parking facilities designed exclusively for vehicular parking (i.e., that are not dual purpose lanes), it should also conclude that MDOT is entitled to summary disposition under MCR 2.116(C)(7). For motions filed under MCR 2.116, “[a]ffidavits, depositions, admissions or other documentary evidence in support of the grounds asserted in the motion are required (a) when the grounds asserted to not appear on the face of the pleadings.” MCR 2.116(G)(3). The import of this rule for a (C)(7) motion is that “[t]he contents of the complaint are accepted as true unless contradicted by documentation submitted by the movant.” *Maiden v Rozwood*, 461 Mich 109, 119; 597 NW2d 817 (1999). When the movant supports its (C)(7) motion with such evidence, the court must consider the evidence submitted by the parties. This naturally shifts the burden to the non-movant to produce evidence establishing a genuine issue of material fact for trial, because otherwise, the court may enter judgment as a matter of law for the movant under MCR 2.116(I)(1). Accord, e.g., *Kincaid v Cardwell*, 300 Mich App 513, 522; 834 NW2d 122 (2013).

A. The highway’s design is indicated in the roadway’s geometry, signage, and paint markings.

Before turning to the evidence itself, it is important to return to the question this Court originally asked the Court of Appeals to answer below: what standard should the court apply to determine what improved portions of a highway are “designed for vehicular travel”? The answer is simple: the same standard motorists use. Motorists look not just for the presence of pavement (i.e., the “improved portion of the highway”), but also at the traffic-control devices, *especially* the paint markings. The purpose of the signs and markings on a highway, such as edge lines,

center lines, and parking-bay markings, is to show the driver what areas of the pavement are meant to be used for travel, and which areas are not. Such markings are an inherent part of the highway's design, and they objectively demonstrate the pavement's intended function.

To be sure, not every road has paint markings. But not every road has pavement either. In this case, where the pavement in a travel lane and in a parking space may (or may not) be the same, the significance of those paint markings (regardless of whether they can be seen readily by drivers or are faded) is critical. In other cases, the experts and the Court will have to rely solely on other elements of engineering design, such as curbs, pavement, or geometry.

The Court of Appeals held “the governmental entity’s decision to paint markings on the highway *does not alter the fact* that the highway was actually designed for vehicular travel over its full width”; if the “governmental entity . . . designed a particular highway to support vehicular travel for its full width, but later decided to limit the traffic to a narrow portion in the center of the highway for safety reasons,” it would still have to maintain that new shoulder as if it were a travel lane. *Yono v Dep’t of Transp*, 306 Mich App 671, 695–696; 858 NW2d 128 (2014) (emphasis added). The Court of Appeals’ standard conflicts directly with *Grimes* and should be rejected.

As this Court observed in *Grimes*, a “shoulder may be capable of supporting vehicular traffic, but this fact does not answer the legal question whether the Legislature intended to designate shoulders as an ‘improved portion of the highway designed for vehicular travel’ and thereby expose a governmental agency to tort liability for defects in a shoulder.” 475 Mich at 92. The purpose of MCL 691.1402(1) is to define a road authority’s duty to repair and maintain the highway “so that it is reasonably safe and convenient for public travel.” Even the Court of Appeals recognized that its standard would require road authorities to maintain shoulders and

other portions of the highway where travel—as that term is defined in *Grimes*—is not even lawful. It would include areas that the road authority has constructed for future expansion but has designated as a shoulder until that expansion is necessary. *Yono*, 306 Mich App at 691, n 6; 858 NW2d 128. It would even require road authorities to maintain in reasonable repair areas that were designed to support vehicular travel at one time but have since been abandoned and marked for nonuse because they were *unsafe*. *Id.* at 695–696. Defining “designed for vehicular travel” in this manner makes no sense and is inconsistent with the statute’s stated purpose, not to mention logistically impractical (requiring an inquiry into the original intent of every highway’s designers).

Every aspect of the highway’s design—not just the pavement or structural support—is relevant to determining whether it is “designed for vehicular travel.” If the highway’s design, as a whole, indicates that the road authority intends it to serve the purpose of a travel lane, then it is “designed for vehicular travel.” If it indicates that the area is not intended to serve the purpose of a travel lane, then that area is not “designed for vehicular travel.” This standard is logical, objective, and consistent with the purpose of the highway exception—making the roads “reasonably safe and convenient for public travel.” It makes sense from the driver’s and the road authority’s perspective; it is “a cohesive, uniform, and workable” rule “which will readily define the injured party’s rights and the governmental agency’s liability.” *Ross v Consumers Power Co (On Rehearing)*, 420 Mich 567, 596; 363 NW2d 641 (1985).

B. MDOT presented evidence sufficient to show that Ms. Yono fell in a parking lane, and Yono's expert agreed; there is no factual dispute.

MDOT presented an expert's affidavit containing information that would require the factfinder to conclude that the area at issue is designed for vehicular parking, not vehicular travel. The expert identified the applicable design standards employed by MDOT for highways such as the one at issue (3R width standards). He then explained how those standards and other facts supported his conclusion that the area at issue is designed for vehicular parking, not vehicular travel. First, by MDOT's own design standards, it "does not take the parallel parking lane into account when measuring the traveled way" because a "parallel parking lane is not considered part of the traveled way." Niemi Aff ¶¶ 17-18. Second, "parallel parking lanes are marked by white lines on the asphalt surface designating the parking places." Third, the parallel parking lanes in this case "measure 7.5 feet from highway side edge of the gutter pan." Finally, "[a]t [the] location identified in the above captioned complaint [as causing the fall], there is a marked parallel parking place." Attached to the affidavit is his drawing illustrating his observations of the widths, paint markings, and location of the spalled asphalt where Ms. Yono fell.

It is apparent from the diagram drawn by MDOT's expert that any driver traveling the highway in the vicinity of her fall would know that area was not a travel lane. The parking-bay paint markings clearly indicate that the area is a curb-side parking facility. (See Ex C, Photograph of M-22 Curb-side Parking.) These markings not only demarcate parking spaces, they substitute as an edge line for delineating the adjacent travel lane from the parking area. Manual § 3B.08, ¶ 05. The only inference that can be drawn from this testimony is that the spalled or broken asphalt that allegedly caused Ms. Yono's injury is not located in an area designed for vehicular travel; it is designed for vehicular parking.

The Court of Appeals' reasoning—that photos show the “the designers of M-22 must have designed the parallel parking lanes at issue to support limited, albeit regular, vehicular travel beyond that which accompanies the use of the lanes for parking”—is both irrelevant and incorrect. As discussed above, the correct question is whether this area of the roadway is *presently* designed for vehicular travel. Not even Ms. Yono's expert took the position that the original design of the area at issue is observable or relevant. The only elements of highway design apparent from the photographs are the geometry, the wearing surface, and the paint markings. None of these indicates that this area is currently designed as a travel lane. And the paint markings show that it is not.

Ms. Yono's expert admits this, even though he calls the “travel lane” the “through lane.” He admits that the area where Ms. Yono fell is designed to serve a different purpose from the “through lane.” The through lane is “for basic speed” while traveling; the parallel parking lane is “for leaving a through lane to park a vehicle.” Novak Aff ¶ 11(4). While the expert describes some so-called “travel” that might occur in a parking lane, he concedes this travel can only occur there “if the parking lane is unoccupied,” i.e., not being used for its designed purpose. *Id.* Finally, he admits that the paint markings and measured widths are what distinguish the parallel parking lane from the through lane: “The parallel parking lanes are marked with white paint indicating space allocated for where vehicles may park.” *Id.* Unlike all of the other lanes described in the expert's affidavit (center turn lanes, passing lanes, etc.), the area at issue is indisputably designed for vehicular parking; it is not designed for vehicular travel.

Given that neither side disputes the design of the area at issue, there is no need for an evidentiary hearing. Whether the area at issue is “designed for vehicular travel” turns entirely on the legal question of whether the Legislature meant to include areas “designed for vehicular

parking” when it limited the immunity waiver to those areas designed for vehicular travel. For the reasons given above, the Court should conclude that it did not.

III. Questions of fact concerning governmental immunity should be decided by a judge—but this case does not present that issue.

Amici agree with MDOT that when the issue properly presents itself, this Court should rule that a court may resolve any fact disputes under MCR 2.116(C)(7) that do not overlap with the fact issues that must be decided to resolve the liability question. But *Amici* also agree with the Plaintiff-Appellee that this is not an appropriate case for resolving this issue, since Plaintiff has no right to a jury trial here, even on the question of liability.

CONCLUSION AND REQUESTED RELIEF

If this Court seeks “a cohesive, uniform, and workable set of rules which will readily define the injured party’s rights and the governmental agency’s liability,” *Ross*, 420 Mich at 596, it will not find it in the Court of Appeals’ decision or Appellee’s brief. The Court will find only a great expansion of financial burdens and liability for road authorities and an unworkable rubric for resolving disputes about highway “design.” The Court should instead establish a standard that is consistent with the practical realities of highway travel and design, both from the driver’s perspective and a road authority’s perspective. From these perspectives, the word “travel” in MCL 691.1402(1) should be read as synonymous with journeying and distinct from parking, and the immunity waiver should be read as excluding those lanes presently designated for parking, regardless of how they were originally constructed or designated. This interpretation is consistent with the statute’s directive to parse the highway according to how it is “designed” and with the rule that immunity waivers must be narrowly construed.

Respectfully submitted,

WARNER NORCROSS & JUDD LLP

Dated: September 22, 2015

By s/ Gaëtan Gerville-Réache

Gaëtan Gerville-Réache (P68718)
John J. Bursch (P57679)
900 Fifth Third Center
111 Lyon Street, N.W.
Grand Rapids, Michigan 49503-2487
616.752.2000

Attorneys for *Amici Curiae* Michigan County
Road Commission Self-Insurance Pool and
County Road Association of Michigan

13138371

EXHIBIT A

RECEIVED by MSC 9/22/2015 3:16:49 PM







1
6
6



WALK
WAY

EXHIBIT B



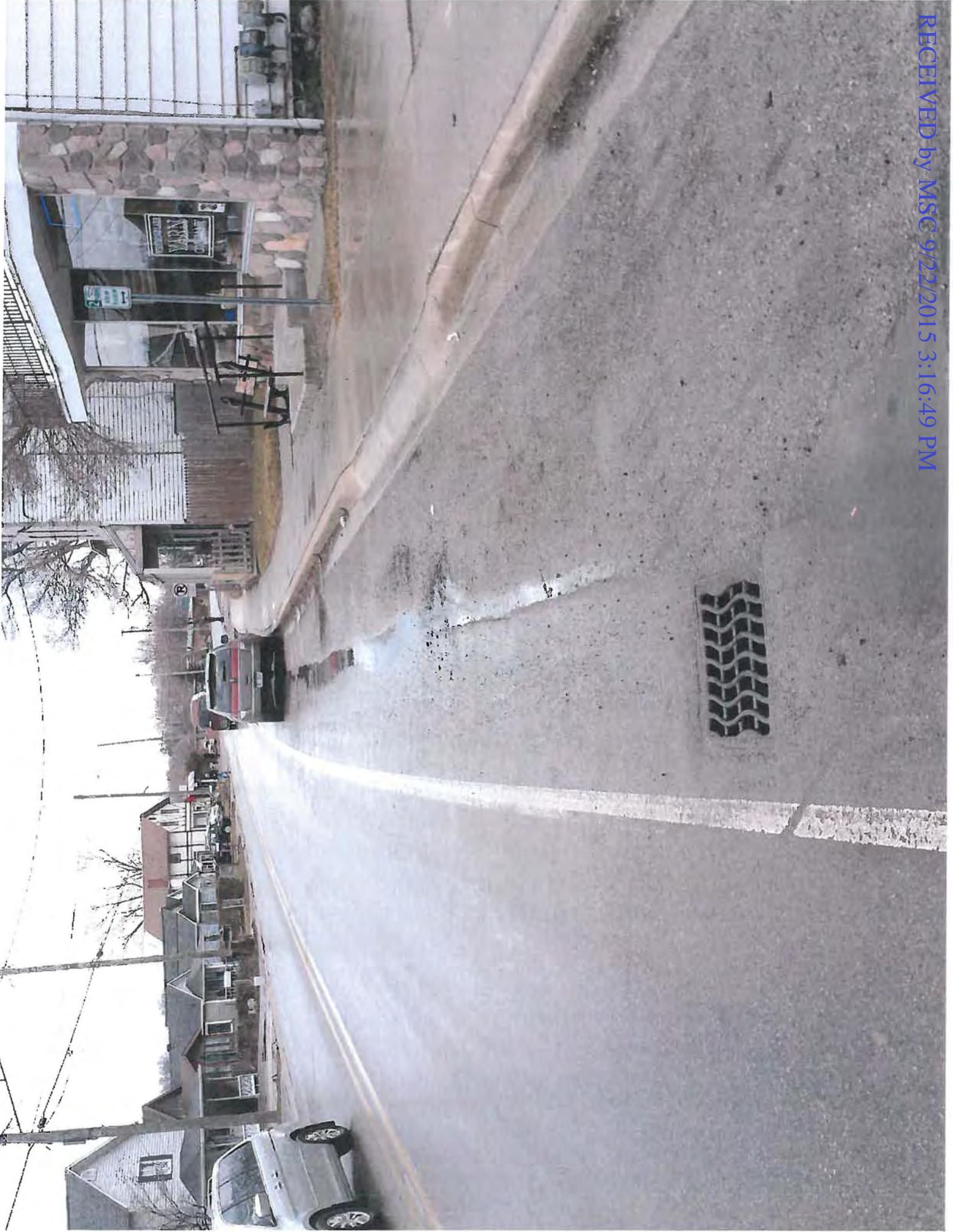








EXHIBIT C

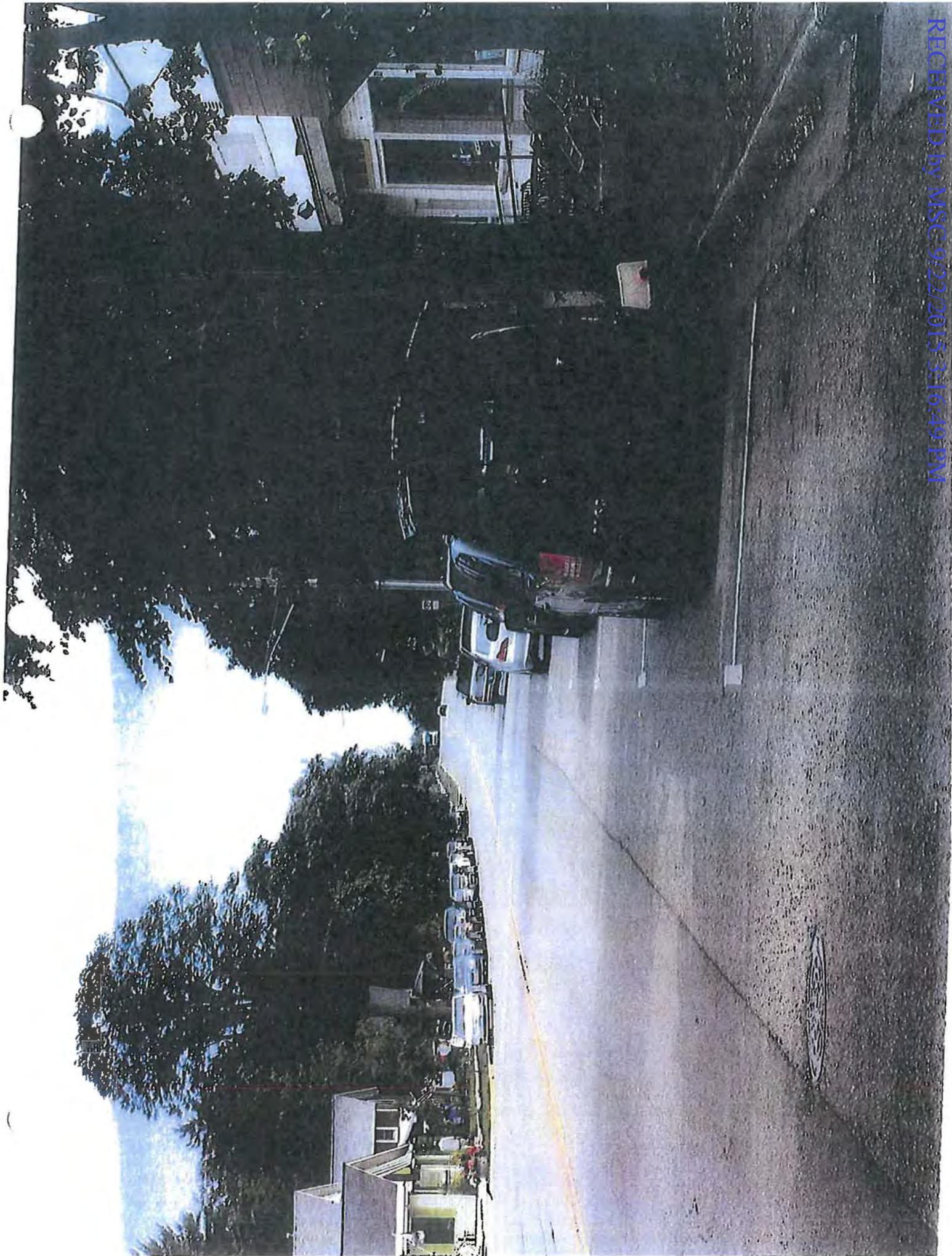
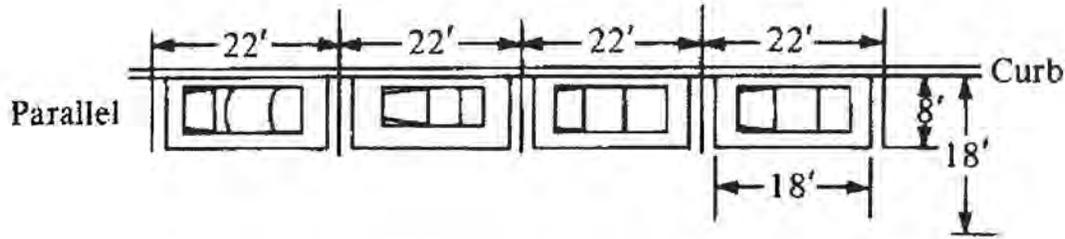
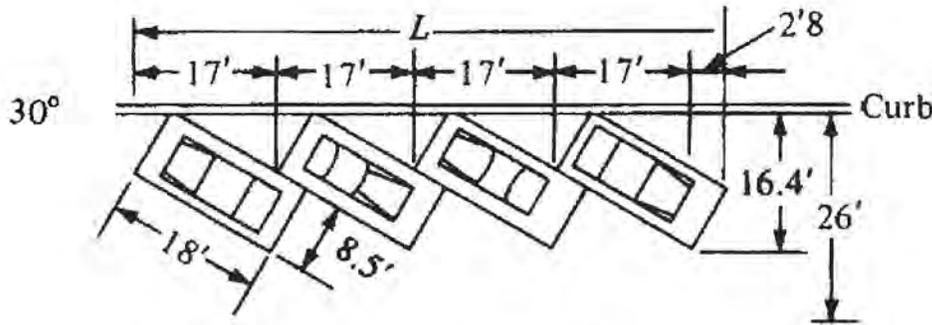


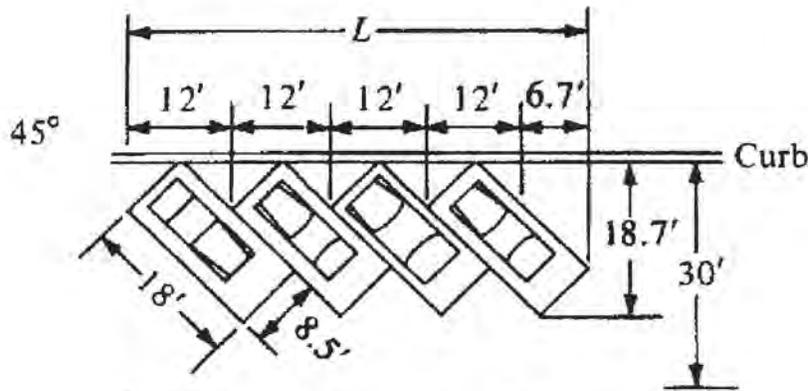
EXHIBIT D



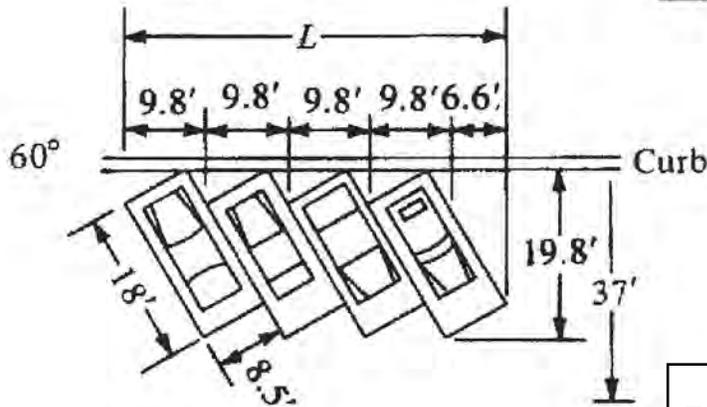
$$N = \frac{L}{22}$$



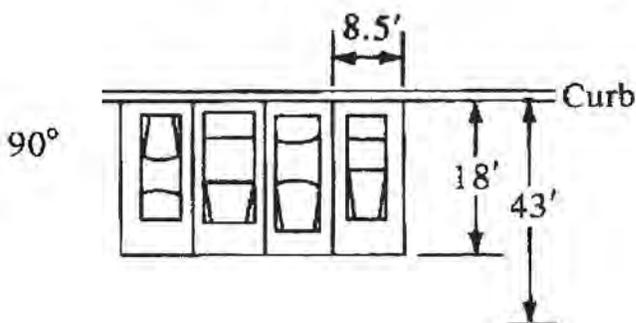
$$N = \frac{L - 2.8}{17}$$



$$N = \frac{L - 6.7}{12}$$



$$N = \frac{L - 6.6}{9.8}$$



$$N = \frac{L}{8.5}$$

From "Guide for the Development Facilities," (1999), by the American Association of State Highway and Transportation Officials, Washington, DC. Used by permission.

EXHIBIT E

On-street parking is generally permitted on local streets. A 7.8-m [26-ft] wide roadway is the typical cross section used in many urban residential areas. This width assures one through lane even where parking occurs on both sides. Specific parking lanes are not usually designated on such local streets. The lack of two moving lanes may be inconvenient to the user in some cases; however, the frequency of such concerns has been found to be remarkably low. Random intermittent parking on both sides of the street usually results in areas where two-way movement can be accommodated.

Construction procedures on new roadways should be planned so as to provide a longitudinal joint at the boundary of the proposed parking lane. It has been found that such joints aid in ensuring that the parked vehicle clears the parallel travel lane. On asphalt-surfaced streets, traffic markings are recommended to identify the parking lane. The marking of parking spaces encourages more orderly and efficient use of parking spaces where parking turnover occurs, and this tends to prevent encroachment on fire hydrant zones, bus stops, loading zones, and approaches to corners.

In urban areas, central business districts, and commercial areas where significant pedestrian crossings are likely to occur, the design of the parking lane/intersection relationship should be considered. When the parking lane is carried up to the intersection, motorists may utilize the parking lane as an additional lane for right-turn movements. Such movements may cause operational inefficiencies and turning vehicles may mount the curb and strike such roadside elements as traffic signals, utility poles, or luminaire supports. One method to address this issue is to end the parking lane at least 6.0 m [20 ft] in advance of the intersection. A second method is to prohibit parking for such a distance as to create a short turn lane.

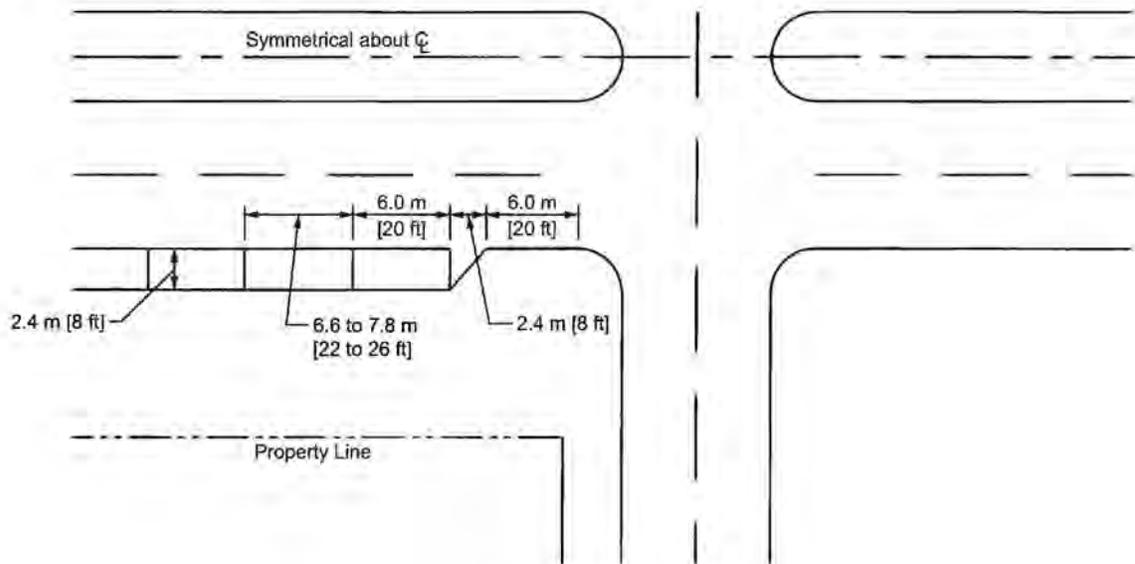


Figure 4-26. Parking Lane Transition at Intersection

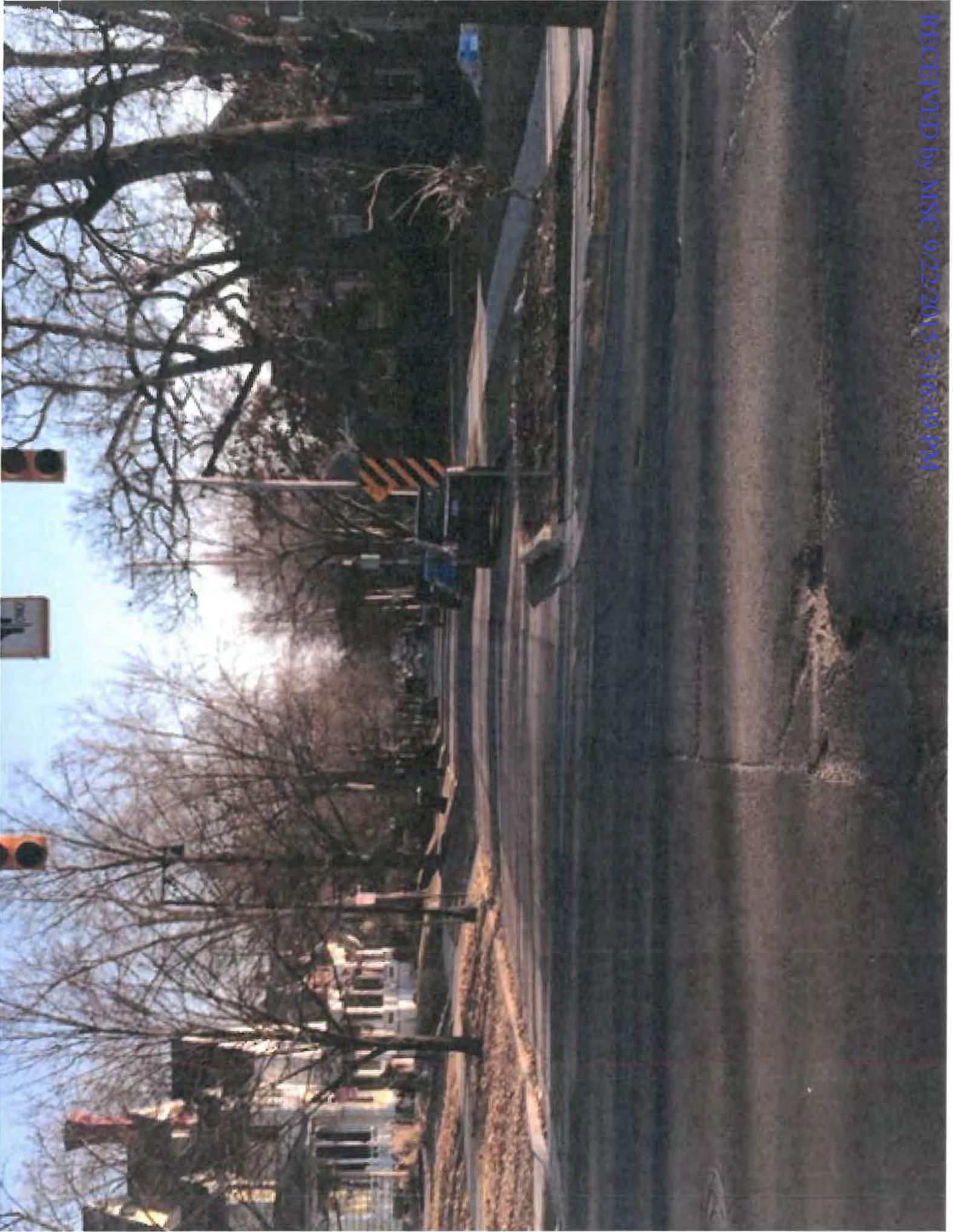
4.21 REFERENCES

1. AASHTO. *Guide on Evaluation and Abatement of Traffic Noise*. American Association of State Highway and Transportation Officials, Washington, DC, 1993.

From "A Policy on Geometric Design of Highways and Streets," (2011), by the American Association of State Highway and Transportation Officials, Washington, DC. Used by permission.

EXHIBIT F





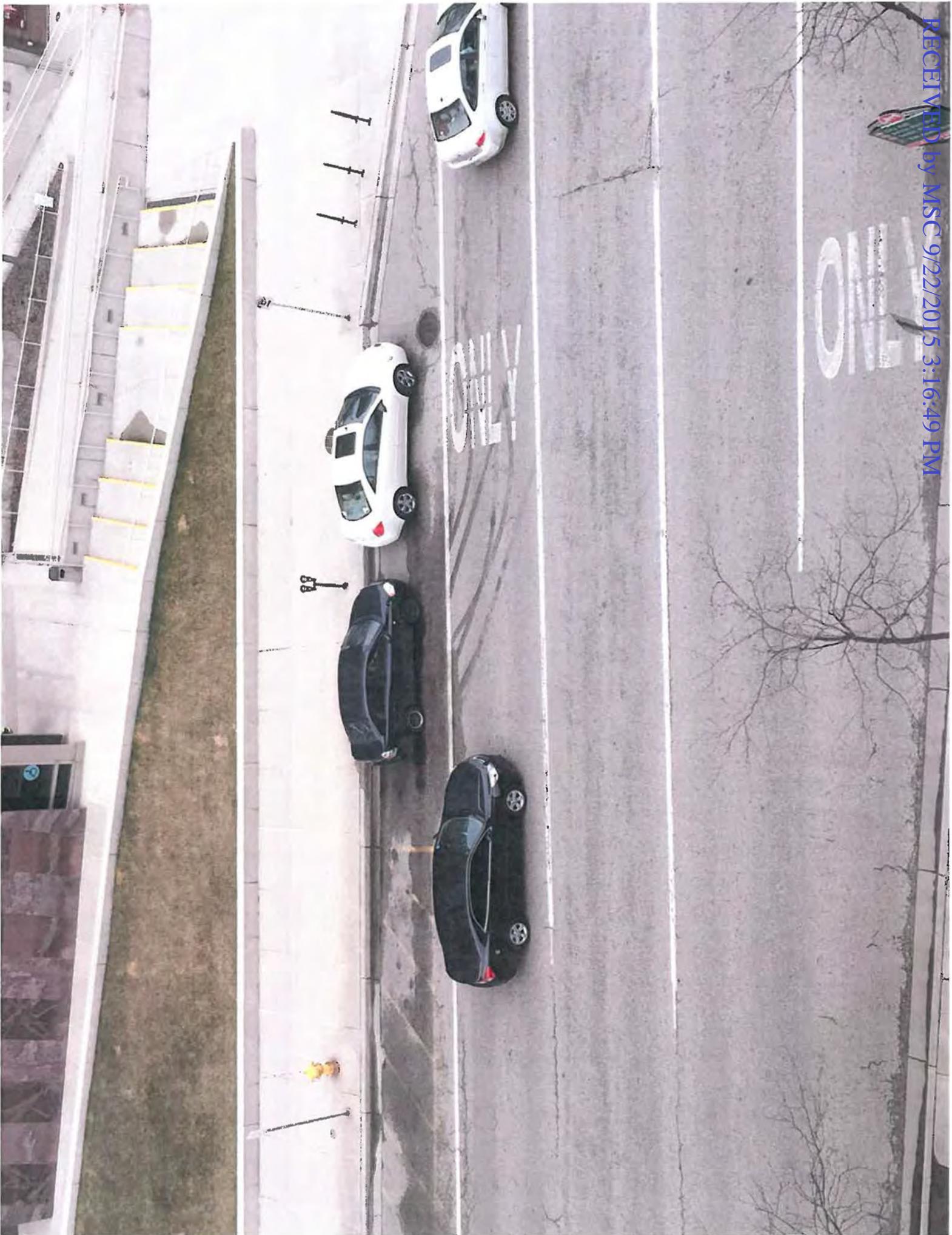


EXHIBIT G



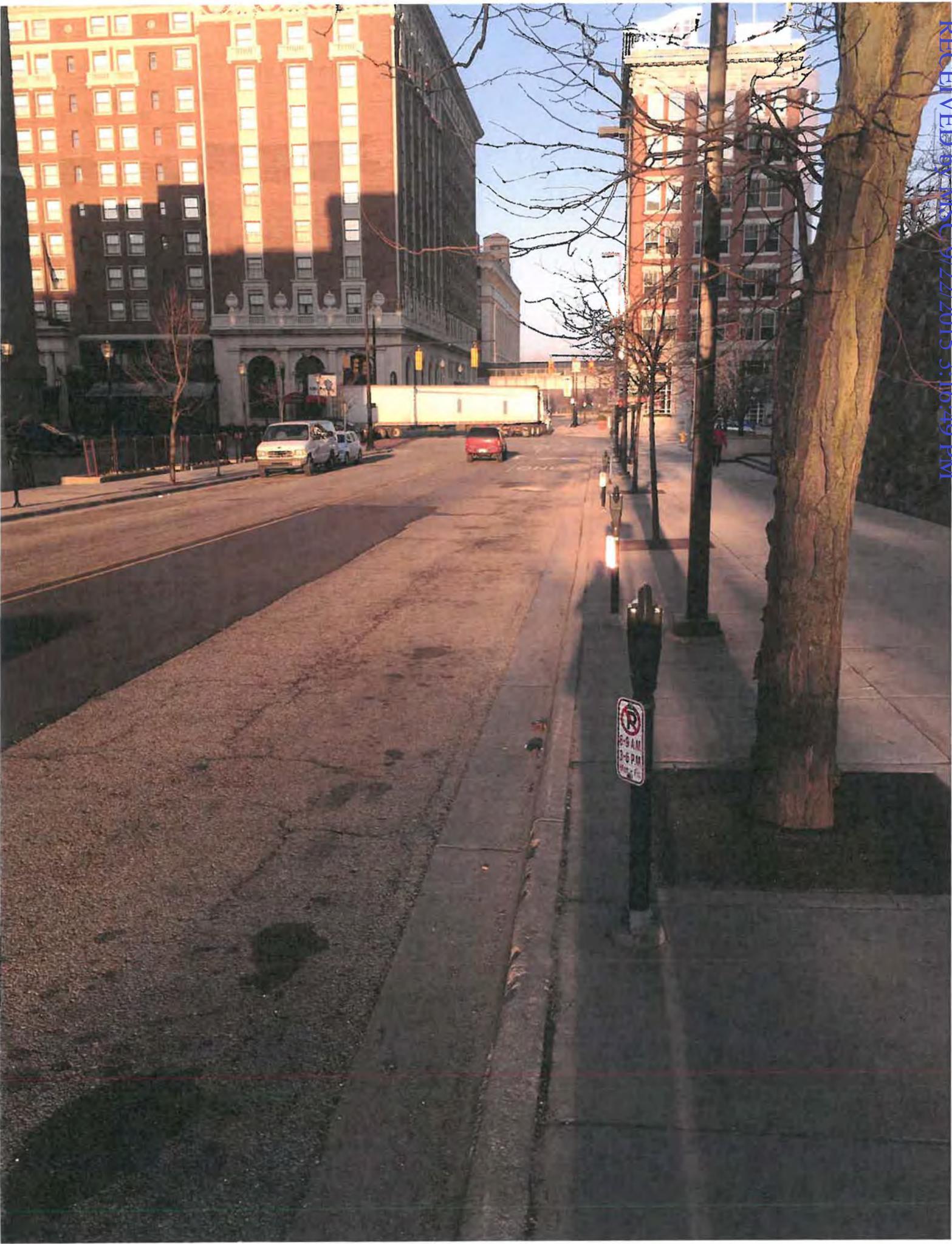


EXHIBIT H





ADDENDUM

TRAVAIL v. +
vb. TRAVAIL;
child-bearing;

travelling [v. r.
moderpain. 1362
or with tilynge or
of Tales 402 He
sho was evyn at
Mijb, No small
saying. 1859 J.
restless travailing.

-ING².] That
rking. Obs. or

re travailand men
law Arms (S.T.S.)
15 and rest. 1579
essed with a mind

pains of child-

nman travaillynge
14, I will erie like
fin. II. Wks. 1851
without the danger
ome. 1657 TRAV
lling woman.

bs.
li. (Bodl. MS.), be
w strengþep ægens
if ny3t.

Forms: 4 trau-
travellous, 4-6
us, (travelos), 6
OF. *travaillos*,
in Godef.), f.
] Full of or
hard labour;

sh] es als mekill at
fe. c 1380 WYCLIF
and travellous lif
rd; that schal bede
Egipcians: 1565
To take any more
Arabia-Deserta I.
an that her womb
a life.

rare.
rien lyue, trawely,
le, Pref. Episc. St.
ful trauelloush
the nosshe erthe
maketh to our

TRAVAIL sb. +
oilsome.

A travaillsome and
taded (1592) 911
1617 J. MOORE
orrow, vncertaine

Obs. (Origin
ng, a roll or
ng the wetted
n's a circular

a and characters
rformer on the
oubletravale, the
Mus. Terms s.v.
now your wetted
in. The 'double-

LLY¹.

TRSE.

IT.

travata, F.
s), the space
6), f. L. type
ing a ceiling
or transverse

travatura (f.
e or ioyning
rio).] A joist.
] The Modifions
wed cross-ways.

preparatwar),
tory works'.]
c., pertaining

to legislation or a treaty under consideration (see
quot. 1980).

1935 *Harvard Law Rev.* Feb. 562 French courts exhibited
the tendency to limit recourse to *travaux préparatoires*. 1957
H. F. JOLOWICZ *Roman Foundations Mod. Law* ii. 16 No text
appears to deal with *travaux préparatoires*, but it is in
accordance with the civilian tradition that resort to drafts,
speeches in Parliament, and similar evidence is usually
allowed more widely on the Continent than in England.
1962 *Listener* 15 Mar. 456/1, I am thinking about our rule
which excludes the so-called *travaux préparatoires*; that is to
say, statements made in negotiation, prior to the treaty,
which might throw light on its meaning. 1980 *Oxf. Compan.
Law* 1231/1 *Travaux préparatoires*, materials used in the
preparation of, and having formative effect on, the
ultimately adopted form of an agreement, or legislation, or
an international treaty. Such materials include, in the
domestic sphere, reports, proposals and technical advice, in
the legislative sphere, Select Committee or Royal
Commission or other reports, academic studies, Green
Papers, White Papers, and the like, and in the international
sphere reports of expert committees, discussions and
proposals, drafts, and the like.

trave, sb. Obs. exc. dial. [In sense 1, a. OF. *trave*
beam; cf. It. *trave* beam:—L. *trabem*, acc. of
trabs beam. Its application in sense 2 is difficult;
but cf. F. *entrave* clog, fetter, shackle,
hindrance, restraint.]

*1. A (timber or wooden) beam.

1395 in *Archæologia* XXIV, 313 Pro carisagio de ij traves
pro justis de hospicio. 1574 *Richmond Wills* (Surtees) 251,
ix hogesheads in the buttrie with the gantrees and traves
there. a 1701 MAUNDRELL *Journ. Jerus.* 2 Mar. (1721) 7 For
its Ceiling only some rude traves laid athwart it. *Ibid.* 28
Apr. (1732) 125 The Ceilings and Traves are richly
Painted.

b. dial. ? One of the shafts of a cart, or the
shafts collectively. Also attrib.

1843 E. MOOR *Suffolk Words* s.v. Horses harnessed ready
for work, are said to be 'in the trave'—or, 'in the traves'.
1905 *Eng. Dial. Dict.* s.v. In phr. *to be in the trave*, of horses:
to be harnessed ready for work.

2. A frame or enclosure of bars in which a
restive horse is placed to be shod: cf. TRAVAIL sb.¹
c 1386 CHAUCER *Miller's T.* 96 She sproong as a colt doth
in the trave. 1483 *Coth. Angl.* 391/2 Trave for to scho horse
in. *ferrotorium, ergasterium*. 1613 R. CAWDREY *Table Alph.*
(ed. 3). *Trave*, a place to shoe wilde horses in. 1656 BLOUNT
Glossogr., *Trave* (from the Fr. *Travée*, i. a bay of buildings),
a trevis or little roome made purposely to shoo unbroken
horses in. 1706 PHILLIPS (ed. Kersey), *Trave*, *Travel*, or
Travise, a Place enclosed with Rails, to shooe an unruly
Horse in. 1847-78 HALLIWELL, *Trave*, a frame into which
farricars put unruly horses.

† b. pl. See quot. 1706. Obs. rare⁰.

1706 PHILLIPS (ed. Kersey), *Traves*, a kind of Shackles for
a Horse that is taught to amble, or pace. 1726 in *Dict. Rust.*
(ed. 3).

trave, dial. var. THRAVE, THREAVE.

travels, obs. form of TRAVERSE, TRAVIS¹.

travel ('træv(ə)l), sb. Forms: a. 4 travall, Sc.
trawaille, -ale, 4-5 Sc. trawail, trauaille, 4-7 -aile,
5. Sc. trawal, 5-7 trau-, travayle, 5-8 travail, 6
trauaylle, -eile, travaill, Sc. travale, 6-7 -aile. β.
5 Sc. travel(l), 5-7 trauel(l), travell, (6 trauyll), 5-
travel, (9 Sc. traivel). [orig. the same word as
TRAVAIL sb.¹, in a specialized sense and form; the
latter due to shifting of stress.]

† 1. Labour, toil; suffering, trouble; labour of
child-birth, etc.: see TRAVAIL sb.¹ 1-6.

2. a. The action of travelling or journeying.

a. c 1375 *Sc. Leg. Saints* xxv. (*Julian*) 9 þe trawalouris . .
for trawale ware wery. c 1400 MAUNDREY. (Roob.) viii. 28 þe
way es comoun and wele ynogh knawen with all men þat vset
trawaille. c 1460 *Towneley Myst.* xiv. 94 That I may haue som
beyldyng by, In my trauayll. 1500-20 DUNBAR *Poems* lxxxv.
36 Way stricht, cler dicht, to wilsome wicht, That irke bene
in travale. 1561 T. HOBY tr. *Castiglione's Courtier* i. (1577)
Ej b, After a yeares trauayle abroad. 1660 BLOUNT *Boiscobel*
i. (1680) 49 His feet . . much galled with travail.

β. 1375 (MS. 1487) BARBOUR *Bruce* iv. 664 My twa konnyas
with 30w sall I Send to tak with 30w 3our trawell [rime fale].
c 1533 LD. BERNERS *Huon* xxii. 65 Huon was wery of trauyll.
c 1550 *Freiris of Berwik* 65 in *Dunbar's Poems* (S.T.S.) 287.
I pray grit God him speid Him hail and sound in-to his
travell. 1584 B. R. tr. *Herodotus* i. 33 The way is short, & the
trauill easye. 1650 in *Verney Mem.* (1907) i. 464 The wayes
are everywhere unsafe for travell. 1768 STERNE *Sent. Journ.*
(1775) i. 72 (*The Rose*) The advantage of travel . . was by
seeing a great deal both of men and manners. 1897 *Westm.
Gaz.* 11 Aug. 2/3 Continental travel is looking up. By travel
we menn quick and comfortable travel.

b. With a and pl. An act of travelling; a
journey. Now only in pl., except dial.

1559 W. CUNNINGHAM *Cosmogr. Glasse* Pref. A v b, His
eloquence, prudence, . . and other like vertues, . . issued of
hys peregrinations, and travails. 1610 DAY *Festivals* iii.
(1615) 56 He made (as it were) foure Travailles. a 1700
DRYDEN *Theodore & Hon.* 57 His travels ended at his
country seat. 1753 C. GIST *Jrnl.* (1893) 84, I was unwilling
he should undertake such a travel. 1811 CLARE *Vill. Minstr.*
II. 182 In mortal wisdom, thou'at already ran A circled
travel of eternity: 1836 H. COLERIDGE *North. Worthies*
(1852) i. 6 Soon after we find him on his travels in Italy.
1883 CLELAND *Inchhiachen* iv. 28 Ye've had a sore travel.
a 1905 in *Eng. Dial. Dict.* s.v., (Westmoreland) Es yas wed see
in a day's travel.

c. pl. (allipt.) 'Account of occurrences and
observations of a journey into foreign parts' (J.).
[1591 (*title*) *The Rare Trauailles of Iob Horrop.*] 1706
PHILLIPS (ed. Kersey), *Travels, Journeys, Voyages; or a*

Book giving a particular Account of such Voyages. 1710 *Tatler* No. 254 ¶ 1. There are no Books which I more delight in than in Travels. 1847 *MALTHUS Popul.* (ed. 5) II. III. viii. 187 Some very intelligent Travels... written in 1810. 1841 *ELPHINSTONE Hist. India* I. 255 We possess the travels of a native of that country in India in the fourth century. *Mod.* He took Gulliver's Travels with him on his journey.

d. transf. Passage of anything in its course or path, or over a distance; movement.

1742 *YOUNG Nat. Th.* IV. 713 [A comet] revisits earth. From the long travel of a thousand years. 1888 *Encycl. Brit.* XXXIII. 701/2 The more the variety of characters is multiplied, the more 'travel' of the compositor's hand over the cases is necessary for picking them up. 1898 *Allbutt's Syst. Med.* V. 843 Cardiomotive force is equal to the output of the heart plus the resistance to the travel of the blood in the vascular system.

e. Passage over; traffic. rare.
1830 *HOOD Haunted H.* I. xviii. Each walk as green as is the mantled pool for want of human travel.

3. A single movement of some part of mechanism, as a piston, slide-valve, etc.; also, the distance through which it moves; length of stroke.

1841 *Civil Eng. & Arch. Jnl.* IV. 251/2 To find... the travel of the valve corresponding to the travel... of the piston substitute. 1883 *Times* 8 Feb. A thin copper rod moved slowly backwards and forwards over them, with a travel of about 2 in. 1892 *CROWEER Breech-Loader* 31 When the gun is fired the 'travel' of the mainspring is utilised as an automatically acting trigger. 1904 *Westm. Gaz.* 2 May 9/3 The incoming of 'three colour printing' at one travel of paper.

4. Capacity or force of movement.

1816 *SCOTT Antiq.* xxx. The breaker was never able to bring her under command. She has more travel than any bitch I ever knew. 1844 *STEPHENS BK. Farm* II. 625 A dog of high travel... will drive [sheep] higher and thither. 1892 *Daily News* 31 Dec. 3/4 A crew of men in the boat kept her rocking rapidly from side to side to give her more force and travel.

5. **attrib. and Comb.**, as *travel article, bag, -book, film, literature, -monger, permit, poster, ticket, time, voucher, warrant*; objective, as *travel editor, -reader, -writer; travel-loving, -minded* adjs.; instrumental, as *travel-broken, -disordered, -soiled, -spent, -stained, -tainted, -tattered, -tired, -toiled, -wearied, -weary, -worn* adjs.; travel agency, a firm which makes arrangements for the transport, accommodation, etc., of travellers, and which acts as an agent for tour-operators (see *TOUR sb.* 12); travel agent, one who owns or works for a travel agency; travel allowance, (a) the amount of money given to a traveller to cover the expenses of a journey; (b) under the Exchange Control Bill, the maximum amount of money-travellers were allowed to take out of the U.K. during the period 1946-80; travel brochure, a booklet advertising travel and describing the features and amenities of holiday resorts or other places of travel; travel bug *colloq.*, a strong urge to travel (cf. *BUG sb.* 3 a); travel bureau = *travel agency* above; travel document, a document required for travel; *spec.* a document allowing foreign travel, held by one not entitled to a passport; travel folder = *travel brochure* above; travel sickness, nausea induced by the motion of a vehicle; carsickness; hence *travel-sick a.* affected by travel sickness; travel trailer *U.S.*, a variety of caravan.

1927 *World Travel Oct.* 39/2 (Adv.). Imperial Airways. Daily Services Between London Cologne Brussels Paris... Book through any 'Travel Agency or direct with the Company. 1975 B. BAINBRIDGE *Sweet William* iii. 79 He was going to get brochures from a travel agency. He thought they should all go to Spain. 1902 *Encycl. Brit.* XXVII. 227/2 Cook, Thomas (1808-1892), travelling agent, was born at Melbourne in Derbyshire. 1925 *Times* 1 May 2/2 (Adv.). Write to-day for your copy of 'Economy Tours to America', to... leading 'Travel agents. 1980 S. BRETT *Dead Side of Mike* vi. 61 Toby Root played a travel agent. 1937 'Travel allowance [see *SECOND a.* 6 b]. 1951 *Ann. Reg.* 1950 IV. 453 The basic annual travel allowances were increased in December to £100 for adults. 1978 A. WAUGH *Best Wine Last* xviii. 237 In 1947... the meagre travel allowance was again reduced. 1895 *Westm. Gaz.* 23 Apr. 7/1 A literary man who writes 'travel articles in the Anglo-American magazines. 1939-40 *Army & Navy Stores Catal.* 875/2 Popular 'travel bag, with... passport pocket. 1968 L. DIGHTON *Only when I Larf* i. 9 Umbrella in one hand, travel bag in the other, he marched off. 1843 *DICKENS Let.* 2 Nov. (1974) III. 591 The 'travel-book, if to be done at all, would cost me very little trouble. 1878 *BROWNING La Saisiaz* 60 That rare nook, touched on by no travel-book. 1952 P. SCOTT *Alten Sky* i. vi. 75 A plan I have to issue highly coloured 'travel brochures with a photo of myself on an elephant. 1972 F. WATSON *Maquettes* 42 A copy-writer for the travel brochures. 1846 *KANT Arc. Expl.* II. 37. 205 The condition of my own 'travel-broken animals. 1976 P. CAVE *High Flying Birds* i. 13 The 'travel bug. Ants in your suitcase. 1930 E. WAUGH *Labels* iii. 51 Their speech is rich with the words of the 'travel bureau's advertising manager. 1966 A. K. TRAIN *Spoken like Frenchman* 94 (heading) At a travel bureau. 1840 *DICKENS Old C. Shop* xiv. Dusty shoes, and 'travel-disordered dress. 1963 *Listener* 14 Feb. 281/2 Soblen, provided with an Israeli 'travel document valid for travel to any country except Israel, left by air. 1980 E. BEHR *Getting Even* xiv. 166 He was not to volunteer information about the man's travel documents. 1920 *Bradshaw's Railway Guide* Apr. 105/2 'Clonsilla' En Pension...

Recommended by 'Travel Editor of 'Queen'. 1977 *Chicago Tribune* 2 Oct. IV. 19/5 Travel Editor Holt was born and reared in West Virginia. 1922 'Travel film [see *SCENIC sb.* 2]. 1978 A. WAUGH *Best Wine Last* ix. 107 Marrakesh has been a subject of many articles and travel films. 1955 W. GADDIS *Recognitions* II. v. 488 A tour from a 'travel folder. 1980 D. BLOODWORTH *Trapdoor* xii. 68 The secluded Kahala Hilton with its sun-swept beach... could have been torn straight out of a travel folder. 1934 'Travel literature [see *COURTESY sb.* 12]. 1955 E. BLUNDEN *Addresses on General Subjects* 285 It is an example of the prolific travel-literature of England. 1932 'Travel-minded [see *MINDED ppl. a.* 4 c]. 1962 *John o' London's* 1 Mar. 202/1 Everyone these days is travel-minded. 1768 *BARETTI Mann. & Cust. Italy* II. 324 Credit your 'travel-mongers about the character of the Italians. 1942 M. CABLE *Gobi Desert* 245 It was no longer he who issued the 'travel permits and received official visits. 1978 T. WILLIS *Buckingham Palace Connection* v. 96 The British Vice-Consul... had promised to get her the necessary travel permit. 1928 *Times Lit. Suppl.* 10 Jan. 22/5 This is no excuse for a 'travel-poster jacket and flamboyant title. 1979 R. JEFFRIES *Murder begets Murder* xv. 91 Sun from dawn to dusk just like the travel posters had promised. 1959 *Times* 13 July 9/1 Some of the children will be 'travel-sick. 1978 *Times* 30 Dec. 4/4, I felt travel sick as we were driving along the lane. 1900 *DORLAND Med. Dict.* 710/2 'Travel-sickness... Same as *COAR-sickness*. 1941 W. GRAHAM *Night Journey* xx. 246, I was talking to your husband on the problem of travel sickness. 1979 R. PERRY *Bishop's Pawn* i. 15, I was going to swallow a handful of travel sickness pills. 1870 *SCOTT Lady of L.* III. xxi, Panting and 'travel-soiled he stood. 1847 *MARY HOWITT Ballads* 194 Neither to the other told how they were 'travel-spent. 1840 *DICKENS Old C. Shop* xlv, Her 'travel-stained dress. 1977 *SHAKS. a Hen. IV* IV. iii. 40 'Travel-stained as I am. 1753 *SMOLLETT Cl. Fathom* (1784) 521/1 Our hero travel-tainted, lay sunk in the arms of profound repose. 1949 *DYLAN THOMAS Let.* I Dec. (1966) 341, I must... hurry everything up, as visas, 'travel-tickets, etc., cannot be too easy to procure. 1980 *Daily Tel.* 26 Jan. 17/3 Auckland... is not the place to buy travel tickets, as there is a 10 per cent tax on them there. 1887 J. ASHBY *Sterns Lazy Minstrel* (1893) 218 Fast our 'travel-time has sped. 1946 *Travel Time* [see *FLYING time* v. *FLYING vbl. sb.* 3]. 1976 P. R. WHITE *Planning for Public Transport* vii. 60 Over routes of about 200 to 250 m., total travel times by air and rail are similar. 1822 *BYRON Werner* i. i. 473 A poor sick man, 'Travel-tired. 1821 *SCOTT Kenilw.* xxiv, Horses or light carriages to meet them, and bring them up without being 'travel-toiled. 1961 *Mobile Home Jnl.* Dec. 21/1 Harold Martin... is now the proud owner of a twenty-seven foot Yellowstone 'travel trailer... The twenty-seven foot model is the largest in the Yellowstone line of travel trailers. 1978 *Sunday Sun-Times* (Chicago) 1 Jan. 123/1 'Travel trailers are of two types: the conventional, rectangular-shaped unit constructed of aluminum or molded fiberglass over wall studs, and the fifth-wheel trailer. 1964 L. DEIGHTON *Funerary in Berlin* iii. 21 The 'travel vouchers and tickets are ordered. 1978 P. BRYCES *Trav Trapper* xxviii. 180 His travel vouchers were made out for the motel at Kishinev. 1952 'R. WEST *Meaning of Treason* (ed. 2) i. vii. 156 A 'travel warrant issued by the Ministry of Labour. 1916 W. DE LA MARE *Frazer* 40 Noonday to night the enigma of thine eyes frets with desire thy 'travel-wearied brain. 1927 W. B. YEATS *October Blast* 22 Cease to remember the delights of youth, travel-wearied aged man. 1856 E. FITZGERALD *Salaman* (1909) 47 Kurd... 'Travel-weary, Pain would go to sleep. 1837 W. IRVING *Capt. Bonneville* I. v. 100 Both men and horses were... much 'travel-worn. 1763 *STERNE Tr. Shandy* VII. iv, A 'travel-writer would say, 'it would not be amiss to give some account of it'. 1949 C. GRAVES *Ireland Revisited* viii. 125 Every travel-writer and poet who has visited the Lakes of Killarney has made some attempt to do justice to their loveliness. 1972 W. GARNER *Ditto, Brother Real* xi. 80 A guest! A famous travel writer.

travel ('træv(ə)), *v.* Forms: see *prec.* [orig. the same word as *TRAVAIL v.*; cf. *prec.* Derivatives, as *travelled, -er, -ing, etc.* are usually spelt with *ll* in Gr. Britain, with single *l* in America.]

† 1. To torment, distress; to suffer affliction; to labour, toil; to suffer the pains of parturition; etc.: see *TRAVAIL v.* 1-4.

2. *a. intr.* To make a journey; to go from one place to another; to journey. Also *fig.*

a. 1290 *S. Eng. Leg.* l. 25/61 For þe þus þu-trauiled beoth thro 30 ferre londre. Ich cov nelle greit noust. c1330 R. BRUNNE *Chron.* (1810) 3 He was of grete elde, & myght not trauaile. 1413 *Pilgr. Soule* (Caxton) l. i. (1859) 1, I had longe tyme trauayled toward the holy Cyte of Jerusalem. 1548-9 (Mar.) *BA. Com. Prayer, Litany*, To preserve all that trauaile by lande or by water. 1590 *SPENSER F.Q.* II. ii. 28 Long time they thus together travelled. 1603 *SHAKS. Meas. for M.* I. iii. 12 Why should we... quit the Road... if we may safely travel in it? 1714 *J. G. Sheph. Wash Proem*, Other Poet travelling in the plain Highway of Pastoral. *B.* c1375 *St. Leq. Saints* xxxi. (Eugenius) 266 Sen scho mycht nocht travel hym til. c1410 *St. Cleges* 16 To men, that travelld in londe of ware. 1483 *Cath. Angl.* 301/2 To Tawelle, itinerare. a1550 *Freiris of Berwick* 30 in *Dunbar's Poems* (S.T.S.) 286 For he was awld, and might nocht wele travel. 1594 *NASHE Unfort. Trav.* 68 He is no bodie that hath not traueld. 1600 *SHAKS. A.Y.L.* I. iii. 111 What danger will it be to vs.,... to trauell forth so farre? 1607 *DRYDEN Virg. Georg.* IV. 147 A thirsty Train That long have travelld thro' a Desert Plain. 1768 *STERNE Sent. Journ.* (1775) I. 15 (Desobligent) An Englishman does not travel to see Englishmen. 1855 *PALRY Eschylus* Prof. (1861) 28 They have... pointed out the path in which succeeding editors should travel. 1901 W. R. H. TROWBRIDGE *Let. Mother to Elia*. iv. 13 [They] travelled down from London in a special Pullman attached to the Bristol express.

b. to travel it: to make a journey; esp. to go on foot.

1768 *STERNE Sent. Journ.* (1775) II. 135 (Moulines) To travel it through the Bourbonnois. 1903 *Speaker* 19 Dec. 293/1 Laird, I just travel't it.

c. spec. of a Methodist preacher: To go round a circuit. (Cf. *quod.* 1701 s.v. *CIRCUIT b.*)

1789 [see *TRAVELLING ppl. a. b.*] 1791 *HAMPSON Mem. J. Wesley* III. 84 Every preacher was considered, when admitted to travel, as a member of conference. 1885 *Minutes Wesleyan Confer.* 8 The above have travelled two years. 1913 *Daily News* 17 July 4 On leaving Didsbury College he... afterwards 'travelled', as the Methodists say, in the Brentford and Twickenham circuits.

d. To journey from place to place as a commercial traveller (TRAVELLER 3). Const. in the commodity for which the traveller solicits orders, and for the concern for which a commercial traveller works.

1830 *LAMB Let. to Wardsworth* 23 Jan., A rider in his youth, travelling for shops. 1841 *THACKERAY in Fraser's Mag.* Sept. 330/2 I've got a place—a tip-top place... to travel in the West of England in oil and spermaceti. 1872 *Geo. Eliot Middlem.* III. vi. lx. 336, I travelled for 'em, air, in a gentlemanly way—at a high salary. 1898 *Westm. Gaz.* 2 May 5/2 One lady 'travels in balloons', it was said, meaning not that she soared aloft, but that she vendied toy-balloons to drapers and others. 1906 *B'NESS VON HUTTEN What bec. Pam* 70 Mr. Bingle travelled in whisky. *Ibid.* 71 A gentleman who travelled in hygienic flannels. 1906 *Blocks. Mag.* Apr. 531/1 The Sophist who in ancient times 'travelled' in sophistry as our bagmen 'travel' in soap. 1922 *JOYCE Ulysses* 111, I travelled for cork lino. 1964 'J. MELVILLE *Murderers' Houses* ii. 46 He travels for Associated Boxes. It's the big firm on the London Road.

e. Of an animal: To walk or run; *spec.* of deer, to move on white browsing.

1877 C. HALLOCK *Sportsman's Gaz.* 88 If the deer is 'travelling', as it is called, one has to walk much faster. 1907 J. H. PATTERSON *Man-Eaters of Travo* xxii. 249 [The lion] was travelling leisurely, and I was delighted to find that I was gaining on him fast.

f. to travel light: to travel with little luggage. Also *fig.*

1921 E. O'NEILL *Emperor Jones* i. 166, I travels light when I wants to move fast. 1931 'GREY OWL' *Men of Last Frontier* 13 As he has also to break his own trail, he travels light, taking only a sheet of canvas for a windbreak and one blanket. 1954 I. MURDOCH *Under Net* xviii. 252, I just couldn't help making money, and I don't want that. I want to travel light. 1977 *Time* 19 Dec. 18/2 West German terrorists are especially difficult to fathom because ideologically they travel light.

3. **a. transf.** To move, go; to pass from one point or place to another; to proceed, advance; to wander; *esp.* in mod. scientific use, to pass, to be transmitted.

1662 *EVLYN Chalcro.* 39 Sculpture... travelld and came to Rome. 1781 *COWPER Expost.* 582 Thy thunders travel over earth and seas. 1839 C. BIRD *Nat. Philos.* 129 Sound travels through different bodies with very different degrees of velocity. 1843 R. J. GRAVES *Syll. Clin. Med.* xxx. 400 Pains commencing in particular parts of the body, and travelling back towards the spine. 1878 *HUXLEY Physiol.* 117 The earthquake-wave, as it travels along, causes the ground to rise and fall. 1951 E. RUTHERFORD in *Encycl. Brit.* XXII. 794/1 In an electric field, the positive ions travel to the negative electrode and vice versa.

b. fig. of some action figured as movement. to travel out of the record: see *RECORD sb.* 4 c.

1600 *SHAKS. A.Y.L.* III. ii. 326 Time & travels in divers paces, with divers persons. 1606... *Tr. & Cr.* III. iii. 154 Honour trauels in a straight so narrow. Where one but goes a breast. 1664 *MARVELL Corr. Wks.* (Grossart) II. 181 His Royal Highness who hath travelled thorough all hearts. 1818 *SCOTT Hrt. Midl.* xxii, I must remind the learned gentleman that he is travelling out of the case before us. 1874 *WHYTE MELVILLE Uncle J.* viii, It seems that we are travelling out of the record.

c. Of a piece of mechanism: To move, or be capable of being moved, along a fixed course. (Cf. *prec. sb.* 3.)

1815 *SCOTT Guy M.* lvii, A large iron ring, which travelled upon the bar we have described. 1867 *SMYTH Sailor's Word-bk.*, Travel, [as] a thimble, block, &c., to run along on beams or ropes. 1892 *Photogr. Ann.* II, The top travels, so as to bring the case over another groove at the back.

d. colloq. To bear transportation.
1852 *Beck's Florist* Dec. 271 They do not... make good plants for exhibition, as they travel badly. 1887 J. B. SHEPPARD *Lit. Cantuariensis* (Rolls) I. Introd. 81 The monks knowing that so small a wine would not travel... always sold it on the spot.

e. To move on, esp. with speed. *colloq. or slang.*

1884 *Reports Provin.* (E.D.D.). 'How he travels', said of a dog, running very fast. 1894 *Outing* (U.S.) XXIV. 473/1 The yachts were kept traveling from start to finish. 1911 G. STRATTON-PORTER *Harvester* v. 74 Betsey... wants to meander along the road with a loaded wagon... Betsey, you must travell a1914 *Mod.* That car is travelling, and no mistake! *Mod. U.S.* Keep travelling (= clear out, go on or away). 1970 M. KINSON *100,000 Welcomes* xxi. 178 Jersey, the lorry's travelling. Foot down.

4. **a. trans.** (or with advb. accus.) To journey through (a country, district, space, etc.); to pass over, traverse (a road, etc.); to follow (a course or path).

† to travel the road, to practise highway robbery; cf. *ROAD sb.* 5 b.

1303 R. BRUNNE *Handl. Synne* 1952 þarfore, y am come to þys cyte, And have traueyld many a iurne. 1526 *Pilgr. Perf.* (W. de W. 1531) 8 Four thynges be necessary to be... obserued of all them that entendeth to trauey the same [journey]. 1578 *LYTE Dodoens* vi. iii. 659 Peter Belon... hath much haunted and traueyted the llande of Crete. 1644 *EVLYN Diary* 4 Nov., From hence we travel a plain and pleasant champaign to Vierbo. 1682 *HICKERINGILL Black Non-Conf.* xvi, The Apostles that had the gift of Tongues travelled all Nations. 1706-7 *FARGHAR Beaux Strat.* IV. ii, There's a great deal of address and good manners in robbing a lady; I am the most a gentle-man... that ever travelled the

RECEIVED by MSC 9/22/2015 3:17:02 PM

TRAVELLABLE

road. 1823 F. CLISSOLD *Ascent Mt. Blanc* 21 Our path... now became far less dangerous than that we had just travelled. 1885 *Act 48 & 49 Vict. c. 57* §1 The senior judge... who actually travels that circuit. 1894 *Outing* (U.S.) XXIV, 366/2 The path was well travelled.

b. *fig.* or in *fig.* context.

1612 T. JAMES *Corrupt. Script.* To Rdr., Hauling flow... fully travelled this vast wilderness of Sin. 1779 *Mirror* No. 16 ¶7 His brethren, travelling the same road, and subject to the like calamities with himself. 1784 COWPER *Task* III, 156 Some... travel nature up To the sharp peak of her sublimest height. 1822 SCOTT *Pirate* xviii, I have travelled books as well as seas in my day.

c. To traverse, cover (a specified distance).

1660 BLOUNT *Boscobel* III, (1680) 31 He passed through more dangers than he travelled miles. 1660 F. BROOKE *tr. Le Blanc's Trav.* 12 Having travelled five and forty dayes travell from Mscharib. 1804 W. TENNANT *Indian Recruit.* II, 70 Their number is... greater than that of the miles you travel.

5. a. To cause to journey, to drive or lead from one place to another. Also *fig.*

1598 HAKLUYT *Voy.* I, 479 Their horses are but smal, but very swift and hard, they trauell them vnsod both winter and Sommer. 1607 TOPSELL *Four-f. Beasts* (1658) 242 In ancient time, if horses were to be travelled through snow, they made them boots of sackcloth to wear in their journey. 1784 R. BAGG *Barham Downs* I, 170 His masters... having travelled him through forty pages of Cornelius Nepos, advanced him to the dignity of Caesar's commentaries. 1864 *Fall Mall G.* 4 Sept. 10/2 Graziers... stated that they prefer travelling their animals on foot distances of fifty, sixty, and seventy miles rather than exposing them to the cruelties exercised on them by the railway companies. 1891 *Melbourne Argus* 9 May 10/6 It would be advisable... not... to travel any stock at present.

b. *Theatr.* To take (costumes, equipment, etc.) with one from place to place.

1930 E. WALLACE *Lady of Ascol* i, 15 She had sapphire rings and clips... of an incredible value, and she 'travelled' them, as they say in theatrical circles. 1966 J. HACKSTON *Father clears Out* 123 The taller of these two guests travelled a broken concertina with him.

c. *Publishing.* To take (books) from place to place in order to promote and sell them. Cf. sense 2 d.

1937 V. WOOLF *Let.* 10 Feb. (1980) VI, 106 We're taking Tuesday off at Rodmell to travel our books in Sussex. 1977 B. COLLOMS *Victorian Country Parsons* xi, 219 (George Routledge) liked to travel his own books in the north country so that he could keep in touch with book-sellers.

travellable, travelable ('trævələb(ə)l), *a.* [f. TRAVEL *v.* + -ABLE.] Capable of being travelled over; adapted to travelling.

1602 CAREW *Cornwall* i, 53 b, The Westerne [roads] are better travalleable, as lesse subject to these discommodities. 1815 REES *Cycl. s.v. Road*, A line which is travellable at any season. 1858 BRIGHT *Sp. India* 24 June (1876) 22 More travelable roads than are to be found in the whole of India. 1886 HISSEY *On Box Seat* 125 The Government should keep the old main roads... in decent travellable order.

travel(l)ator: see TRAVOLATOR.

travelled, traveled ('trævəld), *ppl. a.* [f. TRAVEL *v.* + -ED¹.]

1. That has travelled, esp. to distant countries; experienced in travel. Also with adv. as *far-travelled*. Also *transf.*

1413 *Pilgr. Soule* (Caxton 1483) IV, xxiii, 81 Auncyen traueyled men that ben experie in dedes of armes. 1525 LO. BERNERS *Frois.* II, clixviii, 489 A well traueyled knight and well knowen. 1613 SHAKS. *Hen. VIII*, I, iii, 19 The reformation of our traueyl'd Gallants. 1711 ADISON *Spec.* No. 45 ¶7 One of these Travelled Ladies. 1780 *Mirror* No. 97 ¶18 Nothing can be more grotesque than her travelled language. 1822 BYRON *Juan* IV, lxxxviii, You Have got a travell'd air. 1966 *Litener* 11 Aug. 210/1 Synge, already a travelled man when Yeats suggested to him that he'd find the Aran Islands more to his liking than Paris was a foreigner in his own country. 1978 G. GREENE *Human Factor* II, i, 51 We need travelled gentlemen like you to deal with foreign affairs.

2. a. *Geol.* Of blocks, boulders, etc.: Transported to a distance from their original site, as by glacial action; erratic.

1830 LYELL *Princ. Geol.* I, 175 That the position... of a great portion of these travelled materials should now appear most irregular [etc.]. 1833 — *Elem. Geol.* xi, (1874) 146 The multitude of 'travelled' blocks and striated rocks. 1842 SEDGWICK in *Hudson's Guide Lakes* (1843) 196 The travelled boulders of Shap granite. 1880 A. R. WALLACE *Isl. Life* vii, 106 The phenomenon of travelled or perched blocks is also a common one in all glacier countries.

b. Of earth or soil: That is not *in situ*; that has been brought to, or deposited in, the place where it is; made up, artificial. *Sc.*

1802 PLAYFAIR *Illustr. Hutton. Th.* 197, I am not sure whether this earth is travelled or not. 1805 FORSYTH *Beauties Scotl.* I, 16 The whole ground... is formed, not of natural, but of what builders term travelled earth. 1816 SCOTT *Antiq.* xxiii, It's travell'd earth that... is howks me eithly. 1839 D. D. BLACK *Hist. Brechin* xi, (1867) 253 'Travelled or artifiical earth has repeatedly been found.

3. Of a road, etc.: Frequented by travellers. 1845 J. C. FRÉMONT *Rep. Exploring Expedition* 163 [To Fort Hall] along the travelled road from the town of Westport... is 1,323 miles. 1869 Bradshaw's *Railway Man.* XXI, 433 The travelled route through this country crosses formidable ranges of mountains. 1882 B. HARTE *Flip* ii, It came... with voices in the travelled roads and trails.

4. *travelled blood* (see quotes.)

1962 J. I. E. CARRÉ *Murder of Quality* iii, 41 There's a lot of what we call travelled blood... that's to say, blood spurted from an open artery. 1981 *Event* 9-15 Oct. 29/4 *Travelled*

blood
spur

tre

tra

v.);

[ag

TR

1.

pla

is C

e z

sane

Coil

for t

51 C

sartu

pass

171

in t

182

The

188

Roy

rest.

10 A

to be

syll

18

Trac

180

life

b.

Aus

sho

17

in t

JAM

124

are

rath

186

at or

the o

genti

com

'truc

trave

stati

work

Thes

were

neig

the b

194

The

Trav

Soci

-or,

desce

othe

c.

vari

18

know

J. H.

his

2.

jour

COU

18

(189

Vlyas

I was

at hou

... has

have

10 M

we to

RITC

draw

Brit.

the re

Encyc.

trave

BART

ides

b.

tell

hene

upor

incr

tales

172

am a l

you w

indee

L. Gr

1796

3.

COM:

com

show

179

distin

my m

Hull

estabi

II, 18

Meas

Inn...

MAYH

shope