



**House
Legislative
Analysis
Section**

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**RAISE SPEED LIMIT TO 65 ON CERTAIN HWYS.
RECEIVED**

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**Senate Bill 135 (Substitute H-2)
First Analysis (10-15-87)**

Mich. State Law Library

**Sponsor: Sen. Doug Cruce
Senate Committee: Local Government & Veterans
House Committee: Transportation**

THE APPARENT PROBLEM:

During 1974, the speed limit for motor vehicles was lowered as a fuel conservation measure in the wake of the 1973-74 Arab oil embargo. The Federal Emergency Highway Energy Conservation Act of 1974 required all states to legislate maximum highway speed limits of 55 miles per hour (mph) to replace the existing 70 mph limit. The act also provided for a suspension of all federal highway funds to noncomplying states. Michigan complied with the act by enacting Public Act 28 of 1974. Supporters of the acts argued that reducing the highway speed of vehicles was necessary to conserve gasoline consumption. Now, some feel that the lowered speed limit has outlived its purpose and should be raised.

Federal legislation has been enacted which allows states to raise speed limits to 65 mph on stretches of interstate highways outside of urban areas. It has been proposed that Michigan take advantage of this opportunity and raise its speed limit to 65 in areas permitted by federal law.

In addition, people have expressed concern that raising the speed limit without enacting additional safety measures could result in higher accident rates on Michigan highways. Therefore, along with increasing the speed limit to 65 mph, it has been suggested that an enforcement system with increased penalties for speed law violations also be established.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code to increase the maximum lawful rate of speed to 65 mph on highways upon which the maximum limit of 65 mph was permitted by federal law. The bill would define "rural" areas as those areas outside an area designated by federal law as an urbanized area with a population of 50,000 or more. The bill would retain the 55 mph speed limit on all roads for trucks, trailers and tractors, and 50 mph for school buses. In addition, current fines and points assessed for violations of these speeds would be maintained under the bill.

The bill would delete provisions requiring the entry of points (also known as "energy points") for violation of a speed law or ordinance by exceeding "the lawful maximum speed that was reduced by Public Act 28 of 1974." It would also establish a new system of points to replace current law and provide that points for driving over the maximum speed could be assessed only according to the system stated in the bill. Further, the bill would impose minimum fines to be implemented for speed violations on all roads where the speed limit was 55 mph or greater. If a violation occurred on an urban limited access freeway the points and minimum fines would be assessed as follows:

SPEED OF VEHICLE (IN MPH) AT TIME OF VIOLATION	POINTS	MINIMUM FINE
56 - 65	1	\$20
66 - 75	2	\$40
76 - 80	3	\$60
81 - over	4	\$80

If a violation occurred on a rural limited access freeway (including rural interstate and non-interstate highways) the points and fines would be assessed as follows:

SPEED OF VEHICLE (IN MPH) AT TIME OF VIOLATION	POINTS	MINIMUM FINE
66 - 70	1	\$20
71 - 80	2	\$40
81 - 85	3	\$60
86 - over	4	\$80

The bill would provide that no points could be entered on a driver's record for a civil infraction which occurred in another state and which resulted in a conviction due solely to the failure of the Michigan driver to appear in that state to contest the violation.

Under the bill a judge, district court referee, or district court magistrate would have to levy a safety assessment of \$5 for each civil infraction determination for a moving violation, in addition to any other fines and costs ordered. Upon payment of the assessment, the clerk of the court would transmit the assessment to the state treasury to be deposited in the Highway Safety Fund. An assessment would not be considered a civil fine.

The bill would create a safety fund in the Department of Treasury. Money collected as safety assessments would be deposited in the fund. The fund would be administered by the Office of Highway Safety Planning of the Department of State Police. A distribution would serve as a supplement to, and not as a replacement for, the funds budgeted on the effective date of the bill by a state or local agency. The money in the fund would be used for the enhancement of highway safety through the programs administered by the Office of Highway Safety Planning. Not less than 60 percent of the money in the fund would be distributed to the Department of State Police, and not less than 40 percent of the money in the fund would be distributed to local law enforcement agencies.

Finally, the bill would establish a highway safety task force to study the effects of the bill and to report its findings to the legislature no later than December 31, 1988. Five members of the task force would be appointed by the Speaker of the House and five by the Senate Majority Leader. The director of the Department of State Police, the director of the Department of Transportation, and the secretary of state would serve as ex officio members.

MCL 257.320a et al.

OVER

S.B. 135 (10-15-87)

HOUSE COMMITTEE ACTION:

The House Transportation Committee adopted a substitute for Senate Bill 135 which revamped the revised fee and point schedule for violations of the 55 mph limit, deleted the sunset date for the bill, and added provisions for the creation of a Highway Safety Fund.

FISCAL IMPLICATIONS:

According to the Department of Transportation, the state must certify to the federal government that at least 50 percent of the vehicles on its highways and freeways are traveling 55 mph or less. Since the bill does not assess points or fines for vehicles traveling 55-65 mph on rural non-interstate highways there would be no disincentive for speeding, according to the department. Therefore, the department estimates that Michigan will lose \$12.7 million in federal transportation funding because the state will not be able to certify that its citizens are traveling 55 mph. (10-14-87)

ARGUMENTS:

For:

The original rationale for lowering the speed limit from 70 to 55 mph was to save fuel at a time of an oil crisis. With gasoline supplies now plentiful, this crisis, and, therefore, the argument for a 55 mile per hour limit, no longer apply. In addition, gasoline consumption at higher speeds is less of a factor than it was in 1974 because most cars built today are more fuel efficient than those on the road in 1974. Moreover, opinion polls have suggested that motorists overwhelmingly favor a change in the speed limit of vehicles from 55 to 65 for rural interstate highways.

For:

The bill would establish a much needed increase in the speed limit on rural interstates in a way that is in compliance with federal law. In addition, since the bill would raise the speed limit to 65 "on all highways ... permitted by federal law," this would allow the 65 mph speed limit to be extended to additional highways in the state (that may be permitted by future federal legislation) without any additional state legislation.

For:

The expenditure of billions of dollars on the more than 1,100 miles of interstate highways in Michigan was intended to build roads capable of handling speeds greater than 55 mph and the roads should be returned to serving that purpose by raising the speed limit to 65 mph for rural interstate traffic. Further, the state police have better things to do with their time than attempt to enforce the ineffective 55 mph law.

Against:

While gasoline fuel economy is not the crucial issue that it once was, conservation of this nonrenewable resource is still an important goal, and one that the 55 mph law has been quite instrumental in helping to achieve. Therefore, the maximum speed limit should remain at 55 mph.

Against:

The bill states that fines and points can only be assessed by the system provided. However, the penalty system does not assess points and minimum fines for vehicles traveling between 55 and 65 mph on rural non-interstate highways. Thus, as the bill is currently written, it effectively raises the speed limit on all rural highways. Since there is no penalty provided for vehicles traveling 55-65 mph on rural non-interstate highways, no crime is committed; thus, state troopers would not be able to ticket people driving at these

speeds. This was not the original intent of the legislation and the penalty schedule of the bill should be corrected to address rural non-interstate highways.

Further, the governor stated specifically in his veto message of Senate Bill 163 earlier this year (also proposed to raise the speed limit) that he was "concerned that the lack of a clear, fair, and enforceable penalty point system in (the) bill not only contributes to evasion of the law, but also increases the likelihood that monetary sanctions would be imposed by the federal government for failing to meet the average speed requirements." Since the penalty point system for rural non-interstate highways is not clear, fair or enforceable, the governor could conceivably veto the bill.

Against:

Currently, in certain situations judges may suspend or waive court costs for violators of speed laws. Since the bill imposes minimum fines, judges may feel even more compelled to waive court costs if they believe that the proposed penalty is too strict, or if they are not receptive to the legislature mandating sentences and thus eliminating judicial discretion. When a judge waives or suspends court costs, the county must pay the costs. If language remains in the bill stipulating a minimum fine, counties will end up subsidizing the courts and the highway safety fund.

Against:

Simply put, raising the speed limit would cost lives: some studies estimate 500 lives per year. The recent downward trend in highway fatalities would be reversed. No reasonable person can disagree with the claim that the present speed limit has saved lives, with some estimates crediting the 55 mph limit with saving 26,000 since 1974.

Response: While some studies show that the 55 mph limit has saved many lives, raising the limit to 65 on rural interstate highways would not cause a dramatic increase in highway deaths or injuries. Rural interstates account for 19 percent of the nation's traffic but only 4 percent of the highway fatalities. Most of the reduction in the number of total lives lost due to traffic accidents by enactment of the 55 mph limit has come from the fatality figures of non-interstate local, county and state roads. These would not be affected by the bill. Further, the bill's increased point and penalty system would discourage people from driving at dangerously high speeds.

Against:

Increased speeds may be appropriate for western states, where towns and cities are often separated by vast expanses of open country, but not for heavily urbanized Michigan. Although the bill is not supposed to affect urban roads, the heavily traveled areas of urbanized, industrialized southern Michigan along the I-75 and I-94 corridors could be considered partly rural in nature and subject to the higher speed limit which will cause problems for both motorists and law enforcement agencies. The bill should limit the higher speed to the Upper Peninsula and out-state portions of the Lower Peninsula, and expressly exclude heavily urbanized southeastern Michigan.

Against:

The speed limit should not be increased without recognizing that, without increased enforcement efforts and additional tools for law enforcement agencies, Michigan will witness an increase in loss of life and the attendant social and economic costs. The bill will increase speed limits at a time when law enforcement agencies already are stretched too thin to handle the growing traffic volume. Fifteen years ago, state troopers spent two-thirds of their time on road

patrol; today they spend only one-fourth. Since 1979, the number of troopers on the road has shrunk from approximately 1,300 to only 1,000. During the same time period, the number of drivers in Michigan has increased by 500,000. If the speed limit is raised, the following safety-oriented measures should be implemented: increasing the number of officers patrolling the highways, prohibiting use of radar detectors by motorists, and making violation of the safety belt law a primary offense.

Response: The bill would address safety concerns about raising the speed limit by increasing penalties for speed limit violations, with higher points and minimum fines to be assessed. These tougher sanctions for violators, along with the proposed Highway Safety Task Force to study the effects of the speed limit increase, will help ensure that the bill's provisions do not result in higher accident rates on state highways.

Against:

Trucks should be allowed to drive 65 miles per hour. The bill differentiates between trucks and passenger vehicles and would keep trucks at the 55 mph maximum speed limit. There are already too many rear-end collisions involving cars hitting trucks; increasing the difference in driving speeds will cause an increase in the number of these types of accidents.

Response: Even when the maximum speed was 70 miles per hour, trucks were never allowed to travel faster than 60 miles per hour. Higher truck speeds create problems for all drivers on the road and contribute to increased severity of accidents. Therefore, the speed limit for trucks should remain at 55 mph.

POSITIONS:

The Department of State Police supports the bill. (10-13-87)

The Michigan Association of Counties supports the increased speed limit and increased enforcement. (10-13-87)

The Michigan Trucking Association supports the concept of a 65 mph speed limit. (10-13-87)

The Michigan Sheriffs Association supports increasing the speed limit and the \$5 surcharge, but is concerned that the bill does not address all issues of safety to the motoring public. (10-14-87)

The Department of Transportation supports the concept of the bill but is concerned about specific safety issues in the bill. (10-14-87)

The Department of State has not taken an official position on the bill. (10-14-87)