NATIONAL HIGHWAY SYSTEM/Motorcycle Helmets

SUBJECT: **National Highway System Designation Act of 1995 . . . S. 440. Chafee motion to table the Snowe amendment No. 1442.**

ACTION: MOTION TO TABLE FAILED, 36-64

SYNOPSIS: As reported, S. 440, the National Highway System Designation Act of 1995, will designate the National Highway System in accordance with the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Failure to enact the bill by September 30, 1995, will result in all States losing their National Highway System and Interstate Maintenance funding.

The Snowe amendment would strike the reference to mandatory motorcycle helmet laws from section 153 of the Intermodal Surface Transportation Efficiency Act (ISTEA). That section sanctions States that do not adopt mandatory seat belt laws and motorcycle helmet laws by requiring them to transfer a portion of their annual transportation fund allocations to safety programs. In 1995, the percent that a non-complying State must transfer is 1.5 percent. In 1996 and beyond, 3 percent must be transferred.

During debate, Senator Chafee moved to table the Snowe amendment. The motion to table is not debatable; however, some debate preceded the making of the motion. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

NOTE: Following the failure of the motion to table, the Senate tabled a second-degree amendment to the Snowe amendment (see vote No. 275). The Snowe amendment was then adopted by voice vote.

Those favoring the motion to table contended:

We have already discussed these issues on the Smith amendment (see vote No. 271). The sole difference in this debate is that this amendment deals only with mandatory motorcycle helmet laws, whereas the Smith amendment dealt with mandatory seatbelt laws as well. Senators who voted against the Smith amendment should vote against this amendment too because first, the right of the Federal Government to condition funds on the adoption of mandatory motorcycle helmet laws is no different than its right to

(See other side)

YEAS (36)			NAYS (64)			NOT VOTING (0)	
Republicans (7 or 13%)	**Democrats (29 or 63%)**		**Republicans (47 or 87%)**		**Democrats (17 or 37%)**	**Republicans (0)**	**Democrats (0)**
Bond	Akaka	Johnston	Abraham	Kassebaum	Baucus		
Chafee	Bingaman	Kennedy	Ashcroft	Kempthorne	Biden		
DeWine	Boxer	Kerrey	Bennett	Kyl	Breaux		
Faircloth	Bradley	Lautenberg	Brown	Lott	Bryan		
Frist	Bumpers	Levin	Burns	Lugar	Conrad		
Gorton	Byrd	Lieberman	Campbell	Mack	Daschle		
Hatfield	Dodd	Mikulski	Coats	McCain	Dorgan		
	Feinstein	Moynihan	Cochran	McConnell	Exon		
	Ford	Murray	Cohen	Murkowski	Feingold		
	Glenn	Pell	Coverdell	Nickles	Graham		
	Harkin	Pryor	Craig	Packwood	Kerry		
	Heflin	Reid	D'Amato	Pressler	Kohl		
	Hollings	Rockefeller	Dole	Roth	Leahy		
	Inouye	Sarbanes	Domenici	Santorum	Moseley-Braun		
		Simon	Gramm	Shelby	Nunn		
			Grams	Simpson	Robb		
			Grassley	Smith	Wellstone		
			Gregg	Snowe			
			Hatch	Specter			
			Helms	Stevens			
			Hutchison	Thomas			
			Inhofe	Thompson			
			Jeffords	Thurmond			
				Warner			

EXPLANATION OF ABSENCE:
1—Official Buisiness
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:
AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

condition funds on the adoption of mandatory seatbelt laws, and second, because the need for pressuring States to adopt mandatory helmet laws is great.

Motorcycle helmet laws are not substantively different than laws regarding seatbelts. The Federal Government has the same interests for both in protecting the public welfare, reducing Federal medical costs, and ensuring national, uniform, minimum safety standards. Protecting the public's health and safety has never been strictly a State concern. The responsibility has always and appropriately been exercised jointly. Congress has a duty to protect the public welfare wherever it sees a need.

With motorcycle helmet laws, there is definitely a need. State legislators do not dare act because of opposition from strong motorcycle lobbies. If any action is going to be taken, it will have to be taken at the Federal level. Decades of empirical evidence demonstrate beyond any doubt that mandatory helmet laws should be passed because they are effective in preventing injuries and death. In 1986, the Federal Government passed a mandatory motorcycle helmet law, and the motorcyclist death rate fell nearly 40 percent. In 1976, that Federal law was repealed, and the death rate went up 61 percent while motorcycle registrations increased only 15 percent. In State after State, the pattern has held constant. Colorado's motorcyclist fatality rate declined 23.8 percent when it passed a helmet law, and increased 29 percent when it was repealed; Wisconsin fatalities rose 18 percent when it repealed its helmet law; California fatalities declined by 36 percent when it enacted its law. This pattern is understandable when two other statistics are examined: compared to a helmeted rider, an unhelmeted rider is 40 percent more likely to incur a fatal head injury and 15 percent more likely to incur a head injury when involved in a crash. The costs to society are enormous. According to the National Highway Traffic Safety Administration, the use of helmets saved $5.9 billion between 1984 and 1992. In other words, repealing the helmet laws, in addition to the increased carnage on our roadways, would result in a cost to society of $380 million per year.

We oppose that increased cost. The issue for us is very clear. No one, ever, should ride a motorcycle without wearing a helmet. The Federal Government clearly has a right and a duty to act on this issue. We therefore urge the tabling of the Snowe amendment.

Those opposing the motion to table contended:

Argument 1:

Like many of the Senators who are opposed to this amendment, we do not see any substantive difference between Federal mandates on seatbelts and Federal mandates on motorcycle helmets. However, we are well aware other Senators see a distinction. Many Senators favor a seatbelt mandate and oppose a motorcycle helmet mandate. In fact, there are so many of these Senators who voted against the Smith amendment who will vote for the Snowe amendment that we are confident that the Snow amendment will carry by a substantial margin. Unfortunately, Senators were unwilling to remove the seatbelt mandate, but we are pleased that they are now about to approve the removal of the motorcycle helmet mandate.

Argument 2:

There are two substantive differences between motorcycle helmet mandates and seatbelt mandates. First, seatbelt mandates work, but the effectiveness of motorcycle mandates is extremely dubious. Second, even assuming that it is riskier to ride without a helmet than with one, the only person who is taking that risk is the motorcycle rider. Unlike with cars, other passengers are not involved. We have already discussed this second difference on the Smith amendment (see vote No. 271). We addressed the first issue, the supposed effectiveness of motorcycle helmets, as well, but because our colleagues have cited several statistics on this issue which we find misleading, we are forced now to expand on our earlier arguments.

The statistics our colleagues chose to cite are extremely misleading. For example, the study by Dr. Krause which they said showed a drop in fatalities when California adopted a mandatory helmet law ignored two enormous variables. First, Dr. Krause's figures did not take into consideration a 50 percent drop in motorcycle registrations before his study. Clearly, if there are less motorcycles on the highway there will be less accidents. Second, his study did not take into consideration that California also adopted a motorcycle rider safety training program at that time as well, which more than 1 million riders went through. Attributing the drop in fatal accidents in California to its adoption of a mandatory helmet law is thus a blatant distortion of what actually happened in that State. The other statistics presented by our colleagues are similarly suspect.

In order to present a more balanced picture of the relative danger of riding a motorcycle, with or without a helmet, we give our colleagues the following facts and statistics:

- in 1991, 2.2 percent of registered vehicles were motorcycles, yet they were involved in less than 1 percent of all accidents;
- in 1991, only 2.53 percent of all registered motorcycles were involved in accidents, and just over 3 percent of those accidents involved fatalities;
- a University of California study of motorcycle accidents found that 45.5 percent of the motorcyclists involved in the accidents did not have licenses, and 92 percent did not have any training;
- no helmet is guaranteed to provide protection at speeds greater than 15 miles per hour (mph);
- in a Department of Transportation testing program that ran from 1974 through 1990, 52 percent of helmets failed when dropped

from 6 feet, which simulates a crash of 13.6 mph;

- a study done by Dr. John Adams, University College of London, concluded that wearing a helmet can induce a false sense of security, leading to excess risk-taking and dangerous riding habits;
- a study by Johnathan Goldstein at Bowdoin College concluded that "one, motorcycle helmets have no statistically significant effect on the probability of fatality and, two, past a critical impact speed helmets will increase the severity of neck injuries";
- between 1977 and 1990, States with mandatory helmet laws had 12.5 percent more accidents and 2.3 percent more fatalities than did States that did not have such laws;
- in the past decade, motorcycle fatalities have decreased 38 percent and accidents have plummeted 41 percent; and
- average vehicle miles traveled by motorcycles, according to the Federal Highway Administration, have increased by 85 percent since 1975.

These facts and statistics do not prove that wearing motorcycle helmets is dangerous, but they certainly give that indication. We can play a game of competing statistics with our colleagues all day and still not resolve this issue. In our opinion, though, the preponderance of the evidence shows that motorcycle helmet use does not provide any significant safety benefits.

Though the evidence on the value of helmets is at best mixed, the same cannot be said about the benefit of motorcycle safety programs. Within the past couple of decades, most States have adopted such programs. In every State where they have been adopted the number of motorcycle accidents has declined substantially. At present, 44 States, both with and without helmet laws, have adopted safety training programs. Our point is that the States, if not the Federal Government, have figured out how to reduce motorcycle accidents. We are not surprised. State Governments are more familiar with traffic safety issues and are thus better able to devise solutions to problems than is the Federal Government. This issue is a States' right issue. We therefore strongly oppose the motion to table.