

# TESTIMONY ON NHS LEGISLATION 1994

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Following is the text of Wayne Curtin's prepared testimony on the National Highway System legislation, H.R.799, which was under consideration by the 103rd Congress during 1994. This testimony was presented before the House of Representatives Public Works and Transportation Committee's Surface Transportation Subcommittee.

Chairman Rahall, Mr. Petri and members of the Surface Transportation Subcommittee, I thank you for giving me this opportunity to present testimony on behalf of the Motorcycle Riders Foundation and our members and member state organizations. I am here today primarily to ask you to include Congress-woman Snowe's legislation H.R.799, repealing the penalties of Section 153, title 23, U.S.C., in the National Highway System legislation.

We feel the National Highway System legislation is the appropriate legislation for you to consider including H.R.799. Like the National Highway System, Section 153 was created by ISTEA. The National Highway System Fund is one of the three funds penalized under the provisions of Section 153.

The supporters of helmet laws cite health care costs as the primary reason for mandatory helmet laws. Helmet laws are being referred to as a necessary component of health care reform. I question the soundness of a health care policy that necessitates mandated restriction of recreational activities to control health care costs. Yes, there is risk involved in motorcycling. But, so is there risk in many other recreational activities that Americans are involved in in their "Pursuit of Happiness." There is risk in bicycling, in mountain and rock climbing, in skiing, in scuba diving, in horseback riding, in football, in rugby, in hiking and camping, in boating, in hunting, in whitewater rafting, and in just walking down the street. What restrictions on or bans of other recreational activities will supporters of mandatory helmet laws seek in the future to "help control

health care costs." Yes, there may be a need for health care reform in this country, but that issue should not dominate all other issues, especially those of personal Liberty and Freedom.

Supporters of helmet laws claim there is a need for such laws because motorcyclists don't carry adequate insurance and rely on public funds. Yes, some motorcyclists do rely on public funds. But, so do many other Americans when they are injured. Supporters of helmet laws like to cite the percentage of motorcycle accident victims that rely on public funds for payment of medical treatment. What they don't tell you is that the general patient population of the hospitals those studies were done in used public funds at a higher percentage than motorcyclists. One of the most referred to studies in testimony on helmet laws before State legislative committees is a study conducted at Harborview Medical Center in Seattle, Washington, a regional trauma center. The study states that 63.4% of injured motorcyclists relied on public funds to pay their health care bills. What the supporters of helmet laws don't tell you is that 67% of the general patient population at Harborview relied on public funds. Other studies support the fact that motorcyclists injured in accidents pay their own bills at a rate equal to or higher than the general patient population.

Supporters of helmet laws want you to believe that motorcyclists don't carry insurance. In a study that Jane C. Stutts of the University of North Carolina Highway Safety Research Center presented at the Transportation Research Board's annual meeting in January, it was found that:

"Motorcyclists admitted to a trauma center for treatment of crash-related injuries were just as likely as other road trauma cases to be medically insured: 49% of motorcycle operators and passengers were either commercially or privately insured, compared to 51% of road trauma cases. The percentage of non-road trauma cases (victims of

falls, cuts, etc.) was lower, at 42%.”

This study also found that motorcyclists were dependent on Medicare/Medicaid only 8% of the time, compared to 14% for other road trauma victims.

Considering the obstacles facing motorcyclists in getting insurance the fact that motorcyclists don't have to rely on public funds more than the general patient population is a significant accomplishment. In recent years, in an attempt to reduce employee benefit costs, insurers have offered employers reduced cost policies if they excluded coverage for employees injured in motorcycle accidents, even if the motorcyclist was not at fault. Many self-insured Unions are starting to do the same. In addition, in many States motorcyclists can not purchase supplemental personal injury protection insurance. If there is a problem of motorcyclists being under insured, it is not because motorcyclists don't want to and try to get coverage. The problem is that like many Americans insurance is not always available to motorcyclists.

ISTEA was hailed as having a new approach that would allow the States more flexibility with their federal-aid highway funds. The penalty provision of Section 153, enacted under ISTEA, does not allow the States flexibility as to how they choose to address the issue of motorcycle accidents and injuries. This mandate and its lack of flexibility have caused considerable legislative conflicts in state legislatures. The amount of the penalties is irresponsibly throwing money at the problem. States are being forced to spend as much as ten times the amount they are currently spending on 402 safety programs.

State legislators have been dealing with the helmet law issue for almost thirty years. During the last fifteen years state legislators have worked with motorcyclists to develop motorcycle safety and motorist awareness programs. This approach has had significant results. Since 1980, when motorcycle accidents and fatalities reached an all time high, motorcycle accidents have dropped by 53.4%, from 177,160 in 1980 to 82,428 in 1992 and fatalities are down 52.9%, from 5,097 in 1980 to 2,398 in 1992.

The State legislatures and motorcyclists have

found ways to reduce motorcycle accidents and fatalities, without adult helmet laws. State motorcycle safety programs have been funded by raising the fees on motorcycle licenses and registrations. In the 42 States with this type of legislation over \$13,000,000 is raised every year for rider education and motorist awareness. In addition, millions more in course fees are paid each year by those taking the courses. These programs are run without the use of other scarce State financial resources.

In 1993, two important milestones were reached in motorcycle safety. Nationally, the one millionth student completed a motorcycle rider education program utilizing the Motorcycle Safety Foundation's curriculum. And, on the State level, Illinois became the first State to graduate 100,000 students from its State motorcycle safety program.

One could understand a federal mandate if State governments were ignoring a problem or the approach the States were taking was causing the problem to increase. But, motorcycle accidents and fatalities are down. State legislatures need flexibility in dealing with many issues. Motorcycle safety is one of those areas and the Section 153 penalties do not allow States full flexibility with their federal-aid highway funds. Motorcyclists and State legislators have taken responsibility for our own safety, and the federal mandates of Section 153 are a disincentive to citizen activism.

Since the passage of ISTEA only one State, Maryland, has passed a helmet law. I think it is significant that qualifying for a grant under Section 153 was the driving force for passage, not the penalty. However, the other 25 States without comprehensive helmet laws rejected helmet laws last year under the threat of penalties. So far in 1994, the Colorado, Utah, Connecticut and Kansas Legislatures have taken committee and floor votes to defeat helmet laws. The only legislation that has moved in State legislatures have been resolutions calling for Congress to repeal the Section 153 penalties. This federal mandate unfairly and unnecessarily puts State legislators in the position of having to force its citizens to do something they have expressed through our political

system they don't want to do. Or, they are forced to spend funds in a manner that may not be in the best interest of the State's needs and economy.

Last May, Delaware State Representative Roy, representing the National Conference of State Legislatures, testified before this subcommittee and stated the Section 153 penalties were one of the mandates in ISTEA that was causing the State legislatures the most problems. On February 17, Alaska's Commissioner of the Department of Transportation and Public Facilities, Mr. B.A. Campbell, wrote a letter to his colleagues in the States facing Section 153 penalties asking them to unite in an effort to repeal these penalties. At the National Governor's Association's recent Washington meeting the Governors asked the federal government to give them relief from so many federal mandates. The Section 153 penalties are one mandate this subcommittee can give the States relief from.

The States have taken action and spend millions of dollars in State funds annually on motorcycle safety. Motorcycle accidents and injuries have declined since 1980 at a rate that no other segment of the motoring population can match. Motorcyclists are not the social burden that supporters of helmet laws would like you to believe. Motorcyclists carry insurance at a rate equal to the rest of the general population, because we are representative of the general population. Motorcyclists rely on public funds for our medical needs less than the general patient population. There is broad support in Congress for repeal of the Section 153 penalties. There are 119 sponsors, from 41 States, of Congresswoman Snowe's legislation H.R.799.

On behalf of the individual members and member State motorcyclists organizations of the Motorcycle Riders Foundation, I ask you to include a repeal of the Section 153 penalties in the National Highway System legislation.