

# Issue Brief

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SPEED LIMITS FOR MOTOR VEHICLES

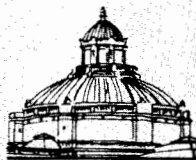
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## ISSUE DEFINITION

The national highway speed limit of 55 MPH was first enacted in January 1974 as an energy conservation measure, then kept in place for its perceived value in reducing the rate of serious accidents. In April 1987, the Congress enacted legislation allowing the States to raise the speed limit to 65 MPH on rural portions of interstate highways. While the advocates of the national speed limit claim it has saved thousands of lives, the limit has its opponents, particularly in the western States, who question numbers of lives saved and charge inconvenience, regionally discriminatory impact, unmerited economic costs, and the loss of personal freedom associated with the so-called "double nickel." A study by the National Academy of Sciences, completed in 1984, shed further light on the costs and benefits associated with the speed limit, but left the final decision to the Congress.

During the 99th Congress, bills were introduced, but not enacted, to amend or abolish the national speed limit. Most of these bills focused on interstate (divided) highways passing through rural areas; the NAS report had stated that the cost in travel time per life saved was greater on these roads than on others. Legislation that would have permitted the States to raise the speed limit to 65 MPH on rural portions of interstate highways was proposed, but did not become law.

In the 100th Congress, similar legislation was introduced, once again in the form of an amendment to the highway authorization bill. The amendment allowing a 65-MPH limit on rural portions of interstate highways passed the Senate, but was not voted on by the House. The conference committee considering the highway bill (H.R. 2) decided to put the issue to a vote in the House, and the House approved the amendment allowing the speed limit increase (217-206) on Mar. 18, 1987. The highway authorization bill then was vetoed by President Reagan, who agreed with the speed limit amendment but disagreed with other provisions of the bill. On Apr. 2, 1987, the Congress overrode the President's veto of H.R. 2, thus it was enacted into law as P.L. 100-17.

## BACKGROUND AND POLICY ANALYSIS

The national speed limit came about as a direct result of the Arab oil embargo imposed in October 1973, and the ensuing shortage of gasoline which focused attention on the need to conserve fuel. Before this time, speed limits were considered to be a problem best established and enforced by the States and not by the Federal Government. This perception changed drastically during the oil embargo that focused national attention on energy conservation, and resulted in the passage of several important conservation measures. In this climate, actions to lower the Nation's highway speeds in order to save gasoline gained public acceptance. On Jan. 2, 1974, the Emergency Highway Energy Conservation Act (P.L. 93-239) became law. Under this Act, which became effective 60 days later, the States were required to reduce their speed limits to 55 MPH, on all highways and for all types of motor vehicles. The penalty for noncompliance would be loss of up to 10% of Federal highway funds. The legislation was to expire on June 30, 1975.

With the lifting of the oil embargo, gasoline supplies soon returned to normal. Meanwhile, automotive fatalities showed a sharp decline, from 54,052

in 1973 to 45,196 in 1974. While some of this decline could be attributed to other factors, such as less driving due to the gasoline shortage, most of the drop was attributed by safety experts to the national speed limit. Accordingly, the Congress acted to make that limit permanent. On Dec. 18, 1974, the Federal Aid Highway Amendments Act of 1974 was enacted (P.L. 93-643). This legislation cancelled the expiration date on the earlier enactment, thus making the national speed limit permanent.

#### State Enforcement of the Speed Limit

Under the Federal legislation, the States face penalties of up to 10% of their Federal highway funding if they do not enforce the 55-MPH limit vigorously enough that at least 50% of drivers in the State obey the law. In January 1987, the U.S. Department of Transportation (DOT) determined that Arizona had not been in compliance in 1984, and would therefore lose 1% of its FY86 funds, or \$510,000. Arizona will be the first State to lose funding under this law. Other States recently under investigation for possible noncompliance include Vermont, Maryland, New Hampshire, and Rhode Island.

Since some surveys have shown up to 75% of motorists violating the speed limit, there have been allegations that the States resort to "creative bookkeeping" to show compliance with the Federal law. Methods used by States to show compliance are said to include placing speed measuring devices on steep upgrades, or having State troopers in highly visible locations near the measuring devices.

Penalties to motorists for speeding vary widely from State to State. According to Newsweek magazine, the four States with the highest fines for speeding at 65 MPH are Ohio (\$100), Pennsylvania (\$72.50), Kentucky (\$65), and Colorado (\$64). The five States with the lowest fines are Montana and Nevada (\$5), and Nebraska, North Dakota, and South Dakota (\$10).

#### Consumer Group Lawsuit to Compel Enforcement

In November 1986, two consumer groups, the Center for Auto Safety and Public Citizen, filed suit charging DOT with failing to enforce the speed limit, by failing to withhold funds from States not in compliance. The suit asks that funds be withheld from Arizona and Vermont, and that the compliance status of other States be determined and action taken if appropriate.

#### Public Opinion

Two recent polls appear to show that a majority of the American public continues to favor the 55-MPH limit. A Gallup Poll released in 1986 found that 66% of Americans favor the law, with 32% opposed and 2% having no opinion. The speed limit had been favored by 73% in 1974, and support had then climbed to 81% in 1980, after which it declined to its present level. However, when asked whether they personally observed the speed limit, 17% reported they observed it all the time, 54% most of the time, 20% not very often, and 5% never.

The American Automobile Association (AAA) reported that 72% of a national random sample surveyed in 1985 favored retaining the 55-MPH limit. When the pollsters suggested raising the speed limit only on rural portions of interstate highways, 55% disagreed with that proposal.

"Fuzzbusters"

The speed limit has seemingly boosted sales of radar detectors, popularly known as "fuzzbusters." These are devices that alert drivers to radar beams, thus permitting them to slow down and avoid detection as speeders. The devices are illegal in Connecticut, Virginia, and the District of Columbia, but are legal elsewhere. According to Newsweek, one leading producer of these devices sold 400,000 detectors in 1985, a 46% increase over 1984. The detectors sold for \$245 to \$295 each.

The National Academy of Sciences Study

In December 1982, the Congress included as section 204 of the Surface Transportation Assistance Act of 1982 (P.L. 97-424) a study of the 55-MPH limit. The study was to be conducted by the National Academy of Sciences (NAS) under "appropriate arrangements" with DOT. Its purpose was to investigate:

- (1) The benefits, both human and economic, of lowered speeds due to the enactment of the 55-MPH National Maximum Speed Limit, with particular attention to savings to the taxpayers, and
- (2) Whether the laws of each State constitute a substantial deterrent to violations of the maximum speed limit on public highways within each State.

The study was to be completed within one year after enactment of the legislation, which took place on Jan. 6, 1983.

The study was completed in November 1984. The NAS panel found that the 55-MPH national speed limit had accounted for 3,000 to 5,000 fewer highway fatalities in 1974, when first enacted, and that it was still saving 2,000 to 4,000 lives per year as of 1983. (The decline in lives saved by the speed limit was attributed to less effective enforcement of the speed limit and improvement to roads and vehicles.) The savings in energy were estimated at 167,000 barrels of petroleum per day, or less than 2% of the Nation's highway fuel consumption. This represented an energy saving worth \$2 billion annually. Cost savings to the taxpayer in Government programs that provide benefits to auto accident victims and their families were estimated at \$65 million annually. (The study did not address the overall cost to society, which would include lost earnings due to injury or death, hospital costs, auto repair costs, etc.)

Balanced against these savings, the cost of the national speed limit was said to be travel time. This was estimated at one billion hours per year. For each life saved, plus the avoidance of one serious injury, 350,000 hours of additional travel time was expended by motorists (approximately 40 years). Since the average life expectancy of motor vehicle accident victims was about 41 years, the panel concluded that approximately one year of life was saved for the expenditure of one year of driving time.

The panel found that compliance with the law had decreased markedly in recent years and that this might lead to a gradual nullification of the national speed limit and, therefore, to the loss of the safety and energy

contributions made by the speed limit. Quoting a 1982 Gallup Poll, the panel stated that as of that time 76% of the public supported the national speed limit.

The panel recommended that the 55-MPH speed limit be retained "on almost all of the Nation's highways." NAS reported that the panel was divided on the question of speed limits for rural interstate highways, i.e., those portions of the Nation's interstate highway system in areas not designated by the Bureau of the Census as "urbanized" (population 50,000 or more), or "small urban" (population 5,000 or more). The interstate system is characterized by multi-lane highways with uniform design, with traffic separated by direction and with controlled access. These rural interstate highways represent about 6% of all road mileage posted at 55 MPH nationally, and they account for about 19% of all traffic on such roads. On these roads the balance between safety and driver time is skewed (relative to the national totals) so that the cost in travel time per life saved is about four times greater than it is on the rest of the highway system. The panel concluded that the choice regarding these roads could best be made by the Congress, as it involved political and not scientific judgments.

#### Speed Limit Legislation in the 99th Congress

Eight bills were introduced relating to the speed limit during the 99th Congress (see Legislation section). None of these bills received favorable committee action. However, proposals to modify the speed limit were considered in both the House and the Senate as amendments to the highway authorization bill. During House consideration of the highway bill (H.R. 3129) on Aug. 6, 1986, Representative McCurdy offered an amendment that would have permitted the States to raise the speed limit to 65 MPH on rural portions of interstate highways. The amendment was rejected in a vote of 198 to 218. A similar amendment was offered by Senator Symms during Senate consideration of S. 2405, the Senate version of the highway bill, on Sept. 23, 1986. The amendment carried by 56 to 36. Before passing the Symms amendment, the Senate had rejected by 36 to 60 a stronger amendment proposed by Senator Hecht, which would have allowed States to raise the limit to 65 MPH on all rural highways (not just the interstate highways).

The 99th Congress adjourned in October 1986 without taking final action on the highway authorization bill. According to press reports, Senate and House conferees could not reach agreement on the speed limit, as well as other aspects of the bill. The reports indicated that the House conferees offered to agree to the amendment raising the speed limit, provided that the Senate conferees would agree to restrict the right to increase the limit to States that would: (1) demonstrate 85% compliance with the higher speed limit, (2) demonstrate no increase in fatalities on roads with the higher limit, (3) demonstrate a 65% rate of safety belt use, and (4) outlaw the radar detectors. This offer was reportedly unacceptable to the Senate conferees.

#### Speed Limit Legislation in the 100th Congress

Since the 99th Congress adjourned without enacting a highway authorization bill, the 100th Congress was under considerable pressure to enact such a bill as soon as possible so that Federal aid to the State governments for highway construction would not be interrupted. The Congress therefore acted on highway authorizing legislation early in 1987, and once again this legislation became the vehicle for congressional consideration of changes to

the speed limit law.

The highway authorization bill, H.R. 2, passed the House on Jan. 21, 1987, under a "closed rule" that did not allow a speed limit amendment to be offered. In the Senate, an amendment to the highway bill (S. 387) was offered by Senator Symms; the amendment, similar to his earlier effort, allowed the States the option of raising the speed limit to 65 MPH on rural portions of interstate highways. The Symms amendment was approved (65-33) by the Senate on Feb. 3, 1987.

The House and Senate conferees meeting on the highway bill found themselves deadlocked over the Symms amendment, with Senate conferees in favor and House conferees opposed. Ultimately the amendment was put to a separate vote in both Houses. The House approved the amendment (217-206) on Mar. 18, 1987; the Senate followed suit (60-21) on Mar. 20, 1987. (The votes technically were on H.Con.Res. 77, "to make a correction relating to the maximum speed limit in the enrollment of H.R. 2.")

President Reagan vetoed H.R. 2 on Mar. 27, 1987; he supported the speed limit amendment, but believed the highway construction spending levels to be excessive. The Congress overrode the President's veto, the House voting (350-73) on Mar. 31, 1987, and the Senate voting (67-33) on Apr. 2, 1987, exactly the two-thirds vote needed for an override. H.R. 2 and its speed limit amendment were thus enacted into law.

Each State now has the option of raising the speed limit to 65 MPH on all or part of rural portions of interstate highways within that State. Early indications are that many States, particularly in the West, will act quickly to raise the speed limits on their rural interstates.

#### Changing the Speed Limit -- Pros and Cons

The arguments in favor of retaining the present 55-MPH national speed limit are based on the claimed reductions in highway fatalities and in fuel consumed. These reductions were estimated by the NAS panel to be from 2,000 to 4,000 lives per year, and 167,000 barrels of petroleum per day, which is nearly 2% of the Nation's highway fuel consumption.

Critics of the speed limit contest the view that "speed kills." In their view, the truly hazardous factor on the highway is variation in speed among the vehicles using the road. A high average speed would not be particularly hazardous, in this view, if weather and road conditions are proper for that speed and if there are few slow-moving vehicles to disrupt the flow of traffic. However, speed limit advocates counter that raising the limit would not diminish variations in speed among vehicles and might even increase them, since there are drivers who do not feel comfortable at high speeds and would not exceed 55 MPH even if that limit were raised. Also, in this view, some individuals would always drive faster than the limit by 5-10 MPH, believing that the police will not ticket them unless they exceed the limit by more than that.

Fuel savings, in the view of speed limit opponents, are conceded to exist but claimed not to be worth the cost. For example, a motorist might save \$5 in gasoline costs on a 550-mile trip by traveling at 55 MPH instead of 70 MPH; however, the trip would take two hours longer. Therefore, if the motorist's time was valued at more than \$2.50 per hour, he or she would lose by traveling at the lower speed.

Truckers make this point with particular emphasis, since their living depends on the amount of time required to move a cargo from point to point. In the truckers' strike of January 1983, one of the initial demands by the strikers was for repeal of the 55-MPH limit.

A particular case against the speed limit is made by residents of sparsely settled western States, who claim that the limit is unrealistic for their driving conditions. (Note that the eight bills introduced in the 99th Congress were all sponsored by Members from western States, with the exception of the Jeffords bill which would address a specific Vermont problem and would not otherwise alter the limit.) In this view, westerners contend that they frequently must travel on roads that stretch for hundreds of miles across open country, with good visibility and light traffic, and the 55-MPH limit under these circumstances is considered to be an unnecessary and burdensome restriction.

The argument concerning particular western driving conditions can be broadened to a more generalized concern that too many decisions are made by the Federal Government that could better be made at State and local levels of government. In this view, highway speed limits should be determined by officials in the particular States who understand traffic and road conditions there, not by those in Washington who may be unfamiliar with those conditions.

This argument might be countered by the contention that a uniform national speed limit is useful since people often drive in States other than their own and change residences from one State to another, and may find it difficult to change their driving habits.

#### LEGISLATION

##### P.L. 100-17, H.R. 2

Authorizes funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes. Introduced Jan. 6, 1987; referred to Committee on Public Works and Transportation. Called up by special rule; passed House, amended, Jan. 21, 1987. Called up by unanimous consent; passed Senate, amended, in lieu of S. 387, Feb. 4. Conferences held. Conference report filed in House (H.Rept. 100-27) Mar. 17 to which House and Senate agreed Mar. 19. Vetoed by the President (H.Doc. 100-53) Mar. 27. Motion to override passed House (350-73) Mar. 31; passed Senate (67-33) Apr. 2, 1987; becoming P.L. 100-17.

##### S. 387 (Burdick)

Authorizes appropriations for certain highways in accordance with Title 23, U.S.C., and for other purposes. [Includes Symms amendment to allow 65-MPH speed limit on rural interstate highways.] Introduced Jan. 27, 1987; referred to Committee on Environment and Public Works. Reported to Senate (S.Rept. 100-4) Jan. 27, 1987. Called up by unanimous consent; text inserted in H.R. 2 as passed by Senate Feb. 4, 1987. Measure indefinitely postponed Apr. 2.



HEARINGS

- U.S. Congress. House. Committee on Public Works and Transportation, Subcommittee on Surface Transportation. To examine the enforcement and monitoring of the 55-mile-per-hour speed limit. 99th Congress, 1st session. July 23, 1985. Washington, U.S. Govt. Print. Off., 1985. 55 p.
- U.S. Congress. House. Committee on Science and Technology. Subcommittee on Transportation, Aviation, and Materials. The 55-MPH speed limit. 99th Congress, 1st session. Feb. 21, 1985. Washington, U.S. Govt. Print. Off., 1985. 320 p.

CHRONOLOGY OF EVENTS

- 04/02/87 -- Speed limit amendment became law when Congress overrode President's veto of highway bill.
- 03/18/87 -- House approved speed limit amendment to highway bill by a vote of 217-206.
- 02/03/87 -- Senate approved amendment to highway bill allowing States to raise limit to 65 MPH on rural interstate highways.
- 01/21/87 -- House voted for highway legislation under closed rule forbidding speed limit amendment.
- 10/18/86 -- 99th Congress adjourns with conferees deadlocked over speed limit amendments to highway authorization bill.
- 09/23/86 -- Senate approves amendment to highway bill allowing States to raise limit to 65 MPH on rural interstate highways.
- 08/06/86 -- House votes against amendment to highway bill allowing States to raise limit to 65 MPH on rural interstate highways.
- 11/00/84 -- NAS report published, recommending that speed limit be retained for most roads, but panel was divided on speed limits for rural interstate highways.
- 01/06/83 -- Surface Transportation Assistance Act enacted; includes request for NAS study on speed limit.
- 12/18/74 -- Federal-Aid Highway Amendments Act enacted; includes provision making 55-MPH speed limit permanent.
- 01/02/74 -- Emergency Highway Energy Conservation Act enacted; includes temporary 55-MPH speed limit.

ADDITIONAL REFERENCE SOURCES

- Conferees unable to resolve differences on highway bill. New York times, Oct. 19, 1986: 30.
- Does speed kill? Newsweek, July 21, 1986: 14-17.
- End the 55-MPH limit? U.S. news and world report, June 8, 1981: 43-44.
- Gallup reports changing attitudes on belt use, 55-MPH limit. Highway and vehicle safety report, Aug. 4, 1986: 3-4.
- House clears 65 mph for interstates. Washington post, Mar. 19, 1987: A-1.
- House leaders offer speed limit compromise. Washington post, Sept. 27, 1986: A-6.
- Majority of Americans still support national 55-MPH speed limit. IIHS status report, v. 21, no. 5, Apr. 26, 1986: 2.
- Myths and misconceptions about 55-MPH speed limit. IIHS status report, v. 21, no. 5, April 26, 1986: 2.
- National Academy of Sciences. Transportation research board. 55: A decade of experience. (Special report 204.) Washington, D.C., 1984.
- Senate again moves to raise speed limit on rural interstates. Washington post, Feb. 4, 1987: A-4.
- States put pedal to metal for 65 mph. Washington post, Apr. 16, 1987: A-3.
- The 55 speed limit. IIHS Facts, published by the Insurance Institute for Highway Safety, Feb. 1987. 4 p.
- The 55-miles-per-hour is ineffective and inappropriate. (Remarks and material inserted by Senator Symms.) Congressional record, [daily ed.], Aug. 5, 1986: S10499-S10500.
- Two States likely to lose 10% of Federal highway funds. IIHS status report, v. 21, no. 8, June 28, 1986: 3.
- U.S. Dept. of Transportation. National Highway Traffic Safety Administration. Chronology of the 55-MPH speed limit decision. Extracted from Braddock, Dunn, and McDonald, Inc. Impact considerations of the nation 55-MPH speed limit (background). Interim report NSF-BDM/W74-065-tr.
- What's wrong with 55 MPH? Consumers research magazine, v. 63, Aug. 1980: 18-20.