



rights.

NEWS & NOTES

American **Motorcyclist** Association

March 2007

ABATE of Nebraska is asking all motorcyclists for help in putting together written testimony from motorcyclists from across the nation to modify their helmet law (Legislative Bill 253).

When contacting ABATE they ask that you include: your name and complete address, the amount of money you have invested in your motorcycle, the amount of money you spend per person on an average day during a motorcycle trip, your profession, how much motorcycle and health insurance you carry, and a personal reason why you want to relax Nebraska's helmet law.

Email your polite, concise, and pertinent written testimony to oslb253@hotmail.com or via US postal Service to oslb253, 13414 A Street, Omaha, NE 68144. For further information see www.abateofne.com

Virginia House Bill 3073, introduced by Del. R. Lee Ware, Jr. (R-Fitchburg), would make it unlawful to operate either an off-highway motorcycle (OHM) or an ATV within 500 feet of any dwelling. The bill exempts farming and forestry activities, but fails to exempt operation within 500 feet of the operator's own dwelling.

Similarly, Senate Bill 1398, introduced by Sen. John C. Watkins (R-Midlothian), would allow local governments to enact ordinances to prohibit the operation of an OHM or ATV within 500 feet of any dwelling. However, the Watkins bill would require local ordinances to exempt "the vehicle operator's dwelling or any other dwelling where the occupant has given permission for the operation of such vehicle". Local ordinances would also exempt farming and forestry related operations.

The AMA/ATVA is not opposed to the reasonable regulation of off-highway vehicle (OHV) use. In fact, the Association has developed model ordinance language as a guide for local governments. However, this type of legislation should be developed at the local level. An overly broad state level prohibition is unnecessary and unfair. Furthermore, the Association believes that any law which simply establishes arbitrary "no-ride zones" to be discriminatory toward OHV enthusiasts and private property owners.

Oregon riders are encouraged to oppose SB 49, which seeks to outlaw ATV and motorcycle riding for all youth under age 12. SB 49 would ban all youth riders, age 12 and under, from motorcycle and ATV riding, even on private property, and limit riders under age 16 to vehicles 90 cc's or less.

The full text of Senate Bill 49 can be found at www.leg.state.or.us. This legislation has been proposed without any consultation with the Oregon riding community, the AMA, industry or even state parks. The motorized community must be given an opportunity to weigh in on this legislation prior to it being introduced. Use the AMA StateWatch section of www.AMADirectlink.com to email your message making your feelings known, and also be sure to let other riders know about this important issue.

New Jersey Assembly Bill 3701, introduced by Assemblywoman Alison Littell McHose (R-Sparta), would establish a Lane Splitting Task Force to focus on the policy of allowing motorcycles to ride between lanes of motor vehicle traffic during times of congestion, and to examine the advantages and drawbacks of instituting such an initiative in New Jersey. The task force would consist of five members, including representatives from: the Motorcycle Safety Foundation, Rider Education of New Jersey, Commissioner of Transportation, Chief Administrator of the Motor Vehicle Commission, and State Police.

In conducting its inquiry, the task force would be charged with studying lane splitting initiatives which have been adopted or considered in other states and countries and determining their effect on road congestion and traffic safety. The task force would compare these various initiatives and establish an opinion on which components would provide the most benefit with the safest implementation, if lane splitting were adopted in New Jersey.

The American Motorcyclist Association and state motorcyclists' rights organizations urge all motorcyclists to contact Assemblyman John S. Wisniewski, Chair, Assembly Transportation and Public Works Committee, to request AB-3701 be brought up for consideration. You can reach his office by calling (732) 316-1885, visiting his Web site at www.njleg.state.nj.us/members/wisnew.asp to send email, or writing to The Honorable John Wisniewski, New Jersey General Assembly, 3145 Bordentown Ave., Suite B, Parlin, NJ 08859.

The Washington State Department of Transportation (WSDOT) wants your suggestions regarding the Tacoma Narrows Bridge. Specifically they want to know whether or not motorcycles should be allowed to cross it for free? Let them know what you think at www.wsdot.wa.gov/projects/sr16narrowsbridge/feedback/cac-feedback.cfm.

West Virginia Delegates Tucker, Yost, Eldridge and Reynolds have introduced HB 2834 at the request of riding activists and ABATE of WV. If passed it would remove the requirement for a helmet for those over 21 with two years experience, and there is some advantageous language about the motorcycle Safety Board. HB 2834 has been referred to the Committee on Roads and Transportation then is expected to visit the Committee on Judiciary.

The purpose of this bill is to remove the requirement that motorcycle operators and passengers 21 years old or older wear helmets, except that all operators licensed less than two years would be required to wear helmets. The bill also modifies language concerning the motorcycle safety and education committee to correctly reflect it is an eight member board rather than a six member board, while making minor stylistic changes as well.

Virginia House of Delegates, on a voice vote, gave preliminary approval to legislation sponsored by Del. Watkins Abbitt, I-Appomattox, to drastically reduce the punishment for riding without a helmet.

Under the current law, a violation is a traffic infraction punishable by a fine of up to \$250. Violators also can be assessed demerits on their driving record. Abbitt's bill would change it to a civil offense punishable by a \$25 fine and no demerits.

The AAA Foundation for Traffic Safety has released TrafficSTATS (STATistics on Travel Safety), which is an interactive web-based risk assessment calculator. The calculator produces frequency

counts and a variety of risk estimates based on the National Highway Traffic Safety Administration's (NHTSA) Fatality Analysis Reporting System (FARS) and the Bureau of Transportation Statistics, National Household Travel Survey (NHTS). TrafficSTATS allows users to explore the relative risks across transportation modes, demographic variables, vehicle types, and environmental characteristics.

TrafficSTATS is a joint venture between Carnegie Mellon University and the AAA Foundation for Traffic Safety (AAAFTS). The TrafficSTATS website provides users with an interactive tool to query information about multiple dimensions of traffic-safety risks.

The Colorado Department of Transportation (CDOT) says they are trying to reduce highway collisions between vehicles and wildlife.

Using things like flashing lights and motion sensors are just a few of many solutions transportation experts are considering. According to transportation officials, nearly 200 people are killed nationwide each year in crashes involving wildlife, mostly deer. The collisions cost drivers almost \$1.5 billion each year in property damage, deaths and injuries, officials said.

On US 40 east of Craig, CDOT also installed a series of unusual looking reflectors to create flashes of light at 54 angles, horizontally and vertically, when a vehicle's light hits them. According to CDOT, the reflected light bounces back and forth across the road, deterring deer and other wildlife from crossing. Drivers can not see the light because of the way it's reflected.

CDOT is also testing another project on US 160 between Durango and Bayfield, a system that works like a motion detector system. The system uses sensors buried 10 inches underground on either side of the highway. CDOT says when a deer or other animal triggers the sensor, a large light will go on to let an oncoming driver see there's an animal on or near the road. The light may also startle the animal and keep it off of the road.

Meanwhile, an eight state research group recently met in Minnesota to brainstorm ideas for keeping wildlife off the road. Their leading proposal to reduce the accidents from happening involves testing the effect real or synthetic urine from predators such as wolves and coyotes have on deer. Officials say the urine would be put in canisters far from the road, hoping the smell would trigger an instinct for the animal to flee.

The Texas Parks and Wildlife Department (TPWD) says that it will enforce a requirement for ATVs and off-highway motorcycles to display a Texas off-highway vehicle (OHV) decal while being operated on public lands. The OHV decal costs \$8 and is good for one year. Revenue from the sale of OHV decals is used to create and improve OHV recreational opportunities. More information is available on the TPWD website at www.tpwd.state.tx.us/ohv.

Oklahoma House Bill 1686, introduced by Rep. Bill Nations (D-Norman), would require off-highway motorcycle and ATV riders less than 18 years of age to wear helmets. The text of HB 1686 and several other bills that relate to motorcycle and ATV operation in Oklahoma are available on the Rapid Response page of www.AMADirectLink.com.

The American Recreation Coalition, of which the American Motorcyclist Association is a member, along with the National Forest Foundation (in conjunction with the US Forest Service, among other agencies) is sponsoring a series of regional forums to solicit ideas and concerns regarding public objectives for recreational opportunities. Regional forums will be held in five cities:

Golden, Colorado; Marietta, Georgia; Los Angeles, California; Portland, Oregon and Chicago, Illinois. All this activity will culminate in a National Forum to be held in Washington, D. C. in April.

All forms of recreation will be invited to share their concerns and aspirations relating to outdoor recreation. This is a good opportunity for the recreation community to let a wider community know the importance of maintaining access to public lands for horse back riding, OHVs, snowmobiles, powerboats, and other forms of recreation. If you would like to learn more about the forums, please go to www.funoutdoors.com/recreationforums.

On January 26, 2007, EcoLogic Partners, Inc., the Off-Road Business Association (ORBA), the San Diego Off-Road Coalition (SDORC), the California Off-Road Vehicle Association (CORVA), the American Motorcyclists Association District 37 (AMA D37), and the American Sand Association (ASA) filed suit against the Off-Highway Motor Vehicle Recreation (OHMVR) Commission alleging the commission acted in an arbitrary and capricious manner during its December 8-9, 2006 meeting when it rescored law enforcement grants without any evidentiary support for the new scores. Those actions resulted in decreased law enforcement funding for areas where many California families recreate.

The lawsuit specifically challenges the OHMVR Commission's action to dramatically reduce the score of the law enforcement grant application submitted by Bureau of Land Management's (BLM) El Centro field office. Despite receiving a score of 82 from Division staff, the BLM El Centro grant application was downgraded to a 69 by the Commission.

Although more than \$10 million in law enforcement grant requests were submitted to the OHMVR Division, the Division was able to allocate only \$4 million in law enforcement grants. Once The OHMVR Commission rescored the BLM El Centro law enforcement grant, the \$4 million allocation was almost gone. BLM El Centro and another grant applicant with a score of 69 were vying for the remaining dollars. Rather than analyze the two applications on the merits, the OHMVR Commission simply tossed a coin! El Centro BLM won the coin toss and was awarded the remaining \$387,349. Still, even this award was more than \$1 million less than that recommended by OHMVR Division staff.

Recently the OHMVR division staff implemented a competitive grants process to ensure that the limited funds available are disbursed in a fair and equitable manner. By subverting that new process, the OHMVR Commissioners not only flouted the law, they placed in jeopardy the safety of the hundreds of thousands of people who visit the Imperial Sand Dunes Recreation Area (ISDRA) each year.

The ISDRA, the area for which the El Centro BLM was requesting funds for, receives approximately 1.4 million visitors each year, the majority of which are families. OHV grants are a central component in providing law enforcement for this area which is one of the most heavily visited OHV areas in the entire nation. It is difficult to understand why the OHV Commission would substitute a game of chance for sound analysis and scoring of OHV grants for such a popular area, rather than the scoring criteria established in regulation they are legally mandated to use.

AMA Government Relations *News & Notes* is a monthly service compiled and edited by the AMA Government Relations Staff to keep motorcyclists informed of happenings around the world. We welcome your news & views. Please submit all material to Terry Lee Cook, Grassroots Manager, 13515 Yarmouth Drive, Pickerington, OH 43147; fax 614-856-1920 or e-mail to tcCook@ama-cycle.org.