

SUBJECT: Authorizing 75-mph speed limit, eliminating lower speed limits at night

COMMITTEE: Transportation — favorable, without amendment

VOTE: 10 ayes — Phillips, Darby, Bonnen, Fletcher, Harper-Brown, Lavender, Martinez, McClendon, Pickett, Rodriguez

1 nay — Y. Davis

WITNESSES: For — None

Against — None

On — John Barton, Texas Department of Transportation (TxDOT)

BACKGROUND: Transportation Code, ch. 545, subch. H establishes the following speed limits for roads outside of an urban district in the state:

- 70 miles per hour (mph) in the day and 65 mph at night on a numbered highway for passenger cars, motorcycles, light trucks towing small trailers, or light trucks towing trailers or semitrailers used to transport motorcycles, livestock, or dogs (e.g., I-35);
- 60 mph in the day and 55 mph at night on a non-numbered highway (e.g., County Road 360); and
- 60 mph in the day and 55 mph at night if the vehicle is a heavy truck, semitrailer, or a truck hauling a large trailer.

The Texas Transportation Commission also may determine a reasonable and safe speed on a stretch of road apart from the *prima facie* limit. The commission may set a speed limit of 75 mph in the day on a section of highway in a county with a population density of less than 15 people per square mile upon determining that it is safe and reasonable. Texas Administrative Code (43 TAC, part 1, ch. 25, subch. B, sec. 25.21) identifies 105 counties eligible for this provision.

The commission also may establish a speed limit of 80 mph in the day in counties in West Texas (and has done so along IH-10 from Hudspeth County through Kimball County and on IH-20 in Reeves and Ward

counties) upon determining that it is reasonable and safe. The 80-mph limit excludes heavy trucks, semitrailers, or a truck hauling a trailer.

DIGEST:

(The analysis is of the original version of the bill as modified by a floor amendment the author intends to offer:)

HB 1353, as amended, would allow the Texas Transportation Commission to set a speed limit of 75 mph on sections of the highway system if it determined that doing so was reasonable and safe.

The bill also would eliminate the speed limit distinction between day and night and between cars and trucks. Outside of urban districts, the speed limit would be 70 mph on a numbered highway and 60 mph on a non-numbered highway. As soon as practicable, the Texas Department of Transportation (TxDOT) would have to conceal or remove any old speed limit signs and install updated ones.

The bill would take effect September 1, 2011.

SUPPORTERS
SAY:

HB 1353 would update speed limit laws in Texas and improve mobility without compromising safety. Technological improvements in modern vehicles have allowed for safe travel at higher speeds. The Texas Transportation Commission first would study any speed limit increase to affirm that the higher speed limit was reasonable and safe for the particular section of highway. TxDOT also could replace signs posting speed limits as resources were available to do so, preventing immediate costs to the agency.

HB 1353 would eliminate the outdated distinction between day and night driving. Texas is the only state that has retained a nighttime speed reduction. Reducing night speed limits by 5 mph once served an important purpose when headlights were not suited to higher speeds. Updated headlight technology on modern cars and trucks, however, makes 80 mph a suitable and safe nighttime travel speed. The possibility of overriding headlights — that is, driving at such a speed that the range of visibility is less than the distance required for stopping — is possible even at current freeway speeds. Safely driving at night requires keen focus at any speed, not just speeds in excess of posted daylight limits.

The most dangerous traffic situations are not those involving the highest speeds but those that have larger speed differentials — that is, where some

vehicles are traveling much faster than others. Under the bill, TxDOT would specifically identify highways that could support a 75-mph speed limit after the Texas Transportation Commission had carefully studied engineering and traffic conditions. There already are over 100 counties eligible for a 75-mph speed limit. The bill would extend this option to the remaining 150 or so counties that do not. In a fast-growing and geographically large state like Texas, it is important to use as many tools available as possible to maximize mobility with limited resources. Increasing speed limits where appropriate would assist commerce and therefore economic activity in the state.

Similarly, the currently reduced speed for trucks does not necessarily improve safety on the state's roads. The reduced speed creates a differential that can pose a hazard for cars and trucks. An accident involving a semitrailer at 60 mph would not necessarily be any less disastrous than an accident at 70 mph or 75 mph. Over 35 states make no distinction between car and truck speeds. Raising the speed for trucks would improve travel times in the state and assist mobility of truck freight.

**OPPONENTS
SAY:**

HB 1353 could make Texas highways more dangerous for motorists. Allowing the Texas Transportation Commission to increase the speed limit to 75 mph on state highways could lead to dangerous driving situations. While the commission would study the issue before increasing the speed of a section of highway, it is not always possible to predict the impact of higher speeds on safety. With a speed limit of 75 mph, many vehicles would travel at 80 mph to 85 mph. Drivers who are not accustomed to traveling at greater speeds may underestimate stopping times and may misjudge other safety factors. This could lead to more accidents, which would be more devastating at the higher speeds. While the rate of collisions may not necessarily increase at higher average speeds, the average severity of accidents certainly does. Higher speeds correlate with a higher incidence of fatalities.

Eliminating the reduced night driving speed also could lead to more dangerous driving conditions. Drivers are more likely to override their headlights at higher speeds at night, creating potential hazards. Higher speeds amplify dangers associated with tired driving, which is more common at night, as drivers have less time to respond to unexpected incidents on the road.

The bill would create further risks by eliminating the reduced speed for trucks. Only Utah currently allows trucks to travel at 80 mph. Not enough data from actual road observations exist to be confident that trucks can safely travel in real traffic conditions at these speeds. The potential risks of eliminating reduced speeds for trucks outweigh the benefits.

NOTES:

The author's floor amendment to HB 1353 would modify the bill as introduced and reported from committee by restoring the *prima facie* speed limit, which the introduced bill would have raised to 75 mph, to the existing 70 mph on state highways. The floor amendment instead would allow TxDOT to establish a speed limit of 75 mph after determining such a speed were safe and reasonable. The floor amendment also would add a provision allowing TxDOT to conceal or remove noncomplying speed limit signs as soon as practicable.