

## **HB 1298**

### **Rep. Ben Koppelman- Testimony**

Mr. Chairman and Members of the Committee, thank you for the opportunity to introduce HB 1298. HB 1298 will raise the speed limit on interstates from 75 to 80 MPH, while still allowing the cities located along these corridors to work with DOT to control the speed of the sections of these highways where they pass through city limits. This increase in speed will be a phased in approach that will allow DOT to initially increase speeds in all the areas that can easily handle the speed, and work toward upgrading other areas that can handle the speed with minor improvements. The remaining areas of interstate will be phased in over time as roads are improved. The intent of the bill is to not interfere with DOT's ability to reduce speed in areas of highly dangerous highway, such as the scenic section of I-94 near Medora, on a case-by-case basis if there is not a reasonable way to make it safe at the full speed limit.

Seven other states already have interstate speeds of 80 MPH, and they are all contiguous to each other as they are to us (with the exception of OK). These states are SD, MT, WY, ID, UT, NV and OK. Texas has highways at 80 MPH and even some at 85 MPH. The irony here is that we probably have the highways with the least number of curves and hills.

Some would say that the prevailing speed limit is already 80 to 82 MPH on interstates, and that if we increase the speed limit from 75 to 80 MPH that everyone would automatically drive in excess of 85 MPH. I disagree with that

assessment. Although that is a possibility, people tend to drive at a speed that they are comfortable driving at, and many would not be comfortable driving 85 MPH or more. In addition, law enforcement could reduce how many miles over the speed limit they would allow before ticketing. Studies have shown that as speed limits increase, drivers do not necessarily increase their speed by the same amount. For example, back when interstate speed limits were 55 MPH, it was not uncommon to have drivers going 10-15 miles over the limit, whereas now 5 MPH over is more common.

Over the past few sessions, some have criticized this proposal by saying, 'Everyone is already driving 5 MPH over the speed limit on these highways, why should we raise the limit? Is it that you want to drive 85 on the interstate?' To those questions I respond with this: As members of the Legislative branch, it is our responsibility to set policy, and it is the responsibility of the executive branch to decide how to execute that policy. Now, I am not here to criticize the Highway Patrol or other law enforcement, but rather to recognize the separation of powers in our government. Therefore, it is my contention that since it appears that the roads continue to be safe with a prevailing speed of 5 MPH over the limit now that we should raise the limits to that point, and let the administrative branch decide if there should be any grace to those limits based on safety and other factors.

The Federal Highway Administration, the National Cooperative Highway Research Program, and the Institute of Transportation Engineers all recommend using the 85% rule to determine speed limits. **That rule states that if more than 85% of the**

**regular traffic drives above the Posted Speed Limit, then steps should be taken to raise the limit.** In my experience, the prevailing speed on these highways is about 5 MPH over the respective limits. Why does the 85% rule work? Raising the limit causes slower traffic to move up to the prevailing speed and brings a more uniform traffic flow.

A study in Utah following their increase to 80 MPH found a 20% reduction in the number of people driving more than 80 MPH. The study showed that in some places the average speed increased by 2 MPH and in another area, it went down 2 MPH. The overall effect was no change in the average speed. Last Session in the House Transportation committee, we heard testimony to a similar effect relating to the experience of our sister State, South Dakota. In fact, that testifier indicated current support upwards of 80% for their 80 MPH speed limit which is up significantly from when they initially raised the limit. The bottom line is **People drive the speed that they feel safe and comfortable at, not the speed limit.**

This bill passed the legislature during the 2023 session but was vetoed by the governor because House leadership would not heed his demand over expediting a seatbelt bill. Over the past few bienniums, we have seen many safety improvements on our interstates that make this possible, and those improvements continue. One example that you may have noticed is the cable railings in the center medians across the state. Last session, there was no fiscal note for this bill, and as of this morning, there was not one this session. This is likely because DOT would simply replace the speed limit signs (many of which have aged) within their budgetary resources.

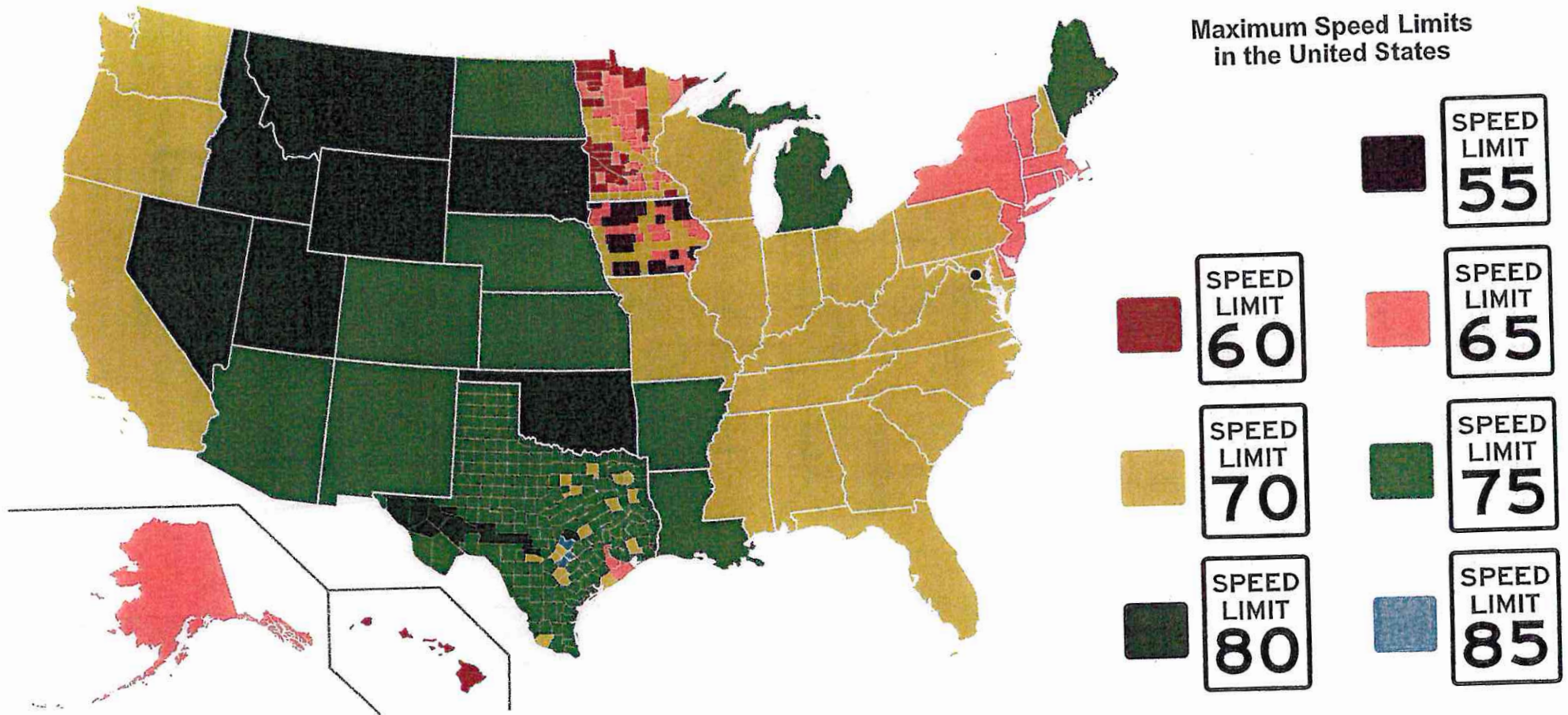


In past sessions, there has been discussion about adding a minimum speed limit, but this idea was dismissed last session and again this session by the House committee as it raises the costs substantially, and has historically been opposed by farmers and the AG community. There has also been some discussion of trying to add speeding fine increases to this bill, and although I am supportive of efforts to increase penalties for those that are driving 20 MPH over the speed limit or driving in a reckless and out-of-control manner, I would ask that you pass this bill out of committee in its current form.

Now, some of you may recall that the subject of this bill was very important to former Speaker Wes Belter as well as the late Senator Lonny Laffen when they served in the legislature, and I believe that this bill will honor their legacy if it passes.

Mr. Chairman and members of the committee, although some would say it is minor, this bill will save our citizens time and money. It will not result in a substantial increase in our prevailing speed and it is not likely to change our traffic accident statistics related to speed in a negative way. It does have the potential of reducing the number of traffic stops each year which would reduce the safety risk to our law enforcement. I respectfully request a DO-PASS recommendation from the committee. Thank You for your time, and I would be happy to try and answer your questions.

Maximum Speed Limits  
in the United States





## Curves Not Meeting Current AASHTO Design Standards for 80 mph Reconstruction

- 24 vertical curves that will be updated in the next few years with programmed reconstruction projects
- 320 vertical curves that do not fall within the limits of programmed reconstruction projects
- ▲ 21 horizontal curves
- Speed reduced in urban areas due to increase in ramp traffic

Note: Nearly all guardrail locations meet the length of need and clear zone values for 80 mph for both Interstate 94 and Interstate 29

