

Approved: 1-17-96
Date

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairperson Kenneth King at 1:30 p.m. on January 16, 1996 in Room 526-S of the Capitol.

All members were present except:

Rep. Delbert Crabb, excused
Rep. Les Donovan, excused

Committee staff present: Hank Avila, Legislative Research Department
Tom Severn, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Ellie Luthye, Committee Secretary

Conferees appearing before the committee:

Betty McBride, Division of Vehicles, Kansas Department of Revenue
Rep. Carol Beggs
Kelly Wendeln
Mary Turkington, Kansas Motor Carriers Association
Samantha Murrell, Kansas Headstart Parent Association
Katherine Nelick, Kansas Safe Kids Coalition
Teresa Sittnauer, State Farm Insurance
Tom Wilder, Kansas Insurance Department
Dean Carlson, Secretary, Department of Transportation

Others attending: See attached list

Chairman King called on Betty McBride, Director, Division of Vehicles, Kansas Department of Revenue, who requested introduction of two bills. The first would allow four attempts to pass the written and driving parts of the driver's license examination without having to make a written request to the Director of Vehicles.

The second bill would enhance the penalties for making a fraudulent application for Kansas driver's license or identification card.

Representative Shore made a motion to introduce these two bills, seconded by Representative Correll and the motion carried.

Representative Beggs requested introduction of a bill concerning the titling of all-terrain vehicles. Representative Dillon made a motion to introduce this bill, seconded by Representative Humerickhouse and the motion carried.

Representative Myers made a motion to introduce a bill which would privatize county road and bridge construction, seconded by Representative Powell and the motion carried.

HB 2602 - increasing maximum speed limits.

The hearing opened. Kelly Wendeln, Chanute, Kansas, spoke in support of **HB 2602**. He cited the Montana law which allowed for reasonable and prudent speeds. He also stated the 85 percentile method of setting speed limits worked well and was widely used until the 55 mile speed limit was put into effect. (Attachment 1)

Mary Turkington, Executive Director of the Kansas Motor Carriers Association, spoke in support for some modification of the state's speed limit for motor vehicles. She stated the association strongly supports no differential between limits established for cars and trucks, citing the hazardous passing maneuvers on two-lane roads since the lower speed limits for cars and trucks, however, they would not oppose 70 mph on interstate and four-lane expressways. (Attachment 2) She also referred to information from the National Highway

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION, Room 526-S Statehouse, at 1:30 p.m. on January 16, 1996.

Traffic Safety Administration which concerned the number of traffic accidents in the United States. (Attachment 3)

A representative of the Kansas Head Start Parent's Association, Samantha Murrell, shared the associations concern for the health and safety of their children if the speed limits were raised. She stated it was the position of the Head Start Association the Legislature should take a "wait and see" stance and see what happens in the states who have raised the speed limits before spending thousands of dollars on changing the signs throughout the state. (Attachment 4)

Kathryn Nelick, Kansas SAFE KIDS Coalition, stated the Coalition opposed any increase in the current speed limits because of the negative impact it would have on children's health. She said 2,500 children from birth to age 14 are killed or seriously injured annually in automobile accidents and the Coalition feels, unfortunately, this will increase as speed increases. She recommended several ways to minimize the impact on deaths on Kansas roads should the Legislature increase the speed limits including increasing the fines for violation of the child passenger safety law, increase the fine for speeding violations, make the seat belt law in Kansas a primary law and allow only a minimal enforcement grace. (Attachment 5)

Tom Wilder, Kansas Insurance Department, stated the Department did not have a position on whether the speed limits in the state should be raised, however, he cited several points the Committee should consider when making this decision. These included 1) increased speed limits would increase the number of traffic accidents 2) increasing the speed limits cause more traffic fatalities 3) more damage is caused to automobiles in high speed accidents and 4) higher speed limits will affect children. He did state the Insurance Department opposed New Section 4 of the bill which allows for a speeding conviction for driving up to 10 miles over the posted speed limit would not be a part of the public record maintained by the Division of Motor Vehicles and could not be used by an insurance company in determining the rate charged for an automobile liability insurance policy. (Attachment 6)

Teresa Sittenauer, legislative counsel for State Farm Insurance Company, stated while not directly affected by this bill, obviously an increase in traffic accidents and fatalities will ultimately show up in an increase in insurance premiums. While no one can predict the exact number of increased deaths and injuries that would result from high vehicle speeds, historic trends make a strong link between higher speed and highway deaths and injuries. She also stated grave concerns with New Section 4 of the bill. She urged the committee to move cautiously in regards to a higher speed limit and to factor in the hidden costs in lives, property damage, etc. (Attachment 7)

Dean Carlson, Secretary of Transportation, stated a 70 mph speed limit for interstates was consistent with their design speed. He estimated cost of changing 5,007 speed limit signs in the state would be approximately \$240,000 and an additional \$750,000 to post different speed limits for trucks and cars because many sign posts would need new bases to handle the two signs. He said the cost was undetermined to restripe the no-passing zones on roads since vehicles traveling at higher speeds require a greater distance to pass other vehicles safely. (Attachment 8)

The Chair adjourned the meeting at 2:45 p.m.

The next meeting is scheduled for January 17, 1996.

HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: January 16, 1996

NAME	REPRESENTING
Mary E. Turkington	Ks. Motor Carriers Assn
Tom Whitaker	Ks. Motor Carriers Assn
Pat Hubbell	KS Railroad Assn.
Seneca Sorenson	State Farm
Kathryn Melick	KANSAS SAFE KIDS COALITION
Rogers Elias	KAFP - DR-4-A-DAY
Aurelia Foxha	Exchange student with Dr. Tobias
Michelle Ann Smith	KMHHA
Samantha Murrell	Kansas Head Start Parents Association
Tom Wilder	Kansas Insurance Dept
Gene M. Strubel	Ks. Trial Lawyers Assoc.

Testimony

to the

Kansas House Transportation Committee

concerning

HB 2602 - raising speed limits

on

Tuesday, January 16, 1996 1:30 PM

by

Kelly Wendeln, Chanute, Kansas

*House Transportation Committee
January 16, 1996
Attachment 1*

Congress Returns Power

The federal government has finally gotten out of the speed limit business, something I have long advocated, and returned that power to where it rightfully belongs, to you, the state legislators.

Proponents of 55

I have known of actual cases where people claimed being in favor of the 55 speed limit, but friends have known them to speed. I think these people are called hypocrites.

Prior Speed Limit

Did you know that prior to February 11, 1957, the speed limit on Kansas highways was just like Montana's, reasonable and prudent? I will not advocate any particular speed limit. That job is yours. I do have some ideas you should consider.

The 85th Percentile Method

Back in the 1930's or 40's, a Chicago professor came up with the idea that about 85 percent of the people drive at a reasonable speed. They would clock drivers and if 85 percent drove at say 80 miles per hour or less, they would subtract 5 mph and set the speed limit at 75mph. This 85th Percentile method worked pretty good and was widely used until the 55 speed limit messed everything up.

Kansas Highway Patrol Ticket Policy

Something I have never heard discussed is the Kansas Highway Patrol's policy change. Before 55, it was the policy of the KHP to start writing tickets at 10 mph over the speed limit. When 55 was passed, KHP's policy changed to writing tickets at 6mph over the speed limit. So even if you return our highways to the speed limits of 22 years ago, the effective speed that you can drive without getting a ticket is 4 mph slower than it used to be.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Supporting modified speed limits
on Kansas highways.

Presented to the House Transportation
Committee, Rep. Kenneth R. King, Chairman;
Statehouse, Topeka, January 16, 1996.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Mary E. Turkington, Executive Director of the Kansas Motor Carriers Association with offices in Topeka. I appear here on behalf of our members and the highway transportation industry along with Tom Whitaker, our Governmental Relations Director.

We wish to express our support for some modification of the state's speed limit for motor vehicles.

Our Association's Board of Directors, at its meeting on July 20, 1995, reviewed the Association's policy on speed limits for motor vehicles. We understood that passage of the National Highway System legislation by the Congress, would permit the states to establish speed limits to replace the limits imposed by federal law.

*House Transportation Committee
January 16, 1996
Attachment 2*

After more than an hour's discussion in which public safety, fuel consumption, operating equipment characteristics, and enforcement practices were reviewed, our Board adopted a policy which:

"Supports enactment of a statutory speed limit not to exceed 65 miles per hour with no differential between the speed limits established for trucks and other motor vehicles."

We well understand that there are those who support a higher speed limit for interstate and 4-lane expressways. We would not oppose the statutory 70 miles per hour for interstate and four-lane express highways as recommended by Gov. Bill Graves.

Our trucks can get in the right-hand lane and stay out of other motorists way on such four-lane thoroughfares.

We do believe that 75 miles per hour statutory speed limits for even such four-lane roads invites unsafe highway speeds and that the 70 miles per hour ought to be the highest statutory limit adopted as public policy.

We strongly support no differential between limits established for cars and trucks.

Four-lane highways make passing maneuvers less hazardous than two-lane roads. Our worry is that a lower speed limit for trucks will artificially slow traffic on a two-lane road until cars stack up behind the truck, eventually someone makes a bad decision to pass the lane of traffic and severe accidents will result. Let the trucks move with the traffic, eliminate congestion and increased passing maneuvers, and keep our highways safe.

Included in your committee folders this afternoon is some additional information on U.S. traffic accidents. I would ask you to review this information and retain it in your files. Basically, the information tells you that of the 40,676 highway fatalities in the U.S. in 1994, NO TRUCK WAS INVOLVED in 87% of such accidents. In the Truck Related share - 13% - the other driver was at fault in 71% of the accidents and as the rest of the statistics tell you, the truck driver was at fault in only 17% (of the 13%) in which trucks were involved.

The bottom line of these statistics is the last page which shows you for the period - 1983 to 1993 - the vehicle miles of travel for medium and heavy duty trucks increased 41% and the fatal accident rate decreased 37%.

We must be doing something right. Let's keep on doing it by adopting speed limits that control accidents, add to our productivity and keep Kansas and its economy a good place to live and do business.

I'll be glad to respond to any questions you may have.

####

AN AMERICAN TRAGEDY

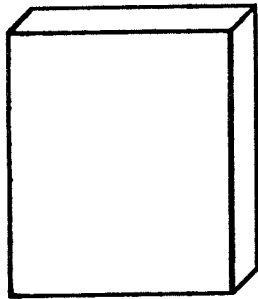
- **In 1994, 40,676 people were killed in U.S. traffic accidents.**
- **That's an average of 111 people a day.**
- **One person every 13 minutes.**

Source: National Highway Traffic Safety Administration.

House Transportation Committee
January 16, 1996
attachment 3

1994 U.S. HIGHWAY FATALITIES

40,676



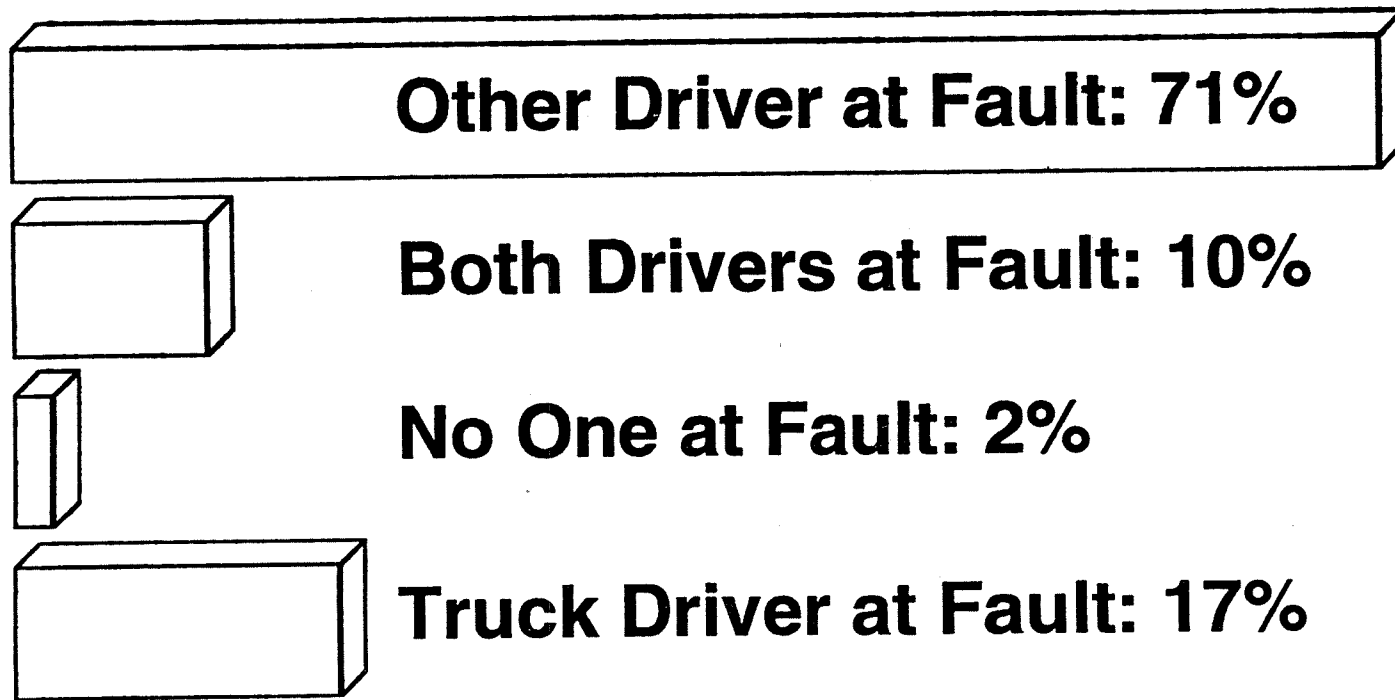
Truck Related: 13%



No Truck Involved: 87%

Source: National Highway Traffic Safety Administration.

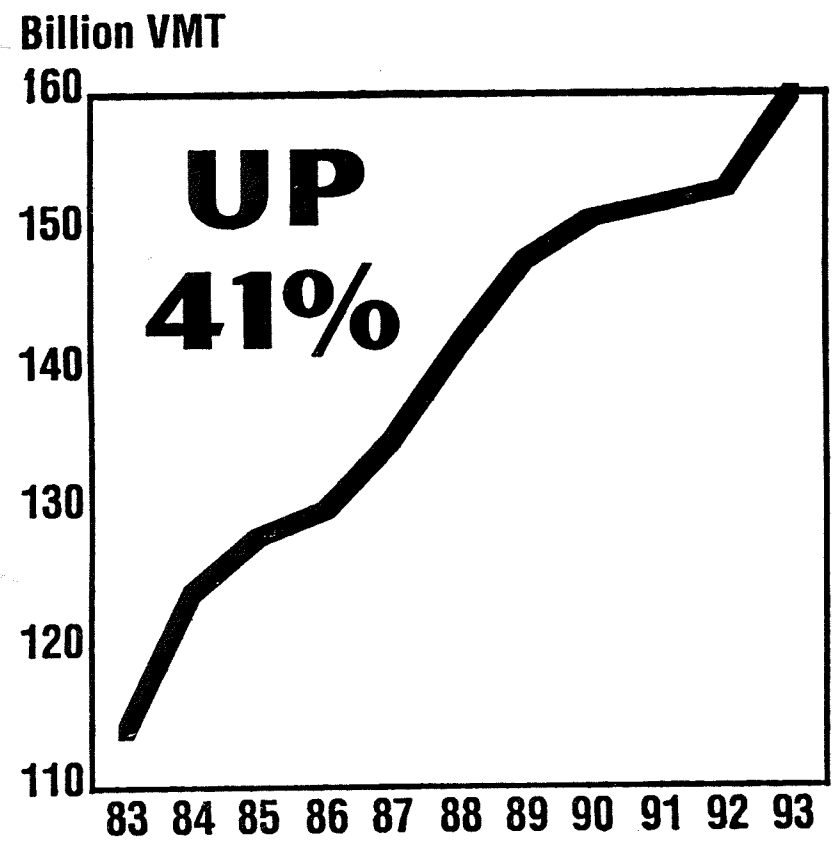
WHO'S AT FAULT IN FATAL ACCIDENTS INVOLVING A TRUCK AND ANOTHER VEHICLE?



Source: National Highway Traffic Safety Administration.

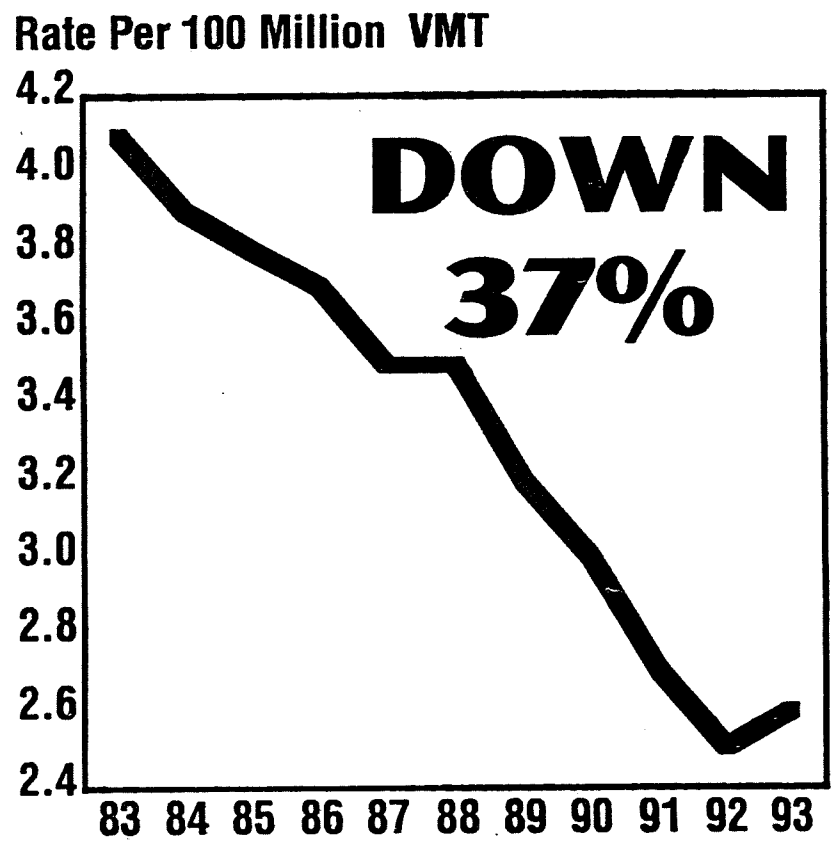
1983 - 1993 MEDIUM AND HEAVY TRUCK

Vehicle Miles of Travel



Source: Federal Highway Administration,
U.S. Department of Transportation.

Fatal Accident Rate



Source: Fatal Accident Reporting System (FARS),
National Highway Traffic Safety Administration
(NHTSA), U.S. Department of Transportation.

TESTIMONY
for
HOUSE TRANSPORTATION COMMITTEE
January 16, 1996

Thank you for the opportunity to testify in opposition to raising the speed limit on our Kansas highways. As a representative of the Kansas Head Start Parent's Association, I was chosen to share our concerns for the health and safety of our children and families.

We think the Kansas Legislature should take a "wait and see" stance before spending thousands of dollars on changing the signs throughout the state. Let's see what happens in the states that have jumped on the bandwagon to raise the speed limits. Let's see if they have more highway deaths and injuries, then proceed with our decision. With the limited resources that we continually hear about, it would appear to be irresponsible to spend money and then possibly reverse the decision in a few years, if indeed we have a significant increase in serious highway accidents.

In conclusion, let's remain conservative in spending tax dollars and risking lives. Let's "wait and see."

*House Transportation Committee
January 16, 1996
Attachment 4*



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Coordinator:
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Michele Hinds
*Kansas State
Nurses Association*

Steve Jensen
Kansas Highway Patrol

Judy Moler
Corporation For Change

Wendy Moseman
*Kansas Emergency
Nurse Association*

Gene Neely
*Kansas National
Education Association*

Kathryn Nelick
*Coordinator,
Lawrence Chapter,
Kansas SAFE KIDS
Coalition*

Testimony presented to
House Committee on Transportation

by

Kansas SAFE KIDS coalition

House Bill 2602

I am Kathryn Nelick member of the Executive Committee for the Kansas SAFE KIDS Coalition. The Kansas SAFE KIDS Coalition is composed of sixty statewide businesses and organizations that have joined together to fight unintentional injuries - the leading killer of our Kansas kids. The Coalition opposes any increase in the current speed limits in Kansas because of the negative impact it will have on our children's health.

Every year, 2,500 Kansas children ages 0 - 14 are killed or seriously injured in motor vehicle crashes. One-third of all fatal crashes are speed-related. Unfortunately, death and injury severity increases as speed increases. The chances of death or serious injury double for every 10 MPH over 50 MPH a vehicle travels. Kansas must be especially cognizant of the impact increasing speed limits will have on rural Kansans. Rural roads account for 40% of all vehicle miles traveled but 60% of all speed-related fatal crashes.

If speed limits are increased, the Coalition recommends that the Kansas Legislature consider the following actions to minimize the impact on deaths on our Kansas roads:



*House Transportation Committee
January 16, 1996
Attachment 5*

*****Increase the fine for violation of the child passenger safety law.

*****Increase the fine for speeding violations.

*****Allow only a minimal (2 MPH) enforcement grace.

*****Make the seat belt law in Kansas a primary law.

Thank you for your consideration of our testimony. The Kansas SAFE KIDS Coalition will be glad to work with you on this bill as it is considered.

Kansas Insurance Department

MEMORANDUM

To: House Transportation Committee

From: Tom Wilder, Director
Government and Public Affairs

Re: H.B. 2602 (Speed Limits)

Date: January 16, 1996

House Bill 2602 would raise the speed limit on the interstate highway system and on other four lane roads from 65 mph to 75 mph. The limits would be raised from 55 mph to 65 mph on all other highways. The Kansas Department of Insurance does not have a position on whether the speed limits in this state should be raised. That decision is a matter of legislative policy. However, the Insurance Department has received a number of inquiries from consumers, legislators and insurance companies on what would be the effect on the number of traffic accidents and the insurance rates for automobile insurance policies if speed limits are increased in Kansas.

The House Transportation Committee should consider the following points when making a decision whether to raise the speed limits on state highways:

***Increasing Speed Limits Will Increase the Number of Traffic Accidents:** According to the Insurance Institute for Highway Safety, speeding is a reported factor in 12% of all automobile accidents and in one-third of all fatal crashes. The faster a car is traveling the less time the driver has to react to an emergency situation and the less time there is to stop the vehicle once the emergency is detected.

***Increasing the Speed Limits Causes More Traffic Fatalities:** The number of deaths on rural interstate highways increased in the 1980s after speed limits on those roads were raised to 65 mph (National Highway Traffic Safety Administration Study). Researchers for the Insurance Institute for Highway Safety have indicated that in the time period from 1987 to 1994, the number of deaths has gone up on highways where speed limits were increased.

***More Damage is Caused to Automobiles in High Speed Accidents:** The severity of a crash increases by the square of the speed. For example, when speed increases from 40

*House Transportation Committee
January 16, 1996
Attachment 6*

mph to 60 mph, the energy released in the crash more than doubles. Although cars are better constructed than they were ten years ago, the increase in speed limits will mean there is more damage to the automobile in a collision even though there may not be any injuries or fatalities to the occupants.

***Higher Speed Limits Will Affect Children:** According to the SAFE KIDS Coalition, automobile crashes are the leading cause of unintentional injury related deaths for children age 14 and under.

The practical effect of raising the speed limits in Kansas will be an increase in the number of accidents and the severity of those collisions. The increased cost of those accidents will be passed on to Kansas consumers in the form of higher insurance rates.

The Kansas Insurance Department does oppose New Section 4 of the bill and would ask the House Transportation Committee to delete that section from the legislation. The language in New Section 4 states that a speeding conviction for driving up to 10 miles over the posted 75 mph or 65 mph speed limit shall not be a part of the public record maintained by the Division of Motor Vehicles and the conviction can not be used by an insurance company in determining the rate charged for an automobile liability insurance policy. The insurance company is also not permitted to use the conviction in determining whether to cancel an insurance policy because the insured has three moving violations.

This provision would encourage drivers to drive over the new speed limits established under H.B. 2602 because there would be no effective penalty other than the fine imposed by a court. Each new speeding ticket would be considered a "first time offense" so drivers would not be deterred from multiple speeding violations. If this Committee believes the speed limits on interstate highways and other state highways should be raised, then we should have an honest system of enforcement of those limits. Insurance companies should be allowed to rate drivers who exceed the posted speed limits and to cancel the automobile liability insurance of a driver who has three moving violations. If someone wants to drive up to 85 miles an hour on the interstate highway system or four lane roads or up to 75 miles an hour on other state roads, they should pay the consequences of violating the posted speed limits.

MEMORANDUM

TO: Kenneth R. King, Chairman
House Transportation Committee

FROM: Teresa L. Sittenauer
State Farm Insurance

DATE: January 15, 1996

RE: House Bill 2602

Mr. Chairman and Members of the House Transportation Committee, my name is Teresa Sittenauer and I am legislative counsel for the State Farm Insurance Companies. We appreciate the opportunity to testify before this committee with respect to House Bill 2602.

Although not directly affected by H.B. 2602, my client wishes to bring several issues to the committee for their consideration while reviewing this very important decision as to whether or not to raise the speed limits on Kansas highways and to what extent the increases should be. Obviously, no one can predict the exact number of increased deaths and injuries that result from higher vehicle speeds, but several historic trends make a strong link between higher speeds and highway deaths and injuries. The national speed limit of 55 miles per hour was first adopted in 1973. The National Academy of Sciences has found that the new limits save between 3,000 and 5,000 lives in 1974 and between 40,000 and 85,000 lives over the last 20 years.

As I stated earlier, we do have some historical data that must be kept in mind when considering raising the speed limit. In 1987, Congress permitted states to raise speed on rural interstates to 65 miles per hour. A 1992 National Highway Traffic Safety Administration (NHTSA),

*House Transportation Committee
January 16, 1996
Attachment 7*

study found that 30% more people were killed on rural interstates posted at more than 55 miles per hour than would have died if the 55 mile per hour speed limit had been maintained.

Traffic accidents are the greatest killer of people between 5 and 28. One-third of all Medicaid costs are the result of traffic crashes. Given the budgetary proposals to shift Medicaid costs from the federal government to the state's, any significant increase in crashes because of higher speed limits will potentially have a large fiscal impact on the states.

Obviously, an increase in traffic accidents and fatalities will ultimately show up in an increase in insurance premiums. Simple economics dictates that with more and more accidents there will be more and more access made to insurance coverages and as a direct result the increase in activity will ultimately be seen in higher premiums.

In its report of November 1995, "States at Risk", prepared by the Advocates for Highway and Auto Safety in utilizing U.S. Department of Transportation studies, if the State of Kansas has an increase in fatalities similar to that which occurred after the 1987 change in the national maximum speed limit law, not only will we see an increase in fatalities but an increase in cost, and the factors include medical care, loss productivity in the home and workplace, vocational rehabilitation, property damage, insurance administration, legal and court cost, traffic delays, emergency medical service, and premature funeral cost. I am attaching an appendix from that study which enumerates various research studies over that last 10 years that more than adequately demonstrate the increase risks that will ultimately occur with the increase in the speed limit.

Additionally, we have grave concerns about New Section 4 found on page 2 of House Bill 2602 starting on line 10 and through line 18. In essence, this is a recodification of K.S.A. 8-1341a.

In essence, the statute would state that if an individual is convicted of violating the speed limits, but said violation is for 10 miles or less per hour in excess of the maximum speed limit allowed, such conviction would not be a part of the public record and “shall not be considered by any insurance company in determining the rate charge for any automobile insurance policy or whether to cancel any such policy under the provisions of Sub Section (4)(c)(7) of K.S.A. 40-277, and amendments thereto.”

At the time that the maximum speed limits were 55 or later at 65, one could make an argument that by driving 10 miles or less over the speed limit such violation is “minor” enough to not allow it to be a part of anyone’s record. However, under the proposal of H.B. 2602 this would mean an individual could drive 85 miles an hour be stopped and ticketed, and such violation could not be a part of an individual’s motor vehicle records.

It is a proven fact that individual’s driving records have a direct bearing on the risk that the insurance company is attempting to quantify by virtue of a premium. With the substantial increase in the speed limits allowing New Section 4 to continue in existence would so dramatically skew the relevant risk factors that the appropriateness of developing a premium could be very difficult and at times misleading. We urge the Legislature that if they wish to move forward on increasing speed limits that this section be deleted in its entirety.

As stated at the beginning of my testimony, my client wishes to urge the Legislature to move cautiously in this endeavor. We recognize that individuals throughout the state may at first glance look at all of the advantages of a higher speed limit. However, the hidden costs in lives, property damage, etc., must be carefully analyzed and factored in to the discussion of House Bill 2602.

The Legislature in its capacity to protect its citizens safety must look at these matters when balancing all of the “potential” advantages of a higher speed limit.

I appreciate the opportunity to provide this testimony and if you have any questions, please feel free to contact me.

Respectfully submitted,

Teresa L. Sittenauer

APPENDIX A

Motor Vehicle Occupant Fatalities (including Motorcyclists) in Kansas during 1994

		LAND USE							
		Rural		Rural Total	Urban		Urban Total	Grand Total	
ROAD TYPE	SPEED LIMIT	CRASH 1 S.V.	TYPE 2 M.V.		CRASH 1 S.V.	TYPE 2 M.V.			
1 Interstate	=55	0	2	2	6	2	8	10	
	=65	11	10	21	6	1	7	28	
2 Freeway/Expwy	<55	0	0	0	2	2	4	4	
	=55	0	0	0	2	0	2	2	
3 Other Prin Art	<55	0	2	2	6	18	24	26	
	=55	16	66	82	0	0	0	82	
	=65	3	0	3	0	0	0	3	
4 Minor Arterial	<55	2	2	4	0	0	0	4	
	=55	19	29	48	0	0	0	48	
5 Other	<55	17	5	22	15	22	37	59	
	=55	94	49	143	1	0	1	144	
	Other	4	0	4	1	0	1	5	
Grand Total		166	165	331	39	45	84	415	

This chart illustrates the huge disparity between motor vehicle fatalities on urban and rural roads. As you can see, in 1994 there were 331 motor vehicle fatalities on roads in rural areas as compared with 84 deaths in urban areas. These numbers underscore the hazards associated with rural driving.

Further, more than 300 of the 331 rural road deaths occurred on principal arteries (not interstate) and other smaller roads. You will note that these deaths occurred on roads that currently have a posted speed limit of 55 m.p.h. Raising the speed limit on these rural roads will likely cause the sharpest increase in motor vehicle fatality rates, further widening the gap between urban and rural road fatalities.

APPENDIX A
(continued)

Crashes with Fatality to Motor Vehicle Occupants (including Motorcyclists) in Kansas
during 1994

		LAND USE						
		Rural		Rural Total	Urban		Urban Total	Grand Total
ROAD TYPE	SPEED LIMIT	CRASH 1 S.V.	TYPE 2 M.V.		CRASH 1 S.V.	TYPE 2 M.V.		
1 Interstate	=55	0	1	1	6	2	8	9
	=65	10	8	18	6	1	7	25
2 Freeway/Expwy	<55	0	0	0	2	2	4	4
	=55	0	0	0	2	0	2	2
3 Other Prin Art	<55	0	2	2	6	17	23	25
	=55	15	47	62	0	0	0	62
	=65	2	0	2	0	0	0	2
4 Minor Arterial	<55	2	1	3	0	0	0	3
	=55	19	22	41	0	0	0	41
5 Other	<55	16	3	19	14	21	35	54
	=55	87	35	122	1	0	1	123
	Other	4	0	4	1	0	1	5
Grand Total		155	119	274	38	43	81	355

Studies Confirm that Higher Speeds Cause More Deaths

Research studies have consistently found that higher speed limits result in more deaths and injuries, increased crash severity, greater proportions of vehicles travelling at excessive speeds, and higher average traffic speeds.

- 1) The National Academy of Sciences concluded that the National Maximum Speed Limit saved between 3,000 and 5,000 lives in 1974, and between 2,000 and 4,000 lives each year through 1983. The study predicted 500 more deaths annually if rural interstate speed limits were raised to 65 mph. *55: A Decade of Experience, Transportation Research Board Special Report No. 204 (1984).*
- 2) The U.S. Department of Transportation concluded, based on 1993 data, that fatalities on 55 mph highways decreased by 4.5%, while fatalities on 65 mph highways increased by 2.4%. *A Report of the Secretary of Transportation to the United States Congress, Federal Highway Administration (Oct., 1995).*
- 3) "All studies of national effects . . . indicate that fatalities have increased on rural Interstates by roughly 15-25%, resulting in approximately 300-500 additional deaths on highways posted at 65 m.p.h. in 1988. *Effect of The 65 M.P.H. Speed Limit on Highway Safety in The U.S.A., Godwin, S.R., Transport Reviews, vol.12 no.1 (1992).*
- 4) In 1990, thirty percent (30%) more people were killed on rural Interstate highways posted at more than 55 mph than would have occurred if the 55 MPH speed limit had been maintained. *Effects of the 65 MPH Speed Limit Through 1990: A Report To Congress, National Highway Traffic Safety Administration DOT-HS-807 840 (May, 1992).*
- 5) "Speeding/excessive speed is one of the most prevalent factors contributing to crash occurrence. It is estimated to be involved in approximately 12 percent of all police-reported crashes. . . In 1989, it is estimated that about 15,558 fatalities and 80,000 serious physical injuries occurred in speed-related crashes." *Data Analysis of the Speed-Related Crash Issue, Bowie & Walz, 13th International Conference on Experimental Safety Vehicles (Nov., 1991).*
- 6) On Michigan roads where the speed limit was raised fatalities rose 28%, serious injuries increased 39%, and moderate injuries went up 24%. *Effects of The 65-MPH Speed Limit on Crashes and Crash Casualties in Michigan: 25 Months of Experience, Streff & Schultz, UMTRI, AAMA 35th Annual Proceedings (Oct., 1991).*
- 7) In Georgia, both fatalities and fatal accidents increased in 1989 as a result of the 65 mph speed limit, overwhelming the safety benefits of increased safety belt use. *Safety Effects of The 65 MPH Speed Limit and a Mandatory Seat Belt Law in Georgia, Wright, et al., AAMA 35th Annual Proceedings (Oct., 1991).*

(continued)

Studies Confirm that Higher Speeds Cause More Deaths (continued)

8) In 1989, there were 600 more fatalities, an increase of 32%, on rural interstates in states that raised the speed limit to 65 compared to the mean rate in the five years (1982-86) before the speed limit increase. Two-thirds of the deaths (almost 400), a 19% increase in fatalities, were directly attributed to increased speed limits. *The Fatality Rate Consequences of The 65 MPH Speed Limit, 1989*, Baum, Wells & Lund, IIHS (Apr., 1991).

9) The rate of injury causing accidents increased between 1986 and 1988 on rural interstates posted at 65 mph. Average vehicle speeds increased by 4 mph and the 85th percentile speed increased by almost 5 mph in the same time period. *Effect of the 65 MPH Speed Limit On Travel Speeds and Related Crashes*, Mace & Heckard, DOT-HS-807 764 (Mar., 1991).

10) In 1989 there was a 19% increase in the number of fatalities directly attributable to speed limits posted above 55 mph. *The Effects of The 65 MPH Speed Limit Through 1989: A Report To Congress*, National Highway Traffic Safety Administration, DOT-HS-807 706 (Dec., 1990).

11) Increases in fatal accidents were noted on "look-a-like" rural freeways posted at 65 mph. *Accidents Before and After the 65 MPH Speed Limit in California (Supplemental Report)*, Smith, R.N., California Dep't of Transp. (Oct., 1990).

12) Higher maximum speed limits increases the number and percentage of vehicles that speed. *Speeds Associated With the 55 MPH and 65 MPH Speed Limits In Northeastern States*, Freedman & Williams, IIHS (Aug., 1990).

13) Higher speed limits cost approximately 530 more lives in 1989. *Motor Vehicle Crash Fatalities and 65 MPH Speed Limits on Rural Interstates in 40 States*, Lund, Wells & Baum, IIHS (Aug., 1990).

14) "The estimated effect of higher speed limits in 1988 based on all 40 states translates into 531 to 566 deaths attributable to the higher speed limit." *Motor Vehicle Crash Fatalities in The Second Year of The 65 MPH Speed Limits*, Baum, Wells & Lund, J of Safety Research vol.21 no.1 (Spring, 1990).

15) "Results clearly revealed significant increases in crash-induced injuries on road segments where the maximum speed limit increased from 55 mph to 65 mph." *Effects of The 65 MPH Speed Limit On Injury Morbidity and Mortality*, Wagenaar, Streff & Schultz, *Accid. Anal. & Prev.*, v.22 no. 6 (Mar., 1990).

16) Higher speed limits increase the number of high speed violators. *The Effect of The 65 MPH Speed Limit on Speeds in Three States*, Freedman & Esterlitz, IIHS (Jan., 1990).

(continued)

Studies Confirm that Higher Speeds Cause More Deaths (continued)

17) Increased speed limits on rural interstate highways coincided with a 48% increase in speeders and a 22% increase in fatal accidents on those same roads. *The Relationship of the 65 MPH Limit To Speeds and Fatal Accidents*, McKnight & Klein, TRB 69th Annual Meeting (Jan., 1990).

18) Analysis noted increase in the total number of accidents and in the rate of fatal accidents occurring in 1987-88 versus four (4) years previous to speed limit increase. *Safety and Operational Impacts of Raising The Speed Limit To 65 MPH. Final Report.*, Upchurch & Rahman, Arizona Dep't of Transp. (Apr., 1989).

19) In the first year of the 65 mph speed limit, there was "strong evidence that overall accident frequency increased slightly more than 14%" and that the 85th percentile speed increased by 4-5 mph. *The Safety Impact of The 65 MPH Speed Limit - A Time Series Analysis. Final Grant Report.*, Pfefer & Stenzel, DOT-HS-807 524 (Dec., 1989).

20) In 1987 there was a 10% increase in the number of fatalities directly attributable to speed limits posted above 55 mph (speed limits were raised for only part of the year). In 1988, the first full year at higher speeds, there were 21% more fatalities directly attributable to higher speed limits. *Report To Congress On The Effects Of The 65 MPH Speed Limit Through 1988*, National Highway Traffic Safety Administration (Oct., 1989).

21) "Between April 2, 1987, and April 1, 1988, there was a significant increase in the rate of fatal motor vehicle crashes on rural Interstates in New Mexico compared with the 5 previous years." *Effects of the 65-MPH Speed Limit On Rural Interstate Fatalities In New Mexico*, Gallagher, et al., JAMA, v.262 no. 16 (Oct., 1989).

22) "[T]he 65 mph limits increased rural interstate fatalities in 1987 by approximately 15 percent, there was no evidence of a similar trend in states that retained 55 mph limits, and the increase was not limited to only a few states." *The Mortality Consequences of Raising the Speed Limit to 65 MPH on Rural Interstates*, Baum, Lund & Wells, AJPH, vol.79 no.10 (Oct., 1989).

23) "In the states raising their limits to 65 mph, speeding on rural interstate highways increased by 48% and fatal accidents by 22% over projections based upon prior trends." *The Effect of the 65 MPH Limit on Speed and Accidents*, J.A. McKnight, et al., DOT-HS-807 463 (Aug., 1989).

24) "For rural Interstate fatalities the estimates suggest a median (among the 40 states) effect of the increased speed limit of roughly 15% more fatalities." *The Effects of the New 65 Mile-Per-Hour Speed Limit on Rural Highway Fatalities: A State-by-State Analysis*, Garber & Graham, DOT-HS-807 452 (July, 1989).

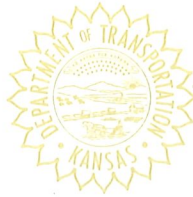
(continued)

Studies Confirm that Higher Speeds Cause More Deaths (continued)

25) Using a conservative 16% figure for increased fatalities one study concluded that "[t]he 65 mph speed limit costs more time than it saves. It also costs the public and the insurance industry almost twice as many dollars as it saves the trucking industry." *65 MPH: Winners and Losers*, T.R. Miller, DOT-HS-807 451 (July, 1989).

26) Study of Alabama roadways reported "a significant increase in the severity [of crashes] on the 65 mph interstate roadways when compared to the interstates which remained at 55 mph." *The Safety Impact of the 65 MPH Speed Limit: A Case Study Using Alabama Accident Records*, Brown, et al., DOT-HS-807 425 (Apr., 1989).

27) Increased speed limits increases the risk of crashes involving drunk drivers. Higher speed limits resulted in a 30% increase in the number of fatally injured intoxicated drivers. *Effects On Drunk Driving Deaths of Raising the Speed Limit To 65 MPH*, Hingson, et al., American Public Health Association 116th Annual Meeting (Nov., 1988).



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TESTIMONY BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION
Regarding H. B. 2602
Establishing New Speed Limits for Kansas

January 16, 1996

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to meet before you today to testify regarding H.B. 2602. This bill would respond to recent federal legislation by establishing new speed limits for Kansas.

The federal legislation that establishes the National Highway System also repeals the national maximum speed limit. As permitted by that legislation, Governor Graves has taken action to delay any change in Kansas' speed limits until sixty days after the state's legislative session convened, or March 8, 1996. If no statutory change is enacted before that date, Kansas' speed restrictions would revert to the limits that were in place in 1974, before the national speed limit was enacted.

The national speed limit was originally set to conserve energy. However, we later discovered that it had a safety benefit as well. Speed -- exceeding the posted limit or driving too fast for conditions -- is one of the most prevalent factors contributing to traffic crashes. Speed is a factor in 31 percent of all fatal crashes and the economic cost to society of speed-related crashes is \$24 billion each year. Crash severity increases based on the speed at impact. Speed extends the distance necessary to stop a vehicle and increases the distance a vehicle travels while a driver reacts to danger. The chances of death or serious injury double for every 10 mph over 50 mph a vehicle travels.

Despite these considerations, research shows that the 85th percentile speed (the speed at or below which 85 percent of free-flowing vehicles are traveling) does not change appreciably when the speed limit is raised or lowered. The 85th percentile speed is important as it represents the speed at which accident involvement is the lowest for a particular road. Speed limits based upon the 85th

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Attachment 8

percentile speed result in the safest vehicle operation and appear reasonable to most drivers.

While the Department agrees that many Kansas highways can safely handle higher speed limits, we believe it is important to balance speed, safety, and economic considerations in establishing those limits. We have concerns about whether several of the provisions in H.B. 2602 would achieve the best balance possible between these considerations. I am proposing changes that reflect the Governor's recommendations in our discussions. Those changes are summarized on the attached sheet. Briefly, our proposal contains the following substantive amendments:

1. **Set a maximum speed of 30 mph in any urban district, rather than 20 in business districts and 30 in residence districts.** The term "business" district is difficult to define satisfactorily and could result in 20-mph speed limits on such streets as Wanamaker Road. Local authorities also have authority under K.S.A. 8-1560, which is unchanged in this bill, to set lower speed limits under certain circumstances.
2. **Set a maximum speed limit of 70 mph on the Interstate and controlled-access multi-lane highways, rather than 75.** A 70-mph limit for these routes is consistent with their design speed, which is fairly uniform statewide. It is also consistent with the Department's speed studies, which show an 85th-percentile speed of 71 on Kansas Interstates where they are posted at 65 mph and an 85th-percentile speed of 67 on Kansas Interstates where they are posted at 55 mph.
3. **Set a maximum speed of 65 mph for all other routes on the State Highway System, but provide for discretion to post lower speeds as appropriate.** The 85th-percentile speeds on two-lane routes in Kansas that are posted at 55 mph average 61 mph. The design speed of two-lane roadways varies considerably, however; and there may be a number of routes whose characteristics require lower posted speeds for safe travel. It is important that the statute provide that these limits can be changed by the Secretary if roadway geometrics, traffic volumes, accident statistics, or design criteria dictate reductions for safety reasons. The Department is currently evaluating these routes to determine the appropriate posted speed.
4. **Eliminate the differential between passenger vehicles and commercial vehicles.** In contrast to what some might assume, different speed limits for cars and trucks generally have negative consequences for traffic safety. Crash involvement rates are lowest for vehicles traveling within 5 mph of the average speed, and are almost six times greater for vehicles traveling outside of that ten-mile band. Setting different maximum speed limits for cars and trucks will unnecessarily increase the number of lane changes on four-lane divided roadways and passing maneuvers on two-lane highways.

The following conflicts with accident potential are likely to increase: rear-end and sideswipe passing on all highways and sideswipe meeting and head-on collisions on two-lane highways.

5. **Eliminate the separate provision for the Kansas Turnpike Authority.** We believe less driver confusion will result if speed limits on the KTA are the same as on other similar access-controlled multi-lane highways. In addition, there is no traffic engineering justification for higher speeds on the KTA. (In fact, the design standards on the KTA are slightly lower than for some other Interstate routes in Kansas.)
6. **Provide additional incentives for compliance.** New Sections 3 and 4 of H.B. 2602, which would make exceeding the speed limit by ten miles per hour or less a non-moving violation and not a public record, would be deleted under our proposal. These provisions were originally amended into the existing law to make the 55-mph speed limit less onerous. We do not believe that amount of tolerance is needed if higher speed limits are posted. In addition, providing drivers with that much leeway would undermine enforcement efforts. To bolster enforcement efforts even more, fines for speeding offenses would be doubled.
7. **Provide adequate time for implementation.** We do not believe speed limits should be increased until the appropriate changes in highway signs and markings can be made because of the State's liability. The Department estimates that there are 5,007 speed limit signs on the State Highway System that would need to be changed to reflect new speed limits. In addition to speed limit signs, some additional curves will have to be posted with advisory speeds. The center "no-passing" striping on many of our two-lane highways will need to be modified. Vehicles traveling at higher speeds require a greater distance to pass other vehicles safely, so the passing zones that are currently marked will not be long enough if the speed limits are raised. Pavement marking requires warm temperatures, so making the necessary changes during the wintertime on two-lane roadways is not possible. Our proposal would give the Department 15 days to make the necessary changes on the Interstate and other controlled-access multi-lane highways, and until July 1, 1996 on other routes.

In conclusion, we believe the marginal increases in speed limits we are proposing would provide a responsible balance between speed, safety, and economic considerations, and we request the Committee's support of these proposed amendments.

COMPARISON OF CURRENT, PREVIOUS, AND SUGGESTED STATUTES

<u>K.S.A. 8-1334 et seq.</u> (During Federal control ('74-'95))	<u>K.S.A. 8-1557 et seq.</u> (Prior to Federal control)	<u>H.B. 2602</u> (Spec. Comm. Proposal)	<u>Governor's Proposal</u> (Amendments to H.B. 2602)
<u>Passenger vehicles and trucks under 12,000 pounds gross weight:</u>			
20 mph in business district 30 mph in residence district	30 mph in any urban district	20 mph in business district 30 mph in residence district	30 mph in any urban district
65 mph on "rural" interstate as defined by 23 USC 101	75 mph during the daytime 70 mph during the nighttime	75 mph on Interstate or hwy. built to Interstate standards	70 on Interstate and controlled- access multi-lane highways
55 mph in all other locations	70 mph in other locations, daytime 60 mph in other locations, nighttime	65 mph on all other highways	65 in other locations, unless posted otherwise
<u>Combination vehicles or trucks registered for more than 12,000 pounds gross weight:</u>			
no separate provisions	60 mph at all times on any highway outside corporate limits of any city	65 mph on Interstates 55 mph on other highways	No separate provisions
<u>School Buses transporting students to or from school or school functions or activities:</u>			
45 mph on dirt or gravel roads	45 mph on dirt or gravel roads	45 mph on dirt or gravel roads	45 mph on dirt or gravel roads
55 mph or posted limits otherwise	55 mph or posted limits otherwise	55 mph or posted limits otherwise	55 mph or posted limits otherwise
<u>Kansas Turnpike Authority:</u>			
65 mph (same as rural Interstates)	May set own posted limits	May set own posted limits	No separate provision
<u>Tolerance for certain speed violations:</u>			
Certain violations not considered to be moving violations or public records	No tolerance	Certain violations not considered to be moving violations or public records	No tolerance
<u>Traffic Fines ((K.S.A. 1995 Supp. 8-2118):</u>			
No Change	No change	No change	Increased fines for speeding
<u>Effective Date:</u>			
Subject to federal requirements now repealed	No provision	No provision	On Interstate and controlled-access multi-lane highways -- 15 days after enactment. All other changes 7/1/96.