

Governor Greg Abbott,
Lt. Governor Dan Patrick,
Texas Legislature,

August 2016

Tx DOT's statewide program to lower speed limits to "improve safety" is an illegal, anti-democracy, unjust \$\$\$ usurping (tickets/insurance), crash CAUSING fraud.

The new "policy" to allow a posted speed limit to be 12 mph below the 85th percentile—the free flowing speed at or below which 85% of people drive—violates decades of proper engineering standards, established safety practices and federal/State speed limit law.

* This ignorant (or corrupt?) oppressive policy was created by 5 unelected Texas Transportation Commissioners and a few malpracticing engineers, especially Carol Rawson—who is rude, disrespectful and unfit for the job! (phone 12/14/15).

Please read my first complaint "Tx DOT is too Slow" which was published by the San Angelo Standard-Times (2/18/16) @ gosanangelo.com (enclosed again). Also see engineering research and my positive-peer-reviewed speed limit research.

By the grace of GOD, I am a traffic safety research author with 30 years experience including 230 interviews and 85 independent publishings. Most of y'all know who I am and know I live by a code of honour—I don't LIE.

See real research at bhspi.org/mauz/. I work for JESUS and Country and truly care about truth, justice, freedom and REAL SAFETY—as opposed to enforcement for profit fraud.

Lowering speed limits is WRONG (1st paragraph). Tx DOT's own, "Procedures for Establishing Speed Zones" (2006-2015) totally condemns this "policy" about 30 different ways! Does anyone in Tx DOT read their own lawful manual?

There are at least 6 warnings (+ 3 in Tx DOT brochure) to NOT go below the 85th %ile when posting a speed limit because it "unfairly penalizes" (p. 3-5) safe drivers, "does NOT reduce crashes" (p 1-7) and "crashes may increase" (brochure). Parker Report/Mauz research prove crashes go up.

* Commissioners have NO traffic safety experience or knowledge!

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Posting speed limits more than 5 miles per hour below the 85th percentile speed ^{R1-7} (does not reduce crashes) and has an adverse effect on driver compliance. (increases crashes - Parker, Mauz)

Safety is the Primary Concern

Most traffic problems are not simple and do not have simple solutions. Requests for lower speed limits are sometimes made with the admirable motive to "quick-fix" a particular problem. However, rarely does a single traffic control tool solve all the traffic problems in a community.

brochure

Research has shown that speed limits set below the reasonable speed of most drivers do not significantly reduce the number of crashes on a road. In fact, crashes may increase with unreasonably low speed limits.

See also ITE info. sheet.

There are at least 3 warnings (1 in brochure) to do other [real] safety practices first. Tx DOT admittedly did NOT. In Odessa (I-20) they illegally lowered the SL from 75 to 65 using (ironically) a Nov. 2011 speed zone study which correctly raised the SL from 70 to 75. A new study is required by Federal Law/State Law. The 85th was 77mph. but could be then or now at 80mph - way illegal (enclosed). by going 15 below the 85th. See below ♦.

- ♦ Speed zoning should not be used as the only corrective measure at high crash locations in lieu of other safety improvements. p. 1-8
- ♦ The use of radar to collect speed data appears to underestimate the 85th percentile speed by approximately 3 miles per hour.

There are at least 14 (+3 in brochure) strong recommendations to post a "reasonable" or "85th%ile speed limit."

The results of numerous and extensive "before-and-after" studies substantiates the general propriety and value of the 85th percentile criterion. P. 3-4

- ♦ Speed limits on all roadways should be set based on spot speed studies and the 85th percentile operating speed (see Chapter 3 of this manual). p. 1-8

MUTCD
Standard
85th rounded
up.

maximum posted speed should be as near as possible to the 85th percentile value, p. 3-5

The posted speed selected is the nearest value ending in 5 or 0. The final speed limit may be lowered (or raised) by as much as 5 miles per hour from the 85th percentile speed p. 3-18

The manual states at least 6 times that an 85th%ile SL increases safety, "reduces total crashes," "reduces the frequency and severity of crashes" (p. 1-7) and IS THE SAFEST SPEED LIMIT (p. 3-5). The ITE - Institute of Transportation Engineers - agrees, FHWA too. The Parker Report and my research clearly proves that higher SLs reduce crashes and fatalities (enclosed). Lower SLs increase fatalities. Variation from mean speed studies also prove 85th%ile SL is SAFEST. Slowest drivers crash the most!

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- ♦ Posting speed limits within 5 miles per hour of the 85th percentile speed has a beneficial effect, although small, on reducing total crashes but has a major beneficial effect on providing improved driver compliance. (See Chapter 3, "Speed Zone Studies," for a discussion on the 85th percentile speed.) **p. 1-7** \updownarrow

♦ reduce the frequency and severity of crashes when accompanied by enforcement. **★ Speed enforcement does NOT help safety, but can cause more crashes, injuries and fatalities.**

* Experience proves these findings valid and shows that the 85th percentile speed is the one characteristic of traffic speeds that most closely conforms to a speed limit which is considered safe and reasonable. **p. 3-5**

* **In plain English: An 85th %ile SL IS THE SAFEST SL! No if, ands or buts.**

In August 2015, Carol Rawson illegally removed the section on page 3-18 that allowed NO > 7 mph below the 85th %ile. ITE says, "shall NOT go more than 8 below." NO greater than 7-8 below is LAW in most states. The Federal Highway Ad. Manual on Uniform Traffic Control Devices says ALL states "shall be in substantial compliance." That means Texas, too.

Rawson—who is not a lawmaker or apparently an honest engineer—added some language to allow the extreme malpractice of posting SLs up to 12 below the 85th %ile.

It has been established for decades (remember the 55 National Maximum Speed Limit, 1974-1995) that lowering SLs does NOT "reduce travel speeds," "save gas," "lower pollution" and especially does NOT "save lives." Lower limits CAUSE crashes and deaths.

★ See ITE information page. Lower SLs + enforcement = +14% fatalities I-95 in S. Florida, +15% fatalities Palm Beach County, plus fatal increases in Ohio, New Jersey and Connecticut (enclosed).

Page 1-7, under Value of Speed Zoning, it states that the Texas Legislature is suppose to "protect" OUR "legal" rights to drive at reasonable, safe [85th %ile] speeds. The manual also mentions "realistic speed zoning will serve to protect the public" (85th %ile SLs). And that the vast majority (90%) of safe driving motorists are to determine the posted speed limit, NOT Tx DOT officials, police or misguided politicians. Heard of it? You call it democracy.

"Woe to those who make unjust laws...." Isaiah 10:1. As law-makers, would y'all pass a law that a clear 75%+ Texans disagree with? We hope NOT! However this illegal Tx DOT "policy" is doing exactly that.

When you lower a SL ≥ 8 below the 85th on I-10, I-20 or any LADH, the compliance rate drops to about 30%. By 12mph below the 85th (Odessa - 4 studies) only 16 drivers (out of 500) drove 65 or less: a compliance rate of 3%! THP says 5mph+ is ticket time (Odessa Am. 1-27-16). That brings general compliance up to 91 of 500 @ 69 or less, or 18%. What a great fascist law! Makes 82% of the people criminals!

See: "Opinions Vary on Impact of Lower Speed Limit" Midland Reporter Telegram, March 14, 2016 (enclosed). The truth (from me) is clearly articulated and from the Tx DOT manual. Lies are courtesy of Tx DOTs James Powell - who knows better, I called him (3/11/16). This is 2 months of 65 SL. A person on the comments (web) said he just got off the I-20 and NOBODY was doing the new (ILLEGAL) SL. Remember the studies (above). The newspaper's poll: 74.5% want the 75mph speed limit back! Only 17% (remember 18% above) want 65 SL.

According to proper engineering standards, 65 is too LOW on almost ANY freeway (even Dallas). Most urban SLs should be 70-75 MPH while most rural freeways should be 80 MPH - for compliance, enforcibility and SAFETY. Furthermore a freeway SL should be the 85th mile rounded UP. There is NO valid reason to ever round down.

Everything about Tx DOT's "policy" is a fraud, including their gathering of crash statistics. In Odessa, they start the crash comparison chart in 2011. Dishonest because 2011 (2009-2011) was a recession induced record low crash/fatalities year. From

2012-2014 there occurred an oil fracking BOOM,* hence more crashes. The last quarter of 2014 oil/gas started to plummet down to \$2.05 gallon. Crashes began

2011	308
2012	446
2013	567
2014	613
2015	?

* Not even mentioned.

leveling off. About half of the crashes involved trucks. So with the oil boom over, the "problem" solved itself. Tx DOT still lowered the speed limit (facts be damned). In addition to the unethical recession comparison, Tx DOT used rural crash rates for comparison to Midland/Odessa's urbanish? I-20. And there's no mention of fatalities. Did they go up or down?

Regardless, lower speed limits are anti-democracy and anti-safety. A traffic engineer endorsing lower speed limits is like a medical doctor endorsing smoking. It's unethical and dangerous professional malpractice that should require disciplinary action.

If an engineer (Carol Rawson) believes that "lower speed limits reduces crashes" then said engineer isn't qualified to set speed limits or work to improve traffic safety. An engineer should know better (Tx DOT SL manual) - its suppose to be common knowledge (Institute of Transportation Engineers). Therefore, if an engineer knows the truth but endorses the unethical (illegal) lowering speed limit "policy" then said engineers are too dishonest for the job.

Despite the obvious ethical/legal/anti-democracy/crash causing ramifications, NOBODY had any integrity or honour to even question this "policy"? Memo (4/17/15) names Kelli R. Williams (Odessa District Traffic Engineer), DerryK Blasig, P.E. and Carol Rawson, P.E. (Director of Traffic Operations Division) - all licensed engineers endorsing a complete FRAUD on the public that pays their salaries! Hat Feldman, P.E., city of Odessa gave his endorsement of the illegal "policy" in a letter (6/10/15). Remember the SL manual said No > 7 below until illegally (extremely unethically) changed by Rawson 2 months later. And remember this "policy" is going on across the whole state. - [59] in Nacogdoches, I-10 in Beaumont, several places in Tom Green County (my home) to name a few. Tx DOT is also (illegally) lowering some "oil patch" highways by 5 MPH - without a speed study!

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Another S.L. malpractice concerns Environmental Speed Limits, p 3-24 in the manual. Example I-10 west of Beaumont is illegally underposted at 65 (should be 75 or 80) to create the facade of "improving air quality." Doesn't work. The Texas Commission on Environmental Quality (TCEQ) or EPA have NO business setting <lower> speed limits.

Want to burn less fuel? Get the unethically mandated ethanol out of our gas. Even 10% ethanol reduces miles per gallon (burns MORE fuel) by 10-15%. Stop insulting our intelligence. Think. What burns less gas? Smooth traffic flow. What creates the smoothest traffic flow—an 85thile speed limit.

The manual allows the TCEQ to abolish ESLs when "unnecessary" which they clearly are, by writing to the Texas Transportation Commission. Save gas and lives by returning ESLs back to the 85thile speed.

Reading (comprehension) is fundamental. In addition to the SL manual condemning the lower SL "policy," Tx DOT's own Crash Contributing Factors (2008-2014) further prove the "policy" is asinine! US statistics concur.

The top 3 serious/fatal crash factors are (1) NOT PAYING ATTENTION (aka distracted driving) = 25%+ for ALL crashes. DWI (20%) is #2 fatal factor in Texas. (3) Failure to Yield (15%) Kills many—even several police officers in Tom Green County. And 1 in 3 fatalities (about 1,100 in Tx) result from ■ single vehicle crashes every year.

As anyone can see, speed limits are NOT the problem. Neither is "speeding." Tx DOT's own statistics show "speeding (overlimit)" to be only 5% of all fatal factors in 2014. This includes biases, plus 2nd or 3rd factors and some underposted SLs (289 of 5815 f.f.). This is a 39% improvement since 2008 (473 of 5545 = 8.5%). These improvements should be applauded—NOT punished with lower speed limits—especially since our newly

vibrant economy, gas prices below \$2/gallon and record vehicle sales have led to record increases in vehicle miles traveled, hence an increase in most accident factors.

When economies thrive, crash fatalities increase. When there is a recession, fatal crashes decrease. This is NOT abnormal. What is abnormal is expecting crashes to remain at recession levels during vibrant economic times. A real traffic engineer or honest researcher should know these things. Common sense would concur.

In plain English: The current rise in crashes is normal and there was never a real reason for this dishonest lowering SLs "policy." As I told Ms. Rawson—who pulled out the emotion card—"Doing nothing is better than doing something (lowering SLs) that will increase crashes." Besides, Tx DOT did NOT try other proven safety measures, as recommended in their own manual. Lazy? Ignorant? Corrupt?

Rawson's behavior mirrors that of corrupt, dishonest speed enforcement profiteers, like the Insurance Institute for Highway Safety (ie: Higher Surcharges). They don't like when the facts interfere with their fraudulently obtained profits. About 25% of Insurance income is from unethical "surcharges"—mostly from underposted SL enforcement.

"Speed Kills," "slower is safer," "lower speed limits save lives" are LIES perpetrated by the police, government and Insurance to condone the usurping of \$10 billion annually from mostly safe driving Americans. The National Highway Traffic "Safety" (ie: Enforcement) Administration actually makes up their own fraudulent "speed related" crash fatalities. Car and Driver and I busted them on their dishonesty. See: "Speeding Crash Statistics" and "Speed-Related Traffic Fatalities Grossly Inflated by NHTSA."

In review: "Speeding" causes way < 5% fatal factors.
 "Slower" drivers cause the most crashes (Solomon, Cirillo, West, Dum).
 "Lower Speed Limits" CAUSE more fatalities (Parker, Mauz, Post 55).

Interstates have the highest speed limits and travel speeds, but the lowest mileage fatality rate of all roads. Montana scored a record safe year in 1996 with no daytime SL on ALL highways. When we abolished 55/65 on November 28, 1995 there occurred 400 LESS fatalities after 36 states raised their SLs (1995-1997) "Higher Speed Limits-Less Fatal Crashes." IIHS and NHTSA predicted 2,500-6,400 more deaths. So much for "55 Saves Lives" and government/insurance Integrity!

While Tx DOT pretends they're helping "safety" by illegally lowering speed limits and heinously siccing the police on safe drivers, the real causes of crashes continue (and increase) unchecked. And we pay these people's salaries!

Real safety involves getting people off their phones, banning text messaging statewide, better DWI enforcement (including prescription drugs), how to YIELD education/training, better mandatory Drivers Ed - in real cars, widening roads, installing: warning signs, better pavement/markings, guardrails, cables, rumble strips, flashing yellow beacons, etc. and SETTING PROPER (SAFEST) 85th %ile SPEED LIMITS to name a few proven safety measures.

As a safety expert, I can provide about 40 ways to improve traffic safety for REAL. If the DOT or Texas truly cares about people and REAL safety write me for the info. A government with honour would hire me as a consultant or at least recognize my GOD inspired work for truth, justice, freedom and real safety (at my own expense). My honest, positive-peer-reviewed SL (AZ DOT) and ticket camera research should be posted at Tx DOT's website, House/Senate Transportation Committees, etc [bhspi.org/mauz/].

Most of y'all claim to be real Christians - especially Lt. Gov. Dan Patrick.

"The LORD abhors dishonest scales" (Proverbs 11:1). A speed limit set > 5 below the 85th %ile speed is most definately a "dishonest scale." A SL set 12+ MPH below the 85th is a heinous fraud - illegal, immoral, extremely dishonest and often CAUSES more fatalities! A dishonest SL also "bears false witness" against safe, reasonable drivers (violates 9th Com-mandment) to "steal" (8th Com.) their money through unethical police speed enforcement and always unjust insurance policy surcharges.

Tx DOT's "policy" and behavior is inexcusable, dangerous mal-practice. I informed Carol Rawson (12/14/15) the "policy" was wrong before Odessa and Nacogdoches speed limits were illegally lowered (late Jan. 2016). She was rude, shouted over the top of me, called Facts my "opinion" - I don't do opinions - and belittled my accomplishments, which far exceed hers! Her "friend" Aaron (Lt. Gov. - transportation) was politely, sarcastically rude, poked fun at me, intentionally tried to provoke anger and asked moronic questions like: "They're lowering the speed limit just to make you mad?"

I have been serving GOD and Country for over 25 years trying to make the world a better, safer, more just place for ALL people (even Carol and Aaron). I have worked with the Texas Legislature for 10 years. Have seen alot more corruption than Christianity.

By the grace of JESUS, I helped rid our Country of the most hated/unwanted law in US history - the National 55 speed limit. Help rid Texas of the unjust night-time 65 SL. (HB 1353²⁰¹¹ - Elkins). Help lower property taxes (SB 1²⁰¹⁵ - Nelson).

We need a 3% cap on assessed value increases (Bettencourt, Gov^{Lt}) like Florida. Current 10% cap doubles taxes in 7½ years. Exorbitant!

My activism and extensive written research/publishings

have helped: save lives, restore Constitutional Rights, uncover/ban camera fraud, defeat a giant tax increase, set honest speed limits and defend poor/working people against government/corporate oppression and exploitation - like JESUS!

I am also a US Army veteran and have served on jury duty 5 times - twice as jury foreman on criminal cases. I am a model citizen and true patriot.

I - or anyone - who contacts OUR government deserves respect. We pay your salaries.

GOD says government is to punish evil and reward good. Well, this Tx DOT "policy" is evil.

I have been working with Tx DOT Ex. Dir. James Bass/Eng. Mark Marek (2/1/16 ☺, 2/8/16 package, ☺, 2nd package and more phone calls 3/11 → 3/22/16 - already proved "policy" was (illegal) wrong with copy of 2007 Manual = same as 2012 or 2015.

But, now they're trying to illegally lower the SL on [6] in College Station. Tx DOT, again, needs serious reform (like the 2009 Sunset Com.) Those responsible for this heinous "policy" should be punished - especially Carol Rawson. Every Tx DOT employee needs to READ and comprehend their own SL Manual and this LETTER (14 pages of manual and brochure enclosed). I underlined the most important points and provided expert commentary, including correcting fraudulent statements.

I have also contacted and provided proof to Senator Creighton, Senator Perry, Rep. Elkins and sent package to Lt. Governors office (Tina Poston 2/2/16 - 2/14/16 ☺). Talked to Tammy at Governor Abbotts office (1/22, 1/29/16). See enclosed letter from Lt. Gov. Patrick (2/17/16). I expect and deserve better from a "Christian" brother and leader in OUR state. The PEOPLE deserve honest government!

Y'all have now seen irrefutable PROOF (from Tx DOT's own "Procedures for Establishing Speed Zones" 2006-2015) and from numerous other honest research sources (enclosed) that LOWERING SPEED LIMITS IS DEAD WRONG!

In JESUS name, it is your job to make Tx DOT stop this illegal, immoral, dangerous "policy", remove the new illegal "12 mph below the 85th %ile" language (p. 3-18, Rawson), reinstate the legal "no > 7 mph below 85th %ile" language (should be no > 5 below) and repost the lowered and ALL speed limits to the 85th %ile speed - the SAFEST SPEED LIMIT!

In JESUS name, I request to speak to Gov. Abbott himself and Lt. Gov. Dan Patrick, et al. Tammy said if I asked in writing you must talk to me. A citizen - especially an honest expert like myself - deserves a phone call regardless of how I ask, especially from "Christians."

The PEOPLE of Texas (and I) deserve a written apology for deceiving us. Tx DOT should post the apology on its website (and my research) and apologize in the newspapers of the communities they defrauded (Odessa, Tom Green Co, Nacogdoches, College Station? ETC.). I demand a written apology from Tx DOT leaders and Carol Rawson and Aaron.

I expect detailed letters - that don't insult my and your intelligence - ASAP, showing that the "policy" is cancelled and WE THE PEOPLE's speed limits are being properly set for democracy and SAFETY to the 85th percentile, rounded up (MUTCD recommended).

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