SPEED GOVERNORS AND
THE COMING PUBLIC DEBATE

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A debate is brewing over the proposed mandatory use of speed governors – devices that set the maximum speed of a vehicle’s engine – on large trucks.

On Valentine’s Day 2006, the American Trucking Associations (ATA) endorsed a proposal to cap truck speeds at 68 mph by requiring engine manufacturers to install speed governors on all new truck engines. If successful, this move would prevent new large trucks from ever exceeding the preset speed.

Commercial trucking companies, most of which have installed the devices on their fleets, applauded the proposal. On the other hand, independent truck drivers fiercely oppose the proposal.

The ATA’s proposal consists of a single sentence: “The speed of trucks with a gross vehicle weight rating of 10,001 pounds or more should be governed at a maximum speed not to exceed 68 mph when manufactured.”

Presumably, if such a change in law were implemented, it would be at the federal level, since the issue relates to manufacturing standards for motor vehicles, which are the responsibility of the National Highway Transportation Safety Administration (NHTSA).

In practice, a host of enforcement, education, and technical provisions may also be necessary in the implementation process. For example, new rules may need to impose penalties for tampering with the devices (fines, suspensions, and/or revocation of repair shop licenses). Equipment to enable enforcement officials to test speed governor settings would need to be produced and officers trained to use the equipment.

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Some trucking associations also believe the use of speed governors should be part of a broader safety campaign that includes teaching auto drivers how to share the road with trucks.¹

This paper outlines the contours of the debate; first by describing arguments each side is likely to present, then by looking deeper at the stakeholders’ unstated concerns.

EVALUATING ARGUMENTS FOR SPEED GOVERNORS

The arguments for speed governors the ATA and other advocates will present include safety, efficiency, the environment, and improving public perception of the trucking industry.

Safety

Safety is the most strongly advocated argument in favor of speed governors. The ATA says numerous studies point to speed as one of the most important factors in traffic accidents. When a vehicle is moving at high speed, crashes are somewhat more likely to occur; and when they occur, they are more likely to be serious.²

Road conditions approach faster at higher speeds, and it takes longer to come to a stop, particularly for massive vehicles such as Class 7 and 8 trucks. If trucks take longer to stop, the argument goes, they should not be going as fast.

Opponents of mandatory speed governors argue the status quo is safer, pointing to other studies¹ showing that speed variance is a better predictor of highway accidents than speed alone. In other words, fast road conditions alone are not dangerous, so long as vehicles are all moving at close to the same speed. When different vehicles move at different speeds, however, interactions between vehicles occur more frequently.

¹ See, e.g., publications on the website of the Ontario Trucking Assn., www.ontruck.org/speedlimiters.


Opponents contend that a truck equipped with a speed governor will not be able to keep pace with traffic, and dangerous situations will arise as cars attempt to pass. Critics of speed governors discount stopping-distance concerns, noting that truck drivers see traffic disturbances from a greater distance and so have more time to stop.

A coherent argument can be made either way. The question centers around whether 68 mph is close enough to the average speed on the fastest roads. One study indicated the average vehicle speed on four highways with speed limits between 65 and 75 mph varied between 71.2 mph and 74.2 mph, 3 to 6 mph faster than the 68 mph cap.

Whether this is too much variance is difficult to say. It suggests, though, that speed limiter laws such as Europe (57.5 mph/90 kph) and Australia (62.5 mph/100 kph) if adopted would be infeasible in the United States.

Efficiency

Apart from touted safety benefits, economic arguments favor speed governors. Trucks run more fuel-efficiently at lower speeds (to a point), burn through tires more slowly, and require less maintenance. Though trucks are more efficient at lower speeds, exactly how much more efficient is debatable.

For gas efficiency, a reasonable estimate of lowered fuel efficiency is around 0.05 miles per gallon for every one mile per hour speed reduction. In other words, traveling 10 miles per hour faster would reduce your fuel efficiency by one-half mile per gallon.

However, since drivers are normally paid by the mile, speedier drivers will make money faster, offsetting their lower efficiency to a large degree. Still, if gas prices remain elevated, this sustained economic pressure could make speed governors, or at least lower speed, look more attractive over the long term. Moreover, lower speeds result in longer tire life, and lower engine maintenance costs.

4 Johnson & Pawar at 80-88.
5 Id. at 119.
6 Id. at 69, citing T. Muster, Fuel Saving Potentials and Costs Considerations for U.S. Class 8 Heavy Duty Trucks Through Resistance Reductions and Improved Propulsion Technologies until 2020, Energy Laboratory, MIT Cambridge, # MIT EL 00-001 (2000).
7 Johnson & Pawar at 70.
Independent truck drivers will likely counter that the economic advantages of driving at lower speeds are over-estimated; or, in the alternative, that they are surely capable of making rational economic decisions leading to efficiencies without government compunction.

Environmental Benefits

As noted, trucks that avoid high speeds are more fuel-efficient. Greater fuel efficiency translates into fewer emissions per-mile driven, and contributes toward meeting clean-air and global climate goals. This benefit is even more politically attractive in countries subject to mandatory greenhouse gas emission reductions under the Kyoto Protocol, as the use of speed governors may help them meet reduction targets.

Public Perception

The ATA says truck drivers who drive faster than 68 mph compromise the reputation of the trucking industry.

Public perception of the trucking industry is influenced by the interactions between automobile and truck drivers on the highway. Not only does a speeding truck have a more unsettling effect on auto drivers than does a truck moving close to the average speed of traffic, the speeding truck will interact with more cars as it passes them.

Moreover, studies show auto drivers routinely overestimate the number and speed of trucks passing them; in part, because of the imposing size of Class 7 and 8 trucks.

THE STORY BEHIND THE DEBATE

We explained four key arguments that speed governor proponents and opponents will present to the public. Now, we explore other, usually unstated, factors that may help explain why the ATA made the proposal and why independent truck drivers oppose it.

Both parties point to safety as a major concern. The difficulty is that each side presents a plausible, but opposing, safety argument, and it seems unlikely that the ATA membership has collectively been convinced by one set of safety arguments, while the independent truck drivers have collectively been convinced by another set of arguments.

Similarly, it is unclear why economic efficiency should dispose us towards mandatory speed governors. Commercial trucking companies and independent truck drivers alike already have an option to use speed governors. If the cost of operating with a governor were cheaper than operating without
one, we would expect that truck drivers, whether commercial or independent, would choose to use them without new rules forcing them to do so.

Conversely, if it were not cheaper to use speed governors, regulation would force truck drivers to use an inefficient technology. Moreover, if independent truck drivers with whom ATA members compete are wasting resources by, and being ticketed for, (and thereby incurring higher costs) driving too fast, ATA members ought be delighted.

The environmental argument for speed governors, while seemingly valid, also is unlikely to be the real driving force behind the proposal. The trucking industry is highly competitive, and the industry is likely to act in the best interests of the environment only if doing so would either reduce costs or increase revenues.

The ATA’s real goal in supporting mandatory governors may be to level the playing field with the independent truck drivers. Under current federal rules, most truck drivers, whether employees or independent, are limited to an 11-hour driving day. This, coupled with the practice of paying drivers for each mile driven, means the only way to travel more miles (and thereby make more money) is to travel faster.

However, large trucking companies, especially those that are publicly traded, have a lot invested in their reputations as law-abiding citizens. They cannot allow or encourage their drivers to speed. If their accident or out-of-service rates skyrocket, public criticism would increase, as would enforcement actions. Large companies can therefore be expected to make an effort to require their drivers either to obey speed limits or face progressive discipline.

Independent truck drivers, on the other hand, are not so sensitive to public pressure; and, by definition, have no employer to mete out discipline. Speeding, therefore, presents high rewards, with unpredictable and somewhat manageable risk for the independent truck driver.

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8 49 C.F.R. § 395.3 (2005). The rules do not apply to certain classes of drivers, such as those transporting agricultural commodities or farm supplies locally. In addition, different hours-of-service rules apply to other classes, like operators of utility service vehicles, ground water well-drilling rigs, and construction material transport vehicles. 49 C.F.R. § 395.1 (2005).

9 We are aware of the contention by some independent owner-operators that they are effectively employees. Without taking any position on that dispute, we note only that the more an independent truck driver depends on a single customer, the more influential that customer’s policies will be.
Because the rules generally limit truck drivers to an 11-hour driving day, everyone is driving for the same amount of time. Since truck drivers are usually paid by the mile, speeding is the most direct and predictable way to fatten the paycheck. The risk of enforcement is far less predictable than the increased reward. Moreover, truck drivers manage the enforcement risk through informal notification networks and careful study of enforcement patterns.

As we have seen, most large trucking companies already require speed governor use. By supporting manufacturer-installed speed governors on all trucks, the ATA hopes to make independent truck drivers play by the same rules that they have adopted by necessity. The independent truck drivers understandably oppose this move.

While these considerations most likely form the heart of the debate among industry stakeholders, two other possible motivations merit a mention.

First, the reputation of the trucking industry, discussed above, is a legitimate reason why the ATA might support speed governors. Since speeding trucks tend to attract more public attention than those that comply with the law, commercial trucking companies that have installed governors on their fleets complain that they do not get full benefit from their investment.

The second possible motivation is driver retention. The kinds of people who choose truck driving as a profession value their own freedom. Most drivers – commercial or independent – would probably prefer to have ultimate control over their speed. Without mandated speed governors, commercial truck drivers have an incentive to work towards the goal of owning their own rigs: they can be their own bosses and earn more money.

Perhaps to counter this, some trucking companies offer increased governor limits as an incentive to experienced drivers. This step may be misguided from a safety standpoint. If speed variance is a more important factor in causing accidents than speed alone, then these companies are forcing the least experienced drivers to operate at speeds that vary from the average on the road. Still, from an incentive standpoint, a promise of greater speed autonomy proves an effective incentive for retaining experienced drivers.

10 Johnson & Pawar at 114.
Of course, if the NHTSA were to impose speed governors on all trucks, speed autonomy and the promise of extra pay would cease to be reasons to drive your own rig.

CONCLUSION

The public debate to come is likely to center around the arguments presented earlier – safety, efficiency and the environment.

Although it is legitimate for the public to consider these factors, and perhaps even to base the ultimate decision about the wisdom of mandated speed governors on such factors, other concerns may motivate the debate’s most passionate advocates.

Large trucking companies already using speed governors to manage driving risks may also see mandatory speed governors as a way to level the playing field with independent truck drivers. Their efforts run squarely into a countervailing effort by independent truck drivers to earn more money, to preserve the advantages of flexibility they enjoy in being small, and to protect their rights to determine how fast they drive.