

**STATEMENT OF PHILIP W. HASELTINE  
DEPUTY ASSISTANT SECRETARY, U.S. DEPARTMENT OF TRANSPORTATION  
BEFORE THE SURFACE TRANSPORTATION SUBCOMMITTEE  
OF THE HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION  
CONCERNING THE 55 MPH NATIONAL MAXIMUM SPEED LIMIT  
MARCH 18, 1987**

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to testify today on the status of the 55 mile per hour National Maximum Speed Limit (NMSL.) The National Maximum Speed Limit Act was passed thirteen years ago as a temporary measure to enforce fuel conservation. The Act later became permanent, and was modified to establish compliance criteria and to require States to implement speed monitoring programs. The Act also requires the Secretary of Transportation to withhold highway funds if States do not enforce and achieve compliance with the maximum speed limit. While the need to conserve energy still exists, the energy situation has changed considerably in the past 13 years.

Improved safety, rather than energy conservation, now serves as the strongest argument used by proponents of retaining the NMSL in its present form. The 1984 National Academy of Sciences study reviewed several prior studies and found a range of estimated initial fatality reductions between 2,300 and 7,500 per year. The National Academy settled on an estimate of 3,000 to 5,000 lives saved per year. The study also noted that the safety benefits of 55 have eroded through the years. It estimated that in 1983 the

number of lives saved was between 2,259 and 3,730, which it rounded off to 2,000 to 4,000.

As I noted in testimony before the House Committee on Science and Technology two years ago, the Department agrees with the essential findings of the study. We also recognize, however, the unavoidable lack of precision in quantifying the benefits of 55 and the equally uncertain impacts of possible policy changes regarding the NMSL. We agree with the National Academy that, "The complexity of the many influences on highway safety, and the many years that the 55 mph speed limit has been in effect, make it difficult to estimate the current impact of the speed limit."

Our position with respect to the future of the 55 mile per hour National Maximum Speed Limit is that it should be raised and the time has come to restore greater authority to the States to set their own speed limits. Several approaches have been discussed by Members of Congress and others.

The Senate-passed amendment to the NMSL would permit states to set speed limits up to 65 mph on Interstate highways located outside urbanized areas of 50,000 population or more. It would not change the current compliance formula, nor would it apply the current sanctions (based on the percentage of vehicles exceeding 55 mph) to roads posted above 55. According to the Federal Highway Administration, 32,829 miles of Interstate would be eligible for speed limits up to 65 mph under the Senate proposal.

A variation of this approach mentioned by Secretary Dole in recent appropriations hearings is to permit states to raise speed limits up to 65 mph on low volume rural Interstates and on other low volume roads constructed to Interstate standards. "Low volume" is defined as roads having average daily traffic volumes of 10,000 or less. For purposes of simplicity, Interstate standards are defined as divided highways with fully controlled access. Approximately 14,498 miles of rural Interstate plus 3,800 miles of other low volume roads meeting Interstate standards would be eligible for higher speed limits under this option. This includes about 44 percent of all rural Interstates. These roads carry roughly 20 percent of all rural Interstate traffic.

A third variation would combine increased flexibility to the states in setting speed limits with other measures designed to enhance safety. The most frequently discussed safety enhancement is a mandated safety belt usage level before a state would be permitted to raise its speed limit on specified roads.

The bottom line question about any of these options is, "What is the likely impact on safety?" The answers, unfortunately, are not easily discerned. They depend, in part, on how the states act if they are given additional flexibility to set speed limits. It is readily apparent that some states would raise speed limits on some roads if given the chance. It is not at all evident that all

states would post all eligible roads at 65 mph. To the contrary, I suspect that a number of states would make few, if any, changes in their posted speeds.

On the other hand, the NAS study made a speculative estimate that it referred to as a "rough approximation" that increased speeds on all rural Interstates would result in approximately 500 more fatalities. We have no data which specifically supports or disputes the 500 lives estimate. I note, however, that the NAS estimate assumes that no safety improvements will be implemented to offset the potential fatality increase. Furthermore, while the NAS was trying to project the effect of a maximum limit of 65 mph on rural Interstates, it relied on pre-1974 data when speed limits were much higher than 65 mph in many states.

Given this background, the Senate-passed amendment to the NMSL might be expected to result in increased fatalities, perhaps up to 500 per year, but only if states raised the speed limit to 65 on all eligible roads and if no offsetting safety countermeasures are implemented. As a former state safety official, I strongly suspect that states are sensitive to the need to implement new highway safety countermeasures wherever appropriate.

The NAS study addresses the issue of current compliance criteria and the extent to which they result in misallocation of law

enforcement resources in some detail. It notes that despite the fact that the net annual cost of enforcement to the states is about \$118 million per year (after fine revenues are subtracted), there is still only one on-duty state highway patrol officer for every 190 miles of road posted at 55. According to the study, "The current compliance standards encourage states to focus their enforcement resources on Interstate highways, which, in turn, draws resources away from less safe secondary roads." Five examples of misallocated law enforcement resources (Delaware, Oregon, North Carolina, Texas and Washington) are cited in the study. An International Association of Chiefs of Police survey showing that police resources were redeployed in 25 states is also quoted. Perhaps the most vivid example of misallocated law enforcement resources comes from the chief of the South Dakota State Highway Patrol who was recently quoted as saying, "We have the Federal Government worrying about whether or not I've got a trooper out on the Interstate at 10 o'clock in the morning to keep a guy from going 60 on a road designed for 70 miles per hour. If I could concentrate my troopers on the road on a Wednesday or a Friday night when the bars close, we could save 10 times the lives we lose to speeding."

I have previously testified before this Subcommittee regarding the problems with the current compliance criteria. Not the least of these problems is the fact that the current system treats a

vehicle traveling at 56 miles per hour exactly the same as one traveling 86 miles per hour with respect to compliance.

We have expended considerable effort toward trying to develop an improved compliance regime but have been unable to devise a formula which treats all states and regions evenhandedly. We believe at this point that, whatever action the Congress may take with respect to restoring more flexibility to the states in setting speed limits, it should seriously consider abandoning the entire compliance and sanctioning process, returning to pre-1978 requirements. Prior to 1978, governors merely had to certify that no roads were posted above 55 and that their enforcement programs were in place. Such a change would eliminate the law enforcement misallocation problem, permitting police agencies to focus their resources on high accident locations. It could well have a salutary impact on safety.

The two other options for modifying the NMSL I mentioned earlier may have somewhat fewer potential negative impacts on safety than the Senate amendment, but again, the impact will depend on how the states exercise their authority. Limiting the authority of the states to set higher speed limits to the low volume roads which carry 20 percent of rural Interstate traffic reduces the accident exposure by a similar amount. Again, assuming the speculative NAS projection of 500 additional fatalities with posted speeds of 65

on all rural Interstates, we estimate that restricting 65 to low volume Interstates would result in an increase of about 100 per year. If this option were combined with compliance formula changes which eliminated the law enforcement misallocation problem it is reasonable to surmise that any additional lives lost to higher speeds would be offset by improved law enforcement deployment, with the net result being no change in fatalities.

An option which permitted higher posted speeds only if a state achieved mandated safety belt usage levels would likely result in a net reduction in fatalities. For example, if speed limits were set at 65 on all rural Interstates and 65 percent safety belt usage was attained on all roads, nationwide, roughly 1,200 lives per year might be saved. The obvious deficiency in this approach is the fact that states would be required to develop yet another complicated and costly monitoring and reporting system, this one to measure safety belt use.

In closing, Mr. Chairman, let me reiterate that none of the options I have discussed will necessarily have a negative impact on safety. Much depends on how states choose to exercise any additional authority the Congress may wish to convey to them and what additional safety efforts they initiate. The generic issue of traffic law enforcement, particularly with respect to speeding on any road (regardless of its posted speed limit) should not be

overlooked by the Congress. There is substantial evidence that there is a growing disregard for traffic laws. This should concern all of us who care about traffic safety. Any action the Congress finally takes with respect to the NMSL should be crafted so as to foster respect for speed laws while permitting law enforcement agencies to focus their resources in a manner that will facilitate the greatest impact on traffic crashes, injuries and fatalities. We fully believe that these two objectives can be accomplished while at the same time returning greater flexibility to the states to set their own speed limits.

That concludes my prepared testimony. I would be pleased to respond to any questions you or other members of the Subcommittee may have.