



**House
Legislative
Analysis
Section**

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RAISE RURAL HWY SPEED LIMIT

RECEIVED

Senate Bill 163 (Substitute H-2)
First Analysis (5-5-87)

MAY 13 1987

Sponsor: Sen. Richard D. Fessler Mich. State Law Library
Senate Committee: State Affairs, Tourism and
Transportation
House Committee: Transportation

THE APPARENT PROBLEM:

The maximum speed limit was lowered from 70 miles per hour (mph) to 55 mph in 1974 as an energy saving measure. In order to ensure compliance with the speed limit, the federal government would not release federal highway funding to states with maximum limits above 55 mph. Now the federal government has given the states the discretion to raise their speed limits on rural interstate highways without funding repercussions. Since the average driver's speed is approximately 64 mph on roads and highways with the 55 mph limit, many Michiganders feel that the legislature should raise the speed limit to allow them to legally drive at the speeds that the roads were originally built to accommodate.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code to raise the maximum speed limit from 55 mph to 65 mph on rural Interstate highways. A "rural interstate highway" would be defined as a highway in the interstate system located outside an urban area with a population of 50,000 or more. Speed limits would remain as they are on all other highways. The new 65 mph speed limit would not apply to special vehicles, such as school buses, passenger vehicles pulling trailers, and trucks over 5,000 pounds, which have separate speed limits in the code. The 65 mph speed limit would be reduced again to 55 mph on December 1, 1988.

The bill would also provide that no points would be assessed against the driver's license of a Michigan driver who was convicted of a violation in another state, that in this state would be a civil infraction, solely because of the failure of the Michigan driver to appear in court to contest the violation.

MCL 257.628 and 257.6296

HOUSE COMMITTEE ACTION:

The House Transportation Committee adopted a substitute which completely rewrote the bill as it passed the Senate. The major provision dropped from the bill was a ban on radar detectors. The House committee undertook this action because most members felt that it was important to keep the bill free from other issues and focus on the main point of the bill, i.e., raising the speed limit.

BACKGROUND INFORMATION:

Nineteen states have already passed bills that would raise speed limits above 55 mph.

FISCAL IMPLICATIONS:

The Department of Transportation estimates that the state will have to spend \$80,000 for new speed limit signs. Other costs to the state cannot be determined at this time.
(5-4-87)

ARGUMENTS:

For:

The original rationale for lowering the speed limit from 70 mph to 55 mph was to save fuel during the oil crisis. With gasoline supplies now plentiful, the argument for a 55 mph speed limit no longer applies. Further, gasoline consumption at higher speeds is less of a factor since today's cars 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 mph to 65 mph for rural interstate highways.

For:

Many of the interstate roads in Michigan were built to accommodate speeds in excess of 70 miles per hour and should be returned to serving that purpose by raising the speed limit to at least 65 mph for rural interstate traffic. Most Michigan drivers are violating the 55 mph speed limit anyway, and 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 non-renewable resource is still an important goal, one which the 55 mph limit has helped to achieve.

Against:

Raising the speed limit would cost lives: approximately 500 additional lives will be lost each year. No one can disagree with the claim that the present speed limit has saved lives; some estimates credit the 55 mph limit with preventing 24,000 deaths since 1974.

Response: Although it has been maintained that the 55 mph limit has saved many lives, raising the limit to 65 mph on rural interstate highways would not cause a dramatic increase in highway deaths or injuries, since rural interstates account for nineteen percent of the nation's traffic but only four 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 for non-interstate local, county and state roads. These would not be affected by the provisions of the bill.

Against:

Trucks should be able to drive 65 mph. The bill differentiates between trucks and passenger vehicles and keeps 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

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will cause an increase in the number of these types of accidents.

Response: Even when the maximum speed limit was 70 mph trucks were never allowed to travel faster than 60 mph. 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.

Against:

The speed limit should not be increased without increased enforcement efforts and additional enforcement tools for law enforcement agencies. The bill would 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 one-fourth. Since 1979, the number of troopers on the road has shrunk from approximately 1,300 to 1,000. During the same period, the number of drivers in Michigan has increased by 500,000. If the speed limit were raised, the following safety-oriented measures should be implemented: increasing the number of officers patrolling the highways; increasing points for speed violations; prohibiting use of radar detectors by motorists; making violation of the safety belt law a primary offense; and requiring the State Safety Commission annually to review the effects of the increased speed limit and report its findings to the legislature. A ban on radar detectors would be particularly appropriate. Radar detectors are used for the sole purpose of evading the law. In addition, a bad example is set for the youth of Michigan when the legislature implicitly endorses law breaking.

Response: Radar detectors (fuzzbusters) should not be banned. People have a right to know when they are under surveillance, and radar detectors give people that information. In addition, the Federal Communication Commission allows licensed amateur radio operators (HAMS) to transmit and receive radar signals on federally authorized frequency allocations which are shared with police radio services. Police radar signals are included as one of the public radar signals that HAMS can receive. HAMS can receive radar signals anywhere, including their cars. If the state banned radar detectors, it would be in direct conflict with federal guidelines.

Currently, nineteen states have increased their maximum speed limits, yet none of them have banned radar detectors. Traffic fatalities in the two states that have banned radar detectors are almost the same as Michigan's, and in some categories Michigan has fewer traffic fatalities than the states that have banned radar detectors.

There are one-half million radar detectors in use in Michigan. A radar detector ban would have drastic effects on Michigan businesses which sell and manufacture radar detectors. In addition, residents from Ohio, Indiana, and Wisconsin would probably not vacation or travel in Michigan if there were a threat of citations or detector confiscation.

Further, there is no evidence to indicate that detector owners drive faster, or receive more citations than motorists without radar detectors. Also, there is no evidence to indicate that the detectors are associated with excessive speed, are unsafe, or have a negative impact on highway safety. If the sole purpose of radar detectors was to break the law, then speeding citations should have decreased as the number of radar detectors increased. However, history in Michigan has shown this not to be the case. The number of citations has increased steadily in Michigan since the mid-1970's, along with an increase in the sale of radar

detectors. Reportedly, California police feel that radar detectors should be a requirement because when the detectors go off they make people aware of their speed and they slow down.

Against:

Points should not be assessed on a person's driver's license for going between 55 mph and 65 mph in a 55 mph mile zone. People are used to traveling between 55 mph and 65 mph anyway and with the new law going into effect they may become confused about which areas are 55 mph zones and in which areas they can travel 65 mph.

Response: The federal government tests each state to ascertain the average speed on roads with a 55 mph maximum speed. If 50 percent of the vehicles in a certain state have an average speed over 55 mph, then that state would be sanctioned by the federal government. Usually, the government withholds transportation funds as an incentive to make the states enforce the 55 mph law.

POSITIONS:

The Michigan Trucking Association supports the bill. (4-30-87)

The Michigan Fraternal Order of Police supports the bill. (4-30-87)

The Department of Transportation supports the bill. (4-30-87)

The Michigan Marketing Group supports the bill as reported out of committee. (4-30-87)

Central Electronics supports the bill without the ban on radar detectors. (4-30-87)

The Michigan Sheriff's Association would support the bill with a ban on radar detectors. (4-30-87)

The Department of State Police does not support the bill. (4-29-87)

The Traffic Safety Association of Michigan opposes the bill but supports the ban on radar detectors. (4-30-87)

The Department of State opposes the bill. (4-30-87)