

On September 7th, 2016, FMCSA and NHTSA issued a joint rulemaking that seeks to mandate heavy-duty vehicles be speed limited at 60, 65, or 68 mph. OOIDA is opposed to mandatory speed limiters because they create dangerous conditions for all highway users. OOIDA supports safer highway dynamics that allow all vehicles to travel at the

Speed Limiting Heavy Trucks:



same rate of speed. The NPRM is a dangerous proposition that will increase highway accidents in hopes that crash severity may decrease – even though there are alternatives that are more successful in improving highway safety. We don't need to endanger people's lives over a risky gamble based on flawed logic.

Dangerous For All Motorists

Neither FMCSA nor NHTSA suggest the Rule will reduce accidents, but believe it will reduce the severity of crashes. In fact, such a proposal will likely increase the number of accidents.

- Proposing a Rule that is likely to raise the number of accidents in favor of hopefully reducing the severity of accidents is a risky, if not a dangerous proposition. Studies have consistently shown that a higher variance of vehicle speeds in traffic flow increases accident risk.
- In 2009, two Canadian provinces imposed a speed limiter mandate with very little research to support its perceived safety benefits. Since the mandate's implementation, fatal accident rates involving large trucks in Ontario have increased, while Canada's fatalities as a whole have decreased. Although this may be due to a variety of factors, it is clear that speed limiters have not benefitted safety in Ontario as theorized.

Speed limiters create speed differentials among vehicles, which in turn leads to a greater number of interactions among those vehicles. Greater interaction among vehicles increases the likelihood of more accidents.

- The frequency of interactions with other vehicles by a vehicle traveling 10 mph below the posted speed limit is 227% higher than when moving at traffic speed.¹

- In crafting the Rule, the Agencies relied in part upon the research conducted by Dr. Steven Johnson of the Mack-Blackwell Transportation Center at the University of Arkansas. However, they failed to acknowledge his conclusions that speed limiters create differential speeds among road users which increases the number of interactions among vehicles, leading to a greater likelihood of accidents. Dr. Johnson has criticized FMCSA research on speed limiters in the past, stating, "If speed limiter regulations are implemented, it is important to note that it will occur on the basis of unsupported opinion rather than any definitive valid, reliable and useful data to this point."²
- Julie Cirillo, a former Assistant Administrator and Chief Safety Officer of FMCSA who spent more than 30 years in research on road safety and the causes of crashes involving large trucks, has concluded, "Adherence to differential speed limits creates a situation where a significant percentage of traffic is operating more slowly than general traffic... Since operating speeds on streets and roadways vary considerably from locale to locale, restricting a portion of the traffic to artificially slower speeds creates an unsafe condition. For all locations where the speed limit is 70 mph or greater, the vehicle with a speed limiter set at 65 mph is exposed to a higher accident involvement rate (50-80%) than vehicles able to travel with the flow of traffic."³



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¹ Johnson and Pawar, *Cost-Benefit Evaluation of Large Truck-Automobile Speed Limit Differentials on Rural Interstate Highways*, Mack-Blackwell Transportation Center, University of Arkansas (2005), pg. 98.

² Response to Research on the Safety Impacts of Speed Limiter Device Installations on Commercial Motor Vehicles: Phase II

³ *Michaud v. Her Majesty the Queen in Right of Ontario*, Ontario Court of Justice (2012)

The Agencies' approach will dramatically increase the number of trucks on the road, creating greater congestion and further increasing crash rates.

- Under this proposal, demand in the market place will not change and more trucks will be required to make up for this lost productivity. This is not addressed in the NPRM in a meaningful way.
- By focusing exclusively on reducing crash severity, the NPRM overlooks the broader impacts speed limiters will have on road congestion and driver behavior. Further, the Agencies ignore the substantial costs and disruptions that result from increased congestion, erratic behavior (such as tailgating and illegal passing) and ultimately more crashes.
- According to the 2014 FMCSA Large Truck Crash Causation Study, nearly 20% of truck-vehicle crashes occur when another vehicle rear-ends a truck. If we deliberately slow segments of highway traffic, then we will likely see an increase in rear-end collisions, which are some of the most severe crashes for car passengers.

The majority of speed-related crashes involving trucks occur while driving too fast for conditions, not exceeding the posted speed limit.

- The vast majority of all accidents occur on roadways or certain areas of highways, such as in cities or construction zones, where the posted speed limit is less than the proposed speed limiter settings (The Agencies are considering a limit of 60, 65, or 68 mph).
- DOT has stated, "the number of speeding-related fatalities is the highest in arterial roads followed by local/collector roads and finally interstates." This is backed up by the FMCSA, who has reported that 74.1% of truck-involved fatal crashes occur on non-interstates where speed limits are lower.
- Based on current economic conditions in the trucking industry, mandatory speed limiters will increase pressure on drivers who are still paid by

the mile or by the load and may cause drivers to drive at the maximum speed more often in order to make up for lost productivity. This is not optimal for safety or efficiency.

U.S. DOT Secretary Anthony Foxx has touted that speed limiters could save an estimated \$1.1 billion in fuel costs and millions of gallons of fuel annually. The proposal also erroneously argues speed limiters are necessary to achieve fuel savings and reductions in greenhouse gas emissions (GHGs).

- More trucks will be needed to deliver the same amount of freight, thus using more fuel and emitting more GHGs.
- Additionally, other vehicles will slow down when they reach speed limited trucks, then speed up quickly to pass, a maneuver that requires more fuel consumption. Frequent changes in speed actually generate higher emissions than travelling at a constant speed. On a national scale, this seemingly minor consideration will have a major effect on overall vehicle emissions.
- Fuel efficiency is not gained by simply slowing down trucks, but how the entire drivetrain, gears, and tires are synced together.

The proposal disregards the authority of states to determine speed limits within their borders.

- Congress authorized states to set speed limits based on their own unique factors over 20 years ago. Since then, 25 states have set speed limits for trucks at or above 70 mph, which is higher than any of the proposed limits included in the Rule.
- By and large, states, such as Virginia, have moved away from split speed limits in favor of uniform speeds for all vehicles, as research dictates highways are safest when vehicles travel at the same rate of speed. Currently, there are only seven states with differential speed limits for cars and trucks. One of these states, Montana, has recently recommended altering their differential speed limit policy.⁴



⁴ Gates et al., *Differential Speed Limits on Two-Lane Rural Highways in Montana*, Montana Department of Transportation (2016).