

RIDER RECOMMENDATIONS FOR “TEA-03”

Reauthorization of the Transportation Equity Act for the 21st Century

MRF TEA-03 INITIATIVE #4

Better integration of the motorcycle into national and State transport planning and development.

Executive Summary. The motorcycle is a unique, efficient means of personal motorized transport in the United States that reduces fuel consumption, road wear and traffic and parking congestion. Several initiatives will better integrate the motorcycle in the national and State transport plan and enable society to reap the benefits of this beneficial transport mode.

Background. “Chronic and worsening congestion has become one of the most significant problems facing the American transportation system.” concluded the House Transportation Committee in a hearing April 1, 2001. “Congestion has become a major national problem. A 1997 study found that, in the nation’s 68 largest urban areas, traffic congestion costs motorists a staggering \$72 billion annually in wasted time and fuel. From 1982-1997, the amount of time wasted in these areas due to traffic congestion rose from 1.9 to 4.3 billion hours.”

Part of the answer to this complex, worsening problem lies in a transport mode that predates the automobile by 35 years. The motorcycle helps remedy congestion and the other chief problem in surface transportation today: fuel consumption. The motorcycle gets two and three times the mileage of cars from a gallon of gasoline. It carries 1.0 person to and from work in the commuting scenario to the passenger car’s average 1.1 persons and completes the commute in as much as half the time (due to HOV access, percolation through traffic snarls, etc.). And, because it presents virtually no road wear, motorcycles represent a substantial savings to highway maintenance.

Policy Interests. The principal policy interest of the Motorcycle Riders Foundation in advancing this initiative is to **enable the United States to reap the benefits of motorcycling -- cutting fuel consumption, precluding road maintenance, and reducing traffic and parking congestion.**

Comportment with TEA-21 Goals and Objectives. This initiative comports with the goals and spirit of TEA-21, specifically the full integration of all road users, support of initiatives that cut fuel consumption and congestion and an overall policy direction that favors incentives to encourage State action.

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

Block any effort to restore sanctions or penalties to States that enact or have enacted adult choice over mandatory-use motorcycle helmet laws

The National Highway System Designation Act of 1995 (P.L. 104-59) was signed by President Clinton on November 28, 1995. Among other protections, that Act repealed the law which penalized States that did not enact motorcycle helmet requirements. The penalty subjected adult-choice states to a transfer of 3 percent of Federal-aid highway construction funds.

Legislation. None necessary.

PART TWO

Preserve motorcycle access to all highways and road systems for which federal appropriations were used either in road planning, design, construction or maintenance

Legislation. None necessary.

PART THREE

Realign the focus of the NHTSA Office of Defects on defective motor vehicles, tires, child safety seats and genuine vehicle replacement and accessory equipment

In October 2000, the "Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act" was passed and signed into Law November 21, 2000 as Public Law 106-414. Among all road users, motorcyclists, bicyclists and pedestrians clearly have a special interest in NHTSA achieving the goals of the TREAD Act by an early warning system that readily identifies defective vehicles and tires, which can lead to large vehicles running out of control and endangering other road users as well as the drivers and passengers of the defective vehicles.

In light of motorcyclists' special interest in and strong commitment to traffic safety, riders were shocked to find language in the Proposed Rule on early warning reporting requirements which broached the wholly unrelated subject of regulating certain apparel for motorcyclists. This inexplicable distraction from the goal of the TREAD Act is purportedly based on the definition and scope of "replacement equipment." Specifically, the agency wrote, "Under both current 49 CFR 579.4(b) and proposed 579.4(c), [replacement equipment] includes all motor vehicle equipment other than OE. Not only does the term have the literal meaning of equipment that is intended to replace OE, it also includes accessory equipment and 'off vehicle equipment' that is not part of a motor vehicle, such as reflective motorcycle rider apparel.... Manufacturers of replacement equipment are within the scope of the early warning reporting provisions of the statute."

To keep the agency focused on the problem at hand,, we recommend a modification to 49 U.S. Code, the National Traffic and Motor Vehicle Safety Act of 1966, specifically the definition of "motor vehicle equipment" found in Section 30102. (Proposed change is underscored.)

"Motor vehicle equipment. (A) any system, part or component of a motor vehicle as originally manufactured; (B) any similar part or component manufactured or sold for replacement or improvement of a system, part, or component, or as an accessory or addition to a motor vehicle (such as a child safety seat) or (C) any device or an article or apparel that is not a system, part or component of a motor vehicle and is manufactured, sold, delivered, offered, or intended to be used only to safeguard motor vehicles and highway users against risk of accident, injury, or death."

PART FOUR

Extend the Transportation Fringe Benefit to Motorcyclists

The Qualified Transportation Fringe Benefit was set by TEA-21 at \$65 monthly for car- and vanpool commuters. Under the law, employers could permit employees to set aside a portion of their monthly pre-tax salary to pay for commuting costs. This exempted a portion of workers' annual salaries from federal income taxes, reduced employer payroll taxes and encouraged alternative modes of transportation that cut fuel consumption and traffic congestion. Under the qualified parking rules, an employee could exclude from gross income up to \$175 per month for "qualified parking" (parking costs for which the employer pays, such as setting aside "motorcycle-only" parking on the business premises).

Because of the clear advantages of motorcycles, employees who ride motorcycles to work should reap the same financial incentives as carpoolers and mass transit users.

Legislation. (Note: a tax code change will also be required.)

"146. Motorcycle, carpool and vanpool projects

"(a) In order to conserve fuel, decrease traffic congestion during rush hours, improve air quality, and enhance the use of existing highways and parking facilities, the Secretary may approve for Federal financial assistance from funds apportioned under sections 104(b)(1) and 104(b)(3) of this title, "projects" designed to encourage the use of motorcycles, carpools and vanpools. (As used hereafter in this section, the term "carpool" includes a vanpool.) Such a project may include, but is not limited to, such measures as providing carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of convenient carpool opportunities, acquiring vehicles appropriate for carpool use, designating existing highway lanes as preferential carpool and motorcycle-only highway lanes, providing related traffic control devices, and designating existing facilities for use as preferential parking for motorcycles and carpools.

"(b) A project authorized by this section shall be subject to and carried out in accordance with all provisions of this title, except those provisions which the Secretary determines are inconsistent with this section."