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NEWS & NOTES

American Motorcyclist Association

November 2007

The National Transportation Safety Board (NTSB) approved recommendations for motorcycle safety focusing on passage of mandatory helmet-use laws in all states, but did not deal with other significant issues related to the safety of riders on the road.

The recommendations, which do not carry the force of law, come a year after the NTSB held a public forum on motorcycle safety that gathered comments from motorcycle manufacturers, researchers, trauma physicians, law enforcement officials, insurance companies and motorcycle associations, including the AMA. Those groups expressed support for a wide range of motorcycle-safety initiatives, including campaigns against alcohol impairment, increased opportunities for rider education and stricter enforcement of licensing laws. In the end, though, the panel's final report focused almost exclusively on the helmet-law issue.

The AMA remains disappointed that the NTSB missed this opportunity to focus on meaningful issues related to the reduction of motorcycle crashes, rather than just reducing injuries once a crash occurs.

The AMA has worked for years to secure federal funding for the first comprehensive study of the causes of motorcycle crashes in more than 25 years. And thanks to major financial support from the Motorcycle Safety Foundation, Motorcycle Industry Council, plus contributions from the AMA and individual riders, the matching funds for that federal grant are now in place and the study should begin this fall.

Miller Brewing Company has partnered with the AMA and the Wisconsin Department of Transportation to create a program urging riders to drink responsibly and not ride impaired. The campaign, called "Keep Your Balance," began at the Fall Ride, a rally in Wisconsin, and will go nationwide next year.

Free 20-minute phone cards will be given to riders to be used to call for a safe ride home if needed. On the back of the card are safe riding tips provided by the AMA and the Wisconsin DOT and information on alcohol responsibility from Miller's "Respect the Road" program. T-shirts and other incentives will also be given to riders who sign pledges to ride responsibly. Billboards and banners will promote the campaign at this week's rally.

Miller plans to take the campaign nationwide next year by providing materials to distributors across the country. For more, see the Keep Your Balance website

DPS Technical Inc./Chemhelp is now holding Technical Inspector and Land Manager sound training classes at the Colton, CA Rider Education Center.

This class instructs students on the properties of sound and how to properly test motorcycles and ATVs while correctly using SAE recognized methods and instrumentation.

For further information contact them at 1160 Dewey Way, Suite D, Upland, CA 91786 by phone at

(909) 981-5228, or go to www.chemhelp.com.

The AMA has expressed serious reservations about the report of motorcycle fatalities released by the Insurance Institute for Highway Safety (IIHS) recently. The report purports to show that sport-styled motorcycles are considerably more dangerous than other types of bikes. But an AMA analysis of the report notes that the methodology used in the research makes it difficult to determine whether that's a valid conclusion.

The IIHS report is not a new study. Instead, it's an analysis of existing data from the national Fatal Accident Reporting System. The methodology consists of a comparison of fatalities for different styles of motorcycles based on a rate per 10,000 registrations. But that approach ignores a number of key factors, like the number of miles the bike was ridden, the traffic environment in which it was used, along with the age and experience of the rider, among others.

When it comes to age and riding experience, the IIHS does indicate that motorcycles in its "supersport" category are ridden by the youngest riders, averaging 27 years of age. In fact, its rankings of the average ages of riders killed on various styles of bikes coincides closely with the fatality rate it reports on that style of motorcycle. Making any interpretation of the IIHS report even more difficult is the classification system the group used in dividing motorcycles. It includes some unfamiliar categories, like "unclad sport" motorcycles, and leaves out well-established categories, like the sport-touring class.

In an attempt to sort through this confusion, the AMA requested a copy of the classification system the IIHS used in its analysis and found several significant anomalies. For instance, although the IIHS report focuses on speed and acceleration as the factors that make its "supersport" category so dangerous, the two most powerful motorcycles available in the US, Kawasaki's ZX-14 and Suzuki's Hayabusa, are placed in the Sport category, which is rated considerably less dangerous. And they share that category with Honda's ST1300 and Yamaha's FJR1300, two bikes that define the sport-touring class.

The timing of the IIHS report is also unusual. The National Transportation Safety Board specifically asked the Federal Highway Administration to work with states to develop uniform data-collection procedures that will result in better information about the number of miles traveled by motorcycles, one of the most important factors in evaluating crash statistics. As a result, this could be one of the final reports to use registration data exclusively, which is less accurate in reflecting actual motorcycle use.

This new IIHS report is remarkably similar to a study the group financed 20 years ago that also purported to show higher fatality rates among sportbikes. At that time, the IIHS used its study as the springboard for a well-orchestrated campaign that included ready-made news footage it fed to TV news operations across the country. That campaign culminated in the introduction of a bill in the US Senate to impose a horsepower limit on all motorcycles sold in the US.

The current IIHS research has plenty of echoes of that era in the late 1980s. In fact, the final sentence of the IIHS "Status Report" on the subject, published September 11, says, "Short of banning supersport and sport motorcycles from public roadways, capping the speed of these street-legal racing machines at the factory might be one way to reduce their risk."

In response to that previous attempt by the IIHS to ban sportbikes, the AMA conducted an analysis of the study and raised questions that the Association submitted to Harry Hurt, lead researcher on the most comprehensive study of motorcycle crashes ever conducted. Hurt reviewed the research and declared it "fatally flawed" for exactly the kind of methodology problems seen in the new IIHS

report. The Association then coordinated a campaign among motorcyclists across the country that eventually led the senator to withdraw his proposed legislation.

Federal regulations that preempt state authorities are weakening state legislatures' ability to represent their constituents, says Delaware state Rep. Donna Stone, president of the Washington-based National Conference of State Legislatures (NCSL). Stone went before the US Senate Committee on the Judiciary recently to ask for an executive order on federalism "which would protect state law from being preempted by unelected bureaucrats."

The committee was hearing testimony on federal agencies usurping Congressional and state laws through the regulatory process, according to NCSL. This is epitomized in the AMA's ongoing struggle to close the loophole surrounding HIPAA legislation.

Stone suggested some provisions that the executive order should include, such as increased consultation with states and local elected officials before the passage of federal law or regulations that would affect them. She also suggested a rule of construction that would allow ambiguities between state and federal laws to be construed in favor of state laws when there is no explicit intention of preempting state law.

For more information on the AMA's efforts to close the bureaucratic loophole in HIPAA visit the Rapid Response section of www.AMADirectlink.com.

Europe's Motor Cycle Industry Association (MCI) welcomed the publication of the revised Highway Code as good news for motorcyclists. The first revised Highway Code in eight years has been unveiled by Road Safety Minister Jim Fitzpatrick. The updated Code offers the latest road safety rules and advice, as well as promoting greater courtesy and understanding among all road users, particularly those who are most vulnerable.

A section entitled 'Road Users requiring Extra Care' underlines the need for drivers to look out for vulnerable road users such as motorcyclists and cyclists. Both groups of road users share many of the vulnerabilities of using the road in busy traffic environments and specific advice to car drivers to 'Think Bike' at road junctions and when overtaking is very welcome.

The publication of the revised Highway Code is timely as it comes on the day that new detailed road casualty statistics from the Department for Transport (Road Casualties Great Britain 2006) show that overall motorcycle casualties fell by 6% in 2006. This means that for the first time, total motorcycle casualties are now below the baseline that was set for the Government's 2010 casualty reduction target; this is very good news for motorcycling in Europe.

The new statistics also reveal that 82% of motorcycle crashes and 75% of rider fatalities involve another vehicle, but other vehicle drivers colliding with motorcycles are about twice as likely as the rider to have failed to look properly. Indeed, statistics indicate that motorcyclists are the most vigilant of all road users but suffer from the carelessness of others.

The National Highway Traffic Safety Administration (NHTSA) announced the 2007 list of states that will be receiving motorcycle safety grant awards. All of the states receiving the funds received at least \$100,000. The program will award approximately \$6 million to 47 states and Puerto Rico.

The grant program, known as "2010 Funds" is funded in the most recent SAFETEA-LU highway bill. The US Congress wrote the legislation, in response to state motorcyclists' rights organizations

request for additional safety funding, to direct the use of the funds to specifically fund motorcycle rider education or motorcycle safety awareness programs. The legislation also makes these funds available to your state through your governor's highway safety representative.

Wisconsin Senate Minority Leader Scott Fitzgerald (R-Juneau) spent a few days in the hospital after a recent motorcycle crash. Senator Fitzgerald was a co-sponsor of 2005's SB-528, a bill consistent with the AMA's Justice for All legislation, in the Badger State.

Senator Fitzgerald injured his leg and has a number of scrapes and bruises. He was not ticketed.

Angela J. Carlson, 25, of Jefferson, was ticketed for failing to yield to Fitzgerald, according to the Jefferson County Sheriff's Department.

Carlson, who was driving a 1999 GMC Suburban, told deputies she did not see Fitzgerald's motorcycle when she crossed Highway 26 at Air Park Drive in the Town of Watertown. Fitzgerald, 44, was driving northbound on Highway 26 when he was hit by Carlson.

Massachusetts' Proposed New Regulation, 211 CMR 79.00 dealing with private passenger motor vehicle insurance rates begins the Commonwealth moving to a competitive market with auto insurance premiums and coverage for 2008. Yet motorcyclists have been expressing their disapproval claiming the 37-pages of proposed regulations fail to mention motorcycles at all.

Leaders from the Massachusetts Motorcycle Association and others, in written testimony, complained that owners of motorcycles are historically short-changed on coverage and discounts afforded to private passenger cars and trucks, while being charged excessive rates when compared to claims payouts.

Riders asked that the new regulation either afford motorcycle consumers the same coverage availability and discounts that other private passenger vehicle owners enjoy or that separate and distinct regulation be established in this new competitive market of motorcycle consumers.

The California State Assembly and Senate recently passed the off-highway vehicle (OHV) re-authorization bill SB742 for the Golden State's Green Sticker program.

The Green Sticker Program allows for state gas tax dollars to be put back into creating new OHV opportunities and maintaining already open State Vehicular Recreation Areas that are owned and operated by the California State Parks

Off-Highway Motor Vehicle Recreation Division as well as federal lands in that state. The legislation now goes to Governor Schwarzenegger, who has indicated he supports this historic legislation. For more information go to <http://www.ohv.parks.ca.gov/>.

In response to increased public interest following the collapse of the I-35W bridge in Minneapolis recently, the Washington-based American Association of State Highway and Transportation Officials (AASHTO) has launched a Web site dedicated to providing information on the nation's bridges.

Information on the site will include: the number of bridges in the federally financed US transportation system; the bridges' conditions and the work done to improve their conditions; explanations of key terms used by state and federal bridge experts; and federal estimates of the funding needed for bridge work in the US. Specific information on an individual state's bridges is

available from the state's department of transportation and often is listed on the DOT Web site.

AASHTO's bridge Web site is available at www.dot.state.ia.us, or by clicking "U.S. Bridge Information" on the AASHTO home page, www.transportation.org

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