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House Transportation Committee
Representative Amos K. Hutchinson, Chairman
Pennsylvania General Assembly

Mr. Chairman, Committee Members,

Today we are gathered to address an issue that has been a center of controversy since it's implementation almost 20 years ago. Since the enactment of the Mandatory Helmet Usage Law in 1968, virtually the entire motorcycle populace of Pennsylvania has actively and vigorously opposed this measure. I, for one, have witnessed the motorcyclists of this state conduct themselves in a very polite, orderly, dignified and civil manner, but to no avail. While petitioning this government they have played by the rules. And now I feel that their patience and tolerance on this matter has reached a high tide.

Let us review the helmet law itself. The roots of the helmet laws in this country began with the passage of the National Highway Safety Act of 1966. Included in this bill was a portion which granted the U.S. Department of Transportation the authority to withhold up to 10% of annual highway construction funds to any state not enacting a mandatory motorcycle helmet usage law, beginning in 1967. The logic behind this measure was based on the theory that since most motorcycle fatalities were from severe head trauma, a nation of helmeted motorcyclists would greatly reduce the carnage on our highways. Never mind the fact that most automobile fatalities were a result of head trauma, which comprised over 90% of the death toll of motor vehicle related fatalities. I have to believe that there must have been speculation on requiring mandated usage of safety equipment on all

motor vehicles. However at that point in time a seat belt law was considered "political suicide".

Faced with the threat of losing money, some 49 states quickly enacted helmet laws. Only California refused to "cave-in" to Federal pressure. In 1969, while considering the helmet bill, the California Government recieved a warning from the U.S. Department of Transportation on passing the bill: "Do it or lose money".

When the bill recieved public hearing in Sacramento, thousands of motorcyclists showed up to express their opposition to a helmet law. The measure failed. California has never had a helmet law. California has never been penalized any highway funds. Scuttlebutt has it that a reply was sent from the Governor of California, Ronald Reagan, to the Federal Government, a promise to shut down all federal agencies in California should they not recieve all highway funds.

In 1971, Illinois, which had enacted a helmet law 18 months earlier, heard the helmet issue in the State Supreme Court. The decision was handed down that the helmet law was unconstitutional and it was so abolished. It is interesting to note that Illinois has adopted a seat belt law.

On May 5, 1976, President Gerald Ford signed into law H.R. 3869, the Free Motorcycling Act of 1976. This measure stripped the Department of Transportation of it's authority to withhold highway funds to any state not having a helmet law.

With the D.O.T. stripped of it's "blackmail" power, some 30 states have since overturned their helmet laws. Unfortunately, some individuals have misconstrued helmet repeal as the Government's attitude toward helmet usage. The truth is that it merely leaves helmet usage to the

discretion of the individual. And that is the whole issue.

This leads to the question, "What is the role of our Government?" Is it to protect us from our own self-destruction? Or is it to guard us from harm inflicted by "others"? I like to think it is the latter role.

One week from today we will celebrate the bicentennial of the drafting of this country's constitution, created right here in this state. The constitution, as written by our Founding Fathers, is a basic set of laws which called for amending and adding to as needed. Individual Freedom, according to our constitution, is a right - not a privilege.

I wonder what our Founding Fathers would think if they were here today. Is a helmet law in the true spirit of our constitution? Can you imagine what individual freedom is going to be like in another 200 years? It will probably be considered "archaic idealism". But maybe not. If certain people would stop trying to force their opinions on everybody, with complete disregard of the individuals right to opinion, the code of our constitution would be better preserved.

On the matter of statistics of motorcycle fatalities I have drawn a single conclusion. That is: States with helmet laws vs. non-helmeted states have almost identical fatality rates, if not slightly higher. I base this conclusion on my studies of records kept by the National Highway Traffic Safety Administration from 1976 thru 1985.

During my years of active involvement with the helmet repeal effort, I spent countless hours reading reports by helmet-law advocates showing portions of statistics favorable to their cause. I presently and always have challenged the fairness of the "slanted" reports to the overall viewing of motorcycle statistics. Statistics do not support helmet laws.

Let us now discuss the helmet itself. It was designed to reduce head injury first in combat, then sports, and finally in driving. It has even made it's way to the moon. Today, of course, we will discuss the motorcycle helmet.

The benefit of wearing a helmet is, as I just mentioned, to reduce head injuries. In certain collisions it does just that. I have also heard two other "advantages" of wearing a helmet. One is that in cold weather it helps keep one's head warm, and secondly, when equipped with a face shield, it keeps bugs out of one's teeth. I have found that wearing my leather flying helmet and scarf has kept my head nice and toasty during cold weather. As for the bug problem, I suggest when one rides to simply keep their mouth shut.

The vices of the helmet are numerous. First, we must consider that the helmet is man-made, thus it is rendered other than perfect. It is generally made of a hard outer shell, usually of a plastic material. The inside is lined with a thick styrofoam material and finally a cellulose-like material that rests on the rider's head. The helmet's weight is usually three to five pounds. Helmets come in three basic models: the full-faced, three-quarter and the traditional half helmet.

With the weight factor considered, several conditions arise. For one, after a matter of time the helmet can cause discomfort, or fatigue. Inevitably, this will distract the rider's full time attention from his driving.

The weight of the helmet, in certain collisions, certainly leads to neck trauma. Although I once thought this to be a far-fetched argument, I have lost several friends due to neck trauma while riding helmeted. When applying the law of inertia, the weight of an object

becomes awesome. A four pound helmet at 50 mph. becomes 200 pounds upon impact.

Next we have the sight impairment. Helmets generally are designed so as not to impair peripheral vision while looking straight ahead. Impairment occurs when turning one's head to check surrounding traffic conditions. The helmet, even while properly fitted and worn, may rotate just slightly enough to create a peripheral obstruction. But it may be all that is necessary to create a hazard.

Now we have the hearing impairment argument. The main hearing problem is the omni-directional impairment. That is, a rider can be confused as to which direction a noise, such as an emergency vehicle's siren, is coming from.

Heat is absolutely a drawback of the helmet. Imagine operating a motorcycle in traffic with 90 degree weather, the heat coming off of the engine, the heat radiating from the car's engines next to you (while they're running their A/C), and a malfunctioning traffic light which seems to turn green just long enough to allow two cars through the intersection at a time. Is it really fair to require the cyclist to broil his brains in this plastic bubble? This is a prime example of what happens when the individual is stripped of his right to make his own intelligent choice.

Lastly, it occurs to me that the populace of this great state is mandated to utilize a product whose manufacturers cannot obtain product liability insurance. This, of course, is the direct result of billions of dollars of litigation against the manufacturers from victims who were injured, or families of fatally injured victims, whose injuries were caused directly from helmet usage.

So what if Pennsylvania amends it's helmet law? What have we to gain or lose?

For one, there is no longer the threat of losing annual highway funds from the Federal Government.

Secondly, Pennsylvania would join the group of states with either the same or even slightly lower fatality rates.

Finally, and most importantly, passage of H.B. 813 is the only resolve that will appease the citizens of this state. Individual discretion, be it a right decision or wrong, must be preserved. We owe that to our progeny.

I want to express my sincere appreciation to this committee and to the Government of Pennsylvania for allowing me to address this issue today. As did William Penn and the Quakers find religious freedom in "Penn's Woods", my prayers are that the motorcyclists of Pennsylvania are granted riding freedom. Thank You.

SUMMARY

State enacted helmet laws were the result of the passage of the National Highway Safety Act of 1966. This granted the U.S. Department of Transportation the authority to withhold up to 10% of annual highway construction funds from any state not imposing a helmet law, beginning in 1967.

Passage of the Free Motorcycling Act of 1976 stripped the Department of Transportation of its power to withhold highway funds. Since then, of the 49 states that enacted helmet laws, 30 have repealed or modified their helmet requirements.

In comparing the motorcycle fatality rates of states with helmet laws with non-helmet law states it has been found there is no significant difference; if any. The fatality rate was slightly lower in the non-helmeted group (group average).

The helmet, although intended to reduce the motorcyclist's injuries, has numerous drawbacks, many of which cause injuries and even death.

Finally, helmet repeal, or modification such as H.B. 813 calls for, is often misconstrued as the Government's attitude toward helmet usage. The truth of the matter is that it only leaves helmet usage to the discretion of the individual. And that is the entire issue.