

# **RIDER RECOMMENDATIONS FOR “TEA-03”** **Reauthorization of the Transportation Equity Act for the 21st Century**

## **MRF TEA-03 INITIATIVE #3**

### **Enhance motorcycle safety for the betterment of all road users.**

**Executive Summary.** The motorcycle is more than just a unique, efficient means of personal motorized transport favored by 6 million Americans. The motorcycle helps solve the most pressing surface transport challenges in America today: fuel consumption and traffic congestion. Yet the health of motorcycling in America is tied directly to motorcycle safety. The direct path to enhanced motorcycle safety lies in the re-building of the rider safety infrastructure in the States. This infrastructure has suffered by not keeping pace with rider training demand through the 1990s. Exacerbated since September 11, 2001, today’s state budgets face enormous challenges, and rider-training funds have been further trimmed or eliminated altogether. Several low-cost initiatives aimed at enhancing motorcycle safety will increase motorcycling in America and enable the United States to reap the benefits of reduced fuel consumption, road wear and traffic congestion.

**Background.** On the federal level, “motorcycle safety” programs have been relegated largely to studies and taxpayer-funded lobbying on issues involving motorcyclist apparel, such as helmets. Studies in California, however, demonstrate that novice riders who successfully complete a State-approved motorcycle rider safety course experience half the crash rate of new untrained riders. In short, training prevents accidents – and therefore injuries and fatalities.

In almost every state, State Motorcyclists’ Rights Organizations (SMROs) first established the state rider training programs and also sought an extra fee or tax for motorcycle licensing or registration to help fund the programs. California’s experience is instructive: from 1986 (the first year of California’s formal rider safety training program) to 1991 (the year California passed a mandatory-use helmet law), fatalities dropped by 340 and injuries by 11,348 even as motorcycle registrations increased. Soon after the mandatory-use helmet law passed, the fatality rate increased steadily year after year. Year 2000 marked the fourth year that motorcycle riders perished at a faster rate than before the mandatory-use helmet law was instituted. Moreover, the mandatory-use law sharply reduced motorcycling, from 639,388 registered motorcycles in 1991 (last year before the mandatory-use law) to 450,030 in 2000, which cost the California treasury \$138 million in lost revenue from registration fees alone.

Incentive and instruction are preferable to mandates: all motorcycle rider safety courses require students to wear helmets during road skills training, and all certified instructors teach students about rider apparel, including helmets, as a formal part of the training curriculum.

Even though rider-training students pay a significant enrollment fee and motorcyclists in virtually every State voluntarily support their State training programs through user fees and other taxes, demand for training has now far outstripped supply. Through the late 1990s, waiting periods for rider training stretched upwards of one year in most states. Since September 11, 2001, State budgets for rider training have been reduced or eliminated – even exclusively fee-based funds “earmarked” for rider training only. The crisis in rider safety training will only

worsen in the coming years: in 1990, some 300,000 new motorcycles were sold. The number more than doubled in 2000, to 710,000 new units sold.

**Policy Interests.** The principal policy interest of the Motorcycle Riders Foundation in advancing this initiative is to **enhance the motorcycling experience in America by preventing accidents, thwarting injuries and saving lives.**

**Comportment with TEA-21 Goals and Objectives.** This initiative comports with the goals and spirit of TEA-21, specifically to increase the safety of all road users.

**Legislation.** To achieve the policy aims discussed, the Motorcycle Riders Foundation recommends the following legislation (proposed changes underscored), presented here in four parts:

### **PART ONE**

#### **Make motorcycle safety a national transportation priority**

TEA-21 amended title 23, U.S. Code, with safety incentive grants for State performance in such matters as reducing the incidence of impaired driving. We recommend the following new safety initiative:

#### **“15--. SAFETY INCENTIVE GRANTS FOR INCREASING MOTORCYCLE SAFETY.**

**“(a) Definitions.** In this section, the following definitions apply:

**“(1) Motorcycle Safety Training.** Any formal program of instruction that imparts accident avoidance and other skills to motorcyclists, either novice, intermediate or advanced, including innovative training opportunities to meet unique regional needs, that is approved or recognized by the State Motorcycle Safety Administrator or motorcycle advisory council appointed by the Governor.

**“(2) Motorist Awareness.** Any public awareness program designed to enhance motorists’ awareness of motorcyclists, bicyclists and pedestrians that is developed by or in coordination with the State Motorcycle Safety Administrator or motorcycle advisory council appointed by the Governor.

**“(3) Successful Completion of Motorcycle Safety Training.** In the case of each of calendar years 2003 through 2007, the term “successful completion of motorcycle safety training” refers to certified graduates of motorcycle safety training.

**“(4) State.** State means a State of the United States, the District of Columbia, Puerto Rico, the Northern Marianas Islands, Guam, American Samoa and the Virgin Islands.

**“(b) Determination of Eligibility by the Secretary.** Not later than September 2003 and September 1 of each calendar year thereafter, through 2007, the Secretary shall determine which states established a budget devoted to motorcycle safety and motorist awareness that was either maintained or increased throughout the year.

“(c) Allocation. Not later than October 1, 2003, and on October 1 of each fiscal year thereafter through 2007, the Secretary shall allocate to each State not less than \$100,000 exclusively for motorcycle safety training and motorist awareness, including:

“(1) improvements to the motorcycle safety training curriculum;

“(2) improvements in program delivery to both urban and rural areas (including but not limited to procurement or repair of practice motorcycles, instructional aides, mobile training units, and the leasing of facilities for classroom instruction and closed-course skill training);

“(3) an increase in the recruitment or retention of instructors certified by the State Motorcycle Safety Administrator or motorcycle advisory council appointed by the Governor; and

“(4) public awareness, public service announcements and other outreach programs to enhance motorist awareness.

“(d) Transfer of Selected Funds to Non-Federal Management. The Secretary may enter into an agreement with an organization that represents the interests of State Motorcycle Safety Administrators to review, determine and disseminate best practices in motorcycle safety training and motorist awareness to recommend such practices to State administrators, governors, State legislative bodies and chief licensing officers of States.

“(1) Authorization of Appropriation. For carrying out the review, determination and dissemination of best practices in motorcycle safety training and motorist awareness, \$50,000 for each of the fiscal years 2003 through 2007.”

## **PART TWO**

### **Make motorcycle safety a Section 402 grant priority for the States**

#### **“4xx. Motorcycle Safety**

##### **“(a) General Authority.**

“(1) Authority to Make Grants. Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs that reduce single- and multiple-vehicle crashes involving motorcycles. Such grants may only be used by recipient States to expand such programs.

“(2) Maintenance of Effort. No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for motorcycle safety programs (e.g., motorcycle safety training, motorist awareness of motorcycles) at or above the average level of such expenditures in the 2 fiscal years preceding the date of enactment of the Transportation Equity Act.

“(3) Maximum Period of Eligibility. No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 2002.

“(4) Federal Share. The Federal share of the cost of implementing and enforcing in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed”

“(A) in each of the first, second and third fiscal years in which the State receives a grant under this section, 50 percent;

“(B) in each of the fourth, fifth and sixth fiscal years in which the State receives a grant under this section, 25 percent.

**“(b) Basic Grant Eligibility.**

“(1) Basic Grant. A State shall become eligible for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary at least 3 of the following:

“(A) An administrative drivers’ license suspension or revocation system that suspends the drivers’ license for one year for individuals who operate motor vehicles in a reckless or negligent manner which is found to cause an accident with a motorcycle or other motor vehicle and cause injury or death.

“(B) A reported reduction in overall crash rate involving motorcycles (expressed as a function of crashes per 10,000 motorcycle registrations).

“(C) From one year to the next, a successive 15% increase in the number of successful graduates of motorcycle rider training based on completion of course of instruction approved by the State Motorcycle Safety Administrator or a motorcycle advisory council appointed by the Governor.

“(D) A statewide program to enhance motorist awareness of motorcycles, bicyclists and pedestrians with data that show a decline over the past year’s rate of multiple-vehicle collisions involving motorcycles (expressed as a function of crashes per 10,000 motorcycle registrations), and the incidence of collisions between motor vehicles and bicyclists and pedestrians.

“(E) A statewide program to curb impaired riding with data that show a decline in the rate of crashes involving alcohol-involved riders (expressed as a function of 10,000 motorcycle registrations).

“(F) A statewide program to expedite delivery of motorcycle rider training to urban and rural areas with data that show a decrease in the rate of crashes involving riders with improper licenses or lacking a motorcycle endorsement (expressed as a function of 10,000 motorcycle registrations).

“(2) Basic Grant Amount. The amount of a basic grant made to a State for a fiscal year under this subsection shall equal no more than 10 percent of the amount apportioned to the State for fiscal year 2002 under section 402.

**PART THREE**

**Provide incentives to the States to enhance motorcycle safety**

Because motorcycles prevent road wear, States that invest in motorcycle safety can buttress their argument for requesting set-asides for interstate discretionary projects. Section 1107 of TEA-21 amended Title 23, U.S. Code, **Section 119** as follows:

**“(c) Set-Asides For Interstate Discretionary Projects.**

...the Secretary shall set aside \$100 million in each of the fiscal years 1999 to 2003 for...projects for resurfacing, restoring, rehabilitating and reconstructing any route or portion thereof on the Interstate System...and any toll road....”

For this apportionment, selection criteria were set forth under this subparagraph:

**“(2) Selection Criteria.** The amount set aside shall be made available by the Secretary to any state applying for such funds of the Secretary determines that....”

Insert “; and” after the word “obligation” in existing subparagraph (b) and add new subparagraph (c) as follows:

“(c) the State has demonstrated that the number of motorcycles has increased over the previous year (e.g., motorcycle registrations) or the State has demonstrated an increase in the number of students completing motorcycle rider safety courses approved by the State Motorcycle Safety Administrator or other officer or council appointed by the State.”

## **PART FOUR**

### **Providing incentives to the States to enhance motorcycle safety**

Roads and bridges in disrepair present a far greater hazard to motorcyclists than passenger cars. States seeking innovative surface transport financing to aid inadequately maintained corridors should be able to reinforce their appeal for those funds by having invested in motorcycle safety. Section 1216 of TEA 21 establishes “Innovative Surface Transportation Financing Methods.” Language similar to the recommended change above to Set-Asides will act as an incentive to States to enhance motorcycle safety.

#### **“Section 1216. Innovative Surface Transportation Financing Methods...**

**(b) Interstate System Reconstruction and Rehabilitation Pilot Program.”** This section enables the Secretary to establish and implement a reconstruction and rehabilitation program and permits the States to collect tolls for the purpose of reconstructing and rehabilitating highway corridors that “could not otherwise be adequately maintained or functionally improved without the collection of tolls.”

Subparagraph (4) establishes 6 selection criteria for the Secretary to use to make apportionments to the States. Add new selection criteria (f) below:

“(f) The State has demonstrated that the number of motorcycles has increased over the previous year (e.g., motorcycle registrations) or the State has demonstrated an increase in the number of students completing motorcycle rider safety courses approved by the State Motorcycle Safety Administrator or other officer or council appointed by the State.”