

HOW ARE “SPEED LIMITS” ESTABLISHED?

In Florida, Florida Statutes set speed limits. Chapter 316, is the “State Uniform Traffic Control” portion of State law. Florida Statutes Chapter 316.187, authorizes the Florida Department of Transportation (FDOT) to set maximum and minimum speed limits it deems safe and advisable, for travel on the roadways under its authority, not to exceed 70 mph on limited-access highways, 65 mph on certain designated segments of highways outside an urban area, and 60 mph for all other roads.

Florida Statutes, Chapter 316.189, presents the authority for establishment of Municipal and County speed zones maintained by these agencies. This section indicates that the maximum speed on any Municipal or County maintained road is 30 mph. However, the Municipality or County may set speed zones altering such speeds, both as to maximum and minimum after investigation determines such a change is reasonable and in conformity with the criteria established by the FDOT. Section 316.183 is also referenced with respect to Unlawful Speed.

Traffic engineers throughout the country use normal driving speed as a guide in setting speed limits since most drivers tend to regulate their own speed according to traffic, road and weather conditions. These engineers consider speed differential the overriding safety concern and inappropriate speed limits create greater speed differentials.

For a speed limit to be effective, at least 85 percent of the drivers must voluntarily comply with the law. It is important to remember that the speed regulation informs the driver of the limits within which one can safely operate a vehicle under normal circumstances and within which the driver can be expected to react safely. Setting speed limits at appropriate levels will create a reasonably uniform flow of traffic, discourage violation of the law and help keep streets and highways safe.

The FDOT criteria for setting speed zones are presented in the publication entitled *Speed Zoning for Highways, Roads and Streets in Florida for Compliance with the Florida Statutes, Chapter 316*. This publication states: “The 85th percentile speed is the speed at or below which 85 percent of the observed free-flowing vehicles are traveling.” It also states that a speed limit should not differ from the 85th percentile speed by more than 3 mi/h and it shall not be less than 8 mi/h.

The following excerpts are also from the speed zoning publication mentioned above:

“It is common traffic engineering knowledge that about 85 percent of drivers travel at reasonably safe speeds for the various roadway conditions encountered, regardless of speed limit signs. It is for those drivers who don’t, that the practice of speed zoning does take place, to provide realistic speed restrictions to which meaningful enforcement can be applied.”

“The vehicle speed chosen by a driver may be influenced by, the presence of other vehicles, weather, road conditions, road geometrics, adjacent land use and other factors shown in this manual. A driver’s choice of speed is a balance between expedience and safety, and is often a subconscious reaction to the environment.”

“Motorists tend to pay little attention to speed limit signs, which they consider unreasonable, unless there is an inordinate degree of enforcement.”

“Unreasonably low speed limits are commonly violated by a majority of motorists, making enforcement difficult, with resultant operating speeds sometimes higher than would exist with proper, realistic speed limits.”