The Ohio House of Representatives

The Ohio Senate

The Joint Legislative Task Force on Department of Transportation Issues Co-Chairs' Report

Representative Cheryl Grossman, Co-Chair
Senator Gayle Manning, Co-Chair

December 15, 2015

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I. INTRODUCTION

The Joint Legislative Task Force on Department of Transportation Issues (the Task Force) was created by Substitute House Bill No. 53 of the 131st General Assembly (HB 53) and was modified in part by Substitute House Bill No. 64 (HB 64). The Task Force is composed of a bipartisan panel of legislators from both the Ohio House and Senate. HB 53 authorized the Task Force with studying Ohio's speed limits, license plate requirements, limited driving privilege licenses, as well as a study of the effectiveness of the motor fuel tax and alternative methods of funding Ohio roadways and infrastructure.

By December 15, 2015, HB 53 and HB 64 require the Task Force to submit a report of its findings to the House and Senate that includes the following:

1. Methods for increasing the speed on, and access to, rural highways and freeways;
2. Methods for saving money on license plates, including specifically a single license plate requirement; and
3. An assessment of the feasibility of establishing a limited driving privilege license.

By December 15, 2016, HB 53 furthermore requires the Task Force to submit a subsequent report of its findings to the House and Senate that includes the following:

1. A study of the effectiveness of the Ohio motor fuel tax in meeting the funding needs of the Ohio Department of Transportation (ODOT); and
2. A study on alternative methods to fund Ohio roadways and infrastructure.

The following report does not make any recommendations from the Task Force's pending study of the motor fuel tax and alternatives to funding Ohio's transportation infrastructure. A subsequent report by the Task Force will address both questions in calendar year 2016.

The Senate President and the Speaker of the House appointed the following members to the Task Force:

Senator Gayle Manning, *co-chair*	Representative Cheryl Grossman, *co-chair*
Senator Kevin Bacon	Representative Bill Reineke
Senator Capri Cafaro	Representative Denise Driehaus

From September 2015 through October 2015, the Task Force conducted three public hearings. All testimony from those hearings, and testimony separately submitted to the Study Committee, can be found on the Task Force's webpage at:

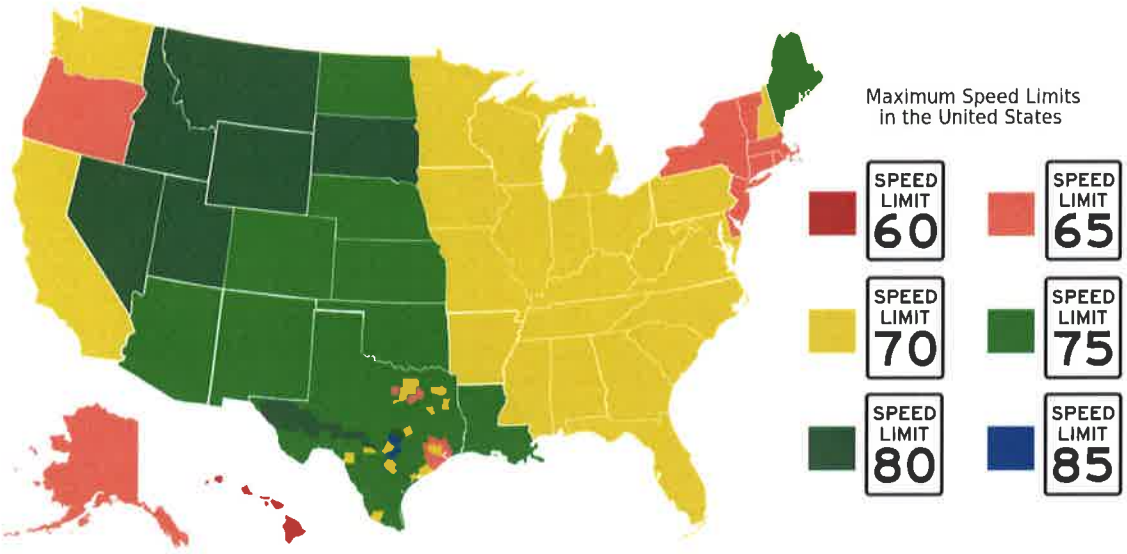
http://jltft.legislature.ohio.gov/documents

II. FINDINGS OF THE TASK FORCE

Methods for Increasing the Speed Limit on Rural Freeways

Ohio's speed limit on rural freeways is 70 mph, as specified in ORC 4511.21. Since 1908, when the state's first speed limit was set at 20 mph, Ohio's speed limit has gradually increased with advances in automotive technology, state infrastructure, and increased mobility by the travelling public. The statewide speed limit on rural highways reached 70 mph in 1963 before it was reduced to 55 mph in 1974 by the National Maximum Speed Law. Congress repealed the national maximum speed limit in 1995; since then, 40 states have raised speed limits to 70 mph or higher on all or a portion of their roadways.[1] Specific state speed limits are provided in Chart 1 below.

Chart 1: Comparison of Speed Limits by State



Source: Ohio Turnpike and Infrastructure Commission

Beginning in 1987 and continuing through 1996, the State of Ohio increased its speed limit to 65 mph on designated rural freeways and urban interstates for passenger vehicles and commercial buses.[2] In December 2010, the Ohio Turnpike Commission approved Resolution No. 48-2010 to raise the speed limit on the entire Ohio Turnpike to 70 mph for all vehicles, effective April 2011.[3] The current statewide 70 mph speed limit on rural freeways was set by the 130th General Assembly in House Bill 51, which became effective July 1, 2013.[4]

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[1] Governors Highway Safety Association, "Speed Limit Laws," Dec. 2015, http://www.ghsa.org/html/stateinfo/laws/speedlimit_laws.html, accessed December 2, 2015.
[2] Ohio Insurance Institute, https://www.ohioinsurance.org/wp-content/uploads/2013/04/REVHistory-of-Ohio_s-Speed-Limit-Laws.pdf, accessed November 19, 2015.
[3] Ohio Turnpike Commission Resolution No. 48-2010, http://www.ohioturnpike.org/docs/default-source/resolutions/resolutions-2010/48-2010_Speed_Limit_70_MPH.pdf, accessed November 19, 2015.
[4] House Bill 51, 130th General Assembly, http://archives.legislature.state.oh.us/BillText130/130_HB_51_EN_N.pdf, accessed November 19, 2015.

The Task Force heard testimony on methods to increase the speed limit from 70 mph to 75 mph from the following individuals:

- Johann Klein, ODOT Deputy Director of Legislative Affairs
- Staff Lt. Ed Mejia, Ohio Department of Public Safety (ODPS) Office of Field Operations, Governmental Affairs
- Randy Cole, Executive Director of the Ohio Turnpike & Infrastructure Commission
- Thomas Balzer, President of the Ohio Trucking Association

Multiple factors associated with a proposed increase in the state speed limit were brought to the attention of the Task Force. Testimony addressing Ohio's speed limit generally indicated two primary areas of consideration: the need for extensive modifications to the engineering and design factors on state highway infrastructure, and concerns related to the safety of motorists.

Four-lane U.S. or State Routes are designed according to standards that account for the design speed of the structure, access points per mile, Average Daily Traffic (AVT) per lane, and the 85th percentile speed of traffic, which is considered to usually be an accepted safe speed with the highest rate of compliance by motorists.[5] Posting the speed limit closest to the 85th percentile of speed provides high levels of compliance by motorists and a lower level of crashes. Current analysis by ODOT has found that the current 85th percentile of speed for vehicle traffic is 70 mph.[6]

ODOT analysis on the speed limit increase enacted through HB 51 of the 130th Ohio General Assembly found that the increase from 65 mph to 70 mph did not significantly alter the 85th percentile speed of traffic.[7] Studies were conducted on multiple freeway segments both before and after the increased speed limit; they found only a slight increase in the average traffic speed. More information is provided below in Chart 2.

Chart 2: Comparison of Traffic Speed at 65 MPH & 70 MPH Speed Limits

Route (65 mph to 70 mph)	Previous 85th Percentile Speed	New 85th Percentile Speed
Ashtabula: I-90	66 mph	67 mph
Licking: I-70	68 mph	69 mph
Tuscarawas: I-77	67 mph	69 mph
Shelby: I-75	67 mph	68 mph

Source: Ohio Department of Transportation

Ohio's interstate system was designed and created for a 70 mph standard. A speed limit greater than 70 mph would result in the interstate system becoming under-designed for handling traffic at an increased speed, requiring ODOT to account for a number of engineering and design factors beyond the interstate system's original design.[8] This would include stopping sight distance,

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[5] Johann Klein, Ohio Department of Transportation, "ODOT Speed Limit Testimony," p. 2, Sept. 30, 2015.
[6] Johann Klein, Ohio Department of Transportation, "ODOT Summary Testimony," p. 1
[7] Klein, "Speed Limit Testimony," p. 3.
[8] Klein, "Summary Testimony," p. 1.

elevation, curve slope, and on-ramp and exit ramp designs.[9] Should the speed limit be raised, therefore, Ohio's interstates will need to be redesigned to ensure continued safety on the freeway. The Deputy Director of Legislative Affairs for the Department of Transportation explained during testimony that the estimated cost of performing these upgrades would be difficult to quantify, but would vary depending on the location of each project, including the value of land that would need to be purchased to construct new ramps or extended curves on the roadway. While ODOT could not provide a cost estimate for such a large-scale project, any legislative proposal to increase the speed limit to 75 mph or greater should take this anticipated compliance cost into consideration.

The second major topic highlighted before the Task Force during public comment on raising the speed limit concerned possible impacts to public safety. ODPS and ODOT collated statewide accident and fatality statistics from July 1, 2011 to June 30, 2013, compared to the same rates from July 1, 2013-June 30, 2015, the two-year period immediately following the speed limit increase.[10] Their findings are presented in Charts 3 and 4 below.

Chart 3: Comparison of Crash Statistics from July 1, 2011 to June 30, 2015 Department of Public Safety

Crash Severity	Interstates: Before/After	Interstates: Difference	Freeways: Before/After	Freeways: Difference	Total: Before/After	Total: Difference
Fatal	48/43	-10%	7/14	+100%	55/57	+4%
Injury	1,646/2,004	+22%	497/704	+42%	2,143/2,708	+26%
Property	6,870/8,161	+19%	2,537/3,008	+19%	9,407/11,169	+19%
Total	8,564/10,208	+19%	3,041/3,726	+23%	11,605/13,934	+20%

Source: Ohio State Highway Patrol Office of Planning & Analysis—Statistical Analysis Unit

Chart 4: Comparison of Crash Statistics from July 1, 2011 to June 30, 2015 Ohio Department of Transportation

Crash Severity	Interstates			Freeways			Total		
	Before	After	Diff (%)	Before	After	Diff (%)	Before	After	Diff (%)
Fatal Crashes	179	157	-12.29%	50	49	-2.00%	229	206	-10.04%
Injury Crashes	13,196	14,667	11.15%	3,211	3,673	14.39%	16,407	18,340	11.78%
PDO Crashes	43,397	48,586	11.96%	10,239	12,053	17.72%	53,636	60,639	13.06%
Total Crashes	56,772	63,410	11.69%	13,500	15,775	16.85%	70,272	79,185	12.68%

Source: Ohio Department of Transportation Division of Planning—Office of Program Management

ODPS data on those portions of Ohio's interstate and freeway system where the speed limit rose from 65 mph to 70 mph determined that since July 2013, there has been a 4% increase in the rate of fatal crashes, a 26% increase in the number of crashes resulting in injury, and a 19% increase in

[9] Klein, "Speed Limit Testimony," p. 5.
[10] Ibid., p. 5.

crashes causing property damage in Ohio, for a total crash rate increase of 20% on Ohio interstates and freeways.[11] Data provided to the Task Force by the ODOT on the entire statewide system over the same time period identified an overall 11.78% increase in the rate of injury crashes and a 13.06% increase in the rate of property damage crashes in the two years since the speed limit was increased to 70 mph. The Department's analysis did note an overall decrease of 10.04% in the number of fatal crashes, though the overall crash rate increased by 12.68% from July 2013 to the end of June 2015.[12]

Analysis provided by the Ohio Turnpike and Infrastructure Commission in Chart 5 compares crash statistics collected from April 2008 to April 2015 to assess the affect of the 70 mph speed limit on Turnpike traffic since the speed limit was raised on April 1, 2011. The Commission's data indicates a 14.47% increase in fatal car accidents on the Turnpike since the speed limit increase (due primarily to an increase in accidents from April 2013-April 2014).[13] The Commission also reported a 9.14% increase in crashes resulting in injury and a 12.6% increase in property damage crashes over the same time period. This amounts to an overall 11.97% increase in traffic accidents since the 70 mph speed limit went into effect.[14]

Chart 5: Comparison of Crash Statistics from April 1, 2008 to April 1, 2015 Ohio Turnpike and Infrastructure Commission

Analysis Period	Date	Speed Limit (Truck/Passenger)	Fatal Crash	Fatal Crash Average	Percent Change	Injury Crash	Injury Crash Average	Percent Change	Property Damage Crash	Property Damage Crash Average	Percent Change	Total	Total Average	Percent Change
Before	2008-04-01 to 2009-04-01	65/65	7	6.33	14.47%	441	424.00	9.14%	1917	1885.67	12.60%	2,365	2316.00	11.97%
	2009-04-01 to 2010-04-01	65/65	6			416			1727			2,149		
	2010-04-01 to 2011-04-01	65/65	6			415			2013			2434		
After	2011-04-01 to 2012-04-01	70/70	6	7.25		491	462.75		2082	2123.25		2579	2593.25	
	2012-04-01 to 2013-04-01	70/70	5			446			2100			2551		
	2013-04-01 to 2014-04-01	70/70	11			498			2284			2793		
	2014-04-01 to 2015-04-01	70/70	7			416			2027			2450		

Source: Ohio Turnpike & Infrastructure Commission

Vehicle speed is the single greatest contributor to highway crashes, as well as the largest contributor to fatal crashes.[15] As was noted before the Task Force multiple times, increased speed lengthens the stopping distance for all vehicles and reduces the time a motorist has to react to unexpected circumstances. It is significant to note that vehicles travelling at a faster speed have higher injury and fatal crash records. OTIC testimony referenced a study demonstrating that for every one-percent increase in vehicular speed, a driver's chance of being involved in a crash increases by two percent, the chance of serious injury increases three percent, and the chance of a fatality increases by approximately four percent.[16]

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[11] Ohio State Highway Patrol Office of Planning & Analysis, "DPS Speed Limit Analysis," Sept. 30, 2015.
[12] Ohio Department of Transportation Division of Planning, Office of Program Management, "ODOT Speed Limit Changes Statewide Averages," Sept. 30, 2015.
[13] Executive Director Randy Cole, Ohio Turnpike and Infrastructure Commission, "OTIC Speed Limit Testimony—Revised," Oct. 7, 2015, p. 5.
[14] Cole, "OTIC Speed Limit Testimony," p. 5.
[15] Tom Balzer, Ohio Trucking Association, "Speed Limit Testimony," p. 1.
[16] Cole, "OTIC Speed Limit Testimony," p. 2.

A final area of consideration the Task Force heard during debate on an increased speed limit addressed the problem of variable speeds on the state's highways. Ohio's speed limit is a uniform 70 mph for all vehicles. Many commercial vehicles travel at or near this speed to maintain fuel efficiencies, reduce the cost of transporting goods and services, and ensure safety. If the speed limit were increased to 75 mph, many commercial vehicles would continue traveling at their current speeds.[17] This would create disparate speed limits that would have a negative impact on public safety. It is likely that more motorists would make lane changes to pass slower-moving commercial vehicles, increasing the chances of vehicle accidents.[18]

Methods for Saving Money on License Plates

Ohio Revised Code Sec. 4503.21 requires all motor vehicle operators to display valid license plates on both the front and the rear of their motor vehicle. This requirement has been in Ohio statute since 1908, when it was passed in Senate Bill 425 of the 77th General Assembly. Ohio is one of 31 states (and the District of Columbia) that requires two license plates on all Ohio-registered motor vehicles, while 19 states, including Indiana, Michigan, Pennsylvania, West Virginia and Kentucky require only one license plate on the rear of the motor vehicle.

Two-Plate Requirement:
Alaska, California, Colorado, Connecticut, Hawaii, Idaho, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming.
One-Plate Requirement:
Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, New Mexico, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, West Virginia.[19]

The Task Force heard testimony on methods for saving money on license plates and eliminating the dual license plate requirement from the following individuals:

- Andrew Bowsher, ODPS Legislative Liaison.
- Staff Lt. Ed Mejia, ODPS Office of Field Operation, Governmental Affairs
- Heather Whitton, Cincinnati Police Dept.
- The Honorable Cecil Thomas, State Senator, 9th Ohio Senate District
- John Gilchrist, Ohio Association of Chiefs of Police

According to ODPS testimony, eliminating the dual license plate requirement could save Ohio taxpayers up to $1,427,959 annually, based off estimated savings from the number of plates produced.[20] Additional information is provided in Chart 6 below.

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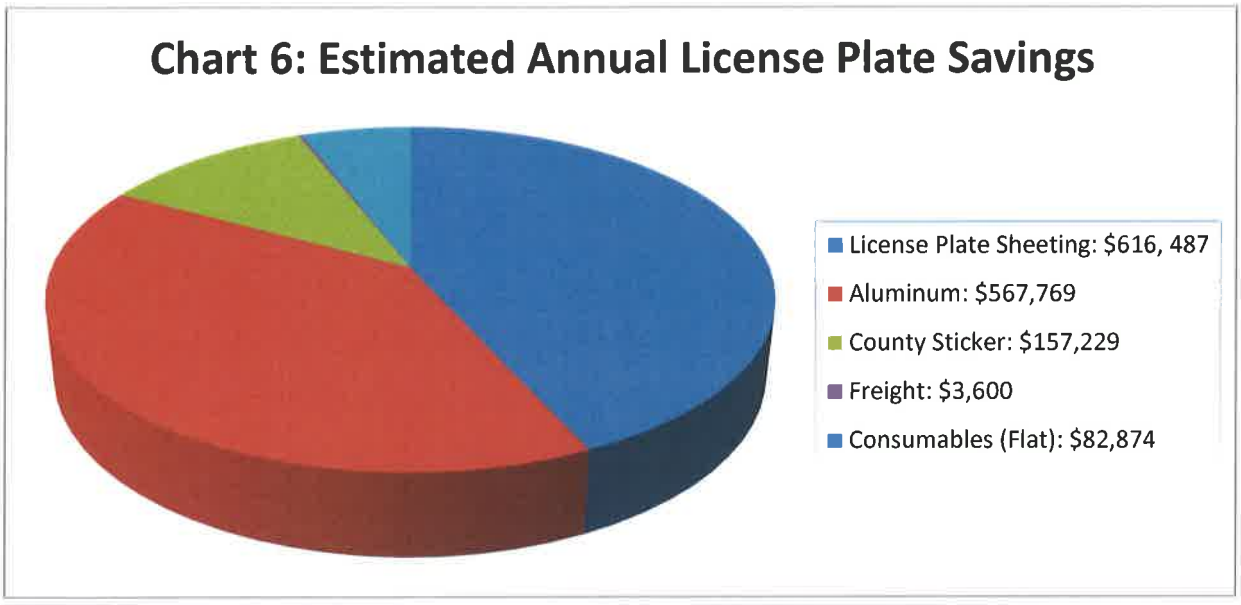
[17] Cole, "OTIC Speed Limit Testimony," p. 5.
[18] Balzer, "Speed Limit Testimony," p. 1.
[19] Anne Teigen, National Conference of State Legislatures, "License Plate Information," http://www.ncsl.org/research/transportation/license-plate-information.aspx#A, accessed November 19, 2015.
[20] Andrew Bowsher, Ohio Department of Public Safety, "DPS Estimated Single License Plate Savings," Oct. 7, 2015.



Source: Ohio Department of Public Safety

ODPS estimates the savings on embossed plates to be approximately $1.27 for a single plate versus a pair. For flat plates, the savings would equal approximately $1.55 for a single plate versus a pair.[21] Under current law, Ohio motorists registering a motor vehicle pay $7.50 for a set of two license plates, in addition to the other charges associated with the transaction. $5.50 of this charge is remitted to the State Highway Safety Fund, while the remaining funds are remitted to the Motor Vehicle Fund.[22]

The Task Force heard testimony from ODPS, ODOT and representatives of the law enforcement community on how license plates aid in the detection and interdiction of unlawful activity throughout the state. Testimony from each entity stressed the benefits that dual license plates provide to law enforcement in the operation of their duties. Testimony indicated that license plates provide one of the least expensive and most valuable tools for law enforcement officers, and noted data from the International Association of Chiefs of Police that found 70% of all serious crimes involve use of a motor vehicle.[23] License plates are an important tool to public safety officers attempting to solve automotive theft, DUI offenses, hit/skip crashes, instances of aggressive behavior on roadways, robberies, homicides, kidnappings, and a wide variety of other offenses.

License plate information is also used by private citizens to report motorists committing violations of the law to law enforcement officers. For instance, state law requires school bus drivers to report motorists who pass a stopped school bus in violation of state law.[24]

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[21] Bowsher, "DPS Estimated Single License Plate Savings."
[22] Ohio Revised Code Sec. 4503.19(A). This figure does not include annual license taxes, application fees, deputy registrar fees, permissive local taxes, reflectorization fees, county identification sticker fees, or additional fees that may also apply to a particular vehicle registration.
[23] Staff Lt. Edward Mejia, Ohio State Highway Patrol, "OSHP License Plate Testimony," Sept. 30, 2015, p. 1
[24] Ohio Revised Code Sec. 4511.751.

Neighborhood block watch groups and uniformed police volunteer programs often rely on both the front and rear license plate of a motor vehicle to report a motorist committing an offense or suspicious behavior. Video surveillance of convenience stores and gas stations also utilize both plates when an offense is committed; having two plates doubles the chance of ultimately catching an individual who commits a criminal offense. Many public and private entities also use video surveillance to deter or identify offenders on their premises.[25] License Plate Readers also use both front and rear license plates to identify vehicles involved in criminal actions; in some cases, the offender may not have been detected otherwise.[26]

The reflective material on license plates is also useful to both law enforcement and private citizens in detecting vehicles travelling without their headlights on, or vehicles stalled on the road due to mechanical failure or an accident.[27] Additionally, law enforcement representatives noted possible logistical and accounting concerns, as well as opportunities for criminal activity, during the process of collecting up to 12 million front license plates from registered Ohio vehicles that would no longer be necessary if the dual license plate requirement is eliminated.[28]

In addition to the points addressed previously, the Task Force also considered testimony recommending that Ohio reduce the penalty for failing to display two license plates on a motor vehicle a secondary offense, rather than a primary offense.[29] The proposed alteration would prevent law enforcement officers from detaining a motorist failing to display both license plates unless that motorist was simultaneously in violation of another law. Legislation to this effect has been introduced in the 131st General Assembly in both legislative chambers, in the Ohio House of Representatives as House Bill 104 and in the Ohio Senate as Senate Bill 202. House Bill 159 has also been introduced in the Ohio House of Representatives to require only a single license plate on all motor vehicles.

Assessing the Feasibility of Establishing a Limited Driving Privilege License

On the matter of assessing the feasibility of establishing a limited driving privilege license, the Task Force received public testimony from Andrew Bowsher, Legislative Liaison for ODPS.

Limited driving privileges are communicated to the Bureau of Motor Vehicles (BMV) by Ohio courts. Once received, the BMV adds this information into the Law Enforcement Automated Data System (LEADS), which can be accessed by law enforcement officers within their vehicle. If a suspension is present, an individual may still have court-order driving privileges. The driver must have their court-issued papers with them anytime they operate a motor vehicle. This information describes the driver's primary purpose of travel as well as agreed-upon times, if applicable. Currently, that information is not included on the driver's physical driver's license or embedded in the license's magnetic strip.[30]

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[25] John Gilchrist, Ohio Association of Chiefs of Police, "OACP License Plate Testimony," Oct. 7, 2015, p. 2.
[26] Heather Whitton, Cincinnati Police Department, "CPD License Plate Testimony," Oct. 21, 2015, p. 3.
[27] Gilchrist, "OACP License Plate Testimony," p. 2 & Meija, "OSHP License Plate Testimony," p. 3.
[28] Meija, "OSHP License Plate Testimony," p. 4.
[29] State Senator Cecil Thomas, 9th Ohio Senate District, "Testimony on Front License Plate Issue," Oct. 7, 2015.
[30] Andrew Bowsher, Ohio Department of Public Safety, "ODPS Limited Driving Privileges Testimony," Oct. 21, 2015.

III. RECOMMENDATIONS

Recommendation #1

Maintain the Current 70 mph Speed Limit

Public testimony received by the Task Force on methods to increase the speed limit identified two primary aspects that require attention before the speed limit could be raised above 70 mph: changes to the necessary engineering and design factors of the interstate and freeway system, and concerns related to the safety of motorists. The Task Force recommends that any legislative proposal to increase the speed limit in Ohio must present options to address both the possible infrastructural cost and public safety concerns highlighted in this report. Until an appropriate solution is provided to ameliorate these concerns, the Task Force recommends maintaining the 70 mph speed limit on Ohio's freeway and interstate system.

Recommendation #2

Retain the Two License Plate Requirement

The Task Force identified approximately $1.4 million in savings possible from eliminating Ohio's dual license plate requirement. Public testimony, however, illustrated a number of benefits preserving the current two-plate requirement provides to public safety. License plate information is one of the most valuable tools law enforcement officers utilize to effectively enforce state law. The loss of that tool would diminish the ability of Ohio's law enforcement agencies to identify violations of law and bring perpetrators of crime to appropriate justice. The Task Force therefore recommends that Ohio retain the current two license plate requirement.

Recommendation #3

Pursue Limited Driving Privilege Licenses in Stand-Alone Legislation

During the Task Force's hearings on establishing limited driving privilege licenses, it was shared by one of the Co-Chairs that legislation has been drafted that would, if enacted, grant this ability. The Task Force recommends that such stand-alone legislation be introduced and receive due public consideration in the committee hearing process to allow further vetting of this proposal.

IV. Future Task Force Action

Pursuant to Sec. 755.40 of HB 53, the Task Force will hold public hearings in calendar year 2016 to study the effectiveness of the Ohio motor fuel tax in meeting ODOT's funding needs, and review alternative methods to fund Ohio roadways and infrastructure. The Task Force will report its findings to the House and Senate on or before December 15, 2016. It shall thereafter be abolished.

Signed:

Cheryl S. Grossman

Hon. Representative Cheryl Grossman, Co-Chair
23rd Ohio House District

Gayle Manning

Hon. Senator Gayle Manning, Co-Chair
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