

MINUTES
SENATE TRANSPORTATION COMMITTEE

- DATE:** Thursday, January 19, 2012
- TIME:** 1:30 P.M.
- PLACE:** Room WW53
- MEMBERS PRESENT:** Chairman Hammond, Vice Chairman Brackett, Senators McGee, Corder, Bair, Werk, and Bilyeu
- ABSENT/ EXCUSED:** Senators Keough and Winder were excused from today's meeting.
- NOTE:** The sign-in sheet, testimonies, and other related materials will be retained with the minutes in the Committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.
- CONVENED:** **Chairman Hammond** convened the meeting at 1:32 p.m. The secretary was asked to take a silent roll. The Chairman noted that **Senator Keough** and **Senator Winder** were excused from the meeting. **Chairman Hammond** turned the meeting over to **Vice Chairman Brackett** in order for the Chairman to present RS20917 to the Committee.
- RS20917:** **Chairman Hammond** reminded the Committee that this legislation was presented late last year, but floundered in the House. The first concern is that the State is collecting money for private organizations, turning revenues over to those organizations, and there is no accountability as to how that money is spent. The Chairman feels this is not an appropriate function for government. Secondly, the Chairman has literature from other States regarding specialty license plate issues that promote causes not appropriate for State government. Idaho could face similar concerns. The Chairman stood for questions.
- QUESTIONS:** **Vice Chairman Brackett** called for questions. **Senator Corder** wanted to know what the Chairman defined as foundations supporting interests of the State and listed specific councils – the range council, the bee council – as to whether they would qualify. **Chairman Hammond** stated they would be considered as qualifying.
- Senator McGee** asked if collegiate license plates would be approved and if those in existence would be grand-fathered into the legislation. **Chairman Hammond** responded that not only would they be grand-fathered in, but they are of the general public interest of the State.
- Senator Bilyeu** asked how many plates need to be sold for how many years before a specialty license plate is no longer available. **Chairman Hammond** asked Amy Smith, Idaho Transportation Department's (ITD) Vehicle Services Manager, to respond to that question. Ms Smith indicated that there is a three-year introductory period with no minimum sales required. After that, in any two consecutive years, if State sales fall below 1,000 plates, ITD can cancel the plate. **Senator Bilyeu** suggested that as long as the issue is being addressed, the length of time may need to be shortened.
- MOTION:** With no further questions, **Senator McGee** moved that RS20917 be sent to print. **Senator Werk** seconded the motion. There was no discussion on the motion and it carried by a unanimous voice vote. The gavel was turned back to **Chairman Hammond**.

PRESENTATION: **Chairman Hammond** introduced Paul Steinman, ITD's Chief of Operations, and asked him to introduce today's presenter. Mr. Steinman introduced Brian Ness, ITD Director, other ITD staff members, and First Lieutenant Thad Peterson of the Michigan State Police. First Lieutenant Peterson earned a Bachelor of Science degree in economics from Eastern Michigan University, a Juris Doctorate degree from Michigan State University School of Law, and has been a member of the Michigan State Police for twenty-four years. Since 2003 he has been the commanding officer of the Traffic Safety Services Division, and he is a nationally recognized leader in speed limit reform. He serves on the Michigan Association of Chiefs of Police and on the Michigan Traffic Safety Advisory Commission. He has received numerous awards for his work.

Chairman Hammond welcomed the Lieutenant to the Committee. First Lieutenant Peterson's topic of his presentation is 'Establishing Safe and Realistic Speed Limits' that draws from the Michigan State Police experiences where, as a result of the studies, numerous changes in speed limits on roadways have been made across their State. His PowerPoint presentation is on file with these minutes in the Legislative Services Library; or it can be viewed by clicking [here](#).

The State of Michigan has collected fatality rate data since 1940. It shows the number of fatalities per 100 million vehicle miles traveled. The year 1941 marked the highest number of fatalities at around 12. Since then there has been a downward trend; reaching the milestone of less than one fatality per 100 million vehicle miles traveled. This has been a goal for some time. The new goal is to improve on this rate; set at .8 fatalities, with the ultimate goal set at zero.

A key to understanding this presentation is to understand the relationship between speed and speed limits. These terms should not be used interchangeably. Speed limits on roadways can be changed, but not the speed. When speed limits are determined by actual travel speeds, three things happen: (1) compliance rates are maximized; (2) crash rates are minimized; and (3) crashes that do occur are not more severe. The basis for the entire presentation is the risk curve which shows the risk of being involved in a crash, on the vertical axis, and the average speed traveled (above and below) on the horizontal axis. The lowest risk of being involved in a crash is just above average speed where, ordinarily, the 85th percentile speed would be – one standard deviation above average. If you drive at that speed, you have the lowest risk, statistically, of being involved in a crash. This will increase with additional speed, but not as much as if you are one of the slow drivers. This is an important concept as the presentation moves forward.

There is one thing that is directly affected by changing a speed limit upward or downward. That is the compliance rate. If the speed limit is increased, the compliance rate will increase. Conversely, if the speed limit is decreased, the compliance rate will decrease. The topic is counter-intuitive because since 1974 the driving public has been told that "speed kills", "55 saves lives", "drive 55, bring back alive". Those phrases were used to help drivers commit to the national speed limit of 55 mph. Since 1974, we haven't gotten speed limits back up to where they should be or where they were prior to the OPEC oil embargo of the early 70's; let alone where they should be due to the improvements in vehicles, tires, brakes, suspensions, roads, and other factors. These allow us to drive safer, faster today than we could back in 1974.

Speed limits should be established based on the primary, empirical factor, which is the 85th percentile speed. It is the speed that if you set the speed limit at the 85th percentile speed and nobody changes how they drive, the result is 85 percent compliance with the speed limit. This is the primary data point. Other engineering and traffic factors influence traffic and pedestrian movement. There is equipment available that can capture the influencing factors without having marked police vehicles out there affecting the flow of traffic. When speed limits are set at the 85th percentile speed, people are driving at the most similar speeds. It provides the lowest speed variance between vehicles, and thus the lowest crash number and the optimum enforceability. It is the "safest" place to set the speed limit.

First Lieutenant Peterson wrapped up his presentation with specific examples from the State of Michigan; and stood for questions from the Committee.

QUESTIONS:

Chairman Hammond thanked First Lieutenant Peterson for coming before the Committee with this presentation. The Chairman asked if the 85th percentile is established, from the driver's standpoint, based on such factors as the width of the road, the number of ingresses and egresses, the amount of activity, and other factors where lower speed limits would be. He asked for comment on the counter-intuitiveness for drivers who pay attention. The Lieutenant stated that experienced drivers take in all factors that then get calculated back into their subconscious and feed out through their throttle foot. People are actually very good drivers despite the fact that it's popular to say how poorly everyone drives. **Chairman Hammond** added when speed limits are set substantially below the 85th percentile, are impatience and poor decisions made by drivers who feel the speed is not appropriate thereby causing possible opportunities for collisions. The Lieutenant agreed and explained experiences confirming this behavior. The Chairman asked for his comment on S1229 eliminating the different speed limits for cars and trucks. The Lieutenant said that the State of Michigan is working on the same thing. Based on studies, Michigan's speeds were changed, but they continue working on the issue because a lot of trucks have speed limiters set at 68 mph.

Senator Werk asked the Lieutenant about his statement regarding the speed at which people move comfortably on roadways; what about the points at which there is a disconnect between the engineering of the road and the other distractions that occur on the road. Are these factors considered in setting speed limits? The Lieutenant stated that they have found that traffic does account for all obvious factors. There are latent factors that drivers cannot perceive that need to be called out by highway advisory signs. If the speed limit is set lower to account for those factors, then the compliance rate is decreased. Anything to deviate away from the 85th percentile speed causes problems. Drivers tend to take more notice of advisory signs. Reducing speed limits to lower speed does not work. **Senator Werk** asked about the truck issue and asked what the maximum weight for trucks is in Michigan; and are roads set at 80 mph or 75 mph. The Lieutenant believes the maximum weight for trucks is 160,000 pounds. There is a per axle limit of about 11,000 pounds which spreads the load over a number of contact patches. There is a good inspection system in place insuring that brakes function well on trucks. A truck takes about 15% more time to stop than a car. Maximum speed limit on freeways in Michigan is 70 mph; 85th percentile speeds of between 70 and 85, on rural freeways. Changing speed limits on rural freeways would not change travel speeds for cars too much; and likely not too much change in truck speeds if Michigan did away with the differential speed limit. It would be a different outcome if the overall speed limit on freeways was raised to 85 mph.

Senator McGee remarked that the data is counter-intuitive and not what one would expect at all; it is a unique look at speed limits. The Senator wanted to know who sets speed limits in Michigan. The Lieutenant stated that the speed limits on the trunk lines that pass through municipalities are established by the Department of State Police and the Department of Transportation, with political influences coming into consideration. Local control is great for many ways, but for speed limits it's a big problem because constituents don't understand and they want a lower speed limit on the roads that they live and drive on; but they believe the speed limit is not set for them and become upset if they are ticketed. They believe the speed limit is for everyone else that drives fast on their local roads.

Senator McGee asked what percentage of Michigan roadways need to have this analysis; and requested the same information for Idaho from Mr. Steinman and how the process would work. Mr. Steinman responded that they know that posted speed limit issues exist, but he does not have specific data. The Lieutenant's presentation was the educational piece to develop a knowledge base.

Senator Corder suggested there should be a [link](#) in the minutes to this presentation. With regard to the truck differential, the Senator asked if Michigan has one of the largest differentials in trucks in 15 mph and if they have studied this differential in other States. The Lieutenant indicated he had tried but didn't get many comparisons from other States. He concluded that there would not be much change in trucks' speed because of changes in the speed limit. He agreed that Michigan has one of the larger speed limit differentials for trucks. **Senator Corder** believes there are five States in the country with no differential, but it is not known if they are at their 85th percentile. The Senator was very impressed with the Lieutenant's presentation.

With no further questions, **Chairman Hammond** thanked and commended First Lieutenant Peterson on his presentation. It is very counter-intuitive to what people think. He hopes private organizations will help educate the public as to how speeds are appropriated. Regarding differentiated speeds, perhaps instead of equalized speeds, the discussion should be around the safest speeds that meet that 85th percentile. The Lieutenant agreed wholeheartedly; he hopes to learn from Idaho when those changes are implemented.

Senator Corder had an additional observation. The ratio of the number of trucks per vehicle is critical. He thanked the Lieutenant for discussing trucks' weight and number of axles. Idaho has more weight and axle restrictions than Michigan, but trucks can be safe.

ADMINISTRATIVE RULES PROCESS: **Chairman Hammond** commended **Vice Chairman Brackett** on his work on this year's Administrative Rules that will be presented at the January 24th meeting of the Senate Transportation Committee. **Vice Chairman Brackett** thanked the Chairman and briefly discussed the process that will be followed at that meeting.

ADJOURNMENT: With no further business before the Committee, **Chairman Hammond** adjourned the meeting at 2:45 p.m.

Senator Hammond
Chairman

Gaye Bennett
Secretary