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Driving Freedoms

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Driving Freedoms

Vol. 29 Issue 4

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ON THE CUSP OF IRRATIONAL TRAFFIC LAWS

BY GARY BILLER, PRESIDENT, NMA

Alarms have been going off for some time now. Vision Zero proponents continue to hammer the 85th percentile rule for establishing safe speed limits as being obsolete, largely to effect a wholesale lowering of posted speeds across the country. One of the loudest sirens was sounded in mid-2017 when the National Transportation Safety Board declared the 85th percentile an outdated and inaccurate method of setting speed limits. The NTSB doubled down by urging states to dot their roads with speed cameras so that posted limits could be strictly enforced everywhere.

As Chad Dornsife notes in the cover story, even venerable technical organizations like the Institute of Transportation Engineers are being lobbied aggressively from without and within to discard long-held engineering standards and fall in line with those whose goal is eliminating all traffic fatalities by severely restricting the use of motor vehicles. Many appear to be succumbing to the political and social engineering.

Earlier this year I wrote to the Federal Highway Administration's MUTCD (Manual on Uniform Traffic Control Devices) Team leader, Kevin Sylvester, expressing the NMA's alarm that serious consideration was being given to rolling back years' of proven traffic engineering principles. He referred me to a subordinate, James "Eric" Ferron, who is the FHWA's MUTCD member responsible for regulatory and warning signs. Ferron encouraged me to provide supporting information for our position.

My June 12th letter to Mr. Ferron is published on pages 8 and 9. His written response was a simple single sentence that perhaps indicated the NMA position would be considered, but it didn't exactly inspire confidence:

"The National Committee on Uniform Traffic Control Devices has a task force looking at it and there is an NCHRP report (17-76) that should be published soon that also addresses this subject."

The NCUTCD advises Sylvester, Ferron and others at the Federal Highway Administration (FHWA) on recommended changes to the MUTCD, which documents the standards and guidelines that provide the formal basis for U.S. traffic engineering.

I subsequently found that the leader of the aforementioned task force — not the gentleman listed on page 13; more on that shortly — investigating speed limit standards is the principal of a transportation planning consultant that advises Portland, Oregon on the implementation of its Vision Zero measures. Outside of New York City, Portland is arguably the nation's most aggressive city embracing the zero-road-fatality dogma. The NCUTCD, and therefore likely the FHWA, deck is stacked toward abolishing the 85th percentile speed limit standard.

This magazine is dedicated to raising our own alarms. I believe we are facing the most dangerous threat to our driving safety and freedom in more than two decades, back to when the NMA fought for the repeal of the 55 mph National Maximum Speed Limit. Our success in that long battle was largely dependent upon active

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NMA WASHINGTON REPORT

BY ROBERT TALLEY, NMA LOBBYIST

Living in Washington D.C. affords many opportunities. Easy access to museums like the Smithsonian, professional teams in every major sport, and, of course, the agony of big city traffic. Washington is ranked sixth most congested in the country for worst commutes; this is understandable given the rapid growth of the suburbs and failure of politicians to plan for and build a robust transportation network. What is not understandable though is when politicians choose to make traffic worse, as Washington's government did during the 2007 to 2011 single term of then-mayor Adrian Fenty.

An avid cyclist, Fenty embarked D.C. on a transportation planning path to constrain major commuter thoroughfares, build bicycle lanes, and expand the use of photo enforcement of traffic laws throughout the city. Though Fenty was ultimately forced out of office, in part because of traffic woes, city leaders didn't learn a lesson.

Now a participant in the Vision Zero movement, Washington has followed through on this vision and made driving even worse. For example, Pennsylvania Avenue, NW, the road that connects the Capitol building and the White House, was a multi-lane artery through the city. It was congested at rush hour but otherwise relatively open. Now, the city has blocked off a traffic lane in each direction and has installed bicycle lanes. Today, Pennsylvania Avenue is regularly snarled with traffic even in non-rush hour periods while the bicycle lanes are little used.

There are some in Congress that would like to see this movement expanded throughout the country. Representative Earl Blumenauer (D-WA) has introduced legislation to push the Vision Zero movement through the federal Department of Transportation into state transportation planning programs by funding cities to institute these programs.

Deborah Hersman, CEO of the National Safety Council, testified before the Senate Commerce, Banking and Transportation Committee on the issues of vehicle safety and transportation policy and the efforts Congress should take to achieve zero transportation fatalities Among the initiatives highlighted was the Road to Zero Coalition, which is a collection of government and nongovernmental organizations such as Mothers against Drunk Driving and the Insurance Institute for Highway Safety. The Road to Zero Coalition is focused on federal initiatives to achieve zero fatalities by 2050 and the means and costs that could be expended to reach this lofty goal is both financially unsustainable and decidedly anti-car.

Congress will be debating this question over the course of the next two years as it prepares to develop the next major transportation policy bill. Current federal highway and transit program authorization expires in 2020 and Congress must develop a new set of priorities for the five-year period starting in 2020. We can expect to see a lot more discussion about this follow-on program.

On the Cusp of Irrational Traffic Laws

(Continued from Page 1)

participation and dedication of members. That same grassroots effort is needed here, particularly when influential transportation organizations like the FHWA, the ITE, and the NTSB are not disguising their preference for Vision Zero policies that restrict and penalize driving.

The mailing addresses of several key transportation officials are provided at the bottom of page 13. Write to them directly with your concerns and your support of the 85th percentile rule to set the safest speed limits. Feel free to borrow language from my letter or other content from this special edition of *Driving Freedoms*. Use the material that most resonates with you and then personalize it with your own thoughts and experiences for maximum impact.

We need to mobilize as many voices as possible in the campaign to reject artificial driving restrictions. Write to each of the transportation industry contacts listed at the end of this magazine and encourage others in your network of friends, family, and colleagues to do the same.

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All supporting members should be familiar with, and take full advantage of, the complete menu of NMA benefits. With that in mind, included with this issue is a handy pull-out, ***A Guided Tour of Member Benefits***. If you haven't checked out all the advantages of being an NMA member, including our new travel discount program, be sure to review the guide and keep it handy for future reference. This information can also be found on the *Motorists.org* website. Instructions on how to do so are included in the ***Member Benefits*** insert.

Setting Speed Limits -- The 85th Percentile Speed

Editor's Note: This is collected information from the Lincoln, NE Public Works and Utilities, and the Federal Highway Administration.

The 85th percentile speed is defined as, "the speed at or below which 85 percent of all vehicles are observed to travel under free-flowing conditions past a monitored point." Another way to consider this is the speed at which only 15 percent of traffic violates on average. Traffic engineers use the 85th percentile speed as a standard to set the speed limit at a safe speed, minimizing crashes and promoting uniform traffic flow along a corridor.

With the definition of 85th percentile speed, it would seem that the signed speed limit of a street would be highly influential in determining the 85th percentile speed, however the exact opposite is the case. A deeper dive into 85th percentile speed helps to reveal why it is a major consideration in determining a street's posted speed limit.

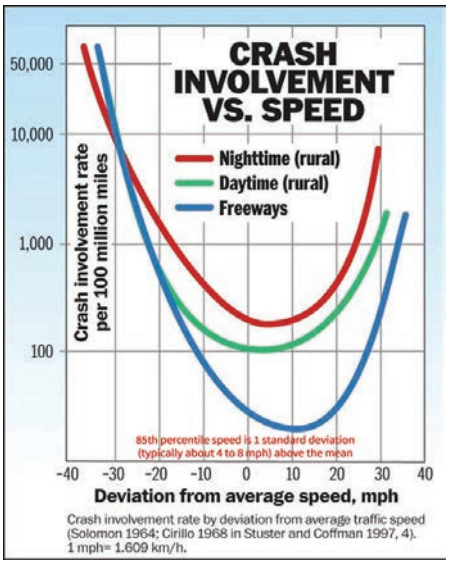
As described above, the 85th percentile speed defines the speed that 85 percent of drivers will drive at or below under free-flowing conditions. Most people don't drive according to the posted speed limit, but account for the visual aspects of the street and a 'feel' for the street. The visual factors that influence speeds can include:

- Lane and shoulder configurations, widths, and presence of curbs
- Presence of vertical and horizontal curves
- Sight distance and obstructions
- Presence of surrounding developments to the street
- Access management characteristics and medians/turn lane configurations

The 'feel' for the street can be as simple as being the regular route that someone drives for years, the travel through a busy commercial area, or driving a route with open access and block by block intersection spacing. With so many factors impacting the speeds on a street, the 85th percentile speed becomes a good metric that can quantify these variables and put them into one useful number.

This uniformity of vehicle speeds increases safety and reduces the risks for vehicle collisions. When vehicles deviate from a standard speed, either faster or slower, the potential for crashes increases. By setting the speed limit to the 85th percentile speed, safety is increased.

Selection of the most appropriate speed limit to post can be a challenging responsibility, but proper speed limitations will result in safer and more efficient traffic flow. Setting realistic speed limits is important in inviting driver compliance, allowing effective enforcement, and reducing crash incidence. In contrast, unrealistic limits fail to reflect behavior habits of the majority of drivers, tend to breed disrespect for all traffic control devices, result in antagonism toward enforcement efforts, and create a poor community image for visitors, in addition to increasing the potential for crashes.



Excerpt from Priceonomics.com's "Is Every Speed Limit Too Low?"published in July 2014

If you peruse the websites of state's departments of transportation, you'll often find a very technocratic explanation of the 85th percentile principle. Speed limits are consistently lower than the 85th percentile speed across the country, however, because there are many limitations on following the principle. Florida's Department of Transportation, for example, extolls the 85th percentile principle, yet the state legislature sets maximum limits for each type of roadway. Locally, officials can come under pressure from parents and other safety-conscious groups to lower speed limits.

Consistently, the 85th percentile loses out to the perception that faster roads are less safe, so speed limits should be low. It's a misconception, Michigan State Police Lt. Gary Megge says, that he faces often in his work. When he proposes raising a speed limit, the initial reaction is always "Oh my god! You can't do that. People are already going too fast." People think raising the limit 10 mph will lead people to drive 10 mph faster, when really changing the limit has almost no impact on the speed of traffic.

Forced Slow-Down: Road Diet Vocabulary for Neophytes

Changing speed limits is not the only way cities try to slow down traffic. Around the country, motorists face numerous obstacles that attempt to restrict traffic flow even beyond the street's stated speed limit.

According to the Federal Highway Administration (FHWA), a classic road diet is usually a converted four-lane, undivided roadway segment, cut down to a three-lane street with two car lanes and a center two-way left-turn lane. The space originally occupied by the fourth lane then becomes fair game for a bus lane, pedestrian islands in crosswalks, bike lanes, sidewalks, bus shelters, parking or even landscaping elements. Utilizing the nonprofit Smart Growth America's Complete Streets philosophy and terminology (see below), the FHWA advocates for road diets on the national level.

A number of different transportation philosophies have permeated the transportation planning sector, which is often the reason for the war on the 85th percentile rule to determine safe and reasonable speed limits.

Vision Zero, for example, promotes lower speed limits and encourages road diets. Vision Zero is a strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all. First implemented in Sweden in the 1990's, Vision Zero programs are spreading across the world at great cost even though none have realized anything close to the stated goals. More than 35 US cities have adopted Vision Zero principles.

The nonprofit Smart Growth America's National Complete Streets Coalition became a partner with Vision Zero proponents just last year. **Complete Streets** promotes a transportation and design approach that requires streets to be planned for road users of all ages and abilities regardless of their mode of transportation. In October 2017, over 1,140 agencies at the local, regional and state levels have adopted Complete Street policies.

Smart Growth is an approach to development that encourages a mix of building types and uses, with diverse housing and transportation options in neighborhoods and involves ongoing community engagement. Smart Growth America has laid out 10 principles that encourage urban planners to design neighborhoods that are for mixed use, compact and walkable with less need for vehicles.

Living Streets has an objective similar to Complete Streets. Its mission statement is "We envision streets as living public spaces that connect people to places and to each other." Based on the Dutch Woonerf concept, the Living Streets concept is evident in many European cities.

Complete Streets and Living Streets approach the issue of transportation differently. Complete Streets accommodates each mode of travel in its own defined space, which includes bike lanes, sidewalks, and bus lanes. The design and posted speeds are generally based on the 85th percentile. However, some urban areas are reducing speed limits to a uniform level of between 15 to 25 mph.

Living Streets, a recent approach new to the US, is based on personal, not vehicle mobility, and provides multiple ways for people to travel in a shared space. All modes of transportation are free to move without physical barriers. Distinct separation of modes of travel, pavement marking or signage defining space denote limitations. Even though no mode dominates, the safety and mobility of people is the fundamental starting point.

Traffic calming puts physical impediments in place on existing roads to reduce vehicle speeds. The Institute of Transportation Engineers defines traffic calming as the combination of measures that reduce the negative effects of motor vehicle use, alter driver behavior, and improve conditions for non-motorized street users. Traffic calming can be implemented on single streets, single intersections, entire neighborhoods or city-wide. Some examples of traffic calming include:

- **Vertical Deflections**: speed bumps/humps, speed tables, and raised intersections.
- **Horizontal Shifts**: physical barriers that do not allow drivers to drive in a straight line down a street or a road design that narrows the width of the travel lane.
- **Street Closures**: The use of median barriers that reduce cut-through traffic in one or more directions.

Motorists around the country are negatively impacted by efforts to make road diets and traffic calming de facto standards. Drivers need to speak up before we are overrun with costly Vision Zero programs that have yet to be proven effective in actual practice.

The Big Lie: Traffic Safety Only at Lower Speeds

By Chad Dornsife, NMA Activist, Executive Director of Best Highway Safety Practices Institute, and Institute of Transportation Engineers (ITE) Member

An email survey sent to members earlier this year by the ITE brought to light efforts by the US Department of Transportation (USDOT), the National Transportation Safety Board, and elements within the ITE to gut Congress's Highway Safety Act of 1996. These efforts disregard, reject, or contradict scientifically recognized safety standards, historical precedents, and constitutional guarantees.

I'll be even more direct: The USDOT is weaponizing unsafe practices by eliminating any pretext of engineering. And it is being enabled by so-called safety and engineering organizations that are abdicating their responsibilities to the public.

These actions, no doubt prompted and supported by conjecture, faulty or misleading statistics, and social objectives, are a clear and present danger to safety and freedom of all U.S. drivers. Unless the public protests en masse, special interests—the insurance industry, the photo and mechanical ticket-issuing industry, law enforcement, local government reliant on enforcement-based revenue, and politicians, for example—benefit while motorists pay the financial and social costs. All of this under the false aegis of SAFETY.

The ramifications of the context and nature of the ITE survey are alarming because it disregarded current best practices and established engineering standards; instead, the survey substituted conjecture and bad science. After seeing it I felt compelled to attend the August 2018 National ITE Conference in Minneapolis and, in particular, the Workshop on Speed Limits.

The Speed Limit Workshop began with USDOT's prerequisite BIG LIE that has been repeated for decades as the primer for every presentation on safety. It was followed with a coup de grâce: Recommended changes to the Manual on Uniform Traffic Control Devices (MUTCD) by USDOT that would codify safety standards that disregard established engineering practices while also providing an endorsement within the MUTCD of non-traffic control devices such as red-light and speed cameras.

The BIG LIE: The National Highway Traffic Safety Administration's (NHTSA) overview of speeding:

Speeding endangers everyone on the road: In 2016, speeding killed 10,111 people, accounting for more than a quarter (27%) of all traffic fatalities that year. We all know the frustrations of modern life and juggling a busy schedule, but speed limits are put in place to protect all road users. Learn about the dangers of speeding and why faster doesn't mean safer.

Liars love misusing statistics, and those of NHTSA without context have no significance whatsoever. Never mind that studies from the United Kingdom and data from NHTSA's own Fatality Analysis Reporting System have demonstrated that only about two percent of traffic fatalities are the responsibility of drivers exceeding the speed limit.

Elimination of the 55 mph National Maximum Speed Limit (NMSL) over two decades ago was accompanied by dire predictions of mass fatalities due to higher speed limits. Yet Western states saw fatality rates drop despite 80 and 85 mph posted limits on interstates and 75 mph on rural county highways. Montana eliminated posted limits for more than four years and experienced unchanged driving speeds and safety.

National speed limit policy has been used for decades as a cudgel against motorists. The roots of this abuse began with the implementation of the 55 mph NMSL in 1974. Most of us have forgotten that the NMSL was an effort to conserve fuel during the Arab oil embargo and to make the U.S. less dependent on oil imports. Its metamorphosis into a safety issue resulted in organized resistance in the form of the Citizen's Coalition for Rational Traffic Laws—the original National Motorists Association—which is widely credited with rescission of the NMSL.

The scientific 85th percentile speed consensus is the "speed-kills" proponents' Achilles heel, defended at all costs. In engineering terms, the 85th percentile is the gold standard of the scientific community. It holds that the primary consideration for traffic control is represented by the actual measured, safe-for-conditions speed of the public, which rationally regards

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its own safety as paramount.

Regardless of desktop, bureaucratic calculations or opinions to the contrary, except for the suicidal—for whom there can be no limits—drivers always seek to avoid collisions and bodily injury. Accordingly, their driving speeds trump governmental one-size-fits-all posted limits. It is increasingly difficult to accept NHTSA's assertion that "speed limits are put in place to protect all road users."

The 85th percentile speed is regarded as the safest speed on the crash involvement risk chart. The number on a speed limit sign is not a per se safety threshold; at best, it is guidance or a recommendation. At worst, it is fraud perpetrated by revenue-starved local governments.

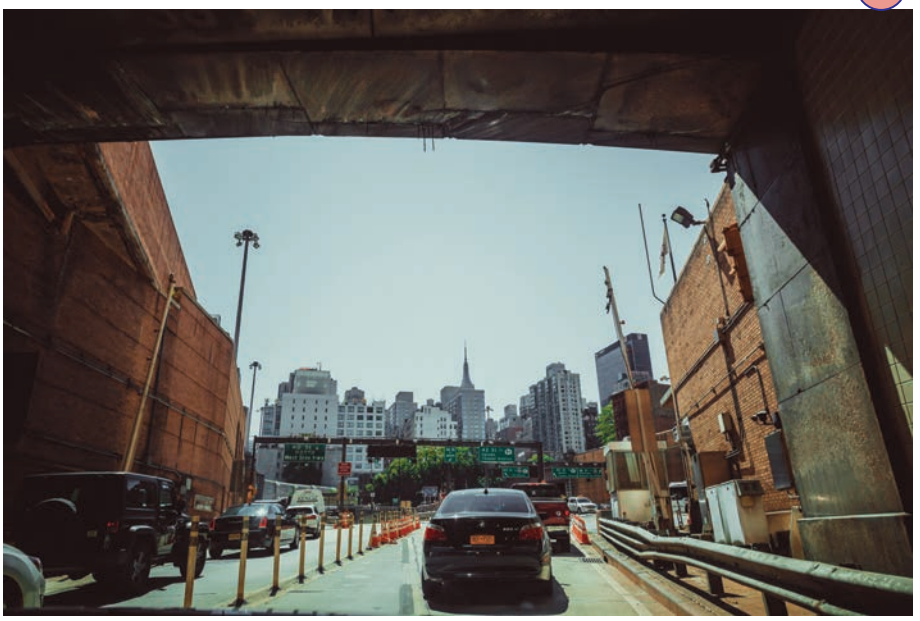
There are thousands of cities and some states that do not base their speed limits, signal timing or anything else on the operating speed of the roadway because they simply do not measure it. I have found traffic signals mistimed at 20 mph below actual 85th percentile speeds. California currently has the best protocols for speed limits and signal timing but even then, I have seen government engineers create data to justify lower limits.

If you really want to know the best practices for applying the 85th percentile speeds to posted speed limits, view the presentation we made in 2009 to the ITE. You can find it on the NMA website at: https://tinyurl.com/dornsife-85th-2009.

From Report No. FHWA/RD-85/096 Technical Summary, "Synthesis of Speed Zoning Practice":

"Based on the best available evidence, the speed limit should be set at the speed driven by 85 to 90 percent of the free-moving vehicles rounded up to next 5 mph increment. This method results in speed limits that are not only acceptable to a majority of the motorist, but also fall within the speed range where accident risk is lowest."

"No other factors need to be considered since they are reflected in the driver's speed choice."



In conversations with USDOT personnel I'm not sure they are aware of the underlying legislation that authorizes them to regulate the federal highway system. Non-conforming practices have become the norm, combined with so-called home rule carve-outs. A change to the 2003 MUTCD made arbitrary and capricious statutory limits superior to fact-based practices. That's just on the engineering side.

Best estimates, using findings by the Federal Highway Administration and the American Association of State Highway and Transportation Officials, are that more than 60 million citations are being issued annually for driving that would otherwise be safe. Should the movement to eliminate the 85th percentile rule for establishing safe speed limits be successful, you can be sure ticket volumes will soar above an already formidable level.

On top of that, many states have changed moving violations to civil infractions, which improves the efficiency of convictions and fine collection. Regardless of how errant or contrary to MUTCD standards, there is no legal remedy because civil charges are often litigated in an administrative court with little to no due process for defendants. In addition, photo enforcement has removed any pretext of due process by using administrative staff or private contractors to collect fines.

The latest attempts by the USDOT to undermine recognized and accepted best practices, and to sanction the use of enforcement devices such as ticket cameras and automated controls in the name of safety must be fought at every turn. Make no mistake, those efforts by USDOT and others are gaining momentum as Vision Zero proponents contend that the "85th percentile standard is obsolete and unsafe."

No truer words have been spoken than these from Matthew C. Sielski, past president of the ITE:

Traffic laws that are based upon behavior of reasonable motorists are found to be successful. Laws that arbitrarily restrict the majority of motorists encourage wholesale violations, lack of public support, and usually fail to bring about desirable changes in driving behavior. This is especially true of speed limits.

NMA Urges FHWA to Support Engineering Standands

June 12, 2018

Mr. James "Eric" Ferron, PE
Federal Highway Administration
Southeast Federal Center Building
1200 New Jersey Avenue, S.E.
Washington, DC 20590-9898

Dear Mr. Ferron,

Thank you for the opportunity to elaborate further about the concerns presented in my May 2, 2018 letter to Kevin Sylvester. In that correspondence, I presented specific recommendations to the FHWA—provided again for reference at the end of this letter—for the revision of the MUTCD to strengthen the use of the 85th percentile speed-limit-setting rule and requiring that those specific conditions be met before permitting the use of automated speed enforcement.

The letter to Mr. Sylvester was sparked by the National Transportation Safety Board's report Reducing Speeding-Related Crashes Involving Passenger Vehicles, NTSB/SS-17/01, PB2017-102341, in which the agency recommended obsoleting the 85th percentile rule, lowering overall speed limits, and increasing speed enforcement, particularly through the widespread use of speed cameras.

The NTSB report casts doubts on the efficacy of using the 85th percentile rule by concluding that existing "MUTCD guidance for setting speed limits in speed zones is based on the 85th percentile speed, but there is not strong evidence that, within a given traffic flow, the 85th percentile speed equates to the speed with the lowest crash involvement rate on all road types." The agency also presents the false notion that the 85th percentile speed continues to spiral up as drivers react to higher limits by driving even faster.

The Solomon and Cirillo data-driven research supportive of the 85th percentile rule, which led to the Martin Parker FHWA 1997 report with similar findings, shouldn't be dismissed so easily with qualitative assumptions. There is, in fact, substantial collected empirical data that proves the effectiveness of the 85th percentile rule in setting speed limits that result in higher rates of compliance by drivers and safer roads.

Some of the best documented evidence from an authoritative source is from the Michigan State Police Powerpoint presentation (Establishing Safe and Realistic Speed Limits, https://www.motorists.org/msp-establishing-safe-realistic-speed-limits) made to the Michigan House and Senate Transportation Committees in 2011. As Megge's immediate supervisor at the time of the presentation, F/Lt. Retired Thad Peterson (MSP Traffic Services Section Commander, 2004-2013), recently noted, "Consistently with Parker's studies, over the past 15 years that Lt. Megge and I have increased hundreds of speed limits across Michigan, our fatality rate has plummeted by around a third."

Peterson added, "None of these improvements in traffic safety, or the apparent improvement shown by the year-to-date fatality rate reduction are 100% caused by the speed limit changes, far from it. Nor are these data points impervious from having holes punched in them to a degree. For instance, there is a lag in the reporting of fatal crashes at times, due to enhanced investigation efforts into those crashes. But irrespective of any of those issues, the fact is that our Michigan fatality rates have consistently gone DOWN while our speed limits have gone UP to correct, or nearly correct levels."

Pertinent highlights from the MSP's Establishing Safe and Realistic Speed Limits:

• The 6-lane freeway (pp. 10-17) is on I-69 in Flint, MI. The 85th speed went down 1 mph when the limit was raised from 55 to 70 mph and the traffic flow became smoother. There was no change in the crash rate.

• The 3-lane residential trunk line (pp. 18-25) is M-43, also known as Grand River Avenue just west of the Michigan State University campus in East Lansing. It has been variously posted at 25 and 35 mph over the years while the 85th percentile speed has always stayed at 36 mph. The only thing that changed was the compliance rate.

• The 5-lane urban county road (pp. 28-29) is Waverly Road, south of Michigan Avenue in the Lansing area. The results of the Michigan State Police speed study showed that most drivers traveled below the posted limit of 45 mph because the 85th percentile speed was 43 mph. Only 13 of 258 vehicles in the study, or 5 percent, drove above the posted speed limit.

• The Jolly Road example (pp. 32-34) is near a high school. The proper 55 mph posted limit was shown to have a 95 percent compliance rate with an 85th percentile speed of 52 mph. When the limit was changed to 45 mph, the compliance rate dropped to 37 percent while the 85th percentile speed remains virtually unchanged at 51 mph.

There are numerous other examples of speed limit increases based with no appreciable change in the 85th percentile speed or crash rates. For example, the Utah DOT increased the limits from 75 to 80 mph on several hundred miles of interstate a few years ago after speed studies showed the 85th to be 80 to 82 mph. After the limit increase to 80 mph, the 85th percentile speed only changed by 1 mph. (http://archive.sltrib.com/article.php?id=56883181&itype=CMSID)

The old canard that the more you raise the speed limit, the faster drivers will go has been disproven

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when speed limits have been set in accordance with the 85th percentile rule based on proper speed studies of free-flowing traffic. The 85th percentile speed rarely is affected by more than 1 to 3 mph with the raising or lowering of a posted speed limit as the Michigan and Utah results illustrate.

The more significant negative safety factor is having under-posted speed limits where most drivers follow their instincts to get to their destinations in the most efficient manner possible while operating within their personal safety comfort zone. At the same time, a small percentage of drivers abide the posted speed limit. The result is a variance in traffic speeds which creates more vehicular interactions and potential conflicts. At 85th percentile posted limits, compliance is much greater and traffic flow is more consistent and less prone to accidents. Yes, damage done by higher-speed accidents can be greater, but the logic of the 85th percentile rule as proven by Solomon and other researchers like Parker who followed him is that there will be far fewer accidents to begin with at properly posted speed limits. Correct 85th percentile speed limits also cause police to focus speed enforcement on the minority of drivers whose speeds are well above the norm, and not on responsible drivers who travel close to the safest 85th percentile levels.

The National Motorists Association (NMA) urges the FHWA and the NCUTCD's Regulatory/Warning Signs Technical Committee to strengthen the requirement to use the 85th percentile rule when establishing speed limits as opposed to the NTSB's call to reject the rule and seek methods for establishing lower limits. If the federal agency has its way, speed limit compliance rates will plummet and the collection of traffic fines will explode upward. And the primary question will remain: Will our roads be safer with systematically lowered speed limits? The evidence would seem to prove not.

Here are the NMA's specific recommendations:

1. Revise MUTCD section 2B.13 to clarify that optional factors for speed zoning (paragraph 16) do not justify speed limits more than 5 mph below the 85th percentile speed of free-flowing traffic. Language of a rewritten section could be taken from the California Manual for Setting Speed Limits. The California Manual cites specific FHWA studies posted on its website in noting that, ". . . the most effective attribute in establishing the speed limit is to determine the 85th percentile speed and set the posted speed close to that value." Two other passages from the Manual:

"The setting of speed limits requires a rational and defensible procedure to maintain the confidence of the public and legal systems. By following a uniform procedure, agencies can establish speed limits that are uniform throughout the state and avoid influence from political pressure or emotional perceptions."

"Speed limit determinations rely on the premise that a reasonable speed limit is one that conforms to the actual behavior of the majority of drivers; one will be able to select a speed limit that is both reasonable and effective by measuring drivers' speeds."

2. Revise the MUTCD to state that when automated enforcement is used the speed limit shall not be below the 85th percentile speed of free-flowing traffic.

3. Revise the MUTCD and federal-aid highway contracts to require that speed limits during and after road construction be based on operating speed during and after road construction, and not inherited from a decades-old, obsolete speed study or a statutory speed limit as is the current common practice.

Please let me know if you have any questions and again, thank you for the opportunity to expand upon this very important road safety topic. I would be pleased to get you in touch with Thad Peterson to assist with your analysis of the presented data.

Sincerely,
Gary Biller
President

Cc: F/Lt. Retired Thad Peterson, Michigan State Police Traffic Services Section Commander