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PROPOSED HIGHWAY SPEED LIMIT INCREASE FOR WISCONSIN

Wisconsin is one of 12 states, primarily east of the Mississippi River, to have a maximum highway speed limit of 65 miles per hour (mph) or lower. All four of the states bordering Wisconsin have a 70 mph speed limit on some of their interstate highways. Two companion bills currently introduced in the Wisconsin Legislature, 2015 Assembly Bill 27 and 2015 Senate Bill 26, propose to raise the maximum speed limit on all freeways and expressways in the state to 70 mph. Two slightly different amendments to allow the Department of Transportation to establish a 65 mph speed limit for commercial motor vehicles on some highways were introduced in the assembly but were not adopted. The Assembly Committee on Transportation recommended passage of Assembly Bill 27 on March 5, 2015, and the full assembly passed the bill on March 17, 2015, by a vote of 76 to 22. As of March 27, 2015, the Senate Committee on Transportation and Veterans Affairs has not taken up Senate Bill 26.

HISTORY OF THE MAXIMUM STATE SPEED LIMIT IN WISCONSIN

Current law, Section 346.57, Wisconsin Statutes, establishes speed restrictions on Wisconsin roads, including a fixed limit of 65 mph on all freeways and expressways. In the absence of fixed or posted limits on other types of roads, such as local roads, school zones and other specified limits, the state speed limit is 55 mph, and all driving speeds are subject to a "reasonable and prudent" limit for the conditions (§ 346.57 (2), Wis. Stats.).

Prior to 1947, the Wisconsin Statutes specified maximum speed limits in cities and villages at 25 or 35 mph, in school zones at 15 mph, and in other situations, with some discretion granted to local authorities to increase the posted permissible speed by ordinance. Otherwise, the law did not specify a statewide maximum permissible highway speed. Instead, Section 85.40, 1945 Wisconsin Statutes, made it "unlawful for any person to operate any vehicle upon a highway carelessly and heedlessly, in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection or at speeds greater than those specified in this section or in a manner so as to endanger or be likely to endanger the property, life, or limb of any person, or without due regard to the traffic, surface, width of the highway, and any other condition of whatever nature then existing."

Chapter 407, Laws of 1947, repealed and recreated Section 85.40, Wisconsin Statutes, to be more specific about certain local speed restrictions, and gave the state highway commission authority to determine and post "reasonable and safe speed limit[s]" based on engineering surveys on up to 2,000 miles of the state trunk highway system. For other locations not enumerated in the law, Chapter 407, Laws of 1947, stated a "reasonable and prudent" standard for the conditions.

The Wisconsin Statutes did not specify a maximum state speed limit until 1949, when Chapter 449, Laws of 1949, added to the list of enumerated speed restrictions an overall limit of 65 mph, and 55 mph during nighttime. The law continued to allow local authorities to increase certain speed limits, but prohibited increases above the overall 65/55 mph limit.

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Those speed limits remained in place until the 1973–74 oil embargo. The United States Congress passed the Emergency Highway Energy Conservation Act in 1973, effective January 1974. In Wisconsin, Chapter 157, Laws of 1973, prohibited speed limits in excess of 55 mph during an "energy emergency" declared by the governor. Chapter 30, Laws of 1977, made the 55 mph speed limit permanent by repealing the language that made the lower limit contingent on an energy emergency and by striking the language that made 55 mph the limit only "during hours of darkness and 65 miles per hour at other times," thereby making it 55 mph for all times of day.

In 1987, Congress allowed states to adopt a 65 mph speed limit on rural interstate highways as part of the federal Surface Transportation and Uniform Relocation Assistance Act. It defined rural interstate highways as those being outside urban areas with a population of 50,000 or more. Wisconsin responded by enacting 1987 Wisconsin Acts 17 and 136. Act 17 adopted the federal definition of rural interstate highways and a 65 mph speed limit on posted, qualifying interstate highways. Under Act 17, the 65 mph speed limit would not be in effect if signs were not posted by the Department of Transportation. Act 136 later repealed the language relating to "rural interstate" highways in response to a change in federal law that allowed for the 65 mph speed limit on certain noninterstate highways built to interstate standards. Act 136 applied to portions of US Route 51 (since designated also as Interstate 39) and Wisconsin STH 78.

The federal National Highway System Designation Act of 1995 repealed all national speed limits in late 1995, and Wisconsin responded with 1995 Wisconsin Act 318, effective August 1, 1996, which extended the 65 mph speed limit to any roads classified as freeways or expressways. Freeways and expressways are defined as divided highways of four or more lanes with preference for through traffic. The difference between the two is that access to expressways can be either by interchange or selected at-grade access points, while freeways are by interchange only. As with the prior law, signs indicating the 65 mph speed limit must be posted on a highway for that limit to be in effect.

MAXIMUM HIGHWAY SPEED LIMITS IN OTHER STATES

Thirty-eight states allow for maximum speed limits of 70 mph or higher. In Texas, a tolled portion of one state highway has an 85 mph speed limit, and more than 500 miles of Texas interstate highways have a speed limit of 80 mph. Idaho, Wyoming, and Utah also allow 80 mph speed limits on some highways.

Western states generally have higher maximum speed limits than eastern states. West of the Mississippi River, only Hawaii (60 mph), Alaska (65 mph), Oregon (65 mph; 55 mph for trucks), Washington (70 mph; 60 mph for trucks), and California (70 mph; 55 mph for trucks) have maximum highway speed limits under 75 mph. East of the Mississippi, only Louisiana (75 mph) and Maine (75 mph) allow speeds higher than 70 mph on some highways. Most of the Mid-Atlantic and New England states have 65 mph as the maximum allowable speed limit.

Wisconsin is one of 12 states with a maximum allowable speed limit of 65 mph or lower. The four states surrounding Wisconsin—Minnesota, Iowa, Illinois, and Michigan—all allow 70 mph on some highways, although all of them have lower maximum speed limits for urban interstates, noninterstate highways, trucks, or a combination. Some of these lower limits are lower than Wisconsin's uniform 65 mph speed limit for interstates and other limited-access highways.

TRAFFIC SAFETY

Although the national 55 mph speed limit established in 1973 was enacted as an energy conservation measure, many also viewed the change to a lower speed limit as benefi-

MAXIMUM POSTED SPEED LIMITS IN THE UNITED STATES

State	Rural Interstates	Urban Interstates	Other Limited Access Roads	Other Roads
Alabama	70	65	65	65
Alaska	65	55	65	55
Arizona	75	65	65	65
Arkansas[1]	70 (65 for trucks)	65	65	65
California	70 (55 for trucks)	65 (55 for trucks)	70 (55 for trucks)	65 (55 for trucks)
Colorado	75	65	65	65
Connecticut	65	55	65	55
Delaware	65	55	65	55
District of Columbia	NA	55	NA	25
Florida	70	65	70	65
Georgia	70	70	65	65
Hawaii	60	60	55	45
Idaho[2]	75 (70 for trucks); 80 on specified segments	75 (65 for trucks); 80 on specified segments	70	70
Illinois[3]	70	55	65	55
Indiana	70 (65 for trucks)	55	60	55
Iowa	70	55	70	65
Kansas	75	75	75	65
Kentucky[4]	65 (70 on specified segments)	65	65	55
Louisiana	75	70	70	65
Maine	75	75	75	60
Maryland	65	65	65	55
Massachusetts	65	65	65	55
Michigan	70 (60 for trucks)	65	70	55
Minnesota	70	65	65	55
Mississippi	70	70	70	65
Missouri	70	60	70	65
Montana	75 (65 for trucks)	65	70 day/65 night	70 day/65 night
Nebraska	75	65	65	60
Nevada	75	65	70	70
New Hampshire[5]	65 (70 on specified segments)	65	55	55
New Jersey	65	55	65	55
New Mexico	75	75	65	55
New York	65	65	65	55
North Carolina	70	70	70	55
North Dakota	75	75	70	65
Ohio	70	65	70	55
Oklahoma	75	70	70	70
Oregon	65 (55 for trucks)	55	55	55
Pennsylvania	70	70	70	55
Rhode Island	65	55	55	55
South Carolina	70	70	60	55
South Dakota	75	75	70	70
Tennessee	70	70	70	65
Texas[6]	75 (80 or 85 on specified segments)	75	75	75
Utah[7]	75 (80 on specified segments)	65	75	65
Vermont	65	55	50	50
Virginia	70	70	65	55
Washington	70 (60 for trucks)	60	60	60
West Virginia	70	55	65	55
Wisconsin	65	65	65	55
Wyoming[8]	75 (80 on specified segments)	75 (80 on specified segments)	65	65

NA – not applicable

[1]Arkansas: May be increased to 65 mph on particular two-lane or four-lane highways if based on traffic and engineering studies.

[2]Idaho: May be increased to 80 mph on specific segments of highway on the basis of an engineering and traffic investigation.

[3]Illinois: Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will Counties may opt out by adopting an ordinance setting a lower maximum speed limit. These counties have a large-truck speed limit of 60 mph outside of urban districts and 55 mph inside urban districts.

[4]Kentucky: May be increased to 70 mph on specific segments of highway if based on an engineering and traffic investigation.

[5]New Hampshire: 70 mph on the portion of I-93 from mile marker 45 to the Vermont border.

[6]Texas: Sections of I-10 and I-20 in rural west Texas, 80 mph for passenger cars and light trucks. Speed limits may be established not to exceed 85 mph if the highway is designed to accommodate the higher speed and it has been determined by a traffic and safety engineering study to be reasonable and safe. State Highway 130 between Austin and San Antonio (toll) has a posted limit of 85 mph.

[7]Utah: May be increased beyond 75 mph on any freeway or limited access highway on the basis of an engineering and traffic investigation. The highest posted limit is currently 80 mph.

[8]Wyoming May be increased to 80 mph on specific segments of highway if based on an engineering and traffic investigation.

Source: Adapted from National Conference of State Legislatures, "Traffic Safety Trends: State Legislative Action 2014" (draft) (forthcoming, 2015).

cial from the perspective of highway safety, citing decreases in highway fatalities following the imposition of the lower speed limit. Proponents and opponents of higher speed limits have different perspectives on the effects of speed limits on traffic safety.

Speed limits can be viewed as a way to promote traffic safety through two primary mechanisms, which tend to delineate the arguments in the debate over higher speed limits.

Limiting the maximum speed of traffic is said to reduce the probability and severity of crashes. Even under ideal weather and other highway conditions, higher speeds require longer stopping distances that increase the likelihood of crashes. Higher speeds also result in significantly higher crash impacts in the event of a collision because the amount of kinetic energy increases by the square of the speed. In other words, when comparing crashes at two different speeds of deceleration at the time of the crash, a speed difference that is four times higher will produce 16 times more force at impact than the crash at the slower speed. Opponents of higher speed limits point to statistics showing more crash fatalities in speed-related crashes as driving speeds increase. The Federal Highway Administration and the National Highway Traffic Safety Administration, both in the United States Department of Transportation, as well as state transportation departments, have published crash data and studies on the relationships between vehicle speed and safety.

The other way that speed limits promote traffic safety is by limiting the variation in traffic speeds among the vehicles on the road. Travel is safest when everyone is driving at about the same speed. The more speeds vary, the more driver interactions occur, such as passing and overtaking, which can produce more opportunities for crashes. Research dating back to 1964 suggests that the number of crashes decreases as the variation among actual driving speeds decreases, and crash probability increases as the variation in speeds increases, both for drivers going significantly faster than the average speed and those going significantly slower than the average speed. This relationship is referred to as the Solomon curve, a U-shaped curve named for researcher David Solomon. (Crash severity, as expected, increases with speeds higher than the mean.) Subsequent critiques of that research show that crash probability is more complex and involves many variables, but there is some agreement that speed variation is an important consideration.

A variety of physical features, such as access control, straight and curved sections, flat and hilly sections, sight lines, shoulders, and lane width, influence the design speed of a highway, which is the maximum safe speed under optimal driving conditions. Speed limits are usually determined with consideration for a combination of design speed and the empirical speeds in free-flowing traffic of the majority of drivers at safe and reasonable speeds, with smaller numbers of drivers driving too slow or too fast. The generally accepted traffic engineering practice is to use the 85th percentile speed, the speed at which 85 percent of drivers are traveling at that speed or lower, with the other 15 percent above that speed.

Proponents of higher speed limits argue that because interstate highways are engineered for speeds higher than 65 mph, many people will drive closer to the maximum speed for which the road was engineered rather than at the posted speed limit. If a speed limit is well below the 85th percentile speed, it creates a situation of greater disparity in speeds between drivers who obey the speed limit because it is the law (or to avoid running afoul of enforcement activity), and those who drive faster than the speed limit to the extent they believe they can drive safely at speeds higher than the speed limit. Speed limits that are more consistent with the engineering standard and closer to the 85th percentile, proponents contend, will reduce the

variation in actual travel speeds, narrowing the gap between the faster drivers and those who obey whatever the speed limit is.

In summary, proponents argue that an increased speed limit would reduce variations in speed and could reduce the probability of crashes. Opponents counter that higher speeds could increase the likelihood of crashes both because of increased stopping distances and decreased time to attempt to evade potential collisions; opponents also argue that even if higher speeds do not increase the number of crashes, higher speeds would still increase the severity of the collisions that do occur, leading to more fatalities and serious injuries.

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