

Testimony of  
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on House Bill 813  
before the  
House Transportation Committee  
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copy*

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Mr. Chairman and members of the Committee, good morning. I am Robert J. Middleton, Director of Public Affairs for the Pennsylvania AAA Federation. Our organization is an affiliation of 29 Triple A clubs in Pennsylvania, which have a combined membership of over 1.6 million Pennsylvania drivers across the state.

I appear today to oppose the provisions of House Bill 813 because we believe it is contrary to the best interests of society and of highway safety. We presented similar testimony to the same effect five years ago in this same room to a subcommittee of the House Health and Welfare Committee. We also spoke against a similar bill before the House Transportation Committee in June of last year.

As it has in the past, the Pennsylvania AAA Federation continues to believe that the general public interest will best be served by maintaining the Vehicle Code provisions on motorcycles and the rules of the road as we have them now to assure the safest possible operating environment on our highways.

Our opposition to HB-813 is based on long-standing support of the requirement that all motorcyclists wear helmets and our perception that the terms of the bill, providing an exemption for cyclists 21 and over, would make it very difficult to enforce. According to the National Highway Traffic Safety Administration (NHTSA), a motorcyclist is 10 to 20 times more likely to die in a crash than an automobile passenger. Moreover, 80 percent of all motorcycle crashes result in injury or death to the motorcyclist. As to head injuries alone, they are the leading cause of death in motorcycle crashes. Compared with

riders wearing helmets, unhelmeted riders are three times more likely to incur a fatal head injury and two times more likely to incur a head injury of lesser severity.<sup>1</sup>

The age exemption embodied in HB-813 would require police officers to stop and check many motorcyclists for compliance. They would have to do this with all young-looking bikers because it is simply not possible to visually determine the exact age of a person around 21. Unquestionably many cyclists 21 and over would be unnecessarily stopped and would quickly come to view such checks as harrassment. Even more to the point, in the 24 states where only persons under a specified age (usually 18) are required to wear helmets, the law is so difficult to enforce that it has very little effect in getting youths to wear helmets. NHTSA has this to say about the matter: "Data on crashes in states where only minors are required to wear helmets show that fewer than 40 percent of the fatally injured minors have been wearing helmets, even though the law requires them to do so." <sup>1</sup>

One can make the same argument against SB-305, which is like HB-813 but would exempt cyclists 18 and older, rather than 21 and older, from the helmeting requirement. Either bill would effectively gut the mandatory helmet law and place an extra burden on our already busy police forces.

It is unfortunate in the extreme that the effectiveness of motorcycle helmets is being questioned and an effort made toward eliminating their requirement for all cyclists 21 and above. It is as if their additional ~~three~~ <sup>five</sup> years of maturity would place an invisible protective shield around them that is not available to those who have not reached that magic age but want to ride a motorcycle nonetheless.

The fact that motorcycle helmets save lives has been demonstrated repeatedly and consistently in study after study for many years. Their value was so well

established that in 1966, the U.S. Congress required states to make their use mandatory. With the threat of the loss of federal highway funding hanging over their heads, 47 states, the District of Columbia and Puerto Rico had helmet laws in force by 1975. The effect on motorcycle fatalities was dramatic. The death rate was cut nearly in half, from 12.8 per 10,000 registered motorcycles in 1966 to 6.5 deaths per 10,000 registered motorcycles in 1976.<sup>2</sup>

Unfortunately, three states, California, Illinois and Utah, did not make helmets mandatory. In 1975, when the U.S. Secretary of Transportation began proceedings to withhold highway funds from those states, those states and several motorcycle enthusiast groups began a successful lobbying campaign to change the law.

As a result, the 1976 Highway Safety Act stripped the Secretary of the power to withhold funds from states that did not require riders 18 years of age and older to wear helmets. Anti-helmet lobbying after that persuaded the legislators in six states to repeal their helmet laws altogether and in 19 other states to limit the helmet requirement to riders 18 and under.

Again the results were dramatic. The death rate soared 37 percent in 1978 and was up to 8.9 deaths per 10,000 registered motorcyclists in 1979. In 1978 and every year thereafter the number of deaths from motorcycle accidents has exceeded 4,000 across the nation.<sup>2</sup>

Legislative action by Louisiana in 1981 hopefully may serve as the first step in a countertrend back to full mandatory helmet laws among all the states. In that year Louisiana became the first state in the nation to reinstate mandatory protective headgear for all cyclists, effective in 1982. Also, Washington State has adopted a law that changes the full exemption from a helmet requirement to an exemption only for cyclists above a certain age.

Opposition to helmets centers on the issue of personal freedom and is supported by claims that helmets increase the severity of neck injuries, restrict vision and hearing, are inconvenient to carry, and hot and uncomfortable to wear.

Repeated court tests, including some in the U.S. Supreme Court, have upheld the constitutionality of the helmeting requirements, and extensive surveys of motorcyclists have found them about evenly divided on the subject. However, a 1977 report of the Governor's Traffic Safety Council reported that 87 percent of adult Pennsylvanians favored both helmet use and the mandatory helmet law.<sup>3</sup> A survey of AAA members in Pennsylvania, done for us by the Gallup Organization in December, 1985, indicates that 91 percent of our membership supports the mandatory helmet requirement for all bikers now in the law.<sup>4</sup>

As to physical disadvantages, extensive analyses have shown no increase in the severity of neck injuries but indicate that helmets actually reduce severity by absorbing some of the impact that would otherwise put stress on the neck.

The typical motorcycle helmet reduces the field of vision by only about three percent and actually affords the motorcyclist a better field of vision than is available to most automobile drivers.

The question of hearing impairment may be somewhat academic, considering some motorcycles I've heard, but whatever muffling of sound may be incurred is surely outweighed by the safety advantages that the helmet gives the cyclist. The same can be said for the discomfort that it causes.

Motorcycling is the most hazardous form of personal transportation a person can choose. Certainly we believe that comprehensive and effective programs of rider education and training and improved licensing, improved visibility through such means as headlights on and motorist awareness, as well as helmet use by

riders, can have a beneficial effect on motorcycle accidents. But it must be kept in mind that nothing we recommend and nothing you legislate will entirely eliminate the problem of motorcycle accidents and injuries.

The points I have just mentioned are all important safety measures, and perhaps others will come to light today or in the future that can help. But none are simple alternatives that can substitute for one another.

In view of the extensive body of knowledge regarding the safety of helmet usage and recognition of the role of law in requiring helmet use, it seems clear that eliminating the requirement in Pennsylvania law of mandatory helmeting for persons ~~under~~ <sup>and over</sup> 21 would automatically increase the number of fatalities in motorcycle accidents. Is that what the lawmakers of Pennsylvania want to do? We definitely hope not!

And let us also keep in mind that this does not take into account the heavy cost to the families of cyclists and society in the form of personal anguish, higher medical costs, lost productivity, rehabilitation or long-term care costs for those victims permanently disabled. But it recognizes that whatever the costs, those lost to death that could have been prevented by helmet use are irretrievably lost to their families and society.

Accordingly, the Pennsylvania AAA Federation remains firm in encouraging motorcyclists to use helmets, other approved safety gear, and every method available to assure visibility to other highway users and maximum safety in their enjoyment of their method of transportation. We remain equally firm in our conviction that HB-813, which would dilute the mandatory helmeting provisions of the Vehicle Code, should not be passed.

As the Highway Users Federation new report "Motorcycle Safety Helmet Laws Save Lives," notes, only 19 states, plus the District of Columbia, now require

helmet use by all motorcyclists. If all states required their use, the lives of 1,000 to 1,500 riders across our country would be saved every year. The Pennsylvania AAA Federation urges you not to weaken the laws of our state regarding motorcycle helmets. Let us, instead, keep the law that we have and be proud of continuing to save lives and prevent serious head injuries because of it.

That is the end of my formal remarks. If there are any questions, I'll be glad to try to answer them.

## FOOTNOTES

- 1 Facts about Motorcycle Crashes and Safety Helmet Use," National highway Traffic Safety Administration (NTS-23/2-12-87)
- 2 "Motorcycle Safety Helemt Laws Save Lives," Highway Users Federation, 1987.
- 3 "Analysis of the Mandatory Motorcycle Helmet Issue," Governor's Traffic Safety Council, Commonwealth of Pennsylvania, 1977.
- 4 "Pennsylvania AAA Membership Survey on Issues Affecting Pennsylvania Motorists," The Gallup Organization, Inc., January, 1986.