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16. Abstract

Safety on Texas' interstate highways receives constant media attention. From issues such as truck safety and seat belt requirements, the highways remain a focal point of scrutiny and federal funds. As vehicle miles traveled (VMT) continue to increase, there is little hope that Texans will be giving up their sport utility vehicles anytime soon. Therefore, the attention must be towards strategies to establish policies that enhance safety while not hindering mobility. This project seeks to determine if the increase in speed limits from 1996 to 1999 resulted in an increase in fatal accidents in Texas. The data focused on a select set of variables and the data from Texas will be compared to nationwide figures in order to determine if there were any similarities in the number of fatal accidents.

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Analysis of Texas Speed Limit Laws And Fatality Accident Rates

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Research Report SWUCT/05/167320-1

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EXECUTIVE SUMMARY

Automobile safety continues to be a major concern in Texas and across the country. When the Federal government repealed the 55 mph speed limit restrictions, spirited debates followed. Many believed higher speeds would result in more fatalities, while others believed the highways would actually be safer because the speed limits would then reflect the natural flow of traffic, thereby removing dangerous movements like weaving and tailgating.

Across the country there were reports that the increased speed limits would not lead to increased fatalities. Therefore, this study sought to determine if that hypothesis held true for Texas in the years immediately after the repeal of the national 55 mph speed limit mandate. The data focused on a select set of variables from Texas which were then compared to like variables nationwide. By comparing the Texas figures against the national numbers, we were able to determine if the statewide trends were similar or dissimilar to those nationwide. However, the principle objective of this study was to determine if speed-related fatalities increased in Texas during the period 1996 to 1999.

The variables used in this study were *Total Traffic Fatalities*, *Speeding Related Fatalities*, *Fatality Rates per Vehicle Miles Traveled*, *Fatal Crashes by Type and Roadway Relationship*, *Fatal Crashes by Type and Speed Limits*, and *Fatal Crashes by Speed Limit and Land Use*. The findings indicate that from 1996 to 1999, the increase in speed limits resulted in a greater number of fatal accidents on Texas roadways. Even though the VMTs for Texans increased 15 percent while the total number of fatalities only increased by 9 percent, the ratio of fatalities to VMTs actually decreased from 1994 to 1999 by 7 percent. However, this ratio includes those fatalities that occurred at speeds of less than 55 mph. When examining the fatal crashes at speeds of 55 and 65 and greater, the data indicates that there was an increase of 87 percent in Texas. While there was also an increase nationwide for like speeds, this increase was only 70 percent. Further study will be needed to adequately determine why there was such a tremendous decrease in fatal crashes for speeds of 55 mph, a decrease of 177 percent.

The data also indicates that when delineating fatalities at speeds of 65 and greater by locations there was an increase in fatalities in rural and urban locations (85 and 91 percent, respectively). There were increases in fatalities involving multiple vehicles (91%) and single vehicles (83%) and 65mph and greater. In relation to roadway location at 65mph and greater, there were increases in fatalities occurring on the roadway (16%) and off the roadway (32%) for 1994-1999. Finally, a delineation of fatalities on interstate and non interstate highways at speeds of 65 and greater, indicates a fatality increase of 45 percent on interstates, and a decrease of 64 percent on non interstates. This mirrored the national trend where fatalities on interstates also increased 45 percent, but experienced a greater decrease of 78 percent on non interstates.

ABSTRACT

Safety on Texas' interstate highways receives constant media attention. From issues such as truck safety and seat belt requirements, the highways remain a focal point of scrutiny and federal funds. As vehicle miles traveled (VMT) continue to increase, there is little hope that Texans will be giving up their sport utility vehicles anytime soon. Therefore, the attention must be towards strategies to establish policies that enhance safety while not hindering mobility. This project seeks to determine if the increase in speed limits from 1996 to 1999 resulted in an increase in fatal accidents in Texas. The data focused on a select set of variables and the data from Texas will be compared to nationwide figures in order to determine if there were any similarities in the number of fatal accidents.

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INTRODUCTION AND BACKGROUND

When Congress initially considered repealing the mandatory 55 miles per hour (mph) speed limit in 1995, Transportation Secretary Federico Pena said, “It simply means that more Americans will die and be injured on our highways.” Judith Stone, president of Advocates for Highway Safety, predicted 6,400 more highway fatalities a year and millions more injured. Consumer advocate Ralph Nader saw the repeal of the 55 mph per hour speed limit as an "assault on the sanctity of human life." Officials with the National Highway Traffic Safety Administration (NHTSA) cautioned that additional 6,400 motorists would die annually because of the higher speeds. So far, however, these predictions have not materialized.

In 1997, the nation experienced the lowest rate of automotive traffic accidents and deaths in history. Many experts theorize that higher limits are safer, because they reflect the normal flow of traffic. This normal flow leads to a decline in tailgating as well as a decline in cars weaving in and out of traffic. Those supporting the speed limit increase cite examples showing that most highway fatalities occur at speeds of 45 mph or less. According to NHTSA data, traffic safety has actually improved for the 36 states that have set higher limits since 1995. In California, with an interstate limit of 70 mph, there was a four percent drop in fatalities. This represents the state’s lowest number of fatalities since 1961. In Mississippi, the fatality rate dropped 21 percent since increasing highway speeds to 70 mph.

While the traffic fatality rate was 1.76 per 100 vehicle miles traveled in 1996, the actual number of fatalities rose by 109, or 25 percent in 1996 from 1995. However, Americans traveled an additional 46 million miles in 1996. Also in 1996, the number of speed-related deaths fell by 258. Nationally, fatalities were down in 30 states. The national traffic injury rate rose 0.7 percent, from 141 to 142 per 100 million vmts. Officials believe the reason the death and accident rates did not increase was because an estimated 70 percent of US highway drivers were routinely exceeding the speed limit when it was 55mph. Therefore, average highway speeds have only risen by an estimated two miles per hour on highways with the new speed limits. An intense examination of the data from Texas should determine if the hypothesis that higher speeds do not correlate to increased fatalities holds true in Texas.

A study conducted in California indicated that the number of fatalities did not increase in that state with the increase in speed limits. This research seeks to determine if this hypothesis holds true in Texas.

LITERATURE REVIEW

Proponents of Increased Speed Limits

Believing that states should control the speed limits in their jurisdictions, J.J. Baxter supported the National Highway System Act of 1995 repealing the 55 mph national maximum speed limit. Baxter saw this as a victory for state control, since the states are in a better position to determine and implement speed zoning and speed limit policies based on geography, demographics, climate, traffic, and economics (Baxter, 1996). Furthermore, Baxter, president of the National Motorists Association, reported that evolving systems lead to a gradual increase in highway speed and that the best way to set speed limits is to measure free-flowing speeds and post the limit at the 85th percentile speed. This formula, based on 40 years of traffic engineering research, maximizes driver compliance and optimizes safety, efficiency, and motorist satisfaction.

Baxter not only supported the increased speed limits because of the power given to individual states, but also believed safety would not be compromised. He believed many people think lower speed limits minimize traffic hazards and that speed limits are established with motorist safety as the primary concern. However, he illustrated that speed limits are merely compromises between scientifically established speed management practices and political-financial interests. Baxter further argued that available data failed to consistently prove a correlation between speed enforcement and traffic safety. Citing traffic data from the German Autobahn, which has minimal speed enforcement, Baxter found the fatality rates similar to those of the US interstate system, which has extensive speed enforcement. He concluded by illustrating that the high profile traffic enforcement campaigns in the US actually cost hundreds of millions of federal gas tax dollars, but oftentimes result in increased numbers of traffic accidents. Acknowledging that faster speeds do increase crash severity, Baxter believes historical studies prove that the higher crash rates occur in slower traffic.

Like Baxter, Eric Peters was also an ardent supporter of lifting the 55 mph speed limit. In three separate articles, Peters argued that increased speed limits will not necessarily mean increased fatalities. Peters began his argument by quoting a 1990 National Research Council study that found that on roads with posted 55 miles per hour speed limits, 70 percent of observed traffic violated the speed limit anyway (Peters, 1995). He further argued that the 55 mph speed limit is not safer than 65, 70, or 75 mph, and in some cases may be less safe.

While accepting the position that highway crashes at higher speeds are inherently more dangerous than those at lower speeds, Peters believed it sheds little evidence about how increasing speed limits affects the likelihood of an accident occurring in the first place. Using highway data from the past 75 years he found the average highway speeds

increased one-half mile per hour per year, from 30 mph to 65 mph. However, the highway fatality rate has declined by 95 percent over the same period. Similarly, the death rate fell from 25 fatalities per 100 million vehicle miles traveled in 1920 to 3.6 in 1974, 2.3 in 1988 and 1.7 in 1995 (Peters, 1995). Peters found other studies that illustrated that since 1987, some states actually raised the speed limits in rural areas, and the number of deaths did increase. However, when calculating the fatality rates per miles traveled, the fatality rates in those states actually declined.

In a 1997 article, Peters continued his attack against "the self-styled safety experts." Peters examined the National Highway Traffic Safety Administration data and found traffic safety actually improved for the 36 states that have set higher speed limits for the two year period since Congress dropped the federally imposed 55mph interstate speed limits. He further cites the following examples:

- California, with an interstate limit of 70 mph, experienced a four percent drop in fatalities -- the lowest since 1961.
- Mississippi's fatality rate dropped an impressive 21 percent since increasing highway speeds to 70 mph.
- On Montana's disparaged "Montanabahn," on which there are no set day-time speeds, fatalities dropped 5 percent from 1995 to 1996.
- Analysts note that every objective study shows that overall fatality rates have declined in the past 30 years.

Peters also supported Baxter's argument that most drivers are not homicidal maniacs and will typically drive at a naturally safe speed. Peters illustrated how traffic engineers scientifically termed this "natural safe speed" the "85th percentile" speed because this is the speed of 85 percent of highway drivers. Between 70-80 mph, the 85th percentile speed represents the natural flow of traffic, regardless of posted limits.

Peters continued his support of higher speeds in 1998 with the article "Highways Are Safe at Any Speed," in the *Wall Street Journal*. Even though officials in the National Highway Traffic Safety Administration ominously warned that more than 6,400 motorists would die annually because of the higher speeds, Peters found the data has so far proved them wrong. The lowest number of automobile traffic accidents and deaths in US history occurred in 1997, two years after Congress abolished the 55 mph speed limit. From 1995 to 1998, 21 states raised their maximum speed limits to 65 mph, another 17 states raised their maximum to 70 mph, and 10 states actually have 75 mph limits. Peters found the state of Montana has no posted daytime speed limit. He further cited transportation experts who theorized the higher speed limits are safer because they reflect the normal flow of traffic. Furthermore, with the higher speeds was a decline in tailgating, weaving and the wide variances of speeds on the highways. Peters also argued that the 55 mph speed limit was a response to the energy crises of the 1970s, not the belief that slower speeds would be safer. Finally, Peters found volumes of data showing most highway fatalities occurred at speeds of less than 45 mph.

Another supporter of increased speed limits, Stephen Moore, also believed national transportation officials needlessly worried. Quoting former Transportation Secretary Frederico Pena, who in 1995 said the increased speed would increase the number of highway deaths, Moore found little actual evidence to support Pena's initial statement (Moore, 1997). Judith Stone, president of Advocates for Highway Safety, predicted 6,400 more highway fatalities a year and millions more injuries. Ralph Nader described repeal as an "assault on the sanctity of human life." (Moore, 1997) However, beginning in 1996, the first year of higher speed limits, the traffic fatality rate was 1.76 per 100 million vehicle miles traveled - the lowest on record. Fatalities rose by 109, or 0.25 percent, from 1995, but motorists traveled an additional 46 million miles. Other data examples from 1996 presented by Moore include:

- The absolute number of speeding-related deaths fell by 258.
- Fatalities were down in 30 states and stayed the same in Rhode Island.
- California raised its speed limit to 70 mph and fatalities fell to their lowest level since 1961.
- The national traffic injury rate rose 0.7 percent, from 141 to 142 per 100 million vehicle miles traveled.
- One reason the death and accident rates failed to rise is that an estimated 70 percent of U.S. highway drivers were routinely exceeding the speed limit when it was 55 mph. Average highway speeds have only risen by an estimated two miles per hour on highways with the new limits.

Instead of causing increased fatalities, as Pena and others cautioned, Charles Lave and Patrick Ellis argued that the 65 mph limit actually reduced the fatality rate by 3.4 percent to 5.1 percent, compared to those states that did not raise their speed limit. The authors postulate that several factors may have contributed to the reduced fatality rates: 1) Drivers may have switched to safer roads, 2) reduced highway patrols, or 3) there may have been a reduction in highway speed variance. (Lave, 1994)

Like many other states, Texas raised the speed limit on its freeways and interstates to 70 mph following the federal government's repeal of the 55 mph national maximum speed limit. Whitten found that Texas' new speed limit is based on the 85th percentile speed rule. Research has shown that motorists select their speeds based on the driving environment: roadway geometry, traffic conditions, weather, and pedestrians. Whitten concluded the article by acknowledging that a common argument against raising the speed limit is that more accidents will occur. However, Whitten believed this argument did not hold up under scrutiny.

In the article, "Speed Limits: A User Perspective," J. Kolstad showed how the American Automobile Association (AAA) supported setting speed limits that are reasonable and enforceable based on the desires and driving behavior of the majority of motorists in a given region. AAA officials advised states to use engineering and traffic

surveys before establishing increased maximum speed limits. Furthermore, AAA argued that increased speed limits will not adversely affect highway safety.

Kolstad also acknowledged that AAA member surveys indicated that public opinion was divided on whether speed limits should be decided by state or federal governments. The surveys also revealed that 71 percent of survey respondents favored increasing the maximum speed limit above 55 mph.

Opponents of Increased Speed Limits

In "Safety Behind the Wheel," Stephen Minter argued that the number one cause of work-related deaths are motor vehicle crashes. He believed most major companies cannot accurately estimate how much money is lost due to car accidents. Furthermore, the increase in speed limits contributed to the increase in fatal highway crashes. Highway crashes have increased 20 percent-30 percent due to this increase in speed limit (Minter, 1997).

Concerned about more than just passenger autos and increased speed limits, Roger Morton also examined the impacts of increased speed on the trucking industry. Morton cited data showing there were more serious accidents due to the higher speeds in the 1970's. The author also believed that fuel economy for trucks will decrease by 20 percent causing the fuel demand to go up, resulting in higher gas prices (Morton, 1996). Higher speeds give a misconception that the service provided by trucks will be faster. However, Morton argued that this is false because efficiency will remain the same and insurance prices will increase resulting in more money lost due to higher speeds.

Tim Minshan surveyed fleet managers nationwide and found that 60 percent of them expect Congress to repeal its decision to allow states to raise the speed limits due to the expected increase in accidents, injuries, and fatalities. Minshan found that by 1996 every state increased the 55 mph speed limit except Connecticut, Hawaii, New Jersey, and Rhode Island. He also believed the problem is that people tend to drive faster than the speed limit, in which he calls their own "speed comfort zone," of 5-10 mph above the posted speed limit (Minshan, 1996). Minshan also argued that the speed increase will also causes fuel efficiency to decrease 20-30 percent.

In the "Fight to Save Highway Safety is Urged by AIA Attorney" article published in the *National Underwriter* argued that there are many negative affects that could happen due to the repeal of the 55 mph law. Rather than stand idly by, the author wanted those concerned with highway safety to actively campaign in every state to keep the speed limit at 55 mph. Citing possible increases in the accident and death rates, and the resultant increase in insurance claims, the author argued that everyone will be affected. Furthermore, the author estimates that society will incur costs in excess of $20 billion for additional accidents realized over 6,000 deaths, and tens of thousands of serious injuries.

Authors Michael Green and Richard Retting examined the repeal of the national maximum speed limit law in November 1995, which allowed states to set their own

maximum speed limits for the first time since 1974. While the basis for the original national maximum speed limit was fuel conservation, the law generated safety benefits as well. The authors discussed results of analyses of traffic speed data derived from a sample of freeways and interstate highways, both urban and rural, measured before and after termination of the national maximum speed limit and subsequent posting of higher speed limits in December of 1995. Traffic speed data were analyzed in terms of mean speed, standard deviation, selected percentile values, and the proportion of vehicles exceeding various speeds. Data from tripod-mounted photo radar and undetectable K-band radar are presented.

In the article "Effect of 1996 Speed Limit Changes on Motor Vehicle Occupant Fatalities," the authors examined the number of motor vehicle occupant fatalities in 1996 compared with those from 1990-1995. They specifically looked at auto-related deaths in 12 states that raised speed limits to 70 mph compared with deaths in a group of states that did not. Most of the speed limit increases occurred on interstate and state freeways, and experienced a 12 percent increase in occupant fatalities (Farmer, Lund, et al, 1997). The authors estimate that during the last 9 months of 1996 there were 500 additional deaths in the 12 states that raised speed limits.

The article, "Setting Speed Limits on Kansas Two-Lane Highways: Neuronet Approach," addressed the issue of allowing states to set their own speed limits on highways. The authors also examined the increases in the number of requests from citizens and neighborhood groups to implement actions to reduce "excessive" speeding on their streets and highways (Najjar, Russell, et al, 2000). These neighborhood groups created considerable debate about and scrutiny of the appropriate speed limits that should be posted on state highways. Various speed studies indicated that sensible and cautious drivers will most likely drive at the speed dictated by roadway and traffic conditions rather than relying on a posted speed limit. The authors argued that the incorporation of roadway characteristics and traffic volumes help into the selection of the most appropriate speed limit. Furthermore, they believed the 85^{th} percentile speed at which the drivers surveyed are driving is selected as the primary factor in determining the posted speed limit. Carrying out such field studies for all highway sections is a costly and time-consuming process. Therefore, characterizing the relationship between the 85^{th} percentile speed and the roadway characteristics will assist in selecting the most appropriate posted speed limit on highway sections where field surveying is difficult due to resource limitations. A back-propagation neural network is used to extract the relationship between roadway characteristics and 85^{th} percentile speed. The developed neural-network-based speed model was found to perform satisfactorily for characterization of speed on Kansas' two-lane, uninterrupted-flow rural highways and for quantifying the influence of prevailing roadway characteristics on the anticipated 85th percentile speed.

Prior to raising the speed limits in Michigan, the state legislature passed a bill requiring a comprehensive study documenting the potential impacts on safety and roadway capacity. Michigan State University conducted the study that determined the effects of increasing the speed limit on certain sections of highway (Kedjidjian, 1998). This study examined not only freeways that were increased to 112.6 km/h (70 mph), but

also the speeds and capacities of freeway sections where the speed limit was not increased. Different types of speed analyses were performed comparing the test sections where the speed limits were raised with the control sections where the speed limits were not raised. The analyses also included categorizing the roadway into intercity and recreational routes to determine the effect on speeds for different uses in road use. The speed data also were broken down into different vehicle types. A preliminary accident analysis was performed on the control and test sections to determine the effect of increased speed limits on accident rates. It was proven that increasing the speed limit on certain sections of freeway in Michigan had little effect on the change in speed and capacity on both test and control sections.

DATA ANALYSIS

The US Department of Transportation's Highway Traffic Safety Administration's Fatality Analysis Reporting System (FARS) provided the data used in this study. Created in 1975 by the National Center for Statistics and Analysis (NCSA), the FARS data provides transportation officials with information concerning traffic safety and the evaluation of motor vehicle safety standards and highway safety initiatives.

To be included in the FARS database, a vehicle accident must involve a motor vehicle on a thoroughfare usually open to the general public and result in the death of a person, the driver or occupant of any vehicle involved in the accident, within 30 days of the accident. The data may also include non-motorists if such death occurred as a result of the accident. The FARS database contains more than 100 coded elements describing the accident, the vehicles involved, and the applicable individuals. To protect individual privacy, no personal information, such as names, addresses, or specific crash locations, is coded.

In addition, there are FARS Alcohol files which contain driver and nonoccupant BAC (blood alcohol content) estimates as well as overall crash alcohol estimates, which are used to supplement the data files when no alcohol information would otherwise be available.

There are several variables that may illustrate the fatality impacts of the increased speed limits on interstate and non-interstate facilities. The variables under consideration for this study are:

- Total Traffic Fatalities;
- Speeding Related Fatalities;
- Fatality Rates per Vehicle Miles Traveled;
- Fatal Crashes by Type and Roadway Relationship;
- Fatal Crashes by Type and Speed Limits; and
- Fatal Crashes by Speed Limit and Land Use.

Total Traffic Fatalities

Table 1 illustrates the total traffic fatalities for Texas and the US. In Texas, the total numbers of traffic fatalities increased by 9 percent from 1994 to 1999. Nationally, traffic fatalities only increased by 2 percent. However, there was a dramatic increase in traffic fatalities in Texas from 1995 to 1996 of 560 deaths (an increase of 18 percent) in Texas. This significant increase did not occur nationally for the same period, where traffic fatalities only increased by 109 deaths (less than a 1 percent increase).

Table 1

Total Traffic Fatalities

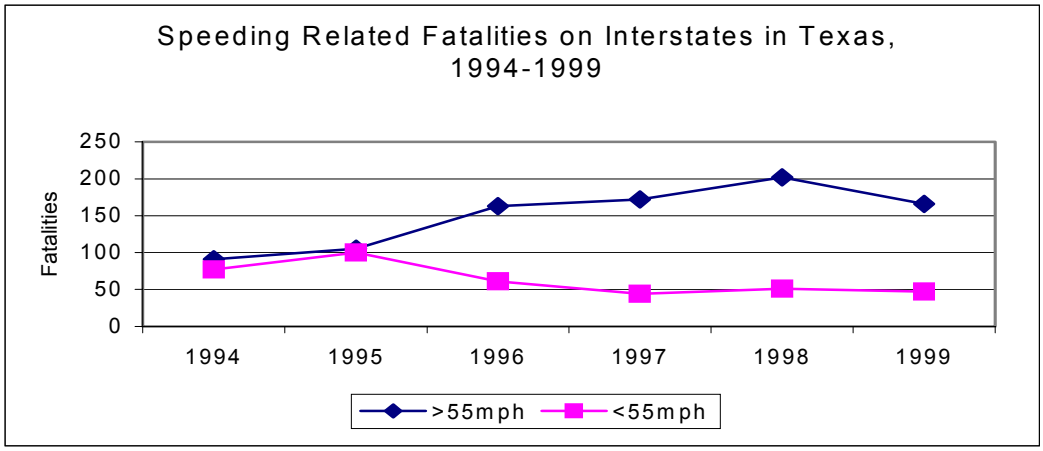
Years	Texas	US
1999	3,518	41,611
1998	3,577	41,471
1997	3,510	41,967
1996	3,741	41,907
1995	3,181	41,798
1994	3,186	40,676

Source: Fatality Analysis Reporting System, http://www-fars.nhtsa.dot.gov/

Speeding Related Fatalities on Interstate and Non-Interstate Roadways

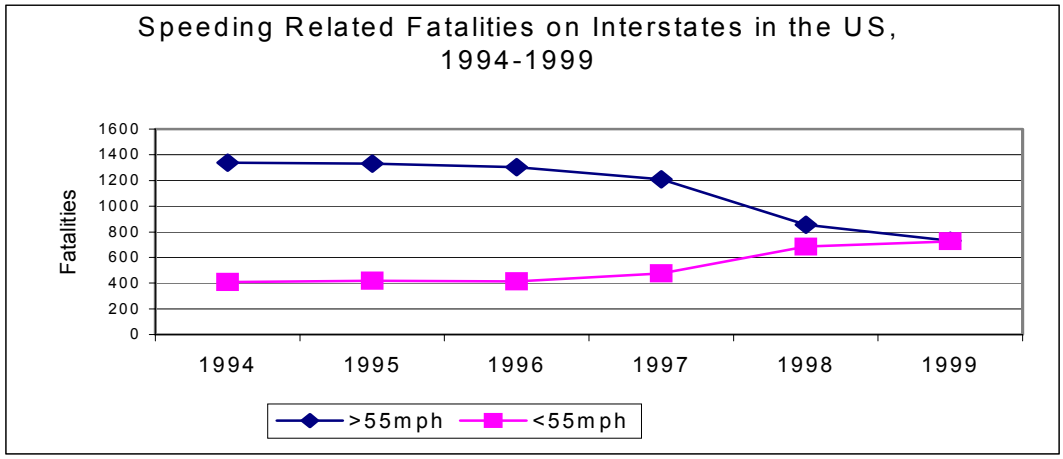
The data used to evaluate speeding related fatalities in Texas and the US are further divided by interstate and non-interstate facilities. The following graphs, Figures 1 and 2, illustrate the trends on these roadways. Between 1995 and 1996 there was a 55 percent increase in speeding related fatalities on Texas' interstate roadways. However, there was also an increase nationally for the same time period of 42 percent. The overall fatality increase nationally and in Texas from 1994 to 1999 was 45 percent. On non-interstate facilities the speeding related fatalities decreased nationally and in Texas. In Texas, there were 931 speeding related fatalities in 1994, and this figure decreased 43 percent to 651 in 1999. Nationally, the decrease in these fatalities also decreased on non-interstate roadways, but only by 17 percent.

Figure 1



Source: Fatality Analysis Reporting System, http://www-fars.nhtsa.dot.gov/

Figure 2



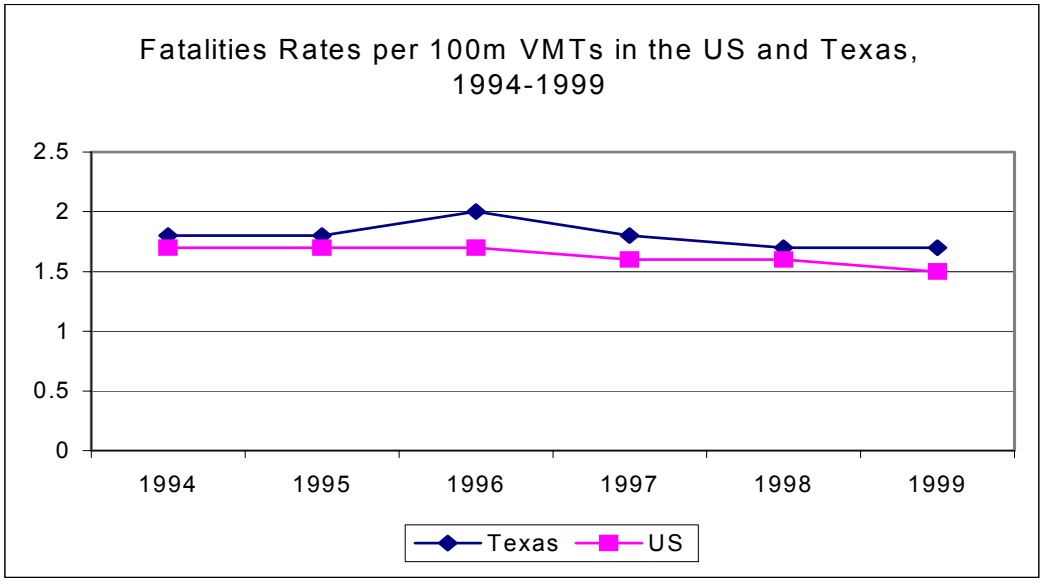
Source: Fatality Analysis Reporting System, http://www-fars.nhtsa.dot.gov/

Fatality Rates per Vehicle Miles Traveled

In Texas, from 1994 to 1999, the number of total traffic fatalities increased from 3,186 to 3,518. This equates to an increase of 9 percent. While the number of total traffic fatalities increased by 9 percent, the number of VMTs increased by 15 percent. From 1994 to 1999, VMTs increased from 178,348 to 210,874. While the total traffic fatalities and VMTs increased in Texas, the fatality rate (fatalities/100m VMTs) decreased. Between 1994-1999, the VMT ratio decreased from 1.8 to 1.7, which equates to a decline of 7 percent.

Nationally, from 1994 to 1999 the total traffic fatalities increased from 40,676 to 41,611 which equates to an increase of 2 percent. VMTs increased from 2,359,984 to 2,691,335 an increase of 12 percent. The fatality ratio decreased between 1994 to 1999 from 1.7 to 1.5 a decline of 11 percent. Comparing the national data against the Texas data, it is evident that the total traffic fatalities and VMTs increased from 1994 to 1999. However, the fatality ratio decreased for both areas. (See Figure 3.)

Figure 3



Source: Fatality Analysis Reporting System, http://www-fars.nhtsa.dot.gov/

Fatal Crashes by Type and Roadway Relationship

From 1994 to 1999 the number of fatal crashes involving single vehicles in Texas rose from 1,588 to 1,717. These numbers include on roadway, off roadway, shoulder, median, and other/unknown accidents. The number of fatal crashes involving multiple vehicles rose from 1,164 in 1994 to 1,360 in 1999. The percent change from 1994 to 1999 for single vehicles involved in on roadway accidents declined by 7 percent. The percent change for off roadway accidents increased by 16 percent during the same timeframe. The percent change for multiple vehicles involved in on roadway accidents increased by 16 percent from 1994 to 1999 and the number of off roadway accidents increased by 32 percent. (See Table 2.)

In the United States, the total number of fatal crashes involving single vehicles increased from 20,526 to 20,911. The total number of fatal crashes involving multiple vehicles increased from 15,728 in 1994 to 16,229 in 1999. The percent change from 1994 to 1999 of single vehicles involved in on roadway accidents decreased by 11 percent. The percent change for off roadway accidents increased by 4 percent. The percent change for on roadway multiple vehicle accidents increased by 3 percent from 1994 to 1999. The percent change for off roadway multiple vehicle accidents increased by 4 percent during the same time frame. (See Table 3.)

Table 2

Fatal Crashes by Crash Type and Relation to Roadway-TX

Year	# Vehicles	On roadway	Off roadway	Shoulder	Median	Other/ukn	**Total**
1994	Single	535	859	75	107	12	**1,588**
	Multiple	1,117	15	20	11	1	**1,164**
1995	Single	557	835	76	102	16	**1,604**
	Multiple	1,135	23	17	17	3	**1,195**
1996	Single	597	1,060	73	129	14	**1,873**
	Multiple	1,326	20	17	13	-	**1,376**
1997	Single	567	905	74	117	29	**1,692**
	Multiple	1,333	28	14	14	3	**1,392**
1998	Single	588	999	44	132	45	**1,808**
	Multiple	1,298	24	17	21	-	**1,360**
1999	Single	498	1,017	55	107	40	**1,717**
	Multiple	1,333	22	19	14	3	**1,360**
	Total	**10,884**	**5,807**	**501**	**784**	**166**	

Source: Fatality Analysis Reporting System, http://www-fars.nhtsa.dot.gov/

Table 3.

Fatal Crashes by Crash Type and Relation to Roadway-US

Year	# Vehicles	On roadway	Off roadway	Shoulder	Median	Other/ukn	**Total**
1994	Single	7,025	11,045	1,429	799	228	**20,526**
	Multiple	15,102	251	213	132	30	**15,728**
1995	Single	7,132	11,491	1,472	902	253	**21,250**
	Multiple	15,361	292	177	126	35	**15,991**
1996	Single	6,985	11,573	1,425	903	248	**21,134**
	Multiple	15,719	257	208	137	39	**16,360**
1997	Single	6,734	11,186	1,697	936	254	**20,807**
	Multiple	15,856	260	223	143	35	**16,517**
1998	Single	6,682	11,318	1,697	935	268	**20,900**
	Multiple	15,559	278	219	136	15	**16,207**
1999	Single	6,356	11,515	1,824	951	265	**20,911**
	Multiple	15,563	262	224	160	20	**16,229**
	Total	**134,074**	**69,728**	**10,808**	**6,260**	**1,690**	

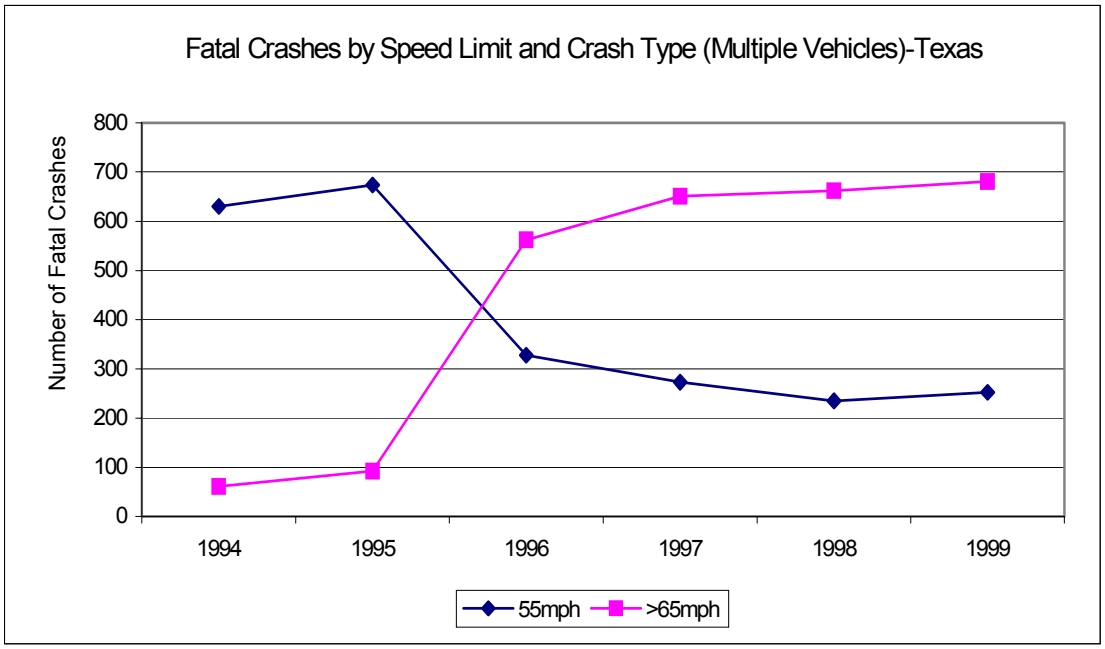
Source: Fatality Analysis Reporting System, http://www-fars.nhtsa.dot.gov/

Fatal Crashes by Type and Speed Limits

The analysis of "fatal crashes by speed limits and crash type" focuses on those accidents that occurred at 55 mph and 65 mph and greater. Determining if there was one vehicle involved in the accident or multiple vehicles further delineated this variable. In Texas, the total number of fatal crashes at 55 mph for single and multiple vehicles decreased from 1,425 in 1994 to 514 in 1999, a decrease of 177 percent. Conversely, the total number of fatal crashes for multiple vehicles increased over the same time, from 194 in 1994 to 1464 in 1999, an increase of 87 percent. However, when delineating the variables from speed and number of vehicles involved, a closer representation of the data appears. For fatal crashes involving single vehicles at 55 mph in Texas there was a decrease of over 200 percent from 1994 to 1999. For single vehicles at 65 mph and greater, there was an increase of 83 percent. Likewise, the data from the multiple vehicles indicates similar trends. For multiple vehicles at 55 mph, the fatal crashes decreased 150 percent, from 630 in 1994 to 252 in 1999. While at 65 mph and greater the fatal crashes involving multiple vehicles increased from 61 in 1994 to 681 in 1999, and increase of 91 percent.

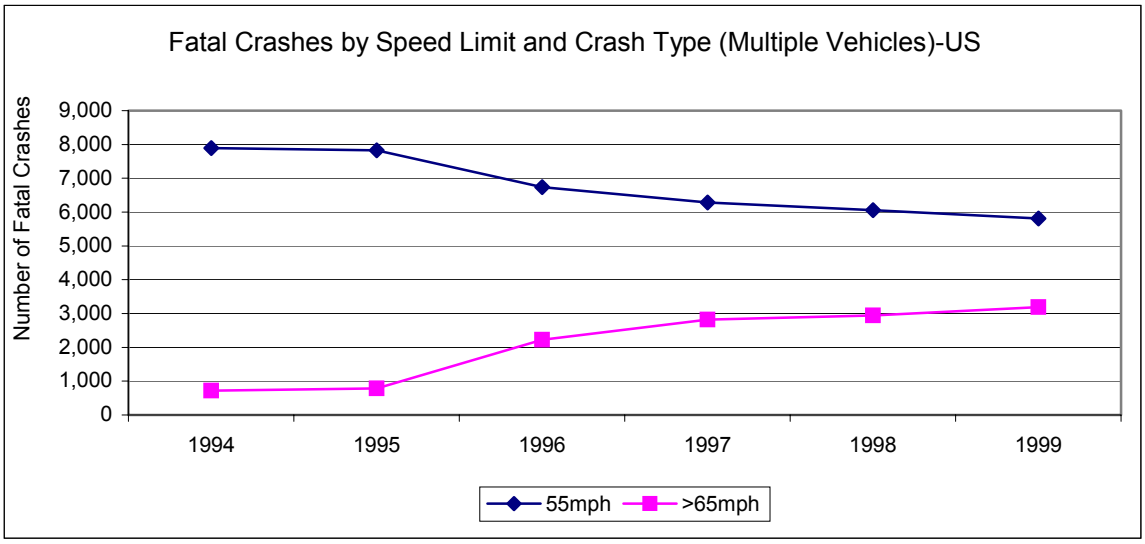
When examining the national trends for like variables, the trends where similar to those experienced in Texas, but to a lesser degree. The total numbers of fatal crashes for single and multiple vehicles at 55 mph decreased 36 percent from 1994 to 1999. However, from 1994 to 1999 fatal crashes involving multiple vehicles at 65 mph and greater increased 70 percent. Like the data from Texas, the fatal crashes across the US at speeds of 65 mph and greater increased for single and multiple vehicles, 63 and 77 percent respectively. However, this is in contrast to the data from fatal crashes at 55 mph. For single and multiple vehicles there were similar decreases of 35 and 36 percent, respectively.

Figure 4



Source: Fatality Analysis Reporting System, http://www-fars.nhtsa.dot.gov/

Figure 5.



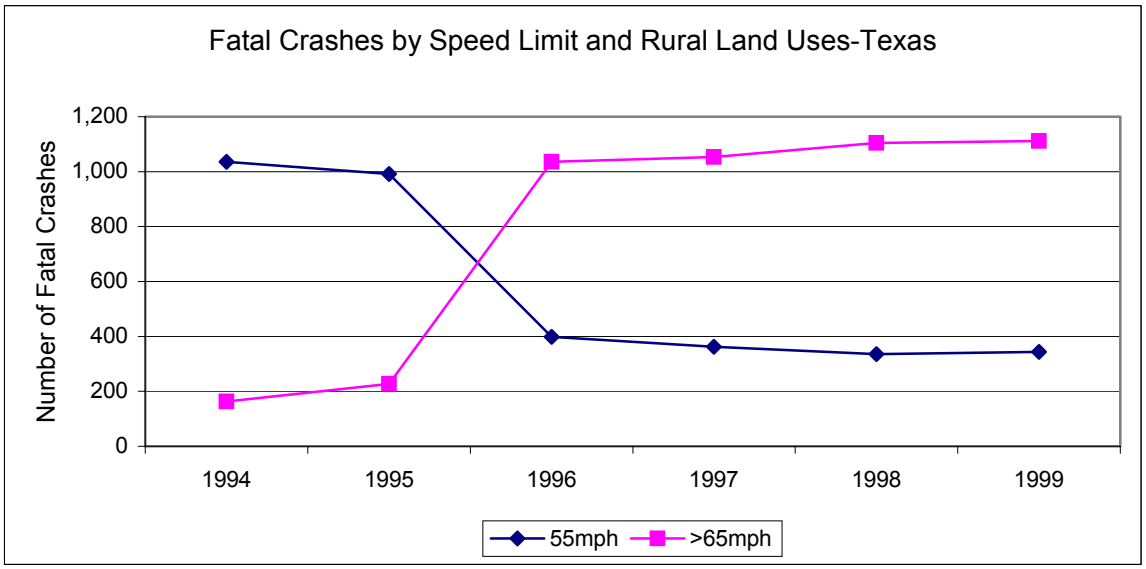
Source: Fatality Analysis Reporting System, http://www-fars.nhtsa.dot.gov/

Fatal Crashes by Speed Limit and Land Use

The examination of this variable involves not only assessing the speed of the vehicle (55 mph or 65 mph and greater), but determining if the accident occurred in a rural or urban location. In Texas those fatal crashes that occurred in rural land uses decreased for speeds at 55 mph from 1,036 in 1994 to 344 in 1999, a decrease of over 200 percent. Conversely, for rural land uses at speeds of 65 mph and greater, the number of fatal crashes increased 85 percent, from 163 in 1994 to 1,111 in 1999. There was a similar trend for those fatal crashes that occurred in urban land uses. For speeds of 55 mph fatal crashes decreased from 1994 to 1999 by 129 percent. For those speeds of 65 mph and greater, there was a 91 percent increase for the same time period.

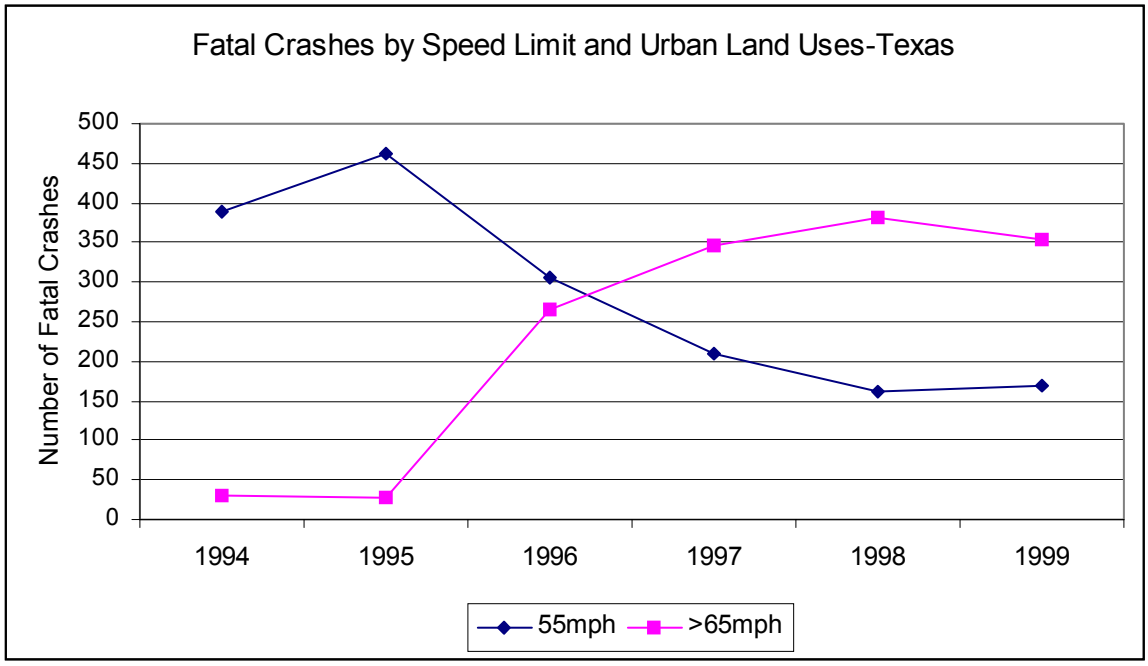
Nationwide, the trends mirrored those found in Texas from 1994 to 1999. In rural locations fatal crashes decreased 28 percent, but increased 64 percent at speeds of 65 mph and greater. Likewise, the fatal crashes in urban areas decreased 69 percent, but increased 86 percent.

Figure 6.



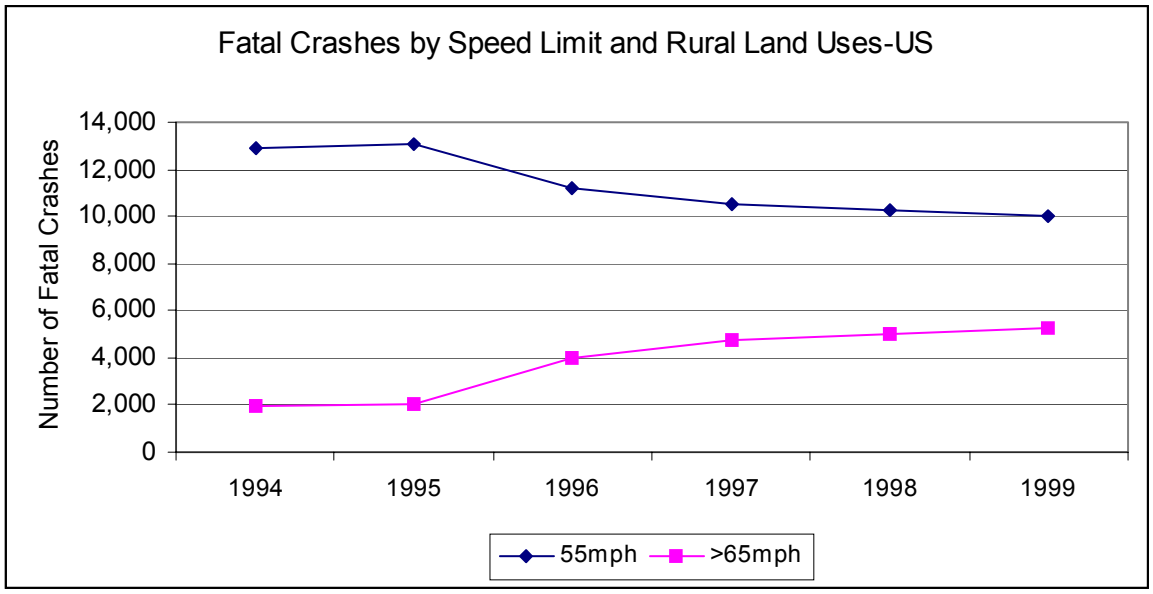
Source: Fatality Analysis Reporting System, http://www-fars.nhtsa.dot.gov/

Figure 7.



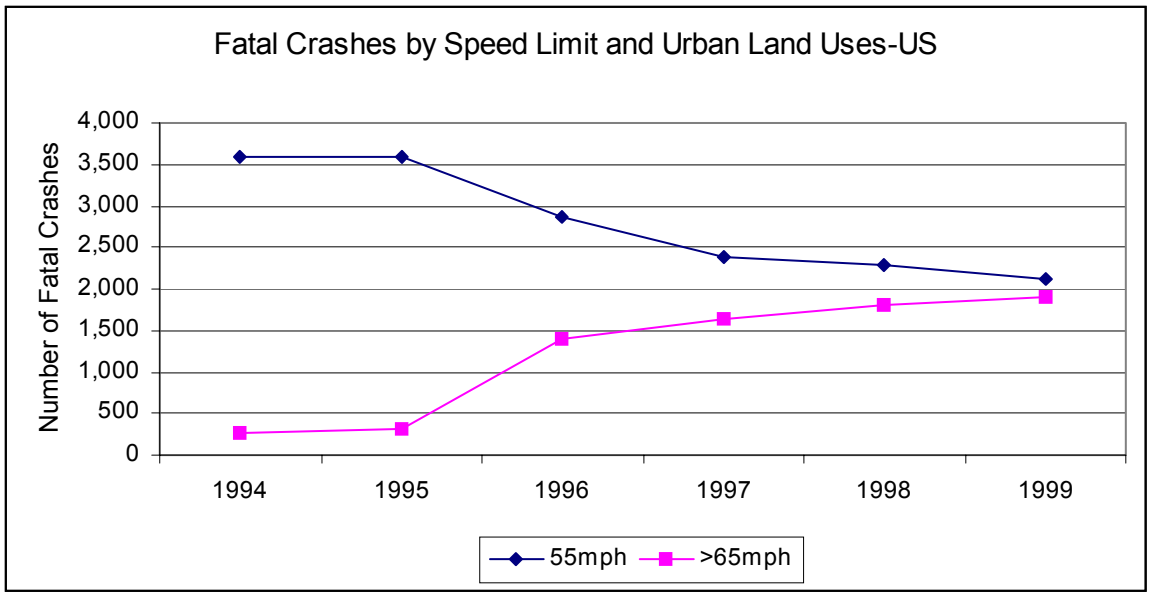
Source: Fatality Analysis Reporting System, http://www-fars.nhtsa.dot.gov/

Figure 8.



Source: Fatality Analysis Reporting System, http://www-fars.nhtsa.dot.gov/

Figure 9.



Source: Fatality Analysis Reporting System, http://www-fars.nhtsa.dot.gov/

SUMMARY

This project sought to determine if the increase in speed limits from 1996 to 1999 led to an increase in fatal accidents in Texas. By examining a select set of variables focusing on speed, land use, crash type, vehicle miles traveled, and the relation to the roadways, the data has given us a fairly clear indication as to answer the question. From 1996 to 1999, the increase in speed limits resulted in a greater number of fatal accidents on Texas roadways. Even though the VMTs for Texans increased 15 percent while the total number of fatalities only increased by 9 percent, the ratio of fatalities to VMTs actually decreased from 1994 to 1999 by 7 percent. However, this ratio includes those fatalities that occurred at speeds of less than 55 mph. When examining the fatal crashes at speeds of 55 mph and 65 mph and greater, the data indicates that there was an increase of 87 percent in Texas. While there was also an increase nationwide for like speeds, this increase was only 70 percent. Further study will be needed to adequately determine why there was such a tremendous decrease in fatal crashes for speeds of 55 mph, a decrease of 177 percent.

The data also indicate that when delineating fatalities at speeds of 65 mph and greater by land uses there was an increase of fatalities in rural and urban locations (85 and 91 percent, respectively). There were increases in fatalities involving multiple vehicles (91%) and single vehicles (83%) at 65 mph and greater. In relation to roadway location at 65 mph and greater, there were increases in fatalities occurring on the roadway (16%) and off the roadway (32%) for 1994 to 1999. Finally, a delineation of fatalities on interstate and non interstate highways at speeds of 65 and greater, indicates a fatality increase of 45 percent on interstates, and a decrease of 64 percent on non interstates. This mirrored the national trend where fatalities on interstates also increased 45 percent, but experienced a greater decrease of 78 percent on non interstates.

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APPENDICES

The following information in the Appendices illustrates the kinds of fatality information available. Appendix 1-Table 1 lists the number of fatalities and fatality rates for each state, plus a cumulative total. In Appendix 1-Table 2, the data shows the number of fatalities, fatal crashes and the number of fatalities per 1,000 population. However, this data is for the seven most populous states in the country and their four most populous counties. Those parts of the Texas State legislation applicable to speeds on Texas roadways are shown in Appendix 2. Chapter 545 of the Texas State Transportation Code illustrates the States' regulation governing the operation and movement of vehicles in Texas is found in Appendix 3.

Appendix 1 – Table 1

	Fatalities							Fatality Rate per 100 Million Vehicle Miles Traveled						
States	**1994**	**1995**	**1996**	**1997**	**1998**	**1999**	**Difference 1994 -- 1999**	**1994**	**1995**	**1996**	**1997**	**1998**	**1999**	**Difference 1994 -- 1999**
Alabama	1083	1114	1146	1192	1071	1138	5%	2.2	2.2	2.2	2.2	1.9	2	9%
Alaska	85	87	81	77	70	79	7%	2	2.1	2	1.8	1.6	1.7	15%
Arizona	904	1035	994	951	980	1024	13%	2.3	2.6	2.4	2.2	2.2	2.2	4%
Arkansas	609	631	615	660	625	604	1%	2.4	2.4	2.2	2.3	2.2	2.1	13%
California	4232	4192	3989	3688	3494	3559	16%	1.6	1.5	1.4	1.3	1.2	1.2	25%
Colorado	586	645	617	613	628	626	7%	1.7	1.8	1.7	1.6	1.6	1.5	12%
Connecticut	310	317	310	339	329	301	3%	1.1	1.1	1.1	1.2	1.1	1	9%
Delaware	112	121	116	143	115	100	11%	1.6	1.6	1.5	1.8	1.4	1.2	25%
District of Columbia	69	58	62	60	54	41	41%	2	1.7	1.6	1.8	1.6	1.2	40%
Florida	2687	2805	2753	2785	2825	2920	9%	2.2	2.2	2.1	2.1	2.1	2.1	5%
Georgia	1425	1488	1573	1577	1568	1508	6%	1.7	1.7	1.8	1.7	1.6	1.5	12%
Hawaii	122	130	148	131	120	98	20%	1.5	1.6	1.8	1.6	1.5	1.2	20%
Idaho	250	262	258	259	265	278	11%	2.1	2.1	2	2	2	2	5%
Illinois	1554	1586	1477	1397	1393	1456	6%	1.7	1.7	1.5	1.4	1.4	1.4	18%
Indiana	971	960	984	935	982	1020	5%	1.6	1.5	1.5	1.4	1.4	1.5	6%
Iowa	478	527	465	468	449	490	3%	1.9	2	1.7	1.7	1.6	1.7	11%
Kansas	442	442	490	482	492	540	22%	1.8	1.8	1.9	1.8	1.8	1.9	5.60%
Kentucky	778	849	842	857	858	814	5%	2	2.1	2	1.9	1.8	1.7	15%
Louisiana	843	894	902	931	926	938	11%	2.3	2.3	2.4	2.4	2.3	2.3	0%
Maine	188	187	169	192	192	181	4%	1.5	1.5	1.3	1.4	1.4	1.3	13%
Maryland	651	671	608	611	606	590	9%	1.5	1.5	1.3	1.3	1.3	1.2	20%
Michigan	1421	1530	1505	1446	1366	1382	3%	1.7	1.8	1.7	1.6	1.5	1.4	18%
Minnesota	646	597	576	600	650	626	3%	1.5	1.4	1.3	1.2	1.3	1.2	20%
Mississippi	791	868	811	861	948	927	17%	2.8	2.9	2.7	2.7	2.8	2.7	4%
Missouri	1089	1109	1148	1192	1169	1094	1%	1.9	1.9	1.9	1.9	1.8	1.6	16%

Source: Fatality Analysis Reporting System, http://www-fars.nhtsa.dot.gov/

Appendix 1 – Table 1 (continued)

	Fatalities							Fatality Rate per 100 Million Vehicle Miles Traveled						
States	**1994**	**1995**	**1996**	**1997**	**1998**	**1999**	**Difference 1994 -- 1999**	**1994**	**1995**	**1996**	**1997**	**1998**	**1999**	**Difference 1994 -- 1999**
Montana	202	215	200	265	237	220	9%	2.2	2.3	2.1	2.8	2.5	2.2	0%
Nebraska	271	254	293	302	315	295	9%	1.8	1.6	1.8	1.8	1.8	1.6	11%
New Hampshire	119	118	134	125	128	140	18%	1.1	1.1	1.2	1.1	1.1	1.2	9%
New Jersey	761	774	814	775	741	726	5%	1.3	1.3	1.3	1.2	1.1	1.1	15%
New Mexico	447	485	485	484	424	460	3%	2.2	2.3	2.3	2.2	1.9	2.1	5%
New York	1678	1679	1593	1652	1514	1599	5%	1.5	1.5	1.3	1.4	1.2	1.3	13%
North Carolina	1431	1448	1494	1483	1596	1505	5%	2	1.9	1.9	1.8	1.9	1.7	15%
North Dakota	88	74	85	105	92	119	35%	1.4	1.1	1.3	1.5	1.3	1.6	14%
Ohio	1370	1360	1391	1441	1422	1430	4%	1.4	1.3	1.3	1.4	1.4	1.4	0%
Oklahoma	687	669	772	838	755	741	8%	1.9	1.7	2	2	1.8	1.7	11%
Oregon	494	574	526	524	538	414	16%	1.7	1.9	1.7	1.6	1.6	1.2	29%
Pennsylvania	1441	1480	1469	1557	1481	1549	8%	1.6	4.3	1.5	1.6	1.5	1.5	6%
Rhode Island	63	69	69	75	74	88	40%	0.9	1	1	1.1	0.9	1.1	22%
South Carolina	847	881	930	903	1002	1065	26%	2.3	2.3	2.3	2.2	2.3	2.4	4%
South Dakota	154	158	175	148	165	150	3%	2	2.1	2.2	1.9	2	1.8	10%
Tennessee	1214	1259	1239	1225	1216	1302	7%	2.2	2.2	2.1	2	1.9	2	9%
Texas	3187	3183	3742	3513	3586	3522	11%	1.8	1.8	2	1.8	1.7	1.7	6%
Utah	343	325	321	366	350	360	5%	1.9	1.7	1.6	1.8	1.6	1.6	16%
Vermont	77	106	88	96	104	90	17%	1.3	1.7	1.4	1.5	1.6	1.3	0%
Virginia	930	900	877	984	935	878	6%	1.4	1.3	1.2	1.4	1.3	1.2	14%
Washington	640	653	712	674	662	637	1%	1.3	1.3	1.4	1.3	1.3	1.2	8%
West Virginia	356	376	348	381	354	395	11%	2.1	2.2	2	2.1	1.9	2.1	0%
Wisconsin	712	745	761	725	714	745	5%	1.4	1.4	1.4	1.3	1.3	1.3	7%
Wyoming	144	170	143	137	154	189	31%	2.2	2.4	1.9	1.8	1.9	2.4	9%
USA	40716	41817	42065	42013	41501	41717	3%	1.7	1.8	1.7	1.6	1.6	1.6	6%

Source: Fatality Analysis Reporting System, http://www-fars.nhtsa.dot.gov/

Appendix 1 – Table 2

		1994			1995			1996						1998		
State	County	# of Fatalities	Fatality Rates (Population)*	Fatal Crashes	# of Fatalities	Fatality Rates (Population)*	Fatal Crashes	# of Fatalities	Fatality Rates (Population)*	Fatal Crashes	# of Fatalities	Fatality Rates (Population)*	Fatal Crashes	# of Fatalities	Fatality Rates (Population)*	Fatal Crashes
Texas	Harris	320	10.54	294	304	10.13	284	366	12.37	334	331	11.42	301	384	13.55	354
	Dallas	219	11.27	201	248	12.86	223	269	14.08	238	259	13.69	233	256	13.76	245
	Bexar	143	11.26	131	153	12.21	138	166	13.49	150	143	11.85	136	144	12.13	134
	Travis	70	10.79	62	93	14.73	84	93	15.16	82	105	17.63	97	87	15.01	78
California	Los Angeles	968	10.7	899	972	10.72	865	860	9.53	7.88	761	8.52	700	628	7.08	578
	Orange	186	7.32	172	173	6.88	161	199	8.01	178	175	7.16	168	156	6.45	149
	Riverside	293	21.62	261	272	20.58	239	289	22.39	258	259	20.75	234	272	22.79	233
	San Bernadino	349	22.46	297	362	23.42	294	336	21.93	278	313	20.99	267	304	21.15	251
Florida	Broward	212	15.3	192	206	15.24	195	202	15.41	192	220	17.07	208	221	17.51	208
	Dade	295	14.56	273	313	15.68	282	296	14.8	276	306	15.48	277	293	15.08	273
	Orange	124	16.77	113	145	19.95	130	140	19.65	131	130	18.58	119	179	26.15	161
	Palm Beach	198	20.71	179	206	22.08	191	194	21.32	171	175	19.65	155	168	19.31	152
Illinois	Cook	460	8.88	423	437	8.45	409	430	8.34	398	423	8.25	380	414	8.11	377
	Sangamon	23	12.08	21	33	17.58	30	23	12.45	20	29	15.97	28	22	12.31	21
	DuPage	71	8.42	62	48	5.8	43	58	7.13	53	59	7.37	53	56	7.13	44
	Will	76	19.04	64	78	20.19	70	59	15.75	52	47	12.81	46	68	18.93	62
Penn.	Philadelphia	138	9.08	131	147	9.57	142	141	9.1	133	149	9.52	137	104	6.58	96
	Allegheny	84	6.67	74	82	6.18	72	71	5.33	65	86	6.45	80	78	5.84	72
	Lancaster	51	11.52	47	60	13.69	47	49	11.29	43	65	15.11	61	55	12.95	49
	Berks	47	13.49	43	45	13.01	44	49	14.28	44	61	17.89	54	54	16	51
New York	Erie	91	9.43	81	84	8.67	80	105	10.82	93	84	8.66	79	82	8.46	75
	Kings	124	5.44	118	123	5.38	117	111	4.86	106	144	6.29	141	117	5.09	113
	Nassau	109	8.4	104	106	8.18	101	87	6.73	76	114	8.84	114	105	8.17	103
	New York	86	5.7	82	99	6.16	96	87	5.85	85	85	5.73	81	60	4.09	59
Ohio	Cuyahoga	73	5.17	72	83	5.86	81	86	6.07	82	91	6.44	81	91	6.45	86
	Franklin	63	6.28	57	84	8.42	81	74	7.49	71	88	9.01	80	92	9.54	81
	Hamilton	67	7.75	58	47	5.41	44	44	5.06	44	59	6.79	55	46	5.31	45
	Montgomery	55	9.64	51	42	7.3	37	64	11.11	59	60	10.43	55	56	9.76	51

Source: Fatality Analysis Reporting System, http://www-fars.nhtsa.dot.gov/

APPENDIX 2

State of Texas statutes related to speed limits.

General Reference:	Citations are to Vernon's Texas Transportation Code (Tran. Code).
Basis for a Speed Law Violation:	
Basic Speed Rule:	No person shall drive a vehicle at a speed greater than is reasonable and prudent under the circumstances then existing or under the conditions and having regard to actual and potential hazards. Tran. Code §545.351(a) & (b)(1)[(1)]
Statutory Speed Limit:	Operating a vehicle in excess of the following speed limits is *prima facie* evidence that such speed is not reasonable and prudent and is unlawful. Tran. Code §545.352(a)
See Other below.	A) 70 MPH during the daytime on "numbered" highways outside an urban district for passenger cars[(2)] and motorcycles Tran. Code §545.352(b)(2) B) 65 MPH during the nighttime on "numbered" highways outside an urban district for passenger cars[2] and motorcycles Tran. Code §545.352(b)(2) C) 60 MPH during the daytime on highways that are not "numbered" and that are outside of an urban district for passenger vehicles and motorcycles Tran. Code §545.352(b)(3) D) 55 MPH during the nighttime on highways that are not "numbered" and that are outside of an urban district for passenger vehicles and motorcycles Tran. Code§545.352(b)(3) E) 60 MPH outside an urban district unless another speed limit has been established by law. Tran. Code §545.352(b)(4) F) 30 MPH in an urban district Tran. Code §545.352(b)(1) G) 15 MPH in an alley Tran. Code §545.352(b)(1)
Posted (Maximum) Speed Limit:	I. Based on engineering and traffic investigations, the Texas Transportation Commission may alter the *prima facie* speed limits on State highways and limited-access or controlled highways inside or outside of any municipality.[(3)] Tran. Code §545.353(a) & (f) II. Based on engineering and traffic investigations, the Texas Turnpike Authority may alter the *prima facie* speed limits on highways under its jurisdiction including those inside or outside any municipality.[(4)] Tran. Code §545.354(a) & (d) III. Based on engineering and traffic investigations, county court commissioners may increase the *prima facie* speed limits on highways under their jurisdiction. In addition, they may declare lower speed limits if the *prima facie* limits are unreasonable or unsafe.[(5)] Tran. Code §545.355(a) IV. Based on engineering and traffic investigations,

	municipalities may alter the *prima facie* speed limits on highways under their jurisdiction.[(6)] Tran. Code §545.356(a) & (b) V. Texas law gives United States military commanders the authority to alter the *prima facie* speed limits on state highways within a United States military reservation.[(7)] Tran. Code §545.358 VI. Based on investigations, the Texas Transportation Commission, the Texas Turnpike Authority or a local government may establish safe maximum speed limits for bridges or other elevated structures under their jurisdiction. Tran. Code §545.361(e) VII. The State Transportation Commission and local governments are required hold public hearings upon request once each calendar year to consider *prime facie* speed limits on highways that are under their respective jurisdictions and that are either near (1) public or private elementary or secondary schools or (2) institutions of higher education. Tran. Code §545.357
Minimum Speed Limit:	I. No person shall drive so slowly as to impede the normal and reasonable movement of traffic. Tran. Code §545.363(a) II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. Tran. Code §545.051(b)
Posted (Minimum) Speed Limit:	Based on engineering and traffic investigations, the Texas Transportation Commission, the Texas Turnpike Authority or a local government may establish minimum speed limit for any highway under their jurisdiction. Tran. Code §545.363(b)
Other:	I. Operating the following types of vehicles in excess of the given speed limits is *prima facie* evidence that such speed is not reasonable and prudent and is unlawful. Tran. Code §545.352(a) A) A manufactured house or house trailer cannot be towed in excess of the posted speed limit or >55 MPH whichever is less. Code §623.101(a) B) A school bus cannot be driven >50 MPH outside an urban district on a highway other than an interstate highway. Tran. Code §545.352(b)(5)(A) C) A school bus cannot be driven >55 MPH outside an urban district on an interstate highway. Tran. Code §545.352(b)(5)(B) D) 60 MPH during the daytime on highways that are outside of an urban district for trucks (e.g., truck tractor, trailer or semitrailer) and for

	vehicles towing either a trailer, semitrailer, another motor vehicle or towable recreational vehicle. Tran. Code §545.352(b)(5)(C) E) 55 MPH during the nighttime on highways that are outside of an urban district for trucks (e.g., truck tractor, trailer, or semitrailer) and for other towed vehicles Tran. Code §545.352(b)(5)(C) II. 30 MPH is the maximum speed limit in a county park that borders the Gulf of Mexico. Tran. Code §750.002 III. A vehicle equipped with solid rubber or cushion tires may be operated >10 MPH. Tran. Code §545.361(b) IV. Self-propelled agricultural machinery used for planting "food materials" and not designed for transportation purposes may not be operated >30 MPH. Tran. Code §545.361(d) V. A person may not operate a vehicle on a beach >25 MPH during the daytime or >20 MPH during the nighttime. Tran. Code §545.364
Adjudication of Speed Law Violations:	
Civil/Criminal Adjudication of Violation:	All Speed Law Violations are Misdemeanors. Tran. Code §§542.301 & 750.002(b)
Other:	
Sanctions Following an Adjudication of a Speed Law Violation:	
Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	**None**
Mandatory Minimum Term:	
Fine:	
Amount ($ Range):	**$1 to $200** Tran. Code §§542.401 & 750.002(b)
Mandatory Min. Fine ($):	**None**
Other Penalties:	
Traffic School:	
Other:	**Double Fines.** If a speeding offense occurs in a construction zone, the minimum and maximum fines are **doubled**. Tran. Code §542.404
Licensing Action:	
Type of Licensing Action (Susp/Rev):	**Suspension or Revocation** at the discretion of the licensing agency. This action is based on either (1) on habitually reckless or negligent vehicle operation or (2) on habitual violation of the traffic laws.[8] Tran. Code §§521.163, 521.294(a) & (b)(4)[9]

Term of License Withdrawal (Days, Months, Years, etc.):	Revocation-**Indefinite Period** Tran. Code §521.306(a) Suspension-Not more than **1 year** Tran. Code §521.306(b)
Mandatory Minimum Term of Withdrawal:	Revocation-The revocation period **cannot** be probated and, therefore, appears to be mandatory. Tran. Code §521.306(a) Suspension-**None** A suspension may be probated and is, therefore, not mandatory.[(10)] Tran. Code §521.303(a)
Miscellaneous Sanctions Not Included Elsewhere:	
Other Criminal Actions Related to Speeding:	
Racing on Highway:	Misdemeanor Tran. Code §§542.301(b) & 545.420
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	**None**
Mandatory Minimum Term:	
Fine ($ Range):	**$1 to $200** Tran. Code §542.401
Mandatory Minimum Fine:	**None**
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	**Suspension or Revocation** at the discretion of the licensing agency. This action is based either (1) on habitually reckless or negligent vehicle operation or (2) on habitual violation of the traffic laws.[8] Tran. Code §§521.163, 521.294(a) & (b)(4)[9]
Length of Term of Licensing Withdrawal:	Revocation-**Indefinite Period** Tran. Code §521.306(a) Suspension-Not more than **1 year** Tran. Code §521.306(b)
Mandatory Action--Minimum Length of License Withdrawal:	Revocation-The revocation period **cannot** be probated and, therefore, appears to be mandatory. Tran. Code §521.306(a) Suspension-**None** A suspension may be probated and is, therefore, not mandatory.[10] Tran. Code §521.303(a)
Other:	**Double Fines.** If a offense occurred in a construction zone, the minimum and maximum fines are **doubled**. Tran. Code §542.404
Reckless Driving:	Misdemeanor Tran. Code §545.401(a) & (b)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than **30 days** Tran. Code §545.401(b)(2)
Mandatory Minimum Term of Imprisonment:	**None**
Fine ($ Range):	Not more than **$200** Tran. Code §545.401(b)(1)
Mandatory Minimum Fine:	**None**
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	**Suspension or Revocation** at the discretion of the licensing agency. This action is based either (1) on habitually reckless or negligent vehicle operation or (2) on habitual violation of the traffic laws.[8] Tran. Code §§521.163, 521.294(a) & (b)(4)[9]
Length of Term of License Withdrawal	Revocation-**Indefinite Period** Tran. Code §521.306(a)

Action:	Suspension-Not more than **1 year** Tran. Code §521.306(b)
Mandatory Term of License Withdrawal Action:	Revocation-The revocation period **cannot** be probated and, therefore, appears to be mandatory. Tran. Code §521.306(a) Suspension-**None** A suspension may be probated and is, therefore, not mandatory.[10] Tran. Code §521.303(a)
Other:	**Double Fines.** If a offense occurred in a construction zone, the maximum fine is **doubled**. Tran. Code §542.404
Commercial Motor Vehicle (CMV) Operators[(11)]:	
Grounds for Disqualification:	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"[(12)] within a 3 year period or (2) commit 3 such violations within a 3 year period. Tran. Code §522.081(a)
Period of Disqualification:	2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Tran. Code §522.081(a)
Period of Mandatory Disqualification:	2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Tran. Code §522.081(a)

1. See also §1 of Ch. 295, Laws of 1995. Sec. 1 of Ch. 295, Laws of 1995, amended §166(a) of Art. 6701d even though such section was repealed and replaced by Tran. Code §§545.351 & 454.352. See Ch. 165, Laws of 1995. However, because of the provisions of Government Code §311.031(c) and the fact that, Ch. 295, Laws of 1995 was enacted after §166(a) of Art. 6701d was repealed and replaced, §1 of this chapter is given effect.
2. The speed limits established for passenger cars also applies to (1) light trucks, (2) passenger cars and light trucks that are either towing a vessel or trailer (or semitrailer) designed to transport livestock, (3) vehicles used to transport passengers for hire and (4) vehicles used to transport United States mail. Tran. Code §545.352(c) A "light truck" is defined as a truck with a carrying capacity of 2,000 lbs. and includes pick-up trucks, panel delivery trucks and carry-all trucks. Tran. Code §545.352(d)(1) <
3. However, the following limitations apply. A speed limit cannot be established >70 MPH. And, the speed limits established for per Tran. Code §545.352(b)(5) for certain vehicles outside an urban district cannot be changed. Tran. Code §545.353(d)
4. However, a speed limit cannot be established >70 MPH. Tran. Code §545.354(f)(2)
5. However, a speed limit can neither be established >60 MPH nor <30 MPH. Tran. Code §545.355(a)
6. However, a speed limit cannot be established >60 MPH. Tran. Code §545.356(a) & (b) Also, if there is a conflict in the established speed limits by a municipality and the Texas Transportation Commission for any highway, the speed limit established by the State prevails. Tran. Code §545.359
7. However, a speed limit cannot be established >60 MPH. Tran. Code §545.358 Also, if there is a conflict in the established speed limits by the U.S commander and the Texas Transportation Commission for any highway, the speed limit established by the State prevails. Tran. Code §545.359
8.An "habitual violator" is defined as a person who has committed either 4 or more traffic offenses within 12 months or 7 or more offenses within 24 months. Tran. Code §521.294(h)
9. See also §2 of Ch. 434, Laws of 1995. Sec. 2 of Ch. 434, Laws of 1995, amended §22(b) of Art. 6787b even though such section was repealed and replaced by Tran. Code §521.294. See Ch. 165, Laws of 1995. However, because of the provisions of Government Code §311.031(c) and the fact that, Ch. 434, Laws of 1995, was enacted after §22(b) of Art. 6687b was repealed and replaced, §2 of this chapter it is given effect.
10. If a license suspension is probated, the offender must be placed on probationary status for a period of 90 days to 2 years. Tran. Code §521.303(c)

11.A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of 26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Tran. Code §522.003(5)
12. A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. Tran. Code §522.003(25)

APPENDIX 3

Texas State Transportation Code
CHAPTER 545. OPERATION AND MOVEMENT OF VEHICLES

Subchapter H. Speed Restrictions

§ 545.351. Maximum Speed Requirement

(a) An operator may not drive at a speed greater than is reasonable and prudent under the circumstances then existing.

(b) An operator:

(1) may not drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for actual and potential hazards then existing; and

(2) shall control the speed of the vehicle as necessary to avoid colliding with another person or vehicle that is on or entering the highway in compliance with law and the duty of each person to use due care.

(c) An operator shall, consistent with Subsections (a) and (b), drive at an appropriate reduced speed if:

(1) the operator is approaching and crossing an intersection or railroad grade crossing;

(2) the operator is approaching and going around a curve;

(3) the operator is approaching a hill crest;

(4) the operator is traveling on a narrow or winding roadway; and

(5) a special hazard exists with regard to traffic, including pedestrians, or weather or highway conditions.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, § 30.109, eff. Sept. 1, 1997.

§ 545.352. Prima Facie Speed Limits

(a) A speed in excess of the limits established by Subsection (b) or under another provision of this subchapter is prima facie evidence that the speed is not reasonable and prudent and that the speed is unlawful.

Text of subsec. (b) as amended by Acts 1999, 76th Leg., ch. 633, § 2 and Acts 1999, 76th Leg., ch. 739, § 1

(b) Unless a special hazard exists that requires a slower speed for compliance with Section 545.351(b), the following speeds are lawful:

(1) 30 miles per hour in an urban district on a street other than an alley and 15 miles per hour in an alley;

(2) 70 miles per hour in daytime and 65 miles per hour in nighttime if the vehicle is a passenger car, motorcycle, passenger car or light truck towing a trailer bearing a vessel, as defined by Section 31.003, Parks and Wildlife Code, that is less than 26 feet in length, passenger car or light truck towing a trailer or semitrailer used primarily to transport a motorcycle, or passenger car or light truck towing a trailer or semitrailer designed and used primarily to transport dogs or livestock, on a highway numbered by this state or the United States outside an urban district, including a farm-to-market or ranch-to-market road;

(3) 60 miles per hour in daytime and 55 miles per hour in nighttime if the vehicle is a passenger car or motorcycle on a highway that is outside an urban district and not a highway numbered by this state or the United States;
(4) 60 miles per hour outside an urban district if a speed limit for the vehicle is not otherwise specified by this section; or
(5) outside an urban district:
(A) 60 miles per hour if the vehicle is a school bus that has passed a commercial motor vehicle inspection under Section 548.201 and is on a highway numbered by the United States or this state, including a farm-to-market road;
(B) 50 miles per hour if the vehicle is a school bus that:
(i) has not passed a commercial motor vehicle inspection under Section 548.201; or
(ii) is traveling on a highway not numbered by the United States or this state; or
(C) 60 miles per hour in daytime and 55 miles per hour in nighttime if the vehicle is a truck, other than a light truck, or if the vehicle is a truck tractor, trailer, or semitrailer, or a vehicle towing a trailer other than a trailer described by Subdivision (2), semitrailer, another motor vehicle or towable recreational vehicle.
Text of subsec. (b) as amended by Acts 1999, 76th Leg., ch. 633, § 2 and Acts 1999, 76th Leg., ch. 1346, § 1
(b) Unless a special hazard exists that requires a slower speed for compliance with Section 545.351(b), the following speeds are lawful:
(1) 30 miles per hour in an urban district on a street other than an alley and 15 miles per hour in an alley;
(2) 70 miles per hour in daytime and 65 miles per hour in nighttime if the vehicle is on a highway numbered by this state or the United States outside an urban district, including a farm-to-market or ranch-to-market road, except as provided by Subdivision (4);
(3) 60 miles per hour in daytime and 55 miles per hour in nighttime if the vehicle is on a highway that is outside an urban district and not a highway numbered by this state or the United States;
(4) outside an urban district:
(A) 60 miles per hour if the vehicle is a school bus that has passed a commercial motor vehicle inspection under Section 548.201 and is on a highway numbered by the United States or this state, including a farm-to-market road;
(B) 50 miles per hour if the vehicle is a school bus that:
(i) has not passed a commercial motor vehicle inspection under Section 548.201; or
(ii) is traveling on a highway not numbered by the United States or this state; or
(C) 60 miles per hour in daytime and 55 miles per hour in nighttime if:
(i) the vehicle is a truck, other than a light truck, or if the vehicle is a truck tractor, trailer, or semitrailer; and
(ii) the vehicle is on a farm-to-market or ranch-to-market road;
(5) on a beach, 15 miles per hour; or
(6) on a county road adjacent to a public beach, 15 miles per hour, if declared by the commissioners court of the county.
(c) The speed limits for a bus or other vehicle engaged in the business of transporting passengers for compensation or hire, for a commercial vehicle used as a highway post office vehicle for highway post office service in the transportation of United States mail,

for a light truck, and for a school activity bus are the same as required for a passenger car at the same time and location.
(d) In this section:
(1) "Interstate highway" means a segment of the national system of interstate and defense highways that is:
(A) located in this state;
(B) officially designated by the Texas Transportation Commission; and
(C) approved under Title 23, United States Code.
(2) "Light truck" means a truck with a manufacturer's rated carrying capacity of not more than 2,000 pounds, including a pick-up truck, panel delivery truck, and carry-all truck.
(3) "Urban district" means the territory adjacent to and including a highway, if the territory is improved with structures that are used for business, industry, or dwelling houses and are located at intervals of less than 100 feet for a distance of at least one-quarter mile on either side of the highway.
Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, § 30.110(a), eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1020, § 2, eff. Sept. 1, 1997.
Amended by Acts 1999, 76th Leg., ch. 663, § 2, eff. June 18, 1999; Acts 1999, 76th Leg., ch. 739, § 1, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1346, § 1, eff. Sept. 1, 1999.

§ 545.353. Authority of Texas Transportation Commission to Alter Speed Limits

(a) If the Texas Transportation Commission determines from the results of an engineering and traffic investigation that a prima facie speed limit in this subchapter is unreasonable or unsafe on a part of the highway system, the commission, by order recorded in its minutes, and except as provided in Subsection (d), may determine and declare:
(1) a reasonable and safe prima facie speed limit; and
(2) another reasonable and safe speed because of wet or inclement weather.
(b) In determining whether a prima facie speed limit on a part of the highway system is reasonable and safe, the commission shall consider the width and condition of the pavement, the usual traffic at the affected area, and other circumstances.
(c) A prima facie speed limit that is declared by the commission under this section is effective when the commission erects signs giving notice of the new limit. A new limit that is enacted for a highway under this section is effective at all times or at other times as determined.
(d) The commission may not:
(1) modify the rules established by Section 545.351(b);
(2) establish a speed limit of more than 70 miles per hour; or
(3) increase the speed limit for a vehicle described by Section 545.352(b)(5).
(e) The commission, in conducting the engineering and traffic investigation specified by Subsection (a), shall follow the "Procedure for Establishing Speed Zones" as adopted by the commission. The commission may revise the procedure to accommodate technological advancement in traffic operation, the design and construction of highways and motor vehicles, and the safety of the motoring public.
(f) The commission's authority to alter speed limits applies:
(1) to any part of a highway officially designated or marked by the commission as part of the state highway system; and

(2) both inside and outside the limits of a municipality, including a home-rule municipality, for a limited-access or controlled-access highway.
(g) For purposes of this section, "wet or inclement weather" means a condition of the roadway that makes driving on the roadway unsafe and hazardous and that is caused by precipitation, including water, ice, and snow.
Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, § 30.111, eff. Sept. 1, 1997.

§ 545.3535. Authority of Texas Transportation Commission to Alter Speed Limits on Certain Roads

(a) The commissioners court of a county by resolution may request the Texas Transportation Commission to determine and declare a reasonable and safe prima facie speed limit that is lower than a speed limit established by Section 545.352 on any part of a farm-to-market or a ranch-to-market road of the highway system that is located in that county and is without improved shoulders.
(b) The commission shall give consideration to local public opinion and may determine and declare a lower speed limit on any part of the road without an engineering and traffic investigation, but the commission must use sound and generally accepted traffic engineering practices in determining and declaring the lower speed limit.
(c) The commission by rule shall establish standards for determining lower speed limits within a set range.
Added by Acts 1997, 75th Leg., ch. 1171, § 1.45, eff. Sept. 1, 1997.
Amended by Acts 1999, 76th Leg., ch. 1346, § 2, eff. Sept. 1, 1999.

§ 545.354. Authority of Texas Turnpike Authority and Regional Tollway Authorities to Alter Speed Limits on Turnpike Projects.

(a)(1) In this section, "authority" means the Texas Turnpike Authority or a regional tollway authority governed by Chapter 366.
(2) If an authority determines from the results of an engineering and traffic investigation that a prima facie speed limit described in this subchapter is unreasonable or unsafe on a part of a turnpike constructed and maintained by the authority, the authority by order recorded in its minutes shall determine and declare a reasonable and safe prima facie speed limit for vehicles or classes of vehicles on the turnpike.
(b) In determining whether a prima facie speed limit on a part of a turnpike constructed and maintained by the authority is reasonable or safe, the authority shall consider the width and condition of the pavement, the usual traffic on the turnpike, and other circumstances.
(c) A prima facie speed limit that is declared by the authority in accordance with this section is effective when the authority erects signs giving notice of the new limit. A new limit that is adopted for a turnpike project constructed and maintained by the authority in accordance with this section is effective at all times or at other times as determined.
(d) The authority's power to alter prima facie speed limits is effective and exclusive on any part of a turnpike project constructed and maintained by the authority inside and outside the limits of a municipality, including a home-rule municipality.
(e) Sections 545.353 and 545.355 to 545.359 do not apply to any part of a turnpike project constructed and maintained by the authority and covered under Subsection (d) unless a turnpike constructed by the authority becomes part of the state highway system,

in which event the Texas Transportation Commission has the sole authority to alter prima facie speed limits on the turnpike project.
(f) The authority may not:
(1) alter the general rule established by Section 545.351(a); or
(2) establish a speed limit of more than 70 miles per hour.
(g) The authority, in conducting the engineering and traffic investigation specified by Subsection (a), shall follow the procedure for establishing speed zones adopted by the Texas Department of Transportation.
Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.
Amended by Acts 1999, 76th Leg., ch. 576, § 3, eff. Sept. 1, 1999.

§ 545.355. Authority of County Commissioners Court to Alter Speed Limits

(a) The commissioners court of a county, for a county road or highway outside the limits of the right-of-way of an officially designated or marked highway or road of the state highway system and outside a municipality, has the same authority to increase prima facie speed limits from the results of an engineering and traffic investigation as the Texas Transportation Commission on an officially designated or marked highway of the state highway system, and may declare a lower speed limit of not less than 30 miles per hour on a county road or highway to which this section applies, if the commissioners court determines that the prima facie speed limit on the road or highway is unreasonable or unsafe. The commissioners court may not modify the rule established by Section 545.351(a) or establish a speed limit of more than 60 miles per hour.
(b) The commissioners court may modify a prima facie speed limit in accordance with this section only by an order entered on its records.
(c) The commissioners court of a county with a population of more than 2.8 million may establish from the results of an engineering and traffic investigation a speed limit of not more than 70 miles per hour on any part of a highway of that county that is a limited-access or controlled-access highway, regardless of the location of the part of the highway.
Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 58, § 1, eff. May 9, 1997; Acts 1997, 75th Leg., ch. 833, § 1, eff. June 18, 1997.

§ 545.356. Authority of Municipality to Alter Speed Limits

(a) The governing body of a municipality, for a highway or part of a highway in the municipality, including a highway of the state highway system, has the same authority to alter by ordinance prima facie speed limits from the results of an engineering and traffic investigation as the Texas Transportation Commission on an officially designated or marked highway of the state highway system. The governing body of a municipality may not modify the rule established by Section 545.351(a) or establish a speed limit of more than 60 miles per hour.
(b) The governing body of a municipality, for a highway or part of a highway in the municipality, including a highway of the state highway system, has the same authority to alter prima facie speed limits from the results of an engineering and traffic investigation as the commission for an officially designated or marked highway of the state highway system, when the highway or part of the highway is under repair, construction, or maintenance. A municipality may not modify the rule established by Section 545.351(a) or establish a speed limit of more than 60 miles per hour.

(c) A prima facie speed limit that is altered by the governing body of a municipality under Subsection (b) is effective when the governing body erects signs giving notice of the new limit and at all times or at other times as determined.
Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

§ 545.357. Public Hearing to Consider Speed Limits Where Certain Schools Are Located

(a) The governing body of a municipality in which a public or private elementary or secondary school or an institution of higher education as defined by Section 61.003(8) or (15), Education Code, is located shall on request hold a public hearing at least once each calendar year to consider prima facie speed limits on a highway in the municipality, including a highway of the state highway system, near the school or institution of higher education.
(b) If a county road outside the state highway system is located within 500 feet of a public or private elementary or secondary school or an institution of higher education that is not in a municipality, the commissioners court of the county on request shall hold a public hearing at least once each calendar year to consider the prima facie speed limit on the road near the school or institution of higher education.
(c) A municipal governing body or commissioners court on request may hold one public hearing for all public and private elementary and secondary schools and institutions of higher education in its jurisdiction.
(d) The Texas Transportation Commission, on request, shall hold a public hearing at least once each calendar year to consider prima facie speed limits on highways in the state highway system that are near public or private elementary or secondary schools or institutions of higher education.
Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 350, § 1, eff. Sept. 1, 1997.

§ 545.358. Authority of Commanding Officer of United States Military Reservation to Alter Speed Limits

The commanding officer of a United States military reservation, for a highway or part of a highway in the military reservation, including a highway of the state highway system, has the same authority by order to alter prima facie speed limits from the results of an engineering and traffic investigation as the Texas Transportation Commission for an officially designated or marked highway of the state highway system. A commanding officer may not modify the rule established by Section 545.351(a) or establish a speed limit of more than 60 miles per hour.
Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

§ 545.359. Conflicting Designated Speed Limits

An order of the Texas Transportation Commission declaring a speed limit on a part of a designated or marked route of the state highway system made under Section 545.353 or 545.362 supersedes any conflicting designated speed established under Sections 545.356 and 545.358.
Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

§ 545.360. Duty of Texas Transportation Commission and State Board of Education to Provide Information and Assistance

The chairman of the Texas Transportation Commission and the chairman of the State Board of Education shall provide assistance and information relevant to consideration of

speed limits to commissioners courts, municipal governing bodies, and other interested persons.
Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

§ 545.361. Special Speed Limitations

(a) An operator of a motor-driven cycle may not drive at a speed of more than 35 miles per hour during the time specified by Section 547.302(a) unless the cycle is equipped with a headlamp or lamps that reveal a person or vehicle 300 feet ahead.
(b) An operator of a vehicle equipped with solid rubber or cushion tires may not drive at a speed of more than 10 miles per hour.
(c) An operator driving over a bridge or other elevated structure that is a part of a highway may not drive at a speed of more than the maximum speed that can be maintained with safety to the bridge or structure, when signs are posted as provided by this section.
(d) An operator of self-propelled machinery designed or adapted for applying plant food materials or agricultural chemicals and not designed or adapted for the sole purpose of transporting the materials or chemicals may not drive at a speed of more than 30 miles per hour unless the machinery is registered under Chapter 502.
(e) The Texas Transportation Commission, for a state highway, the Texas Turnpike Authority, for any part of a turnpike constructed and maintained by the authority, and a local authority for a highway under the jurisdiction of the local authority, may investigate a bridge or other elevated structure that is a part of a highway. If after conducting the investigation the commission, turnpike authority, or local authority finds that the structure cannot safely withstand vehicles traveling at a speed otherwise permissible under this subtitle, the commission, turnpike authority, or local authority shall:
(1) determine and declare the maximum speed of vehicles that the structure can safely withstand; and
(2) post and maintain signs before each end of the structure stating the maximum speed.
Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

§ 545.362. Temporary Speed Limits

(a) Subject to Subsection (c), the Texas Transportation Commission may enter an order establishing prima facie speed limits of not more than 70 miles per hour applicable to all highways, including a turnpike under the authority of the Texas Turnpike Authority or a highway under the control of a municipality or county. An order entered under this section does not have the effect of increasing a speed limit on any highway.
(b) The limits established under this section:
(1) are prima facie prudent and reasonable speed limits enforceable in the same manner as prima facie limits established under other provisions of this subchapter; and
(2) supersede any other established speed limit that would permit a person to operate a motor vehicle at a higher rate of speed.
(c) An order may be issued under Subsection (a) only if the commission finds and states in the order that:
(1) a severe shortage of motor fuel or other petroleum product exists, the shortage was caused by war, national emergency, or other circumstances, and a reduction of speed limits will foster conservation and safety; or
(2) the failure to alter state speed limits will prevent the state from receiving money from the United States for highway purposes.

(d) Unless a specific speed limit is required by federal law or directive under threat of loss of highway money of the United States, the commission may not set prima facie speed limits under this section of all vehicles at less than 60 miles per hour, except on a divided highway of at least four lanes, for which the commission may not set prima facie speed limits of all vehicles at less than 65 miles per hour.
(e) Before the commission may enter an order establishing a prima facie speed limit, it must hold a public hearing preceded by the publication in at least three newspapers of general circulation in the state of a notice of the date, time, and place of the hearing and of the action proposed to be taken. The notice must be published at least 12 days before the date of the hearing. At the hearing, all interested persons may present oral or written testimony regarding the proposed order.
(f) If the commission enters an order under this section, it shall file the order in the office of the governor. The governor shall then make an independent finding of fact and determine the existence of the facts in Subsection (c). Before the 13th day after the date the order is filed in the governor's office, the governor shall conclude the finding of fact, issue a proclamation stating whether the necessary facts exist to support the issuance of the commission's order, and file copies of the order and the proclamation in the office of the secretary of state.
(g) If the governor's proclamation states that the facts necessary to support the issuance of the commission's order exist, the order takes effect according to Subsection (h). Otherwise, the order has no effect.
(h) In an order issued under this section, the commission may specify the date the order takes effect, but that date may not be sooner than the eighth day after the date the order is filed with the governor. If the order does not have an effective date, it takes effect on the 21st day after the date it is filed with the governor. Unless the order by its own terms expires earlier, it remains in effect until a subsequent order adopted by the procedure prescribed by this section amends or repeals it, except that an order adopted under this section expires when this section expires. The procedure for repealing an order is the same as for adopting an order, except that the commission and the governor must find that the facts required to support the issuance of an order under Subsection (c) no longer exist.
(i) If an order is adopted in accordance with this section, the commission and all governmental authorities responsible for the maintenance of highway speed limit signs shall take appropriate action to conceal or remove all signs that give notice of a speed limit of more than the one contained in the order and to erect appropriate signs. All governmental entities responsible for administering traffic safety programs and enforcing traffic laws shall use all available resources to notify the public of the effect of the order. To accomplish this purpose, the governmental entities shall request the cooperation of all news media in the state.
(j) A change in speed limits under this section is effective until the commission makes a finding that the conditions in Subsection (c) require or authorize an additional change in those speed limits or in the highway or sections of highway to which those speed limits apply.
(k) This section expires when the national maximum speed limits are repealed.
Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

§ 545.3625. Confidentiality of Violation Information: Fuel Conservation Speed Limit

(a) If a person violates a maximum prima facie speed limit imposed under Section 545.362, as that law existed immediately before December 8, 1995, and the person was not traveling at a speed, as alleged in the citation, if not contested by the person, or, if contested by the person, as alleged in the complaint and found by the court, that is greater than the maximum prima facie speed limit for the location that has been established under this chapter, other than under Section 545.362, information in the custody of the department concerning the violation is confidential.

(b) The department may not release the information to any person or to another state governmental entity.

Added by Acts 1997, 75th Leg., ch. 165, § 30.112(a), eff. Sept. 1, 1997.

§ 545.363. Minimum Speed Regulations

(a) An operator may not drive so slowly as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.

(b) When the Texas Transportation Commission, the Texas Turnpike Authority, the commissioners court of a county, or the governing body of a municipality, within the jurisdiction of each, as applicable, as specified in Sections 545.353 to 545.357, determines from the results of an engineering and traffic investigation that slow speeds on a part of a highway consistently impede the normal and reasonable movement of traffic, the commission, authority, county commissioners court, or governing body may determine and declare a minimum speed limit on the highway.

(c) If appropriate signs are erected giving notice of a minimum speed limit adopted under this section, an operator may not drive a vehicle more slowly than that limit except as necessary for safe operation or in compliance with law.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

§ 545.365. Speed Limit Exception for Emergencies; Municipal Regulation

(a) The regulation of the speed of a vehicle under this subchapter does not apply to:

(1) an authorized emergency vehicle responding to a call;

(2) a police patrol; or

(3) a physician or ambulance responding to an emergency call.

(b) A municipality by ordinance may regulate the speed of:

(1) an ambulance;

(2) an emergency medical services vehicle; or

(3) an authorized vehicle operated by a blood or tissue bank.

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.