

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Appropriations

---

BILL: SB 392

INTRODUCER: Senators Brandes and Clemens

SUBJECT: State Speed Zones

DATE: March 28, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Eichin</u>	<u>TR</u>	<b>Favorable</b>
2.	<u>White</u>	<u>Yeatman</u>	<u>CA</u>	<b>Favorable</b>
3.	<u>Carey</u>	<u>Kynoch</u>	<u>AP</u>	<b>Favorable</b>

---

**I. Summary:**

SB 392 raises the maximum allowable speed limit on certain highways and authorizes, but does not require, the Florida Department of Transportation (FDOT) to increase the speed limit on certain roadway types, subject to the new maximum limits. The bill also directs the FDOT to determine the minimum speed limit on certain highways and makes technical and conforming changes.

**II. Present Situation:**

**Speed Limit History and Current Law**

The FDOT has long been charged with posting maximum and minimum speed limits on state and federal highways in Florida, subject at various times to national speed limits. Prior to 1974, state law authorized the FDOT to set maximum and minimum speed limits for travel on roadways under its authority, not to exceed 70 mph, with discretion for certain highways outside of a city or state roads connecting links or extensions thereof within a city.<sup>1</sup>

In 1974, a National Maximum Speed Limit (NMSL), designed chiefly to conserve fuel, took effect, establishing a national maximum speed limit of 55 mph. Congress relaxed the law in 1987, allowing states to set speed limits of up to 65 mph on interstate roads in areas with fewer than 50,000 people (“rural interstates”). In 1995, Congress repealed the NMSL, allowing states to set their own speed limits (or none at all) on their roads. Most states have since increased the speed limits on some or all of their roads.

Since 1996, the authorized maximum speed limits on state highways have been as follows:

- 70 mph on limited access highways,

---

<sup>1</sup> Chapter 71-135, Laws of Fla.

- 65 mph on any other highways outside an urban area of 5,000 or more persons with at least four lanes divided by a median strip, and
- 60 mph on other roadways under the FDOT jurisdiction.<sup>2</sup>

As to minimum speeds on state roads in Florida, s. 316.183(2), F.S., establishes 40 mph as the minimum on all highways that are a part of the National System of Interstate and Defense Highways and have not fewer than four lanes. If the posted speed limit is 70 mph, the minimum speed is 50 mph.

**Moving Violation Fines and Surcharges**

Section 318.18(3), F.S., provides the following fines, in addition to court costs, for moving violations involving unlawful speed:

<b>For speed exceeding the limit by:</b>	<b>Fine</b>
1-5 mph	Warning
6-9 mph	\$25
10-14 mph	\$100
15-19 mph	\$150
20-29 mph	\$175
30 mph and above	\$250

In addition, a motorist must pay an additional fine for exceeding the speed limit in: a school zone, designated school crossing, construction zone, enhanced penalty zone, or toll collection facility.<sup>3</sup> Section 318.21, F.S., provides for the disposition of civil penalties by county courts. Of the civil penalties collected by county courts for monthly distribution, 50.8 percent is to be paid to the municipality where the violation occurred.<sup>4</sup>

**Intent of Speed Limits**

The Traffic Engineering & Operations Office of the FDOT notes that the “primary intent for establishing a speed zone is to improve vehicular and pedestrian safety by reducing the probability and severity of crashes.”

The “statutory” or allowable speed limits mandated by state statutes prevail on the types of roads and/or locations identified within state, municipality, and county jurisdictions. Such speed limits may be altered upward or downward by speed zoning thus creating specific or altered speed limits or restrictions for prescribed segments of highways...<sup>5</sup>

<sup>2</sup> Section 316.187(2), F.S.

<sup>3</sup> Section 318.18(3)(c)-(f), F.S.

<sup>4</sup> Section 318.21(2)(g)2, F.S.

<sup>5</sup> FDOT, *Speed Zoning for Highways, Roads & Streets*, Topic No. 750-010-002 (March 2010), available at [http://www.dot.state.fl.us/trafficoperations/speedzone/Speed\\_Zoning\\_Manual\\_Complete\\_03\\_17\\_2011.pdf](http://www.dot.state.fl.us/trafficoperations/speedzone/Speed_Zoning_Manual_Complete_03_17_2011.pdf) (last visited Feb. 20, 2014).

### **Establishment of Speed Limits/Speed Differential/85<sup>th</sup> Percentile Rule**

The 85<sup>th</sup> percentile rule is used by all states to establish speed limits. The Institute of Transportation Engineers reports:

The most widely accepted method by state and local agencies is to set the limit at or below the speed at which 85 percent of the traffic is moving. ... Studies have shown crash rates are lowest at around the 85<sup>th</sup> percentile speed. Drivers traveling significantly faster OR slower than this speed are at a greater risk for being in a crash. It is not high speeds alone that relate to crash risk; it is the variation of speed within the traffic stream.

Large variations in speed within the traffic stream create more conflicts and passing maneuvers.

According to a Federal Highway Administration study, all states and most local agencies use the 85<sup>th</sup> percentile speed of free flowing traffic as the basic factor in establishing speed limits.

Radar, laser and other methods are used to collect speed data from random vehicles on a given roadway. This speed is subject to revision based upon such factors as: crash experience, roadway geometrics, parking, pedestrians, curves, adjacent development and engineering judgment. This practice is in accordance with the MUTCD.<sup>6</sup>

In the final analysis, it is the judgment of the traffic engineer that determines which, if any, of the factors in the speed study warrant an adjustment of the 85<sup>th</sup> percentile speeds. After all variables are considered and a speed limit is established, traffic should flow at a safe and efficient level.<sup>7</sup>

The FDOT performs spot speed studies, calculates the 85<sup>th</sup> percentile speed, and then establishes speed limits on state highways, subject to the statutory maximum limits.<sup>8</sup> The FDOT advises that:

It is common traffic engineering knowledge that about 85 percent of all drivers travel at reasonably safe speeds for the various roadway conditions they encounter, regardless of speed limit signs.

---

<sup>6</sup> The Manual on Uniform Traffic Control Devices, which is a uniform system of traffic control devices for use on the streets and highways of the state adopted by the FDOT pursuant to s. 316.0745, F.S. Per s. 316.0745(3), F.S., "All official traffic control signals or official traffic control devices purchased and installed in this state by any public body or official shall conform with the manual and specifications published by the Department of Transportation...."

<sup>7</sup> Institute of Traffic Engineers, *Speed Zoning Information, A Case of "Majority Rule,"* available at <http://www.motorists.org/other/Winter05.pdf> (last visited Feb. 19, 2014).

<sup>8</sup> FDOT, *Speed Zoning for Highways, Roads & Streets, supra* note 4, at 16-23.

Based on this knowledge, a traffic engineering study is conducted to establish speed limits on the state highway. The Department uses the “85<sup>th</sup> percentile” method of determining appropriate and safe posted speed limits in conjunction with the maximum statute-based speeds. This method is based on extensive nationally accepted studies and observations. By measuring the speed of hundreds of vehicles at various points along the roadway, traffic engineers are able to use data to determine a reasonable and safe maximum speed to post for all vehicles to travel.<sup>9</sup>

Once the 85<sup>th</sup> percentile speed is identified and revised based on factors such as roadway conditions, crash experience, and applied engineering judgment, a maximum limit is established. Because vehicle speed differential; *i.e.*, large variations in speed within the traffic stream, have a clearly established impact on crash risk, an appropriate minimum allowable speed may also be set. The FDOT then periodically reviews maximum speed limits on state roads for a variety of reasons, such as a request for review from a citizen or an effort to study the effects of a prior increase in the limit.

**Speed/Safety Relationship**

Noting a disparity in findings among various studies of aggregate data relating to the relationship between increased speed and vehicle crashes, the National Cooperative Highway Research Program (NCHRP,) a branch of the National Academy of Science, analyzed the results of several studies of specific locations before and after an increase in the posted speed limit.<sup>10</sup> Results of the NCHRP study are encapsulated in the following table:

Increase in Speed Limit (mph)	Change in Avg Actual Speed	Change in Total Crash	Change in Probability of Fatal Injury	Total Change in Fatal Injury Count
55 to 65	+3 mph	+3.3%	+24%	+28%
65 to 75	+3 mph	+0.64%	+12%	+13%

Similarly, the Federal Highway Administration notes that “the effects of speed on safety are complex and only partially known.”<sup>11</sup> However:

There is clear and convincing evidence that crash severity increases with individual vehicle speed. This finding is supported by theory and statistical analysis.

A vehicle’s kinetic energy is proportional to its velocity squared. When a crash occurs, all or part of the kinetic energy is dissipated, primarily

<sup>9</sup> FDOT, *Frequently Asked Questions – Speed Limits*, <http://www.dot.state.fl.us/trafficoperations/faqs/speedlimitfaq.shtm> (last visited Feb. 19, 2014).

<sup>10</sup> National Cooperative Highway Research Program, *Safety Impacts and Other Implications of Raised Speed Limits on High-Speed Roads*, Research Results Digest 303 (March 2006), available at [http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp\\_w90.pdf](http://onlinepubs.trb.org/onlinepubs/nchrp/nchrp_w90.pdf) (last visited Feb. 20, 2014).

<sup>11</sup> Federal Highway Administration, *Speed Concepts: Informational Guide*, Chapter 3 (Sep. 2009), available at [http://safety.fhwa.dot.gov/speedmgt/ref\\_mats/fhwasa10001/](http://safety.fhwa.dot.gov/speedmgt/ref_mats/fhwasa10001/) (last visited Feb. 19, 2014).

through friction and mass deformation. As kinetic energy increases exponentially with speed, so does the potential for mass deformation, including humans that are inside and outside of the vehicle. Analysis of crash statistics have shown that the probability of being injured in a crash increases as the change in speed at impact increases, particularly when this change in speed occurs over a short time duration.<sup>12</sup>

**Speed/Fuel Use Relationship**

A study by the Fuels, Engines and Emissions Research Center of the Oak Ridge National Laboratory,<sup>13</sup> conducted on 74 vehicles, model years 2003 to 2012, including “various sizes of sedans, wagons, and SUVs, as well as pickup trucks, minivans and a few “muscle cars” and sports cars,” showed the following general negative effect of increased speed on fuel economy:

Speed Increase	Average mpg decrease for a given 10 mph increase in speed
50 to 60 mph	12.4
60 to 70 mph	14.0
70 to 80 mph	15.4
All three increments	13.9

**Speed Limits in Areas of Local Government**

While provisions related to traffic control are applicable and uniform throughout the state,<sup>14</sup> municipalities and counties have original jurisdiction over all streets and highways located within their respective boundaries, other than state roads.<sup>15</sup> Local governments may also exercise jurisdiction over any private road, or limited access road owned or controlled by a special district, located within its boundaries, if the local government and the party owning or controlling such road provide for municipal traffic control jurisdiction by written agreement approved by the governing body of the municipality.

Section 316.189, F.S., stipulates that the maximum speed within any municipality or county is 30 mph. However, municipalities and counties may set speed zones altering such speeds, both as to maximum and minimum, in accordance with an investigation determining such a change is reasonable and in conformity to criteria promulgated by the FDOT.<sup>16</sup> Within residential districts, a municipality may lower the maximum speed limit to 20 or 25 mph on local streets and highways after an investigation determines that such a limit is reasonable. No speed zone in a municipality or county shall permit a speed of more than 60 miles per hour.

<sup>12</sup> *Id.*

<sup>13</sup> Green Car Congress, *ORNL researchers quantify the effect of increasing highway speed on fuel economy* (Jan. 18, 2013), <http://www.greencarcongress.com/2013/01/thomas-20130117.html> (last visited Feb. 19, 2014).

<sup>14</sup> Section 316.007, F.S.

<sup>15</sup> Section 316.006(2), (3), F.S.

<sup>16</sup> Any alteration of speed limits on municipal or county streets and roads must be based upon an engineering and traffic investigation. “Altered speed limits established solely on the basis of individual or group opinions are considered contrary to the intent of the statute.” FDOT, *Speed Zoning for Highways, Roads & Streets*, *supra* note 4, at 22.

### III. Effect of Proposed Changes:

Generally, the bill revises statutes that control minimum and maximum speed limits on certain roadways in the state. The bill does not require increasing posted speed limits on any road. Rather, the FDOT is authorized by the bill to increase the speed limits on the identified roadways, subject to the new maximum limits, and to set minimum speed limits on those roadways, as described below.

**Section 1** amends s. 316.183(2), F.S., to eliminate statutorily specified minimum speed limits on all highways that are a part of the National System of Interstate and Defense Highways with at least four lanes and to authorize the FDOT to determine the safe and advisable minimum speed limit on all such highways. Discretion to set minimum speed limits on all highways that are a part of the National System of Interstate and Defense Highways with at least four lanes is granted to the FDOT.

**Section 2** amends s. 316.187(2), F.S., to increase by five miles per hour the existing authorized maximum speed limits on state highways in Florida as follows:

- 75 mph on limited access highways,
- 70 mph on any other highways outside an urban area of 5,000 or more persons with at least four lanes divided by a median strip, and
- 65 mph on other roadways under the FDOT jurisdiction.

**Section 3** provides the bill takes effect on July 1, 2014.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There may be an indeterminate impact on the private sector. Increased personal injury, deaths, property damage, and litigation costs associated with increased crash severity

might be anticipated. Individual travelers who elect to travel at higher speeds, if a speed limit is increased, may consume more fuel.

**C. Government Sector Impact:**

The FDOT advises it expects an “indeterminate insignificant” fiscal impact and reports “[a]ny increases to speed limits would involve engineering study costs and speed limit signage change including fabrication and installation costs, on a case by case basis.”<sup>17</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 316.183 and 316.87.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

---

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

---

---

<sup>17</sup> Florida Dep’t of Transportation, *Senate Bill 392 Analysis* (July 1, 2014).