

From: [Sunset Advisory Commission](#)
To: [Trisha Linebarger](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Wednesday, May 23, 2018 6:36 AM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: DEPARTMENT PUBLIC SAFETY DPS

First Name: Mark

Last Name: Pratt

Title: Issue 6, TX DPS Motorcycle Safety Unit should continue supporting motorcycle training

Organization you are affiliated with: TX DPS MSU

Email:

City: Bryan

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

There is a recommendation to move DPS Motorcycle Safety Unit to TDLR. Tx Dept of License and Regulation. This is NOT an improvement.

Elimination of the mobile training program should be taken off the table.

Discontinue support of training using OUR fees?

The Motorcycle Safety fund is supplied by the \$5 fee MOTORCYCLISTS pay when they get and renew their license. For motorcyclists by motorcyclists. It is to be used for motorcycle safety and education!

Exec summary

Issue 6

Motorcycle Safety

The DPS Motorcycle Safety Program was established in 1983 and trained 1024 students the first year though a small group of volunteers with little resources. Since that time approximately 700,000 Texans have attended the training. The program has grown to 80 contracted sponsors operating 200 training sites, which are served by over 450 trained and certified instructors.

Since September 1, 2009, courses provided by the program are required for obtaining a Texas motorcycle license (Texas Transportation Code 521.148, 663.031 and CH 662).

To legally operate a motorcycle in Texas, a person must complete a DPS approved motorcycle safety course. Currently the course includes the skill and knowledge test required for licensure. If a student successfully completes the course, and are over the age of 18 any further requirements for licensure from the DPS driver license office is eliminated. The student only has to present their completion card (MSB-8) to become licensed. The only time DPS driver license staff is currently required to administer a road test is for persons 15 to 18 yoa who have successfully completed a motorcycle safety course.

If sponsors are required to return state owned motorcycles already in use, many of the sites will be forced to shut down. This will result in fewer motorcycle safety courses available across the State. If student has less access to training, due to limited training locations, then other licensing options would have to be implemented. One option would be to return to the pre-2009 practice of the DL office staff administering a road and written test with no training requirement.

National accident data suggest untrained/unlicensed motorcycle operators are over represented in crashes and fatalities compared to trained/licensed operators. Motorcyclists are about 27 times more likely than passenger car occupants to be involved in a fatal motor vehicle accident, according to the National Highway Traffic Safety Administration, and a recent Texas study found that about one in every four motorcycle crashes were fatal between 2010 and 2016. If Texans begin to ride as they did pre-2009 without a training requirement, these numbers can only increase. When reducing the quantity and quality of motorcycle training the economic burden to the health care system, the government, and the public will increase.

Providing material support for private motorcycle training does not waste public resources. Instructors are not allowed by law to provide training independently of a DPS approved sponsor and only a sponsor can charge for training. Instructors provide instruction at a sponsor's site. Sponsors provide the student access to a DPS trained Instructor(s), training location, insurance and classrooms while the state provides motorcycles and course materials to meet the licensing requirement set in Texas Transportation Code, Section 662.07. Sponsors are able to provide training across the state for a reasonable fee utilizing safe motorcycles with trained persons delivering a standardized safe training program.

The majority of sponsors and instructors are not employed full time providing motorcycle training. The fact is many sponsors/instructors are retired, have full time professional careers, or are simply supplementing their income by participating in training (usually on weekends) that furthers their passion for motorcycling. There are so few qualified instructors even in large urban areas (Austin/San Antonio) pay the expenses of the instructors to come to their site to provide training.

The sponsors are providing a service, the state provides motorcycles for the program to ensure that safe motorcycles are available for student use. It is the duty for the State of Texas to ensure the program is safe and part of that safety is having a good, suitable, safe motorcycle operating correctly for someone to learn these important skills.

Motorcycles are loaned to all sponsors, many sponsors supplement their fleet with state owned motorcycles. Sponsors are required to use state owned motorcycles solely for training purposes only and are responsible for the upkeep and proper maintenance of those motorcycles.

The Motorcycle Safety Unit looks at training sites throughout the state, those identified as being in critical need areas have the first priority.

Loaning state motorcycles are an important part of keeping the tuition down and affordable for students to participate and to become licensed. Although some sites may have more state owned motorcycles than others, the need for the service they are providing to the community has to be taken into consideration. Sponsors that have the largest number of state owned motorcycles also provide the largest number of training in the state.

The Motorcycle Safety Unit holds Sponsors and instructors to a high standard and by overseeing the program maintains that high standard. In keeping with that standard in 2017 the Motorcycle Safety Unit was required to update the curriculum a third time in 35 years.

The update had to be delivered as the "old" program would no longer be supported. The Motorcycle safety unit had to update 79 sponsors, 378 instructors and 275 sites had to be transitioned to the new curriculum. This included new support materials and paint (see attached example of what a painted training site looks like). The training program that is currently being delivered is designed to provide the highest quality of training to motorcyclist.

It's has been suggested that the motorcycle program is not currently self-sufficient and relies on taxpayer dollars to operate. The dedicated fund now sits at 16.8 million, this fund grows approximately 1 million per year from motorcycle licensing fees. This has been funded by motorcyclist, not the taxpayers. This fund is from motorcyclist,

by motorcyclist, for motorcyclist.

If the Motorcycle safety program was funded like it was supposed to there are no taxpayer funds used. To maintain the current level of safety training motorcycles and course materials should continue to be provided in sharing the cost with sponsors. In addition to support materials, increasing and diversifying training programs and awareness campaigns can increase motorcycle safety.

The motorcycle safety program provides support to sponsors and training to new instructors which allows them to maintain the integrity of the program, set high expectations and standards. Instructors are trained as professionals, by professionals. This also ensures consistency in training state wide. A class in Brownsville will mirror what is being taught in Lubbock without exception. Who better to know and enforce the standard than by those who set the standard?

The fact that there were a low number of investigations in 2017 should be expected as the updates being conducted though out the state stretched the motorcycle safety unit's resources thin and the updated curriculum provided a new framework for instruction.

The assumption that the private sector can provide training in rural areas is an unreasonable expectation. An instructor can't simply teach in rural areas without a sponsor. A sponsor regardless of size has to meet the standards of training. A conservative cost for a training site is \$40,000 for bikes and materials, add the cost of an instructor, lodging, per diem and securing a land lease for motorcycle training that may occur every other month if there is enough local interest, this would not be cost effective.

The mobile unit is critical for motorcycle training delivery in areas that can't support a full time site. The mobile unit provides training to need areas identified as critical need by concerned parties such as law enforcement, the courts and other interested parties. These areas are not discouraged from having a permanent training site as many of the mobile sites have been taken over by full time sponsors as the needs of the areas change.

However, there are areas of the state that in all probability will never be able to provide full time training. The training numbers by mobile sites was down in 2017 due to the fact one of the mobile instructors is also a trainer and spent the majority of his traveling the state conducting curriculum updates.

The mobile unit, when not conducting curriculum updates as they did in 2017, has the potential offer 72 classes per year and training 576 students.

Sponsors in those areas are currently in an administrative role, managing student enrollment with a portion of the course fees being returned to the general fund after the state is reimbursement for the state employees travel expenses. To eliminate this program would deny the citizens of Texas reasonable access to required training for licensure.

Overall looking at the cost of program delivery in this report is skewed and there is an obvious lack of understanding of how the program is structured and delivered. There is no mention of the 35 years the program was underfunded. No other years of program delivery have been considered when evaluating the motorcycle safety unit for this report. The assumption that TDLR could better manage the Motorcycle Safety program is incorrect. The TDLR's role is to regulate, they are not an advocate of Motorcycle Safety. Nor will they promote Motorcycle Safety, they would simply attempt to regulate the industry in which they have no understanding. They are not trained instructors, they have never coached, therefore they would not know what is correct or incorrect application of the approved motorcycle training course. They would have no way to maintain quality insurance as it currently stands. The commission says quality insurance should remain intact, the TDLR has no way of accomplishing this goal.

The ATV program would be better served at the Texas Parks and Wildlife Department due to the fact that they are the agency that is connected to public lands. They also have an OHV sticker program/training and they are already involved in off-highway usage. The ATV program would be better served by this department as they are the only other state agency with an ATV interest.

If the Motorcycle Safety Program stops subsidizing motorcycles and demands the return of the state loaned motorcycles currently in use, equipment and other resources to sponsors it is estimated that 85% of current training sites will have to stop providing training as small sites could not afford to purchase the needed equipment to support training. The Providers that are able to purchase equipment and supplies (approximately \$40,000 per site) would be forced to raise tuition to approximately \$400 per student. Fewer training sites and the increase cost for training will force the demand for an alternative to taking the course to be implemented.

If the current law for training is repealed and DPS has to administer the road and written test to ensure riders are licensed, the fiscal impact on DPS will be about 2.4 million per year. DPS will have to hire additional FTEs to keep up with the added work. Each major DPS office will have to hire licensing examiners to fill this void. This is in

direct conflict with the Commissions number one issue in their report “Issue 1 DPS Has Not Maximized Its Resources to Adequately Improve Driver License Customer Service”

Any Alternative or New Recommendations on This Agency:

It’s absolutely imperative that we keep the current staff of the Motorcycle Safety Program. They are considered experts in their field on a state and national level. They are not limited to one area of expertise in the area of motorcycle training. This is their profession, they do what is listed in their job classification, but they are dedicated to motorcycle training and motorcycle safety. It is important that this group of people are retained as they are the sponsors and instructors “go to” for training questions, support and all curriculum related questions.

The unit is a specialized team; however, the program needs additional personnel to address the ever-growing motorcycle riding population in all areas of the state. Although there are contracted persons that do some quality assurance, there is a gap in services. In the coming year quality assurance for the new curriculum needs to be in place, however when there are issues, the unit is already overtaxed when it comes to following up on every issue. Finally, there is no indication how the 16.8 million dedicated fund will be spent if this unit is essentially dissolved, nor is there any recommendation of repealing the \$5 dollar fee each motorcyclist pays upon renewing their license. The fund is not supported by a tax levied on all Texans, it is paid into by motorcyclists for motorcyclists to benefit motorcyclist. To use this fund for any other purpose would at best be theft.

The rush to make changes to a program that has been serving the needs of the motorcyclist community places this growing population at a greater risk of harm. I would recommend the Commission keep the Motorcycle Safety Program in its current position and allow it to be funded as it has been intended to though the dedicated funds. If the recommendations of the Commission are realized they will be placing motorcyclist lives at risk, fatalities will increase, and training quality will decrease, if it exist at all. We will be set back where we were 35 years ago.

My Comment Will Be Made Public: I agree