

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 38

(Senator Colburn)

Judicial Proceedings

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Vehicle Laws - Reduction of Speed Limits by Local Authorities - Engineering and  
Traffic Investigations

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This bill exempts a local authority from the requirement of conducting an engineering and traffic investigation in order to decrease a maximum speed limit in a business district or residential district to not less than 25 miles per hour.

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Fiscal Summary

**State Effect:** None. The bill does not directly affect either State finances or operations.

**Local Effect:** Local government expenditures may decrease beginning in FY 2010.

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** If, on the basis of an engineering and traffic investigation, a local authority determines that a maximum speed is greater or less than is reasonable or safe under existing conditions on any part of a highway in its jurisdiction, the local authority may establish a reasonable and safe maximum speed limit for that part of the highway, which may:

- decrease the limit at an intersection;
- increase the limit in an urban district to not more than 50 miles per hour;
- decrease the speed limit in an urban district; or
- decrease the limit outside an urban district to not less than 25 miles per hour.

An engineering and traffic investigation is not required to conform a speed limit in effect on December 31, 1974, to one of the specified speed limits established by statute.

**Background:** According to the Institute of Traffic Engineers, the most widely accepted method by state and local agencies is to set a speed limit at or below the speed at which 85% of the traffic is moving. This eighty-fifth percentile rule is derived from the finding of numerous studies that crash rates are lowest at around the speed of vehicles in the eighty-fifth percentile of all vehicles based on speed. According to a Federal Highway Administration study, all states and most local agencies use the eighty-fifth percentile speed of free flowing traffic as a basic factor in establishing speed limits. However, this rule is just one factor considered by a traffic engineer to determine an appropriate speed limit.

**Local Expenditures:** Beginning in fiscal 2010, local government expenditures may decrease slightly due to a potential decrease in the number of engineering and traffic investigations needed. Prince George's County indicates that any costs or savings associated with this bill are not significant.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** HB 36 (Delegates Haddaway and Eckardt) - Environmental Matters.

**Information Source(s):** Institute of Traffic Engineers; Federal Highway Administration; Garrett, Montgomery, and Prince George's counties; City of Laurel; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - January 23, 2009  
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