



National Motorists Association

FLORIDA STATE CHAPTER

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Setting Speed Limits - An Epidemic of Malpractice [Analysis of "Managing Speed" Report Summary]

by Greg Mauz

"The argument can be made that most motorists drive in a reasonable and prudent manner, selecting their driving speeds so as to arrive at their destinations safely." Politically compromised, non-committal language saturates the Transportation Research Board's, "Managing Speed, Review of Current Practice for Setting and Enforcing Speed Limits." (September 1998) Only 7% of all licensed drivers are involved in accidents in any given year. There remains no argument. It is a fact - most motorists drive safely.

After the National Motorists Association inspired repeal of the 55/65 National Maximum Speed Limit on November 28, 1995, the "safety" groups, including the National Highway Traffic Safety Administration, screamed "6,400 lives would be lost." Two years passed without any extra deaths, despite 36 states raising mostly freeway speed limits. Currently, only Hawaii still clings to the old double-nickel. With the NMSL "life saving benefits" and NHTSA's "predictions" proven to be a hoax, they decided to call on an old friend for help in keeping the "speed kills" mantra alive.

In 1984 TRB produced a book, "55: A Decade of Experience." Special Report #204 - as instructed by Congress - extolled the "benefits" of 55. Starting with a biased directive, the panel selected comprised, almost without exception, pro-55 zealots. The book enthusiastically proclaimed that 55 saved thousands of lives annually. Revered as holy scriptures to the "safety" groups, the aforementioned "6,400" number emerged from the sacred book.

Now NHTSA funded the "Managing Speed" report to further confuse, misinform and invalidate the proper way to set a speed limit. NHTSA again stacked the committee with the pro-lower speed limit crowd. Representatives from Police, Insurance and Government agencies - who all PROFIT from speed enforcement - sat on the panel. Asking these people about how to set a speed limit is akin to asking Phillip Morris to conduct "research" revealing the health problems associated with the use of tobacco. Conflict of interest.

Ironically, NHTSA censored one of the best authorities on the subject - the NMA. In his article published by Consumers' Research, "The Mythology of Setting Low Speed Limits," NMA President Jim Baxter said it best. "The 'aura' of competence could not disguise the incredibly inane and scientifically bankrupt nature of this 'ode to the failed bureaucrat'."

The TRB Report title itself suggests that American motorists behave like spoiled children in need of "managing." The second sub title is "enforcing" this incorrect belief. Montana maintained no numerical daytime limit for over 3 years. Did drivers lose their senses and start driving like racers in the Daytona 500 as "predicted" by "safety" groups? Hardly. Four separate speed surveys from 1996 - 1998 (IIHS, Fors, D.O.T.) revealed average travel speeds did not exceed 76 M.P.H. Only 2-3% of motorists exceeded 90 M.P.H. Furthermore, Montana achieved a record safe year, not during

the 55 days, but during 1996 with no daytime limit.

Under the sub title, "The Safety Connection and the Role of Speed Limits," the Summary greatly exaggerates the role of speed limits as safety devices. "The primary purpose of speed limits is to enhance safety." Wrong. Many years of research disagree. "No published research findings have established any direct connection between posted speed limits and accident frequency." This fact comes from the Arizona D.O.T. study entitled, "Establishing Speed Limits - A Case of Majority Rule." (October 1997) Other studies concur. *

The Federal Highway Administration Speed Limit Survey (1992) - completed over 5 years in 27 states and 256 locations - remains the most comprehensive, objective study ever done on the subject. Conclusions include: over 90% of speed limits are set too low, speed limits have no real effect on highway speeds or safety and need to be set according to proper engineering criteria, not political mandate. "The posted speeds make technical violators out of motorists driving at REASONABLE and SAFE (my emphasis) speeds."

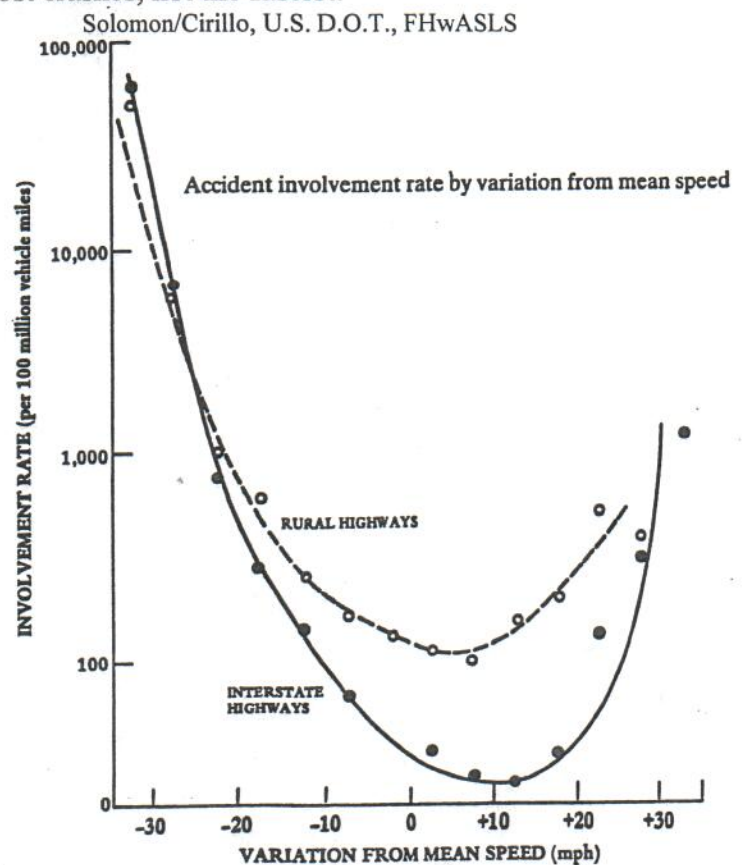
The "safety" groups attempted and mostly succeeded in keeping these honest findings from reaching the public. Even the FHWA brass remained reluctant to release the study. The NMA forced the issue. Car and Driver published the research conclusions. The mainstream media failed to report the Survey.

Mentioned several times in the Summary is deviation from average speed crash rate studies. However, the honest results of these studies are obfuscated by PC language. In PLAIN ENGLISH - on interstate highways the safest speed is 10-12 M.P.H. ABOVE average travel speed. Please see graph. Furthermore, 20 M.P.H. above average is safer than even 5 M.P.H. below. The graph clearly illustrates that the slowest drivers cause the most crashes, not the fastest.

On most roads, roughly 5-10 M.P.H. above average reflects the safest travel speeds. This speed coincides with the 85th percentile speed on all roads, except limited-access-divided-highways (LADHs), where it often reflects the 90th percentile speed.

"Managing Speed" contains many factual statements - often disguised in deceptive sentences - regarding the posting of REASONABLE speed limits." ... If reasonable speed limits are established.... most drivers comply. Thus, it is important that... motorists perceive that speed limits are reasonable and enforceable. A speed limit should meet... acceptance by the community at large."

* Martin Parker Report
FHWA (1997) 22 states,
100 locations (3 yrs. before/ 2 yrs
after) 1.6 million speed measurements
Speed limit changes at 100 sites. Speed limits set
higher resulted in fewer crashes. Lowered limits
caused more crashes. Raising or lowering SLs do
not change travel speeds.



The Summary fails to mention that this is not being accomplished - except upon rare exception - anywhere! Speed survey readings, recorded by Florida D.O.T. at 11 LADH sites in May 1999, showed no clear majority compliance (51%+) anywhere! Compliance ranged from a best of 50% at one site, to a pitiful 15% in a zone still posted at 55 M.P.H. The average speed zone contained only 30% adherence to the speed limit - the same findings conferred by the FHwASLS in 1992. Reasonable? Acceptance by the community at large? Hardly. The current method of setting most speed limits by political mandate (legislatures, city councils, etc.) remains a blatant failure. Yet, the Summary defends this flawed, dishonest and unreasonable method.

The Perfect Speed Limit

Under "Speed Limits in Speed Zones" it states, "In many speed zones, it is common practice to establish the speed limit near the 85th percentile speed, that is the speed at or below which 85% of drivers travel in free-flow conditions..." This happens to be the universally accepted, proper, scientific, democratic and safest speed to post the limit at, but as illustrated already it is not "common practice." As an American driver, you should want to know why.

The Summary admits that an 85th percentile speed limit, (a) enables the police to focus their enforcement efforts on the most dangerous speed outliers and (b) is generally at the upper bound of a speed range where crash involvement rates are lowest - at least on certain road types, according to some studies that have examined the relationship between speed and crash probability." This, again, reinforces the deviation from average speed studies (graph). In simple language, the 85th percentile speed limit contains the best mix of consensus, efficiency, enforceability and SAFETY.

The TRB study then incorrectly claims that the 85th percentile speed limit is "not appropriate for all roads." Crowded urban roads, roadside development and pedestrian traffic are presented as excuses for a lower limit. NMA President, Jim Baxter responds, "The 85th percentile speeds in these more congested environments reflect consideration for the very factors that are used as excuses to lower speed limits below prevailing speeds."

Another excuse to lower speed limits evolved from the "widely held misconception" (Arizona D.O.T.) that drivers will always drive 10 M.P.H. over whatever the speed limit sign says. "Before and After studies consistently demonstrate that there are no significant changes in traffic speeds following the posting of new or revised speed limits." The FHwASLS adds, "Lowering the speed limit will not slow down traffic." Attending D.O.T. meetings, I participated in the raising of the I-95 speed limit from 55 M.P.H. to 65 M.P.H. in 1997. Realistically, the limit should be 70 to 75 M.P.H. In 1996, the average speed clocked in at 66 M.P.H. or +1 over 1995. After posting 65 M.P.H. in May, 1997, did everyone suddenly, or even gradually, climb to an average of 75 M.P.H. as "safety" groups and police proclaim? With two full years to accelerate, the average speed climbed only 1 M.P.H. per year to 68 M.P.H., "which is normal variation." Figures for most states concur, with or without speed limit changes.

A realistic, 85th percentile speed limit simply reflects the speeds already being traveled by the vast majority of safe drivers. With this proper limit and a 5 M.P.H. grace, there would occur only 9 violations per 100 drivers. The current nationwide malpractice unethically produces, on average, 70 violations per 100 motorists. Police should encourage setting proper speed limits. It would make their job easier.

The 85th percentile speed limits also reduce speed variance. According to Maryland D.O.T.'s "Drive to Survive," "A speed limit based on the 85th percentile speed offers the greatest chance of achieving some uniformity in speeds." What's not to like about this perfect speed limit!

Differential and Variable Speed Limits

Showing it's usual lack of courage to upset the status quo, "Managing Speed" refuses to criticize unfair differential speed limits for cars and big trucks. States such as Ohio and California still require trucks to obey an unreasonable 55 M.P.H. speed limit. "No conclusive evidence could be found to support or reject." The aforementioned studies (graph) and their statements to the media contradict these claims. In most cases, there remains no valid reason for unequal speed limits, at least up to 75 M.P.H. on LADHs.

Next mentioned are variable speed limits that can change with conditions. They support this. Ka-ching! Again, this infers that motorists are incapable of making rational decisions. Many speed limits are currently posted so low that they can safely be met or exceeded, even in moderate inclement weather. The potential to further abuse motorists financially would prove too great a temptation for cash hungry local governments. Variable limits should not be allowed.

Speed Enforcement: Safety or Money?

"Enforcement and Other Speed Management Strategies" fuels the myth that speed enforcement reduces accidents. During 1995, Connecticut received \$500,000 from NHTSA for speed, seatbelt and DWI enforcement. Thousands of tickets (most for speeding) resulted in a 67% increase in accidents. South Florida received a \$250,000 grant, plus local funds, in January 1996. Accidents rose 10% that year while police wrote over 12,000 tickets for speeding on I-95. Enforcement blitzkriegs often result in more crashes, not less. *

Florida Traffic Crash Facts reports that from 1993 to 1997 speeding caused only 2% of all accidents. Despite propaganda to the contrary, speeding is not, never has been, or ever will be a significant cause of crashes.

Speeding statistics are often misleading as most states allow up to 3 factors per each accident. For example: Joe Driver, containing a blood alcohol level of .18, runs a standing red light at 10 M.P.H. over the speed limit, resulting in another motorists death. The primary cause of the wreck was alcohol abuse, followed by the second factor, disobeying a traffic signal. Speeding played an inconsequential role but becomes logged into the statistics anyway. Further analysis of speeding stats reveals that a significant quantity are actually weather-caused accidents. Many of these crashes occur well below the posted speed limit. However, they qualify as "speeding" stats under "speed too fast for conditions." True speeding - as most people perceive it - very rarely becomes the primary cause of a wreck. Only about 1% of all crashes and less than 5% of fatal crashes can honestly cite speed as the #1, primary cause. Hardly alarming.

What is alarming? Despite officially causing only 2% of all accidents, speeding tickets account for 61% of moving violations (Florida Court Records, 1997). Police wrote 733,087 speeding citations, netting over \$80 million for state coffers. In many other states, counties and cities the percentage is higher. In most states, speeding ticket fines cost double or triple those of exceedingly more common causes of crashes, like inattention or failure to yield. In Palm Beach County, Florida, failure to yield resulting in a CRASH, nets a \$78.00 fine. Speeding 20 M.P.H. over



\$450,000 grant, 9 police depts., "to save lives", all year, 12,000 plus tickets. Fatalities increase +14% (50 to 57).

the under posted limit on I-95, yet hurting no person or property, nets a \$168.00 fine, plus 4 license points. This translates into a \$1,000.00 windfall for your insurance company. Or, if you "qualify", traffic "school" will extort another \$141.00 from your wallet in exchange for eliminating the insurance surcharges. All other moving violations pay \$67.00 for the same driving "school". Justice? Safety? How about 8th Amendment violation! "Nor excessive fines imposed."

Speaking of Constitutional violations, the Summary actually condones the use of photo radar. Again, they confuse the issue. They claim "privacy issues." The real issues regard violating your rights to due process, to face your accusers and burden of proof. (5th, 6th and 14th Amendments). Furthermore, like traditional speed enforcement, there remains no provable safety benefits. Photo radar generates massive amounts of revenue. Let's be frank. Despite all the phony rhetoric, speed enforcement is about MONEY, not safety. To suggest otherwise is irresponsible, dishonest and an insult to reasonable drivers intelligence. State and Local Governments collect over \$2 billion annually, while Insurance legally extorts over \$6 billion a year.

To add insult to financial injury, the whole corrupt system relies on unreliable technology. Radar and laser are capable of 10 different kinds of mistakes. Adding human errors to the equation results in as many as 1 in 5 speeding tickets being issued improperly. Photo radar makes mistakes, plus comes with it's own unique set of problems - legal, ethical, system breakdowns, poor vendor service and major public opposition, to name a few. Over 20 U.S. locations have rejected Big Brother's cameras. Ontario, Canada elected a new government primarily to give photo radar the boot.

"Concluding Comments" mentions that most states have raised LADH speed limits since the repeal of the 55/65 NMSL. "Safety outcomes.... should be closely monitored.." Inferring "adverse safety effects" occurred in 1996 - 1997, "enforcement should be redoubled."

My report, "Higher Speed Limits - Less Fatal Crashes" proves the reality of the title. Analyzing only LADHs, NHTSA statistics reveal 5,769 fatal crashes for 1995 versus 5,659 for 1997 (-110). Adding 39 billion additional vehicle miles traveled into the equation results in about 400 LESS fatalities after speed limit increases. Mileage fatality rates reached record lows starting in 1996, the first year of speed limit increases. Preliminary 1998 numbers show even more life saving improvements.

Interstates, freeways and expressways historically remain the safest roads in the United States, even while posting the highest speed limits. These LADHs carry 30% of the nations traffic, yet produce only 15% of the total fatal crashes. In addition, these roads maintain the lowest mileage fatality rates of any U.S. roadways at .8 deaths per 100 million miles driven. City streets, by comparison, average about 2.4. The overall fatality rate for all roadways posted a record low - again - at 1.58 in 1998 (unofficial).

Ironically, the majority of speed enforcement employed against motorists occurs on these safest of roads. For example: Oklahoma State Troopers wrote on average 81,000 annual speeding citations from 1993 to 1997. Total court convictions for speeding averaged 129,000 (about 65% of moving violations) for the whole state (Oklahoma Traffic Crash Facts, 1997). Accounting for unadjudicated cases, still results in a clear majority of citations issued on the safest roads. Overzealous speed enforcement states such as Georgia, New York and Ohio probably exceed 65%.

Let's put this situation into proper perspective. Over 50% of most states speed enforcement

is directed at 0.75% of the fatal crash problem (15% x 5%). How does this help safety again? The German Autobahn, with no speed limit and no speed enforcement, maintains the same fatality rate as our Interstate System. *

Despite the new higher speed limits, almost all LADH'S still remain posted too low. If speed limits were legitimately set, most states would post 70 M.P.H. in urban zones and 80 M.P.H. on rural freeways. Many Western states could safely post 85 to 90 M.P.H. or in some cases - no limit. How many more lives might be saved if this were accomplished?

"The issue of appropriate driving speeds, however, will persist as long as there are individual drivers making choices about risk and time efficiency." Over 90% of motorists drive appropriately.

It's time for this "safety" facade to meet the wrecking ball. The real "issue" is citizen rights versus Government/Insurance power and money. Insurance owns over 2,700 Political Action Committees ("safety" groups). Their primary purpose is to increase profits. A majority of politicians - at every level - pocket Insurance campaign contributions. That's why Insurance executives can laugh all the way to the bank. Their product is required by law, they pay little or no taxes and are exempt from U.S. Anti-trust laws. No other corporations enjoy such advantages. No other industry purposely abuses their customers.

NHTSA also finances "safety" groups. Some groups receive both government and Insurance funds. It is unlawful for Florida D.O.T. employees to lobby the government they work for. Why should NHTSA (U.S. D.O.T.) be allowed to lobby, promote and fund a political agenda? It's unethical.

A note to the media: the Insurance Institute for Highway Safety is NOT an independent research group. They receive millions of dollars from State Farm, GEICO, Allstate and others to manipulate data and conjure up "studies" supporting Insurance programs designed specifically to generate huge profits. For example: Insurance lusts for more red-light violation ticket surcharges.

Money arrives at the IIHS. "Research" occurs. Suddenly, red light running becomes "the leading cause of urban crashes, representing 22% of total crashes." It's an epidemic! Call the media. Gather the troops for action! Stop! Red light Running weeks occur in various states. Florida cops wrote 5,568 citations from January 11-17, 1998, providing a cool \$1.5 million times 3 years for various insurance companies. But wait. Camera enforcement can further "enhance safety." Lives will be saved. We're wonderful people. The public supports the idea.

Reality flash. Less than 2% (800 of 42,000) of all annual fatalities result from a driver running a red light. Cameras snap photos. They cannot prevent crashes. In fact, they cause an increase in rear-end collisions. Constitutional violations. Kickbacks. Any public support remains based on misinformation - not facts. Millions of dollars in free money, that's the picture!

Teen Restrictive License Law "saves hundreds of lives" in Florida. This "evidence" becomes propaganda to support similar laws in other states. Reality: 50 more teens died with an 11% increase in the fatal crash rate. The overall crash rate declined, increasing Insurance profits. Insurance refuses to support new and improved Driver's Education, because drivers may expect discounts.

Higher speed limits result in "500 additional fatalities." Reality: 400 less deaths in 1997. Slight decline in LADH speeding tickets. However, higher fines and recent doubling of fines in



U.S. LADHs Mileage Fatality Rate = .87 per 100 million miles driven. Autobahn (with no SL on 4,100 of 6,900 miles) = .77 MFR or -12% lower than U.S.

school and construction zones easily overcompensates for any revenue losses. As dishonorable as the IIHS remains, NHTSA "studies", statements to the media and statistical bookkeeping contain even less integrity.

NHTSA's claim of over "4,000 lives saved by airbags" is based on a computer model analysis without regard to occupant seatbelt use. In the real world, NHTSA's stats for occupants of cars and light trucks reveals only a subjective possibility of no more than 500 lives saved through 1998. However, 170 deaths and thousands of injuries, due to airbags in low impact crashes, remain a provable fact.

NHTSA, IIHS and the Big 3 Auto Makers knew of at least 6 airbag caused deaths during low speed crashes in October 1991, before passenger-side bags existed. These "safety" officials cared so much about people's lives that they refused to postpone, change, revoke or amend the airbag mandate. Furthermore, they conspired to a cover-up. Results: a minimum of 170 dead, including 100 children. The responsible people should be held accountable and punished. This blatant failure of a law violates freedom of choice, while costing Americans over 15 billion dollars annually. For about \$100 per car, improvements to seats and seatbelts could save more lives in not only frontal crashes, but other crashes as well. The mandate should be repealed as a 9th Amendment violation. ACLU where are you?

A preponderance of extensive evidence proves that these self-righteous "safety" hypocrites remain incapable of passing rational laws to improve traffic safety. How long will they continue to cry "Wolf!", with society responding, much to it's own detriment. Conflict of interest alone should honorably remove these people from participating in safety legislation of any kind. But, adding their collective lack of credibility, objectivity, competence and respect for human lives and rights, politicians, police, "safety groups" and Insurance should be barred from participating in the setting of speed limits.

As our Founding Fathers intended, laws should be created to benefit people, not corrupt corporations and special interests. Laws, especially in a democratic republic, should voluntarily garner a vast majority compliance. Nowhere is democracy less evident - besides the airbag mandate - than in the posting of speed limits. The current epidemic of malpractice in setting speed limits makes criminal, the reasonable behavior of the vast majority of safe driving motorists. This fosters disrespect for the police, government and traffic rules in general.

If the government, police and Insurance really cared about people and their safety, they would encourage the setting of properly engineered speed limits. The 85th percentile speed limit (90th on LADHs), when implemented, reflects the safest - and most democratic - speed limit. Those opposing proper speed limits, in reality, oppose democracy, justice and real safety.

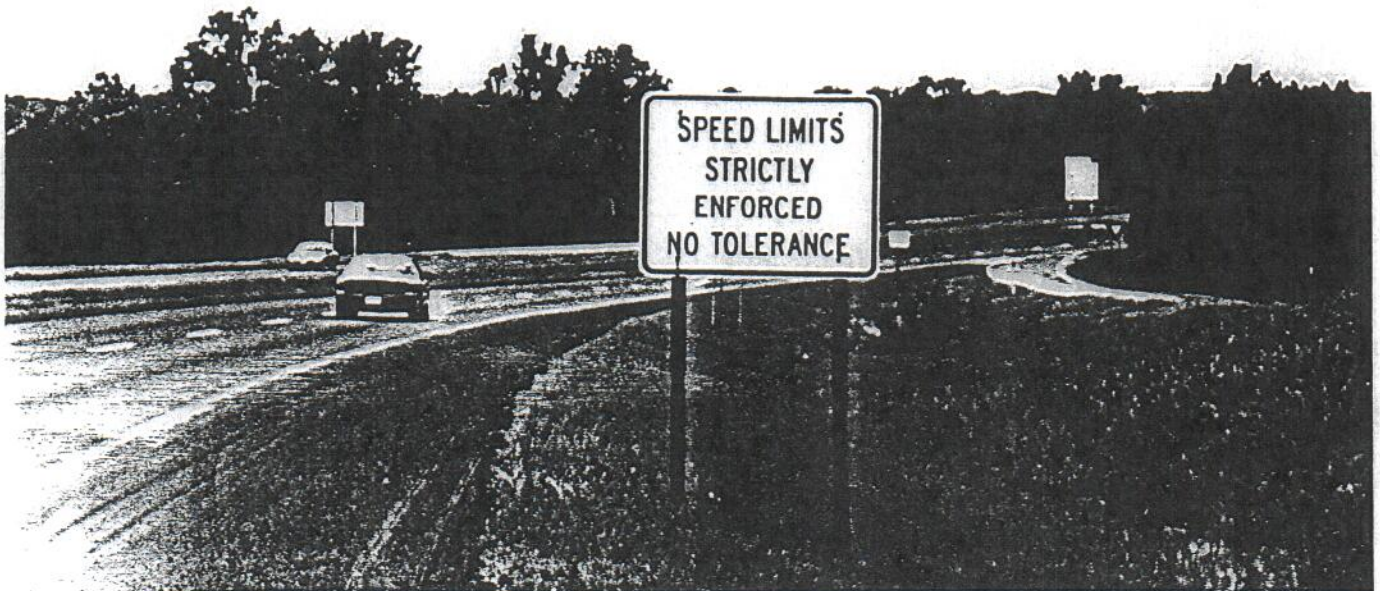
Congress created this epidemic of malpractice by forcing the unjust 55 M.P.H. speed limit on a non-complying public for over 22 years. Congress could fix this mess once and for all. In the interest of real freedom, justice and safety, the Federal Government should pass the Model Speed Zoning Bill. This bill would authorize, by law, the setting of speed limits to the proper 85th percentile rule. Honest engineers, without political bias, would set the limits. States not complying or found cheating would be fined a significant portion of their highway money. There could be a 1-800 number for citizens to report city, county or state violations or suspected speed traps. Insurance surcharges for speeding would be illegal.

It's time for the exploitation of decent drivers to stop. We motorists endure far too many arbitrary schemes to separate us from our money already. Being apprehended and prosecuted for traveling at a reasonable and safe speed should not be one of them.

If the Transportation Research Board conducted an objective review, the title would read: "Mismanaging Speed, Review of Current Malpractice for Setting and Enforcing Speed Limits." If they researched honorably, their conclusions would demand the changes I have suggested. Instead, they sold their integrity by promoting as valid, an unreasonable, failed system for setting speed limit laws. However, a subtle truth revealed, "The posted legal speed limit should inform motorists of maximum driving speeds under favorable conditions." Amen. The Model Speed Zoning Bill accomplishes that goal.

It is time to end this injustice. Let democracy be more than rhetoric. Make people more important than money. Accomplish both by setting properly engineered 85th - 90th percentile speed limits.

Just a dream you say? Couldn't happen? That's what they told us - the NMA - about our battle to rid the country of the 55 M.P.H. limit. Citizens can win when they stand together against injustice. However, sitting on your apathetic butt will eventually result in the loss of all your rights. We must stand together or continue to fall victim separately. The choice is yours.



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