

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION.

The meeting was called to order by Chairman Rex Crowell at 1:30 p.m. on February 22, 1994 in Room 519-S of the Capitol.

All members were present except: Rep. Hendrix, Excused
Rep. Garner, Excused

Committee staff present: Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Donna Luttjohann, Committee Secretary

Conferees appearing before the committee: Terry Cheney, Kansas Head Injury Assn.
Joanne Bauman, Chrysalis
Bob Alderson, MIC
Rosalie Thornburgh, KDOT
Rick Davis, KMIC
Tom Whitaker, KMCA
Andrea Ramsey, Wichita
Jim Linenberger, Manhattan
Ken McNeill, ABATE
Timothy Smith, ABATE
Patrick Hurley, Economic Lifelines
Dennis Patterson, AMA
Dan Mitchell, Topeka

Others attending: See attached list

Chairman Crowell opened the comprehensive hearing on all legislation and issues pertaining to motorcycle helmet usage requirements, including but not limited to HB 2175, HB 2845 and HCR 5028.

The Chairman recognized Terry Cheney as a proponent of a law that requires helmet use with a two-wheeled motorized vehicle. See Attachment 1.

Joanne Bauman was recognized as a proponent of requiring motorcycle helmet usage. See Attachment 2.

The Chairman recognized Bob Alderson who testified as an opponent of HB 2845. His organization does not feel HB 2845 is an appropriate response to the Kansas Legislature's decision to not enact a helmet law. See Attachment 3.

Chairman Crowell recognized Rosalie Thornburgh as a proponent of HB 2175. She testified that HB 2175 meets the requirements of ISTEА. See Attachment 4.

Rick Davis was recognized by the Chairman as an opponent of HB 2845. His organization feels this bill discriminates against the motorcyclists that do wear helmets. See Attachment 5.

Tom Whitaker was recognized by Chairman Crowell as a proponent of protecting current funding for our state's highway program by enacting a mandatory helmet law. See Attachment 6.

Andrea Ramsey, was recognized by the Chairman as a proponent of mandatory helmet use in Kansas. She testified that her son was killed in a motorcycle accident in which a helmet might have saved his life.

The Chairman recognized Jim Linenburger as a proponent of mandatory helmet laws. He and his wife, Ruth, testified that their son had died in a motorcycle accident in which he was not wearing a helmet. See Attachment 7.

Ken McNeill was recognized by the Chairman as an opponent of mandatory helmet laws. He testified that the states are being coerced by the federal government to pass laws which take individual freedoms from the people. See Attachment 8.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON TRANSPORTATION, Room 519-S Statehouse, at 1:30 p.m. on February 22, 1994.

Timothy Smith was recognized by Chairman Crowell as an opponent of HB 2845. He testified that raising the registration fees on motorcycle owners to the extent raised in the bill did not fit with the small amount of surface damage caused by motorcycles. See Attachment 9.

Chairman Crowell recognized Patrick J. Hurley as a proponent of a mandatory helmet law in order to retain funds intended for the highway program. See Attachment 10.

Dennis Patterson was recognized by the Chairman as an opponent of a mandatory helmet law and increasing the registration fees on motorcycle owners. He testified that these laws would create a negative economic impact on Kansas. See Attachment 11.

Dan Mitchell was recognized by Chairman Crowell as an opponent of mandatory helmet laws. He testified that he questions the validity of the federal sanctions if Kansas refuses to pass a mandatory helmet law. See Attachment 12.

Chairman Crowell informed the Committee that Patty Mills, American Motorcyclist Association, submitted written testimony. See Attachment 13.

Vickie Tyler, Manhattan, Kansas, submitted written testimony as a proponent of a mandatory helmet law. See Attachment 14.

Chairman Crowell informed the Committee that Sgt. Lewis L. Tyler (ret.), Manhattan, Kansas, submitted written testimony as a proponent of mandatory helmet laws. See Attachment 15.

The Chairman informed the Committee that Michelle Tyler, Manhattan, Kansas, had submitted written testimony as a proponent of mandatory helmet laws. See Attachment 16.

Chairman Crowell ended the comprehensive public hearing on all legislation pertaining to motorcycle helmet laws and issues regarding motorcycles.

The Chairman called the Committee's attention to HB 2781 regarding imposing certain penalties in road construction zones.

Rep. Shallenburger made a motion to amend the bill in order to make it clear the increased penalties would only apply to moving violations. Rep. Lawrence seconded the motion. The motion carried.

Rep. Lawrence made a motion to recommend HB 2781 as amended favorably for passage. It was seconded by Rep. Correll. The motion carried.

Chairman Crowell called the Committee's attention to HB 2850 concerning certain lighting equipment requirements on trailers. Rep. Pauls made a motion that HB 2850 be recommended favorably for passage and that because the bill is of a non-controversial nature, it be placed on the Consent Calendar. It was seconded by Rep. Haulmark. The motion carried.

The Chairman called the Committee's attention to HB 2986 concerning length and width of certain vehicles. Rep. Haulmark made a motion to amend the bill to increase the maximum width allowed for a manufactured home from 16 feet to 16 1/2 feet. Rep. Smith seconded the motion. The motion carried.

Rep. Smith made a motion to pass the bill favorably as amended. It was seconded by Rep. Shore. The motion carried.

Chairman Crowell called the Committee's attention to HB 2995 relating to apportioned fleet registration; providing for a hunter's permit. Rep. Shore made a motion to pass HB 2995 favorably and because it is non-controversial in nature, be placed on the Consent Calendar. It was seconded by Rep. Shallenburger. The motion carried.

The Chairman adjourned the meeting at 2:45 p.m. with the next meeting scheduled for February 23, 1994, at 1:30 p.m. in Room 519-S of the Capitol.

GUEST LIST

HOUSE TRANSPORTATION COMMITTEE

February 22, 1994

Name

Address

Representing

KENNETH RICE	PEARL	ABATE OF KS INC.
ROSEMARY ONEIL	2005 SW BUCHANAN TOPEKA, KS	KS HI SURVIVORS COUNCIL
BILL WATTS	TOPEKA	KDOT
T.J. Smith	Shawnee Ks.	ABATE OF KANSAS
Row HENNEBERG	Belvue Ks	ABATE OF KS
DAVE MANN	McLouth, Ks.	ABATE OF KS
BOB ANDERSON	TOPEKA	MOTORCYCLE INDUSTRY COUNCIL
Deborah Dobler	Wichita Ks	ABATE
RICK DAVIS	TOPEKA	KMTC
Dennis Patterson	Topeka	AMA
DAN MITCHELL	Topeka	Concerned citizen
LEONARD GRABER	Peru, Ks	ABATE OF KS
TANDY JOSLIN	PERU KS	CONCERNED CITIZEN !!!
JOE GOLDEN	TOPEKA	CITIZEN
Beth McBride	Topeka	KDOR
Jack Schick	Topeka	KDOR
Morris Mann	McLouth	ABATE OF KS
Rosalie Thornburgh	Topeka	KDOT
Joanne Bauman	Topeka	Chrysalis Head Injury
Barbara Deliyonas	Head Injury Assoc of KS & Greater KC Group	
Terry Cheyney	Kansas City	Head Injury
Kimberly Brooks	Topeka	Head Injury
Andrea Ramsay	Wichita	Head Injury of KS
Karen Hunscheid		
Tom Whitaker	TOPEKA	KS MOTOR CYCLISTS ASSN
Roger Franke	"	KS Govt Consultant
Patrick Hersley	Topeka	Economic Refeline
Jim & Ruth Linenberger	Manhattan Ks	Citizens
BOB TOTTEN	Topeka	KS Contractors ASS.

Allen Coulter

Edward R. Hous

To Father

v v

45 Good Road

KPM

Ladies and Gentleman:

My name is Terry Cheyney and I thank you for this opportunity to speak to you today on a most important issue....A common-sense law that requires helmet use with a two-wheeled motorized vehicle.

I would like you to keep in mind two thoughts through-out the day and on through the legislative process. 1) The helmet law is similar to the seat belt law 2) Think of a poker game because without a seat belt or without a helmet is like playing a game of five card stud with a pair of deuces. Sure you can win but when you buckle up or strap on a helmet you now have a full house. With both hands you can win or loose but which hand should you bet your life on.

Unfortunately a number of Kansans (and by the way it is a small overall minority) feel all Kansans should have the right to ride without a helmet. I volunteered at the Head Injury booth at the Kansas State Fair and observed otherwise. About 80% of those that walked by enthusiastically signed their support to a helmet law.

As I said earlier my name is Terry Cheyney. I've lived in Kansas City, Kansas since 1969. I am past president of the Head Injury Association of Kansas and Greater Kansas City. I have been an active board member since 1985. Since that time I have been heavily involved with head injured and their families to improve the quality of life. In 1983 I was in my Aluminum foundry (TC Industries, Inc.) When a man came in to rob us and I was shot in the head. This wasn't a glancing blow. The bullet entered near the top of my skull and now rests near my left ear. I have had an extensive history of what it is like to sustain a serious head injury yet keep in mind that I consider myself as one of the very lucky ones. I personally know of many other head injured persons who have a much more difficult time. Some of which will always require state assistance. They either didn't have enough insurance or no insurance at all. A serious head injury if one lives through it can have life time costs up to 4 million dollars.

I remember the days of learning how to walk again. I have head injured friends who still can not walk. I remember the days of learning how to tell time and expressing my thoughts...I have head injured friends who find it difficult to vocalize their thoughts. I continue to battle memory problems as so do many of my head injured friends. Some of them are in nursing homes yet they can still remember what it was like to think flowing thoughts, to run, and to ride a motorcycle. Those days are forever gone because they weren't wearing a helmet.

I'm one of the very lucky head injured. I still see improvement each year. I have often suspected there just hasn't been enough publicity about when a helmet has prevented serious injury or death; after all it's not very news worthy. Here's a helmet that didn't make the news. It's a cheap helmet yet my brother and the doctor that X-rayed him are convinced it saved his life. After the X-rays, he went home, extremely sore, but alive.

The seat belt law is common sense, and we know for a fact now that it's passage is not only saving lives but also reducing injury. Lets use that same common sense and pass a quality helmet law that requires all Kansans to wear a helmet on a motorcycle.

Thank You
Respectfully submitted,

Terry Cheyney

I literally had to learn how to read and write again. I am now ready for your questions.

HELMET LAW - FEB. 1994

Andie Ramsey

IN SEPTEMBER 1980 I WAS THE MOTHER OF A HEALTHY, INTELLIGENT 19 YEAR OLD. HE WAS GIFTED, HAVING TESTED IN THE 95TH PERCENTILE ON NATIONAL TESTS. HE WAS FINALLY OUTGROWING HIS PUBESCENT REBELLIOUS PERIOD. HE HAD COMPLETED HIGH SCHOOL, HAD A NEW JOB, WROTE POETRY AND WAS PLANNING HIS SCHEDULE FOR THE NEXT COLLEGE SEMESTER. NONE OF HIS PLANS CAME TO PASS. ONE EVENING, ON THE WAY HOME FROM A PARTY ON HIS MOTORCYCLE, HE GOT CAUGHT IN THE SLIPSTREAM COMING OFF A SEMI-TRUCK HE WAS PASSING, LOST CONTROL AND CRASHED. HE WAS NOT WEARING A HELMET, BECAUSE AT 19 HE THOUGHT HE WAS INVULNERABLE.

HE NEVER SPOKE AGAIN, NEVER WALKED AGAIN, NEVER EVEN ROSE FROM HIS BED ON HIS OWN POWER AGAIN, AND WAS NEVER ABLE TO FEED HIMSELF AGAIN. FOR THE REMAINDER OF HIS LIFE HE REQUIRED TOTAL, 24-HOUR NURSING CARE. HE FINALLY DIED, AFTER 11 1/2 YEARS.

IT'S A TRAGIC STORY, AND IF I HAD TIME TO GIVE YOU ALL THE BAD DETAILS, I'M SURE YOU WOULD UNDERSTAND THE PAIN OF THOSE YEARS AND BE MOVED TO SYMPATHY, BUT I'M NOT ASKING FOR YOUR SYMPATHY. I WANT THE EXERCISE OF YOUR COMMON SENSE. I WANT YOU TO REINSTATE THE MANDATORY HELMET LAW IN KANSAS.

SINCE 1983, I'VE RESEARCHED THE LITERATURE AND STATISTICS ON MOTORCYCLE CRASHES AND MOTORCYCLE HELMETS AND MET NUMEROUS MOTORCYCLE CRASH VICTIMS. THOSE WHO CRASHED WEARING HELMETS DO NOT HAVE INJURIES AS SERIOUS AS THOSE SUFFERED BY MY SON AND OTHERS WHO CRASHED WITHOUT HELMETS.

IN 1981, THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

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HAS DONE EXTENSIVE STUDIES CONCERNING MOTORCYCLE CRASHES AND INJURIES IN KANSAS AND THREE OTHER STATES, FOLLOWING THE REPEAL OF OUR MANDATORY HELMET LAW. THE FEDERAL GOVERNMENT HAS TESTED HELMETS AND ESTABLISHED SAFETY STANDARDS AND HAS FOUND THAT WEARING A HELMET DOES NOT CONTRIBUTE TO ACCIDENTS AND SIGNIFICANTLY DECREASES THE INCIDENCE OF HEAD TRAUMA AND DEATH. ONE STUDY SPECIFIC TO KANSAS INDICATES THAT FATALITIES AND INCAPACITATING INJURIES FROM MOTORCYCLE CRASHES INCREASED 333 PERCENT IN KANSAS AFTER REPEAL.

MOTORCYCLE LOBBYISTS AND RIDERS SAY EDUCATION IS THE ANSWER TO PREVENTING ACCIDENTS AND INJURIES. IT CERTAINLY CANNOT HURT, BUT ALONE IT DOES NOT SIGNIFICANTLY INCREASE HELMET USAGE. STUDIES INDICATE THAT ABSENT A REQUIREMENT, ONLY 40 TO 50 PERCENT OF RIDERS WILL WEAR A HELMET. THOSE WHO DO WEAR A HELMET WITHOUT BEING REQUIRED TO DO SO ARE THE MORE MATURE, EXPERIENCED RIDERS. THE AGE GROUP AT RISK, AGES 16 TO 24, WHO ARE ALSO THE LESS EXPERIENCED RIDERS ARE LESS LIKELY TO WEAR A HELMET. IN STATES WITH A MANDATORY LAW, UP TO 90 PERCENT OF ALL RIDERS WILL WEAR A HELMET.

REQUIRING MOTORCYCLISTS IN KANSAS TO WEAR A HELMET AND CARRY SUFFICIENT MEDICAL INSURANCE TO COVER THE COST OF TREATMENT FOR A SEVERE HEAD TRAUMA AS PREREQUISITE TO THE RIGHT TO OPERATE A MOTORCYCLE IN KANSAS IS NOT A CONSTITUTIONAL ISSUE. IT IS THE STATE'S RIGHT TO IMPOSE REASONABLE SAFETY RESTRICTIONS AND INSURANCE REQUIREMENTS UPON THE OPERATOR OF ANY MOTOR VEHICLE, INCLUDING MOTORCYCLES.

THIS IS MY FOURTH APPEARANCE IN TEN YEARS TO TESTIFY IN

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Attachment 1-4

FAVOR OF A MANDATORY HELMET LAW IN KANSAS. I'VE WATCHED COMMITTEES GET SIDETRACKED BY 200 ROARING MOTORCYCLES CIRCLING THE STATEHOUSE, BY CLAIMS OF PERSONAL PRIVILEGE THAT ARE NOT IN FACT GUARANTEED BY THE CONSTITUTION, AND BY INDIGNATION THAT THE FEDERAL GOVERNMENT WOULD TIE HIGHWAY FUNDS TO THE REQUIREMENT OF A HELMET LAW. EACH TIME THESE SIDE ISSUES PREVENTED THE PASSAGE OF A MANDATORY HELMET LAW AND LEFT THE STATE OPEN TO THE COST OF CARING FOR STILL MORE UNINSURED OR UNDERINSURED RIDERS INJURED BECAUSE THEY WERE NOT WEARING A HELMET.

IT IS TIME TO HAVE THE COURAGE TO DO THE RIGHT THING, TO PASS A MANDATORY HELMET LAW FOR ALL MOTORCYCLISTS AND PASSENGERS IN KANSAS.

House Transportation Committee: Helmet Law Testimony
February 22, 1994
Joanne Bauman, Registered Master's-level Psychologist

Good afternoon, Chairperson Crowell, Members of the Committee, those in attendance. My name is Joanne Bauman, and I am a registered master's-level psychologist who provides psychotherapy for coping/adjustment to the physical, mental, and emotional changes following a head injury. I also facilitate a Topeka head injury support group, "*Chrysalis*," and am representing its twenty members here today.

You have heard the statistics: More than **2 million** individuals sustain head injuries each year. The annual economic cost will approach **25 billion** dollars. There are over **2,000** motorcycle fatalities annually. The fatality rate for cyclists is **4 times** the fatality rate for passenger car occupants. The National Highway Traffic Safety Administration estimates that helmets **save 550** lives a year. The statistics speak for themselves. But I do not work with statistics, I work with individuals.

Head injury, even a so-called "mild" concussion, abruptly shatters one's sense of self. It creates lifetime alterations in virtually every aspect of a person's functioning: physical, emotional, mental, vocational, and social. Moreover, it forces us to reconsider three assumptions about ourselves and the world: that you are invulnerable, that the world is orderly and fair, and that you are strong and self-sufficient. "It won't happen to me," you thought. But it does happen to you. You experience the loss of invulnerability. "Why did this happen to me? I thought if I was careful, safe, and sober I could avoid an accident." If you were a responsible and decent person, it may be hard to make sense out of what happened. The loss of a fair and just world leaves you in a state of turmoil and confusion. Lastly, you begin to view yourself as weak, helpless, and powerless. There is a loss of self-image, a loss of seeing yourself as "a whole person".

A simple truth: The brain governs and regulates everything that makes you human---from the way you think to the way you act, from the way you walk to the way you feel. Damage to the brain leaves you significantly changed. The abrupt acceleration-deceleration movement causes the brain to strike the bony ridges of the skull--resulting in bruising, hemorrhaging, and twisting and tearing of the axons. Damage may be localized or diffuse. The individual may or may not experience loss of consciousness/coma. Head injuries can be difficult to detect; even MRI/CT scans may appear normal. The frontal and temporal lobe regions, responsible for your higher functions: thoughts, actions, motivations, are most vulnerable. Head injury is a painful example of the whole that is greater than its parts.

The physical impairments are easier to detect than the cognitive, behavioral, and emotional changes. You can observe changes in balance, gait, speech, vision, coordination. Unfortunately, head injury also causes invisible symptoms: the "walking wounded". Most of the members of my group do not use wheelchairs, crutches, canes, or look physically disabled. They are not candidates for emotional appeal advertisements. Their silent

symptoms include: memory deficits, slowness in thinking, difficulties in reading, naming objects, concentrating, planning, problem-solving, organizing, and judgment. Behavioral and emotional difficulties can include: impulsivity, excessive laughing, hoarding food, spending sprees, stealing, insatiable appetites, fatigue, substance abuse, mood swings, anxiety, depression, irritability, sexual dysfunction, restlessness, and social withdrawal.

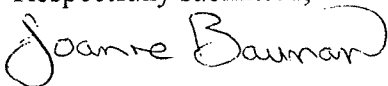
Many people feel that wearing helmets is a matter of freedom of choice; the reality is, few are financially equipped to accept the responsibility that comes with that freedom of choice. Unfortunately, in many cases, it is the taxpayers and the state who incur the financial debt of head injury rehabilitation. And if you believe that your insurance will cover your rehabilitation expenses, you are being lulled into a false sense of security. Those of us who work with head injury, know how hard we advocate for coverage when insurance companies, Workman's Comp, and other providers either deny that your head injury exists, deny services, or limit extended coverage by contending that your brain injury is not a physical problem, but a mental and, therefore, psychiatric one.

Recently, I met a woman who discussed her twenty-year-old daughter's head injury. "Jane" and a friend went for a ride; "Jane" decided it was a short distance and helmets were for the overly cautious. They hit a pothole that they never saw, "Jane" flew over the handlebars, and hit her head on the concrete street. "Jane's" mother proceeded to tell me about the long road back in recovery, speaking not in days and weeks, but in months and years. Into the conversation, I asked if "Jane" lived in Topeka and might be interested in joining our support group. Her mother explained that Jane had lived through the injury, but was never the same person. The long road back had been too difficult, the limitations too apparent, her life too changed....Jane had committed suicide.

You can put a blindfold on and get a sense of what it is like to be visually impaired; you can put ear plugs in to simulate hearing impairment; you can navigate in a wheelchair. I have no way for you to "try on" a head injury for a day. Those of us with physical difficulties, such as my rheumatoid arthritis, didn't have the choice of prevention. You do. I know that the members of A.B.A.T.E. are very caring, big hearted individuals, who do some good work for groups such as Toys For Tots, disabled children, etc.. I would ask them to care for each other. I would ask everyone here to take the tragedy of head injury and learn from it...let it enable us to appreciate each other, life, our health, and the unique skills, talents, and contributions we make as individuals.

Thank you for your time and consideration.

Respectfully submitted,



Joanne Bauman

Registered Master's-level Psychologist

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Attachment 2-2

ALDERSON, ALDERSON, MONTGOMERY & NEWBERY

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MEMORANDUM

TO: House Committee on Transportation

FROM: Bob Alderson, Legislative Counsel for Motorcycle Industry Council

DATE: February 22, 1994

RE: House Bill No. 2845 -- Registration Fees for Motorcycles and Motorized Bicycles

The Motorcycle Industry Council is a national trade association which represents the manufacturers and distributors of motorcycles and over 100 other companies involved in allied trades. I am appearing on behalf of the Council to express its opposition to House Bill No. 2845, which would increase by \$75 the registration fees for motorcycles for calendar years 1995 and 1996.

It is the Council's understanding that the purpose of this legislation is to recover the federal funding lost by the decision of the Kansas Legislature to not enact a law requiring motorcycle operators to wear a helmet.

Notwithstanding this purpose, the Council believes that HB 2845 inappropriately discriminates against motorcycle owners.

Initially, the Committee should be advised that the Motorcycle Industry Council does not take any position on the issue of whether motorcycle operators should be required to

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wear a protective helmet. We recognize the prerogative of each state legislature to deal with this issue in the way deemed most appropriate for that state's unique circumstances.

However, we believe that HB 2845 is an inappropriate response to the Kansas Legislature's decision to not enact a helmet law. The decision on this issue is solely the legislature's, and we believe it would be highly unfair to penalize motorcycle owners for the legislature's policy decision to decline enactment of a helmet law. It is particularly unfair to those motorcycle owners who wear a protective helmet while operating their motorcycles.

It is an understatement to suggest that motorcycle operators are divided on the helmet law issue. But the decision on this issue does not rest with motorcycle operators, it rests with the Legislature and we respect the right of the Kansas Legislature to deal with the helmet law issue as it deems most appropriate for the State of Kansas. However, should the Legislature continue to decline enactment of a helmet law, resulting in the loss of federal funds, it would be unfair to shift the responsibility for this decision to motorcycle owners, as is proposed by HB 2845.

For these reasons, the Council urges that HB 2845 be reported adversely.



Michael L. Johnston
Secretary of Transportation

KANSAS DEPARTMENT OF TRANSPORTATION
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Joan Finney
Governor of Kansas

TESTIMONY BEFORE
HOUSE TRANSPORTATION COMMITTEE

REGARDING HOUSE BILL 2175
MANDATORY MOTORCYCLE HELMET LAW

February 22, 1994

Mr. Chairman and Committee Members:

Mr. Chairman and members of the committee, I am Rosalie Thornburgh, Administrator of the Office of Traffic Safety. On behalf of the Department of Transportation, I am here today to provide testimony regarding the federal requirement for all individuals on a motorcycle to wear helmets. House Bill 2175 amends K.S.A. 8-1598 by extending the requirement for the wearing of helmets on motorcycles and motorized bicycles to all ages.

The Department of Transportation has appeared before this committee, most recently November 30, and presented detailed information regarding the penalty provisions for not enacting a universal helmet law. I will briefly summarize the issues involved.

The federal requirement for the adoption of the universal motorcycle helmet law is contained in Section 1031 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). The federal law mandates the adoption of a full helmet law before October 1, 1993 (the beginning of federal fiscal year 1994), or be subject to a 1 1/2 percent penalty transfer of certain federal-aid highway programs to its section 402 highway safety program.

Since the Kansas Legislature did not pass a universal helmet law during the 1993 session, Kansas has incurred a penalty of \$1.9 million dollars. This \$1.9 million will be transferred from certain federal highway construction funds to the highway safety program on October 1, 1994 (federal fiscal year 1995).

If the Kansas Legislature does not pass a universal helmet law before October 1, 1994, \$3.1 million dollars of certain federal-aid highway construction funds will be diverted to the highway safety program on October 1, 1995 (federal fiscal year 1996).

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For non-compliance at the beginning of federal fiscal year 1996, or October 1, 1995, a penalty in the amount of \$3.1 million will be transferred to the highway safety program on October 1, 1996 (federal fiscal year 1997).

Total estimated funds to be diverted through federal fiscal year 1997: \$8.1 million. In addition, without the helmet legislation in place, we are not allowed to apply for available grant funds.

Motorcycle helmet laws of less than universal application or whose enforcement is by any means other than primary enforcement would be non-complying.

If a helmet law is in effect anytime during federal fiscal year 1994, a state can receive an incentive grant to implement a traffic safety program. The program must include education, law enforcement training, monitoring of the usage rate of compliance, and enforcement of laws.

The third and final year of funding is available through federal fiscal year 1994 (beginning October 1, 1993). The amount any state receives is contingent upon the number of states applying. Currently 22 states plus D.C. and Puerto Rico comply with the Act. Estimated initial allocation is \$244,000.

In closing, passage of House Bill 2175 would meet the federal requirements contained in ISTEA and prevent any further penalties being assessed against the highway construction funds.

HB2845

KANSAS MOTORCYCLE INDUSTRY COUNCIL

(KMIC)

RICK DAVIS - VICE PRESIDENT

OPPONENT FOR THE AMENDMENT

The KMIC stands against this amendment that increases the registration fees from \$10.00 on a motorized bicycle to \$85.00 and from \$15.00 to \$90.00 on a motorcycle for the years 1995 and 1996.

This amendment is obviously an attempt to increase revenue to makeup for lost highway funds from the Federal Government, because we do not have a helmet law.

The KMIC respectfully suggest that this is not the proper way to address the helmet issue.

We feel this amendment is discriminating against the motorcyclists that do wear helmets. An overwhelming number of our members would rather see a helmet law than an increase in registration fees of this magnitude. Do not get me wrong. We stand against a helmet law but we do not feel this is the answer.

As it stands at this moment Washington is on hold on this issue. (RE: Highway funds and Helmet laws).

We recommend leaving the registration fees alone as they now stand \$10.00 and \$15.00 and see what happens in Congress.

Above and beyond that, we believe that this increase will cause a title and insurance nightmare. Picture this - A young man buys a used motorcycle from an Individual for \$250.00. When he gets to the court house he finds out he has to pay a sales tax, that he must have proof that he purchased at least liability insurance, pay personal property tax, and then pay an additional \$90.00 to register it!! It will not happen.

In the real world he will either ride it with an expired tag, the previous owners tag, steal a tag, or park it and nothing happens.

The \$85.00 and \$90.00 is too heavy a burden for most motorcyclist, and I believe it will actually cause a loss in revenue.

As for us dealers I feel sure these fees will decrease our sales also making the financial impact even greater.

STATEMENT

By The

KANSAS MOTOR CARRIERS ASSOCIATION

Supporting action to protect
highway construction funds.

Presented to the House Transportation
Committee, Rep. Rex Crowell, Chairman;
Statehouse, Topeka, Tuesday, February
22, 1994.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I am Tom Whitaker, Governmental Relations Director of the Kansas Motor Carriers Association. I appear here today on behalf of our members and the highway transportation industry. We have submitted testimony on two previous occasions to this Committee outlining our strong support for appropriate legislative action by the 1994 session to protect the current funding streams for our state's highway program.

We particularly ask your positive action to prevent the withholding of federal highway funds for failure to take certain actions relating to revocation or suspension of drivers licenses for persons convicted of drug related offenses.

Our industry further strongly urges enactment of a mandatory motorcycle helmet law.

House Bill 2175 requires all motorcycle operators or riders to wear a helmet which complies with minimum performance requirements.

Disregarding the emotional issues of helmet comfort and federal government direction in matters some would prefer to handle as a personal choice, let me remind you that an estimated \$3.1 million of construction funds will be diverted in federal fiscal year 1996 (beginning October 1, 1995), unless the Kansas Legislature adopts such legislation prior to October 1, 1994. Another \$3.1 million will be diverted from construction funds if such a law still is not enacted prior to October 1, 1995.

Our industry must comply with countless safety rules and regulations. Our cars and trucks are equipped with expensive safety devices of many kinds -- including the seat belts motorists are required to wear. Enactment of a mandatory helmet law seems to us to be a prudent, positive public policy that helps save lives, reduce serious injury -- and keep highway tax dollars working for improved, safely maintained trafficways for ALL citizens.

We ask that you recommend House Bill 2175 favorable for passage.

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February 22, 1994

Members of the House Transportation Committee:

On Sunday afternoon, February 13, 1994, one week ago, my wife and I received the phone call every parent dreads. We were called to St. Mary's Hospital in Manhattan, to the side of our dying son, Eddie. He was 19 years old.

Eddie and a friend were riding a motorcycle on a warm day without helmets. As they were rounding a curve, the driver lost control of the motorcycle. The motorcycle was the only vehicle involved in the accident. Our son died of injuries sustained to the head. To the best of our knowledge there were no other injuries that would have been life threatening.

We believe that had our son been wearing a motorcycle helmet, we would have him with us today. We appeal to you to expedite strict legislation and enforcement of mandatory motor cycle helmet laws for individuals of all ages.

If the life of just one son or daughter could be spared through this type of law; if just one parent could be spared the immeasurable grief we bear, our being here today in the midst of our grief will have been worthwhile.

Jim and Ruth Linenberger
2120 Griffith Terrace
Manhattan, Kansas 66502
913-539-1666

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February 22, 1994
Attachment 7-1

INTERMENT
Sunrise Cemetery
Manhattan, Kansas

VISITATION
7:00 until 8:30 P.M. Tuesday
February 15, 1994
Edwards-Yorgensen-Meloan
Funeral Chapel

OFFICIATING
Pastor Todd Weston
FUNERAL SERVICES
2:00 P.M. Wednesday
February 16, 1994
First Assembly of God Church
Manhattan, Kansas

DATE OF BIRTH
October 17, 1974
Manhattan, Kansas
DATE OF DEATH
February 13, 1994
Manhattan, Kansas

CASKET BEARERS
Scott Criner — Jeff Bradley
Tim Umscheid — Chris Pratt
Monty Enright — Mark Taylor

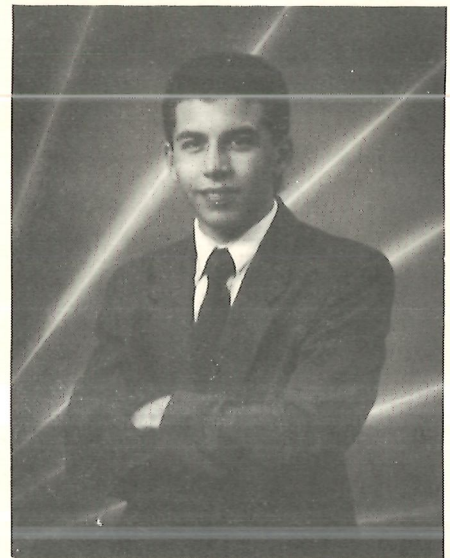
ORGANIST
Dan Myers

MEMORIAL FUND
Eddie Linenberger Memorial Fund

FUNERAL HOME
Edwards-Yorgensen-Meloan

Survivors include his parents, Mr. and Mrs. James Linenberger, Manhattan; one brother, Everett Linenberger, New Kent, Va; grandparents, Al and Josephine Linenberger, Morrowville, Kansas and Jean Chappell, Chester, Va.

Edward A. "Eddie" Linenberger, age 19 of 2120 Griffith Terrace, died February 13, 1994 following a motorcycle accident. He was born October 17, 1974 in Manhattan, son of James A. and Ruth N. Chapell Linenberger. Mr. Linenberger was in sales at Kansas Lumber "Home Store". He graduated from Manhattan High School in 1993 and assisted the instructor in the Wood Shop at Manhattan High School.



Edward A. Linenberger

1974 — 1994

HOUSE TRANSPORTATION
February 22, 1994
Attachment 7-2

Cycle crash leaves one dead, another injured

Victoria Cherrie
Lifestyles Editor

The Pottawatomie Sheriff's Department is investigating a motorcycle accident Sunday that killed a Manhattan man and left a Riley man in stable condition at St. Mary Hospital.

Edward Linenberger, 19, 2120 Griffith Terr., died shortly after the accident, which occurred about 1:30 p.m. on Dyer Road in front of Rocky Ford Tavern about a mile south of Tuttle Creek Dam.

The motorcycle, a 1989 Yamaha driven by Jason Adolph, 19, Riley, was southbound on Dyer Road when it left the roadway while rounding a curve, rolled and landed in a ditch, officials said.

Pottawatomie County Sheriff



EDWARD LINENBERGER
Killed in cycle wreck

④ Continued from Page A1

Anthony Metcalf said neither driver was licensed to operate a motorcycle, and there was no indication either was wearing a helmet.

Adolph and Linenberger were taken to St. Mary Hospital, where Linenberger was later pronounced dead.

Emergency units arrived at the scene 10 minutes after the call was received, said Larry Couchman, director of emergency services in Riley County. Their response was slowed by a detour over the Tuttle Creek Dam because the Blue River Bridge, severely damaged in last summer's flooding, remains closed. Couchman speculated the detour added about three minutes to the unit's response time.

35 Cents

February 14, 1994

Monday

1215.8 Use of Transferred Funds

- (a) Any funds transferred under §1215.7 may be used for approved projects in any section 402 program area.
- (b) Any funds transferred under §1215.7 shall not be subject to Federal earmarking of any amounts or percentages for specific program activities.
- (c) The Federal share of the cost of any project carried out under section 402 with the transferred funds shall be 100 percent.
- (d) In the event of a transfer of funds under §1215.7, the 40 percent political subdivision participation in State highway safety programs and the 10 percent limitation on the Federal contribution for Planning and Administration activities carried out under section 402 shall be based upon the sum of the funds transferred and amounts otherwise available for expenditure under section 402.

Issued on:

Rodney E. Slater	Howard M. Smolkin
Administrator	Executive Director
Federal Highway Administration	National Highway Traffic Safety Administration

BILLING CODE: 4910-59

HOUSE TRANSPORTATION
February 22, 1994
Attachment 8-1

The 1.5% of diverted funds equals approximately 1.6 million dollars. According to the Kansas Department of Transportation current highway construction costs are 3 million dollars per mile which means we would transfer monies which would build roughly 1/2 mile of highway.

There are currently eighteen existing guidelines for State Highway Safety Programs and There are three new proposed guidelines. These guidelines address the following:

1. Periodic motor vehicle inspection.
2. Motor vehicle registration.
3. Motorcycle Education.
4. Driver Education.
5. Driver licensing.
6. Codes and laws.
7. Traffic Courts.
8. Alcohol in relation to highway safety.
9. Identification and surveillance of accident locations
10. Traffic records.
11. Emergency Medical Services.
12. Highway design, construction, and maintenance.
13. Traffic engineering services.
14. Pedestrian safety.
15. Police traffic services.
16. Debris hazard control and clean up.
17. Pupil transportation safety (revised 4/91).
18. Accident investigation and reporting.
19. Speed control.
20. Occupant protection.
21. Roadway Safety.

As one possible use of these diverted funds, since Kansas has one of the largest number of road/rail crossings in the United States, these funds could be used to develop and implement systems and procedures for carrying out safety construction and operational improvements. These funds can be used to augment Federal-aid highway programs such as the hazard elimination programs, Section 152 (see guideline 12 & 21), and the Rail-Highway Crossing Programs, Section 130 (see guidelines 12 & 21) as well as other safety construction activities.

Since the passing of ISTEA the 25 state who belive in state sovereignty and individual liberty have made no changes in their existing helmet status. We congratulate Kansas Legislators who felt that the proper forum for the debate of issues such as mandatory helmet use is in the State Legislature, free from federal interference as expressed in House Concurrent Resolution No. 5028 in Committee on Transportation.

(This was confirmed by Marlene Marcusson, National Highway Traffic Safety Administration, Washington, D.C. 10:30 AM 23 FEB. 1994.) WEASEL

ABATE OF KANSAS

Mr. Chairman and members of the Committee. Thank you for the opportunity to testify in opposition to HB-2175.

This is the twenty-eighth year since discussion and debate started on this issue. Kansas passed its original mandatory helmet law effective 7-1-67 under the threat of federal blackmail. The law was repealed effective 7-1-70 for age 21 and over, it was reinstated for all ages effective 7-1-72, repealed for age 16 and over 7-1-76, then amended for those under 18 years of age effective 7-1-79. In 1983, 1985, 1991, 1992, and 1993 bills were introduced to revise the existing law to include Mandatory Helmet Use for all motorcyclists and here we are again in 1994.

ABATE of Kansas strongly supports comprehensive motorcycle safety programs and encourages all motorcyclists to wear appropriate protective gear and ride responsibly. However, we do feel adults should be able to evaluate personal safety issues for themselves free from governmental interference; just as states should determine what is best for themselves without being coerced by the Federal Government. Motorcyclists have a vested interest in their own safety. Ultimately, the issue is not the efficiency of helmet use but a question of whether adults should be free to make personal decisions regarding their own safety. A recent Motorcycle Industry Council survey identified the average motorcyclists as being 32 1/2 years of age, married, college educated, with an income slightly in excess of \$33,000.00 a year. These demographics define the type of individual who is capable of evaluating personal safety issues for themselves.

Federal legislation, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Section 153, includes language to coerce states into passing mandatory helmet laws. The penalties defined within the act would not cause the State of Kansas to lose one federal dollar. A small percentage (1.5%) of our federal highway construction funds would be diverted into Highway Safety programs within the State. Does anyone feel increased safety is a bad idea?

The 1.5% of diverted funds equals approximately 1.6 million dollars. According to the Kansas Department of Transportation current highway construction costs are 3 million dollars per mile of Super 2 highway which means we would transfer monies which would build roughly 1/2 mile of Super 2 highway.

There are currently eighteen existing guidelines for State Highway Safety Programs and there are three new proposed guidelines. These guidelines address the following:

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As one possible use of these diverted funds, since Kansas has the second largest number of road/rail crossings in the United States, these funds could be used to develop and implement systems and procedures for carrying out safety construction and operational improvements. These funds can be used to augment Federal-aid highway programs such as the hazard elimination programs, Section 152 (see guidelines 12 & 21), and the Rail-Highway Crossing Programs, Section 130 (see guidelines 12 & 21) as well as other safety construction activities.

Since the passing of ISTEA the 25 states who believe in state sovereignty and individual liberty have made no changes in their existing helmet status. We congratulate Kansas Legislators who felt that the proper forum for the debate of issues such as mandatory helmet use is in the State Legislature, free from federal interference as expressed in House Concurrent Resolution No. 5028 in Committee on Transportation.

THE ISSUE IS NOT ONE OF SAFETY.

THE ISSUE IS NOT ONE OF SOCIAL BURDEN.

THE ISSUE IS ONE OF STATE SOVEREIGNTY AND PERSONAL LIBERTIES.

So far in 1994 Legislative Sessions, neighboring Colorado and the State of Utah have considered the mandate as set down in ISTEA and have once again agreed that the Federal Government has no business trying to blackmail and/or coerce them into passing mandatory helmet use laws and have made no change in their existing motorcycle helmet laws.

There is presently in the Federal Legislature S-1842 which is a safety course in lieu of adult helmet requirements; S-295 to remove the penalty provisions of ISTEA for states that do not have in effect mandatory helmet and seat belt laws; S-401 to amend ISTEA to delay deadline date of penalties to 10-1-95; and HR-799 to remove the penalties for states that do not have mandatory helmet and seat belt laws and is co-sponsored by Kansas Representatives Slattery, Glickman and Roberts.

On Wednesday, October 13, 1993 Rep. Nick Joe Rahall (D-WV) introduced the "Intermodal Surface Transportation Technical Correction Act" -- HR-3276 -- in the House of Representatives. Section 131 of HR-3276 includes a one year delay in the penalty deadline when States must pass mandatory motorcycle helmet and automobile seat belt laws. Under the provisions of Section 131 of HR-3276, the deadline for states to pass both laws would delay to September 30, 1994, for the 1.5% penalty and to September 30, 1995 for the 3% penalty.

On Thursday, October 21, 1993 Chairman Rahall convened the Surface Transportation Subcommittee to mark-up HR-3276. Rep. Tom Petri (R-WI), the ranking minority member of the Surface Transportation Subcommittee, spoke in support of a "clean technical bill". He talked further about how passage of HR-3276 would allow the subcommittee to focus on "more substantial issues" and "more contentious or sweeping policy initiatives" on the upcoming National Highway System (NHS) legislation. Rep. Petri then went on to talk about three issues from ISTEA that he has concerns about but were not appropriate to be considered in the technical corrections bill that he would be pursuing in the NHS legislation. Two of the three are motorcycle related.

Rep. Petri started out by addressing the helmet law mandate, "First, more than 25 States are now technically out of compliance with Section 153 mandatory seat belt and helmet requirements and face losing federal highway funds in fiscal year 1995. While this bill does extend the deadline by which states must pass mandatory laws from the end of fiscal year 1993 to the end of fiscal year 1994, I am still concerned about federal involvement in this issue and the penalties states will suffer". (emphasis added) He then went on to talk about the helmet law issue being "very emotional" and "one which many feel strongly about". Rep. Petri then cited an example from his home State of Wisconsin, "roughly 20,000 people this past summer attended a rally protesting this mandate at the State Capitol in Madison, Wisconsin --even though no helmet law was pending before the Legislature".

Rep. Petri closed his comments on the helmet law issue by saying, "Along with many other Members of this Committee, I am a co-sponsor of legislation introduced by Representative Snowe" (HR-799) "to repeal the penalty provision, and this is one issue which we expect to consider next year". (emphasis added)

Motorcyclists' good friend Congressman Applegate (D-OH) spoke strongly for us on the helmet law issue. He began by saying, "while (HR-3276) does not make changes to the motorcycle helmet provisions which I would like to see, and which I pursued before, I won't offer any amendments today, but that does not mean I've given up on the issue". (emphasis added) Rep. Applegate went on to talk about the success of Ohio's rider education program, its helmet law for minors and how he had modeled his failed amendment to ISTEA after Ohio's laws. Though he did not offer an amendment, Rep. Applegate closed by saying, "So I am instead looking forward to addressing this issue at a more opportune time". (emphasis added)

Next, freshman Congressman Tim Hutchinson (R-AR) opened with "I just want to join with Mr. Applegate and Mr. Petri in their concerns about the safety belt and helmet provisions". He continued by saying, "I want to acknowledge and thank the subcommittee leadership for the inclusion in HR-3276 of the one-year delay in the date when states must pass helmet and seat belt laws in order to comply with the penalty provisions of Section 153". (emphasis added) Rep. Hutchinson continued "I think these penalty provisions are both punitive and coercive and should be repealed and I hope that the subcommittee and full committee will take action on that in early 1994." (emphasis added) He closed his statement with, "But, I also understand the need to keep (HR-3276) sugar-free, so I appreciate the leadership's inclusion of that delay and wanted to acknowledge that".

Though not speaking directly to the helmet law issue, Rep. Mac Collins (R-GA), a co-sponsor of HR-799, spoke strongly about preserving States' Rights. (emphasis added) He opened by saying, "I will take just a minute to comment on the fact that I notice that there are several pre-emptions of States' Rights provision in this. I have a lot of problems with that". (emphasis added) Rep. Collins, then stated, "I think States should have the authority to set their own laws as they see fit, spend their monies as they see fit, without this group up here interfering and mandating that they do such things". (emphasis added)

The Subcommittee on Surface Transportation unanimously passed HR-3276. On Tuesday, October 26, the Public Works and Transportation Committee acted on HR-3276 with no discussion of the helmet law issue and HR-3276--with Section 131 delaying the penalties by one year--was moved out of committee for consideration by the House of Representatives.

HR-3276 was brought to the floor of the House of Representatives for action on Monday, November 8 and was passed on a voice vote and is set in the Senate for hearings and it is our understanding that action will be taken on this bill on or about March 3, 1994.

THE ISSUE IS NOT ONE OF SAFETY. By comparing 1991 to 1992 Kansas motorcyclists accident rates decreased as follows. In 1991 we had 1,053 accidents with 49 fatalities (4.6% fatality per accident rate). In 1992 we had 935 accidents with 29 fatalities (3% fatalities per accident rate). This is an 11% decrease in accidents and 41% decrease in fatalities in 1992 with no change in our helmet use laws. Accidents per 10,000 registrations decreased 9% and fatalities per 10,000 registrations decreased 60% while registrations themselves decreased by only 2.3%. Of the 29 fatalities of 1992, we have the following breakdown. We had 22 reported as non-helmeted, 5 helmeted and 2 whose helmet use was unknown. Of the unknown neither showed any head or neck injuries. Of the five helmeted, three of the five showed head and neck injuries (60%) as cause of death, one was a chest injury and the fifth was a total body burn. Since changing the law would effect only the unhelmeted deaths, by reviewing the causes of death of the 22 you will find that only 11 (50%) of those might possibly have benefited from a helmet since only head injury was listed as cause of death. Three (14%) had closed head injuries which is most commonly found in helmeted riders, one (4.5%) died of a fractured neck. one (4.5%) of a brain hemorrhage and 6 (27%) with other traumatic injuries to other body areas.

During 1993, S.M.A.R.T. a MSF certified rider program, which is an independent self funded program, graduated 122 people from their rider training programs. The program which is self funded by motorcycle registration fees and is State administered graduated 170 persons from their rider training programs of which 98 were military personnel who were forced to take the course in order to ride a motorcycle. Is it possible, that education not legislation is effective in reducing fatalities since there were no changes in helmet laws last year but there was a 11% decrease in accidents and 41% in fatalities.

SOCIAL BURDEN IS NOT THE ISSUE. The latest information available which address social burden of motorcycle injuries is An Examination of Motorcyclist Injuries and Costs Using North Carolina Motor Vehicle Crash and Trauma Registry Data by Jane C, Stutts and Carol Martell at the Highway Safety Research Center of the University of North Carolina. The major difference in this study and previous studies is that this study compared motorcycle operators to other road trauma victims. This study conducted over a three year period incorporated data from a larger number of trauma centers (8) and included a larger number of cases than had previous studies. Summary analysis of this study based on a total of 43,299 trauma cases, including

- 1,380 motorcycle operators
- 102 motorcycle passengers
- 15,375 other transport trauma cases
- 26,442 non-transport trauma cases

They show that, compared to other road transport patients admitted to North Carolina trauma centers, motorcycle operators

- * Experience slightly lower injury severities, as measured by average ISS (Injury Severity Score) (11.2 for motorcycle operators, 11.9 for other transport cases);

- * Accrue lower overall hospital charges (an average of \$14,993 for motorcycle operators, \$16,396 for other transport cases);

- * Are slightly more likely than other road transport cases to carry commercial or private insurance (53.35% vs. 50.8%). Motorcyclists continue to have a slightly higher uninsured/self pay rate (38.1% vs. 33.1% for other transport trauma cases) and remain less likely to be dependent on Medicare or Medicaid (8.4% verses 16.2%).

* Injured motorcyclists were also more likely to be discharged home and less likely to be discharged to a rehabilitation facility, transferred to another medical facility, or die after being hospitalized. 84.8% of motorcyclists were discharged home and 6.7% to a rehabilitation facility; for other road trauma cases, the corresponding percentages were 80.2% home, 8% rehabilitation.

Multiplying average hospital charges by the total number of victims, one can obtain overall estimates of treatment costs for the various trauma registry populations. For motorcycle operators total costs \$20,690,340.00. Other transport trauma cases costs were \$250,088,500.00.

After review of the findings in this study there is no justification for considering motorcyclists as "Public Burden".

"The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own mind and body, the individual is sovereign." (John Stuart Mills 1859 essay "On Liberty")

We respectfully urge you not to support HB-2175.

ABATE OF KANSAS

Mr. Chairman and members of the Committee. Thank you for the opportunity to testify in opposition to HB-2845.

According to the Motorcycle Industry Council, Inc. Motorcycle Statistical Annual 1993, the State of Kansas in 1992, had 46,907 registered motorcycles. The current rate of registration is \$15.00 and generates \$703,605.00 per calender year.

A motorcycle, two adults and luggage would weigh approximately 1/4 of a 4500 pound empty vehicle that still will only be required to pay a \$25.00 registration fee. Motorcycles cause less wear on the infrastructure, take up less space in traffic and parking and get better gas mileage. So what earth shaking reason could there be for a 600% increase in motorcycle registration fees? Could it be that the sponsors of this "so called piece of legislation" quake in fear of federal blackmail?

If this bill is passed and motorcycle registrations were to be the same as 1992, the cost for 1995 and 1996 would be \$8,443,260.00. **THIS IS LITERALLY HIGHWAY ROBBERY TO THE MOTORCYCLE OWNERS IN KANSAS.**

ABATE of Kansas strongly supports comprehensive motorcycle safety programs and encourages all motorcyclists to wear appropriate protective gear and ride responsibly. However, we do feel adults should be able to evaluate personal safety issues for themselves free from governmental interference; just as states should determine what is best for themselves without being coerced by the Federal Government. Motorcyclists have a vested interest in their own safety. Ultimately, the issue is not the efficiency of helmet use but a question of whether adults should be free to make personal decisions regarding their own safety. A recent Motorcycle Industry Council survey identified the average motorcyclists as being 32 1/2 years of age, married, college educated, with an income slightly in excess of \$33,000.00 a year. These demographics define the type of individual who is capable of evaluating personal safety issues for themselves.

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chest injury and the fifth was a total body burn. Since changing the law would effect only the unhelmeted deaths, by reviewing the causes of death of the 22 you will find that only 11 (50%) of those might possibly have benefited from a helmet since only head injury was listed as cause of death. Three (14%) had closed head injuries which is most commonly found in helmeted riders, one (4.5%) died of a fractured neck. one (4.5%) of a brain hemorrhage and 6 (27%) with other traumatic injuries to other body areas.

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- * Accrue lower overall hospital charges (an average of \$14,993 for motorcycle operators, \$16,396 for other transport cases);

* Are slightly more likely than other road transport cases to carry commercial or private insurance (53.35% vs. 50.8%). Motorcyclists continue to have a slightly higher uninsured/self pay rate (38.1% vs. 33.1% for other transport trauma cases) and remain less likely to be dependent on Medicare or Medicaid (8.4% verses 16.2%).

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After review of the findings in this study there is no justification for considering motorcyclists as "Public Burden".

With the current rate of seat belt use Kansas will not be in compliance with ISTEPA and will be diverting the funds with or without a mandatory helmet law. It seems unthinkable to even consider a 600% increase from one group of Kansas citizens. This amounts to nothing more than additional taxation on motorcyclists due to our legitimate lawful choice of transportation and we should not be singled out as a source for additional state revenue.

We strongly urge you not to support HB-2845.

TESTIMONY
PRESENTED BY
PATRICK J. HURLEY
ON BEHALF OF
ECONOMIC LIFELINES
TO
HOUSE TRANSPORTATION COMMITTEE
ON
FEBRUARY 22. 1994
On Hearings Regarding
Mandatory Motorcycle Helmet Laws

HOUSE TRANSPORTATION
February 22, 1994
Attachment 10-1

RESOLUTION OF THE BOARD OF ECONOMIC LIFELINES

WHEREAS, Economic Lifelines is an organization of various associations, businesses and individuals formed to promote and support the Kansas Comprehensive Highway Program enacted by the Legislature in 1989; and

WHEREAS, Economic Lifelines has consistently opposed the transfer, reduction or loss of any of the revenue components of the Kansas Comprehensive Highway Program, including Federal and State revenues; and

WHEREAS, Under the Intermodal Surface Transportation Efficiency Act of 1991, states are required to enact a law requiring all individuals on a motorcycle to wear helmets in order for those states to be eligible to receive certain federal highway funds; and

WHEREAS, Any state which fails to enact such a law prior to October 1, 1993, is subject to a transfer of funds from three federal aid highway programs to its section 402 highway safety program; and

WHEREAS, Any state not in compliance with this requirement on October 1, 1993, will experience the transfer of 1 1/2 per cent of its federal highway construction funds for federal fiscal year 1995; and if still in noncompliance on October 1, 1994, will experience transfer of three percent of its federal highway construction funds in federal fiscal year 1996 and the same percentage transfer in federal fiscal year 1997; and

WHEREAS, Due to the failure of the Kansas Legislature to enact a mandatory helmet law in the 1993 session, Kansas did not comply with the helmet law requirements on October 1, 1993, and will incur the 1 1/2 percent penalty in federal fiscal year 1995 on October 1, 1994, and an estimated \$1.9 million in construction funds will be transferred to the section 402 highway safety program; and

WHEREAS, If the helmet law is not enacted by the Legislature prior to October 1, 1994, an estimated \$3.1 million of construction funds will be diverted in federal fiscal year 1996 (beginning October 1, 1995); and if still not enacted prior to October 1, 1995, an additional \$3.1 million of construction funds will be diverted in federal fiscal year 1997.

Now there be it resolved: That the Board and members of Economic Lifelines urges the Kansas Legislature to enact a mandatory helmet law in the 1994 legislative session to avoid further transfer or loss of highway construction funds in Kansas.

This Resolution adopted by formal action of the Board of Economic Lifelines on November 17, 1993.

**TRANSFERS OF KDOT FUNDS SINCE FY 1990
THAT WERE UNANTICIPATED WHEN HB 2014 WAS PASSED**

Description of Transfer	Amount Transferred					Total
	FY 91	FY 92	FY 93	FY 94	FY 95 (a)	FY 91-94
Reductions in Sales Tax Transfer: (b)						
1.75% reduction by Legis. action	1,325,000					1,325,000
1% reduction by Finance Council		780,000				780,000
3% reduction by Legis. action			2,335,075			2,335,075
4% reduction by Legis. action				3,260,583		3,260,583
3% cap on growth by Governor					4,736,000	4,736,000
Reverse Transfer to SGF in approp. bill (b)		3,796,300				3,796,300
Transfers to other state agencies:						
Board of Agriculture (c)		119,000	115,500	116,025	118,767	469,292
State Treasurer (d)			108,327	113,327	113,327	334,981
Total	1,325,000	4,695,300	2,558,902	3,489,935	4,968,094	17,037,231

**INCREASES IN TRANSFERS TO OTHER AGENCIES
THAT WERE UNANTICIPATED WHEN HB 2014 WAS PASSED**

Description of Transfer	Amount Transferred						Total
	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95	FY 91-94
Original Projections:							
Division of Vehicles	19,649,000	20,631,000	21,663,000	22,746,000	23,883,000	25,077,150	133,649,150
Highway Patrol	4,646,000	4,878,000	5,122,000	5,378,000	5,647,000	5,929,350	31,600,350
Current Actual/Estimate:							
Division of Vehicles	21,241,280	20,772,672	22,491,896	28,402,936	24,443,615	24,700,000	142,052,399
Highway Patrol	5,555,548	5,307,780	4,983,791	5,905,615	5,143,416	5,648,425	32,544,575
Increase/(Decrease)							
Division of Vehicles	1,592,280	141,672	828,896	5,656,936	560,615	(377,150)	8,403,249
Highway Patrol	909,548	429,780	(138,209)	527,615	(503,584)	(280,925)	944,225
Total	2,501,828	571,452	690,687	6,184,551	57,031	(658,075)	9,347,474
Grand Total	\$2,501,828	\$1,896,452	\$5,385,987	\$8,743,453	\$3,546,966	\$4,310,019	\$26,384,705

(a) Estimated

(b) To meet State General Fund ending balance requirements.

(c) For additional staff to meet increased workload related to hydraulic permit requirements.

(d) For Pooled Money Investment Board services, including investment activities and agency fees. Agency fees were expected when bonding was planned, but it was not known that the State Treasurer would be the agent.

Office of Management and Budget
February 2, 1994

HOUSE TRANSPORTATION
February 22, 1994
Attachment 10-3

Dennis C. Patterson
600 N.W. Hwy 24
Topeka, Ks. 66608

TESTIMONY BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION

My name is Dennis Patterson. I reside in Topeka, Kansas. I am a motorcycle dealer associated with a family business that has been in operation in Kansas for 45 years.

I am pleased to have an opportunity to speak with you. I do not represent a dealer association, however, I believe that my views would be representative of others working in the motorcycle industry.

My agenda is to explain the potential economic impact to our state should a mandatory helmet law be enacted or any other legislation that negatively impacts the desire of motorcyclists to register their vehicles and ride.

First I would address the following data: at the conclusion of 1993, there were 44,984 registered motorcycles in Kansas. Secondly, data derived from the Motorcycle Industry Council showed at the conclusion of 1992, the Economic Value of the Retail Marketplace (motorcycles) in Kansas was \$72,280,000. In 1993, there was growth in the marketplace and dollar figures would be higher. This economic value includes retail sales of motorcycles, parts and accessories, dealer servicing, product advertising, vehicle financing charges, insurance premiums, dealer personnel salaries, state sales and dealer personal income taxes and vehicle registration fees. In addition to this \$72 million generated by the retail marketplace, other

major contributors to the economic value of the industry can be found in salaries, product advertising, and taxes paid by manufacturers and distributors of new motorcycles, parts and accessories, and trades allied to the industry.

Taking this information a step farther, it is my desire to demonstrate the economic impact that adverse legislation has on our marketplace. The following data is extracted from information provided by the American Motorcyclist Association : "How Much Money Will AB7 Cost California Taxpayers ?" According to industry sources, helmet legislation can cause up to a 25% drop in motorcycle registrations. The resulting decline in the income stream from those registration losses can be very significant. After Oregon enacted a helmet law in 1988, registrations were off 16% and new motorcycle sale slumped 35%. Nebraska passed a helmet law in 1989 and registrations dropped 19% in the first year. New motorcycle sales dropped 40% !

The emotional reaction to negative legislation is very dramatic. If we take a very conservative outlook, and project a 15% decline in Kansas motorcycle registrations, the economic impact on the retail marketplace would result in about \$11 million dollars in lost value. In new vehicle sales alone, a conservative estimate of a 35% losses would impact approximately 6.5 million dollars in Kansas.

This loss of dollars hits our state and local economies in many ways:

1. loss of present and future registration fees
2. loss of gasoline tax collections
3. loss in industry payroll tax collections
4. loss in sales tax collections
5. loss in property tax collections
6. loss in business and corporate tax collections

Additional costs would be in laid off workers. In my small business, were we to have a 35% loss in new vehicle sales, we would have to reduce our staff by many, many people. Statewide the layoffs affect several hundred people.

In conclusion, the economic impact of negative motor-cycle legislation would be very dramatic. It has been demonstrated that major losses of registrations and sales do occur. Those dollar losses would continue year after year and would more than out weigh what are construed as losses in highway funding. An additional attachment shows the Federal Register of January 14, 1994 detailing guidelines of where Federal Highway Safety diverted fund can go. Among those projects are DUI enforcement, emergency medical services, and highway resurfacing.

It is my firm belief that passage of these negative House Bills would exact a huge toll on the overall Kansas economy. I would urge you to consider this information.

Enclosures:

1. 1992 Economic Value of the Retail Marketplace --
Motorcycle Industrial Council
2. "How Much Money Will AB7 Cost California Taxpayers"--
American Motorcyclist Association
3. Amendments to Highway Safety Program Guidelines--
Federal Register 59 FR 2320 01/14/94

1992 Economic Value of the Retail Marketplace

Economic Value

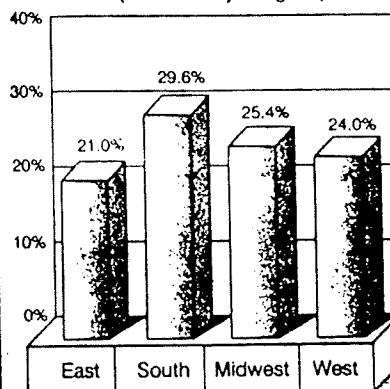
Economic Value of the Motorcycle Retail Marketplace By State/Region

In 1992 the motorcycle industry generated an estimated \$7.33 billion in consumer sales and services, state taxes, and licensing, of which \$2.14 billion, or 29.2%, is attributed to retail sales of new motorcycles, scooters and ATVs.

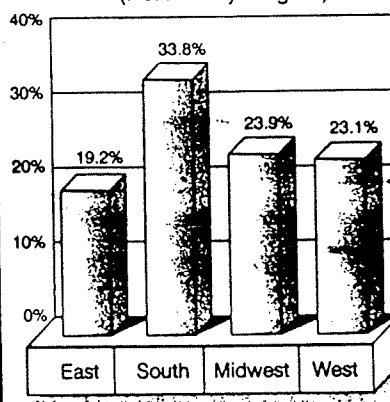
The 1992 estimated annual economic value of the retail marketplace includes retail sales of motorcycles, scooters, and ATVs (new and used) and parts and accessories, dealer servicing, product advertising, vehicle financing charges, insurance premiums, dealer personnel salaries, state sales and dealer personal income taxes, and vehicle registration fees.

In addition to this \$7.33 billion generated by the retail marketplace, major contributions to the economic value of the industry in personnel salaries, product advertising, corporate and personal income taxes, etc., are made by the manufacturers and distributors of new motorcycles, scooters and ATVs, parts and accessories, and the trades allied to the industry.

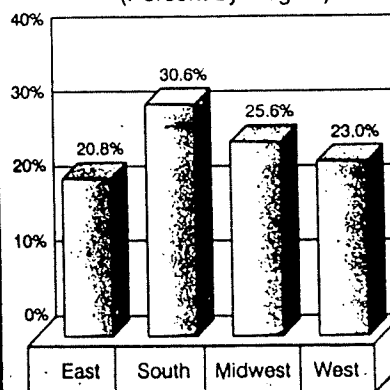
1992 Economic Value
(Percent by Region)



1992 Retail Units
(Percent by Region)



1992 Retail Dollars
(Percent by Region)



State	Estimated Economic Value of the Retail Marketplace (\$000's)	Estimated Retail Sales of New Motorcycles Units	Estimated Retail Sales of New Motorcycles (\$000's)
Alabama	\$ 119,870	9,260	\$ 35,000
Alaska	59,880	3,520	15,510
Arizona	106,270	6,450	31,030
Arkansas	135,540	11,380	43,100
California	853,040	46,780	233,730
Colorado	128,250	7,440	40,780
Connecticut	89,010	4,270	25,990
Delaware	21,670	1,130	5,830
Dist. of Col.	3,460	200	930
Florida	361,600	21,400	104,500
Georgia	164,550	12,860	52,160
Hawaii	N/A	N/A	N/A
Idaho	73,090	4,730	18,930
Illinois	313,630	16,590	90,950
Indiana	155,100	10,710	49,320
Iowa	92,050	5,210	26,880
Kansas	72,280	3,820	18,720
Kentucky	125,250	9,600	36,570
Louisiana	131,650	10,300	41,860
Maine	61,470	3,190	15,920
Maryland	118,190	6,810	34,510
Massachusetts	136,350	6,650	39,810
Michigan	261,770	15,300	75,910
Minnesota	190,480	11,390	60,380
Mississippi	94,450	7,140	27,580
Missouri	136,140	8,770	39,750
Montana	63,400	3,810	16,420
Nebraska	47,640	2,660	12,040
Nevada	59,000	3,350	15,280
New Hampshire	65,560	2,750	16,980
New Jersey	180,450	10,440	57,200
New Mexico	56,410	2,920	14,610
New York	378,350	21,230	109,340
North Carolina	198,750	13,930	63,000
North Dakota	24,200	1,310	6,510
Ohio	314,290	17,470	91,140
Oklahoma	91,710	6,250	26,780
Oregon	98,010	6,470	28,620
Pennsylvania	326,670	19,040	94,730
Rhode Island	27,170	1,220	7,310
South Carolina	98,630	6,940	28,800
South Dakota	37,030	1,910	9,960
Tennessee	146,740	11,310	46,660
Texas	366,310	22,290	105,860
Utah	76,530	4,820	19,820
Vermont	23,120	1,200	6,220
Virginia	133,750	8,590	42,530
Washington	151,240	10,800	48,090
West Virginia	105,680	7,520	30,860
Wisconsin	213,040	11,790	67,530
Wyoming	36,280	2,080	9,760
U.S. Total	\$ 7,325,000	447,000	\$ 2,142,000

Note: The 1992 figures above are not comparable to prior year estimates due to retail sales and population revisions. See page 10 for updated retail sales estimates for prior years.

* New motorcycle retail sales include all-terrain vehicles, scooters, and mopeds (limited speed motor-driven cycles under 50cc which are not generally defined by state as mopeds). Excludes mopeds. New motorcycle retail sales dollars are based on the manufacturer's suggested retail price per model in the MIC Retail Sales Report.

Source: "1992 Estimated Retail Sales of New Motorcycles" for each state was derived by the Motorcycle Industry Council from the MIC Retail Sales Report, adjusted for total retail sales. "1992 Estimated Economic Value of the Motorcycle Retail Marketplace" was derived by the Motorcycle Industry Council from the percent of the annual industry sales.

HOUSE TRANSPORTATION
February 22, 1994
Attachment 11-5

HOW MUCH MONEY WILL AB 7 COST CALIFORNIA TAXPAYERS?

According to industry sources and the experiences from other states which recently passed motorcycle helmet laws, we estimate that the enactment of AB 7 will cause at least a 25% drop in California motorcycle registrations. Since there were 643,137 motorcycle registrations in California in 1989 (according to the CHP), there will be, at least, 160,784 fewer motorcycle registrations in 1992, and the resulting decline in the income stream from those registrations to the state will be significant. It will be much more significant than the estimated "several million dollars" of medical savings the proponents of AB 7 claim.

Industry sources indicate that the annual economic value of California's motorcycle retail market place in 1989 was \$886,840,000. A decline of 25% in that marketplace would mean a \$222 million reduction in the total goods and services produced by the motorcycle market, and the deterioration of that income stream to the state treasury.

We feel that a 25% drop in the motorcycle business is probably conservative. After Oregon enacted a helmet law in 1988, registrations dropped off 16% and new motorcycle sales slumped 35%. Nebraska passed a helmet law in 1989 and that state's registrations declined 19% in the first year. New motorcycle sales slid 40%! The impact to California is expected to be even more dramatic.

This state has never had a motorcycle helmet law, and there are tens of thousands of riders in this state who will react very emotionally to AB7's enforcement. Many of these individuals will be forced into making a classic decision:

Shall I wear a helmet for the first time in my life, or will I simply quit riding my motorcycle?

Let's now examine the expected non-medical financial losses to California, if AB 7 is enacted -

HOUSE TRANSPORTATION
February 22, 1994
Attachment 11-6

LOSS IN MOTORCYCLE REGISTRATION FEES

643,137	1989 California registered motorcycles
x 25%	percentage of motorcycle registration reduction
<u>160,784</u>	fewer number of motorcycle registrations after AB 7
x \$81	estimated average motorcycle registration fee
<u>\$13,023,524</u>	LOSS IN MOTORCYCLE REGISTRATION FEES TO CALIFORNIA

LOSS IN MOTORCYCLE GASOLINE USE TAX COLLECTIONS

643,137	1989 California registered motorcycles
x 25%	percentage of motorcycle registration reduction
<u>160,784</u>	fewer number of motorcycle registrations after AB 7
x 3,340	average estimated miles travelled annually per motorcycle
<u>537,018,560</u>	motorcycle miles travelled annually lost after AB 7
÷ 70	estimated miles per gallon
<u>7,671,694</u>	fewer gallons of gasoline sold for motorcycle use
x \$.16	1992 California gasoline use tax
<u>\$ 1,227,471</u>	LOSS IN GASOLINE USE TAX COLLECTED

LOSS IN MOTORCYCLE INDUSTRY PAYROLL TAX COLLECTIONS

\$87,929,000	California annual motorcycle industry payroll amount
x 25%	percentage of motorcycle business reduction
<u>\$21,982,250</u>	decline in annual motorcycle industry payroll amount
x 9%	income tax rate
<u>\$1,978,402</u>	REDUCTION IN MOTORCYCLE INDUSTRY PAYROLL INCOME TAX

HOUSE

HOUSE TRANSPORTATION
February 22, 1994
Attachment 11-7

LOSS IN SALES TAX COLLECTIONS FOR CALIFORNIA'S RETAIL MOTORCYCLE MARKETPLACE

\$580,307,000	California motorcycle related retail sales volume
x 6½%	retail sales tax rate
<u>\$ 37,719,955</u>	sales tax amount
x 25%	percentage of motorcycle business reduction
<u>\$ 9,429,989</u>	REDUCTION IN SALES TAX COLLECTIONS FOR CALIFORNIA MOTORCYCLE RETAIL SALES

LOSS IN CALIFORNIA BUSINESS AND CORPORATE TAX COLLECTIONS

\$580,307,000	California motorcycle related retail sales volume
x 30%	estimated annual profit
<u>\$174,092,100</u>	estimated annual taxable profit
x 25%	percentage of motorcycle business reduction
<u>\$ 43,523,025</u>	loss in dollar amount because of motorcycle business drop
x 9.3%	corporate/business FTB tax rate
<u>\$ 4,047,641</u>	LOSS IN CORPORATE/BUSINESS FTB TAX COLLECTIONS

HOUSE TRANSPORTATION
February 22, 1994
Attachment 11-8

CONCLUSION

There will be a significant negative financial impact of almost \$30 million in loss of revenue to the already shrinking state treasury with the enactment of AB 7:

\$ 13,023,524	loss in motorcycle registration fees
1,227,471	loss in motorcycle gasoline use tax collections
1,978,402	reduction in motorcycle industry payroll income tax
9,429,989	loss in motorcycle retail sales tax collections
4,047,641	loss in corporate/business FTB tax collections
<hr/>	
\$ 29,707,027	ESTIMATED LOSS OF REVENUE TO CALIFORNIA BECAUSE OF AB 7's ENACTMENT

Additional costs to the state will also be generated. they were not included in the above total, but must be considered and enumerated, because their potential amount might well double the above \$30 million total.

- If the industry total of 6,136 employees is affected as expected, 1,534 motorcycle industry workers will be laid off. Their 1992 \$230 per week unemployment checks will total another \$18,346,640 for 1992.
- The motorcycle industry, as a whole in California, will be affected by at least 25% or \$221,710,000. Since California is the leader in the manufacturing and distribution of aftermarket equipment and accessories for the rest of the country, this could turn into an industry-wide recession for the entire country.
- Who can estimate what it will cost the court system to handle and prosecute the tens of thousands of helmet law violators who demand jury trials thereby overwhelming the already overloaded court system. How much will it cost for the state to try to overturn restraining orders to enjoin enforcement of the helmet law? What will it cost California to defend against serious constitutional challenges?
- Is it possible to calculate the cost of crimes against person and property which will go unprosecuted because of peace officers writing tens of thousands of citations for helmet law violators?

PLEASE CONSIDER THESE ACCURATE, SUBSTANTIATABLE, PROBABLE
LOSSES IN STATE REVENUE WHEN YOU ARE DECIDING HOW TO VOTE ON AB 7;

HAVE THE PROPONENTS OF AB 7 ESTABLISHED, TO YOUR SATISFACTION,
AN ACCURATE AMOUNT OF PUBLIC BURDEN COST TO BE SAVED BY ITS
ENACTMENT?

IF YOUR ANSWER TO THE ABOVE IS NO OR YOU'RE UNSURE, PLEASE
VOTE NO OR ABSTAIN ON AB 7! THANK YOU.

References:

- 1989 Annual Report of Fatal and Injury Motor Vehicle Traffic Accidents (CHP)
- "California's Trauma Care System: A Medical and Financial Emergency" prepared
by the Assembly Office of Research, October 1987
- 1990 Motorcycle Statistical Annual, an MIC Publication (Note: All of the conclusions
contained in this report are the opinions of the author. Based on raw data as
contained in the 1990 Motorcycle Statistical Annual, and are not the opinions
of the MIC)

HOUSE TRANSPORTATION
February 22, 1994
Attachment 11-10

DEPARTMENT OF TRANSPORTATION (DOT)

National Highway Traffic Safety Administration (NHTSA)

Federal Highway Administration (FHWA)

23 CFR Part 1204

NHTSA Docket No. 93-21; Notice 1 -- Request for comments: Amendments to Highway Safety Program Guidelines / RIN 2127-AE90

Contact: Kathy DeMeter, 202-366-0166

Comment Date: 02/28/94

Proposed Rules

(FEDREGISTER 59 FR 2320 01/14/94; 3159 lines.)

Item Key: 1042

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Federal Highway Administration

23 CFR Part 1204

[NHTSA Docket No. 93-21; Notice 1]

RIN 2127-AE90

Amendments to Highway Safety Program Guidelines

AGENCY: National Highway Traffic Safety Administration (NHTSA) and Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Request for comments.

SUMMARY: Section 2002 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Highway Safety Programs, requires that the uniform guidelines for State Highway Safety Programs include six critical programs. The existing 18 Highway Safety Program Guidelines currently address four of the six programs identified in ISTEA, but do not specifically address Speed Control or Occupant Protection. The agencies therefore propose to amend the regulations by adopting guidelines for these two programs. The agencies also propose to issue a guideline on Roadway Safety, corresponding to the Roadway Safety Priority Program Area.

In addition to three new guidelines, the agencies propose to revise six of the existing 18 guidelines to reflect new issues and to emphasize program methodology and approaches which have proven to be especially successful in these program areas. The guidelines the agencies propose to revise are as follows:

Guideline No. 3 Motorcycle Safety

Guideline No. 8 Alcohol in Relation to Highway Safety

Guideline No. 10 Traffic Records

Guideline No. 11 Emergency Medical Services

Guideline No. 14 Pedestrian Safety

Guideline No. 15 Police Traffic Services

The agencies believe that the proposed revisions will provide more detailed guidance to the States.

DATES: Comments on this document must be received no later than February 28, 1994.

ADDRESSES: Comments should reference the docket and notice numbers of this document and be submitted (preferably in ten copies) to: Docket Section, room 5109, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590. Docket hours are from 9:30 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: In NHTSA, Ms. Kathy DeMeter, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, DC 20590; telephone: (202) 366-1834 or Ms. Marlene Markison, Office of Regional Operations, National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, DC 20590; telephone: (202) 366-0166. In FHWA, Mr. Will Baccus, Office of Chief Counsel, Federal Highway Administration; telephone: (202) 366-0780 or Ms. Mila Plosky, Office of Highway Safety, FHWA; telephone: (202) 366-6902.

SUPPLEMENTARY INFORMATION:**Background**

Section 402 of the Highway Safety Act of 1966 directed the Secretary of Transportation to promulgate uniform standards for State highway safety programs, specified the subjects of several standards, and required States to

Post-It Fax Note	7671	Date	# of pages 4
To	Dennis Patrick	From	CHRIS KALLER
Co./Dept.		Co.	AMS
Phone #		Phone #	
Fax #		Fax #	

HOUSE TRANSPORTATION
February 22, 1994
Attachment 11-11

Highway Safety Program Guideline**No. 21****Roadway Safety**

Each State, in cooperation with its political subdivisions, should have a comprehensive roadway safety program that is directed toward reducing the number and severity of traffic crashes.

I. Program Management

The Federal Highway Administration (FHWA) provides administrative oversight for the Roadway Safety portion of the section 402 highway safety program in close coordination with the State Highway Safety Agency (SHSA) and the State Highway Agency (SHA). Although section 402 dollars cannot be utilized for highway construction, maintenance or design activities, they can be used to develop and implement systems and procedures for carrying out safety construction and operational improvements. These funds can also be used to augment Federal-aid highway programs, such as the Hazard Elimination Program (Section 152) and the Rail-Highway Crossings Programs (Section 130), as well as other safety construction activities.

An effective Roadway Safety program is based on sound analyses of roadway-related crash information and applies engineering principles in identifying highway design or operational improvements that will address the crash problem. The SHSA should:

Assign program staff to work directly with the FHWA division safety engineer on roadway-related safety programs.

Work in close harmony with the SHA, particularly with SHA staff who are responsible for traffic engineering, pedestrian and bicycle programs, CMV safety, rail-highway crossing safety issues, work zone safety, design and operational improvements, and hazardous roadway locations.

Foster an ongoing dialogue among all disciplines with a vested interest in highway safety, including engineers, enforcement personnel, traffic safety specialists, driver licensing administrators, CMV safety specialists, and data specialists.

Promote a multi-disciplinary approach to addressing highway safety issues which focuses on comprehensive solutions to identified problems. An example is assisting in the coordination and the implementation of Community/Corridor Traffic Safety Programs, and MCSAP, where appropriate.

Become familiar with the various highway-safety related categories of Federal-aid highway funds-in addition to section 402-in order to maximize the safety benefits of the entire program.

Become familiar with the State's traffic records system and play a role in the system's ongoing operation, maintenance and enhancement.

Assist community leaders in managing and/or coordinating programs designed to address roadway safety issues and concerns which fall under the jurisdiction of local communities.

Become familiar with MCSAP and coordinate MCSAP and section 402 program activities.

II. Related Highway Safety Program Guidelines

Roadway Safety applies to highway safety activities related to the roadway environment and includes activities which are described in the following Highway Safety Program Guidelines:

Guideline # 9: Identification and Surveillance of Accident Locations,

Guideline # 12: Highway design, Construction and maintenance,

Guideline # 13: Traffic Engineering Services,

Guideline # 14: Pedestrian Safety.

A model Roadway Safety program would encompass the following aspects of these four guidelines:

Procedures for accurate identification of crash locations on all roads and streets which identify crash experience on specific sections of the road and street system.

Methods to produce an inventory of high crash locations experiencing sharp increases as well as design and operational features with which high crash frequencies or severities are associated.

Appropriate measures to reduce crashes and evaluate the effectiveness of safety improvements on any specific section of the road or street system.

A systematically organized method to ensure continuing surveillance of the roadway network for potentially high crash locations and the development of methods for their correction.

Design guidelines relating to safety features such as sight distances, horizontal and vertical curvature, spacing of decision points, width of lanes, etc. for all new construction or reconstruction at least on expressways, major streets and highways, and through streets and highways.

Street systems that are designated to provide a safe traffic environment for all roadway users when subdivisions and residential areas are developed or redeveloped.

Efforts to ensure that roadway lighting is provided or upgraded on a priority basis at: expressways and other major arteries in urban areas, junctions of major highways in rural areas, locations or sections of streets and highways which have high ratios of night-to-day motor vehicle and/or pedestrian crashes, and tunnels and long underpasses.

Guidelines for pavement design and construction with specific provisions for high skid resistance qualities.

A program for resurfacing or other surface treatment with emphasis on correction of locations or sections of streets and highways with low skid resistance and high or potentially high crash rates susceptible to reduction by providing improved surfaces.

Efforts to ensure that there is guidance, warning and regulation of traffic approaching and traveling over construction or repair sites and detours.

A method for systematic identification and tabulation of all rail-highway grade crossings and a program for the elimination of hazards and dangerous crossings.

Projects which provide for the safe and efficient movement of traffic, by ensuring that roadways and the roadsides are maintained consistent with the design guidelines which are followed in construction.

Identify and correct hazards within the highway right-of-way.

Wherever possible for crash prevention and crash survivability, efforts to include at least the following highway design and construction features:

Roadsides which are clear of obstacles, with clear distance determined on the basis of traffic volumes, prevailing speeds, and the nature of development along the street or highway;

Supports for traffic control devices and lighting that are designed to yield or break away under impact wherever appropriate;

Protective devices that afford maximum protection to the occupants of vehicles where fixed objects cannot be reasonably removed or designed to yield;

Bridge railings and parapets which are designed to minimize severity of impact, to retain the vehicle, to redirect the vehicle so that it will move parallel to the roadway, and to minimize danger to traffic below;

Guardrails, and other design features which protect people from out-of-control vehicles at locations of special hazard such as playgrounds, schoolyards and commercial areas.

A post-crash program that includes at least the following:

Signs at freeway interchanges directing motorists to hospitals which have emergency care capabilities;

Maintenance personnel who are trained in procedures for summoning aid, protecting others from hazards at crash sites, and removing debris;

Provisions for access and egress for emergency vehicles to freeway sections where this would significantly reduce travel time without reducing the safety benefits of access control.

A comprehensive resource development plan to provide the necessary traffic engineering capability, including:

Provisions for supplying traffic engineering assistance to those jurisdictions which are unable to justify a full-time traffic engineering staff;

Provisions for upgrading the skills of practicing traffic engineers, and providing basic instruction in traffic engineering techniques to other professionals and technicians.

The utilization of traffic engineering principles and expertise in the planning, design, construction, and maintenance of the public roadways, and in the application of traffic control devices.

A traffic control device plan which includes:

An inventory of all traffic control devices;

Periodic review of existing traffic control devices, including a systematic upgrading of substandard devices to conform with standards endorsed by the Federal Highway Administrator;

A maintenance schedule adequate to insure proper operation and timely repair of control devices, including daytime and nighttime inspections;

And where appropriate, the application and evaluation of new ideas and concepts in applying control devices and in the modification of existing devices to improve their effectiveness through controlled experimentation.

An implementation schedule which utilizes traffic engineering resources to:

Review road projects during the planning, design, and construction stages to detect and correct features that may lead to operational safety difficulties;

Install safety-related improvements as part of routine maintenance and/or repair activities;

Correct conditions noted during routine operational surveillance of the roadway system to rapidly adjust for the changes in traffic and road characteristics as a means of reducing the frequency and severity of crashes;

Conduct traffic engineering analyses of all high crash locations and the development of corrective measures;

Analyze potentially hazardous locations-such as sharp curves, steep grades, and railroad grade crossings-and develop appropriate countermeasures.

Identify traffic control needs and determine short and long range requirements.

Evaluate the effectiveness of specific traffic control measures in reducing the frequency and severity of traffic crashes;

Conduct traffic engineering studies to establish traffic regulations, such as fixed or variable speed limits.

A method to ensure a continuing statewide inventory of pedestrian- motor vehicle crashes identifying the location and times of the crash, as well as the age of the pedestrian and circumstances of the incident.

Statewide operational procedures for improving the protection of pedestrians through the application of traffic engineering practices, careful land-use planning in newly developed areas, physical separation of pedestrian pathways from vehicle roadways, and environmental illumination of high volume and/or potentially hazardous pedestrian crossings.

Periodic evaluation of each of the Roadway Safety projects by the State, or appropriate Federal department or agency where applicable. The evaluation should provide information detailing the program's effectiveness in terms of crash reduction and the end results of crashes, and the Federal Highway Administration should be provided with an evaluation summary.

Companion Highway Safety Program Manuals (February, 1974), which supplement Guidelines 9, 12, and 13 and provide additional information to assist State and local agencies in implementing their roadway safety programs are available from the Federal Highway Administration's Office of Highway Safety.

Issued on: January 4, 1994.

Rodney E. Slater,

Administrator, Federal Highway Administration.

Howard M. Smolkin,

Executive Director, National Highway Traffic Safety Administration.

[FR Doc. 94-660 Filed 1-13-94; 8:45 am]

February 24, 1994

The Honorable Rex Crowell
House of Representative
431-N
State Capitol Building
Topeka, Kansas 66612

Mr. Chairman:

My name is Dan Mitchell. I reside in Shawnee County. I am an owner and operator of a motorcycle.

My concern reference House Bill 2175 is that I question and challenge the validity of the sanctions found in 23 USC Sec. 153, the codification of Public Law 102-240, commonly known as the Internodal Surface Transportation Efficiency Act of 1991 (ISTEA). Section 153 (a)(1) requires the implementation of a law requiring the use of a helmet by any individual on a motorcycle within the state to make the state eligible for a grant to adopt and implement a traffic safety program. Eligibility is contingent upon the state entering into such agreements with the Secretary of Transportation as the secretary may require to ensure implementation of a safety program. Section 153 (h) defines the "penalty" for a state which fails to implement such a law, to wit: reappointment of funds from 23 USC Sec. 104, new construction, to 23 USC Sec. 402, highway safety programs. The amount of reapportioned funding shall be 1 1/2 percent of the funds apportioned to the state for construction in fiscal year 1995 and shall be 3 percent of the construction funds apportioned for the succeeding fiscal year. This "penalty" is not a diminution of total funds, simply a reapportionment, and in fact, the federal share of the costs of any project carried out under section 402 with funds transferred to the apportionment of section 402 shall be 100 percent. No state match is required.

Section 402 of title 23 of the USC addresses highway safety programs. Ironically, section 402 (c) specifically addresses motorcycle helmet usage by directing that "a highway safety program approved by the secretary shall not include any requirement that a state implement such a program by adopting or enforcing any law, rule, or regulation based on a guideline promulgated by the secretary under this section requiring any motorcycle operator eighteen years of age or older or passenger eighteen years of age or older to wear a safety helmet when operating or riding a motorcycle on the streets and highways of the state. Implementation of a highway safety program under this section shall

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not be construed to require the secretary to require compliance with every uniform guideline, or with every state."

To further demonstrate the inconsistency of this legislation the Highway Safety Program Guidelines are set forth in the Code of Federal Regulations, 23 CFR Sec. 1204.4, and suggest the usage of helmets by operators and passengers on motorcycles. For the State of Kansas to succumb to such an ambiguous law which results in a significant restraint of personal freedom of its citizens is totally inappropriate. This legislation is ripe for challenge and my research reflects no court decisions on the validity of this act. Because of the funding provisions of this legislation, it is not subject to private cause of action and therefore an individual may not challenge it. A state, however, being subject to its provisions, would be an appropriate party to such an action. I would encourage the legislature to consider its options.

For your further consideration, presume that the legislation is valid and the state refuses to enact a helmet law, the reapportionment of funds to safety programs pursuant to 23 USC Sec. 402 is 100 percent federal funds. Those programs that qualify are many and varied, including, but not limited to, expansion of drug and alcohol enforcement, expansion of safety and education programs, development and installation of traffic control devices, and resurfacing of roadways. Further, if one calculates the state's matching funds requirement for new road construction, the state may actually receive fiscal benefit from the reapportionment of funds pursuant to 23 USC Sec. 402.

In conclusion the intent of the various Highway Safety Acts that have been implemented is to effectuate safe travel on the roadway for all users. Surely programs of safety and education for all users will more readily achieve that goal than the mere construction of new roadways. Proponents and opponents of helmet legislation can cite myriads of statistical data to support their respective positions, but without unrefutable evidence to the contrary, infringement upon personal choice seems an unnecessary and inappropriate legislative function. Thank you for your attention to and consideration of these comments.

Respectfully submitted,



Daniel L. Mitchell

INFORMATION SUBMITTED TO THE HOUSE TRANSPORTATION COMMITTEE
REP. REX CROWELL, CHAIRMAN
STATEHOUSE
TOPEKA
FEBRUARY 22, 1994

SUBJECT: Motorcycle Helmet Legislation

Bill now before the US Senate which would exempt
States from federal penalties for not enacting helmet
laws if the State has a motorcycle rider education
program....

S.1842

Submitted by:

Patty Mills
American Motorcyclist Association
Board of Trustees
17 Pepper Tree
Topeka, KS 66611
913-267-3772

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PRESS RELEASE

Motorcycle Riders Foundation • P.O. Box 1808, Washington, D.C. 20013-1808 • 202/546-0983, Fax 202/546-0986, BBS 202/546-5894

FOR IMMEDIATE RELEASE

Contact: Wayne Curtin

Phone: 202-546-0983

February 10, 1994

SENATORS CAMPBELL AND DURENBERGER INTRODUCE S.1842 EXEMPTS STATES FROM PENALTY FOR NOT HAVING HELMET LAWS IF STATE HAS MOTORCYCLE RIDER EDUCATION PROGRAM

Washington, D.C. -- On the evening of February 9, Senators Ben Nighthorse Campbell (D-Colo.) and Dave Durenberger (R-Minn.) took to the U.S. Senate floor to introduce legislation to exempt States from federal penalties for not enacting helmet laws if the State has a motorcycle rider education program. The legislation would also delay the deadline for States to pass the required laws to avoid the penalty by two years. The legislation was assigned the number S.1842 and was referred to Senate Committee on Environment and Public Works.

During his floor speech Senator Campbell stated "My bill would give States the option of implementing safety programs, instead of mandating the use of helmets and seat belts, and remove the section 153 penalties." Section 153 penalties on States not enacting helmet and seat belt laws by October 1, 1993 became law with the passage of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

"Forcing States to pass [helmet] laws, or throwing money at safety programs is not the answer," Campbell said. In support of addressing the problem of accidents by inexperienced and unlicensed motorcyclists Senator Campbell stated, "I believe that encouraging and providing support to States and local communities to establish motorcycle training programs would be a much more effective means of improving motorcycle safety on our roads and highways."

Senator Durenberger's comments on the senate floor centered around responsible actions by citizens and allowing local and State governments to make more decisions, especially in personal safety and health decisions. Durenberger stated, "When it comes to injury prevention, education is a more effective strategy than mandating helmets." He supported this by saying, "States with laws establishing motorcycle safety rider education programs average fewer fatalities compared to States without education programs."

-- more --

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After citing the actions of Minnesota motorcyclists on safety, Senator Durenberger concluded his statement by saying, "Mr. President, we all believe in safety. And it is good to sometimes remind ourselves that very often, it is the people -- not Federal Officials -- who have figured out the best way to do it."

In addition to Senator Durenberger, there were 11 other original cosponsors to Senator Campbell's legislation, S.1842: Senators Kohl (D-Wis.), Lugar (R-Ind.), Burns (R-Mont.), Simpson (R-Wyo.), Hatch (R-Utah), Moseley-Braun (D-Ill.), Grassley (R-Iowa), Gregg (R-NH), Coats (R-Ind.), Smith (R-NH) and Murkowski (R-Alaska).

MRF Vice President of Government Relations, Wayne Curtin, stated, "The approach of S.1842 is more in line with the overall approach of ISTEA to allow States more flexibility with their transportation funds." ISTEA has allowed the States to have more flexibility in how to spend federal highway aid, except in the area of motorcycle safety where ISTEA set a mandate requiring States to pass helmet laws or be forced to spend highway construction and maintenance funds on safety programs. Curtin continued, "The MRF is opposed to the federal mandate, and would prefer a full repeal of section 153 penalties, but at least this approach allows the State Legislatures some flexibility in how they address motorcycle accidents, injuries and fatalities in their State."

Curtin also stated, "S.1842 should be considered responsible legislation in the face of the current debate on health care." Curtin expressed the belief that "programs that teach our citizens -- in this case motorcyclists -- behaviors and skills that allow them to avoid accidents, and therefore the resulting injuries and fatalities, should be strongly encouraged."

The MRF encourages you to write or call your U.S. Senators to request them to cosponsor S.1842, or if they were one of the original cosponsors, to send a letter of thanks.

You are also asked to write or call your U.S. Representative requesting them to cosponsor Congresswoman Olympia Snowe's bill H.R.799, which would repeal the section 153 penalties. She needs your help in building support for H.R.799 as it is considered as an amendment to the National Highway System legislation that the House of Representatives is expected to act on this Spring. Congresswoman Snowe (R-Maine) is scheduled to testify before the Surface Transportation Subcommittee on March 3rd, during hearings on the National Highway System.

For more information on these bills and other legislation concerning motorcyclists contact the Motorcycle Riders Foundation at 202-546-0983.

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The Motorcycle Riders Foundation, incorporated in 1987, is a national motorcyclists' rights organization headquartered in Washington, D.C. The MRF is involved in federal and state legislation and regulations, motorcycle safety education, training, licensing and public awareness. The MRF provides members and state motorcyclists' rights organizations with direction and information to protect motorcyclists rights and motorcycling. The MRF sponsors annual regional and national educational seminars for motorcyclists' rights activists and publishes a bi-monthly newsletter, THE MRF REPORTS.

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103D CONGRESS
2D SESSION

S. 1842

To amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety and passenger vehicle safety belt laws, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9 (legislative day, JANUARY 25), 1994

Mr. CAMPBELL (for himself, Mr. DURENBERGER, Mr. KOHL, Mr. LUGAR, Mr. BURNS, Mr. SIMPSON, Mr. HATCH, Ms. MOSELEY-BRAUN, Mr. GRASSLEY, Mr. GREGG, Mr. COATS, Mr. SMITH, and Mr. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety and passenger vehicle safety belt laws, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. USE OF SAFETY BELTS AND MOTORCYCLE HEL-**
2 **METS.**

3 Section 153(h) of title 23, United States Code, is
4 amended—

5 (1) in paragraph (1)—

6 (A) in the heading, by striking “1994” and
7 inserting “1996”;

8 (B) by striking “1994” and inserting
9 “1996”;

10 (C) by inserting after “subsection (a)(1)”
11 the following: “or a motorcycle safety program
12 administered by the State to reduce motorcycle
13 accidents and fatalities,”; and

14 (D) by striking “1995” and inserting
15 “1997”.

16 (2) in paragraph (2)—

17 (A) by striking “1994” and inserting
18 “1996”, and

19 (B) by inserting after “subsection (a)(1)”
20 the following: “or a motorcycle safety program
21 administered by the State to reduce motorcycle
22 accidents and fatalities,”.

February 22, 1994

Dear Representative,

I am writing in support of a helmet law for Kansas. My husband has a head injury. It has changed and continues to affect our lives and our children's lives. What used to be a stable future is no longer stable. What used to be easy and commonplace is no longer easy or commonplace. Even a trip to the store can be difficult. There is no part of our lives that my husband's head injury doesn't affect.

My husband and I have tried to continue to help others. We have a support group for people who have disabilities. Though the group is open to all people with many different types of disabilities the majority of people who have come are people who have head injuries.

Head injuries cause extensive and long lasting difficulties for the person with the head injury and their families and friends. Often it is a family member who seeks the help of our support group. The affects of head injuries are difficult for everyone involved to adjust to.

The National Rehabilitation Association reports in it's "Journal of Rehabilitation" Oct./Nov./Dec. 1993 (Social Adjustment Scale Assessments in Traumatic Brain Injury) that "the social and emotional impact of head injury is long-lasting" and that "several reports suggest that depression after head injury may actually increase with time. The changes in the head injured person obviously affect the people in his or her life also, setting up a complex interaction. Lezak (1978) reported that families of head injured persons may feel more isolated and may be the focus of the injured persons frustration. McKinlay, Brooks, and Bond (1983) reported that families may perceive the patient as more of a burden as time passes. Divorce is a frequent outcome of head injury if the disabilities are moderate to severe".

In the article "A Review of Current Strategies and Trends for the Enhancement of Vocational Outcomes Following Brain Injury" (from the same journal) it is stated that there is "an increased need for specialized rehabilitation. The successful rehabilitation of individuals who have sustained a brain injury can be a difficult task (Cohen, 1985). Individuals who have sustained brain damage as a result of traumatic injury often experience changes in ability (residual effects) which may affect physical and cognitive abilities and emotional and behavioral capacities (Burke, Weslowski & Guth, 1988; Namerow, 1987; Peck et al., 1984; Seiercinsky, Price, & Lead, 1987; and Whyte & Rosenthal, 1986).

"Outcomes studies over the last ten years document that the proportion of consumers who return to work varies greatly, partially due to factors such as length of coma, severity of injury, locale of injury, extent of residual effects, availability of community-based and integrated vocational services, and longevity of follow up."

The Journal lists various affects of head injuries.

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COGNITIVE ABILITIES

Attention, Concentration, Memory, Basic academics, Money management, Follow through, Reasoning, Problem solving, Thought processes, Ability to say what is meant, Initiation, Ability to understand what is heard, Following directions, Time management, Insight, Ability to sequence, Organization, Ability to prioritize, Ability to handle multiple stimuli.

PHYSICAL ABILITIES

Endurance and strength, Walking, Coordination and use of body and limbs, Vision, Olfactory sensation (smell), Taste, Visuospatial perception (spatial perception), Hearing, Feeling and sensation, Bowel and bladder control, Speech intelligibility, Swallowing and feeding, Other medical areas, i.e. seizures.

BEHAVIOR AND EMOTIONAL CAPACITIES

Ability to monitor and control anxiety, Irritability, Depression, Temper, Anger, and Impulsivity, Tolerance for frustration, Ability to regulate emotional lability and energy, Social interactions and skills, Ability to maintain relationships, Ability to control behavior in social situations, Substance abuse...

It is proven that the severity of the affects of head injuries coincide with the severity of the head injury. It is also proven that helmets prevent and lessen head injuries. And it is shown that head injuries affect all aspects of society, not only the person who has the head injury but also their families, friends and the society that losses the benefits of a productive citizen and now needs to provide the physical, cognitive, emotional, and vocational rehabilitation needed in the hope that the person may resume their valued place in society. The cost of divorce on our children and our societies future itself is undeniable.

Often people who do not want to wear helmets when riding their motorcycles say that they have the freedom and right to decide for themselves. These people do not understand the affects and implications on society this action causes. People I know who do understand the implications also wear helmets.

Who decides for society? Who decides for our children? After your careful consideration of all the facts, affects, and implications that one small act has on our society I urge you to support the helmet law.

Sincerely yours,



Vicki M. Tyler
3503 Stonehenge Court
Manhattan, KS 66502

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February 22, 1994

Dear Representative,

I support the Helmet Law for Kansas.

I was a police officer in Wisconsin for 20 years until I was shot in the head during a drug deal. I was traffic expert for the court system and I have a masters degree in safety.

I have seen many accidents involving motorcycles both before and after Wisconsin passed a helmet law. After the law was passed I witnessed a decrease in the incidence of accidents resulting in death. When accidents did occur there was a definite lessening in the severity of head injuries.

Without a helmet even small accidents, such as low speed accidents or accidents caused by loose gravel or catching a curb on a turn, can result in head injuries and death. In my work as a police officer I have encountered many incidences where a life could have been saved or an injury lessened by the use of a helmet. These incidences stay in my memory, particularly because of their senselessness. I was working one Sunday when, at 4:30 p.m., two bikers were riding side by side at about 15 miles per hour. One biker passed a cigarette to the other. The other leaned over to get the cigarette just as they were passing a left turn sign. His head hit the sign and he died instantly.

Some have said that they should not be required to wear a helmet because it would infringe upon their freedom. There are limits to an individual's freedom. A person's freedom can not infringe upon the rights and freedom of others. Kansas has laws that protect it's citizens from the loss of their rights and freedoms through the actions of others. A helmet law would be such a law.

To operate a motorcycle in the safest way possible is the responsibility that comes with the motorcycle. The safe operation of motorcycles include driving within speed limits, obeying traffic signs, and having operative safety equipment such as eye protection and helmets.

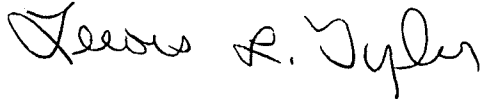
Head injuries affect not only the person who has the disability, but also their entire family, their friends, and the society they live in through the extensive costs of treatment, care, and loss of wages, and the personal, physical, emotional and financial burdens placed on loved ones.

Motorcycles accidents have a high incidence of head injuries. A head injury is uniquely different from other disabilities, they affect the whole of society and they are preventable.

The affects of my head injury has been extremely difficult for

me. I have been paralyzed, lost my speech and I lost my future and career. I have seen and experienced all sides of this issue and I urge you to support passage of a helmet law for Kansas. Please protect our citizens, our children, and our future.

Sincerely yours,

A handwritten signature in cursive script that reads "Lewis L. Tyler".

Sgt. Lewis L. Tyler (ret.)
3503 Stonehenge Court
Manhattan, KS 66502

February 22, 1994

Dear Representatives:

My name is Michelle Tyler. I am almost 13 years old. My dad has a head injury. I want to convince you to vote for the helmet law.

I wear my helmet whenever I ride my bike and that has saved me from a few bumps on my head.

I also wear a helmet while horseback riding. I've seen one of my friends take a bad spill off a horse and her helmet saved her from a head injury and saved her life. All that happened was she broke her leg.

The only difference between a bike, a horse, and a motorcycle is that a motorcycle can go faster.

I have seen helmets work and they have worked for me too. I have also seen many people who have head injuries. That is why I came here to try to convince you to vote FOR the helmet law because we do not need any more head injuries.

Please support the helmet law.

Thank you.

Sincerely,

Michelle Tyler

Michelle Tyler
3503 Stonehenge Court
Manhattan, KS 66502

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