

On May 4, 2022, the Federal Motor Carrier Safety Administration (FMCSA) announced it would restart a rulemaking to mandate speed limiting devices for heavy duty trucks. This renewed rulemaking would build on a 2016 speed limiter proposal from FMCSA and the National Highway Traffic Safety Administration (NHTSA) that sought to mandate heavy-duty vehicles be limited to a single national speed of either 60, 65, or 68 mph.

# Speed Limiting Heavy Trucks:



## ***Dangerous For All Motorists***

***According to prevailing highway research, increasing speed differentials among vehicles leads to an increased risk of crashes.***

- The frequency of interactions with other vehicles by a vehicle traveling 10 mph below the posted speed limit is 227% higher than when moving at traffic speed.<sup>1</sup>
- In crafting the 2016 Rule, the Agencies relied in part on the research conducted by Dr. Steven Johnson of the Mack-Blackwell Transportation Center at the University of Arkansas. However, they failed to acknowledge his conclusions that speed limiters create differential speeds among road users which increases the number of interactions among vehicles, leading to a greater likelihood of accidents. Dr. Johnson has criticized FMCSA research on speed limiters in the past, stating, "If speed limiter regulations are implemented, it is important to note that it will occur on the basis of unsupported opinion rather than any definitive valid, reliable and useful data to this point."<sup>2</sup>
- Julie Cirillo, a former Assistant Administrator and Chief Safety Officer of FMCSA who spent more than 30 years studying the effects of speed differentials, concluded, "Adherence to differential speed limits creates a situation where a significant percentage of traffic is operating more slowly than general traffic... Since operating speeds on streets and

The new proposed speed-limiter mandate fails to address many safety, supply chain, operational, and environmental concerns. OOIDA opposes a speed limiter mandate because of these problems and the risks and challenges it would create for small-business truckers and professional drivers.

roadways vary considerably from locale to locale, restricting a portion of the traffic to artificially slower speeds creates an unsafe condition. For all locations where the speed limit is 70 mph or greater, the vehicle with a Speed Limiter set at 65 mph is exposed to a higher accident involvement rate (50-80%) than vehicles able to travel with the flow of traffic."<sup>3</sup>

***FMCSA and NHTSA did not claim that the 2016 Rule would reduce accidents, but theorize that 'crash severity' will be reduced.***

- Proposing a Rule that is likely to raise the number of accidents in order to reduce the severity of accidents is a risky, if not a dangerous, proposition.

***The Agencies' proposal will worsen ongoing supply chain disruptions.***

- Reducing the speed of trucks on many roads across the country will literally slow the movement of freight through the supply chain. At a time when businesses and families are having difficulties securing the supplies they need, this mandate would create additional challenges and delays.
- It would take trucks longer to deliver a load under a speed limiter mandate, which removes capacity from the industry. As a result, more trucks will be needed to deliver the same amount of freight in the same amount of time.

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

<sup>2</sup> Steven Johnson, "Response to Research on the Safety Impacts of Speed Limiter Device Installations on Commercial Motor Vehicles: Phase II," (March 2012).

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

# Speed Limiting Heavy Trucks: *Dangerous For All Motorists*

- By focusing exclusively on reducing crash severity, the NPRM overlooks the negative impact speed limiters will have on road congestion and driver behavior. Further, the Agencies ignore the substantial costs and disruptions that result from increased congestion, erratic driver behavior, and ultimately more crashes.

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

- The vast majority of accidents occur on roadways or certain areas of highways, such as in cities or construction zones, where the posted speed limit is less than the proposed speed limiter settings limit of 60, 65, or 68 mph.<sup>4</sup>
- USDOT has stated, “the number of speeding-related fatalities is the highest in arterial roads followed by local/collector roads and finally interstates.”<sup>5</sup> This is backed up by FMCSA, who has reported that average speed limit for truck-involved fatal crashes is 55 mph.<sup>6</sup>
- Many drivers are paid by the mile or load. This means that if a speed limiter mandate prevents them from operating at the posted limit on some roads, they will feel financial pressure to drive faster on other roads to make up time.
- According to a survey of safety managers, 88% stated that their drivers travel faster than normal in lower speed areas to make up time.<sup>7</sup>

***USDOT has touted that speed limiters could save about \$1 billion in fuel costs and millions of gallons of fuel annually. But this proposal overlooks factors that would negate any potential fuel savings or reductions in greenhouse gas emissions.***

- As already addressed, a mandate would reduce current capacity and require more trucks to meet current demand. This would cause greater greenhouse gas emissions.

- Additionally, other vehicles will slow down when they reach speed limited trucks, then speed up quickly to pass, a maneuver that requires more fuel consumption. Continuous acceleration and deceleration also generates more emissions than travelling a constant speed.<sup>8</sup> On a national scale, this seemingly minor consideration will have a major effect on overall vehicle emissions.

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

- Congress authorized states to set speed limits based on their own unique factors. 36 states have set speed limits for trucks at or above 70 mph, which is higher than any of the proposed limits included in the Rule.



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<sup>4</sup> <https://ai.fmcsa.dot.gov/CrashStatistics/rptDriver.aspx?rpt=SPED>

<sup>5</sup> *Analysis of Speeding-Related Fatal Motor Vehicle Traffic Crashes: Technical Report*, NHTSA, <https://crashstats.nhtsa.dot.gov/Api/Public/Publication/809839> (June 2005), pg. 10.

<sup>6</sup> *Large Truck and Bus Crash Facts 2019*, FMCSA (October 2021), pg. 48.

<sup>7</sup> Transportation Research Board, CTBSSP Synthesis 16: *Safety Impacts of Speed Limiter Device Installations on Commercial Trucks and Buses*, Federal Motor Carrier Safety Administration (2008), pg. 20.

<sup>8</sup> Steven Johnson, “Observations and Opinions: Speed Differentials and Rural Interstates and Speed Limiting Devices,” (2016).