House
Legislative
Analysis
Section

Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

# POSTED SPEED LIMITS, FINES

**House Bill 5123 as enrolled**
**Public Act 320 of 1996**
**Second Analysis (7-31-96)**

**Sponsor: Rep. Carl F. Gnodtke**
**House Committee: Transportation**
**Senate Committee: Transportation and Tourism**

## *THE APPARENT PROBLEM:*

In 1974, after an oil embargo imposed on the world primarily by oil-producing countries of the Middle East caused the price of gasoline to jump dramatically overnight, the federal government established a maximum speed limit of 55 miles per hour on all interstate freeways in an attempt to encourage citizens to conserve fuel. Under this law, states were required not only to adopt the limits on freeways, but also to impose lower speed limits on highways that were not part of the interstate system; failure to do so meant the loss of federal highway funds. Then in 1987, Congress altered the law to permit states to raise the maximum speed limit on rural freeways to 65 mph. Most states, including Michigan, responded by raising the maximum posted limit to 65 mph on freeways that fell outside the boundaries of larger urban areas. Late last year, however, President Clinton signed into law the National Highway System Designation Act, which among other things allows states to set speed limits at levels they deem appropriate. With this new-found authority, some people believe Michigan should raise the maximum speed limit to 65 mph on most of its limited-access freeways, except on certain stretches that MDOT says have been designed for speeds below 65 mph. It has also been suggested that special "test zones" be used to determine whether a 70 mph speed limit could be safely established on any Michigan freeway.

In a related matter, many miles of Michigan roadways are in need of repair or general maintenance, and it is not difficult while traveling the state's roads to find construction crews either repairing existing roads or building new ones. Because road workers often must work in close proximity to fast-moving vehicles, Michigan law currently requires speed limits within these construction zones to be reduced below the normal speed limit, usually to 45 miles per hour along roadways posted at 50 miles per hour or faster. Slower speeds also are required by law on roadways near schools while they are in session, and motorists--by necessity--usually must stop or slow down during roadside emergency situations. Unfortunately, some drivers irresponsibly choose to ignore the lower speed limits in force in these areas or at such times, which has resulted in a growing number of fatalities and severe injuries to drivers, construction and emergency workers, and students in these zones. According to Michigan State Police data, the number of traffic accidents in, for instance, construction zones statewide has steadily increased over the last few years, from about 2,600 in 1991 to nearly 3,000 last year, and speeding was cited as a factor in most cases. In order to encourage drivers to be more careful and pay more respect to lower speed limits in effect in these areas or circumstances, some believe the fine that ordinarily applies for moving violations should be double when a violation occurs there.

## *THE CONTENT OF THE BILL:*

The Michigan Vehicle Code currently provides that the maximum speed limit on all highways or parts of highways is generally 55 miles per hour unless federal law permits a maximum speed limit of 65 miles per hour, in which case the speed limit is 65 miles per hour. The bill would delete language that allows the state to set the maximum speed limit at 65 miles per hour only if federal law allows for this, and would establish the maximum speed limit on all freeways in the state at 65 miles per hour, with certain exceptions. (The Department of Transportation could designate not more than 170 miles of state freeways on which the speed limit could be less than 65 miles per hour.)

Also, beginning July 31, 1996, the director of the transportation department, in consultation with the Department of State Police, would have to establish five areas of freeway miles as test zones on which the speed limit could be increased to 70 mph in order to conduct a study to determine whether any of the miles that were posted at 65 mph on the bill's effective date could be increased to 70 mph. Tests would have to be conducted from August 1, 1996, through October 31, 1996; the study

would have to be completed by December 15, 1996, and be based on traffic congestion and other traffic safety issues as determined by the state police department director or a designee and on engineering criteria as determined by the transportation department director or a designee. If the study indicated that certain freeway miles were eligible for increase, the speed limit along them could be increased to 70 mph. The bill also clarifies that the minimum speed limit on all freeways would be 45 mph unless reduced speed was necessary for safe operation or in compliance with law or a special permit issued by an appropriate authority.

In addition, the bill specifies that, notwithstanding other provisions of the act, someone responsible for a moving violation in a construction zone (that is, a "designated work area"), at an emergency scene, or in a school zone during the period beginning 30 minutes before school in the morning and through 30 minutes after school in the afternoon would be subject to double the fine that otherwise would apply to the violation under current law. (Under the act, a speed limit of 45 miles per hour applies in designated work areas along highways, unless otherwise posted, and the speed limit must be posted at 25 mph in school zones 30 minutes before and after school is in session; the act, however, does not specify a speed limit that applies at an emergency scene, although drivers must stop and give the right-of-way to approaching emergency vehicles.)

Signs designed to comply with the Uniform Manual of Traffic Control Devices would have to be placed, when practical, at a work site either by the Department of Transportation or road authority with jurisdiction over the site notifying drivers that, to protect the general public and ensure the safety of construction workers, double the otherwise normal fine would apply to moving violations that occurred in construction zones.

MCL 257.601b, 257.628, and 257.629c

## *FISCAL IMPLICATIONS:*

The House Fiscal Agency says provisions in the bill providing for an increase in speed limits along most freeways to 65 mph would result in costs to the state of approximately $100,000 to erect new speed limit signs, or to alter current ones using overlays, along stretches of freeways that would go from a 55 mph maximum speed to either 65 or, after the study is completed, 70 mph.

The House Fiscal Agency also says provisions in the bill providing for double fines to be imposed for moving violations that occur in certain speed-restricted zones along roadways would generate an indeterminate increase in revenue for the state and its local governments, depending on the level of enforcement. Fines paid on state law violations would be paid into a fund for public libraries, and fines paid for moving violations under local ordinances would be deposited into the respective municipality's general fund. (7-31-96)

## *ARGUMENTS:*

### *For:*

More than twenty years after the federal government established 55 mph as the maximum speed limit on all interstate freeways, it reversed itself late last year by giving authority to set speed limits back to each state. This is appropriate as states are better able to determine the maximum speed that should apply to any given stretch of freeway, considering such things as its design, proximity to urban areas (or, conversely, to low traffic-density areas), or other related factors. However, while other states have responded quickly by raising maximum speeds on certain freeways to 70 mph, or even higher in some cases, Michigan would be wise to move cautiously. Numerous studies suggest excessive speed is a factor in a significant number of fatal accidents on interstate freeways. For example, a study performed by the University of Michigan three years after the state raised the maximum speed limit on rural freeways from 55 mph to 65 mph (after federal law was amended in 1987 to permit this) showed a 28 percent increase in fatalities and 39 percent rise in serious injuries compared to the period before the limit was raised. In addition, crash data kept by the State Police since the early 1970s suggests a correlation exists between higher posted speeds and increased deaths and serious injuries. And these studies do not account for the fact that the number of over-65 drivers and teen-aged drivers has increased steadily since then--two groups which account for a disproportionately higher number of fatal accidents on roadways compared to their representation among all drivers. This problem would only be exacerbated if maximum speed limits were raised above 65 mph as this would encourage younger drivers to drive even faster while elderly drivers likely would continue to drive at lower speeds--a deadly combination. The bill takes a sensible approach by establishing a general maximum of 65 mph on most freeways except for 170 miles of freeway stretches that MDOT says have been designed for speeds below 65 mph--mostly, in urban areas. However, a provision was added to the bill in the House that would permit the department to conduct a test on five different stretches of freeway to determine if a 70 mph speed limit could be safely established on freeways anywhere in the state, which would have to be concluded before December 15 of this year. Thus, the bill would enable Michigan to begin moving toward a 70 mph maximum on some or even all of its freeways after a careful analysis was performed.

### *Response:*
If freeway speed limits are to be raised, it should be done in conjunction with additional traffic safety initiatives, such as primary enforcement of the seat belt law, a ban on radar detector use, increasing fines and points for speed violations, and conspicuous posting of fines and points along freeways as a deterrent to speeding.

### *For:*
Polls taken on the issue of posted speed limits have shown nearly 60 percent of the public supports maintaining speed limits at or below 65 mph on freeways. Any legislative action on this matter should reflect what most people consider to be a safe, reasonable speed.

### *Response:*
Assuming polls are accurate, the evidence suggests that what people are saying does not correlate with their driving habits.

### *For:*
Speeding and carelessness while driving in road construction zones, school zones while school is in session, and in roadside emergency situations seem to be contributing to a steady rise over the last few years in motor vehicle accidents involving deaths and serious injuries in these areas. A spokesman for the Michigan Road Builders Association, for instance, testified before the House Transportation Committee about a recent incident in which a worker in a road construction area near Grand Rapids, after being hit by a driver traveling well over the speed limit, suffered severe internal injuries and almost died. In fact, statistics kept by the Michigan State Police show the number of accidents in construction areas alone jumped from around 2,600 in 1991 to nearly 3,000 in 1994. The bill should help reduce this problem by doubling the fine that normally would apply to a traffic violation occurring in a road construction zone, school zone (30 minutes before and after school), and at the scene of an emergency. Perhaps more important than doubling the fine, however, would be the requirement for road authorities to erect signs in construction zone areas warning drivers of increased fines, which should help remind drivers to obey the law there--both for their own safety and that of road workers. A number of other states, including some bordering Michigan, reportedly have adopted similar laws.

### *Response:*
The bill should require road authorities to similarly erect signs in school zones notifying drivers that double the normal fine would apply to moving violations in those areas, and it would only be fair to all drivers if the bill also required some kind of notification--perhaps through a public announcement campaign--about the applicability of double fines for moving violations that occurred at an emergency scene. Notifying the public about double fines in all of these situations also would work to make them generally more respectful of all traffic laws.

### *Against:*
Raising the speed limit any amount would almost certainly increase the number of deaths and injuries that occur along the state's freeways. After Michigan raised the speed limit on most rural freeways from 55 mph to 65 mph in 1987, the number of traffic fatalities increased by 28.4 percent and nearly 40 percent more serious injuries occurred. According to State Police crash statistics, not only were there 72 more people killed during 1988 than in 1987 in Michigan; 1988 involved the largest number of state traffic deaths (1,704) of any year since the 55 mph limit was first established in 1974. There is little doubt that lower speed limits save lives.

### *Response:*
While the number of deaths jumped the year immediately following the year in which rural speed limits were raised to 65 mph, it just as quickly fell back to levels lower than those recorded prior to the rate increase. In fact, 1992 saw the fewest number of deaths recorded (1,300) than any year since the early 1980s. These statistics suggest that the general downward trend in traffic-related deaths and serious injuries, while overall vehicle-miles traveled have steadily increased, is largely due to the fact that newer vehicles offer more safety features than older models.

### *Against:*
The bill essentially maintains the status quo regarding arbitrarily established speed limits on interstate freeways in Michigan. Numerous studies, including a 1992 study performed by the U.S. Federal Highway Administration entitled "Effects of Raising and Lowering Speed Limits," show speed limits posted on a cross-section of the nation's highways are set, on average, between five and 16 mph below what is known as the "85th percentile speed." This refers to the average speed at which 85 percent of all drivers actually travel, based on the monitoring of free-flow traffic speeds over 24-hour periods. The 1992 study, which analyzed speeds on highways other than freeways, concludes that "the majority of motorists do not alter their speed to conform to speed limits they perceive as unreasonable for prevailing conditions." Thus, if traveling on a straight, generally flat section of freeway during dry, high-visibility conditions, most people normally drive at a speed that conforms to the average flow of traffic in which they are moving. Based on various studies performed in Michigan, the average speed on interstate freeways in Michigan falls somewhere between 72 and 74 mph, according to the National Motorists Association. In fact, these studies indicate average traffic speeds in urban areas is actually higher than in nonurban areas. Establishing a speed limit below the 85th percentile ignores normal driving patterns, which both imposes unrealistic expectations on drivers and unfairly penalizes them (i.e.,

fines, higher insurance premiums) for driving at reasonably safe speeds. Senate Bill 80, and an earlier version of this bill, proposed immediately raising the speed limit on most freeways to 70 mph, which would bring the posted limit closer to the speed most people actually are driving on the state's freeways.

### *Against:*

The bill should be amended to establish a uniform speed limit for all vehicles, including larger commercial vehicles. Some studies have shown that accidents are more likely to occur as the speed differential between the fastest and slowest moving traffic increases. Maintaining the lower maximum limit that currently applies to larger vehicles, some people believe, actually decreases safety on high-speed freeways.

Analyst: T. Iversen

■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.