

**From:** [Sunset Advisory Commission](#)  
**To:** [Trisha Linebarger](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Friday, May 11, 2018 10:51:34 AM

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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Friday, May 11, 2018 10:42 AM  
To: Sunset Advisory Commission <[Sunset@sunset.texas.gov](mailto:Sunset@sunset.texas.gov)>  
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: DEPARTMENT PUBLIC SAFETY DPS

First Name: Ellena

Last Name: Rodriguez

Title: Independent Representative & Board Member

Organization you are affiliated with: Texas ABATE & Texas Women Riders

Email:

City: Austin

State: Texas

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

I. Questionable involvement in instructor training. Statute does not require DPS to provide training to qualify instructors, but does authorize DPS to determine the qualifications for instructors and certification requirements.

II. Licensing and enforcement functions are traditional state responsibilities, whereas training the individuals who are eventually regulated by the people who train them are not.

For example, Texas Commission on Fire Protection approves providers and courses for education of its licensees but does not train instructors.

III. Private Sector. DPS does not need to be a provider in the industry it regulates; potentially an ethics violation to include litigation (researching enabling legislation to verify). It is unnecessary for DPS to spend limited state funds and resources to provide training.

IV. Questionable competition and best value in contracts. The State Auditor's Office (SAO) has identified these same specifications issues that could be of concern in the rebidding of the card production contract for several of DPS's regulatory programs, including driver and handgun licenses.

V. Inadequate planning and analysis for outsourcing. DPS produced NO actual analysis to demonstrate, especially over the long term, that contracting with an outside vendor would be more cost effective than developing and training the capacity to perform the function internally.

Recommendations

I. Change in Statute: Transfer the motorcycle and ATV safety training programs to the Texas Department of Licensing and Regulation (TDLR). This recommendation would also name TDLR as the agency responsible for administering the motorcycle and ATV safety training programs in statute, removing the requirement that the governor designate a state agency responsible for program management.

II. DPS would phase out its instructor training and safety courses no later than August 31, 2019 (FY20). DPS, and the Texas Department of Licensing and Regulations (TDLR), would continue to approve sponsors and instructors to provide motorcycle safety courses and conduct quality assurance audits. Maintaining this regulation would ensure Texas continues receiving federal transportation funds (\$300,000.00) for motorcycle safety awareness.

Any Alternative or New Recommendations on This Agency:

Alternatively:

I. The recommendation to stop providing material support to motorcycle safety course providers and;

II. Actively pursue direct input from motorcycle rights organizations, i.e. Texas ABATE Confederation, Inc. and others for added involvement and oversight.

My Comment Will Be Made Public: I agree