

MRF REPORTS



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A BI-MONTHLY INFORMATION BULLETIN FROM THE MOTORCYCLE RIDERS FOUNDATION

MOTORCYCLE RIDERS FOUNDATION, PO Box 1808, WASHINGTON, D.C. 20013

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Lautenberg Asks for National Helmet Law, Senate Says “No!”

Motorcyclists Score Biggest Victory in a Decade

Just say “No” to a national helmet law -- that is what the United States Senate did on May 11, 2005, a day that will live on as one of the greatest accomplishments of motorcyclists since the 1995 repeal of the national helmet law. Senator Frank Lautenberg (D-NJ) and Senator Chris Dodd (D-CT) thought it was about time to have another national helmet law, so they whipped up an amendment to the much-needed highway bill that was being considered by the Senate.

Good To Have Friends

Senate committee staff alerted the MRF of the proposed amendment on Sunday afternoon. The Senate was coming in for business the following morning; we had a big fire to put out, and not lot of time to do so. A call to action went out Sunday night, along with another on Monday morning, May 9th. I started calling every staffer I knew in the Senate to get some inside information. I then started to contact some of the other lobby groups in town to rally support for our cause, and it worked. Slowly at first, they agreed to join forces with us, and then came some really good surprises. The American Automobile Association (AAA) publicly agreed with us, as did the Governors Highway Safety Association and the Association of State Highway Administrators, just to name a few. Some of the same groups who opposed the repeal in 1995, were now supporting the same measure.

Pounding The Pavement

My next course of action was meeting with all 100 Senate offices and their staffs.

I walked to every office (except the amendment sponsors) to express our dislike with the amendment. I also explained how the amendment would force states to spend a portion of the highway bill money, intended for building and repairing roads, on programs advocating for a universal helmet law.

Not a very popular use of money when the pot of available cash is small enough as it is. Many of the offices had already received hundreds of calls from concerned motorcyclists and were able to firmly commit to opposing the amendment.

It All Adds Up

I then, along with the help of Peter Nonis of the AMA, assembled a whip or vote count, and the columns added up in our favor, but not by much. The light at the end of the tunnel was there, but it was dim. A few days had passed at this point since learning of the amendment, and it had not yet been offered or placed on the Senate calendar. Maybe Lautenberg had heard from enough bikers that he decided against the amendment, I thought. But a few minutes later, I received an email from a key committee staffer letting me know it would, in fact, be voted on the next day, Wednesday, May 11th.

Incoming!

Wednesday morning brought a very alarming incident to Washington.

Jeff Hennie
MRF Vice President
Government Relations



Lautenberg came to the floor to offer the amendment, and just as soon as he stepped onto the floor something happened. Lisa Murkowski (R-AK), the President Pro Tempore of the Senate, held the gavel. A loud commotion could be heard in the background of C-Span, and Murkowski, in a panic,

adjourned the Senate and C-Span went blank. My first thoughts were that perhaps an overly-motivated motorcyclist had entered the chamber and in a last ditch effort to stop Lautenberg, had tackled the octogenarian from the garden state to the floor! Nope--even worse--an incoming plane that refused to identify itself was headed directly for the US Capitol. I dashed from the MRF office to the street level, only to see thousands of senate staffers and their bosses flooding the streets in front of the MRF office. As a staffer who worked through September 11th, I recognized the hurried gait and panicked look on the faces. After the fighter jets finished darting around the Capitol, the all-clear bell was sounded.

Senate Showdown

The Senate reconvened a few hours later, and eventually Lautenberg brought up his amendment. I will tell you that even after counting all 100 Senators, and with the vote count in our favor, I was still highly concerned. NHTSA had just released the annual preliminary Fatality

Analysis Reporting System (FARS) data, and motorcycle fatalities are at an all-time high since the '95 repeal. Not good. It is these kinds of numbers that give fodder to the cannon for folks like Lautenberg and Dodd. It is hard to argue with a death rate. But argue we did, and with the help of the bill manager and chief author of the highway bill, Senator Inhofe, we beat down Lautenberg's amendment by a vote of 68 to 29. (See page 4 for a complete breakdown of the vote.) A solid margin to win by, as my preliminary count had us winning by 56 to 44. The vote was a simple up-or-down, no parliamentary loopholes, and no legislative excuses. Lautenberg asked the United States Senate if we need a national helmet law, and the answer was a resounding “No!” This huge victory not only answers the question of do we need a national helmet law; it puts all of our US Senators on record as friends or enemies of motorcyclists. Thank you to everyone who helped win this tremendous battle.

Now What?

The highway bill was passed favorably out of the US Senate on May 17th by a margin of 89 to 11 with the MRF safety grant program intact and, of course, no helmet requirements of any kind. The nay votes were from Senators of states that are unhappy with the overall funding formulas or level of the bill. An amendment sponsored by Senators Grassley (R-IA) and Baucus (D-MT), to increase the overall funding level of the bill by \$11.2 billion over the White House budget request, drew fire from budget hawks and White House loyalists, but still passed by a margin of 84 to 16. Now, a conference committee will be formed of key lawmakers from both sides of the hill, and differences between the House and Senate versions will be compromised. I would like to personally thank all of you have visited DC this spring, made calls and wrote letters, to help advance the MRF agenda.

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Members of ABATE of Illinois on their recent trip to the Capitol. Left to right: Dave Lynch; Dan Harper; Kristin Koller; Tom Pinkham; Cheryl Pearre; Jim Conley (sitting); Michael Kerr; Jeff Hennie.



BEAST of the East and More...

Cindy Hodges
MRF Member Rep to the Board

Beast of the East in New Hampshire was awesome! Though the actual conference did not start until Friday evening, the MRF board members arrived at the hotel Wednesday evening. The board met from 9 a.m. until 5 p.m. Thursday, and for nearly the same amount of time on Friday. Karen and Hardtail utilized a new strategy for the board to get its work done and reported; breaking us into our committees for a period of time in an effort that both brought about more ideas, refinement of ongoing projects, and lessened the reporting time to the full board. It was very productive. Positive change yielding productive results. Somehow I found myself on

yet another committee when it was all over!

I'd like to publicly thank Jimi Ricci, who offered up his beautiful Venture to anyone who wanted to check out the local countryside, and Miles France, who included me when he took Jimi up on his offer! If you do not ride to these conferences you really do not ever see anything but the airport, the hotel, and what lies between. Miles and I had about two hours of beautiful, breezy scenery on an incredibly comfortable, performing machine. We got back just in time for Meet the Board, which kicks off the conference.

The conference itself was very productive, very positive. Interaction between attendees, the board and session presenters was invigorating. If you paid attention you saw a lot of strategizing, groundwork being laid, and relationships for the future being built or reinforced. This is what it is all about. I spent my free time getting to know some of my fellow board members better and the local biker's rights activists better, as well. There are quite a few folks I can picture putting together with people in similar positions in other states, so they can share strategy and ideas. This is something in my position as MRF Member Rep that is the most rewarding, getting to know you all and trying to help us work together. The Highway Poets did a reading at the banquet that totally blew us away and I look forward to such an experience again one day.

I flew back home to Raleigh, NC on Sunday, and Tuesday morning headed out for Tennessee. I was to spend the night with Nancy and Harlan Carr, then attend a committee meeting the next morning at the Tennessee General Assembly for their

helmet bill. Don "Duck" Smith from West Virginia also arrived that afternoon at Nancy's. Nancy and Harlan opened their house and made us feel right at home. Nancy is CMT/ABATE's office manager and newsletter editor, and I suspect she is the "right hand man" for John Pierce, TN's Legislative Chairman.

The committee meeting was eventful, and the bill was rolled to the next meeting. I was glad to visit with my brothers and sisters in CMT/ABATE and watch them in action. From there I went on to the Sheraton to check into my room for the NCOM convention. For me, the most valuable thing about this convention is the networking - invaluable, actually. While there are indeed MRF members everywhere, I also am afforded the opportunity to meet with people from other states that I normally do not see at any of the MRF conventions. All good, hard-working, dedicated people.

Leaving Tennessee, I headed for the NC Mountains. I spent a couple of nights there and attended a chapter meeting of the Buncombe Co. CBA/ABATE. The awareness program and campaigns this chapter is carrying are awesome. They have put up an excellent billboard, have a very successful MSAP program in place for the schools, and have radio and television spots out there to help bring awareness of the need to share the road.

A couple of days later found me in Clover, SC. I attended the York Co. chapter meeting of ABATE of SC. Festus, the President, and Roger (aka Screwy) have really breathed life into this chapter and I can see they are headed in the right direction. Some of the members I had met before, but after attending the meeting I



Mike "Boz" Kerr, MRF PAC Chair addresses the attendees at BEAST.



Todd Suda presents Grant Writing 101 seminar at BEAST.



Lynn Oldenburg and husband Tom at the MRF Products Table, BEAST.

can see they are all very good folks with the right priorities. I left them with a stack of The Reports and hopes for some new MRF members.

Basically I spent three weeks on the road and the bulk of that time with folks involved in the biker's rights movement. This was an incredible experience and, while it takes a bit out of a person, it is incredibly rewarding and I thank you all, both MRF members who voted me in once again, and my home team, the members, chapters, and officers of CBA/ABATE of NC who support me wholly in these efforts. Most of my work centers around varying efforts or ways to improve communication amongst ourselves. With that in mind, I will remind you once again to please do contact me with any suggestions or comments. It is my honor and pleasure to serve.

From "Congressional Quarterly, Weekly Edition," May 16, 2005:

Bikers a Surprising Force in Grass-Roots Lobbying

By Isaiah J. Poole, CQ Staff

Michigan residents Larry Moeggenberg and Rick Mobley strap on their helmets for weekend road trips on their Harley-Davidson motorcycles — until they hit the state line. Moeggenberg keeps his on when venturing into a state that allows riders to let in the breeze. Mobley says, however: "I'll be the first to admit that when I leave Michigan, I ride without my helmet."

Their choices about wearing helmets are different, but Moeggenberg and Mobley agree that the decision should be their own. "There's damn sure little we get to choose anymore," Moeggenberg laments, objecting to "Uncle Sugar continuing to tell me what to do."

Helmet Requirements vs. Fatalities

Michigan's state senators listened to sentiments such as these in March when they voted to join 30 other states and allow most or all adult motorcyclists to ride without helmets. With the state House poised to follow the Senate's lead this month and Gov. Jennifer M. Granholm, a Democrat, promising a veto, Michigan is the latest battleground in a political fight that has played out in state after state over the last decade.

It is part of a trend that frustrates officials at the National Highway Traffic Safety Administration (NHTSA), which estimates that there would have been 640 fewer traffic deaths in 2003 if every motorcyclist had worn a helmet.

Motorcycle deaths have been rising annually as auto fatalities fall, and they accounted for 9.2% of all 2004 traffic fatalities, up from 5% in 1997, NHTSA reports. The agency sees a direct correlation between increased fatalities and the growing number of states with minimal or no helmet requirements.

Yet NHTSA, which is spearheading a campaign to encourage states to enact stronger seat belt laws, is on the sidelines for the state helmet debate, muzzled by a 1998 law that bars the agency from lobbying on the issue.

"The message from Congress is pretty clear," said NHTSA spokesman Rae Tyson. "They don't want us involved."

A Fervent Group

Few in Congress appear inclined to loosen the leash on NHTSA — a tribute to the political muscle that motorcyclists enjoy. At first glance, bikers would seem an unlikely political force. In the 2004 election cycle, the American Motorcyclist Association's political action committee (PAC) contributed \$40,500 to federal candidates, and the Motorcycle Riders Foundation gave \$11,150 — small potatoes in national politics. The groups reported spending a combined \$608,046 on federal lobbying last year, a pittance compared with the millions of dollars that many businesses and trade groups spend trying to influence legislation.

Their success is at the grass-roots level, where they have framed the helmet issue as a question of free choice rather than safety. Shifting the battle front to state legislatures plays to the strength of rider organizations, which are able to mobilize a committed, attention-getting group that can create a scene worthy of the evening news just by showing up at the statehouse steps in a phalanx of spoked wheels, loud mufflers and leather.

The state-level groups are organized with military precision and employ sophisticated political tactics to rally their committed memberships. Internet alerts let members e-mail individual lawmakers with a mouse

click. State chapters of groups such as the American Bikers Aimed Toward Education (ABATE) operate state PACs and recruit volunteers for favored legislative candidates. Groups post Internet lists of legislative priorities and friendly lawmakers. Helmet law supporters are vilified as the "enemies of freedom of choice."

"The helmet issue gets so contentious, everything else gets lost," said Jonathan Adkins, spokesman for the Governors Highway Safety Association. "Nobody wants to touch it."

Edward B. Becker, executive director of the Snell Memorial Foundation, which works with helmet makers to develop safety standards and promote education, credits the fervor of riders' groups for their political success.

"For a lot of motorcyclists, it's the only issue that really unites groups of them," said Becker, whose group is neutral on helmet laws. "Otherwise, they have different lives, different interests. There are a lot of people who wear helmets religiously, no matter what the state law says. But those guys don't get the press."

Moeggenberg, a 66-year-old retired computer systems designer, said riders don't neatly fit the rough-talking, beer-bellied stereotype. "About 90% of us are professional people now," he said. "People who think this is the old, drunken biker crowd are still reading the old pictures in Life magazine. That's not true."

Biker groups may oppose mandatory helmet laws, but they are vigorous advocates of other safety-related legislation, including initiatives to boost funding for rider training, improve research into the causes of motorcycle fatalities, upgrade roads and provide motorists with motorcycle awareness education.

Some of those measures are included in the highway reauthorization bill moving through Congress. The House passed a version of the bill in March that included \$25 million for motorcycle safety grants to states based on their success at enrolling riders in training programs, promoting motorcycle awareness and safe driving practices among motorists, reducing fatalities and crashes, reducing impaired motorcycle driving and crashes involving impaired riders, and spending all motorcyclist license fees on motorcycle training and safety. The House bill also would establish a motorcyclist advisory council to advise the Federal Highway Administration on road design issues. The House bill and a version being debated in the Senate both call for a study on the causes of motorcycle crashes.

But Congress isn't likely to insist on states reinstating helmet laws. The Senate on May 11 defeated an amendment that would have given states incentives to mandate helmet use.

"NHTSA will tie it all back to helmets," said Jeff Hennie, the Motorcycle Rider Foundation's vice president for government relations. "I'm confident that once the highway bill is passed and we can have access to training and improved education of motorcyclists, you will see this fatality rate go down."

Pendulum Swings

The Insurance Institute for Highway Safety traces the federal role in helmet use to 1967, when the government started requiring states to enact helmet laws to qualify for some safety and highway building funds. By 1975, all but three states mandated motorcycle helmets.

The backlash began in 1976, when states objected to Transportation Department efforts to penalize states without helmet laws and Congress eliminated the penal-

ty. Without the threat of sanctions, seven state legislatures rolled back their laws by 1978, and 20 others amended them to cover only younger riders.

The pendulum swung again in the 1980s, and Congress authorized incentives in the 1991 surface transportation law giving more money to states with seat belt or helmet laws. States without such laws by 1994 faced a shift of as much as 3% of highway construction money to safety programs.

But in 1995, Sen. Olympia J. Snowe, R-Maine, and Rep. Don Young, R-Alaska, now chairman of the House Transportation and Infrastructure Committee, led an effort that repealed the helmet law incentives.

"I happen to think people ought to make those decisions," said Snowe, adding that she believes she did the right thing despite rising motorcycle fatalities. Rewarding states with helmet laws while penalizing those without such laws amounted to "requiring states to pass laws in order to access funding," she said.

Congress followed repeal of the incentives by adding language to the 1998 surface transportation law barring NHTSA from lobbying state legislators. The sponsor of the measure, then-Sen. Carol Moseley-Braun, D-Ill., said she wanted to move NHTSA "away from the misguided promotion of mandatory helmet laws."

NHTSA estimates that there were 3,927 motorcycle fatalities in 2004, an 85.6% increase from 1997. In that period, all other traffic fatalities declined, to an estimated 38,873 from 39,897. Motorcycle ridership is also up, especially among older riders. The Federal Highway Administration shows that private motorcycle registrations rose to 5.3 million in 2003, up about 40% from '97.

But the states with the largest increases in fatalities weren't necessarily those without helmet laws. Mississippi, which has required helmets since 1974, averaged 15 motorcycle deaths a year between 1996 and 1999 and twice that many between 2000 and 2003. Annual fatalities in New Hampshire, with no helmet law, declined during that same period. "It's hard to hang your hat on just helmets," said Ken Kiphart, chairman of the National Association of State Motorcycle Safety Administrators.

Moeggenberg and Mobley are presidents of local Michigan chapters of the Harley Owners Group, which operate under the auspices of Harley-Davidson dealers. HOG chapters — like the motorcycle industry — are neutral on the helmet question.

Both men say they have closely followed the safety debate and remain unconvinced that helmet laws save lives. Mobley said some heavier full-faced helmets may increase risks. "In a sudden impact, just the weight of a helmet can snap your neck," he said. Without a helmet, he said, "your vision improves, your hearing improves and your fatigue levels go down."

Not everyone agrees that this should be a matter of individual choice. "This is not an issue of freedom vs. free will," said Rep. Vernon J. Ehlers, R-Mich., who opposed repealing helmet law incentives in 1995. "It's an issue of medical costs and who will pay for them." Ehlers said he might back a repeal if riders would absolve the government of liability for motorcycle-related injuries. Few riders would accept such a deal, he said.

But even Ehlers isn't pushing for a federal mandate. "The temperament of the Congress is that we should not be requiring things that the states should be making decisions on," he said. "I won't get into an argument with my colleagues on that."